1. Meeting Agenda
   Documents:
   
   PC200803_AGENDA.PDF

2. Item 3B1 - De Minimis Waiver No. 20-006 / 29233 Bluewater Road
   Documents:
   
   PC200803_ITEM 3B1.PDF

3. Item 3B2 - Extension Of Coastal Development Permit No. 15-074 / 24542 Malibu Road
   Documents:
   
   PC200803_ITEM 3B2.PDF

4. Item 3B3 - Administrative Coastal Development Permit No. 16-062 / 29215 Cliffside Drive
   Documents:
   
   PC200803_ITEM 3B3.PDF

5. Item 5A - Coastal Development Permit No. 17-043 / 29043 Grayfox Street
   Documents:
   
   PC200803_ITEM 5A.PDF
This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer’s Safer at Home Order (revised July 14, 2020). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

HOW TO VIEW THE MEETING: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at https://malibucity.org/video and https://malibucity.org/VirtualMeeting.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to planningcommission@malibucity.org before the meeting begins.

HOW TO PARTICIPATE DURING THE MEETING: Members of the public may also speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized.

Please visit https://malibucity.org/VirtualMeeting and follow the directions for signing up to speak and downloading the Zoom application.

**Malibu Planning Commission**

**Regular Meeting Agenda**

*(to be held during COVID-19 emergency)*

**Monday, August 3, 2020**

6:30 P.M. – REGULAR PLANNING COMMISSION MEETING

Various Teleconference Locations

YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT MALIBUCITY.ORG/VIDEO

Call to Order - Chair

Roll Call - Recording Secretary

Approval of Agenda


1. **Ceremonial/Presentations**

   None.
2. **Written and Oral Communications from the Public**

A. Communications from the public concerning matters which are not on the agenda but for which the Planning Commission has subject matter jurisdiction. The Commission may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

B. Planning Commission and staff comments and inquiries

3. **Consent Calendar**

A. Previously Discussed Items

None.

B. New Items

1. **De Minimis Waiver No. 20-006 — An application for a replacement onsite wastewater treatment system**

   Location: 29233 Bluewater Road, not within the appealable coastal zone  
   APN: 4467-007-025  
   Owners: James and Inez McGee  
   Case Planner: Associate Planner Thompson, 456-2489, ext. 280

   Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 20-006 for a replacement onsite wastewater treatment system.

2. **Extension of Coastal Development Permit No. 15-074 – A request to extend the Planning Commission's approval of Coastal Development Permit No. 15-074, an application for the construction of a new 1,093 square foot second story addition, including a second story deck, interior remodel to an existing one-story residence, and demolition of an addition without benefit of permit**

   Location: 24542 Malibu Road  
   APN: 4458-012-012  
   Owner: Lachman Family Trust  
   Case Planner: Associate Planner Kendall, 456-2489, ext. 301

   Recommended Action: Adopt Planning Commission Resolution No. 20-50 granting a two-year extension of Coastal Development Permit No. 15-074, and Demolition Permit No. 17-011, an application for the construction of a 1,093 square-foot second story addition, including a second story deck, interior remodel to an existing one-story residence, and demolition of an addition without benefit of permit located in the Single Family–Medium Density zoning district at 24542 Malibu Road (Lachman Family Trust).
3. **Administrative Coastal Development Permit No. 16-062, Site Plan Review No. 18-030, Minor Modification No. 20-002, Demolition Permit No. 19-008, and Code Violation No. 19-003 – An application for the after-the-fact replacement of an existing, two-story single-family residence and associated development**

- **Location:** 29215 Cliffside Drive, not within the appealable coastal zone
- **APN:** 4468-003-005
- **Owner:** Cliffside Dume, LLC
- **Case Planner:** Associate Planner Brooks, 456-2489, ext. 276

**Recommended Action:** Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 16-062.

4. **Continued Public Hearings**

None.

5. **New Public Hearings**

A. **Coastal Development Permit No. 17-043, Site Plan Review No. 17-014, and Demolition Permit No. 17-013 – An application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development**

- **Location:** 29043 Grayfox Street, not within the appealable coastal zone
- **APN:** 4466-017-002
- **Owners:** John and Tatiana Atwill
- **Case Planner:** Associate Planner Brooks, 456-2489, ext. 276

**Recommended Action:** Adopt Planning Commission Resolution No. 20-51 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system, including Demolition Permit No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 29043 Grayfox Street (Atwill).

6. **Old Business**

None.

7. **New Business**

None.
8. Planning Commission Items

None.

Adjournment

Future Meetings

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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>Monday, August 17, 2020</td>
<td>6:30 p.m.</td>
<td>Regular Planning Commission Meeting</td>
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<tr>
<td>Tuesday, September 8, 2020</td>
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<td>Monday, September 21, 2020</td>
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<tr>
<td>Monday, October 5, 2020</td>
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<td>Regular Planning Commission Meeting</td>
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Guide to the Planning Commission Proceedings

As a result of the Coronavirus (COVID-19) pandemic, the City is under a state of local emergency, as well as states of emergency that have been declared in the County of Los Angeles, state of California, and a federal emergency declared by the President of the United States. At the direction of the Governor, starting March 19, 2020, the entire state is subject to stay-at-home orders. These measures are imposed to reduce the risk of spreading COVID-19. To comply with these emergency measures, the Planning Commission meeting will be open and public but conducted via teleconference only. This way the public, the staff, and the Commission will not be physically in the same place.

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the Planning Commission. No action may be taken under, except to direct staff unless the Commission, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Commission and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Members of the public wishing to speak during the meeting must participate through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized. Please visit https://malibucity.org/VirtualMeeting and follow the directions for signing up to speak and downloading the Zoom application.

Items in Consent Calendar Section A have already been considered by the Commission at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Commission. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Commissioners may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Commission following the action on the Consent Calendar. The Commission first will take up the items for which public speaker requests have been submitted.

For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the Planning Commission, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication. In order to speak, individuals must visit https://malibucity.org/VirtualMeeting and follow the directions for signing up to speak and downloading the Zoom application.
Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items, which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

Planning Commission Items are items, which individual members of the Planning Commission may bring up for action, to propose future agenda items or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the Planning Commission.

Planning Commission meetings are aired live and replayed on City of Malibu Government Access Channel 3 and are available on demand on the City’s website at https://www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are available upon request by emailing planningcommission@malibucity.org.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 3rd day of August 2020 at 5:00 p.m.

Kathleen Stecko, Administrative Assistant
Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Jessica Thompson, Associate Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: July 23, 2020  Meeting date: August 3, 2020

Subject: De Minimis Waiver No. 20-006 — An application for a replacement onsite wastewater treatment system

Location: 29233 Bluewater Road, not within the appealable coastal zone
APN: 4467-007-025
Owners: James and Inez McGee

RECOMMENDED ACTION: Receive Planning Director’s report on De Minimis Waiver (DMW) No. 20-006 for a replacement onsite wastewater treatment system.

DISCUSSION: This agenda item is for informational and reporting purposes only. Pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.4.11, the requirement for a coastal development permit may be waived through a DMW issued by the Planning Director for the items described in General Requirements for De Minimis Waiver below that are not located within the Appealable Jurisdiction of the California Coastal Commission as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map of the City of Malibu.

On July 23, 2020, the Planning Director will issue DMW No. 20-006. Pursuant to LIP Section 13.4.11(A), the Director’s decision on whether to issue a De Minimis Waiver is not locally appealable.

LIP Section 13.4.11(C) further states that the Planning Director shall report in writing to the Planning Commission any DMW that has been issued by the City.

If, after consideration of the De Minimis Waiver and any public objections to it, the Planning Commission requests that the waiver not be effective, then the applicant shall be advised that a coastal development permit is required if the applicant wishes to pursue the application.
LIP Sections 13.4.11(A) (General Requirements for De Minimis Waiver)

Where the improvements are not otherwise exempt pursuant to LIP Section 13.4 and the required findings of LIP Section 13.4.11(B) are met, the Planning Director may issue a de minimis waiver for: 1) improvements to an OWTS serving a structure that was damaged or destroyed as a result of a natural disaster where the improvements involve installing a new system or upgrading an existing system to an advanced system on the same lot; and 2) minor improvements to existing driveways or access roads that are required by the Los Angeles County Fire Department after a natural disaster, such as minor changes to the width or grade of driveways or access roads.

The project and required findings are more specifically described in the Planning Director’s decision (DMW No. 20-005) attached hereto.

PUBLIC NOTICE: A Notice of De Minimis Waiver Application was posted on the subject property.

ATTACHMENT: DMW No. 20-006
De Minimis Waiver - OWTS

De Minimis Waiver No. 20-006
Categorical Exemption No. 20-101
29233 Bluewater Road
APN 4468-007-025

NOTICE IS HEREBY GIVEN that the City of Malibu has APPROVED an application filed by Daniela Rechtszasd, on behalf of the property owner, James and Inez McGee, for a De Minimis Waiver (DMW) for a new onsite wastewater treatment system (OWTS) for a Woolsey Fire affected parcel.

Proposed Project Description

Planning Verification – Woolsey Fire (PVWF) No. 19-118 was issued on June 11, 2019, to allow for the reconstruction of the previously existing residence and guest house which was destroyed by the 2018 Woolsey Fire. The existing OWTS is being replaced to consolidate the existing two fire damaged septic systems into one advanced OWTS. The proposed project involves the installation of a new OWTS, described below, to replace the existing OWTS (Attachment 1 – Department Review Sheets including OWTS Plot Plan):

- 3,634-gallon MicroSepTec ES12 Tank with ultraviolet (UV) disinfection unit;
- Utilize three existing seepage pits; and
- Four future seepage pit dedications.

The existing guest house OWTS is proposed to be completely abandoned and the septic tank that served the single-family residence is proposed to be abandoned, however, the new system will continue to utilize the three existing seepage pits. The new OWTS will be sited to the south of the main residence and guest house, located in the front yard. The proposed new system will not result in any non-exempt grading.

California Environmental Quality Act

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Section 15303(d) – New Construction or Conversion of Small Structures. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

Local Coastal Program (LCP)

The Malibu LCP consists of a Land Use Plan (LUP) and LIP. The LUP contains programs and policies to implement the California Coastal Act in Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring an entitlement must adhere.
**De Minimis Waiver Requirements**

The Planning Director may waive the LCP’s requirement for a coastal development permit (CDP) for a project that is not otherwise exempt from a CDP under LIP Section 13.4 and process a DMW if the DMW findings discussed below can be made, if the development is not in a location where an action on the development would be appealable to the California Coastal Commission (CCC) (See LIP Chapter 2 – Definitions), and the proposed project consists of:

a. Improvements to an OWTS serving a structure that was damaged or destroyed as a result of a natural disaster, where the improvements involve installing a new system or upgrading an existing system to an advanced system on the same lot, or

b. Minor improvements to existing driveways or access roads that are required by the Fire Department after a natural disaster, such as minor changes to the width or grade of driveways or access roads.

The subject project is eligible for a DMW in that it is a replacement for an OWTS that was serving a structure destroyed as a result of a natural disaster that is not otherwise exempt from a CDP under LIP Section 13.4, it is not located in the CCC appeal zone, and the required DMW findings are made below.

**De Minimis Waiver Findings**

Based on the foregoing evidence contained within the record and pursuant to LIP Section 13.4.11, the Planning Director hereby makes the following findings of fact.

**Onsite Wastewater Treatment System De Minimis Waiver (LIP Section 13.4.11)**

*Finding 1. That the OWTS or driveway/road improvements have no potential for adverse effects, either individually or cumulatively, on coastal resources.*

The City geotechnical staff, City Environmental Health Administrator, and City Planning Department have reviewed the proposed OWTS and found it to meet the requirements of the Malibu Municipal Code (MMC) and LCP. The proposed project is for the abandonment of an existing OWTS and installation of a new 3,634-gallon MicroSepTec ES12 Tank with UV disinfection unit, utilize the existing three seepage pits, and four future seepage pit dedications located in the front yard. The project will upgrade and improve treatment effectiveness compared to the existing system. The existing OWTS is being replaced to consolidate the existing two damaged septic systems into one advanced OWTS. The Applicant is required to record a covenant requiring the proper operation and maintenance of the OWTS. In addition, conditions of approval have been included to require continued operation, maintenance and monitoring of the subject system. The conditions and requirements will ensure that the new OWTS does not have the potential for adverse effects, either individually or cumulatively, on coastal resources.

*Finding 2. That the OWTS or driveway/road improvements are consistent with the certified Malibu Local Coastal Program, including the resource protection policies, as applicable.*

As discussed in Finding 1, the project as conditioned has been found to meet the requirements of the MMC and LCP. The project is consistent with the certified LCP, including the resource protection policies, in that no native trees, environmentally sensitive habitat area, public scenic views or cultural resources will be affected by the project.
Finding 3. If an OWTS is to be relocated on the lot, that the Director, in consultation with Environmental Health Administrator, has determined the relocation is necessary to better protect coastal resources.

The proposed OWTS will be sited further to the south and further away from the primary residence and accessory structures. The new area has been previously disturbed and therefore will not result in any new or more significant impacts to natural or cultural resources. Additionally, the proposed development area will have the necessary percolation conditions.

Finding 4. If driveway/road improvements are proposed, that: a) they are in the same general alignment as the existing road, b) they are not located in environmentally sensitive habitat area (ESHA), c) they do not remove or encroach within the protected zone of native trees, and d) they do not adversely impact visual resources.

There are no driveway/road improvements necessary to accommodate the proposed work. Furthermore, none of the work proposed encroaches into environmentally sensitive habitat area, nor does it impact any native trees or visual resources.

Finding 5. That the development is not in a location where an action on the development would be appealable to the Coastal Commission (See Chapter 2 – Definitions).

The subject property is not located within the CCC Appeal Jurisdiction and therefore action on the development would not be appealable to the CCC.

Project Timeline: De Minimis Waiver Application

- Application Date: February 6, 2020
- Posting of Property: February 6, 2020
- Notice of Determination: July 23, 2020
- Planning Commission Reporting: August 3, 2020

Public Notice Requirements

At the time the application is submitted for filing, the applicant must post, at a conspicuous place as close to the site as possible that is easily accessible by the public and approved by the City, notice that an application for a DMW has been submitted to the city on a form containing a general description of the proposed development. The applicant submitted evidence of posting the required notice at a location approved by the City on February 6, 2020.

The Planning Director shall issue a notice of determination on the application which shall be reported to the Planning Commission. The notice of determination shall be provided to all known interested parties, including the executive director of the coastal commission, at least ten (10) days prior to the waiver determination being reported to the planning commission. The notice of determination on this application was issued on July 23, 2020.

Approval of DMW No. 20-006

Based on the foregoing findings and evidence contained within the record, the Planning Director hereby approves DMW No. 20-006, subject to the conditions of approval.

Conditions of Approval

Standard Conditions

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City’s actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City’s
actions or decisions in connection with this project. The City shall have the sole right to choose
its counsel and property owners shall reimburse the City’s expenses incurred in its defense of any
lawsuit challenging the City’s actions concerning this project.

2. This approval is for the abandonment of an existing OWTS and installation of a new 3,634-gallon
MicroSepTec ES12 Tank with UV disinfection unit, utilize three existing seepage pits, and four
future seepage pit dedications located in the front yard. This approval does not involve any non-
exempt grading.

3. Subsequent submittals for this project shall be in substantial compliance with plans on file with
the Environmental Health Department, dated as approved on June 15, 2020. In the event the
project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be
effective until the property owner signs, notarizes, and returns the Acceptance of Conditions
Affidavit accepting the conditions set forth herein. The applicant shall file this form with the
Planning Department within 10 working days of this decision and/or prior to issuance of any
development permit.

5. The applicant shall digitally submit a complete set of plans, including the items required in
Condition No. 6 to the Planning Department for consistency review and approval prior to plan
check and again prior to the issuance of any building or development permits.

6. This decision, signed Affidavit of Acceptance of Conditions, and all attached Department Review
Sheets shall be copied in their entirety and placed directly onto a separate plan sheet behind the
cover sheet of the development plans submitted to the Building Safety Division for plan check.

7. A de minimis waiver shall expire and be of no further force and effect if the authorized OWTS or
driveway or access road improvements are not commenced pursuant to a valid grading and/or
building permit, as applicable, within five years of the effective date of the waiver. If expired, a
coastal development permit or another waiver shall be required.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the
Planning Director upon written request of such interpretation.

9. All development shall conform to requirements of the Environmental Sustainability Department,
City Coastal Engineer, City geotechnical staff, City Environmental Health Administrator, City
Biologist, City Public Works Department, Los Angeles County Waterworks District No. 29 and the
Los Angeles County Fire Department, as applicable. Notwithstanding this review, all required
permits shall be secured.

10. Minor changes to the approved plans or the conditions of approval may be approved by the
Planning Director, provided such changes achieve substantially the same results and the project
is still in compliance with the MMC and the LCP. An application with all required materials and
fees may be required.

11. Pursuant to LIP Section 13.4.11, this permit shall not become effective until the project is reported
to the Planning Commission and the Planning Commission does not request that the project be
processed as a CDP.

12. The property owner must submit payment for all outstanding fees payable to the City prior to
issuance of any building permit, including grading or demolition.

Cultural Resources

13. In the event that potentially important cultural resources are found in the course of geologic testing
or during construction, work shall immediately cease until a qualified archaeologist can provide
an evaluation of the nature and significance of the resources and until the Planning Director can
review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.

14. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Environmental Health

15. Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches). The final OWTS plot plan shall also clearly show the locations of all existing OWTS components (serving pre-existing development to be abandoned).

16. If the OWTS design and/or bedroom/drainage fixture unit counts are modified in any way subsequent to the planning stage review, then a final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer’s wet signature, professional registration number and stamp (if applicable).

17. The final design report shall contain the following information (in addition to the items listed above).
   a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
   b. Sewage and effluent pump design calculations (as applicable).
   c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
   d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system’s geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate,
including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and

e. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.

18. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS’ proper abandonment in conformance with the MMC.

19. The following note shall be added to the plan drawings included with the OWTS final design: “Prior to commencing work to abandon, remove, or replace the existing OWTS components, an ‘OWTS Abandonment Permit’ shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.”

20. All final project plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

21. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

22. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

23. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed OWTS after construction shall be submitted. Please submit a certified copy issued by the City of Malibu Recorder.

24. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. Please submit a certified copy issued by the City of Malibu Recorder.

25. The project geologist/geotechnical consultant final approval shall be submitted to the City Environmental Health Administrator.

26. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
27. The City public works department staff final approval shall be submitted to the City Environmental Health Administrator.

28. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

Geology

29. Two sets of OWTS plans (approved by City Environmental Health) incorporating the project geotechnical consultant's recommendations must be reviewed, wet stamped, and manually signed by the project engineering geologist and project geotechnical engineer prior to the issuance of an OWTS permit.

30. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.

31. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved DMW relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a new entitlement.

32. Show the existing OWTS to be abandoned on the OWTS plans and include recommendations on the plans to properly abandon the existing septic tank on the property.

33. Include a note on the OWTS plans stating, "The Project Engineering Geologist shall observe and approve the installation of the seepage pits and provide the City inspector with a field memorandum(s) documenting and verifying that the seepage pits were installed per the approved OWTS plans."

Construction

34. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.

35. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

Prior to Final Inspection

36. Prior to a final Building inspection, the applicant shall provide a final Waste Reduction and Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. The final Summary Report shall designate all material that were land filled or recycled, broken down by material types.

37. The applicant shall request a final Planning Department inspection prior to final inspection by the Building Safety Division.

Deed Restrictions

38. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded.
**Fixed Conditions**

39. This DMW runs with the land and binds all future owners of the property.

40. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted thereunder.

**Appeals and Reporting**

APPEALS – The Planning Director’s decision on whether to issue a de minimis waiver is not locally appealable. If, after consideration of the waiver and any public objections to it, the Planning Commission requests that the waiver not be effective, then the applicant shall be advised that a Coastal Development Permit is required for the OWTS or road improvements. Otherwise, the waiver is effective immediately after the Planning Commission meeting where the matter is heard.

REPORTING – Pursuant to LIP Section 13.4.11, this permit shall be reported to the Planning Commission and is tentatively scheduled to be reported at the August 3, 2020, Regular Planning Commission meeting. Copies of this report will be available at www.malibucity.org/agendacenter and to all those wishing to receive such notification by contacting the Case Planner. This permit will not become effective until completion of the Planning Commission review of the permit pursuant to California Code of Regulations Section 13153.

Please contact Jessica Thompson in the Planning Department at (310) 456-2489, extension 280, for further information. Copies of all related documents can be reviewed by any interested person by contacting the Case Planner.

Date: July 23, 2020

Prepared by: Jessica Thompson
Approved by: Bonnie Blue

Jessica Thompson  Bonnie Blue
Associate Planner  Planning Director

Attachment: Department Review Sheets including OWTS Plot Plan

*All reports referenced are available for review by contacting the Case Planner.*
ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned property owner(s) acknowledges receipt of the City of Malibu’s decision of approval and agrees to abide by all terms and conditions for De Minimis Waiver No. 20-006, dated July 23, 2020, for the project located at 29233 Bluewater Road, Malibu, CA 90265. The permit and rights conferred in this approval shall not be effective until all property owner(s) signs and returns this notarized affidavit to the City of Malibu Planning Department within ten (10) working days of the decision and/or prior to issuance of any development permit.

Date
______________
Signature of Property Owner
____________________________________
Print Property Owner Name

Date
______________
Signature of Property Owner
____________________________________
Print Property Owner Name

ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
County of Los Angeles } SS

On _____________, before me, Notary Public, personally appeared ____________________________, who proved
(date)                        (name)
to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Notary Public’s signature in and for said County and State) (seal)
TO: City of Malibu Environmental Health Administrator
FROM: City of Malibu Planning Department
DATE: 2/6/2020

<table>
<thead>
<tr>
<th>PROJECT NUMBER:</th>
<th>DMW 20-006</th>
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<tbody>
<tr>
<td>JOB ADDRESS:</td>
<td>29233 BLUEWATER RD</td>
</tr>
<tr>
<td>APPLICANT / CONTACT:</td>
<td>Daniela Rechtszasd</td>
</tr>
</tbody>
</table>
| APPLICANT ADDRESS: | 5410 Village Green
Los Angeles, CA 90016 |
| APPLICANT PHONE #: | (310) 625-0654 |
| APPLICANT FAX #: | |
| APPLICANT EMAIL: | recdani@gmail.com |
| PROJECT DESCRIPTION: | NOWTS Deminimis Waiver |

TO: Malibu Planning Department and/or Applicant
FROM: City of Malibu Environmental Health Reviewer

- **Conformance Review Complete** for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

- **Conformance Review Incomplete** for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: [ ] NOT REQUIRED
[ ] REQUIRED (attached hereto) [ ] REQUIRED (not attached)

Signature ___________________________ Date 7-7-2020

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not an onsite wastewater treatment system (OWTS) Plot Plan approval is required.

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.
ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

- Applicant: Daniela Rechtszasd
  (name and email address)
  recdani@gmail.com
- Project Address: 29233 Bluewater Road
  Malibu, California 90265
- Planning Case No.: DMW 20-006
- Project Description: NOWTS Deminimis Waiver
- Date of Review: July 7, 2020
- Reviewer: Matt Janousek
- Signature:
- Contact Information: Phone: (310) 456-2489 ext. 307
  Email: mjanousek@malibucity.org

SUBMITTAL INFORMATION

- Architectural Plans: Inez + James McGee: Plans dated 11-5-2019 (received by Planning 2-6-2020)
- Grading Plans: 
- OWTS Plan: Larry Young: OWTS plan received 2-6-2020; revised plan dated 6-15-2020
- OWTS Report: Larry Young: OWTS reports dated 2-3-2020 and 6-15-2020; Percolation Test reports (two) dated 2-3-2020; Fixture unit worksheets dated 2-3-2020
- Miscellaneous: Compliance Agreement dated 11-19-2019

REVIEW FINDINGS

- Planning Stage: ☑ CONFORMANCE REVIEW COMPLETE for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
  - CONFORMANCE REVIEW INCOMPLETE for the City of Malibu LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
- OWTS Plot Plan: ☑ NOT REQUIRED
  - REQUIRED (attached hereto) ☑ REQUIRED (not attached)

Based upon the project description and submittal information noted above, a conformance review was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval
of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

**Conditions of Planning Conformance Review for Building Plan Check Approval:**

1) **Final Onsite Wastewater Treatment System (OWTS) Plot Plan:** A final plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot must fit on an 11” x 17” sheet leaving a 5” left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18” x 22” for review by Environmental Health).

2) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer’s signature, professional registration number, and stamp (if applicable).

3) **Building Plans:** All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

4) **Notice of Decision:** The final onsite wastewater treatment system plans shall include the Conditions of Approval sections of the Notice of Decision (NOD) from the Planning Department.

5) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.

6) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.

7) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. Please note only original “wet signature” documents are acceptable.

8) **Advanced Onsite Wastewater Treatment System (OWTS) Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. Please submit a certified copy issued by the City of Malibu Recorder.
9) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.

10) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.

11) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

12) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.

13) **Operating Permit Application and Fee:** In accordance with Malibu Municipal Code, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

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If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department
NOTES:

1. This conformance review is for a fire rebuild of a 4 bedroom (47 fixture units) single family dwelling and a 2 bedroom (25 fixture units) accessory dwelling unit. The new advanced onsite wastewater treatment system conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).

2. This review relates only to the minimum requirements of the MMC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of review treatment.

3. This review is valid for one year, or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.
GEOTECHNICAL REVIEW SHEET

**Project Information**

<table>
<thead>
<tr>
<th>Date</th>
<th>March 3, 2020</th>
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<tbody>
<tr>
<td>Site Address</td>
<td>29233 Bluewater Road</td>
</tr>
<tr>
<td>Lot/Tract/PM #</td>
<td>29233 Bluewater Road</td>
</tr>
<tr>
<td>Applicant/Contact</td>
<td>Daniela Rechtszajd, <a href="mailto:recdani@gmail.com">recdani@gmail.com</a></td>
</tr>
<tr>
<td>Contact Phone #</td>
<td>310-625-0654</td>
</tr>
<tr>
<td>Project Type</td>
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**Review Log #:** 253

**Planning #:** DMW 20-006

**BPC/GPC #:** DMW 20-006

**Planner:** Aakash Shah

**Submittal Information**

**Consultant(s) / Report**

- Lawrence Young (REHS 3738): 2-3-2020 (2)
- SubSurface Designs, Inc. (Triebold, CEG 1796): 11-5-19

**Date(s):**

- Architectural Plan prepared by Daniela Rechtszajd dated November 5, 2019.
- Civil Plan prepared by Barbara L. Hall dated November 8, 2019.
- Plot Plan stamped by Lawrence Young, undated.

**Previous Reviews:** None.

**Review Findings**

**Planning Review**

- The project is **APPROVED** from a geotechnical perspective, with the following comments to be addressed prior to building plan check stage approval.

**Building Plan-Check Stage Review**

- **Waiting Building plan check submittal.** Please respond to the listed ‘Building Plan-Check Stage Review Comments’ AND review and incorporate the attached ‘Geotechnical Notes for Building Plan Check’ into the plans.
- **APPROVED** from a geotechnical perspective. Please review the attached ‘Geotechnical Notes for Building Plan Check’ and incorporate into Building Plan-Check submittals.
- **NOT APPROVED** from a geotechnical perspective. The listed ‘Building Plan-Check Stage Review Comments’ shall be addressed prior to Building Plan-Check Stage approval.

**Remarks**

The referenced geotechnical reports, OWTS percolation report, OWTS design report, OWTS plan, Building plans, and Civil plans were reviewed by the City from a geotechnical perspective. Based on the submitted information and a site reconnaissance, the proposed development includes installing a new advanced onsite wastewater treatment system (OWTS) on the property that consists of a treatment tank system and three existing 5' diameter by 23.5' BI seepage pits with 16.5' caps, and 100% expansion consisting of four future seepage pits. The OWTS will service a new four bedroom (47 drainage fixture unit) single-family residence.
and a new two bedroom (25 fixture unit) guesthouse/accessory dwelling unit (ADU). The residence and ADU rebuild are being processed under planning no. PVWF 19-118.

**Building Plan-Check Stage Review Comments to be addressed by the Project Geotechnical Consultant:**

1. Show the location of cross-section A to A’ on the Geologic Map.

2. The location of the four proposed/future seepage pits on the SubSurface Designs, Inc. map, plot plan stamped by L. Young, and Civil plans are different. Please revise an update geologic map, plot plan, and/or plans depicting the correct location of the proposed seepage pits, as applicable.

**Building Plan-Check Stage Review Comments**

3. The Civil plans (Sheet C1.02) depicts 24 inches of removal and recompaclion (R & R) for a new driveway over an existing seepage pit, distribution box, and proposed seepage pit. Provide recommendations for abandonment of the existing OWTS components and protection of newly installed AOWTS components in accordance with City of Malibu requirements. be preserved during grading.


5. Two sets of final OWTS and grading plans (APPROVED BY BUILDING AND SAFETY) incorporating the Project Geotechnical Consultant’s recommendations and items in this review sheet must be reviewed and wet stamped and manually signed by the Project Geotechnical Engineer. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants’ recommendations and items in this review sheet over the counter at City Hall. Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.

Please direct questions regarding this review sheet to City Geotechnical staff listed below.

**Geotechnical Engineering Review by:**

![Signature]

Lauren J. Doyel, G.E. #29817 Exp. 6-30-21
Geotechnical Engineering Reviewer (310-456-2489 x384)
Email: ldoyel@malibucity.org

3/3/20

This review sheet was prepared by representatives of Cotton, Shires and Associates, Inc. and GeoDynamics, Inc., contracted through Cotton, Shires and Associates, Inc., as an agent of the City of Malibu.
City of Malibu

- GEOTECHNICAL -

NOTES FOR BUILDING PLAN-CHECK

The following standard items should be incorporated into Building Plan-Check submittals, as appropriate:

1. One set of grading, retaining wall, swimming pool, and residence plans, incorporating the Project Geotechnical Consultant’s recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. Additional review comments may be raised at that time that may require a response.

2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Building Plans.

3. Include the following note on Grading and Foundation Plans: “Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Project Geotechnical Consultant, as appropriate.”

4. Include the following note on the Foundation Plans: “All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel.”

5. The Foundation Plans for the proposed project shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant’s recommendations.

6. Show the onsite wastewater treatment system on the Site Plan.

7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.

8. A comprehensive Site Drainage Plan, incorporating the Project Geotechnical Consultant’s recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

Grading Plans (as Applicable)
1. Grading Plans shall clearly depict the limits and depths of overexcavation, as applicable.

2. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and back drains, and locations and elevations of all retaining wall backdumps and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.

Retaining Walls (As Applicable)
1. Show retaining wall backdrain and backfill design, as recommended by the Geotechnical Consultant, on the Plans.

2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.
To: Chair Jennings and Members of the Planning Commission

Prepared by: Justine Kendall, Associate Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: July 23, 2020               Meeting Date: August 3, 2020

Subject: Extension of Coastal Development Permit No. 15-074 – A request to extend the Planning Commission's approval of Coastal Development Permit No. 15-074, an application for the construction of a new 1,093 square-foot second story addition, including a second story deck, interior remodel to an existing one-story residence, and demolition of an addition without benefit of permit

Location: 24542 Malibu Road
APN: 4458-012-012
Owner: Lachman Family Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-50 (Attachment 1) granting a two-year extension of Coastal Development Permit (CDP) No. 15-074, and Demolition Permit No. 17-011, an application for the construction of a 1,093 square-foot second story addition, including a second story deck, interior remodel to an existing one-story residence, and demolition of an addition without benefit of permit located in the Single Family–Medium Density (SFM) zoning district at 24542 Malibu Road (Lachman Family Trust).

DISCUSSION: On April 17, 2017, the Planning Commission adopted Resolution No. 17-15, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 7 in Planning Commission Resolution No. 17-15 states that the coastal development permit and associated requests shall expire if the project has not commenced within three years after final City action. Extension of the permit may be granted by the approving authority for due cause. The item before the Commission is an extension request by the applicant. A complete project chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 20-50.
The applicant submitted plans to the Building Safety Division for Building Plan Check on December 28, 2017 and received comments back on January 18, 2018. Corrected plans have not been re-submitted to date. The property owner’s extension request states that unexpected severe medical issues, which came to light soon after submitting for Building Plan Check, and related complications caused by the COVID-19 crisis are causing the delay. The property owner states that they are still committed to moving forward with the project.

Per LCP Policy No. 5 (Coastal Development Permit Extensions), the aggregate life of a CDP shall not exceed five years absent extraordinary circumstances. A two-year extension to April 17, 2022 would be consistent with this policy. This is the first extension request made for this project. The subject coastal development permit is set to expire on April 17, 2020. On April 16, 2020, the applicant submitted an extension request to ensure a valid CDP permit remains in place while the project is under construction. The applicant’s basis for due cause is included as Attachment 2.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission’s approval of the time extension request, the approval set forth in Planning Commission Resolution No. 17-15 shall remain valid for an additional two-year term. The expiration date of this approval would then be April 17, 2022. All conditions of approval in Planning Commission Resolution No. 17-15 will remain in effect.

ATTACHMENTS:

1. Planning Commission Resolution No. 20-50
2. Planning Commission Resolution No. 17-15
3. Time Extension Request
4. LCP Policy No. 5 (CDP Extensions)
5. Public Hearing Notice

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/onbase.
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A TWO-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 15-074, AN APPLICATION TO ALLOW THE CONSTRUCTION OF A NEW 1,093 SECOND STORY ADDITION, INCLUDING A SECOND STORY DECK, INTERIOR REMODEL TO AN EXISTING ONE-STORY RESIDENCE, AND DEMOLITION OF AN ADDITION WITHOUT BENEFIT OF PERMIT, INCLUDING DEMOLITION PERMIT NO. 17-011, LOCATED IN THE SINGLE FAMILY – MEDIUM DENSITY (SFM) ZONING DISTRICT AT 24542 MALIBU ROAD (LACHMAN FAMILY TRUST).

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On April 17, 2017, the Planning Commission adopted Planning Commission Resolution No. 17-15, approving Coastal Development Permit (CDP) No. 15-074 to construct a new 1,093 second story addition, including a second story deck, interior remodel to an existing one-story residence, and demolition of an addition without benefit of permit.

B. On April 16, 2020, the applicant submitted their first time extension request.

C. On July 23, 2020, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

D. On August 3, 2020, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission previously determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15301(e) - Existing Facilities. As such, Categorical Exemption No. 17-047 was filed for CDP No. 15-074, and adopted with the approval of the project.

SECTION 3. Findings of Fact.

Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, the Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby finds that the applicant has demonstrated due cause for the necessity of a time extension of the approval of the coastal development permit and associated requests.

A. The approvals set forth in Planning Commission Resolution No. 17-15 are hereby extended for an additional two-year term. The approval is now set to expire on April 17, 2022.

B. No other changes to the conditions contained in Planning Commission Resolution No. 17-15 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution No. 17-15 shall remain in full force and effect.

SECTION 5. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 3rd day of August, 2020.

__________________________________________
JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 19-67 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 3rd day of August, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____________________________________
KATHLEEN STECKO, Recording Secretary
CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 17-15


The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On December 23, 2015, an application for Coastal Development Permit (CDP) No. 15-074 was submitted to the Planning Department by Joseph Lezama, on behalf of property owner, Brad Glen Lachman and Wendy Benson Lachman, Trustees of The Lachman Family Trust. The application was routed to the City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, California State Lands Commission (CSLC), Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department Land Division (LACFD) for review.

B. On December 23, 2015, a courtesy notice of the proposed project was mailed to all property owners and occupants within a 500-foot radius of the subject property.

C. On August 29, 2016, the CDP application was deemed complete for processing.

D. On February 1, 2017, story poles were installed on the subject property.

E. On February 1, 2017, a Notice of CDP Application was posted on the subject property.

F. On February 15, 2017, Planning Department staff conducted a site visit to document the story poles, site conditions, the property and surrounding area, and conducted a visual impact analysis of the property.

G. On April 6, 2017, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

H. On April 17, 2017, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

ATTACHMENT 2
SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301(e) - Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 15-074 to allow a remodel with less than 50 percent demolition and a 1,093 square foot second story addition, including a 133 square foot second story deck to the existing one-story single-family residence in the SFM zoning district at 24542 Malibu Road.

The project is consistent with the zoning, grading, cultural resources, water quality, and onsite wastewater treatment system (OWTS) requirements of the LCP. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. General Coastal Development Permit (LIP Chapter 13)

1. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, CSLC, WD29, and LACFD. As discussed herein, based upon submitted reports, project plans, and detailed site investigation, the proposed project, as conditioned conforms to the LCP in that it meets all applicable residential development standards. The proposed project includes a demolition, remodel, and addition that conform to the requirements set forth in the LCP beachfront development standards.

2. The project is located between the first public road and the sea, on the south side of Malibu Road; however, the proposed project will not result in potentially significant adverse impacts on public access and/or recreation. Existing and improved vertical public access is located approximately 245 feet to the west and 770 feet to the east along Malibu Road. Therefore, the project will not interfere with the public’s right to access the beach. The project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).

3. Evidence in the record demonstrates that, as conditioned, the project meets the City’s beachfront residential development policies. There is no evidence that an alternative project would substantially lessen any potentially significant adverse impacts of the development on the environment.
B. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

1. The proposed project complies with beachfront residential standards for height, and side and rear yard setbacks. The residence conforms to the height limitation or 28 feet for a pitched roof and rear yard setbacks established by the building stringline, the deck stringline and the required 10 foot setback from the MHTL.

Although the subject parcel abuts scenic areas (the beach, Pacific Ocean, Malibu Bluffs Park and Malibu Road), the proposed construction is located on the south side of the property, the proposed structure will use earth tone colors and materials, and houses located within the vicinity of the subject property are developed with single-story and multistory structure.

Story poles were placed on the project site on February 1, 2017 to demonstrate the size, mass, height, and bulk of the proposed project, and photos of the site with the story poles in place are included in the record. An analysis of the project’s visual impact from the beach was conducted through site inspection, architectural plans and review of neighborhood character.

Conditions of approval have been added to this Resolution pertaining to permissible exterior colors, materials and lighting restrictions. As proposed, the project would result in a less than significant visual impact to public views from scenic areas.

2. As previously discussed in Finding B1, and with the inclusion of conditions regulating exterior colors, materials and lighting to be used, the project will not result in significant adverse scenic or visual impacts and the proposed addition will be compatible with the character of the surrounding neighborhood.

3. The proposed project, as designed and conditioned, is the least environmentally damaging alternative.

4. There are no feasible alternatives that would avoid or substantially lessen impacts on scenic and visual resources and is the least environmentally damaging alternative.

5. As conditioned, designed and sited, development on the site will not have significant adverse impacts on scenic and visual resources.

C. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazard must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity. The project was analyzed for the hazards listed in LIP Sections 9.2(A)(1-7).

The applicant submitted coastal engineering reports and addenda prepared by Davis Weiss, Structural Engineer and Associates. The report is on file at City Hall. In the report, site-specific conditions are evaluated and recommendations are provided to address any pertinent issues. According to the report the primary hazards related to the proposed project are flood hazards and wave uprush and tsunami hazards.
In summary, the proposed development is suitable for the intended use provided that the certified engineer’s conditions and governing agency’s building codes are followed. The findings provided by LIP Section 9.3 are made as follows.

1. Based on review of the above referenced report, it has been determined that:
   a. The beachfront location and elevation of the subject property puts it in a wave uprush and Tsunami zone.
   b. The project site is located in a Federal Emergency Management Agency (FEMA) identified VE Special Flood Hazard Area (SFHA).
   c. The project site is located within an extreme fire hazard area.
   d. The project site is located not located within a California Earthquake Fault Zone and no known potentially active or active faults cross the site and is not located within 500 feet of a mapped splay of the Malibu Coast Fault.

The project coastal engineer concluded the project is feasible from a coastal engineering standpoint, will be free from flood hazards and wave uprush and tsunami hazards, and will not have an adverse effect upon the stability of the site or adjacent properties provided the engineer’s recommendations are incorporated into the plans and implemented during construction, and the subject property and proposed structures are properly maintained.

The project has been reviewed and approved for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, CSLC, WD29, and LACFD.

2. The project as designed, conditioned, and approved by the City Public Works Department, City geotechnical staff, and City Coastal Engineer, does not have any significant adverse impacts on the site stability or structural integrity from geologic, flood or fire hazards due to the project design. A condition of approval has been included in Section 5 to require the applicant to acknowledge the extremely high wildfire hazard risk of development at the property and to indemnify the City.

3. The project, as conditioned, will not result in potentially significant impacts and is the least environmentally damaging alternative.

4. There are no feasible alternatives that would avoid or substantially lessen impacts on site stability or structural integrity as no significant impacts are expected.

5. No adverse impacts to sensitive resources are expected.

D. Shoreline and Bluff Development (LIP Chapter 10)

1. All proposed development will occur entirely over the existing building footprint and the project does not propose a new onsite waste water treatment system In addition, the proposed development will take place on the existing foundation and no upgrade to the seawall is required. As such, no negative impacts on public access, shoreline sand supply or other resources are anticipated due to the proposed design.
2. The project, as conditioned, will not have significant adverse impacts on public access shoreline sand supply or other resources due to its location on the site. Nevertheless, a standard condition of approval required by LIP Chapter 10 has been included which requires the property owner to record a deed restriction acknowledging and assuming the risk of the hazards associated with development on a beach.

3. The project is not anticipated to negatively impact public access, shoreline sand supplies or other sensitive resources. As such, no project alternative would further avoid or substantially lessens impacts on these resources.

E. Demolition Permit (MMC Chapter 17.70)

1. Conditions of approval included in the Resolution to ensure that the project will not create significant adverse environmental impacts.

2. This CDP application is being processed concurrently with DP No. 17-011. Therefore, approval of the DP is subject to the approval of CDP No. 15-074.


Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 15-074, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

2. Approval of this application is to allow for the following:
   a. Demolition of 8.3 percent of exterior walls, existing roof and chimney, and interior remodel of the existing one-story main residence;
   b. Demolition of a 986.1 square foot addition under the existing structure that was constructed without the benefit of permits;
   c. Construction of a 1,093 square foot second-story bedroom and gym room addition with an attached 133 square foot deck over the existing first floor deck, measuring 15.25 feet tall and a chimney; and
   d. New barbeque on the first floor deck that is landward of the building stringline.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **February 17, 2017**. The project shall comply with all conditions of approval stipulated in the department referral sheets. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
4. This permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.

5. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.

6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.

7. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to submittal into building plan check and again prior to the issuance of any building or development permits. These plan sets shall include the pages described in Condition No. 6.

8. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.

9. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

10. All structures shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, CSLC, WD29, and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.

11. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.

12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

Cultural Resources

13. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.
14. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Geology/Coastal Engineer

15. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.

16. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

17. The property owner shall comply with the requirements for recorded documents and deed restrictions outlined in Sections 10.6(A) and 10.6(B)(1) of the LCP.

18. Prior to final permit issuance, a Covenant and Agreement Regarding Maintenance of the Shoreline Protection Device and the Use of Transfer of Ownership of Property shall be recorded, with a certified copy submitted to the City. The Covenant and Agreement shall incorporate the approved Shoreline Protective Device Monitoring Plan as Exhibit B.

Biology/Landscaping

19. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting.

20. No equipment of materials may be staged on the beach at any time.

Water Service

21. Prior to building permit issuance the applicant shall submit to the Planning Department an updated WD29 Will Serve letter confirming the property will receive adequate water service.
Public Works

Grading and Drainage

22. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

FEMA

23. Proposed improvements are located within the SFHA. An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The survey map shall delineate the boundary of the SFHA zone based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum, and any datum conversions. A post construction Elevation Certificate will be required to certify building elevation, when the construction is complete, and shall be provided to the Public Works Department for final approval.

Environmental Health

24. No renovation or replacement of the existing onsite wastewater treatment system is required or approved. Environmental Health review during plan check is required.

Construction / Framing

25. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.
26. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:

a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
b. Grading activities shall be planned during the southern California dry season (April through October).
c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

27. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation and lowest finish floor elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.

28. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

Demolition/Solid Waste

29. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.

30. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.

31. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.

32. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.

33. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate “Investigation Fees” as required in the Building Code.
34. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

**Site Specific Conditions**

35. Fifty percent or more of exterior walls must remain in place during construction. Pursuant to LIP Section 13.4.2, the replacement of 50 percent or more of a single-family residence is not repair and maintenance, but instead constitutes a replacement structure requiring a coastal development permit. A major remodel agreement acknowledging this shall be required prior to issuance of building permits for the project. Contact Planning Department staff to discuss options PRIOR TO DEMOLITION of more than 50 percent of the existing exterior walls, should any questions or issues concerning exterior wall demolition come up during construction. Demolition of exterior walls will be determined based on LCP Policy 3: (Remodels and Additions).

36. A construction management plan, including a traffic control plan and construction parking plan, shall be submitted for review and approval by the Public Works Department and the Planning Department prior to the issuance of a demolition, grading or building permits.

37. The project is visible from scenic roads or public viewing areas, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape.

   a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.

   b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.

   c. All windows shall be comprised of non-glare glass.

38. The understructure storage area cannot be converted into habitable space at any time in the future.

**Lighting**

39. Exterior lighting shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:

   a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);

   b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;

   c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;

   d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
e. Site perimeter lighting shall be prohibited; and

f. Outdoor decorative lighting for aesthetic purposes and lighting of the shore are prohibited.

40. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.

41. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas.

42. Lighting of the shore is prohibited.

**Deed Restrictions**

43. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.

44. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.

45. Prior to final planning approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth previously under Lighting. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.

**Prior to Final Sign-Off**

46. Prior to a final Building inspection, the applicant shall provide a final Waste Reduction and Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. The final Summary Report shall designate all material that were land filled or recycled, broken down by material types.

47. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.
48. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval and if applicable, the issuance of the certificate of occupancy.

49. No Certificate of Occupancy shall be issued, nor any authorization to connect utilities, until final planning inspection has determined that the construction complies with the approved plans.

**Fixed Conditions**

50. This coastal development permit shall run with the land and bind all future owners of the property.

51. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

**SECTION 6.** The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 17th day of April, 2017.

[Signature]

JOHN MAZZA, Planning Commission Chair

ATTEST:

[Signature]

KATHLEEN STECKO, Recording Secretary

**LOCAL APPEAL** - Pursuant to LCP LIP Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 245.

**COASTAL COMMISSION APPEAL** - An aggrieved person may appeal the Planning Commission’s decision to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street, Ventura, California 93001, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.
I CERTIFY THAT THE FOREGOING RESOLUTION NO. 17-15 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 17th day of April, 2017 by the following vote:

AYES: 5 Commissioners: Jennings, Marx, Uhring, Pierson, Mazza
NOES: 0
ABSTAIN: 0
ABSENT: 0

KATHLEEN STECKO, Recording Secretary
TIME EXTENSION REQUEST

The City of Malibu will not accept incomplete applications.

Staff use only

Extension No. 20-006

To submit a time extension request:

This time extension request must be timely received by the Planning Department either in person or by mail addressed to City of Malibu, Attn: Planning Department, 23825 Stuart Ranch Road, Malibu, CA 90265.

The request letter must be received PRIOR to the expiration date listed in the Notice of Decision or Planning Commission Resolution.

Project No.: CDP 15-074

Site Address: 24542 Malibu Road

ALL of the following must be timely filed to perfect a time extension request.

1. Time Extension Checklist
   This form with property owner's signature

2. Time Extension Request Letter
   A letter setting forth due cause for the Planning Director / Commission to grant the time extension.

3. Time Extension Fee ($506)

4. Property Owner's /Occupant's Information
   Has the property owner or commercial occupant changed since the Planning Commission/ Planning Director granted the time extension? □ YES  □ NO
   If YES, Change of Property Owner/Occupant Fee applicable.
   Property Owner's mailing Address: N/A
   Property Owner's telephone: N/A
   Property Owner's email address: N/A
Occupant's mailing Address: N/A

Occupant's telephone: N/A

Occupant's email address: N/A

5. Applicant's Information

Has the application representing the owner changed since the Planning Commission's/Planning Director's approval or since the issuance of the last extension? □ YES  ☒ NO

If YES, fill out the Authorization to Submit Project section of this form.

Applicant's mailing address: N/A

Applicant's telephone: N/A

Applicant's email address: N/A

6. Certified Public Notice Property Owner & Occupant Mailing Address and Radius Map

Not required for Administrative Plan Review approvals in which a discretionary request (e.g., site plan review) was not included.

- The addresses of the property owners and occupants within the mailing radius shall be provided on a compact disc in a Microsoft Excel spreadsheet. The spreadsheet shall have the following column headers in row one: 1) name, 2) address, 3) city, state & zip code, and 4) parcel (for APN). The owners should be listed first followed by the occupants. The project applicant's mailing address should be added at the end of the list.
- An additional column for "arbitrary number" may be included if the supplied radius map utilizes such numbers for the purpose of correlating the addressee to their map location.
- Printouts of the excel spreadsheet and radius map, certified by the preparer as being accurate, must be provided.
- The radius map (8½" x 11") shall show a 500 foot radius* from the subject property and must show a minimum of 10 developed properties. A digital copy of the map shall be submitted on the same cd as the mailing addresses.

*Properties zoned RR-10, RR-20, or RR-40 require a 1,000-foot radius notification.
**Note that updated mailing labels may be requested by the project planner prior to deeming the application complete.

Indemnification Clause

The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

[Signatures]

PROPERTY OWNER SIGNATURE  PROPERTY OWNER NAME (PRINT)  DATE  4-15-2020
AUTHORIZATION TO SUBMIT A PROJECT

Joseph Lezama (print name) is authorized by me/us as the owner(s) of the property located at 24542 Malibu Road, to submit an application to and obtain permits from the City of Malibu Planning Department and to act on my/our behalf of the process that applicant. This authorization will be valid until revoked by me/us in writing.

This form must be notarized if not witnessed by City of Malibu staff.

Witnessed by:

Dated: ____________________________  Witness Signature (Staff)

Print Name

I hereby certify that the time extension request submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the time extension shall be deemed to have been withdrawn and the project approval will expire.

Brad Lachman
Property Owner's Signature

Print Property Owner's Name  4-15-2020
Date
Application for Extension of Coastal Development Permit by

Wendi and Brad Lachman ("The Lachman Family Trust") regarding the proposed remodel of a single-family residence at 24542 Malibu Rd., Malibu CA.

April 14, 2020

Summary:

The applicants are Wendi and Brad Lachman who hold title to the land at 24542 Malibu Rd, Malibu CA in the name of "The Lachman Family Trust". This application is made by reason of exceptional medical circumstances that have arisen in the past year, just as the project was closing in on the construction phase. The proposed extension is two years.

LCP Policy 5

LIP Section 13.21 provides (in part):

"Due cause (for an extension) shall generally not exist unless the applicant has demonstrated the following:

- There are extraordinary circumstances beyond the applicant’s control that have prevented the applicant from commencing the development, such as financial hardship due to extreme economic conditions or job loss, inability to obtain a construction loan, personal reason, such as illness, divorce or death, restricted access to the property because of an existing lease or a necessary agency approval has not been obtained despite diligent efforts. ... and
- The applicant has exercised due diligence in its efforts to commence the project, such as contracting for and completing necessary studies, reports, drawings and plans to pursue and complete the plan check process.

Absent extraordinary circumstances the aggregate life of the permit shall not exceed five years."

The “Extraordinary Circumstances”

The Applicants had reached a general agreement with its proposed contractor to remodel the home at 24542 Malibu Rd. when the full impact of Mr. Lachman’s medical issues started to emerge.

Personal Medical Issues

Mr. Lachman was diagnosed with lymphoma and has been receiving ongoing medical treatment. He is under the care of Dr. John A. Glaspy at Ronald Reagan UCLA Medical Center.
Mr. Lachman’s treatment and age (74) have also placed him in the high-risk category for Covid-19. Until the restrictions are lifted, Mr. and Mrs. Lachman are unable to interact with people who are integral in the final construction of the project. The uncertainty is substantial and prevents all reasonable attempts to move forward with the project.

**Our Due Diligence**

We have taken substantially all the steps necessary to pursue the remodel of this home. Included in the steps we have taken are:

- Retainer of Burdge and Associates as our architects and interior design professionals
- We have obtained reports from all required professional sources
- We have obtained approvals from all required departments within the City of Malibu
- We have moved to the contract stage for the services of a General Contractor

**Our Request**

Wendi and Brad Lachman ask that our CDP Permit be extended for two more years.

Thank you for your consideration.

[Signature]

Wendi and Brad Lachman
November 13, 2017

**LCP Policy 5: Coastal Development Permit Extensions**

LIP Section 13.21 provides:

Unless the permit states otherwise, a coastal development permit shall expire two years from its date of approval if the development has not commenced during that time. The approving authority may grant a reasonable extension of time for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the two-year period.

Due cause shall generally not exist unless the applicant has demonstrated the following:

- There are extraordinary circumstances beyond the applicant’s control that have prevented the applicant from commencing the development, such as financial hardship due to extreme economic conditions or job loss, inability to obtain a construction loan, personal reason, such as illness, divorce or death, restricted access to the property because of an existing lease or a necessary agency approval has not been obtained despite diligent efforts. Change of project ownership or architect and elective project redesigns do not by themselves constitute due cause; and
- The applicant has exercised due diligence in its efforts to commence the project, such as contracting for and completing necessary studies, reports, drawings and plans to pursue and complete the plan check process.

Absent extraordinary circumstances, the aggregate life of the permit shall not exceed five years.
The Malibu Planning Commission will hold a public hearing on Monday, August 3, 2020, at 6:30 p.m., on the project identified below via teleconference only in order to reduce the risk of spreading COVID-19, pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer’s Safer at Home Order.

EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 15-074 AND DEMOLITION PERMIT NO. 17-011 - A request to extend the Planning Commission's approval of an application to allow a remodel that includes less than 50 percent demolition, the demolition of an addition completed without the benefit of permits, and a construction of a 1,093 square foot second story addition, including a 133 square foot second-story deck at the existing one-story single-family residence

LOCATION / APN / ZONING: 24542 Malibu Road / 4458-012-012 / Single-family Medium (SFM)
APPLICANT / OWNER: Burdge and Associates Architects, Inc. / Lachman Family Trust
APPEALABLE TO: City Council
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Section 15301(e)
EXTENSION FILED: April 16, 2020
CASE PLANNER: Justine Kendall, Associate Planner, jkendall@malibucity.org (310) 456-2489, ext. 301

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center http://www.malibucity.org/agendacenter. Related documents are available for review by contacting the Case Planner. You will have an opportunity to testify at the public hearing; written comments, which shall be considered public record, may be submitted any time prior to the beginning of the public hearing. If the City’s action is challenged in court, testimony may be limited to issues raised before or at the public hearing. To view or sign up to speak during the meeting, visit malibucity.org/virtualmeeting.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be emailed to pslaazar@malibucity.org within ten days following the date of action and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

BONNIE BLUE, Planning Director

Date: July 9, 2020
To: Chair Jennings and Members of the Planning Commission

Prepared by: Raneika Brooks, Associate Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: July 27, 2020               Meeting date: August 3, 2020

Subject: Administrative Coastal Development Permit No. 16-062, Site Plan Review No. 18-030, Minor Modification No. 20-002, Demolition Permit No. 19-008, and Code Violation No. 19-003 – An application for the after-the-fact replacement of an existing, two-story single-family residence and associated development

Location: 29215 Cliffside Drive, not within the appealable coastal zone
APN: 4468-003-005
Owner: Cliffside Dume, LLC

RECOMMENDED ACTION: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 16-062.

DISCUSSION: This agenda item is for informational and reporting purposes only. Pursuant to Malibu Local Coastal Program Local Implementation Plan (LIP) Section 13.13, the Planning Director shall report in writing to the Planning Commission any administrative coastal development permits that were approved by the City of Malibu. If the majority of the Planning Commissioners present so request, the issuance of an administrative coastal development permit shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a regular coastal development permit application under LIP Section 13.6, subject to the provisions for hearing and appeal set forth in LIP Sections 13.11 and 13.12.

Local Implementation Plan Sections 13.13 and 13.29 (Administrative Permits Applicability)

The Planning Director may process administrative permits if: 1) the proposed project is not appealable as defined in LIP Chapter 2; 2) the project is for any of the uses specified (a) improvements to any existing structure, (b) any single-family dwelling, (c) lot mergers, (d) any development of four dwelling units or less that does not require demolition and
any other developments not in excess of $100,000.00, other than any division of land; 3) water wells; or 4) onsite wastewater treatment systems.

**Permit Issuance and Local Appeal Period**

On July 28, 2020, the Planning Director will issue the administrative coastal development permit thus beginning the appeal period. The appeal period will begin on July 28, 2020 and end on August 7, 2020. In addition, since this project is not located within the Appealable Jurisdiction of the California Coastal Commission as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map of the City of Malibu, the project is not appealable to the California Coastal Commission.

The project is more specifically described in the Planning Director's decision attached hereto.

**PUBLIC NOTICE:** A Notice of Application and Notice of Decision were mailed to property owners and occupants within a 500-foot radius of the subject property.

**ATTACHMENT:** Administrative Coastal Development Permit No. 16-062
NOTICE IS HEREBY GIVEN that the City of Malibu has APPROVED an application by UnvarnishedCo. on behalf of the property owner, Cliffside Dume LLC, for an administrative coastal development permit (ACDP) to allow for a new single-family residence that will result from the demolition of more than 50 percent of the exterior walls of the original residence.¹ In addition, the existing detached guest house/garage/storage building, detached garage, swimming pool, tennis court will also be demolished. The ACDP will also allow for the construction of a new detached second unit that has a separate basement gym below, new swimming pool, spa, decking, driveway, fire department turnaround, grading, and replacement of the existing onsite wastewater treatment system (OWTS) with a new OWTS, including Site Plan Review (SPR) No. 18-030 for construction of the residence over 18 feet in height and Minor Modification (MM) No. 20-002 for a 50 percent reduction of the required front yard setback. The project site is located at 29215 Cliffside Drive. The subject parcel is zoned Rural Residential-One Acre (RR-1) and is not located within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map of the City of Malibu.

Proposed Development

1. Demolition of:
   a. More than 50 percent of the exterior walls² of the original, 6,238 square foot residence;
   b. 3,203 square foot detached guest house/garage/storage building;
   c. 414 square foot detached garage;
   d. Swimming pool within the front yard setback; and

¹ Local Coastal Program(LCP) Local Implementation Plan (LIP) Section 13.4.2(D) states: Unless destroyed by natural disaster, the replacement of fifty (50) percent or more of a single-family residence, (as measured by fifty (50) percent of the exterior walls), seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance but instead constitutes a replacement structure requiring a coastal development permit.

² While the project proposes to retain portions of the existing residence, it cannot be considered a remodel as defined by the City’s LCP because more than 50 percent of the exterior walls will be removed. Per the requirements of the LCP, the resulting structure is new development subject to current LCP standards.
e. Tennis court.

2. Construction of:
   a. 6,213 square foot, two-story, 28-foot high new replacement residence;
   b. 895 square foot, single-story second unit with a separate 895 square foot basement gym;\(^3\)
   c. New swimming pool, spa, and permeable decking;
3. 858 cubic yards of non-exempt grading involving 548 cubic yards of export;
4. Replacement of the OWTS including a 3,634-gallon septic tank;
5. New driveway with a fire department turnaround; and
6. Perimeter walls less than six feet in height along the side property lines and a three-foot, six-inch-high solid wall topped with two-foot, six-inch-high visually permeable fencing and vehicular gates.

**Discretionary Requests:**

1. SPR No. 18-030 for height over 18 feet. The replacement new residence (including second floor addition) is 28 feet in height for a pitched roof at its highest point;
2. MM No. 20-002 for reduction of the required front yard setback from 65 feet to 62.5 feet;
3. DP No. 19-008 is required for the demolition of more than 50 percent of the existing single-family residence, and removal of the detached guest house/garage/storage building, detached garage, swimming pool, and tennis court.

**Proposed Total Development Square Footage (TDSF)**

- First Floor (including the attached garage) 3,714 sq. ft.
- Second Floor 2,472 sq. ft.
- Detached Second Unit\(^4\) 895 sq. ft.

**Total:** 7,081 sq. ft.

**Project Description**

The remodel to the home began in 2015 pursuant to Over-the-Counter (OC) Permit No. 15-228 by a previous property owner. Following that approval, OC No. 15-096 was approved to remove portions of the existing guest house/storage/garage building that were identified to be removed by conditions of approval as a part of a previously issued CDP by the CCC. In February 2016, the property changed ownership. After the sale of the property, the new owner submitted the subject application to allow for the demolition of the existing tennis court and construction of a new swimming pool in the same general area. A CDP was required because the original CCC permit included a future improvement deed restriction; otherwise, this type of accessory development would be exempt from a CDP. On December 12, 2016, while the current application was under Planning review, a code enforcement case was opened because during a site inspection it was observed that work outside the permitted improvements to the main residence and detached guest house building had taken place. It was later determined that more than 50 percent of the

\(^3\) The basement has an exterior access independent from the above second unit and is proposed to be used as a gym which is considered an accessory use and not subject to the second unit and guest house standards pertaining to square footage, parking, etc. The gym has also been designed with a lightwell in conformance with the LCP Policy No. 4.

\(^4\) The basement below the second unit is less than 1,000 square feet and therefore, is not counted towards TDSF. LIP Section 3.6(K)(3) states “The initial one-thousand (1,000) square feet of a basement shall not count toward TDSF.”
exterior walls of the main residence were replaced/structurally altered and therefore, the project was considered a replacement structure / new structure. The applicant complied with the stop-work order and revised the CDP application to request approval of the replacement structure / new structure. As part of the revisions to the application, the applicant chose to replace the guest house building with a new compliant second unit and to demolish a detached garage to compensate for the square footage of the replacement residence which otherwise would have exceeded the maximum allowed TDSF (Attachment 1 – Project Plans).

The project includes requests for a site plan review for new portions of the main residence roofline above 18 feet in height, not to exceed 28-feet for a pitched roof, and a minor modification to maintain the nonconforming front yard setback of 62 feet. After the CDP is approved and upon final inspection of the project, the code violation case will be closed.

Administrative Permits Applicability (LIP Sections 13.13 and 13.29)

The Planning Director may process ACDPs if: 1) the proposed project is not appealable as defined in LIP Chapter 2; 2) the project is for any of the uses specified (a) improvements to any existing structure, (b) any single-family dwelling, (c) lot mergers, (d) any development of four dwelling units or less that does not require demolition and any other developments not in excess of $100,000.00, other than any division of land; 3) water wells; and 4) OWTS.

The project consists of a new single-family residence, second unit, accessory structures and other associated development, including a new OWTS. Therefore, pursuant to LIP Section 13.29.1, the project can be processed administratively.

Project Background

Previous Approvals

- On December 12, 1986, CCC approved ACDP No. 5-86-868 for the construction of a new two-story, 5,500 square foot single-family residence, swimming pool, septic system, and the conversion of an existing single-family residence to a guest house. As part of this permit, a portion of the existing residence was to be demolished to allow the resulting guest house to comply with the smaller square footage requirements for a guest house. That condition was never complied with; however, the proposed demolition of this guest house/garage/storage building will resolve this issue.

- On November 14, 1990, CCC approved CDP No. 5-90-714 for the placement of a six-foot-high wall along the western property line and 42-inch high brick fences along Cliffside and Dume Drives.

- On October 6, 1993, CCC issued CDP Waiver No. 4-93-162-W for the construction of a garden retaining wall, re-roof of the guest house building, and the enclosure of covered second floor balconies at the primary residence.
On October 20, 2015, the City of Malibu approved OC No. 15-228 for the interior remodel of the primary residence.

On January 20, 2016, after consultation with CCC staff, the City of Malibu approved OC No. 15-096 for the interior remodel of the existing second unit as well as a reduction in size to comply with ACDP No. 5-86-868. It was during the course of this work that the additional site work was discovered and the work on the property stopped while an ACDP application was prepared and submitted.

**Administrative Coastal Development Permit Application**

- Application Date: October 26, 2016
- Posting of Property: March 15, 2019
- Completeness Determination: March 2, 2020
- Notice of Application Mailer (Attachment 5): July 2, 2020
- Notice of Decision Mailer (Attachment 5): July 23, 2020
- Issuance of ACDP: July 28, 2020
- Planning Commission Reporting: August 3, 2020
- Appeal Period: July 29, 2020 through August 7, 2020

**Surrounding Land Uses and Project Setting**

As shown in Figure 1, the subject parcel is an infill, rectangular-shaped parcel located at the southwest corner of the intersection of Dume Drive and Cliffside Drive. The subject property is predominantly flat and is developed with a two-story, 6,238 square foot primary residence, a one-story 3,203 square foot detached accessory building that includes a guest house, garage, and storage area, a tennis court, swimming pool, OWTS, and associated development.

The project site is not located in an Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as depicted on the LCP ESHA and Marine Resources Map. Since the project is located in Point Dume, the development must comply with LIP Section 4.6.1(A), which prohibits encroachment on slopes equal to 4 to 1 and steeper. No development is proposed on slopes equal to or steeper than 4 to 1 as shown on the color-coded slope analysis included in Attachment 1. Per the LCP Park Lands Map, the site is across the street from the Point Dume Natural Preserve, which is a 34-acre State park established to protect the undeveloped coastal bluff. The project maintains a setback of 100-feet from the parkland as well as no change to the existing fuel modification requirements. So, there are no impacts to the park.
The subject property and the adjacent properties are zoned RR-1 to the north, west, and east and the Point Dume Natural Preserve to the south is zoned Public Open Space (OS). Table 1 outlines the properties adjacent to the subject property and provides the corresponding land uses. While not required for conformance review by City codes or Council direction, staff has included for reference, at the Commission’s request, a table showing the Los Angeles County Tax Assessor’s Records for properties within a 500-foot radius of the subject property (Attachment 4). It should be noted that this County square footage information is not the equivalent of the City’s TDSF metric since it is based on the assessor’s rules for property valuation.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Address / APN</th>
<th>Lot Size</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>29151 Cliffside Dr, 4466-014-033</td>
<td>42,188 square feet</td>
<td>RR-1</td>
<td>Two-story, SFR*</td>
</tr>
<tr>
<td></td>
<td>4466-014-032</td>
<td>14,344 square feet</td>
<td>RR-1</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>4468-001-901</td>
<td>57,459 square feet</td>
<td>POS</td>
<td>State Park</td>
</tr>
<tr>
<td>West</td>
<td>7317 Dume Dr, 4468-003-023</td>
<td>28,377 square feet</td>
<td>RR-1</td>
<td>Two-story, SFR</td>
</tr>
<tr>
<td></td>
<td>29225 Cliffside Dr, 4468-003-006</td>
<td>46,981 square feet</td>
<td>RR-1</td>
<td>Two-story, SFR</td>
</tr>
<tr>
<td>East</td>
<td>29150 Cliffside Dr, 4468-001-004</td>
<td>53,045 square feet</td>
<td>RR-1</td>
<td>Two-story, SFR</td>
</tr>
<tr>
<td></td>
<td>29208 Cliffside Dr, 4468-001-003</td>
<td>56,366 square feet</td>
<td>RR-1</td>
<td>Two-story, SFR</td>
</tr>
</tbody>
</table>

* SFR = Single-Family Residential

The property dimensions and lot area are as follows:

<table>
<thead>
<tr>
<th>Table 2 – Property Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Depth</td>
</tr>
<tr>
<td>Lot Width</td>
</tr>
<tr>
<td>Gross Lot Area</td>
</tr>
<tr>
<td>Area Comprised of 1:1 Slopes</td>
</tr>
</tbody>
</table>
The property’s existing development has several components that are non-conforming, that include:

- The main residence does not comply with the two-thirds rule and has a 62-foot front yard setback when 65 is required;
- The existing guest house building exceeds the size limits for a guest house and does not comply with previous CCC permit conditions;
- The combined square footage of the residence, detached guest house building, and detached garage exceeds the maximum allowable TDSF;
- The detached garage is located within the rear and side yard setback;
- Fire Department access; and
- The development has 29,848 square feet of impermeable surface when the maximum allowed is 18,903 square feet.

Since more than 50 percent of the main residence structure was removed, all of these non-conformities will be corrected by the new development plan. Furthermore, the outstanding requirement for the existing guest house from CCC ACDP No. 5-86-868 will be addressed by the demolition of the existing guest house building.

**California Environmental Quality Act**

Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301 (a) and (l) – Existing Facilities and 15303(a) and (e) - New Construction. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

**Correspondence**

To date, staff has not received any correspondence for the proposed project.

**LCP Analysis**

The LCP consists of a Land Use Plan (LUP) and LIP. The LUP contains programs and policies to implement the Coastal Act in the City of Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring a coastal development permit must adhere.

There are 14 sections within the LIP that potentially require specified findings to be made, depending on the nature and location of the proposed project. Of these 14, five sections are for conformance review only.
and require no findings. These five sections include Zoning, Grading, and Archaeological / Cultural Resources, Water Quality, and Wastewater Treatment System Standards and are discussed under the Conformance Analysis section. The nine remaining LIP sections include: 1) Coastal Development Permit findings; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access, and 9) Land Division. These nine sections are discussed under the LIP Findings section. Of these nine, General Coastal Development Permit (including the SPR and MM findings), Scenic, Visual and Hillside Resource Protection, and Hazards findings apply to this project.

Based on the project site, the scope of work, and substantial evidence contained within the record, the Native Tree Protection, Transfer of Development Credits, ESHA, Shoreline, and Bluff Development, Public Access and Land Division findings are not applicable or required for the project for the reasons described herein.

Additionally, MMC Section 17.70.060 regarding demolition permits applies to this project, and conformance with the associated requirements is detailed as follows.

**LIP Conformance Analysis**

The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for conformance with the LCP. The review sheets are attached hereto as Attachment 2. The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies, with the inclusion of SPR No. 18-030 and MM No. 20-002.

**Zoning (LIP Chapter 3)**

Development standards are contained in LIP Chapter 3. Table 3 provides a summary and indicates that the proposed project meets the property development and design standards as set forth under LIP Sections 3.5 and 3.6.

<table>
<thead>
<tr>
<th>Development Requirement</th>
<th>Allowed</th>
<th>Existing</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SETBACKS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>65’</td>
<td>62’-6”</td>
<td>62’-6”</td>
<td>MM No. 20-002</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>57’-9”</td>
<td>27’-0”</td>
<td>58’-6”</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (10% min)</td>
<td>12’-0”</td>
<td>3’-0”</td>
<td>15’-0”</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (25% cumulative)</td>
<td>30’-0”</td>
<td>16’-0”</td>
<td>34’-0”</td>
<td>Complies</td>
</tr>
<tr>
<td>TDSF</td>
<td>7,191 sq. ft.</td>
<td>9,855 sq. ft.</td>
<td>7,018 sq. ft.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

5 This square footage does not include the 895 square foot basement below the second unit because the basement is less than 1,000 square feet and therefore, is not counted towards TDSF. LIP Section 3.6(K)(3) states “The initial one-thousand (1,000)
## Table 3 – LCP Non-Beachfront Zoning Conformance

<table>
<thead>
<tr>
<th>Development Requirement</th>
<th>Allowed</th>
<th>Existing</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARKING</td>
<td>2 enclosed</td>
<td>5 enclosed</td>
<td>3 enclosed</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>3 unenclosed</td>
<td>3 unenclosed</td>
<td>4 unenclosed</td>
<td></td>
</tr>
<tr>
<td>2/3RDS RULE/2nd floor sq. ft.</td>
<td>2,494 sq. ft.</td>
<td>2,627 sq. ft.</td>
<td>2,272 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>HEIGHT</td>
<td>18’</td>
<td>35’ (unpermitted)</td>
<td>28’ (pitched)</td>
<td></td>
</tr>
<tr>
<td>IMPERMEABLE COVERAGE</td>
<td>14,017 sq. ft.</td>
<td>29,848 sq. ft.</td>
<td>14,013 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>SECOND RESIDENTIAL UNIT</td>
<td>900 sq. ft.</td>
<td>735 sq. ft.</td>
<td>895 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>habitable garage</td>
<td>habitable</td>
<td>habitable garage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>400 sq. ft.</td>
<td>2,368 sq. ft.</td>
<td>0 sq. ft. garage</td>
<td></td>
</tr>
<tr>
<td>NON-EXEMPT GRADING</td>
<td>1,000 cu. yd.</td>
<td>N/A</td>
<td>829 cu. yd.</td>
<td>Complies</td>
</tr>
<tr>
<td>CONSTRUCTION ON SLOPES</td>
<td>4 to 1 or less</td>
<td>5 to 1 or less</td>
<td>5 to 1 or less</td>
<td>Complies</td>
</tr>
<tr>
<td>FENCE/WALL HEIGHT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>6’ open/permeable</td>
<td>6’ solid</td>
<td>None proposed</td>
<td>Legal non-conforming</td>
</tr>
<tr>
<td>Side(s)</td>
<td>6’</td>
<td>6’</td>
<td>None proposed</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear</td>
<td>6’</td>
<td>N/A</td>
<td>6’</td>
<td>Complies</td>
</tr>
<tr>
<td>Retaining</td>
<td>6’, 12’ for a combination of walls</td>
<td>N/A</td>
<td>None proposed</td>
<td>Complies</td>
</tr>
</tbody>
</table>

### Grading (LIP Chapter 8)

The project proposes 439 cubic yards of exempt understructure grading and 323 cubic yards of safety grading. Non-exempt grading for the project consists of 858 cubic yards of cut and fill. The project conforms to the grading requirements as set forth under LIP Section 8.3, which ensures that new development minimizes the visual and resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel. Quantities for site preparation are detailed in Table 4.

## Table 4 – LCP Grading Conformance

<table>
<thead>
<tr>
<th>Exempt**</th>
<th>R&amp;R*</th>
<th>Understructure</th>
<th>Safety***</th>
<th>Non-Exempt</th>
<th>Remedial</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cut</td>
<td>0</td>
<td>439</td>
<td>323</td>
<td>703</td>
<td>0</td>
<td>1,465</td>
</tr>
<tr>
<td>Fill</td>
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<td>0</td>
<td>0</td>
<td>155</td>
<td>0</td>
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<tr>
<td>Total</td>
<td>0</td>
<td>439</td>
<td>323</td>
<td>858</td>
<td>0</td>
<td>1,620</td>
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<td>Export</td>
<td>0</td>
<td>439</td>
<td>323</td>
<td>548</td>
<td>0</td>
<td>1,310</td>
</tr>
</tbody>
</table>

All quantities listed in cubic yards unless otherwise noted

*R&R = Removal and Re-compaction

square feet of a basement shall not count toward TDSF.”
**Exempt grading includes all R&R, understructure, and safety grading.**

***Safety grading is the incremental grading required for Fire Department access (such as turnouts, hammerheads, and turnarounds, and any other increases in driveway width above 15 feet required by the LACFD).***

**Archaeological / Cultural Resources (LIP Chapter 11)**

Two Phase I Archaeological Reports were prepared by Applied EarthWorks, Inc; one in February of 2017 for the area of the new pool and the second in September 2019 for the area of the new second unit. The archaeological survey consisted of an on-foot investigation and, because of the extent of the existing onsite development, limited subsurface testing was conducted. Although no archaeological resources were found onsite during the archaeological surveys, the survey conducted in the area of the new second unit encountered intact and native sediments as shallow as 60 centimeters below the surface. The report states that sediments from 60 centimeters downward retain a high potential for the presence of archaeological resources. The reports concluded that the improvements within the project area may proceed, but with the condition that a qualified archaeologist is present onsite to monitor any excavation until the archaeologist determines that it would be unlikely to find cultural resources. The project has been conditioned to meet this requirement and complies with LIP Chapter 11.

**Water Quality (LIP Chapter 17)**

The City Public Works Department reviewed and approved the proposed project for conformance to LIP Chapter 17 requirements for water quality protection and requirements of the State Water Resources Control Board because the property is located in an Area of Special Biological Significance (ASBS). The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an ASBS as part of the California Ocean Plan. Standard conditions of approval include the implementation of approved stormwater management plans during construction activities and to manage runoff from the development, including recordation of a water quality mitigation plan, and best management practices in compliance with ASBS standards. With the implementation of these conditions, the proposed project conforms to the water quality protection standards of LIP Chapter 17.

**Wastewater Treatment System Standards (LIP Chapter 18)**

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes an OWTS to serve the proposed development, which has been reviewed by the City Environmental Health Administrator. The system details are included in the Environmental Health approved plot plan in Attachment 2 and were found to meet the minimum requirements of the MMC and LCP. The proposed OWTS will meet all applicable requirements and operating permits will be required. An operation and maintenance contract and recorded covenant covering such must comply with City of Malibu Environmental Health requirements. Conditions of approval have been included in this resolution, which require continued operation, maintenance, and monitoring of onsite facilities.

**Administrative Coastal Development Permit Findings**

The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP goals and policies with the inclusion of the site plan review. Based on the foregoing evidence contained
within the record and pursuant to LIP Section 13.13, the Planning Director hereby makes the following findings of fact.

A. General Coastal Development Permit (LIP Section 13.9)

Finding 1. The project as described in the application and accompanying materials, and as modified by any conditions of approval, conforms to the certified City of Malibu Local Coastal Program.

The proposed project is located in the RR-1 residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, WD29, and the LACFD. Based on staff review of the submitted plans and materials, and the specific findings below, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards, inclusive of the requested SPR and MM.

Finding 2. If the project is located between the first public road and the sea, the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is not located between the first public road and the sea. There are no known or planned trails onsite. Therefore, no potential project-related or cumulative impact on public access is anticipated to result from the project. The proposed project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

Finding 3. The project is the least environmentally damaging alternative.

This analysis assesses whether alternatives to the project would significantly lessen adverse impacts to coastal resources. Based on LCP conformance review, the project as proposed and conditioned will not result in any significant adverse impacts. Nevertheless, the following alternatives to the proposed project were considered:

Alternative Project – As stated earlier, the remodel of the existing single-family residence went beyond the scope of what was approved, and the remodel resulted in a replacement structure. Since the remodel exceeded the LCP’s 50 percent threshold it is therefore considered new development. Because the existing structure is nonconforming, the existing single-family residence and associated development could be completely demolished and reconstructed in a reconfigured manner compliant with the code. However, the proposed project utilizes the existing driveway, building pad, and development area, thereby minimizing site disturbance. The sizes of the single-family residence and replacement structures could be further reduced; however, the project complies with the maximum allowable TDSF, two-thirds rule, permeable coverage, setbacks, grading, and height requirements of the LCP with the inclusion of the requested SPR and MM. Also, the development does not obstruct any impressive scenes from public or private views and does not include any development on slopes equal to or steeper than 4 to 1. As such, it is not anticipated that a smaller or relocated project would be a substantially environmentally superior alternative.
Eliminate the pool – Although the property has been heavily disturbed by previous development, the cultural resources reports for the property indicate the potential for resources to be present in the intact native soils that exist within 60 centimeters of the surface. However, with the incorporation of a qualified archaeologist or cultural resources monitor, adverse impacts are reduced to less than significant.

Proposed Project - The project complies with the size, height, and location requirements of the LCP, inclusive of the discretionary requests. The proposed project will resolve an open code enforcement case and will remove multiple non-conformities such as setbacks, TDSF, two-thirds massing, and impermeable coverage. The proposed project also includes a new OWTS that will be equipped with secondary and tertiary treatment for improved water quality compared to the existing system. The new residence will occupy the existing disturbed pad. As such, it is not anticipated that a smaller or relocated residence would be an environmentally superior alternative. The selected location has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, WD29, and the LACFD, and meets the City’s residential development policies of the LCP and MMC.

Based on the analysis above, the proposed project, as designed and conditioned, has been determined to be the least environmentally damaging alternative.

Finding 4. The project is not located in or adjacent to an environmentally sensitive habitat area (ESHA) pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay).

The subject property is not in a designated ESHA or ESHA buffer, as shown on the LCP ESHA and Marine Resources Map. Therefore, Environmental Review Board review was not required, and this finding does not apply.

B. Site Plan Review for Height in Excess of 18 Feet (LIP Section 13.27.5)

Pursuant to LIP Section 13.27.1, a site plan review is required to allow the construction over 18 feet in height, up to a maximum height of 28 feet for a pitched roof (28 feet proposed). LIP Section 13.27.5(A) requires that the City make four findings in the consideration and approval of a site plan review. Two additional findings are required pursuant to MMC Section 17.62.040(D). Based on the foregoing evidence contained within the record, the required findings for SPR No. 19-102 are made as follows:

Finding 1. The project is consistent with policies and provisions of the Malibu LCP.

As discussed in Section A, Finding 1, the project has been reviewed for all relevant policies and provisions of the LCP. The proposed project is consistent with the LCP in that the project is located within the RR-1 zone which allows for residential use and the project is consistent with the land use designation. Based on submitted plans, reports, visual impact analysis, and detailed site investigation, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.
Finding 2. The project does not adversely affect neighborhood character.

The site plan review would allow all portions of the new replacement residence over 18 feet in height, but not higher than 28 feet, to remain while being modified to comply with the maximum height limit and two-thirds rule. The site is currently developed with a two-story residence, a detached second unit, and associated development that reach up to 35 feet in height. The site is located in the Point Dume neighborhood and is surrounded by a variety of one- and two-story residences of varying sizes, ages and architectural styles. Most properties contain block walls and/or dense vegetation along the front property lines that screen the residences’ visibility from Cliffside Drive and Dume Drive. Story poles were placed on the subject parcel to demonstrate the project’s potential for aesthetic changes to the neighborhood relative to its siting, height, and bulk. On July 7, 2020, staff visited the site to inspect the story poles after installation (Attachment 3). As demonstrated by the story poles and the project plans, the modified roofline for the existing residence is consistent with the existing pattern of development in the neighborhood. Based on conformance with development standards, characteristics of the surrounding topography, and existing development, the project is not expected to have an adverse effect on neighborhood character.

Finding 3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

As discussed in Finding 2, story poles were placed on the site in July 2020 to determine the size, mass, and bulk of the proposed project, and to determine the project’s potential adverse visual impacts to public views. According to LUP Policy 6.4, segments of Cliffside Drive qualify as a scenic road because of its location relative to the ocean as well as its visibility from trails, beaches, parklands, and state waters that offer scenic vistas of the beach and ocean, coastline, other unique natural features that are considered scenic areas. However, scenic areas do not include inland areas that are largely developed or built out such as the residential development inland of Cliffside Drive on Point Dume. Accordingly, the area along Cliffside Drive where the project is located does not qualify as a scenic road because scenic vistas of the Point Dume Natural Reserve and the ocean are in the direction opposite of the project site. However, the project site is visible from the Point Dume Natural Reserve, which is a State park that qualifies as a public viewing area. However, when viewed from Point Dume Natural Reserve, the proposed development blends in with the existing surrounding residential development and does not impact scenic views of the ocean, mountains or canyons. The surrounding neighborhood is similarly developed with residential uses and due to the existing development and landscaping surrounding the subject property, the project is visually compatible with the character of surrounding areas. Based on staff’s site investigation, photos, review of the architectural plans, and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

Finding 4. The proposed project complies with all applicable requirements of State and local law.

The proposed project has received LCP conformance review by Planning Department staff, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, WD29, and the LACFD. Prior to issuance of building permits, the project must have a final approval by the City Building Safety Division. The proposed project complies with all applicable requirements of State and local law.
Finding 5. The project is consistent with the City's General Plan and Local Coastal Program.

The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use. The proposed project is also consistent with the City’s General Plan and LCP. The goals and policies of the General Plan intend to maintain rural residential character in this area, and all components of the project are consistent with these goals. The proposed project is consistent with the LCP in that it conforms to the residential land use designation and all applicable development standards, and the proposed main residence and accessory development are similar to that found in the surrounding area.

Finding 6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive Scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

The proposed replacement residence will appear to be lower in height than the previously existing residence. The new design will result in development that consistent with the existing development pattern in the surrounding neighborhood. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction. The proposed development is an infill residential development that is consistent with development located on neighboring properties. Due to the shape and location of the subject parcel, no protected bluewater views or mountain views are visible across the property. Additionally, staff has not received any correspondence expressing primary view impact concerns. Based on the visual impact analysis (aerial photographs, site visits, and story pole placement), it was determined that the proposed project will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

C. Minor Modification for a reduced front yard setback (LIP Section 13.27)

The proposed project consists of a replacement residence which is required to be brought into compliance with current development standards. The project includes a request for the residence to maintain a 5 percent reduction in the required front yard setback to allow for a 62-foot setback where 65 feet is required. LIP Section 13.27 requires that the City make three findings in consideration and approval of a minor modification to reduce the required front yard setback up to 50 percent. Based on evidence in the record, the findings in support of MM No. 20-002 are made herein.

Finding 1. The project is consistent with the policies of the Malibu LCP.

As previously stated in Section A, Finding 1, the project has been reviewed and analyzed for conformance with the LCP. The project is consistent with the policies and provisions of the LCP and MMC.

Finding 2. The project does not adversely affect neighborhood character.

As stated earlier, the new replacement residence does not include a change to the existing, non-conforming front yard setback, so a minor modification has been proposed to allow the residence to
maintain the 62-foot front yard setback where 65 feet is required. The homes along Cliffside Drive have a variety of front yard setbacks – some are larger and some are smaller than the proposed residence. The home directly across Dume Drive is closer to the street, while the adjacent home to the west appears to be set back slightly more than the project. However, the proposed 62-foot setback would maintain the siting of the existing residence and a three-foot difference from the required 65-foot requirement is not expected to be perceptible from the public street, or to affect privacy or solar access. The new home design also complies with the two-thirds rule, so the second floor area is stepped back to break up the structure massing. The site is located in an area where most of the properties, including the subject property, contain block walls and/or dense vegetation along the front property lines and within the public right-of-way that screen the residences’ visibility from Cliffside Drive. Furthermore, maintaining the reduced front yard setback allows the development to minimize landform alteration by taking advantage of the existing building pad while still maintaining ample separation from the street. The reduced setback on the subject property is not expected to adversely affect the neighborhood character.

*Finding 3. The proposed project complies with all applicable requirements of State and local law.*

The City Biologist, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, WD29, and LACFD reviewed the proposed project and determined it was in conformance with State and local requirements. Therefore, the proposed project complies with all applicable requirements of State and local law.

**D. Environmentally Sensitive Habitat Area (LIP Chapter 4)**

As determined by the City Biologist, the LCP ESHA and Marine Resources Map, the subject parcel does not contain ESHA or slopes equal to or steeper than 4 to 1. Therefore, the findings of LIP Section 4.7.6 are not applicable.

**E. Native Tree Protection (LIP Chapter 5)**

There are no native trees on or adjacent to the subject parcel. Therefore, the findings of LIP Chapter 5 are not applicable.

**F. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)**

The Scenic, Visual, and Hillside Resource Protection Chapter governs those CDP applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road, or public viewing area. On July 7, 2020, staff visited the site to determine potential visual impacts of the proposed project on any scenic area, scenic road, or public viewing area. Based on the site visit, existing development, project plans, and photographs taken during the site visit, it was determined that the proposed project would be visible from the Point Dume Natural Preserve, a public viewing area, and Cliffside Drive, a scenic road. However, LUP Policy 6.4 indicates that inland portion of Cliffside Drive is not considered scenic. The findings in LIP Section 6.4 are made below because the proposed development is visible form a public viewing area (Point Dume Natural Reserve) even though the views in the direction of the proposed residential development are not protected.
Finding 1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

An existing two-story single-family residence currently exists on the subject property. Story poles were installed onsite to demonstrate the location, mass and height of the proposed project. Although the story poles are visible from the Point Dume Natural Preserve and Cliffside Drive, the proposed residential development does not result in a scenic or visual impacts. Views of the park and the Pacific Ocean from Cliffside Drive and the park are provided to the east, south, and west opposite to the direction of the proposed residential development; therefore, the project, as proposed will have no significant adverse scenic or visual impact.

Finding 2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

As discussed in Finding 1, the project will not result in significant adverse scenic or visual impacts and will be compatible with the character of the surrounding neighborhood.

Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Section A, Finding 3, the project, as proposed and conditioned, is the least environmentally damaging alternative.

Finding 4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

As discussed in Finding 1, the proposed project will result in less than significant impacts on scenic and visual resources.

Finding 5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.

The proposed project will be located in the approximate general location as existing development. As discussed in Finding 1, the proposed project will result in less than significant impacts on scenic and visual resources.

G. Transfer of Development Credits (LIP Chapter 7)

According to LIP Section 7.2, transfer of development credits only applies to land divisions and multi-family development in specified zones. The proposed project does not include a land division or multi-family development. Therefore, LIP Chapter 7 does not apply.

H. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards listed in LIP Sections 9.2(A)(1-7) must be
included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity.

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, WD29, and LACFD. The required findings are made as follows:

Finding 1. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

The applicant submitted geotechnical and soils engineering reports prepared on February 9, 2018 by Land Phases, Inc.; on March 5, 2018 by CalWest Geotechnical; a report prepared by Ensitu Engineering, Inc. on March 19, 2018; and submitted plans. These reports are on file with the City and may be reviewed by contacting the Case Planner. The reports evaluate site-specific conditions and recommendations are provided to address any pertinent issues.

Based on review of the project plans and associated geotechnical reports by City geotechnical staff, LACFD, City Public Works Department, and the City Environmental Health Administrator, these specialists determined that adverse impacts to the project site related to the proposed development are not expected. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area and earthquake-induced landslide zone.

Fire Hazard

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The scope of work proposed as part of this application is not expected to have an impact on wildfire hazards. The property is currently subject to wildfire, however, redevelopment of a residence on the subject property will not increase the site’s susceptibility to wildfire. Nonetheless, the applicant will be required to record a deed restriction acknowledging and assuming the hazard risk of fires at the site. The deed restriction shall indemnify and hold the City and City staff harmless against any liability of the permitted project as the entire parcel is in a high-risk wildfire zone area.

Earthquake-Induced Landslide Hazard

The geotechnical report submitted in 2019 states that a very small portion of the northeast corner of the subject property is located within an earthquake-induced landslide hazard zone on the State of California Seismic Hazard Map. However, neither ancient nor recent landslides were observed on the property, and based on the stability analysis conducted, no risk of earthquake-induced landslide hazard is low. As such, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer’s recommendations and governing agency’s building codes are followed.

Finding 2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.
As stated in Finding 1, the proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

**Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.**

As previously stated in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative. The proposed residence will take advantage of the previously disturbed building pad to minimize site disturbance.

**Finding 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.**

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD. These specialists and agency determined that the proposed project does not impact site stability or structural integrity. As such, there are no feasible alternatives to the proposed development that would avoid or substantially lessen impacts on site stability or structural integrity.

**Finding 5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.**

As previously discussed in Section A, the proposed project, as designed and conditioned, will not have adverse impacts on sensitive resources.

I. **Shoreline and Bluff Development (LIP Chapter 10)**

LIP Chapter 10 applies to land that is located on or along the shoreline, a coastal bluff or bluff top fronting the shoreline. The project site is not located on or along the shoreline, a coastal bluff or bluff top fronting the shoreline. Therefore, LIP Chapter 10 does not apply.

J. **Public Access (LIP Chapter 12)**

LIP Section 12.4 requires public access for lateral, bluff-top, and vertical access near the ocean, trails, and recreational access for the following cases:

A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.
B. New development between the nearest public roadway and the sea.
C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
D. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less
environmentally damaging, project alternative that would avoid impacts to public access.

As described herein, the subject property and the proposed project do not meet any of these criteria in that no trails are identified on the LCP Park Lands Map on or adjacent to the property, and the property is not located between the first public road and the sea, or on a bluff, and the project does not adversely impact existing public access. The requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

K. Land Divisions (LIP Chapter 15)

The project does not include any land division. Therefore, LIP Chapter 15 is not applicable.

L. Demolition Permit (MMC Section 17.70)

MMC Section 17.70 states that demolition permit shall be required for the demolition of any building or structure, or for a substantial remodel, except for a demolition initiated by the City and ordered or authorized under the provisions of the building code. The proposed project includes the demolition of an existing single-family residence and associated development. The findings for DP No. 19-008 are made as follows.

Finding 1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

Conditions of approval included for this application ensure that the project will not create significant adverse environmental impacts.

Finding 2. A development plan has been approved or the requirement waived by the city.

An ACDP application is being processed concurrently with DP No. 19-008. Therefore, approval of the demolition permit is subject to the approval of ACDP No. 16-062.

APPROVAL OF ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 16-062

Based on the foregoing findings and evidence contained within the record, the Planning Director hereby approves ACDP No. 16-062, SPR No. 18-030, MM No. 20-002, and DP No. 19-008 subject to the conditions of approval.

Conditions of Approval

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City’s actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City’s actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City’s expenses incurred in its defense of any lawsuit challenging the City’s actions concerning this project.
2. Approval of this application is to allow for the project described herein. The scope of work approved includes:

   a. Demolition of:
      i. More than 50 percent of the exterior walls of the original, 6,238 square foot residence;
      ii. 3,203 square foot detached guest house/garage/storage building;
      iii. 414 square foot detached garage;
      iv. Swimming pool within the front yard setback; and
      v. Tennis court.

   b. Construction of:
      i. 6,213 square foot, two-story, 28-foot high new replacement residence;
      ii. 895 square foot, single-story second unit with a separate 895 square foot basement gym;\(^6\)
      iii. New swimming pool, spa, and permeable decking;
   c. 858 cubic yards of non-exempt grading involving 548 cubic yards of export;
   d. Replacement of the onsite wastewater treatment system (OWTS) including a 3,634-gallon septic tank;
   e. New driveway with a fire department turnaround; and
   f. Perimeter walls less than six feet in height along the side property lines and a three-foot, six-inch-high solid wall topped with two-foot, six-inch-high visually permeable fencing and vehicular gates.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on architectural plans on file with the Planning Department date stamped June 8, 2020, and grading plans date stamped April 25, 2018. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Department prior to the issuance of any development permits.

5. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 6 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

6. This NOD, signed and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed

\(^6\) The basement has an exterior access independent from the above second unit and is proposed to be used as a gym which is considered an accessory use and not subject to the second unit and guest house standards. The gym has also been designed with a lightwell in conformance with the LCP Policy No. 4.
directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).

7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Waterworks District No. 29 and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.

10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.

11. This permit shall not become effective until the project is reported to the Planning Commission, pursuant to LIP Section 13.13.6.

12. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.

13. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

Cultural Resources

14. A qualified archaeologist shall be present onsite during site excavation and shall remain present onsite to monitor until he or she determines that it would be unlikely for further work to encounter cultural resources. Should the presence of important archaeological cultural resources be found, a Phase II Evaluation and Phase III Mitigation Program shall be conducted by a qualified archaeologist in consultation with a qualified Chumash cultural resource monitor. The Planning Director shall review and approve all design/work plans for Phase III Mitigation Programs and reports which detail the evaluative techniques and results.

15. A final report shall be prepared by the monitoring archaeologist and submitted to the Planning Department prior to the Planning final inspection of the completed project.
16. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.

17. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

**Biology/Landscaping**

18. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and use for a limited time.

19. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting.

20. Hedges forming a barrier and serving the same purpose as a fence or wall within the required front and corner side yards shall not exceed 42 inches in height where closer than five feet to the right-of-way line, nor exceed 6 feet in height where five feet or more from said right-of-way line.

21. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.

*Grading/Drainage/Hydrology/Public Works*

22. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.
23. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

24. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:

a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.

b. Prohibits the discharge of trash.

c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).

d. Elimination of non-storm water discharges.

25. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The WQMP shall meet all the requirements of the City’s current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:

a. Site Design Best Management Practices (BMPs):

b. Source Control BMPs;

c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDV). Or where it is technically infeasible to retain on-site, the project must biofitrate 1.5 times the SWQDV that is not retained on-site;

d. Drainage improvements;

e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;

f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;

g. Measures to treat and infiltrate runoff from impervious areas;

h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measure installed during construction prior to the issuance of grading or building permits; and

i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior the Public Works Department’s approval of the grading and drainage plan and/or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP’s, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Los Angeles County...
Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.

26. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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<th>Erosion Controls Scheduling</th>
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<td>Silt Fence</td>
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<td>Sand Bag Barrier</td>
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<td>Stabilized Construction Entrance</td>
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<td>Sanitary/Septic Waste Management</td>
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All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

27. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.

28. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
   a. Is located within or adjacent to ESHA, or
   b. Includes grading on slopes greater than 4 to 1.

Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.
29. The Building Official may approve grading during the rainy season to remediate hazardous geologic conditions that endanger public health and safety.

30. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.

31. All cut and fill slopes shall be stabilized with landscaping at the completion of final grading.

**Geology**

32. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.

33. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

**Swimming Pool / Spa / Water Feature**

34. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).

35. Pool and air conditioning equipment that will be installed shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall comply with LIP Section 3.5.3(A).

36. All swimming pools shall contain double-walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.

37. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides, or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
   a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
   b. There are sufficient BMPs in place to prevent soil erosion; and
   c. The discharge does not reach in to the MS4 or to the ASBS (including tributaries)

38. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

39. A sign stating “It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per MMC Section 13.04.060(D)(5)” shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.
40. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

**Onsite Wastewater Treatment System (OWTS)**

41. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu’s onsite wastewater treatment regulations including provisions of MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.

42. Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

43. A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer’s wet signature, professional registration number and stamp (if applicable).

44. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42-inches tall.

45. The final design report shall contain the following information (in addition to the items listed above).
   a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
   b. Sewage and effluent pump design calculations (as applicable).
   c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet...
disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;

d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system’s geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and

e. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.

46. The following note shall be added to the plan drawings included with the OWTS final design: “Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an ‘OWTS Abandonment Permit’ shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, State, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.”

47. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS’ proper abandonment in conformance with the MMC.

48. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

49. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder’s Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately,
the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the City Environmental Sustainability Department.

50. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

51. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

52. A maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed onsite wastewater disposal system after construction shall be submitted. Please note only original “wet signature” documents are acceptable.

53. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.

54. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.

55. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.

56. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

Water Service

57. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from Los Angeles County Waterworks District No. 29 to the Planning Department indicating the ability of the property to receive adequate water service.

Lighting
58. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
   a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
   b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
   c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
   d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
   e. Site perimeter lighting shall be prohibited; and
   f. Outdoor decorative lighting for aesthetic purposes is prohibited.

59. Night lighting for sports courts or other private recreational facilities shall be prohibited.

60. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.

61. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.

62. Motion sensor lights shall be programmed to extinguish ten minutes after activation.

63. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

**Fencing and Wall**

64. The applicant shall include an elevation of the proposed electronic driveway gate on the architectural plans that are submitted for building plan check. The gate and all fencing along the front property line shall comply with the regulations set forth in LIP Section 3.5.

65. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.

**Demolition/Solid Waste**

66. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.

67. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.
68. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.

69. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.

70. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.

71. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, State and local regulations.

72. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate “Investigation Fees” as required in the Building Code.

73. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

Construction / Framing

74. Prior to the commencement of work, the applicant shall submit to the Planning Director a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.

75. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.

76. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.

77. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

78. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate
structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
   a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
   b. Grading activities shall be planned during the southern California dry season (April through October).
   c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
   d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

79. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.

80. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant/property owner is required to obtain a transportation permit from the California Department of Transportation.

Colors and Materials

81. The project is visible from scenic roads or public viewing areas, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
   a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.
   b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
   c. All windows shall be comprised of non-glare glass.

82. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color of driveways and retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.

Fuel Modification

83. The project shall receive LACFD approval of a Final Fuel Modification Plan prior to the issuance of final building permits.
Prior to Occupancy

84. Prior to, or at the time of a Planning final inspection, the property owner / applicant shall submit to the Planning Department the plumbing permit for the irrigation system installation signed off by the Building Safety Division.

85. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled, and state the facilities where all materials were taken.

86. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.

87. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

Fixed Conditions

88. This coastal development permit shall run with the land and bind all future owners of the property.

89. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

Deed Restrictions

90. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.

91. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 58 - 63. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

92. The property owner is required to acknowledge, by recordation of a deed restriction, that the project no more than one secondary residential unit is permitted to exist on the subject property. Said document shall include the definitions of a second unit and guest house as defined by the LIP
Section 2.1, and shall be recorded with the Los Angeles County Recorder’s Office. The applicant shall submit a copy of the recorded document to the Planning Department.
**Appeals and Reporting**

**LOCAL APPEAL** - A decision of the Planning Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk by **August 7, 2020** and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeals shall be emailed to psalazar@malibucity.org and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

**REPORTING** – Pursuant to LIP Section 13.13.6, this permit shall be reported to the Planning Commission and is tentatively scheduled to be reported at the **August 3, 2020** Regular Planning Commission meeting. Copies of this report will be available www.malibucity.org/agendacenter and to all those wishing to receive such notification by contacting the Case Planner. This permit will not become effective until completion of the Planning Commission review of the permit pursuant to California Code of Regulations Section 13153.

Please contact Raneika Brooks in the Planning Department at (310) 456-2489, extension 276, for further information. Copies of all related documents can be reviewed by any interested person at by contacting the Case Planner during regular business hours.

Date: July 28, 2020

Prepared by: Raneika Brooks
Approved by: Bonnie Blue

**Raneika Brooks**
Associate Planner

**Bonnie Blue**
Planning Director

Attachments:

1. Project Plans
2. Department Review Sheets
3. Story Pole Photographs
4. Habitable Square Footage Table for Surrounding Residences
5. 500-Foot Radius Map
6. Notices
ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned property owner(s) acknowledges receipt of the City of Malibu’s decision of approval and agrees to abide by all terms and conditions for Administrative Coastal Development Permit No. 16-062, dated July 28, 2020, for the project located at 29215 Cliffside Drive, Malibu, CA 90265. The permit and rights conferred in this approval shall not be effective until all property owner(s) signs and returns this notarized affidavit to the City of Malibu Planning Department within ten (10) working days of the decision and/or prior to issuance of any development permit.

Date ____________________  Signature of Property Owner ____________________

Date ____________________  Signature of Property Owner ____________________

Print Property Owner Name ____________________

Print Property Owner Name ____________________

ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
County of Los Angeles  }   SS
On _________________________ before me, __________________________________________,
Date      (Insert Name and Title of Notary Public)

personally appeared ________________________________________________________________,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Notary Public’s signature in and for said County and State) (seal)
CLIFFSIDE RESIDENCE
29215 CLIFFSIDE DRIVE
MALIBU, CA 90265

PROJECT INFORMATION:

SCOPE OF WORK:
1. DEMOLITION OF AN EXISTING SECOND DWELLING.
2. DEMOLITION OF AN EXISTING DETACHED 2-CAR GARAGE.
3. DEMOLITION OF THE EXISTING TENNIS COURT.
4. REMODELING THE EXISTING MAIN HOUSE INTERIOR AND EXTERIOR, INCLUDING LOWERING THE EXISTING ROOF.
5. NEW SECOND DWELLING.
6. NEW SWIMMING POOL, SPA, & WATER FEATURE.
7. NEW PERMEABLE DECK.

PROPERTY INFORMATION:

ADDRESS:
29215 CLIFFSIDE DR.
MALIBU, CA 90265

LOT SIZE:
GROSS LOT SIZE PER SLOPE ANALYSIS: 63,011 SQ. FT.
TOTAL EASEMENTS PER SLOPE ANALYSIS:
FRONT YARD = 20% OF 390'-0" = 78'-0" > 65'-0" = 65'-0"
SIDE YARD (CUMULATIVE) = 25% OF 120'-0" = 30'-0" (14+16=30)
REAR YARD = 15% OF 390'-0" = 58'-6" > 15'-0" = 58'-6"
MAIN HOUSE FRONT YARD 65'-0" 62'-9"
MAIN HOUSE SIDE YARD 14'-0" 17'-5"
SECOND FLOOR 16'-0" 14'-0"
SECOND DWELLING SIDE YARD 42'-11"
SECOND DWELLING REAR YARD 58'-6"
PROPOSED TDSF = 7,108 SQ. FT.

SHEET INDEX:
T 1.0 TITLE PAGE
T 1.1 GENERAL NOTES
T 1.2 PERMEABLE SURFACES CALC & FIRE DEPT. NOTES
S U R V E Y  SLOPE ANALYSIS
A 1.0 SITE PLAN
A 1.1 SITE SECTION & 20' OVER 1F HIGH CALCS
A 2.0 MAIN RESIDENCE FIRST FLOOR DEMO PLAN
A 2.1 MAIN RESIDENCE SECOND FLOOR DEMO PLAN
A 2.2 MAIN RESIDENCE PROPOSED FIRST FLOOR PLAN
A 2.3 MAIN RESIDENCE PROPOSED SECOND FLOOR PLAN
A 2.4 MAIN RESIDENCE PROPOSED ROOF PLAN
A 2.5 2ND DWELLING BASEMENT FLOOR PLAN
A 2.6 2ND DWELLING FIRST FLOOR PLAN
A 2.7 2ND DWELLING ROOF PLAN
A 3.0 MAIN RESIDENCE EAST & SOUTH ELEVATIONS
A 3.1 MAIN RESIDENCE NORTH & SOUTH ELEVATIONS
A 3.2 2NDWELLING SOUTH & WEST ELEVATIONS
A 3.3 2ND DWELLING NORTH & EAST ELEVATIONS, & MOTOR GATE ELEVATION
A 3.4 MAIN RESIDENCE SECTION A & B
A 3.5 2ND DWELLING SECTION C & D
A 3.6 2ND DWELLING SECTION E
LP400 FUEL MODIFICATION
LP401 LANDSCAPE PLAN
C-1 GRADING COVER SHEET
C-2 TOPOGRAPHIC SURVEY
C-3 OVERALL GRADING PLAN
C-4 GRADING PLAN
C-5 SECTION & DETAIL
C-6 EROSION CONTROL COVER SHEETY
C-7 EROSION CONTROL PLAN
C-8 EROSION CONTROL ATTACHMENTS
SP-1 POOL NOTES
SP-2 POOL PLAN
SP-3 POOL SECTIONS & STRUCTURAL DETAILS
SP-4 POOL STRUCTURAL DETAILS

RECEIVED
JUNE 8 2020
PLANNING DEPT.
21. The following locations of light fixtures are a minimum:

21.1. Bedroom: minimum 1/2 by 2 feet of overtray lighting over the bed. The lighting should be located in the headboard or on the wall 6' above the floor or on the ceiling provided there is a minimum clearance of 1/2 inches below the fixture and 6' above the floor or ceiling. Where there is a minimum clearance of 1/2 inches between the fixture and the nearest point of a storage area.

21.2. Surface mounted incandescent fixture installed on the wall above the door or on the ceiling provided there is a minimum clearance of 1/2 inch in any direction.

21.3. A recessed light that is located 12 inches above the floor shall be located with 6 feet of door open area (e.g., closet doors, etc.) in any direction. Provide a 12-inch by 24-inch air return opening in the wall above the recessed light that is located 12 inches above the floor.

21.4. Ventilation shall be located for each electric space heater and a single bulb rated at 120 volt, air flows up 1/8 inch x 1/8 inch (4 mm x 4 mm).

23. Provide water saving/sink faucets - 1.5 GPM (gallons per minute).
1. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDES THE WORDS "NO PARKING - FIRE LANE" SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH(has been printed in red). SIGNS SHALL BE PLACED ALONG THE FIRE LANE AT REGULAR INTERVALS, AS REQUIRED BY THE FIRE INSPECTOR.

2. WHEN SECURITY GATES ARE PROVIDED, MAINTAIN A MINIMUM ACCESS WIDTH OF 20 FEET. THE SECURITY GATE SHALL BE PROVIDED WITH AN APPROVED MEANS OF EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES AND REPLACED OR REPAIRED WHEN DEFECTIVE. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 320. GATES SHALL BE THE SWINGING OR SLIDING TYPE. CONSTRUCTION OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. CODE R315.1.2, BUILDING CODE 420.4.1

3. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDES THE WORDS "NO PARKING - FIRE LANE" SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH. SIGNS SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS, TO CLEARLY INDICATE THE ENTRANCE TO SUCH ROAD, OR PROHIBIT THE OBSTRUCTION OR OBSTRUCTION THEREOF AT INTERVALS AS REQUIRED BY THE FIRE INSPECTOR.

4. AN APPROVED KEY BOX, LISTED IN ACCORDANCE WITH UL 1037 SHALL BE PROVIDED AS REQUIRED BY FIRE CODE 506. THE LOCATION OF EACH KEY BOX SHALL BE DETERMINED BY THE FIRE INSPECTOR.

5. SMOKE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING, WHERE SUCH WIRING IS SERVED FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH BATTERY BACKUP. RESIDENTIAL CODE R315.1.2.

6. WHERE MORE THAN ONE SMOKE ALARM IS REQUIRED TO BE INSTALLED WITHIN AN INDIVIDUAL DWELLING OR SLEEPING UNIT, THE SMOKE ALARMS SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTIVATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT. RESIDENTIAL CODE R327.5.3 AND BUILDING CODE 706A.1.

7. VENTS SHALL RESIST THE INTRUSION OF FLAME AND EMBERS THROUGH THE VENTILATION OPENINGS. VENT OPENINGS SHALL BE PROTECTED BY CORROSION RESISTANT, NON-COMBUSTIBLE WIRE MESH WITH A MINIMUM 1/4 INCH OPENING AND SHALL NOT EXCEED 2 INCH. VENTS SHALL NOT BE INSTALLED IN EAVES OR CORNICES. RESIDENTIAL CODE R327.5.3 AND BUILDING CODE 706A.1.

8. BEDDING, SURFACES, STAIR TREADS, RISERS, AND LANDINGS OF DECKS, PORCHES, AND BALCONIES WHERE ANY PORTION OF SUCH SURFACE IS WITHIN 10 FEET OF THE PRIMARY STRUCTURE SHALL BE EXTERIOR FIRE RESISTANT TREATED WOOD CONSTRUCTION.

9. ANCILLARY BUILDINGS AND STRUCTURES DETACHED ACCESSORY BUILDINGS AND STRUCTURES DETACHED ACCESSORY

10. CLEARANCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED.

11. ROOF VALLEY FLASHINGS SHALL BE NOT LESS THAN 0.019 INCH (NO. 26 GAUGED GALVANIZED SHEET GAGE) CORROSION RESISTANT METAL INSTALLED OVER A MINIMUM 36 INCH WIDE UNDERLAYMENT CONSISTING OF ONE LAYER OF NO. 72 ASTM CAP SHEET MEETING RUNNING THE FULL LENGTH OF THE VALLEY RESIDENTIAL CODE R327.3.4 AND BUILDING CODE 706A.3.

12. AN APPROVED CORBON MONOXIDE ALARM SHALL BE INSTALLED IN DWELLING UNITS WHERE ATTACHED GARAGES. REQUIRED MONOXIDE DETECTORS SHALL BE INSTALLED IN SUCH A MANNER THAT THE ACTIVATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE DWELLING UNIT. RESIDENTIAL CODE R315.1.2.

13. SMOKE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING WHERE SUCH WIRING IS SERVED FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH BATTERY BACKUP. RESIDENTIAL CODE R315.1.2.


15. AN APPROVED KEY BOX, LISTED IN ACCORDANCE WITH UL 1037 SHALL BE PROVIDED AS REQUIRED BY FIRE CODE 506. THE LOCATION OF EACH KEY BOX SHALL BE DETERMINED BY THE FIRE INSPECTOR.

16. THE GARAGE AND OR CARPORT SHALL BE SEPARATED AS REQUIRED BY TABLE R302.6. A SEPARATION IS NOT REQUIRED BETWEEN THE DWELLING UNIT AND A CARPORT, PROVIDED THAT THE CARPORT IS ENTIRELY OPEN ON TWO OR MORE SIDES AND THERE ARE NOT ENCLOSED AREAS ABOVE.

17. AN APPROVED KEY BOX, LISTED IN ACCORDANCE WITH UL 1037 SHALL BE PROVIDED AS REQUIRED BY FIRE CODE 506. THE LOCATION OF EACH KEY BOX SHALL BE DETERMINED BY THE FIRE INSPECTOR.

18. THE GARAGE AND OR CARPORT SHALL BE SEPARATED AS REQUIRED BY TABLE R302.6. A SEPARATION IS NOT REQUIRED BETWEEN THE DWELLING UNIT AND A CARPORT, PROVIDED THAT THE CARPORT IS ENTIRELY OPEN ON TWO OR MORE SIDES AND THERE ARE NOT ENCLOSED AREAS ABOVE.

19. THE GARAGE AND OR CARPORT SHALL BE SEPARATED AS REQUIRED BY TABLE R302.6. A SEPARATION IS NOT REQUIRED BETWEEN THE DWELLING UNIT AND A CARPORT, PROVIDED THAT THE CARPORT IS ENTIRELY OPEN ON TWO OR MORE SIDES AND THERE ARE NOT ENCLOSED AREAS ABOVE.

20. AN APPROVED KEY BOX, LISTED IN ACCORDANCE WITH UL 1037 SHALL BE PROVIDED AS REQUIRED BY FIRE CODE 506. THE LOCATION OF EACH KEY BOX SHALL BE DETERMINED BY THE FIRE INSPECTOR.
TO: City of Malibu Contract Biological Staff
FROM: City of Malibu Planning Department

PROJECT NUMBER: ACDP 16-062
JOB ADDRESS: 29215 CLIFFSIDE DR
APPLICANT / CONTACT: Andrew Ferguson, Unvarnished, Inc
APPLICANT ADDRESS: 3806 Cross Creek Rd
Malibu, CA 90265
APPLICANT PHONE #: (323) 605-7388
APPLICANT FAX #: unv.expd@directorsLA.com
PLANNER: Carlos Contreras
PROJECT DESCRIPTION: New swimming pool, plus new scope of work (interior and exterior remodel of main house, demo guesthouse, new ADU)

TO: Malibu Planning Department and/or Applicant
FROM: City Contract Biologist

The project review package is INCOMPLETE and CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process.

The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore Requires Review by the Environmental Review Board (ERB).

Signature Date
5/15/18
Additional requirements/conditions may be imposed upon review of plan revision

Contact Information:
Dave Crawford, Contract Biologist, dcrawford@malibucity.org, (310) 456-2489, extension 277

Rev 110816 ATACHMENT 2
**BIOLOGY REVIEW SHEET**

### PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Andrew Ferguson</th>
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<tbody>
<tr>
<td>(name and email</td>
<td><a href="mailto:Unv.expd@directorsla.com">Unv.expd@directorsla.com</a></td>
</tr>
<tr>
<td>address)</td>
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<tr>
<td>Project Address</td>
<td>29215 Cliffside Drive</td>
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<tr>
<td></td>
<td>Malibu, CA 90265</td>
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<tr>
<td>Planning Case No.</td>
<td>ACDP 16-062</td>
</tr>
<tr>
<td>Project Description</td>
<td>New pool; new scope of work (interior and exterior remodel of main house, demo guesthouse, new ADU)</td>
</tr>
<tr>
<td>Date of Review</td>
<td>May 15, 2018</td>
</tr>
<tr>
<td>Reviewer</td>
<td>Dave Crawford</td>
</tr>
<tr>
<td>Contact Information</td>
<td>Phone: (310) 456-2489 ext. 307 Email: <a href="mailto:dcrawford@malibucity.org">dcrawford@malibucity.org</a></td>
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### SUBMITTAL INFORMATION

<table>
<thead>
<tr>
<th>Site Plans:</th>
<th>5/25/18</th>
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<tbody>
<tr>
<td>Site Survey:</td>
<td>5/25/18</td>
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<tr>
<td>Grading Plans:</td>
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<td>OWTS Plan:</td>
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<td>Planting Plan</td>
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<td>Hydrozone map and Water Budget Calcs</td>
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<td>Bio Assessment:</td>
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<td>Bio Inventory:</td>
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<td>Native Tree Survey:</td>
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<td>Native Tree Protection Plan</td>
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<tr>
<td>Miscellaneous:</td>
<td></td>
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<tr>
<td>Previous Reviews:</td>
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</tbody>
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### REVIEW FINDINGS

**Review Status:**

- **INCOMPLETE**: Additional information and/or a response to the listed review comments is required.
- **NOT APPROVED**: Please respond to the listed review comments and provide any additional information requested.
- **APPROVED**: The proposed project.

**Environmental Review Board:**

This project has the potential to impact ESHA and may require review by the Environmental Review Board.
RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:

   A. No new landscaping is proposed with this project. Therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six (6) feet in height, or change 2,500 sq.ft. or more of the existing landscaping, a detailed landscape plan shall be submitted for review and approval prior to any planting.

   B. Grading/excavation/vegetation removal scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than 5 days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within 2 business days of completion of surveys.

   C. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or any lighting of natural habitat areas.

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If you have any questions regarding the above requirements, please contact the City Biologist office at your earliest convenience.

**cc:** Planning Project file  
Planning Department

Page 2 of 2
TO: City of Malibu Environmental Health Administrator  DATE: 10/26/2016
FROM: City of Malibu Planning Department

PROJECT NUMBER: ACDP 16-062
JOB ADDRESS: 29215 CLIFFSIDE DR
APPLICANT / CONTACT: Andrew Ferguson, Unvarnished, Inc
APPLICANT ADDRESS: 3806 Cross Creek Rd
Malibu, CA 90265
APPLICANT PHONE #: (323) 605-7388
APPLICANT FAX #: unv.expd@directorsLA.com
APPLICANT EMAIL: unv.expd@directorsLA.com
PROJECT DESCRIPTION: New swimming pool, plus new scope of work (interior and exterior remodel of main house)

TO: Malibu Planning Department and/or Applicant
FROM: City of Malibu Environmental Health Reviewer

Conformance Review Complete for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Plumbing Code (MPC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

Conformance Review Incomplete for the City of Malibu LCP/LIP and MPC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan:  [ ] REQUIRED (attached hereto)  [ ] REQUIRED (not attached)

Signature  [Signature]
Date  [MAY 8, 2018]
ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: Andrew Ferguson, Unvarnished, Inc. unv.expd@directorsLA.com
Project Address: 29215 Cliffside Drive
  Malibu, California 90265
Planning Case No.: ACDP 16-062
Project Description: New swimming pool, plus new scope of work (interior and exterior remodel of main house, demo guesthouse, new ADU), new OWTS
Date of Review: May 8, 2018
Reviewer: Matt Janousek Signature: ____________________________
Contact Information: Phone: (310) 456-2489 ext. 307 Email: mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans: Ken Stockton: Main residence remodel plans submitted to Planning 7-23-2015. Unvarnished: Pool plans dated 10-21-2016 (submitted to Planning 10-26-2016); Combined main residence and pool plans dated 3-30-2017 (received by Planning 3-30-2017); Main residence and guest house plans dated 3-30-2018 (received by Planning 4-25-2018)
Operating Permit: Expires 6-1-2020
OWTS Plan: Ensitu: OWTS plan dated 3-19-2017 (received 4-25-2018)
Previous Reviews: 4-12-2017; 11-7-2016, 11-29-2016 (for new pool); 7-28-2015 (for main residence remodel under APR 15-060/OC 15-228)

REVIEW FINDINGS

Planning Stage: ☑ CONFORMANCE REVIEW COMPLETE for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Plumbing Code (MPC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.

☐ CONFORMANCE REVIEW INCOMPLETE for the City of Malibu LIP and MPC. The listed Planning stage review comments shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☑ NOT REQUIRED
  ☒ REQUIRED (attached hereto) ☐ REQUIRED (not attached)

Based upon the project description and submittal information noted above, a conformance review was completed for a new alternative onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed OWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County
Code, incorporating the California Plumbing Code, 2016 Edition with City of Malibu local amendments (Malibu Municipal Code Section 15.12; hereinafter MPC), and the City of Malibu Local Coastal Program/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

**Conditions of Planning Conformance Review for Building Plan Check Approval**

1) **Final OWTS Plot Plan**: A final plot plan shall be submitted showing an onsite wastewater treatment system (OWTS) design meeting the minimum requirements of the MPC, and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property, the proposed landscape plan for the developed property, and the proposed stormwater detention/dispersal plan. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).

2) **Final OWTS Design Report, Plans, and System Specifications**: A final OWTS design report and construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by the California-registered Civil Engineer, Registered Environmental Health Specialist, or Professional Geologist who is responsible for the design, and is a registered practitioner with the City of Malibu. The final OWTS design report and construction drawings shall be submitted with the designer’s signature, professional registration number, and stamp (if applicable).

The final OWTS design submittal shall contain the following information (in addition to the items listed above).

a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture schedule, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.

b. Sewage and effluent pump design calculations (as applicable).
c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.

d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the OWTS. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gfps). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.

e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

3) Existing OWTS to be Abandoned: Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS proper abandonment in conformance with the MPC.

4) Worker Safety Note and Abandonment of Existing OWTS: The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace existing Onsite Wastewater Treatment System (OWTS) components an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal, or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."

5) Building Plans: All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

6) Traffic-Rated Slab Plan(s): All project traffic rated slab plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

7) Proof of Ownership: Proof of ownership of subject property shall be submitted.
8) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the OWTS designer shall be submitted. This shall be the same operations and maintenance manual proposed for later submission to the owner and/or operator of the proposed alternative onsite wastewater disposal system.

9) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed alternative OWTS after construction shall be submitted. *Please note only original “wet signature” documents are acceptable.*

10) **OWTS Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the OWTS serving subject property is an alternative method of sewage disposal pursuant to the City of Malibu Uniform Plumbing Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. *Please submit a certified copy issued by the City of Malibu Recorder.*

11) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

12) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

13) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

14) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.

15) **Operating Permit Application and Fee:** In accordance with M.M.C. Chapter 15.14, an application shall be made to the Environmental Health office for an OWTS operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

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If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department
NOTES:

1. This conformance review is for a 4 bedroom (63 fixture units) remodel to an existing single family dwelling and a 1 bedroom (24 fixture units) new guest house. The new alternative onsite wastewater treatment system conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).

2. This review relates only to the minimum requirements of the MPC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of review treatment.

3. This review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

S.F.D.: 4 Bedrooms/63 Fixture Units (R)

GUEST HOUSE: 1 Bedroom/24 Fixture Units (N)

TREATMENT: 3,634 Gallon MicroSepTec EB12

TANK: w/ UV Disinfection Unit (N)

ACTIVE: 3 - 8' x 32' BI w/ 8' Cap

(projects: B-1, B-2, B-3) (N)

FUTURE: 3 - 8' x 32' BI w/ 8' Cap

(projects: B-4, B-5, B-6) (F)

PERC RATE: 9,675 gpd/16.0 gsp (projected: B-1)

9,900 gpd/16.4 gsp (projected: B-2)

7,875 gpd/13.1 gsp (projected: B-3)

2,255 gpd/4.7 gsp (projected: B-4)

7,422 gpd/12.3 gsp (projected: B-5)

5,469 gpd/9.1 gsp (projected: B-6)

DESIGNER: John Yaroslaski, ESC (60149)

REFERENCE: Enstis: OMT report dated 3-19-2018

LANDSHAPER: Geology report dated 2-9-2018

FOR DISPERAL:

GUEST HOUSE: 28' x 28' w/W acknow.

BEDROOMS: 120' x 240' w/W acknow.

WATER/CABLE: 100' x 500' w/W acknow.

POOLS: 32' x 120' w/W acknow.

EVACUATION:

MALIBU:

B-1, B-2, B-3:

Seepage Pit: 150'; 90' x 250' w/W acknow.

B-4, B-5, B-6:

Seepage Pit: 150'; 90' x 250' w/W acknow.

LandPhases:

GUEST HOUSE: 90265

BEDROOMS: 90265

WATER/CABLE: 90265

POOLS: 90265

GENERAL NOTES:

1. Prior to commencing work to abandon, remove, or replace existing onsite wastewater treatment systems, due to the maintenance and permit requirements, the proposed systems shall be designed from the City of Malibu. All work performed in the City's Master Plan, on or off property, shall be performed in strict accordance with all applicable Federal, State, and Local requirements. Before any work is started, the Operations and Maintenance/Inspections department shall be notified so that the Operations and Maintenance/Inspections department can conduct any required inspections.

2. All plans and specifications and the issuance of permits are subject to change and may require additional fees for new or revised plans. Any plans submitted for permit shall be in accordance with the City's Plumbing Code, and Malibu's Plumbing Code, and all codes and standards in effect.

3. Bath and/or shower shall be equipped with a proper and acceptable shower drain and/or floor drain, as required by the City, and the proposed plans for the location of the shower shall be in accordance with the City's Plumbing Code.
GEOTECHNICAL REVIEW SHEET

Date: June 25, 2018  Review Log #: 4154
Site Address: 29215 Cliffside Drive
Lot/Tract/PM #: n/a
Applicant/Contact: Andrew Ferguson, unv.expd@directorsLA.com
Contact Phone #: 323-605-7388  Fax #: Carlos Contreras
Project Type: Demolish existing guesthouse, tennis court, detached garage and swimming pool.
              New guesthouse with basement, swimming pool, cabana, deck and water features.
              New OWTS.
Planning #: ACDP 16-062
BPC/GPC #: 

Submittal Information
Consultant(s) / Report Land Phases, Ina (Holt, CEG 2282; CHG 816): 2-9-18,
Date(s): (Current submittal(s) in Calwest Geotechnical (Liston, RCE 31902); 3-5-18
Bold.) Ensitu (Yaroslaski, RCE 60149), 3-19-18
Architectural plans prepared by Unvarnished dated 3-30-18.
Civil & Grading plans prepared by LC Engineering Group, Inc. dated 3-1-18.
Previous Reviews: 2-16-17: Environmental Health Review Sheets dated 5-18-18 and 4-12-17.

Review Findings

Coastal Development Permit Review
☒ The proposed project is APPROVED from a geotechnical perspective.
☐ The proposed project is NOT APPROVED from a geotechnical perspective. The listed ‘Review Comments’ shall be addressed prior to approval.

Building Plan-Check Stage Review
☒ Awaiting Building plan check submittal. Please respond to the listed ‘Building Plan-Check Stage Review Comments’ AND review and incorporate the attached ‘Geotechnical Notes for Building Plan Check’ into the plans.
☐ APPROVED from a geotechnical perspective. Please review the attached ‘Geotechnical Notes for Building Plan Check’ and incorporate into Building Plan-Check submittals.
☐ NOT APPROVED from a geotechnical perspective. The listed ‘Building Plan-Check Stage Review Comments’ shall be addressed prior to Building Plan-Check Stage approval.

Remarks
The referenced geotechnical reports, plans, and OWTS design report were reviewed by the City from a geotechnical perspective. Based on the submitted information, the project includes demolishing the existing guest house, detached garage, tennis court, remodel of the existing single-family residence, and the construction of a new swimming pool, new spa, new second unit dwelling with basement, new parking trellis, new wood deck, and new OWTS. Other ancillary improvements include landscaping, pool equipment, and hardscape. Grading consists of 1,465 yards of cut (439 exempt understructure, 325 exempt for safety, and 703 non-exempt), 155 yards of non-exempt fill, and 1310 yards of export.
Building Plan-Check Stage Review Comments:

1. Please submit a fee of $957.00 to City geotechnical staff for building plan check review.

2. Please provide reduced setback letters from the OWTS, geotechnical, and structural consultants for any reduced setbacks between the OWTS components and foundations, as applicable.

3. The consultant should provide cross sections through the proposed basement walls. The sections should depict existing and proposed grade, existing and proposed improvements, soil and geologic conditions and contacts, and groundwater conditions.

4. The potential for lateral surcharge on the basement sidewalls should be evaluated. Mitigation measures should be recommended as necessary.

5. Section 7.4 of the City’s geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. Building plans shall reflect this requirement.

6. The following a note needs to be included into the grading and building plans. *Prior to the placement of concrete slabs, the slab subgrade soils shall be pre-moistened to at least 120% of the optimum moisture content to the depth specified by the geotechnical engineer. The pre-moistened soils should be tested and verified to be by the geotechnical engineer within one day prior to the placement of the moisture barrier and sand.*

7. Include a detail for the swimming pool hydrostatic relief valve on the lap swimming pool plans.

8. Include a note on the OWTS plans stating, “The Project Engineering Geologist shall observe and approve the installation of the seepage pits and provide the City inspector with a field memorandum documenting and verifying that the seepage pits were installed per the approved OWTS plans.”

9. Two sets of final grading, OWTS, swimming pool and spa, second unit dwelling with basement, parking trellis, and residence remodeling plans (APPROVED BY BUILDING AND SAFETY) incorporating the Project Geotechnical Consultant’s recommendations and items in this review sheet must be reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants’ recommendations and items in this review sheet over the counter at City Hall. Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.
City of Malibu

Geotechnical Review Sheet

Please direct questions regarding this review sheet to City Geotechnical staff listed below.

Engineering Geology Review by:
Christopher Sexton, C.E.G. #1441, Exp. 11-30-18
Engineering Geology Reviewer (805-496-1222)
Email: chris@geodynamics-inc.com

Date: 6/25/18

Geotechnical Engineering Review by:
Ali Abdel-Haq, G.E. #2308, Exp. 12-31-19
Geotechnical Engineering Reviewer (805-496-1222)
Email: ali@geodynamics-inc.com

Date: 6/25/2018

This review sheet was prepared by representatives of Cotton, Shires and Associates, Inc. and GeoDynamics, Inc., contracted through Cotton, Shires and Associates, Inc., as an agent of the City of Malibu.
PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department
FROM: City of Malibu Planning Department

PROJECT NUMBER: ACDP 16-062
JOB ADDRESS: 29215 CLIFFSIDE DR
APPLICANT / CONTACT: Andrew Ferguson, Unvarnished, Inc
APPLICANT ADDRESS: 3806 Cross Creek Rd
Malibu, CA 90265
APPLICANT PHONE #: (323) 605-7388
APPLICANT FAX #:
APPLICANT EMAIL: unv.expd@directorsLA.com
PROJECT DESCRIPTION: New swimming pool, plus new scope of work
(interior and exterior remodel of main house, demo guesthouse, new ADU)

TO: Malibu Planning Department and/or Applicant
FROM: Public Works Department

The following items described on the attached memorandum shall be addressed and resubmitted.

✔ The project was reviewed and found to be in conformance with the City’s Public Works and LCP policies and CAN proceed through the Planning process.

Jonathan Richards
DATE: May 17, 2018

Rev 120910
MEMORANDUM

To: Planning Department
From: Public Works Department
Jonathan Pichardo, Assistant Civil Engineer
Date: May 17, 2018
Re: Proposed Conditions of Approval for 29215 Cliffside Drive CDP 16-062
(Pool/Interior/Exterior Remodel)

The Public Works Department has reviewed the plans submitted for the above referenced project. Based on this review sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan (LCP) and the Malibu Municipal Code (MMC) can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

GRADING AND DRAINAGE

1. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development LIP Section 17.3.1 that:
   - Is located within or adjacent to ESHA, or
   - Includes grading on slopes greater than 4:1
   - Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4:1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources

2. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City’s LIP Section 8.3. A note shall be placed on the project that addresses this condition.
3. The ocean between Latigo Point and the West City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation allows discharge of storm water only where it is essential for flood control or slope stability, including roof, landscape, road and parking lot drainage, to prevent soil erosion, only occurs during wet weather, and is composed of only storm water runoff. The applicant shall provide a drainage system that accomplishes the following:

- Installation of BMPs that are designed to treat the potential pollutants in the storm water runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
- Prohibits the discharge of trash.
- Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e. no additional pollutant loading).
- Elimination of non-storm water discharges.

4. A Local Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

<table>
<thead>
<tr>
<th>Erosion Controls</th>
<th>Scheduling</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Preservation of Existing Vegetation</td>
</tr>
<tr>
<td>Sediment Controls</td>
<td>Silt Fence</td>
</tr>
<tr>
<td></td>
<td>Sand Bag Barrier</td>
</tr>
<tr>
<td></td>
<td>Stabilized Construction Entrance</td>
</tr>
<tr>
<td>Non-Storm Water Management</td>
<td>Water Conservation Practices</td>
</tr>
<tr>
<td>Waste Management</td>
<td>Dewatering Operations</td>
</tr>
<tr>
<td></td>
<td>Material Delivery and Storage</td>
</tr>
<tr>
<td></td>
<td>Stockpile Management</td>
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<tr>
<td></td>
<td>Spill Prevention and Control</td>
</tr>
<tr>
<td></td>
<td>Solid Waste Management</td>
</tr>
<tr>
<td></td>
<td>Concrete Waste Management</td>
</tr>
<tr>
<td></td>
<td>Sanitary/Septic Waste Management</td>
</tr>
</tbody>
</table>

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas
for the storage of construction materials, solid waste management, and portable toilets
must not disrupt drainage patterns or subject the material to erosion by site runoff.

5. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be
supported by a hydrology and hydraulic study that identifies all areas contributory to the
property and an analysis of the predevelopment and post development drainage of the site.
The WQMP shall meet all the requirements of the City's current Municipal Separate
Stormwater Sewer System (MS4) permit. The following elements shall be included within
the WQMP:
• Site Design Best Management Practices (BMP's)
• Source Control BMP's
• Treatment Control BMP's that retains on-site the Stormwater Quality Design Volume
  (SWQDV). Or where it is technical infeasible to retain on-site, the project must
  biofiltrate 1.5 times the SWQDV that is not retained on-site.
• Drainage Improvements
• A plan for the maintenance and monitoring of the proposed treatment BMP's for the
  expected life of the structure.
• A copy of the WQMP shall be filed against the property to provide constructive notice
  to future property owners of their obligation to maintain the water quality measures
  installed during construction prior to the issuance of grading or building permits.
• The WQMP shall be submitted to Public Works Department and the fee applicable
  at time of submittal for the review of the WQMP shall be paid prior to the start of the
  technical review. The WQMP shall be approved prior to the Public Works
  Department's approval of the grading and drainage plan and or building plans. The
  Public Works Department will tentatively approve the plan and will keep a copy until
  the completion of the project. Once the project is completed, the applicant shall verify
  the installation of the BMP's, make any revisions to the WQMP, and resubmit to the
  Public Works Department for approval. The original signed and notarized document
  shall be recorded with the County Recorder. A copy of the WQMP shall be submitted
  to the Public Works Department prior to the certificate of occupancy.

MISCELLANOUS

6. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.

7. The discharge of swimming pool, spa and decorative fountain water and filter backwash,
including water containing bacteria, detergents, wastes, alagecides or other chemicals is
prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape
irrigation only if the following items are met:
• The discharge water is dechlorinated, debrominated or if the water is disinfected
  using ozonation;
• There are sufficient BMPs in place to prevent soil erosion; and
• The discharge does not reach into the MS4 or to the ASBS (including tributaries)
Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating "It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)." The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.
LOS ANGELES COUNTY WATERWORKS DISTRICTS

P. O. Box 1460
Alhambra, CA 91802
Telephone: (626) 300-3306

260 East Avenue K-8
Lancaster, CA 93535
Telephone: (661) 942-1157

23533 Civic Center Way
Malibu, CA 90265
Telephone: (310) 317-1389

TO:
☐ Los Angeles County
  Department of Public Health
  Environmental Health:
  Drinking Water / Land Use Program
  5050 Commerce Drive
  Baldwin Park, CA 91706-1423

☐ Los Angeles County
  Department of Public Works
  Building & Safety Division

☐ Los Angeles County
  Fire Department

☐ City of Lancaster
  Building Department
  44933 N. Fern Ave.
  Lancaster, CA 93534

☒ City of Malibu
  Building Department
  23815 W. Stuart Ranch Rd.
  Malibu, CA 90265

☐ City of Palmdale
  Building Department
  38300 N. Sierra Hwy.
  Palmdale, CA 93550

RE: 29215 CLIFFSIDE DRIVE
  Address

MALIBU
  City

90265
  Zip Code

APN # 4468-003-005

Los Angeles County Waterworks District No. 29

Will serve water to the above single lot property subject to the following conditions:

☐ Annexation of the property into Los Angeles County Waterworks District is required. Water service to this property will not be issued until the annexation is completed.

☐ The appropriate fees must be paid to the District and other related water agencies.

☒ The appropriate service connection fees have been paid to Waterworks Districts for the existing 1" service connection.

☒ The property has an existing 1" water meter.

☐ The appropriate connection fees have been paid to Waterworks Districts for the proposed service.

☐ Water system improvements will be required to be installed by the developer subject to the requirements set by the Fire Department and the District.

☒ Water meter serving the property must be installed in accordance with Waterworks' District standards.

☒ Public water system and sewage disposal system must be in compliance with Health Department separation requirements.

☐ A portion of the existing fronting water main may be required to be replaced or upgraded if the water service tap cannot be made or if damage occurs to the water main.

☒ Property may experience low water pressure and/or shortage in high demand periods.

☐ The District CAN NOT serve water to this property at this time.

☐ Must comply with and satisfy City of Malibu requirements in order to obtain Water Service.

☒ This Will Serve Letter is for a remodel of an existing single-family residence and the addition of a new second dwelling unit with basement.

By: 

Dave Rydman
Senior Civil Engineer
(310) 456-6621 x238

Signature
Print Name
Phone Number
Date

5/8/19

* THIS WILL SERVE LETTER WILL EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE.

Rev. 06/09
TO: Los Angeles County Fire Department
FROM: City of Malibu Planning Department
PROJECT NUMBER: ACDP 16-062
JOB ADDRESS: 29215 CLIFFSIDE DR
APPLICANT / CONTACT: Andrew Ferguson, Unvarnished, Inc
APPLICANT ADDRESS: 3806 Cross Creek Rd Malibu, CA 90265
APPLICANT PHONE #: (323) 605-7388
APPLICANT FAX #: 

PROJECT DESCRIPTION: New swimming pool, plus new scope of work (interior and exterior remodel of main house) & NEW GUEST HOUSE

---

TO: Malibu Planning Department and/or Applicant
FROM: Fire Prevention Engineering Assistant

Compliance with the conditions checked below is required prior to Fire Department approval.

The project DOES require Fire Department Plan Review and Developer Fee payment [✓]
The project DOES NOT require Fire Department Plan Review [ ]
The required fire flow for this project is 1250 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.) [✓]
The project is required to have an interior automatic fire sprinkler system. [✓]
Final Fuel Modification Plan Approval is required prior to Fire Department Approval [✓]

Conditions below marked “not approved” shall be corrected on the site plan and resubmitted for Fire Department approval.

- Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project. [ ]
- Required and/or proposed Fire Department Vehicular Turnaround [✓]
- Required 5 foot wide Fire Department Walking Access (including grade %) [✓]
- Width of proposed driveway/access roadway gates [ ]

*County of Los Angeles Fire Department Approval Expires with City Planning permits expiration, revisions to the County of Los Angeles Fire Code or revisions to Fire Department regulations and standards.

**Minor changes may be approved by Fire Prevention Engineering, provided such changes achieve substantially the same results and the project maintains compliance with the County of Los Angeles Fire Code valid at the time revised plans are submitted. Applicable review fees shall be required.

SIGNATURE [Signature]
DATE 4-23-19

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341 or at the Fire Department Counter: 28600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM
Story Pole Photos

ACDP 16-062
29215 Cliffside Drive
North view of replacement structure from the Point Dume Nature Preserve
Northeast view of replacement structure from within the property
Northwest view of replacement structure from Cliffside Drive and Dume Drive
West view of proposed second unit from Dume Drive
### Habitable Square Footage Table for Surrounding Residences

<table>
<thead>
<tr>
<th>Address</th>
<th>APN</th>
<th>Parcel Size (sq. ft.)</th>
<th>Habitable Area Only (sq. ft.)</th>
<th>Year Built</th>
</tr>
</thead>
<tbody>
<tr>
<td>7112 Dume Drive</td>
<td>446-014-015</td>
<td>46,046</td>
<td>3,955</td>
<td>1959</td>
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<tr>
<td>7132 Dume Drive</td>
<td>466-014-014</td>
<td>50,547</td>
<td>12,205</td>
<td>1988</td>
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<tr>
<td>7160 Dume Drive</td>
<td>4466-014-013</td>
<td>74,492</td>
<td>9,911</td>
<td>1991</td>
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<tr>
<td>7137 Dume Drive</td>
<td>4466-004-030</td>
<td>35,745</td>
<td>3,094</td>
<td>1974</td>
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<tr>
<td>29211 Sea Lion Place</td>
<td>4468-004-029</td>
<td>40,846</td>
<td>3,372</td>
<td>1976</td>
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<tr>
<td>29221 Sea Lion Place</td>
<td>4468-004-018</td>
<td>56,210</td>
<td>2,312</td>
<td>1958</td>
</tr>
<tr>
<td>29239 Sea Lion Place</td>
<td>4468-004-019</td>
<td>45,607</td>
<td>3,196</td>
<td>1974</td>
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<tr>
<td>29242 Sea Lion Place</td>
<td>4468-003-001</td>
<td>46,818</td>
<td>2,590</td>
<td>1961</td>
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<tr>
<td>29230 Sea Lion Place</td>
<td>4468-003-003</td>
<td>48,966</td>
<td>3,944</td>
<td>1976</td>
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<td>4468-003-003</td>
<td>48,966</td>
<td>3,944</td>
<td>1976</td>
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<tr>
<td>29200 Sea Lion Place</td>
<td>4468-003-022</td>
<td>27,800</td>
<td>2,842</td>
<td>1973</td>
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<tr>
<td>7317 Dume Drive</td>
<td>4468-003-023</td>
<td>28,375</td>
<td>4,359</td>
<td>1976</td>
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<tr>
<td>n/a</td>
<td>4466-014-032</td>
<td>14,344</td>
<td>Vacant</td>
<td>n/a</td>
</tr>
<tr>
<td>29151 Cliffside Drive</td>
<td>4466-014-033</td>
<td>42,188</td>
<td>3,141</td>
<td>1955</td>
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<tr>
<td>29149 Cliffside Drive</td>
<td>4466-014-011</td>
<td>56,959</td>
<td>8,242</td>
<td>1989</td>
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<tr>
<td>29135 Cliffside Drive</td>
<td>4466-014-010</td>
<td>52,442</td>
<td>1,533</td>
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<tr>
<td>29131 Cliffside Drive</td>
<td>4466-014-009</td>
<td>65,388</td>
<td>2,978</td>
<td>1995</td>
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<tr>
<td>29119 Cliffside Drive</td>
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<td>52,777</td>
<td>5,741</td>
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<tr>
<td>29122 Cliffside Drive</td>
<td>4468-001-007</td>
<td>43,229</td>
<td>1,701</td>
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<tr>
<td>29130 Cliffside Drive</td>
<td>4468-001-006</td>
<td>44,165</td>
<td>4,262</td>
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<tr>
<td>29140 Cliffside Drive</td>
<td>4468-001-005</td>
<td>47,907</td>
<td>2,703</td>
<td>1982</td>
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<td>29150 Cliffside Drive</td>
<td>4468-001-004</td>
<td>53,047</td>
<td>11,741</td>
<td>1999</td>
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<tr>
<td>29208 Cliffside Drive</td>
<td>4468-001-003</td>
<td>56,367</td>
<td>7,674</td>
<td>1998</td>
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<tr>
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<td>4468-001-901</td>
<td>57,460</td>
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<td>n/a</td>
<td>4468-001-900</td>
<td>70,284</td>
<td>Vacant</td>
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<td>n/a</td>
<td>4468-001-902</td>
<td>1,264,799</td>
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<tr>
<td>29317 Cliffside Drive</td>
<td>4468-003-025</td>
<td>39,840</td>
<td>Vacant</td>
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<tr>
<td>29257 Cliffside Drive</td>
<td>4468-003-009</td>
<td>73,508</td>
<td>2,128</td>
<td>1968</td>
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<tr>
<td>29245 Cliffside Drive</td>
<td>4468-003-008</td>
<td>50,386</td>
<td>3,788</td>
<td>1975</td>
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<tr>
<td>29235 Cliffside Drive</td>
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<td>47,145</td>
<td>Vacant</td>
<td>n/a</td>
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<tr>
<td>29225 Cliffside Drive</td>
<td>4468-003-006</td>
<td>46,979</td>
<td>3,075</td>
<td>1975</td>
</tr>
<tr>
<td><strong>29215 CLIFFSIDE DRIVE (PROJECT SITE)</strong></td>
<td><strong>4468-003-005</strong></td>
<td><strong>46,492</strong></td>
<td><strong>7,108</strong></td>
<td><strong>PROPOSED TDSF</strong></td>
</tr>
</tbody>
</table>

- This table summarizes square footage of nearby residences, parcel sizes and year built based on data obtained from the Los Angeles County Tax Assessor’s Office.
- Building square footage is habitable area only, and does not include garages, covered patios, storage rooms, and some other accessory structures.
500' RADIUS

DATE: 07/01/2020

CONTACT:
UNVARNISHED, INC
PHONE 424-425-4110

ACREAGE: 1.067

PARCEL #: 4468-003-005

29215 CLIFFSIDE DR
MALIBU CA 90265-4268

Map Prepared by:
Leon Mapping & GIS Services
15031 Chatsworth St, Ste 17
Mission Hills, CA 91345
818-235-7649
leonmapping@hotmail.com
www.laradiusmaps.com
NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 16-062, CODE VIOLATION NO. 19-003, SITE PLAN REVIEW NO. 18-030, MINOR MODIFICATION NO. 20-002, AND DEMOLITION PERMIT NO. 19-008 - An application for the after-the-fact replacement of an existing, two-story single-family residence, demolition of more than 50 percent of the exterior walls of the original residence and full demolition of a detached guest house, garage and storage building, detached garage, swimming pool and tennis court, construction of a new detached second unit with an exterior access basement to be used as a gym, swimming pool, spa, decking, driveway, fire department turnaround and grading, and replacement of the existing onsite wastewater treatment system, including a site plan review for construction of the residence over 18 feet in height and a minor modification for a 50 percent reduction of the front yard setback.

LOCATION / APN / ZONING: 29215 Cliffside Drive / 4468-003-005 / Rural Residential-One Acre (RR-1)

APPLICANT / OWNER(S): Tobias Architecture / The Cliffside Dume LLC

APPEALABLE TO: Planning Commission

ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15301(a) and (l) and 15303(a) and (e)

APPLICATION FILED: October 26, 2016

CASE PLANNER: Raneika Brooks, Associate Planner, rbrooks@malibucity.org (310) 456-2489, ext. 276

PUBLIC COMMENT PERIOD - Related documents are available for review by contacting the Case Planner during regular business hours. Written comments, concerns, or questions may be presented to the Planning Department at any time prior to the issuance of a decision. On or after July 28, 2020, the Planning Director may issue a decision on the permit application.

REPORTING - The Planning Director’s decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on August 3, 2020. Copies of the agenda report, including the approved or denied permit, will be available at or before the meeting, typically 10 days before the meeting in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review by contacting the Case Planner during regular business hours. An approved permit shall not become effective until completion of the Planning Commission reporting.

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan Section 13.20.1, a decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission. Should a decision be issued on July 28, 2020, the appeal period would expire on Friday, August 7, 2020. An appeal shall be emailed to psalazar@malibucity.org within ten days following the date of action and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal via email, please contact Patricia Salazar by calling (310) 456-2469, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

BONNIE BLUE, Planning Director

Date: July 2, 2020
NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 16-062, CODE VIOLATION NO. 19-003, SITE PLAN REVIEW NO. 18-030, MINOR MODIFICATION NO. 20-002, AND DEMOLITION PERMIT NO. 19-008 - An application for the after-the-fact replacement of an existing, two-story single-family residence, demolition of more than 50 percent of the exterior walls of the original residence and full demolition of a detached guest house, garage and storage building, detached garage, swimming pool and tennis court, construction of a new detached second unit with an exterior access basement to be used as a gym, swimming pool, spa, decking, driveway, fire department turnaround and grading, and replacement of the existing onsite wastewater treatment system, including a site plan review for construction of the residence over 18 feet in height and a minor modification for a 50 percent reduction of the front yard setback.

LOCATION / APN / ZONING: 29215 Cliffside Dr / 4468-003-005 / Rural Residential-One Acre (RR-1)
APPLICANT / OWNER(S): Tobias Architecture / The Cliffside Dume LLC
APPEALABLE TO: Planning Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15301(a), 15301(l), 15303(a), and 15303(e)
APPLICATION FILED: October 26, 2016
ISSUE DATE: July 28, 2020
CASE PLANNER: Raneika Brooks, Associate Planner, rbrooks@malibucity.org (310) 456-2489, ext. 276

REPORTING - The Planning Director’s decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on August 3, 2020. Copies of the agenda report, including the approved or denied permit, will be available at or before the meeting, typically 10 days before the meeting in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review by contacting the Case Planner. An approved permit shall not become effective until completion of the Planning Commission reporting. To view or sign up to speak during the meeting, visit malibucity.org/virtualmeeting.

LOCAL APPEAL - A decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission. Should a decision be issued on July 28, 2020, the appeal period would expire on Friday, August 7, 2020. An appeal shall be emailed to psalazar@malibucity.org within ten days following the date of action and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal via email, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

BONNIE BLUE, Planning Director   Date: July 23, 2020
To: Chair Jennings and Members of the Planning Commission

Prepared by: Raneika Brooks, Associate Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: July 23, 2020   Meeting Date: August 3, 2020

Subject: Coastal Development Permit No. 17-043, Site Plan Review No. 17-014, and Demolition Permit No. 17-013 – An application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development

Location: 29043 Grayfox Street, not within the appealable coastal zone

APN: 4466-017-002

Owners: John and Tatiana Atwill

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-51 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system (OWTS), including Demolition Permit (DP) No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review (SPR) No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre (RR-1) zoning district at 29043 Grayfox Street (Atwill).

DISCUSSION: The project site is located on Point Dume on the north side of Grayfox Street across from Malibu Elementary School. The project site and surrounding area are depicted in Figure 1.
The subject application was submitted to the Planning Department on March 30, 2017. On January 22, 2019, staff presented this project to the Planning Commission at a public hearing. After considering written reports, public testimony, and other information in the record, the Planning Commission voted 3-2 (Jennings and Uhring dissenting) to direct staff to return with a resolution to deny the project. On February 19, 2019, the Planning Commission adopted Resolution No. 19-03 denying the project. The resolution states that Finding 2 for the site plan review cannot be made because “...the proposed residence is significantly larger than, and not compatible with, the existing development in the vicinity, and would adversely affect the rural residential neighborhood character (Attachment 2).

On February 29, 2019, the applicant appealed the project to the City Council. On October 14, 2019, staff presented the project and the grounds for the appeal to the City Council. The Council discussion focused on the project’s compatibility with neighborhood character based on the size of the proposed second floor (3,034 square feet). The sentiment of Councilmember Mullen and Councilmember Wagner was that the second floor appeared substantially larger than the sizes of second floors of other residences in the area.

Before the Council meeting, a neighbor (Mr. John Stockwell) researched building records for surrounding properties and provided square footage information for the second floor of residences within 500 feet of the project site. When building records were not available, the neighbors and/or Mr. Stockwell manually measured the second floor areas. This information is included as Attachment 3. The applicant submitted a second set of second floor square footage information for residences within 500 feet of the project site that was

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1 The October 14, 2019 City Council Agenda Report staff report and attachments, which includes the January 22, 2019 Planning Commission Agenda Report for this project, can be accessed at the following link: [https://www.malibucity.org/AgendaCenter/ViewFile/Item/3945?fileID=9584](https://www.malibucity.org/AgendaCenter/ViewFile/Item/3945?fileID=9584)
obtained from City records and by digitally measuring the floor areas using GIS. This information is included as Attachment 4. Based on the applicant’s and neighbor’s square footage data, the average size of the second floor of residences within 500 feet of the project site ranges between 1,242 square feet and 1,842 square feet.

Upon the Council’s consideration of a motion to deny the appeal, the applicant offered to redesign the project to address the concerns. The Council then approved a motion to remand the project back to the Planning Commission based on the applicant’s representation that portions of the project would be redesigned. The Council also suggested that the applicant reach out to the neighbor.

On February 28, 2020, the applicant submitted revised project plans that eliminated 1,194 square feet from the second floor, reducing it from 3,034 square feet to 1,840 square feet to address concerns about the compatibility with neighborhood character. The applicant submitted a volumetric diagram, shown in Figure 2, to demonstrate the second floor modifications to reduce the bulk and massing of the proposed residence.

**Figure 2 – Volumetric Comparison of the Original and Modified Project**

![Volumetric Comparison Diagram](source)

The image on the left depicts the original size and volume and massing of the second floor (illustrated in aqua), the image in the middle depicts the portions of the second floor to be modified by reducing the size and massing (illustrated in aqua), and the image on the right depicts the current version of the project. As demonstrated in the project plans provided in Attachment 5, and the above volumetric comparison, most of the second floor square footage is located along the west side of the property as opposed to across the entire frontage of the property. The round “tower” feature has been slightly reduced in diameter and the remaining parts of the second floor on the street side are now reduced and stepped back further from the first floor façade. This configuration slightly increases the
articulation of the façade, decreases boxiness, and slightly reduces the volume and mass of the building that is visible from the street.

Figure 3 provided by the applicant further illustrates how the modified project results in a slightly smaller structure mass when viewed from the front of the property. The areas of change are highlighted.

**Figure 3 – South Facing Elevation of the Original and Modified Project**

No other changes to the project are proposed. On Monday, July 20, 2020, staff facilitated a review of revised plans for Mr. Stockwell since he was not contacted independently by the applicant or the property owner of the project site. This agenda report provides a summary of the surrounding land uses and project setting, description of the proposed project as revised, staff’s analysis of the project’s consistency with Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the revised project is consistent with the LCP and MMC.
Surrounding Land Uses and Project Setting

The subject 1.5-acre residential parcel is an infill lot located in Point Dume approximately one-third of a mile southwest of the intersection of Pacific Coast Highway and Zumirez Drive (See Figure 1). The property is an average-sized lot based on the sizes of residually zoned lots within 500 feet of the subject site. Table 2 provides a summary of the lot dimensions and lot area of the subject parcel.

<table>
<thead>
<tr>
<th>Table 2 – Property Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Depth</td>
</tr>
<tr>
<td>Lot Width</td>
</tr>
<tr>
<td>Gross Lot Area</td>
</tr>
<tr>
<td>Area Comprised of 1:1 Slopes</td>
</tr>
<tr>
<td>Area Comprised of Easements</td>
</tr>
<tr>
<td>Net Lot Area*</td>
</tr>
</tbody>
</table>

*Net Lot Area=Gross Lot Area minus the area of public or private future street easements and 1:1 slopes.

The property is currently developed with a one-story single-family residence, two one-story accessory structures, and one two-story accessory structure. They are clustered in the southern half of the site. The site topography descends gently from the street, with gradients of 4 to 1 and steeper on the northern half of the site and gradients flatter than 4 to 1 on the southern half of the site where the proposed development will be sited.

A stream is mapped along the subject parcel’s north property line, however, the proposed development is located approximately 272 feet south of the stream. Since the project is located in Point Dume, the development must comply with LIP Section 4.6.1(A), which does not permit encroachment on slopes 4 to 1 and steeper. No development is proposed on slopes 4 to 1 and steeper as shown on the color-coded slope analysis included as part of the project plans in Attachment 5.

The project site has no public trails on or adjacent to it according to the LCP Park Lands Map. The property is not visible from any public scenic viewing areas. The property is located outside of the appealable jurisdiction as shown on the Post-LCP Certification Permit and Appeal Jurisdiction Map so this application is not appealable to the California Coastal Commission.

The subject property and the adjacent properties are zoned RR-1 to the north, west, and east, while the school site to the south is zoned Institutional (I). Table 1 outlines the properties adjacent to the subject property and provides the corresponding land uses.

<table>
<thead>
<tr>
<th>Table 1 - Surrounding Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direction</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>North</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

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Because the Commission has consistently expressed interest in house size, staff has provided square footage information for all residentially developed properties within 500 feet of the project site that was obtained from the Los Angeles County Tax Assessor’s Office (LACTA) (Attachment 6). While this data is easily accessible and generally available for all developed properties, it is not equivalent to the total development square footage (TDSF) metric that Malibu’s development standards use to govern structure size because it typically does not include areas used as a garage and storage that would be included in TDSF. Moreover, the LACTA square footage information does not provide a breakdown of areas by first and second floors so is not useful for evaluating second floor size.

**Project Description**

The proposed scope of work is as follows:

a. Demolition of an existing square foot single-family residence and associated development, totaling 4,701 square feet of TDSF;

b. Construction of the following:
   1. Two-story, 28-foot high, single-family residence with 6,396 square feet of TDSF, consisting of:
      - 5,085 square foot residence;
      - 966 square foot attached garage;
      - 345 square foot covered loggia on the first floor;
      - 312 square foot trellised loggia on the second floor (not included in TDSF);
   2. New swimming pool and pool equipment;

c. Grading, including:
   - **Exempt**
     - 3,072 cubic yards of removal and recompaction
     - 254 cubic yards of understructure grading
     - 74 cubic yards of safety grading
   - **Non-exempt**
     - 904 cubic yards

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2 Also, a staff analysis of LACTA data demonstrated instances where the LACTA data listed square footage that was both significantly higher and lower than the TDSF calculated in City staff reports.

3 A loggia is a room, hall, or porch open to the air on one or more sides.
d. Installation of a new OWTS, including a 3,634-gallon septic tank;

e. New landscaping and hardscape, including a driveway with a fire truck turnaround;

f. Solid perimeter walls less than six feet in height along the side property lines and a three-foot, six-inch-high solid front wall and auto gate topped with a 2.5-foot-high visually permeable screening.

g. Discretionary requests:

i. SPR No. 17-014 for height up to 28 feet for a pitched roof; and

ii. DP No. 17-013 for the demolition of the existing single-family residence and associated development.

LCP Analysis

The LCP consists of the Land Use Plan (LUP) and the LIP. The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP carries out the LUP’s policies and contains specific requirements to which every project requiring a coastal development permit must adhere.

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality and 5) OWTS. These chapters are discussed in the LIP Conformance Analysis section.

The nine remaining LIP chapters do contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division.

For the reasons described in this report, including the project site, the scope of work, and substantial evidence in the record, only the following chapters and associated findings are applicable to the project: Coastal Development Permit (including Site Plan Review findings) and Hazards. These chapters are discussed in the LIP Findings section of this report. The findings required by MMC Section 17.70.060 for the demolition permit are also discussed. Additionally, the proposed project is subject to the Landscape Water Conservation Ordinance (MMC Chapter 17.53) as the project is proposing a new landscape area of two thousand five hundred (2,500) square feet or more.

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4 The ESHA, Native Tree Protection, Scenic, Visual and Hillside Resource Protection, Transfer of Development Credits, Shoreline and Bluff Development, Public Access, and Land Division findings are neither applicable nor required for the proposed project.

5 The ordinance found in MMC Chapter 9.22 was recently amended and its relocation to Chapter 17.53 will become effective once the Coastal Commission certifies the LCP amendment portion, expected in August.
LIP Conformance Analysis

The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and the Los Angeles County Fire Department (LACFD) (Attachment 6 – Department Review Sheets). The project has been conditioned for the Los Angeles County Waterworks District No. 29 (WD29) to provide a Will Serve Letter to the applicant stating that WD29 can serve water to the property. The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies, inclusive of the requested SPR.

Zoning (LIP Chapter 3)

The project is subject to development and design standards set forth under LIP Sections 3.5 and 3.6. Table 3 provides a summary and indicates the proposed project meets those standards.

<table>
<thead>
<tr>
<th>Development Requirement</th>
<th>Allowed</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SETBACKS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>65’</td>
<td>65’</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>70'-11”</td>
<td>280’</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (10% min)</td>
<td>13'-9”</td>
<td>13'-9”</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (25% cumulative)</td>
<td>34'-4”</td>
<td>34'-4”</td>
<td>Complies</td>
</tr>
<tr>
<td>PARKING</td>
<td>2 enclosed</td>
<td>2 enclosed</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>2 unenclosed</td>
<td>2 unenclosed</td>
<td></td>
</tr>
<tr>
<td>TDSF</td>
<td>8,047 sq. ft.</td>
<td>6,396 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>2/3RDS RULE/2nd floor sq. ft.</td>
<td>3,037 sq. ft.</td>
<td>1,840 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>HEIGHT</td>
<td>18’</td>
<td>28’ (pitched)</td>
<td>SPR No. 17-014</td>
</tr>
<tr>
<td>IMPERMEABLE COVERAGE</td>
<td>19,149 sq. ft.</td>
<td>8,637 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>NON-EXEMPT GRADING</td>
<td>1,000 cu. yd.</td>
<td>904 cu. yd.</td>
<td>Complies</td>
</tr>
<tr>
<td>CONSTRUCTION ON SLOPES (POINT DUME)</td>
<td>4 to 1 or less</td>
<td>4 to 1 or less</td>
<td>Complies</td>
</tr>
<tr>
<td>FENCE/WALL HEIGHT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>42” solid, 6’ open/permeable</td>
<td>42” solid, 6’ open/permeable</td>
<td>Complies</td>
</tr>
<tr>
<td>Side(s)</td>
<td>6’</td>
<td>6’</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear</td>
<td>6’</td>
<td>None</td>
<td>Complies</td>
</tr>
</tbody>
</table>
Grading (LIP Chapter 8)

LIP Section 8.3, ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel. The total amount of proposed non-exempt grading is 904 cubic yards, which is less than the maximum allowable. The Total Grading Yardage Verification Certificate on the grading plan cover sheet in Attachment 5. The project complies with grading requirements set forth under LIP Section 8.3.

Archaeological / Cultural Resources (LIP Chapter 11)

A Phase I Archaeological Report was prepared by Envicom Corporation in August of 2018 for the project site. No archaeological resources were found onsite during the Phase I on-foot investigation. Portions of the project site have low visibility because of vegetation, wood chips and AstroTurf. Accordingly, the report concluded that any improvements within the project area may proceed, but as a precautionary measure, a qualified archaeologist or cultural resources monitor should be present onsite to monitor project grading of the first three feet of soil. In the event that potentially important cultural resources be found in the course of geologic testing or during construction, work shall immediately cease until the qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. The project has been conditioned to meet these requirements and complies with LIP Chapter 11.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the project for conformance with LIP Chapter 17 requirements for water quality protection and requirements of the State Water Resources Control Board because the property is located in an Area of Special Biological Significance (ASBS). The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an ASBS as part of the California Ocean Plan. Standard conditions of approval include the implementation of approved storm water management plans during construction activities and to manage runoff from the development, including recordation of a water quality mitigation plan, and best management practices in compliance with ASBS. With the implementation of these conditions, the project conforms to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. Details for the proposed OWTS are shown on the City of Malibu Environmental Health approved plot plan in Attachment 7. The project includes an OWTS to serve the proposed development, which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, the MMC, and the LCP. The existing system will be properly
abandoned. The proposed OWTS will meet all applicable requirements and operating permits will be required. An operation and maintenance contract and recorded covenant covering such must comply with City of Malibu Environmental Health requirements. Conditions of approval have been included in this resolution, which require continued operation, maintenance, and monitoring of onsite facilities.

**LIP Findings**

**A. Coastal Development Permit (LIP Chapter 13)**

LIP Section 13.9 requires that the following four findings be made for all coastal development permits.

*Finding 1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.*

The project is located in the RR-1 residential zoning district, an area designated for residential uses. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis, and site investigation, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

*Finding 2. If the project is located between the first public road and the sea, that the project is in conformity to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).*

The project is not located between the first public road and the sea. Also, the subject property does not contain any trails as depicted on the LCP Park Lands Map. Therefore, this finding is not applicable.

*Finding 3. The project is the least environmentally damaging alternative.*

This analysis assesses whether alternatives to the proposed project as revised would significantly lessen adverse impacts to coastal resources. Based on MMC and LCP conformance review, the revised project will not result in any significant adverse impacts. Nevertheless, the following alternatives to the proposed project were considered.

Previous Design – The previous project reviewed by the Planning Commission and City Council had a larger second floor and more square footage overall. While the project complied with all development standards for size, bulk and height with the proposed site plan review, the size of the second floor, at 3,034 square feet, was determined to be larger than and out of character with those of other properties in the neighborhood.
Alternate Location – The project could be redesigned to be re-sited to another location on the subject property. The project is sited in the area already disturbed by the existing development. The new home will have a bigger front yard setback than what is provided by the existing onsite accessory structure that is closest to the street and bigger than the two neighboring homes. Moving the project closer to the street would not comply with the required front yard setback, even though it would be more in keeping with adjacent development. Re-siting the project further away from the street could result in development on slopes steeper than 4 to 1, which is prohibited in Point Dume to minimize potential impacts to natural resources. An alternate location is not a less environmentally damaging alternative.

Proposed Revised Project - To address the Planning Commission’s and the City Council's neighborhood character concerns, the applicant chose to redesign to reduce the second floor of the project by removing two bedrooms, one bathroom, and by reconfiguring the remaining second floor square footage. The new second floor design is 1,840 square feet which is within the range of sizes of surrounding second floors, based on data submitted by the applicant. This change was intended to help the project better blend with the surrounding one- and two-story single-family homes. The story poles placed onsite to demonstrate the project’s size and massing indicate that it is similar to other development in the neighborhood, particularly when viewed from the street. From this view, most of the home is under 18 feet in height. The project is well under the maximum allowable TDSF for the lot size and the second floor is well under the size allowed for square footage over 18 feet. There is no evidence of environmental impacts resulting from the revised project as it avoids slopes of 4 to 1 and steeper, has no public scenic impacts and does not affect biological resources. The project complies with the LCP and can be found to be the least environmentally damaging alternative.

Finding 4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

Point Dume does not contain mapped ESHA, therefore, the subject property is not in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. Therefore, Environmental Review Board review was not required, and this finding does not apply.

B. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height [LIP Section 13.27]

LIP Section 3.6(E) limits the height of structures to 18 feet, unless findings for a SPR can be made to authorize height up to 28 feet with a pitched roof. The applicant is requesting SPR No. 17-014 to allow portions of the residence to exceed 18 feet up to 28 feet. LIP
Section 13.27.5(A) requires that the City make four findings in consideration and approval of a site plan review. Two additional findings are required pursuant to MMC Section 17.62.040(D) when a project exceeds 18 feet. Based on the foregoing evidence contained in the record, the required findings for SPR No. 17-014 are made as follows:

Finding 1. The project is consistent with policies and provisions of the Malibu LCP.

As previously discussed in Section A, the proposed project has been reviewed for all relevant policies and provisions of the LCP, and the proposed project, as designed, is consistent with all applicable development and design standards of the LCP.

Finding 2. The project does not adversely affect neighborhood character.

SPR No. 17-014 would allow portions of the new single-family residence to reach a maximum of 28 feet in height with a pitched roof. The site is currently developed with a one-story single-family residence, two detached one-story accessory structures, and one two-story accessory structure which is the only two-story element currently on the site. All this development will be demolished and replaced with the new two-story residence. The applicant has made design changes to address the adverse neighborhood character concerns the Planning Commission previously expressed due to the size of the second floor, particularly relative to the surrounding area.

The residence is L-shaped, with one wing parallel to the street frontage and one wing along the west property line. In the original design before the Commission, the second floor was 3,034 square feet and approximately half the street side façade had a second story element (refer to Figure 2). The redesign reduced the overall second floor by 1,194 square feet to 1,840 square feet, and now less than half the street side facade has a second floor element. Based on the square footage information presented in Attachments 3 and 4, the second floor now falls within the range of square footages identified in the surrounding area.

The redesign also introduces more articulation to the front façade in that the round “tower” feature was reduced in diameter and the rest of the second floor is slightly stepped back from the first floor. The topography of the site descends from the street which helps reduce the visual mass of the building from the street. Also, the nearest part of the first floor is 65 feet from the front property line, but most of the building is set back 70 to 80 feet. This is a greater setback than the residences on either side of the project.

About half of the homes in the surrounding area have at least some two-story element, as shown in Table 4.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Address</th>
<th>No. of Stories</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Parcel</td>
<td>29043 Grayfox Street</td>
<td>2</td>
<td>RR-1</td>
</tr>
<tr>
<td>Northeast</td>
<td>28936 Boniface Drive</td>
<td>1</td>
<td>RR-1</td>
</tr>
</tbody>
</table>
Table 4 – Surrounding Development

<table>
<thead>
<tr>
<th>Direction</th>
<th>Address</th>
<th>No. of Stories</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Parcel</td>
<td>29043 Grayfox Street</td>
<td>2</td>
<td>RR-1</td>
</tr>
<tr>
<td>North</td>
<td>28926 Boniface Drive</td>
<td>1</td>
<td>RR-1</td>
</tr>
<tr>
<td>Northwest</td>
<td>28910 Boniface Drive</td>
<td>2</td>
<td>RR-1</td>
</tr>
<tr>
<td></td>
<td>28904 Boniface Drive</td>
<td>2</td>
<td>RR-1</td>
</tr>
<tr>
<td></td>
<td>28872 Boniface Drive</td>
<td>1</td>
<td>RR-1</td>
</tr>
<tr>
<td>East</td>
<td>6851 Fernhill Drive</td>
<td>2</td>
<td>RR-1</td>
</tr>
<tr>
<td></td>
<td>29033 Grayfox Street</td>
<td>2</td>
<td>RR-1</td>
</tr>
<tr>
<td>Southeast</td>
<td>28975 Grayfox Street</td>
<td>1</td>
<td>RR-1</td>
</tr>
<tr>
<td>Southwest</td>
<td>6900 Grasswood Avenue</td>
<td>2</td>
<td>RR-1</td>
</tr>
<tr>
<td>West</td>
<td>29055 Grayfox Street</td>
<td>1</td>
<td>RR-1</td>
</tr>
<tr>
<td></td>
<td>29075 Grayfox Street</td>
<td>2</td>
<td>RR-1</td>
</tr>
<tr>
<td></td>
<td>29089 Grayfox Street</td>
<td>1</td>
<td>RR-1</td>
</tr>
</tbody>
</table>

Source: Los Angeles County Tax Assessor’s Office (LACTA), 2018

The homes in the area also vary in age, size and front yard setbacks. New story poles were placed on the subject parcel to reflect the proposed second-floor reduction. The story poles help demonstrate the project's potential for aesthetic changes to the neighborhood relative to its siting, height, and bulk. On July 7, 2020, staff visited the site to inspect and photograph the updated story poles after installation (Attachment 8). The project’s setback from the front property line, which shifts the building’s massing away from the street, and the articulation of the roofline to break up the building’s massing. The two-story portion of the proposed structure is located along the west property line, which includes the largest side yard setback due to the location of the driveway. The redesigned project, as proposed and conditioned, is not expected to adversely affect neighborhood character.

**Finding 3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.**

Staff visited the subject parcel after the placement of story poles. Based on staff’s site visit, it was determined that the proposed residence will not be visible from any scenic area, scenic road, or public viewing area. Given the location and design of the proposed project, intervening topography, existing development, and the implementation of conditions of approval for lighting, the residence is not expected to create significant obstructions or encroachments into public views and provides the maximum feasible protection to significant public views as required by LIP Chapter 6.

**Finding 4. The proposed project complies with all applicable requirements of State and local law.**

The proposed project complies with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies, such as the LACFD. Construction of the proposed
improvements will comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

Finding 5. The project is consistent with the City's general plan and local coastal program.

As discussed in Section A, the proposed project is consistent with the LCP in that the project is located in an area that has been identified for residential use. The goals and policies of the General Plan intend to maintain rural character in this area, and the proposed project is consistent with the development standards set forth to implement this goal. The proposed residence incorporates siting and design measures to minimize visual impacts and landform alteration by proposing development in an area already disturbed by the existing residential development, siting the building away from the front property line to reduce the building’s massing from the street, and minimizing potential impact to natural resources by avoiding development on slopes greater than 4 to 1. The proposed project, as designed, is consistent with the applicable land use designation and is consistent with all applicable development and design standards of the LCP and General Plan.

Finding 6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

Based on the visual impact analysis (aerial photographs, site visits, and story pole placement), staff has determined that the portions of the residence above 18 feet in height are not expected to obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17). No nearby property owners have requested a primary view determination in response to the courtesy notice or story pole installation.

C. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

The subject property is not in a designated ESHA, or ESHA buffer, as shown on the LCP ESHA and Marine Resources Map. Alternatively, as required by LIP Section 4.6.1(A), the project avoids slopes of 25 percent (4 to 1) and steeper. Therefore, the findings of LIP Section 4.7.6 are not applicable.

D. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the subject parcel. Therefore, the findings of LIP Chapter 5 are not applicable.
E. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual, and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject property is not located along, within, nor provides views to or is visible from any scenic area, scenic road or public viewing area. Therefore, the findings LIP Chapter 6 are not applicable.

F. Transfer of Development Credit (LIP Chapter 7)

The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.

G. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards listed in LIP Sections 9.2(A)(1-7) must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity.

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. The required findings are made as follows:

Finding 1. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

The applicant submitted geotechnical and soils engineering reports and addenda prepared by GeoConcepts, Inc. These reports are on file at City Hall. The reports evaluate site-specific conditions and recommendations are provided to address any pertinent issues. Potential hazards analyzed include geologic, seismic and fault rupture, liquefaction, landslide, groundwater, tsunami, and flood and fire hazards. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area. Based on review of the project plans and associated geotechnical reports by City Environmental Health Administrator, City Public Works Department, City geotechnical staff and LACFD, these specialists determined that adverse impacts to the project site related to the proposed development are not expected. The proposed project, including the new OWTS, will neither be subject to nor increase the instability from geologic, flood, or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or
geotechnical engineer’s recommendations and governing agency’s building codes are followed.

The project, as conditioned, will incorporate all recommendations contained in the above cited geotechnical report and conditions required by the City geotechnical staff, City Public Works Department, and the LACFD, including foundations, OWTS, and drainage. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood, or any other hazards.

Fire Hazard

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The subject property is currently subject to wildfire hazards and development of a residence on the subject property will not increase the site’s susceptibility to wildfire. The scope of work proposed as part of this application is not expected to have an impact on wildfire hazards. The proposed development may actually decrease the site’s susceptibility to wildfire through compliance with fuel modification requirements and the use of appropriate building materials will be utilized during construction.

The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has “mutual aid agreements” with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Conditions of approval have been included in the resolution to require compliance with all LACFD development standards. As such, the project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wildfire hazards.

Finding 2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As stated in Finding 1, the proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As previously stated in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.
Finding 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

As previously discussed in Section A and Finding 1, there are no feasible alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

Finding 5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.

As discussed in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

H. Shoreline and Bluff Development (LIP Chapter 10)

The project site is not located on or along the shoreline, a coastal bluff or bluff top fronting the shoreline. The subject parcel is located on the seaward side of Pacific Coast Highway, but is separated from the bluff top by another property. Therefore, the findings of LIP Chapter 10 are not applicable.

I. Public Access (LIP Chapter 12)

LIP Section 12.4 requires public access for lateral, bluff-top, and vertical access near the ocean, trails, and recreational access for the following cases:

A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.
B. New development between the nearest public roadway and the sea.
C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
D. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

As described herein, the subject property and the proposed project do not meet any of these criteria in that no trails are identified on the LCP Park Lands Map on or adjacent to the property, and the property is not located between the first public road and the sea, or on a bluff or near a recreational area. The requirement for public access of LIP Section 12.4 does not apply and further findings are not required.
J. Land Division (LIP Chapter 15)

This project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

K. Demolition Permit Findings (MMC Chapter 17.70)

MMC Section 17.70.060 requires that a demolition permit be issued for projects that result in the demolition of any building or structure. The findings for DP No. 17-013 are made as follows:

Finding 1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

Conditions of approval, including the recycling of demolished materials, have been included to ensure that the proposed project will not create significant adverse environmental impacts.

Finding 2. A development plan has been approved or the requirement waived by the City.

This CDP application is being processed concurrently with DP No. 17-013, and approval of the demolition permit is subject to the approval of CDP No. 17-043.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in the California Environmentally Quality Act (CEQA), the Planning Department has analyzed the proposed project. The Planning Department has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and categorically exempt from the provisions of CEQA according to CEQA Guidelines Section 15301(l) – Existing Facilities and 15303 (a) and (e) – New Construction or Conversion of Small Structures. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: Staff has received correspondence from several property owners in the Point Dume neighborhood, including Mr. Stockwell who resides immediately east of the project site at 29033 Grayfox Street, who have voiced their objections to the proposed project. Concerns have been expressed about the project’s scale potentially altering the character of the neighborhood and a lack of outreach to neighbors immediately adjacent to the project site. After the review of the revised project plans, Mr. Stockwell submitted additional comments regarding the revised project (Attachment 9).

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6 This correspondence was included as Attachment F of the October 14, 2019 City Council Agenda Report staff report which can be accessed at the following link: https://www.malibucity.org/AgendaCenter/ViewFile/Item/3945?fileID=9584
As stated earlier, the story poles have been placed on the project site to demonstrate the height and bulk of the project. Although the project is larger than the residences on adjacent properties, the project meets the maximum allowable TDSF. The project includes first and second floor loggias and landscaping that break up the building's massing.

During the Planning Commission and the City Council deliberation on the original design of this project, which proposed a 3,034 square foot second floor, the size of the second floor was reduced to 1,840 square feet to address concerns about the project's compatibility with neighborhood character.

PUBLIC NOTICE: On July 9, 2020, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 10).

SUMMARY: The required findings can be made that the project complies with the LCP and MMC. Further, the Planning Department’s findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 20-51. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 20-51
2. Planning Commission Resolution No. 19-03
3. Second Floor Square Footage Table for Surrounding Residences (John Stockwell)
4. Second Floor Square Footage Table for Surrounding Residences (Schmitz and Associates, Inc.)
5. Project Plans
6. Habitable Square Footage Table for Surrounding Residences
7. Department Review Sheets
8. Story Pole Photos
9. Comment Letters
10. 500-Foot Radius Map
11. Public Hearing Notice
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 17-043 FOR THE DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND ASSOCIATED DEVELOPMENT AND THE CONSTRUCTION OF A NEW 5,085 SQUARE FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE PLUS A 966 SQUARE FOOT ATTACHED GARAGE, A 345 SQUARE FOOT COVERED LOGGIA ON THE FIRST FLOOR, A 312 SQUARE FOOT TRELLISED LOGGIA ON THE SECOND FLOOR, SWIMMING POOL, PERIMETER WALLS, LANDSCAPING, HARDSCAPING AND GRADING, AND THE INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING DEMOLITION PERMIT NO. 17-013 FOR THE DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND ASSOCIATED DEVELOPMENT AND SITE PLAN REVIEW NO. 17-014 FOR CONSTRUCTION IN EXCESS OF 18 FEET IN HEIGHT UP TO 28 FEET FOR A PITCHED ROOF LOCATED IN THE RURAL RESIDENTIAL ONE-ACRE ZONING DISTRICT LOCATED AT 29043 GRAYFOX STREET (ATWILL)

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On March 30, 2017, an application for Administrative Coastal Development Permit (ACDP) No. 17-043 was submitted to the Planning Department by applicant, Schmitz and Associates, Inc., on behalf of the property owner, John and Tatiana Atwill. The application was routed to City Biologist, City geotechnical staff, City Public Works Department, and City Environmental Health Administrator, and the Los Angeles County Fire Department (LACFD) for review.

B. On April 6, 2018, Planning Department staff determined the application qualified to be processed administratively pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13.1.

C. On June 13, 2018, a Notice of Coastal Development Permit Application was posted on the subject property.

D. On June 20, 2018, Planning Department staff conducted a site visit to inspect the installed story poles representing the location, height and bulk of the proposed building.

E. On October 2, 2018, the Planning Director approved ACDP No. 17-043, inclusive of Site Plan Review (SPR) No. 17-014 and Demolition Permit (DP) No. 17-013. The ACDP was reported to the Planning Commission at its October 3, 2018, Adjourned Regular Planning Commission meeting. The Planning Commission voted for the item to be brought back for full public hearing and the application was converted into a full Coastal Development Permit (CDP).
F. On October 11, 2018, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

G. On November 5, 2018, the Planning Commission continued the item to the December 3, 2018 Regular Planning Commission meeting.

H. On November 27, 2018, the December 3, 2018 regularly scheduled meeting of the Planning Commission was cancelled due to the Woolsey Fire.

I. On December 20, 2018, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

J. On January 10, 2019, the Planning Commission continued the item to the January 22, 2019 regular Planning Commission meeting.

K. On January 22, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. At the conclusion of the public hearing, the Commission voted 3-2 (Jennings and Uhring dissenting) to direct staff to return with an updated resolution denying the project as it could not make the required findings and the project would adversely affect neighborhood character.

L. On February 19, 2019, the Planning Commission reviewed and adopted Resolution No. 19-03 denying the project.

M. On February 28, 2019, an appeal of the project was timely filed by applicant Schmitz and Associates, Inc.

N. On September 19, 2019, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu for the September 23, 2019 Regular City Council meeting.

O. On September 19, 2019, a Notice of City Council Public Hearing was mailed to all property owners and occupants within a radius of 500 feet from the subject property and all interested parties for the October 14, 2019 Regular City Council meeting.

P. On September 23, 2019, the City Council continued the Public Hearing to the October 14, 2019 Regular City Council meeting.

Q. On September 26, 2019, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu to clarify the intended hearing date of October 14, 2019.

R. On October 14, 2019, the City Council held a duly noticed public hearing on the subject appeal, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. During its deliberations the Council discussed whether the second floor was larger than other second floors in the area and upon the
Council’s consideration of a motion to deny the appeal and the project, the applicant offered to redesign. At that time, the Council remanded the application back to the Planning Commission based on the applicant’s representation that portions of the project would be redesigned.

S. On February 23, 2020, the applicant submittal revised plans that included a reduction of the size of the second floor.

T. On July 7, 2020, story poles were reinstalled onsite. Staff visited the site and photo-documented the poles.

U. On July 9, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

V. On August 3, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Section 15301(l) – Existing Facilities and 15303 (a) and (e) – New Construction or Conversion of Small Structures. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to LIP Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 17-043 for the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia\(^1\) on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system (OWTS), including DP No. 17-013 for the demolition of an existing single-family residence and associated development and SPR No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential One-Acre (RR-1) zoning district located at 29043 Grayfox Street.

The project is consistent with the LCP’s zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

\(^{1}\) A loggia is room, hall, or porch open to the air on one or more sides.
A. General Coastal Development Permit (LIP Chapter 13)

1. The project is located in the RR-1 residential zoning district, an area designated for residential uses. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. Based on submitted reports, project plans, visual analysis, and site investigation, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

2. Evidence in the record demonstrates that as conditioned, the project will not result in adverse biological or scenic impacts. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment.

B. SPR No. 17-014 for a height greater than 18 feet and not exceeding 28 feet [LIP Section 13.27.5(A)]

1. The project has received LCP conformance review from the Planning Department, City Biologist, City geotechnical staff, City Public Works Department, and City Environmental Health Administrator, and the LACFD. The project is consistent with the policies and provisions of the LCP.

2. The applicant has made design changes to address the adverse neighborhood character concerns the Planning Commission previously expressed due to the size of the second floor, particularly relative to the surrounding area. The homes in the area also vary in age, size and front yard setbacks. The redesign reduced the overall second floor by 1,194 square feet to 1,840 square feet, and now less than half the street side facade has a second floor element. The second floor now falls within the range of square footages identified in the surrounding area. The redesign also introduces more articulation to the front facade in that the round “tower” feature was reduced in diameter and the rest of the second floor is slightly stepped back from the first floor. The topography of the site descends from the street which helps reduce the visual mass of the building from the street. Also, the nearest part of the first floor is 65 feet from the front property line, but most of the building is set back 70 to 80 feet. This is a greater setback than the residences on either side of the project. The redesigned project, as proposed and conditioned, is not expected to adversely affect neighborhood character.

3. The project site is not visible from any scenic roads, trails, parkland or beaches. The project provides maximum feasible protection to significant public views as required by the LCP.

4. The proposed project complies with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies, such as the LACFD. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

5. The project is consistent with the General Plan designation for the site. The goals and policies of the General Plan intend to maintain rural character in this area, and the proposed project is consistent with the development standards set forth to implement this goal. The proposed
residence incorporates siting and design measures to minimize visual impacts and landform alteration by proposing development in an area already disturbed by the existing residential development, siting the building away from the front property line to reduce the building’s massing from the street, and minimizing potential impact to natural resources by avoiding development on slopes greater than 4 to 1. As discussed herein, the project is consistent with the LCP.

6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

C. Hazards (LIP Chapter 9)

1, 2, 3, 4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. The project will not result in potential adverse impacts on site stability or structural integrity. In addition, the record demonstrates that the project as proposed and conditioned will not increase stability of the site or structure integrity from geologic or other hazards. However, since the entire city limits of Malibu are located within a very high fire hazard area, a condition is included in Section 5 of this resolution.

5. No adverse impacts to sensitive resources are expected as the site has already been developed with a single-family residence and accessory development and it is not visible from public viewing areas.

D. Demolition Permit (MMC Chapter 17.70)

1. Conditions of approval, including the recycling of demolished materials, have been included to ensure that the proposed project will not create significant adverse environmental impacts.

2. This CDP application is being processed concurrently with DP No. 17-013, and approval of the demolition permit is subject to the approval of CDP No. 17-043.


Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 17-043, SPR No. 17-014, and DP No. 17-013, subject to the following conditions.

SECTION 5. Conditions of Approval.

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City’s expenses incurred in its defense of any lawsuit challenging the City’s actions concerning this project.
2. Approval of this application is to allow for the project described herein. The scope of work approved includes:

   a. Demolition of an existing square foot single-family residence and associated development, totaling 4,701 square feet of TDSF;
   
   b. Construction of the following:
      i. Two-story, 28-foot high, single-family residence with 6,396 square feet of TDSF, consisting of:
         • 5,085 square foot residence
         • 966 square foot attached garage;
         • 345 square foot covered loggia on the first floor;
         • 312 square foot trellised loggia on the second floor;
      ii. New swimming pool and pool equipment;
   
   c. Grading, including:
      
      Exempt
      • 3,072 cubic yards of removal and recompaction
      • 254 cubic yards of understructure grading
      • 74 cubic yards of safety grading
      
      Non-exempt
      • 904 cubic yards
   
   d. Installation of a new AOWTS, including a 3,634-gallon septic tank;
   
   e. New landscaping and hardscape, including a driveway with a fire truck turnaround; and
   
   f. Perimeter walls less than six feet in height along the side property lines and a three-foot, six-inch-high solid front wall and auto gate topped with 2.5-foot-high visually permeable screening.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on architectural plans on file with the Planning Department date stamped February 28, 2020, grading plans date stamped March 30, 2017, and landscaping plans date stamped October 3, 2017. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes, and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 working days of this decision and/or prior to issuance of any development permit.

5. The applicant shall digitally submit three (3) complete sets of plans, including the items required in Condition No. 6 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
6. This resolution, signed and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).

7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Waterworks District No. 29 and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.

10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.

12. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

Cultural Resources

13. Initial earth disturbing activities into the first three feet of native soil shall be monitored by a qualified archaeologist or a cultural resources monitor approved by the Planning Director. Should intact deposits be encountered, the archaeologist or cultural resources monitor may halt or redirect grading until the resources are evaluated. If determined by the field archaeologist or monitor in consultation with the Planning Director that the resources are potentially significant, a Phase 2 study shall be required.

14. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification
of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

**Demolition/Solid Waste**

15. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.

16. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.

17. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.

18. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.

19. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.

20. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.

21. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate “Investigation Fees” as required in the Building Code.

22. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

**Geology**

23. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.
24. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

Onsite Wastewater Treatment System

25. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu’s onsite wastewater treatment regulations including provisions of MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.

26. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

27. A final design and system specifications shall be submitted as to all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The final OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer’s wet signature, professional registration number and stamp (if applicable).

28. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.

29. The final design report shall contain the following information (in addition to the items listed above).
   a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
   b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system’s geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics;

d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department; and

e. H20 Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.

30. The following note shall be added to the plan drawings included with the OWTS final design: “Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an ‘OWTS Abandonment Permit’ shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtaining of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.”

31. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS’ proper abandonment in conformance with the MMC.

32. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder’s Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-
habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the City Environmental Sustainability Department.

33. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

34. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.

35. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.

36. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.

37. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.

38. In accordance with MMC Chapter 15.14, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

_Grading/Drainage/Hydrology (Geology/ Public Works)_

39. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.

40. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

41. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
   a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
   b. Prohibits the discharge of trash.
c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).

d. Elimination of non-storm water discharges.

42. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:
   a. Public Works Department general notes;
   b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
   c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the Septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
   d. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
   e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
   f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
   g. Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.

43. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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Sanitary/Septic Waste Management

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

44. Prior to the approval of any permits and prior to the submittal of the required construction general permit document to the State Water Quality Control Board, the property owner/applicant shall submit the Public Works Department an Erosion and Sediment Control Plan (ESCP) for review. The ESCP shall contain appropriate site-specific construction site BMPs prepared and certified by a qualified SWPPP developer (QWD). All structural BMPs must be designed by a licensed California civil engineer. The ESCP must address the following elements:
   a. Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside the disturbed area
   b. Methods used to protect native vegetation and trees
   c. Sediment / erosion control
   d. Controls to prevent tracking on- and off-site
   e. Non-stormwater control
   f. Material management (delivery and storage)
   g. Spill prevention and control
   h. Waste management
   i. Identification of site risk level as identified per the requirements in Appendix 1 of the Construction General Permit
   j. Landowner must sign the following statement on the ESCP:

   “I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that quality personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate and complete. I am aware that submitting false and/or inaccurate information, failing to properly and/or adequately implement the ESCP may result in revocation of grand and/or other permits or other sanctions provided by law.”

45. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2.

46. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.
47. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
   a. Is located within or adjacent to ESHA, or
   b. Includes grading on slopes greater than 4 to 1.

Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.

48. The Building Official may approve grading during the rainy season to remediate hazardous geologic conditions that endanger public health and safety.

49. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.

50. All cut and fill slopes shall be stabilized with landscaping at the completion of final grading.

51. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be prepared in accordance with the LIP Section 17.3.3 and all other applicable ordinances and regulations. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The following elements shall be included within the WQMP:
   a. Site Design Best Management Practices (BMPs);
   b. Source Control BMPs;
   c. Treatment Control BMPs;
   d. Drainage improvements;
   e. Methods for onsite percolation, site re-vegetation and an analysis for off-site project impacts;
   f. Measures to treat and infiltrate runoff from impervious areas;
   g. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
   h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits; and
   i. The WQMP shall be submitted to the Building Safety Division and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of building plans for the project.
53. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

54. Several private improvements are located within the public right-of-way, such as (but not limited to) an existing mailbox structure and an existing rock border wall. These improvements are required to be removed as part of this project and must be shown on the plans. The applicant / property owner shall place notes on the development plans for the removal of existing encroachments within the public right-of-way. Prior to the Public Works Department’s approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the removal of the private improvements within the public right-of-way.

55. A digital drawing (AutoCAD) of the project’s private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

**Lighting**

56. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
   a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
   b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
   c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
   d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
   e. Site perimeter lighting shall be prohibited; and
   f. Outdoor decorative lighting for aesthetic purposes is prohibited.

57. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.

58. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.
Biology/Landscaping

59. Invasive plant species, as determined by the City of Malibu, are prohibited.

60. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

61. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.

62. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.

63. Prior to a final plan check approval, the property owner/applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.

64. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three sequential violations of this condition by the same property owner will result in a requirement to permanently remove the vegetation from the site.

65. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.

66. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 17.53), The certificate shall include the property owner’s signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.

67. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and use for a limited time.
Water Service

68. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from Los Angeles County Waterworks District No. 29 to the Planning Department indicating the ability of the property to receive adequate water service.

Construction / Framing

69. A construction staging plan shall be reviewed and approved by the Building Official prior to plan check submittal.

70. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.

71. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

72. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
   a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
   b. Grading activities shall be planned during the southern California dry season (April through October).
   c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
   d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

70. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.

Swimming Pool

73. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).
74. Pool and air conditioning equipment that will be installed shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall comply with LIP Section 3.5.3(A).

75. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.

76. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool / spa is prohibited. Provide information on the plans regarding the type of sanitation proposed for pool.
   a. Ozonization systems are an acceptable alternative to chlorine. The discharge of clear water from ozonization systems is not permitted to the street;
   b. Salt water sanitation is an acceptable alternative to chlorine. The discharge of salt water is not permitted to the street; and
   c. Chlorinated water from pools or spas shall be trucked to a publicly-owned treatment works facility for discharge.

77. The discharge of chlorinated and non-chlorinated pool / spa water into streets, storm drains, creeks, canyons, drainage channels, or other locations where it could enter receiving waters is prohibited.

78. A sign stating “It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per MMC Section 13.04.060(D)(5)” shall be posted in the filtration and/or pumping equipment area for the property.

_Fencing and Walls_

79. The applicant shall include an elevation of the proposed electronic driveway gate on the architectural plans that are submitted for building plan check. The gate and all fencing along the front property line shall comply with the regulations set forth in LIP Section 3.5.

80. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.

81. Fencing or walls enclosing more than one-half acre that do not permit the free passage of wildlife shall be prohibited.

_Fixed Conditions_

82. This CDP runs with the land and binds all future owners of the property.

83. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted thereunder.
SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 3rd day of August 2020.

_______________________________________
JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeals shall be emailed to psalazar@malibucity.org and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-51 was passed and adopted by the Planning Commission of the City of Malibu at the special meeting held on the 3rd day of August 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary
CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 19-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY TO THE PROJECT, AND DENYING COASTAL DEVELOPMENT PERMIT NO. 17-043 TO CONSTRUCT A NEW 7,715 SQUARE FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE WITH A 966 SQUARE FOOT ATTACHED GARAGE, A 345 SQUARE FOOT LOGGIA ON THE FIRST FLOOR, A 333 SQUARE FOOT LOGGIA ON THE SECOND FLOOR, SWIMMING POOL, POOL EQUIPMENT, PERIMETER WALLS, LANDSCAPING, HARDSCAPING AND GRADING, AND THE INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING DEMOLITION PERMIT NO. 17-013 FOR THE DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND ASSOCIATED DEVELOPMENT AND SITE PLAN REVIEW NO. 17-014 FOR CONSTRUCTION IN EXCESS OF 18 FEET IN HEIGHT UP TO 28 FEET, LOCATED IN THE RURAL RESIDENTIAL-ONE ACRE ZONING DISTRICT 29043 GRAYFOX STREET (ATWILL)

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On March 30, 2017, an application for Administrative Coastal Development Permit (ACDP) No. 17-043 was submitted to the Planning Department by applicant, Schmitz and Associates, Inc., on behalf of the property owner, John and Tatiana Atwill. The application was routed to City Biologist, City geotechnical staff, City Public Works Department, and City Environmental Health Administrator, and the Los Angeles County Fire Department (LACFD) for review.

B. On April 6, 2018, Planning Department staff determined the application qualified to be processed administratively pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13.1.

C. On June 13, 2018, a Notice of Coastal Development Permit Application was posted on the subject property.

D. On June 20, 2018, Planning Department staff conducted a site visit to inspect the installed story poles representing the location, height and bulk of the proposed building.

E. On October 2, 2018, the Planning Director approved ACDP No. 17-043, inclusive of Site Plan Review (SPR) No. 17-014 and Demolition Permit (DP) No. 17-013. The ACDP was reported to the Planning Commission at its October 3, 2018, Adjourned Regular Planning Commission meeting. The Planning Commission voted for the item to be brought back for full public hearing and the application was converted into a regular Coastal Development Permit (CDP).

F. On October 11, 2018, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.
G. On November 5, 2018, the Planning Commission continued the item to the December 3, 2018 Regular Planning Commission meeting.

H. On November 27, 2018, the December 3, 2018 regularly scheduled meeting of the Planning Commission was cancelled due to the Woolsey Fire.

I. On December 20, 2018, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

J. On January 10, 2019, the Planning Commission continued the item to the January 22, 2019 Regular Planning Commission meeting.

K. On January 22, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. At the conclusion of the public hearing the Commission directed staff to return with an updated resolution denying the project as it could not make the required findings and the project would adversely affect neighborhood character.

L. On February 19, 2019, the Planning Commission reviewed and adopted Resolution 19-03.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. Pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

SECTION 3. Coastal Development Permit Findings for Denial.

Based on substantial evidence contained within the record and pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the findings of fact below and denies CDP No. 17-043, SPR No. 17-014, and DP No. 17-013 to construct a new two-story, single-family residence with an attached garage, swimming pool, associated development, and new onsite wastewater treatment system, including SPR No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof, and DP No. 17-013 for the demolition of the existing single-family residence and associated development, located in the Rural Residential-One Acre (RR-1) zoning district at 29043 Grayfox Street.

The project, as proposed, has been determined not to be consistent with all applicable LCP and Malibu Municipal Code (MMC), codes, standards, goals, and policies. The size, bulk and mass of the proposed two-story, single-family residence adversely affects neighborhood character contrary to the requirements of LIP Section 13.27.5 for construction in excess of 18 feet in height. The required findings for denial of the CDP and site plan review request for construction in excess of 18 feet in height are made herein.
A. General Coastal Development Permit (LIP Chapter 13.9)

Finding (A) cannot be made. The project exceeds the 18 foot height limit of LIP Section 3.6(E) without a site plan review, and therefore does not conform to the LCP. As designed, the proposed project does not meet all applicable residential development standards and policies of the LCP.

B. Site Plan Review Findings to Allow for Construction in Excess of 18 feet in Height (LIP Section 13.27.5(A))

Finding (2) cannot be made. A site plan review for height above 18 feet may only be granted when a project does not adversely affect neighborhood character. Based on careful review of the materials and all the information in the record, the location and character of the project, including the size, bulk and height of the proposed residence is significantly larger than, and not compatible with, the existing development in the vicinity, and would adversely affect the rural residential neighborhood character. The project is not consistent with the LCP.


Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby denies CDP No. 17-043, SPR No. 17-014, and DP No. 17-013.

SECTION 5. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 19th day of February 2019.

STEVE UHRING, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 245.
I CERTIFY THAT THE FOREGOING RESOLUTION NO. 19-03 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 19th day of February 2019 by the following vote:

AYES: 5  Commissioners: Hill, Marx, Mazza, Jennings, Uhring
NOES: 0
ABSTAIN: 0
ABSENT: 0

KATHLEEN STECKO, Recording Secretary
<table>
<thead>
<tr>
<th>Property Address</th>
<th>Second Story Square Footage (Sq Ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>29043 Grayfox</td>
<td>620</td>
</tr>
<tr>
<td>29033 Grayfox</td>
<td>674</td>
</tr>
<tr>
<td>28975 Grayfox</td>
<td>0</td>
</tr>
<tr>
<td>29055 Grayfox</td>
<td>0</td>
</tr>
<tr>
<td>29075 Grayfox</td>
<td>1896</td>
</tr>
<tr>
<td>29089 Grayfox</td>
<td>0</td>
</tr>
<tr>
<td>6900 Grasswood</td>
<td>1145</td>
</tr>
<tr>
<td>6924 Grasswood</td>
<td>0</td>
</tr>
<tr>
<td>6934 Grasswood</td>
<td>1340</td>
</tr>
<tr>
<td>6938 Grasswood</td>
<td>1520</td>
</tr>
<tr>
<td>6936 Fernhill</td>
<td>1200</td>
</tr>
<tr>
<td>6902 Fernhill</td>
<td>0</td>
</tr>
<tr>
<td>6944 Fernhill</td>
<td>0</td>
</tr>
<tr>
<td>6851 Fernhill</td>
<td>820</td>
</tr>
<tr>
<td>28850 Boniface</td>
<td>0</td>
</tr>
<tr>
<td>28872 Boniface</td>
<td>0</td>
</tr>
<tr>
<td>28904 Boniface</td>
<td>1026</td>
</tr>
<tr>
<td>28910 Boniface</td>
<td>1400</td>
</tr>
<tr>
<td>28926 Boniface</td>
<td>0</td>
</tr>
<tr>
<td>28936 Boniface</td>
<td>1214</td>
</tr>
<tr>
<td>28942 Boniface</td>
<td>1340</td>
</tr>
<tr>
<td>28946 Boniface</td>
<td>0</td>
</tr>
<tr>
<td>28950 Boniface</td>
<td>1950</td>
</tr>
</tbody>
</table>

Average Second Story Sq Ft 702
<table>
<thead>
<tr>
<th>Property Address</th>
<th>Stockwell Area (sq. ft.)</th>
<th>GISNET Area (sq. ft.) by Schmitz &amp; Associates, Inc.</th>
<th>Additional Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>29043 Grayfox</td>
<td>620</td>
<td>881</td>
<td></td>
</tr>
<tr>
<td>29033 Grayfox</td>
<td>674</td>
<td>674</td>
<td>City of Malibu Staff Report</td>
</tr>
<tr>
<td>29075 Grayfox</td>
<td>1,896</td>
<td>4,290</td>
<td></td>
</tr>
<tr>
<td>6900 Grasswood</td>
<td>1,145</td>
<td>2,187</td>
<td></td>
</tr>
<tr>
<td>6934 Grasswood</td>
<td>1,340</td>
<td>2,189</td>
<td></td>
</tr>
<tr>
<td>6938 Grasswood</td>
<td>1,520</td>
<td>2,815</td>
<td>2815 sq ft per building permit; 2164 sq ft per GIS NET 3</td>
</tr>
<tr>
<td>6936 Fernhill</td>
<td>1,200</td>
<td>1,547</td>
<td>1547 sq ft per building permit; 1941 sq ft per GIS Net 3</td>
</tr>
<tr>
<td>6851 Fernhill</td>
<td>820</td>
<td>1,160</td>
<td>neighbor filed complaint per COM</td>
</tr>
<tr>
<td>28904 Boniface</td>
<td>1,026</td>
<td>1,171</td>
<td></td>
</tr>
<tr>
<td>28910 Boniface</td>
<td>1,400</td>
<td>1,297</td>
<td></td>
</tr>
<tr>
<td>28936 Boniface</td>
<td>1,214</td>
<td>605</td>
<td></td>
</tr>
<tr>
<td>28942 Boniface</td>
<td>1,340</td>
<td>2,695</td>
<td></td>
</tr>
<tr>
<td>28950 Boniface</td>
<td>1,950</td>
<td>2,434</td>
<td>613 sq ft addition to 2nd floor per APR No. 12-062 (9/19/2013)</td>
</tr>
<tr>
<td><strong>AVERAGES</strong></td>
<td><strong>1,242</strong></td>
<td><strong>1,842</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Source:**
We conducted the measurement of building footprints using LARIAC 2017 aerial and ESRI 2018 aerial. Several properties had building permits and City of Malibu Staff Report with calculated 2nd story sq ft.
PROPOSED
2-STORY RESIDENCE

IMPERMEABLE COVERAGE

IMPERMEABLE COVERAGE SHEET
NOTE:
No portion of the solid wall will exceed a height of 42"
NOTE:
1. ALL PLANTS HAVE BEEN SELECTED FROM ATTACHED PLANT LIST FOR CITY OF LOS ANGELES DEPARTMENT OF FUEL MODIFICATION GUIDELINES—JULY 2011
2. ALL PLANTS SHOWN ON ATTACHED PLANT LIST COMPLY WITH ZONE MAPPING OF ATTACHED APPENDED PLANT LIST
3. OWNER IS RESPONSIBLE FOR REMOVAL OF ALL UNDESIRABLE PLANT SPECIES. SEE ATTACHMENT ON THIS SHEET WITHIN THE PROPERTY PRIOR TO POST-CONSTRUCTION MODIFICATION.

UNDESIRABLE and INVASIVE PLANT SPECIES

Plants are considered to be undesirable and invasive due to their characteristics. These characteristics can be either physical or chemical. Physical properties that contribute to plant invasiveness include large amounts of leaf material, short stature, and often prostrate growth. Chemical properties include the presence of volatile substances such as oils, resins, wax, and pitch. Undesirable plants are removed from the project for consideration of these volatile substances.

Plants with these characteristics shall not be planted in any fire modification zones. All of these species shall not exist within these areas. They shall be removed because of their invasive or prostrate nature, which they project on any structure.

PLANT SPECIES (UNDESIRABLE and INVASIVE)

[Diagram showing plant species and their locations within the property.]
<table>
<thead>
<tr>
<th></th>
<th>Export</th>
<th>Import</th>
<th>Total</th>
<th>Fill</th>
<th>Cut</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remedial</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1.225 CY</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4.304 CY</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2.276 CY</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1.536 CY</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Non-Remedial</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Signed by the prepping party.

California License: C1112391
City of Malibu
29043 Grayfox Street
Malibu, CA 90265-4481

City of Malibu
## Habitable Square Footage Table for Surrounding Residences

<table>
<thead>
<tr>
<th>Address</th>
<th>APN</th>
<th>Parcel Size (sq. ft.)</th>
<th>Habitable Area Only (sq. ft.)</th>
<th>Year Built</th>
</tr>
</thead>
<tbody>
<tr>
<td>28850 Boniface Drive</td>
<td>4466-017-009</td>
<td>71,572</td>
<td>1,795</td>
<td>1955</td>
</tr>
<tr>
<td>28872 Boniface Drive</td>
<td>4466-017-010</td>
<td>101,458</td>
<td>5,732</td>
<td>1985</td>
</tr>
<tr>
<td>28904 Boniface Drive</td>
<td>4466-017-011</td>
<td>47,112</td>
<td>1,527</td>
<td>1956</td>
</tr>
<tr>
<td>28910 Boniface Drive</td>
<td>4466-017-012</td>
<td>39,983</td>
<td>2,820</td>
<td>1957</td>
</tr>
<tr>
<td>28926 Boniface Drive</td>
<td>4466-017-013</td>
<td>73,267</td>
<td>1,942</td>
<td>1955</td>
</tr>
<tr>
<td>28936 Boniface Drive</td>
<td>4466-017-014</td>
<td>76,453</td>
<td>2,782</td>
<td>1960</td>
</tr>
<tr>
<td>28942 Boniface Drive</td>
<td>4466-016-033</td>
<td>50,074</td>
<td>3,902</td>
<td>1976</td>
</tr>
<tr>
<td>28946 Boniface Drive</td>
<td>4466-016-034</td>
<td>56,768</td>
<td>2,808</td>
<td>1972</td>
</tr>
<tr>
<td>28950 Boniface Drive</td>
<td>4466-016-032</td>
<td>40,275</td>
<td>5,271</td>
<td>1997</td>
</tr>
<tr>
<td>28975 Grayfox Street</td>
<td>4466-007-025</td>
<td>30,230</td>
<td>2,715</td>
<td>1956</td>
</tr>
<tr>
<td>29011 Grayfox Street</td>
<td>4466-017-004</td>
<td>71,890 Tennis court</td>
<td></td>
<td>1976</td>
</tr>
<tr>
<td>29033 Grayfox Street</td>
<td>4466-017-003</td>
<td>44,881</td>
<td>4,974</td>
<td>1955</td>
</tr>
<tr>
<td>29055 Grayfox Street</td>
<td>4466-017-001</td>
<td>71,688</td>
<td>3,675</td>
<td>1957</td>
</tr>
<tr>
<td>29075 Grayfox Street</td>
<td>4466-016-014</td>
<td>72,628</td>
<td>4,160</td>
<td>1994</td>
</tr>
<tr>
<td>29089 Grayfox Street</td>
<td>4466-016-013</td>
<td>74,327</td>
<td>4,491</td>
<td>2009</td>
</tr>
<tr>
<td>6851 Fernhill Drive</td>
<td>4466-017-005</td>
<td>66,170</td>
<td>4,653</td>
<td>1980</td>
</tr>
<tr>
<td>6900 Grasswood Avenue</td>
<td>4466-012-012</td>
<td>65,017</td>
<td>2,724</td>
<td>1962</td>
</tr>
<tr>
<td>6902 Fernhill Drive</td>
<td>4466-011-015</td>
<td>45,326</td>
<td>1,654</td>
<td>1955</td>
</tr>
<tr>
<td>6924 Grasswood Avenue</td>
<td>4466-012-008</td>
<td>45,408</td>
<td>3,388</td>
<td>1962</td>
</tr>
<tr>
<td>6934 Grasswood Avenue</td>
<td>4466-012-007</td>
<td>44,197</td>
<td>4,081</td>
<td>2012</td>
</tr>
<tr>
<td>6936 Fernhill Drive</td>
<td>4466-011-028</td>
<td>27,657</td>
<td>4,577</td>
<td>1973</td>
</tr>
<tr>
<td>6938 Grasswood Avenue</td>
<td>4466-012-006</td>
<td>45,555</td>
<td>4,991</td>
<td>1956</td>
</tr>
<tr>
<td>6944 Fernhill Drive</td>
<td>4466-011-029</td>
<td>25,243</td>
<td>1,264</td>
<td>1954</td>
</tr>
<tr>
<td>6955 Fernhill Drive (Point Dume Marine Science Elementary School)</td>
<td>4466-012-900</td>
<td>271,936</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>n/a</td>
<td>4466-017-006</td>
<td>86,200 Vacant</td>
<td></td>
<td>n/a</td>
</tr>
<tr>
<td>n/a</td>
<td>4466-016-012</td>
<td>72,394 Vacant</td>
<td></td>
<td>1955</td>
</tr>
<tr>
<td>29043 GRAYFOX STREET (PROJECT SITE)</td>
<td>4458-025-016</td>
<td>67,220</td>
<td>4,773 (PROPOSED)</td>
<td></td>
</tr>
</tbody>
</table>

- This table summarizes square footage of nearby residences, parcel sizes and year built based on data obtained from the Los Angeles County Tax Assessor’s Office (LACTA).
- Building square footage is habitable area only, and does not include garages, covered patios, storage rooms, and some other accessory structures.
City of Malibu
23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489  FAX (310) 456-7650

BIOLOGY REVIEW
REFERRAL SHEET

TO: City of Malibu Contract Biological Staff
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 17-043
JOB ADDRESS: 29043 GRAYFOX ST
APPLICANT / CONTACT: Chris Deleau, Schmitz and Associates
APPLICANT ADDRESS: 28118 Agoura Rd
Agoura Hills, CA 91301
APPLICANT PHONE #: (818) 338-3636
APPLICANT FAX #: 
APPLICANT EMAIL: cdeleau@schmitzandassociates.net
PLANNER: Richard Mollica

PROJECT DESCRIPTION: Demo ESFR, NSFR, pool, OWTS

TO: Malibu Planning Department and/or Applicant
FROM: City Contract Biologist

The project review package is INCOMPLETE and; CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process.

The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore Requires Review by the Environmental Review Board (ERB).

Signature ___________________________ Date 10/24/17

Additional requirements/conditions may be imposed upon review of plan revision

Contact Information:
Dave Crawford, Contract Biologist, dcrawford@malibucity.org, (310) 456-2489, extension 277
Steven Hongola, Contract Biologist, shongola@malibucity.org, (310) 456-2489, extension 301
Christopher Julian, Contract Biologist, c julian@malibucity.org, (310) 456-2489, extension 301

Rev 110816
ATTACHMENT 6

133
# BIOLOGY REVIEW SHEET

## PROJECT INFORMATION

| Applicant: (name and email address) | Chris Deleau  
cdleau@schmitzandassociates.net |
|-------------------------------------|----------------------------------|
| Project Address:                   | **29043 Grayfox Street**  
Malibu, CA 90265 |
| Planning Case No.:                 | CDP 17-043 |
| Project Description:               | Demo ESFR, NSFR, pool, OWTS |
| Date of Review:                    | 10/24/17 |
| Reviewer:                          | Dave Crawford  
[Signature]  
[Email: dcrawford@malibucity.org] |
| Contact Information:               | Phone: (310) 456-2489 ext. 307  
Email: dcrawford@malibucity.org |

## SUBMITTAL INFORMATION

| Site Plans:                      | 3/30/17 |
| Site Survey:                    | 3/30/17 |
| Grading Plans:                  |         |
| OWTS Plan:                      | 10/3/17 |
| Planting Plan:                  | 10/3/17 |
| Hydrozone/Water Budget Calculations: | 10/3/17 |
| Bio Assessment:                 |         |
| Bio Inventory:                  |         |
| Native Tree Survey:             |         |
| Native Tree Protection Plan:    |         |
| Miscellaneous:                  |         |
| Previous Reviews:               | Incomplete 4/11/17; incomplete 8/1/17 |

## REVIEW FINDINGS

- **INCOMPLETE**: Additional information and/or a response to the listed review comments is required.
- **COMPLETE**: All required information has been received and a conformance review shall be completed within the next 30 days.
- **APPROVED**: The project has been approved with regards to biological impacts.
- **NOT APPROVED**: The proposed project does not conform to the requirements of the MMC and/or LCP.

- **ERB**: This project has the potential to impact ESHA and may require review by the Environmental Review Board pursuant to LIP Section 4.4.4
DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 362,308 gallons per year. The Estimated Applied Water Use (EAWU) totals 108,692 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

Note: the water budget calculations failed to include the swimming pool as a high water use zone (with a PF = 1.0). However, even with the correction the ETWU is well below the MAWA.

RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:

   A. Prior to installation of any landscaping, the applicant shall obtain plumbing permit for the proposed irrigation system from the Building Safety Division.

   B. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.

   C. Prior to Final Plan Check Approval, if your property is serviced by the Los Angeles County Waterworks District No. 29, please provide landscape water use approval from that department. For approval contact:

   Nima Parsa  
   Address: 23533 West Civic Center Way, Malibu, CA 90265-4804  
   Email: Nparsa@DPW.LACOUNTY.GOV (preferred)  
   Phone: (310) 317-1389

   Please note this action may require several weeks. As such, the applicant should submit their approved landscape plans to DPW as soon as feasible in order to avoid a delay at plan check.

   D. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

   E. Invasive plant species, as determined by the City of Malibu, are prohibited.

   F. Vegetation shall be situated on the property so as not to obstruct the primary view from private property at any given time (given consideration of its future growth).
G. No non-native plant species shall be approved greater than 50 feet from the residential structure. 
   **NOTE:** *Agave deserti* is not a Santa Monica Mountains native, as evidenced by the list of local native species provided in the landscape documentation package. However, since it is a low water use plant, the Planning Director has deemed them acceptable in this instance.

H. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

I. Demo/Grading/excavation/vegetation removal scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than 5 days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within 2 business days of completion of surveys.

J. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or any lighting of natural habitat areas.

2. **PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY,** the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

---

If you have any questions regarding the above requirements, please contact the City Biologist office at your earliest convenience.

cc: Planning Project file  
Planning Department
### Fuel Modification Planting Legend:

#### Fire-Resistant Trees:
- **Boswellia acutangula**: Western Incense, 24" Box, 9 A-3.25, L, T, 30, 22.5, 2.5
- **Calleryana "Little John"** Dwarf Elm, 24" Box, 2 0.5, L, T, 15, 120, 20.5, 2.5

#### Fire-Resistant Shrubs & Perennials:
- **Aquilegia chrysantha**: Desert Agave, 5 gal, 14 A-3.25, L, T, 15, 120, 22.5
- **Eriogonum longicornatum**: Coastal Rosemary, 3 gal, 12 A-3.25, L, T, 15, 120, 18
- **Salvia leucophylla**: Muir Rosemary, 5 gal, 9 A-3.25, L, T, 15, 120, 20
- **Galaxias "Little John"** Dwarf Calamagrostis, 3 gal, 8 A-3.25, L, T, 15, 120, 20
- **Salvia microphylla "Pigeon Point"** Dwarf Coyote Brush, 3 gal, 8 A-3.25, L, T, 15, 120, 20
- **Sedum xerophyllum**: Sedum, 3 gal, 9 A-3.25, L, T, 15, 120, 20
- **Sedum "Violetta"** Sedum, 3 gal, 12 A-3.25, L, T, 15, 120, 20
- **Sedum acre**: Sedum, 3 gal, 10 A-3.25, L, T, 15, 120, 20
- **Sedum "Violetta"** Sedum, 3 gal, 12 A-3.25, L, T, 15, 120, 20

#### Fire-Resistant Ground Cover:
- **Ceanothus "Conifolius"** Ceanothus, 3 gal, 10 A-3.25, L, T, 15, 120, 20
- **Abronia villosa**: Abronia, 3 gal, 10 A-3.25, L, T, 15, 120, 20
- **Loropetalum chinense "Honey's Delight"** Loropetalum, 3 gal, 10 A-3.25, L, T, 15, 120, 20
- **Loropetalum chinense "Coral"** Loropetalum, 3 gal, 10 A-3.25, L, T, 15, 120, 20
- **Neotinea californica** Royal Fescue, 1 gal, 10 A-3.25, L, T, 15, 120, 20
- **Sedum "Korea"** Sedum, 2 gal, 10 A-3.25, L, T, 15, 120, 20

**Note:** Planting Legend & Notes are subject to change depending on the fire department's recommendations.
NOTE:
1. ALL PLANTS HAVE BEEN SELECTED FROM APPENDIX A
2. ATTACHED TO PLANS SET ENFORCEMENT REQUIREMENTS FOR CITY OF LOS ANGELES DEPARTMENT.
3. ALL PLANTS SHOWN ON THIS PLAN ARE COVERED IN ZONE A MATRIX OF APPENDIX A, APPROVED PLANT LIST.
4. OWNER IS RESPONSIBLE FOR REMOVAL OF ALL UNDESIRABLE PLANT SPECIES.
5. ATTACHMENT A TO THIS PLAN LISTED IN THE PROPERTY, PRIOR TO POST CONSTRUCTION.

UNDESIRABLE AND INVASIVE PLANT SPECIES

Culicicidal are considered to be undesirable and must be removed. These

are either physical or chemical. Physical means may include:

1. DRAINAGE: Include large amounts of soil around the base of

2. TRIMMING: Include the pruning of trees, shrubs, and plants

3. CHEMICAL: Include the use of volatile aromatic such as thyme, oregano, and rosemary. Chemical means may include the

4. OWNER IS RESPONSIBLE FOR REMOVAL OF ALL UNDESIRABLE PLANT SPECIES.

PLANT SPECIES (UNDESIRABLE REMOVAL):

CODE

- California Fig (Ficus crenata)
- Mexican Fan Palm (Chamaerops humilis)
- Mexican Cypress (Cupressus macrocarpa)
- Mexican Fan Palm (Chamaerops humilis)
- Mexican Cypress (Cupressus macrocarpa)

NOTE:
1. ALL PLANTS HAVE BEEN SELECTED FROM APPENDIX A
2. ATTACHED TO PLANS SET ENFORCEMENT REQUIREMENTS FOR CITY OF LOS ANGELES DEPARTMENT.
3. ALL PLANTS SHOWN ON THIS PLAN ARE COVERED IN ZONE A MATRIX OF APPENDIX A, APPROVED PLANT LIST.
4. OWNER IS RESPONSIBLE FOR REMOVAL OF ALL UNDESIRABLE PLANT SPECIES.
5. ATTACHMENT A TO THIS PLAN LISTED IN THE PROPERTY, PRIOR TO POST CONSTRUCTION.
Connect with LI-2

IRIGATION Plan

NOTE:
ALL ELECTRICAL & UNDERGROUND UTILITIES PER OTHERS
City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2499  FAX (310) 317-1950  www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO:       City of Malibu Environmental Health Administrator  DATE:  3/30/2017
FROM:     City of Malibu Planning Department

PROJECT NUMBER:  CDP 17-043
JOB ADDRESS:     29043 GRAYFOX ST
APPLICANT / CONTACT:  Chris Deleau, Schmitz and Associates
APPLICANT ADDRESS:  28118 Agoura Rd. #103
                      Agoura Hills, CA  91301
APPLICANT PHONE #:  (818) 338-3636
APPLICANT FAX #:    
APPLICANT EMAIL:    cdeleau@schmitzandassociates.net
PROJECT DESCRIPTION:  Demo ESFR, NSFR, pool, OWTS

TO:        Malibu Planning Department and/or Applicant
FROM:      City of Malibu Environmental Health Reviewer

☑️ Conformance Review Complete for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Plumbing Code (MPC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

☒ Conformance Review Incomplete for the City of Malibu LCP/LIP and MPC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

☐ OWTS Plot Plan:  □ NOT REQUIRED
☐ REQUIRED (attached hereto)  ☑ REQUIRED (not attached)

Signature

Date

October 17, 2017

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not an onsite wastewater treatment system (OWTS) Plot Plan approval is required.

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2499, extension 364.

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator
FROM: City of Malibu Planning Department

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PROJECT DESCRIPTION: Demo ESFR, NSFR, pool, OWTS

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Conformance Review Complete for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Plumbing Code (MPC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

Conformance Review Incomplete for the City of Malibu LCP/LIP and MPC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☑ REQUIRED (attached hereto) ☑ REQUIRED (not attached)

Signature [Signature]
Date [6/13/2017]

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not an onsite wastewater treatment system (OWTS) Plot Plan approval is required.

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.
City of Malibu
Environmental Health • Environmental Sustainability Department
23825 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: Chris Deleau, Schmitz and Associates
cdeleau@schmitzandassociates.net

Project Address: 29043 Grayfox Street
Malibu, California 90265

Planning Case No.: CDP 17-043

Project Description: Demo ESFR, NSFR, pool, OWTS

Date of Review: June 12, 2017

Reviewer: Matt Janousek
Signature: Matt Janousek

Contact Information: Phone: (310) 456-2489 ext. 307
Email: mjanousek@malibucity.org

SUBMITTAL INFORMATION


Grading Plans: Peak Surveys: Plans dated 3-6-2017

OWTS Plan: MKN: OWTS plot plan dated 11-8-2016 (received 3-30-2017); revised plan dated 5-4-2017

OWTS Report: MKN: OWTS summary report dated 11-8-2016 (received 3-30-2017); Response memo dated 5-4-2017

Geology Report: GeoConcepts: OWTS report dated 9-12-2016 (received 3-30-2017); Geology and soils report dated 11-10-2016 (received 5-30-2017)

Miscellaneous: Michael Burch: Fixture unit worksheet dated 10-27-2016 (received 3-30-2017)

Previous Reviews: 4-11-2017

REVIEW FINDINGS

Planning Stage: ☑ CONFORMANCE REVIEW COMPLETE for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Plumbing Code (MPC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.

☐ CONFORMANCE REVIEW INCOMPLETE for the City of Malibu LIP and MPC. The listed Planning stage review comments shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☐ NOT REQUIRED
☒ REQUIRED (attached hereof) ☐ REQUIRED (not attached)

Based upon the project description and submittal information noted above, a conformance review was completed for a new alternative onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed OWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2016 Edition with City of Malibu local amendments (Malibu Municipal Code Section 15.12; hereinafter MPC), and the City of Malibu Local Coastal Program/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.
The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

**Conditions of Planning Conformance Review for Building Plan Check Approval**

1) **Final OWTS Plot Plan:** A final plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MPC, and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).

2) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by the California-registered Civil Engineer, Registered Environmental Health Specialist, or Professional Geologist who is responsible for the design. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

The final OWTS design submittal shall contain the following information (in addition to the items listed above):

a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture schedule, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.

b. Sewage and effluent pump design calculations (as applicable).

c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for “package” systems; and the design basis for engineered systems.

d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any
unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gspf). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.

e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).

[Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

3) Existing OWTS to be Abandoned: Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MPC.

4) Worker Safety Note and Abandonment of Existing OWTS: The following note shall be added to the plan drawings included with the OWTS final design. "Prior to commencing work to abandon, remove, or replace existing Onsite Wastewater Treatment System (OWTS) components an "OWTS Abandonment Permit" shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal, or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtaining of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."

5) Building Plans: All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

6) Proof of Ownership: Proof of ownership of subject property shall be submitted.

7) Operations & Maintenance Manual: An operations and maintenance manual specified by the OWTS designer shall be submitted. This shall be the same operations and maintenance manual proposed for later submission to the owner and/or operator of the proposed alternative onsite wastewater disposal system.

8) Maintenance Contract: A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed alternative onsite wastewater disposal system after construction shall be submitted. Please note only original "wet signature" documents are acceptable.
9) **OWTS Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an alternative method of sewage disposal pursuant to the City of Malibu Uniform Plumbing Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. *Please submit a certified copy issued by the City of Malibu Recorder.*

10) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

11) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

12) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.

13) **Operating Permit Application and Fee:** In accordance with M.M.C. Chapter 15.14, an application shall be made to the Environmental Health office for an OWTS operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

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If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

**cc:** Environmental Health file  
Planning Department
# Geotechnical Review Sheet

**City of Malibu**
23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

## Project Information

<table>
<thead>
<tr>
<th>Date:</th>
<th>October 20, 2017</th>
<th>Review Log #:</th>
<th>4021</th>
</tr>
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<tbody>
<tr>
<td>Site Address:</td>
<td>29043 Grayfox Street</td>
<td></td>
<td></td>
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<tr>
<td>Lot/Tract/PM #:</td>
<td>n/a</td>
<td>Planning #:</td>
<td>CDP 17-043</td>
</tr>
<tr>
<td>Applicant/Contact:</td>
<td>Chris Deleau, <a href="mailto:cdeleau@schmibtandassociates.net">cdeleau@schmibtandassociates.net</a></td>
<td>BPC/GPC #:</td>
<td></td>
</tr>
<tr>
<td>Contact Phone #:</td>
<td>818-338-3636</td>
<td>Planner:</td>
<td>Richard Mollica</td>
</tr>
<tr>
<td>Project Type:</td>
<td>Demolish existing single-family residence, New single-family residence, onsite wastewater treatment system (OWTS), swimming pool/spa, grading and drainage</td>
<td></td>
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## Submittal Information

**Consultant(s) / Report Date(s):** GeoConcepts, Inc. (Walter, GE 2476; Barrett, CEG 2088): 8-28-17, 11-10-16
GeoConcepts, Inc. (Barrett, CEG 2088): 9-12-16
Michael K. Nunley & Associates, Inc. (MKN) (Shields, RCE 74757): 8-7-17 (2 reports), 11-8-16

Building plans prepared by Michael Burch Architects dated December 11, 2016.
Grading plans prepared by Peak Surveys, Inc. dated March 6, 2017.
OWTS Site Plan prepared by MKN dated August 7, 2017.

**Previous Reviews:**
6-15-17; Ref: Environmental Health Review Sheets dated June 12, 2017 and April 11, 2017

## Review Findings

### Coastal Development Permit Review

☑️ The residential development project is **APPROVED** from a geotechnical perspective.

☐ The residential development project is **NOT APPROVED** from a geotechnical perspective. The listed ‘Review Comments’ shall be addressed prior to approval.

### Building Plan-Check Stage Review

☑️ **Awaiting Building plan check submittal.** Please respond to the listed ‘Building Plan-Check Stage Review Comments’ AND review and incorporate the attached ‘Geotechnical Notes for Building Plan Check’ into the plans.

☐ **APPROVED** from a geotechnical perspective. Please review the attached ‘Geotechnical Notes for Building Plan Check’ and incorporate into Building Plan-Check submittals.

☐ **NOT APPROVED** from a geotechnical perspective. The listed ‘Building Plan-Check Stage Review Comments’ shall be addressed prior to Building Plan-Check Stage approval.

### Remarks

The supplemental geotechnical report, OWTS report, and OWTS plan were reviewed by the City from a
geotechnical perspective. The project includes demolishing the existing single-family residence and appurtenant structures and constructing a new 7,676 square foot two-story single-family residence and attached garage, swimming pool and spa, low retaining walls, flatwork, landscaping and a new onsite wastewater treatment system (OWTS) that consists of a treatment tank system and two 6' diameter seepage pits (34' BI with a 10' cap and 34' BI with a 11.2' cap based on the grading plan) with 100% expansion. Grading consists of 3,072 yards of R & R; 254 yards of fill under structure; 74 yards of fill for safety; 904 yards of fill non-exempt; and 1,232 yards of import.

Building Plan-Check Stage Review Comments:
1. Please submit a fee of $957.00 to City geotechnical staff for building plan check review.
2. Depending on the expansion potential of finish grade materials, the Consultant should discuss the need for placing sand underneath slabs-on-grade, as well as the need for pre-saturation of the upper finish grade materials within slabs-on-grade and footing areas.
3. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. The Project Geotechnical Engineer has recommended that the vapor barrier be a minimum thickness of 15 mils, conform to ASTM E1745 Class A requirements, and be installed in accordance with ASTM E1643. Building plans shall reflect the Consultant's recommendation.
4. Please provide reduced setback letters from the OWTS, geotechnical, and structural consultants for any reduced setbacks between the OWTS components and foundations, as applicable.
5. Please clearly show the Code-required minimum foundation setbacks from descending slopes on the plans, where applicable.
6. Include a detail for the swimming pool hydrostatic relief valve on the swimming pool plans.
7. Provide a set of shoring plans for review, as necessary.
8. Include a note on the OWTS plans stating, "The Project Engineering Geologist shall observe and approve the installation of the seepage pits and provide the City Inspector with a field memorandum(s) documenting and verifying that the seepage pits were installed per the approved OWTS plans."
9. Two sets of final grading, retaining wall, swimming pool/spa, and residence plans (APPROVED BY BUILDING AND SAFETY) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall. Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.
Please direct questions regarding this review sheet to City Geotechnical staff listed below.

Engineering Geology Review by:  
Christopher Dean, C.E.G. #1751, Exp. 9-30-18  
Engineering Geology Reviewer  
(310-456-2489, x306)  
Email: cdean@malibucity.org

Geotechnical Engineering Review by:  
Franklin Fong, G.E. #315, Exp. 12-31-17  
Geotechnical Engineering Reviewer (805-496-1222)  
Email: ffong@ffongge.com

This review sheet was prepared by representatives of Cotton, Shires and Associates, Inc. and GeoDynamics, Inc., contracted through Cotton, Shires and Associates, Inc., as an agent of the City of Malibu.

COTTON, SHIRES AND ASSOCIATES, INC.  
CONSULTING ENGINEERS AND GEOLOGISTS  

GeoDynamics, Inc.  
Applied Earth Sciences  
Geotechnical Engineering & Geotechnical Engineering Geologist
The Public Works Department has reviewed the plans submitted for the above referenced project. Based on this review sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan (LCP) and the Malibu Municipal Code (MMC) can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

**STREET IMPROVEMENTS**

1. This project proposes to construct a new driveway within the City’s right-of-way. Prior to the Public Works Department’s approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed driveway. The driveway shall be constructed of either 6-inches of concrete over 4-inch of aggregate base, or 4-inches of asphalt concrete over 6-inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

2. Several private improvements are located within the City’s right-of-way, such as (but not limited to) landscaping, railroad ties, fencing. These improvements are required to be removed as part of this project and must be shown on the plans. The applicant shall place notes on the plans for the removal of existing encroachments within the City’s right-of-way. Prior to the Public Works Department’s approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the removal of the private improvements within the City’s right-of-way.

**GRADING AND DRAINAGE**

3. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City’s LIP Section 8.3. A note shall be placed on the project that addresses this condition.
4. A grading and drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
   - Public Works Department General Notes
   - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
   - The limits of land to be disturbed during project development shall be delineated on the grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
   - The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
   - If the property contains trees that are to be protected they shall be highlighted on the grading plan.
   - If the property contains rare and endangered species as identified in the resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
   - Private storm drain systems shall be shown on the grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
   - Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.

5. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMP's shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMP's and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

STORMWATER

6. The ocean between Latigo Point and the West City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation allows discharge of storm water only where it is essential for flood control or slope stability, including roof, landscape, road and parking lot drainage, to prevent soil erosion, only occurs during wet weather, and is composed of only storm water runoff. The applicant shall provide a drainage system that accomplishes the following:
- Installation of BMPs that are designed to treat the potential pollutants in the storm water runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
- Prohibits the discharge of trash.
- Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e. no additional pollutant loading).
- Elimination of non-storm water discharges.

7. A Local Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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<tr>
<th>Erosion Controls</th>
<th>Scheduling Preservation of Existing Vegetation</th>
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<tr>
<td>Sediment Controls</td>
<td>Silt Fence</td>
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<td>Sand Bag Barrier</td>
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<td>Stabilized Construction Entrance</td>
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<td>Non-Storm Water Management</td>
<td>Water Conservation Practices</td>
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<td>Waste Management</td>
<td>Dewatering Operations</td>
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<td>Concrete Waste Management</td>
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<td>Sanitary/Septic Waste Management</td>
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All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

8. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City’s Local Implementation Plan Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP’s) that have been implemented in the design of the project (See LIP Chapter 17 Appendix A). The SWMP
shall be reviewed and approved by the Public Works Department prior to the issuance of the grading/building permits for this project.

9. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The WQMP shall meet all the requirements of the City’s current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:

- Site Design Best Management Practices (BMP’s)
- Source Control BMP’s
- Treatment Control BMP’s that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
- Drainage Improvements
- A plan for the maintenance and monitoring of the proposed treatment BMP’s for the expected life of the structure.
- A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.
- The WQMP shall be submitted to Public Works and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department’s approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP’s, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

MISCELLANEOUS

10. The Developers Consulting Engineer shall sign the final plans prior to the issuance of permits.

11. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:

- The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
- There are sufficient BMPs in place to prevent soil erosion; and
• The discharge does not reach into the MS4 or to the ASBS (including tributaries)

Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating “it is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5).” The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

12. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.
Story Pole Photos

CDP 17-043
29043 Grayfox Street
Northeast view of the proposed residence from Grayfox Street
Northeast view of proposed residence from Grayfox Street
North view of proposed residence along western property line
Northwest view of proposed residence from Grayfox Street
North view of proposed residence from Grayfox Street
Hi Raneika and Bonnie

I also wanted to add that we are very disappointed that after being rejected by the planning commission on a “neighborhood character” finding, a rejection that was upheld by the city council on appeal, the applicant and their expeditor, never even attempted to reach out to neighbors. The first thing my planner Ha Ly told us was “reach out to the neighbors” which of course we did when we were planning our house. It’s possible that they could decide they can’t accommodate the neighbors concerns but at least they have made an attempt to listen to what they are.

It is critical and only fair that you put in your report that this applicant never met with or talked with any of the neighbors objecting to the proposed residence after it was rejected by the planning commission and city council on a neighborhood character finding.

On Jul 23, 2020, at 4:10 PM, John Stockwell <johnstockwell4@gmail.com> wrote:

Hi Raneika

If the neighbor did not have access to building plan either the neighbor or myself measured the outside of the exterior perimeter walls to assess second floor square footage. In many cases, as with studios above garages, the studio was exactly the same size as the 1st floor garage so they only had to measure the exterior garage dimensions. If it was difficult to measure an irregular second story they would measure the interior dimensions adding 1’ in each direction to account for the thickness of walls.

10 of the neighboring 23 homes had no second story square footage so no measurements were necessary.

Even with their revised pergolas with beams instead of fully enclosed roofs they have by far the largest amount of second story square footage and floor area - far above the average of 702 square feet. More importantly, having an open beam ceiling pergola or porch, versus a pergola or porch with a ceiling does not mitigate the privacy, sun shading, and noise issues on the neighbors. Nor does it reduce the overall mass bulk and height of the structure. One could argue that having an open pergola or deck increases the noise and privacy issues for the neighbors.

On Jul 23, 2020, at 3:02 PM, Raneika Brooks <rbrooks@malibucity.org> wrote:

Hi Mr. Stockwell,
I’m making the final edits to the staff report and Bonnie wants me to include the method you and the neighbors used to measure the second floor square footage when building plans weren’t accessible.

Could you briefly explain how the measurements were taken?

Thanks

Best,

Raneika K. Brooks  
Associate Planner | City of Malibu | Planning Department  
23825 Stuart Ranch Road, Malibu, CA 90265-4861  
Office: (310) 456-2489. Ext. 276 | Cell: (424) 422-8364 | Fax: (310) 456-7650  
www.malibucity.org | rbrooks@malibucity.org

From: John Stockwell  
Sent: Tuesday, June 30, 2020 8:44 AM  
To: Raneika Brooks <rbrooks@malibucity.org>  
Subject: Re: Square Footage Data

Hi Raneika, hope you are well.

Obviously, from simple visual inspection 10 of the 23 homes in the chart have NO second-story footage.

For the other homes, including our own, I asked my neighbors to reference their building plans and let me know what their second story square footage was.

If they didn’t have building plans available to them I asked them to measure the second story square footage or I measured it myself.

For the homes that only have studios directly above the detached garage it was easy to measure the exterior of the ground level garage to get the square footage of the studio above the garage.

I did not use any of the more questionable methods that Don Schmitz uses to calculate square footage like Zillow and Google earth.
Although I put in the work to get the real numbers. It does not take anything more than a simple visual inspection to realize there is no other home nearby that has anywhere near 3073 ft.² of second story.

I have not been approached by the applicant or Don Schmidtz to review any of the revised plans. Both the planning commission and the city Council recommended that the applicant include the neighbors in the planning process because that's the smart way to get approvals. When we were working towards getting approvals for our home, our planner was Ha Ly and the critical thing she told us was - go to your neighbors - talk to them about the design for your proposed house even though it's far under the allowable maximums.

On Jun 29, 2020, at 3:18 PM, Raneika Brooks <rbrooks@malibucity.org> wrote:

Good afternoon Mr. Stockwell

I hope this message finds you and your family well. I am reviewing the revised plans and square footage data for the project proposed at 29043 Grayfox Street, which includes the attached correspondence from you. Could you confirm the source of the square footage data I the attached table? I want to reference it correctly in the staff report.

Thank you.

Stay vigilant and well!

Best,

Raneika K. Brooks
Associate Planner | City of Malibu | Planning Department
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<CITY COUNCIL - CORRESPONDENCE - 10-14-2019 - ITEM 4A_JSTOCKWELL.PDF>
NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, August 3, 2020**, at 6:30 p.m., on the project identified below via teleconference only in order to reduce the risk of spreading COVID-19, pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order.

**COASTAL DEVELOPMENT PERMIT NO. 17-043, SITE PLAN REVIEW NO. 17-014, AND DEMOLITION PERMIT NO. 17-013** - An application for the demolition of an existing single-family residence and associated development and construction of a new single-family residence, swimming pool, replacement of an existing onsite wastewater treatment system with an onsite wastewater treatment system, grading, landscaping, and landscaping, including a site plan review for height in excess of 18 feet; this application was appealed to the City Council and remanded back to the Planning Commission for reconsideration of a revised project design.

**LOCATION / APN / ZONING:**
29043 Grayfox Street / 4466-017-002 / Rural Residential-One Acre (RR-1)

**APPLICANT / OWNERS:**
Schmitz and Associates, Inc. / John and Tatiana Atwill

**APPEALABLE TO:**
City Council

**ENVIRONMENTAL REVIEW:**
Categorical Exemption CEQA Guidelines Sections 15301(f) and 15303(a) and (e)

**APPLICATION FILED:**
March 30, 2017

**CASE PLANNER:**
Ransika Brooks, Associate Planner, rbrooks@malibucity.org
(310) 456-2489, ext. 276

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center http://www.malibucity.org/agendacenter. Related documents are available for review by contacting the Case Planner. You will have an opportunity to testify at the public hearing; written comments, which shall be considered public record, may be submitted any time prior to the beginning of the public hearing. If the City’s action is challenged in court, testimony may be limited to issues raised before or at the public hearing. To view or sign up to speak during the meeting, visit malibucity.org/zoommeeting.

**LOCAL APPEAL:** A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be mailed to the Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

BONNIE BLUE, Planning Director  
Date: July 9, 2020