OCTOBER 5, 2026 REGULAR MEETING

PLEASE DOWNLOAD THE AGENDA DOCUMENT FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE MEETING.

1. Amended Agenda

   Documents:

   PC261005_AMENDED AGENDA.PDF

2. Item 3B1

   De Minimis Waiver No. 26-007 / 29215 Larkspur Lane

   Documents:

   PC261005_ITEM 3B1.PDF

3. Item 3B2

   Extension of Planning Verification-Woolsey Fire No. 19-278 / 6636 Wandermere Road

   Documents:

   PC261005_ITEM 3B2.PDF

4. Item 3B3

   Approval of Minutes / September 8, 2026 and September 22, 2026 Regular Planning Commission meetings

   Documents:

   PC261005_ITEM 3B3.PDF

5. Item 3B4

   Extension of Planning Verification-Woolsey Fire No. 21-059 / 29842 Cuthbert Road

   Documents:

   PC261005_ITEM 3B4.PDF

6. Item 3B5

   Extension of Planning Verification-Woolsey Fire No. 18-005 / 29735 Harvester Road

   Documents:

PC261005_ITEM 3B5.PDF

7. Item 5A

   Coastal Development Permit No. 21-070 / 4501 Vista del Preseas

   Documents:

   PC261005_ITEM 5A.PDF

8. Item 5B

   Extension of Coastal Development Permit No. 12-095 / 5942 Cavalleri Road

   Documents:

   PC261005_ITEM 5B.PDF

9. Item 5C

   Coastal Development Permit No. 23-010 and Tentative Parcel Map No. 23-001 / 28809 Boniface Drive

   Documents:

   PC261005_ITEM 5C.PDF

10. Item 5D

    Request for Determination of Use No. 26-002, Smoke Shop in a Community Commercial Zoning District / 22775 Pacific Coast Highway

    Documents:

    PC261005_ITEM 5D.PDF

HOW TO VIEW THE MEETING: The meeting will be live streamed at www.malibucity.org/video and via Zoom Webinar.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to planningcommission@malibucity.org at least three days prior to the meeting to provide adequate time for Commissioner consideration. Correspondence will continue to be processed until thirty minutes prior to the start of the meeting or as practical.

HOW TO PARTICIPATE IN-PERSON DURING THE MEETING: In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form and be present in the Council Chambers or meeting room when the item is called by the Chair. In-person participants may also surrender their opportunity to speak on a particular item to donate one minute to another in-person speaker, not to exceed a total of eight minutes.

HOW TO PARTICIPATE REMOTELY DURING THE MEETING: The City has been experiencing extreme technical issues with its broadcast and Zoom capabilities. It is strongly recommended that those who wish to participate do so in person as Zoom participation is not guaranteed. While the City intends to allow Zoom participation if possible, the meeting will not be cancelled or continued if technical difficulties impact the ability to accept public participation over Zoom. In such case only in-person participation will be allowed. In order to participate remotely, you must be present in the Zoom meeting and use the Raise Hand feature to request to speak when the Chair calls the item. When you join the Zoom meeting you may see a pop-up asking you to enter an email address, but a valid email address is not required.

Please visit https://malibucity.org/VirtualMeeting and follow the directions to stream the live meeting or learn how to use the Zoom application.

Amended[1] Malibu Planning Commission Regular Meeting Agenda

Monday, October 5, 2026

6:30 PM – REGULAR PLANNING COMMISSION MEETING

City Hall – Multi-Purpose Room
23825 Stuart Ranch Road

Zoom Meeting Link:
https://us02web.zoom.us/j/84438477395

Call to Order - Chair

Roll Call - Recording Secretary

Pledge of Allegiance

Approval of Agenda

1 *See the addition of Item Nos. 5.C. and 5.D.*

Report on Posting of Agenda – September 25, 2026; *Amended Agenda posted on September 30, 2026*

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. Subject to the rules of the Brown Act and the Planning Commission's Rules of Procedure and Decorum, the time allotted per Planning Commissioner to respond to public comment and ask staff to follow-up is three (3) minutes.

B. Community Development Director Report

3. Consent Calendar

A. Previously Discussed Items

None.

B. New Items

1. De Minimis Waiver No. 26-007 – An application for a new water storage device for a parcel affected by the Woolsey Fire

   Location: 29215 Larkspur Lane, not within the appealable coastal zone
   APN: 4468-009-006
   Owner: Malibu Larkspur Lane LLC
   Case Planner: Assistant Planner Williams, 456-2489, ext. 353

   Recommended Action: Receive and file the Community Development Director's report on the issuance of De Minimis Waiver No. 26-007 for a new water storage device (swimming pool) for a parcel affected by the Woolsey Fire.

2. Extension of Planning Verification-Woolsey Fire No. 19-278 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

   Location: 6636 Wandermere Road
   APN: 4468-008-004
   Owner: Loma Costa, LLC
   Case Planner: Senior Management Analyst Evans, 456-2489, ext. 246

   Recommended Action: Adopt Planning Commission Resolution No. 26-52 granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 19-278 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, One-Acre zoning district at 6636 Wandermere Road (Loma Costa, LLC).

3. Approval of Minutes

Recommended Action: Approve the minutes of the September 8, 2026 Planning Commission Regular meeting and the September 22, 2026 Planning Commission Adjourned Regular meeting.

Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246

4. Extension of Planning Verification-Woolsey Fire No. 21-059 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 29842 Cuthbert Road
APN: 4469-041-007
Owner: Orr Family Trust
Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246

Recommended Action: Adopt Planning Commission Resolution No. 26-54 granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 21-059 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Two-Acre zoning district at 29842 Cuthbert Road (Orr Family Trust).

5. Extension of Planning Verification-Woolsey Fire No. 18-005 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 29735 Harvester Road
APN: 4469-010-016
Owner: Juan and Cynthia Oronoz Trust
Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246

Recommended Action: Adopt Planning Commission Resolution No. 26-57 granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 18-005 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Two-Acre zoning district at 29735 Harvester Road (Juan and Cynthia Oronoz Trust).

4. Continued Public Hearings

None.

5. New Public Hearings

A. Coastal Development Permit No. 21-070 and Variance Nos. 26-007 and 26-010 – An application to replace an existing water storage tank and pump station with associated development

Location: 4501 Vista del Preseas, not within the appealable coastal zone, but appealable as a major public works project
APNs: 4473-005-901 and 4473-005-902
Owners: Los Angeles County Waterworks District No. 29
Case Planner: Associate Planner da Silva, 456-2489, ext. 314

Recommended Action: Continue the item to the October 19, 2026 Regular Planning Commission meeting.

B. Extension of Coastal Development Permit No. 12-095, and Minor Modification Nos. 12-016 and 12-017 – A request to extend the Planning Commission's approval to construct a new 18-foot tall, 996 square foot barn, horse corrals and shed, and to permit unpermitted structures and site work

Location: 5942 Cavalleri Road
APN: 4467-018-013
Owner: James Hull Trust
Case Planner: Senior Planner Brown, 456-2489, ext. 268

Recommended Action: Either 1) adopt Planning Commission Resolution No. 26-51 granting a one-year extension of Coastal Development Permit No. 12-095 to construct a new 18-foot tall, 996 square foot barn, horse corrals and shed, to permit unpermitted structures and site work, and to permit an after-the-fact outdoor terraced seating area constructed without the benefit of permits not to be used for commercial purposes, nor employ the use of amplified sound; including Minor Modification (MM) No. 12-016 for reduction of the required 65-foot front yard setback by 36.6 percent and MM No. 12-017 for reduction of the 69-foot, 10-inch rear yard setback by 20 percent, located in the Rural Residential, Five-Acre zoning district at 5942 Cavalleri Road (James Hull Trust); or 2) provide direction to staff to return with a Resolution consistent with the Planning Commission's decision.

C. Coastal Development Permit No. 23-010 and Tentative Parcel Map No. 23-001 – An application for a two-unit housing development and urban lot split under Senate Bill 9

Location: 28809 Boniface Drive, not located within the appealable coastal zone
APN: 4466-018-025
Owner: Donald R. Lehman and Marie Christine Lehman Trust
Case Planner: Senior Planner Achis, AICP, 456-2489, ext. 247

Recommended Action: Adopt Planning Commission Resolution No. 26-46 determining that the California Environmental Quality Act (CEQA) does not apply to projects that a public agency rejects or disapproves pursuant to CEQA Guidelines section 15270, denying Coastal Development Permit No. 23-010 and Tentative Parcel Map No. 23-001 for a two-unit housing development and urban lot split pursuant to Senate Bill 9 (Government Code sections 66411.7 and 65852.21) to divide a 43,636 square foot (sf.) parcel (existing parcel or subject parcel) into two parcels consisting of Parcel A (25,536 sf.) and Parcel B (18,100 sf.), where an existing single-family residence on Parcel A would remain unchanged and

Parcel B would consist of authorizing an after-the-fact unpermitted conversion of an existing detached, non-habitable, 998 sf. storage building with internal mezzanine into a new two-story, 21 foot (ft.) 8 inch tall, 2,548 sf. single-family residence with one parking space, 4 ft. tall by 92 ft. long driveway retaining wall, widening and extension of the existing driveway with a new fire truck turnaround, an advanced onsite wastewater treatment system, grading, decks, landscaping, hardscape, and associated development, located in the Rural Residential, One-Acre zoning district at 28809 Boniface Drive; and directing the Community Development Director to transmit to the applicant, on October 5, 2026, written comments required by Gov. Code sections 66411.7(b)(1)(C) and 65852.21(h)(2) (Donald R. Lehman and Marie Christine Lehman Trust).

D. *Request for Determination of Use No. 26-002 – Smoke Shop in a Community Commercial Zoning District*

Location: 22775 Pacific Coast Highway
APN: 4452-021-009
Owner: Carbon Plaza LLC
Tenant: Malibu Smoke Co.
Case Planner: Assistant Planner Santiago, 456-2489, ext. 382

Recommended Action: Either 1) adopt Planning Commission Resolution No. 26-47 determining the project is exempt from the California Environmental Quality Act, and approving Determination of Use No. 26-002, determining that a smoke shop use is similar to, and not more objectionable than, a liquor store use in the Community Commercial zoning district, subject to obtaining a conditional use permit (Carbon Plaza LLC); or 2) direct staff to return with a resolution consistent with the Planning Commission's decision.

6. Old Business

None.

7. New Business

None.

8. Planning Commission Items

A. Planning Commission and staff comments and inquiries

Adjournment

Future Meetings

Monday, October 19, 2026	6:30 PM Regular Planning Commission Meeting	City Hall Council Chambers
Monday, November 2, 2026	6:30 PM Regular Planning Commission Meeting	City Hall Council Chambers
Monday, November 16, 2026	6:30 PM Regular Planning Commission Meeting	City Hall Council Chambers

Guide to the Planning Commission Proceedings

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 minutes. Members of the public may speak during the meeting in-person or through the Zoom application, although it is strongly recommended that those who wish to participate do so in person. While the City intends to allow zoom participation, the meeting will not be cancelled or continued if technical difficulties impact the ability to accept public comment over Zoom. In order to participate remotely, you must be present in the Zoom meeting and use the Raise Hand feature to request to speak when the Chair calls the item. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Chair. In person participants may surrender their time by donating one minute to another speaker, not to exceed a total of eight minutes. The speaker wishing to donate time must be present when the item is heard and their form must be submitted with the speaker form for the individual they are donating time to. Speakers are taken in the order slips are submitted. In-person speakers will be called prior to Zoom speakers

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.

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 majority vote of the Planning Commission.

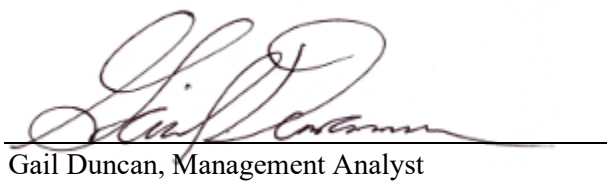
Planning Commission meetings are aired live and replayed on City of Malibu Government Access Channel 3 and are available on demand on the City's website at https://www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are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

Requests to show an audio or video presentation during a Commission meeting should be directed to the Media Team at media@malibucity.org. Material must be submitted by 12:00 PM on the meeting day.

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 30th day of September at 4:30 PM.



Gail Duncan, Management Analyst

Commission Agenda Report

Planning Commission Meeting
10-05-26
Item 3.B.1.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Latrice Williams, Assistant Planner

Reviewed by: Didier Murillo, Principal Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: September 24, 2026 Meeting date: October 5, 2026

Subject: De Minimis Waiver No. 26-007 – An application for a new water storage device for a parcel affected by the Woolsey Fire

Location: 29215 Larkspur Lane, not within the appealable coastal zone
APN: 4468-009-006
Owner: Malibu Larkspur Lane LLC

RECOMMENDED ACTION: Receive and file the Community Development Director's report on the issuance of De Minimis Waiver (DMW) No. 26-007 for a new water storage device (swimming pool) for a parcel affected by the Woolsey Fire.

DISCUSSION: This agenda item is for informational and reporting purposes only. Pursuant to Local Coastal Program Local (LCP) Implementation Plan (LIP) Section 13.4.11, the requirement for a coastal development permit (CDP) may be waived through a DMW issued by the Community Development 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 (CCC), as depicted on the City's Post-LCP Certification Permit and Appeal Jurisdiction Map.

The Community Development Director issued a DMW for the aforementioned address. Pursuant to LIP Section 13.4.11(A), the Director's decision on whether to issue a DMW is not locally appealable and due to the project's location, is not located in the CCC Appealable Jurisdiction.

LIP Section 13.4.11(C) further states that the Community Development Director shall report in writing to the Planning Commission any DMW that has been issued by the City. If, after consideration of the DMW and any public objections to it, the Planning Commission requests that the waiver not be effective, then the applicant shall be advised that a CDP 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 Community Development Director may issue a DMW for any of the following: 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; 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; 3) Replacement seawalls that exceed 10% in height; 4) Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator; 5) Replacement structures that would otherwise be exempt from a Coastal Development Permit may be relocated from their original site if the new location is substantially superior, with primary consideration given to safety and secondary consideration to ESHA and visual impacts; and 6) Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster.

The project qualifies under LIP Section 13.4.11(A)(6) for the water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster criterion and the required findings are more specifically described in the Community Development Director’s decision attached hereto.

Furthermore, the Council considered and accepted pools with draft hydrants as water storage devices for all rebuilds and adopted the final version of the Rebuild Policies at their October 15, 2026 Special City Council meeting, including LCP and Zoning Coding Interpretation No. 24 (https://maliburebuilds.org/wp-content/uploads/2025/10/Zoning-Interpretation-15-Rebuild-Policies_Final_2025.10.16.2025.pdf).

PUBLIC NOTICE: On September 14, 2026, a Notice of DMW Application was posted on the subject property.

ATTACHMENT: DMW No. 26-007

City of Malibu

23825 Stuart Ranch Road • Malibu, California • 90265
Phone (310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

De Minimis Waiver

Based on the project plans and information provided in the permit application for the water storage device (swimming pool) described below, the Community Development Director hereby waives the requirement for a coastal development permit (CDP) pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.4.11.

De Minimis Waiver (DMW) No. 26-007	Other Applications: APRWF No. 20-059[1]
Location: 29215 Larkspur Lane	APN: 4468-009-006
CEQA Exemption Section: 15303(d)	Property Posting: September 14, 2026
CCC Appealable Jurisdiction: ☐Yes ☒No ☐Partial	The proposed system is not located within the CCC Appealable Jurisdiction.

Pursuant to LIP Section 13.4.11(A), the following project may be waived through a DMW:

☐ 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

☐ 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; or

☐ Replacement seawalls that exceed 10% in height; or

☐ Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator; or

☐ Replacement structures that would otherwise be exempt from a Coastal Development Permit proposed to be relocated from their original site if the new location is substantially superior, with primary consideration given to safety and secondary consideration to ESHA and visual impacts;

or

[1] On May 10, 2022, the Planning Division approved Administrative Plan Review-Woolsey Fire (APRWF) No. 20-059 for the in-kind plus ten percent rebuild of a single-family residence with attached garage, and two detached guest houses. In addition, a revised Notice of Decision for APRWF No. 20-059 was issued on March 3, 2026, as the property ownership and residence design changed.

☒ Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster.

Project Description

Natural Disaster: ☒ Woolsey Fire or ☐ Other

Purpose: ☒New, ☐ Replace Existing and Abandon Existing, or ☐ Repair Existing

Water Storage Device: (Swimming pool)

Description: New at-grade, 49 foot (ft.), 7 inches (in.) x 19 ft. swimming pool with draft hydrant for fire suppression purposes.

De Minimis Waiver Findings

Pursuant to LIP Section 13.4.11(A)(6), the project qualifies for De Minimis Waiver, specifically, the water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster criterion. Based on the foregoing evidence contained within the record, the Community Development Director hereby makes the following findings of fact, consistent with LIP Section 13.4.11.B:

The proposed project consists of a new 49.7 ft. x 19 ft. swimming pool designed and plumbed with a draft hydrant to also function as a fire-suppression water storage device, thereby improving on-site firefighting capability and furthering the LCP's objective of reducing risks associated with wildfire and other hazards. The pool and associated fire-suppression components, including piping, hydrant, valves, and related appurtenances, will be located entirely within the established development area associated with the primary building pad and previously disturbed or landscaped portions of the property. No grading, vegetation removal, or new development is proposed within ESHA, wetlands, beach areas, or on or seaward of coastal bluffs, and the project biologist has confirmed that the proposed work is outside any mapped ESHA overlay. The improvements will not affect any recorded public access easements, vertical or lateral accessways, or public trails and will not alter the public's ability to access or use the shoreline.

While the City of Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) do not include a definition of “water storage devices”, there is a reference to swimming pools being required to be suitably engineered for water containment made in the LCP’s Local Implementation Plan (LIP) Section 10.4.E (see below), as well as a goal and related action to ensure that onsite stored water for firefighting purposes be incentivized noted within Goal S-3, Action S-3.3.1f, of the April 2026 updated Safety Element of the City of Malibu General Plan (page 30, with action noted below).

LIP Section 10.4.E asserts, “***Swimming pools shall be constructed in accordance with the pool/spa submittal requirements*** *outlined in Plate F of the City of Malibu "Guidelines for the Preparation of Geologic and Geotechnical Engineering Reports," dated February 2002. In addition, swimming pools and spas shall be located landward of the structural setback requirements as outlined in Section 10.4.D of the Malibu LIP.* ***In addition, all swimming pools and spas shall be of double wall construction with subdrains between the walls and leak detection systems****.*”

City of Malibu General Plan Safety Element Goal S-3, Action S-3.3.1f states, “*[A community adapted to wildfire risks and hazards]…* ***Work with appropriate agencies to ensure sufficient stored water and***

consider nonmonetary incentives for on-site or area-wide shared storage water suitable to meet effective firefighting standards and requirements."

Additionally, Safety Element Goal S-3, Action S-3.3.18 states **"Ensure that adequate water storage and capacity are available to meet daily demand and fire flow requirements."** Onsite fire flow capabilities help meet the demand of fire departments in emergency situations. As the City saw in the Palisades and Woolsey Fires, the LACFD did not have the ability to access their water tanks in many situations. Providing onsite water storage capabilities in something that doubles as a residential benefit incentivizes homeowners to establish these fire flow capabilities onsite and provide the LACFD with additional resources to tap into during emergencies.

To that end, it is evident that swimming pools are required by the City to meet structurally sound design standards to ensure that water is safely contained. Additionally, the most recent iteration of the City's Safety Element, which was subsequent to the Woolsey, Franklin and Palisades Fires, includes a specific action (relative to ensuring that the community is adapted to wildfire risks and hazards) to establish that the City work with appropriate agencies, in this case the Los Angeles County Fire Department (LACFD), to ensure sufficient stored water and consider nonmonetary incentives for on-site shared storage water to meet firefighting standards and requirements. Notably, this action uses the terms 'stored water' and 'shared water storage' rather than focusing on the specific type of device used to hold the water, while the language, "…shared storage water suitable to meet effective firefighting…" and, "…on-site…" provides flexibility in the water storage devices that can be used on-site for LACFD firefighting purposes. Finally, and perhaps most importantly, this action states that the City shall, "…**consider nonmonetary incentives for on-site or area-wide shared storage water suitable to meet effective firefighting standards and requirements**." LIP Section 13.4.11.A.6 waiver process is exactly that, a nonmonetary incentive for on-site or area-wide shared storage water suitable to meet effective firefighting standards and requirements. The LACFD has approved this pool as a water storage device and required a draft hydrant so they can tap into its resources in case there is another fire in the area.

Additional references to swimming pools being considered as water storage devices by the City can be found as part of the City's public hearing process for the LCP Amendment to include LIP Section 13.4.11.A.6, which detailed as follows:

- February 20, 2025, Planning Commission meeting (referenced at 32:43; 47:11; 4:10:31, respectively)
- Ordinance 524 (March 4, 2025, City Council staff report, Item 3.A. page 6)
- March 5, 2025, City Council meeting (referenced in staff's presentation, visible on the slide displayed at 44:16 and discussed by City Council with Fire Chief Duvally in attendance between 4:33:30 and 4:39:22)

At these meetings, both the Malibu Planning Commission and Malibu City Council agreed that pools would be eligible water storage devices for DMW processing listed under LIP13.4.11(A)(6). The Community Development Director is carrying out the directives of the Malibu City Council by including pools as an eligible water storage device.

Therefore, the project is consistent with the certified Malibu LCP, the City's General Plan, and Council and community directives including applicable resource protection policies, because it does not change the existing residential land use, density, development intensity, or expand development toward the shoreline, the improvements remain within the existing development area, and the improvements would enhance fire-fighting capabilities in the immediate area by mitigating fire hazards. The project will not result in significant new impacts to ESHA, marine resources, scenic resources, or public access and will provide an additional fire-protection benefit for the property. The existing OWTS will remain in its current location and capacity, with no modifications proposed, and no changes are proposed to the existing

driveway location or alignment. Accordingly, and inclusive of the foregoing conditions of approval, the proposed improvements have no potential for significant adverse effects, either individually or cumulatively, on coastal resources or public access and are consistent with the applicable requirements of the Malibu LCP for approval of a De Minimis Coastal Development Permit Waiver.

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 49 ft. 7 in. x 19 ft. swimming pool with draft hydrant for fire suppression purposes described under the Project Description section of this DMW and detailed in the project plans (Attachment 1).

3. 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 Division within 10 working days of this decision and/or prior to issuance of any development permit.

4. The applicant shall email the final set of plans to the Planning Division for consistency review and approval prior to the issuance of a building permit.

5. 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.

6. A DMW shall expire and be of no further force and effect if the authorized scope of work has 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.

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

8. All development shall conform to requirements of the Community Development Department, City coastal engineer consultant reviewers, City geotechnical consultant reviewers, City Environmental Health Administrator, City Biologist, and 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.

9. Minor changes to the approved plans or the conditions of approval may be approved by the Community Development 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.

10. 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 coastal development permit.

11. 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

12. 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 Community Development 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.

13. 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

14. No new landscaping is proposed with this project. Therefore, none is approved. A detailed landscaping plan must be submitted to the Planning Division for review by the City Biologist and approval by the Planning Division prior to any planting. Should the applicant intend to plant any new or altered vegetation with a potential to grow over six feet in height at full maturity for an area of 500 square feet or more of landscaping for a new residence, or 2,500 square feet or more of landscaping for an existing residence, a detailed Landscape Documentation Package is required.

15. 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.

16. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade ESHA or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. 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 used for a limited time.

17. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 feet from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.

Environmental Health

18. Final OWTS Plot Plan: 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).

19. Final OWTS Design Report, Plans, and System Specifications: 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).

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

21. 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.

22. Operating Permit Application and Fee: In accordance with MMC, 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.

Swimming Pool

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

24. Pool and air conditioning equipment that will be installed shall be screened from public view by a solid wall or fence on all four sides. The fence or walls shall comply with LIP Section 3.5.3(A) and 3.5.3(B)(8)(a).

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

26. 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 into the MS4 or to the ASBS (including tributaries).

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

28. 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.

29. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

Geology

30. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical consultant reviewers 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 consultant reviewers prior to the issuance of a grading permit.

31. Final plans approved by the City geotechnical consultant reviewers shall be in substantial conformance with the approved DMW relative to construction, grading, sewage disposal and drainage.

Public Works

32. 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.

33. 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.

34. 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 as 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.
    h. Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to issuance of the grading permit.

35. 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.

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

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

All Best Management Practices (BMP) shall be in accordance with 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.

Construction

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

38. 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.

Site-Specific Conditions

39. The water storage device (swimming pool) shall be equipped with an operative fire draft/fire hydrant.

Prior to Final Inspection

40. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Community Development 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.

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

42. 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.

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 the Planning Division prior to final planning approval.

Fixed Conditions

44. This permit runs with the land and binds all future owners of the property.

45. 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 Community Development Director's decision on whether to issue a DMW 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 water storage device (swimming pool). Otherwise, the waiver is effective immediately after the Planning Commission meeting where the matter is heard. The project is not located in the Coastal Commission's Appealable Jurisdiction.

REPORTING – Pursuant to LIP Section 13.4.11, this permit shall be reported to the Planning Commission and is scheduled to be reported at the **October 5, 2026** Planning Commission meeting. This permit will not become effective until completion of the Planning Commission review of the permit pursuant to 14 California Code of Regulations Section 13153.

Notice of Determination: September 24, 2026

Prepared by:



Latrice Williams
Assistant Planner

Issued by:



Yolanda Bundy, MS, PE, CBO, CFCO
Community Development Director

Attachments:

1. Project Plans
2. Department Review Sheets

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. 26-007**, dated **September 24, 2026**, for the project located at **29215 Larkspur Lane, 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 Division 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.

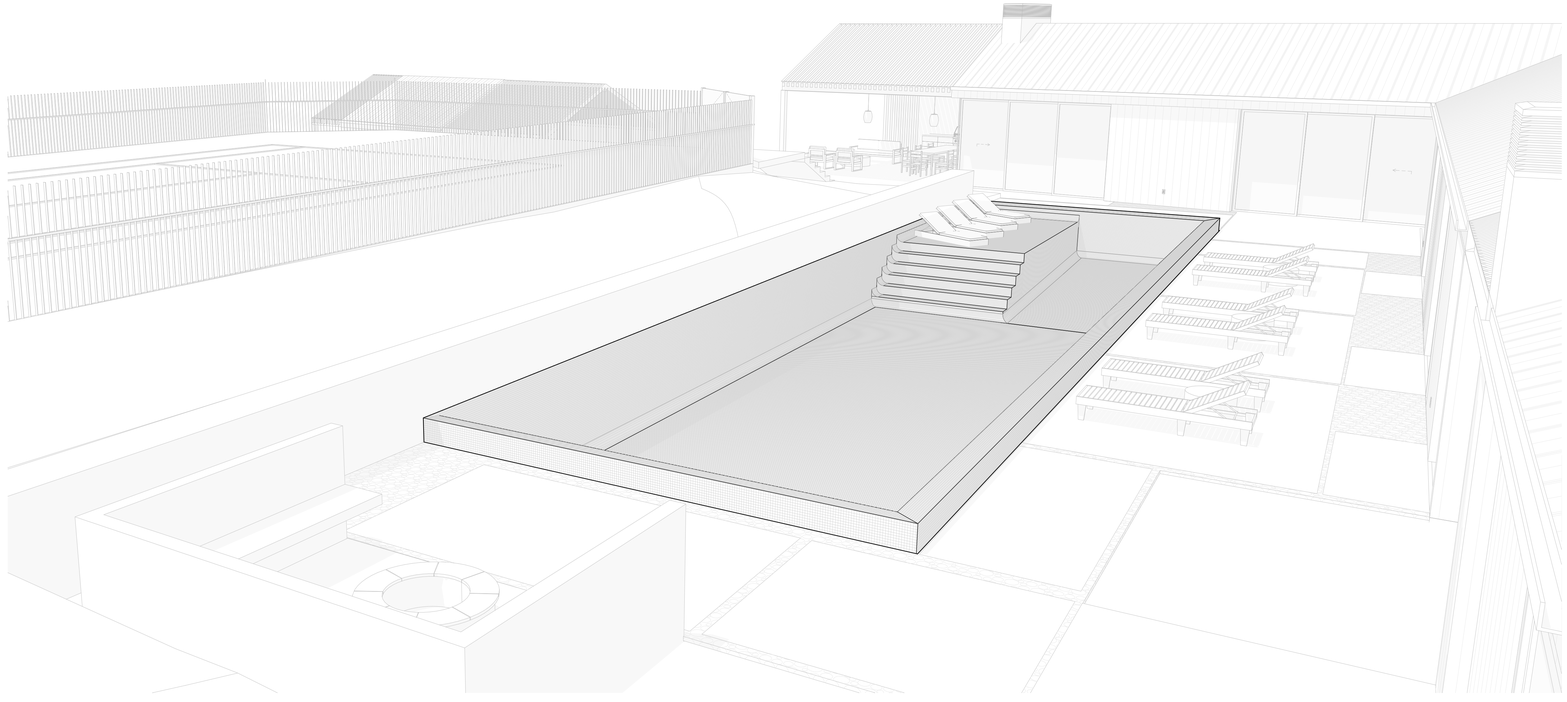
I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
(Notary Public's signature in and for said County and State) (seal)

LARKSPUR_J RESIDENCE

MALIBU, CA



NOTE: PROJECT VIEW TO BE USED AS INSPIRATION REFERENCE ONLY, NOT FOR CONSTRUCTION PURPOSES.

ATTACHMENT 1

ABBREVIATIONS

NOTE: ABBREVIATIONS ARE NOT CASE SPECIFIC

A.B.	Anchor Bolt
A.C.	Asphaltic Concrete
Acces.	Accessories
A.D.	Area Drain
Adj.	Adjacent/Anchor Bolt
A.F.F.	Above Finish Floor
A.P.	Access Panel
Approx.	Approximately
Arch't.	Architect
Alum.	Aluminum
Bd.	Board
Bldg.	Building
Blk.	Block
Blkg.	Blocking
Blkt.	Blanket
Bm.	Beam
B.N.	Boundary Nail
B.O.	Bottom of
B.S.	Both Sides
Brdg.	Bridging
Brkt.	Bracket
B.T.U.	British Thermal Unit
B/N	Between
Cab.	Cabinet
Carp.	Carpet
C.B.	Catch Basin
C.T.	Ceramic Tile
C.G.	Corner Guard
C.J.	Construction Joint
C.L.	Center Line
Clg.	Ceiling
Clo.	Closet
Clr.	Clear
C.M.U.	Concrete Masonry Unit
C.O.	Clean Out
Col.	Column
Conc.	Concrete
Const.	Construction
Cont.	Continuous
Ctr.	Center
C.W.	Cold Water
Dbl.	Double
Dept.	Department
D.F.	Douglas Fir
Dim.	Dimension
Dn.	Down
Dr.	Door
D.S.	Down Spout
E.	East
E.F.	Each Face
E.J.	Expansion Joint
El.	Elevation, vertical
Elast. Mem.	Elastometric Membrane
Elec.	Electric
Elecl.	Electrical
Elev.	Elevator
Eq.	Equal Space
Equip.	Equipment
EX.	Cut from, previously
Exist'g.or(E)	Existing
Ext.	Exterior
F.C.	Finish Ceiling
F.D.	Floor Drain
F.E.C.	Fire Extinguisher Cabinet
F.F.	Finish Floor
Fin.	Finish
Fix.	Fixed
F.L.	Flow Line
F.O.M.	Face of Masonry
F.O.S.	Face of Stud
Ftg.	Footing
Galv.	Galvanized
G.B.	Grab Bar
Gen.	General
G.C.	General Contractor
G.S.	Gravel Stop
G.S.M.	Galvanized Sheet Metal
Gyp. Bd.	Gypsum Board
GWB	Gypsum Wall Board
H.B.	Hose Bib
H.C.	Handicap or Hollow Core
H.D.F.	High Density Fiberboard
Hdr.	Header
Hdwr.	Hardware
Ht.	Height
Horiz.	Horizontal
H.P.	High Point
Htg.	Heating
H.W.	Hot Water
I.D.	Inside Diameter
Incl.	Including
I.E.	Invert Elevation
Info.	Information
Insul.	Insulation
Int.	Interior
Jst.	Joist
Jt.	Joint
L.	Length
Lav.	Lavatory
Lbs.	Pounds
L.H.	Left Hand
L.L.	Live Load
L.P.	Low Point
Lt.	Light
Louv.	Louver
Mat'l.	Material
Max.	Maximum
M.B.	Machine Bolt
M.C.	Medicine Cabinet
Mech.	Mechanical
Memb.	Membrane
Mfg.	Manufacturer
Min.	Minimum
Misc.	Miscellaneous
Mtl.	Metal
M.R.GWB	Moisture resistant gypsum board
N.	North
(N)	New
N.G.	Natural Grade
N.I.C.	Not in contract
No.	Number
N.T.S.	Not to scale
Obs.	Obscure
O.C.	On Center
O.D.	Outside Diameter
Opng.	Opening
Opp.	Opposite
Ot.	Outlet
OVD.	Overflow Drain
P.L.	Property Line
Pl.am.	Plastic Laminate
Plt.	Plate
Plbg.	Plumbing
Plywd.	Plywood
PS.F.	Pounds per Sq. Ft.
Pt.	Point
Ptd.	Painted
Q.T.	Quarry Tile
R.A.	Return Air
RF.D.	Roof Drain
Reg.	Register, Regulation or Regular
Req'd.	Required
RR	Roof Rafters
S.	South or Sink
S.A.	Supply Air
S.C.	Solid Core
Sched.	Schedule
Scup.	Scupper
S.F.	Sub Floor
Sgl.	Single
Sht.	Sheet
Sim.	Similar (but not identical)
SCD	See Civil Drawings
SED	See Electrical Drawings
SLD	See Landscape Drawings
SMD	See Mechanical Drawings
SOG	Slab On Grade
SP	Stand Pipe
SPD	See Plumbing Drawing
Spec.	Specifications
Sq.	Square
SSD	See Structural Drawing
S.S.	Select Structural/Stainless Steel
Std.	Standard
St 'l.	Steel
Stor.	Storage
Struct'l	Structural
S.T.D.	Slope to drain
T.B.D.	To Be Determined
Tele.	Telephone
Temp.	Tempered
T&B	Top & Bottom
T&B	Tongue & Groove
T.O.D.	Top of Deck
T.O.J.	Top of Joist
T.O.P.	Top of Parapet
T.O.Sl.	Top of Slab
T.O.St.	Top of Steel
T.O.W.	Top of Wall
TS	Tubular Steel
T.V.	Television
Typ.	Typical
U.B.C.	Uniform Building Code or applicable Local Bldg. Code
U.L.	Underwriters Laboratory
U.N.O.	Unless Noted Otherwise
V.	Void
V.B.	Vapor Barrier
V.C.T.	Vinyl Composition Tile
V.G.D.F.	Vertical Grain Douglas Fir
Vent.	Ventilation
Vert.	Vertical
V.I.F.	Verify in Field
Vol.	Volume
W.	West or Wide Flange
W/	With
Wd.	Wood
W.F.	Wall Furnace
W.Gl.	Wire Glass
W.H.	Water Heater or Weep Hole
W/O	Without
Wp.M.	Waterproof Membrane
Wt.	Weight
W.W.F.	Welded Wire Fabric
Wk.Pt.	Work Point

DRAWING SYMBOLS

FOR ADDITIONAL ELECTRICAL/MECHANICAL SYMBOLS & EXIT SIGN SYMBOLS - SEE SHEET A----

ELEVATION REFERENCE

SECTION CUT

DETAIL REFERENCE

DETAIL ENLARGEMENT REFERENCE

INTERIOR ELEVATION REFERENCE

REVISION NUMBER

DOOR REFERENCE NUMBER

WINDOW REFERENCE NUMBER

ELEVATION POINT

LEVEL LINE

STUD WALL

BLOCK WALL

ONE HOUR RATED WALL (INTERIOR WALLS)

TWO HOUR RATED WALL

WALL TYPE DESIGNATION

PROPERTY LINE

CENTER LINE

FACE OF G.W.B. DIMENSION, U.N.O.

GYPSUM WALL BOARD

PLYWOOD

INSULATION

STEEL

ALUMINUM

CERAMIC TILE

FENCING

STRUCTURAL WOOD FRAMING

WOOD BLOCKING

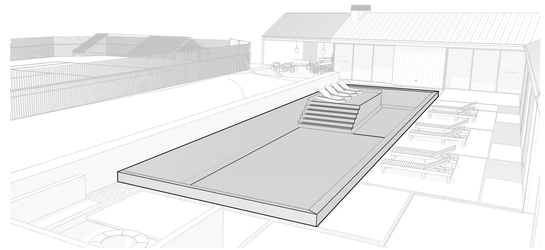
FINISH WOOD

SHEET INDEX

SHEET ID	SHEET NAME	DATE/PUBLICATION: 7/24/26 PLANNING SUBMITTAL
G-0.1	COVER SHEET	☒
G-0.2	GENERAL NOTES & SPECIFICATIONS	☒
G-0.3	GENERAL NOTES & SPECIFICATIONS	☒
G-0.4	SURVEY	☒
G-0.5	SLOPE ANALYSIS	☒
G-0.6	SETBACK & PERMEABLE-IMPERMEABLE CALCULATIONS	☒
G-0.7	OWTS PLOT PLAN	☒
A-1.1	PROPOSED SITE PLAN	☒
A-2.1	PROPOSED FLOOR PLAN - POOL	☒
A-4.1	PROPOSED SECTIONS - POOL	☒
A-6.1	POOL EQUIPMENT VAULT	☒
A-6.2	POOL DETAILS	☒

LARKSPUR_J RESIDENCE

29215 Larkspur Lane



NEW POOL ADDITION TO AN EXISTING HOUSE

PROJECT DATA

SCOPE OF WORK:	POOL ADDITION TO AN EXISTING HOUSE, POOL EQUIPMENT, CMU POOL EQUIPMENT ENCLOSURE. NO NEW LANDSCAPE OR HARDSCAPE PROPOSED
PROJECT ADDRESS:	29215 LARKSPUR LN, MALIBU, CA 90265
A.P.N.:	4468-009-006
LCP ZONING:	RR1
DESCRIPTION OF USE:	SINGLE FAMILY RESIDENCE
OCCUPANCY GROUP:	R3\U FOR SINGLE FAMILY DWELLING WITH ACCESSORY UNITS.
LOT SIZE:	61,089 SQ FT (PER ASSESSOR RECORDS)
NUMBER OF STORIES:	1
FIRE SPRINKLERS:	YES - NFPA 13D, PROVIDE AUTOMATIC FIRE EXTINGUISHING SYSTEM THROUGHOUT PER CRC R313.2.
FIRE ZONE:	FIRE HAZARD SEVERITY
TYPE OF CONSTRUCTION:	V-B
BLDG HEIGHT:	18'-0"
APPLICABLE CODE:	THIS PROJECT SHALL COMPLY WITH THE 2025 CALIFORNIA BUILDING CODE (CBC), CALIFORNIA RESIDENTIAL CODE (CRC), CALIFORNIA FIRE CODE (CFC), CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN), CALIFORNIA MECHANICAL CODE (CMC), CALIFORNIA PLUMBING CODE (CPC), CALIFORNIA ELECTRICAL CODE (CEC), CALIFORNIA ENERGY CODE (CEnC), CALIFORNIA REFERENCED STANDARDS CODE, AND 2026 LOS ANGELES COUNTY AMENDMENTS.

PROJECT TEAM

OWNER Malibu Larkspur Lane, LLC
PO Box 339, Minden, NV 89423
Contact: Jenson Turner
e: jenson.g.turner@gmail.com
p: 818.208.3857

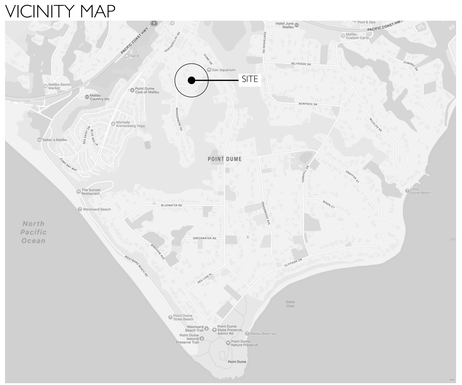
ARCHITECT Sorensen Architects
5855 Green Valley Circle #308
Culver City, CA 90230
Contact: Christopher Sorensen / Architect
e: sa@sorensenarchitects.com
p: 310.337.2866

SURVEYOR Peak Surveys Inc.
2488 Townsgate Rd, Suite D
Westlake Village, CA 91361
Contact:
e: www.peakinc.com
p: 805.495.7014

STRUCTURAL ENGINEER ISE
Contact: Shawn Lothrop
e: www.ISEengineers.com
p: 951.970.1244

GEOTECHNICAL ENGINEER Earth Systems
Contact: Christopher Allen
2122 East Walnut Street, Suite 200 - Pasadena, CA 91107
e: callen@earthsystems.com
p: 626-356-0955

VICINITY MAP



SETBACK CALCULATIONS

LOT WIDTH **213.9'**
LOT DEPTH **288'**

REQUIRED SETBACKS
FRONT SETBACK: 20% X 288' = 57.6'
REAR SETBACK: 15% X 288' = 43.2'
SIDE SETBACKS: 25% X 213.9' = 53.5' ((10% MIN. ONE SIDE = 21.4') & 32.1)
MAX HEIGHT: 18'-0"

PROPOSED SETBACKS - MAIN HOUSE
FRONT SETBACK: 76.0'
REAR SETBACK: 106.8'
SIDE SETBACKS: 32.1' AND 149.1' AND 21.4'

PROPOSED SETBACKS - GUEST HOUSE
FRONT SETBACK: 210.3'
REAR SETBACK: 81.5'
SIDE SETBACKS: 32.1' AND 57.4' AND 192.0'

SQUARE FOOTAGE ANALYSIS

SQFT CALCULATION	
NAME	**SQFT**
BAJA SHELF	228
POOL	1,264
POOL EQUIPMENT	52
	1,544 ft²

PERMEABLE VS IMPERMEABLE AREAS

IMPERMEABLE AREA CALCULATION	
TYPE	**AREA SF**
IMPERMEABLE EXISTING TENNIS COURT	7,124
IMPERMEABLE GUEST HOUSE	500
IMPERMEABLE HARDSCAPE	5,890
IMPERMEABLE MAIN HOUSE	3,911
IMPERMEABLE PICKLEBALL COURT	1,370
	18,327 ft²

PERMEABLE AREA CALCULATION	
TYPE	**AREA SF**
PERMEABLE	32,438
PERMEABLE DG DRIVEWAY & WALKWAYS	9,855
	42,293 ft²

IMPERMEABLE COVERAGE CALCULATION: 61,089 SF x 30% = 18,327 SF

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LARKSPUR RESIDENCE
29215 Larkspur Lane
Malibu, CA 90265

COVER SHEET

SEAL & SIGNATURE: LICENSED ARCHITECT CHRISTOPHER R. SORENSEN No C-28583 REN 6/30/2027 STATE OF CALIFORNIA

DATE: 7/23/26
PROJECT No.: 2515
DRAWING BY: NC, DT, KS
DWG No.: G-0.1
SHEET No.:

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SPECIFICATIONS

DIVISION 1 - GENERAL CONDITIONS

1.1 The contractor shall maintain at all times full and unlimited workmen's compensation insurance in accordance with the labor code of the state of California, and shall carry public contingent liability of insurance in amounts satisfactory to and in companies selected with the consent of the owner.

1.2 The latest standard form of the American Institute of Architects' general conditions, shall be considered as part of these specifications and is on file in the architect's office.

1.1.1 Contractor shall verify the site and examine all existing conditions that may affect the work, and report to Sorensen Architects any discrepancy with the drawings or the need for any clarifications before submitting his bid.

1.1.2 All information shown on the drawings relative to existing conditions is given as the best present knowledge, but without guarantee of accuracy. Where actual conditions conflict with the drawings, they shall be reported so that the proper revisions may be made. Modification of details of construction shall not be made without the proper written approval of Sorensen Architects.

1.1.3 Dimensions shall take precedence over scale - DO NOT SCALE DRAWINGS. Specific notes and details shall take precedence over general notes and details.

1.1.4 Demolished material shall be considered the property of the contractor unless otherwise specified by the owner and shall be removed from the job site and disposed of in a legal manner.

1.1.5 Contractor shall coordinate with the owner use of parking areas by workers, working times, noise level that may cause disruption of work, and any shut-off of water, gas power, HVAC etc. Temporary toilet facilities shall be provided before construction or demolition is started.

1.1.6 A contractor to verify with owner and architect the make, model, and color of appliances, electrical and plumbing fixtures, and finish materials. Contractor shall coordinate with the owner, the exact location of all power, data, communication, and television receptacles and switches.

1.1.7 Contractor and his subcontractors must maintain the public right of ways, sidewalks, premises and surrounding areas to be clean at all times and must clean these areas daily at the end of working hours. Contractor shall remove from and about the project waste materials, rubbish, the contractor's tools, construction equipment, machinery and surplus materials and shall clean all glass, ceramic tile, finish hardware, plumbing fixtures, electrical, trim, equipment, and appliances, from the building upon completion of the project.

1.1.8 Plumbing, mechanical, and electrical contractors shall supply all necessary layouts, calculations, sizing specifications, and permits and permit fees for their respective work and shall provide copies of the same to Sorensen Architects.

1.1.9 n/a

1.1.10 The contractor must verify all existing conditions and verify all dimensions at the job site.

1.1.11 All work and materials shall conform to the requirements of the current edition of the Uniform Building Code, laws and ordinances of the local fire department, coastal agencies, and local county, and state ordinances, rules, codes, regulations, and laws that govern this construction. Nothing in the construction document shall be construed to permit an installation in violation of applicable code and/ or restrictions. The contractor shall notify Sorensen Architects if the documents vary from said codes and/ or restrictions.

1.1.12 The act of starting any specific operation will be deemed as evidencing acceptance by the contractor of all related existing conditions as being satisfactory for such work.

1.1.13 Any requests claims for additional costs above the original sum, the contractor shall give the owner written notice there of within seven (7) days after the occurrence of the event giving rise to such claim. This notice shall be given by the contractor before proceeding to execute the work. Any change in the contract sum resulting from such claim shall be authorized by a written change order only as signed by the owner or owners agent.

1.1.14 No substitutions will be considered unless written request is submitted to owner within ten (10) days of award of contract.

1.1.15 The contractor shall submit shop drawings and samples in triplicate to Sorensen Architects covering categories of work. By submitting shop drawings the contractor thereby represents that he has verified all field measurements, methods of access to the point of installation and similar field criteria for cabinetry/ millwork and all prefabricated assemblies other than building standard work.

1.1.16 Prior to completion of the project the contractor shall submit to the owner, complete operation and maintenance for all mechanical and electrical portions of the work.

1.1.17 The symbol (N.I.C.) means labor or materials that are Not In Contract.

1.1.18 "Or equal", where noted within these specifications, implies substitutions that must be approved by Sorensen Architects prior to purchase and installation.

1.2 General Construction Conditions

1.2.1 The contractor shall supervise and direct the work using his best skill and attention. The contractor shall enforce strict discipline and good order among his employees and other persons carrying out the contract. He shall not permit employment of unfit persons or persons not skilled in tasks assigned to them. The contractor shall be responsible to the owner for the acts or omissions of the contractor's employees, subcontractors, and other persons performing portions of the work under contract with the contractor.

1.2.2 The contractor shall provide and pay for labor, materials, equipment, tools, construction equipment and machinery, water, utilities, toilets, transportation and other facilities and services necessary for the proper execution and completion of the work, whether temporary or permanent and whether or not incorporated or to be incorporated into the work.

1.2.3 The contractor shall anticipate all requirements for the completion of this job and provide all necessary work such as cutting, patching, removals, relocations, fixing, repairing, painting, etc., whether or not specifically called for or described on the drawings, to the satisfaction of Sorensen Architects.

1.2.4 Delivery of materials and removal of debris is to be coordinated and scheduled with the owner and city agencies if required. Material and equipment storage and the security of same including the job site are the responsibility of the contractor.

1.2.5 All construction material shall be stored properly within an area designated by the owner.

1.2.6 Before drilling / cutting any holes in any concrete slab or existing building structure, the contractor shall obtain permission from Sorensen Architects.

1.2.7 During demolition and construction work, contractor shall provide protection for all existing facilities in the course of the work and shall be responsible for maintaining the assigned areas of work completely sealed and isolated from the rest of the building and return any damaged area to its original condition.

1.2.8 Contractor shall provide adequate bracing where required for all elements during construction.

1.2.9 Contractor agrees that he shall assume sole and complete responsibility for construction means, methods, techniques, sequences, and procedures, for job site conditions during the course of construction of this project including safety of all persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and that the contractor shall defend, indemnify, and hold the owner and Sorensen Architects harmless from any and all liability, real or alleged, in connection with the performance of work on this project. Observation visits to the site by field representatives of Sorensen Architects shall not include inspections of protective measures or construction procedures. These visits are performed solely for the purpose of assisting in quality control and achievement of general conformance with the contract documents, but do not guarantee contractor's performance and shall not be construed as continuous and detailed inspection or supervision of construction.

1.2.10 The contractor to have in readiness all work or material as operations may require in the progress of the project. Contractor shall be responsible for all delays caused by neglect of himself or those under him by contract or otherwise.

1.2.11 The contractor shall maintain a complete set of current construction documents on the job site during all phases of construction for the use of all trades. The general contractor as required shall provide all subcontractors with a current set of construction documents.

1.2.12 All work listed, shown or implied on the construction documents shall be supplied and unless noted otherwise installed by the contractor,

1.2.13 Protect all trees not shown to be removed.

1.2.14 The contractor shall pay for all inspections and permits after issuance of the building permit.

1.2.15 The owner shall pay for utility company's fees for water, gas and electric services, and will pay for water used in construction.

1.2.16 The contractor shall furnish a one year guarantee and be responsible for all parts of the work on the building not otherwise guaranteed.

1.2.17 All subcontractors shall furnish a three year guarantee and be responsible for all of the labor and materials furnished to the building.

1.2.18 At completion, the contractor will do final cleanup of the job site and will clean all glass. All glass that is scratched or damaged by work at the site shall be removed and replaced at no cost to the owner. All hardware and metal surfaces shall be cleaned without the use of abrasives.

DIVISION 2 - SITE WORK

2.1 Site Clearing, Earth Work Conditions of Site:
Contractor shall check conditions at the site. If site conditions vary from those shown on the drawings he shall call any variations to the attention of Sorensen Architects before proceeding with the work.

2.1.2 n/a

2.1.3 Clearing the Site: Remove all shrubs and brush in the construction area unless noted to remain. Verify all trees with Sorensen Architects before commencing work.

2.1.4 Excavating Footings:
A. Excavate for all footings, walls, slabs and concrete paving.
B. Clean earth from excavations may be used for backfill. Remove all debris materials unsuitable for fill.
C. Shore and brace excavations if required to prevent caving. Tamp bottoms of footing excavations before pouring concrete.
D. Filling and back filling around foundations, behind walls, under slabs and concrete paving shall be uniformly deposited in 8" layers, moistened with water and thoroughly compacted to specified density.

2.1.5 Rock fills and surfacing: Fill the back of all retaining walls over 4'-0" high, a minimum of 8" thick with pea gravel from the bottom to 6" below finish grade behind the wall.

2.2 Storm Drainage:

2.2.1 Retaining wall drainage as per Sorensen Architect's and structural engineer's drawings.

2.2.2 Roof drainage to be by down-spouts inside walls (unless otherwise noted) and are to go to grade. (See section 7.1.2.) Materials to be ABS plastic fittings at grade to drainage lines.

2.2.3 Yard drains as per Sorensen Architect's and engineer's plans and in accordance with local building codes and building permit requirements.

2.2.4 Drainage lines to be PVC pipe as per Sorensen Architect's and engineer's plans and in accordance with local building codes and building permit requirements.

2.2.5 Provisions shall be made for contributory drainage at all times.

2.2.6 All floor drains shall be trapped and shall be provided with a primer line in accordance with the provisions of U.P.C. Sec. 706 & 707.

2.3 Sewage Disposal:

2.3.1 As per local Health Department requirements or in accordance with local sewer district standards. (See Health Department Permit)

DIVISION 3 - CONCRETE AND FOUNDATIONS

3.1 Structural engineer's and geologist/soils engineer's specifications shall supersede these specifications if conflicting notes regarding concrete or foundation exist.

3.2 Portland cement shall conform to ASTM specifications.

3.3 Fine aggregate shall be good commercial natural sand: clean, hard uncoated grains, free from alkali, organic or deleterious materials. ("Azusa" or "San Gabriel" material only.)

3.4 Coarse aggregate shall be gravel or crushed rock, clean, hard uncoated material, free from alkali, organic or deleterious materials; all retained on 1/4" mesh screen; all shall pass 1-1/2" mesh screen, well graded between these limits.

3.5 Reinforcing steel shall be intermediate or structural grade deformed bars.

3.6 Water shall be clean and free from acids, alkalis, or organic materials.

3.7 Set anchors and rough hardware as shown on structural plans. Sill anchor bolts shall be a minimum of 1/2" diameter, shall extend 7" minimum into concrete foundation, and shall be spaced not over 6'-0" on center.

3.8 Concrete forms shall be true to required shape and size, shall maintain position during pours, and are to be reasonably tight with neat fitted joints. Metal or approved spreaders shall be used. No wood spreaders are permitted.

3.9 The placing of steel shall be done accurately and securely tied with #16 gauge steel wire. Maintain proper concrete coverage.

3.10 Proportioning and mixing concrete:

3.10.1 2000 lbs compressive strength concrete shall be 1 part cement (tested), 2-1/2 parts fine aggregate, 3-1/2 parts coarse aggregate, and 7 gallons of water per sack of cement.

3.10.2 Concrete shall be mixed in transit, with certificates for all loads.

3.10.3 Grout and topping shall be 1 part cement, 2 parts fine aggregate.

3.10.4 n/a

3.11 Concrete shall be placed without delay after mixing; maintain reasonably level pours; tamp to fill entire forms. Saturate the soil 18" deep before placing concrete slabs.

3.12 Concrete forms shall be wet before placing of concrete and shall be kept wet until they are stripped. Forms shall not be stripped until 48 hours after pour.

3.13 Defective concrete which is porous shall not be acceptable. Remove and replace as directed.

3.14 Waste concrete, mortar, and aggregate shall be removed from the job site. Remove form wires and/or spreaders from exposed concrete surfaces. Pressure grout all holes and finish to match adjoining surfaces.

3.15 Cement floor finishes to be monolithic and true to level; interior to be steel-troweled; exterior to be approved broom finish. Prepare sample for approval by Sorensen Architects before finishing. Pour in alternate sections to provide cold joints.

3.16 No concrete is to be poured on job without a field inspection and review by the structural engineer or soils engineer (if a geology/soils report is part of the requirements for obtaining a building permit). Local building department inspection requirements shall also be met prior to pouring concrete.

3.17 Concrete contractor shall review electrical, plumbing and heating plans, and shall be responsible for the coordination and installation of all under-slab conduit, plumbing lines, and air conditioning ducts.

3.18 Provide a minimum of 6" wide R 3.75 perimeter insulation for all slab on grade floors.

3.19 All foundations must extend through un-compacted fill and bear in undisturbed material in accordance with geology/soils report (if report was required by local building department) and local building department requirements.

3.20 Provide minimum under-floor crawl spaces with clearances of 12" from girders, 18" from joists and 6" from mud-sills.

3.21 All foundation excavations must be observed and approved by the Project Geotechnical Engineer and/or the Project Engineering Geologist prior to placement of reinforcing steel.

3.22 The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for the City's files. The report shall include total depths of the piles, depth into the recommended bearing material, minimum required depth into the recommended bearing material, and a map depicting the locations of the piles.

3.23 Prior to the placement of concrete slabs, the slab subgrade soils shall be moisture conditioned to near optimum moisture content to at least 18 inches. The pre-moistened soils should be tested and verified by the Geotechnical Engineer within one day prior to the placement of the moisture barrier and sand.

DIVISION 4 - MASONRY

4.1 Concrete blocks are to be hollow concrete units, open-end type.

4.2 Mortar and grout per local building codes.

4.3 Grout all concrete block cells.

4.4 When laying block, grout all cells, running bond, struck joints, and remove all mortar from exposed surfaces of blocks.

4.5 Structural engineer's details are to be followed for construction of all concrete block walls.

4.6 Brick Veneer:

4.6.1 Brick units shall be standard fired clay bricks corresponding to ASTM standards. Color and manufacturer to be selected by architect.

4.6.2 Brick units shall be adhered with Type "S" mortar.

4.6.3 Use steel ties as required to adhere veneer to substrate.

DIVISION 5 - METALS

5.1 Structural Steel:

5.1.1 Conform to ASTM-a-36-63t; ASTM-a-501-64 for seamless steel tubing.

5.1.2 Contractor to submit two sets of shop drawings for review by Sorensen Architects for all steel fabrication prior to fabrication.

5.1.2 Fabrication, connecting, and welding to be per structural details. Welding per AWS specifications and local building codes; by licensed shop only.

5.1.3 Clean, wire brush, and remove all rust and scales.

5.1.4 Prime with full coats of paint (see specification 9.7) in shop and field touch-up after field welding.

5.1.5 Miscellaneous plates, clips, angles, ties, straps, and anchors are to be per details and as required.

5.1.6 No steel is to be exposed on buildings located within 100 yards of the ocean.

DIVISION 6 - CARPENTRY

6.1 Rough Carpentry

6.1.1 Structural Lumber:
A. Lumber to be well seasoned, grade-marked as per standard rules of West Coast Lumberman's Association.
B. Lumber to be "Construction Grade Douglas Fir", unless otherwise specified.
C. All lumber in contact with masonry, concrete, or within 6" from earth shall be treated "Douglas Fir".
D. All wood stud walls shall be s4s. All exterior stud walls shall be a minimum of 2x6 in size (if this specification
conflicts with architectural details it shall be brought to the attention of Sorensen Architects prior to start of construction).
E. All wood beams and posts to be "Select Structural Grade Douglas Fir" s4s.
F. All wood sills to be foundation grade redwood s4s, or treated Douglas Fir.
G. All plywood floor, wall, and roof sheathing shall be according to structural engineer's specifications.

6.1.2 All metal connectors exposed to outside of building shall be galvanized.

6.1.3 All wood framing shall follow structural engineer's plans and specifications and shall conform to all local department of building & safety requirements.

6.1.4 Provide solid backing for all fixtures, accessories, etc. as required.

6.1.5 All handrails shall be designed for 20 lbs. lateral load (t-23c).

6.1.6 All stairways shall have a minimum clear headroom of 6'-8", stair risers shall be 8" high maximum, tread length shall be 9" minimum. Top of all handrails to be 36"- 38" above stair nosing, and shall have a clearance of 1-1/2" from wall. Handrail shall have a width/diameter of 1 1/4"(Min.) to 1 1/2" (Max.). Rail ends shall be returned to wall. Handrails and guardrails (if not made of tempered glass) shall have intermediate rails/balusters spaced 4" maximum apart at widest point.

6.1.7 Cross-bridge or solid-block 2x floor joists over 10" in depth every 8 feet, and solid-block at supports.

6.1.8 Plywood roof panels shall be bonded with intermediate or exterior glue and shall be exterior type where exposed to the weather.

6.1.9 Wall bracing and notching of studs shall conform to the current edition of the Uniform Building Code. 6.1.10 Timber within 6" of earth shall be protected by 3" of concrete and an impervious membrane.

6.1.11 All nails used for nailing plywood shall be ring-shank or spiral thread of sizes and spacings indicated on structural drawings.

6.1.12 Fire block stud walls and partitions (including furred spaces at floor, ceiling, soffit, and at mid-height of walls over 10 feet in height).

6.2 Finish Carpentry

6.2.1 All exterior wood shown on drawings shall be either clear all heart redwood or clear cedar, size and type as per exterior building elevations. Size and type of all exterior siding to be approved by Sorensen Architects prior to the contractor's ordering of this material for job.

6.2.2 All exterior wood shall have galvanized phillips-head screws for installation.

6.2.3 All cabinets shall be included in General Contract as separate bid and shall be built as follows, unless designed and specified by kitchen design/consultant firm.
A. Kitchen base cabinet shall be 38" high from finished floor to top of finished countertop, depth to be 24", with 4" high and 3" deep kick, and doors shall be 3/4" thick for a total of 24-3/4".
B. Kitchen upper cabinets shall be 34", 36", or 40" high (interior elevations shall govern final height of upper cabinets). Upper cabinet shall be 12" deep with 3/4" thick doors for a total of 12-3/4".
C. Typical upper kitchen cabinet has a 1-1/4" light valance at bottom, and 3/4" scribe above door.
D. Bathroom base cabinet shall be 36" high (including countertop) (interior elevations shall govern final height of upper cabinets), with 4" high and 3" deep kick. Cabinet to be 21" deep with 3/4" thick doors for a total of 21-3/4". Countertop to overhang base cabinet according to architectural details.
E. Cabinets are to be custom built and will hold to dimensions of plans without fillers in between cabinets. Corner stiles will vary from 0" to 3" and 3/4" scribes will be required where cabinets meet the wall.
F. The body and interior of all cabinets shall be 3/4" to be constructed of Pre-finished plywood (formaldehyde free) to match exposed surfaces.
G. All cabinet's exposed surfaces shall be either paint grade wood, oak veneer, vertical grain Douglas fir veneer, maple veneer, or plastic laminate. See interior elevations and room finish schedule for cabinet finish type.
H. All drawers shall be constructed of Pre-finished plywood (formaldehyde free) to match exposed surfaces.
I. The backs of all cabinets shall be set in 3/4" and shall be constructed of Pre-finished plywood (formaldehyde free) to match exposed surfaces.
J. All upper kitchen cabinets shall have two adjustable shelves. Provide two pull out shelves in kitchen base cabinets. Provide one shelf in bathroom base cabinets.
K. All cabinet toe kicks will be recessed 3" in front, 1" on ends, and 1" on backs (where exposed).
L. All cabinet doors shall be flush, full overlay with 3/32" plus a 1/32" gap between each door. Cabinet doors shall be guaranteed against warpage of more than 1/8". M. All cabinet hinges will be fully concealed 120 degree opening with metal cup.
N. All mouldings shall be provided as needed for sides and tops of cabinets.
O. All chopping block countertops to be maple wood; thickness and finish to be approved by Sorensen Architects. P. All drawer-slides to be manufactured by 'Blum, Tandem glide, full extension'.

6.3 Laminated Plastic

6.3.1 Colors and patterns to be approved by Sorensen Architects.

6.3.2 All fabricated countertops are to have exterior plywood or particle board backing.

6.3.3 All fabrication and installation per details and per manufacturer's specifications by skilled applicators.

DIVISION 7 - MOISTURE PROTECTION 7.1 Waterproofing

7.1.1 The waterproofing of all concrete block walls and all poured concrete walls below grade shall be waterproofed with Miradri 860 or 861 self-adhered waterproofing and accessories as manufactured by Mirafi. The minimum 60 mil membrane shall consist of rubberized asphalt laminated to a polyethylene film. The membrane must comply with the product property values published by Mirafi. Accessory products shall be M-800 Mastic, P-804 or P-805 Primer, LM-800 Liquid Membrane and Miradrain. Material shall be applied as shown on the plans and in compliance with the manufacturer's recommendations. The materials shall be applied at temperatures above 40 deg. F.. The surfaceto receive membrane waterproofing shall be clean, dry and free of irregularities. Primer shall be applied at a rate of 200-300 square feet per gallon. Miradri 860 or 861 Membrane shall be applied with a minimum 2 1/2" side lap and a minimum 5" end lap. M-800 Mastic shall be applied at all terminations, and "T" joints of the waterproofing membrane. A protection course should be applied at the end of the day's waterproofing application.

7.1.2 All drains shall be in accordance with recommendations by the geology/soils engineer's report and the structural engineer's drawings and specifications regarding subsurface drainage.

7.1.3 Roof Underlayment (Waterproofing):
Provide two (2) layers of Tyvek® Protec™ ICC-ES AC188 /CCRR0542/0314, ESR-5378 or approved equivalent roofing underlayment installed over the roof sheathing. Install in accordance with manufacturer's specifications and applicable building codes. Underlayment shall serve as a secondary water-resistive barrier beneath the roofing system. Lap joints, seal penetrations, and fasten per manufacturer requirements to ensure a continuous waterproofing layer.

7.1.4 Wall Underlayment (Weather-Resistive Barrier):
Provide Tyvek® HomeWrap® ICC-ES Report: ESR-2375, ASTM E1677 or approved equivalent weather-resistive barrier installed over exterior wall sheathing and behind exterior cladding. Install in accordance with manufacturer's instructions to create a continuous air and moisture barrier. Overlap seams, tape joints, and properly flash all openings, penetrations, and transitions to maintain continuity of the weather-resistive barrier.

7.2 Insulation

7.2.1 All insulation shall be by Owens/Corning Fiberglass Corp., Insulation Operating Div., Fiberglass Tower, Toledo, Ohio 43659, Tel# (419)248-8000, www.owenscorning.com.

7.2.1 All roof cavities shall have R30 insulation (See State energy calculations for minimum insulation requirements)

7.2.2 All exterior wood frame walls shall have R19 insulation. Insulation to be foil backed when exposed. (See State energy calculations for minimum insulation requirements.)

7.2.3 All raised floor systems shall have R19 insulation. (See State energy calculations for minimum insulation requirements.)

7.2.4 See State energy calculations for minimum insulation requirements.

7.3 Roofing

7.3.1 Built-up or "Flat" roofing areas shall have a minimum pitch of 1/2" to 1 foot. Roofing Type to be Built-up Class A roofing.

7.3.2 All roof coverings shall be "Fire Retardant" as specified in UBC (3203e) for Class A roofing assemblies. Class A prepared roofing to be per UBC (3203-f-3).

7.3.3 All eave vent baffles in attic to be minimum of 6" vertically above the surface of loose fill insulation in attic.

7.3.3.1 Copper roof to have 1-1/2" standing seams (not battons) at 24" on center. Copper to be 20 ounce minimum.

7.3.4 Roof ventilation in enclosed attics shall have ventilation of 1 square foot for every 150 square feet of attic area. Attic openings to be covered with corrosion resistant metal mesh with openings 1/4" in dimension. 7.3.5 All exterior building surfaces finished in stucco that are not vertical (i.e. parapets, etc.) shall be underlayed with Bithuthane appropriate waterproofing membranes.

7.3.5 Roof underlayment shall have one layer of minimum 72-pound mineral-surfaced non-perforated cap sheet complying with ASTM D 3909. CRC 337.5.2., of Mineral Surface Cap Sheet 3407 by GAF or similar.

7.4 Sheetmetal

7.4.1 All sheetmetal, unless otherwise noted or specified, shall be a minimum of 28 gauge galvanized metal. All joints to be lapped 4" and soldered solid at all joints.

7.4.2 All flashings, gutters, downspouts, metal louver vents, and dormer roofs as per architectural details.

7.4.3 All ductwork for ventilation fans through roof to have no-draft roof vent caps.

7.4.4 Clothes dryer wall vent to be 4" metal wall sleeve with no-draft weather caps.

7.4.5 Roof caps for F.A.U. units and kitchen and barbecue hoods shall be round type

7.4.6 All sheetmetal work to be done in a workmanlike manner, with smooth soldering, full seamed work, formed to provide suitable allowances for expansion and contraction without undue stress, and to be finished watertight throughout.

DIVISION 8 - DOORS, WINDOWS, GLASS

8.1 Security Requirements

8.1.1 Exterior doors, doors between house and garage, windows, and their hardware shall conform to the Security Provisions of Chapter 10 of the Uniform Building Code.

8.1.2 Single swinging doors, active leaf of pairs of doors, and the bottom leaf of Dutch doors shall be equipped with an interior latch and an exterior key operated dead bolt. Deadbolt shall have a hardened insert, 1" minimum throw and 5/8" minimum embedment into jamb. If latch has a key locking feature it shall be a dead latch type.

8.1.3 Inactive leaf of a pair of doors, or upper leaf of Dutch door, shall have a deadbolt per item 'a' not key-operated, or hardened deadbolt top and bottom with 1/2" embedment.

8.1.4 Interior swinging wood door(s) shall be solid core not less than 1 3/8" thick. Exterior door(s) shall be solid core not less than 1 3/4" thick.

8.1.5 Panels of wood doors shall be 9/16" thick and not more than 300 square inches. Stiles and rails to be 1-3/8" thick and 3" minimum width.

8.1.6 Door hinge pins accessible from the outside shall be non-removable.

8.1.7 Doorstops of wood jambs on in-swinging doors shall be one piece construction or joined by rabbet.

8.1.8 Windows and door lights within 40" of the locking device of exterior doors shall be fully tempered, approved burglary resistant, and protected by bars, screens or grills.

8.1.9 Overhead and sliding garage doors shall be secured with a cylinder lock, padlock with a hardened steel shackle, or equivalent (when not otherwise locked by electric power operation). Jamb locks shall be on both jambs for doors exceeding 9'-0" in width.

8.1.10 Sliding glass doors and sliding glass windows shall bear forced-entry-resistant labels.

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GENERAL NOTES & SPECIFICATIONS

SEAL & SIGNATURE:
LICENSED ARCHITECT CHRISTOPHER R. SORENSEN No C-28563 REN 6/30/2027 STATE OF CALIFORNIA

DATE: 7/23/26
PROJECT No.: 2515
DRAWING BY: NC, DT, KS
DWG No.: G-0.2
SHEET No.:

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SPECIFICATIONS (CONT'D)

DIVISION 8 - DOORS, WINDOWS, GLASS (CONT'D)

8.2 Aluminum Doors, Windows and Screens
8.2.1 All sliding and multi-sliding doors to be Western Windows Classic 600 Series
8.2.2 All aluminum windows to be Western Windows Classic 600 Series
8.2.3 n/a
8.2.4 Sealing for metal to metal seams, etc., to be G.E. silicone sealant, General Electric Co., 260 Hudson River Rd., Waterford, NY 12188, or equal. Sealant color to match frame color.
8.2.5 Set all doors, windows, greenhouses, and skylights with sealant specified by manufacturer.
8.2.6 General Contractor shall be responsible for all water leaks in doors, windows, greenhouses, and skylights for one year after filing of "Notice of Completion".
8.2.7 Any substitution to the above doors, windows, greenhouses, or skylights shall be submitted to Sorensen Architects for approval prior to start of construction.
8.2.8 All screens for doors, windows, greenhouses , and skylights shall be by manufacturer of specific assembly.

8.3 Wood Doors, Windows, and Greenhouses
8.3.1 For size and type of door, window or skylight see Door and Window Schedules.
8.3.2 n/a
8.3.3 n/a

8.4 Glass
8.4.1 All glass shall be Guardian Float Glass or approved equal. All glass shall be dual glazed 1/4" thick panels (unless otherwise specified in Door and/or Window Schedules). For glass tint refer to Door and Window Schedules.

8.5 Wood Slab Doors
8.5.1 All exterior wood slab doors to be 1 3/4" thick, solid core wood. See Door Schedule for precise finish.
8.5.2 All interior wood slab doors to be 1 3/8" thick, solid core wood. See Door Schedule for precise finish.

8.6 Finish Hardware
8.6.1 All finish hardware to be by Schlage Lock Co.

8.7 All such skylights to be manufactured by Velux
8.7.1 All skylights to be installed according to manufacturer's specifications.

8.8 Structural Skylights
8.8.1 All such skylights to be manufactured by Velux
8.8.2 Scope
A. This specification authorizes that engineering, materials, fabrication, installation and warranty of Skylight project will be carried to completion by one Skylight manufacturer.
8.8.3 Quality Assurance
A. AAMA standards shall be adhered to throughout construction.
B. Work will be performed by qualified, experienced and approved personnel.
8.8.4 Submittals
A. Shop Drawings - 2 copies of shop drawings shall be submitted for the architect's approval prior to starting fabrication.
B. Structural calculations by a registered professional engineer to confirm compliance with all loading requirements.
C. The skylight manufacturer shall submit for architect's approval the following test reports and samples in regard to flush silicone joinery:
1. Test data on adhesion samples of metal and glass tested in accordance with ASTM-C-794.
2. Compatibility statement that the materials in contact with the sealant (such as gaskets, spacers, setting blocks) are compatible with the sealant after 21 days exposure to ultra violet, 2000-4000 (micro watt u.v. radiation).
3. A statement that the stress on the silicone sealant (per detail), when exposed to the specified load, does no exceed 20 psi.
4. The skylight manufacturer shall provide the sealant manufacturer shop drawings showing size of lights, design wind-load and statement of stress.
5. Where applicable a statement from the supplier of insulating glass that the units will withstand the specified loads.
8.8.5 Loading Requirements
A. Aluminum Skylight structures shall be designed for loads prescribed by the governing building codes. Deflection of rafters will not exceed L/175 of the rafter span.
8.8.6 Warranty
A. A written warranty will be presented that certifies Skylight(s) shall be free of defects in design, materials, and construction and will not leak for a period of 10 years from date Skylight is completed. B. Glazing materials are covered by glazing manufacturer's standard warranty.

8.9 Weatherstripping
8.9.1 All stops as per manufacturer's specifications, all thresholds to be included in finish hardware allowance.
8.9.2 All weather stripping be Pemko or equal.

DIVISION 9 - FINISHES

9.1 Plastering
9.1.1 All materials to be by La Habra Products, Inc., or equal.
9.1.2 Plaster surfaces on walls, ceiling, and roof soffits exposed to weather shall have exterior lath and plaster conforming to Uniform Building Code, Sections 4708 and 4709. Unless exempted by Section 424, exterior plaster lath on ceilings and roof soffits shall conform to Section 4706-C of the Uniform Building Code.
9.1.3 All non-vertical stucco surfaces to be waterproofed w/ two (2) layers of 15 lb. felt under lath.
9.1.4 Inspection is required by local department of building & safety of all interior and exterior in-place lath and for gypsum board, before plaster is applied or any joints and fasteners have been taped and finished.
9.1.5 Exterior stucco finish shall be composed of three coats:
A. First coat shall be scratch coat.
B. Second coat shall be brown coat.
C. Third coat shall be finish coat. This coat shall have integral color. Color and texture shall be approved by Sorensen Architects prior to start of work. Integral color shall be in conformance with manufacturer's specifications. Finish coat to be smooth, steel troweled finish with fine sand mix, sample to be approved by Sorensen Architects.
9.2 Drywall
9.2.1 All materials to be U.S. gypsum or approved equal. All drywall panels to be 5/8" thick type "X" gypsum panels.
9.2.2 Application of drywall to be according to the Drywall Contractor's Association. Exposed edges to have 1/2" radius corner bead. All vertical and horizontal joints to be taped according to manufacturer's specifications. All surfaces to be true and smooth with proper filling and sanding.
9.2.3 All interiors shall be finished with a smooth finish and shall have a coat of thin wall skim coat over drywall surface. Sample finish of texture coat over drywall shall be approved by Sorensen Architects prior to start of work.
9.2.4 All drywall used in kitchen or bathrooms to be 5/8" green board drywall (waterproof).
9.2.5 All penetrations through rated assemblies shall be caulked with USG Fire Stop System. Installation shall be in accordance with both manufacturer's specifications and UL HWS0001 (for 1-hour assemblies) or HWS0002 (for 2- hour assemblies).

9.3 Ceramic Tile
9.3.1 Materials
A. All ceramic floor tile to be approved by Sorensen Architects.
B. All exposed edges to have surface bullnose. Wall tile coved to floor in showers.
C. All tile countertops to have surface broken edges.
D. Arrangement of tile joints to be approved by Sorensen Architects.
9.3.1.2 All tile to have backing of 1/2" "Dens-Shield' Tile Backer ICBO # 4465 (for tech info call 800.225.6119)
9.3.2 Tile grout width to be approved by Sorensen Architects prior to laying of tile. Expansion joints shall be placed at the junction of unlike materials or vertical surfaces such as concrete or veneered walls, steps, curbs, planters, columns, etc. Width of expansion joint to be approved by Sorensen Architects.
9.3.3 All floors and counters to be set with epoxy mortar unless otherwise specified.
9.3.4 All tile work shall be in accordance with the latest specifications of the Tile Council of America.
9.3.5 All tiles to be wiped clean after grouting, using water and soft cloths. Do not use acid.
9.3.6 After tile is laid and cleaned, the floors shall be covered for curing with a polyethylene sheet, and allowed to stand for a minimum of 3 days to allow the grout to cure. No traffic to be allowed on floor during this time.

9.4 Wood Floors
9.4.1 All wood floors to be either White Oak or Vertical Grain Douglas Fir.
9.4.2 The size, type, thickness, pattern, and finish to be approved by Sorensen Architects prior to installation.
9.5 Resilient Flooring
9.5.1 Sheet vinyl to be Armstrong Vinyl Corlon, or approved equal.
9.5.2 All flooring colors and patterns to be approved by Sorensen Architects.
9.5.3 Use Armstrong S-180 Latex Underlayment on surface that sheet vinyl is to be laid. Subfloor to have 1/4" underlayment of Armstrong S-300.
9.5.4 Flash covering is to be used when vinyl floors are specified for kitchen, laundry room, or bathrooms. Installation to
be according to manufacturer's specifications.
9.5.5 Armstrong floors, or equal, are to be used for all resilient floors.

9.6 Concrete Staining
9.6.1 n/a
9.6.2 All concrete paving, terraces, steps, garage floor, and concrete landings to be colored concrete; color to be approved by Sorensen Architects.

9.7 Painting
9.7.1 General
A. The work includes, but is not necessarily limited to, furnishing of materials and equipment and completion of painting and painter's finish on exposed surfaces as required to complete finishing of the work indicated on the drawings.
B. All painting to be of the highest quality. There shall be no painting on copper, aluminum, stainless steel, or brass unless otherwise specified. Do not paint in mechanical room or attic except for doors and trim.
C. All work to be by skilled painters. Apply no paint before work is ready for painting. All applications per manufacturer's specifications.
D. Colors and type of finish per Room Finish Schedule.
E. All unprimed and galvanized metal surfaces shall be clean. Remove all rust, and grease or oil with detergent. Galvanized metal to be treated with Galva-wash.
F. Exterior paint to be two coats of Ameron Primer 385 and two coats of PSX 700 Siloxane by Ameron Protective Coatings or similar. Color as selected by Sorensen Architects. Painter to follow manufacturer's specifications for application.
G. All visible linings of duct work in finished room spaces to be painted flat black.
H. All heating and ventilating grills on floors to have two coats of clear enamel. On wall grills to have two coats of paint to match adjacent surfaces.
I. All frames of recessed electric fixtures and plastic plates for convenience outlets to have two coats of paint to match adjacent surfaces.
J. Surfaces not to be painted include pre-finished wall, ceiling, and floor coverings; items with factory-applied final finish; concealed ducts, pipes and conduit; and surfaces specifically scheduled or noted on the drawings not to be painted.
K. All exterior metals exposed to the weather (except copper metal) shall be painted with Duronautics Paint by U.S. Paint Corporation, St. Louis, MO. Color as selected by Sorensen Architects. Painter to follow manufacturer's specifications for application.
9.7.2 Delivery, Storage and Handling
A. Store only acceptable project materials on site. Store in a suitable location. Restrict storage to paint materials and related materials. Comply with health and fire regulations.
B. Comply with manufacturer's recommendations as to environmental conditions under which coatings and coating systems can be applied. Do not apply varnish or paint when temperature is below 55 degrees F. Do not apply exterior paint in damp or rainy weather; ensure that the surface has dried thoroughly before proceeding.
9.7.3 Products
A. Products specified are as manufactured by the Dunn-Edwards Paints or approved equal.
B. Materials selected for coating systems for each type surface shall be the product of a single manufacturer.
C. Accessory materials such as turpentine, thinner, linseed oil, putty and shellac shall be of the highest quality and by approved manufacturer.
D. All paints shall be ready-mixed except field catalyzed coatings. Mix only in metal pails.
E. Finish coats shall not be thinned without Sorensen Architect's approval.
F. Number of coats scheduled is minimum. Additional coat shall be applied at no additional cost if necessary to completely hide base materials, produce uniform color and provide satisfactory finish result.
G. All colors are to be selected or approved by Sorensen Architects. All undercoats shall be tinted to approximate the finish coat.
9.7.4 Execution
A. Examine surfaces scheduled to receive paint and finishes for conditions that will adversely affect execution, permanence or quality of work and which cannot be put into acceptable condition through preparatory work. The sub-contractor shall notify the general contractor and Sorensen Architects in writing of any defects or conditions which will prevent a satisfactory installation.
B. Do not proceed with surface preparation or coating application until conditions are suitable. Commencement of installation shall be construed as acceptance of surfaces.
9.7.5 Preparation of Surfaces
A. All surfaces to receive paint shall be clean, dry, smooth and dust free before application of any materials. Prepare surfaces as follows:
B. Wood - Sand smooth and remove dust. Fill open joints, cracks, nail holes and other pits or depressions flush and smooth with putty or mood dough after priming. Color putty to match finish paint coat. Touch up knots or sap streaks with shellac or other approved sealer before priming.
C. Concrete - Remove all foreign matter, efflorescence and encrustations. Use a still fiber brush to remove loose particles. Fill all depressions and remove all fins and projections not inherent in the base material.
D. Primed Ferrous Metal - Remove all foreign matter. Touch up abrasions with ferrous metal primer.
E. Unprimed Ferrous Metal - Remove all rust, mill scale and foreign matter by wire brushing, scraping, sandblasting or solvent as required to provide a clean smooth surface.
F. Galvanized Metal - Remove all foreign matter and clean entire surface with mineral spirits. Pretreat with phosphoric acid, etch or vinyl wash. Apply primer the same day as pretreatment is applied.
G. Gypsum Board - Remove all foreign matter. Fill all pits flush and smooth with spackle.
H. Plaster - Fill hairline cracks, small holes and imperfections on plaster surfaces with patching plaster. Smooth off to match adjacent surfaces. Wash and neutralize high alkali surfaces where they occur.
I. Surfaces which cannot be prepared or painted as specified shall be immediately brought to the attention of Sorensen Architects in writing. Starting of work without such notification will be considered acceptance by the contractor of surfaces involved. The contractor shall replace unsatisfactory work caused by improper or defective surfaces as directed by Sorensen Architects at no additional cost to the owner.

9.7.6 Application
A. Do not apply initial coating until moisture content of surface is within limitations recommended by the paint manufacturer.
B. Apply paint with suitable brushes, rollers or spraying equipment. Apply stain in accordance with manufacturer's recommendations. Rate of application shall not exceed that as recommended by the paint manufacturer for surface involved
C. Comply with recommendations of product manufacturer for drying time between succeeding coats.
D. Leave all parts of molding and ornaments clean and true to details with no undue amount of paint in corners and depressions.
E. Make edges of paint adjoining other material or color clean and sharp with no overlapping.
F. Refinish entire wall where portion of finish is not acceptable.
G. All materials shall be applied evenly with proper film thickness and free of runs, sags, skips and other defects. Enamel and varnishes shall be sanded lightly between coats, dusted and cleaned before re-coating.
H. Hardware, hardware accessories, plates, lighting fixtures and similar items in place shall be removed prior to painting and replaced upon completion of each space.
I. Heating and other equipment adjacent to walls shall be disconnected, using workmen skilled in appropriate trades, and moved to permit wall surfaces to be painted. Following completion of painting, they shall be expertly replaced and reconnected.
J. Paint visible surfaces behind vents, registers or grilles flat black. Wash exposed metal with solvent then prime and paint as scheduled. Spray paint wherever practical.
K. Do not paint over Underwriters' labels, fusible links or sprinkler heads.
L. Items without factory finish such as conduits, pipes, access panels and items of similar nature be finished to match adjacent wall and ceiling surfaces unless otherwise directed.
9.7.7 Clean-up
A. Upon completion of the work, the Contractor will remove all equipment, excess material and debris, remove all paint splatters and leave his area in a neat and orderly condition.
9.7.8 Paint Finish Schedule
A. Finish all surfaces in accordance with the manufacturer's schedule. Catalog names and numbers for consecutive coats of paint are available from Dunn-Edwards Paints except as otherwise specified.

DIVISION 10 - SPECIALTIES

10.1 Bath Enclosures
10.1.1 All shower enclosures to be by American Shower Door, unless otherwise noted on plans. For layout of enclosures see Interior Elevations.
10.1.2 All glass to be 1/4" laminated clear float safety glass, unless otherwise noted on Interior Elevations or Door Schedule.

10.2 Metal Fireplaces
10.2.1 All metal fireplaces, unless otherwise specified, to be by Superior
10.2.2 All corner fireplaces to be Superior Corner Fireplace
10.2.3 All metal frames surrounding built in fireplaces to be hidden as shown on Interior Elevations & Details.
10.2.4 Fireplaces (Title 24-150e): Closable metal or glass doors at firebox opening.
10.2.5 Combustion air intake (from outside), min. 6 sq.in., equipped with a damper.
10.2.6 Adjustable flue damper
10.2.7 Provide hearth extension as required by conditions of listing, manufacturer's instructions [3102.5.2]
10.2.8 Fireplace to include electrical igniters with wall switch

10.3 Bath Accessories
10.3.1 To be selected by interior designer or owner and approved by Sorensen Architects.

DIVISION 11 - EQUIPMENT

11.1 Vacuum System
11.1.1 Central vacuum cleaning system to be "Vent-a-Vac" by Vent-a-Hood, or equal.
11.1.2 See Electrical Plan for location of hose inlets and location of power pack.

11.2 Kitchen Equipment
11.2.1 Kitchen equipment per finish/fixture schedules unless specified by kitchen design/consultant firm.
11.3 Laundry Equipment
11.3.1 Washer and dryer to be selected by owner.
11.3.2 Clothes dryer exhaust duct must be metal where it exceeds 6'-0" in length or it is concealed within the building. (UPC 1104 and 1903)
11.3.3 Clothes dryer located in a habitable space or in an area with other fuel burning appliances shall be vented to the outside. Exhaust duct is limited to 14' with 2 elbows. This shall be reduced 2' for every elbow in excess of 2. Minimum dimension of this smooth metal galvanized duct shall be 4" Dia. 11.4 Dumbwaiter
11.4.1 Dumbwaiter to be by D.A. Matot

DIVISION 12 - FURNISHINGS

12.1 Furnishings to be selected by interior designer or owner.

DIVISION 13 - SPECIAL CONSTRUCTION

DIVISION 14 - CONVEYING SYSTEMS

DIVISION 15 - MECHANICAL / PLUMBING

15.1 Plumbing
15.1.1 All plumbing work per local plumbing code.
15.1.1.1 n/a
15.1.2 Sewage disposal and storm drainage outside of building are included in Site Work (Division 1)
15.1.3 Waste system
A. All piping to be ABS plastic pipe.
B. Provide clean-outs as required. Clean-outs in finished rooms to have flush covers, and are to be located as shown on architectural plans.
C. Floor drains to be standard drains as shown on plans, with strainers.
15.1.4 All vents to be galvanized steel pipe. Combine vents through roof where possible. Verify vent locations with Sorensen Architects prior to installation.
15.1.5 Where roof drains are required, overflow drains having the same size as the roof drains shall be installed with the inlet flow line located 2 inches above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in adjacent parapet walls with the inlet flow line located 2 inches above the low point of the adjacent roof and having a minimum opening height of 2 inches.
15.1.6 Supply system
A. Outside system to be PVC 40 and 80 as required by local code.
B. Inside system to be copper tubing. Dielectric couplings at all points where copper and steel connect. C. See local required Energy Calculations for water heater specifications.
15.1.7 Gas System
A. Pipe to be black steel coated and located below grade as per local plumbing codes.
B. Contractor to install and connect all gas operated building equipment and fixtures such as water heaters, kitchen equipment, air conditioning equipment systems, and fireplace log lighters from house to local gas utility service line in accordance with local plumbing codes.
C. All gas shut-off valves for appliances to be within 3 ft. of the appliances served to meet the requirements of U.P.C. Sec. 1213 (m).
D. The gas shut-off valves for fireplaces and barbecues shall be within 4 ft. of the appliances served and outside the hearth per the requirements of U.P.C. Sec. 1213 (l).
15.1.8 Solid backing is to be provided by contractor for all equipment. Contractor to insulate all hot water pipes and insulate all other pipes where they pass through framing.
15.1.9 Plumbing fixtures per finish/fixture schedule.
15.1.10 All mechanical ventilation systems in either bathrooms or laundry room without windows shall have five air changes per hour direct to outside of residence.
15.1.11 In addition to individual equipment guarantees, contractor shall provide one year guarantee for all workmanship and operation of all plumbing fixtures.
15.1.12 All copper piping joints under concrete slab shall be brazed per the requirements of U.P.C. Sec. 804 (c) 2.
15.1.13 All hose bibs shall be antiphon type. U.P.C. Sec. 1003 (i).
15.1.14 Water heaters with flexible water connections must be provided with anchorage per the requirements of U.M.C. Sec 504 (d).

15.2 Heating - Gas Fired Forced Air System
15.2.1 All heating work shall be done in conformance with local mechanical code.
15.2.2 Work not included in this section.
A. Foundation for equipment.
B. Cutting, framing, furring for duct work, etc.
C. Gas piping to furnaces.
D. Air supply for F.A.U. as shown on plans.
E. Line voltage wiring.
F. Conduit for low voltage.
15.2.3 Gas fired forced air furnace to be by "Carrier" or approved equal. Furnace to have solid state electronic spark ignition system, refer to Energy Calculations for size of units.
15.2.4 Combine gas vents when possible into single vent through roof.
15.2.5 Controls to be White-Rogers, or Carrier-Parker auto-digital controls to be supplied by Rusher Air Conditioning (see specification 15.2.3). Control to have 24 hour timer and "summer switch" for fan-only operation.
15.2.6 All duct work to be insulated fiberglass type by Casco
15.2.7 All air filtered to be 100% return air.
15.2.8 Registers and grills to be by "ADP" Co.
15.2.9 All F.A.U. systems shall be installed as shown on shop drawings prepared by mechanical contractor and approved by Sorensen Architects.
15.2.10 Contractor to test, balance and adjust F.A.U. system. All equipment to be fully operational before issuance of "Certificate of Occupancy".
15.2.11 In addition to equipment guarantees, contractor shall furnish one year guarantee for all materials, workmanship, equipment and operation pertaining to gas fired forced-air heating system.

15.3 Heating/ Air Conditioning
15.3.1 All HVAC work per applicable local codes.
15.3.2 Work not included: Foundations for equipment; cutting, framing, furring for ductwork, etc.; gas piping to furnaces; air supply for FAU as shown on plans; line voltage wiring; conduit for low voltage.
15.3.3 Provide HVAC equipment; as specified by mechanical engineer.
15.3.4 Combine gas vents when possible into single vent through roof.
15.3.5 Provide controls as specified by mechanical engineer.
15.3.6 Duct work to be insulated fiberglass type by Casco
15.3.7 Filter 100% of all return air.
15.3.8 Registers and grilles as approved by Sorensen Architects.
15.3.9 HVAC system shall be installed as shown on shop drawings prepared by mechanical engineer and approved by Sorensen Architects.
15.3.10 Test, balance, and adjust HVAC system prior to final acceptance. All equipment to be fully operational prior to final acceptance.
15.3.11 In addition to equipment guarantees, contractor shall furnish one year guarantee for all materials, workmanship, equipment, and operation.

DIVISION 16 - ELECTRICAL

16.1 All electrical work shall conform to local electrical codes.
16.2 Electrical service from power pole to be underground to meter at residence.
Contractor to contact field representative from local electric company to coordinate underground service to residence.
16.3 Telephone service from power pole to residence to be underground in conformance with the local building codes and the regulations of local telephone company.
16.4 Cable TV line to be underground from the power pole to the residence and installed according to local cable company's standards.
16.5 Residence's power panel to be located per Electrical Plans. Installation to be in conformance with local building & safety codes. Contractor to provide 10 additional spare circuits, minimum.
16.6 Wire size to be a minimum of #12AWG with a maximum of 12 outlets per circuit. All circuits of receptacle outlets in kitchen and laundry to have a maximum of 4 outlets per circuit. Provide separate circuit for all equipment with proper capacity for each, including 110V circuit each for garage door opener.
16.7 All wiring above grade in wood construction to be flexible steel conduit. All wiring below grade and in masonry construction to be in rigid non-metallic conduit. Low voltage wiring in wood construction and below grade and in masonry to be per local building & safety codes.
16.8 Provide all electrical connections as required for all heating and ventilating equipment. Provide all line voltage wiring and provide conduit for low voltage wiring. Provide electrical hookup for all heating and ventilating systems.
16.9 Contractor to provide all service to outside spa and/or swimming pool and to connect those services.
16.10 All TV, FM radio, sound systems, intercom and alarm systems are to be installed per separate contracts. Contractor to provide and install conduit and outlet boxes where outlets and wiring occur in masonry or wood frame walls or in concrete slabs. General contractor to coordinate this work with all applicable sub-contractors.
16.11 All telephone wiring to be done by local telephone company.
16.12 All convenience receptacles to be Leviton series (color to be white). See Electrical Plan for locations and type.
16.13 All floor receptacles to be bronze finish. Outside receptacles to be aluminum material and to be weatherproof.
16.14 All switching, controls, and dimmers to be by Leviton Manufacturing Co. Refer to Electrical Plans for location and types of controllers.
16.15 All switches to be Lutron smart dimmers (spec by low-voltage consultant)
16.16 All switchplate covers to be screwless)
16.17 All exterior windows and doors to be pre-wired for automated shades
16.18 All upper cabinets to incorporate LED strip lighting below and LED strip lighting above. For the LED strip lighting above, this should be located at the rear of the cabinet to wash the wall with light.

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LARKSPUR RESIDENCE
29215 Larkspur Lane
Malibu, CA 90265

GENERAL NOTES & SPECIFICATIONS

SEAL & SIGNATURE:
LICENSED ARCHITECT CHRISTOPHER R. SORENSEN No C-28563 REN 6/30/2027 STATE OF CALIFORNIA

DATE: 7/23/26
PROJECT No.: 2515
DRAWING BY: NC, DT, KS
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PREPARED FOR

SUSAN ROBINSON
P.O. BOX 1267
BISHOP, CA 93515

LEGAL DESCRIPTION

LOT 6, TRACT NO. 17808 (MB 438/43-45)

BENCH MARK

BM# Y 11389 ELEV.=32.276
NGS BM MON IN WLY ABUT OF BRIDGE OVER ZUMA CREEK 13.5M(44') S/O C/L PACIFIC COAST HWY & 74M(243') W/O C/L WESTWARD BEACH RD MKD (1983 RESET 1994)
NAVD 88 DATUM

NOTE

DATE OF SURVEY: AUGUST 9, 2019

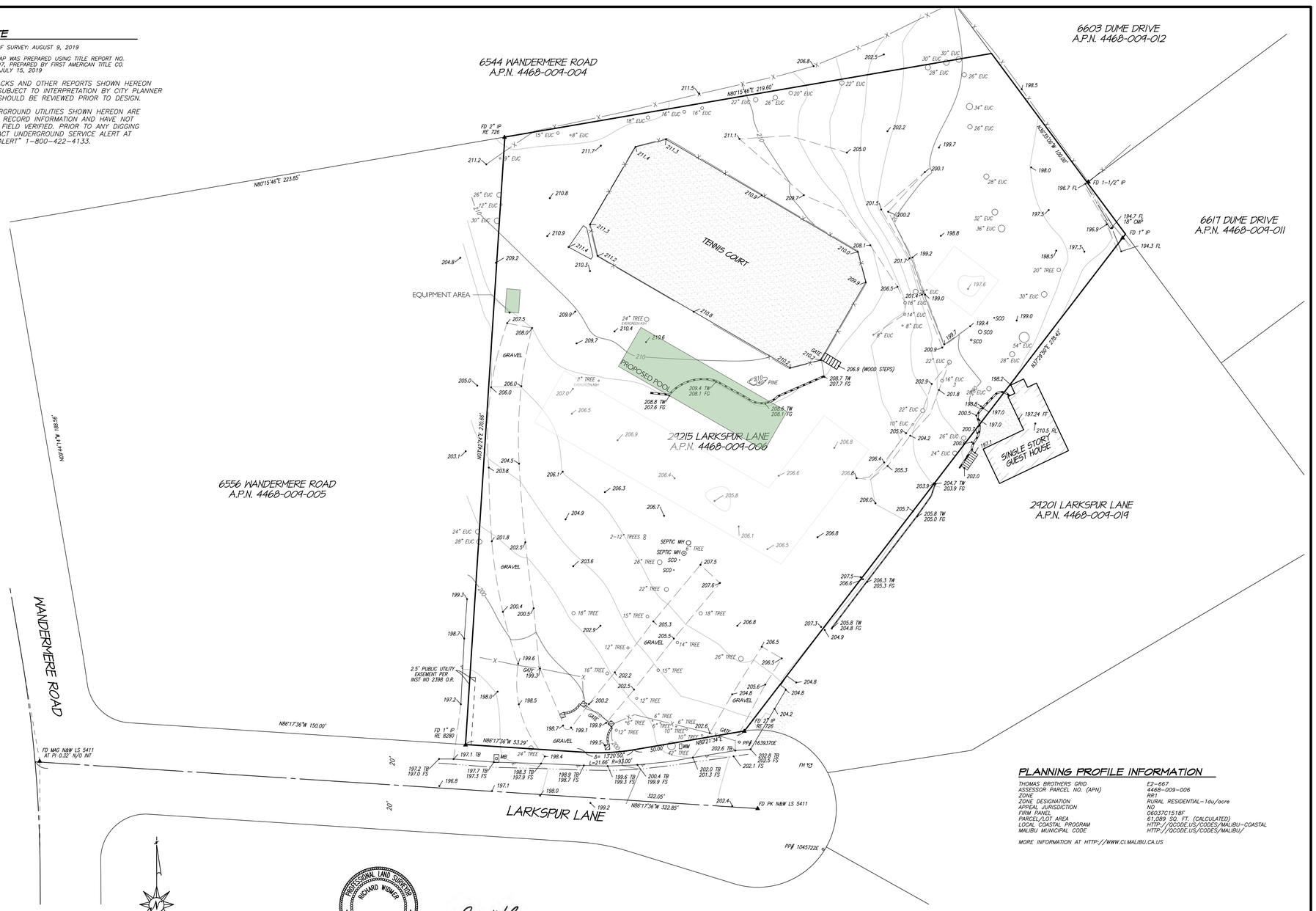
THIS MAP WAS PREPARED USING TITLE REPORT NO. 5938497, PREPARED BY FIRST AMERICAN TITLE CO. DATED JULY 15, 2019

SETBACKS AND OTHER REPORTS SHOWN HEREON ARE SUBJECT TO INTERPRETATION BY CITY PLANNER AND SHOULD BE REVIEWED PRIOR TO DESIGN.

UNDERGROUND UTILITIES SHOWN HEREON ARE FROM RECORD INFORMATION AND HAVE NOT BEEN FIELD VERIFIED. PRIOR TO ANY DIGGING CONTACT UNDERGROUND SERVICE ALERT AT "DIG ALERT" 1-800-422-41.33.

LEGEND

A/C	AIR CONDITIONER
AD	AREA DRAIN
BOLLARD	BOLLARD
CATV	CABLE TV
CB	CATCH BASIN
CD	CURB DRAIN
EDS.	EDISON
EG	EDGE OF GUTTER
EP	EDGE OF PAVEMENT (ASPHALT)
FF	FINISH FLOOR
FG	FINISH GRADE
FH	FIRE HYDRANT
FL	FLOW LINE
FS	FINISH SURFACE
GM	GAS METER
GV	GAS VALVE
HP	HIGH POINT
ICV	IRRIGATION CONTROL VALVE
INV	INVERT
MB	MAIL BOX
MH	MANHOLE
O/S	OFF SET
PB	PULL BOX
P/L	PROPERTY LINE
PP	POWER POLE
RL	ROOF LINE
SCO	SEWER CLEAN OUT
SDMH	STORM DRAIN MANHOLE
SSMH	SANITARY SEWER MANHOLE
STLT	STREET LIGHT
TB	TOP BERM
TC	TOP CURB
TEL	TELEPHONE
TG	TOP GRATE
TW	TOP WALL
WM	WATER METER
WV	WATER VALVE
0x00	SPOT ELEVATION
	CENTER LINE
	FLOW LINE
	RETAINING WALL
	BLOCK WALL
	WOOD RETAINING WALL
	CHAIN LINK FENCE
	WOOD FENCE
	WROUGHT IRON FENCE



PLANNING PROFILE INFORMATION

THOMAS BROTHERS GRID	E2-667
ASSESSOR PARCEL NO. (APN)	4468-009-006
ZONE	RR1
ZONE DESIGNATION	RURAL RESIDENTIAL-1du/acre
APPEAL JURISDICTION	NO
FIRM PANEL	06037C1518F
PARCEL/LOT AREA	61,089 SQ. FT. (CALCULATED)
LOCAL COASTAL PROGRAM	HTTP://QCODE.US/CODES/MALIBU-COASTAL
MALIBU MUNICIPAL CODE	HTTP://QCODE.US/CODES/MALIBU/

MORE INFORMATION AT HTTP://WWW.CI.MALIBU.CA.US

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GRAPHIC SCALE 1"=20'
0 20 40 60 80

PROFESSIONAL LAND SURVEYOR
RICHARD WIDMER
No. 4848
STATE OF CALIFORNIA

7/14/2025

#	REVISIONS	DATE

Prepared by:
PEAK SURVEYS INC.
Since 1976
CIVIL · SURVEY · DESIGN
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WESTLAKE VILLAGE, CA 91361
P: 805.497.0102 F: 805.495.7014
www.peakinc.com

CITY OF MALIBU
TOPOGRAPHY
29215 LARKSPUR LANE

DRAWN BY / DATE	CHECKED BY / DATE	SHEET 1 OF 1
CB AUGUST 2019	DJ AUGUST 2019	

PREPARED FOR

SUSAN ROBINSON
P.O. BOX 1267
BISHOP, CA 93515

LEGAL DESCRIPTION

LOT 6, TRACT NO. 17808 (MB 438/43-45)

BENCH MARK

BM# Y 11389 ELEV.=32.276
NGS BM MON IN WLY ABUT OF BRIDGE OVER ZUMA CREEK 13.5M(44') S/O C/L PACIFIC COAST HWY & 74M(243') W/O C/L WESTWARD BEACH RD MKD (1983 RESET 1996)
NAVD 88 DATUM

NOTE

DATE OF SURVEY: AUGUST 9, 2019

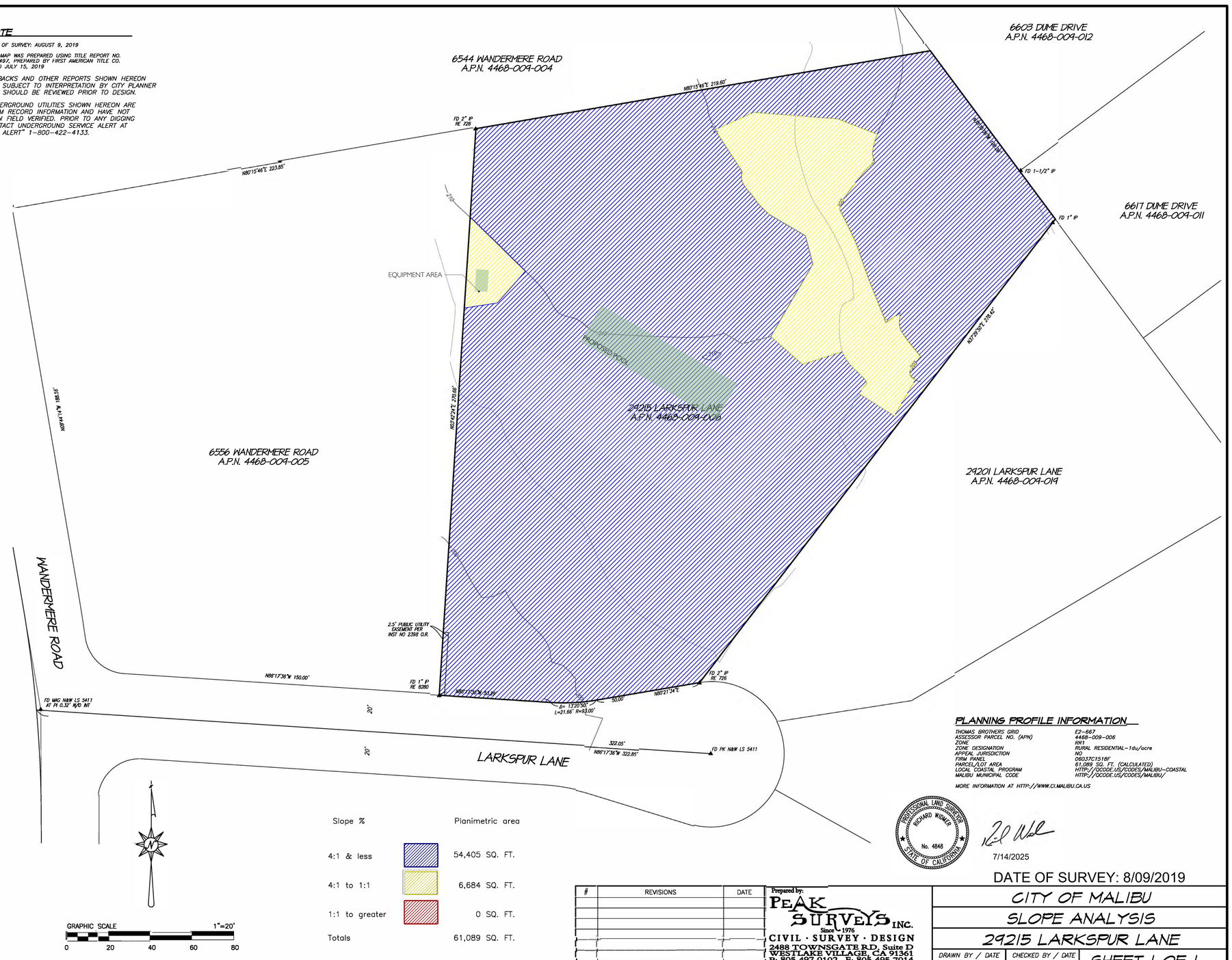
THIS MAP WAS PREPARED USING TITLE REPORT NO. 5939849.1, PREPARED BY FIRST AMERICAN TITLE CO. DATED JULY 15, 2019

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UNDERGROUND UTILITIES SHOWN HEREON ARE FROM RECORD INFORMATION AND HAVE NOT BEEN FIELD VERIFIED. PRIOR TO ANY DIGGING CONTACT UNDERGROUND SERVICE ALERT AT "DIG ALERT" 1-800-422-4133.

LEGEND

A/C	AIR CONDITIONER
AD	AREA DRAIN
Bo	BOLLARD
CATV	CABLE TV
CB	CATCH BASIN
CD	CURB DRAIN
EDS.	EDISON
EG	EDGE OF GUTTER
EP	EDGE OF PAVEMENT (ASPHALT)
FF	FINISH FLOOR
FG	FINISH GRADE
FH	FIRE HYDRANT
FL	FLOW LINE
FS	FINISH SURFACE
GM	GAS METER
GV	GAS VALVE
HP	HIGH POINT
ICV	IRRIGATION CONTROL VALVE
INV	INVERT
MB	MAIL BOX
MH	MANHOLE
O/S	OFF SET
PB	PULL BOX
P/L	PROPERTY LINE
PP	POWER POLE
RL	ROOF LINE
SCO	SEWER CLEAN OUT
SDMH	STORM DRAIN MANHOLE
SSMH	SANITARY SEWER MANHOLE
STLT	STREET LIGHT
TB	TOP BERM
TC	TOP CURB
TEL	TELEPHONE
TG	TOP GRATE
TW	TOP WALL
WM	WATER METER
WV	WATER VALVE
○x00	SPOT ELEVATION
	CENTER LINE
	FLOW LINE
	RETAINING WALL
	BLOCK WALL
	WOOD RETAINING WALL
	CHAIN LINK FENCE
	WOOD FENCE
	WROUGHT IRON FENCE



Slope %		Planimetric area
4:1 & less		54,405 SQ. FT.
4:1 to 1:1		6,684 SQ. FT.
1:1 to greater		0 SQ. FT.
Totals		61,089 SQ. FT.

PLANNING PROFILE INFORMATION

THOMAS BROTHERS GRID	E2-667
ASSESSOR PARCEL NO. (APN)	4468-009-006
ZONE	RR1
ZONE DESIGNATION	RURAL RESIDENTIAL-1du/acre
APPEAL JURISDICTION	NO
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PROFESSIONAL LAND SURVEYOR RICHARD WIDMER No. 4848 STATE OF CALIFORNIA

7/14/2025

DATE OF SURVEY: 8/09/2019

#	REVISIONS	DATE

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CITY OF MALIBU

SLOPE ANALYSIS

29215 LARKSPUR LANE

DRAWN BY / DATE	CHECKED BY / DATE	SHEET 1 OF 1
CB AUGUST 2019	DJ AUGUST 2019	

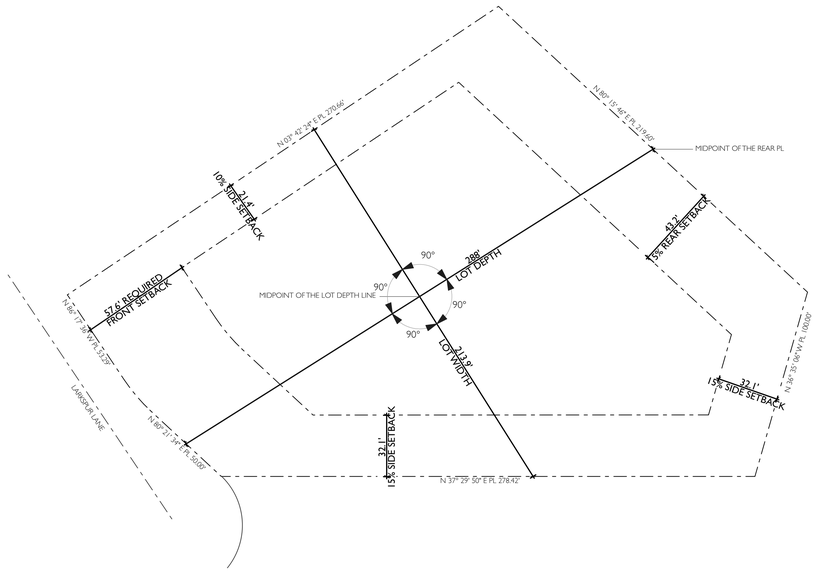
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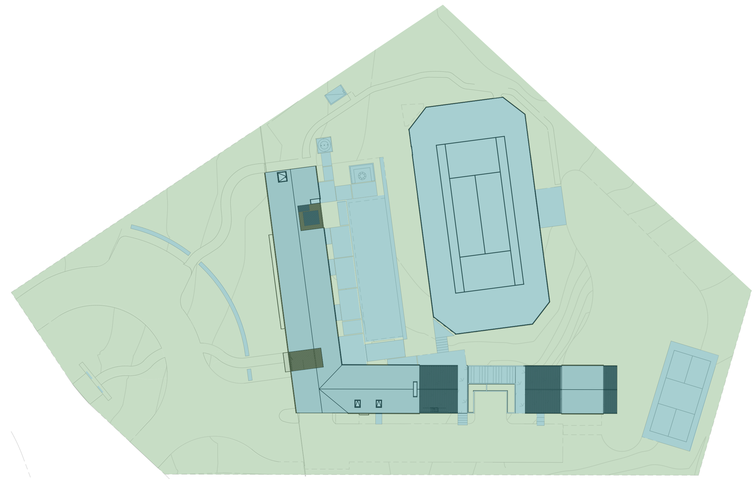
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SETBACK CALCULATIONS

0 16' 32' 64' 1/32" = 1'-0"

2



PERMEABLE-IMPERMEABLE CALCULATIONS

0 16' 32' 64' 1/32" = 1'-0"

1

PERMEABLE - IMPERMEABLE S.F. CALCULATIONS

IMPERMEABLE AREA CALCULATION

TYPE	AREA SF
IMPERMEABLE EXISTING TENNIS COURT	7,124
IMPERMEABLE GUEST HOUSE	500
IMPERMEABLE HARDSCAPE	5,890
IMPERMEABLE MAIN HOUSE	3,911
IMPERMEABLE PICKLEBALL COURT	1,370
	18,327 ft²

PERMEABLE AREA CALCULATION

TYPE	AREA SF
PERMEABLE	32,438
PERMEABLE DG DRIVEWAY & WALKWAYS	9,855
	42,293 ft²

IMPERMEABLE COVERAGE CALCULATION:

61,089 SF x 30% = 18,327 SF

LOT COVERAGE CALCULATION LEGEND

PERMEABLE

IMPERMEABLE

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culver city, ca 90230

LARKSPUR RESIDENCE

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Malibu, CA 90265

SETBACK & PERMEABLE-IMPERMEABLE CALCULATIONS

SEAL & SIGNATURE:

LICENSED ARCHITECT
CHRISTOPHER R. SORENSEN
No C-28583
REN 6/30/2027
STATE OF CALIFORNIA

DATE: 7/23/26
PROJECT No.: 2515
DRAWING BY: NC, DT, KS
DWG No.: G-0.6
SHEET No.:

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SITE PLAN KEYNOTES

SP1	MAIN HOUSE SEPTIC TANK (1,500 GALLON TANK REPLACING EXISTING)
SP2	FIRE HYDRANT
SP3	MAILBOX
SP4	LEACH FIELDS (118 SF ASSUMED LOCATIONS)
SP5	SEEPAGE PIT
SP6	POWER POLE
SP7	TELESCOPING CURVED GATE
SP9	TRASH
SP10	2.5' PUBLIC UTILITY EASEMENT
SP11	WATER METER
SP13	GATE
SP15	PROPOSED POOL EQUIPMENT
SP16	MAIN HOUSE OWTS LINE OF CONNECTION
SP17	GUEST HOUSE OWTS LINE OF CONNECTION
SP18	GUEST HOUSE SEPTIC TANK (1,500 GALLON TANK REPLACING EXISTING)
SP25	HVAC UNIT SCREENING PER MUNICIPAL CODE TO BE CONSTRUCTED OF NONCOMBUSTIBLE MATERIALS OR IGNITION-RESISTANT BUILDING MATERIALS IN ACCORDANCE WITH R337.7.3.
SP26	ELECTRIC METER
SP28	RETAINING WALL
SP32	POOL TO SERVE AS AN EMERGENCY WATER SOURCE FOR FIRE SUPPRESSION. PROVIDE FIRE DEPARTMENT DRAFT CONNECTION PER L.A. COUNTY FIRE DEPARTMENT REQUIREMENTS.
SP33	(E) PINE TREE, 40" DBH, NON-PROTECTED, TO BE REMOVED
SP34	(E) EVERGREEN ASH TREE, 24" DBH, NON-PROTECTED, TO BE REMOVED
SP35	(E) NON-PROTECTED EUCALIPTUS TREE TO REMAIN
SP36	(E) EVERGREEN ASH TREE, 8" DBH, NON-PROTECTED,TO BE REMOVED



S|A

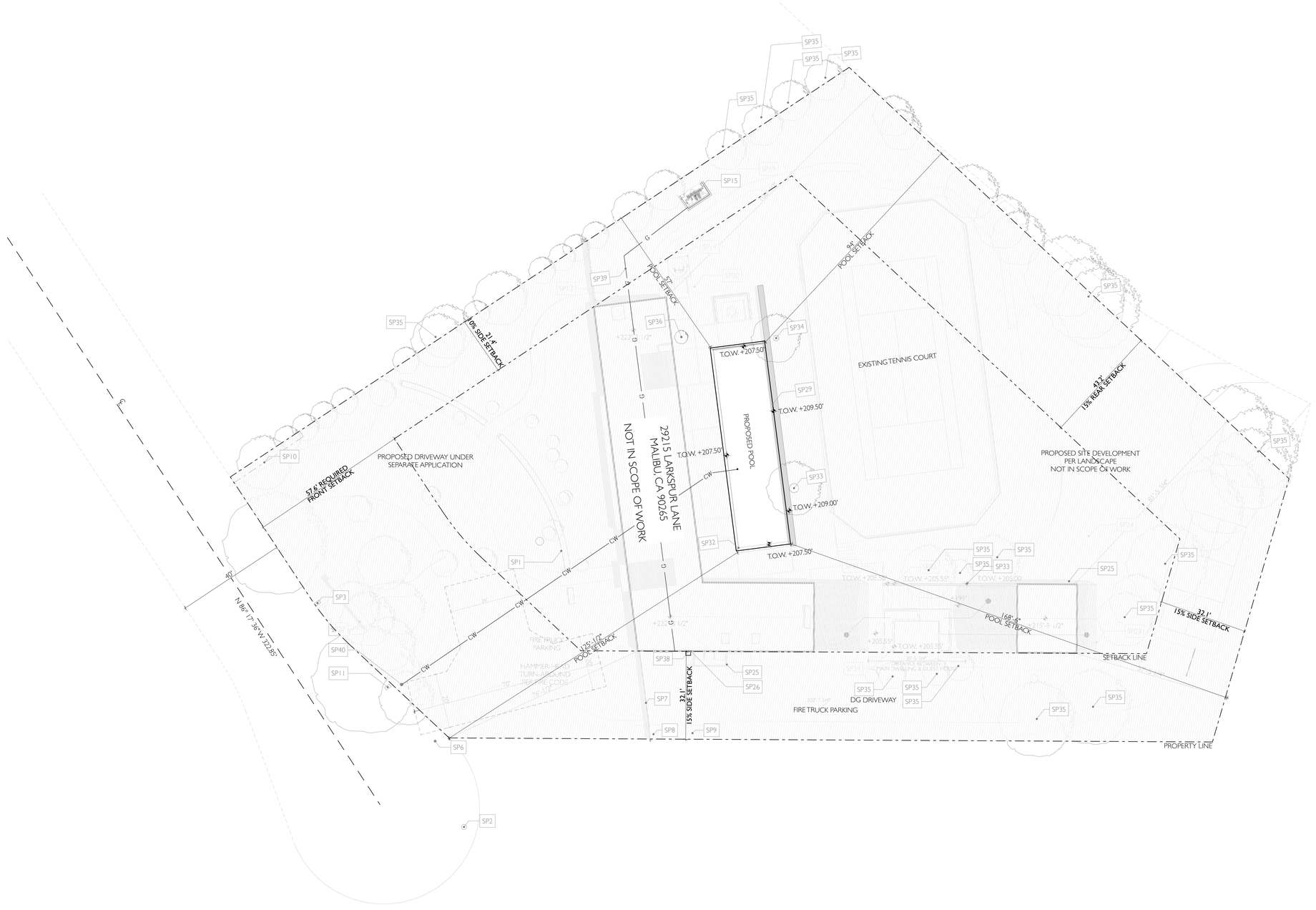
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e. sa@sorensenarchitects.com

OWTS PLOT PLAN

G-0.7

SCALE: 1/32" = 1'-0", 1" = 5'

7/23/26



SITE PLAN KEYNOTES

SP1	MAIN HOUSE SEPTIC TANK (1,500 GALLON TANK REPLACING EXISTING)
SP2	FIRE HYDRANT
SP3	MAILBOX
SP4	(E) LEACH FIELDS (118 SF ASSUMED LOCATIONS)
SP5	(E) SEEPAGE PIT TO REMAIN
SP6	POWER POLE
SP7	TELESCOPING CURVED GATE
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SP29	RETAINING WALL
SP32	POOL TO SERVE AS AN EMERGENCY WATER SOURCE FOR FIRE SUPPRESSION. PROVIDE FIRE DEPARTMENT DRAFT CONNECTION PER L.A. COUNTY FIRE DEPARTMENT REQUIREMENTS.
SP33	(E) PINE TREE, 40" DBH, NON-PROTECTED, TO BE REMOVED
SP34	(E) EVERGREEN ASH TREE, 24" DBH, NON-PROTECTED, TO BE REMOVED
SP35	(E) NON-PROTECTED EUCALIPTUS TREE TO REMAIN
SP36	(E) EVERGREEN ASH TREE, 8" DBH, NON-PROTECTED,TO BE REMOVED
SP38	GAS METER
SP39	(N) UNDERGROUND 1 1/4" 170 MBH NATURAL GAS LINE WITH A MINIMUM 12" COVER.TO BE PROVIDED FROM EXISTING GAS METER.TO 175,000 BTU/HR POOL HEATER. INSTALL PER CPC § 1212.2 AND MANUFACTURER'S REQUIREMENTS.
SP40	(N) FIRE DEPARTMENT DRAFT CONNECTION FOR POOL. PROVIDE CONNECTION.TO POOL WATER SYSTEM IN ACCORDANCE WITH APPLICABLE FIRE CODE REQUIREMENTS. LOCATION AND ACCESS SHALL BE APPROVED BY THE FIRE DEPARTMENT.

SITE PLAN LEGEND

- PROPOSED RETAINING WALL
- CW — WATER LINE FROM POOL TO FIRE DRAFT
- G — GAS LINE FROM GAS METER.TO POOL EQP

SITE PLAN NOTES

A. Addresses shall be plainly visible and legible from the street or road fronting the property.Address numbers shall be 4 inches in height, 1/2" minimum stroke width and of contrasting color to their background. Where address cannot be viewed from public way, a monument or pole shall be used.

B. Finish grade around the structure/addition shall slope away from from the foundation a minimum of 5% for a minimum distance of 10 feet. Include a note on the site plan or show on a foundation detail.

C. Egress doors shall be readily openable from the egress side without the use of a key or any special knowledge or effort. Building code 1008.1.9

D. All roof coverings shall be a class "A" as specified in building code 1505.1.1 (residential code r327.5.2 & r902)

E. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire code 501.4.

F. Roof gutters shall be provided with the means to prevent the accumulation of leaves and debris in the gutter. R337.5.4 & building code 705a.4

G. All OWTS components must be delineated in the field and protected at all times during and after construction of the new swimming pool.

H. Any walk surface within 3 ft of the pool edge shall be bonded, including unreinforced or landscaped areas. CEC 680.26.(B)(2)

I. All fences, gates, and screens shall be constructed of noncombustible or ignition-resistant materials in compliance with California Wildland-Urban Interface Code (CWUIC) sections 504.11.5 and 5032.4.

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LARKSPUR RESIDENCE
29215 Larkspur Lane
Malibu, CA 90265

PROPOSED SITE PLAN

SEAL & SIGNATURE:

LICENSED ARCHITECT
CHRISTOPHER R. SORENSEN
No C-28583
REN 6/30/2027
STATE OF CALIFORNIA

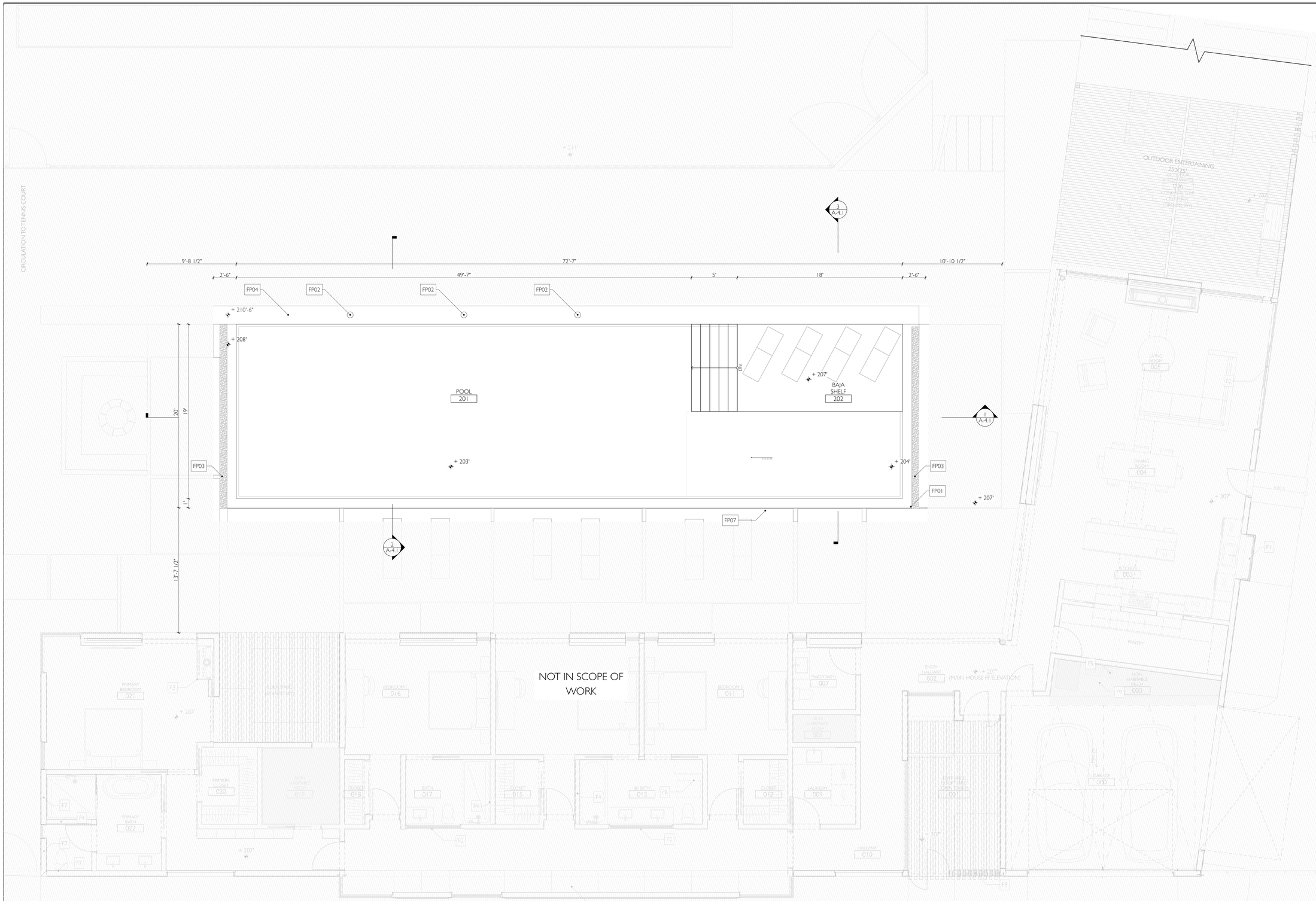
DATE: 9/14/26
PROJECT No.: 2515
DRAWING BY: NC, DT, KS
DWG No.: A-1.1
SHEET No.: 1

N

PROPOSED SITE PLAN

0 8' 16' 32' 1/16" = 1'-0"

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FLOOR PLAN KEYNOTES

FP01	INFINITY EDGE
FP02	LAMINAR JET(S) TO BE APPROVED BY ARCHITECT
FP03	EXPOSED INFINITY EDGE OVERFLOW TROUGH
FP04	RETAINING WALL PER CIVIL
FP06	4.5" POOL UNDERWATER LIGHT
FP07	OVERFLOW TROUGH BELOW, CONCEALED BY EXTERIOR FINISH FLOOR
FP08	(N) POOL EQUIPMENT LOCATION, ENCLOSED ON 3 SIDES, OPEN TO SKY. CLEARANCES TO BE MET PER SPEC IN ACCORDANCE WITH CMC 928.2

SQFT CALCULATION

NAME	SQFT
BAJA SHELF	228
POOL	1,264
POOL EQUIPMENT	52
	1,544 ft²

FLOOR PLAN NOTES

A. All foundation excavations must be observed and approved by the Project Geotechnical Engineer prior to placement of reinforcing steel.

B. The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, minimum depths into the recommended bearing material, and a map depicting the locations of the piles.

C. All pool and deck drainage shall comply with 2025 CBC Requirements.

D. Pool and spa foundations shall be supported on CIDH piles and gradebeams embedded into competent bedrock per Geotechnical Report No. 26-3467 by Hamilton & Associates, dated March 4, 2026.
Piles shall be at least 24" in diameter and shall be deepened into bedrock with no support from fill or natural soil. Minimum penetration into bedrock shall be 7'-0", unless noted otherwise, and shall be verified by the geotechnical consultant in the field.

E. All OWTS components must be delineated in the field and protected at all times during and after construction of the new swimming pool.

F. The inspector will be provided with the manufacturer's cutsheet which identifies the thermal efficiency of the pool heating system. CEnergyC 110.4(a)(1).

G. A readily accessible on-off switch will be provided for the pool heating system that shuts off the heater without having to adjust the thermostat setting. CEnergyC 110.4(a)(2).

H. A permanent, easily readable and weatherproof plate or card that gives instruction for the energy efficient operation of the pool heater and for proper care of the pool when a cover is used to be provided. CEnergyC 110.4(a)(3).

I. CEnergyC 110.4(b)(1) – Piping. At least 36 inches of pipe shall be installed between the filter and the heater or dedicated suction and return lines, or built-in or built-up connections shall be installed to allow for the future addition of solar heating equipment;

J. CEnergyC 110.4(b)(2) – Covers. A cover for outdoor pools that have a heat pump or gas heater.

K. CEnergyC 110.4(b)(3) – Directional inlets and time switches for pools. If the system or equipment is for a pool:
i) The pool shall have directional inlets that adequately mix the pool water; and
ii) A time switch or similar control mechanism shall be installed as part of a pool water circulation control system that will allow all pumps to be set or programmed to run only during off-peak electric demand period, and for a minimum time necessary to maintain the water in the condition required by applicable public health standards.

FLOOR PLAN LEGEND

NON HABITABLE MECHANICAL AREA UNDER 6' HEIGHT (EXEMPT FROM SF)

SYMBOL LEGEND

DOOR ID

WINDOW ID

ROOM ZONE ID

SMOKE/CARBON MONOXIDE ALARM

EXHAUST FAN UNIT ENERGY STAR RATED, 50 CFM MIN. FOR INTERMITTENT OPERATION AND 20 CFM FOR CONTINUOUS OPERATION (CMC § 405.3)
MODEL WISPER SENSE FV-05 11VQC1.

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PROPOSED FLOOR PLAN - POOL

SEAL & SIGNATURE:

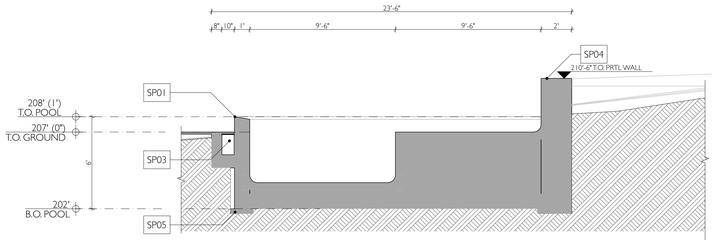
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No C-28583
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DATE: 7/23/26
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DRAWING BY: NC, DT, KS
DWG No.: A-2.1
SHEET No.: 1

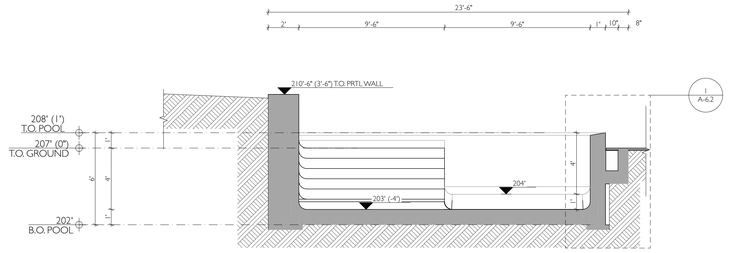
PROPOSED MAIN HOUSE FLOOR PLAN

0 2' 4' 8' 1/4" = 1'-0"

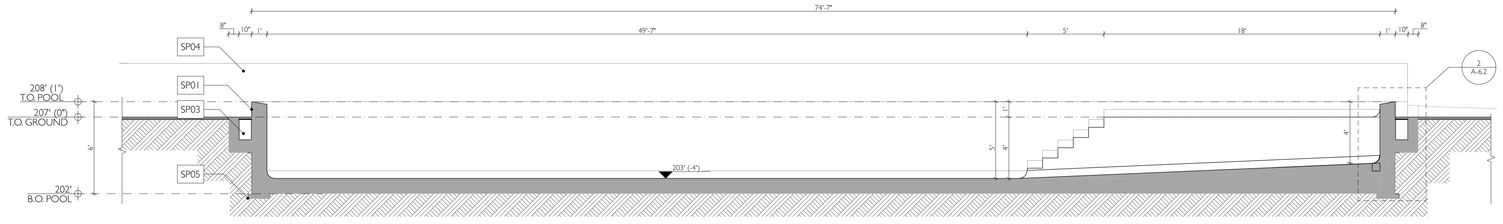
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SECTION CROSS POOL 1/4" = 1'-0" | 3



SECTION CROSS POOL 0 2' 4' 8' 1/4" = 1'-0" | 2



SECTION CROSS POOL 0 2' 4' 8' 1/4" = 1'-0" | 1

SECTIONS KEYNOTES

SP01	INFINITY EDGE
SP02	LAMINAR JET(S) TO BE APPROVED BY ARCHITECT
SP03	WATER TROUGH
SP04	RETAINING WALL PER STRUCTURAL
SP05	FOOTING PER STRUCTURAL
SP06	4.5" POOL UNDERWATER LIGHT

SECTIONS NOTES

1. Foundation per structural plans.
2. 3" concrete rat slab
3. Floor joists, see structural plans.
4. Sub-floor: tongue and groove plywood sheathing. In addition to structural nailing provide a continuous bead of construction adhesive between plywood & joists, fastened with #8 x 2" screws @ 16" o.C.
5. 2 1/4" finish floor assembly (see specifications).
6. *all walls to be framed with 2x4 studs. Thickened walls shall be constructed from multiple rows of 2x4 studs (unless noted provide fire stops at pocket doors, chimneys, otherwise). Etc. And all concealed spaces greater than 10' both horizontally and vertically at ceilings and walls in accordance with all pertinent codes.
7. *insulation: provide r-19 min. Insulation at all exterior walls, including garage. Provide r-30 min. Insulation in attic spaces. Refer to title 24 for additional requirements. Provide r-19 insulation at all interior walls & r-13 insulation between floors and around plumbing pipes for sound control.
8. Ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of minimum no. 26 gage sheet steel or other approved material and shall not have openings into the garage.

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29215 Larkspur Lane
Malibu, CA 90265

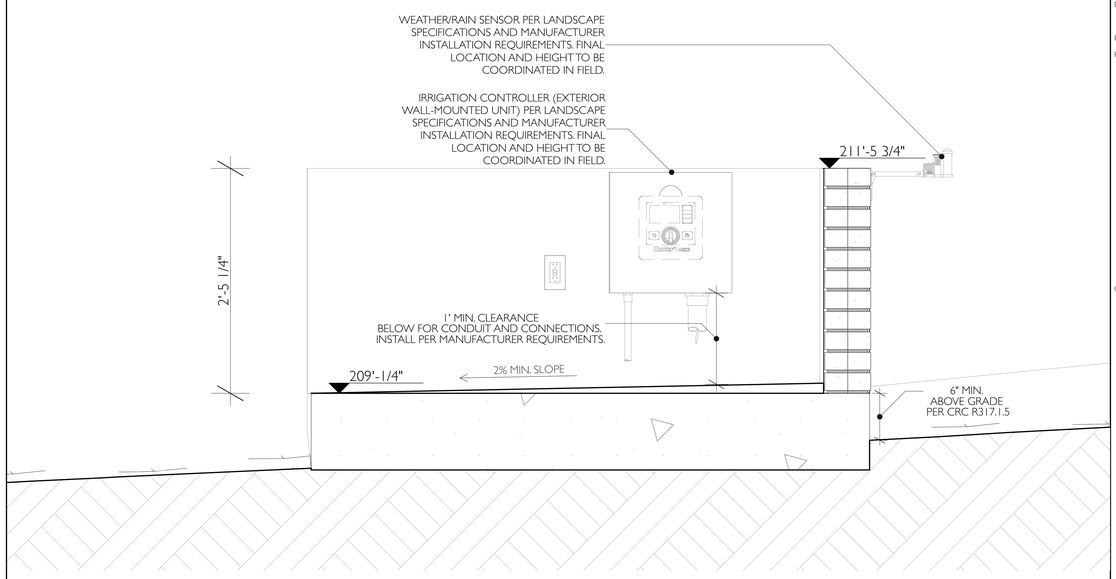
PROPOSED SECTIONS - POOL

SEAL & SIGNATURE:

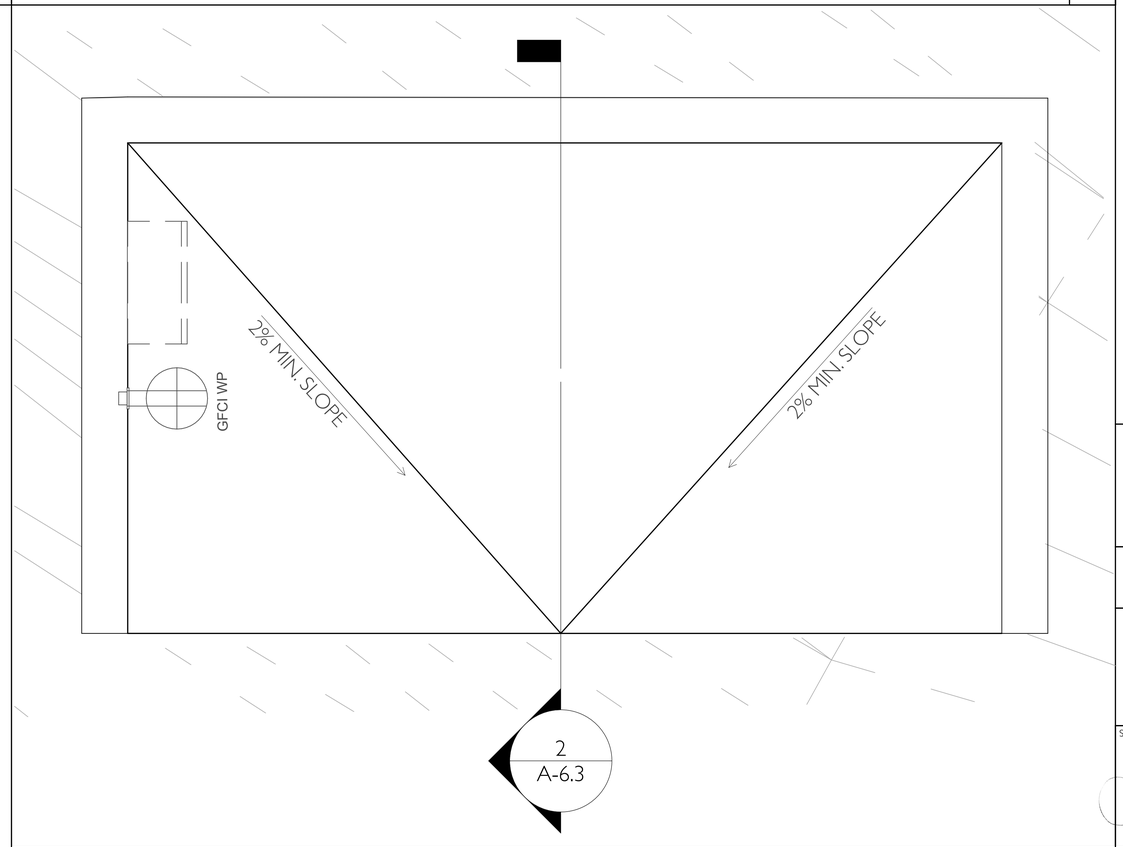
LICENSED ARCHITECT
CHRISTOPHER R. SORENSEN
No C-28583
REN 6/30/2027
STATE OF CALIFORNIA

DATE: 7/23/26
PROJECT No.: 2515
DRAWING BY: NC, DT, KS
DWG No.: A-4.1
SHEET No.:

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POOL EQUIPMENT VAULT - SECTION — 1 1/2"= 1'-0" — 2



POOL EQUIPMENT VAULT — 1 1/2"= 1'-0" — 1

DETAILS NOTES

A. Confirm threshold dept and drain requirements per doors & windows manufacturer before setting the structure and subflooring

B. Clarify any inconsistency in plans with the architecture team before purchasing or executing works

C. Confirm dimensions on site and per manufacturer requirements

D. Materials and finishes shown in details are for reference only please confirm the thickness and required clearances with the interior designer

E. All dimensions to be confirmed by contractor on site

F. The exposed roof deck on the underside of unenclosed roof eaves shall consist of one or more of the following:

1. Noncombustible material.

2. Ignition-resistant material.The ignition-resistance material shall be labeled for exterior use and shall meet the requirements of Secton 704A.2.

3. Fire-retardant-treated wood.The fire-retardant-treated wood shall be labeled for exterior use and shall meet the requirements of Section 2303.2 of the California Building Code.

4. Materials approved for not less than 1-hour fire-resistance-rated construction on the exterior side, as tested in accordance with ASTM E119 or UL 263.

5. One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside of the roof deck.

6.The exterior portion of a 1-hour-fire-resistance-rated exterior assembly, as tested in accordance with ASTM E119 or UL 263, applied to the underside of teh roof deck designed for exterior fire exposure, including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.

Residential Code R337.7.5 and Building Code 707A.5.

G. All dimensions shall be verified by the contractor in the field prior to the commencement of construction. Any discrepancies between the drawings and existing site conditions shall be reported to the architect before proceeding with work. Do not scale drawings.

sorensen | architects
www.sorensenarchitects.com
p. 310.337.2866
e. sa@sorensenarchitects.com
5855 green valley circle #308
culver city, ca 90230

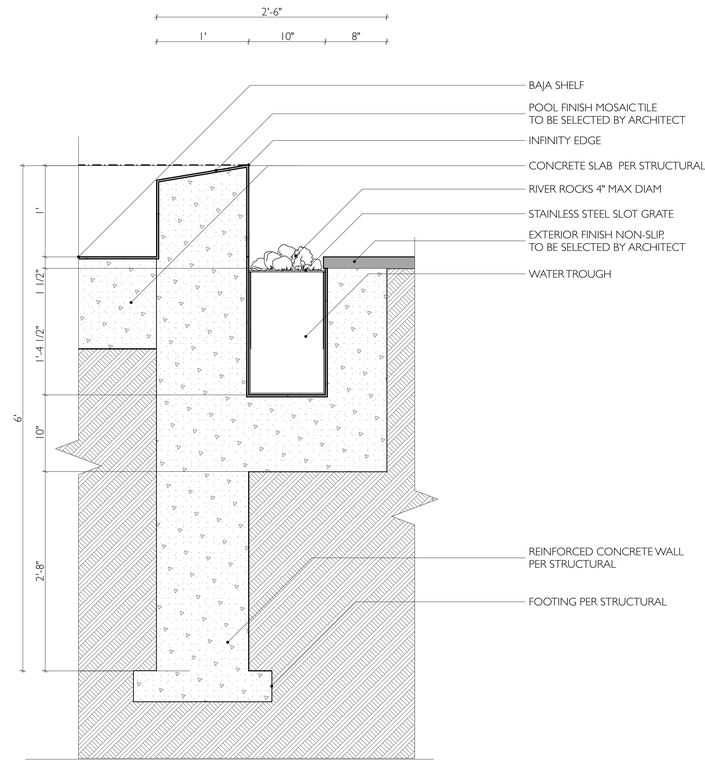
LARKSPUR RESIDENCE
29215 Larkspur Lane
Malibu, CA 90265

POOL EQUIPMENT VAULT

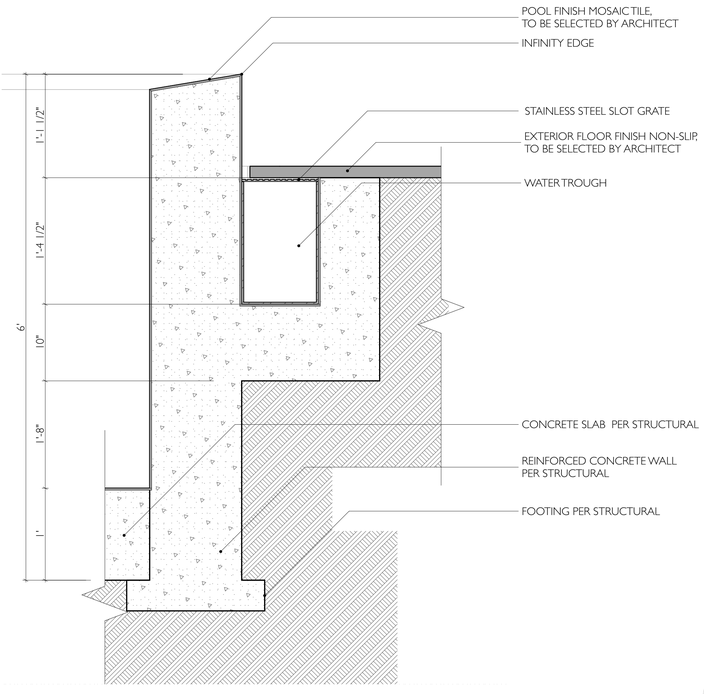
SEAL & SIGNATURE: LICENSED ARCHITECT CHRISTOPHER R. SORENSEN No C-28583 REN 6/30/2027 STATE OF CALIFORNIA

DATE: 7/23/26
PROJECT No.: 2515
DRAWING BY: NC, DT, KS
DWG No.: A-6.1
SHEET No.:

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WATER TROUGH DETAIL TYPE B — 1 1/2"= 1'-0" — 2



WATER TROUGH DETAIL TYPE A — 1 1/2"= 1'-0" — 1

DETAILS NOTES

A. Confirm threshold dept and drain requirements per doors & windows manufacturer before setting the structure and subflooring

B. Clarify any inconsistency in plans with the architecture team before purchasing or executing works

C. Confirm dimensions on site and per manufacturer requirements

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Residential Code R337.7.5 and Building Code 707A.5.

G. All dimensions shall be verified by the contractor in the field prior to the commencement of construction. Any discrepancies between the drawings and existing site conditions shall be reported to the architect before proceeding with work. Do not scale drawings.

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e. sa@sorensenarchitects.com
5855 green valley circle #308
culver city, ca 90230

LARKSPUR RESIDENCE
29215 Larkspur Lane
Malibu, CA 90265

POOL DETAILS

SEAL & SIGNATURE:
LICENSED ARCHITECT
CHRISTOPHER R. SORENSEN
No C-28583
REN 6/30/2027
STATE OF CALIFORNIA

DATE: 7/23/26
PROJECT No.: 2515
DRAWING BY: NC, DT, KS
DWG No.: A-6.2
SHEET No.:

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City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 website: www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Staff

FROM: City of Malibu Planning Staff **DATE:** 07/06/2026

PROJECT NUMBER: DMW 26-007

JOB ADDRESS: 29215 LARKSPUR LN

APPLICANT / CONTACT: Christopher Sorensen, Sorensen Architects

APPLICANT EMAIL: permits@sorensenarchitects.com

PROJECT DESCRIPTION: New pool

TO: Malibu Planning Department and/or Applicant

FROM: Malibu Environmental Health Staff

✓ **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.

Building Plan Check (BPC) Required ☑ Yes ☐ No BPC Fees Req'd $_____

_____ **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)**

Matthew Summers 7/7/2026

Signature **Date**

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

Public Counter hours for Environmental Health staff are Tuesdays and Thursdays, 8:00 AM – 12:00 PM.

City of Malibu

Environmental Health ● Environmental Sustainability Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Christopher Sorensen, Sorensen Architects permits@sorensenarchitects.com		
Project Address:	**29215 Larkspur Lane** Malibu, California 90265		
Planning Case No.:	DMW 26-007		
Project Description:	New Pool		
Date of Review:	July 7, 2026		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Sorenson Architects: Plans dated 6-25-2026
Fixture Worksheet:	n/a
Operating Permit:	Required 60 days after Certificate of Occupancy
Miscellaneous:	Earth Systems: Geology Report dated 3-5-2026
Previous Approval:	APRWF 20-059: SCRC dated 1-15-2026
Previous Reviews:	

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program (LCP)/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 LCP/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)**

Environmental Health **conformance review** has been completed for the development proposal described in the project description provided by the Planning Department and the project plans and reports submitted to this office. 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 project. In order to obtain Environmental Health final approval of the project 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) ***Itemized Response to Conditions:*** *Please provide a written response to this review letter that addresses each of the numbered conditions presented below. Each response should clearly explain how the condition has been addressed, including reference to any revised report or plans, or other supporting response materials. It is the applicant's responsibility to ensure that all conditions have been adequately addressed by the project consultants prior to building plan check submittal*.

2) **OWTS on Project Plans:** The final project plans must show the two existing onsite wastewater treatment system (OWTS), including the septic tank, present/future dispersal area(s), and all lines of connection to the residence.

   - The following note shall be included on the project plans: "*All OWTS components must be delineated in the field and protected at all times during and after construction of the new swimming pool*."

3) **Building Plans:** 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.

4) **OWTS Plot Plan:** A plot plan drawn to scale shall be submitted showing all existing improvements, proposed improvements, and all components of the existing OWTS. At least one copy of the plot plan showing essential features of the OWTS must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend on approvals. The OWTS plan must show the existing septic tank, all present/future seepage pits, and all lines of connection from the residence.

5) **Environmental Health Final Review Fee:** A fee in accordance with the adopted fee schedule at the time of building plan check submittal shall be paid to the City of Malibu for Environmental Health Building Plan Check review.

6) **Post Construction Inspection of the OWTS Components and Enrollment into the Operating Permit Program:** A post construction inspection of the existing OWTS must be completed by an OWTS Registered Inspector Practitioner. The inspection report must be submitted to the City of Malibu Environmental Health staff Dana Garza and Building Inspector prior to final inspection sign-off by the City of Malibu Building Inspector. Enrollment into the Operating Permit is required 60 after Certificate of Occupancy. Please contact the City of Malibu Environmental Health Wastewater Program Specialist, Dana Garza, at dgarza@malibucity.org for more information regarding the Operating Permit Program.

-o0o-

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

29215 LARKSPUR LANE
MALIBU, CA 90265

FIRE REBUILD
DMW 26-007

S.F.D.:	4 Bedroom/37 Fixture Units (N) UNDER SEPARATE PERMIT
SEPTIC TANK:	1,200 Gallon (E)
ACTIVE:	1 – 5' x 20' Seepage Pit (E)
	1 – 118 S.F. Leachfield (E)
FUTURE:	N/A
PERC RATE:	Unknown
GUEST HOUSE:	1 Bedroom/10 Fixture Units (N) UNDER SEPARATE PERMIT
SEPTIC TANK:	1,200 Gallon (E)
ACTIVE:	1 – 5' x 20' Seepage Pit (E)
	1 – 118 S.F. Leachfield (E)
FUTURE:	100%
PERC RATE:	Unknown

NOTES:

1. This conformance review is for a new swimming pool only.
2. The fire rebuild of a single family dwelling and a guest house will be approved under separate permits.
3. This review relates only to the minimum requirements of the Malibu Municipal Code (MMC), and the Local Coastal Program (LCP), and does not include an evaluation of any geological or other potential problems, which may require an alternative method of wastewater treatment.
4. This review is valid for one year, or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.
5. A post construction inspection of the 2 OWTS must be completed by a Registered Practitioner Inspector and must be submitted to the City of Malibu Environmental Health Wastewater Program Specialist Dana Garza and the Building Inspector. Enrollment into the Operating Permit Program is required 60 after Certificate of Occupancy.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: DATE: 07/07/2026

THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS

ION

PROPOSED POOL

PROPOSED ONE-STORY RESIDENCE

APPROXIMATE LOCATION OF EXISTING SEPTIC TANK TO BE REPLACED

APPROXIMATE LOCATION OF EXISTING SEEPAGE PIT AND LEACH FIELD TO REMAIN

6544 WANDERMERE ROAD
A.P.N. 4468-009-004

6603 DUME DRIVE
A.P.N. 4468-009-012

6617 DUME DRIVE
A.P.N. 4468-009-011

6556 WANDERMERE ROAD
A.P.N. 4468-009-005

29201 LARKSPUR LANE
A.P.N. 4468-009-019

29215 LARKSPUR LANE
A.P.N. 4468-009-030

rs/Qtm

Qtc/Qtm

TENNIS COURT

SINGLE STORY GUEST HOUSE

TP1 TP2 TP3 TP4 TP5

P1 (SSD, 2001)

P2 (SSD, 2001)

B-1 (GCG, 2015)
B-2 (GCG, 2015)
B-3 (GCG, 2015)
B-4 (GCG, 2015)
B-5 (GCG, 2015)
B-6 (GCG, 2015)
B-7 (GCG, 2015)
B-8 (GCG, 2015)
B-9 (GCG, 2015)

WANDERMERE ROAD

LARKSPUR LANE

APPROXIMATE SCALE
1 inch = 40 feet
(1:480)

20 0 20 40 80

BASE MAP: Grading Plan (TEG, 12/23/2025) and Topography (Peak Surveys, Inc., 8/2019)

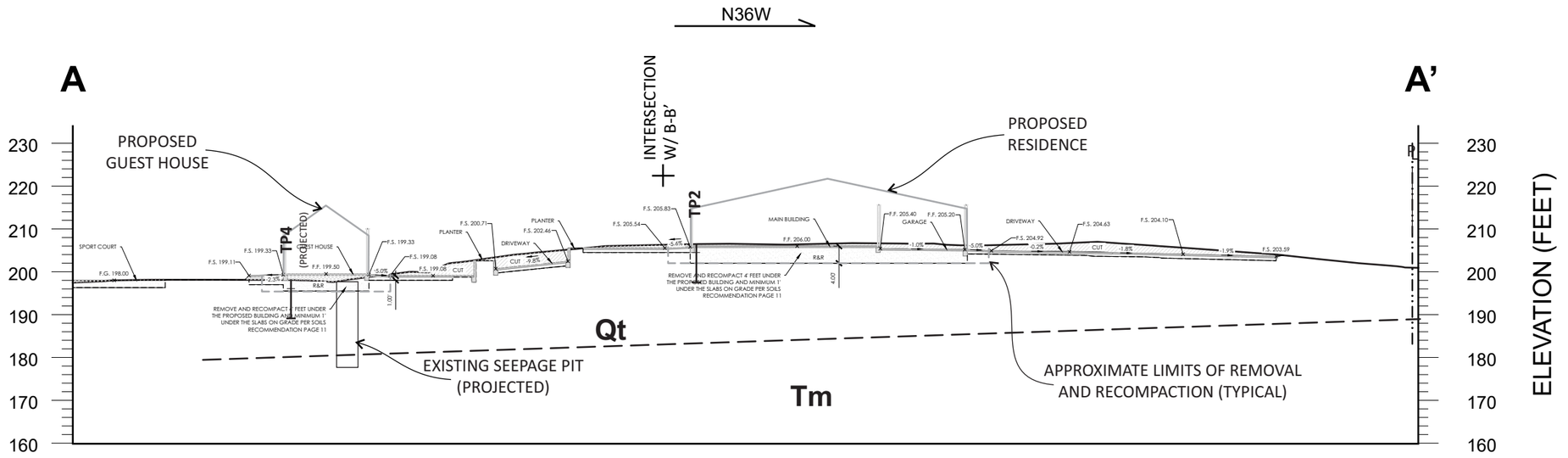
Plate I

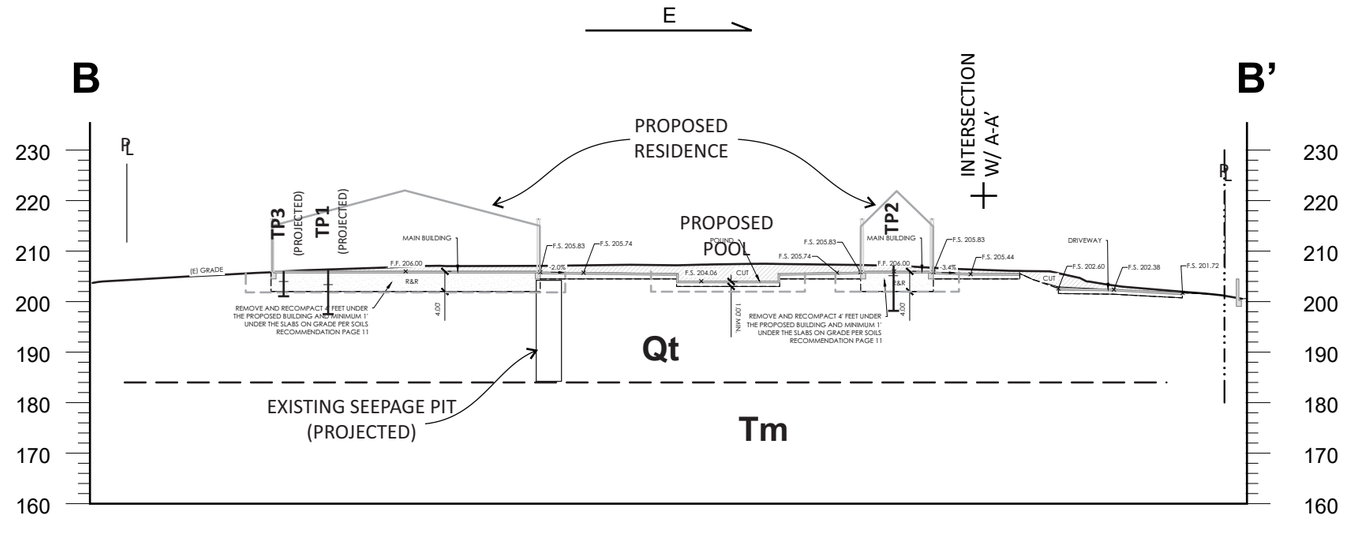
SITE GEOLOGIC MAP

29215 LARKSPUR LANE
MALIBU CALIFORNIA

Earth Systems

MARCH 2026	304224-002





SCALE
1 in = 30 ft (1:360)

LEGEND

Qt	QUATERNARY TERRACE
Tm	BEDROCK; MONTEREY FORMATION
— — —	APPROXIMATE GEOLOGIC CONTACT

Plate II

GEOLOGIC CROSS SECTIONS

29215 LARKSPUR LANE
MALIBU CALIFORNIA

Earth Systems

MARCH 2026 | 304224-002

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department

FROM: City of Malibu Planning Department **DATE:** 07/06/2026

PROJECT NUMBER: DMW 26-007

JOB ADDRESS: 29215 LARKSPUR LN

APPLICANT / CONTACT: Christopher Sorensen, Sorensen Architects

APPLICANT EMAIL: permits@sorensenarchitects.com

PROJECT DESCRIPTION: New pool

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

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

X **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.**

Building Plan Check (BPC) Required ☒Yes ❑No BPC Fees Req'd $_____

SIGNATURE

07/20/2026
DATE

Rev 120910

City of Malibu
MEMORANDUM

To: Christopher Sorensen

From: Public Works Department
Amanda Carro, Assistant Civil Engineer

Date: July 20, 2026

Re: Proposed Conditions of Approval for 29215 Larkspur Ln, DMW 26-007

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. 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.

STORMWATER

4. 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.

5. 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:

Erosion Controls	Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	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.

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.

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 Biologist

FROM: City of Malibu Planning Department **REVISED DATE** 07/23/2026

PROJECT NUMBER: DMW 26-007

JOB ADDRESS: 29215 LARKSPUR LN

APPLICANT / CONTACT: Christopher Sorensen, Sorensen Architects

APPLICANT EMAIL: permits@sorensenarchitects.com

PLANNER: Latrice Williams

PROJECT DESCRIPTION: New pool

REVISION:

TO: Malibu Planning Department and/or Applicant

FROM: City Biologist, Courtney McCammon

_____ **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).

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

Building Plan Check (BPC) Required ☐ Yes ☐ No BPC Fees Req'd $_____

_____ **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).**

Courtney McCammon 7/29/26

Signature Date

Additional requirements/conditions may be imposed upon review of plan revision

Contact Information:

Courtney McCammon, City Biologist, biology@malibucity.org, (310) 456-2489, extension 277

City of Malibu

Biology • Planning Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email)	Christopher Sorensen, Sorensen Architects permits@sorensenarchitects.com		
Project Address:	**29215 LARKSPUR LN** Malibu, CA 90265		
Planning Case No.:	DMW 26-007		
Project Description:	New pool		
Date of Review:	July 29, 2026		
Reviewer:	Courtney McCammon	Signature:	Courtney McCammon
Contact Information:	Phone: (310) 456-2489 ext 277	Email:	biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	7/23/26
Site Survey:	7/23/26
Landscape Plan:	
Hydrozone Plan:	
Irrigation Plan:	
Fuel Modification Plan:	
Grading Plan:	
OWTS Plan:	
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	7/7/26 (Incomplete)

REVIEW FINDINGS

Review Status:	☐	**INCOMPLETE**: Additional information and/or a response to the listed review comments is required.
	☒	**APPROVED**: The project has been approved with regards to biological impacts.
	☐	**CANNNOT APPROVE AS SUBMITTED**: 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

Recycled Paper

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. A detailed landscaping plan must be submitted to the Planning Division for review by the City Biologist and approval by the Planning Division prior to any planting. Should the applicant intend to plant any new or altered vegetation with a potential to grow over six feet in height at full maturity for an area of 500 square feet or more of landscaping for a new residence, or 2,500 square feet or more of landscaping for an existing residence, a detailed Landscape Documentation Package is required.

   B. 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.

-o0o-

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

City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	July 24, 2026	**Review Log #:**	**734**
Site Address:	29215 Larkspur Lane		
Lot/Tract/PM #:		**Planning #:**	**DMW 26-007 P1** Ref: APRWF 20-059
Applicant/Contact:	Chris Sorensen, permits@sorensenarchitects.com	**BPC/GPC #:**	
Contact Phone #:	310-337-2866	**Planner:**	**Latrice Williams**
Project Type:	New swimming pool and baja shelf		

Submittal Information

Consultant(s)/Report Date(s): *(Current submittal(s) in **Bold**.)*	Earth Systems Pacific (Mazzei, GE 2823; Allen, CEG 2648): **3-5-2026, 12-17-2020** **1st Planning Submittal** **Architectural plans prepared by Sorensen Architects dated June 25, 2026.**
Previous Reviews:	None; Environmental Health Review Sheet dated 7-7-2026 (for DMW 26-007); Ref (for APRWF 20-059, TNWF 26-0001 to 0003): 5-5-2026, 2-6-2026, Geotechnical Review Referral Sheet dated 12-22-2020; Ref: Environmental Health Review Sheets dated 1-15-2025, 9-26-2025

Review Findings

Planning Review

☒ The swimming pool project is **ACCEPTABLE** from a geotechnical perspective, with the following comments to be addressed prior to building plan check stage completion.

☐ The swimming pool project is **NOT ACCEPTABLE** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to acceptance.

Building Plan-Check Stage Review

☒ Awaiting Building plan check submittal.

☐ The swimming pool project is **COMPLETE** from a geotechnical perspective. Please review the attached "Geotechnical Notes for Building Plan Check" and incorporate into Building Plan-Check submittals.

☐ The swimming pool project is **NOT COMPLETE** from a geotechnical perspective. The listed "Building Plan-Check Stage Review Comments" shall be addressed prior to Building Plan-Check Stage completion.

Project submittals were reviewed from a geotechnical perspective for conformance with applicable codes, guidelines, and standards of practice, including the following current City adopted standards:

- City of Malibu Local Coastal Program – Land Use Plan and Local Implementation Plan (LCP-LUP and LCP-LIP)
- Malibu Municipal Code – Title 15, Buildings and Construction
- City of Malibu Guidelines for the Preparation of Geotechnical Reports and Procedures for Report Submittal (November 2013) referred to herein as Geotechnical Report Guidelines

In the case of conflicting requirements between the Geotechnical Guidelines and any other referenced standards, the latest standard will apply. The Applicant is responsible for complying with the submittal requirements for all Planning variances, as appropriate; any questions regarding variances should be directed to the case Planner.

This review is limited to the proposed scope of work as described in the Project Type section above. All other geologic or geotechnical issues concerning the subject property are outside of the scope of this review.

NOTE TO PLAN PREPARERS: Please review the City's recently adopted Electronic Submittal Guidelines and resubmit plans that conform.
https://www.malibucity.org/DocumentCenter/View/28469/Electronic-Plans-Submittal-Guideline

Note to Project Geotechnical Consultant: Please provide a written response to this review letter that addresses each of the numbered comments presented below. Each response needs to clearly explain how the comment has been addressed, including reference to any revised report of plans, or other supporting response documents. This review letter may be annotated directly with responses, provided the responses remain clear, complete, and appropriately referenced.

Remarks

The referenced geotechnical reports and architectural plans were reviewed by the City's consultants from a geotechnical perspective. Based on the submitted information, the scope of the project includes the construction of a swimming pool with a baja shelf on the north side of the rebuilt residence. The pool will be supported by 2 feet of compacted fill as recommended by the Project Geotechnical Consultant as part of the rebuild of the residence.

The Woolsey Fire rebuild project includes rebuilding the 2,912 square foot one-story single-family residence and attached garage destroyed in the Woolsey Fire +10%. In addition, two guest houses, guest house A, 528 square feet, and guest house C, 845 square feet, were destroyed in the Woolsey Fire. The new one-story residence and attached garage will be 3,772 square feet, with a new 521 square foot detached guest house. Square footage increases from the pre-fire structures to the proposed structures is less than 10%. Other improvements include an outdoor concrete entertainment patio, decks, trellises, retaining walls, a reflecting pond, sports court, spa, and fireplace. A retaining wall and tennis court will remain. Grading consists of 5,854 yards of R & R; 94 yards of cut and 23 yards of fill under structure; 114 yards of cut for safety; 639 yards of cut and 54 yards of fill non-exempt; and 771 yards of import.

The rebuild project will be utilizing the existing OWTS for both the residence and guest house. The existing OWTS for the residence consists of a 1,200-gallon septic tank, one active 5' diameter x 20' BI seepage pit and a 118 square foot leach field. The OWTS for the guest house consists of a 1,200-gallon septic tank, one active 5' diameter x 20' BI seepage pit and a 118 square foot leach field.

Planning Review Comments:

None.

Building Plan Check Comments for the Project Design Team:

1. Please reference the current Building Codes on the cover sheet of the plans.

2. Please revise Note D on Sheet A-2.1 to identify the correct foundation system for the pool and the correct Project Geotechnical Engineer and referenced report. Please clarify if there is a spa and where it is located.

3. Please provide an electronic set of civil plans showing the R & R grading for the pool for review.

4. Please identify by date the referenced geotechnical reports by the Project Geotechnical Consultant on the swimming pool plans.

5. Please include the following note on all the swimming pool foundation plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Engineer and/or Project Engineering Geologist prior to placement of reinforcing steel.*"

6. Please include a detail for the hydrostatic relief valve or subdrain recommended by the Project Geotechnical Consultant on the swimming pool plans.

7. The final set of electronic civil and swimming pool plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items on this review sheet must be **reviewed and electronically stamped and signed by the Project Engineering Geologist and Project Geotechnical Engineer**. The City's geotechnical consultants will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet.

Please direct questions regarding this review sheet to the City's Geotechnical consultants listed below.

Engineering Geology Review by: _____ 7-24-2026

Christopher Dean, C.E.G. #1751, Exp. 9-30-26 Date
Engineering Geology Reviewer (408-656-3210)
Email: cdean@malibucity.org

Geotechnical Engineering Reviewed by: _____ 7-24-2026

Sheryl Shatz, PE 44033, GE 2288 exp. 6-30-27 Date
Geotechnical Engineering Reviewer (805-358-6813)
Email: sshatz@malibucity.org

This review sheet was prepared by representatives of Cotton, Shires and Associates, 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

City of Malibu

– GEOTECHNICAL –

NOTES FOR BUILDING PLAN-CHECK

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

None.

Commission Agenda Report

Planning Commission Meeting
10-05-26
Item 3.B.2.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Rebecca Evans, MS, Senior Management Analyst

Reviewed by: Tyler Eaton, Assistant Community Development Director

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: September 24, 2026 Meeting date: October 5, 2026

Subject: Extension of Planning Verification-Woolsey Fire No. 19-278 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 6636 Wandermere Road
APN: 4468-008-004
Owner: Loma Costa, LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-52 (Attachment 1) granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 19-278 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, One-Acre zoning district at 6636 Wandermere Road (Loma Costa, LLC).

DISCUSSION: On November 8, 2018, the Woolsey Fire destroyed 465 homes in the City of Malibu. On March 12, 2025, the City Council adopted Ordinance No. 524 (Attachment 3), which extended the ability to initiate the planning application process and obtain a building permit to rebuild a structure that was damaged or destroyed by a disaster. Section 17.60.020(C) of the Malibu Municipal Code was amended to read as follows:

> Any structure, including any structure that was damaged or destroyed by a natural disaster, described in subsection A of this section, may be remodeled, or may be reconstructed in the general location and to the same height as it existed prior to damage or destruction, subject to obtaining planning verification. Structures that were damaged or destroyed by a

> natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-year periods may be granted by the planning commission where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

Absent a time extension, a building permit would need to be obtained for Planning Verification-Woolsey Fire (PVWF) No. 19-278 no later than November 9, 2026. On September 3, 2026, owner Loma Costa, LLC, submitted a request for a two-year time extension to the deadline to obtain a building permit for a nonconforming in-kind plus ten percent disaster rebuild of a single-family residence with attached garage.

The Woolsey Fire rebuild was delayed by the original owner's need to sell the property rather than rebuild after obtaining building and grading permits on December 20, 2019. The current owner was not aware of the expiration of construction permits on November 5, 2023. The owner is working to submit all required information to comply with current building plan check requirements and commence construction. The owner's basis for due cause is included as Attachment 2.

CONCLUSION: Should the Planning Commission approve the time extension request, the owner would have until November 8, 2028 to obtain a building permit for PVWF No. 19-278.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-52
2. Time Extension Request
3. City Council Ordinance No. 524

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/onbase.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-52

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A TWO-YEAR EXTENSION TO OBTAIN A BUILDING PERMIT FOR PLANNING VERIFICATION-WOOLSEY FIRE NO. 19-278 TO REBUILD NONCONFORMING USES OR STRUCTURES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED IN THE RURAL RESIDENTIAL, ONE-ACRE ZONING DISTRICT AT 6636 WANDERMERE ROAD (LOMA COSTA LLC)

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

SECTION 1. Recitals.

A. The 2018 Woolsey Fire destroyed at least 488 single-family homes in Malibu and over 640 parcels were damaged, destroyed, or affected by the Woolsey Fire.

B. On February 25, 2019, the City Council adopted Ordinance No. 445, amendments to the Malibu Municipal Code Title 17 (Zoning Ordinance) and the Local Coastal Program, to facilitate the rebuilding of structures damaged or destroyed by the 2018 Woolsey Fire. The Ordinance included deadlines for property owners to rebuild nonconforming structures and uses: two years from the date of damage to initiate a Planning Verification-Woolsey Fire (PVWF), four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines could not total more than five years.

C. On December 14, 2020, approximately 50 percent of property owners of destroyed homes had submitted a PVWF to rebuild homes. Due to a desire to encourage the rebuilding of homes, the City Council adopted Ordinance No. 476, extending the deadlines to initiate the planning application process and obtain building permits by one year, and allowed for extensions of these deadlines to not total more than six years combined.

D. On December 12, 2019, Planning Verification-Woolsey Fire No. 19-278 was approved.

E. On December 20, 2019, Building Permit Nos. 19-0430 and 19-0431 for building and grading were issued.

F. On January 8, 2024, City Council adopted Ordinance No. 513, which extended the ability to initiate a PVWF within six years of the date of damage or destruction to November 8, 2024, with the ability for the Planning Commission to grant extensions when strict compliance created an undue hardship. Extensions could not total more than nine years. In addition, the deadline to obtain building permits was extended to November 8, 2026.

G. On March 12, 2025 following the 2025 Palisades Fire, City Council adopted Ordinance No. 524, which included an amendment to Malibu Municipal Code Section 17.60.020(C) to allow the Planning Commission to consider requests for an extension of time to obtain a building permit for structures damaged or destroyed by a natural disaster for a maximum total of eleven years from the date of the disaster (November 8, 2029 for the Woolsey Fire).

H. On September 3, 2026, owner Loma Costa, LLC submitted an application requesting a two-year extension to the November 8, 2026 deadline to obtain a building permit for

an in-kind rebuild of nonconforming uses or structures. The Woolsey Fire destroyed the single-family residence with attached garage. The owner cited delays caused by the prior owner's sale of the property after obtaining building and grading permits. The current owner was not aware of the expiration of construction permits on November 5, 2023, which required additional submissions for building plan check approval and new permits.

I. On October 5, 2026, 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 determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3), which exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. This Resolution is merely extending the time an applicant has to obtain a building permit for nonconforming structures and uses damaged or destroyed by the Woolsey Fire. Further, this act is not a "project" pursuant to CEQA Guidelines Section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects.

SECTION 3. Planning Commission Action.

Based on substantial evidence in the record, the Planning Commission finds that, due to unusual circumstances, strict compliance with the eight-year time limit imposed by Malibu Municipal Code Section 17.60.020(C) would create an undue hardship. The recitals above are adopted hereon, and the property owner has demonstrated to the satisfaction of the Planning Commission the necessity of a time extension to obtain a building permit for PVWF No. 19-278. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owner a two-year time extension to obtain a building permit for PVWF No. 19-278 to rebuild non-conforming uses or structures destroyed or damaged in the Woolsey Fire. Said building permit shall be obtained by November 8, 2028.

SECTION 4. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 5th day of October, 2026.

_____
MARNI KAMINS, Planning Commission Chair

ATTEST:

_____
REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220 (Appeal of Action), 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. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-52 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 5th day of October, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

CITY OF MALIBU
RECEIVED
SEP 03 2026
PLANNING DIVISION

WOOLSEY FIRE
Non-Conforming In-kind Disaster Rebuild
Building Permit Time Extension Request

The City of Malibu will not accept incomplete applications.

Staff use only

Woolsey Fire Extension No. 26-007

To submit a Woolsey Fire building permit time extension request:

To request a time extension to obtain building permits for a previously approved Planning Verification for a non-conforming in-kind rebuild, the request must be timely received by the Planning Division in person or via email to planningadmin@malibucity.org. The deadline to submit a Woolsey Fire building permit time extension request is **November 8, 2026**. Per California Code of Civil Procedure Section 12(a), because this falls on a weekend, the City will accept requests received and paid on the next business day, Monday, November 9, 2026, by 5:30 PM.

Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster, with maximum extension to **NOVEMBER 8, 2029**. For questions about this form, please email revans@malibucity.org.

Site Address: 6636 Wandermere Rd.

Planning Verification-Woolsey Fire No: 19-278 **(if applicable)**

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 to Obtain Building Permits Request Letter** ____

   A letter setting forth unusual circumstances that render strict compliance to the deadline an undue hardship. Property Owners are encouraged to provide evidence of such hardship. This letter and evidence will be provided to the Planning Commission. I am requesting an extension for 2 year(s).

3. **Time Extension Fee ($596)** ____

ATTACHMENT 2

4. **Property Owner's /Occupant's Information**

Name: Loma Costa LLC

Property Owner's mailing Address: [redacted]

Property Owner's telephone: [redacted]

Property Owner's email address: [redacted]

5. **Proof of Ownership / Authorized Representatives**

If grant deed or title report is held by an LLC or Trust, submit Operating Agreement for LLC or Trust Documents for Trusts to identify authorized representatives

6. **Applicant's Information**

If an applicant is submitting this form on behalf of the property owner, the Authorization to Submit a Project must be filled out and returned with this form.

Name: Erin Doolittle & Lora Guerrero

Applicant's mailing address: [redacted]

Applicant's telephone:

Applicant's email address:

7. **Acknowledgements**

MMC Section 17.60.020(A) states "Any structure which was lawfully erected and which does not conform to the current design and development standards or lot development criteria of this title may be continuously maintained and shall be treated in all respects as though in full compliance with this title."

Pursuant to MMC Section 17.60.020(C), any structure described in subsection Section 17.60.020 (A), may be remodeled, or may be reconstructed in the general location and to the same height as it existed prior to damage or destruction, subject to obtaining planning verification and provided that the application for the reconstruction is initiated with the city within six years of the date of damage or destruction, and a building permit is diligently pursued and obtained within eight years from the date of damage or destruction and has not expired. A request for an extension of time to the six-year or eight-year periods may be granted by the Planning Commission where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the six- or eight-year limit creates an undue hardship. **Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster**. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

I hereby certify that I am presently the legal owner of the above-described property and have read MMC Sections 17.60.020(A) and (C).

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Leonard I. Liston III	9/2/2026

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 request is invalid. I acknowledge that the City strongly encourages me to immediately calendar the expiration date of this permit, that it is my responsibility to monitor its status and that the City has no ability to provide relief when a permit has expired.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Leonard I. Liston III	9/2/2026

8. 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.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Leonard I. Liston III	9/2/2026

Note: November 8, 2024 was the deadline to submit a time extension request to submit a <u>Planning Verification</u> for non-conforming structures damaged or destroyed in the Woolsey Fire. No request to extend the deadline to submit a Planning Verification can be accepted at this time.

AUTHORIZATION TO SUBMIT A PROJECT

Erin Doolittle (print name) is authorized by me/us as the owner(s) of the property located at 6636 Wandermere Road, to submit an application to and obtain permits from the City of Malibu Planning Division 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.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Leonard I. Liston III	9/2/2026

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

Witnessed by:

Dated: _____

_____
Witness Signature (Staff)

_____
Print Name

LOMA COSTA, LLC

889 Pierce Court, Suite 101, Thousand Oaks, CA 91360
(818) 991-7148 ▪ Fax (818) 991-5942

September 2, 2026

City of Malibu Planning
23825 Stuart Ranch Road
Malibu, California 90265

Re: Woolsey Fire Non-Conforming In-Kind Disaster Rebuild Building Permit Time Extension Request

Dear Planning Department,

We have recently purchased the property at 6636 Wandermere Road, and are pursuing to rebuild the previous existing residence that was destroyed in the Woolsey Fire at the subject property.

The previous owners had obtained permits for this like-kind rebuild, however did not construct the proposed improvements and as such we understand their permits may have been expired.

As we have only recently come into ownership of the property, we kindly request an extension to obtain new building permits for the proposed like-kind rebuild project as we organize the information provided to us by the previous owners of the property and work towards preparing to rebuild the previous existing residence.

We respectfully request a time extension of two (2) years to obtain permits from the current deadline of November 8, 2026, resulting in a new deadline to obtain building permits for the proposed fire rebuild of November 8, 2028.

If you would like further information or discussion on these items, please feel free to call.

Sincerely,

LOMA COSTA, LLC

Leonard Liston
President

ORDINANCE NO. 524

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT 25-001, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AND ZONING TEXT AMENDMENT NO. 25-001, AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE UPDATING REGULATIONS TO FACILITATE THE REBUILDING OF STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTERS, INCLUDING BUT NOT LIMITED TO, THE 2025 PALISADES FIRE, 2024 FRANKLIN FIRE, AND 2024 BROAD FIRE TO PROVIDE RELIEF FOR THOSE AFFECTED, AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On November 6, 2024, the Broad Fire began and destroyed structures on at least 4 properties in Malibu leaving residents with an urgent need to rebuild.

B. On December 9, 2024, the Franklin Fire destroyed structures on at least 38 properties in Malibu leaving residents with an urgent need to rebuild.

C. On January 7, 2025, the Palisades Fire destroyed structures on over 700 properties in Malibu leaving residents with an urgent need to rebuild. The Governor of California has declared the event a State of Emergency and the President of the United States has declared the event a Federal Emergency.

D. On January 27, 2025, the City Council adopted Resolution No. 25-06 to: 1) initiate a Local Coastal Program (LCP) amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code (MMC) to facilitate the rebuilding of structures damaged or destroyed by the 2025 Palisades Fire, 2024 Franklin Fire, and 2024 Broad Fire and provide relief for those affected by the fires; 2) Bypass the Zoning Ordinance Revisions and Code Enforcement Subcommittee and directed the Planning Commission to schedule a public hearing regarding the same.

E. On January 30, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

F. On February 6, 2025, a Notice of Planning Commission Public Hearing was republished in a newspaper of general circulation within the City of Malibu as a courtesy.

G. On February 13, 2025, Governor Newsom issued Executive Order N-20-25, which suspended requirements of the California Environmental Quality Act and California Coastal Act for Palisades Fire rebuilds and related issues.

H. On February 13, 2025, a Notice of Availability of Local Coastal Program Amendment (LCPA) Documents and a Notice of City Council Public Hearings for both the March 4, 2025 and March 10, 2025 meetings were published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

I. On February 20, 2025, the Planning Commission held a duly noticed public hearing on the proposed rebuild amendments on LCPA 25-001 and ZTA No.25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

J. On March 4, 2025, the City Council held a meeting which included a public workshop on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council completed the public workshop and adjourned the public hearing to March 5, 2025.

K. On March 5, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The meeting was adjourned to March 6, 2025.

L. On March 6, 2025, the City Council continued the public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on first reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001 as recommended by staff with the additional changes presented at the March 6, 2025 meeting. The City Council adopted Urgency Ordinance No. 524U for the Malibu Municipal Code amendments to go into effect immediately.

M. On March 10, 2025, the City Council continued the public hearing for the second reading to March 12, 2025.

N. On March 12, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on second reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001.

SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LCP Local Implementation Plan (LIP) Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent

inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of the exempt activity, they are subject to the same CEQA exemption.

Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies. The amendments to the MMC that are not corollary to the LCP can be seen not to have a significant effect on the environment as they merely create permit and fine requirements and allow structures that existed previously to be rebuilt in the same location with substantially the same purpose and capacity as the structure that would be replaced, while also further protecting coastal resources and hazard protections.

SECTION 3. Local Coastal Program Findings.

Based on evidence contained within the record, including the agenda reports for and the hearings on February 20 and March 4, 2025, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with, the policies and requirements of Chapter 3 of the California Coastal Act.

A. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP. Updated development standards specific to rebuild projects that were destroyed in natural disaster and relief for those affected, ensure that development standards are in place to facilitate people getting their properties back to where they were before the natural disaster while also incorporating measures that will further enhance and protect coastal resources. Development standards were carefully crafted to meet the goals of the of the LCP.

B. As a part of the LIP, the updated development standards specific to rebuild projects that were destroyed in natural disaster and providing relief for those affected ensure that future development projects and land uses within specific zoning districts conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating specific requirements for rebuild structures to avoid coastal accessways, be sited the most landward feasible and the installation of structures that will protect the coastal resources from contamination greater than current.

SECTION 4. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code Section 17.74.040, the City Council hereby makes the following findings:

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 5. Local Coastal Program Amendment No. 25-001, Amendments to the Local Implementation Plan (LIP).

The City Council hereby amends the LIP as follows:

A. Amend Section 2.1 related to LIP definitions to include the following:

SECONDARY DEVELOPMENT PAD - a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

PRIMARY DEVELOPMENT PAD - the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 3.6(M)(1) related to residential development standards for temporary homes, to read as follows:

1. No more than two temporary housing structures which together total no more than one thousand (1,000) square feet shall be permitted.

C. Amend LIP Section 13.4.6(A) and (B), and add Section 13.4.6(A)(4) related to coastal development permit exemptions, to read as follows:

A. The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the of the following criteria:

1. It is for the same use as the destroyed structure;
2. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and

3. It is sited in substantially the same location on the affected property as the destroyed structure.

As used in this section, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

4. Mechanized equipment or temporary shoring on the beach necessary to construct the replacement structure is allowed under this exemption for beachfront properties only if there are no feasible alternatives and construction activities do not enter the intertidal zone or extend beyond the previously existing primary development pad and appropriate Best Management Practices are used.

B. An onsite wastewater treatment system (OWTS) that was damaged or destroyed by a natural disaster may be replaced and improved provided that the replacement OWTS is located within the existing primary development pad and is the minimum standard size necessary to meet the building code for the existing or replacement structure it serves. If the new OWTS exceeds the minimum standard size or is located outside the primary development pad, then a De Minimis Waiver or OWTS Coastal Development Permit shall be required as applicable by Sections 13.4.11 and 13.29 respectively. For OWTS replacements on or adjacent to a sandy beach or coastal bluff, the OWTS shall be sited in the most landward location feasible and may not extend further seaward than the existing and/or previously existing seawall, whichever is more landward.

D. Amend LIP Section 13.4.11(A) and (A)(1) and (2), and add subsections (3), (4), (5), and (6); Amend 13.4.11(B)(1),(2), (3), and (5); Amend 13.4.11(C)(2) and(3); and amend 13.4.11(D), related to general requirements for de minimis waiver, to read as follows:

13.4.11 General Requirements for De Minimis Waiver

A. General Requirements for De Minimis Waiver.

The requirement for a coastal development permit may be waived through a De Minimis Coastal Development Permit Waiver issued by the planning director for the items listed below where the improvements are not otherwise exempt pursuant to Section 13.4, provided all the requirements of subsections B and C are met. The planning director's decision on whether to issue a de minimis waiver is not locally appealable; however if the development is within the appealable jurisdiction of the California Coastal Commission, the decision of the planning director is appealable to the Coastal Commission as described below in subsection (C).

1. Improvements to an onsite wastewater treatment system (OWTS) serving a structure that replaces one 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 does not meet the exemption criteria of Section 13.4.6(B).

2. 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. This includes accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement, including new cuts on slopes steeper than 3:1 but less than 1:1, subject to geotechnical feasibility review. Retaining walls shall not exceed six (6) feet in height. New retaining walls that replace an existing wall being removed as a result of the driveway widening are allowed to be replaced to the same height of previous wall and may increase in height by a maximum of three (3) additional feet but shall not have a total height in excess of nine (9) feet. Access improvements that do not meet the findings for a waiver may be processed as an administrative coastal development permit (ACDP) under Section 13.13.1(A) or as a regular coastal development permit.
3. Replacement seawalls that exceed ten (10) percent in height. The replacement seawall shall be sited in the same footprint as the previous seawall and shall not expand further seaward nor shall it extend further into an existing public access easement, deed restriction or view corridor.
4. Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator. Such increase shall not exceed the increase in elevation to the finished floor required to meet the minimum FEMA flood zone requirements. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.
5. Replacement structures that would otherwise be exempt from the requirement to obtain a coastal development permit pursuant to Section 13.4.6(A) but are proposed to be sited not in substantially the same location where the damaged or destroyed structure was located so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration. This waiver may include retaining walls and grading necessary for the construction of the relocated structure, but cuts may not be made into slopes steeper than 1:1 and retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet.
6. Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster and as required or recommended by applicable federal, state and local laws and regulations. New shoreline protection devices are not included under this waiver.

B. Findings for and Reporting of De Minimis Waivers.

All decisions on de minimis waivers shall be accompanied by written findings:

1. That the structures or improvements have no potential for adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
2. That the structures or improvements are consistent with the certified Malibu Local Coastal Program, including the resource protection policies, as applicable.
3. If an OWTS is to be relocated on the lot, that the director, in consultation with the environmental health administrator, has determined the relocation is necessary to better protect coastal resources and if on a beachfront lot, is no further seaward than the existing OWTS or no further seaward than the previously existing seawall, whichever is further landward.
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.
5. For relocation pursuant to Section 13.4.11(A)(5), that the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and primarily safety.

C. Reporting De Minimis Waiver.

1. 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, on a form approved by the city, that an application for a de minimis waiver has been submitted to the city. Such notice shall contain a general description of the nature of the proposed development.
2. 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. For development within the appealable jurisdiction of the California Commission, the planning director's decision may be appealed by an aggrieved person directly to the California Coastal Commission within ten (10) working days of issuance of the notice of determination only if the development is one of the four types of development listed in the definition of Appealable Coastal Development Permit.
3. 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 structures or improvements. Otherwise, the waiver is effective immediately after the planning commission meeting where the matter is heard.

D. Waiver Expiration.

A de minimis waiver shall expire and be of no further force and effect if the authorized structures or 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.

SECTION 6. Zoning Text Amendment No. 25-001, Amendments to the Malibu Municipal Code (MMC).

The City Council hereby amends Title 17 - Zoning in the MMC as follows:

A. Amend Section 17.02.060 related to definitions to include the following:

"Secondary development pad" means a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

"Primary development pad" means the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 17.40.040(A)(18)(a) and (g) and add subsections (i), (j), and (k) to read as follows:

18. Temporary Housing. Temporary housing structures as used herein means mobilehomes, trailers, recreational vehicles or other structures which are self-contained units which include sanitary facilities, and facilities for normal daily routines including cooking and sleeping. Temporary housing structures do not include any structure placed upon a permanent foundation, nor do they include tents, yurts, or similar fabric or textile installations. Temporary housing structures used as a residence during reconstruction or in anticipation of reconstruction of a residence destroyed due to natural disaster shall be permitted with a temporary housing permit approved by the Planning Director and shall comply with the following conditions:

a. No more than two temporary housing structures which together total no more than 1,000 square feet shall be permitted.

g. Upon expiration of the temporary housing permit, the property owner shall obtain verification from the city that all temporary housing structures have been removed

from the property. Failure to obtain this verification shall result in a fine of $1,000 per day until the verification is obtained.

i. The temporary housing structures shall be occupied only by the property owner(s) or tenant(s) living on the property at the date of the natural disaster, or their families. Should this requirement be violated, the temporary housing structures must be immediately removed, the property will no longer be eligible to place temporary housing on the property for a period of 5 years, and the owner shall be subject to a fine of $1,000 per day. Liens may also be imposed on the property by the City as a means of compliance.

j. The siting of temporary housing shall be supported by a limited geotechnical report prepared by appropriately licensed professionals which evaluates the location of the proposed temporary housing with respect to geologic and flood hazards that the specific location(s) may be exposed to during the proposed four-year use of the location. Specifically, the threat of post-fire debris flows and floods as described by the United States Geological Survey and identified by the Watershed Emergency Response Team Assessments. A finding is required that the specific location of the temporary housing is safe for its intended use for the duration of use. The report must be submitted to the City for review and accepted by the Building Official.

k. If the temporary housing is supported on anything other than wheels or a trailer which can be readily moved (i.e. a manufactured home), it shall comply with requirements for foundations as noted in Chapter 16, 18 and Appendix G – Flood proof Construction of the current California Building Code and requires a building permit from the City. Temporary housing supported on wheels shall be fastened to the ground.

C. Amend Section 17.44.090(A)(1), to read as follows:

1. The maximum square footage of an ADU shall be 1,000 square feet. The maximum square footage shall include interior and exterior walls, finished and unfinished basements, mezzanines, storage space, and any space with a height clearance (floor to ceiling height dimension) above six feet. The area of a garage (400 square feet maximum) provided as part of accessory dwelling unit and exterior decks or overhangs that are attached to the structure shall not be included in the 1,000 square foot limit.

D. Amend Section 17.45.150(B), to read as follows:

B. Prohibition. All properties within a disaster area are temporarily prohibited from obtaining a new or updated primary view determination unless: (1) the request was submitted prior to the date the natural disaster began as declared or proclaimed by the City, State or Federal government, or as determined by the Planning Director if no declaration or proclamation has been made; or (2) the primary view determination would not impose any limitation on replacement landscaping or replacement structures.

E. Amend Section 17.53.090(C)(1)(a),(b), (c), (e), and (f) and add subsections (h), (i), and (j); and amend Section 17.53.090(C)(2), to read as follows:

a. Palm trees and eucalyptus trees are prohibited.
b. All vegetation is prohibited between zero and five feet from a structure.
c. The following species are prohibited within 50 feet of structures: Pine (Pinus species), Cypress (Cupressus species), Cedar (Cedrus species), Ficus (Ficus species), and Tree of Heaven (Ailanthus altissima).

e. Existing eucalyptus trees are allowed between five feet and 50 feet of a structure if a qualified expert, as determined by the director, identifies the tree(s) as a monarch butterfly habitat.
f. The distances for trees and shrubs subject to (b) through (e) shall be measured from the dripline of the tree or shrub at its projected maturity to the outermost projection of the structure including eaves and overhangs. No tree canopy shall be within five feet of the outermost projection of the structure including eaves and overhangs at projected maturity. Smaller diameter tree branches less than two inches must be removed within five feet of the outermost projection of the structure including eaves and overhangs and within 10 feet above the roof.

h. Only efficiently-irrigated plants and trees as allowed by this chapter shall be allowed between five feet and 30 feet of a structure.
i. Irrigation shall be required and maintained on the site in all planting areas between five feet and 100 feet of a structure, except in geologic hazard areas in which irrigation may not be allowed. Any proposed irrigation shall be reviewed by the project geotechnical consultant and conform to existing surficial stability standards, not contribute to any geologic hazard, and not adversely affect offsite properties. The consultant shall include a statement regarding the impact of the proposed irrigation system in the required Section 111 statement. The city shall review analyses and findings provided by the project geotechnical consultant and determine whether irrigation is allowed or required in geologic hazard areas. All vegetation within 100 feet of a structure shall maintain sufficient moisture content and be supported by appropriately designed irrigation.
j. Plants listed in the City of Malibu 'Invasive Species List' are prohibited.

2. Mulch material proposed between zero and five feet from a structure must consist of nonflammable materials, such as gravel and decomposed granite. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Use of wood chips and shredded rubber is prohibited anywhere on the site. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between five feet and 30 feet from a structure. Non-continuous mulched areas shall be separated with non-flammable materials such as gravel, rocks, decomposed granite, or stone. The distance shall be measured from the outermost projection of the

structure including eaves and overhangs. The maximum application area of mulch located between five feet and 30 feet from a structure is 20 feet by 20 feet with a five-foot separation between application areas. Any mulch materials (excluding wood chips and shredded rubber), are allowed 30 feet or more from a structure with no limitation on application area. Organic mulch shall be maintained with at least a 3 inch depth but must not exceed 6 inches in depth.

F. Amend Section 17.60.020(C) and add subsection (C)(1), to read as follows:

C. Any structure, including any structure that was damaged or destroyed by a natural disaster, described in subsection A of this section, may be remodeled, or may be reconstructed in the general location and to the same height as it existed prior to damage or destruction, subject to obtaining planning verification. Structures that were damaged or destroyed by a natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-year periods may be granted by the planning commission where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

1. Replacement structures on beachfront lots are allowed to meet the minimum increases necessary to meet Federal Emergency Management Agency (FEMA) requirements but shall, to the maximum extent feasible, protect neighboring ocean views. Replacement structures shall seek increases in square footage laterally before they are allowed to increase vertically as viewed by neighboring properties. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.

G. Delete Section 17.60.020(F).

H. Amend Section 17.62.030(A), to read as follows:

A. An administrative plan review shall be required for the following development projects, unless they fall under the provisions for a rebuild development permit as provided in Section 17.62.080. If the project meets the requirements of this title and is consistent with Chapter 17.40, the planning manager/ director shall issue a development permit.

I. Amend Section 17.62.040(A) and (A)(10); and add subsection (A)(13) and (C)(1), to read as follows:

A. The planning manager/director may approve a site plan review after consultation with all appropriate city staff and specialists including the building official, city engineer, city biologist, city geologist, city archeologist and city coastal engineer; and where substantial evidence supports the findings set forth in subsection D of this section for new construction or reconstruction of structures authorizing the following:

10. Sea walls, bulkheads, or any other shoreline protective devices, except for those that meet the requirements for a De Minimis Waiver listed in LIP Section 13.4.11 or rebuild development permit listed in Section 17.62.080 as required;

13. Non-beachfront development over 18 feet in height on a replacement structure where the previously existing structure was damaged or destroyed by a natural disaster and the replacement structure is not sited substantially in the same location on the affected property as the damaged or destroyed structure, so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration.

C. Notice of Application Filing. Within 10 calendar days from the receipt date of a complete application, the planning manager/director shall notify in writing of the filing of the application to property owners and residents of all property within a 500 foot radius of the proposed project, but in no event fewer than the owners and occupants of 10 developed properties. Notwithstanding the foregoing, for property in the RR-10 and RR-20 zones the notice radius shall be 1,000 feet. The purpose of the notice is to inform the surrounding property owners and residents of the filing of the application and provide an opportunity for comment on the application prior to the planning manager/director's decision. The notice shall describe the request, provide a map showing the specific location of the property, describe the review process and timeframes, and indicate how to contact the case planner assigned to the application.

1. For development over 18 feet in height where the replacement structure is not proposed to be sited in substantially the same location on the affected property as the damaged or destroyed structure, a notice of application shall be provided to all properties within a 1,000 foot radius of the development.

J. Add Section 17.62.080. Rebuild development permit, to read as follows:

§ 17.62.080. Rebuild development permit.

A. A rebuild development permit shall be required for the following development projects related to structures being replaced after being damaged or destroyed in a natural disaster. It shall be issued by planning manager/director upon demonstrating by a preponderance of the evidence that all requirements of the municipal code are met, as applicable.

1. Mechanized equipment or temporary shoring on the beach necessary to construct beachfront properties so long as construction activities do not enter the intertidal zone and in no case shall extend beyond the previously existing primary development pad.

2. An onsite wastewater treatment system (OWTS) that replaces or improves an OWTS serving a structure that that was damaged or destroyed by a natural disaster.

a. OWTS replacements on a sandy beach or coastal bluff shall be sited the most landward feasible as determined by appropriate city staff, shall not impact existing public accessways, and shall not extend seaward of the previously existing primary development pad.

b. OWTS replacements shall be located in the least environmentally impactful area.

3. New seawalls, as determined necessary by the planning director or building official to protect coastal resources, that protect an OWTS serving a structure that was damaged or destroyed by a natural disaster. New seawalls shall be sited only at the boundary of OWTS that it protects. New seawalls shall not extend into any existing public access easements or public access deed restrictions, excluding any such easements or deed restrictions on the seaward side of the OWTS it protects, and shall not expand further into previously approved public view corridors or further into open space deed restrictions.

4. Any new structure or improvement (including, but not limited to, foundation systems, utilities, driveways, water tanks, and other water storage devices) that is necessary or recommended to construct, install, or use the replacement structure described in subsection (A) in compliance with all applicable state and local laws and regulations.

5. 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. Accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement shall also be allowed, including new cuts on slopes steeper than 3:1 but shall not exceed 1:1 or steeper. Retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet. Improvements shall not extend into a public access easement or public access deed restriction and shall not expand further into a previously approved public view corridor (except for on-grade driveways), or further into open space deed restrictions. Access improvements that

do not meet the requirements of this subsection may be processed as an administrative coastal development permit or as a regular coastal development permit as listed in the Malibu LIP.

B. Application Submittal. An application shall be filed with the planning division and may be part of the planning verification application for replacement structures that were damaged or destroyed by a natural disaster. Applications shall be complete only after all required information is submitted; review by all appropriate city staff and specialists including review by the building official, city engineer, city biologist, city geologist, city archeologist, city coastal engineer and city environmental health specialist, as deemed necessary, is complete; and the application fee determined by resolution of the city council is paid.

C. Action. The planning manager/director shall approve, deny, or approve with conditions a rebuild development permit within 15 calendar days from the date of a complete application. Complete application determinations shall be determined solely by the City. The City may include incomplete/or nonconforming plans as a basis for an incomplete application in addition to standard application requirements. No decision shall be subject to invalidation on the grounds that it is made after the deadline. The applicant shall be informed of the action by letter and/or approved plans. Action of the planning manager/director shall be final and not appealable.

D. Expiration. An approved rebuild development permit shall expire three years from the date of final approval, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. If no building permit is required, the rebuild development permit approval shall expire after three years from the date of final planning approval if construction is not completed. If a rebuild development permit is included within a planning verification application pursuant to Section 17.60.020(C), then the rebuild development permit shall expire when the planning verification expires.

E. Extension. The planning manager/director may grant up to four one-year extensions of the expiration of a rebuild development permit approval, if the planning manager/director finds, Based on substantial evidence, that due to unusual circumstances, strict compliance with the expiration date of the permit would create an undue hardship for the applicant.

SECTION 7. Effective Date.

The LCPA sections referenced in Section 5 of this Ordinance shall become effective upon certification by the California Coastal Commission. The ZTA sections referenced in Section 6 of this ordinance shall become effective 30 days following adoption by the City Council.

SECTION 8. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality or the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 9. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance.

PASSED, APPROVED, and ADOPTED this 12th day of March 2025.

MARIANNE RIGGINS, Mayor Pro-Tem

ATTEST:

CHRISTINA MUNOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal) 3/12/2025

APPROVED AS TO FORM:

KELLAN MARTZ, Assistant City Attorney
for TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 524 was passed and adopted at the Adjourned Regular City Council meeting of March 12, 2025, by the following vote:

AYES:	3	Councilmembers:	Conrad, Uhring, Riggins
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	1	Councilmembers:	Stewart

CHRISTINA MUÑOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal)

Commission Agenda Report

Planning Commission Meeting
10-05-26
Item 3.B.3.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Rebecca Evans, MS, Senior Management Analyst

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: September 24, 2026 Meeting date: October 5, 2026

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes of the September 8, 2026 Planning Commission Regular meeting and the September 22, 2026 Planning Commission Adjourned Regular meeting.

DISCUSSION: Staff has prepared draft minutes for the above-refenced Planning Commission meetings and hereby submits the minutes for the Commission's consideration.

ATTACHMENT:

1. September 8, 2026 Planning Commission Regular Meeting Minutes
2. September 22, 2026 Planning Commission Adjourned Regular Meeting Minutes

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 8, 2026
MULTI-PURPOSE ROOM
6:30 P.M.

The following meeting was held in a hybrid format that allowed members of the public to participate in-person and remotely via Zoom when technically viable.

CALL TO ORDER

Chair Peak called the meeting to order at 6:30 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Chair Skylar Peak, Vice Chair Marni Kamins and Commissioners Drew Leonard, John G. Mazza and Elizabeth Riddick

ALSO PRESENT: Tyler Eaton, Assistant Community Development Director; Kellan Martz, Assistant City Attorney; Fletcher Allen, Senior Planner; Rick Casswell, Contract Planner; Gina Paolini, Contract Planner; Parker Davis, Media Production Technician; Gail Duncan, Management Analyst; and Rebecca Evans, Recording Secretary

PLEDGE OF ALLEGIANCE

Rick Mullen led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Commissioner Leonard seconded a motion to approve the agenda.

The question was called and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

Recording Secretary Evans reported that the agenda for the meeting was properly posted on August 27, 2026.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2. WRITTEN AND ORAL COMMUNICATIONS

A. PUBLIC COMMENTS

None.

B. COMMUNITY DEVELOPMENT DIRECTOR REPORT

Assistant Community Development Director Eaton announced an emergency proclamation in regard to the sinkhole and damaged gas line on Sea Level Drive was issued by the City Manager. City staff were onsite throughout the day and worked closely with partner agencies to stabilize the area. The Chili Cook-Off event was cancelled on Sunday due to inclement weather but otherwise was successful with no complaints received by City staff.

Commissioner Mazza asked whether the sinkhole occurred at the same site as the seawall built under an Emergency Coastal Development Permit approved as a coastal development permit at the August 17, 2026 Regular Planning Commission meeting.

In response to Commissioner Mazza, Assistant Community Development Director Eaton stated he could look up the address of the impacted property.

A member of the public involved with the previously approved seawall, confirmed the structure Commissioner Mazza referenced had withstood the coastal wave action and the sinkhole occurred on a different parcel.

ITEM 3 CONSENT CALENDAR

MOTION Commissioner Mazza moved and Commissioner Leonard seconded a motion to approve the balance of the Consent Calendar as recommended by staff.

The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Approval of Minutes
Recommended Action: Approve the minutes of the August 3, 2026 and August 17, 2026 Regular Planning Commission meetings.
Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246

The minutes of the August 3, 2026 and August 17, 2026 Regular Planning Commission meetings were approved upon approval of the Consent Calendar.

2. Extension of Planning Verification-Woolsey Fire No. 19-173 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire
Location: 29829 Harvester Road
APN: 4469-010-013
Owners: Warren and Faith Diamond
Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246
Recommended Action: Adopt Planning Commission Resolution No. 26-43 granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 19-173 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Two-Acre zoning district at 29829 Harvester Road (Warren and Faith Diamond).

MOTION Commissioner Mazza moved and Commissioner Riddick seconded a motion to adopt Planning Commission Resolution No. 26-43 granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 19-173 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Two-Acre zoning district at 29829 Harvester Road (Warren and Faith Diamond).

The question was called and the motion carried unanimously.

3. Administrative Coastal Development Permit Amendment No. 23-003 – An application to restore a temporary hauling access driveway to its original condition
Location: 28465 Via Acero Street, not within the appealable coastal zone

APN: 4467-033-014
Owner: Ayrshire West, LLC
Staff Contact: Senior Planner Allen, 456-2489, ext. 233
Recommended Action: Receive and file the Community Development Director's report on the approval of Administrative Coastal Development Permit Amendment No. 23-003.

The Commission received and filed the Community Development Director's report on the approval of Administrative Coastal Development Permit Amendment No. 23-003 upon approval of the Consent Calendar.

4. Extension of Planning Verification-Woolsey Fire No. 24-021 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire
Location: 5911 Bonsall Drive
APN: 4467-024-005
Owner: Vincent Muselli
Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246
Recommended Action: Adopt Planning Commission Resolution No. 26-45 granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 24-021 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Five-Acre zoning district at 5911 Bonsall Drive (Vincent Muselli).

MOTION Commissioner Mazza moved and Commissioner Riddick seconded a motion to adopt Planning Commission Resolution No. 26-43 granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 24-021 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Five-Acre zoning district at 5911 Bonsall Drive (Vincent Muselli).

The question was called and the motion carried unanimously.

5. De Minimis Waiver No. 26-005 – An application for a new pool and spa to be used for fire suppression purposes for a parcel affected by the Woolsey Fire
Location: 32826 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-016-015

Owner: Bottlebrush LLC
Case Planner: Contract Planner Casswell, 619-483-3950
Recommended Action: Receive and file the Community Development Director's report on the issuance of De Minimis Waiver No. 26-005 for a new pool and spa to be used for fire suppression purposes for a Woolsey Fire affected parcel.

The item was continued to the September 22, 2026 Regular Planning Commission meeting upon approval of the agenda.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

A. Extension of Coastal Development Permit No. 13-040, Conditional Use Permit No. 13-015, Negative Declaration No. 20-001, Variance Nos. 13-042, 13-043, 15-035 and 15-036, Minor Modification No. 13-011, Demolition Permit No. 20-011 and Coastal Development Permit Amendment No. 20-017 – An application to extend the Planning Commission's approval for replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank, generator, landscape, hardscape, gates and fencing and associated development

Location: 5723 Busch Drive
APN: 4469-028-006
Owner: Serra Canyon Company, LTD
Case Planner: Assistant Community Development Director Eaton, 456-2489, ext. 273
Recommended Action: Either adopt Planning Commission Resolution No. 26-41 granting a seventeen-month extension of Coastal Development Permit No. 13-040 and Coastal Development Permit Amendment No. 20-017 for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, generator, landscape, hardscape, gates and fencing, Conditional Use Permit No. 13-015 for a water tank on a Rural Residential parcel, Variance No. 13-042 for the height of the water tank to exceed the maximum height up to 26 feet, Variance No. 13-043 for non-view permeable, eight feet in height fencing within the front yard setback, Variance No. 15-035 for the installation of a 7-foot, 8-inch in height back-up generator within the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches, Variance No. 15-036 for impermeable coverage to exceed the maximum permitted for up to 9,219 square feet, Minor Modification No. 13-011 for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet and

Demolition Permit No. 20-011 for the full demolition of the existing water tank and other associated development located in the Rural Residential, Two-Acre zoning district at 5723 Busch Drive (Serra Canyon Co, LTD); or 2) direct staff to return with a resolution consistent with the Planning Commission's decision.

Assistant Community Development Director Eaton presented the staff report.

Disclosures: None.

As there were no questions for staff, Chair Peak opened the public hearing.

Speaker: Jack Husted

The Commission directed questions to the applicant.

As there were no other speakers present, Chair Peak closed the public comment portion of the public hearing. No further discussion occurred.

MOTION Commissioner Mazza moved and Commissioner Riddick seconded a motion to adopt Planning Commission Resolution No. 26-41 granting a seventeen-month extension of Coastal Development Permit No. 13-040 and Coastal Development Permit Amendment No. 20-017 for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, generator, landscape, hardscape, gates and fencing, Conditional Use Permit No. 13-015 for a water tank on a Rural Residential parcel, Variance No. 13-042 for the height of the water tank to exceed the maximum height up to 26 feet, Variance No. 13-043 for non-view permeable, eight feet in height fencing within the front yard setback, Variance No. 15-035 for the installation of a 7-foot, 8-inch in height back-up generator within the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches, Variance No. 15-036 for impermeable coverage to exceed the maximum permitted for up to 9,219 square feet, Minor Modification No. 13-011 for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet and Demolition Permit No. 20-011 for the full demolition of the existing water tank and other associated development located in the Rural Residential, Two-Acre zoning district at 5723 Busch Drive (Serra Canyon Co, LTD)

The question was called and the motion carried unanimously.

B. Coastal Development Permit No. 25-015, Variance No. 25-021, and Site Plan Review No. 25-029 – An application for remedial repair of a slope failure on a

bluff as part of a follow-up to Emergency Coastal Development Permit No. 24-015
Location: 7049 Birdview Avenue, within the appealable coastal zone
APN: 4468-016-004
Owner: Michael and Caroline Cusumano Family Trust
Case Planner: Contract Planner Paolini, 530-957-1461
Recommended Action: Adopt Planning Commission Resolution No. 26-29 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 25-015 for remedial repair of a slope failure on a bluff and supportive landscaping; including Variance No. 25-021 for development on slopes steeper than 4 to 1 in the Point Dume neighborhood and Site Plan Review No. 25-029 for 186 cubic yards of remedial grading in follow-up to Emergency Coastal Development Permit No. 24-015 located in the Rural Residential, One-Acre zoning district at 7049 Birdview Avenue (Michael and Caroline Cusumano Family Trust).

Contract Planner Paolini presented the staff report.

Disclosures: Commissioner Mazza

The Commission directed questions to staff.

As there were no further questions for staff, Chair Peak opened the public hearing.

Speakers: Sara Laws, Michael Cusumano

As there were no other speakers present, Chair Peak closed the public comment portion of the public hearing. No further discussion occurred.

MOTION Commissioner Mazza moved and Commissioner Leonard seconded a motion to adopt Planning Commission Resolution No. 26-29 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 25-015 for remedial repair of a slope failure on a bluff and supportive landscaping; including Variance No. 25-021 for development on slopes steeper than 4 to 1 in the Point Dume neighborhood and Site Plan Review No. 25-029 for 186 cubic yards of remedial grading in follow-up to Emergency Coastal Development Permit No. 24-015 located in the Rural Residential, One-Acre zoning district at 7049 Birdview Avenue (Michael and Caroline Cusumano Family Trust).

The question was called and the motion carried unanimously.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

A. Planning Commission and Staff Comments and Inquiries

None.

ADJOURNMENT

CONSENSUS At 6:53 PM, the meeting was adjourned in honor of long-time Malibu resident John Murphy by unanimous consensus.

Approved and adopted by the Planning Commission of the City of Malibu on October 5, 2026.

_____
MARNI KAMINS, Planning Commission Chair

ATTEST:

_____
REBECCA EVANS, Recording Secretary

MINUTES
MALIBU PLANNING COMMISSION
ADJOURNED REGULAR MEETING
SEPTEMBER 22, 2026
COUNCIL CHAMBERS
6:30 P.M.

The following meeting was held in a hybrid format that allowed members of the public to participate in-person and remotely via Zoom when technically viable.

CALL TO ORDER

Chair Peak called the meeting to order at 6:33 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Chair Skylar Peak, Vice Chair Marni Kamins and Commissioners Drew Leonard, John G. Mazza and Elizabeth Riddick

ALSO PRESENT: Tyler Eaton, Assistant Community Development Director; Kellan Martz, Assistant City Attorney; Fletcher Allen, Senior Planner; Samantha Elias, Associate Planner; Latrice Williams, Assistant Planner; Adam Pisarkiewicz, Contract Planner; Aakash Shah, Contract Planner; Rick Casswell, Contract Planner; Tonya Ward, Contract Planner; Richard Greenbauer, Contract Planner; Parker Davis, Media Production Technician; Gail Duncan, Management Analyst; Juliana Bellonby, Senior Office Assistant; Rebecca Evans, Recording Secretary

PLEDGE OF ALLEGIANCE

Franco Simplicio led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Commissioner Leonard seconded a motion to approve the agenda as recommended by staff, hearing Item No. 5.C. prior to Item No. 5.A.

The question was called and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

Recording Secretary Evans reported that the agenda for the meeting was properly posted on September 11, 2026.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Planning Commission Reorganization
Recommended Action: Conduct the election of Chair and Vice Chair.
Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246

Chair Peak opened nominations for Chair.

Commissioner Mazza nominated Vice Chair Kamins for election to Chair.

The question was called and Vice Chair Kamins was unanimously elected Chair.

Outgoing Chair Peak opened nominations for the election of Vice Chair.

Chair Kamins nominated Commissioner Mazza for election to Vice Chair.

The question was called and Commissioner Mazza was unanimously elected Vice Chair.

Recording Secretary Evans administered the Oath of Office to newly appointed Chair Kamins and Vice Chair Mazza.

ITEM 2. WRITTEN AND ORAL COMMUNICATIONS

A. PUBLIC COMMENTS

Tommy Spencer alleged a conflict of interest with Vice Chair Mazza's roles on both the Planning Commission and the Malibu Township Council (MTC). Mr. Spencer stated that Jo Drummond was closely linked with Vice Chair Mazza and hoped to obtain a seat on the Planning Commission. He alleged that Jo Drummond and Mayor Silverstein influenced a complaint against Commissioners who were later fully exonerated.

Jason alleged Vice Chair Mazza, Jo Drummond and the MTC filed retaliatory complaints and appeals against their neighbors who were not aligned with the organization.

Vice Chair Mazza noted the MTC was founded in 1947 and stated without it the City would have two marinas, big trucks on the highway, a nuclear power plant in Corral Canyon and the organization does not just go around filing complaints. He recommended residents view the MTC hosted City Council candidates' forum on YouTube.

B. COMMUNITY DEVELOPMENT DIRECTOR REPORT

Assistant Community Development Director Eaton congratulated Chair Kamins and Vice Chair Mazza on their appointments. He announced the City was preparing for the upcoming El Nino event in coordination with area agencies. Property owners concerned about potential storm event impacts in need of guidance could can request a meeting with Community Development Department leadership and staff regarding preparedness. He mentioned the September 22, 2026 Governor's declaration of a state of emergency for El Nino preparation.

Associate Planner Elias provided an update regarding rebuild statistics, announced the City has now issued one hundred and one building permits for Palisades Fire rebuild projects and the first Certificate of Occupancy was issued the previous week. She reminded rebuild owners and applicants that Community Development Community Development Director Bundy was available Monday through Friday at the Fire Rebuild Center. She reminded impacted residents of the November 9, 2026 deadline to file a time extension request to obtain a building permit for an approved Planning Verification-Woolsey Fire to retain nonconforming uses or structures damaged or destroyed in the Woolsey Fire.

Senior Management Analyst Evans stated for the record that all Resolutions adopted by the Commission that evening would be updated with the name of the newly elected Chair.

Vice Chair Mazza requested an update on the armoring of Pacific Coast Highway (PCH) and the standing of the red tagged lots.

In response to Vice Chair Mazza, Assistant Community Development Director Eaton noted there was significant coastal erosion on Sea Level Drive and those homes were still red tagged due to lack of egress for emergency vehicles, ongoing sink hole repairs, and utilities have not been restored. There are ongoing efforts by Caltrans to protect PCH near the area of Big Rock and multiple owners have come into City Hall with questions regarding what they can do to shore up private beachfront properties. Community Development Director Bundy and Assistant Community Development Director Eaton had met with property owners in Serra Retreat earlier that morning regarding preparation against potential flooding in the Malibu Creek area. He stated the City had a lot of resources available to help owners concerned about their properties prepare for El Nino impacts.

ITEM 3 CONSENT CALENDAR

The following Items were pulled: Item Nos. 3.A.1, 3.B.2. and 3.B.5.

MOTION Commissioner Peak moved and Vice Chair Mazza seconded a motion to approve the balance of the Consent Calendar as recommended by staff.

The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Coastal Development Permit No. 26-032, Conditional Use Permit No. 26-005 and Variance No. 26-008 – A follow-up application to Emergency Coastal Development Permit No. 25-017 for a temporary public utility laydown yard to store materials and vehicles; including a variance for development on slopes steeper than 2.5 to 1

Location: 4000 Corral Canyon Road, partially within the appealable coastal zone
APN: 4459-006-270
Owner: Los Angeles Department of Water and Power
Case Planner: Associate Planner Elias, 456-2489, ext. 256
Recommended Action: Adopt Planning Commission Resolution No. 26-23 determining that the California Environmental Quality Act does not apply to projects that a public agency rejects or disapproves, and denying Coastal Development Permit No. 26-032 as follow-up to Emergency Coastal Development Permit No. 25-017 to construct a temporary utility laydown yard to be operated over a period of seven years, including the placement of eight storage trailers, a new access driveway, fencing, vehicle gate, dark sky compliant lighting, six portable toilets, the placement of a permeable aggregate base for the operational area, utility hook-ups, and the complete restoration and improvement of site environmental conditions to conditions existing prior to construction activities at the end of the seven year period; including Conditional Use Permit No. 26-005 for the operation of a public utility facility comprised of a temporary utility laydown yard and Variance No. 26-008 for development on slopes steeper than 2.5 to 1 located in the Rural Residential, 20-Acre zoning district at 4000 Corral Canyon Road (Los Angeles Department of Water and Power).

The Commission directed questions to staff.

Chair Kamins opened public comment.

Speakers: Theodore Zeiss, Bill Sampson

There being no other speakers, Chair Kamins closed public comment.

The Commission directed questions to staff.

MOTION

Vice Chair Mazza moved and Commissioner Peak seconded a motion to adopt Planning Commission Resolution No. 26-23 determining that the California Environmental Quality Act does not apply to projects that a public agency rejects or disapproves, and denying Coastal Development Permit No. 26-032 as follow-up to Emergency Coastal Development Permit No. 25-017 to construct a temporary utility laydown yard to be operated over a period of seven years, including the placement of eight storage trailers, a new access driveway, fencing, vehicle gate, dark sky compliant lighting, six portable toilets, the placement of a permeable aggregate base for the operational area, utility hook-ups, and the complete restoration and improvement of site environmental conditions to conditions existing prior to construction activities at the end of the seven year period; including Conditional Use Permit No. 26-005 for the operation of a public utility facility comprised of a temporary utility laydown yard and Variance No. 26-008 for development on slopes steeper than 2.5 to 1 located in the Rural Residential, 20-Acre zoning district at 4000 Corral Canyon Road (Los Angeles Department of Water and Power).

The question was called and the motion unanimously.

B. New Items

1. De Minimis Waiver No. 26-006 – An application for a new onsite wastewater treatment system for a parcel affected by the Woolsey Fire

Location: 29623 Harvester Road, partially within the appealable coastal zone
APN: 4469-028-004
Owner: Plen Family Revocable Trust
Case Planner: Assistant Planner Williams, 456-2489, ext. 353
Recommended Action: Receive and file the Community Development Director's report on the issuance of De Minimis Waiver No. 26-006 for a new onsite wastewater treatment system for a parcel affected by the Woolsey Fire.

The Commission received and filed the Community Development Director's report on the issuance of De Minimis Waiver No. 26-006 for a

new onsite wastewater treatment system for a parcel affected by the Woolsey Fire upon approval of the balance of the Consent Calendar.

2. Administrative Coastal Development Permit No. 21-003 – An application to construct a new single-family residence, a new second dwelling unit/ADU, install a new onsite wastewater treatment system, and associated development
Location: 6257 Gayton Place, not within the appealable coastal zone
APN: 4467-019-021
Owners: Regal Services LLC
Staff Contact: Contract Planner Shah, 456-2489, ext. 385
Recommended Action: Receive and file the Community Development Director's report on the approval of Administrative Coastal Development Permit-Woolsey Fire No. 21-003.

Contract Planner Shah presented the staff report.

Speakers: Carmel Mofayden and Doug Burdge available for questions.

The Commission directed questions to staff and the applicant team.

MOTION Commissioner Peak moved and Commissioner Riddick seconded a motion to receive and file the Community Development Director's report on the approval of Administrative Coastal Development Permit-Woolsey Fire No. 21-003.

The question was called and the motion carried 4-1, Vice Chair Mazza dissenting.

3. Extension of Planning Verification-Woolsey Fire No. 21-037 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire
Location: 29359 Bluewater Road
APN: 4468-006-013
Owner: Bear Sills Properties LLC
Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246
Recommended Action: Adopt Planning Commission Resolution No. 26-48 granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 21-037 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, One-Acre zoning district at 29359 Bluewater Road (Bear Sills Properties LLC).

MOTION Commissioner Peak moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 46-48 granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 21-037 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, One-Acre zoning district at 29359 Bluewater Road (Bear Sills Properties LLC).

The question was called and the motion carried unanimously.

4. Extension of Planning Verification-Woolsey Fire No. 21-050 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 5929 Kanan Dume Road
APN: 4467-018-025
Owner: Chester Griffiths and Christine Anderton-Griffiths Trust
Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246
Recommended Action: Adopt Planning Commission Resolution No. 26-49 granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 21-050 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Five-Acre zoning district at 5929 Kanan Dume Road (Chester Griffiths and Christine Anderton-Griffiths Trust).

MOTION Commissioner Peak moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 26-49 granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 21-050 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Five-Acre zoning district at 5929 Kanan Dume Road (Chester Griffiths and Christine Anderton-Griffiths Trust).

The question was called and the motion carried unanimously.

5. De Minimis Waiver No. 26-005 – An application for a new pool and spa to be used for fire suppression purposes for a parcel affected by the Woolsey Fire

Location: 32826 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-016-015
Owner: Bottlebrush LLC
Case Planner: Contract Planner Casswell, 619-483-3950

Recommended Action: Receive and file the Community Development Director's report on the issuance of De Minimis Waiver No. 26-005 for a new pool and spa to be used for fire suppression purposes for a Woolsey Fire affected parcel.

Contract Planner Casswell presented the staff report.

As there were no questions for staff, Chair Kamins opened public comment.

Speakers: Charles Santos, Patt Healy

As there were no other speakers present, Chair Kamins closed public comment and returned the matter to the table for discussion.

The Commission directed extensive questions to staff.

CONSENSUS The Commission received and filed the Community Development Director's report on the issuance of De Minimis Waiver No. 26-005 by consensus 4-1, Vice Chair Mazza dissenting.

RECESS Chair Kamins recessed the meeting at 8:03 PM. The meeting resumed at 8:12 PM with all Commissioners present.

ITEM 4 CONTINUED PUBLIC HEARINGS

A. Coastal Development Permit No. 23-028, Site Plan Review No. 23-032 and Minor Modification No. 26-004 – An application for a new single-family residence and associated site improvements

Location: 6200 Porterdale Drive, not within the appealable coastal zone
APN: 4467-004-040
Owner: Brad Folb
Planner: Contract Planner Paolini, 650-522-2500

Recommended Action: Continue the item to a date uncertain.

The item was continued to a date uncertain upon approval of the agenda.

B. Coastal Development Permit No. 20-033, Conditional Use Permit No. 18-004 and Demolition Permit No. 20-018 – An application to continue the operation of an existing restaurant, remediate unpermitted construction, and associated building improvements (Continued from August 3, 2026)

Location: 6800 Westward Beach Road, Unit 1, within the appealable coastal zone
APN: 4468-022-001
Owner: 6800 Westward Beach Road LP
Tenant: Sunset Restaurant & Beach Bar, Inc.
Planner: Contract Planner Pisarkiewicz, AICP, 949-489-1442
Recommended Action: Adopt Planning Commission Resolution No. 26-30 determining the project is exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-033 and Demolition Permit No. 20-018 for exterior and interior remodeling with demolition less than 50 percent of an existing two-story restaurant, after-the-fact approval of a patio cover, after-the-fact approval of outdoor seating areas, new outdoor lighting, new building signage, demolition of unpermitted building areas; including Conditional Use Permit No. 18-004 to allow for the operation of a restaurant over 125 seats with the sale and service of alcohol and food for onsite consumption located in the Commercial Visitor Serving-One zoning district at 6800 Westward Beach Road (6800 Westward Beach Road LP).

Contract Planner Pisarkiewicz presented the staff report.

Disclosures: Commissioners Peak, Leonard, Mazza, Riddick, Kamins

The Commission directed questions to staff.

As there were no further questions for staff, Chair Kamins opened the public hearing.

Speakers: Don Schmitz, Douglas Plank, Mark Wetton, John Hathorne, Mikke Pierson, Michelle Smit, in the interest of time the following persons stood to show support rather than provide individual comment: Kim Cunningham, Robin Perkins, Del Aden-Jones, Lisa Hall, Kristin Swindal, Marie Lehman, Michelle Perkins

As there were no other speakers present, Chair Kamins closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff and the applicant team.

RECESS Chair Kamins recessed the meeting at 9:48 PM. The meeting resumed at 9:55 PM with all Commissioners present.

The Commission directed additional questions to staff and the applicant team.

MOTION Commissioner Leonard moved and Chair Kamins seconded a motion to adopt Planning Commission Resolution No. 26-30, as amended, 1) adding a condition of approval to state, "The total restaurant seating count shall not expand beyond a maximum of 200 seats. Any proposed increase in restaurant seating shall require an amendment to the CUP."; 2) adding a condition of approval to state, "Prior to the issuance of a building permit, the applicant shall update the project plans to remove the outdoor seating area on the western-facing side of the building and revert that area to parking. The 46 seats within the outdoor seating area shall be redistributed within the building."; 3) updating the resolution title and Condition No. 2 to reflect the conversion of outdoor seating on the western-facing side of the building to parking stalls and after-the fact approval of outdoor seating area along Birdview Avenue; and 4) determining the project is exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-033 and Demolition Permit No. 20-018 for exterior and interior remodeling with demolition less than 50 percent of an existing two-story restaurant, after-the-fact approval of a patio cover, after-the-fact approval of outdoor seating areas, new outdoor lighting, new building signage, demolition of unpermitted building areas; including Conditional Use Permit No. 18-004 to allow for the operation of a restaurant over 125 seats with the sale and service of alcohol and food for onsite consumption located in the Commercial Visitor Serving-One zoning district at 6800 Westward Beach Road (6800 Westward Beach Road LP).

FRIENDLY AMENDMENT
Vice Chair Mazza moved a friendly amendment to add a condition of approval to state, "The owner shall not prohibit parking on the landside of westward Beach Road." The maker did not accept the friendly amendment.

The question was called and the motion carried 4-1, Vice Chair Mazza dissenting.

ITEM 5 NEW PUBLIC HEARINGS

A. Extension of Coastal Development Permit No. 15-050 and Variance Nos. 15-029 and 16-003 – A request to extend the Planning Commission's approval for construction of a new 3,511 square foot, two-story single-family residence and associated development; including variances to reduce the required front-yard setback and for construction on slopes steeper than 2.5 to 1

Location: 19750 Pacific Coast Highway
APN: 4449-008-013
Owner: Viox, LLC
Case Planner: Senior Planner Allen, 456-2489, ext. 233
Recommended Action: Either 1) adopt Planning Commission Resolution No. 26-44 granting a one-year extension of Coastal Development Permit No. 15-050 to construct a new 3,511 square foot, two-story single-family residence, with an

attached two-car garage with roof deck and rooftop pool, retaining walls, landscaping, hardscaping, and seawall, and construction of a new alternative onsite wastewater treatment system; including Variance No. 15-029 to reduce the required front yard setback and Variance No. 16-003 for construction on slopes steeper than 2.5 to 1 located in the Single-Family Medium Density zoning district at 19750 Pacific Coast Highway (Viox, LLC); or 2) direct staff to return with a resolution consistent with the Planning Commission's decision.

Senior Planner Allen presented the staff report.

The Commission directed questions to staff.

Disclosures: None.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Kamins opened the public hearing.

Speaker: Don Schmitz available for questions

As there were no other speakers present, Chair Kamins closed the public comment portion of the public hearing and returned the matter to the table for discussion.

MOTION Commissioner Mazza moved and Commissioner Riddick seconded a motion to adopt Planning Commission Resolution No. 26-44 granting a one-year extension of Coastal Development Permit No. 15-050 to construct a new 3,511 square foot, two-story single-family residence, with an attached two-car garage with roof deck and rooftop pool, retaining walls, landscaping, hardscaping, and seawall, and construction of a new alternative onsite wastewater treatment system; including Variance No. 15-029 to reduce the required front yard setback and Variance No. 16-003 for construction on slopes steeper than 2.5 to 1 located in the Single-Family Medium Density zoning district at 19750 Pacific Coast Highway (Viox, LLC).

The question was called and the motion carried unanimously.

B. Administrative Plan Review No. 26-014, Conditional Use Permit No. 24-010, Variance Nos. 24-020, 24-021, 24-024, and 25-001, Site Plan Review Nos. 24-023 and 26-020 – An application to install a new water tank and associated water system improvements

Location: 20699 Las Flores Mesa Drive
APN: 4450-030-902
Owner: Los Angeles County Waterworks District No. 29

Case Planner: Contract Planner Ward, AICP, 925-667-0547
Recommended Action: Either 1) adopt Planning Commission Resolution No. 26-42 determining the project is suspended from the California Coastal Act and the California Environmental Quality Act pursuant to Governor Executive Order N-20-25, and approving Administrative Plan Review No. 26-014 to install a new 25 foot (ft.), 5 inch (in.) tall, above-ground new 100,000 gallon (gal.) water tank and associated foundation to accompany an existing 100,000 gal. water tank, an 18 ft., 10 in. tall retaining wall, and grading on an existing public utility parcel; including Conditional Use Permit No. 24-010 for a utility facility use in the Rural Residential zoning district, Variance (VAR) No. 24-020 for a 59 percent reduction in the required rear yard setback from 24 feet, 7 inches to 10 feet, VAR No. 24-021 for structures on slopes steeper than 2.5 to 1, VAR No. 24-024 for an increase in the maximum impermeable coverage from 5,830 square feet to 6,337 square feet, and VAR No. 25-001 for retaining wall height above 18 feet, up to 18 feet, 10 inches, Site Plan Review (SPR) No. 24-023 for structure height above 18 feet, up to 25 feet, 5 inches and SPR No. 26-020 for a 12 percent reduction in the required side yard setback from 11 foot, 4 inches to 10 feet located in the Rural Residential, Twenty-Acre zoning district at 20699 Las Flores Mesa Drive (Los Angeles County Waterworks District No. 29); or 2) deny the project as proposed and direct staff to return with a resolution of denial. The applicant for the project is a private entity (LFMAC, LLC).

Contract Planner Ward presented the staff report.

Disclosures: Commissioners Peak, Riddick, Leonard, Mazza, Kamins

As there were no further questions for staff, Chair Kamins opened the public hearing.

Speakers: Don Schmitz, Norm Haynie

As there were no other speakers present, Chair Kamins closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff.

MOTION Vice Chair Mazza moved and Commissioner Leonard seconded a motion to adopt Planning Commission Resolution No. 26-42 determining the project is suspended from the California Coastal Act and the California Environmental Quality Act pursuant to Governor Executive Order N-20-25, and approving Administrative Plan Review No. 26-014 to install a new 25 foot (ft.), 5 inch (in.) tall, above-ground new 100,000 gallon (gal.) water tank and associated foundation to accompany an existing 100,000 gal. water tank, an 18 ft., 10 in. tall retaining wall, and grading on

an existing public utility parcel; including Conditional Use Permit No. 24-010 for a utility facility use in the Rural Residential zoning district, Variance (VAR) No. 24-020 for a 59 percent reduction in the required rear yard setback from 24 feet, 7 inches to 10 feet, VAR No. 24-021 for structures on slopes steeper than 2.5 to 1, VAR No. 24-024 for an increase in the maximum impermeable coverage from 5,830 square feet to 6,337 square feet, and VAR No. 25-001 for retaining wall height above 18 feet, up to 18 feet, 10 inches, Site Plan Review (SPR) No. 24-023 for structure height above 18 feet, up to 25 feet, 5 inches and SPR No. 26-020 for a 12 percent reduction in the required side yard setback from 11 foot, 4 inches to 10 feet located in the Rural Residential, Twenty-Acre zoning district at 20699 Las Flores Mesa Drive (Los Angeles County Waterworks District No. 29).

The question was called and the motion carried unanimously.

C. Coastal Development Permit No. 25-010, Variance No. 26-014, and Site Plan Review No. 26-040 – A follow-up application to Emergency Coastal Development Permit No. 24-016 for the installation of shoring piles and remedial grading to stabilize an existing landslide

Locations: 18805 Pacific Coast Highway (PCH) and PCH Public Right-of-Way, partially within the appealable coastal zone
APN: 4449-009-012 and Public Right-of-Way
Owners: EVO M SPV 100, LLC and California Department of Transportation (Caltrans)
Case Planner: Contract Planner Greenbauer, 949-489-1442, ext. 132
Recommended Action: Adopt Planning Commission Resolution No. 26-50 determining the project is exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 25-010 for the installation of shoring piles, grade beams, remedial grading, and associated improvements to stabilize an existing landslide; including Variance No. 26-014 for structures on slopes steeper than 2.5 to 1 and manufactured transition slopes steeper than 2 to 1, and Site Plan Review No. 26-040 for remedial grading on property located in the Rural Residential, Forty-Acre zoning district at 18805 PCH and within the PCH Public Right-of-Way (EVO M SPV 100, LLC; Caltrans).

Contract Planner Greenbauer presented the staff report.

Disclosures: None.

As there were no questions for staff, Chair Kamins opened the public hearing.

Speaker: Don Schmitz (available for questions)

As there were no other speakers present, Chair Kamins closed the public comment portion of the public hearing and returned the matter to the table for discussion.

MOTION Vice Chair Mazza moved and Commissioner Riddick seconded a motion to adopt Planning Commission Resolution No. 26-50 determining the project is exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 25-010 for the installation of shoring piles, grade beams, remedial grading, and associated improvements to stabilize an existing landslide; including Variance No. 26-014 for structures on slopes steeper than 2.5 to 1 and manufactured transition slopes steeper than 2 to 1, and Site Plan Review No. 26-040 for remedial grading on property located in the Rural Residential, Forty-Acre zoning district at 18805 PCH and within the PCH Public Right-of-Way (EVO M SPV 100, LLC; Caltrans).

The question was called and the motion carried unanimously.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

A. Planning Commission and Staff Comments and Inquiries

None.

ADJOURNMENT

CONSENSUS At 10:35 PM, the meeting was adjourned in memory of Presley Gerber by unanimous consensus.

Approved and adopted by the Planning Commission of the City of Malibu on October 19, 2026.

_____
MARNI KAMINS, Planning Commission Chair

ATTEST:

_____
REBECCA EVANS, Recording Secretary

Commission Agenda Report

Planning Commission Meeting
10-05-26
Item 3.B.4.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Rebecca Evans, MS, Senior Management Analyst

Reviewed by: Tyler Eaton, Assistant Community Development Director

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: September 24, 2026 Meeting date: October 5, 2026

Subject: Extension of Planning Verification-Woolsey Fire No. 21-059 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 29842 Cuthbert Road
APN: 4469-041-007
Owner: Orr Family Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-54 (Attachment 1) granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 21-059 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Two-Acre zoning district at 29842 Cuthbert Road (Orr Family Trust).

DISCUSSION: On November 8, 2018, the Woolsey Fire destroyed 465 homes in the City of Malibu. On March 12, 2025, the City Council adopted Ordinance No. 524 (Attachment 3), which extended the ability to initiate the planning application process and obtain a building permit to rebuild a structure that was damaged or destroyed by a disaster. Section 17.60.020(C) of the Malibu Municipal Code was amended to read as follows:

> Any structure, including any structure that was damaged or destroyed by a natural disaster, described in subsection A of this section, may be remodeled, or may be reconstructed in the general location and to the same height as it existed prior to damage or destruction, subject to obtaining planning verification. Structures that were damaged or destroyed by a

> natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-year periods may be granted by the planning commission where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

Absent a time extension, a building permit would need to be obtained for Planning Verification-Woolsey Fire (PVWF) No. 21-059 no later than November 9, 2026. On September 15, 2026, Trustee Leo Orr, on behalf of owner Orr Family Trust, submitted a request for a three-year time extension to the deadline to obtain a building permit for a nonconforming in-kind plus ten percent disaster rebuild of a single-family residence.

The Woolsey Fire rebuild was delayed initially by the contracted architect's illness in 2025 and subsequent inability to continue with the project in 2026. Additionally, Trustee Leo Orr suffered a serious injury early in the summer of 2026. Mr. Orr has only recently recovered sufficiently to pursue the development. The owner's basis for due cause is included as Attachment 2.

CONCLUSION: Should the Planning Commission approve the time extension request, the owner would have until November 8, 2029 to obtain a building permit for PVWF No. 21-059.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-54
2. Time Extension Request
3. City Council Ordinance No. 524

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/onbase.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-54

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A THREE-YEAR EXTENSION TO OBTAIN A BUILDING PERMIT FOR PLANNING VERIFICATION-WOOLSEY FIRE NO. 21-059 TO REBUILD NONCONFORMING USES OR STRUCTURES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED IN THE RURAL RESIDENTIAL, TWO-ACRE ZONING DISTRICT AT 29842 CUTHBERT ROAD (ORR FAMILY TRUST)

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

SECTION 1. Recitals.

A. The 2018 Woolsey Fire destroyed at least 488 single-family homes in Malibu and over 640 parcels were damaged, destroyed, or affected by the Woolsey Fire.

B. On February 25, 2019, the City Council adopted Ordinance No. 445, amendments to the Malibu Municipal Code Title 17 (Zoning Ordinance) and the Local Coastal Program, to facilitate the rebuilding of structures damaged or destroyed by the 2018 Woolsey Fire. The Ordinance included deadlines for property owners to rebuild nonconforming structures and uses: two years from the date of damage to initiate a Planning Verification-Woolsey Fire (PVWF), four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines could not total more than five years.

C. On December 14, 2020, approximately 50 percent of property owners of destroyed homes had submitted a PVWF to rebuild homes. Due to a desire to encourage the rebuilding of homes, the City Council adopted Ordinance No. 476, extending the deadlines to initiate the planning application process and obtain building permits by one year, and allowed for extensions of these deadlines to not total more than six years combined.

D. On June 28, 2023, Planning Verification-Woolsey Fire No. 21-059 was approved.

E. On January 8, 2024, City Council adopted Ordinance No. 513, which extended the ability to initiate a PVWF within six years of the date of damage or destruction to November 8, 2024, with the ability for the Planning Commission to grant extensions when strict compliance created an undue hardship. Extensions could not total more than nine years. In addition, the deadline to obtain building permits was extended to November 8, 2026.

F. On March 12, 2025 following the 2025 Palisades Fire, City Council adopted Ordinance No. 524, which included an amendment to Malibu Municipal Code Section 17.60.020(C) to allow the Planning Commission to consider requests for an extension of time to obtain a building permit for structures damaged or destroyed by a natural disaster for a maximum total of eleven years from the date of the disaster (November 8, 2029 for the Woolsey Fire).

G. On September 15, 2026, Trustee Leo Orr, on behalf of owner Orr Family Trust, submitted an application requesting a three-year extension to the November 8, 2026 deadline to obtain a building permit for an in-kind rebuild of nonconforming uses or structures. The Woolsey Fire destroyed the single-family residence. The owner cited delays caused by the original architect's illness in 2025, followed by an inability to resume work in 2026. Additionally, Trustee Leo Orr suffered a serious injury early in the summer of 2026 and has only recently recovered

sufficiently to pursue the approved development.

H. On October 5, 2026, 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 determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3), which exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. This Resolution is merely extending the time an applicant has to obtain a building permit for nonconforming structures and uses damaged or destroyed by the Woolsey Fire. Further, this act is not a "project" pursuant to CEQA Guidelines Section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects.

SECTION 3. Planning Commission Action.

Based on substantial evidence in the record, the Planning Commission finds that, due to unusual circumstances, strict compliance with the eight-year time limit imposed by Malibu Municipal Code Section 17.60.020(C) would create an undue hardship. The recitals above are adopted hereon, and the property owner has demonstrated to the satisfaction of the Planning Commission the necessity of a time extension to obtain a building permit for PVWF No. 21-059. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owner a three-year time extension to obtain a building permit for PVWF No. 21-059 to rebuild non-conforming uses or structures destroyed or damaged in the Woolsey Fire. Said building permit shall be obtained by November 8, 2029.

SECTION 4. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 5th day of October, 2026.

_____
MARNI KAMINS, Planning Commission Chair

ATTEST:

_____
REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220 (Appeal of Action), 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. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-54 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 5th day of October, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

Received
09/15/26
Planning Div.

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · www.malibucity.org

WOOLSEY FIRE
Non-Conforming In-kind Disaster Rebuild Building Permit Time Extension Request

The City of Malibu will not accept incomplete applications.

Staff use only

Woolsey Fire Extension No. EXTWF No. 26-009

To submit a Woolsey Fire building permit time extension request:

To request a time extension to obtain building permits for a previously approved Planning Verification for a non-conforming in-kind rebuild, the request must be timely received by the Planning Division in person or via email to planningadmin@malibucity.org. The deadline to submit a Woolsey Fire building permit time extension request is **November 8, 2026**. Per California Code of Civil Procedure Section 12(a), because this falls on a weekend, the City will accept requests received and paid on the next business day, Monday, November 9, 2026, by 5:30 PM.

Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster, with maximum extension to **NOVEMBER 8, 2029**. For questions about this form, please email revans@malibucity.org.

Site Address: 29842 Cuthbert Rd.

Planning Verification-Woolsey Fire No: _____ **(if applicable)**

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 to Obtain Building Permits Request Letter** _____

   A letter setting forth unusual circumstances that render strict compliance to the deadline an undue hardship. Property Owners are encouraged to provide evidence of such hardship. This letter and evidence will be provided to the Planning Commission. I am requesting an extension for 3 year(s). LEO

3. **Time Extension Fee** (Director: $723) (Planning Commission: $2,600) or currently adopted fee _____

ATTACHMENT 2

4. **Property Owner's /Occupant's Information**

Name: Leo E. Orr and Marian A. Orr

Property Owner's mailing Address: [redacted]

Property Owner's telephone: [redacted]

Property Owner's email address: [redacted]

5. **Proof of Ownership / Authorized Representatives**

If grant deed or title report is held by an LLC or Trust, submit Operating Agreement for LLC or Trust Documents for Trusts to identify authorized representatives

6. **Applicant's Information**

If an applicant is submitting this form on behalf of the property owner, the Authorization to Submit a Project must be filled out and returned with this form.

Name: Leo E. Orr

Applicant's mailing address: [redacted]

Applicant's telephone: [redacted]

Applicant's email address: [redacted]

7. **Acknowledgements**

MMC Section 17.60.020(A) states "Any structure which was lawfully erected and which does not conform to the current design and development standards or lot development criteria of this title may be continuously maintained and shall be treated in all respects as though in full compliance with this title."

Pursuant to MMC Section 17.60.020(C), any structure described in subsection Section 17.60.020 (A), may be remodeled, or may be reconstructed in the general location and to the same height as it existed prior to damage or destruction, subject to obtaining planning verification and provided that the application for the reconstruction is initiated with the city within six years of the date of damage or destruction, and a building permit is diligently pursued and obtained within eight years from the date of damage or destruction and has not expired. A request for an extension of time to the six-year or eight-year periods may be granted by the Planning Commission where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the six- or eight-year limit creates an undue hardship. **Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster**. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

I hereby certify that I am presently the legal owner of the above-described property and have read MMC Sections 17.60.020(A) and (C).

PROPERTY OWNER SIGNATURE	Leo E. Orr PROPERTY OWNER NAME (PRINT)	09/10/2026 DATE
PROPERTY OWNER SIGNATURE	Marian A. Orr PROPERTY OWNER NAME (PRINT)	09/10/2026 DATE

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 request is invalid. I acknowledge that the City strongly encourages me to immediately calendar the expiration date of this permit, that it is my responsibility to monitor its status and that the City has no ability to provide relief when a permit has expired.

PROPERTY OWNER SIGNATURE	Leo E. Orr PROPERTY OWNER NAME (PRINT)	09/10/2026 DATE
PROPERTY OWNER SIGNATURE	Marian A. Orr PROPERTY OWNER NAME (PRINT)	09/10/2026 DATE

8. 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.

PROPERTY OWNER SIGNATURE	Leo E. Orr PROPERTY OWNER NAME (PRINT)	09/10/2026 DATE
PROPERTY OWNER SIGNATURE	Marian A. Orr PROPERTY OWNER NAME (PRINT)	09/10/2026 DATE

Note: November 8, 2024 was the deadline to submit a time extension request to submit a <u>Planning Verification</u> for non-conforming structures damaged or destroyed in the Woolsey Fire. No request to extend the deadline to submit a Planning Verification can be accepted at this time.

AUTHORIZATION TO SUBMIT A PROJECT

Leo E. Orr (print name) is authorized by me/us as the owner(s) of the property located at 29842 Cuthbert Rd, to submit an application to and obtain permits from the City of Malibu Planning Division 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.

PROPERTY OWNER SIGNATURE	Leo E. Orr PROPERTY OWNER NAME (PRINT)	09/10/2026 DATE
Marian A. Orr PROPERTY OWNER SIGNATURE	Marian A. Orr PROPERTY OWNER NAME (PRINT)	09/10/2026 DATE

Witnessed by:

Dated: _____

_____
Witness Signature (Staff)

_____
Print Name

Leo E. Orr
Marian A. Orr
[redacted]

September 10, 2026

Planning Administration, Malibu City
Malibu, CA 90265
Email: planningadmin@malibucity.org

Re: attached Woolsey Fire Rebuild Permit Time Extension Request for 29842 Cuthbert Rd.

We are requesting a three-year Fire rebuilding permit time extension to due unforeseen hardship events developing in 2025 and extending into 2026.

The assigned architect contracted several years ago became ill in 2025 and subsequently became inexorably incapacitated this year. Her permanent unavailability was only realized late this past spring. As such, she was unable to push the project forward expeditiously. In addition, one of the applicants, Leo Orr suffered a serious injury early this summer and has only recently recovered sufficiently to perform. We are in the process of hiring a suitable replacement architect to continue the rebuilding process.

.

Leo E. Orr

Marian A. Orr

ORDINANCE NO. 524

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT 25-001, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AND ZONING TEXT AMENDMENT NO. 25-001, AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE UPDATING REGULATIONS TO FACILITATE THE REBUILDING OF STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTERS, INCLUDING BUT NOT LIMITED TO, THE 2025 PALISADES FIRE, 2024 FRANKLIN FIRE, AND 2024 BROAD FIRE TO PROVIDE RELIEF FOR THOSE AFFECTED, AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On November 6, 2024, the Broad Fire began and destroyed structures on at least 4 properties in Malibu leaving residents with an urgent need to rebuild.

B. On December 9, 2024, the Franklin Fire destroyed structures on at least 38 properties in Malibu leaving residents with an urgent need to rebuild.

C. On January 7, 2025, the Palisades Fire destroyed structures on over 700 properties in Malibu leaving residents with an urgent need to rebuild. The Governor of California has declared the event a State of Emergency and the President of the United States has declared the event a Federal Emergency.

D. On January 27, 2025, the City Council adopted Resolution No. 25-06 to: 1) initiate a Local Coastal Program (LCP) amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code (MMC) to facilitate the rebuilding of structures damaged or destroyed by the 2025 Palisades Fire, 2024 Franklin Fire, and 2024 Broad Fire and provide relief for those affected by the fires; 2) Bypass the Zoning Ordinance Revisions and Code Enforcement Subcommittee and directed the Planning Commission to schedule a public hearing regarding the same.

E. On January 30, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

F. On February 6, 2025, a Notice of Planning Commission Public Hearing was republished in a newspaper of general circulation within the City of Malibu as a courtesy.

G. On February 13, 2025, Governor Newsom issued Executive Order N-20-25, which suspended requirements of the California Environmental Quality Act and California Coastal Act for Palisades Fire rebuilds and related issues.

H. On February 13, 2025, a Notice of Availability of Local Coastal Program Amendment (LCPA) Documents and a Notice of City Council Public Hearings for both the March 4, 2025 and March 10, 2025 meetings were published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

I. On February 20, 2025, the Planning Commission held a duly noticed public hearing on the proposed rebuild amendments on LCPA 25-001 and ZTA No.25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

J. On March 4, 2025, the City Council held a meeting which included a public workshop on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council completed the public workshop and adjourned the public hearing to March 5, 2025.

K. On March 5, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The meeting was adjourned to March 6, 2025.

L. On March 6, 2025, the City Council continued the public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on first reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001 as recommended by staff with the additional changes presented at the March 6, 2025 meeting. The City Council adopted Urgency Ordinance No. 524U for the Malibu Municipal Code amendments to go into effect immediately.

M. On March 10, 2025, the City Council continued the public hearing for the second reading to March 12, 2025.

N. On March 12, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on second reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001.

SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LCP Local Implementation Plan (LIP) Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent

inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of the exempt activity, they are subject to the same CEQA exemption.

Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies. The amendments to the MMC that are not corollary to the LCP can be seen not to have a significant effect on the environment as they merely create permit and fine requirements and allow structures that existed previously to be rebuilt in the same location with substantially the same purpose and capacity as the structure that would be replaced, while also further protecting coastal resources and hazard protections.

SECTION 3. Local Coastal Program Findings.

Based on evidence contained within the record, including the agenda reports for and the hearings on February 20 and March 4, 2025, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with, the policies and requirements of Chapter 3 of the California Coastal Act.

A. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP. Updated development standards specific to rebuild projects that were destroyed in natural disaster and relief for those affected, ensure that development standards are in place to facilitate people getting their properties back to where they were before the natural disaster while also incorporating measures that will further enhance and protect coastal resources. Development standards were carefully crafted to meet the goals of the of the LCP.

B. As a part of the LIP, the updated development standards specific to rebuild projects that were destroyed in natural disaster and providing relief for those affected ensure that future development projects and land uses within specific zoning districts conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating specific requirements for rebuild structures to avoid coastal accessways, be sited the most landward feasible and the installation of structures that will protect the coastal resources from contamination greater than current.

SECTION 4. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code Section 17.74.040, the City Council hereby makes the following findings:

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 5. Local Coastal Program Amendment No. 25-001, Amendments to the Local Implementation Plan (LIP).

The City Council hereby amends the LIP as follows:

A. Amend Section 2.1 related to LIP definitions to include the following:

SECONDARY DEVELOPMENT PAD - a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

PRIMARY DEVELOPMENT PAD - the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 3.6(M)(1) related to residential development standards for temporary homes, to read as follows:

1. No more than two temporary housing structures which together total no more than one thousand (1,000) square feet shall be permitted.

C. Amend LIP Section 13.4.6(A) and (B), and add Section 13.4.6(A)(4) related to coastal development permit exemptions, to read as follows:

A. The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the of the following criteria:

1. It is for the same use as the destroyed structure;
2. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and

3. It is sited in substantially the same location on the affected property as the destroyed structure.

As used in this section, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

4. Mechanized equipment or temporary shoring on the beach necessary to construct the replacement structure is allowed under this exemption for beachfront properties only if there are no feasible alternatives and construction activities do not enter the intertidal zone or extend beyond the previously existing primary development pad and appropriate Best Management Practices are used.

B. An onsite wastewater treatment system (OWTS) that was damaged or destroyed by a natural disaster may be replaced and improved provided that the replacement OWTS is located within the existing primary development pad and is the minimum standard size necessary to meet the building code for the existing or replacement structure it serves. If the new OWTS exceeds the minimum standard size or is located outside the primary development pad, then a De Minimis Waiver or OWTS Coastal Development Permit shall be required as applicable by Sections 13.4.11 and 13.29 respectively. For OWTS replacements on or adjacent to a sandy beach or coastal bluff, the OWTS shall be sited in the most landward location feasible and may not extend further seaward than the existing and/or previously existing seawall, whichever is more landward.

D. Amend LIP Section 13.4.11(A) and (A)(1) and (2), and add subsections (3), (4), (5), and (6); Amend 13.4.11(B)(1),(2), (3), and (5); Amend 13.4.11(C)(2) and(3); and amend 13.4.11(D), related to general requirements for de minimis waiver, to read as follows:

13.4.11 General Requirements for De Minimis Waiver

A. General Requirements for De Minimis Waiver.

The requirement for a coastal development permit may be waived through a De Minimis Coastal Development Permit Waiver issued by the planning director for the items listed below where the improvements are not otherwise exempt pursuant to Section 13.4, provided all the requirements of subsections B and C are met. The planning director's decision on whether to issue a de minimis waiver is not locally appealable; however if the development is within the appealable jurisdiction of the California Coastal Commission, the decision of the planning director is appealable to the Coastal Commission as described below in subsection (C).

1. Improvements to an onsite wastewater treatment system (OWTS) serving a structure that replaces one 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 does not meet the exemption criteria of Section 13.4.6(B).

2. 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. This includes accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement, including new cuts on slopes steeper than 3:1 but less than 1:1, subject to geotechnical feasibility review. Retaining walls shall not exceed six (6) feet in height. New retaining walls that replace an existing wall being removed as a result of the driveway widening are allowed to be replaced to the same height of previous wall and may increase in height by a maximum of three (3) additional feet but shall not have a total height in excess of nine (9) feet. Access improvements that do not meet the findings for a waiver may be processed as an administrative coastal development permit (ACDP) under Section 13.13.1(A) or as a regular coastal development permit.
3. Replacement seawalls that exceed ten (10) percent in height. The replacement seawall shall be sited in the same footprint as the previous seawall and shall not expand further seaward nor shall it extend further into an existing public access easement, deed restriction or view corridor.
4. Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator. Such increase shall not exceed the increase in elevation to the finished floor required to meet the minimum FEMA flood zone requirements. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.
5. Replacement structures that would otherwise be exempt from the requirement to obtain a coastal development permit pursuant to Section 13.4.6(A) but are proposed to be sited not in substantially the same location where the damaged or destroyed structure was located so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration. This waiver may include retaining walls and grading necessary for the construction of the relocated structure, but cuts may not be made into slopes steeper than 1:1 and retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet.
6. Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster and as required or recommended by applicable federal, state and local laws and regulations. New shoreline protection devices are not included under this waiver.

B. Findings for and Reporting of De Minimis Waivers.

All decisions on de minimis waivers shall be accompanied by written findings:

1. That the structures or improvements have no potential for adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
2. That the structures or improvements are consistent with the certified Malibu Local Coastal Program, including the resource protection policies, as applicable.
3. If an OWTS is to be relocated on the lot, that the director, in consultation with the environmental health administrator, has determined the relocation is necessary to better protect coastal resources and if on a beachfront lot, is no further seaward than the existing OWTS or no further seaward than the previously existing seawall, whichever is further landward.
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.
5. For relocation pursuant to Section 13.4.11(A)(5), that the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and primarily safety.

C. Reporting De Minimis Waiver.

1. 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, on a form approved by the city, that an application for a de minimis waiver has been submitted to the city. Such notice shall contain a general description of the nature of the proposed development.
2. 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. For development within the appealable jurisdiction of the California Commission, the planning director's decision may be appealed by an aggrieved person directly to the California Coastal Commission within ten (10) working days of issuance of the notice of determination only if the development is one of the four types of development listed in the definition of Appealable Coastal Development Permit.
3. 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 structures or improvements. Otherwise, the waiver is effective immediately after the planning commission meeting where the matter is heard.

D. Waiver Expiration.

A de minimis waiver shall expire and be of no further force and effect if the authorized structures or 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.

SECTION 6. Zoning Text Amendment No. 25-001, Amendments to the Malibu Municipal Code (MMC).

The City Council hereby amends Title 17 - Zoning in the MMC as follows:

A. Amend Section 17.02.060 related to definitions to include the following:

"Secondary development pad" means a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

"Primary development pad" means the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 17.40.040(A)(18)(a) and (g) and add subsections (i), (j), and (k) to read as follows:

18. Temporary Housing. Temporary housing structures as used herein means mobilehomes, trailers, recreational vehicles or other structures which are self-contained units which include sanitary facilities, and facilities for normal daily routines including cooking and sleeping. Temporary housing structures do not include any structure placed upon a permanent foundation, nor do they include tents, yurts, or similar fabric or textile installations. Temporary housing structures used as a residence during reconstruction or in anticipation of reconstruction of a residence destroyed due to natural disaster shall be permitted with a temporary housing permit approved by the Planning Director and shall comply with the following conditions:

a. No more than two temporary housing structures which together total no more than 1,000 square feet shall be permitted.

g. Upon expiration of the temporary housing permit, the property owner shall obtain verification from the city that all temporary housing structures have been removed

from the property. Failure to obtain this verification shall result in a fine of $1,000 per day until the verification is obtained.

i. The temporary housing structures shall be occupied only by the property owner(s) or tenant(s) living on the property at the date of the natural disaster, or their families. Should this requirement be violated, the temporary housing structures must be immediately removed, the property will no longer be eligible to place temporary housing on the property for a period of 5 years, and the owner shall be subject to a fine of $1,000 per day. Liens may also be imposed on the property by the City as a means of compliance.

j. The siting of temporary housing shall be supported by a limited geotechnical report prepared by appropriately licensed professionals which evaluates the location of the proposed temporary housing with respect to geologic and flood hazards that the specific location(s) may be exposed to during the proposed four-year use of the location. Specifically, the threat of post-fire debris flows and floods as described by the United States Geological Survey and identified by the Watershed Emergency Response Team Assessments. A finding is required that the specific location of the temporary housing is safe for its intended use for the duration of use. The report must be submitted to the City for review and accepted by the Building Official.

k. If the temporary housing is supported on anything other than wheels or a trailer which can be readily moved (i.e. a manufactured home), it shall comply with requirements for foundations as noted in Chapter 16, 18 and Appendix G – Flood proof Construction of the current California Building Code and requires a building permit from the City. Temporary housing supported on wheels shall be fastened to the ground.

C. Amend Section 17.44.090(A)(1), to read as follows:

1. The maximum square footage of an ADU shall be 1,000 square feet. The maximum square footage shall include interior and exterior walls, finished and unfinished basements, mezzanines, storage space, and any space with a height clearance (floor to ceiling height dimension) above six feet. The area of a garage (400 square feet maximum) provided as part of accessory dwelling unit and exterior decks or overhangs that are attached to the structure shall not be included in the 1,000 square foot limit.

D. Amend Section 17.45.150(B), to read as follows:

B. Prohibition. All properties within a disaster area are temporarily prohibited from obtaining a new or updated primary view determination unless: (1) the request was submitted prior to the date the natural disaster began as declared or proclaimed by the City, State or Federal government, or as determined by the Planning Director if no declaration or proclamation has been made; or (2) the primary view determination would not impose any limitation on replacement landscaping or replacement structures.

E. Amend Section 17.53.090(C)(1)(a),(b), (c), (e), and (f) and add subsections (h), (i), and (j); and amend Section 17.53.090(C)(2), to read as follows:

a. Palm trees and eucalyptus trees are prohibited.
b. All vegetation is prohibited between zero and five feet from a structure.
c. The following species are prohibited within 50 feet of structures: Pine (Pinus species), Cypress (Cupressus species), Cedar (Cedrus species), Ficus (Ficus species), and Tree of Heaven (Ailanthus altissima).

e. Existing eucalyptus trees are allowed between five feet and 50 feet of a structure if a qualified expert, as determined by the director, identifies the tree(s) as a monarch butterfly habitat.
f. The distances for trees and shrubs subject to (b) through (e) shall be measured from the dripline of the tree or shrub at its projected maturity to the outermost projection of the structure including eaves and overhangs. No tree canopy shall be within five feet of the outermost projection of the structure including eaves and overhangs at projected maturity. Smaller diameter tree branches less than two inches must be removed within five feet of the outermost projection of the structure including eaves and overhangs and within 10 feet above the roof.

h. Only efficiently-irrigated plants and trees as allowed by this chapter shall be allowed between five feet and 30 feet of a structure.
i. Irrigation shall be required and maintained on the site in all planting areas between five feet and 100 feet of a structure, except in geologic hazard areas in which irrigation may not be allowed. Any proposed irrigation shall be reviewed by the project geotechnical consultant and conform to existing surficial stability standards, not contribute to any geologic hazard, and not adversely affect offsite properties. The consultant shall include a statement regarding the impact of the proposed irrigation system in the required Section 111 statement. The city shall review analyses and findings provided by the project geotechnical consultant and determine whether irrigation is allowed or required in geologic hazard areas. All vegetation within 100 feet of a structure shall maintain sufficient moisture content and be supported by appropriately designed irrigation.
j. Plants listed in the City of Malibu 'Invasive Species List' are prohibited.

2. Mulch material proposed between zero and five feet from a structure must consist of nonflammable materials, such as gravel and decomposed granite. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Use of wood chips and shredded rubber is prohibited anywhere on the site. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between five feet and 30 feet from a structure. Non-continuous mulched areas shall be separated with non-flammable materials such as gravel, rocks, decomposed granite, or stone. The distance shall be measured from the outermost projection of the

structure including eaves and overhangs. The maximum application area of mulch located between five feet and 30 feet from a structure is 20 feet by 20 feet with a five-foot separation between application areas. Any mulch materials (excluding wood chips and shredded rubber), are allowed 30 feet or more from a structure with no limitation on application area. Organic mulch shall be maintained with at least a 3 inch depth but must not exceed 6 inches in depth.

F. Amend Section 17.60.020(C) and add subsection (C)(1), to read as follows:

C. Any structure, including any structure that was damaged or destroyed by a natural disaster, described in subsection A of this section, may be remodeled, or may be reconstructed in the general location and to the same height as it existed prior to damage or destruction, subject to obtaining planning verification. Structures that were damaged or destroyed by a natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-year periods may be granted by the planning commission where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

1. Replacement structures on beachfront lots are allowed to meet the minimum increases necessary to meet Federal Emergency Management Agency (FEMA) requirements but shall, to the maximum extent feasible, protect neighboring ocean views. Replacement structures shall seek increases in square footage laterally before they are allowed to increase vertically as viewed by neighboring properties. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.

G. Delete Section 17.60.020(F).

H. Amend Section 17.62.030(A), to read as follows:

A. An administrative plan review shall be required for the following development projects, unless they fall under the provisions for a rebuild development permit as provided in Section 17.62.080. If the project meets the requirements of this title and is consistent with Chapter 17.40, the planning manager/ director shall issue a development permit.

I. Amend Section 17.62.040(A) and (A)(10); and add subsection (A)(13) and (C)(1), to read as follows:

A. The planning manager/director may approve a site plan review after consultation with all appropriate city staff and specialists including the building official, city engineer, city biologist, city geologist, city archeologist and city coastal engineer; and where substantial evidence supports the findings set forth in subsection D of this section for new construction or reconstruction of structures authorizing the following:

10. Sea walls, bulkheads, or any other shoreline protective devices, except for those that meet the requirements for a De Minimis Waiver listed in LIP Section 13.4.11 or rebuild development permit listed in Section 17.62.080 as required;

13. Non-beachfront development over 18 feet in height on a replacement structure where the previously existing structure was damaged or destroyed by a natural disaster and the replacement structure is not sited substantially in the same location on the affected property as the damaged or destroyed structure, so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration.

C. Notice of Application Filing. Within 10 calendar days from the receipt date of a complete application, the planning manager/director shall notify in writing of the filing of the application to property owners and residents of all property within a 500 foot radius of the proposed project, but in no event fewer than the owners and occupants of 10 developed properties. Notwithstanding the foregoing, for property in the RR-10 and RR-20 zones the notice radius shall be 1,000 feet. The purpose of the notice is to inform the surrounding property owners and residents of the filing of the application and provide an opportunity for comment on the application prior to the planning manager/director's decision. The notice shall describe the request, provide a map showing the specific location of the property, describe the review process and timeframes, and indicate how to contact the case planner assigned to the application.

1. For development over 18 feet in height where the replacement structure is not proposed to be sited in substantially the same location on the affected property as the damaged or destroyed structure, a notice of application shall be provided to all properties within a 1,000 foot radius of the development.

J. Add Section 17.62.080. Rebuild development permit, to read as follows:

§ 17.62.080. Rebuild development permit.

A. A rebuild development permit shall be required for the following development projects related to structures being replaced after being damaged or destroyed in a natural disaster. It shall be issued by planning manager/director upon demonstrating by a preponderance of the evidence that all requirements of the municipal code are met, as applicable.

1. Mechanized equipment or temporary shoring on the beach necessary to construct beachfront properties so long as construction activities do not enter the intertidal zone and in no case shall extend beyond the previously existing primary development pad.

2. An onsite wastewater treatment system (OWTS) that replaces or improves an OWTS serving a structure that that was damaged or destroyed by a natural disaster.

a. OWTS replacements on a sandy beach or coastal bluff shall be sited the most landward feasible as determined by appropriate city staff, shall not impact existing public accessways, and shall not extend seaward of the previously existing primary development pad.

b. OWTS replacements shall be located in the least environmentally impactful area.

3. New seawalls, as determined necessary by the planning director or building official to protect coastal resources, that protect an OWTS serving a structure that was damaged or destroyed by a natural disaster. New seawalls shall be sited only at the boundary of OWTS that it protects. New seawalls shall not extend into any existing public access easements or public access deed restrictions, excluding any such easements or deed restrictions on the seaward side of the OWTS it protects, and shall not expand further into previously approved public view corridors or further into open space deed restrictions.

4. Any new structure or improvement (including, but not limited to, foundation systems, utilities, driveways, water tanks, and other water storage devices) that is necessary or recommended to construct, install, or use the replacement structure described in subsection (A) in compliance with all applicable state and local laws and regulations.

5. 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. Accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement shall also be allowed, including new cuts on slopes steeper than 3:1 but shall not exceed 1:1 or steeper. Retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet. Improvements shall not extend into a public access easement or public access deed restriction and shall not expand further into a previously approved public view corridor (except for on-grade driveways), or further into open space deed restrictions. Access improvements that

do not meet the requirements of this subsection may be processed as an administrative coastal development permit or as a regular coastal development permit as listed in the Malibu LIP.

B. Application Submittal. An application shall be filed with the planning division and may be part of the planning verification application for replacement structures that were damaged or destroyed by a natural disaster. Applications shall be complete only after all required information is submitted; review by all appropriate city staff and specialists including review by the building official, city engineer, city biologist, city geologist, city archeologist, city coastal engineer and city environmental health specialist, as deemed necessary, is complete; and the application fee determined by resolution of the city council is paid.

C. Action. The planning manager/director shall approve, deny, or approve with conditions a rebuild development permit within 15 calendar days from the date of a complete application. Complete application determinations shall be determined solely by the City. The City may include incomplete/or nonconforming plans as a basis for an incomplete application in addition to standard application requirements. No decision shall be subject to invalidation on the grounds that it is made after the deadline. The applicant shall be informed of the action by letter and/or approved plans. Action of the planning manager/director shall be final and not appealable.

D. Expiration. An approved rebuild development permit shall expire three years from the date of final approval, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. If no building permit is required, the rebuild development permit approval shall expire after three years from the date of final planning approval if construction is not completed. If a rebuild development permit is included within a planning verification application pursuant to Section 17.60.020(C), then the rebuild development permit shall expire when the planning verification expires.

E. Extension. The planning manager/director may grant up to four one-year extensions of the expiration of a rebuild development permit approval, if the planning manager/director finds, Based on substantial evidence, that due to unusual circumstances, strict compliance with the expiration date of the permit would create an undue hardship for the applicant.

SECTION 7. Effective Date.

The LCPA sections referenced in Section 5 of this Ordinance shall become effective upon certification by the California Coastal Commission. The ZTA sections referenced in Section 6 of this ordinance shall become effective 30 days following adoption by the City Council.

SECTION 8. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality or the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 9. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance.

PASSED, APPROVED, and ADOPTED this 12th day of March 2025.

MARIANNE RIGGINS, Mayor Pro-Tem

ATTEST:

CHRISTINA MUNOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal) 3/12/2025

APPROVED AS TO FORM:

KELLAN MARTZ, Assistant City Attorney
for TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 524 was passed and adopted at the Adjourned Regular City Council meeting of March 12, 2025, by the following vote:

AYES:	3	Councilmembers:	Conrad, Uhring, Riggins
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	1	Councilmembers:	Stewart

CHRISTINA MUÑOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal)

Commission Agenda Report

Planning Commission Meeting
10-05-26
Item 3.B.5.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Rebecca Evans, MS, Senior Management Analyst

Reviewed by: Tyler Eaton, Assistant Community Development Director

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: September 24, 2026 Meeting date: October 5, 2026

Subject: Extension of Planning Verification-Woolsey Fire No. 18-005 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 29735 Harvester Road
APN: 4469-010-016
Owner: Juan and Cynthia Oronoz Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-57 (Attachment 1) granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 18-005 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Two-Acre zoning district at 29735 Harvester Road (Juan and Cynthia Oronoz Trust).

DISCUSSION: On November 8, 2018, the Woolsey Fire destroyed 465 homes in the City of Malibu. On March 12, 2025, the City Council adopted Ordinance No. 524 (Attachment 3), which extended the ability to initiate the planning application process and obtain a building permit to rebuild a structure that was damaged or destroyed by a disaster. Section 17.60.020(C) of the Malibu Municipal Code was amended to read as follows:

> Any structure, including any structure that was damaged or destroyed by a natural disaster, described in subsection A of this section, may be remodeled, or may be reconstructed in the general location and to the same height as it existed prior to damage or destruction, subject to obtaining planning verification. Structures that were damaged or destroyed by a

> natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-year periods may be granted by the planning commission where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

Absent a time extension, a building permit would need to be obtained for Planning Verification-Woolsey Fire (PVWF) No. 18-005 no later than November 9, 2026. On September 24, 2026, Cynthia Oronoz, trustee for owner Juan and Cynthia Oronoz Trust, submitted a request for a three-year time extension to the deadline to obtain a building permit for a nonconforming in-kind plus ten percent disaster rebuild of a garage and guesthouse.

The Woolsey Fire rebuild was delayed by the diagnosis of advanced pancreatic cancer in Fall 2023 of the current trustee's husband and his subsequent passing in January 2025. Trustee Oronoz has obtained a contractor and is now ready to prepare for building plan check and move forward with the approved in-kind rebuild.

The owner's basis for due cause is included as Attachment 2.

CONCLUSION: Should the Planning Commission approve the time extension request, the owner would have until November 8, 2029 to obtain a building permit for PVWF No. 18-005.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-57
2. Time Extension Request
3. City Council Ordinance No. 524

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/onbase.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-57

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A THREE-YEAR EXTENSION TO OBTAIN A BUILDING PERMIT FOR PLANNING VERIFICATION-WOOLSEY FIRE NO. 18-005 TO REBUILD NONCONFORMING USES OR STRUCTURES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED IN THE RURAL RESIDENTIAL, TWO-ACRE ZONING DISTRICT AT 29735 HARVESTER ROAD (JUAN AND CYNTHIA ORONOZ TRUST)

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

SECTION 1. Recitals.

A. The 2018 Woolsey Fire destroyed at least 488 single-family homes in Malibu and over 640 parcels were damaged, destroyed, or affected by the Woolsey Fire.

B. On December 17, 2018, Planning Verification-Woolsey Fire No. 18-005 was approved.

C. On February 25, 2019, the City Council adopted Ordinance No. 445, amendments to the Malibu Municipal Code Title 17 (Zoning Ordinance) and the Local Coastal Program, to facilitate the rebuilding of structures damaged or destroyed by the 2018 Woolsey Fire. The Ordinance included deadlines for property owners to rebuild nonconforming structures and uses: two years from the date of damage to initiate a Planning Verification-Woolsey Fire (PVWF), four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines could not total more than five years.

D. On December 14, 2020, approximately 50 percent of property owners of destroyed homes had submitted a PVWF to rebuild homes. Due to a desire to encourage the rebuilding of homes, the City Council adopted Ordinance No. 476, extending the deadlines to initiate the planning application process and obtain building permits by one year, and allowed for extensions of these deadlines to not total more than six years combined.

E. On January 8, 2024, City Council adopted Ordinance No. 513, which extended the ability to initiate a PVWF within six years of the date of damage or destruction to November 8, 2024, with the ability for the Planning Commission to grant extensions when strict compliance created an undue hardship. Extensions could not total more than nine years. In addition, the deadline to obtain building permits was extended to November 8, 2026.

F. On March 12, 2025 following the 2025 Palisades Fire, City Council adopted Ordinance No. 524, which included an amendment to Malibu Municipal Code Section 17.60.020(C) to allow the Planning Commission to consider requests for an extension of time to obtain a building permit for structures damaged or destroyed by a natural disaster for a maximum total of eleven years from the date of the disaster (November 8, 2029 for the Woolsey Fire).

G. On September 24, 2026, trustee Cynthia Oronoz, on behalf of owner Juan and Cynthia Oronoz Trust, submitted an application requesting a three-year extension to the November 8, 2026 deadline to obtain a building permit for an in-kind rebuild of nonconforming uses or structures. The Woolsey Fire destroyed a garage and guesthouse. The trustee cited delays caused

by her husband's diagnosis of advanced pancreatic cancer in Fall 2023 and his subsequent passing in January 2025. The trustee has a contractor to assist with submission to building check and remains committed to rebuilding the single-family residence.

H. On October 5, 2026, 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 determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3), which exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. This Resolution is merely extending the time an applicant has to obtain a building permit for nonconforming structures and uses damaged or destroyed by the Woolsey Fire. Further, this act is not a "project" pursuant to CEQA Guidelines Section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects.

SECTION 3. Planning Commission Action.

Based on substantial evidence in the record, the Planning Commission finds that, due to unusual circumstances, strict compliance with the eight-year time limit imposed by Malibu Municipal Code Section 17.60.020(C) would create an undue hardship. The recitals above are adopted hereon, and the property owner has demonstrated to the satisfaction of the Planning Commission the necessity of a time extension to obtain a building permit for PVWF No. 18-005. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owner a three-year time extension to obtain a building permit for PVWF No. 18-005 to rebuild non-conforming uses or structures destroyed or damaged in the Woolsey Fire. Said building permit shall be obtained by November 8, 2029.

SECTION 4. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 5th day of October, 2026.

MARNI KAMINS, Planning Commission Chair

ATTEST:

GAIL DUNCAN, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220 (Appeal of Action), 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. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-57 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 5th day of October, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

GAIL DUNCAN, Recording Secretary

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · www.malibucity.org

CITY OF MALIBU
RECEIVED
SEP 24 2026
PLANNING DIVISION

WOOLSEY FIRE
Non-Conforming In-kind Disaster Rebuild
Building Permit Time Extension Request

The City of Malibu will not accept incomplete applications.

Staff use only

Woolsey Fire Extension No. 26-010

To submit a Woolsey Fire building permit time extension request:

To request a time extension to obtain building permits for a previously approved Planning Verification for a non-conforming in-kind rebuild, the request must be timely received by the Planning Division in person or via email to planningadmin@malibucity.org. The deadline to submit a Woolsey Fire building permit time extension request is **November 8, 2026**. Per California Code of Civil Procedure Section 12(a), because this falls on a weekend, the City will accept requests received and paid on the next business day, Monday, November 9, 2026, by 5:30 PM.

Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster, with maximum extension to **NOVEMBER 8, 2029**. For questions about this form, please email revans@malibucity.org.

Site Address: 29735 Harvester Rd, Malibu, CA 90265

Planning Verification-Woolsey Fire No: PVWF 18-005 **(if applicable)**

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 to Obtain Building Permits Request Letter** ✓

   A letter setting forth unusual circumstances that render strict compliance to the deadline an undue hardship. Property Owners are encouraged to provide evidence of such hardship. This letter and evidence will be provided to the Planning Commission. I am requesting an extension for 3 year(s).

3. **Time Extension Fee** (Director: $723) (Planning Commission: $2,600) or currently adopted fee _____

ATTACHMENT 2

4. **Property Owner's /Occupant's Information**

Name: Cynthia S. Oronoz

Property Owner's mailing Address: [redacted]

Property Owner's telephone:

Property Owner's email address:

5. **Proof of Ownership / Authorized Representatives**

If grant deed or title report is held by an LLC or Trust, submit Operating Agreement for LLC or Trust Documents for Trusts to identify authorized representatives

6. **Applicant's Information**

If an applicant is submitting this form on behalf of the property owner, the Authorization to Submit a Project must be filled out and returned with this form.

Name: Cynthia S. Oronoz

Applicant's mailing address: [redacted]

Applicant's telephone:

Applicant's email address:

7. **Acknowledgements**

MMC Section 17.60.020(A) states "Any structure which was lawfully erected and which does not conform to the current design and development standards or lot development criteria of this title may be continuously maintained and shall be treated in all respects as though in full compliance with this title."

Pursuant to MMC Section 17.60.020(C), any structure described in subsection Section 17.60.020 (A), may be remodeled, or may be reconstructed in the general location and to the same height as it existed prior to damage or destruction, subject to obtaining planning verification and provided that the application for the reconstruction is initiated with the city within six years of the date of damage or destruction, and a building permit is diligently pursued and obtained within eight years from the date of damage or destruction and has not expired. A request for an extension of time to the six-year or eight-year periods may be granted by the Planning Commission where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the six- or eight-year limit creates an undue hardship. **Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster**. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

I hereby certify that I am presently the legal owner of the above-described property and have read MMC Sections 17.60.020(A) and (C).

Cynthia S. Oronoz	Cynthia S. Oronoz	9/18/2026
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

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 request is invalid. I acknowledge that the City strongly encourages me to immediately calendar the expiration date of this permit, that it is my responsibility to monitor its status and that the City has no ability to provide relief when a permit has expired.

Cynthia S. Oronoz	Cynthia S. Oronoz	9/18/2026
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

8. 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.

Cynthia S. Oronoz	Cynthia S. Oronoz	9/18/2026
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

Note: November 8, 2024 was the deadline to submit a time extension request to submit a <u>Planning Verification</u> for non-conforming structures damaged or destroyed in the Woolsey Fire. No request to extend the deadline to submit a Planning Verification can be accepted at this time.

Cynthia Stringham Oronoz

[redacted] Harvester Rd.

Malibu,CA, 90265

[redacted]

9/24/2026

City of Malibu

Planning Division

23825 Stuart Ranch Road

Malibu, CA 90265

Subject: PVWF #18-005

Dear Planning Department Staff,

I am writing to respectfully request a time extension for my In-kind Disaster Rebuild Building Permit for my property located at 29735 Harvester Road, Malibu CA 90265.

Over the past few years, I have experienced significant personal hardship. In the fall of 2023 my husband Juan was diagnosed with stage 4 pancreatic cancer. After nearly a two year battle he passed January 10,2025. His loss has been profoundly difficult, both emotionally and practically, and required my immediate attention to personal, legal, and family matters during an already challenging time.

Despite these circumstances, I remain committed to complying with all City of Malibu requirements. I am actively continuing my efforts and respectfully request additional time to allow me to proceed responsibly and in full compliance.

I sincerely appreciate the City's understanding and consideration of this request. An extension would provide me the necessary time to move forward while managing the

significant life changes resulting from my husband's passing. Please let me know if any additional documentation or information is required to support this request.

Thank you for your time, compassion, and consideration.

Respectfully,

Cynthia S. Oronoz

ORDINANCE NO. 524

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT 25-001, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AND ZONING TEXT AMENDMENT NO. 25-001, AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE UPDATING REGULATIONS TO FACILITATE THE REBUILDING OF STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTERS, INCLUDING BUT NOT LIMITED TO, THE 2025 PALISADES FIRE, 2024 FRANKLIN FIRE, AND 2024 BROAD FIRE TO PROVIDE RELIEF FOR THOSE AFFECTED, AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On November 6, 2024, the Broad Fire began and destroyed structures on at least 4 properties in Malibu leaving residents with an urgent need to rebuild.

B. On December 9, 2024, the Franklin Fire destroyed structures on at least 38 properties in Malibu leaving residents with an urgent need to rebuild.

C. On January 7, 2025, the Palisades Fire destroyed structures on over 700 properties in Malibu leaving residents with an urgent need to rebuild. The Governor of California has declared the event a State of Emergency and the President of the United States has declared the event a Federal Emergency.

D. On January 27, 2025, the City Council adopted Resolution No. 25-06 to: 1) initiate a Local Coastal Program (LCP) amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code (MMC) to facilitate the rebuilding of structures damaged or destroyed by the 2025 Palisades Fire, 2024 Franklin Fire, and 2024 Broad Fire and provide relief for those affected by the fires; 2) Bypass the Zoning Ordinance Revisions and Code Enforcement Subcommittee and directed the Planning Commission to schedule a public hearing regarding the same.

E. On January 30, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

F. On February 6, 2025, a Notice of Planning Commission Public Hearing was republished in a newspaper of general circulation within the City of Malibu as a courtesy.

G. On February 13, 2025, Governor Newsom issued Executive Order N-20-25, which suspended requirements of the California Environmental Quality Act and California Coastal Act for Palisades Fire rebuilds and related issues.

H. On February 13, 2025, a Notice of Availability of Local Coastal Program Amendment (LCPA) Documents and a Notice of City Council Public Hearings for both the March 4, 2025 and March 10, 2025 meetings were published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

I. On February 20, 2025, the Planning Commission held a duly noticed public hearing on the proposed rebuild amendments on LCPA 25-001 and ZTA No.25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

J. On March 4, 2025, the City Council held a meeting which included a public workshop on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council completed the public workshop and adjourned the public hearing to March 5, 2025.

K. On March 5, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The meeting was adjourned to March 6, 2025.

L. On March 6, 2025, the City Council continued the public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on first reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001 as recommended by staff with the additional changes presented at the March 6, 2025 meeting. The City Council adopted Urgency Ordinance No. 524U for the Malibu Municipal Code amendments to go into effect immediately.

M. On March 10, 2025, the City Council continued the public hearing for the second reading to March 12, 2025.

N. On March 12, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on second reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001.

SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LCP Local Implementation Plan (LIP) Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent

inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of the exempt activity, they are subject to the same CEQA exemption.

Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies. The amendments to the MMC that are not corollary to the LCP can be seen not to have a significant effect on the environment as they merely create permit and fine requirements and allow structures that existed previously to be rebuilt in the same location with substantially the same purpose and capacity as the structure that would be replaced, while also further protecting coastal resources and hazard protections.

SECTION 3. Local Coastal Program Findings.

Based on evidence contained within the record, including the agenda reports for and the hearings on February 20 and March 4, 2025, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with, the policies and requirements of Chapter 3 of the California Coastal Act.

A. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP. Updated development standards specific to rebuild projects that were destroyed in natural disaster and relief for those affected, ensure that development standards are in place to facilitate people getting their properties back to where they were before the natural disaster while also incorporating measures that will further enhance and protect coastal resources. Development standards were carefully crafted to meet the goals of the of the LCP.

B. As a part of the LIP, the updated development standards specific to rebuild projects that were destroyed in natural disaster and providing relief for those affected ensure that future development projects and land uses within specific zoning districts conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating specific requirements for rebuild structures to avoid coastal accessways, be sited the most landward feasible and the installation of structures that will protect the coastal resources from contamination greater than current.

SECTION 4. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code Section 17.74.040, the City Council hereby makes the following findings:

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 5. Local Coastal Program Amendment No. 25-001, Amendments to the Local Implementation Plan (LIP).

The City Council hereby amends the LIP as follows:

A. Amend Section 2.1 related to LIP definitions to include the following:

SECONDARY DEVELOPMENT PAD - a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

PRIMARY DEVELOPMENT PAD - the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 3.6(M)(1) related to residential development standards for temporary homes, to read as follows:

1. No more than two temporary housing structures which together total no more than one thousand (1,000) square feet shall be permitted.

C. Amend LIP Section 13.4.6(A) and (B), and add Section 13.4.6(A)(4) related to coastal development permit exemptions, to read as follows:

A. The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the of the following criteria:

1. It is for the same use as the destroyed structure;
2. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and

3. It is sited in substantially the same location on the affected property as the destroyed structure.

As used in this section, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

4. Mechanized equipment or temporary shoring on the beach necessary to construct the replacement structure is allowed under this exemption for beachfront properties only if there are no feasible alternatives and construction activities do not enter the intertidal zone or extend beyond the previously existing primary development pad and appropriate Best Management Practices are used.

B. An onsite wastewater treatment system (OWTS) that was damaged or destroyed by a natural disaster may be replaced and improved provided that the replacement OWTS is located within the existing primary development pad and is the minimum standard size necessary to meet the building code for the existing or replacement structure it serves. If the new OWTS exceeds the minimum standard size or is located outside the primary development pad, then a De Minimis Waiver or OWTS Coastal Development Permit shall be required as applicable by Sections 13.4.11 and 13.29 respectively. For OWTS replacements on or adjacent to a sandy beach or coastal bluff, the OWTS shall be sited in the most landward location feasible and may not extend further seaward than the existing and/or previously existing seawall, whichever is more landward.

D. Amend LIP Section 13.4.11(A) and (A)(1) and (2), and add subsections (3), (4), (5), and (6); Amend 13.4.11(B)(1),(2), (3), and (5); Amend 13.4.11(C)(2) and(3); and amend 13.4.11(D), related to general requirements for de minimis waiver, to read as follows:

13.4.11 General Requirements for De Minimis Waiver

A. General Requirements for De Minimis Waiver.

The requirement for a coastal development permit may be waived through a De Minimis Coastal Development Permit Waiver issued by the planning director for the items listed below where the improvements are not otherwise exempt pursuant to Section 13.4, provided all the requirements of subsections B and C are met. The planning director's decision on whether to issue a de minimis waiver is not locally appealable; however if the development is within the appealable jurisdiction of the California Coastal Commission, the decision of the planning director is appealable to the Coastal Commission as described below in subsection (C).

1. Improvements to an onsite wastewater treatment system (OWTS) serving a structure that replaces one 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 does not meet the exemption criteria of Section 13.4.6(B).

2. 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. This includes accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement, including new cuts on slopes steeper than 3:1 but less than 1:1, subject to geotechnical feasibility review. Retaining walls shall not exceed six (6) feet in height. New retaining walls that replace an existing wall being removed as a result of the driveway widening are allowed to be replaced to the same height of previous wall and may increase in height by a maximum of three (3) additional feet but shall not have a total height in excess of nine (9) feet. Access improvements that do not meet the findings for a waiver may be processed as an administrative coastal development permit (ACDP) under Section 13.13.1(A) or as a regular coastal development permit.
3. Replacement seawalls that exceed ten (10) percent in height. The replacement seawall shall be sited in the same footprint as the previous seawall and shall not expand further seaward nor shall it extend further into an existing public access easement, deed restriction or view corridor.
4. Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator. Such increase shall not exceed the increase in elevation to the finished floor required to meet the minimum FEMA flood zone requirements. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.
5. Replacement structures that would otherwise be exempt from the requirement to obtain a coastal development permit pursuant to Section 13.4.6(A) but are proposed to be sited not in substantially the same location where the damaged or destroyed structure was located so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration. This waiver may include retaining walls and grading necessary for the construction of the relocated structure, but cuts may not be made into slopes steeper than 1:1 and retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet.
6. Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster and as required or recommended by applicable federal, state and local laws and regulations. New shoreline protection devices are not included under this waiver.

B. Findings for and Reporting of De Minimis Waivers.

All decisions on de minimis waivers shall be accompanied by written findings:

1. That the structures or improvements have no potential for adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
2. That the structures or improvements are consistent with the certified Malibu Local Coastal Program, including the resource protection policies, as applicable.
3. If an OWTS is to be relocated on the lot, that the director, in consultation with the environmental health administrator, has determined the relocation is necessary to better protect coastal resources and if on a beachfront lot, is no further seaward than the existing OWTS or no further seaward than the previously existing seawall, whichever is further landward.
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.
5. For relocation pursuant to Section 13.4.11(A)(5), that the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and primarily safety.

C. Reporting De Minimis Waiver.

1. 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, on a form approved by the city, that an application for a de minimis waiver has been submitted to the city. Such notice shall contain a general description of the nature of the proposed development.
2. 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. For development within the appealable jurisdiction of the California Commission, the planning director's decision may be appealed by an aggrieved person directly to the California Coastal Commission within ten (10) working days of issuance of the notice of determination only if the development is one of the four types of development listed in the definition of Appealable Coastal Development Permit.
3. 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 structures or improvements. Otherwise, the waiver is effective immediately after the planning commission meeting where the matter is heard.

D. Waiver Expiration.

A de minimis waiver shall expire and be of no further force and effect if the authorized structures or 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.

SECTION 6. Zoning Text Amendment No. 25-001, Amendments to the Malibu Municipal Code (MMC).

The City Council hereby amends Title 17 - Zoning in the MMC as follows:

A. Amend Section 17.02.060 related to definitions to include the following:

"Secondary development pad" means a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

"Primary development pad" means the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 17.40.040(A)(18)(a) and (g) and add subsections (i), (j), and (k) to read as follows:

18. Temporary Housing. Temporary housing structures as used herein means mobilehomes, trailers, recreational vehicles or other structures which are self-contained units which include sanitary facilities, and facilities for normal daily routines including cooking and sleeping. Temporary housing structures do not include any structure placed upon a permanent foundation, nor do they include tents, yurts, or similar fabric or textile installations. Temporary housing structures used as a residence during reconstruction or in anticipation of reconstruction of a residence destroyed due to natural disaster shall be permitted with a temporary housing permit approved by the Planning Director and shall comply with the following conditions:

a. No more than two temporary housing structures which together total no more than 1,000 square feet shall be permitted.

g. Upon expiration of the temporary housing permit, the property owner shall obtain verification from the city that all temporary housing structures have been removed

from the property. Failure to obtain this verification shall result in a fine of $1,000 per day until the verification is obtained.

i. The temporary housing structures shall be occupied only by the property owner(s) or tenant(s) living on the property at the date of the natural disaster, or their families. Should this requirement be violated, the temporary housing structures must be immediately removed, the property will no longer be eligible to place temporary housing on the property for a period of 5 years, and the owner shall be subject to a fine of $1,000 per day. Liens may also be imposed on the property by the City as a means of compliance.

j. The siting of temporary housing shall be supported by a limited geotechnical report prepared by appropriately licensed professionals which evaluates the location of the proposed temporary housing with respect to geologic and flood hazards that the specific location(s) may be exposed to during the proposed four-year use of the location. Specifically, the threat of post-fire debris flows and floods as described by the United States Geological Survey and identified by the Watershed Emergency Response Team Assessments. A finding is required that the specific location of the temporary housing is safe for its intended use for the duration of use. The report must be submitted to the City for review and accepted by the Building Official.

k. If the temporary housing is supported on anything other than wheels or a trailer which can be readily moved (i.e. a manufactured home), it shall comply with requirements for foundations as noted in Chapter 16, 18 and Appendix G – Flood proof Construction of the current California Building Code and requires a building permit from the City. Temporary housing supported on wheels shall be fastened to the ground.

C. Amend Section 17.44.090(A)(1), to read as follows:

1. The maximum square footage of an ADU shall be 1,000 square feet. The maximum square footage shall include interior and exterior walls, finished and unfinished basements, mezzanines, storage space, and any space with a height clearance (floor to ceiling height dimension) above six feet. The area of a garage (400 square feet maximum) provided as part of accessory dwelling unit and exterior decks or overhangs that are attached to the structure shall not be included in the 1,000 square foot limit.

D. Amend Section 17.45.150(B), to read as follows:

B. Prohibition. All properties within a disaster area are temporarily prohibited from obtaining a new or updated primary view determination unless: (1) the request was submitted prior to the date the natural disaster began as declared or proclaimed by the City, State or Federal government, or as determined by the Planning Director if no declaration or proclamation has been made; or (2) the primary view determination would not impose any limitation on replacement landscaping or replacement structures.

E. Amend Section 17.53.090(C)(1)(a),(b), (c), (e), and (f) and add subsections (h), (i), and (j); and amend Section 17.53.090(C)(2), to read as follows:

a. Palm trees and eucalyptus trees are prohibited.
b. All vegetation is prohibited between zero and five feet from a structure.
c. The following species are prohibited within 50 feet of structures: Pine (Pinus species), Cypress (Cupressus species), Cedar (Cedrus species), Ficus (Ficus species), and Tree of Heaven (Ailanthus altissima).

e. Existing eucalyptus trees are allowed between five feet and 50 feet of a structure if a qualified expert, as determined by the director, identifies the tree(s) as a monarch butterfly habitat.
f. The distances for trees and shrubs subject to (b) through (e) shall be measured from the dripline of the tree or shrub at its projected maturity to the outermost projection of the structure including eaves and overhangs. No tree canopy shall be within five feet of the outermost projection of the structure including eaves and overhangs at projected maturity. Smaller diameter tree branches less than two inches must be removed within five feet of the outermost projection of the structure including eaves and overhangs and within 10 feet above the roof.

h. Only efficiently-irrigated plants and trees as allowed by this chapter shall be allowed between five feet and 30 feet of a structure.
i. Irrigation shall be required and maintained on the site in all planting areas between five feet and 100 feet of a structure, except in geologic hazard areas in which irrigation may not be allowed. Any proposed irrigation shall be reviewed by the project geotechnical consultant and conform to existing surficial stability standards, not contribute to any geologic hazard, and not adversely affect offsite properties. The consultant shall include a statement regarding the impact of the proposed irrigation system in the required Section 111 statement. The city shall review analyses and findings provided by the project geotechnical consultant and determine whether irrigation is allowed or required in geologic hazard areas. All vegetation within 100 feet of a structure shall maintain sufficient moisture content and be supported by appropriately designed irrigation.
j. Plants listed in the City of Malibu 'Invasive Species List' are prohibited.

2. Mulch material proposed between zero and five feet from a structure must consist of nonflammable materials, such as gravel and decomposed granite. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Use of wood chips and shredded rubber is prohibited anywhere on the site. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between five feet and 30 feet from a structure. Non-continuous mulched areas shall be separated with non-flammable materials such as gravel, rocks, decomposed granite, or stone. The distance shall be measured from the outermost projection of the

structure including eaves and overhangs. The maximum application area of mulch located between five feet and 30 feet from a structure is 20 feet by 20 feet with a five-foot separation between application areas. Any mulch materials (excluding wood chips and shredded rubber), are allowed 30 feet or more from a structure with no limitation on application area. Organic mulch shall be maintained with at least a 3 inch depth but must not exceed 6 inches in depth.

F. Amend Section 17.60.020(C) and add subsection (C)(1), to read as follows:

C. Any structure, including any structure that was damaged or destroyed by a natural disaster, described in subsection A of this section, may be remodeled, or may be reconstructed in the general location and to the same height as it existed prior to damage or destruction, subject to obtaining planning verification. Structures that were damaged or destroyed by a natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-year periods may be granted by the planning commission where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

1. Replacement structures on beachfront lots are allowed to meet the minimum increases necessary to meet Federal Emergency Management Agency (FEMA) requirements but shall, to the maximum extent feasible, protect neighboring ocean views. Replacement structures shall seek increases in square footage laterally before they are allowed to increase vertically as viewed by neighboring properties. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.

G. Delete Section 17.60.020(F).

H. Amend Section 17.62.030(A), to read as follows:

A. An administrative plan review shall be required for the following development projects, unless they fall under the provisions for a rebuild development permit as provided in Section 17.62.080. If the project meets the requirements of this title and is consistent with Chapter 17.40, the planning manager/ director shall issue a development permit.

I. Amend Section 17.62.040(A) and (A)(10); and add subsection (A)(13) and (C)(1), to read as follows:

A. The planning manager/director may approve a site plan review after consultation with all appropriate city staff and specialists including the building official, city engineer, city biologist, city geologist, city archeologist and city coastal engineer; and where substantial evidence supports the findings set forth in subsection D of this section for new construction or reconstruction of structures authorizing the following:

10. Sea walls, bulkheads, or any other shoreline protective devices, except for those that meet the requirements for a De Minimis Waiver listed in LIP Section 13.4.11 or rebuild development permit listed in Section 17.62.080 as required;

13. Non-beachfront development over 18 feet in height on a replacement structure where the previously existing structure was damaged or destroyed by a natural disaster and the replacement structure is not sited substantially in the same location on the affected property as the damaged or destroyed structure, so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration.

C. Notice of Application Filing. Within 10 calendar days from the receipt date of a complete application, the planning manager/director shall notify in writing of the filing of the application to property owners and residents of all property within a 500 foot radius of the proposed project, but in no event fewer than the owners and occupants of 10 developed properties. Notwithstanding the foregoing, for property in the RR-10 and RR-20 zones the notice radius shall be 1,000 feet. The purpose of the notice is to inform the surrounding property owners and residents of the filing of the application and provide an opportunity for comment on the application prior to the planning manager/director's decision. The notice shall describe the request, provide a map showing the specific location of the property, describe the review process and timeframes, and indicate how to contact the case planner assigned to the application.

1. For development over 18 feet in height where the replacement structure is not proposed to be sited in substantially the same location on the affected property as the damaged or destroyed structure, a notice of application shall be provided to all properties within a 1,000 foot radius of the development.

J. Add Section 17.62.080. Rebuild development permit, to read as follows:

§ 17.62.080. Rebuild development permit.

A. A rebuild development permit shall be required for the following development projects related to structures being replaced after being damaged or destroyed in a natural disaster. It shall be issued by planning manager/director upon demonstrating by a preponderance of the evidence that all requirements of the municipal code are met, as applicable.

1. Mechanized equipment or temporary shoring on the beach necessary to construct beachfront properties so long as construction activities do not enter the intertidal zone and in no case shall extend beyond the previously existing primary development pad.

2. An onsite wastewater treatment system (OWTS) that replaces or improves an OWTS serving a structure that that was damaged or destroyed by a natural disaster.

a. OWTS replacements on a sandy beach or coastal bluff shall be sited the most landward feasible as determined by appropriate city staff, shall not impact existing public accessways, and shall not extend seaward of the previously existing primary development pad.

b. OWTS replacements shall be located in the least environmentally impactful area.

3. New seawalls, as determined necessary by the planning director or building official to protect coastal resources, that protect an OWTS serving a structure that was damaged or destroyed by a natural disaster. New seawalls shall be sited only at the boundary of OWTS that it protects. New seawalls shall not extend into any existing public access easements or public access deed restrictions, excluding any such easements or deed restrictions on the seaward side of the OWTS it protects, and shall not expand further into previously approved public view corridors or further into open space deed restrictions.

4. Any new structure or improvement (including, but not limited to, foundation systems, utilities, driveways, water tanks, and other water storage devices) that is necessary or recommended to construct, install, or use the replacement structure described in subsection (A) in compliance with all applicable state and local laws and regulations.

5. 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. Accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement shall also be allowed, including new cuts on slopes steeper than 3:1 but shall not exceed 1:1 or steeper. Retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet. Improvements shall not extend into a public access easement or public access deed restriction and shall not expand further into a previously approved public view corridor (except for on-grade driveways), or further into open space deed restrictions. Access improvements that

do not meet the requirements of this subsection may be processed as an administrative coastal development permit or as a regular coastal development permit as listed in the Malibu LIP.

B. Application Submittal. An application shall be filed with the planning division and may be part of the planning verification application for replacement structures that were damaged or destroyed by a natural disaster. Applications shall be complete only after all required information is submitted; review by all appropriate city staff and specialists including review by the building official, city engineer, city biologist, city geologist, city archeologist, city coastal engineer and city environmental health specialist, as deemed necessary, is complete; and the application fee determined by resolution of the city council is paid.

C. Action. The planning manager/director shall approve, deny, or approve with conditions a rebuild development permit within 15 calendar days from the date of a complete application. Complete application determinations shall be determined solely by the City. The City may include incomplete/or nonconforming plans as a basis for an incomplete application in addition to standard application requirements. No decision shall be subject to invalidation on the grounds that it is made after the deadline. The applicant shall be informed of the action by letter and/or approved plans. Action of the planning manager/director shall be final and not appealable.

D. Expiration. An approved rebuild development permit shall expire three years from the date of final approval, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. If no building permit is required, the rebuild development permit approval shall expire after three years from the date of final planning approval if construction is not completed. If a rebuild development permit is included within a planning verification application pursuant to Section 17.60.020(C), then the rebuild development permit shall expire when the planning verification expires.

E. Extension. The planning manager/director may grant up to four one-year extensions of the expiration of a rebuild development permit approval, if the planning manager/director finds, Based on substantial evidence, that due to unusual circumstances, strict compliance with the expiration date of the permit would create an undue hardship for the applicant.

SECTION 7. Effective Date.

The LCPA sections referenced in Section 5 of this Ordinance shall become effective upon certification by the California Coastal Commission. The ZTA sections referenced in Section 6 of this ordinance shall become effective 30 days following adoption by the City Council.

SECTION 8. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality or the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 9. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance.

PASSED, APPROVED, and ADOPTED this 12th day of March 2025.

MARIANNE RIGGINS, Mayor Pro-Tem

ATTEST:

CHRISTINA MUNOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal) 3/12/2025

APPROVED AS TO FORM:

KELLAN MARTZ, Assistant City Attorney
for TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 524 was passed and adopted at the Adjourned Regular City Council meeting of March 12, 2025, by the following vote:

AYES:	3	Councilmembers:	Conrad, Uhring, Riggins
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	1	Councilmembers:	Stewart

CHRISTINA MUÑOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal)

Commission Agenda Report

Planning Commission Meeting
10-05-26
Item 5.A.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Alexander da Silva, Associate Planner

Reviewed by: Joseph Smith, AICP, Contract Principal Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Associate Community Development Director

Date prepared: September 24, 2026 Meeting date: October, 5 2026

Subject: Coastal Development Permit No. 21-070 and Variance Nos. 26-007 and 26-010 – An application to replace an existing water storage tank and pump station with associated development

Location: 4501 Vista del Preseas, not within the appealable coastal zone, but appealable as a major public works project
APNs: 4473-005-901 and 4473-005-902
Owners: Los Angeles County Waterworks District No. 29

RECOMMENDED ACTION: Continue the item to the October 19, 2026 Regular Planning Commission meeting.

Commission Agenda Report

Planning Commission Meeting
10-05-26
Item 5.B.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Courtney Brown, Senior Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: September 24, 2026 Meeting date: October 5, 2026

Subject: Extension of Coastal Development Permit No. 12-095, and Minor Modification Nos. 12-016 and 12-017 – A request to extend the Planning Commission's approval to construct a new 18-foot tall, 996 square foot barn, horse corrals and shed, and to permit unpermitted structures and site work

Location: 5942 Cavalleri Road
APN: 4467-018-013
Owner: James Hull Trust

RECOMMENDED ACTION: Either 1) adopt Planning Commission Resolution No. 26-51 (Attachment 1) granting a one-year extension of Coastal Development Permit (CDP) No. 12-095 to construct a new 18-foot tall, 996 square foot barn, horse corrals and shed, to permit unpermitted structures and site work, and to permit an after-the-fact outdoor terraced seating area constructed without the benefit of permits not to be used for commercial purposes, nor employ the use of amplified sound; including Minor Modification (MM) No. 12-016 for reduction of the required 65-foot front yard setback by 36.6 percent and MM No. 12-017 for reduction of the 69-foot, 10-inch rear yard setback by 20 percent, located in the Rural Residential, Five-Acre zoning district at 5942 Cavalleri Road (James Hull Trust); or 2) provide direction to staff to return with a Resolution consistent with the Planning Commission's decision.

DISCUSSION: On September 21, 2020, the Planning Commission adopted Resolution No. 20-64, approving CDP No. 12-095 and MM Nos. 12-016 and 12-017. Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.21, Condition of Approval No. 7 in Resolution No. 20-64 states that the CDP 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. Expiration of the CDP was originally set for September 21, 2023.

On January 18, 2024, the Planning Commission adopted Resolution No. 24-01, granting a one-year time extension and the CDP expiration was extended to September 21, 2024. On November 18, 2024, the Planning Commission adopted Resolution No. 24-74, granting an additional one-year time extension and the CDP expiration was reset to September 21, 2025. On November 3, 2025, the Planning Commission adopted Resolution No. 25-82, granting a third one-year time extension and the CDP expiration was reset to September 21, 2026.

The item before the Planning Commission is a request for a fourth one-year time extension. If approved, the new CDP expiration would be September 21, 2027. The extension request was filed on September 9, 2026 by the applicant, Schmitz & Associates, on behalf of the owner, James Hull Trust. The request cited ongoing and significant health issues and financial hardships of the owner and multiple rounds of comments from Building and Safety during building plan check. The applicant is working to address Public Works comments to complete building plan check and obtain building permits.

Per LCP Policy No. 5 (Coastal Development Permit Extensions), the aggregate life of a CDP shall not exceed five years absent extraordinary circumstances. A one-year extension to September 21, 2027, exceeds five years and is allowable should the Planning Commission determine extraordinary circumstances have delayed the commencement of construction. The applicant's basis for due cause is provided 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. 20-64 shall remain valid for an additional one-year term. The CDP expiration would then be September 21, 2027. All conditions of approval in Planning Commission Resolution No. 20-64 will remain in effect. Should the Planning Commission determine the applicant has not provided evidence of extraordinary circumstances and due diligence, they may direct staff to return with a resolution for denial.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-51
2. Time Extension Request
3. LCP Policy No. 5 (CDP Extensions)
4. Public Hearing Notice

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/onbase.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-51

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A ONE-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 12-095 TO CONSTRUCT A NEW 18-FOOT TALL, 996 SQUARE FOOT BARN, HORSE CORRALS AND SHED, TO PERMIT UNPERMITTED STRUCTURES AND SITE WORK, AND TO PERMIT AN AFTER-THE-FACT OUTDOOR TERRACED SEATING AREA CONSTRUCTED WITHOUT THE BENEFIT OF PERMITS NOT TO BE USED FOR COMMERCIAL PURPOSES, NOR EMPLOY THE USE OF AMPLIFIED SOUND, INCLUDING MINOR MODIFICATION NO. 12-016 FOR REDUCTION OF THE REQUIRED 65-FOOT FRONT YARD SETBACK BY 36.6 PERCENT AND MINOR MODIFICATION NO. 12-017 FOR REDUCTION OF THE 69-FOOT, 10-INCH REAR YARD SETBACK BY 20 PERCENT, LOCATED IN THE RURAL RESIDENTIAL, FIVE-ACRE ZONING DISTRICT AT 5942 CAVALLERI ROAD (JAMES HULL TRUST)

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

SECTION 1. Recitals.

A. On September 21, 2020, the Planning Commission adopted Planning Commission Resolution No. 20-64, approving Coastal Development Permit (CDP) No. 12-095 to construct a new 18-foot tall, 996 square foot barn, horse corrals and shed, to permit unpermitted structures and site work,, and to permit an after-the-fact outdoor terraced seating area construction without the benefit of permits not to be used for commercial purposes, nor employ the use of amplified sound, including minor modifications for the reduction of the required 65-foot front yard setback by 36.6 percent and for the reduction of the 69-foot, 10-inch rear yard setback by 20 percent.

B. On August 21, 2023, the applicant, Schmitz & Associates, Inc., submitted a first-time extension request.

C. On January 18, 2024, the Planning Commission adopted Planning Commission Resolution No. 24-01 granting a one-year time extension. The project expiration date was extended until September 21, 2024.

D. On August 27, 2024 the applicant, Schmitz & Associates, Inc., submitted a second-time extension request.

E. On November 18, 2024, the Planning Commission adopted Planning Commission Resolution No. 24-74 granting a one-year time extension. The project expiration date was extended until September 21, 2025.

F. September 4, 2025 the applicant, Schmitz & Associates, Inc., submitted a third-time extension request

G. On November 3, 2025, the Planning Commission adopted Planning Commission Resolution No. 25-82 granting a one-year time extension. The project expiration date was extended until September 21, 2026.

H. September 4, 2026 the applicant, Schmitz & Associates, Inc., submitted a fourth one-year time extension request citing the owner's ongoing and significant health issues, financial hardships and diligent efforts to proceed through building plan check.

I. On September 24, 2026, 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.

J. On October 5, 2026 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 Sections 15303(e) - New Construction; 15304(a) and 15305 – Minor Alterations to Land on September 21, 2020. As such, Categorical Exemption No. 20-144 was filed for CDP No. 12-095, and adopted with the approval of the project. The time extension is consistent and within the scope of the project analyzed in the Planning Commission's exemption and filed Notice of Exemption. The Planning Commission's action is not a separate project for CEQA purposes but is a subsequent discretionary approval related to a previously approved project – CEQA Guidelines § 15378(c). Accordingly, the Planning Commission's action is merely a step-in furtherance of the project for which environmental review was performed, and no further environmental review is required.

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.

SECTION 4. Planning Commission Action.

A. The approvals set forth in Planning Commission Resolution No. 20-64 are hereby extended for an additional one-year term. The approval is now set to expire on September 21, 2027.

B. No other changes to the conditions contained in Planning Commission Resolution No. 20-64 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution No. 20-64 shall remain in full force and effect.

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

PASSED, APPROVED AND ADOPTED this 5th day of October, 2026.

MARNI KAMINS, Planning Commission Chair

ATTEST:

REBECCA EVANS, 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 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-51 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 5th day of October, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

CITY OF MALIBU
RECEIVED
SEP 09 2026
PLANNING DIVISION

TIME EXTENSION REQUEST

The City of Malibu will not accept incomplete applications.

Staff use only

Extension No. 26-010

To submit a time extension request:

This time extension request must be timely received by the Planning Division either in person or by mail addressed to City of Malibu, Attn: Planning Division, 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 12-095

Site Address: 5942 Cavalleri Road

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

1. **Time Extension Checklist** X

   This form with property owner's signature

2. **Time Extension Request Letter** X

   A letter setting forth due cause for the Community Development Director / Commission to grant the time extension.

3. **Time Extension Fee ($596) or currently adopted fee** X

4. **Property Owner's /Occupant's Information** X

   Has the property owner or commercial occupant changed since the Planning Commission's / Community Development Director's approval or since issuance of the last extension? ☐ YES ■ NO

   If **YES**, Change of Property Owner/Occupant Fee applicable.

   Property Owner's mailing Address: [redacted]

   Property Owner's telephone:

   Property Owner's email address:

ATTACHMENT 2

Occupant's mailing Address: Same as above

Occupant's telephone: Same as above

Occupant's email address: Same as above

5. **Applicant's Information**

Has the applicant representing the owner changed since the Planning Commission's/ Community Development Director's approval or since the issuance of the last extension? ☐ YES ■ NO

If **YES**, complete the Authorization to Submit Project on page 3. If **NO**, complete pages 1-2 only.

Applicant's mailing address: 28230 Agoura Road #200
Agoura Hills, CA 91301

Applicant's telephone: 818-338-3636

Applicant's email address: nfarnoush@gmail.com

6. **Certified** Mailing Data and Radius Map for Public Notice to Property Owners and Occupants ____

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 in a Microsoft Excel spreadsheet emailed to planningadmin@malibucity.org. 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 PDF of the map shall be submitted.

*Properties zoned RR-10, RR-20, or RR-40 require a 1,000-foot radius notification. Note that updated mailing data 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.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
Trustee	James R. Hull Trust	9/2/26

September 8, 2025

City of Malibu Planning Department
Attn: Courtney Brown, Senior Planner
23815 Stuart Ranch Rd.
Malibu, CA 90265

RE: 5942 Cavalleri Rd., CDP 12-095, Due Cause for CDP Extension

Dear Courtney:

On behalf of the property owner, James Hull, this letter respectfully requests an extension of Coastal Development Permit (CDP) No. 12-095, which is set to expire on September 21, 2025. Pursuant to Section 13.21 of the Malibu Local Coastal Program Local Implementation Plan, a CDP may be extended upon a showing of "due cause."

As you are aware, the project is presently in active plan check. We have received four rounds of comments from Building & Safety/Grading and Drainage. In response to the Building & Safety comments, the project plans were revised, which triggered additional review by Public Works. We have now received the resulting Public Works comments and are working to address them, which we believe to be the final round of plan check comments.

The property owner has continued to diligently pursue the project despite significant personal and financial challenges. As previously discussed, Mr. Hull has been dealing with ongoing health issues associated with his advanced age, compounded by financial hardships that have made it more difficult to move the project forward. Notwithstanding these circumstances, he has continued to work with his consultants to advance the project, including obtaining the green stamp and proceeding with the necessary Building & Safety applications.

In light of these circumstances, and given the progress made toward completion of the project, additional time is needed to address the remaining requirements and finalize the plan check process. We therefore respectfully request that the City grant an extension of CDP No. 12-095. Approval of this extension will provide the owner with the necessary time to complete the remaining requirements, finalize the project, and facilitate resolution of the outstanding Code Enforcement Violation No. 201004010.

Please let us know if you or any Planning Commissioners have any questions or require any additional information.

Sincerely,

Schmitz & Associates
Nicole Farnoush, Project Team Manager

City of Malibu

Planning Department

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.

ATTACHMENT 3

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, October 5, 2026, at 6:30 p.m**. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA for the project identified below. Public comment can be submitted ahead of the public hearing to planningcommission@malibucity.org for inclusion in the public record. To participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 12-095 AND MINOR MODIFICATION NOS. 12-016 AND 12-017- A request to extend the Planning Commission's approval to construct a new 18-foot tall, 996 square foot barn, horse corrals, and shed, and to permit unpermitted structures and site work

LOCATION / APN:	**5942 Cavalleri Rd** / 4467-018-013
ZONING:	Rural Residential, Five-Acre (RR-5)
APPLICANT / OWNER:	Schmitz and Associates, Inc. / James Hull Trust
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Sections 15303(e), 15304(a), and 15305
EXTENSION FILED:	September 9, 2026
CASE PLANNER:	Courtney Brown, Senior Planner, cbrown@malibucity.org / (310) 456-2489, ext. 268

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

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 ten days following the date of action which the appeal is made 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/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 246.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

YOLANDA BUNDY, Community Development Director Date: September 24, 2026

ATTACHMENT 4

Commission Agenda Report

Planning Commission Meeting
10-05-26
Item 5.C.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Patrick Achis, AICP, Senior Planner

Reviewed by: Joseph Smith, AICP, Contract Principal Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: September 30, 2026 Meeting date: October 5, 2026

Subject: Coastal Development Permit No. 23-010 and Tentative Parcel Map No. 23-001 – An application for a two-unit housing development and urban lot split under Senate Bill 9

Location: 28809 Boniface Drive, not located within the appealable coastal zone
APN: 4466-018-025
Owner: Donald R. Lehman and Marie Christine Lehman Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-46 (Attachment 1) determining that the California Environmental Quality Act (CEQA) does not apply to projects that a public agency rejects or disapproves pursuant to CEQA Guidelines section 15270, denying Coastal Development Permit (CDP) No. 23-010 and Tentative Parcel Map (TPM) No. 23-001 for a two-unit housing development and urban lot split pursuant to Senate Bill 9 (SB 9) (Government Code sections 66411.7 and 65852.21) to divide a 43,636 square foot (sf.) parcel (existing parcel or subject parcel) into two parcels consisting of Parcel A (25,536 sf.) and Parcel B (18,100 sf.), where an existing single-family residence on Parcel A would remain unchanged and Parcel B would consist of authorizing an after-the-fact unpermitted conversion of an existing detached, non-habitable, 998 sf. storage building with internal mezzanine into a new two-story, 21 foot (ft.) 8 inch (in.) tall, 2,548 sf. single-family residence with one parking space, 4 ft. tall by 92 ft. long driveway retaining wall, widening and extension of the existing driveway with a new fire truck turnaround, an advanced onsite wastewater treatment system (AOWTS), grading, decks, landscaping, hardscape, and associated development, located in the Rural Residential, One-Acre (RR-1) zoning district at 28809 Boniface Drive; and directing the Community Development Director to transmit to the applicant, on October 5, 2026,

written comments required by Gov. Code sections 66411.7(b)(1)(C) and 65852.21(h)(2) (Attachment 3) (Donald R. Lehman and Marie Christine Lehman Trust).

DISCUSSION:

The Application

The applicant seeks approvals under two statutes enacted by Senate Bill 9 of 2021 (SB 9).[1] Under the urban lot split statute,[2] the applicant seeks to divide the existing parcel into two (Parcels A and B). Under the two-unit statute,[3] the applicant seeks to add a new primary residence. Each of the SB 9 statutes expressly disclaims any limiting effect on the Coastal Act or, by extension, a city's Local Coastal Program (LCP), so any development under SB 9 requires a coastal development permit (CDP). Accordingly, the applicant seeks approval of a CDP for the project as well.

Background

Before the application at issue here was submitted, the City approved a detached, non-habitable storage building on the property under the approvals described below, and the building permit for that work was finaled in 2016. However, after those approvals, the property's owner engaged in a series of illegal construction activities without permits or inspections from the City. The illegal construction added to the storage building and then later modified it for potential human habitation.

The owner-applicant now seeks to legalize the unpermitted construction.

Staff Recommendation

Staff recommends that the Planning Commission deny the application for the project as proposed (Attachment 1).

Grounds for Denial

Grounds for denial include each of the following. Each provides an independent basis for denial of the application.

(1) The project is over the maximum density allowed in the LCP Land Use Plan (LUP).

[1] 2021 Stats. Ch. 162
[2] An urban lot split is a parcel map creating "no more than two new parcels of approximately equal lot area" (Gov. Code sections 66411.7(a)(1)-(2), (l))
[3] A two-unit housing development "contain[s] no more than two residential units within a single-family residential zone" (Gov. Code sections 65852.21(a), (i)(1))

(2) The project would contribute to adverse cumulative effects on coastal resources due to insufficient transfer of development credits (TDC) as required by the LUP and LCP Local Implementation Plan (LIP) for the protection of natural sensitive resources in the Santa Monica Mountains Coastal Zone.
(3) The project does not comply with the minimum lot area, width, and depth required by the LIP.
(4) The project does not comply with slope density and minimum parcel size for new lot creation required by the LIP.
(5) The project would result in parcels that are smaller than the average size of surrounding parcels, which is prohibited by the LIP.
(6) The project would exceed the maximum allowed height in the LIP.
(7) The project would authorize improvements to development that was built without a CDP and is not lawfully established, which LIP Section 13.3(F) does not allow unless the existing and proposed development both conform to the LCP.
(8) The project would not comply with the parking requirements of the LIP.
(9) The project would create at least one nonconforming lot in a Very High Fire Hazard Severity Zone (VHFHSZ) contrary to the hazard policies of the LCP.

The finding of conformity with the certified LCP required by Coastal Act section 30604(b) cannot be made, and SB 9 does not eliminate or lessen that requirement.

Grounds 1 through 5 and 9 concern the urban lot split land division, and each is an independent basis on which the LCP conformity finding cannot be made.

Grounds 1 and 6 through 8 concern the proposed second primary residence. The RR-1 density designation in the LUP does not allow a second primary residence on the parcel, regardless of the lot split (*Ground 1*). The proposed primary residence exceeds the 18 ft. height limit at 21 ft. 8 in. (*Ground 6*) and qualifies as an improvement to a structure that was enlarged and converted to a dwelling without permits, which LIP Section 13.3(F) does not allow (*Ground 7*). The proposed residence provides only one parking space where LIP Section 3.14.3 requires two (*Ground 8*).

The City may not approve a CDP without full conformity with the LCP.

Written Comments re Denial

As required by SB 9, written comments accompanying the denial are provided as Attachment 3. The comments identify each deficiency based on the project currently before the City and how that deficiency could be remedied by the project applicant.

The application for the CDP, urban lot split, and new primary dwelling were initially submitted on February 8, 2023. But the application was not complete until August 6, 2026, when the City determined the application complete by written notice. In compliance with the SB 9 statutes, the October 5, 2026, Planning Commission hearing falls on the 60th day after the City received the completed application. In any event, no CDP is deemed approved if the City fails to take timely action for approval or denial.[4]

SB 9 Overview

Since January 1, 2022, SB 9 has required local agencies to ministerially allow an eligible lot in a single-family residential zone to be: (1) developed with a second primary dwelling unit; or (2) split, roughly into halves, with resulting lots as small as 1,200 sf — or both. SB 9 limits the development standards an agency may apply to projects processed under the SB 9 statutes. Only objective standards may be applied. Parking requirements are also restricted (one space per unit max. may be required). An objective standard must also yield when necessary to allow an SB 9 primary dwelling unit to be up to 800 sf.

An overview of SB 9 is provided as Attachment 4. SB 450 (Atkins, 2024) further reduced local authority to regulate SB 9 projects by preventing the enforcement of primary-dwelling standards that do not apply uniformly to development within the underlying zone. The bill's amendments also require detailed comments to be provided with any denial of an SB 9 application.

Coastal Act and SB 9 Overview

The entire City is located within the California coastal zone. As defined in Coastal Act section 30106 and LIP Section 2.1, "development" includes the construction of structures and changes to density or the intensity of use of land, including land divisions. Under LIP Section 13.9(A), which implements Coastal Act Section 30604(b) in the City, a CDP may be approved only if the *development* conforms to the certified LCP. SB 9 does not displace or excuse such projects from the requirements of the Coastal Act—which is implemented in Malibu through its certified LCP. As noted above, each of the SB 9 statutes expressly disclaims any limiting effect on the requirements of the Coastal Act, except that it allows a local jurisdiction to skip holding a public hearing that would otherwise be required. The coastal-related provisions are in Gov. Code sections 66411.7(n) and 65852.21(k)[5], which

[4] LIP Section 13.3(A)

[5] SB 9 was most recently amended by SB 1426 (Stats. 2026, Ch. 56), effective June 30, 2026

read:

> *(k)/(n)* ***Nothing*** *in this section shall be construed to supersede or* ***in any way*** *alter or lessen the* ***effect or application*** *of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code),* ***except*** *that the local agency* ***shall not be required to hold public hearings*** *for coastal development permit applications for a housing development [Section 66411.7(n) for urban lot splits] pursuant to this section [emphasis added].*

The California Coastal Commission (CCC) addressed this topic in its January 21, 2022 memorandum on SB 9 implementation in coastal jurisdictions.[6] The memorandum states that certified LCP provisions "are not superseded by [SB 9] and continue to apply to CDP applications until an LCP amendment is adopted." The CCC also affirmed that SB 9 "does not override the Coastal Act or LCP policies implementing the Coastal Act, which may involve the application of discretion."[7] Government Code sections 65852.21(k) and 66411.7(n) provide that the City is not *required* to hold a public hearing on the CDP, but neither provision prohibits the City from holding one.

The LCP is a state-certified regulatory document that governs development in the Coastal Zone, which includes the area where the Project is located. Malibu's LCP constitutes the implementation of the Coastal Act in the City. As such, the City's certified LCP remains the state law governing development in Malibu and provides specific requirements that must be met in order for a CDP to be issued in the City.[8]

Under the current, operative, certified LCP, a public hearing before the Planning Commission is required (LIP Section 13.7(B)).[9] At that hearing the applicant must demonstrate that a preponderance of the evidence shows the project complies with all requirements of the LCP.

Project Setting

As shown in Figure 1, the subject parcel is a developed, rectangular parcel in the Point Dume neighborhood measuring approximately 111 ft. wide and 390 ft. deep (approximately one-acre). The subject parcel is currently developed with a two-story, single-family residence, a lawfully established detached 998 sf. non-habitable storage building with an internal mezzanine (approved under the 2012 approvals described below), a swimming pool, a driveway, and accessory structures, and is served by an onsite

[6] CCC Memorandum, Implementation of New SB 9 Housing Laws in Sea Level Rise Vulnerable Areas (Jan. 21, 2022); https://documents.coastal.ca.gov/assets/rflg/SB9-Memo.pdf
[7] CCC Memorandum, Implementation of New SB 9 Housing Laws in Sea Level Rise Vulnerable Areas (Jan. 21, 2022), pgs. 2, 3, and 10; https://documents.coastal.ca.gov/assets/rflg/SB9-Memo.pdf
[8] Coastal Act Section 30604(b)
[9] The project proposed here does not meet any of the eligible types of development that could be processed administratively (listed in LIP Section 13.13.1, in particular LIP section 13.13.1(A)(4)), because it includes a land division.

wastewater treatment system (OWTS). In May 2021, the City opened a code violation case for illegal additions to the detached 998 sf. non-habitable storage building and its unpermitted conversion for human habitation without the benefit of permits or inspections.

Figure 1 – Aerial Map



Source: City GIS, 2026

Table 1 summarizes data related to the subject parcel as it currently exists. As defined in LIP Section 2.1, “lot area” excludes street rights-of-way and is the criterion used to determine the LIP’s minimum lot size development standard and for SB 9’s 40 percent minimum lot size. “Net lot area” further excludes 1:1 slopes and is the criterion used to determine LIP development standards for total development square footage (TDSF), impermeable coverage, and setbacks.[10]

[10] LIP Sections 3.6(F)(4), (I)(1), (K)

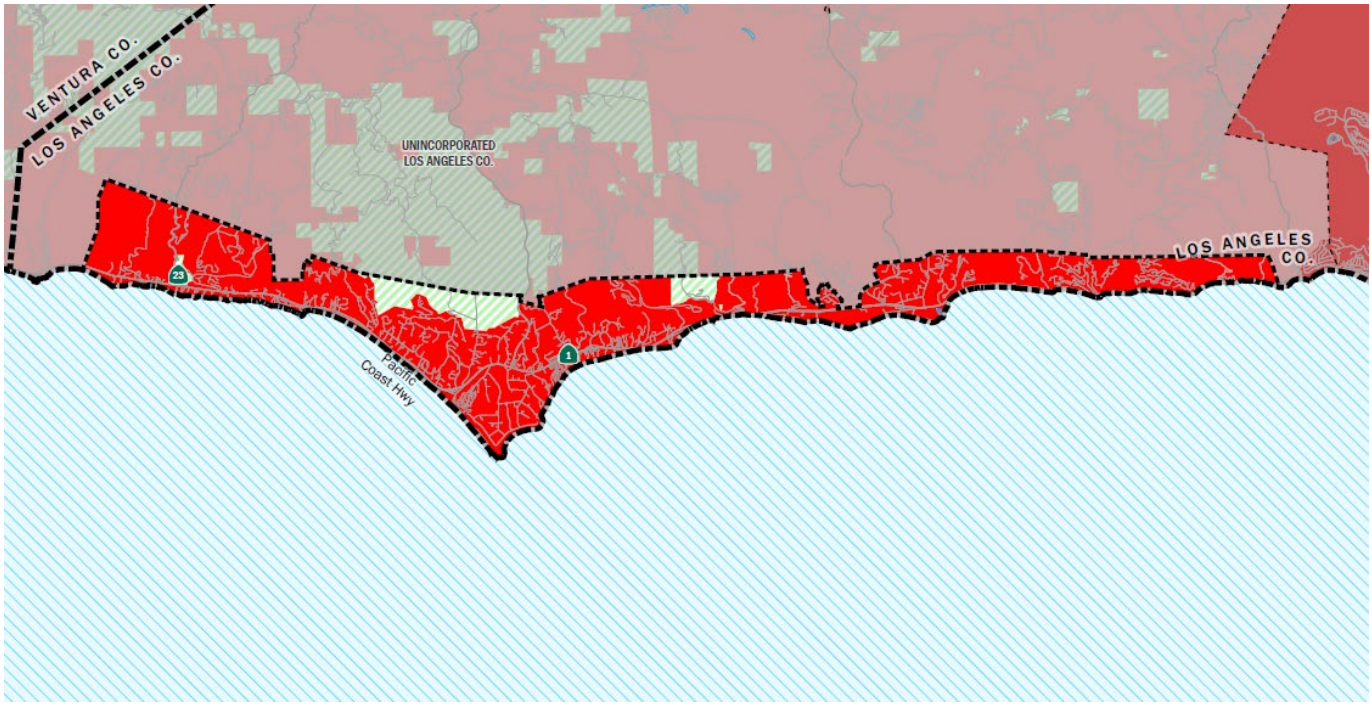
Table 1 – Existing Parcel Data	
Lot Depth	390.15 ft.
Lot Width	111.86 ft.
Gross Lot Area	46,992 sf.
Area of Street Easements	3,356 sf.
Lot Area**	43,636 sf.
Area of 1:1 Slopes	438 sf.
Net Lot Area*	43,198 sf.

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

The subject parcel's land use designation is RR-1 under the LUP and is RR-1 under the LIP. The LUP establishes a maximum residential density of one primary dwelling unit per acre.[11] The LUP describes Point Dume as a broad band of residential development on gently rolling ridges and valleys, and the surrounding parcels follow that pattern with predominantly two-story residences and detached accessory structures on large rectangular lots.[12]

The subject parcel is located within the Very High Fire Hazard Severity Zone (VHFHSZ) (Figure 2) and in an area affected by the 2018 Woolsey Fire, a federally declared emergency area.

Figure 2 – VHFHSZ Map



Source: Local Responsibility Area Fire Hazard Severity Zone Map, Malibu, CAL FIRE - Office of the State Fire Marshal

[11] One acre is 43,560 sf.
[12] LUP Chapter 5.A

Figure 2, as adopted by the City Council, illustrates that all of Malibu is within a VHFHSZ (indicated in red). The Federal Responsibility Area is shown in hatched green.

The subject parcel is not within the Appeal Jurisdiction of the CCC as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map and confirmed per the definition of Appealable Coastal Development Permit in LIP Section 2.1. The parcel neither contains, nor is adjacent to, a mapped Environmentally Sensitive Habitat Area (ESHA). However, the parcel is subject to the ESHA buffer standards for the Point Dume neighborhood under LIP Section 4.6.1(A). The subject parcel also drains to an Area of Special Biological Significance (ASBS). The parcel contains a native protected coast live oak tree that must be protected in place and maintained under LIP Section 5.4. The subject parcel is not located on or along the shoreline or a coastal bluff, and is not between the first public road and the sea. No existing or planned public trail or recreational area is mapped on or adjacent to the subject parcel. The parcel is subject to the non-beachfront residential development standards of the LIP.

Permit History and Existing Development

Existing house. On August 19, 1974, the South Coast Regional Zone Conservation Commission issued Permit No. P-7-11-74-3602 authorizing the existing residence.

Storage building. On December 3, 2012, the Community Development Director approved Administrative Plan Review (APR) No. 12-020 and CDP Exemption (CDPE) No. 12-054 (2012 approval) for a 998 sf. storage building with an internal mezzanine, including Site Plan Review (SPR) No. 12-027 to allow height above 18 ft. up to 21 ft. 8 in., and SPR No. 12-042 to allow a reduced rear yard from 58 ft., 6 in. to 46 ft., 8 in. The 2012 approval described "a storage building limited to non-habitable use as allowed by the Los Angeles County Fire Department," and associated Building Permit No. 14-1448, finaled on March 2, 2016, assigned a Group "U" occupancy classification.[13]

Illegal conversion. The City opened a new code violation case in 2021. Without permits, the non-habitable storage building had been enlarged with additions and outfitted for habitable use, and an unpermitted second OWTS was installed to serve it. The City has not issued building permits or a CDP for the unpermitted construction.

Instead, the applicant is seeking to legalize the unpermitted work through this application in addition to the creation of a new lot. Real-estate listing records show the non-habitable structure was most recently marketed as a furnished rental from December 4, 2018, until the listing was removed on May 1, 2019 (Attachment 5; Figure 3). The applicant's geotechnical report prepared by Gold Coast GeoServices, Inc. (dated October 6, 2022)

[13] Group U (Utility and Miscellaneous) is the California Building Code occupancy classification for accessory structures such as a shed, garage, or barn, and is not a residential occupancy.

states that steel container boxes “expanded the square footage adjoining the original storage structure footprint,” “were constructed without the benefit of a building permit,” and “lack an adequate foundation system.”[14]

Figure 3 – Storage Building and Attached Addition as Marketed in the Rental Listing



Source: Zillow, 28809 Boniface Dr, Malibu, CA 90265, accessed May 21, 2026 (Attachment 5)

The CDP application describes the work as a conversion of the storage building with additions. As part of the CDP application, the proposed plans show removal of all exterior walls of the storage building and the conversion to a new 2,548 sf. residence to be located on proposed Parcel B (Attachment 2; Figure 5). Further discussion on the unpermitted development is provided under *Lawful Establishment*, below.

Project Description

The proposed scope of work is as follows (Attachment 2 – Project Plans):

[14] Geotechnical Report, Proposed Lot Split and Proposed Single Family Residence, 28809 Boniface Drive, Gold Coast GeoServices, Inc., dated October 6, 2022, pgs. 5 and 15

Demolition

Demolition of the existing detached, 998 sf. non-habitable storage building with an internal mezzanine (scope of work on proposed Parcel B)

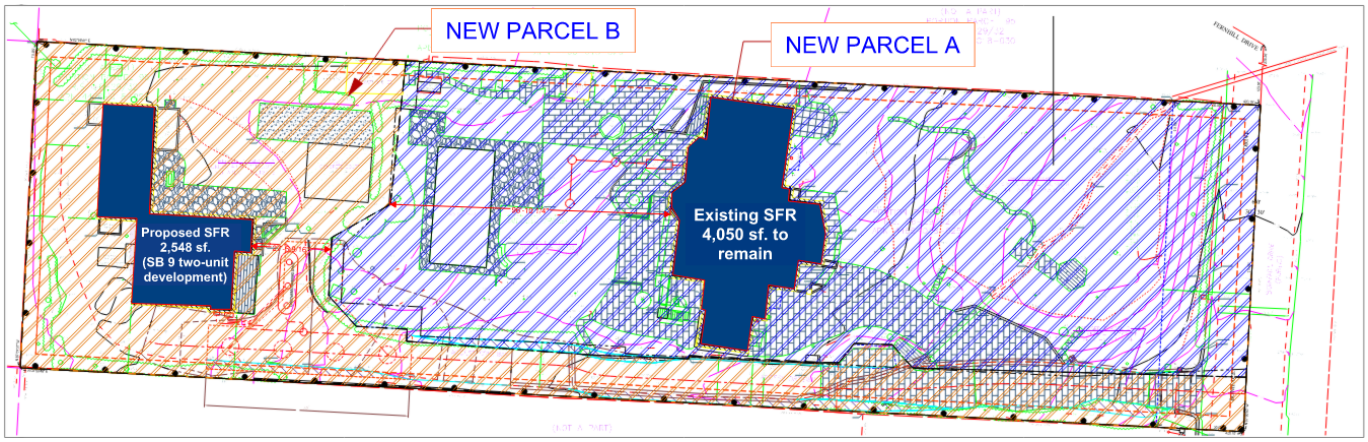
Construction

a. Two-unit housing development under SB 9 consisting of the "conversion" (complete removal) of the approved non-habitable (but currently illegally converted to habitable) 998 square foot storage building and replacing it with a 2,548 sf. two-story single-family residence comprised of 2,000 sf. on the first floor and 548 sf. on the second floor with a height of 21 ft., 8 in.;
b. One uncovered parking space for the proposed residence;
c. One approximate 4 ft. high by 92 ft. long driveway retaining wall;
d. Widening and extension of the existing driveway with a new fire truck turnaround;
e. Landscaping, decks, and hardscaping;
f. Approximately 55 cubic yards (c.y.) of non-exempt grading; and
g. AOWTS to serve the proposed residence.

Land Division (TPM No. 23-001)

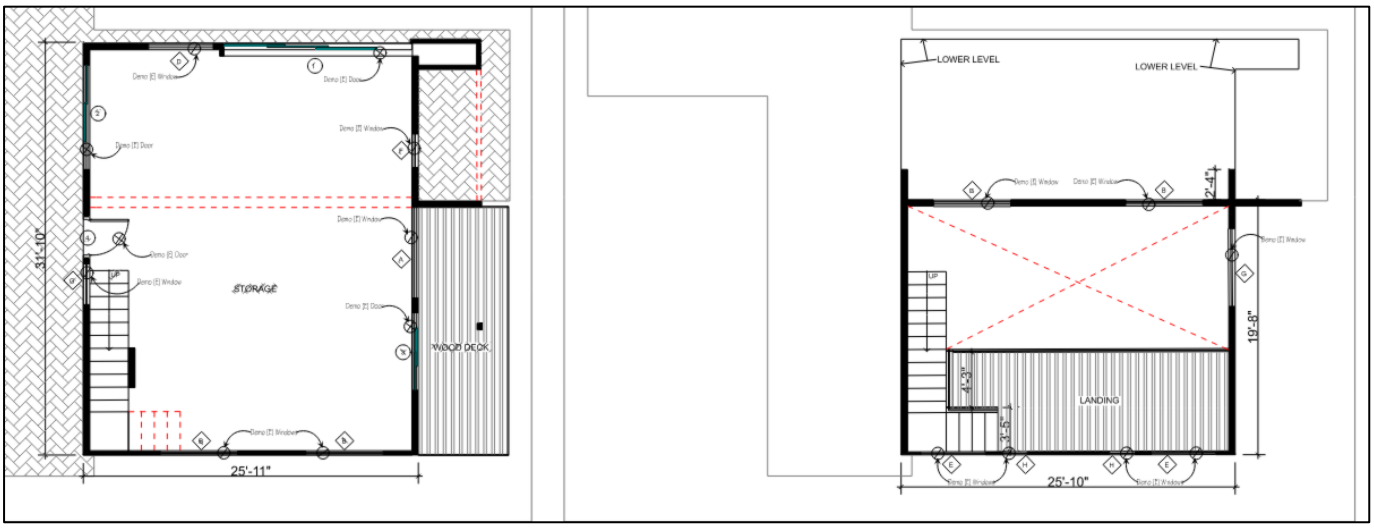
a. Urban lot split according to SB 9 standards to subdivide the subject parcel into (Figure 4):
    i. Parcel A (proposed front parcel with a lot size of 25,536 sf. and existing single-family residence that would remain as is)
    ii. Parcel B (proposed rear parcel with a lot size of 18,100 sf. and proposed single-family residence)
b. Access to Parcel B from Boniface Drive by a 15 ft. wide strip held in fee and reciprocal access easements.

Figure 4 – Proposed Site Plan and Parcel Configuration



Source: Project Plans, Sheet A-1.4 ("Lot Split Calculations")

Figure 5 – Existing Floor Plans Showing Demolition



Source: Project Plans, Sheet A-2.1 ("Conversion Process")

As shown in Figure 5, the walls of the storage building's first floor (left) and the second floor (right) in solid black are indicated for demolition on the project plans (Attachment 2). The remainder of the perimeter consists of window and door systems.

State Law Analysis of SB 9 (Gov. Code §§ 65852.21 and 66411.7)

Eligibility

The applicant has failed to demonstrate compliance with one of the required SB 9 eligibility criteria for the two-unit housing development and urban lot split, which is the absence of tenant occupancy.[15] Government Code sections 65852.21(a)(3)(C) and 66411.7(a)(3)(D)(iv) prohibit a two-unit housing development or an urban lot split that would demolish or alter housing occupied by a tenant in the last three years. Based on the February 8, 2023 CDP application filing date, the three-year "look back" period extends to February 8, 2020. Real-estate listing records show the non-habitable structure was most recently marketed as a furnished rental from December 4, 2018 until the listing was removed on May 1, 2019 (Attachment 5). In response to staff's inquiry to determine tenant occupancy, the applicant stated that the structure has not been occupied by a tenant within that period. However, no declaration or other documentation has been provided, and the record contains no other evidence of occupancy during that period.

The applicant has documented the remaining SB 9 eligibility criteria. The subject parcel is in a single-family residential zone in an urbanized area[16] and is not a historic property,

[15] Gov. Code sections 65852.21(a)(3)(C) and 66411.7(a)(3)(D)(iv)
[16] According to the U.S. Census Bureau, an Urban Area is an area with at least 5,000 people (or 2,000 housing units). Maps of urban areas can be found on the official U.S. Census Bureau website;

farmland, wetland, hazardous waste site, earthquake fault zone, special flood hazard area, or land under a conservation easement or habitat protection plan.[17] The parcel *is* within a VHFHSZ, and the SB 9 statutes both, through Gov. Code section 65913.4(a)(6)(D), exclude such sites from SB 9 … unless the site has adopted fire hazard mitigation measures under applicable building standards. The parcel is subject to the fire hazard mitigation requirements of the Fire Code and the LCP. Nonconformity of the land division with the hazard policies of the certified LCP is addressed under *Ground 9*.

The property owner has submitted the affidavit required by Gov. Code section 66411.7(g) stating an intent to occupy one of the units as a principal residence for at least three years.

The proposed tentative parcel map would subdivide the existing parcel into two parcels, A and B, each larger than SB 9's minimum lot size criterion of 1,200 sf. Government Code section 66411.7(a)(1) requires parcels of approximately equal area and that neither can be smaller than 40 percent of the original parcel. SB 9 does not define "lot area." Staff and the applicant have applied the definition of "lot area" in LIP Section 2.1 (see Table 1). So as proposed, Parcel B would be 18,100 sf., which is 41.5 percent of the 43,636 sf. subject parcel and considered by staff to measure "approximately equal." The subject parcel was not created by a prior urban lot split.[18]

As discussed below, this project also fails to comply with the LCP—and SB 9 projects still must comply with the Coastal Act as described above.

Two-Unit Housing Development

As explained above, the proposed primary dwelling unit under Gov. Code section 65852.21 is subject to LCP compliance. The 18 ft. height limit of LIP Section 3.6(E)(1) applies to every residence and associated structure on non-beachfront lots in the RR-1 area, including the project here. Heights up to 24 ft. (flat roof) or 28 ft. (pitched roof) are available only through an approved site plan review (SPR), which is a discretionary entitlement with its own findings under LIP sections 3.6(E)(2) and 13.27, which the applicant has not applied for. The applicant's submitted Feasible Alternatives Report (Attachment 8) states that the project makes no discretionary requests. At 21 ft. 8 in., the proposed residence exceeds the LIP's height standard of 18 ft. (*Ground 6*).

The applicant characterizes the proposed residence (associated with the non-habitable storage building) as an existing 21 ft., 8 in. structure approved under SPR No. 12-027 and "converted" without any increase in height. However, as represented on the project plans, the ground floor of the non-habitable storage building would be enlarged from 832 sf. to 2,000 sf., converted into a dwelling unit, and all of its exterior walls would be removed

https://www.census.gov/newsroom/blogs/random-samplings/2022/12/redefining-urban-areas-following-2020-census.html

[17] Gov. Code sections 65852.21(a), 66411.7(a), 65913.4(a)(6)(B)-(K), as that section read on September 16, 2021

[18] Gov. Code section 66411.7(a)(3)(G)

(Figure 5). Moreover, the 2012 approvals authorized a *non*-habitable storage building only and did not authorize any conversion into habitable use. A change to habitable use is itself *development* under the LCP because it would change the intensity of use of land.[19] It must comply with the LIP and LCP today.

The residence provides only one uncovered parking space. The LIP's parking standard, which applies to the CDP, is two spaces per unit as further discussed under *Ground 8*, below.

LCP Analysis

As noted repeatedly above, the certified LCP governs the CDP, and must be complied with in order for an SB 9 project to be approved. The LCP implements the policies of Chapter 3 of the Coastal Act, which have been adopted for Malibu through the guiding policies of the City's certified LUP.[20] Table 2 summarizes conformance with the residential development standards of LIP Chapter 3. Where relevant, conformance for proposed Parcel A containing the existing primary residence is provided.

Table 2 – Conformance with Residential Development Standards

Development Requirement	Allowed/ Required	Proposed	Conformance with LIP
MINIMUM LOT AREA*	43,560 sf. (1 acre) for each lot created in the RR District (min.)	Parcel A: 25,536 sf. Parcel B: 18,100 sf.	Does not comply
MINIMUM LOT WIDTH**	150 ft. (min.)	Parcel A: 96.86 ft. Parcel B: 111.86 ft.	Does not comply
MINIMUM LOT DEPTH**	250 ft. (min.)	Parcel A: 258.87 ft. Parcel B: 118 ft.	Parcel A complies; Parcel B does not comply
MAXIMUM DENSITY	1 primary dwelling unit per acre (LUP RR1)	2 primary dwelling units on 1.00 acre	Does not comply
HEIGHT	18 ft. (max.)	21 ft. 8 in. (new construction; no request for SPR)	Does not comply
SETBACKS			
Front Yard	Parcel A: 51 ft. 10 in. (min.)	Parcel A: 116 ft. Parcel B: 30 ft. 7 in.	Complies

[19] Coastal Act section 30106
[20] Coastal Act section 30604(b); LIP Section 13.9(A); LUP Chapter 1(D)

Table 2 – Conformance with Residential Development Standards			
Development Requirement	**Allowed/ Required**	**Proposed**	**Conformance with LIP**
	Parcel B: 23 ft. 8 in. (min.)		
Rear Yard	Parcel A: 38 ft. 10 in. Parcel B: 17 ft. 9 in. (min.)	Parcel A: 96 ft. 10 in. Parcel B: 23 ft. 7 in.	Complies
Side Yard (west; min. 10% of width)	Parcel A: 9 ft. 9 in. Parcel B: 11 ft. 2 in. (min.)	Parcel A: 6 ft. Parcel B: 19 ft. 7 in.	Parcel A: 6 ft. existing, lawfully nonconforming; not created by the land division. Parcel B complies.
Side Yard (east; 15%, remainder of the 25% cumulative min.)	Parcel A: 14 ft. 7 in. Parcel B: 16 ft. 10 in. (min.)	Parcel A: 18 ft. 8 in. Parcel B: 23 ft. 7 in.	Complies
TDSF* **	Parcel A: 5,175 sf. Parcel B: 3,872 sf. (max.)	Parcel A: 4,050 sf. Parcel B: 2,749 sf.	Complies
TWO-THIRDS RULE: AREA ABOVE 18 FT. (sf.)** **	1,333 sf. (max.)	548 sf.	Complies
PARKING SPACES			
Per unit	2	1 (proposed residence)	Does not comply
IMPERMEABLE COVERAGE* **	Parcel A: 7,493 sf. Parcel B: 5,679 sf. (max.)	Parcel A: 4,609 sf. Parcel B: 2,619 sf.	Complies
NON-EXEMPT GRADING	<1,000 c.y.	55 c.y.	Complies
DEVELOPMENT ON SLOPES (PT DUME)	4 to 1 or less	Flatter than 4:1	Complies
FENCES/WALLS/HEDGES/GATES			
Retaining Walls	6 ft. (max.) 12 ft. (cumulative)	Parcel B: 4 ft.	Complies

*Lot area excludes street rights-of-way (LIP Chapter 2).
**Lot depth is measured between the midpoints of the front and rear lot lines and width between the midpoints of the side lot lines (Zoning Code Interpretation No. 3). Parcel A's width excludes the 15 ft. access strip proposed to be held in fee by Parcel B. Parcel widths and depths are staff approximations derived from the tentative map dimensions under Interpretation No. 3 and are not reported in the applicant's materials.

***Net lot areas for TDSF, impermeable coverage, and setbacks are 24,975 sf. (Parcel A) and 16,225 sf. (Parcel B), excluding the access strip and easements (218 sf.; 1,780 sf.) and 1:1 slopes (343 sf.; 95 sf.).
****The two-thirds rule limits the floor area above 18 ft. to two-thirds of the ground floor area (2,000 sf. x 2/3 = 1,333 sf.).

GROUNDS FOR RECOMMENDATION OF DENIAL

Ground 1: Certified Residential Density and Intensity

LUP Chapters 1(D) and 5(C)(1); LUP Policy 5.38; LIP Sections 3.3(A)(1), 3.3(A)(3), 3.6(N)(1) and 15.2(B)(9)

The subject parcel is one acre in size. The certified LUP designates the subject parcel as RR-1, which limits density to one primary dwelling unit per acre. One primary residence is allowed on the subject parcel whereas the project proposes two. The RR District is intended for "sensitively designed, large lot single family residential development," and its minimum lot areas "represent the maximum density permitted in each RR designation."[21] The LCP does not allow a second primary dwelling on an RR parcel, though a second residential unit (or "accessory dwelling unit") of up to 900 sf. of living area may be permitted under LIP Section 3.6(N)(1). LUP Policy 5.38 provides that "[t]he City shall not approve a land division if any parcel being created would not be consistent with the maximum density designated by the Land Use Plan map, and the slope density criteria." Neither the finding required by LUP Chapter 1(D), nor the finding of LIP Section 15.2(B)(9) as to the density designated by the LUP, can be made.

Ground 2: Cumulative Effects on Coastal Resources and Public Services

LIP Sections 15.2(B)(7) and 15.2(B)(16); LIP Chapter 7 (Sections 7.1, 7.4, and 7.8.3); LUP Policies 5.26, 5.27, and 5.39; Coastal Act Section 30250(a)

LIP Section 15.2(B)(7) allows a land division only if it "does not create any additional parcels in an area where adequate public services are not available and will not have significant effects, either individually or cumulatively, on coastal resources," applying the requirements of Coastal Act Section 30250(a). As certified by the CCC, the LCP contains findings criteria for ensuring that the cumulative effect of new parcels created in Malibu is mitigated. LIP Section 7.1 states that buildout of existing lots will have cumulative impacts on habitat, scenic resources, landforms, and recreation, that development on new parcels increases risks from geologic, flood, and fire hazards, and that density increased through new land divisions "will not be approved unless Transfer of Development Credits are purchased to retire development rights on existing donor lots in the Santa Monica Mountains Area."[22]

[21] LIP Sections 3.3(A)(1), (A)(3)(a)
[22] LIP Sections 7.1, 7.4(B)

The CCC has required lot retirement for new land divisions in the Santa Monica Mountains since 1978, having found that "[a]bsent such mitigating measures no new land divisions could be found consistent with the provisions of the Coastal Act."[23] The applicant has not proposed a transfer of development credit (TDC) for the newly created parcel. Under LIP Section 15.2(B)(16), a land division must include "the requirement to acquire transfer of development credits" when those credits are required by the LUP, and LUP Policy 5.39 calls for one credit for each new lot created. LUP Policy 5.26 sets forth the Lot Retirement Program, of which the Transfer of Development Credit Program is a component. LUP Policy 5.27 states that the TDC Program exists "to ensure that the individual and cumulative impacts of creating new lots or developing multi-family residential units are minimized and mitigated through the retirement of an equivalent number of development credits from existing lots that meet the qualification criteria of the program." The finding under LIP Section 15.2(B)(16) cannot be made. By not adhering to the TDC process, no donor lot is retired to offset the new parcel, and the division adds to the cumulative buildout and significant negative impacts on coastal resources in this sensitive area that the TDC program is intended to mitigate.

LIP Section 7.4 describes the purpose of the TDC program in protecting sensitive resources in the Santa Monica Mountains Coastal Zone, including the following:

A. *Implement regulations that establish a voluntary program to transfer development rights for owners of property proposed for subdivision or multi-family developments and for owners of small lots in small lot subdivisions or lots with significant resource constraints.*
B. *Implement regulations that will mitigate cumulative impacts by ensuring that no net increase of density will result through creation of new buildable parcels or new multifamily units by retiring development rights on other buildable parcels.*
C. *Establish regulations to allow the transfer of development credit from buildable parcels with resource constraints in the Santa Monica Mountains Area coastal zone where development would result in individual and cumulative impacts inconsistent with Coastal Act policies, to other sites within the City of Malibu where subdivision and multifamily unit development can occur consistent with policies of the certified LCP.*
D. *To mitigate the cumulative impacts of the development of existing buildable parcels in the Santa Monica Mountains Area on natural resources, coastal access roads, recreational facilities and beaches by ensuring that even if land divisions or multifamily units are approved consistent with the certified LCP, that the overall number of lots and multi family units in the Santa Monica Mountains Area will not increase.*
E. *To create an incentive program for owners of donor lots with significant resource constraints to not develop the parcel.*

[23] California Coastal Commission, Findings and Recommendations for the Santa Monica Mountains/Malibu Regional Cumulative Assessment Project, Chapter 3, pg. 14; https://www.coastal.ca.gov/recap2/chapter3.pdf

Retirement is accomplished by recording a permanent open space easement that permanently extinguishes the development potential of the donor lot.[24] The donor lots the program directs retirement toward are the small, constrained lots in the Santa Monica Mountains whose buildout the Coastal Commission found would have significant cumulative impacts on environmentally sensitive habitat, water quality, public access, and public services.[25] A division approved without a TDC leaves no donor lot and adds a developable parcel with no offset. LIP Section 7.1 identifies that cumulative effect as the one the TDC requirement mitigates, and LUP Policy 5.39 and LIP Section 15.2(B)(16) direct the City to require the offset before a new parcel is created.

The project has not demonstrated compliance with the TDC program. Because the project would result in a net increase in density without any offsetting retirement of development rights, the project is inconsistent with the LCP's cumulative impact mitigation requirements in the Santa Monica Mountains.

Since a land division is permanent, staff also evaluated the development entitlement that the two parcels would accommodate under the certified LCP. LIP Section 3.6(K) calculates TDSF at 17.7 percent of net lot area plus 1,000 sf. for the first half acre, and 10 percent of the area between a half-acre and one acre. A land division doubles the 1,000 sf. base and moves the area of the smaller parcel from the 10 percent tier into the 17.7 percent tier. For proposed Parcels A and B, this adds 2,050 sf. of TDSF, from 6,997 sf. to 9,047 sf., on 1,998 sf. less net lot area (Table 3). Any land division of the parcel produces an increase of approximately this magnitude. Although the project as proposed is within the allowance for the subject parcel (pre-land division), the larger entitlement would run with the new parcels in perpetuity.

[24] LIP Section 7.8.3
[25] LIP Section 7.1; California Coastal Commission, Findings and Recommendations for the Santa Monica Mountains/Malibu Regional Cumulative Assessment Project, Chapter 3, pgs. 13-14; https://www.coastal.ca.gov/recap2/chapter3.pdf

Table 3 – TDSF Entitlement Before and After Division				
Standard	**Existing Subject Parcel (43,198 sf. net)**	**New Parcel A (24,975 sf. net)**	**New Parcel B (16,225 sf. net)**	**Parcels A and B**
TDSF (LIP Section 3.6(K))	6,997 sf. (16.2%)	5,175 sf. (20.7%)	3,872 sf. (23.9%)	9,047 sf. (increase of 2,050 sf. or 29%)
Primary dwelling units allowed	1	1	1	2 (increase of 1)
TDSF as proposed	6,799 sf. (existing residence and proposed residence)	4,050 sf.	2,749 sf.	6,799 sf. (no change)

Minimum distances for front, side, and rear yards are required development standards in the LIP. The land division would reduce the required yards. Because setbacks under the LIP are proportional to lot dimensions, smaller parcels are subject to smaller required yards. Table 4 compares the yards the 2012 approval applied to the subject parcel (pre-land division) (Attachment 7) with the yards that would apply to proposed Parcels A and B. The front and rear yards on Parcel B would be roughly one-third of those on the subject parcel (pre-land division). In 2012, SPR No. 12-042 was required to permit a rear yard of 46 ft. 8 in. for the storage building. A structure in the same location on proposed Parcel B would be subject to a required rear yard of 17 ft. 9 in. As with the larger TDSF allowance, the smaller required yards would remain with the parcels after the land division.

Table 4 - Required Yards Before and After Division				
Yard	**Existing Subject Parcel**	**New Parcel A**	**New Parcel B**	**Reduction**
Front	65 ft.	51 ft. 10 in.	23 ft. 8 in.	Parcel A = 13 ft. 2 in. Parcel B = 41 ft. 4 in.
Side (west)	11 ft. 2 in.	9 ft. 9 in.	11 ft. 2 in.	Parcel A = 1 ft. 5 in. Parcel B = none
Side (east)	16 ft. 10 in.	14 ft. 7 in.	16 ft. 10 in.	Parcel A = 2 ft. 3 in. Parcel B = none
Rear	58 ft. 6 in.	38 ft. 10 in.	17 ft. 9 in.	Parcel A = 19 ft. 8 in. Parcel B = 40 ft. 9 in.

The certified LCP permits these increases only where the new parcels meet the minimum lot size and surrounding parcel standards as described in Grounds 3 through 5 below, and the new lot is offset by retiring a donor lot via a TDC as required by LIP Chapter 7. The proposed land division satisfies neither condition, so the findings of LIP Sections 15.2(B)(7) and 15.2(B)(16) cannot be made.

Ground 3: Lot Area, Width, and Depth

LIP Sections 3.3(A)(3) and 15.2(B)(1)(a); LUP Policy 5.36

Minimum square footages for lot sizes and distances for lot width and depth are required development standards in the LIP. LIP Section 3.3(A)(3) requires every new lot in the RR-1 District to have at least one acre (43,560 sf.), a width of 150 ft., and a depth of 250 ft. The subject parcel is 43,636 sf. and, therefore, it is infeasible for any land division to result in two one-acre lots. Proposed Parcel A would be 25,536 sf. and proposed Parcel B would be 18,100 sf. in size, each of which is below the LIP's minimum one-acre lot size standard. Lot width and depth, measured using the methodology established in Zoning Code Interpretation No. 3, would also be substandard (Table 2). Both parcels would be less than the 150 ft. minimum width, and Parcel B would not comply with the minimum 250 ft. depth at 118 ft. Parcel A, at 258.87 ft., meets the depth standard. A division along the parcel's length would produce two parcels approximately 56 ft. wide, so no configuration of two parcels can satisfy the width standard. A building site on a parcel that does not meet the lot standards of the certified LCP cannot be developed consistent with all policies and standards of the LCP. The finding of LIP Section 15.2(B)(1)(a), that each new parcel contains a building site that "could be developed consistent with all policies and standards of the LCP," cannot be made (LUP Policy 5.36).

Ground 4: Slope Density for Minimum Parcel Size

LIP Sections 15.2(B)(9) and 15.6; LUP Policy 5.38

LIP Section 15.6 applies slope density criteria to land divisions in RR districts "with the intent to limit the potential intensity of development as the topography becomes steeper." The minimum lot size for a land division is the base minimum, one acre in RR-1, multiplied by a slope factor of not less than 1.0.[26] The applicant's geotechnical report states that slopes on the subject parcel are no steeper than 10:1 (horizontal ft. : vertical ft.), the lowest band of the LIP Section 15.6.3 slope density table, and the 438 sf. of 1:1 slopes deducted in Table 1 is approximately one percent of the parcel. At a factor of 1.0, the minimum is 43,560 sf. Both parcels are smaller, and a steeper average slope would only increase the minimum required lot area. The finding under Section 15.6 cannot be made (LUP Policy 5.38).

[26] LIP Sections 15.6.1 and 15.6.3

Ground 5: Surrounding Parcel Size

LIP Section 15.2(B)(10); LUP Policy 5.35

LIP Section 15.2(B)(10) and LUP Policy 5.35 prohibit a land division that creates parcels smaller than the average size of the surrounding parcels. LIP Section 15.2(B)(10) does not specify a radius or methodology for use in this determination. For the measurement, staff relied upon the Los Angeles County Assessor data for 41 parcels within 500 ft. of the property lines, which is the distance the LCP uses to define a "neighborhood" for other purposes (LIP Section 3.6(L)) (Attachment 11). The average lot area for the 41 parcels is 44,119 sf. (median 43,617 sf.; average of 40,352 sf. excluding the three outlier parcels of 85,000 sf. or more[27]). Proposed Parcels A and B are smaller than the average size of the surrounding parcels, and no land division of a 43,636 sf. parcel could yield two parcels at or above the average. The finding of LIP Section 15.2(B)(10) cannot be made (LUP Policy 5.35).

Ground 6: Height

LIP Section 3.6(E)(1); LUP Policy 6.7; Coastal Act Section 30251

LUP Policy 6.7 limits structures on non-beachfront lots to 18 ft. "to minimize impacts to visual resources." LIP Section 3.6(E)(1) applies the 18 ft. height limit to every residence and associated structure on a non-beachfront lot, measured from natural or finished grade, whichever results in the lower height. The height limit is how the certified LCP implements Coastal Act Section 30251 on residential lots. The proposed residence on Parcel B, at 21 ft. 8 in., is new development with structure height above 18 ft. As depicted on the project plans, the first floor would be enlarged from 832 sf. to 2,000 sf., the building converted from non-habitable storage to a dwelling unit, and all exterior walls would be removed (Attachment 2; Figure 5). The LIP definition of "remodel" allows replacement of exterior walls only "without altering the existing foundation, footprint or building envelope." In 2012, SPR No. 12-027 authorized a height of 21 ft., 8 in. only for the non-habitable storage building. The residence does not comply, and the finding of conformity with LIP Section 3.6(E)(1) cannot be made (LUP Policy 6.7).

Ground 7: Lawful Establishment of Existing Development

LIP Sections 13.3(A), 13.3(F), 13.4.1(A), 13.4.1(B)(3), 13.4.2(D), and 13.5

Development undertaken without a CDP is not lawfully established. Under LIP Section 13.3(F), the City may not approve an improvement unless it also approves a CDP for the

[27] The criterion is based on the average. The figures for the median and average excluding outliers are stated as checks.

existing development, which "shall only be approved if the existing and proposed development ... is consistent with the policies and standards of the LCP."

APR No. 12-020 authorized a non-habitable storage building at 21 ft., 8 in. (Attachment 7). Since the 2012 approvals and without required permits (both a CDP and building permits were required), container additions were built onto the structure, it was outfitted for residential use, and a second OWTS serving the residential use was installed. Existing conditions as described are documented in staff's May 19, 2026 inspection of the project site (Attachment 5). The CDP application requests approval of improvements made to the structure approved in APR No. 12-020. However, removing all exterior walls of the storage building makes the residence a *replacement structure* requiring a CDP under LIP Section 13.4.2(D), and the change in use from non-habitable storage to a dwelling is a change in the intensity of use of land that the LCP defines as development—which also requires a CDP. LIP Section 13.3(F) allows approval of the project only if the existing and proposed development both conform to the LCP. The proposed project does not comply with this requirement. The proposed residence on Parcel B would exceed the 18 ft. height standard (*Ground 6*). The existing container additions lack an adequate foundation system according to the applicant's geotechnical report and extend beyond the footprint APR No. 12-020 authorized. The OWTS serving the structure was installed without the CDP required by LIP Section 13.3(A). The exemption for improvements to existing single-family residences in LIP Section 13.4.1(A) does not apply to the OWTS because LIP Section 13.4.1(B)(3) excludes "the expansion or construction of water wells or septic systems." Further, a second primary dwelling is not an allowed use on the subject parcel under the certified LUP (*Ground 1*). The structure is therefore no longer lawful in its current condition and must (i) be returned to the non-habitable storage building the 2012 approvals authorized, (ii) demolished, or (iii) brought into conformance with the LCP as a whole through a CDP that can be approved under LIP Section 13.3(F).

While Gov. Code section 66411.7(i) prohibits the City from requiring correction of nonconforming zoning conditions as a condition of an urban lot split, this prohibition does not apply to the LCP or excuse the requirements to obtain a CDP. Development built without the permits required at the time is not a legal nonconforming condition and is unpermitted development, which LIP Section 13.5(A) excludes from the nonconforming use provisions of the LIP and subjects to Section 13.3(F). The unpermitted conversion was documented in the code enforcement record and has not been corrected.

The additions, conversion, and second OWTS were never lawfully established, so neither the existing nor the proposed development conforms to the LCP. The finding required by LIP Section 13.3(F) cannot be made. *Ground 7* applies to the residence proposed on Parcel B. The tentative parcel map cannot be approved because the CDP for the land division cannot be approved on Grounds 1 through 5 and 9.

Ground 8: Parking

LIP Section 3.14.3; LUP Policy 2.25; Coastal Act section 30252

LUP Policy 2.25 requires new development to provide off-street parking sufficient to serve the approved use so that on-street parking remains available for coastal access and recreation. This LUP policy implements Coastal Act section 30252. LIP Section 3.14.3 establishes a minimum of two spaces for any use or development. The plans show one 10 ft. by 20 ft. space for the proposed residence on Parcel B (Attachment 2). Government Code sections 65852.21(k) and 66411.7(n) preserve the Coastal Act and the certified LCP notwithstanding the parking limits of sections 65852.21(c)(1) and 66411.7(e)(3). The certified LCP standard applies to the CDP under Coastal Act Section 30604(b). The proposed residence provides one space where LIP Section 3.14.3 requires at least two and does not comply. As a result, the finding of conformity with LIP Section 3.14.3 cannot be made (LUP Policy 2.25).

Ground 9: Fire Hazard and the Hazard Policies of the LCP

LIP Sections 15.2(B)(1)(b), 7.1, 9.1, 9.2(A)(7), and 9.4(O); LUP Policies 4.2 and 4.45; Coastal Act section 30253(a); General Plan Safety Element Policies S-3.3.3, S-3.3.4, and S-3.3.16 (supporting policies)

Multiple provisions of the certified LCP require new development, which includes a land division, to minimize risks to life and property in areas of high fire hazard. The subject parcel is within the VHFHSZ (Figure 2). Coastal Act section 30253(a) provides that new development shall "minimize risks to life and property in areas of high geologic, flood, and fire hazard," and LUP Policies 4.2 and 4.45 carry that requirement into the certified LCP for new development and land divisions in fire hazard areas. LIP Section 7.1 identifies increased risk to life and property from fire as a cumulative effect of new parcels. LIP Chapter 9 designates the VHFHSZ as a hazard area subject to those policies (LIP Sections 9.1, 9.2(A)(7)). For land divisions, LIP Section 15.2(B)(1)(b) requires a finding that each proposed parcel has an identified building site that is safe from extreme fire hazard and a safe access road that complies with fire safety regulations. LIP Section 9.4(O) prohibits land divisions unless all proposed parcels can be demonstrated to be safe from flooding, erosion, geologic and extreme fire hazards.

Since 1930, at least 24 wildfires have burned within or adjacent to Malibu, including the 2018 Woolsey Fire, the 2024 Franklin Fire, and the 2025 Palisades Fire.[28] The 2018 Woolsey Fire was the largest at the time, burning 97,000 acres and destroying 1,500 structures (670 of which occurred in the Malibu City limits).[29] Within the City, 488 homes

[28] City of Malibu Community Wildfire Protection Plan, Table 4, Wildfires within and adjacent to CWPP Planning Area; https://www.malibucity.org/DocumentCenter/View/34817/Malibu-CWPP-final?bidId=
[29] Community Wildfire Protection Plan (CWPP) 2021, pg. 38; https://www.malibucity.org/DocumentCenter/View/34817/Malibu-CWPP-final?bidId=

were destroyed and the City's structure damage was approximately 36 percent of the total in Los Angeles County.[30] CAL FIRE's Woolsey Fire damage inspection records for the Point Dume neighborhood list 171 damaged structures, of which 145 were destroyed, the classification CAL FIRE assigns to structures with more than 50 percent damage. The destroyed structures include 102 residences, one of them on Boniface Drive, 42 accessory structures, and one commercial building (Attachment 10). The Woolsey Fire perimeter lies within 263 ft. southwest of the subject parcel (Attachment 10).

The County of Los Angeles After Action Review of the Woolsey Fire Incident describes the period after the fire crossed Highway 101 at 5:15 a.m. on November 9 as "the fire's final run to the ocean, charring the core of the mountains and devastating Malibu in a little over six hours", and identifies "[a]n uninterrupted, open vegetation fuel bed line from the ignition area **straight to Point Dume**" as one of the three factors that "broke" the pre-planned attack in the Highway 101 corridor [emphasis added].[31] The report further explains:

> *Before noon on Friday, the Malibu coast only had between **7 [to] 26 engines, not the 100–200 mutual aid engines** needed to immediately defend structures in highly developed areas. On Friday morning and early afternoon, the few engines present **could not conduct structure defense**, but instead were required to address an avalanche of 9-1-1 calls and conduct life safety missions [emphasis added].*[32]

Then again, in January 2025, the Palisades Fire destroyed roughly one-third of the City of Malibu, destroying over 500 homes and many other commercial and multifamily properties[33]. Roughly 1,400 residents were displaced. Power and gas service were shut off citywide for an extended period, Pacific Coast Highway and Malibu Canyon Road were closed, and Santa Monica-Malibu Unified School District schools and Pepperdine University closed. The event, like the Woolsey Fire, was declared a federal emergency, and the County has issued an after-action report on the incident.[34] In both fires, the structures threatened exceeded the capacity of the firefighting resources available to defend them.[35]

The proposed land division would create a second parcel in this setting. Parcel B would be a rear flag parcel, entitled as of right to a primary residence and to the floor area described under *Ground 2*, served by a single 15 ft. access strip to Boniface Drive with

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[30] After Action Review of the Woolsey Fire Incident, Los Angeles County Fire, pg. 23; https://file.lacounty.gov/SDSInter/bos/supdocs/144968.pdf
[31] After Action Review of the Woolsey Fire Incident, Los Angeles County Fire, pgs. 26 and 32; https://file.lacounty.gov/SDSInter/bos/supdocs/144968.pdf
[32] After Action Review of the Woolsey Fire Incident, Los Angeles County Fire, pg. 29; https://file.lacounty.gov/SDSInter/bos/supdocs/144968.pdf
[33] City of Malibu Palisades Fire incident data
[34] Eaton & Palisades Fires After-Action Reviews and Reports; https://lacounty.gov/aar/
[35] After Action Review of the Woolsey Fire Incident, Los Angeles County Fire, pg. 29; https://file.lacounty.gov/SDSInter/bos/supdocs/144968.pdf

one way out to a public road, and dependent on the same evacuation routes and fire protection resources that, in the Woolsey Fire, could not conduct structure defense at the existing density. The smaller parcels reduce the room available for structure separation, defensible space, and fuel modification (Table 4), and the added density places more people and property at risk. Unlike a structure, a parcel has no expected lifespan and is essentially permanent. The exposure added is a permanent condition of the land. The record contains a fuel modification plan approved by LACFD on September 12, 2024, a fire access plan cleared by the LACFD Land Development Unit on October 16, 2025, addressing the access strip and hammerhead turnaround, and Fire Flow Form 185 signed by Waterworks District No. 29 on March 6, 2024 (Attachment 6).

The LACFD approvals establish that the access strip and turnaround comply with fire safety regulations and that the fuel modification plan meets the minimum requirements of the Fire Code. The access element of LIP Section 15.2(B)(1)(b) is satisfied, and the access findings of LIP Sections 15.2(B)(3) and 15.2(B)(4) are satisfied. These approvals, however, do not make the finding that LIP Section 15.2(B)(1)(b) assigns to the City for the building site. The record does not demonstrate that a new rear parcel accessed by a single 15 ft. strip, in a neighborhood the Woolsey Fire entered along an open fuel bed and where 145 structures were destroyed while the engines on the Malibu coast could not conduct structure defense (After Action Review, pg. 29; Attachment 10), has a building site safe from extreme fire hazard within the meaning of LIP Section 15.2(B)(1)(b). The approvals also do not offset the cumulative exposure that LUP Policies 4.2 and 4.45, and LIP Section 7.1 direct the City to avoid. The land division does not minimize risks to life and property from fire hazard as the certified LCP requires, and the findings of LIP Section 15.2(B)(1)(b) and of conformity with LUP Policies 4.2 and 4.45 cannot be made.

Since these fires, the City has taken numerous proactive actions, including the update of the General Plan Safety Element, adopted by the City Council on April 13, 2026.[36] The project would not conform to the following Safety Element policies:

- Policy S-3.3.3 (“All proposed development shall incorporate fire safe design and adhere to the latest fire safe regulations adopted by the State and City”);
- Policy S-3.3.4 (“Require development to be located, designed, and constructed to provide adequate fire defensibility and minimize the risk of structural loss and life safety”); and
- Policy S-3.3.16 (“Require all planned development and major redevelopment has adequate fire and emergency services”).

A flag lot below the LIP’s minimum area, width, and depth, with a single point of access, is not located or designed to provide adequate defensibility (Policy S-3.3.4). The smaller parcels reduce the room for the fire safe design and defensible space which Policy S-3.3.3 calls for. The Woolsey record shows that fire and emergency services in this neighborhood

[36] City of Malibu Safety Element (adopted April 13, 2026) pgs. 31 and 33; MalibuCity.org/safetyelement

could not defend structures at the existing density (Policy S-3.3.16), let alone increased density. The Safety Element is not part of the certified LCP, but supports the LCP hazard policies applied above.

The Governor addressed the same concern in Executive Order N-32-25, issued July 30, 2025, which suspended SB 9 within the Palisades and Eaton Fire perimeters in the VHFHSZ until August 6, 2025, and thereafter authorized those local agencies to elect whether to apply SB 9 in the rebuilding areas in whole, in part, or not at all. The Order's recitals state that community members and local officials have expressed

> ***[C]oncern** about the potential for widespread SB 9 development **concentrated in neighborhoods rebuilding from destructive fires in very high fire hazard severity zones to crowd evacuation routes**, and while SB 9 already requires development in these zones to meet updated ingress and egress standards, and allows local governments discretion to deny a project that would have a specific, adverse impact on public health and safety that cannot be mitigated, the unprecedented scale of this disaster **calls for affording local governments increased discretion** to ensure that SB 9 development in the rebuilding areas appropriately accounts for fire safety concerns [emphasis added].*

The Order was limited to the Palisades and Eaton Fire areas. It is noted for the subject parcel because the State has regarded the crowding of evacuation routes by SB 9 lot splits in burned VHFHSZ neighborhoods as a fire safety concern warranting local discretion. Point Dume is such a neighborhood as the Woolsey Fire burned through it in 2018 and destroyed 145 structures, and the City as a whole is rebuilding from fire destruction.

The LIP's lot standards, setbacks, and hazard policies provide the structure separation and defensible space this fire-prone area requires. The project would add a new parcel, a new residence, and the evacuation and fire protection demand that come with them, without the offset the LCP requires and without a building site that can be found safe from extreme fire hazard. The findings of LIP Section 15.2(B)(1)(b) and of conformity with LUP Policies 4.2 and 4.45, which implement Coastal Act section 30253(a), cannot be made, and the land division is inconsistent with the hazard policies of LIP Chapter 9 (Sections 9.1, 9.2(A)(7), and 9.4(O)). General Plan Safety Element Policies S-3.3.3, S-3.3.4, and S-3.3.16 support this conclusion.

Conformity with the Certified LCP

Coastal Act section 30604(b); LIP Section 13.9(A); Gov. Code sections 65852.21(k) and 66411.7(n)

Under Coastal Act section 30604(b) and LIP Section 13.9(A), the City may approve a CDP only on a finding that the development conforms to the certified LCP. That finding cannot

be made for the reasons stated in Grounds 1 through 9, and the City therefore has no authority to approve CDP No. 23-010. Government Code sections 65852.21(k) and 66411.7(n) provide that nothing in those sections "shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976," and the only accommodation those sections make for coastal jurisdictions is that a public hearing is not required for the CDP. The ministerial approval SB 9 directs for a qualifying urban lot split and two-unit housing development does not override the required CDP findings those projects require in Malibu. As the CDP cannot be approved, the urban lot split and the two-unit housing development cannot be approved.

LCP Standards and Chapters Not in Issue

Setbacks on proposed Parcel B, TDSF, impermeable coverage, non-exempt grading[37], and the 4 ft. driveway retaining wall comply with LCP standards (Table 2). The 15 ft. access strip held in fee with reciprocal easements satisfies LIP Section 15.2(B)(4). The Phase I archaeological survey prepared by Brandon S. Lewis, Ph.D., RPA (March 5, 2012) identified no prehistoric or historic resources in the project area (LIP Chapter 11). Public Works reviewed the project under LIP Chapter 17 and the State Water Resources Control Board requirements for the Area of Special Biological Significance to which the site drains (Attachment 6). The Environmental Health Administrator found the proposed AOWTS (3,634-gallon MicroSepTec ES12 tank with ultraviolet disinfection, two primary and two reserve seepage pits) meets the minimum requirements of the certified LCP and MMC (Attachment 6; LIP Chapter 18). The AOWTS now serving the storage building was installed without the CDP that LIP Section 13.3(A) requires (*Ground 7*).

Applicant Correspondence

On March 4, 2025, the applicant provided a response letter regarding SB 9 (Attachment 9). The letter provides information on how the proposed project invokes SB 9 in relation to the City's LCP requirements. Its headings, quoted verbatim, state:

I. The Subject Property Meets the Criteria for an SB 9 Single-Family Residence and SB 9 Urban Lot Split
II. The Proposed SB 9 Project Meets the Coastal Commission's Geographic Eligibility
III. No Potential Adverse Effect on Coastal Resources
IV. Because the Proposed SB 9 Project Complies with the Coastal Act, It Should be Approved
V. The City of Malibu's LCP [Does Not Contain SB 9 provisions; such projects should be approved if there are no substantial impacts to coastal resources]

[37] 55 c.y. of the 1,000 c.y. allowed under LIP Section 8.3, as reported on the applicant's Plan Sheet C-1.0 (Attachment 2)

VI. There are No Provisions of State SB 9 law or of the Coastal Act Which State that Either Law May be Flagrantly Disregarded by a Local Government By the Mere Act of Delaying and Failing to Amend and Update its LCP

VII. The Provisions of the CCC Memo Suggesting the Coastal Cities Do Not have to Comply with State Housing Laws, Until an Approved LCP SB 9 Amendment is in Place, is not Legally Sound and Should be Disregarded

Statements I and II concern eligibility under SB 9 and are addressed in the State Law Analysis above. Statements III, IV, and V rely on the premise that a CDP should be approved, even if it does not meet the requirements in the City's LCP, if no effect on coastal resources is identified. These statements directly conflict with the provisions of SB 9, and are unsupported by the law and the record.

The proposed land division would have serious negative impacts on coastal resources—impacts that would be made permanent as the project includes a division of land—not just structures. These are described above, and include allowing potential development on the site to increase from 6,997 to 9,047 sf. of TDSF, doubling the number of primary dwellings, and especially increasing development in this sensitive coastal area without providing the required donor lot—a system designed to preserve the Santa Monica Mountains and the sensitive coastal resources present there and avoid the significant negative cumulative impacts of development in this area. The project would also create a rear flag parcel with a single point of access in a VHFHSZ where the Woolsey Fire destroyed 145 structures at the existing density, while engines were unavailable for structure defense (Ground 9). These are specific and negative effects on coastal resources and public services within the meaning of Coastal Act Section 30250(a) and LIP Section 15.2(B)(7), and are the effects the LCP's lot standards, TDC program, and hazard policies exist to prevent.

The applicant also argues, without legal authority, that the City is under an obligation to change its LCP to match the provisions of SB 9, and until the City does so SB 9 projects do not need to comply with the City's LCP. This is simply not true and is directly refuted by SB 9 itself which provides that SB 9 excuses compliance with a City's zoning code if its requirements are met, but does *not* excuse compliance with the Coastal Act.

The Coastal Zone is a narrow strip of land along the coast where sensitive coastal resources are present. The Coastal Act is designed for two purposes only: first, protecting those sensitive coastal resources, and second, providing for public access to the coast. It is not a housing law, and housing laws do not trump the protections put in place to protect these resources and public access. The legislature made clear that while SB 9 would apply throughout the rest of the state, in the approximately 1.4% of the State located in the Coastal Zone the Coastal Act will take precedence.

In Malibu, the Coastal Act is implemented through the City's LCP. The City's LCP protects these sensitive coastal resources and public access through myriad ways—many of which are violated by this project. The applicant can cite no legal authority to allow it to proceed

with a project that does not conform with the LCP. The applicant may not choose which provisions of the LCP it can ignore—it must follow the standards in the LCP in whole, and SB 9 specifically provides that this is the case.

Should a project such as the one proposed be allowed to ignore the Coastal Act, the cumulative impacts could be devastating. Whereas in other areas of the state reducing parking standards may just result in more street parking causing visitors and residents to park farther away, in the Coastal Zone reducing parking can easily impact public access to the Coast as parking is already naturally constrained in these areas. More residents parking on the streets means fewer spaces available for visitors. Similarly, increased height in non-coastal areas may raise privacy concerns, in the Coastal Zone increased height can damage public views and visual resources. Increased density in areas outside of the Coastal Zone may cause more traffic or drains on resources, but in the Coastal Zone increased density can lead to damage, overuse, and the removal of protections for sensitive coastal resources, habitat, and corridors and places for wildlife to live and travel.

While some coastal areas have been highly developed decades ago, others (such as Malibu) are very rural and contain more wildlife due to the design of the city and its LCP to protect these resources. Each LCP is specifically tailored to the local conditions present, and these standards serve important purposes unique to each jurisdiction. No legal authority justifies ignoring these requirements, and to do so would have myriad and significant negative impacts.

In its certification action, the CCC found that the LCP's development standards protect coastal resources and protect public access to the coast. The LCP addresses the effect of new parcels cumulatively, which is the reason it requires development rights to be retired elsewhere via a TDC before a new parcel is created.[38]

Statements VI and VII characterize the City as disregarding SB 9 and as relying on the CCC's memorandum, which the applicant states is "not legally sound and should be disregarded" (Statement VII). The City has applied SB 9 to the application — but also is requiring compliance with the Coastal Act. As the applicant has failed to present evidence demonstrating compliance with the City's LCP, Staff must recommend denial of this application. Had the application met the standards of both SB 9 and the LCP the recommendation would have been for approval.

The CCC memorandum, the plain text of SB 9, and the City's independent analysis all concur that SB 9 does not excuse compliance with the Coastal Act and the City's LCP.

The applicant's letter also refers to the state's litigation against the City of Huntington Beach concerning SB 9. This matter involved a jurisdiction that declined to process SB 9 applications at all and did not concern CDP processing issues or the Coastal Act clause.

[38] LIP Section 7.1

The City of Malibu has a process for SB 9 applications and those applications must adhere to the City's LCP as required by the SB 9 law itself. Coastal Act section 30007 provides that the Coastal Act does not exempt local governments from meeting the requirements of state and federal law with respect to their housing obligations, but does not alter the conformity finding that Coastal Act Section 30604(b) requires, which applies the certified LCP to the CDP.

The certified LCP provides a mechanism for adding an additional residential unit on the subject parcel. The applicant may apply for a second residential unit, as defined in LIP Section 2.1, of up to 900 sf. of living area under LIP Section 3.6(N)(1). Attachment 3 identifies items that would need to be addressed in any future second residential unit application.

ENVIRONMENTAL REVIEW: Under the authority and criteria contained in CEQA, the Community Development Director has analyzed the proposed project. The Community Development Director finds that, under CEQA Guidelines section 15270, CEQA does not apply to projects that a public agency rejects or disapproves.

CORRESPONDENCE: Five members of the public submitted comments on the project (Attachment 12). Four expressed opposition to the project, principally due to added density and the precedent a lot split would set in the neighborhood. The fifth commenter submitted two comments concerning the location of the project's on-site property posting.

PUBLIC NOTICE: On September 10, 2026, the Planning Division published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to property owners and occupants within a 500 ft. radius of the subject parcel (Attachment 13).

SUMMARY: The certified LCP designates the one-acre RR-1 parcel for one primary dwelling unit per acre and allows a second residential unit of up to 900 sf. The RR-1 designation in the LIP does not allow a second primary residence. No land division design of the parcel meets the lot area, slope density, or surrounding parcel standards, and the land division would increase the development entitlement on the land without the offset the LCP requires. Independently, the proposed residence on Parcel B exceeds the 18 ft. height standard and provides one parking space where the LCP requires two. The unpermitted additions, conversion, and second OWTS the project proposes to improve were not lawfully established. The land division would also add a nonconforming parcel in a Very High Fire Hazard Severity Zone contrary to the hazard policies of the LCP. SB 9 preserves the Coastal Act and does not authorize approval of a CDP that does not conform to the certified LCP. Staff recommends that the Planning Commission adopt Resolution No. 26-46 denying CDP No. 23-010 and TPM No. 23-001, and direct transmittal of the written comments in Attachment 3.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-46
2. Project Plans and Tentative Parcel Map No. 23-001 (Map No. 84368)
3. SB 9 Written Comments for Transmittal upon Denial (Gov. Code Sections 65852.21(h)(2) and 66411.7(b)(1)(C))
4. SB 9 Overview with Graphic for Public Audiences, Association of Bay Area Governments (ABAG)
5. Site Photographs (May 19, 2026) and Rental Listing Records
6. Department Review Sheets
7. Notice of Decision for APR No. 12-020, et al., dated December 3, 2012 (without Attachments)
8. Applicant's Feasible Alternatives Report, dated January 31, 2023
9. Applicant's Response Letter and SB 9 Attachment, dated March 4, 2025
10. Woolsey Fire Structure Data and Fire Perimeter Map (CAL Fire Damage Inspection Data, 2018)
11. Surrounding Average Parcel Size Exhibit (Los Angeles County Assessor data, 500 ft. radius)
12. Public Comment
13. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-46

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THAT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DOES NOT APPLY TO PROJECTS THAT A PUBLIC AGENCY REJECTS OR DISAPPROVES PURSUANT TO CEQA GUIDELINES SECTION 15270, DENYING COASTAL DEVELOPMENT PERMIT NO. 23-010 AND TENTATIVE PARCEL MAP NO. 23-001 FOR A TWO-UNIT HOUSING DEVELOPMENT AND URBAN LOT SPLIT PURSUANT TO SENATE BILL 9 (GOVERNMENT CODE SECTIONS 66411.7 AND 65852.21) TO DIVIDE A 43,636 SQUARE FOOT (SF.) PARCEL INTO TWO PARCELS CONSISTING OF PARCEL A (25,536 SF.) AND PARCEL B (18,100 SF.), WHERE AN EXISTING SINGLE-FAMILY RESIDENCE ON PARCEL A WOULD REMAIN UNCHANGED AND PARCEL B WOULD CONSIST OF AUTHORIZING AN AFTER-THE-FACT UNPERMITTED CONVERSION OF AN EXISTING DETACHED, NON-HABITABLE, 998 SF. STORAGE BUILDING WITH INTERNAL MEZZANINE INTO A NEW TWO-STORY, 21 FOOT (FT.) 8 INCH TALL, 2,548 SF. SINGLE-FAMILY RESIDENCE WITH ONE PARKING SPACE, 4 FT. TALL BY 92 FT. LONG DRIVEWAY RETAINING WALL, WIDENING AND EXTENSION OF THE EXISTING DRIVEWAY WITH A NEW FIRE TRUCK TURNAROUND, AN ADVANCED ONSITE WASTEWATER TREATMENT SYSTEM, GRADING, DECKS, LANDSCAPING, HARDSCAPE, AND ASSOCIATED DEVELOPMENT, LOCATED IN THE RURAL RESIDENTIAL, ONE-ACRE ZONING DISTRICT AT 28809 BONIFACE DRIVE; AND DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO TRANSMIT TO THE APPLICANT WRITTEN COMMENTS REQUIRED BY GOVERNMENT CODE SECTIONS 66411.7(b)(1)(C) AND 65852.21(h)(2) (DONALD R. LEHMAN AND MARIE CHRISTINE LEHMAN TRUST)

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

SECTION 1. Recitals

A. On February 8, 2023, an application for Coastal Development Permit (CDP) No. 23-010, Tentative Parcel Map (TPM) No. 23-001 (an urban lot split), and a two-unit housing development were submitted to the Planning Division by the applicant Cindy Martin, of Schmitz & Associates, Inc., on behalf of the property owner, the Donald R. Lehman and Marie Christine Lehman Trust. The application was routed to the City geotechnical consultant reviewers, City Environmental Health Administrator, City Biologist, City Public Works Department, Los Angeles County Fire Department (LACFD), and Los Angeles County Waterworks District No. 29 (WD29) for review.

B. Before the application at issue here was submitted, the City approved a detached, non-habitable storage building on the property under the approvals described in Section 4.A1(c), and the building permit for that work was finaled in 2016. However, the property's owner engaged in a series of illegal construction activities without permits or inspections from the City. The illegal construction added to the storage building and then later modified it for potential human habitation. Each of the Senate Bill 9 (SB 9) statutes expressly disclaims any limiting effect on the Coastal Act

or, by extension, a city's Local Coastal Program (LCP), so any development under SB 9 requires a coastal development permit.

C. The owner submitted the affidavit required by Gov. Code section 66411.7(g) stating an intent to occupy one of the units as a principal residence for at least three years. Staff inquired whether the existing structure on the site of proposed Parcel B has been occupied by a tenant during the period described in Gov. Code sections 65852.21(a)(3)(C) and 66411.7(a)(3)(D)(iv). The applicant stated that it has not, and has not provided a declaration or other documentation. Real-estate listing records show the structure most recently marketed as a furnished rental, from December 4, 2018, until the listing was removed on May 1, 2019.

D. On May 19, 2026, Planning Division staff conducted a site visit to photograph and document site conditions.

E. On July 7, 2026, the City received the applicant's resubmittal, and on August 6, 2026, the City determined the application complete by written notice.

F. On September 1, 2026, a Notice of CDP Application was posted on the subject parcel.

G. On September 10, 2026, in accordance with Local Implementation Plan (LIP) Section 13.12.2(A), a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed by first class mail to all property owners and occupants within a 500 ft. radius of the subject parcel, to all persons who requested notice and to the Coastal Commission South Central Coast District office under Section 13.12.2(A)(6).

H. On October 5, 2026, 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 Community Development Director has analyzed the proposed project. The Community Development Director finds that, pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproves.

SECTION 3. State Law Determinations (Gov. Code Sections 65852.21 and 66411.7)

1. *Standard of review and Coastal Act Saving clause.* The entire City is within the coastal zone. As defined in Coastal Act section 30106 and LIP Section 2.1, "development" includes the construction of structures and changes to density or the intensity of use of land, including land divisions. Under LIP Section 13.9(A), which implements Coastal Act section 30604(b) in the City, a CDP may be approved only if the development conforms to the certified LCP. SB 9 does not displace or excuse such projects from the requirements of the Coastal Act—which is implemented in Malibu through its certified LCP. Each of the SB 9 statutes expressly disclaims any limiting effect on the requirements of the Coastal Act, except that it allows a local jurisdiction to skip holding a public hearing that would otherwise be required.

Government Code Sections 65852.21(k) and 66411.7(n) provide that nothing in those sections "shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976," except that the local agency "shall not be required to hold public hearings" for CDP applications for a housing development or urban lot split under those sections. SB 9 therefore supplies no basis for approving a CDP that the certified LCP does not allow.

The California Coastal Commission (CCC) addressed this topic in its January 21, 2022 memorandum on SB 9 implementation in coastal jurisdictions, which states that certified LCP provisions "are not superseded by [SB 9] and continue to apply to CDP applications until an LCP amendment is adopted" and that SB 9 "does not override the Coastal Act or LCP policies implementing the Coastal Act, which may involve the application of discretion." The CCC memorandum, the plain text of SB 9, and the City's independent analysis all concur that SB 9 does not excuse compliance with the Coastal Act and the City's LCP.

Under the current, operative, certified LCP, a public hearing before the Planning Commission is required for this CDP (LIP Section 13.7(B)). The project does not meet any of the eligible types of development that could be processed administratively under LIP Section 13.13.1, in particular LIP Section 13.13.1(A)(4), because it includes a land division. Government Code Sections 65852.21(k) and 66411.7(n) provide that the City is not required to hold a public hearing on the CDP, but neither provision prohibits the City from holding one.

2. *Eligibility.* The applicant has failed to demonstrate compliance with one of the required SB 9 eligibility criteria for the two-unit housing development and urban lot split, which is the absence of tenant occupancy, as stated below. The parcel is within a single-family residential zone, Rural Residential, One-Acre (RR-1), and an urbanized area, and is not a historic property, farmland, wetland, hazardous waste site, earthquake fault zone, special flood hazard area, or land under a conservation easement or habitat protection plan (Gov. Code sections 65852.21(a), 66411.7(a), 65913.4(a)(6)(B)-(K), as that section read on September 16, 2021). The parcel is within a Very High Fire Hazard Severity Zone (VHFHSZ), and the SB 9 statutes both, through Gov. Code Section 65913.4(a)(6)(D), exclude such sites unless the site has adopted fire hazard mitigation measures under applicable building standards. The parcel is subject to the fire hazard mitigation requirements of the Fire Code and the certified LCP. The record includes a fuel modification plan approved by LACFD on September 12, 2024 and the LACFD access clearance of October 16, 2025. Whether each proposed parcel has a building site safe from extreme fire hazard is a separate finding under the certified LCP, addressed in Section 4.F.

The map creates two parcels, each larger than 1,200 sf. Applying the certified LCP definition of "lot area" (LIP Chapter 2), Parcel B (18,100 sf.) is 41.5 percent of the original parcel (43,636 sf.), which is not less than the 40 percent minimum of Gov. Code section 66411.7(a)(1) and which the Planning Commission does not contest satisfies the approximately equal lot area criterion of that section. The parcel was not created by a prior urban lot split (Gov. Code Section 66411.7(a)(3)(G)), and the owner has submitted the affidavit required by Section 66411.7(g) (Recital C).

Government Code Sections 65852.21(a)(3)(C) and 66411.7(a)(3)(D)(iv) prohibit a two-unit housing development or an urban lot split that would demolish or alter housing occupied by a tenant in the last three years. Based on the February 8, 2023 filing date, the three-year "look back" period extends to February 8, 2020. Real-estate listing records show the structure on proposed

Parcel B was most recently marketed as a furnished rental, from December 4, 2018 until the listing was removed on May 1, 2019 (Recital C). Removal of a listing does not establish that the structure was thereafter unoccupied as a listing is also removed when the unit is rented. Staff inquired whether the structure has been occupied by a tenant during that period. The applicant responded that it has not, but has provided no declaration or other documentation, and the record contains no other evidence of occupancy during that period. The applicant has therefore failed to demonstrate compliance with this criterion. Occupancy of the structure does not make the structure or its residential use lawfully established (Section 4.A.1(c)). As stated in Section 4, the project also fails to comply with the certified LCP, with which SB 9 projects must comply (Determination 1).

3. *Two-unit housing development.* The proposed primary dwelling unit under Gov. Code section 65852.21 may only be approved if it complies with the LIP and LCP (Determination 1). The 18 ft. height limit of LIP Section 3.6(E)(1) applies to every residence and associated structure on non-beachfront lots in the RR-1 area, including the project here. Heights up to 24 ft. (flat roof) or 28 ft. (pitched roof) are available only through an approved site plan review (SPR), which is a discretionary entitlement with its own findings under LIP sections 3.6(E)(2) and 13.27. The applicant has not applied for an SPR for the proposed residence. The 2012 SPR authorized the height of the non-habitable storage building only. The applicant's Feasible Alternatives Report states that the project makes no discretionary requests. At 21 ft. 8 inches (in.), the proposed residence exceeds the LIP's 18 ft. height standard. The applicant characterizes the proposed residence as an existing 21 ft. 8 in. structure approved under SPR No. 12-027 and "converted" without any increase in height. However, as represented on the project plans, the ground floor of the non-habitable storage building would be enlarged from 832 sf. to 2,000 sf., converted into a dwelling unit, and all of its exterior walls would be removed. Moreover, the 2012 approvals authorized a non-habitable storage building only and did not authorize any conversion into habitable use. A change to habitable use is itself development under the LCP because it would change the intensity of use of land (Coastal Act Section 30106). It must comply with the LIP and LCP today. The residence provides only one uncovered parking space. The LIP's parking standard, which applies to the CDP, is two spaces per unit. Under Gov. Code sections 65852.21(c)(1) and 66411.7(e)(3), one space per unit is the maximum a local agency may require of a two-unit housing development, and the parcel does not qualify for the parking exemption of those sections, as it is not located within one-half mile walking distance of a high-quality transit corridor as defined in Public Resources Code Section 21155(b) or a major transit stop as defined in Public Resources Code Section 21064.3, and no car share vehicle is located within one block of the parcel. The certified LCP standard applies to the CDP under Coastal Act section 30604(b), and Gov. Code sections 65852.21(k) and 66411.7(n) preserve the Coastal Act and the certified LCP without regard to the parking limits of those sections (Section 4.B.2). Grounds 1 through 9, as described in Determination 5, are findings under the certified LCP for the CDP and are not applied as standards to the urban lot split or the two-unit housing development under Gov. Code sections 65852.21(b) or 66411.7(c).

4. *Timing.* The City received the applicant's resubmittal on July 7, 2026, and determined the application complete by written notice on August 6, 2026 (Recital E). This action is taken on October 5, 2026, the 60th day after the City received the completed application (Gov. Code sections 65852.21(h)(1) and 66411.7(b)(1)(B)). In any event, no CDP is deemed approved if the City fails to take timely action for approval or denial (LIP Section 13.3(A)).

5. *Grounds.* The Planning Commission determines that the following grounds, stated in Section 4, each provides an independent basis for denial of the application:

i. Ground 1: the project is over the maximum density allowed in the LCP Land Use Plan (LUP) (Sections 4.A.1(a) and 4.G.5);
ii. Ground 2: the project would contribute to adverse cumulative effects on coastal resources due to insufficient transfer of development credits (TDC) as required by the LUP and LIP for the protection of natural sensitive resources in the Santa Monica Mountains Coastal Zone (Sections 4.E, 4.G.3, and 4.G.7);
iii. Ground 3: the project does not comply with the minimum lot area, width, and depth required by the LIP (Sections 4.A.1(a) and 4.G.1);
iv. Ground 4: the project does not comply with slope density and minimum parcel size for new lot creation required by the LIP (Section 4.G.5);
v. Ground 5: the project would result in parcels that are smaller than the average size of surrounding parcels, which is prohibited by the LIP (Section 4.G.6);
vi. Ground 6: the project would exceed the maximum allowed height in the LIP (Sections 4.A.1(b) and 4.B.1);
vii. Ground 7: the project would authorize improvements to development that was built without a CDP and is not lawfully established, which LIP Section 13.3(F) does not allow unless the existing and proposed development both conform to the LCP (Section 4.A.1(c));
viii. Ground 8: the project would not comply with the parking requirements of the LIP (Section 4.B.2); and
ix. Ground 9: the project would create at least one nonconforming lot in a Very High Fire Hazard Severity Zone (VHFHSZ) contrary to the hazard policies of the LCP (Sections 4.F and 4.G.8).

The City may not approve a CDP without full conformity with the LCP (Determination 6).

6. Conformity with the Certified LCP. Under Coastal Act Section 30604(b) and LIP Section 13.9(A), the City may approve a CDP only on a finding that the development conforms to the certified LCP. That finding cannot be made for the reasons stated in Grounds 1 through 9, and the City therefore has no authority to approve CDP No. 23-010. Gov. Code sections 65852.21(k) and 66411.7(n) provide that nothing in those sections "shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976," and the only accommodation those sections make for coastal jurisdictions is that a public hearing is not required for the CDP. The ministerial approval SB 9 directs for a qualifying urban lot split and two-unit housing development does not override the required CDP findings those projects require in Malibu. As the CDP cannot be approved, the urban lot split and the two-unit housing development cannot be approved.

SECTION 4. Coastal Development Permit Findings of Denial

Based on the evidence in the record, including the agenda report and the October 5, 2026, hearing, and under LIP sections 13.7(B) and 13.9, the Planning Commission adopts the following findings of fact herein. On those findings, the Planning Commission denies CDP No. 23-010, TPM No. 23-001, and the two-unit housing development application for the project described in the title of this Resolution.

A. General Coastal Development Permit (LIP Chapter 13)

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.*

This finding cannot be made, for the reasons stated in subparagraphs (a) through (c) and in Sections 4.B, 4.E, 4.F, and 4.G.

(a) Density and lot standards. The subject parcel is one acre in size. The certified LUP designates the subject parcel as RR-1, which limits density to one primary dwelling unit per acre. One primary residence is allowed on the subject parcel whereas the project proposes two. The RR District is intended for "sensitively designed, large lot single family residential development," and its minimum lot areas "represent the maximum density permitted in each RR designation" (LIP sections 3.3(A)(1), (A)(3)(a)). The LCP does not allow a second primary dwelling on an RR parcel. A second residential unit of up to 900 sf. of living area may be permitted under LIP Section 3.6(N)(1), but only "as an accessory to a permitted or existing single-family dwelling." LUP Policy 5.38 provides that "[t]he City shall not approve a land division if any parcel being created would not be consistent with the maximum density designated by the Land Use Plan map, and the slope density criteria." Neither the finding required by LUP Chapter 1(D), nor the finding of LIP Section 15.2(B)(9) that the land division "[i]s consistent with the maximum density designated for the property by the Land Use Plan map," can be made. The density standard precludes both the land division and the residence proposed on Parcel B, regardless of the parcel's division (*Ground 1*).

LIP Section 3.3(A)(3) requires every new lot in the RR-1 District to have at least one acre (43,560 sf.), a width of 150 ft., and a depth of 250 ft. The subject parcel is 43,636 sf., and no land division of it can result in two one-acre lots. Proposed Parcel A would be 25,536 sf. and proposed Parcel B would be 18,100 sf., each below the LIP's minimum one-acre lot size standard. Lot width and depth, measured using the methodology established in Zoning Code Interpretation No. 3, would also be substandard. Parcel A (96.86 ft.) and Parcel B (111.86 ft.) would each be less than the 150 ft. minimum width, and Parcel B would not comply with the minimum 250 ft. depth at 118 ft. Parcel A, at 258.87 ft., meets the depth standard. A division along the parcel's length would produce two parcels approximately 56 ft. wide, so no configuration of two parcels can satisfy the width standard (*Ground 3*).

(b) Height. LUP Policy 6.7 limits structures on non-beachfront lots to 18 ft. "to minimize impacts to visual resources." LIP Section 3.6(E)(1) provides that on non-beachfront lots "[e]very residence and every other building or structure associated with a residential development . . . shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height." The height limit is how the certified LCP implements Coastal Act Section 30251 on residential lots. The proposed residence on Parcel B, at 21 ft. 8 in., is new development with structure height above 18 ft. As depicted on the project plans, the first floor would be enlarged from 832 sf. to 2,000 sf., the building converted from non-habitable storage to a dwelling unit, and all exterior walls would be removed. The LIP definition of "remodel" allows replacement of exterior walls only "without altering the existing foundation, footprint or building envelope." In 2012, Site Plan Review No. 12-027 authorized a height of 21 ft. 8 in. only for the non-habitable storage building, on findings made for that project, and does not authorize that height for the residence. No Site Plan Review, Minor Modification, Variance, or other discretionary application was requested (Section 3, Determination 3). The standard applies

to the CDP under the certified LCP. The residence exceeds the standard and cannot be approved (*Ground 6*).

(c) Improvements to unpermitted existing development. LIP Section 13.3(F) provides that development "that was not authorized in a coastal development permit or otherwise authorized under the Coastal Act, is not lawfully established or lawfully authorized development. No improvements, repair, modification or additions to such existing development may be approved, unless the city also approves a coastal development permit that authorizes the existing development. The coastal development permit shall only be approved if the existing and proposed development, with any applicable conditions of approval, is consistent with the policies and standards of the LCP." "Lawfully established" is the LIP's term for development that was authorized by a CDP or otherwise under the Coastal Act. Development that was not is excluded from the nonconforming use provisions of LIP Section 13.5 and is governed by Section 13.3(F) (LIP Section 13.5(A)).

Administrative Plan Review No. 12-020 and CDP Exemption No. 12-054 authorized a non-habitable storage building at 21 ft. 8 in., and Building Permit No. 14-1448, finaled March 2, 2016, assigned a Group "U" occupancy classification. Since the 2012 approvals, and without the required permits (both a CDP and building permits were required), container additions were built onto the structure, it was outfitted for residential use, and a second OWTS serving the residential use was installed, as documented in the code enforcement record and staff's May 19, 2026 inspection of the project site. The applicant's geotechnical report states that steel container boxes "expanded the square footage adjoining the original storage structure footprint," "were constructed without the benefit of a building permit," and "lack an adequate foundation system" (Gold Coast GeoServices, Inc., October 6, 2022, pgs. 5 and 15). Real-estate listing records show the structure was most recently marketed as a furnished rental, from December 4, 2018 until the listing was removed on May 1, 2019. The CDP application requests approval of improvements made to the structure approved in Administrative Plan Review No. 12-020. However, removing all exterior walls of the storage building makes the residence a replacement structure requiring a CDP under LIP Section 13.4.2(D), and the change in use from non-habitable storage to a dwelling is a change in the intensity of use of land that the LCP defines as development—which also requires a CDP. The OWTS serving the structure was installed without the CDP required by LIP Section 13.3(A). The exemption for improvements to existing single-family residences in LIP Section 13.4.1(A) does apply to the OWTS because LIP Section 13.4.1(B)(3) excludes "the expansion or construction of water wells or septic systems." The CDP for the project can therefore be approved only if the existing and the proposed development both conform to the LCP. The proposed residence on Parcel B would exceed the 18 ft. height standard (subparagraph (b)). The existing container additions lack an adequate foundation system according to the applicant's geotechnical report and extend beyond the footprint Administrative Plan Review No. 12-020 authorized. Further, a second primary dwelling is not an allowed use on the subject parcel under the certified LUP (subparagraph (a)). The structure is therefore no longer lawful in its current condition. It must be returned to the non-habitable storage building the 2012 approvals authorized, demolished, or brought into conformance with the LCP as a whole through a CDP that can be approved under LIP Section 13.3(F). The CDP requested here cannot be, for the reasons stated in this subparagraph, subparagraphs (a) and (b), and Section 4.B.2.

While Gov. Code section 66411.7(i) prohibits the City from requiring correction of nonconforming zoning conditions as a condition of an urban lot split, this prohibition does not apply to the LCP

or excuse the requirements to obtain a CDP. Development built without the permits required at the time is not a legal nonconforming condition and is unpermitted development, which LIP Section 13.5(A) excludes from the nonconforming use provisions of the LIP and subjects to Section 13.3(F). The unpermitted conversion was documented in the code enforcement record and has not been corrected.

The additions, conversion, and second OWTS were never lawfully established, so neither the existing nor the proposed development conforms to the LCP. The finding required by LIP Section 13.3(F) cannot be made. Ground 7 applies to the residence proposed on Parcel B. The tentative parcel map cannot be approved because the CDP for the land division cannot be approved on Grounds 1 through 5 and 9.

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. Therefore, this finding is not applicable.

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

The finding required by LIP Section 13.9(A) cannot be made, and a finding under LIP Section 13.9(C) cannot cure that failure. The Planning Commission makes no finding under LIP Section 13.9(C).

4. *The project is located in or adjacent to an environmentally sensitive habitat area (ESHA) pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay).*

The LCP ESHA and Marine Resources Map does not identify any ESHA on the subject parcel or on adjacent parcels. The parcel is subject to the ESHA buffer standards for the Point Dume neighborhood pursuant to LIP Section 4.6.1(A). The subject parcel also drains to an Area of Special Biological Significance (ASBS). Therefore, this finding is not applicable.

B. Residential Development Standards (LIP Chapter 3)

1. Height. The residence proposed on Parcel B does not comply with the 18 ft. standard of LIP Section 3.6(E)(1) for the reasons stated in Section 4.A.1(b) (*Ground 6*).

2. Parking. LUP Policy 2.25 requires new development to provide off-street parking sufficient to serve the approved use "in order to minimize impacts to public street parking available for coastal access and recreation," which implements Coastal Act Section 30252. LIP Section 3.14.3 provides that "[a] minimum of two spaces shall be provided for any use or development regardless of the size or scope of the use or development." The plans show one unenclosed 10 ft. by 20 ft. space for the proposed residence on Parcel B. The proposed residence provides one parking space where LIP Section 3.14.3 requires at least two, and the finding of conformity with LUP Policy 2.25 and LIP Section 3.14.3 cannot be made (*Ground 8*).

3. Standards met. The following aspects of the project comply and are not grounds for this Resolution:

i. the setbacks on Parcel B;
ii. the total development square footage (4,050 sf proposed of 5,175 sf allowed on Parcel A; 2,749 sf proposed of 3,872 sf allowed on Parcel B);
iii. the impermeable coverage (4,609 sf proposed of 7,493 sf allowed on Parcel A; 2,619 sf proposed of 5,679 sf allowed on Parcel B) (LIP Section 3.6(I)(1)); and
iv. the 4-foot retaining wall.

The allowable square footage and coverage are computed on net lot areas of 24,975 sf for Parcel A and 16,225 sf for Parcel B.

C. Conformance Review (LIP Chapters 8, 11, 17, and 18)

As reported on the applicant's grading plan, non-exempt grading is 55 cubic yards against the 1,000 cubic yard maximum of LIP Section 8.3. A Phase I Archaeological Survey (Brandon S. Lewis, Ph.D., RPA, March 5, 2012) identified no archaeological resources in the project area (LIP Chapter 11). Public Works reviewed the project under LIP Chapter 17 and the State Water Resources Control Board requirements for the Area of Special Biological Significance to which the site drains. The City Environmental Health Administrator found the proposed advanced OWTS to meet the minimum requirements of the certified LCP and Malibu Municipal Code as proposed (LIP Chapter 18). The system now serving the existing structure was installed without the required CDP and is addressed in Section 4.A.1(c). None of these chapters is a ground for this Resolution, and, because the application is denied, no conditions of approval are imposed.

D. Chapters Not in Issue (LIP Chapters 4, 5, 6, 10, and 12)

No ESHA is mapped on or adjacent to the parcel, and the parcel is subject to the ESHA buffer standards for the Point Dume neighborhood under LIP Section 4.6.1(A). The native coast live oak tree on the parcel would be protected in place and maintained under LIP Section 5.4. The parcel is not on or along the shoreline or a coastal bluff, the parcel is not between the first public road and the sea, and no trail is mapped on or adjacent to it. The native tree protection standards of LIP Chapter 5 are satisfied by protection of the coast live oak in place. The findings of LIP Chapters 4, 10, and 12 are not applicable and are not a basis for the Resolution. This Resolution is not founded on neighborhood character, and the findings of LIP Chapter 6 are not incorporated. The height limit applied in Section 4.A.1(b) is the numeric standard of LIP Section 3.6(E)(1) and LUP Policy 6.7.

E. Transfer of Development Credits (LIP Chapter 7)

LIP Section 15.2(B)(7) allows a land division only if it "does not create any additional parcels in an area where adequate public services are not available and will not have significant effects, either individually or cumulatively, on coastal resources," applying the requirements of Coastal Act Section 30250(a). As certified by the CCC, the LCP contains findings criteria for ensuring that the cumulative effect of new parcels created in Malibu is mitigated. LIP Section 7.1 states that buildout of existing lots will have cumulative impacts on habitat, scenic resources, landforms, and recreation, that development on new parcels increases risks from geologic, flood, and fire hazards, and that density increased through new land divisions "will not be approved unless Transfer of

Development Credits are purchased to retire development rights on existing donor lots in the Santa Monica Mountains Area."

The Coastal Commission has required lot retirement for new land divisions in the Santa Monica Mountains since 1978, having found that "[a]bsent such mitigating measures no new land divisions could be found consistent with the provisions of the Coastal Act" (California Coastal Commission, Findings and Recommendations for the Santa Monica Mountains/Malibu Regional Cumulative Assessment Project, Chapter 3, pg. 14). The applicant has not proposed a TDC for the newly created parcel. Under LIP Section 15.2(B)(16), a land division must include "the requirement to acquire transfer of development credits" when those credits are required by the LUP, and LUP Policy 5.39 calls for one credit for each new lot created. LUP Policy 5.26 sets forth the Lot Retirement Program, of which the Transfer of Development Credit Program is a component. LUP Policy 5.27 states that the TDC Program exists "to ensure that the individual and cumulative impacts of creating new lots or developing multi-family residential units are minimized and mitigated through the retirement of an equivalent number of development credits from existing lots that meet the qualification criteria of the program." The finding under LIP Section 15.2(B)(16) cannot be made. By not adhering to the TDC process, no donor lot is retired to offset the new parcel, and the division adds to the cumulative buildout and significant negative impacts on coastal resources in this sensitive area that the TDC program is intended to mitigate.

LIP Section 7.4 describes the purpose of the TDC program in protecting sensitive resources in the Santa Monica Mountains Coastal Zone, including the following: (A) "Implement regulations that establish a voluntary program to transfer development rights for owners of property proposed for subdivision or multi-family developments and for owners of small lots in small lot subdivisions or lots with significant resource constraints"; (B) "Implement regulations that will mitigate cumulative impacts by ensuring that no net increase of density will result through creation of new buildable parcels or new multifamily units by retiring development rights on other buildable parcels"; (C) "Establish regulations to allow the transfer of development credit from buildable parcels with resource constraints in the Santa Monica Mountains Area coastal zone where development would result in individual and cumulative impacts inconsistent with Coastal Act policies, to other sites within the City of Malibu where subdivision and multifamily unit development can occur consistent with policies of the certified LCP"; (D) "To mitigate the cumulative impacts of the development of existing buildable parcels in the Santa Monica Mountains Area on natural resources, coastal access roads, recreational facilities and beaches by ensuring that even if land divisions or multifamily units are approved consistent with the certified LCP, that the overall number of lots and multi family units in the Santa Monica Mountains Area will not increase"; and (E) "To create an incentive program for owners of donor lots with significant resource constraints to not develop the parcel." Retirement is accomplished by recording a permanent open space easement that extinguishes the development potential of the donor lot. The donor lots the program directs retirement toward are the small, constrained lots in the Santa Monica Mountains whose buildout the Coastal Commission found would have significant cumulative impacts on environmentally sensitive habitat, water quality, public access, and public services (LIP Section 7.1; Santa Monica Mountains/Malibu Regional Cumulative Assessment Project, Chapter 3, pgs. 13-14). A division approved without a TDC leaves no donor lot and adds a developable parcel with no offset. LIP Section 7.1 identifies that cumulative effect as the one the TDC requirement mitigates, and LUP Policy 5.39 and LIP Section 15.2(B)(16) direct the City to require the offset before a new parcel is created.

The project has not demonstrated compliance with the TDC program. Because the project would result in a net increase in density without any offsetting retirement of development rights, the project is inconsistent with the LCP's cumulative impact mitigation requirements in the Santa Monica Mountains.

Since a land division is permanent, the Planning Commission also considered the development entitlement that the two parcels would accommodate under the certified LCP. LIP Section 3.6(K) calculates total development square footage (TDSF) at 17.7 percent of net lot area plus 1,000 sf. for the first half acre, and 10 percent of the area between a half-acre and one acre. A land division doubles the 1,000 sf. base and moves the area of the smaller parcel from the 10 percent tier into the 17.7 percent tier. For proposed Parcels A and B, this adds 2,050 sf. of TDSF, from 6,997 sf. to 9,047 sf., on 1,998 sf. less net lot area. Any land division of the parcel produces an increase of approximately this magnitude. Although the project as proposed is within the allowance for the subject parcel (pre-land division), the larger entitlement would run with the new parcels in perpetuity.

The land division would also reduce the required yards. Setbacks under the LIP are proportional to lot dimensions, so smaller parcels are subject to smaller required yards. Table 4 of the agenda report compares the yards the 2012 approval applied to the subject parcel (pre-land division) with the yards that would apply to proposed Parcels A and B. The front and rear yards on Parcel B would be roughly one-third of those on the subject parcel (pre-land division). In 2012, SPR No. 12-042 was required to permit a rear yard of 46 ft. 8 in. for the storage building. A structure in the same location on proposed Parcel B would be subject to a required rear yard of 17 ft. 9 in. As with the larger TDSF allowance, the smaller required yards would remain with the parcels after the land division.

The certified LCP permits these increases only where the new parcels meet the minimum lot size and surrounding parcel standards (Sections 4.G.1, 4.G.5, and 4.G.6) and the new lot is offset by retiring a donor lot via a TDC as required by LIP Chapter 7. Neither condition is satisfied by the proposed land division, and the finding required by LIP Section 15.2(B)(7) cannot be made (Section 4.G.3; *Ground 2*).

F. Hazards (LIP Sections 15.2(B)(1)(b), 7.1, 9.1, 9.2(A)(7), and 9.4(O); LUP Policies 4.2 and 4.45; Coastal Act section 30253(a); General Plan Safety Element Policies S-3.3.3, S-3.3.4, and S-3.3.16 (supporting policies))

Multiple provisions of the certified LCP require new development, which includes a land division, to minimize risks to life and property in areas of high fire hazard. The subject parcel is within the VHFHSZ. Coastal Act section 30253(a) provides that new development shall "minimize risks to life and property in areas of high geologic, flood, and fire hazard," and LUP Policies 4.2 and 4.45 carry that requirement into the certified LCP for new development and land divisions in fire hazard areas. LIP Section 7.1 identifies increased risk to life and property from fire as a cumulative effect of new parcels. LIP Chapter 9 designates the VHFHSZ as a hazard area subject to those policies (LIP Sections 9.1, 9.2(A)(7)). For land divisions, LIP Section 15.2(B)(1)(b) requires a finding that the division "[d]oes not create any parcels that do not contain an identified building site that ... [i]s safe from flooding, erosion, geologic and extreme fire hazards," and a safe access road that complies with fire safety regulations. LIP Section 9.4(O) provides that "[l]and divisions, including lot line adjustments, shall be prohibited unless all proposed parcels can be demonstrated to be safe

from flooding, erosion, geologic and extreme fire hazards."

Since 1930, at least 24 wildfires have burned within or adjacent to Malibu, including the 2018 Woolsey Fire, the 2024 Franklin Fire, and the 2025 Palisades Fire (City of Malibu Community Wildfire Protection Plan (CWPP), Table 4). The 2018 Woolsey Fire was the largest at the time, burning 97,000 acres and destroying 1,500 structures (670 of which occurred in the Malibu City limits) (CWPP 2021, pg. 38). Within the City, 488 homes were destroyed and the City's structure damage was approximately 36 percent of the total in Los Angeles County (After Action Review of the Woolsey Fire Incident, Los Angeles County Fire, pg. 23). CAL FIRE's Woolsey Fire damage inspection records for the Point Dume neighborhood list 171 damaged structures, of which 145 were destroyed, the classification CAL FIRE assigns to structures with more than 50 percent damage. The destroyed structures include 102 residences, one of them on Boniface Drive, 42 accessory structures, and one commercial building (CAL FIRE Damage Inspection Data). The Woolsey Fire perimeter lies within 263 ft. southwest of the subject parcel.

The County of Los Angeles After Action Review of the Woolsey Fire Incident describes the period after the fire crossed Highway 101 at 5:15 a.m. on November 9 as "the fire's final run to the ocean, charring the core of the mountains and devastating Malibu in a little over six hours" (After Action Review, pg. 26), and identifies "[a]n uninterrupted, open vegetation fuel bed line from the ignition area straight to Point Dume" as one of the three factors that "broke" the pre-planned attack in the Highway 101 corridor (After Action Review, pg. 32). The report further explains:

> *Before noon on Friday, the Malibu coast only had between 7 [to] 26 engines, not the 100–200 mutual aid engines needed to immediately defend structures in highly developed areas. On Friday morning and early afternoon, the few engines present could not conduct structure defense, but instead were required to address an avalanche of 9-1-1 calls and conduct life safety missions (After Action Review, pg. 29).*

In January 2025, the Palisades Fire destroyed roughly one-third of the City of Malibu, destroying over 500 homes and many other commercial and multifamily properties (City of Malibu Palisades Fire incident data). Roughly 1,400 residents were displaced. Power and gas service were shut off citywide for an extended period, Pacific Coast Highway and Malibu Canyon Road were closed, and Santa Monica-Malibu Unified School District schools and Pepperdine University closed. The event, like the Woolsey Fire, was declared a federal emergency, and the County has issued an after-action report on the incident. In both fires, the structures threatened exceeded the capacity of the firefighting resources available to defend them (After Action Review, pg. 29).

The proposed land division would create a second parcel in this setting. Parcel B would be a rear flag parcel, entitled as of right to a primary residence and to the floor area described in Section 4.E, served by a single 15 ft. access strip to Boniface Drive with one way out to a public road, and dependent on the same evacuation routes and fire protection resources that, in the Woolsey Fire, could not conduct structure defense at the existing density. The smaller parcels reduce the room available for structure separation, defensible space, and fuel modification (Section 4.E), and the added density places more people and property at risk. Unlike a structure, a parcel has no expected lifespan, so the exposure added is a permanent condition of the land. The record does include the fire agency approvals for the project, including a fuel modification plan approved by LACFD on September 12, 2024, a fire access plan cleared by the LACFD Land Development Unit on October 16, 2025, covering the access strip and hammerhead turnaround, and Fire Flow Form 185 signed

by Waterworks District No. 29 on March 6, 2024. As explained next, those approvals satisfy the LCP's access findings but do not make the building site finding that the LCP assigns to the City.

The LACFD approvals establish that the access strip and turnaround comply with fire safety regulations and that the fuel modification plan meets the minimum requirements of the Fire Code. The access element of LIP Section 15.2(B)(1)(b) is satisfied. These approvals, however, do not make the finding that LIP Section 15.2(B)(1)(b) assigns to the City for the building site. On this record, the Planning Commission cannot find that a new rear parcel accessed by a single 15 ft. strip, in a neighborhood the Woolsey Fire entered along an open fuel bed and where 145 structures were destroyed while the engines on the Malibu coast could not conduct structure defense (After Action Review, pg. 29), has a building site safe from extreme fire hazard within the meaning of LIP Section 15.2(B)(1)(b). The approvals also do not offset the cumulative exposure that LUP Policies 4.2 and 4.45 and LIP Section 7.1 direct the City to avoid. The land division does not minimize risks to life and property from fire hazard as the certified LCP requires, and the findings of LIP Section 15.2(B)(1)(b) and of conformity with LUP Policies 4.2 and 4.45 cannot be made.

Since these fires, the City has taken numerous proactive actions, including the update of the General Plan Safety Element, adopted by the City Council on April 13, 2026. The project would not conform to the following Safety Element policies:

i. Policy S-3.3.3 ("All proposed development shall incorporate fire safe design and adhere to the latest fire safe regulations adopted by the State and City");
ii. Policy S-3.3.4 ("Require development to be located, designed, and constructed to provide adequate fire defensibility and minimize the risk of structural loss and life safety"); and
iii. Policy S-3.3.16 ("Require all planned development and major redevelopment has adequate fire and emergency services").

A flag lot below the LIP's minimum area, width, and depth, with a single point of access, is not located or designed to provide adequate defensibility (Policy S-3.3.4). The smaller parcels reduce the room for the fire safe design and defensible space which Policy S-3.3.3 calls for. The Woolsey record shows that fire and emergency services in this neighborhood could not defend structures at the existing density (Policy S-3.3.16), let alone at an increased density. The Safety Element is not part of the certified LCP, but supports the LCP hazard policies applied above.

The Governor addressed the same concern in Executive Order N-32-25, issued July 30, 2025, which suspended SB 9 within the Palisades and Eaton Fire perimeters in the VHFHSZ until August 6, 2025, and thereafter authorized those local agencies to elect whether to apply SB 9 in the rebuilding areas in whole, in part, or not at all. The Order's recitals state that community members and local officials have expressed

> *[C]oncern about the potential for widespread SB 9 development concentrated in neighborhoods rebuilding from destructive fires in very high fire hazard severity zones to crowd evacuation routes, and while SB 9 already requires development in these zones to meet updated ingress and egress standards, and allows local governments discretion to deny a project that would have a specific, adverse impact on public health and safety that cannot be mitigated, the unprecedented scale of this disaster calls for affording local governments increased discretion to ensure that SB 9 development in the rebuilding areas*

appropriately accounts for fire safety concerns. (Recitals, Executive Order N-32-25)

The Order was limited to the Palisades and Eaton Fire areas. It is noted for the subject parcel because the State has regarded the crowding of evacuation routes by SB 9 lot splits in burned VHFHSZ neighborhoods as a fire safety concern warranting local discretion. Point Dume is such a neighborhood as the Woolsey Fire burned through it in 2018 and destroyed 145 structures, and the City as a whole is rebuilding from fire destruction.

The LIP's lot standards, setbacks, and hazard policies provide the structure separation and defensible space this fire-prone area requires. The project would add a new parcel, a new residence, and the evacuation and fire protection demand that come with them, without the offset the LCP requires and without a building site that can be found safe from extreme fire hazard. The findings of LIP Section 15.2(B)(1)(b) and of conformity with LUP Policies 4.2 and 4.45, which implement Coastal Act Section 30253(a), cannot be made, and the land division is inconsistent with the hazard policies of LIP Chapter 9 (Sections 9.1, 9.2(A)(7), and 9.4(O)). General Plan Safety Element Policies S-3.3.3, S-3.3.4, and S-3.3.16 support this conclusion.

G. Land Divisions (LIP Chapter 15)

LIP Section 15.2(A) provides that a land division shall not be authorized unless it is approved in a CDP, and that such a permit shall not be approved unless the evidence shows, and the City finds, that the proposed land division complies with LIP Section 15.2. The proposed land division is development and a land division under the certified LCP (LUP Policy 5.33; Coastal Act Section 30106; LIP Section 15.1). The Planning Commission finds as follows.

1. Section 15.2(B)(1)(a): identified building site that could be developed consistent with all policies and standards of the LCP.

This finding cannot be made. The lot area, width, and depth standards of LIP Section 3.3(A)(3) are development standards that apply to each new lot created in the RR District and are standards of the certified LCP within the meaning of Section 15.2(B)(1)(a). Neither resulting parcel complies with them (Section 4.A.1(a)), and a building site on a parcel that does not meet the lot standards of the certified LCP cannot be developed consistent with all policies and standards of the LCP. The finding of LIP Section 15.2(B)(1)(a), that each new parcel contains a building site that "could be developed consistent with all policies and standards of the LCP," cannot be made (LUP Policy 5.36; *Ground 3*).

2. Sections 15.2(B)(3) and 15.2(B)(4): access.

Parcel B takes access to Boniface Drive by a 15 ft. wide strip held in fee containing the existing driveway, with reciprocal access easements shown on the tentative map (Tentative Parcel Map No. 23-001; Map No. 84368). The LACFD Land Development Unit cleared the access strip and hammerhead turnaround on October 16, 2025 (Section 4.F). The access findings of LIP Sections 15.2(B)(3) and 15.2(B)(4) are therefore satisfied.

3. Section 15.2(B)(7): cumulative effects on coastal resources and public services.

This finding cannot be made for the reasons stated in Section 4.E (*Ground 2*).

4. Section 15.2(B)(8): onsite wastewater treatment.

The City Environmental Health Administrator reviewed the application against the criteria of the LIP for a residential land division and found them satisfied as proposed. This criterion is not a ground for this Resolution. The system installed on the site without permits is addressed in Section 4.A.1(c).

5. Section 15.2(B)(9): consistency with the maximum density designated by the Land Use Plan map and the slope density criteria of LIP Section 15.6.

This finding cannot be made. The certified LUP designates the site RR-1, one primary dwelling unit per acre. The division would place two primary dwelling units on 1.00 acre and create two parcels each smaller than the one-acre minimum that the designated density requires. LUP Policy 5.38 precludes a land division inconsistent with that maximum (Section 4.A.1(a); *Ground 1*). Slope density is a standard in the LIP. LIP Section 15.6 applies slope density criteria to land divisions in RR districts "with the intent to limit the potential intensity of development as the topography becomes steeper." The minimum lot size for a land division is the base minimum, one acre in RR-1, multiplied by a slope factor of not less than 1.0 (LIP sections 15.6.1, 15.6.3). The applicant's geotechnical report (October 6, 2022) states that slopes on the subject parcel are no steeper than 10:1 (horizontal ft.: vertical ft.), the lowest band of the LIP Section 15.6.3 slope density table, and the 438 sf. of 1:1 slopes on the parcel is approximately one percent of the parcel. At a factor of 1.0, the minimum is 43,560 sf. Both parcels (25,536 sf. and 18,100 sf.) are smaller, and a steeper average slope would only increase the minimum required lot area. The finding under LIP Section 15.6 cannot be made (LUP Policy 5.38; *Ground 4*).

6. Section 15.2(B)(10): parcel size relative to surrounding parcels.

This finding cannot be made. LIP Section 15.2(B)(10) and LUP Policy 5.35 prohibit a land division that creates parcels smaller than the average size of the surrounding parcels. LIP Section 15.2(B)(10) does not specify a radius or methodology for use in this determination. For the measurement, staff relied upon Los Angeles County Assessor data for the 41 parcels within 500 ft. of the property lines, which is the distance the LCP uses to define a "neighborhood" for other purposes (LIP Section 3.6(L)). The average lot area for the 41 parcels is 44,119 sf. (median 43,617 sf.; average of 40,352 sf. excluding the three outlier parcels of 85,000 sf. or more). Proposed Parcels A (25,536 sf.) and B (18,100 sf.) are smaller than the average size of the surrounding parcels, and no land division of a 43,636 sf. parcel could yield two parcels at or above the average. The finding of LIP Section 15.2(B)(10) cannot be made (LUP Policy 5.35; *Ground 5*).

7. Section 15.2(B)(16): transfer of development credits.

This finding cannot be made. Under LIP Section 15.2(B)(16), a land division must include "the requirement to acquire transfer of development credits" where the LUP calls for them, and LUP Policy 5.39 calls for one for each new lot. The application includes no transfer of development credit (Section 4.E; *Ground 2*).

8. Section 15.2(B)(1)(b): building site safe from extreme fire hazard.

Access under Sections 15.2(B)(3) and 15.2(B)(4) is addressed in Section 4.G.2. The building site cannot be found in conformance, for the reasons stated in Section 4.F (*Ground 9*).

9. Remaining criteria of Section 15.2(B).

This Resolution is not founded on the remaining criteria of LIP Section 15.2(B), and the Planning Commission makes no finding under them. The findings required by Section 15.2(B)(1)(a), (1)(b), (7), (9), (10), and (16) cannot be made. Therefore, the finding required by Section 15.2(A) cannot be made.

SECTION 5. Planning Commission Denial.

The Coastal Act does not allow the City to approve a CDP without finding conformity with the certified LCP (Coastal Act Section 30604(b)), and that finding cannot be made. Based on the foregoing findings and the evidence in the record, the Planning Commission denies CDP No. 23-010. A land division shall not be authorized unless approved in a CDP (LIP Section 15.2(A); LUP Policy 5.33), a requirement Gov. Code Section 66411.7(n) preserves, and the Planning Commission denies TPM No. 23-001. Because the two-unit housing development cannot be approved without the CDP that Gov. Code Section 65852.21(k) preserves, the Planning Commission denies the two-unit housing development application. Grounds 1 and 6 through 8 are applied to the CDP under the certified LCP as to the residence proposed on Parcel B. Each of Grounds 1 through 5 and 9 is an independent basis for denial of CDP No. 23-010 and TPM No. 23-001, and the Planning Commission would deny the project on each of those grounds standing alone. On each of those grounds, the project does not conform to the certified LCP, and the City may not approve a CDP without full conformity with the LCP. SB 9 does not displace or excuse such projects from the requirements of the Coastal Act—which is implemented in Malibu through its certified LCP (Section 3, Determinations 1 and 6). Each of Grounds 1 and 6 through 8 is an independent basis for denial of the CDP as to the residence proposed on Parcel B. The Planning Commission adopts the written comments in Attachment 3 to the agenda report as its comments under Gov. Code Sections 65852.21(h)(2) and 66411.7(b)(1)(C), and directs the Community Development Director to transmit them to the applicant on October 5, 2026.

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

PASSED, APPROVED AND ADOPTED this 5th day of October 2026.

_____
MARNI KAMINS, Planning Commission Chair

ATTEST:

_____
REBECCA EVANS, Recording Secretary

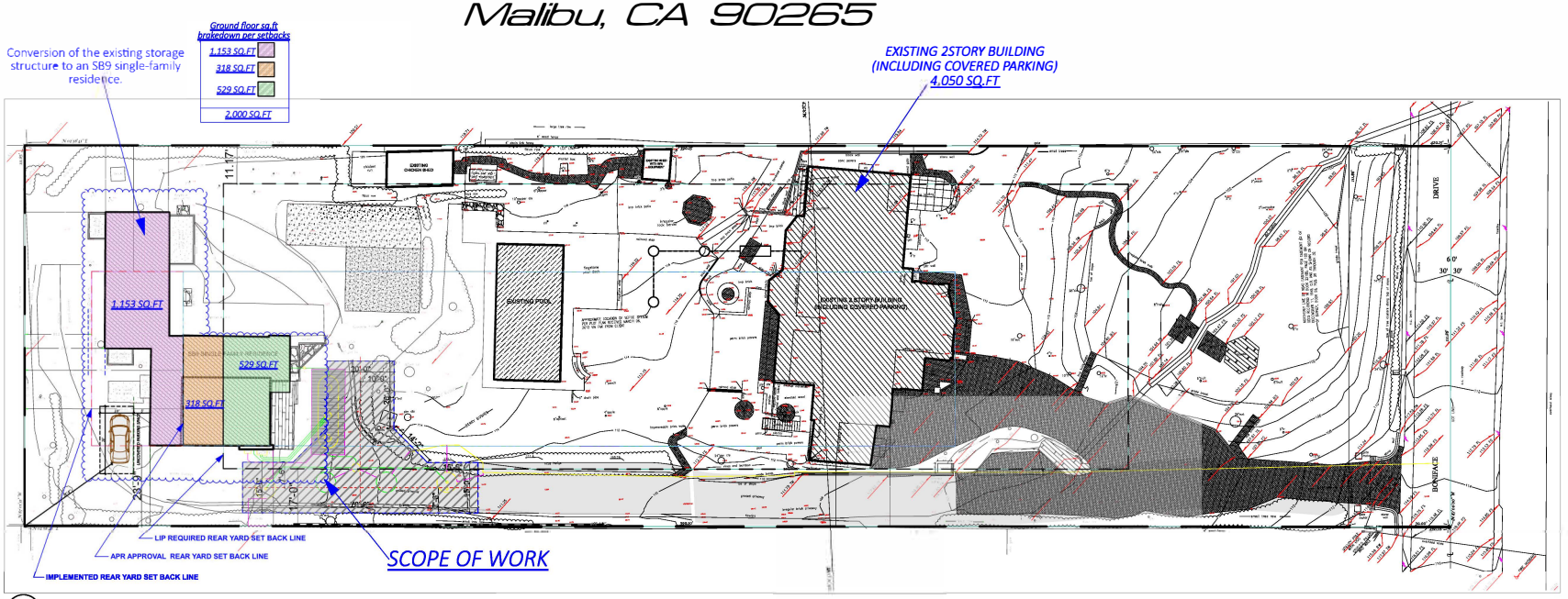
LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with 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. 246.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-46 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 5th day of October 2026 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

Lehman Residence
28809 Boniface Drive,
Malibu, CA 90265



A **PROPOSED SITE PLAN (SQ.FT)**
SCALE: 1/16" = 1'-0"

CONSULTANTS

DESIGNER
BARSOCCHINI & ASSOCIATE S DESIGNS
3502Coast View Drive
Malibu, CA 90265
t. 310.456.3625
f. 310.456.7175
Contact: Nick Barsocchini

CIVIL
LC ENGINEERING GROUP, INC.
889 PierceCt., Ste. 101,
Thousand Oaks, CA 91360
lcegroupinc.com
t: 209-351-2015 805-497-1244 |
818-991-7148 |
Contact: Patrick Kauffman, PE

SEPTIC ENGINEERING (EPD)
SUSTAINABLE WATER SYSTEMS & SOLUTIONS
20722 Main Street
Carson, CA 90745
t (310) 241-6565
f. (310) 241-656
Contact: Kevin Poffenbarger
kevin@epd-net.com

EXISTING SQ.FT (PROJECT SITE 1 & 2)
EXISTING HOUSE (INCLUDING COVERED PARKING).....4,050 SQ.FT
EXISTING DETACHED STORAGE BUILDING.....998 SQ.FT
TOTAL EXISTING.....5,048 SQ.FT

SQ.FT CONVERSION CALCULATION (PROJECT SITE 2)
CONVERT (E) DETACHED STORAGE BUILDING (998 SQ.FT)
INTO A SB9 2STORY SINGLE FAMILY RESIDENCE (2548 SQ.FT)

SB9 SINGLE FAMILY RESIDENCE (PROJECT SITE 2)
GROUND FLOOR.....2,000 SQ.FT
UPPER FLOOR.....548 SQ.FT
TOTAL PROPOSED SQ.FT.....2,548 SQ.FT

EXISTING + PROPOSED SQ.FT (PROJECT SITE 1 & 2)
EXISTING HOUSE (INCLUDING COVERED PARKING).....4,050 SQ.FT
SB9 2STORY S.F.R.....2,548 SQ.FT
TOTAL SQ.FT.....6,598 SQ.FT

OCCUPANCY GROUP....GARAGE.....(PROJECT SITE 1)....UI
OCCUPANCY GROUP....EXISTING HOUSE.....(PROJECT SITE 1)....R3
OCCUPANCY GROUP....SB9 2 STORY SFR.....(PROJECT SITE 2)...R3
CONSTRUCTION TYPE.....VB

FRONT PARCEL [#1]
Maximum TDSF:.....5,196 sf.
SFR incl covered parking:....4,050 sf
PROJECT SITE [1]
NOTE: *Existing chicken shed 202sf and shed with spa equipment 75sf not included* (structures under 6' not included in TDSF).

REAR PARCEL [#2]
Maximum TDSF:.....3,187 sf.
SB9 S.F.R.....= 2,548 sf
PROJECT SITE [2]

LAND USE DATA:

LOT AREA:	
GROSS AREA:	46,992 SF / 1.08 AC
NET AREA:	43,636 SF* / 1.00 AC*
*NET AREA IS GROSS LESS PUBLIC ACCESS EASEMENT	
A.P.N. #	4466-018-025
ZONING:	
EXISTING:	RR1 (RURAL RESIDENTIAL – 1 DU.ACRE)
PROPOSED:	NO PROPOSED ZONE CHANGE
SITE ADDRESS:	28809 BONIFACE DRIVE MALIBU, CA 90265

PROPOSED PARCEL DATA:

PARCEL	PARCEL AREA (GROSS)	PARCEL AREA (NETT)	% OF TOTAL**
1	28,260 SF	25,534 SF	58.5%
2	18,702 SF	18,108 SF	41.5%
TOTAL	46,992 SF	43,636 SF	100%

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.48'	N87°01'11.50"W
L2	6.75'	N37°08'52.43"E

*NET AREA IS GROSS AREA LESS PUBLIC ACCESS EASEMENT
**% OF TOTAL IS BASED ON NET AREA

MAXIMUM ALLOWABLE SQUARE FOOTAGE (PARCEL 1)
TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
PURSUANT TO MALIBU MUNICIPAL CODE SECTION 17.40.040(D)

UP TO 0.5 AC.	21,780 x 0.177 = 3,855 + 1,000 =	4,855 S.F.
0.5 AC TO 1 AC.	25,193 – 21,780 = 3,413 x 0.10 =	341 S.F.
	TOTAL:	5,196 S.F.

NOTE: USE LOT AREA MINUS ALL SLOPES GREATER THAN OR EQUAL TO 1:1

MAXIMUM ALLOWABLE SQUARE FOOTAGE (PARCEL 2)
TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
PURSUANT TO MALIBU MUNICIPAL CODE SECTION 17.40.040(D)

UP TO 0.5 AC.	18,005 x 0.177 = 3,855 + 1,000 =	3,187 S.F.
	TOTAL:	3,187 S.F.

NOTE: USE LOT AREA MINUS ALL SLOPES GREATER THAN OR EQUAL TO 1:1

SCOPE OF WORK : (Interior & Exterior Remodel)
1. Conversion of the existing storage structure to an SB9 single-family residence.
2. New Onsite Wastewater System.
3. SB9 Lot Split.

PROPERTY INFORMATION
APN:4466-018-025
Address:28809 BONIFACE DR MALIBU CA 90265
Property Type:Single Family Residential
RECORD OF SURVEY AS PER BK 56 PG 29 TO 32 OF RECORD OF SURVEYS EX OF ST LOT 94

GOVERNING CODES FOR PROPOSED WORKS
Plans Shall Comply with Title 24 and
2020 County of Los Angeles Building Code (CoLABC),
2020 County of Los Angeles Electrical Code (CoLAEC),
2020 County of Los Angeles Plumbing Code (CoLAPC),
2020 County of Los Angeles Mechanical Code (CoLAMC),
2020 County of Los Angeles Residential Code (CoLARC) and
2020 California Energy Code (CEC) With Local Amendments

Smoke alarms are required in each sleeping room, outside each separate sleeping area, in the immediate vicinity of the bedrooms and at each additional floor or basement for alterations, repairs and additions.
Carbon Monoxide alarms are required outside of each separate dwelling unit sleeping area in immediate vicinity of the bedroom/s and on every level of a dwelling unit including basements. [R314] & [R315]

SHEET INDEX

ARCHITECTURAL
A-1.0 COVER SHEET
A-1.1 EXISTING AND PROPOSED SITE PLAN
A-1.2 SQUARE FOOTAGE CALCULATIONS
A-1.3 SQUARE FOOTAGE CALCULATIONS
A-1.4 LOT SPLIT CALCULATIONS
A-2.0 EXISTING FLOOR PLANS
A-2.1 CONVERSION PROCESS
A-2.2 CONVERTED [PROPOSED] FLOOR PLANS
A-3.0 EXISTING ELEVATIONS
A-3.1 CONVERTED [PROPOSED] ELEVATIONS
A-5.0 WINDOWS AND DOORS SCHEDULE
A-5.1 PROPOSED FIXTURE COUNT
A-6.0 DETAILS
A-6.1 DETAILS
A-6.2 DETAILS
A-6.3 DETAILS
A-6.4 DETAILS

SURVEY
TPM 1.0 TENTATIVE PARCLE MAP
TPM 1.1 TENTATIVE PARCLE MAP

CIVIL
C 1.0 COVER SHEET
C 2.0 OVERALL GRADING AND DRAINAGE PLAN
C 2.1 ENLARGED GRADING AND DRAINAGE PLAN
C 3.0 OVERALL SITE PLAN

CIVIL (Fire Cleared Plans)
TPM1.1 TENTATIVE PARCEL MAP
SB 1.1 SLOPE BAND ANALYSIS EXHIBIT
FD 1.0 FIRE ACCESS EXHIBIT
FD 1.1 FIRE ACCESS PROFILE

SEPTIC ENGINEERING (EPD)
W0.00 ONSITE WASTEWATER SYSTEM (OWS) OVERALL SITE PLAN
W0.01 ONSITE WASTEWATER SYSTEM (OWS) SITE PLAN



B VICINITY MAP

REVISIONS	
[5-6],[6-14],[6-17],[7-13],[8-19],[10-17],[10-19]	P.O
[7-17],[7-28],[9-21]- 2023	P.O
[2-3],[2-7],[10-3],[10-24]- 2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

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COVER SHEET

DATE START: 2/22/2021
SCALE: As Noted
DRAWN BY: PETER O
JOB No.: 100000
SHEET
A-1.0

ATTACHMENT 2

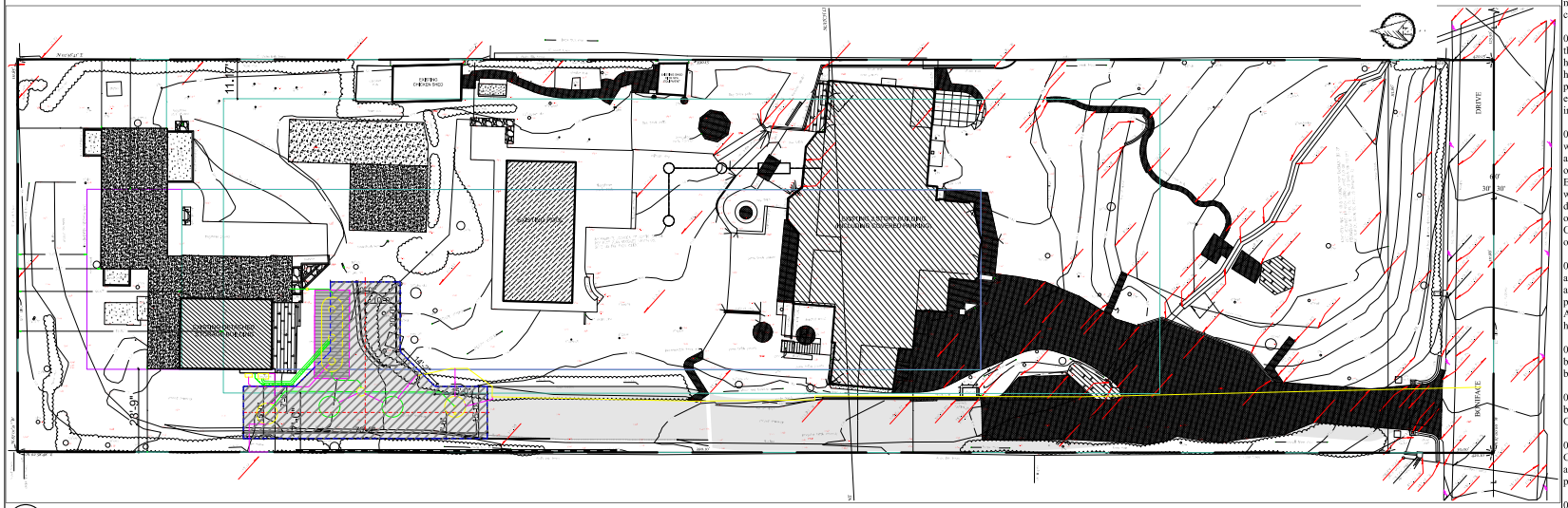
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SQ.FT CONVERSION CALCULATION (PROJECT SITE 2)
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INTO A SB9 2STORY SINGLE FAMILY RESIDENCE (2548 SQ.FT)

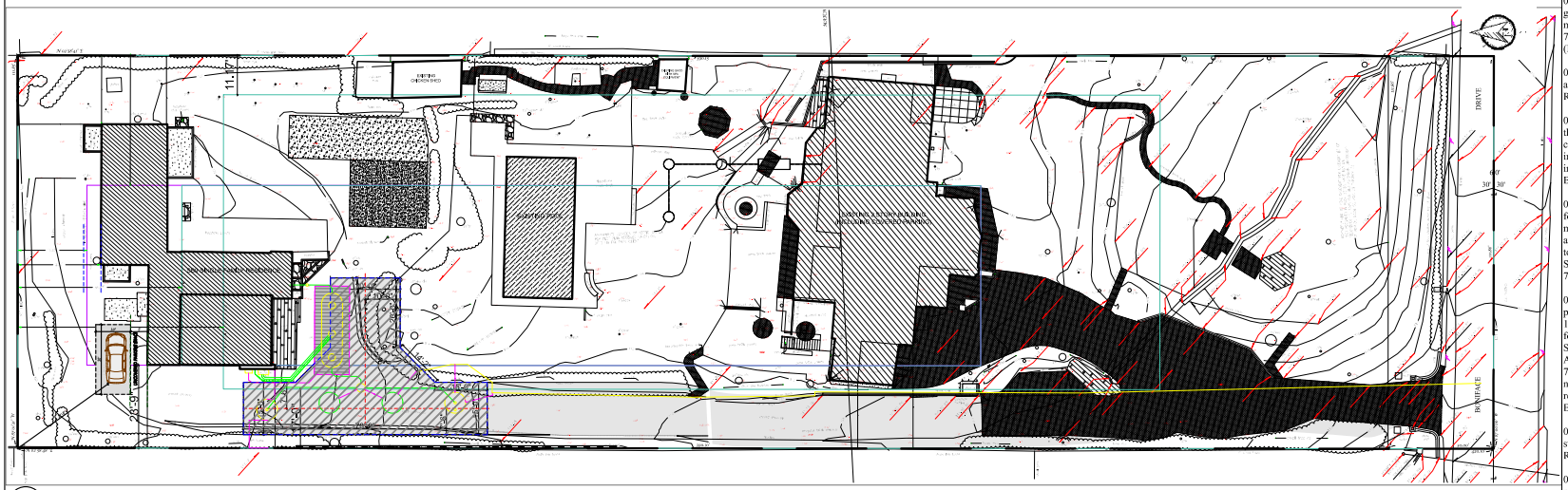
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OCCUPANCY GROUP....EXISTING HOUSE.....(PROJECT SITE 1)....R3
OCCUPANCY GROUP....SB9 2 STORY SFR.....(PROJECT SITE 2)...R3
CONSTRUCTION TYPE .....VB



A **EXISTING SITE PLAN (PER 13 2014 APPROVAL)**
SCALE: 1/16" = 1'-0"



B **PROPOSED SITE PLAN**
SCALE: 1/16" = 1'-0"

FIRE DEPT NOTES

001. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4

010 . Provide approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3.

011 . 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 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F220. Gates shall be of the swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6.

017. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1

020. 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.

027. All fire hydrants shall measure 6"" x 4"" x 2-1/2"", brass or bronze, conforming to American Water Works Association Standard C503, or approved equal.

012. Fire Sprinkler plans shall be submitted to the Sprinkler Plan Check Unit for review and approval prior to installation in accordance with Fire Code 901.2 and the type of sprinkler system provided will comply with either NFPA 13,NFPA 13R, or NFPA 13?"

001 .All roof coverings shall be Class ""A"" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R902).

002. Roof valley flashings shall be not less than 0.019-inch (No. 26 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 R327.5.3 and Building Code 705A.3)

003 .Roof gutters shall be provided with a means to prevent the accumulation of leaves and debris in the gutter. (Residential Code R327.534 and building Code 705A.4)

004.Vents shall resist the intrusion of flame and embers and flame through the ventilation openings. Vent openings shall be protected by corrosion-resistant, noncombustible wire mesh with minimum 1/16th inch openings and shall not exceed 1/8th inch. Vents shall NOT be installed in eaves or cornices. (Residential Code R337.6. and Building Code 706A.1)

006. Enclosed roof eaves and roof eave soffits shall meet one of the following: a. Noncombustible material OR b. Ignition-resistant material OR c. One layer of 5/8-inch Type X gypsum sheathing applied behind and exterior covering d. 1-hour wall assembly applied to the underside of the roof deck e. Conform to performance standard SFM 12-7A-3 (Residential Code R327.7.5 and building Code 707A.5)

010 .Decking, 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 comply with one of the following: a. Ignition resistant material AND meet SFM 12-7A-4and SFM 12-7A-5 OR b. Approved noncombustible construcion OR c. Any material that complies with the performance requirements of 12-7A-4A when attached exterior wall covering is also either noncombustible or ignition-resistant material OR d. Exterior fire retardant treated wood construction (Residential Code R327.9.1 and Building Code 709A.3)

013 . Ancillary buildings and structures and detached accessory structures shall comply with the provisions of Residential Code R327.10.1 and Building Code 710A.1.

014 Clearance of brush and vegetative growth shall be maintained per Fire Code 325

REVISIONS	
[5-4]-[6-14]-[6-17]-[7-13]-[8-19]-[10-17]-[10-18]	P.O
[7-17]-[7-28]-[9-21]- 2023	P.O
[2-3]-[2-7]-[10-3]-[10-24]-2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

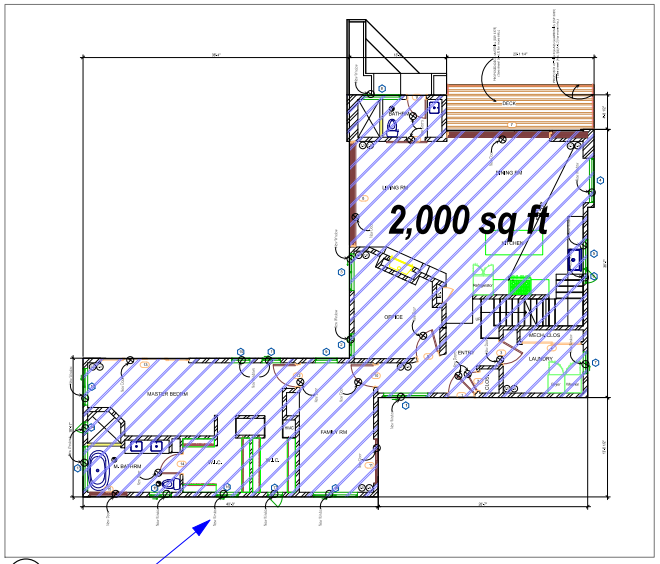
Lehman Residence
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BARSOCCHINI & ASSOCIATES DESIGNS
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P 310-463-4825 - F 310 463-7175 - LEW@BARSOCCHINI.COM

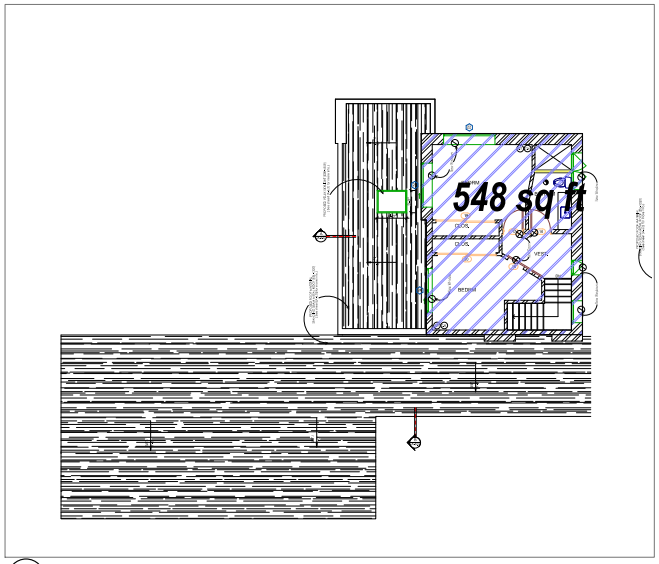
EXISTING AND PROPOSED SITE PLAN

DATE START:	2/22/2021
SCALE:	As Noted
DRAWN BY:	PETER O
JOB No.:	108569

SHEET
A-1.1



A PROPOSED GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"



B PROPOSED UPPER FLOOR
SCALE: 1/8" = 1'-0"

EXISTING SQ.FT (PROJECT SITE 1 & 2)
EXISTING HOUSE (INCLUDING COVERED PARKING).....4,050 SQ.FT
EXISTING DETACHED STORAGE BUILDING.....998 SQ.FT
TOTAL EXISTING.....5,048 SQ.FT

SQ.FT CONVERSION CALCULATION (PROJECT SITE 2)
CONVERT [E] DETACHED STORAGE BUILDING (998 SQ.FT)
INTO A SB9 2STORY SINGLE FAMILY RESIDENCE (2548 SQ.FT)

SB9 SINGLE FAMILY RESIDENCE (PROJECT SITE 2)
GROUND FLOOR.....2,000 SQ.FT
UPPER FLOOR.....548 SQ.FT
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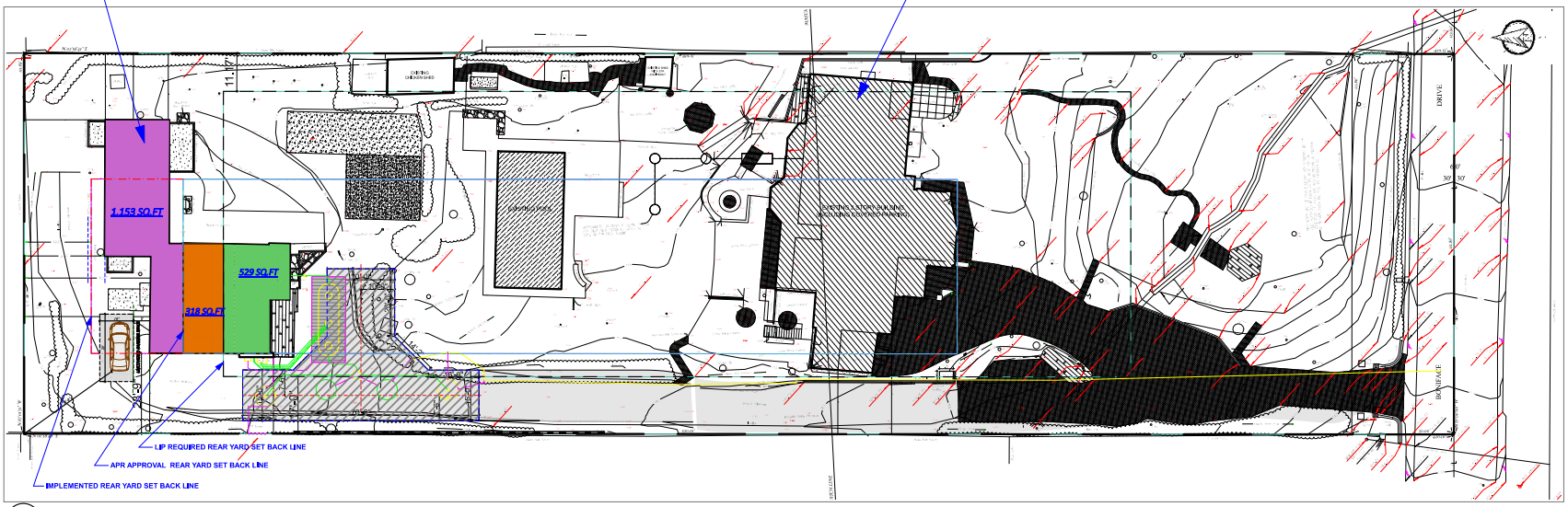
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SB9 2STORY S.F.R.....2,548 SQ.FT
TOTAL SQ.FT.....6,598 SQ.FT

OCCUPANCY GROUP....GARAGE.....(PROJECT SITE 1)....UI
OCCUPANCY GROUP....EXISTING HOUSE.....(PROJECT SITE 1)....R3
OCCUPANCY GROUP....SB9 2 STORY SFR.....(PROJECT SITE 2)...R3
CONSTRUCTION TYPE .....VB

Conversion of the existing storage structure to an SB9 single-family residence.

Ground floor sq.ft brakedown per setbacks
1,153 SQ.FT
318 SQ.FT
529 SQ.FT
2,000 SQ.FT

EXISTING 2STORY BUILDING (INCLUDING COVERED PARKING) 4,050 SQ.FT



C PROPOSED SITE PLAN (SQ.FT)
SCALE: 1/16" = 1'-0"

Lehman Residence - (10-2- 2024).pln , printed on 7/4/2026

REVISIONS

[5-4],[6-14],[6-17],[7-13],[8-19],[10-17],[10-18]	P.O
[7-17],[7-28],[9-21]- 2023	P.O
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2-11-2025	P.O
7-3-2026	P.O

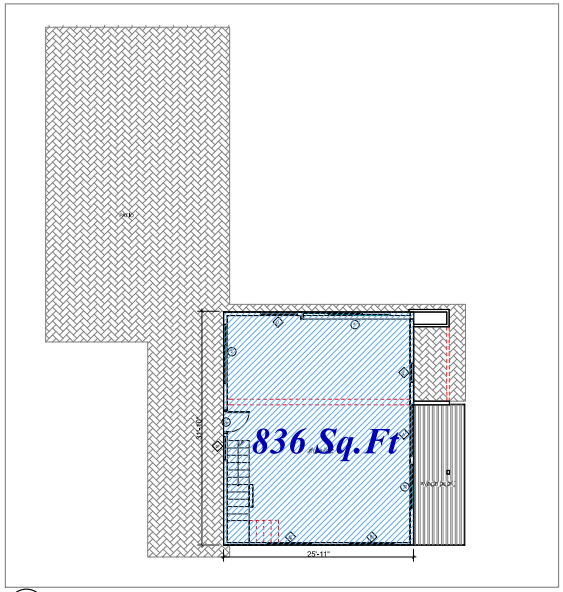
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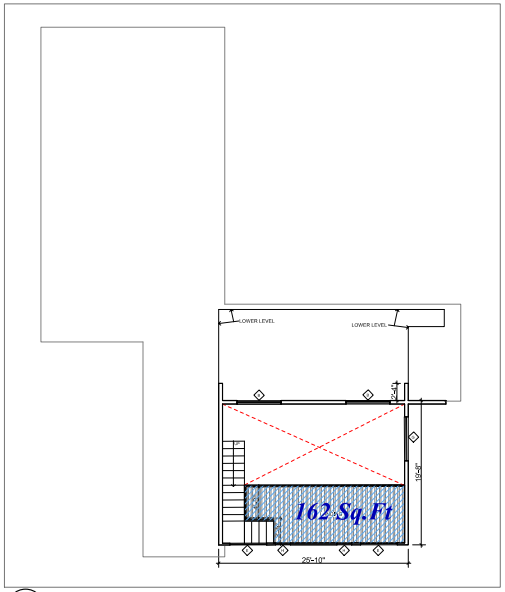
SQUARE FOOTAGE CALCULATION

DATE START: 2/22/2021
SCALE: As Noted
DRAWN BY: PETER O
JOB No.: 108569

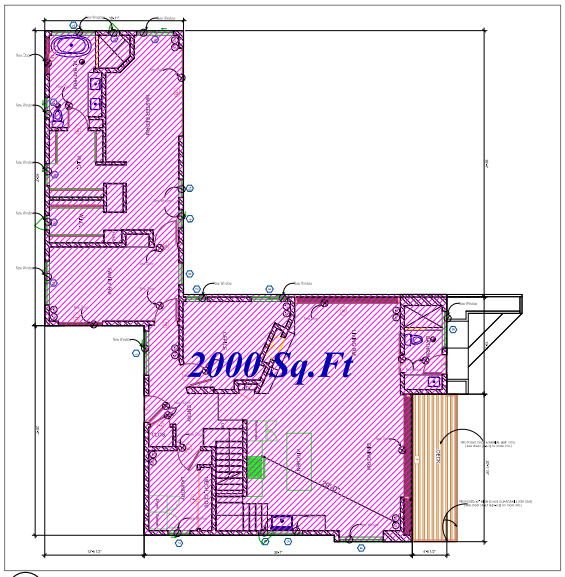
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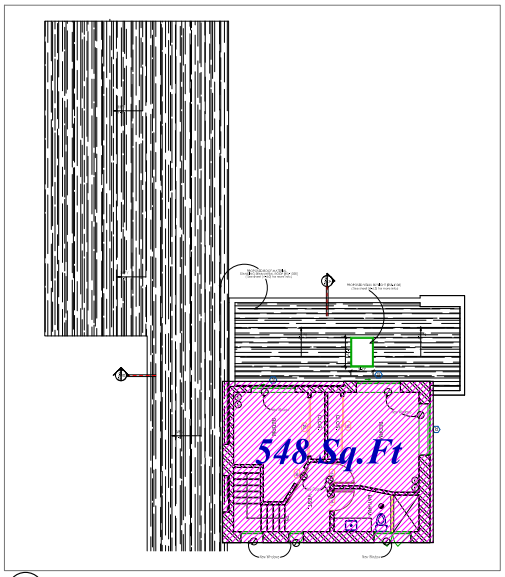
A EXISTING GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"



B EXISTING UPPER FLOOR PLAN
SCALE: 1/8" = 1'-0"



A PROPOSED GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"



B PROPOSED UPPER FLOOR PLAN
SCALE: 1/8" = 1'-0"

EXISTING SQ.FT (PROJECT SITE 1 & 2)
EXISTING HOUSE (INCLUDING COVERED PARKING).....4,050 SQ.FT
EXISTING DETACHED STORAGE BUILDING.....998 SQ.FT
TOTAL EXISTING.....5,048 SQ.FT

SQ.FT CONVERSION CALCULATION (PROJECT SITE 2)
CONVERT [E] DETACHED STORAGE BUILDING (998 SQ.FT)
INTO A SB9 2STORY SINGLE FAMILY RESIDENCE (2548 SQ.FT)

SB9 SINGLE FAMILY RESIDENCE (PROJECT SITE 2)
GROUND FLOOR.....2,000 SQ.FT
UPPER FLOOR.....548 SQ.FT
TOTAL PROPOSED SQ.FT.....2,548 SQ.FT

EXISTING + PROPOSED SQ.FT (PROJECT SITE 1 & 2)
EXISTING HOUSE (INCLUDING COVERED PARKING).....4,050 SQ.FT
SB9 2STORY S.F.R.....2,548 SQ.FT
TOTAL SQ.FT.....6,598 SQ.FT

OCCUPANCY GROUP....GARAGE.....(PROJECT SITE 1)....UI
OCCUPANCY GROUP....EXISTING HOUSE.....(PROJECT SITE 1)....R3
OCCUPANCY GROUP....SB9 2 STORY SFR.....(PROJECT SITE 2)...R3
CONSTRUCTION TYPE .....VB

REVISIONS

[5-4]-[6-14]-[6-17]-[7-13]-[8-19]-[10-17]-[10-18]	P.O
[7-17]-[7-28]-[9-21]- 2023	P.O
[2-3]-[2-7]-[10-3]-[10-24]-2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

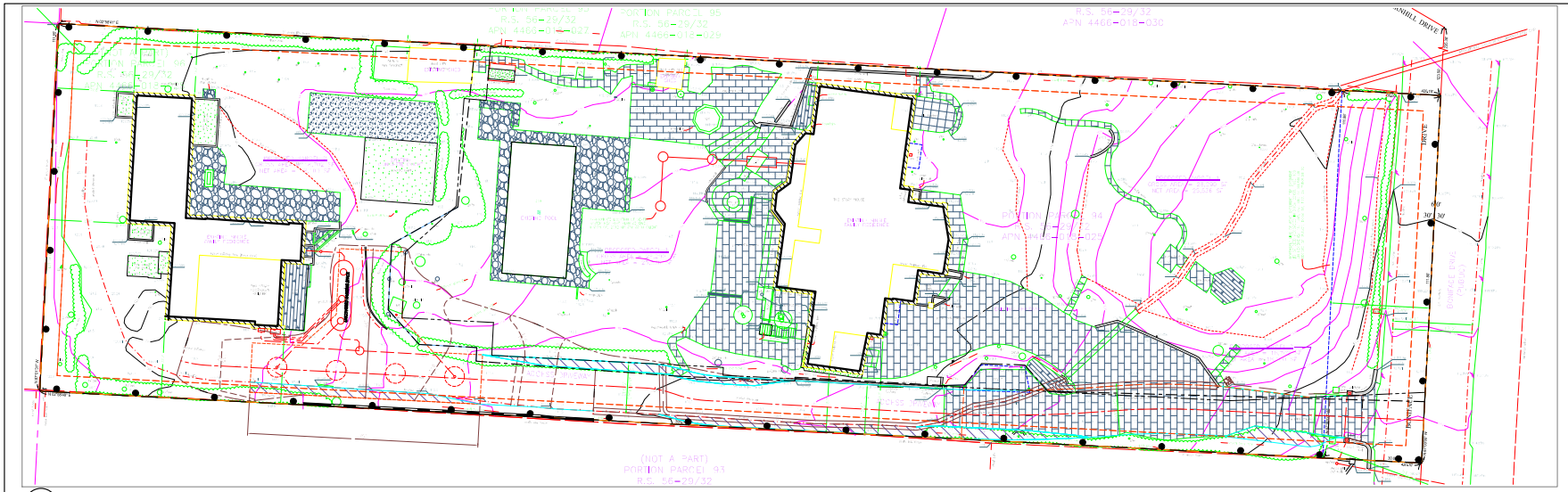
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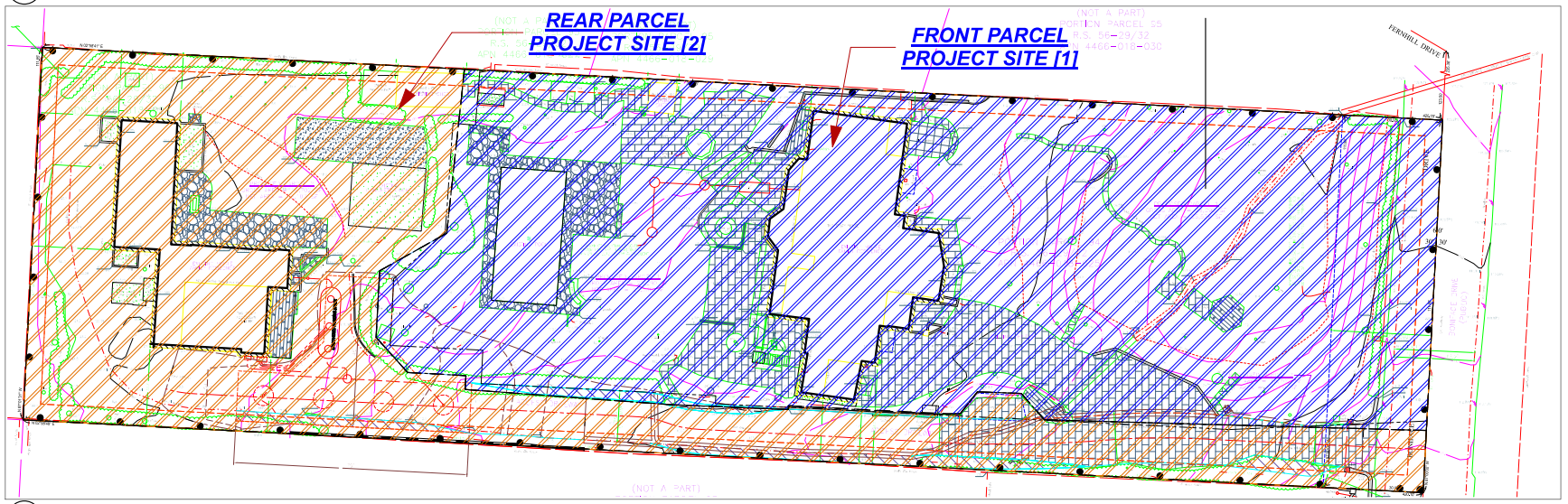
SQUARE FOOTAGE CALCULATION

DATE START: 2/22/2021
SCALE: As Noted
DRAWN BY: PETER O
JOB No.: 108569

SHEET
A-1.3



A **PROPOSED SITE PLAN - [SQUARE FOOTAGE]**
SCALE: 1/16" = 1'-0"



A **PROPOSED SITE PLAN - [SQUARE FOOTAGE]**
SCALE: 1/16" = 1'-0"

LAND USE DATA:

LOT AREA:	
GROSS AREA:	46,992 SF / 1.08 AC
NET AREA:	43,636 SF* / 1.00 AC*
*NET AREA IS GROSS LESS PUBLIC ACCESS EASEMENT	
A.P.N. #	4466-018-025
ZONING:	
EXISTING:	RR1 (RURAL RESIDENTIAL - 1 DU.ACRE)
PROPOSED:	NO PROPOSED ZONE CHANGE
SITE ADDRESS:	28809 BONIFACE DRIVE
	MALIBU, CA 90265

PROPOSED PARCEL DATA:

PARCEL	PARCEL AREA (GROSS)	PARCEL AREA (NET*)	% OF TOTAL**
1	28,290 SF	25,536 SF	58.5%
2	18,702 SF	18,100 SF	41.5%
TOTAL	46,992 SF	43,636 SF	100%

*NET AREA IS GROSS AREA LESS PUBLIC ACCESS EASEMENT
**% OF TOTAL IS BASED ON NET AREA

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.40'	N87°01'11.50"W
L3	6.75'	N5°00'52.42"E
L2	10.00'	S87°01'11.50"E

MAXIMUM ALLOWABLE SQUARE FOOTAGE (PARCEL 1)
TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
PURSUANT TO MALIBU MUNICIPAL CODE SECTION 17.40.040(13)

UP TO 0.5 AC.	21,780 x 0.177 = 3,855 + 1,000 =	4,855 S.F.
0.5 AC. TO 1 AC.	25,193 - 21,780 = 3,413 x 0.10 =	341 S.F.
	TOTAL:	5,196 S.F.

NOTE: USE LOT AREA MINUS ALL SLOPES GREATER THAN OR EQUAL TO 1:1

MAXIMUM ALLOWABLE SQUARE FOOTAGE (PARCEL 2)
TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
PURSUANT TO MALIBU MUNICIPAL CODE SECTION 17.40.040(13)

UP TO 0.5 AC.	18,005 x 0.177 = 3,855 + 1,000 =	3,187 S.F.
	TOTAL:	3,187 S.F.

NOTE: USE LOT AREA MINUS ALL SLOPES GREATER THAN OR EQUAL TO 1:1

REVISIONS	
[5-4],[5-14],[5-17],[7-13],[8-19],[10-17],[10-18]	P.O
[7-17],[7-28],[9-21]-2023	P.O
[2-3],[2-7],[10-3],[10-24]-2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

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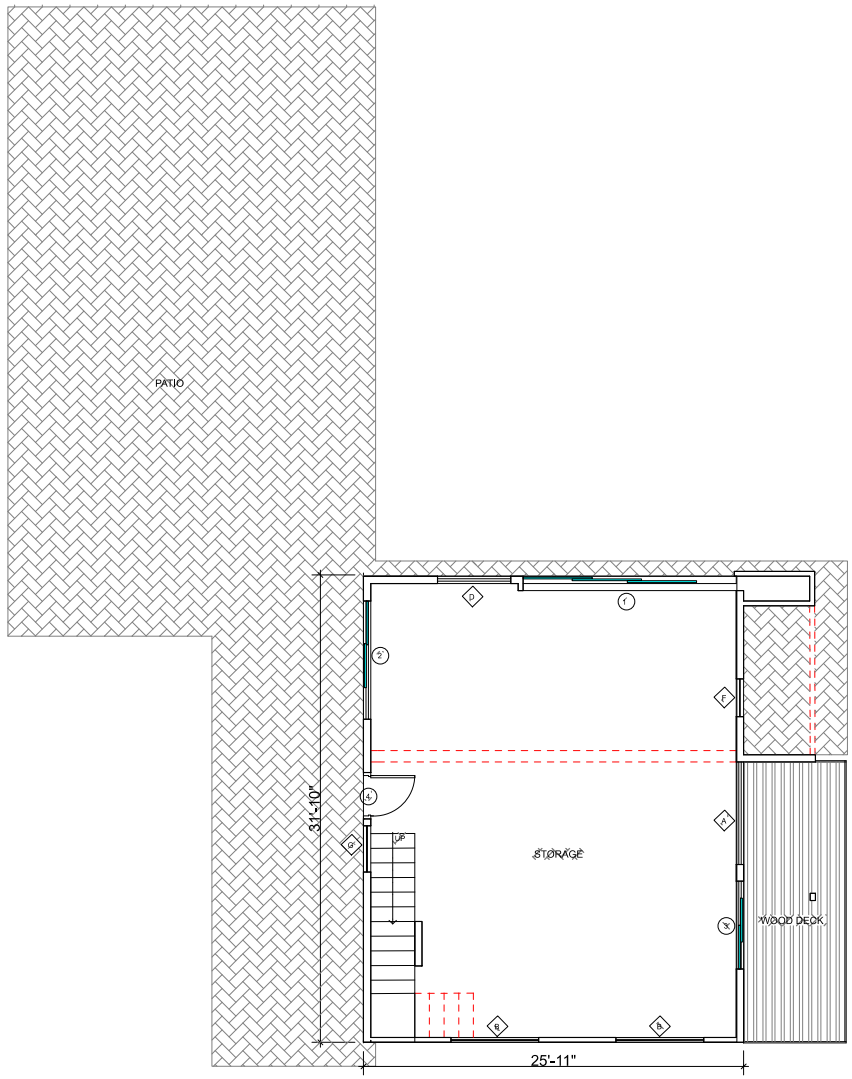
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LOT SPLIT CALCULATIONS

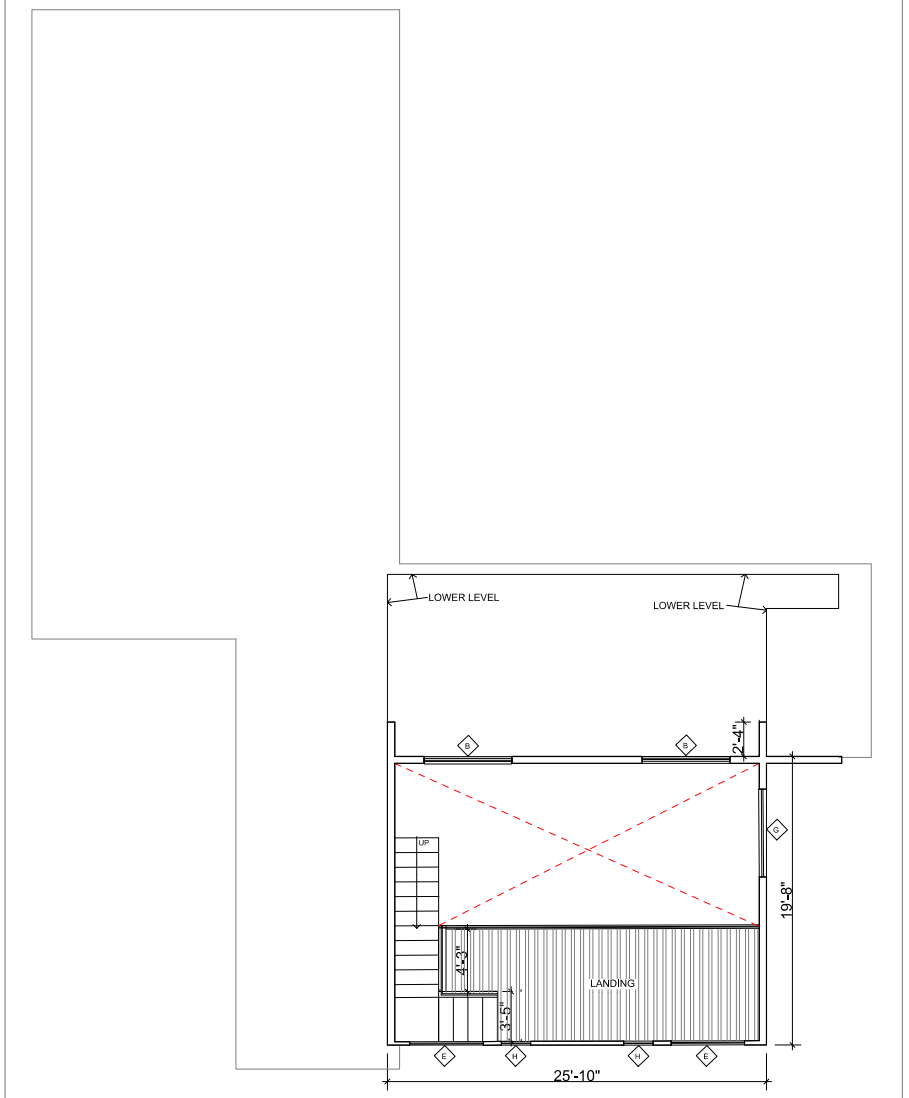
DATE START:	2/22/2021
SCALE:	As Noted
DRAWN BY:	PETER O
JOB No.:	108569

SHEET
A-1.4

NOTE :The storage building is being converted to the SB9 SFR.



A **EXISTING GROUND FLOOR PLAN**
SCALE: 1/4" = 1'-0"



B **EXISTING UPPER FLOOR PLAN**
SCALE: 1/4" = 1'-0"

REVISIONS	
[5-4],[5-14],[5-17],[7-13],[8-19],[10-17],[10-18]	P.O
[7-17],[7-28],[9-21]- 2023	P.O
[2-3],[2-7],[10-3],[10-24]- 2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

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EXISTING PLANS

DATE START:	2/22/2021
SCALE:	As Noted
DRAWN BY:	PETER O
JOB No.:	108569

SHEET
A-2.0

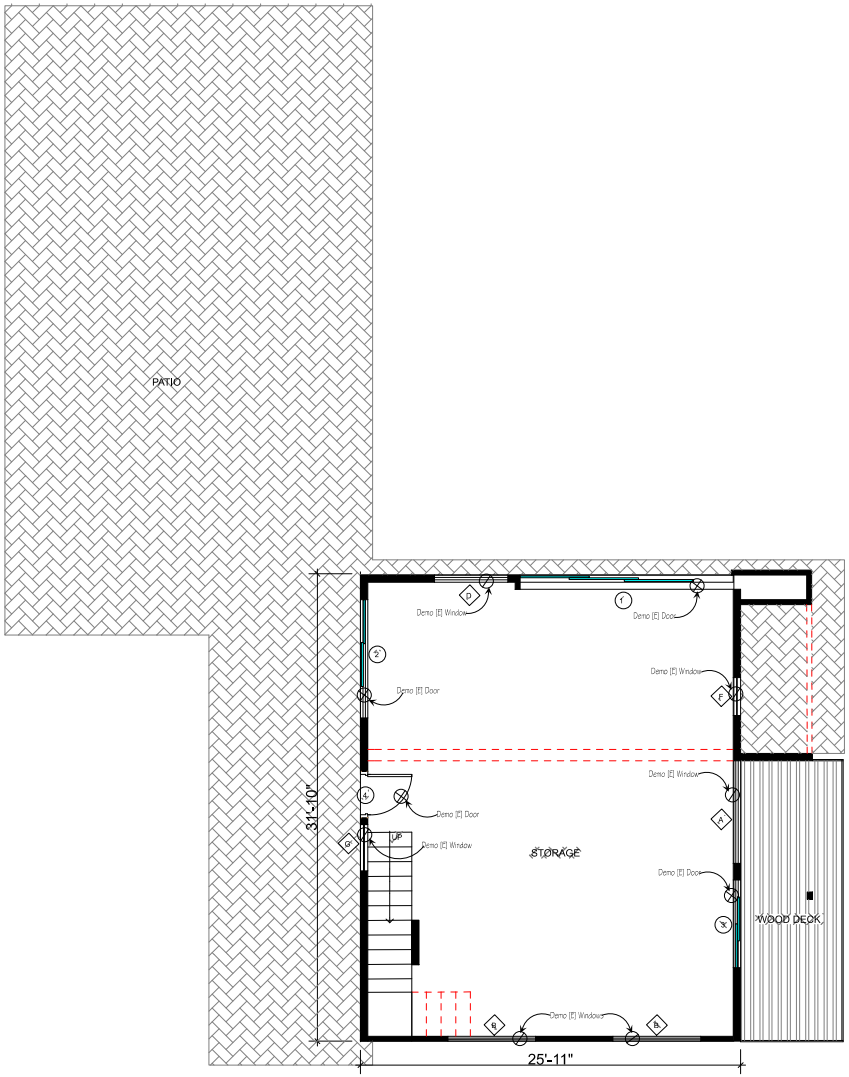
NOTE :The storage building is being converted to the SB9 SFR.

= Existing Walls

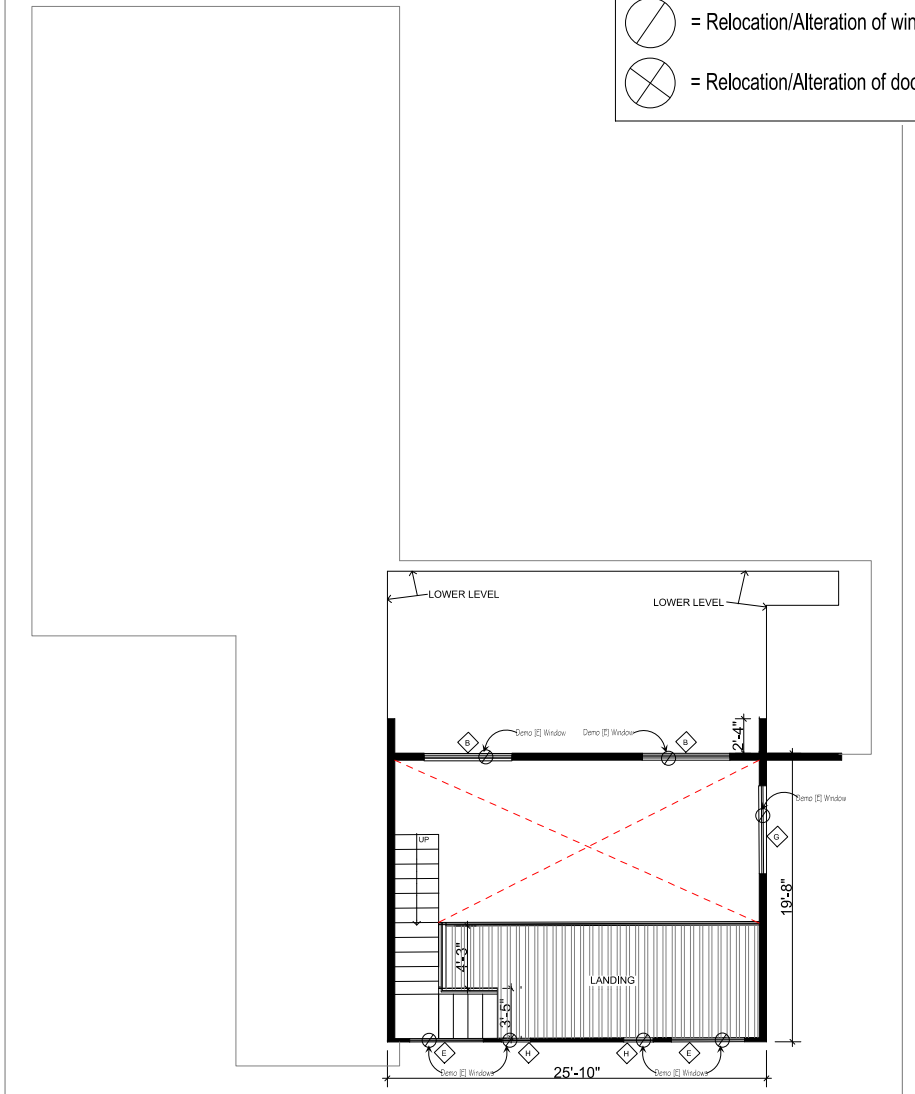
= Demolished Walls

= Relocation/Alteration of windows

= Relocation/Alteration of doors



A GROUND FLOOR PLAN - CONVERSION PROCESS
SCALE: 1/4" = 1'-0"



B UPPER FLOOR PLAN - CONVERSION PROCESS
SCALE: 1/4" = 1'-0"

REVISIONS	
[5-4],[5-14],[5-17],[7-13],[8-19],[10-17],[10-18]	P.O
[7-17],[7-28],[9-21]- 2023	P.O
[2-3],[2-7],[10-3],[10-24]- 2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

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CONVERSION PROCESS

DATE START:	2/22/2021
SCALE:	As Noted
DRAWN BY:	PETER O
JOB No.:	108569

SHEET
A-2.1

NOTE :The storage building is being converted to the SB9 SFR.

= Existing Walls

= New Walls

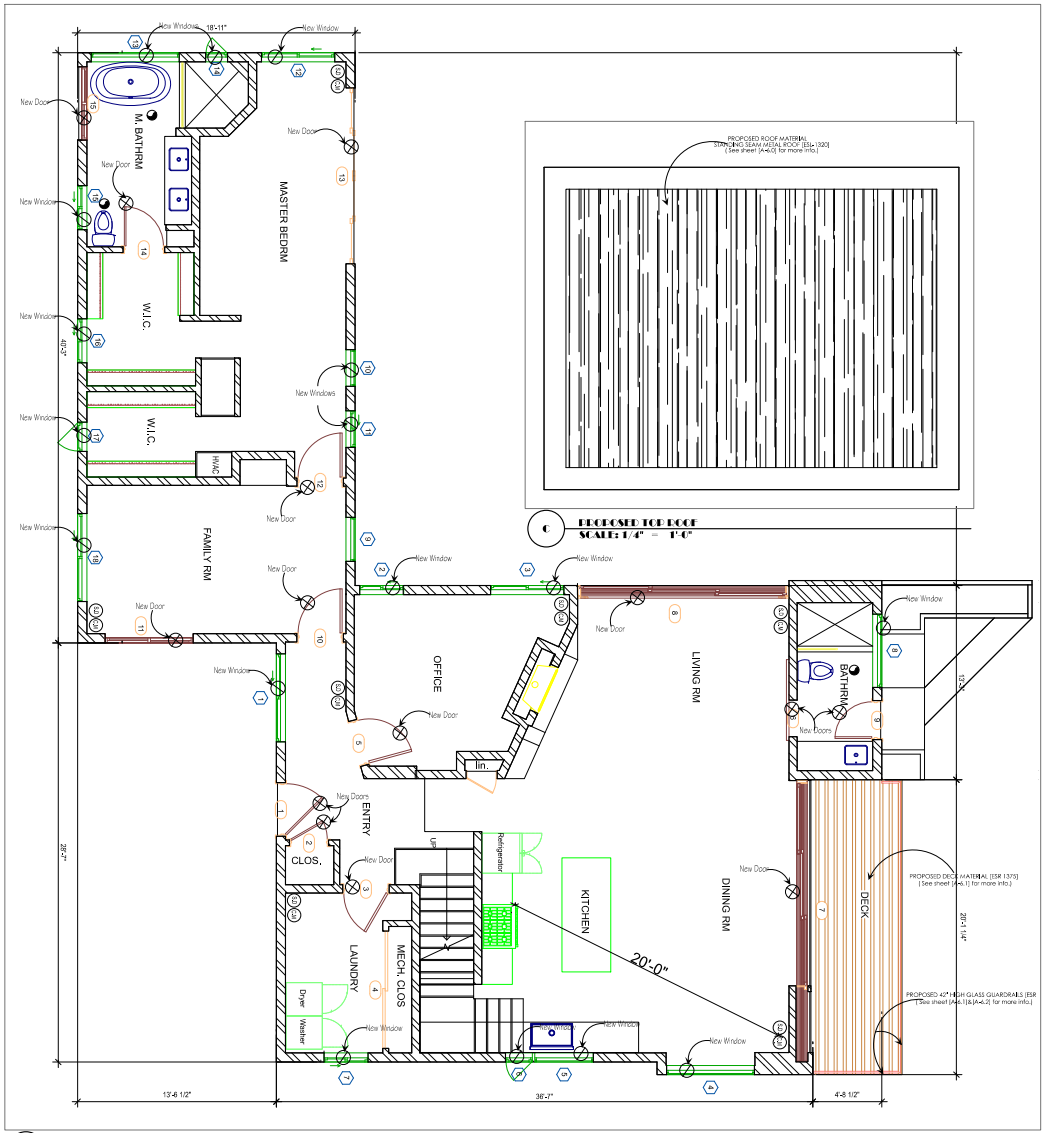
= Relocation/Alteration of windows

= Relocation/Alteration of doors

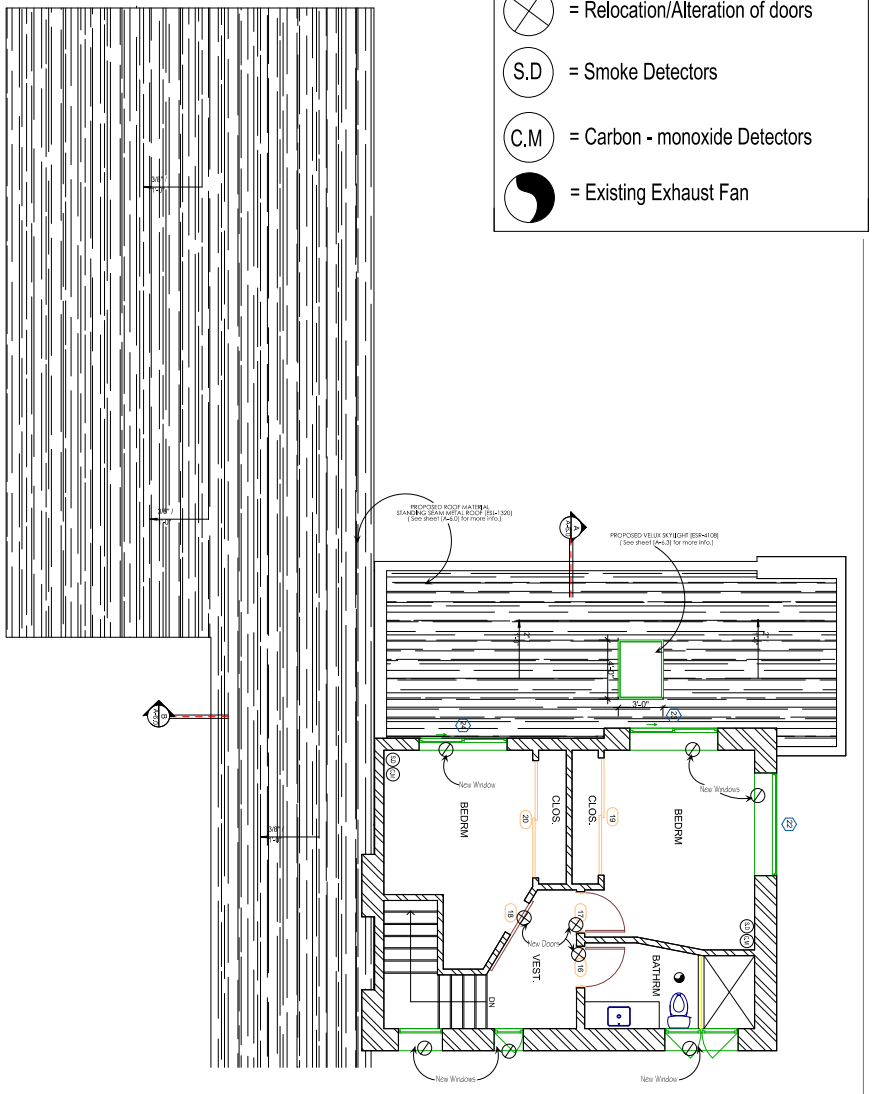
S.D = Smoke Detectors

C.M = Carbon - monoxide Detectors

= Existing Exhaust Fan



PROPOSED TOP ROOF
SCALE: 1/4" = 1'-0"



A CONVERTED [PROPOSED] GROUND FLOOR PLAN
SCALE: 1/4" = 1'-0"

B CONVERTED [PROPOSED] UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"

REVISIONS	
[5-4],[6-14],[6-17],[7-13],[8-19],[10-17],[10-18]	P.O
[7-17],[7-28],[9-21]- 2023	P.O
[2-3],[2-7],[10-3],[10-24]- 2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

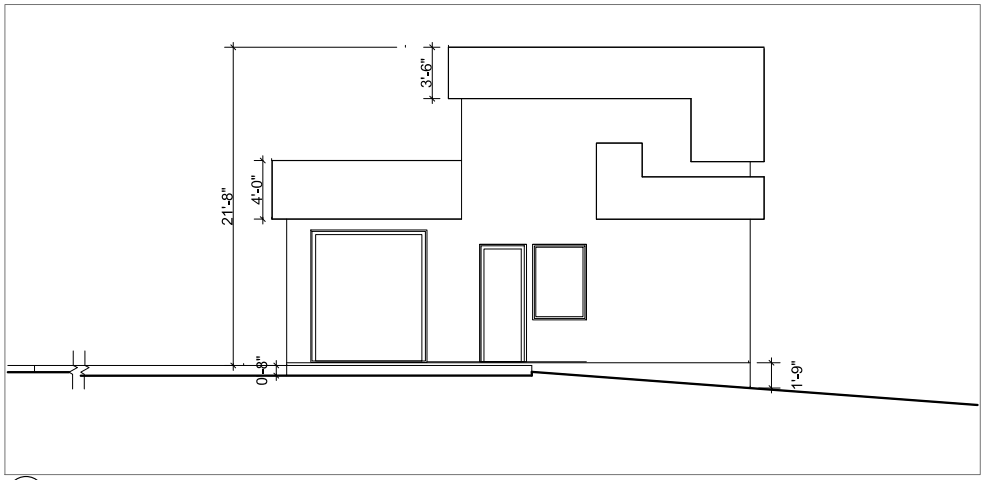
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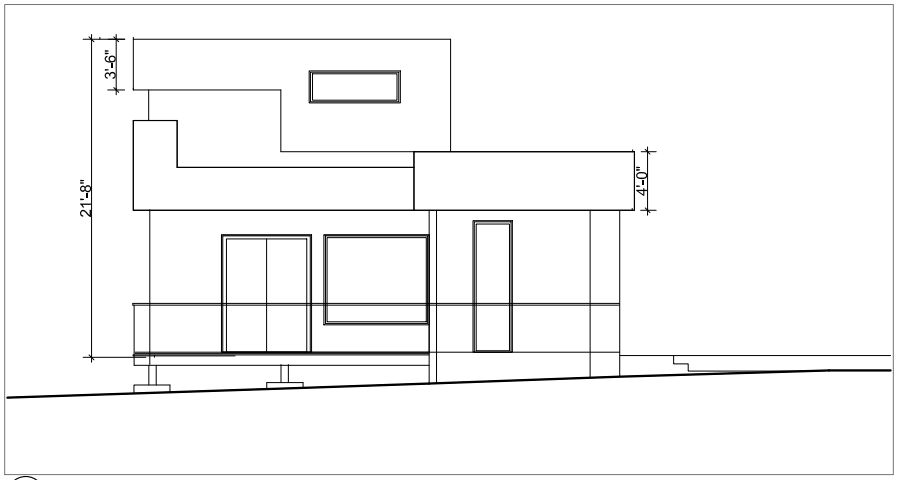
CONVERTED [PROPOSED] PLANS

DATE START:	2/22/2021
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108569

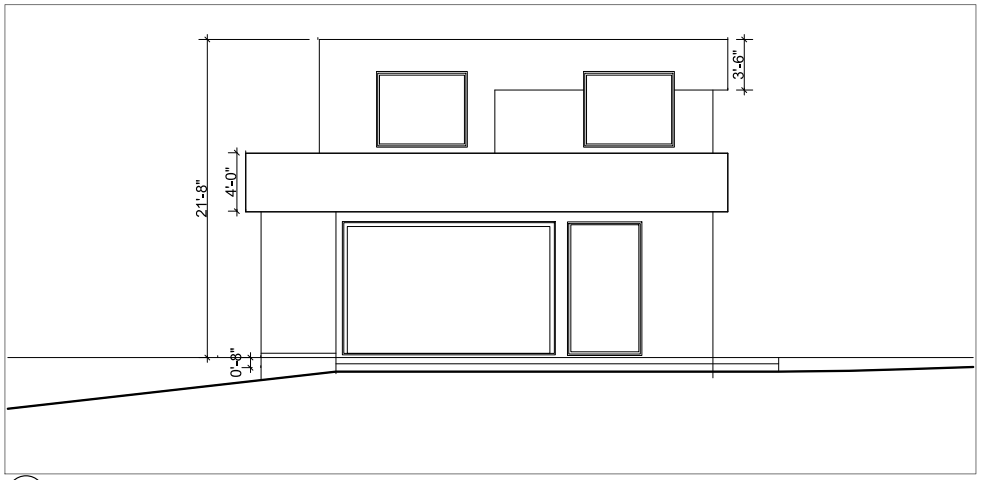
SHEET
A-2.2



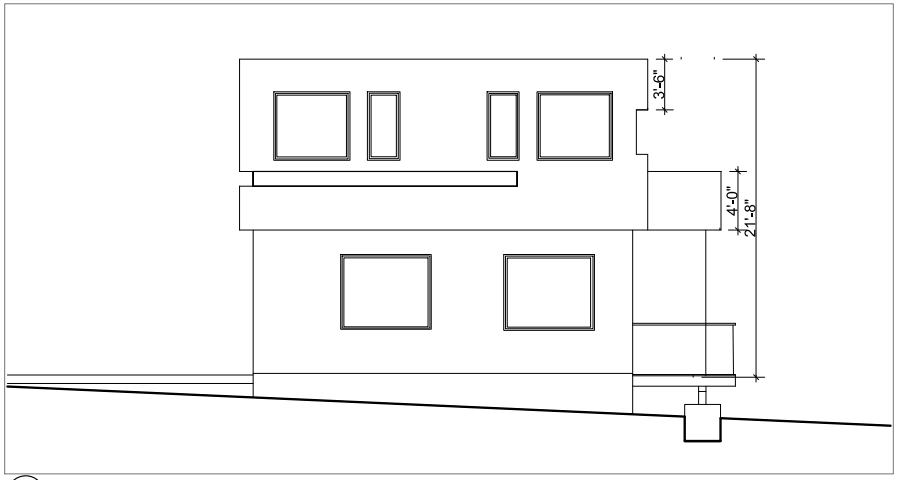
A **EXISTING NORTH ELEVATION**
SCALE: 1/4" = 1'-0"



B **EXISTING SOUTH ELEVATION**
SCALE: 1/4" = 1'-0"



C **EXISTING EAST ELEVATION**
SCALE: 1/4" = 1'-0"



D **EXISTING WEST ELEVATION**
SCALE: 1/4" = 1'-0"

REVISIONS	
[5-4],[6-14],[6-17],[7-13],[8-19],[10-17],[10-18]	P.O
[7-17],[7-28],[9-21]- 2023	P.O
[2-3],[2-7],[10-3],[10-24]- 2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

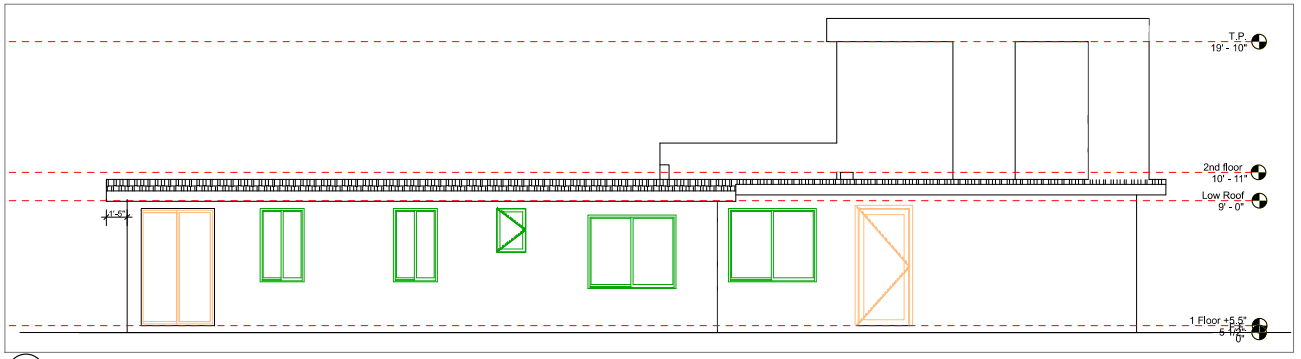
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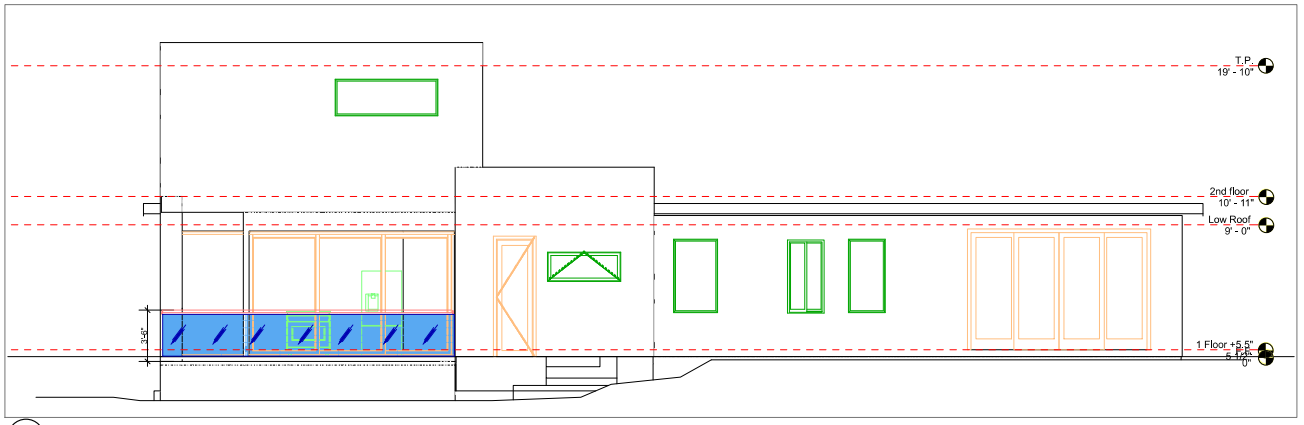
EXISTING ELEVATIONS

DATE START:	2/22/2021
SCALE:	As Noted
DRAWN BY:	PETER O
JOB No.:	108569

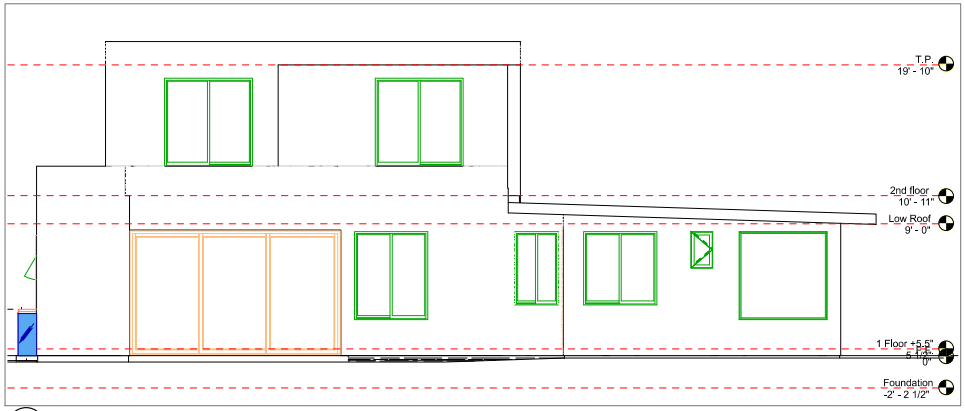
SHEET
A-3.0



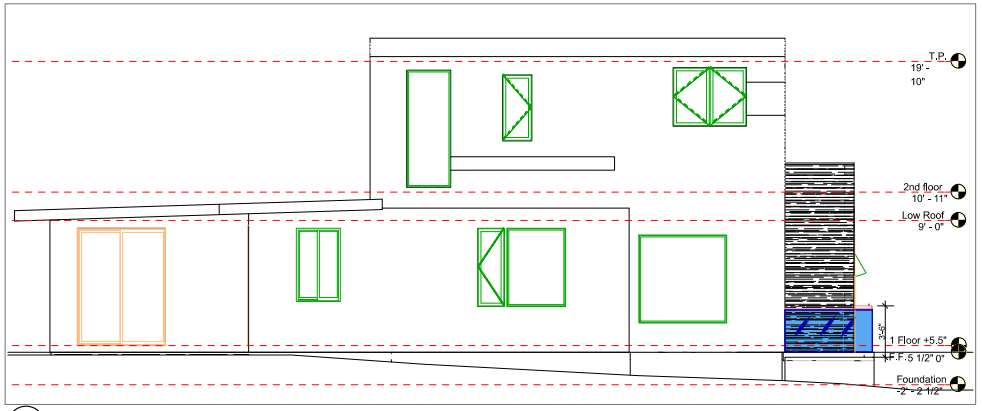
A **CONVERTED [PROPOSED] NORTH ELEVATION**
SCALE: 1/4" = 1'-0"



B **CONVERTED [PROPOSED] SOUTH ELEVATION**
SCALE: 1/4" = 1'-0"



C **CONVERTED [PROPOSED] EAST ELEVATION**
SCALE: 1/4" = 1'-0"



D **CONVERTED [PROPOSED] WEST ELEVATION**
SCALE: 1/4" = 1'-0"

REVISIONS	
[5-4]-[5-14],[5-17],[7-13],[8-19],[10-17],[10-18]	P.O
[7-17],[7-28],[9-21]- 2023	P.O
[2-3],[2-7],[10-3],[10-24]- 2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

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CONVERTED [PROPOSED] ELEVATIONS

DATE START: 2/22/2021
SCALE: As Noted
DRAWN BY: PETER O
JOB No.: 108569

SHEET
A-3.1

PROPOSED DOOR SCHEDULE

Mark	Width	Height	Family	Comments
1	3' - 6"	8' - 0"	French Solid Core Single	
2	2' - 6"	6' - 8"	Single Flush Panel Hollow Core	
3	3' - 0"	7' - 0"	Single Flush Panel Hollow Core	
4	8' - 0"	7' - 0"	Sliding-Closet	
5	3' - 0"	7' - 0"	Single Flush Panel Hollow Core	
6	2' - 6"	7' - 0"	Barn Sliding Door	
7	14' - 0"	8' - 6"	Door_Sliding_LaCantina_Aluminum-Wood-Series-Pocket	
8	14' - 4"	8' - 6"	Door_Sliding_LaCantina_Aluminum-Wood-Series-1	
9	2' - 6"	8' - 0"	French Solid Core Single	
10	3' - 0"	6' - 8"	Single Flush Panel Hollow Core	
11	6' - 0"	8' - 0"	Sliding Glass Doors	
12	3' - 0"	6' - 8"	Single Flush Panel Hollow Core	
13	12' - 0"	8' - 0"	Sliding-French doors 4 Panel	
14	2' - 8"	6' - 8"	Single Flush Panel Hollow Core	
15	5' - 0"	8' - 0"	Sliding Glass Doors	
16	2' - 8"	8' - 0"	Single Flush Panel Hollow Core	
17	2' - 8"	8' - 0"	Single Flush Panel Hollow Core	
18	2' - 6"	8' - 0"	Barn Sliding Door	
19	8' - 0"	7' - 0"	Sliding-Closet	
20	8' - 0"	7' - 0"	Sliding-Closet	

PROPOSED WINDOW SCHEDULE

Mark	Width	Height	Family	Head Height
1	6' - 0"	5' - 0"	Window-Sliding-Double	8' - 0"
2	3' - 0"	5' - 0"	Window-Sliding-Double	8' - 0"
3	5' - 0"	6' - 0"	Window-Sliding-Double	8' - 0"
4	6' - 0"	6' - 0"	Window-Fixed	8' - 0"
5	4' - 0"	5' - 4"	Window-Fixed	8' - 0"
6	1' - 10"	5' - 4"	Window-Casement-Single_Left	8' - 0"
7	3' - 0"	5' - 0"	Window-Sliding-Double	8' - 0"
8	5' - 0"	2' - 0"	Window-Awning-Single	6' - 8"
9	3' - 0"	5' - 0"	Window-Fixed	8' - 0"
10	2' - 6"	5' - 0"	Window-Fixed	8' - 0"
11	2' - 6"	5' - 0"	Window-Sliding-Double	7' - 6"
12	5' - 0"	5' - 0"	Window-Sliding-Double	8' - 0"
13	6' - 0"	6' - 0"	Window-Fixed	8' - 0"
14	1' - 6"	2' - 6"	Window-Casement-Single_Left	8' - 0"
15	3' - 0"	5' - 0"	Window-Sliding-Double	8' - 0"
16	3' - 0"	5' - 0"	Window-Sliding-Double	8' - 0"
17	2' - 0"	3' - 0"	Window-Casement-Single_Left	8' - 0"
18	6' - 0"	5' - 0"	Window-Sliding-Double	8' - 0"
19	3' - 0"	8' - 0"	Window-Fixed	8' - 4"
20	2' - 0"	4' - 6"	Window-Casement-Single_Right	8' - 0"
21	5' - 0"	4' - 0"	Window-Casement-Double	8' - 6"
22	7' - 0"	2' - 6"	Window-Fixed	8' - 0"
23	6' - 0"	6' - 0"	Window-Sliding-Double	8' - 0"
24	6' - 0"	6' - 0"	Window-Sliding-Double	8' - 0"
25	3' - 0"	4' - 0"	Skylight-Flat	

REVISIONS

[5-6]-[6-14]-[6-17]-[7-13]-[8-19]-[10-17]-[10-18]	P.O
[7-17]-[7-28]-[9-21]-2023	P.O
[2-3]-[2-7]-[10-3]-[10-24]-2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

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WINDOWS AND DOORS SCHEDULE

DATE START: 2/22/2021
SCALE: As Noted
DRAWN BY: PETER .O
JOB No.: 108569

SHEET
A-5.0

= Existing Walls

= New Walls

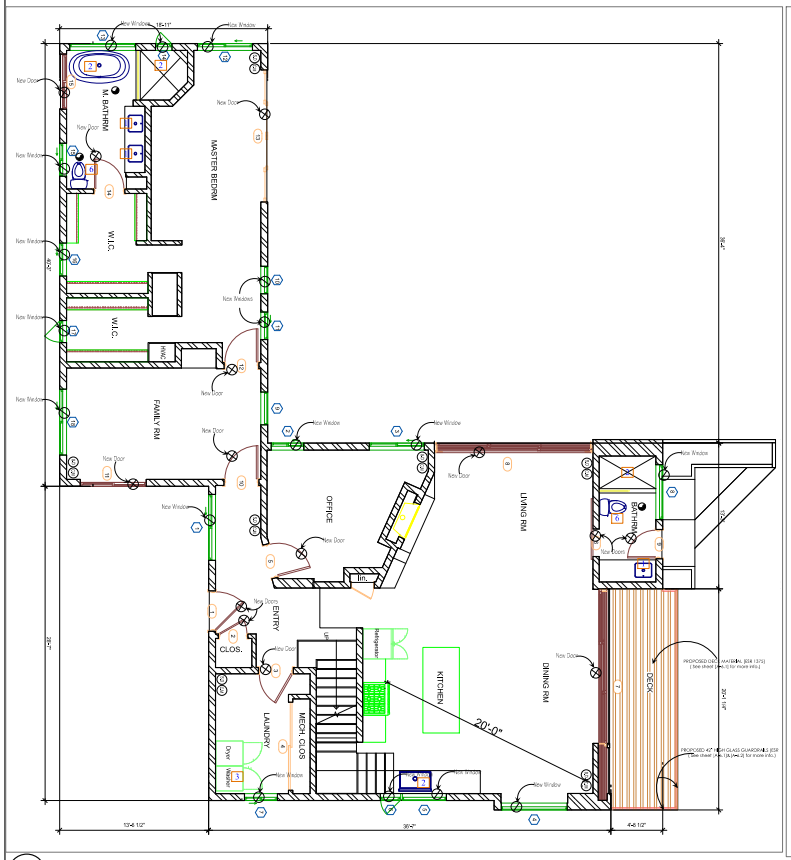
= Relocation/Alteration of windows

= Relocation/Alteration of doors

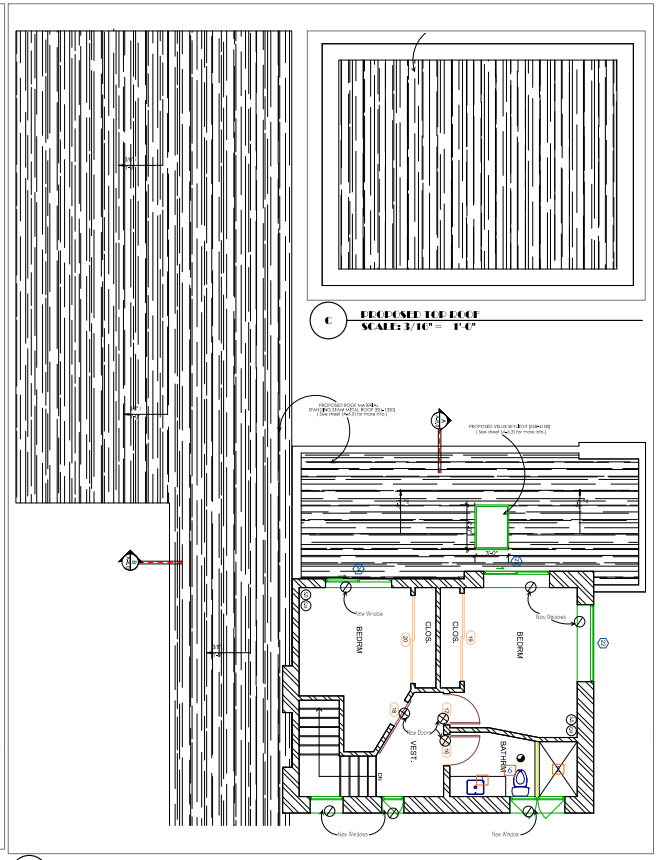
S.D = Smoke Detectors

C.M = Carbon - monoxide Detectors

= Existing Exhaust Fan



A CONVERTED [PROPOSED] GROUND FLOOR PLAN
SCALE: 3/16" = 1'-0"



C PROPOSED TOP ROOF
SCALE: 3/16" = 1'-0"

E CONVERTED [PROPOSED] UPPER FLOOR PLAN
SCALE: 3/16" = 1'-0"

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 317-1950 · www.malibucity.org

ONSITE WASTEWATER TREATMENT SYSTEM FIXTURE UNIT WORKSHEET

This worksheet shall be used to determine the existing fixture unit count and the proposed fixture unit count for all planned alterations to existing structures. Floor plans may be required to confirm both existing and proposed conditions. When a new OWTS system only is proposed, complete only the proposed column of the worksheet. The completed worksheet shall be certified by an Architect, Civil Engineer, Environmental Health Specialist, or an "A", "C-42", "C-36" Contractors License.

Date: 6/17/2022

Applicant: Nick Barsocchini

Address: 28809 Bonifacio Drive,Malibu, CA 90265

Number of Bedrooms (Existing): NA

Number of Bedrooms (Future): 3

Planning Division Reference Number:

Worksheet Certification by:

Print name Signature

Applicable California State License or Registration Type

State License or Registration Number Expiration Date

Type of Plumbing Fixture	Existing Fixtures "A"	+	Proposed Fixtures "B"	=	Total Fixtures "(A + B)"	x	Unit Value "C"	=	Existing Fixture Units "A x C"	Total Future Fixture Units "(A + B) x C"
Bathtub or Combination Bath/Shower		+	4	=	4	x	2	=		8
Bidet		+		=		x	2	=		
Bar Sink		+		=		x	1	=		
Clothes Washer		+	1	=	1	x	3	=		3
Dishwasher		+		=		x	2	=		
Laundry Sink		+		=		x	2	=		
Lavatory (Wash Basin)		+	4	=	4	x	1	=		4
Kitchen Sink		+	1	=	1	x	2	=		2
Shower (Single Head)		+		=		x	2	=		
Water Closet (Flush Toilet)		+	3	=	3	x	6	=		18
Other (MPC Table 7-3)		+		=		x		=		
Other (MPC Table 7-3)		+		=		x		=		

TOTAL EXISTING FIXTURE UNITS: NA

TOTAL FUTURE FIXTURE UNITS: 35

Notes

1. In completing this form, a room is considered a bedroom if it provides privacy, has an associated closet, and is in close proximity to a bathroom with bathtub and/or shower fixtures.
2. If an existing fixture is to be deleted from the project, indicate the fixture with a minus sign (–) next to the proposed fixture quantity in column "B".
3. For plumbing fixtures not shown in this table please refer to Malibu Plumbing Code (MPC) Table 7-3.

G:\Handouts\Misc Handouts\FIXTURE UNIT WORKSHEET 12-01-21.doc

REVISIONS	
[5-4]-[6-14],[6-17],[7-13],[8-19],[10-17],[10-18]	P.O
[7-17],[7-28],[9-21]- 2023	P.O
[2-3],[2-7],[10-3],[10-24]- 2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

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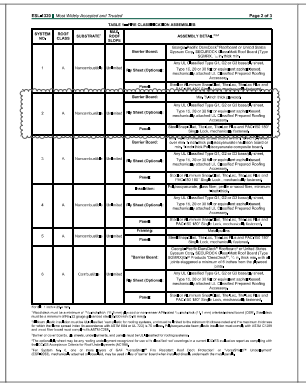
PROPOSED FIXTURE COUNT

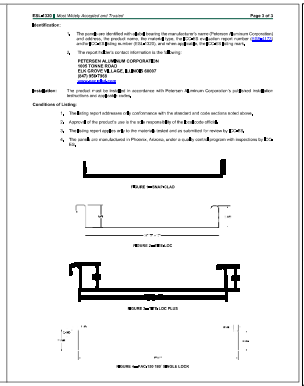
DATE START: 2/22/2021
SCALE: As Noted
DRAWN BY: PETER O
JOB No.: 108569

SHEET
A-5.1

ROOF MATERIAL SPECIFICATION







FIRE DEPT NOTES

001 .All roof coverings shall be Class ""A"" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R902).

002. Roof valley flashings shall be not less than 0.019-inch (No. 26 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 R327.5.3 and Building Code 705A.3)

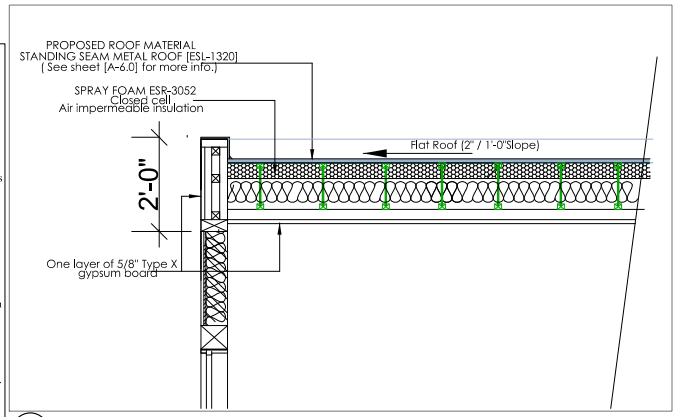
003 .Roof gutters shall be provided with a means to prevent the accumulation of leaves and debris in the gutter. (Residential Code R327.534 and building Code 705A.4)

004.Vents shall resist the intrusion of flame and embers and flame through the ventilation openings. Vent openings shall be protected by corrosion-resistant, noncombustible wire mesh with minimum 1/16th inch openings and shall not exceed 1/8th inch. Vents shall NOT be installed in eaves or cornices. (Residential Code R337.6. and Building Code 706A.1)

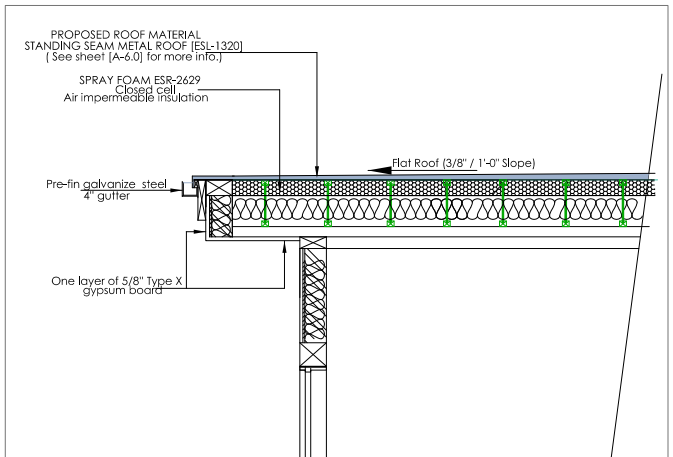
006. Enclosed roof eaves and roof eave soffits shall meet one of the following: a. Noncombustible material OR b. Ignition-resistant material OR c. One layer of 5/8-inch Type X gypsum sheathing applied behind and exterior covering d. 1-hour wall assembly applied to the underside of the roof deck e. Conform to performance standard SFM 12-7A-3 (Residential Code R327.7.5 and building Code 707A.5)

013 . Ancillary buildings and structures and detached accessory structures shall comply with the provisions of Residential Code R327.10.1 and Building Code 710A.1.

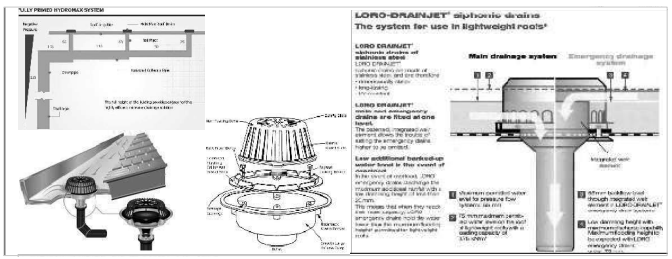
014 Clearance of brush and vegetative growth shall be maintained per Fire Code 325



A
A-6.0
FLAT ROOF @ PARAPET AREA
NOT TO SCALE



B
A-6.0
FLAT ROOF @ ROOF GUTTER
NOT TO SCALE



C
ROOF DRAIN DETAIL
SCALE: 1:14.35

REVISIONS	
[5-4]-[6-14],[6-17],[7-13],[8-19],[10-19]	P.O
[7-17],[7-28],[9-21]- 2023	P.O
[2-3],[2-7],[10-31],[10-24]- 2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

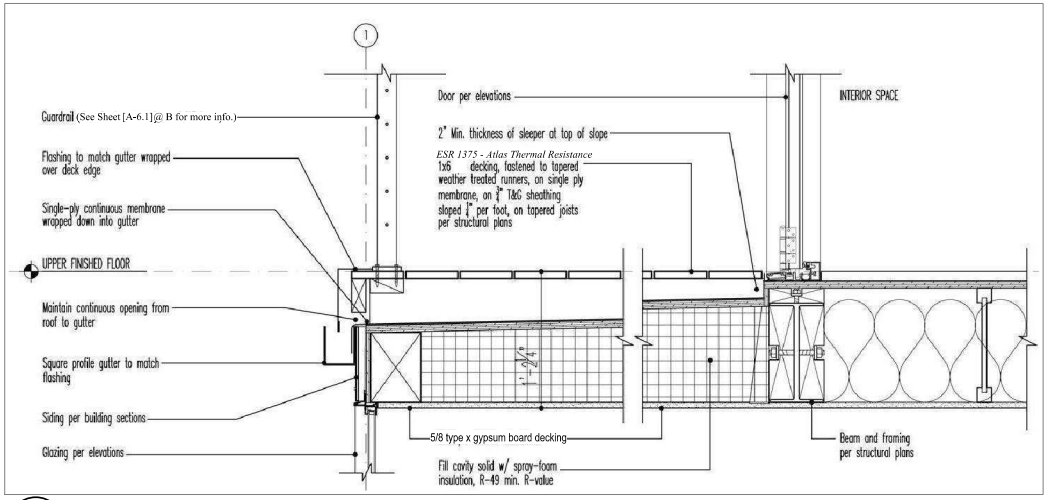
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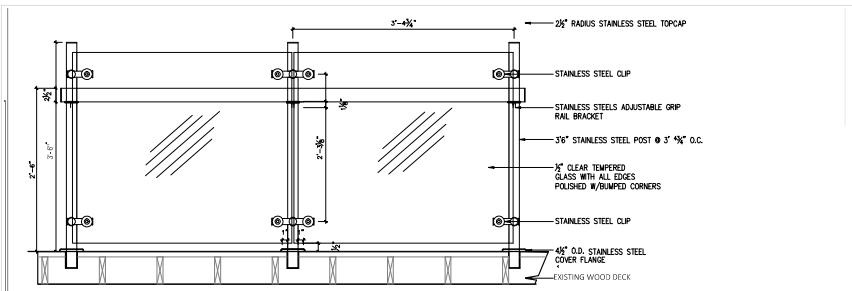
DETAILS

DATE START: 2/22/2021
SCALE: As Noted
DRAWN BY: PETER O
JOB No.: 108569
SHEET
A-6.0

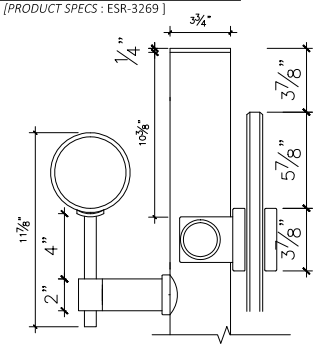
Lehman Residence - [10-2- 2024].pln , printed on 7/4/2026



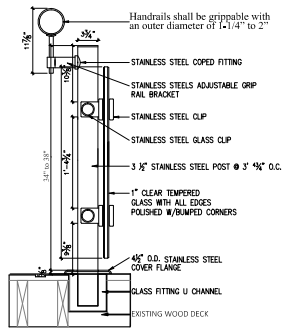
A DECK DETAIL



1 RAILING ELEVATION
[PRODUCT SPECS : ESR-3269]

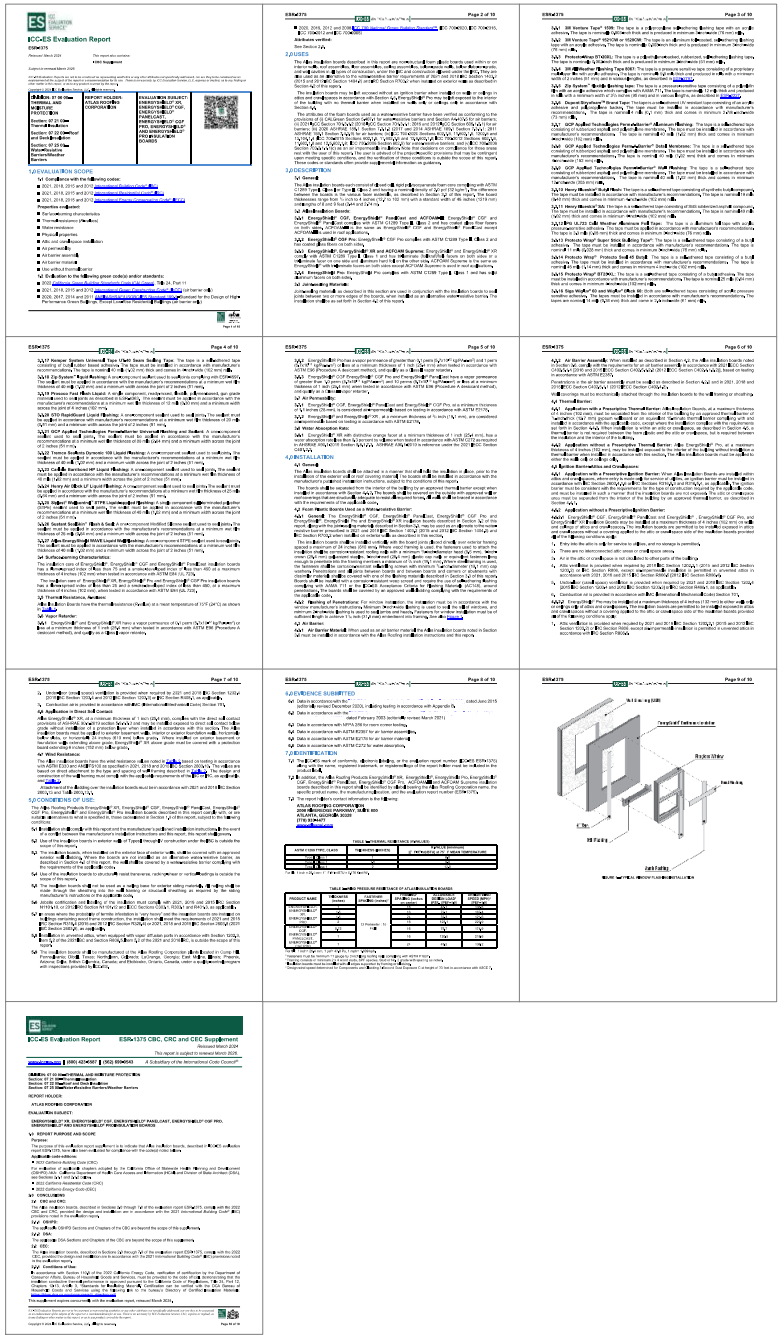


2 RAILING CONNECTION BRACKET
[PRODUCT SPECS : ESR-3269]



3 RAILING ELEVATION
[PRODUCT SPECS : ESR-3269]

B **GLASS GUARD RAIL DETAIL (SEE SHEET [A-6.3] FOR SPECS AND INFO [ESR-3269])**
NOT TO SCALE



REVISIONS

[5-4]; [6-14]; [6-17]; [7-13]; [8-19]; [10-17]; [10-18]	P.O
[7-17]; [7-28]; [9-21]- 2023	P.O
[2-3]; [2-7]; [10-3]; [10-24]- 2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

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DETAILS

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JOB No.: 108569
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A-6.1

ICC-ES Evaluation Report

ESR-3269

Reissued November 2023 *This report also contains:* • CBC Supplement

Subject to renewal November 2024

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DIVISION: 05 00 00—METALS
Section: 05 52 00—Metal Railings
Section: 05 73 13—Glazed Decorative Metal Railings

DIVISION: 08 00 00—OPENINGS
Section: 08 01 00—Glass Glazing
Section: 08 88 00—Special Function Glazing

DIVISION: 32 00 00—EXTERIOR IMPROVEMENTS
Section: 32 35 00—Screening Devices

REPORT HOLDER: C.R. LAURENCE COMPANY, INC.

EVALUATION SUBJECT: GRS™ GLASS BALUSTRADE GUARD SYSTEM FOR MONOLITHIC TEMPERED GLASS APPLICATIONS

1.0 EVALUATION SCOPE

Compliance with the following codes:

- 2021, 2018, 2015, 2012, 2009 and 2006 International Building Code® (IBC)
- 2021, 2018, 2015, 2012, 2009 and 2006 International Residential Code® (IRC)
- 2012 Abu Dhabi International Building Code (ADIBC)

The ADIBC is based on the 2009 IBC. Chapter and section numbers referenced in this report are the same sections in the ADIBC.

Properties evaluated:

- Structural
- Impact

2.0 USES

The GRS Glass Rail System structural glass balustrades described in this report are intended for interior and exterior weatherexposed applications, and are suitable for use in moist natural environments. The GRS system may be used for residential, commercial and industrial applications for guards along balconies, porches, mezzanines, stairs and similar locations except where vehicle impact resistance is required. The system is compatible with all ADA-compliant types.

4.0 DESIGN AND INSTALLATION

4.1 General:

Installation of the GRS glass balustrade system must comply with the manufacturer's published instructions, this report and IBC Sections 1015, 1607.8.1, and 2407 (IRC Sections R312.1, R301.5 and R327.1), or IRC Sections 1013, 1607.7.1, and 2407) or IRC Section R312, whichever is applicable. Handrails/grab rails must comply with IBC Sections 1011.11 and 1014 (2015 IBC Sections 1012 and 1009.13), 2006 IBC Sections 1014.5 and 1009.12, or IRC Sections R311.7.8 and R311.7.7.8, whichever is applicable. The manufacturer's published installation instructions, this report and the construction documents prepared by a Texas Registered Design Professional (RDP) must be available at the jobsite at all times during installation. In the event of a conflict between the report and the manufacturer's instructions, the report governs.

4.2 Design:

4.2.1 Loading: The applicable project-specific loads must be determined. Minimum design load loads, as may be required by the following:

- 50 psf (0.73 kN/m) on the top rail in any direction
- 200 lbs (0.89 kN) on the top rail in any direction, and 50 lbs (0.22 kN) on the guard infill at any location perpendicular to the glass balustrade
- 100 lbs (0.44 kN) on the top rail of glass, in psf

Wind load must be determined by a qualified individual using the applicable code provisions. For miscellaneous wind load locations on the structure. For installations in compliance with the IRC Section R312, the 50 psf (0.73 kN/m) top rail load is required.

4.2.2 Glass:

4.2.2.1 General: Sandblasted glass must have a ¼-inch nominal thickness, with the allowable loads based on ¼-inch (7 mm) thickness, as noted on the tables of this report.

Minimum spacing between glass panels is ½ inch (6 mm). Nominal ¼-inch (6 mm), ⅜-inch (10 mm), ½-inch (12.7 mm) glass panels, and ¾-inch (19.0 mm) glass panels, and ¾-inch (12.7 mm) for ½-inch-thick (10 mm) glass panels.

Holes and notches must not be located within the first third of the glass span. Holes must be drilled before holes and notches must conform to ASTM C1048.

4.2.2.2 Live Loads: The allowable live load glass panel stress is equal to the modulus of rupture divided by a safety factor of 4 (24.0/004 = 6,000 psi (41.5 MPa)).

4.2.2.3 Wind Loads: Table 1 provides the allowable wind loads. This is based on an allowable wind load stress of 9600 psi.

4.2.3 Base Shoes:

The appropriate base shoe must be selected based on glass thickness, installation method and loading. Figure 2 shows the base shoe profile. The base shoe must be mitered at corners and cut to length for the glass panels. Screws and anchorages. The base shoe must be installed in accordance with the manufacturer's published installation instructions and this report. The end anchor must be located within 6 inches (152 mm) of the end of the shoe. 12 inches from the end of the base shoes to the centerline of the anchor. A minimum of two anchors are required for any base shoe section.

4.2.3.1 Stud Substrate: The base shoe is attached to a wood substrate using #10 wood screws, spaced at 12 ¾-inch (6.4 mm) using ¼-13 by ¾-inch long ASTM F-837 Alloy Group 1 (condition AF with a minimum tensile strength of 87 ksi), stainless steel, socket head cap screws installed into tapped holes. When installation is in a wood substrate, a 5/16-inch (7.9 mm) hole must be predrilled to a length sufficient to permit proper installation with full engagement of the nut. When installation is to weld blocks, drainage blocks or solid stone less than 2 inches (51 mm) long by the full base shoe width at each anchor, by instruction in allowable wind loads is required.

4.2.3.1.1 Surface-mounted to Steel: The allowable wind loads must be as shown in Table 7A (heights from top of base shoe to top of guard).

4.2.3.2 Concrete Substrate: The base shoe is attached to a concrete substrate using concrete anchors, spaced at 3 inches and minimum compressive strength of 3,000 psi (20.8 MPa), and in an uncracked condition. The attachment is made using either ¼-inch-diameter by 1¾-inch-embedment stainless steel anchors (Hilti KWIK HUS-EZ) or ¼-inch-diameter by 2-inch-embedment stainless steel anchors (Hilti KWIK HUS-EZ), or in the 2006 IBC, 2009 IBC, 2012 IBC, 2015 IBC, 2018 IBC and 2021 IBC Sections 1607.7.1.1, 1607.7.1, and 2407.1 or IRC Section R312, whichever is applicable. Minimum spacing between anchors is 6 inches (152 mm). For installations in cracked concrete, the anchors must be installed within the first third of the span. Fasteners must be tightened so that the base shoe is in light contact with the supporting wood.

4.2.3.3 Wood Substrate: The base shoe is attached to a wood substrate using #10 wood screws, spaced at 12 inches (305 mm) using ¼-13 by ¾-inch long ASTM F-837 Alloy Group 1 (condition AF with a minimum tensile strength of 87 ksi), stainless steel, socket head cap screws into tapped holes spaced 12 inches (305 mm).

The attachment of the continuous angle to the wood substrate must be with minimum No. 14G-inch (76 mm) stainless steel wood screws spaced 3 inches (in center along each leg.

Allowable wind load using the continuous angles is:

- 42-inch guard height, W = 66.6 psf (3.289 kN/m²)

4.2.3.1.2 Dry service (Moisture content of wood ≤ 19% at all times):

Dry service conditions include interior and exterior locations where the moisture content of wood will not exceed the moisture content remains at or below 19% at all times.

Base shoes are surface mounted directly to wood with a special, gloomy, or in the end, a compressive strength perpendicular to the grain ≥ 625 psi (4.1 MPa).

The base shoe must be anchored with ¼-inch (6.4 mm) diameter by 3-inch (127 mm) long lag screws.

The 600, base shoe must not be used for surface mounting to wood with grain height exceeds 24 inches (610 mm).

4.2.3.2.1 Concrete or Masonry Substrate: The base shoe is attached to a concrete substrate using concrete anchors, spaced at 3 inches and minimum compressive strength of 3,000 psi (20.8 MPa), and in an uncracked condition. The attachment is made using either ¼-inch-diameter by 1¾-inch-embedment stainless steel anchors (Hilti KWIK HUS-EZ) or ¼-inch-diameter by 2-inch-embedment stainless steel anchors (Hilti KWIK HUS-EZ), or in the 2006 IBC, 2009 IBC, 2012 IBC, 2015 IBC, 2018 IBC and 2021 IBC Sections 1607.7.1.1, 1607.7.1, and 2407.1 or IRC Section R312, whichever is applicable. Minimum spacing between anchors is 6 inches (152 mm). For installations in cracked concrete, the anchors must be installed within the first third of the span. Fasteners must be tightened so that the base shoe is in light contact with the supporting wood.

4.2.3.3.1 Surface-mounted to Steel: The allowable wind loads must be as shown in Table 7A (heights from top of base shoe to top of guard).

4.2.3.3.2 Fascia-mounted to Steel: The allowable wind loads must be as shown in Table 7B (heights from top of base shoe to top of guard).

4.2.3.4 Fascia-mounted over openings across: When installation is with aluminum drainage blocks or solid stone less than 2 inches (51 mm) long by the full base shoe width at each anchor, the allowable wind load must be reduced by multiplying by 0.85 as shown in this following equation:

$W = 0.85W$

4.2.3.5 Wood Substrate: Wood cant bars or concrete content under 19 percent at the time of fabrication and be a species and grade with specific gravity G ≥ 0.49. For exterior locations, the wood must be pressure preservative treated wood (SYP or SYP). Fasteners must be tightened so that the base shoe is in light contact with the supporting wood.

4.2.3.5.1 Surface-mounted: All base shoes are center and intermittingly.

4.2.3.5.1.1 Wet service (Moisture content of wood may exceed 19% at any extended period of time):

Direct surface mounting of the base shoes to wood in wet service locations is prohibited. The base shoe must be attached to posts or structural blocks or concrete angles as follows:

- 28.0 psf (1 kN/m²) 2.0 psf, add one anchor
- 31.6 and 4 kN/m² (0.1 psf and above), add one anchor
- add 9 lb² = 20.0 psf, add three anchors

For 36 feet = 0.0.914 kN/m²

Added anchors must be distributed to divide the base shoe into approximately equal segments.

4.2.3.5.2 Dry service (Moisture content of wood ≤ 19% at all times):

Dry service conditions include interior and exterior locations where the moisture content of wood will not exceed the moisture content remains at or below 19% at all times.

Base shoes are surface mounted directly to wood with a special, gloomy, or in the end, a compressive strength perpendicular to the grain ≥ 625 psi (4.1 MPa).

The base shoe must be anchored with ¼-inch (6.4 mm) diameter by 3-inch (127 mm) long lag screws.

The 600, base shoe must not be used for surface mounting to wood with grain height exceeds 24 inches (610 mm).

4.2.3.2.1 Concrete or Masonry Substrate: The base shoe is attached to a concrete substrate using concrete anchors, spaced at 3 inches and minimum compressive strength of 3,000 psi (20.8 MPa), and in an uncracked condition. The attachment is made using either ¼-inch-diameter by 1¾-inch-embedment stainless steel anchors (Hilti KWIK HUS-EZ) or ¼-inch-diameter by 2-inch-embedment stainless steel anchors (Hilti KWIK HUS-EZ), or in the 2006 IBC, 2009 IBC, 2012 IBC, 2015 IBC, 2018 IBC and 2021 IBC Sections 1607.7.1.1, 1607.7.1, and 2407.1 or IRC Section R312, whichever is applicable. Minimum spacing between anchors is 6 inches (152 mm). For installations in cracked concrete, the anchors must be installed within the first third of the span. Fasteners must be tightened so that the base shoe is in light contact with the supporting wood.

4.2.3.3.1 Surface-mounted to Steel: The allowable wind loads must be as shown in Table 7A (heights from top of base shoe to top of guard).

4.2.3.3.2 Fascia-mounted to Steel: The allowable wind loads must be as shown in Table 7B (heights from top of base shoe to top of guard).

4.2.3.4 Fascia-mounted over openings across: When installation is with aluminum drainage blocks or solid stone less than 2 inches (51 mm) long by the full base shoe width at each anchor, the allowable wind load must be reduced by multiplying by 0.85 as shown in this following equation:

$W = 0.85W$

4.2.3.5 Wood Substrate: Wood cant bars or concrete content under 19 percent at the time of fabrication and be a species and grade with specific gravity G ≥ 0.49. For exterior locations, the wood must be pressure preservative treated wood (SYP or SYP). Fasteners must be tightened so that the base shoe is in light contact with the supporting wood.

4.2.3.5.1 Surface-mounted: All base shoes are center and intermittingly.

4.2.3.5.1.1 Wet service (Moisture content of wood may exceed 19% at any extended period of time):

Direct surface mounting of the base shoes to wood in wet service locations is prohibited. The base shoe must be attached to posts or structural blocks or concrete angles as follows:

- 28.0 psf (1 kN/m²) 2.0 psf, add one anchor
- 31.6 and 4 kN/m² (0.1 psf and above), add one anchor
- add 9 lb² = 20.0 psf, add three anchors

For 36 feet = 0.0.914 kN/m²

Added anchors must be distributed to divide the base shoe into approximately equal segments.

4.2.3.5.2 Fascia-mounted: The base shoes must be attached with ¼-inch-by-9-inch (12.7 mm by 152 mm) lag screws with a 4-inch (102 mm) minimum embedment into the rim of the same wood must be fastened with at below one ring or the beam corner radius and the beam must extend below the bottom of the base shoe. The allowable wind load must be as determined in accordance with Table 7A. Lower allowable loads for other heights or above spacing is allowable.

4.2.4 Top Rails: A top rail is required for outside compliance guard installation, except as noted in Figure 1A. The term "top rail" denotes the same thing as "top rail" and the two may be used interchangeably. The top rail is installed in accordance with the manufacturer's instructions and this installation details referenced in Section 4.1 of this report.

4.2.4.1 Support: The top rail must be installed on so the top rail is glass in the center of the bottom of any glass panel light. This requires the use of a minimum of three glass lights or a combination of other top rail supports and glass lights as described in this report. The allowable wind load must be checked to verify that the rail will remain in place in the event of failure of the end glass light. End support must be designed when required for a code-compliant installation. Typical top rail supports are shown in Figure 1A in an acceptable method of end support.

4.2.4.2 Top Rail Profiles: The top rail profiles are shown in Figure 7. The maximum middle and end spans of the top rail profiles supported by glass only are given in Table 1.

4.2.4.3 Stainless Steel End Post: Where the end glass panel with exceeds the maximum end top rail span in Table 3, the top rail must be supported at the end by a post on the end of the glass balustrade. The end post is mounted and may be used, as shown in Figure 8. The post minimum width for a maximum glass height of must be installed in accordance with the manufacturer's instructions and this report.

4.2.4.4 Handrail: Handrails may be installed on glass balustrades. The handrail must be installed as set to remain in place in the event of the failure of any one glass light. This requires the use of a minimum of three glass lights or a combination of other handrail supports and glass lights as described in this report. The allowable wind load must be checked to verify that the rail will remain in place in the event of failure of the end glass light. End support must be designed when required for a code-compliant installation. Typical handrail supports are shown in Figure 1A in an acceptable method of end support.

4.2.4.5 Top Rail Profiles: The top rail profiles are shown in Figure 7. The maximum middle and end spans of the top rail profiles supported by glass only are given in Table 3.

4.2.4.6 Stainless Steel End Post: Where the end glass panel with exceeds the maximum end top rail span in Table 3, the top rail must be supported at the end by a post on the end of the glass balustrade. The end post is mounted and may be used, as shown in Figure 8. The post minimum width for a maximum glass height of

$W = (M_{max}/S)$

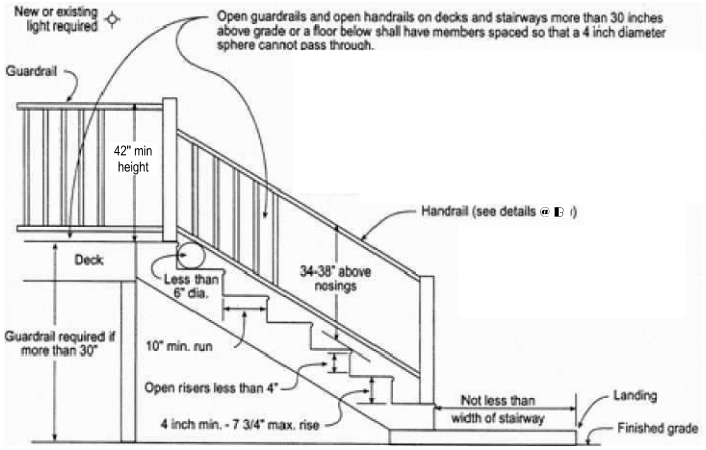
(0.551 kN/m²)

Where: M_{max} = glass height measured from top of base shoe to top of top rail in inches.

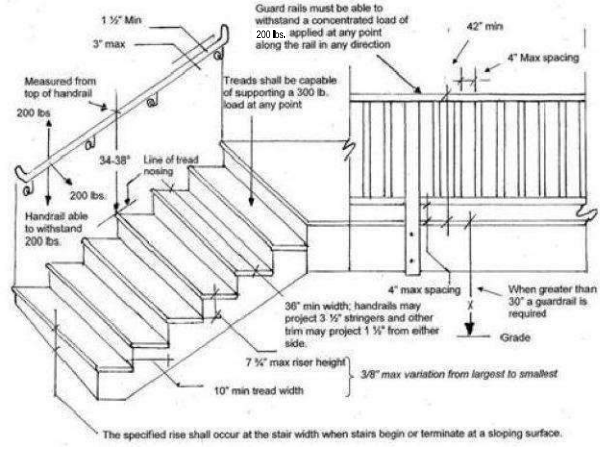
42 inches (1067 mm) must be as shown in Table 4. Posts may either match glass thickness or fit tightly into the base shoes.

4.2.5 Taper-Lock® Dry Glazed System:

4.2.5.1 Description: This is a dry glazing system where the glass balustrade panels are installed in a Taper-Lock® Shoe Sealing Plate (an L-shaped piece on the back side) and the Taper-Lock® Shim Plates (front side), as illustrated in Figure 9. The glass is locked in place by the compressive forces created by the Taper-Lock® shim plates being driven between the Taper-Lock® Sealing Plate and the glass. The Taper-Lock® shim plates are L-shaped piece on the back side) and



A STAIR DETAILS AND NOTES
NOT TO SCALE



B STAIR DETAILS AND NOTES
NOT TO SCALE

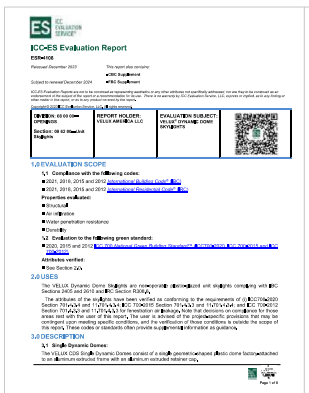
STAIRWAYS NOTES

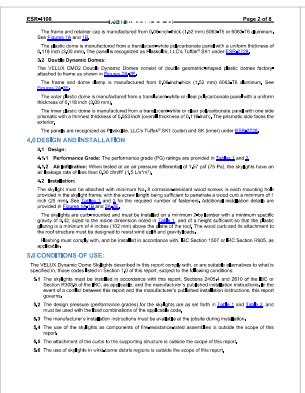
A4. a) 36" Minimum stair width per CRC R311.7.1.
b) Stair tread depth (11" or 10" minimum plus tread nosing) and riser height (7.75" maximum) per CRC R311.7.5.1
c) 36" Minimum landing at the top and bottom of the stairs per CRC R311.7.6.
d) Provide light fixture to illuminate the walking surface of the stairs per CRC R311.7.9.

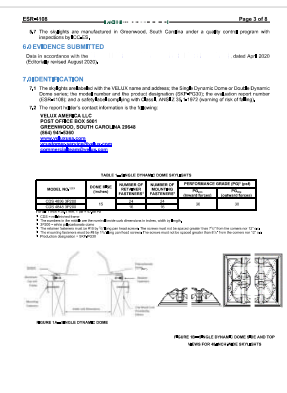
A5. a) Guardrail shall be at the same height as the handrail at the stairs or 42" minimum at the walkway. CRC R312.
b) The spacing of the openings at the guards to be such that a sphere, 4 inch in diameter shall not pass through. CRC R312.1.3.

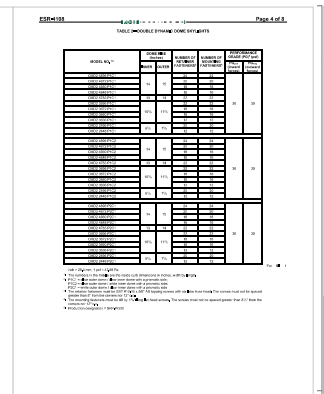
A6. a) Handrails are required to be 34" to 38" above the stair treads. CRC R311.7.8.1.
b) Handrails shall be continuous for the full length of the flight, from a point directly above the top riser to the lowest riser flight. CRC R311.7.8.2.
c) Handrail ends shall be returned or shall terminate in newel posts or safety terminals. CRC R311.7.8.2.
d) Handrails adjacent to a wall shall have a space of not less than 1-1/2" between the wall and the handrails. CRC R311.7.8.2.
e) Handrail shall be graspable per CRC R311.7.8.3.
i) Handrail shall either be circular with an outside diameter of 1-1/4" to 2",
ii) Or with a perimeter greater than 6-1/4 inches with graspable finger recess area on both sides of the profile.
f) Handrail connection shall be designed to withstand a 200-pound load applied in any direction at any point along the top of the rail.

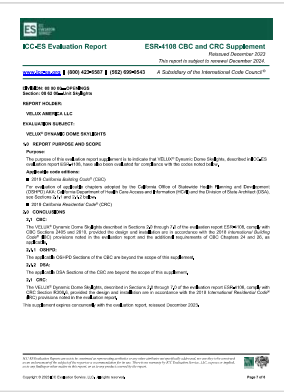
SKYLIGHTS SPECIFICATIONS / INFORMATION

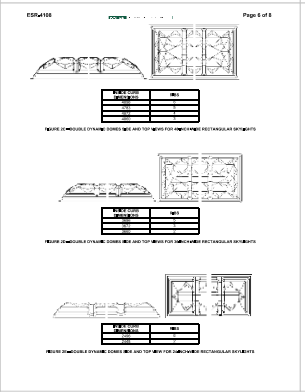

ICC-ES Evaluation Report
ESR-4108
Reissued December 2023
This report is subject to renewal December 2024.
www.icc-es.org | (800) 423-6587 | (562) 699-0543 A Subsidiary of the International Code Council®
DIVISION: 08 00 00—OPENINGS
Section: 08 62 00—Unit Skylights
REPORT HOLDER: VELUX AMERICA LLC
EVALUATION SUBJECT: VELUX® DYNAMIC DOME SKYLIGHTS
1.0 EVALUATION SCOPE
1.1 Compliance with the following codes:
2021, 2018, 2015 and 2012 International Building Code® (IBC)
2021, 2018, 2015 and 2012 International Residential Code® (IRC)
Properties evaluated:
Structural
Air infiltration
Water penetration resistance
Durability
1.2 Evaluation to the following green standard:
2020, 2015 and 2012 ICC-700 National Green Building Standard™ (ICC-700) and 2021 IRC Appendix AX
Attributes verified:
See Section 2.0
2.0 USES
The VELUX Dynamic Dome Skylights are deck-mounted, double-glazed unit skylights complying with IBC Sections 2405 and 2610 and IRC Section R308.6.
The attributes of the skylights have been verified as conforming to the requirements of ICC-ES AC286 (2020), IBC Section 2405.5 and IRC Section R308.6.5, and as meeting the IBC Section 2610.1 and IRC Section 308.6.1 and 1.1.1.1.1.1.1 for fenestration air leakage. Note that decisions on compliance for those areas rest with the user of this report. The user is advised of the projects/specific provisions that may be contingent upon meeting specific conditions, and the verification of those conditions is outside the scope of this report. These codes or standards often provide supplemental information as guidance.
3.0 DESCRIPTION
3.1 Single Dynamic Domes:
The VELUX CDS Single Dynamic Domes consist of a single-glazed/curb-mounted plastic dome factory-attached to an aluminum extruded frame with an aluminum extruded retainer ring.
Page 1 of 8

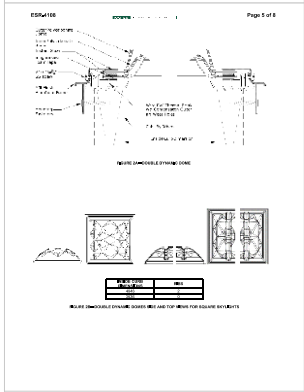

ESR-4108 Page 2 of 8
The frame and retainer ring is manufactured from 0.040-inch-thick (1.02 mm) 6063-T5 or 6063-T6 aluminum. See Table 3 and Figure 1.
The plastic dome is manufactured from a translucent/white plastic/clear/tinted panel with a uniform thickness of 0.118 inch (3.0 mm). The panel is recognized as Rexlite by LLC's Tuffak® (SK1 cooler Tuffak Corp.
3.2 Double Dynamic Domes:
The VELUX DWD/ Double Dynamic Domes consist of double-glazed/curb-mounted plastic domes factory-attached to frame as shown in Figure 2 and Figure 3.
The frame and dome ring is manufactured from 6063-T5 or 6063-T6 aluminum. See Figure 1 and Figure 2.
The outer plastic dome is manufactured from a translucent/white or clear/tinted/colored panel with a uniform thickness of 0.118 inch (3.00 mm).
The inner plastic dome is manufactured from a translucent/white or clear/tinted/colored panel with one side printed/etc with a thinned thickness of 0.059 inch (one-half thickness of 0.118 inch). The prismatic side faces the exterior.
The panels are recognized as Rexlite by LLC's Tuffak® (SK1 (outer) and SK (inner) under Tuffak Corp.
4.0 DESIGN AND INSTALLATION
4.1 Design:
4.1.1 Performance Grade: The performance grade (PG) ratings are provided in Table 1 and 2.
4.1.2 Air Infiltration: When tested at an air pressure differential of 1.57 psf (75 Pa), the skylights have an air leakage rate of less than 0.06 cfm/ft² (.3 L/s/m²).
4.2 Installation:
The skylight must be attached with minimum forty-8 corrosion-resistant wood screws in each mounting hole provided in the skylight frame, with the screw length being sufficient to penetrate a wood curb a minimum of 1 inch (25 mm). See Table 3 and Figure 1, for the required number of fasteners. Additional installation details are provided in Figure 1, Figure 2 and Figure 3.
The skylights are curb-mounted and must be installed on a minimum 2x6 nominal curb with a minimum curb-wall thickness of 1.5 inches (38 mm). The curb must be flashed and sealed to the roof deck and roofing system, allowing a minimum of 4 inches (102 mm) above the plane of the roof. The wood curb and its attachment to the roof structure must be designed to resist wind uplift and gravity loads.
Flashing must comply with, and be installed in accordance with, IBC Section 1507 or IRC Section R905, as applicable.
5.0 CONDITIONS OF USE:
The VELUX Dynamic Dome Skylights described in this report comply with, or are suitable alternatives to what is specified in, those codes listed in Section 1.0 of this report, subject to the following conditions:
5.1 The skylights must be installed in accordance with this report, Sections 2405.4 and 2610 of the IBC or Section R308.6 of the IRC, as applicable, and the manufacturer's published installation instructions. In the event of a conflict between this report and the manufacturer's published installation instructions, this report governs.
5.2 The design pressure (performance graded) for the skylights are as set forth in Table 1 and Table 2, and must be used with the applicable provisions of the applicable code.
5.3 The manufacturer's installation instructions must be available at the jobsite during installation.
5.4 The use of the skylights as components of fire-resistance-rated assemblies is outside the scope of this report.
5.5 The attachment of the curbs to the supporting structure is outside the scope of this report.
5.6 The use of skylights in wind-borne debris regions is outside the scope of this report.


ESR-4108 Page 3 of 8
5.7 The skylights are manufactured in Greenwood, South Carolina under a quality control program with inspections by ICC-ES.
6.0 EVIDENCE SUBMITTED
Data in accordance with the Evaluation Criteria for Unit Skylights, dated July 2020.
7.0 IDENTIFICATION
7.1 The skylights are identified with the VELUX name and address; the Single Dynamic Dome or Double Dynamic Dome name; the model number and the product designation (ESR-4108); the evaluation report number (ESR-4108); and a code-compliant mark with Quick Mark [ ], or VRC warning of risk of fall.
7.2 The report holder's contact information is the following:
VELUX AMERICA LLC
POST OFFICE BOX 5001
GREENWOOD, SOUTH CAROLINA 29648
(864) 941-4300
www.velux.com
customer.service@velux.com
technical.literature@velux.com

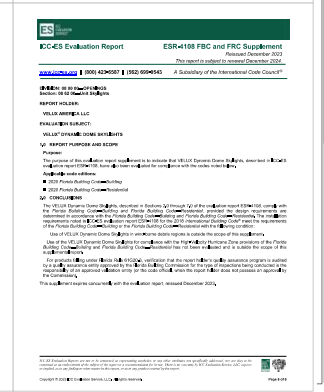

ESR-4108 Page 4 of 8
TABLE 1—DOUBLE DYNAMIC DOME SKYLIGHTS

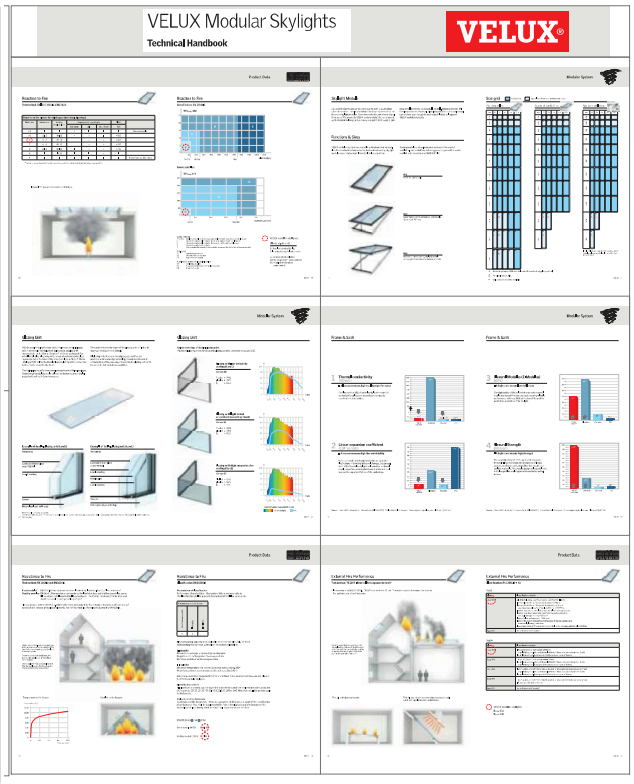

ESR-4108 Page 5 of 8
FIGURE 2—DOUBLE DYNAMIC DOMES


ESR-4108 Page 6 of 8
FIGURE 2—DOUBLE DYNAMIC DOMES (SQUARE AND TOP VIEWS FOR SQUARE AND RECTANGULAR SKYLIGHTS)


FIGURE 2—DOUBLE DYNAMIC DOMES (SQUARE AND TOP VIEWS FOR SQUARE SKYLIGHTS)

ICC-ES Evaluation Report ESR-4108 CBC and CRC Supplement
Reissued December 2022
This report is subject to renewal December 2024.
www.icc-es.org | (800) 423-6587 | (562) 699-0543 A Subsidiary of the International Code Council®
DIVISION: 08 00 00—OPENINGS
Section: 08 62 00—Unit Skylights
REPORT HOLDER:
VELUX AMERICA LLC
EVALUATION SUBJECT:
VELUX® DYNAMIC DOME SKYLIGHTS
2.0 REPORT PURPOSE AND SCOPE
Purpose:
The purpose of this evaluation report supplement is to indicate that VELUX® Dynamic Dome Skylights, described in ICC-ES evaluation report ESR-4108, have been evaluated for compliance with the codes noted below.
Applicable code editions:
2019 California Building Code® (CBC)
For applications of skylights adopted by the California Office of Statewide Health Planning and Development (OSHPD), see Section 2.0 of the corresponding OSHPD Sections of the CBC.
2019 California Residential Code® (CRC)
3.0 CONCLUSIONS
3.1 CBC:
The VELUX® Dynamic Dome Skylights described in Sections 2.0 through 7.0 of the evaluation report ESR-4108, comply with CBC Sections 2405 and 2610, provided the design and installation are in accordance with the 2018 International Building Code® (IBC) provisions noted in the evaluation report and the additional requirements of CBC Chapters 24 and 26, as applicable.
3.1 OSHPD:
The applicable OSHPD Sections of the CBC are beyond the scope of this supplement.
3.2 DSA:
The applicable DSA Sections of the CBC are beyond the scope of this supplement.
3.3 CRC:
The VELUX® Dynamic Dome Skylights described in Sections 2.0 through 7.0 of the evaluation report ESR-4108, comply with CRC Section 308.6, provided the design and installation are in accordance with the 2018 International Residential Code® (IRC) provisions noted in the evaluation report.
This supplement expires concurrently with the evaluation report, reissued December 2022.
Page 1 of 2


ICC-ES Evaluation Report ESR-4108 FBC and FRC Supplement
Reissued December 2023
This report is subject to renewal December 2024.
www.icc-es.org | (800) 423-6587 | (562) 699-0543 A Subsidiary of the International Code Council®
DIVISION: 08 00 00—OPENINGS
Section: 08 62 00—Unit Skylights
REPORT HOLDER:
VELUX AMERICA LLC
EVALUATION SUBJECT:
VELUX® DYNAMIC DOME SKYLIGHTS
2.0 REPORT PURPOSE AND SCOPE
Purpose:
The purpose of this evaluation report supplement is to indicate that VELUX® Dynamic Dome Skylights, described in ESR-4108 and re-issued report ESR-4108, have been evaluated for compliance with the codes noted below.
Applicable code editions:
2020 Florida Building Code—Building
2020 Florida Building Code—Residential
3.0 CONCLUSIONS
The VELUX® Dynamic Dome Skylights, described in Sections 2.0 through 7.0 of the evaluation report ESR-4108, comply with the Florida Building Code—Building and Florida Building Code—Residential, provided the design requirements are determined in accordance with the Florida Building Code—Building and Florida Building Code—Residential. The installation requirements are as noted in ESR-4108 and the applicable sections of the Florida Building Code—Building or the Florida Building Code—Residential with the following condition:
Use of VELUX® Dynamic Dome Skylights in wind-borne debris regions is outside the scope of this supplement.
Use of the VELUX® Dynamic Dome Skylights for compliance with the High-Velocity Hurricane Zone provisions of the Florida Building Code—Building and Florida Building Code—Residential has not been evaluated and is outside the scope of this supplement.
For products falling under Florida Rule 61G20-3, verification that the report holder's quality assurance program is audited by a qualified third-party entity approved by the Florida Building Commission for the type of inspections being conducted is the responsibility of an approved validation entity (or the code official) when the report holder does not possess an approved quality assurance program.
This supplement expires concurrently with the evaluation report, reissued December 2023.
Page 1 of 2



REVISIONS

[5-4],[6-14],[6-17],[7-13],[8-19],[10-17],[10-18]	P.O
[7-17],[7-28],[8-21]- 2023	P.O
[2-3],[2-7],[10-3],[10-24]- 2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

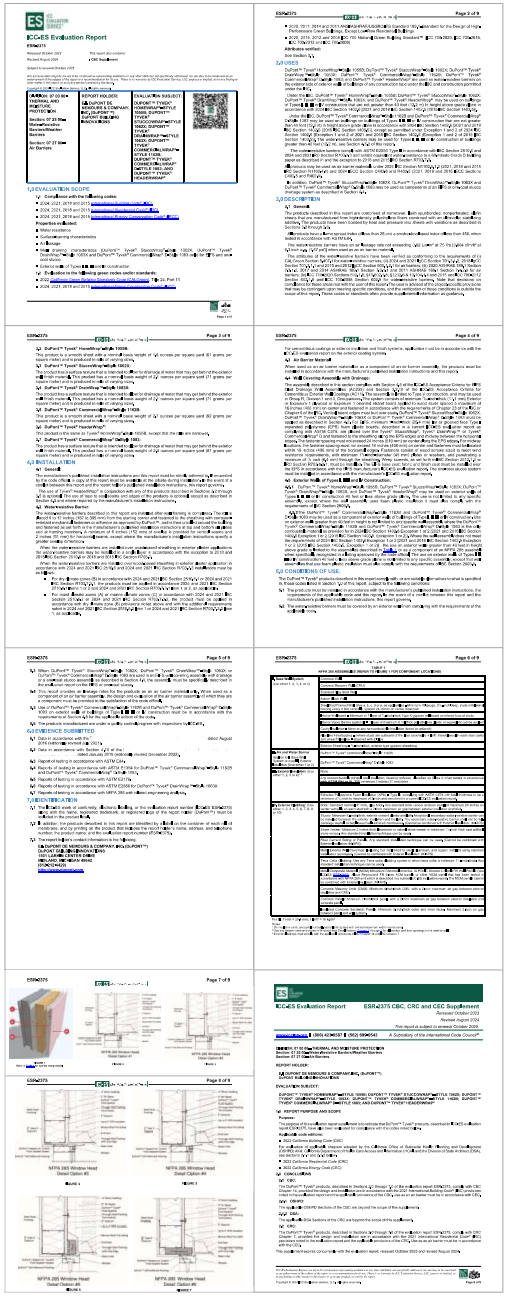
Lehman Residence
28809 Bonifacio Drive,
Malibu, CA 90265

BARSOCCHINI & ASSOCIATES DESIGNS
3502 COAST VIEW DRIVE - MALIBU CA 90265
P 310-453-8625 - F 310 457-7175 - REM@BARSOCCHINI.COM

DETAILS

DATE START: 2/22/2021
SCALE: As Noted
DRAWN BY: PETER .O
JOB No.: 108569
SHEET
A-6.3

WATERRESISTIVE BARRIER SPECIFICATIONS



RESIDENTIAL LANDINGS & THRESHOLDS
2016 CALIFORNIA RESIDENTIAL CODE
SECTIONS R311.3 & R311.7.6

The following is a list of the general requirements for residential landings and thresholds based on the 2016 California Residential Code. This handout is intended to provide only general information, contact the Building and Safety Division for any questions or additional information.

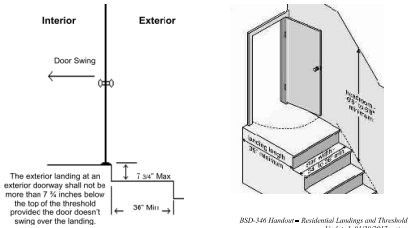
R311.3 Floors and landings at exterior doors. There shall be a landing or floor on each side of each exterior door. The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches measured in the direction of travel. Exterior landings shall be permitted to have a slope not to exceed ¼ unit vertical in 12 units horizontal (2-percent).

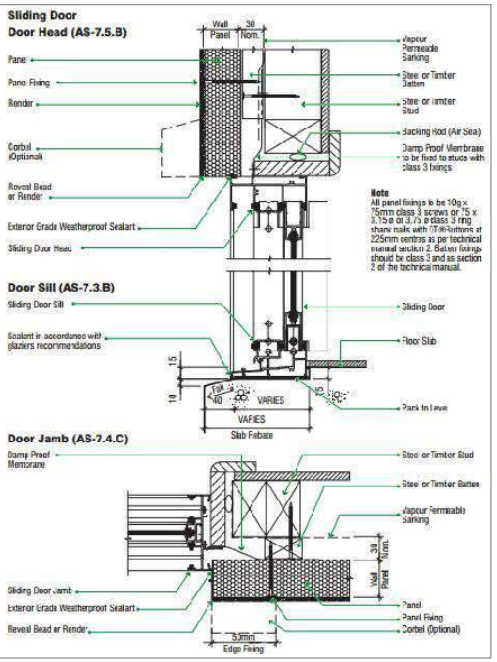
R311.3.1 Floor elevations at required egress doors. Landings or floors at the required egress doors shall not be more than 1 ½ inches lower than the top of the threshold.
Exception: The exterior landing or floor shall not be more than 7 ¾" inches below the top of the threshold provided the door does not swing over the landing or floor.

R311.7.6 Landings for stairways. There shall be a floor or landing at the top and bottom of each stairway. The minimum width perpendicular to the direction of travel shall not be less than the width of the flight served.

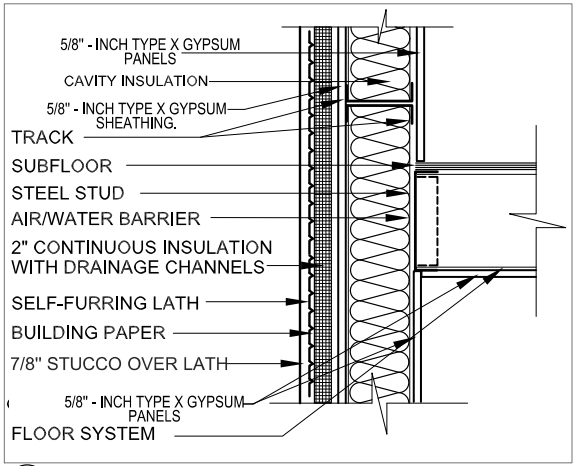
Where the stairway has a straight run, the minimum depth in the direction of travel shall be not less than 36 inches.

Exception: A floor or landing is not required at the top of an interior flight of stairs, including stairs in an enclosed garage, provided a door does not swing over the stairs.

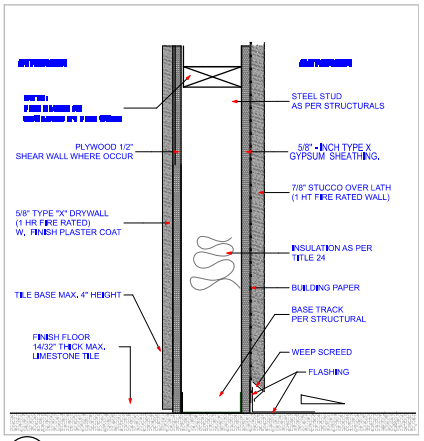




EGRESS NOTES AND DETAILS
NOT TO SCALE



WALL DETAIL
NOT TO SCALE



1 HOUR FIRE RATED WALL
NOT TO SCALE

REVISIONS

[5-4],[6-14],[6-17],[7-13],[8-19],[10-17],[10-18]	P.O
[7-17],[7-28],[9-21]- 2023	P.O
[2-3],[2-7],[10-3],[10-24]- 2024	P.O
2-4-2025	P.O
2-11-2025	P.O
7-3-2026	P.O

Lehman Residence
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P 310-457-2175 - F 310-457-1625 - REM@BARSOCCHINI.COM

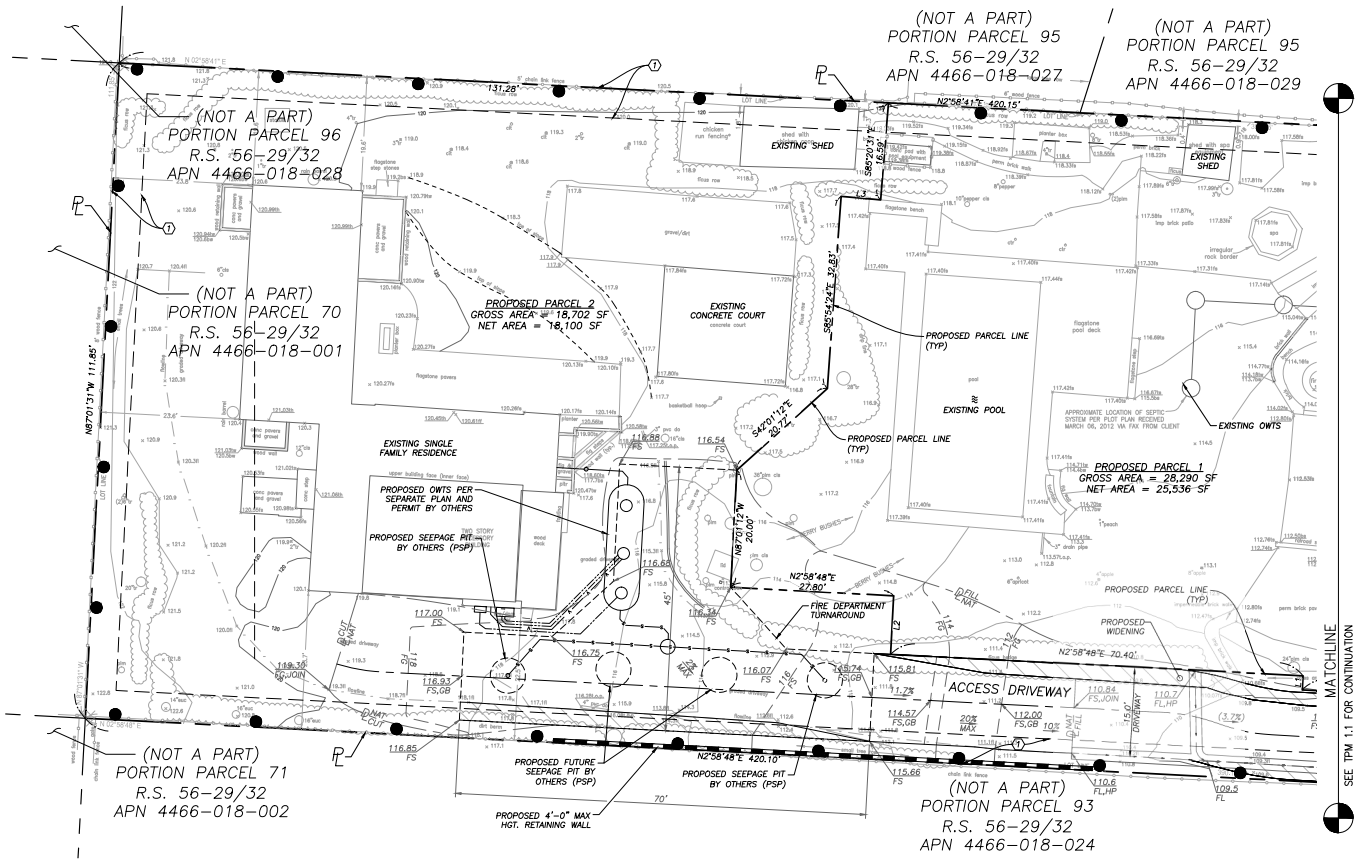
DETAILS

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SCALE: As Noted
DRAWN BY: PETER .O
JOB No.: 108569
SHEET
A-6.4

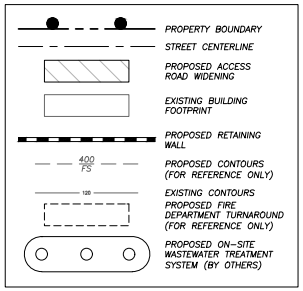
MINOR LAND DIVISION

TENTATIVE PARCEL MAP NO. 84368

IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES



LEGEND:



NOTES:

1. ALL SURVEY INFORMATION PROVIDED HEREON IS BASED ON A 'TOPOGRAPHY SURVEY' PREPARED BY DANIELSON SURVEYING, DATED JULY 20, 2021.
2. ALL FIRE ACCESS AND PROPOSED GRADING & DRAINAGE IMPROVEMENTS SHOWN ON THIS MAP ARE PROVIDED FOR REFERENCE ONLY. REFER TO THE LATEST VERSIONS OF THE 'FIRE ACCESS EXHIBIT' AND 'GRADING AND DRAINAGE PLANS' PREPARED BY OUR OFFICE. THESE PLANS ARE NOT CONSIDERED FINAL WITHOUT STAMPS AND SIGNATURES FROM OUR OFFICE, ALONG WITH THE CORRESPONDING APPROVALS FROM THE CITY OF MALIBU AND OTHER AGENCIES HAVING JURISDICTION.
3. ALL EXISTING STRUCTURES ARE PROPOSED TO REMAIN.
4. FINAL MONUMENTS WILL BE SET PRIOR TO FILING WITH THE COUNTY RECORDER OF THE FINAL MAP.
5. ALL EXISTING TREES ARE PROPOSED TO REMAIN, EXCEPT THOSE WHICH MUST BE REMOVED TO SATISFY FIRE DEPARTMENT ACCESS REQUIREMENTS.
6. WATER IS PROVIDED TO THE SITE BY LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29.

LAND USE DATA:

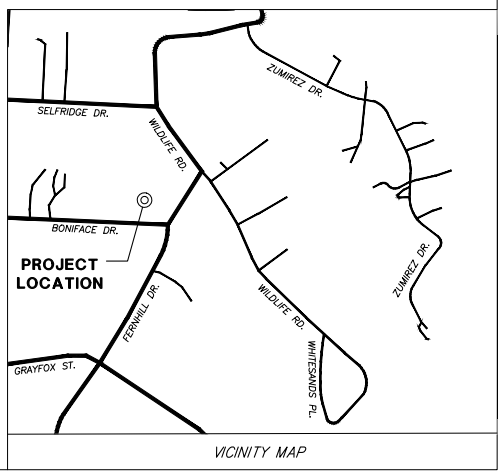
LOT AREA:		
	GROSS AREA:	46,992 SF / 1.08 AC
	NET AREA:	43,636 SF* / 1.00 AC*
	*NET AREA IS GROSS LESS PUBLIC ACCESS EASEMENT	
A.P.N. #		4466-018-025
ZONING:		
	EXISTING:	RR1 (RURAL RESIDENTIAL – 1 DU.ACRE)
	PROPOSED:	NO PROPOSED ZONE CHANGE
SITE ADDRESS:		28809 BONIFACE DRIVE MALIBU, CA 90265

PROPOSED PARCEL DATA:

PARCEL	PARCEL AREA (GROSS)	PARCEL AREA (NET*)	% OF TOTAL**
1	28,290 SF	25,536 SF	58.5%
2	18,702 SF	18,100 SF	41.5%
TOTAL	46,992 SF	43,636 SF	100%

*NET AREA IS GROSS AREA LESS PUBLIC ACCESS EASEMENT
**% OF TOTAL IS BASED ON NET AREA

LINE TABLE		
LINE	LENGTH	BEARING
L2	10.00'	S87°01'11.50"E
L1	2.40'	N87°01'11.50"W
L3	6.75'	N5°00'52.42"E



VICINITY MAP

PROJECT INFORMATION:

OWNER	DONALD R. LEHMAN AND MARIE CHRISTINE LEHMAN FAMILY REVOCABLE TRUST 28809 BONIFACE DRIVE MALIBU, CA 90265 (310) 866-1645
CIVIL ENGINEER	LC ENGINEERING GROUP, INC. 889 PIERCE COURT SUITE 101 THOUSAND OAKS, CA. 91360 (805) 497-1244 (818) 991-7148
SURVEYOR	MARK DANIELSON, PLS 7882 DANIELSON SURVEYING 25000 AVENUE STANFORD, STE. 141 (661) 904-7039

SCALE: 1"=10'
10' 5' 0' 10' 20'

LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
A PARCEL OF LAND BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1, PAGE 407, ET SEQ., OF PATENS, RECORDS OF SAID COUNTY, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF PRIVATE ROAD EASEMENT NO. 3 AS DESCRIBED IN THE DECLARATION OF EASEMENTS FILED FOR RECORD DECEMBER 11, 1945 IN BOOK 22185, PAGE 400 OF OFFICIAL RECORDS OF SAID COUNTY, SAID POINT OF BEGINNING BEING SOUTH 87°00' 00" EAST 1024.41 FEET FROM THE NORTHWESTERLY EXTREMITY OF THAT CERTAIN CENTERLINES COURSE DESCRIBED IN SAID EASEMENT NO. 3 AS SOUTH 87°00' 00" EAST 1260.00 FEET; THENCE FOLLOWING SAID CENTERLINE SOUTH 87°00' 00" EAST 112.00 FEET; THENCE NORTH 30°00' 00" EAST 420.01 FEET; THENCE NORTH 87°00' 00" WEST 112.00 FEET; THENCE SOUTH 30°00' 00" WEST 420.01 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LAND IS ALSO KNOWN AS PARCEL 94 ON A RECORD OF SURVEY FILED IN BOOK 56, PAGES 29 TO 32, RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALT, GAS, COAL, OTHER HYDROCARBON SUBSTANCES AND WATER CONTAINED IN, ON, WITHIN AND UNDER SAID LAND BUT WITHOUT ANY RIGHT OF SURFACE ENTRY, AS RESERVED BY MARBLEHEAD LAND COMPANY IN BOOK 24224, PAGE 351 OF OFFICIAL RECORDS.

BENCHMARK:

NO. Y-11386 (L.A. COUNTY PUBLIC WORKS)
(SURVEY SECTION | MALIBU QUAD)
ELEVATION 189.381, 2008 ADJUSTMENT
DATUM: NAVD 1988
DPW BM TAG IN W CB 600MM(2') N/O BCR @ NW COR PACIFIC COAST HWY & CAVALLERI RD

EXISTING EASEMENT LEGEND:

① 5' WIDE EASEMENT FOR POLE LINES, POWER LINE, CABLES, CONDUITS, SEWERS AND POLES PER BOOK 24224, PAGE 351, O.R.

PROPOSED EASEMENT LEGEND:

① PROPOSED ACCESS IN FAVOR OF PARCEL 2
② PROPOSED ACCESS IN FAVOR OF PARCEL 1

LC ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CIVIL • STRUCTURAL • GEOTECHNICAL
889 Pierce Court, Suite 101, Thousand Oaks, California 91360
818-991-7148 • 805-497-1244 • lcengroup@lcengroup.com

FOR PLAN CHECK ONLY
THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION.

REV#	DATE	SUBMITTAL/REVISION

LEHMAN RESIDENCE
28809 BONIFACE DRIVE
MALIBU, CA 90265

TENTATIVE PARCEL MAP

DATE:	1/13/2022
SCALE:	1"=10'
DRAWN:	ED
JOB NO:	8181
SHEET	

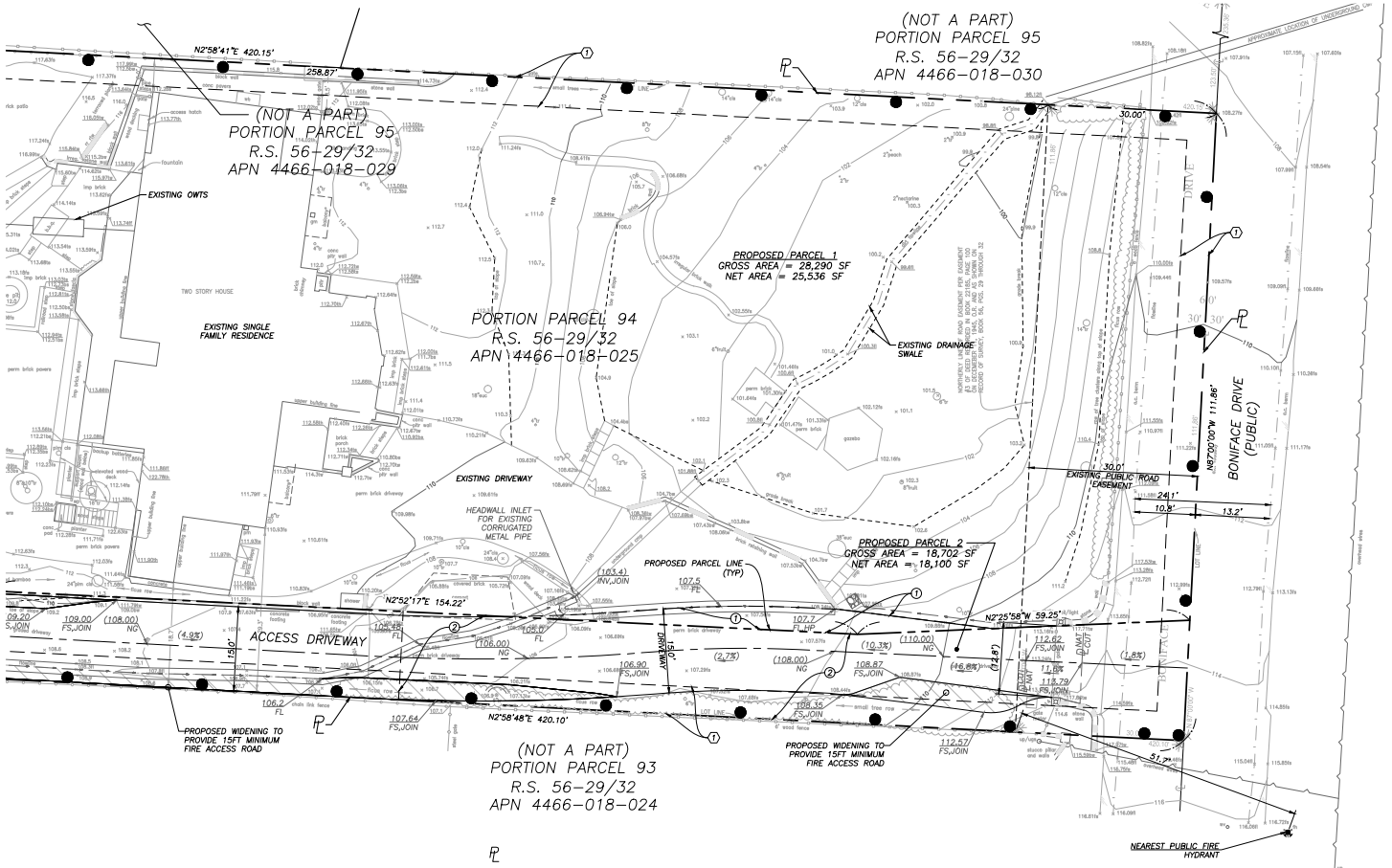
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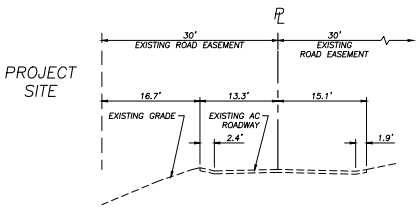
Jan 13, 2026, 3:53pm Patrick Kaufman
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MINOR LAND DIVISION

TENTATIVE PARCEL MAP NO. 84368

IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES





BONIFACE DRIVE STREET SECTION

1"=10'

SCALE: 1"=10'

10' 5' 0' 10' 20'

LEGEND:

- PROPERTY BOUNDARY
- STREET CENTERLINE
- PROPOSED ACCESS ROAD WIDENING
- EXISTING BUILDING FOOTPRINT
- PROPOSED RETAINING WALL
- PROPOSED CONTOURS (FOR REFERENCE ONLY)
- EXISTING CONTOURS
- PROPOSED FIRE DEPARTMENT TURNAROUND (FOR REFERENCE ONLY)
- PROPOSED ON-SITE WASTEWATER TREATMENT SYSTEM (BY OTHERS)

EXISTING EASEMENT LEGEND:

① 5' WIDE EASEMENT FOR POLE LINES, POWER LINE, CABLES, CONDUITS, SEWERS AND POLES PER BOOK 24224, PAGE 351, O.R.

PROPOSED EASEMENT LEGEND:

① PROPOSED ACCESS IN FAVOR OF PARCEL 2

② PROPOSED FIRE LANE AND ACCESS IN FAVOR OF PARCEL 1

LINE TABLE		
LINE	LENGTH	BEARING
L2	10.00'	S87°01'11.50"E
L1	2.40'	N87°01'11.50"W
L3	6.75'	N5°00'52.42"E

NOTES:

1. ALL SURVEY INFORMATION PROVIDED HEREON IS BASED ON A "TOPOGRAPHY SURVEY" PREPARED BY DANIELSON SURVEYING, DATED JULY 20, 2021.
2. ALL FIRE ACCESS AND PROPOSED GRADING & DRAINAGE IMPROVEMENTS SHOWN ON THIS MAP ARE PROVIDED FOR REFERENCE ONLY. REFER TO THE LATEST VERSIONS OF THE "FIRE ACCESS EXHIBIT" AND "GRADING AND DRAINAGE PLANS" PREPARED BY OUR OFFICE. THESE PLANS ARE NOT CONSIDERED FINAL WITHOUT STAMPS AND SIGNATURES FROM OUR OFFICE, ALONG WITH THE CORRESPONDING APPROVALS FROM THE CITY OF MALIBU AND OTHER AGENCIES HAVING JURISDICTION.
3. ALL EXISTING STRUCTURES ARE PROPOSED TO REMAIN.
4. FINAL MONUMENTS WILL BE SET PRIOR TO FILING WITH THE COUNTY RECORDER OF THE FINAL MAP.
5. ALL EXISTING TREES ARE PROPOSED TO REMAIN, EXCEPT THOSE WHICH MUST BE REMOVED TO SATISFY FIRE DEPARTMENT ACCESS REQUIREMENTS.
6. WATER IS PROVIDED TO THE SITE BY LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29.

LC ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CIVIL • STRUCTURAL • GEOTECHNICAL
889 Ponce Court, Suite 110, Thousand Oaks, California 91360
818-991-7148 • 805-497-1244 • lcengroup@sbcglobal.net • info@lcengroup.com

FOR PLAN CHECK ONLY

THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION.

REV#	DATE	SUBMITTAL/REVISION

LEHMAN RESIDENCE

28809 BONIFACE DRIVE
MALIBU, CA 90265

TENTATIVE PARCEL MAP

DATE:	1/13/2022
SCALE:	1"=10'
DRAWN:	ED
JOB NO:	8181
SHEET	

TPM1.1

Jan 13, 2026, 3:52pm Patrick Kaufman

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CITY OF MALIBU GRADING NOTES

1. ANY MODIFICATIONS OF OR CHANGES IN APPROVED GRADING PLANS MUST BE APPROVED BY THE BUILDING OFFICIAL.
2. A COPY OF THE GRADING PERMIT AND APPROVED GRADING PLAN MUST BE IN THE POSSESSION OF A RESPONSIBLE PERSON AND AVAILABLE AT THE SITE.
3. ENGINEER MUST SET GRADE STAKES FOR ALL DRAINAGE DEVICES AND OBTAIN INSPECTION APPROVAL BEFORE POURING.
4. PROVISIONS WILL BE MADE FOR CONTRIBUTORY DRAINAGE AT ALL TIMES,
5. SECURE PERMISSION FROM CITY ENGINEER, EASEMENT GRANTEE, STATE HIGHWAY DEPARTMENT, AND/OR HOMEOWNERS ASSOCIATION FOR CONSTRUCTION, GRADING, AND/OR DISCHARGE OF DRAINAGE WITHIN STREET RIGHT–OF–WAY.
6. GRADING SHALL NOT BE STARTED WITHOUT FIRST NOTIFYING THE GRADING INSPECTOR. A PRE–GRADING MEETING ON THE SITE IS REQUIRED BEFORE START OF GRADING WITH THE FOLLOWING PEOPLE PRESENT: OWNER, GRADING CONTRACTOR, DESIGN CIVIL ENGINEER, SOIL ENGINEER, GEOLOGIST, GRADING INSPECTOR, AND, WHEN REQUIRED, THE ARCHAEOLOGIST AND PALEONTOLOGIST. THE REQUIRED INSPECTIONS FOR GRADING WILL BE EXPLAINED AT THIS MEETING.
7. CUT AND FILL SLOPES SHALL BE NO STEEPER THAN 3' HORIZONTAL TO 1' VERTICAL (3:1), EXCEPT WHERE SPECIFICALLY APPROVED OTHERWISE.
8. AREAS TO RECEIVE FILL SHALL BE PROPERLY PREPARED AND APPROVED, IN WRITING, BY THE SOIL ENGINEER AND THE BUILDING OFFICIAL PRIOR TO PLACING FILL.
9. FILL SHALL BE BENCHED INTO COMPETENT MATERIAL PER CITY OF MALIBU STANDARD OR SOIL ENGINEER'S DIRECTION.
10. ALL EXISTING FILLS SHALL BE APPROVED BY THE BUILDING OFFICIAL OR REMOVED PRIOR TO PLACING ADDITIONAL FILLS.
11. ANY EXISTING IRRIGATION LINES AND CISTERNS SHALL BE REMOVED OR CRUSHED, IN PLACE, AND APPROVED BY THE BUILDING OFFICIAL AND SOIL ENGINEER.
12. STOCKPILING OF EXCESS MATERIAL SHALL BE APPROVED BY THE BUILDING OFFICIAL PRIOR TO EXCAVATION.
13. THE DESIGN ENGINEER, AS A CONDITION OF ROUGH GRADE APPROVAL, SHALL PROVIDE A BLUE TOP WITH ACCOMPANYING WITNESS STAKE, SET AT THE CENTER OF EACH PAD REFLECTING THE PAD ELEVATION FOR PRECISE PERMITS AND A BLUE TOP WITH WITNESS STAKE SET AT THE DRAINAGE SWALE HIGH POINT REFLECTING THE HIGH POINT ELEVATION FOR PRELIMINARY PERMITS.
14. ALL TRENCH BACKFILLS SHALL BE TESTED AND APPROVED BY THE SOILS ENGINEER.
15. SUBDRAIN OUTLETS SHALL BE COMPETED AT THE BEGINNING OF THE SUBDRAIN CONSTRUCTION AND SURVEY FOR LOCATION. THE AS GRADED PLAN SHALL SHOW ALL SUBDRAIN LOCATIONS AND ELEVATIONS.
16. SUBDRAIN OUTLETS SHALL BE COMPLETED AT THE BEGINNING OF THE SUBDRAIN CONSTRUCTION.
17. THE EXACT LOCATION OF THE SUBDRAINS SHALL BE SURVEYED IN THE FIELD FOR LINE/GRADE AND REFLECTED ON AS–GRADED PLANS. CONTINUOUS INSPECTION BY THE SOILS ENGINEER OR HIS RESPONSIBLE REPRESENTATIVE SHALL BE PROVIDED DURING ALL SUBDRAIN INSTALLATIONS OR WHEREVER DETERMINED TO BE NECESSARY BY THE BUILDING OFFICIAL.
18. ALL CUT SLOPES SHALL BE INVESTIGATED BOTH DURING AND AFTER GRADING BY THE ENGINEERING GEOLOGIST TO DETERMINE IF ANY SLOPE STABILITY PROBLEM EXISTS. SHOULD EXCAVATION DISCLOSE ANY GEOLOGICAL HAZARDS OR POTENTIAL GEOLOGICAL HAZARDS, THE ENGINEERING GEOLOGIST SHALL SUBMIT RECOMMENDED REMEDIATION TO THE BUILDING OFFICIAL FOR APPROVAL.
19. WHERE SUPPORT OR BUTTRESSING OF CUT AND NATURAL SLOPES IS DETERMINED TO BE NECESSARY BY THE ENGINEERING GEOLOGIST AND SOILS ENGINEER, THE SOILS ENGINEER SHALL SUBMIT DESIGN, LOCATIONS, AND CALCULATIONS TO THE BUILDING OFFICIAL PRIOR TO CONSTRUCTION. THE ENGINEERING GEOLOGIST AND SOILS ENGINEER SHALL INSPECT AND CONTROL THE CONSTRUCTION OF THE BUTTRESSING AND CERTIFY TO THE STABILITY OF THE SLOPE AND ADJACENT STRUCTURES UPON COMPLETION.
20. WHEN CUT PADS ARE BROUGHT TO NEAR GRADE, THE ENGINEERING GEOLOGIST SHALL DETERMINE IF THE BEDROCK IS EXTENSIVELY FRACTURED OR FAULTED AND WILL READILY TRANSMIT WATER. IF CONSIDERED NECESSARY BY THE ENGINEERING GEOLOGIST AND SOIL ENGINEER, A COMPACTED FILL BLANKET WILL BE PLACED.
21. THE ENGINEERING GEOLOGIST SHALL PERFORM PERIODIC INSPECTIONS AND SUBMIT A COMPLETE REPORT AND MAP UPON COMPLETION OF THE ROUGH GRADING.
22. THE COMPACTION REPORT AND APPROVAL FROM THE SOILS ENGINEER SHALL INDICATE THE TYPE OF FIELD TESTING PERFORMED. EACH TEST SHALL BE IDENTIFIED WITH THE METHOD OF OBTAINING THE IN–PLACE DENSITY, WHETHER SAND CONE OR NUCLEAR GAUGE, AND SHALL BE SO NOTED FOR EACH TEST.
23. THE GRADING CONTRACTOR SHALL SUBMIT A WRITTEN STATEMENT VERIFYING THAT THE WORK DONE UNDER HIS DIRECTION WAS PERFORMED IN ACCORDANCE WITH THE APPROVED PLANS AND REQUIREMENTS OF CHAPTER 33 OF THE MALIBU BUILDING CODE OR DESCRIBING ALL VARIANCES FROM THE APPROVED PLANS AND REQUIREMENTS OF THE CODE. [3318.1]
24. THE DESIGN ENGINEER VERIFIES THAT THIS GRADING PLAN WAS PREPARED UNDER MY SUPERVISION IN ACCORDANCE WITH SECTION 3318.1 OF THE MALIBU BUILDING CODE. ALL SOILS ENGINEER AND ENGINEERING GEOLOGY RECOMMENDATIONS WERE INCORPORATED IN THE PLAN. (MUST BE SIGNED AND DATED BY THE DESIGN ENGINEER.)
25. GRADING OPERATIONS MUST BE CONDUCTED UNDER PERIODIC GEOLOGIC INSPECTION WITH INSPECTION REPORTS TO BE SUBMITTED TO THE BUILDING DEPARTMENT.
26. EXPORT SOIL MUST BE TRANSPORTED TO A LEGAL DUMP OR TO A PERMITTED SITE SHOWN CLEARLY ON APPROVED PLANS.
27. SLOPES SHALL BE PLANTED WITH AN APPROVED PLANT MATERIAL AND PROVIDED WITH AN APPROVED IRRIGATION SYSTEM, UNLESS AN ALTERNATIVE HAS BEEN APPROVED BY THE CITY BIOLOGIST.
28. THE ENGINEER SHALL SUBMIT A LETTER OF CERTIFICATION TO THE BUILDING OFFICIAL STATING THAT THE GRADING WAS DONE IN COMPLIANCE WITH THE APPROVED GRADING PLAN.
29. PRELIMINARY SOIL AND GEOLOGY REPORTS AND ALL SUBSEQUENT REPORTS, AS APPROVED BY THE CITY OF MALIBU, ARE CONSIDERED A PART OF THE APPROVED GRADING PLAN. ALL RECOMMENDATIONS CONTAINED ARE TO BE COMPLIED WITH, OR REVISIONS SUBMITTED FOR REVIEW.
30. ALL EXISTING DRAINAGE COURSES THROUGH THIS SITE SHALL REMAIN OPEN UNTIL FACILITIES TO HANDLE STORM WATER ARE APPROVED AND FUNCTIONAL; HOWEVER, IN ANY CASE, THE PERMITEE SHALL BE HELD LIABLE FOR ANY DAMAGE DUE TO OBSTRUCTING NATURAL DRAINAGE PATTERNS.
31. GRADING OPERATIONS, INCLUDING MAINTENANCE OF EQUIPMENT, SHALL BE ACCOMPLISHED WITHIN THE CONFINES OF THE NOISE ORDINANCE AND POLICIES OF THE CITY OF MALIBU.
32. ROOF GUTTERS SHALL BE INSTALLED TO PREVENT ROOF DRAINAGE FROM FALLING ON MANUFACTURED SLOPES. GUTTERS SHALL BE CONNECTED TO NON–EROSIVE PIPING OR ANOTHER METHOD ACCEPTABLE TO THE BUILDING OFFICIAL.
33. ANY EXCAVATIONS ADJACENT TO OTHER PROPERTY OR STRUCTURES ARE SUBJECT TO THE PROVISIONS OF CALIFORNIA CIVIL CODE, SECTION 832, AND IS THE RESPONSIBILITY OF THE PERMITTEE AND/OR THE OWNER.

PLANTING AND IRRIGATION NOTES

34. ALL CUT AND FILL SLOPES WILL BE PLANTED WITH AN APPROVED GROUND COVER AND PROVIDED WITH AN IRRIGATION SYSTEM AS SOON AS IS PRACTICAL DURING GRADING. IN ADDITION TO THE GROUND COVER PLANTS SHALL BE INSTALLED ON ALL SLOPES. ALL PLANTING SHALL BE OF A TYPE APPROVED BY THE CITY BIOLOGIST.
35. THE PLANS FOR A DESIGNED IRRIGATION SYSTEM FOR FULL COVERAGE OF ALL PORTIONS OF THE SLOPES SHALL BE SUBMITTED AND APPROVED PRIOR TO ROUGH GRADING APPROVAL BY THE CITY BIOLOGIST.
36. PLANTING AND IRRIGATION PLANS FOR SLOPES MUST BE PREPARED AND SIGNED BY A CIVIL ENGINEER OR LANDSCAPE ARCHITECT.
37. FINISH GRADING WILL BE COMPLETED AND APPROVED AND SLOPE PLANTING IRRIGATION SYSTEMS INSTALLED BEFORE OCCUPANCY OF BUILDINGS.

FILL NOTES

38. THE PERMITTEE OR HIS AGENT SHALL NOTIFY THE BUILDING OFFICIAL 24 HOURS BEFORE THE GRADING OPERATION IS READY FOR EACH OF THE FOLLOWING INSPECTIONS. (THE PERMITTEE NEED NOT WAIT FOR THE INSPECTOR TO ARRIVE BEFORE PROCEEDING WITH THE WORK).
39. FILL SHALL BE COMPACTED (AS DETERMINED BY A.S.T.M. SOIL COMPACTION TEST D1557–LATEST VERSION) THROUGHOUT THEIR FULL EXTENT TO [3313.4]:
   A. A MINIMUM RELATIVE COMPACTION OF 90% OF MAXIMUM DRY DENSITY WITHIN 40 FT. BELOW FINISH GRAD, AND
   B. 93% OF MAXIMUM DRY DENSITY DEEPER THAN 40 FT. BELOW FINISH GRADE
40. FIELD DENSITY SHALL BE DETERMINED BY SAND–CONE METHOD, A.S.T.M. D1557–LATEST VERSION. IN FINE–GRAINED COHESIVE SOILS FIELD DENSITY SHALL BE DETERMINED BY THE DRIVE–CYLINDER METHOD, A.S.T.M. D–2937–LATEST VERSION, PROVIDED NOT LESS THAN 20% OF THE REQUIRED DENSITY SHALL BE SHOWN IN THE COMPACTION REPORT. OTHER METHODS MAY BE USED IF RECOMMENDED BY THE SOILS ENGINEER AND APPROVED IN ADVANCE BY THE BUILDING OFFICIAL. [33132.4]
41. SUFFICIENT TESTS OF SOIL PROPERTIES, INCLUDING SOIL TYPES AND SHEAR STRENGTH, SHALL BE MADE DURING GRADING OPERATIONS TO VERIFY COMPLIANCE WITH DESIGN CRITERIA. THE RESULTS OF SUCH TESTING SHALL BE FURNISHED TO THE BUILDING OFFICIAL UPON COMPLETION OF GRADING OPERATIONS, OR WHEN NECESSITATED BY FIELD CONDITIONS UPON REQUEST OF THE BUILDING OFFICIAL. [331.8] ONE FIELD DENSITY TEST TO BE MADE AS FOLLOWS:
   a. ONE TEST FOR EACH TWO FOOT VERTICAL LIFT.
   b. ONE TEST FOR EACH 1,000 CUBIC YARDS OF MATERIAL PLACED.
   c. ONE TEST WILL BE MADE AT POINT APPROXIMATELY ONE FOOT BELOW THE FILL SLOPE SURFACE ON THE BASIS OF ONE TEST FOR EACH 1,000 SQUARE FEET OF SLOPE SURFACE BUT NOT LESS THAN ONE TEST FOR EACH 10 FOOT OF VERTICAL SLOPE HEIGHT.
42. NO FILL SHALL BE PLACED UNTIL STRIPPING OF VEGETATION, REMOVAL OF UNSUITABLE SOILS, AND INSTALLATION OF SUBDRAINS (IF ANY) HAVE BEEN INSPECTED AND APPROVED BY SOILS ENGINEER.
43. NO ROCK OR SIMILAR MATERIAL GREATER THAN 12" IN DIAMETER WILL BE PLACED IN THE FILL UNLESS RECOMMENDATIONS FOR SUCH PLACEMENT HAVE BEEN SUBMITTED BY THE SOILS ENGINEER AND APPROVED, IN ADVANCE, BY THE BUILDING OFFICIAL.
44. CONTINUOUS INSPECTION BY THE SOILS ENGINEER OR HIS RESPONSIBLE REPRESENTATIVE SHALL BE PROVIDED DURING ALL SUBDRAIN INSTALLATIONS OR WHEREVER DETERMINED TO BE NECESSARY BY THE BUILDING OFFICIAL.
45. ORIGINAL OF ALL REPORTS SHALL BE PROVIDED TO THE BUILDING OFFICIAL FOR ALL COMPACTED FILLS.
46. ALL CONCRETE PLACED ON GRADE SHALL BE COLORED TO MATCH NATURAL CONDITIONS ADJACENT TO THE STRUCTURES. SURFACE PAINT IS NOT ACCEPTABLE. ALL COLORS ARE TO BE INCORPORATED INTO THE MIX AND BLENDED UNIFORMLY.
47. FILL PLACED OVER EXISTING TERRAIN 5:1 AND STEEPER THAN 3' HORIZONTAL TO 1' VERTICAL (3:1) EXCEPT WHERE SPECIFICALLY APPROVED OTHERWISE.
48. FILL SHALL BE COMPACTED THROUGHOUT TO A MINIMUM OF 90% RELATIVE COMPACTION, AGGREGATE BASE FOR ASPHALTIC AREAS SHALL BE COMPACTED TO A MINIMUM OF 95% RELATIVE COMPACTION, TEST D1557–91T OR APPROVED EQUIVALENT. ORIGINALS OF ALL REPORTS SHALL BE PROVIDED TO THE BUILDING OFFICIAL.

GRADING INSPECTION REQUIREMENTS

49. THE PERMITTEE OR HIS AGENT SHALL NOTIFY THE BUILDING OFFICIAL 24 HOURS BEFORE THE GRADING OPERATION IS READY FOR EACH OF THE INSPECTIONS. (THE PERMITTEE NEED NOT WAIT FOR THE INSPECTOR TO ARRIVE BEFORE PROCEEDING WITH WORK).
   a. INITIAL INSPECTION: WHEN THE SITE HAS BEEN CLEARED OF VEGETATION AND UNAPPROVED FILL AND IT HAS BEEN SCARIFIED, BENCHED OR OTHERWISE PREPARED FOR FILL. NO FILL SHALL HAVE BEEN PLACED PRIOR TO INSPECTION.
   b. TOE INSPECTION: AFTER THE NATURAL GROUND IS EXPOSED AND PREPARED TO RECEIVE FILL AND BEFORE ANY FILL IS PLACED.
   c. EXCAVATION INSPECTION: AFTER THE EXCAVATION IS STARTED AND BEFORE THE DEPTH OF EXCAVATION EXCEEDS 10 FEET.
   d. ROUGH INSPECTION: WHEN APPROXIMATE FINAL ELEVATIONS HAVE BEEN ESTABLISHED; DRAINAGE TERRACE, SWALES AND OTHER DRAINAGE DEVICES NECESSARY FOR THE PROTECTION OF THE BUILDING FROM FLOODING ARE INSTALLED; BERMS INSTALLED AT THE TOP OF SLOPES; SUBMIT THE REQUIRED "ROUGH GRADING RECORDS". FOUNDATIONS SHALL NOT BE EXCAVATED UNTIL THE BUILDING OFFICIAL HAS APPROVED ROUGH GRADING.
   e. FINAL INSPECTION: WHEN GRADING HAS BEEN COMPLETED, ALL DRAINAGE DEVICES NECESSARY TO DRAIN THE BUILDING PAD ARE INSTALLED, SLOPE PLANTING ESTABLISHED AND ALL IRRIGATION SYSTEM INSTALLED. SUBMIT THE REQUIRED "AS–BUILT GRADING PLAN" AND "NOTIFICATION OF COMPLETION".
   f. SUBDRAIN INSTALLATION: PROVIDE CONTINUOUS INSPECTION DURING SUBDRAIN EXCAVATION AND INSTALLATION. CONTINUOUS INSPECTION BY THE SOILS ENGINEER OR HIS RESPONSIBLE REPRESENTATIVE SHALL BE PROVIDED DURING ALL SUBDRAIN INSTALLATIONS. [3313.2]
   g. FILL INSTALLATION:
      i. AFTER THE FILL EMPLACEMENT IS STARTED AND BEFORE THE VERTICAL HEIGHT OF THE LIFTS EXCEEDS 10ft. [3313.2]
      ii. DURING PREPARATION OF NATURAL GROUND AND PLACEMENT AND COMPACTION FILL.
      iii. THE SOILS ENGINEER SHALL BE PRESENT DURING THE ENTIRE FILL PLACEMENT AND COMPACTION OF FILLS THE WILL EXCEED A VERTICAL HEIGHT OR DEPTH OF 30ft> OR RESULTS IN A SLOPE SURFACE STEEPER THE 2 HORIZONTAL 1 VERTICAL [3313.7]
   h. DRAINAGE DEVICE INSPECTION: AFTER FORMS AND PIPES ARE IN PLACE AND h. BEFORE ANY CONCRETE IS POURED
   i. ROUGH GRADING: WHEN ALL ROUGH GRADING HAS BEEN COMPLETED AND EROSION i. PROTECTION HAS BEEN INSTALLED. THE GEOTECHNICAL ENGINEER SHALL SUBMIT THE FINAL COMPACTION REPORT PRIOR TO THE APPROVAL OF ROUGH GRADE.

GRADING PLAN NOTES:

50. THE CONTRACTOR SHALL VERIFY ALL EXISTING TOPOGRAPHY AND GRADES PRIOR TO GRADING. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE PROJECT CIVIL ENGINEER OF ANY DISCREPANCIES OR REQUIRED DESIGN CHANGES SO THE APPROPRIATE CHANGES CAN BE MADE.
51. THE CONTRACTOR SHALL ENSURE THAT ALL UTILITIES AND EASEMENTS ARE ADEQUATELY STAKED PRIOR TO ANY GRADING.
52. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL UNDERGROUND UTILITIES. UNDERGROUND ALERT SHALL BE NOTIFIED A MINIMUM OF 48 HOURS PRIOR TO DIGGING.
53. THE APPROVED GEOLOGY AND GEOTECHNICAL REPORTS SHALL BE CONSIDERED A PART OF THESE PLANS. COPIES OF THESE REPORTS SHOULD BE MAINTAINED ON SITE DURING SITE DEVELOPMENT.
54. THE PROJECT CIVIL ENGINEER SHALL BE NOTIFIED AND APPROVE ANY DESIGN CHANGES PRIOR TO IMPLEMENTATION DURING SITE DEVELOPMENT.
55. ALL RETAINING WALLS ARE UNDER SEPARATE PERMIT. PRIOR TO IMPLEMENTATION DURING SITE DEVELOPMENT.
56. SOIL COMPACTION REPORT SHALL BE PROVIDED TO THE BUILDING INSPECTOR AT THE JOB SITE PRIOR TO PLACEMENT OF CONCRETE FOR THE FOUNDATION.
57. SOIL ENGINEER SHALL INSPECT FOUNDATION PRIOR TO PLACEMENT OF CONCRETE FOR THE FOUNDATION.

ADDITIONAL NOTES:

58. EXPANSION INDEX TESTING SHOULD BE PERFORMED DURING SITE PREPARATION TO VERIFY AS–GRADED SITE CONDITIONS. THE RESULTS OF THE TESTS AS WELL AS SPECIFIC RECOMMENDATIONS FOR SLAB REINFORCEMENT AND THICKNESS MUST BE SUBMITTED TO THE CITY FOR REVIEW AT THAT TIME.
59. AN EVALUATION OF SOIL CORROSIVITY SHALL BE MADE IN ACCORDANCE WITH SECTION 6.2.1 OF THE CITY OF MALIBU'S GEOTECHNICAL GUIDELINES AT THE COMPLETION OF GRADING BY THE PROJECT GEOTECHNICAL CONSULTANT, WHO SHALL PROVIDE APPROPRIATE RECOMMENDATIONS.
60. PRIOR TO FINAL APPROVAL OF THE PROJECT AN AS–BUILT COMPACTION REPORT PREPARED BY THE PROJECT 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 OF ELEVATIONS OF KEYWAYS AND BACKDRAINS, LOCATIONS AND ELEVATION OF ALL REMOVAL BOTTOMS (INCLUDING THE RESULTS OF ALL TESTING PERFORMED TO VERIFY COMPETENT BOTTOMS) AND LOCATIONS AND ELEVATIONS OF ALL RETAINING WALL BACKDRAINS AND OUTLETS. GEOLOGIC CONDITIONS EXPOSED DURING GRADING MUST BE DEPICTED ON AN AS–BUILT GEOLOGIC MAP.
61. THE SURFACE OF THE CUT SHALL BE NO STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL (33% SLOPE) UNLESS A SOILS ENGINEER OR AN ENGINEERING GEOLOGY REPORT STATING THAT A CUT AT A STEEPER SLOPE WILL BE STABLE AND NOT CREATE A HAZARD. PROVIDE A RECOMMENDATION FROM THE PROJECT GEOTECHNICAL ENGINEER GEOLOGIST AND APPROVED BY THE CITY SOILS AND GEOLOGY STAFF. [3312.2].
62. THE EXPORT OF CUT MATERIAL MAY BE REQUIRED TO PRESERVE THE NATURAL TOPOGRAPHY OF THE PROJECT SITE. [MLCP 8.3B, 2] ADD THE FOLLOWING NOTE ON THE PLANS: "CUT MATERIAL MAY ONLY BE EXPORTED TO AN APPROXIMATE LANDFILL OR A SITE PERMITTED TO ACCEPT MATERIAL".
63. MAXIMUM GRADE OF CUT OR FILL [MLCP 8.3D:
   a. 3:1 FOR AREAS CREATED FOR DEVELOPMENT OF STRUCTURES AND OPEN YARD AREAS.
64. THE FACES OF CUT AND FILL SLOPES SHALL BE PREPARED AND MAINTAINED TO CONTROL EROSION. THIS CONTROL MAY CONSIST OF EFFECTIVE PLANING, EROSION CONTROL BLANKETS. SOIL STABILIZERS OR OTHER APPROVED MEANS.
65. PROVIDE RIP–RAP OR OTHER REDUCER AT DISCHARGE END OF DRAINS NOT CONNECTED TO A PERMANENT SYSTEM. SHOW DETAIL. [3316.2]
66. ALL STORM DRAIN WORK IS TO BE DONE UNDER CONTINUOUS INSPECTION BY THE ENGINEER. WEEKLY STATUS REPORT SHALL BE SUBMITTED BY THE FIELD ENGINEER TO THE CITY BUILDING DEPARTMENT.
67. SEPARATE PLANS FOR TEMPORARY DRAINAGE AND WET WEATHER EROSION CONTROL MEASURES TO BE USED DURING THE RAINY SEASON MUST BE SUBMITTED PRIOR TO OCTOBER 1. THE EROSION CONTROL DEVISES SHOWN ON SAID PLANS MUST BE INSTALLED BY NO LATER THAN NOVEMBER 1 AND MAINTAINED IN OPERABLE CONDITION UNTIL APRIL 15. [3319.3]
68. ALL RECOMMENDATIONS INCLUDED IN THE CONSULTANT'S SOIL AND GEOLOGY REPORTS MUST BE COMPLIED WITH AND ARE A PART OF THE GRADING SPECIFICATIONS.
69. THE CONSULTING GEOLOGIST MUST APPROVE ROUGH GRADING BY FINAL REPORT. FINAL REPORT MUST INCLUDE AN AS–BUILT GEOLOGIC MAP.
70. THE BUILDING OFFICIAL SHALL APPROVE STOCK PILING OF EXCESS MATERIAL PRIOR TO EXCAVATION.
71. THE FIELD ENGINEER, AS A CONDITION OF ROUGH GRADE APPROVAL, SHALL PROVIDE A BLUE BLUE TOP WITH ACCOMPANYING WITNESS STAKE, SET AT THE CENTER OF EACH PAD REFLECTING THE PAD ELEVATION FOR PRECISE PERMITS AND A BLUE TOP WITH WITNESS STAKE SET AT THE DRAINAGE SWALE HIGH POINT REFLECTING THE HIGH POINT ELEVATION FOR PRELIMINARY PERMITS.
72. THE COMPACTION REPORT AND APPROVAL FROM THE SOIL ENGINEER SHALL INDICATE THE TYPE OF FIELD–TESTING PERFORMED. EACH TEST SHALL BE IDENTIFIED WITH THE METHOD OF OBTAINING THE IN–PLACE DENSITY, WETHER SAND CONE OR NUCLEAR GAUGE, AND SHALL BE SOS NOTED FOR EACH TEST.
73. GRADING PERMITS SHALL NOT BE ISSUED BETWEEN NOVEMBER 1 AND MARCH 31 EACH YEAR PER LCP SECTION 17.2.1. PROJECT APPROVED FOR GRADING PERMIT SHALL NOT RECEIVE GRADING PERMITS UNLESS THE PROJECT CAN BE ROUGH GRADED BEFORE NOVEMBER 1.
74. 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 LOCAL IMPLEMENTATION PLAN (LIP), SECTION 8.3.
75. 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.

CONDITIONS OF APPROVAL

THIS PLAN CONFORMS TO THE COASTAL DEVELOPMENT PERMIT CONDITIONALLY APPROVED BY THE CITY FOR **28809 BONIFACE DR** ON _______.

CONTRACTORS NOTE:

THE EARTHWORK QUANTITIES ARE PROVIDED AS A COURTESY AND CONVENIENCE TO THE OWNERS, AND ARE FOR BONDING AND PLAN CHECK PURPOSES ONLY. THE YARDAGE FIGURES SHOWN ARE APPROXIMATE CALCULATED QUANTITIES BASED ON THE DIFFERENCE BETWEEN EXISTING GROUND ELEVATIONS AND DESIGNED ROUGH GRADE ELEVATIONS. THE CALCULATIONS MAKE NO PROVISIONS FOR STRIPPING, SHRINKAGE, BULKING OR ANY OTHER CONDITION NOT IMPLIED. FOR THIS REASON, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONSULT THE PROJECTS SOILS ENGINEER AND GEOLOGIC INVESTIGATIONS, AND TO DETERMINE FOR HIMSELF, THE QUANTITIES OF EARTH MOVING THAT WILL BE REQUIRED TO COMPLETE THIS PROJECT.

STARTING DATE 30 DAYS AFTER PERMIT ISSUANCE

COMPLETION DATE 90 DAYS AFTER PERMIT ISSUANCE

SCOPE OF WORK:

NEW LANDSCAPE AND DRIVEWAY
GRADING
RETAINING WALLS (PER SEPARATE PERMIT)

PUBLIC WORKS DEPARTMENT GENERAL NOTES

1. ALL WORK SHOWN ON THESE PLANS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (SSPWC) "GREEN BOOK."
2. CONTRACTORS SHALL COMPLY WITH ALL APPLICABLE DIVISION OF INDUSTRIAL REGULATIONS (CAL–OSHA) SAFETY STANDARDS. IF REQUESTED BY THE INSPECTOR, THE CONTRACTOR SHALL PROVIDE PROOF OF A PERMIT FROM SAID DIVISION.
3. CONTRACTOR SHALL CALL THE PUBLIC WORKS INSPECTOR AT (310) 456–2489, EXT. 341 FOR PRE–CONSTRUCTION MEETING PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR GRADING OPERATIONS. CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS INSPECTOR 48 HOURS PRIOR TO COMMENCING ANY CONSTRUCTION AND 24 HOURS IN ADVANCE OF A SPECIFIC INSPECTION NEEDS DURING THE COURSE OF THE WORK.
4. NO IMPROVEMENTS ARE PROPOSED WITHIN THE PUBLIC RIGHT–OF–WAY.
5. STORAGE OF ANY CONSTRUCTION MATERIALS, CONSTRUCTION TRAILER, AND/OR PARKING AND ANY WORK WITHIN THE CITY PUBLIC RIGHT OF WAY SHALL REQUIRE A CITY ENCROACHMENT PERMIT. CALL THE PUBLIC WORKS INSPECTOR AT (310) 456–2489 EXT. 341 TO APPLY FOR A PERMIT.
6. STORAGE OF ANY CONSTRUCTION MATERIALS, CONSTRUCTION TRAILER, AND/OR PARKING AND ANY WORK WITHIN THE CALTRANS PUBLIC RIGHT OF WAY SHALL REQUIRE A CALTRANS ENCROACHMENT PERMIT. SUBMIT A COPY OF THE CALTRANS ENCROACHMENT PERMIT TO THE PUBLIC WORKS DEPARTMENT.
7. ALL WORK SHALL BE PERFORMED DURING CITY WORKING HOURS AND IN COMPLIANCE WITH THESE PLANS.
8. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF ANY WORK.
9. CONTRACTOR SHALL LOCATE, PROTECT, AND SAVE ANY AND ALL SURVEY MONUMENTS THAT WILL BE OR MAY BE DAMAGED OR DESTROYED BY THEIR OPERATIONS. ONCE FOUND, THE CONTRACTOR SHALL THEN NOTIFY BOTH THE DEVELOPER'S SUPERVISING CIVIL ENGINEER AND THE PUBLIC WORKS INSPECTOR. THE SUPERVISING CIVIL ENGINEER SHALL RESET ALL SAID MONUMENTS PER THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PUBLIC AND PRIVATE PROPERTY INSOFAR AS IT MAY BE AFFECTED BY THESE OPERATIONS.
11. EXISTING TRAFFIC SIGNS ARE NOT TO BE REMOVED WITHOUT PRIOR TO NOTIFICATION AND APPROVAL OF THE CITY ENGINEER. AS A MINIMUM, CONSTRUCTION WORK ZONE TRAFFIC SIGNS AND STRIPING SHALL BE FURNISHED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE "WORK AREA TRAFFIC CONTROL HANDBOOK ("THE WATCH MANUAL"), PUBLISHED BY BNI BUILDING NEWS, INC. A TRAFFIC CONTROL PLAN, PREPARED BY THE DEVELOPER, MAY BE REQUIRED BY THE CITY.
12. DUST CONTROL SHALL BE MAINTAINED AT ALL TIMES.
13. EROSION CONTROL PLANS SHALL BE PROVIDED FOR ALL PROJECTS. GRADING AND CLEARING IS PROHIBITED FROM NOVEMBER 1 TO MARCH 31 FOR ALL DEVELOPMENTS WITHIN OR ADJACENT TO ESHA AND/OR INCLUDING GRADING ON SLOPES GREATER THAN 4:1.
14. ALL UNDERGROUND UTILITIES AND SERVICE LATERALS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS, AND PAVING UNLESS OTHERWISE PERMITTED BY THE CITY ENGINEER.
15. THE DEVELOPER SHALL COMPLY WITH NDPES REQUIREMENTS. THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE AVAILABLE AT THE CONSTRUCTION SITE AT ALL TIMES AND SHALL BE KEPT UP TO DATE.
16. ALL RECOMMENDATIONS MADE BY THE GEOTECHNICAL/SOILS ENGINEER (AND ENGINEERING GEOLOGIST, WHERE EMPLOYED), AND CONTAINED IN THE REPORTS REFERENCED HEREON, AS APPROVED OR CONDITIONED BY THE CITY, SHALL BE CONSIDERED A PART OF THE GRADING PLAN.
17. ALL STORM DRAIN PIPE WITHIN THE PUBLIC RIGHT–OF–WAY AND EASEMENTS SHALL BE REINFORCED CONCRETE PIPE (RCP).
18. TERRACE DRAINS, INTERCEPTOR DRAINS, AND DOWN DRAINS SHALL BE CONSTRUCTED OF 3" P.C.C. REINFORCED WITH 6"x6"x#10 W.W.M. AND SHALL BE EITHER SEMICIRCULAR OR TRIANGULAR CROSS SECTION. CONCRETE COLOR SHALL BE "OMAHA TAN" OR APPROVED EQUIVALENT.
19. GRADING QUANTITIES:
   CUT: 700 CU. YDS. FILL: 663 CU. YDS.
   EXPORT: 37 CU. YDS. IMPORT: Ø CU. YDS.
20. GROSS LOT AREA: 46,992 SQ. FT.
   NET LOT AREA: 43,636 SQ. FT.
   PROPOSED IMPERMEABLE COVERAGE: Ø SQ. FT.
   MAXIMUM ALLOWABLE IMPERMEABLE COVERAGE: 13,090 SQ. FT.
   TOTAL DISTURBED AREA: 7,159 SQ. FT.
   FLOOD ZONE ON FIRM: Ø BASE FLOOD ELEVATION: Ø FT.
21. ALL SLOPES ON PRIVATE PROPERTY ADJOINING STREETS, DRAINAGE CHANNELS, OR OTHER PUBLIC FACILITIES SHALL BE GRADED NOT STEEPER THAN 2:1 FOR CUT AND FILL UNLESS SPECIFICALLY APPROVED BY THE CITY ENGINEER ON RECOMMENDATION OF THE PROJECT'S GEOTECHNICAL/SOILS CONSULTANT.
22. THE APPLICANT SHALL LABEL ALL CITY/COUNTY STORM DRAIN INLETS WITHIN 250 FEET FROM EACH PROPERTY LINE PER THE CITY OF MALIBU STANDARD LABEL TEMPLATE.

MAXIMUM AMOUNT OF IMPERMEABLE COVERAGE

PERCENTAGES:

UP TO ¼ ACRE:	45% OF THE NET AREA
¼ ACRE TO ½ ACRE:	35% OF THE NET AREA
½ ACRE OR MORE	30% OF THE NET AREA
	UP TO A MAX. OF 25,000 SQ.FT. PER PARCEL.

PROPOSED IMPERMEABLE COVERAGE:

ALL PROPOSED IMPROVEMENTS WILL BE PERMEABLE

NOTE TO CONTRACTOR

CONTRACTOR TO VERIFY THE LOCATIONS OF ALL PROPOSED STRUCTURES, ELEVATIONS, AND DIMENSIONS, PRIOR TO CONSTRUCTION. CONTRACTOR TO CONTACT PROJECT ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY CONSTRUCTION.

811 Know what's below. Call before you dig.

DIAL TOLL FREE
8 1 1
AT LEAST TWO DAYS BEFORE YOU DIG

UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

TOTAL GRADING YARDAGE VERIFICATION CERTIFICATE

PLANNING DEPARTMENT REVIEW LEVEL

PROJECT NUMBER: ____________________

PROJECT ADDRESS: 28809 Boniface Drive, Malibu, CA 90265

All projects proposing land form alteration which involves more than 100 cubic yards of grading shall complete this form. The completed form must be provided at the time of Planning Department application for grading approval. All applicable cubic yardages shall be completed in the table. **All calculations utilized to estimate the cubic yardages indicated shall be attached to this form**. This form and the required calculations must be prepared by a State of California Licensed Civil Engineer. The form and the calculations shall be stamped and wet signed by the preparing party.

	Exempt			Non-Exempt	Remedial	Total
	R&R	Understructure	Safety			
Cut	530		157	13		700
Fill	530		91	42		663
Total	1060		248	55		1,363
Import	0		0	29		0
Export	0		66	0		37

All quantities indicated shall be in cubic yards only.
R&R = Removal and Recompaction – *R&R must be balanced.*
Safety Grading is required grading for L.A. County Fire Department access approval beyond the 15 foot minimum access and may include turnouts, hammerheads, turnarounds, and access roadway widening.
Remedial grading is grading recommended by a full site geotechnical or soils report prepared by a licensed geologist or soils engineer which is necessary to correct physical deficiencies on the site for the construction of a primary residential structure or access to the lot.
Imported means soil that is brought on to the site. Exported means soil that is leaving the site. This information will be used to calculate the number of truck trips required for site preparation.

PREPARED BY: ____________________
PRINT NAME
____
SIGN NAME

DATE: ____________________

STAMP

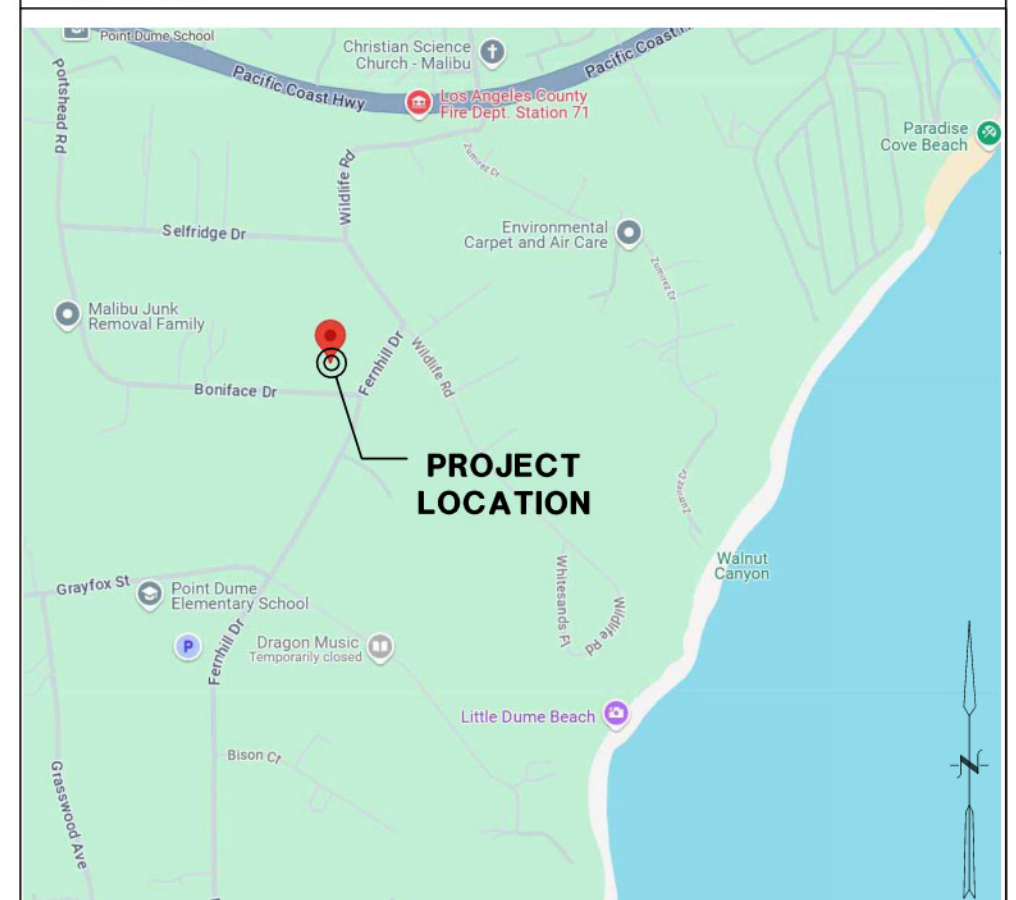
Page 1 of 1
P:\Forms\COUNTER FORMS\Planning\PLN Grading Verification Certificate_130701.doc

BENCH MARK	NO. Y–11386 (LA COUNTY PUBLIC WORKS) (SURVEY SECTION | MALIBU QUAD) ELEVATION 189.381, 2008 ADJ DATUM: NAVD 1988 DPW BM TAG IN W CB 600MM(2') N/O BCR @ NW COR PACIFIC COAST HWY & CAVALLERI RD.
LEGAL DESCRIPTION	PARCEL 94, RECORD OF SURVEY, BK. 56, PGS. 29–32
OWNERS/BUILDER	DON LEHMAN 28809 BONIFACE DRIVE MALIBU, CA 90265
ARCHITECT	BARSOCCHINI & ASSOCIATES DESIGNS 3502 COAST VIEW DRIVE MALIBU, CA 90265 (310) 456–3625
CIVIL ENGINEER	LC ENGINEERING GROUP, INC. 889 PIERCE COURT SUITE 101 THOUSAND OAKS, CA. 91360 (805) 497–1244 (818) 991–7148 CONTACT: LENNIE LISTON
GEOTECHNICAL	GOLD COAST GEOSERVICES, INC. 5251 VERDUGO WAY SUITE J CAMARILLO, CA. 93012 (805) 484–5070
SURVEYOR	DANIELSON SURVEYING 25000 AVENUE STANFORD, SUITE 141 VALENCIA, CA 91355 (661) 904–7039 CONTACT: MARK R. DANIELSON

SHEET INDEX

1.0	COVER SHEET
2.0	OVERALL SITE PLAN
2.1	ENLARGED GRADING & DRAINAGE PLAN
3.0	DETAILS

WITHOUT ENGINEER'S SEAL AND WET SIGNATURE, THESE PLANS (THIS SHEET AND ALL ATTACHED SHEETS) ARE CONSIDERED PRELIMINARY, UNAPPROVED AND NOT FOR CONSTRUCTION.



VICINITY MAP

LC ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CIVIL • STRUCTURAL • GEOTECHNICAL
889 Pierce Court, Suite 101, Thousand Oaks, California 91360
818-991-7148 • 805-497-1244 • lcegroupinc.com • info@lcegroupinc.com

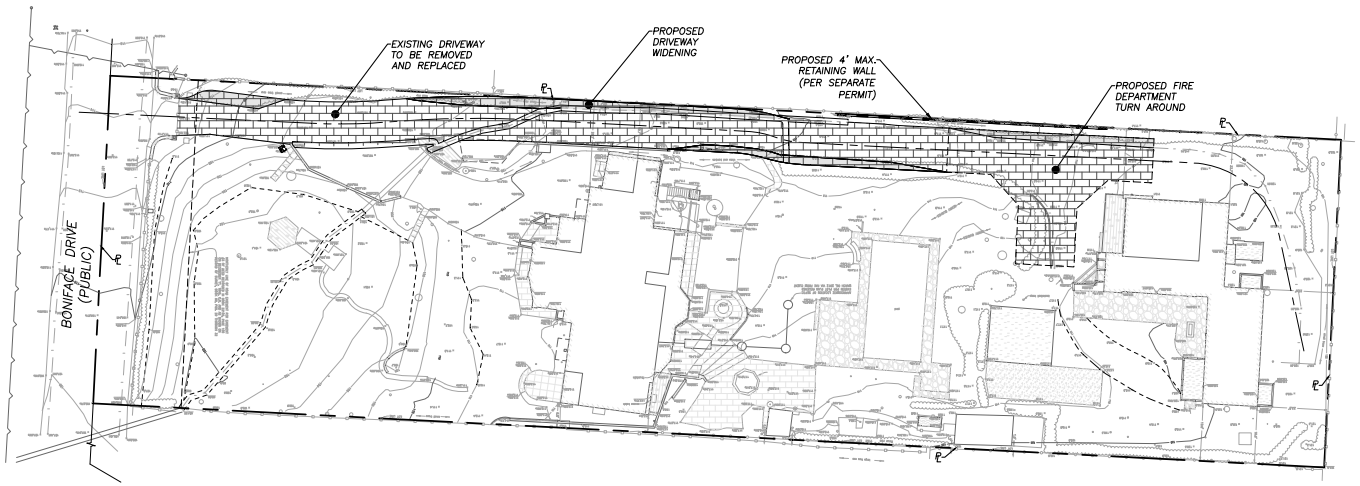
FOR PLAN CHECK ONLY
THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION.

REV#	DATE	SUBMITTAL/REVISION

LEHMAN RESIDENCE
28809 BONIFACE DRIVE
MALIBU, CA 90265
COVER SHEET

DATE:	6/10/2026
SCALE:	N.T.S.
DRAWN:	ED
JOB NO:	8181
SHEET	C 1.0

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LEGEND

℄	CENTER LINE
CO	CLEANOUT
DG	DECOMPOSED GRANITE
℘	DAYLIGHT LINE
DN	DOWN
● DS	DOWNSPOUT
FF	FINISH FLOOR
FG	FINISH GRADE
FL	FLOW LINE
FS	FINISH SURFACE
GB	GRADE BREAK
HP	HIGH POINT
INV	INVERT
NG	NATURAL GRADE
PA	PLANTER AREA
℗	PROPERTY LINE
PSP	PER SEPARATE PERMIT
NG	NATURAL GRADE
TC	TOP OF CURB
TD	TOP OF DECK
TG	TOP OF GRATE
TW	TOP OF WALL
UNO	UNLESS NOTED OTHERWISE

RETAINING WALL PER SEPARATE PERMIT

BLOCK WALL PER SEPARATE PERMIT

FS — CONTRACTOR TO VERIFY HARD SURFACE THICKNESS PER ARCHITECTURAL SPECIFICATIONS AND DETAILS TO DETERMINE ROUGH GRADE ELEVATIONS.

12" SQ. CATCH BASIN PER NDS PLASTIC PRODUCTS PART NO. 1200-1204. U.N.O.

6"ø SPEE-D BASIN PER NDS. PLASTIC PRODUCTS PART NO. 101, 201, 300. U.N.O.

812.2 EXISTING SPOT ELEVATIONS

FLOW DIRECTION

CENTER LINE

PROPOSED DRIVEWAY WIDENING

PERMEABLE PAVER MOTOR COURT/DRIVEWAY PER DETAIL 1, SHT. C3.0.

SCALE: 1"=20'

20' 10' 0' 20' 40'

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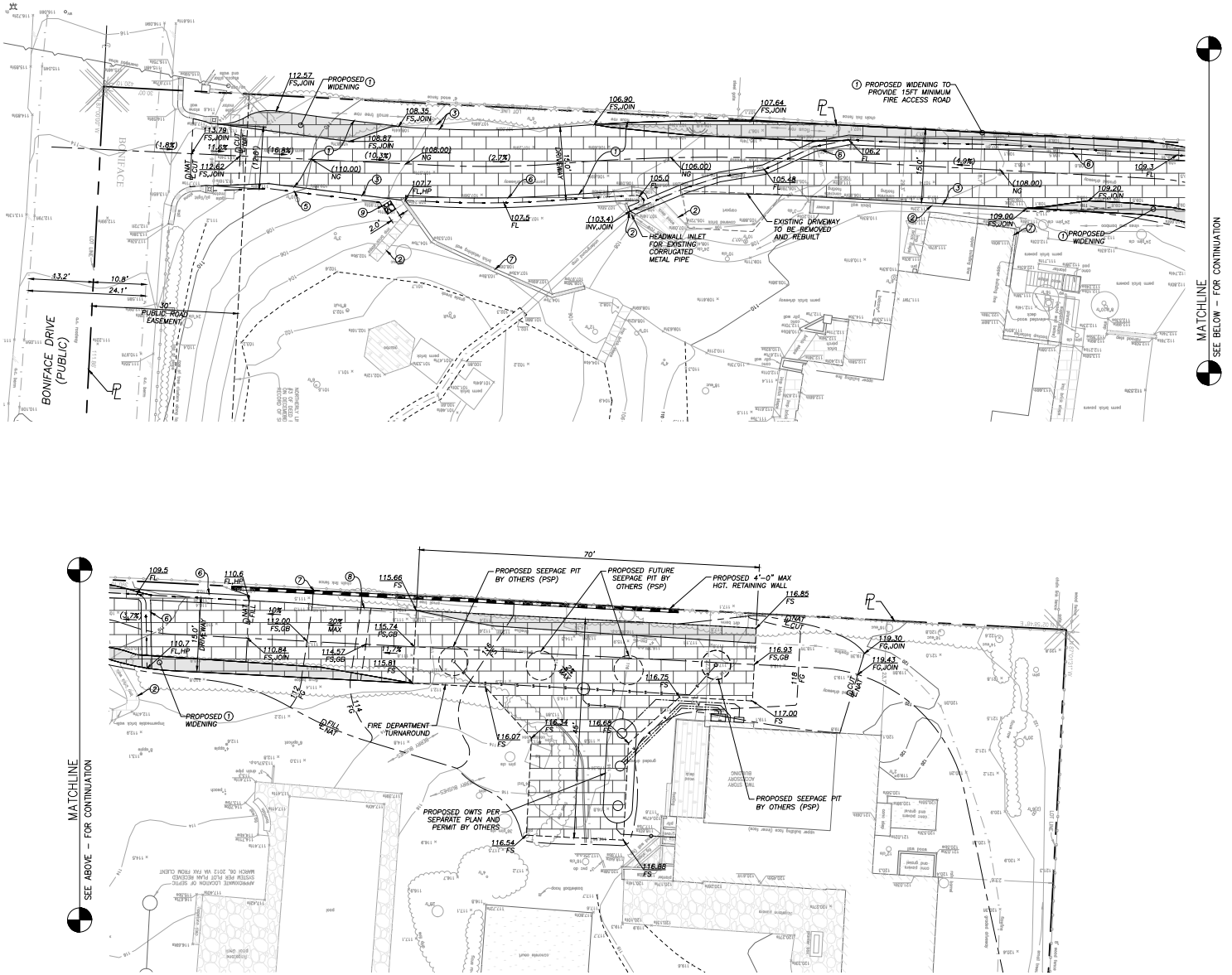
LEHMAN RESIDENCE

28809 BONIFACE DRIVE
MALIBU, CA 90265

OVERALL GRADING AND DRAINAGE PLAN

DATE:	6/10/2026
SCALE:	1"=10'
DRAWN:	ED
JOB NO:	8181
SHEET	C2.0

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LEGEND

℄	CENTER LINE
CO	CLEANOUT
DG	DECOMPOSED GRANITE
⊘	DAYLIGHT LINE
DN	DOWN
● DS	DOWNSPOUT
FF	FINISH FLOOR
FG	FINISH GRADE
FL	FLOW LINE
FS	FINISH SURFACE
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FLOW DIRECTION

CENTER LINE

PROPOSED DRIVEWAY WIDENING

PERMEABLE PAVER MOTOR COURT/DRIVEWAY PER DETAIL 1, SHT. C3.0.

CONSTRUCTION NOTES

1. CONSTRUCT PERMEABLE MOTOR COURT/DRIVEWAY PER DETAIL 1, SHT. C3.0.
2. EXISTING TO REMAIN.
3. EXISTING TO BE REMOVED.
4. EXISTING TO BE REMOVED AND REPLACED.
5. CONSTRUCT GRASSY GRADED SWALE @ 2% MIN. SLOPE.
6. CONSTRUCT CONCRETE SWALE PER DETAIL 2, SHT. C3.0.
7. CONSTRUCT 4' HIGH MAX. RETAINING WALL PER STRUCTURAL PLANS PER SEPARATE PERMIT.
8. CONSTRUCT RIP-RAP PAD PER DETAIL 3, SHT. C3.0.

SCALE: 1"=10'

10' 5' 0' 10' 20'

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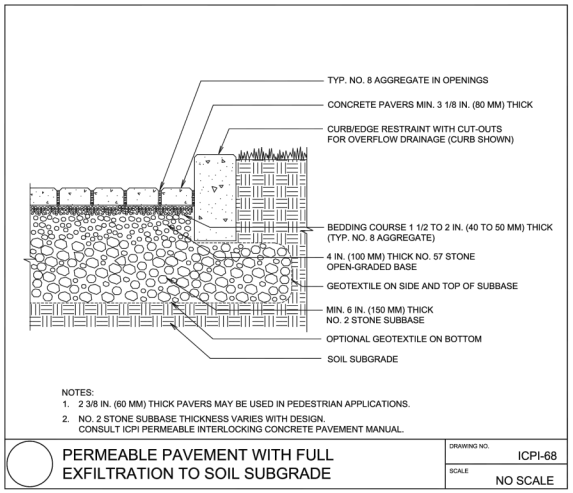
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MALIBU, CA 90265

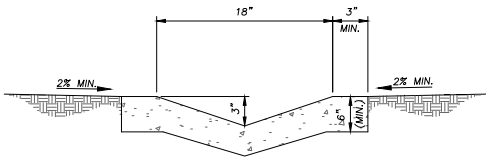
ENLARGED GRADING AND DRAINAGE PLAN

DATE:	6/10/2026
SCALE:	1"=10'
DRAWN:	ED
JOB NO:	8181
SHEET	C2.1

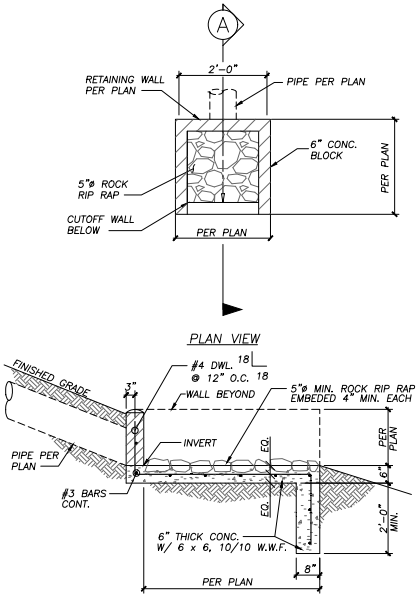
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DETAIL NO. 1 PERMEABLE MOTOR COURT/DRIVEWAY
N.T.S.



DETAIL NO. 2 CONCRETE SWALE
N.T.S.



DETAIL NO. 3 RIP-RAP PAD
N.T.S.

NOTE TO CONTRACTOR

CONTRACTOR TO VERIFY THE LOCATIONS OF ALL PROPOSED STRUCTURES, ELEVATIONS, AND DIMENSIONS, PRIOR TO CONSTRUCTION. CONTRACTOR TO CONTACT PROJECT ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY CONSTRUCTION.

811 DIAL TOLL FREE 811
AT LEAST TWO DAYS BEFORE YOU DIG
Know what's C before you dig.
UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

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REV#	DATE	SUBMITTAL/REVISION

LEHMAN RESIDENCE
28809 BONIFACE DRIVE
MALIBU, CA 90265

OVERALL SITE PLAN

DATE:	6/10/2026
SCALE:	N.T.S.
DRAWN:	ED
JOB NO:	8181
SHEET	C3.0

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FUEL MODIFICATION PLAN NOTES

EMBER RESISTANT ZONE

EXTENDS 5 FEET BEYOND THE EDGE OF ANY COMBUSTIBLE STRUCTURE. ACCESSORY STRUCTURE, APPENDAGE OR PROJECTION. THE AREAS BENEATH EAVES, OVERHANGS OR PARTS OF STRUCTURES INCLUDING ATTACHED DECKS AND PERGOLAS SHALL BE INCLUDED IN THE EMBER RESISTANT ZONE.

THIS AREA SHALL BE FREE OF MATERIALS OR LANDSCAPING KNOWN TO BE RECEPTIVE TO FLYING EMBERS.

ZONE A

EXTENDS 30 FEET BEYOND THE EDGE OF ANY COMBUSTIBLE STRUCTURE, ACCESSORY STRUCTURE, APPENDAGE, OR PROJECTION. PROJECTIONS, SUCH AS EAVES, COVERED ENTRYWAYS, ATTACHED PERGOLAS, DECKS ETC. SHALL BE THE POINT AT WHICH THIS DISTANCE IS MEASURED.

IRRIGATION SHALL BE PROVIDED TO MAINTAIN HEALTHY VEGETATION AND FIRE RESISTANCE.

VEGETATION IN THIS ZONE SHALL CONSIST PRIMARILY OF MOWED GRASSES, LOW GROWING GROUND COVERS AND ADEQUATELY SPACED SHRUBS. THE OVERALL DENSITY AND ARRANGEMENT SHALL PROVIDE ADEQUATE DEFENSIBLE SPACE AND SIGNIFICANTLY REDUCE FIRE INTENSITY.

PLANT SPECIES SELECTED FOR ZONE A SHALL POSSESS CHARACTERISTICS WHICH INCREASE FIRE RESISTANT. SUCH CHARACTERISTICS ARE HIGH MOISTURE CONTENT, PLANTS PRODUCING LITTLE LEAF LITTER, SLOW GROWING PLANTS AND PLANTS THAT DO NOT REQUIRE PRUNING TO REDUCE THEIR SIZE AT MATURITY. SPECIES SELECTION SHOULD REFERENCE THE FUEL MODIFICATION PLANT LIST. THE LIST IS NOT A PRE-APPROVED PLANT LIST. OTHER SPECIES MAY BE USED SUBJECT TO APPROVAL AFTER REVIEW.

TREES ARE GENERALLY NOT RECOMMENDED, EXCEPT FOR DWARF VARIETIES OR MATURE TREES LESS THAN 25' TALL AND WIDE AT MATURITY. TREES SHALL BE POSITIONED SO THEIR CANOPIES DO NOT EXTEND OVER THE ROOF OF ANY STRUCTURE.

VINES AND CLIMBING PLANTS ARE NOT ALLOWED ON ANY COMBUSTIBLE STRUCTURE REQUIRING REVIEW.

ZONE B

EXTENDS FROM THE OUTER EDGE OF ZONE A AN ADDITIONAL 70 FEET FOR A TOTAL OF 100 FEET FROM THE STRUCTURE.

IRRIGATION SHALL BE PROVIDED TO MAINTAIN HEALTHY VEGETATION AND FIRE RESISTANCE.

VEGETATION IN THIS ZONE SHALL BE ARRANGED IN A MANNER THAT DOES NOT CREATE VERTICAL OR HORIZONTAL FUEL LADDERS. VEGETATION IN THIS ZONE CAN BE PLANTED AT A SLIGHTLY HIGHER DENSITY THAN ZONE A BUT THE OVERALL DENSITY AND ARRANGEMENT SHALL PROVIDE ADEQUATE DEFENSIBLE SPACE AND SIGNIFICANTLY REDUCE FIRE INTENSITY.

EXISTING CALIFORNIA NATIVE PLANTS MAY BE APPROVED TO REMAIN IF DETERMINED TO BE ACCEPTABLE UPON REVIEW AND ARE PROPERLY SPACED AND MAINTAINED.
PLANT SPECIES SELECTED FOR ZONE B SHALL POSSESS CHARACTERISTICS WHICH INCREASE FIRE RESISTANCE. SUCH CHARACTERISTICS ARE HIGH MOISTURE CONTENT, PLANTS PRODUCING LITTLE LEAF LITTER, SLOW GROWING PLANTS AND PLANTS THAT DO NOT REQUIRE PRUNING TO REDUCE THEIR SIZE AT MATURITY. SPECIES SELECTION SHOULD REFERENCE THE FUEL MODIFICATION PLANT LIST.
OTHER SPECIES MAY BE USED SUBJECT TO APPROVAL AFTER REVIEW.

TREES IN ZONE B MAY BE MEDIUM TO LARGE AT MATURITY PROVIDED THEY ARE PROPERLY POSITIONED AND DO NOT CREATE ANY VERTICAL OR HORIZONTAL FUEL LADDERS. TREE SELECTIONS ARE SUBJECT TO DENIAL UPON REVIEW.

ZONE C

EXTENDS FROM THE OUTER EDGE OF ZONE B AN ADDITIONAL 100 FEET FOR A TOTAL OF 200 FEET FROM THE STRUCTURE.

MAINTENANCE/MODIFICATION OF VEGETATION EXCEEDING 100 FEET BUT NOT TO EXCEED 200 FEET FROM STRUCTURES MAY BE DETERMINED NECESSARY. ANY REQUIRED MAINTENANCE/MODIFICATION IS TO BE DETERMINED UPON ON-SITE INSPECTION (FIRE CODE 325.2.2).

FIRE ACCESS ROAD ZONE

EXTENDS A MINIMUM OF 10' FROM THE EDGE OF ANY PUBLIC OR PRIVATE ROAD, DRIVEWAYS AND TURNAROUNDS USED BY FIREFIGHTING RESOURCES.

CLEAR AND REMOVE FLAMMABLE VEGETATION ON EACH SIDE OF ACCESS ROADS (FIRE CODE 325.10).

FIRE ACCESS ROADS SHALL HAVE UNOBSTRUCTED VERTICAL CLEARANCE A MINIMUM WIDTH OF 20' AND VERTICALLY CLEAR TO THE SKY. (FIRE CODE 503.2.1)

ADDITIONAL CLEARANCE BEYOND 10 FEET MAY BE REQUIRED UPON AN ON-SITE INSPECTION.

ALL PROPOSED PLANTINGS, UNLESS OTHERWISE APPROVED, SHALL BE POSITIONED SO THEY DO NOT OBSTRUCT ACCESS AT MATURITY. PRUNNING WILL NOT BE CONSIDERED AS AN ALTERNATIVE TO PLANT SELECTION.

MAINTENANCE

ROUTINE MAINTENANCE SHALL BE REGULARLY PERFORMED IN ALL ZONES. ABOVE ALL ELSE, REGULAR MAINTENANCE IS PARAMOUNT TO THE FIRE RESISTANCE OF A WELL-PLANNED FIRE-RESISTANT LANDSCAPE. CRITICAL ITEMS ARE OUTLINED BELOW. ADDITIONAL INFORMATION MAY BE FOUND ON OUR WEBSITE LISTED IN THE HEADER OF THIS DOCUMENT.

START WITH THE STRUCTURE. REMOVE LEAF LITTER AND OTHER COMBUSTIBLE DEBRIS FROM ROOFS, EAVES, RAIN GUTTERS ETC.

ENSURE THE EMBER RESISTANT ZONE IS MAINTAINED FREE OF ANY MATERIAL KNOWN TO BE RECEPTIVE TO FLYING EMBERS.

REMOVE ANY PLANT OR PORTION OF A PLANT THAT IS DEAD OR DYING THROUGHOUT ALL ZONES.

REMOVE DOWNED, ACCUMILATED PLANT LITTER AND DEAD WOOD THROUGHOUT ALL ZONES.

PRUNE TO REDUCE THE OVERALL AMOUNT AND CONTINUITY OF FUELS. ELIMINATE HORIZONTAL AND VERTICAL FUEL LADDERS THROUGHOUT ALL ZONES.

ALL INVASIVE SPECIES AND THEIR PARTS SHOULD BE REMOVED FROM THE SITE.

ENSURE IRRIGATION SYSTEMS ARE FUNCTIONING PROPERLY.

COMPLIANCE WITH THE FIRE CODE IS A YEAR-ROUND RESPONSIBILITY. ENFORCEMENT WILL OCCUR FOLLOWING INSPECTION BY THE FIRE DEPARTMENT. ANNUAL INSPECTIONS FOR BRUSH CLEARANCE CODE REQUIREMENTS ARE CONDUCTED FOLLOWING THE NATURAL DRYING OF FINE FUELS, BETWEEN THE MONTHS OF APRIL AND JUNE DEPENDING ON GEOGRAPHIC REGION EACH DWELLING EXISTS.

INSPECTION FOR COMPLIANCE WITH AN APPROVED FUEL MODIFICATION PLAN MAY OCCUR AT ANY TIME.

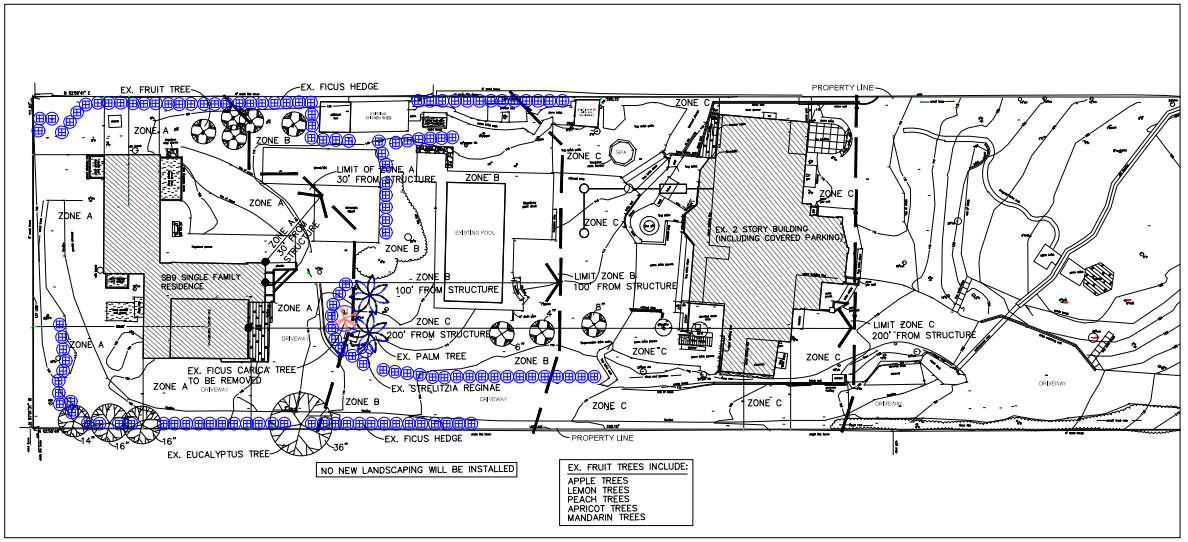
ALL FUTURE PLANTINGS SHALL BE IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES FIRE DEPARTMENT FUEL MODIFICATION GUIDELINES AND APPROVED PRIOR TO INSTALLATION.

APPROVAL OF THIS FUEL MODIFICATION PLAN CONSTITUTES APPROVAL FOR ONLY THOSE CODES REVIEWED AS PART OF THE FUEL MODIFICATION PROCESS AND DOES NOT REPLACE THE NEEDED APPROVAL OF ANY OTHER OFFICE OR AGENCY WITH JURISDICTION AND REVIEW RESPONSIBILITY FOR THOSE ITEMS WHICH MAY OR MAY NOT BE ILLUSTRATED ON THE PLAN.

5374
COUNTY OF LOS ANGELES
FIRE DEPARTMENT
PREVENTION SERVICES BUREAU
FINAL
FUEL MODIFICATION PLAN
APPROVED

By _____ Date _____
FUEL MODIFICATION UNIT

The stamping of this plan and specifications SHALL NOT be held to permit or to be an approval of the violation of any provisions of any County/City or State law



NORTH

SCALE: 1" = 20'-0"

0 10 20 40 60

Wynn Landscape Architects, Inc.
192 Cherokee
Topanga
CA 90290
Tel: 310-455-4245
Fax: 310-455-4269

Client:

MARIE LEHMAN

Project:

28809 BONIFACE DRIVE
MALIBU
CA 90265

Delta	Date	Description	By

Revisions:

Date: 4/15/2024

Scale:

Drawing Title:

FUEL MODIFICATION PLAN

Sheet No:

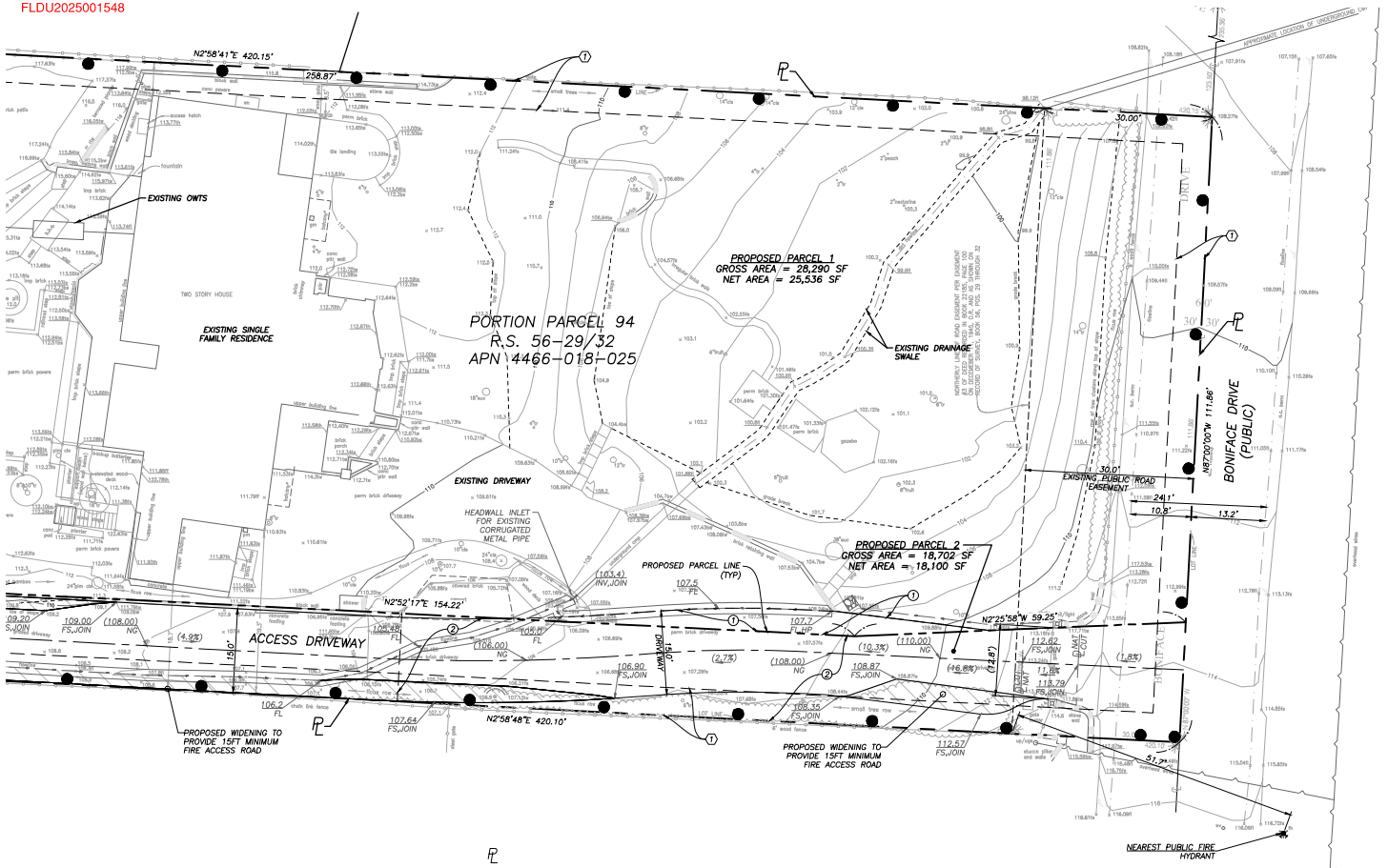
L-1

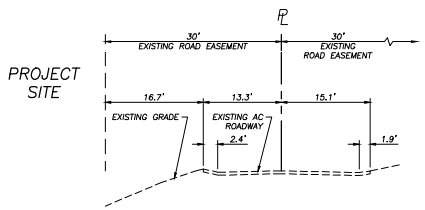
County of Los Angeles
Fire Department
Fire Prevention Division
Land Development Unit

CLEARED FOR PUBLIC HEARING

10/16/2025
FLDU2025001548

MINOR LAND DIVISION
TENTATIVE PARCEL MAP NO. 84368
IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES





BONIFACE DRIVE STREET SECTION
1"=10'

SCALE: 1"=10'
10' 5' 0' 10' 20'

LEGEND:

- PROPERTY BOUNDARY
- STREET CENTERLINE
- PROPOSED ACCESS ROAD WIDENING
- EXISTING BUILDING FOOTPRINT
- PROPOSED RETAINING WALL
- PROPOSED CONTOURS (FOR REFERENCE ONLY)
- EXISTING CONTOURS
- PROPOSED FIRE DEPARTMENT TURNAROUND (FOR REFERENCE ONLY)
- PROPOSED ON-SITE WASTEWATER TREATMENT SYSTEM (BY OTHERS)

EXISTING EASEMENT LEGEND:

① 5' WIDE EASEMENT FOR POLE LINES, POWER LINE, CABLES, CONDUITS, SEWERS AND POLES PER BOOK 24224, PAGE 351, O.R.

PROPOSED EASEMENT LEGEND:

① PROPOSED ACCESS IN FAVOR OF PARCEL 2

② PROPOSED FIRE LANE AND ACCESS IN FAVOR OF PARCEL 1

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.40'	N87°01'11.50"W
L3	6.75'	N5°00'52.42"E
L2	10.00'	S87°01'11.50"E

NOTES:

1. ALL SURVEY INFORMATION PROVIDED HEREON IS BASED ON A "TOPOGRAPHY SURVEY" PREPARED BY DANIELSON SURVEYING, DATED JULY 20, 2021.
2. ALL FIRE ACCESS AND PROPOSED GRADING & DRAINAGE IMPROVEMENTS SHOWN ON THIS MAP ARE PROVIDED FOR REFERENCE ONLY. REFER TO THE LATEST VERSIONS OF THE "FIRE ACCESS EXHIBIT" AND "GRADING AND DRAINAGE PLANS" PREPARED BY OUR OFFICE. THESE PLANS ARE NOT CONSIDERED FINAL WITHOUT STAMPS AND SIGNATURES FROM OUR OFFICE, ALONG WITH THE CORRESPONDING APPROVALS FROM THE CITY OF MALIBU AND OTHER AGENCIES HAVING JURISDICTION.
3. ALL EXISTING STRUCTURES ARE PROPOSED TO REMAIN.
4. FINAL MONUMENTS WILL BE SET PRIOR TO FILING WITH THE COUNTY RECORDER OF THE FINAL MAP.
5. ALL EXISTING TREES ARE PROPOSED TO REMAIN, EXCEPT THOSE WHICH MUST BE REMOVED TO SATISFY FIRE DEPARTMENT ACCESS REQUIREMENTS.
6. WATER IS PROVIDED TO THE SITE BY LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29.

LC ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CIVIL • STRUCTURAL • GEOTECHNICAL
897 Ventu Park Road, Suite 100, Thousand Oaks, California 91360
818.997.7148 • 805.497.7334 • lcengineering.com • info@lcengineering.com

FOR PLAN CHECK ONLY
THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION.

REV#	DATE	SUBMITTAL/REVISION

LEHMAN RESIDENCE
28809 BONIFACE DRIVE
MALIBU, CA 90265

TENTATIVE PARCEL MAP

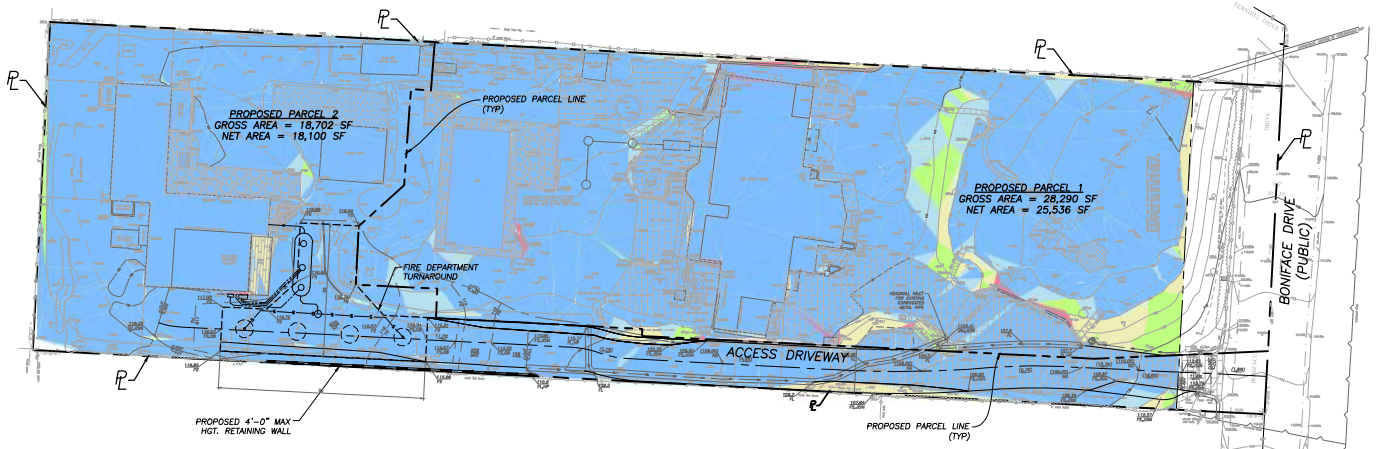
DATE:	2/3/2025
SCALE:	1"=10'
DRAWN:	ED
JOB NO:	8181
SHEET	

TPM1.1

County of Los Angeles
Fire Department
Fire Prevention Division
Land Development Unit

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10/16/2025
FLDU2025001548



PROPOSED PARCEL DATA:

PARCEL	PARCEL AREA (GROSS)	PARCEL AREA (NET*)	% OF TOTAL**
1	28,290 SF	25,536 SF	58.5%
2	18,702 SF	18,100 SF	41.5%
TOTAL	46,992 SF	43,636 SF	100%

*NET AREA IS GROSS AREA LESS PUBLIC ACCESS EASEMENT
**% OF TOTAL IS BASED ON NET AREA

PROPOSED PARCEL 1 SLOPE TABLE:

MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA (SF)
0	4:1		22,318 SF
4:1	3:1		1,082 SF
3:1	2.5:1		844 SF
2.5:1	1:1		949 SF
1:1	VERTICAL		343 SF
		VERTICAL	25,536 SF

PROPOSED PARCEL 2 SLOPE TABLE:

MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA (SF)
0	4:1		17,114 SF
4:1	3:1		356 SF
3:1	2.5:1		126 SF
2.5:1	1:1		409 SF
1:1	VERTICAL		95 SF
		VERTICAL	18,100 SF

MAXIMUM ALLOWABLE SQUARE FOOTAGE (PARCEL 1)
TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
PURSUANT TO MALIBU MUNICIPAL CODE SECTION 17.40.040(13)

UP TO 0.5 AC.	21,780 x 0.177 = 3,855 + 1,000 =	4,855 S.F.
0.5 AC. TO 1 AC.	25,193 – 21,780 = 3,413 x 0.10 =	341 S.F.
	TOTAL:	5,196 S.F.

NOTE: USE LOT AREA MINUS ALL SLOPES GREATER THAN OR EQUAL TO 1:1

MAXIMUM ALLOWABLE SQUARE FOOTAGE (PARCEL 2)
TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
PURSUANT TO MALIBU MUNICIPAL CODE SECTION 17.40.040(13)

UP TO 0.5 AC.	18,005 x 0.177 = 3,855 + 1,000 =	3,187 S.F.
	TOTAL:	3,187 S.F.

NOTE: USE LOT AREA MINUS ALL SLOPES GREATER THAN OR EQUAL TO 1:1

PROJECT INFORMATION:

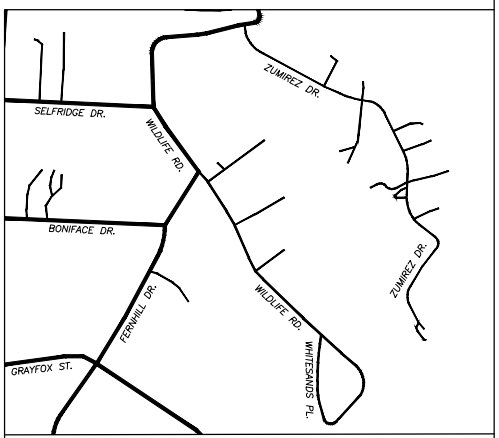
OWNER	DONALD R. LEHMAN AND MARIE CHRISTINE LEHMAN FAMILY REVOCABLE TRUST 28809 BONIFACE DRIVE MALIBU, CA 90265 (310) 866-1645
CIVIL ENGINEER	LC ENGINEERING GROUP, INC. 889 PIERCE COURT SUITE 101 THOUSAND OAKS, CA. 91360 (805) 497-1244 (818) 991-7148
SURVEYOR	MARK DANIELSON, PLS 7882 DANIELSON SURVEYING 25000 AVENUE STANFORD, STE. 141 (661) 904-7039

BENCHMARK:

NO. Y-11386 (L.A. COUNTY PUBLIC WORKS)
(SURVEY SECTION | MALIBU QUAD)
ELEVATION 189.381, 2008 ADJUSTMENT
DATUM: NAVD 1988
DPW BM TAG IN W CB 600MM(2') N/O BCR @ NW COR PACIFIC COAST HWY & CAVALLERI RD

NOTES:

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3. WATER IS PROVIDED TO THE SITE BY LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29.



VICINITY MAP

20' 10' 0' 20' 40'
GRAPHIC SCALE: 1"=20'

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889 Pierce Court, Suite 101, Thousand Oaks, California 91360
818-597-7148 • 805-497-1244 • lcgroup@lcengineer.com

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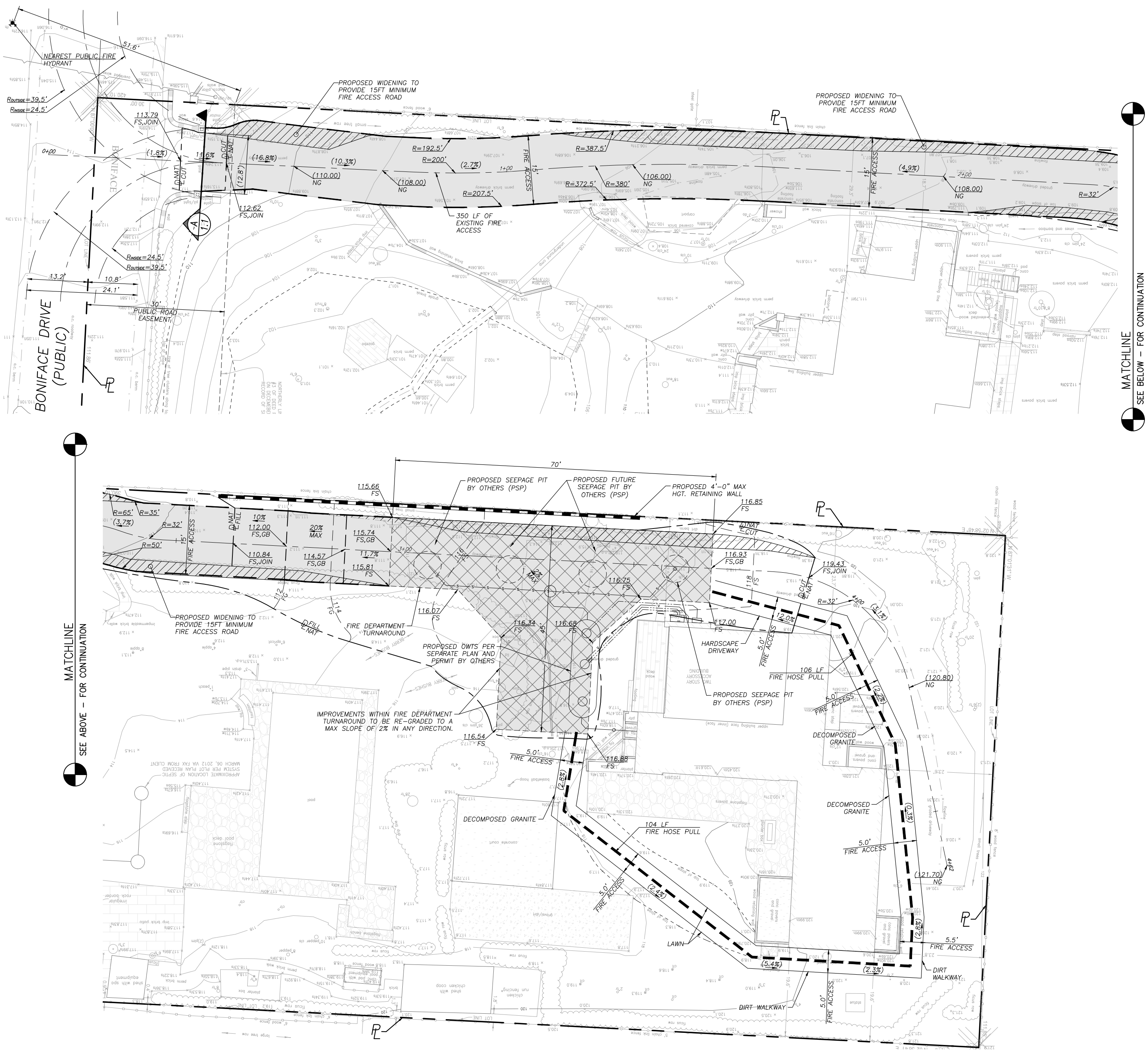
REV#	DATE	SUBMITTAL/REVISION

LEHMAN RESIDENCE
28809 BONIFACE DRIVE
MALIBU, CA 90265

SLOPE BAND ANALYSIS EXHIBIT

DATE:	01/21/25
SCALE:	1"=20'
DRAWN:	NL
JOB NO:	8181
SHEET	SB 1.0

Feb 03, 2025, 5:03pm Elizabeth Prieger
X:\LCE GROUP\CIVIL\PROJECTS\8181 Lehman\CIVIL\DWG\PLOT, ARC EXHIBIT\8181 SB1.dwg



LEGEND

- BOUNDARY OF FIRE ACCESS ROAD IMPROVEMENTS PER 'TYPICAL ROAD SECTION' DETAIL, SHT. FD1.1.
- LIMIT OF FIRE TRUCK TURNAROUND
- PROPOSED ROAD WIDENING
- HOSE PULL
- PROPOSED RETAINING WALL
- EXISTING BUILDING

County of Los Angeles
Fire Department
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Land Development Unit
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10/16/2025
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FIRE DEPARTMENT NOTES:

1. FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. FIRE CODE 501.4

2. WHEN SECURITY GATES ARE PROVIDED, MAINTAIN A MINIMUM ACCESS WIDTH OF 15 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 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH REQUIREMENTS OF ASTM F220. GATES SHALL BE OF SWINGING OR SLIDING TYPE. CONSTRUCTION OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE 503.6.

3. THE REQUIRED FIRE FLOW FOR FIRE HYDRANTS AT THIS LOCATION IS 1,250 GPM AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF ONE (1) HOUR OVER AND ABOVE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 507.3 AND APPENDIX B105.1.

4. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDE THE WORDS NO PARKING – FIRE LANE. SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH AND HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND. SIGNS SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS, TO CLEARLY INDICATE THE ENTRANCE TO SUCH ROAD, OR PROHIBIT THE OBSTRUCTION THEREOF AND AT INTERVALS, AS REQUIRED BY THE FIRE INSPECTOR. FIRE CODE 503.3.

5. SPACING OF FIRE HYDRANTS SHALL NOT EXCEED THE DISTANCES SPECIFIED IN FIRE CODE C105.2 & C106.

6. APPROVED BUILDING ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION SHALL BE PROVIDED AND MAINTAINED SO AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, BE ARABIC NUMERALS OR ALPHABET LETTERS, AND BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH.

7. ALL FIRE HYDRANTS SHALL MEASURE 6" X 4" X 2-1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C503, OR APPROVED EQUAL.

8. PROVIDE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM AS SET FORTH BY BUILDING CODE 903 AND FIRE CODE 903. FIRE SPRINKLER PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION IN ACCORDANCE WITH FIRE CODE 901.2 AND THE TYPE OF SPRINKLER SYSTEM PROVIDED WILL COMPLY WITH EITHER NFPA 13, NFPA 13R, OR NFPA 13

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

10. ALL ROOF COVERINGS SHALL BE CLASS "A" AS SPECIFIED IN BUILDING CODE 1505.1.1 (RESIDENTIAL CODE R327.5 & R902).

11. ROOF GUTTERS SHALL BE PROVIDED WITH A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER. (RESIDENTIAL CODE R337.5.4 AND BUILDING CODE 705A.4).

12. ACCESSORY AND MISCELLANEOUS STRUCTURES, OTHER THAN BUILDINGS COVERED BY SECTION R337.10 & 701A.3, WHICH POSE A SIGNIFICANT EXTERIOR FIRE EXPOSURE HAZARD TO APPLICABLE BUILDINGS DURING WILDFIRES SHALL BE CONSTRUCTED TO CONFORM TO THE IGNITION RESISTANCE REQUIREMENTS OF THIS SECTION.R337.10 AND BUILDING CODE 710A.

13. CLEARANCE OF BRUSH AND VEGETATION GROWTH SHALL BE MAINTAINED PER FIRE CODE 325.

SCALE: 1"=10'
10' 5' 0' 10' 20'

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REV#	DATE	SUBMITTAL/REVISION

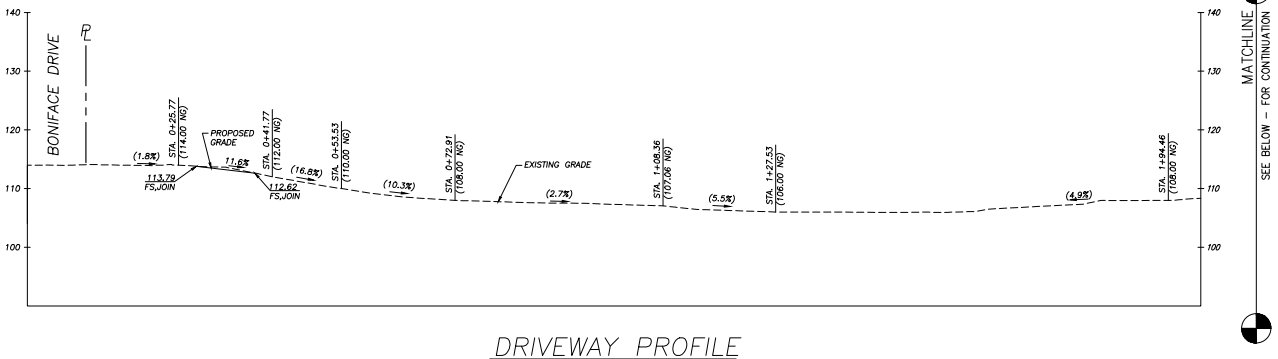
LEHMAN RESIDENCE
28809 BONIFACE DRIVE
MALIBU, CA 90265

FIRE ACCESS EXHIBIT

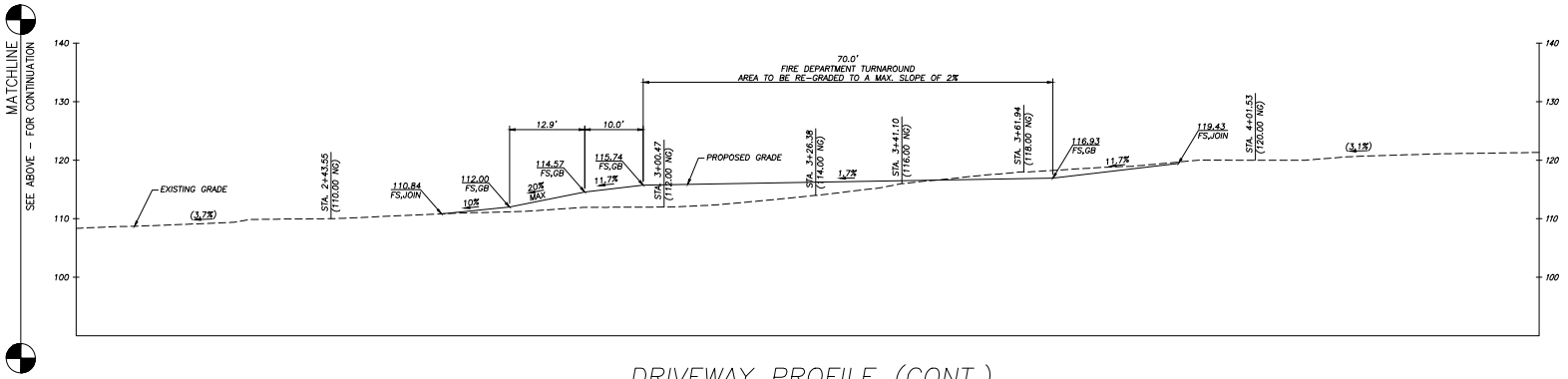
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JOB NO:	8181

SHEET
FD 1.0

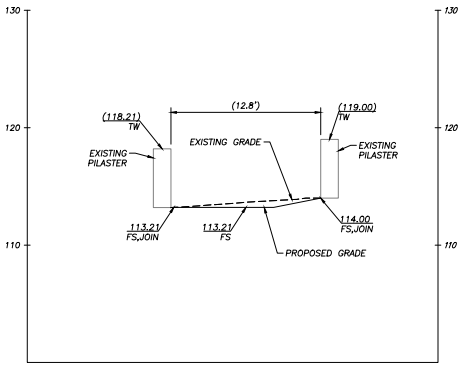
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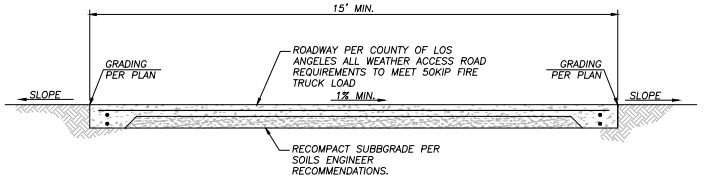
DRIVEWAY PROFILE
1"=10'



DRIVEWAY PROFILE (CONT.)
1"=10'



SECTION A
1"=5'



TYPICAL ROAD SECTION
N.T.S.

County of Los Angeles
Fire Department
Fire Prevention Division
Land Development Unit
CLEARED FOR PUBLIC HEARING
12/16/2025
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REV#	DATE	SUBMITTAL/REVISION

LEHMAN RESIDENCE
28809 BONIFACE DRIVE
MALIBU, CA 90265

FIRE ACCESS PROFILE

DATE:	9/5/2025
SCALE:	1"=10'
DRAWN:	ED
JOB NO:	8181
SHEET	FD 1.1

Sep 05, 2025, 4:05pm Pablo Kaufman
X:\LCE GROUP\JOBS\8100\8181 Lehman\CIVIL\DWG\FD1 FIRE ACCESS SHEET_2024-01-11.dwg

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

Sent via Email and U.S. Postal Mail

October 5, 2026

Cindy Martin
Schmitz & Associates
28230 Agoura Rd. Suite 200
Agoura Hills, CA 91301
cmartin@schmitzandassociates.net

RE: SB 9 Written Comments Upon Denial - 28809 Boniface Drive (APN 4466-018-025)
Coastal Development Permit No. 23-010 and Tentative Parcel Map No. 23-001 for an SB 9 Urban Lot Split and Two-Unit Housing Development

Dear Cindy Martin:

On October 5, 2026, the Planning Commission adopted Resolution No. 26-46 denying Coastal Development Permit (CDP) No. 23-010, Tentative Parcel Map (TPM) No. 23-001, the urban lot split application under Government Code section 66411.7, and the two-unit housing development application under Government Code section 65852.21 (Senate Bill (SB) 9) for the above-referenced property. Under Government Code sections 65852.21(h)(2) and 66411.7(b)(1)(C), the City provides the following comments, identifying each deficiency based on the project currently before the City and how that deficiency could be remedied by the project applicant. The items are numbered to correspond to Grounds 1 through 9 of the Planning Commission agenda report. Item 10 identifies an SB 9 eligibility criterion that the applicant has not demonstrated. The findings in Resolution No. 26-46 hold the grounds for denial.

The City of Malibu is entirely within the California coastal zone. Gov. Code sections 65852.21(k) and 66411.7(n) provide that SB 9 does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Public Resources Code Section 30000 et seq.) (Coastal Act). Under Local Implementation Plan (LIP) Section 13.9(A), which implements Coastal Act Section 30604(b) in the City, a CDP may be approved only if the development conforms to the certified Local Coastal Program (LCP).

Recycled Paper

A. ITEMS FOUND DEFICIENT OR DEFECTIVE AND REMEDIES

1. Certified Residential Density and Intensity

Land Use Plan (LUP) Chapters 1(D) and 5(C)(1); LUP Policy 5.38; LIP Sections 3.3(A)(1), 3.3(A)(3), 3.6(N)(1), and 15.2(B)(9); Resolution Sections 4.A.1(a) and 4.G.5

Deficiency - The certified LUP designates the subject parcel as RR-1, which limits density to one primary dwelling unit per acre. One primary residence is allowed on the subject parcel whereas the project proposes two. The density standard, as applied to the CDP, precludes both the land division and the residence proposed on Parcel B, regardless of the parcel's division, and LUP Policy 5.38 precludes a land division inconsistent with the maximum density.

Remedy - This deficiency cannot be remedied by revising the map or the plans. The applicant may apply for a second residential unit of up to 900 sf. of living area under LIP Section 3.6(N)(1), accessory to the existing residence and without a land division, which that section provides may be permitted and which may be processed by the City as an administrative CDP if it qualifies under LIP Section 13.13.1(B). A second residential unit application would remain subject to Items 6 and 7 below and to the development standards of the LIP, including Section 3.6(N)(1)(c).

2. Cumulative Effects on Coastal Resources and Public Services

LIP Sections 15.2(B)(7) and 15.2(B)(16); LIP Chapter 7 (Sections 7.1, 7.4, 7.8.3); LUP Policies 5.26, 5.27, and 5.39; Coastal Act Section 30250(a); Resolution Sections 4.E, 4.G.3, and 4.G.7

Deficiency - The division would create an additional parcel in an area the LUP designates for one primary dwelling unit per acre and would enlarge the development entitlement the certified LCP allocates to the land (2,050 sf. more total development square footage (TDSF), from 6,997 sf. to 9,047 sf.; smaller required yards; and two primary dwelling units instead of one). The application includes no transfer of development credit (Resolution Section 4.E; Ground 2).

Remedy - Under the certified LCP, a division can be found consistent with this criterion only where the resulting parcels meet the standards in Items 3 through 5 and the added lot is offset by retirement of one transfer of development credit per new lot under LIP Chapter 7. A transfer of development credit would satisfy LIP Section 15.2(B)(16) only, though Items 3 through 5 would still apply.

DRAFT

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3. **Minimum lot area, width, and depth for new lots in the RR-1 District**
LIP Sections 3.3(A)(3) and 15.2(B)(1)(a); LUP Policy 5.36; Resolution Sections 4.A.1(a) and 4.G.1

Deficiency - Proposed Parcel A would be 25,536 sf. and proposed Parcel B would be 18,100 sf. in size, each below the LIP's minimum one-acre lot size standard. Lot width and depth, measured using the methodology established in Zoning Code Interpretation No. 3, would also be substandard. Parcel A (96.86 ft.) and Parcel B (111.86 ft.) would each be less than the 150 ft. minimum width, and Parcel B (118 ft.) would be less than the 250 ft. minimum depth.

Remedy - The parcel to be divided is 43,636 sf., so no division of it can produce two parcels of one acre, and no configuration of two parcels can meet the width standard. This deficiency cannot be remedied by reconfiguring the map.

4. **Slope density for minimum parcel size**
LIP Sections 15.2(B)(9) and 15.6; LUP Policy 5.38; Resolution Section 4.G.5

Deficiency - The applicant's geotechnical report states that slopes on the subject parcel are no steeper than 10:1 (horizontal ft.: vertical ft.), the lowest band of the LIP Section 15.6.3 slope density table, and the 438 sf. of 1:1 slope deducted for Net Lot Area is approximately one percent of the parcel. At a factor of 1.0, the minimum lot size is 43,560 sf. Both parcels are smaller, and a steeper average slope would only increase the minimum required lot area.

Remedy - This deficiency cannot be remedied by reconfiguring the map, because the parcels are smaller than two times the minimum lot size under any slope factor.

5. **Surrounding parcel size**
LIP Section 15.2(B)(10); LUP Policy 5.35; Resolution Section 4.G.6

Deficiency - A land division may not create parcels smaller than the average size of surrounding parcels. Staff relied on Los Angeles County Assessor data for the 41 parcels within 500 ft. of the property lines, the distance the LCP uses to define a "neighborhood" for other purposes (LIP Section 3.6(L)). The 41 parcels average 44,119 sf. (median 43,617 sf.; 40,352 sf. excluding the three parcels of 85,000 sf. or more). Proposed Parcels A and B are smaller than the average size of the surrounding parcels.

Remedy - This deficiency cannot be remedied by reconfiguring the map, because no division of a 43,636 square foot parcel yields two parcels at or above the surrounding average.

Recycled Paper

DRAFT

6. Height of the residence on Parcel B

LIP Section 3.6(E)(1); LUP Policy 6.7; Coastal Act Section 30251; Resolution Section 3, Determination 3, and Sections 4.A.1(b) and 4.B.1

Deficiency - The proposed second residence is 21 ft. 8 in. tall. The certified LCP limits every residence and associated structure on a non-beachfront lot to 18 ft. above natural or finished grade, whichever results in a lower building height (LIP Section 3.6(E)(1)). Site Plan Review No. 12-027, which approved 21 ft. 8 in. for the non-habitable storage building, does not authorize that height for a residence. The plans enlarge the ground floor of the storage building from 832 to 2,000 square feet and remove all of its exterior walls, so the residence is new construction and not a remodel as the LIP Chapter 2 defines that term.

Remedy - Revise the plans so that no portion of the residence, other than the features excepted by LIP Section 3.6(E)(1), exceeds 18 ft. measured as defined in LIP Chapter 2 ("Height, Non-Beachfront Lot"), and show the height calculation on the plans. A height above 18 ft. may be considered only through a Site Plan Review under LIP Sections 3.6(E)(2) and 13.27, a discretionary approval with its own findings, including consistency with the LCP (LIP Section 13.27.5(A)(1)), and only for a structure that can otherwise be approved under the certified LCP (see Item 1).

7. Lawful establishment of the existing development on Parcel B

LIP Sections 13.3(A), 13.3(F), 13.4.1(A), 13.4.1(B)(3), 13.4.2(D), and 13.5; Gov. Code Section 66411.7(i); Resolution Section 4.A.1(c)

Deficiency - The container additions, the conversion of the approved 2012 storage building to a dwelling, and the second onsite wastewater treatment system serving it were undertaken without a coastal development permit or building permits, as documented in the code enforcement record and staff's May 19, 2026 inspection. Development undertaken without a required CDP is not lawfully established and is not a nonconforming zoning condition within the meaning of Gov. Code Section 66411.7(i). Under LIP Section 13.3(F), no improvement, modification, or addition to that development may be approved unless the City also approves a CDP authorizing the existing development, and such a permit may be approved only if the existing and proposed development is consistent with the LCP. The plan set removes all exterior walls of the storage building, and the resulting structure is a replacement structure requiring a CDP under LIP Section 13.4.2(D), and the change from non-habitable storage to a dwelling is a change in the intensity of use that the LCP defines as development.

DRAFT

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Remedy - The CDP application requests approval of improvements made to the structure approved in 2012. LIP Section 13.3(F) allows approval only if the existing and proposed development conforms to the certified LCP, and the existing and proposed development does not. The deficiency may be remedied by (i) removing the unpermitted container additions, residential improvements, and second wastewater system and restoring the structure to the storage building approved in 2012; (ii) demolishing the structure; or (iii) revising the plans so that the existing and proposed development conforms to the certified LCP, including the 18 ft. height standard (Item 6) and the foundation and footprint conditions, and requesting authorization of the existing development under LIP Section 13.3(F) as part of the revised application. Since a second primary residence is not an allowed use on the parcel under the certified LUP (Item 1), revised plans could propose the structure only as a second residential unit under LIP Section 3.6(N)(1).

8. Parking for the residence on Parcel B

LUP Policy 2.25; LIP Section 3.14.3; Coastal Act Section 30252; Resolution Section 4.B.2

Deficiency - The plans provide one unenclosed parking space for the residence on Parcel B. LIP Section 3.14.3 requires a minimum of two spaces for any use or development. The certified LCP standard applies to the CDP under Coastal Act Section 30604(b) and the savings clause described above.

Remedy - Revise the plans to provide at least two parking spaces for the residence on Parcel B in conformance with LIP Section 3.14.3, and show the spaces and their dimensions on the site plan.

9. Fire hazard and the hazard policies of the certified LCP

LIP Sections 15.2(B)(1)(b), 7.1, 9.1, 9.2(A)(7), and 9.4(O); LUP Policies 4.2 and 4.45; Coastal Act Section 30253(a); Resolution Sections 4.F and 4.G.8

Deficiency - The parcel is within a Very High Fire Hazard Severity Zone. The Los Angeles County Fire Department (LACFD) approvals of the fuel modification plan and access establish that the access strip and turnaround comply with fire safety regulations (LIP Sections 15.2(B)(3) and 15.2(B)(4)) and that the fuel modification plan meets the minimum requirements of the Fire Code. These approvals do not establish that the building site on proposed Parcel B, a rear parcel served by a single 15 ft. access strip in a neighborhood where 145 structures were destroyed in the 2018 Woolsey Fire, is safe from extreme fire hazard, and the Planning Commission could not make that finding on the record (Resolution Section 4.F).

Recycled Paper

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Remedy - This deficiency arises from the creation of a new parcel and cannot be remedied by revising the map or the plans. An application that does not include a land division is not subject to this finding.

10. Documentation of tenant occupancy

Gov. Code Sections 65852.21(a)(3)(C), 66411.7(a)(3)(D)(iv); Resolution Section 3, Determination 2

Deficiency - SB 9 does not allow a two-unit housing development or an urban lot split that would demolish or alter housing occupied by a tenant in the last three years. Based on the February 8, 2023 filing date, the three-year period extends to February 8, 2020. Real-estate listing records show the non-habitable structure was most recently marketed as a furnished rental from December 4, 2018 until the listing was removed on May 1, 2019. In response to staff's inquiry, the applicant stated that the structure has not been occupied by a tenant during that period but did not provide a declaration or other documentation.

Remedy - A new application should include a declaration under penalty of perjury by the property owner stating whether the structure has been occupied by a tenant at any time in the three years preceding the application, including any supporting records for that period. The City will evaluate the criterion on that declaration and the records in the file.

B. FUTURE APPLICATION

Items 1 through 5 and 9 cannot be remedied by revising the map or the plans. Items 1 through 5 apply to the land division and can be addressed by an application that does not include a land division. Item 9 can be addressed by an application that does not include a land division. Item 2 is satisfied as to LIP Section 15.2(B)(16) by a transfer of development credit, as stated in that item. Item 1, as it applies to the residence, can be addressed by an application for a second residential unit of up to 900 sf. of living area under LIP Section 3.6(N)(1), which would remain subject to Items 6 and 7. Items 6 through 8 and 10 can be addressed in a new application, subject to Item 1 as to any second unit. The transfer of development credit requirement described in Item 2 applies to any land division approved under the LCP.

DRAFT

Recycled Paper

October 5, 2026

Please contact Patrick Achis, AICP, Senior Planner, at pachis@malibucity.org or (310) 456-2489, ext. 247, with any questions regarding this correspondence.

Sincerely,

_____

Yolanda Bundy, MS, PE, CBO, CFCO
Director of Community Development

cc: Planning Commission
Donald R. Lehman and Marie Christine Lehman Trust (Property Owner)

DRAFT

Recycled Paper

SENATE BILL 9 (SB 9): AN OVERVIEW

WHAT IT IS AND HOW IT IMPACTS RESIDENTIAL LAND USE

Technical Assistance for Local Planning HOUSING

ASSOCIATION OF BAY AREA GOVERNMENTS

Senate Bill 9 (SB 9) is a new California State Law taking effect January 1, 2022.



This overview was published in July 2022 – the law has since been amended. SB 9 changes existing limits on how many homes can be built on a lot zoned as single-family. Similar to previous state legislation on Accessory Dwelling Units (ADUs), SB 9 is intended to support the availability of more modestly priced homes by encouraging building of smaller houses on small lots.

WHAT DOES SB 9 DO?

SB 9 MAKES IT EASIER TO:

BUILD UP TO 4 HOMES
ON A PARCEL IN A SINGLE-FAMILY ZONE

&

SUBDIVIDE A LOT INTO TWO
THAT CAN BE SMALLER THAN REQ MIN. SIZE

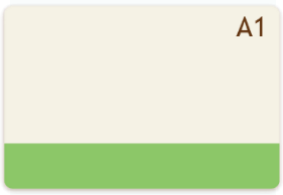
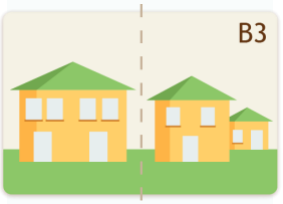
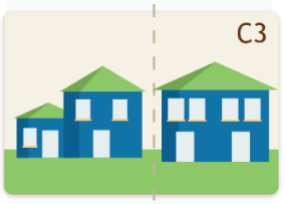
Used together, this allows **4 HOMES** where 1 was primary home was allowed before.

SB 9 makes this easier by waiving public hearings for the two actions.

WHAT CAN I DO ON MY LOT?

Add new homes to existing parcel • Divide existing house into multiple units • Divide parcel and add homes

Illustrations are based on a preliminary analysis of the law. Details are subject to change and are for informational purposes only. See the following page for qualification details and limitations.

	VACANT LOT	LOT WITH SINGLE-FAMILY HOME	LOT WITH NONCONFORMING DUPLEX[1]	LOT WITH SINGLE-FAMILY HOME AND AN ADU
BEFORE	A1  No units	B1  1 PRIMARY UNIT	C1  2 PRIMARY UNITS	D1  1 PRIMARY UNIT + 1 ADU/JADU[2]
ADD UNITS, NO LOT SPLIT	A2  Up to 2 PRIMARY UNITS + Up to 2 ADUs/JADUs[3]	B2  Up to 2 PRIMARY UNITS[4] + Up to 2 ADUs/JADUs[3]	C2  *(No additional units)*[5]	D2  Up to 2 PRIMARY UNITS[4] + 1 ADU/JADU[3]
ADD UNITS AND LOT SPLIT	A3  Up to 4 TOTAL UNITS	B3  Up to 4 TOTAL UNITS	C3  Up to 4 TOTAL UNITS	D3  Up to 4 TOTAL UNITS

If you're NOT splitting a lot:

- SB 9 does not limit the number of ADUs/JADUs (B2, D2) – but other laws might.

If you ARE splitting a lot:

- Jurisdictions ***can*** limit the 2 lots to 4 units total, including any ADUs/JADUs, and may choose not to permit ADUs/JADUs.

SINGLE-UNIT DEVELOPMENTS

SB 9 can be used to develop single units – but projects must comply with all SB 9 requirements.

1 Legally constructed but not currently permitted. Check your local ordinance for nonconforming use policies.
2 Junior Accessory Dwelling Units (JADUs) are small (max. 500ft^2) rentable units within a single-family structure. See your jurisdiction's specifications for more details.
3 The exact number and type of ADUs/JADUs allowed should be confirmed based on project specifics.
4 Added primary unit can be new construction or a split of the existing house.
5 Check local nonconforming use rules for more information about ADUs/JADUs.

THIS DOCUMENT DOES NOT CONSTITUTE LEGAL ADVICE OR OPINIONS REGARDING SPECIFIC FACTS. FOR MORE INFORMATION ABOUT SB 9, PLEASE CONTACT YOUR OWN LEGAL COUNSEL.

ATTACHMENT 4

DOES MY LOT QUALIFY?

REFERENCE ANY QUALIFICATION MATERIALS FROM YOUR JURISDICTION FOR MORE SPECIFICS.

2-UNIT DEVELOPMENTS & LOT SPLITS

- Located in a SINGLE-FAMILY RESIDENTIAL ZONE
- Located in an URBANIZED AREA or URBAN CLUSTER, as defined by the U.S. Census Bureau *(essentially, an area with at least 2,500 people)*[6]
- Not in a state/local HISTORIC DISTRICT / not an HISTORIC LANDMARK

Lots in these areas may not be eligible or may need to meet additional qualifications:[7]

- PRIME FARMLAND or farmland of statewide importance
- WETLANDS
- Identified for CONSERVATION or UNDER CONSERVATION EASEMENT
- HABITAT for protected species
- Within a VERY HIGH FIRE HAZARD SAFETY ZONE
- A HAZARDOUS WASTE SITE
- Within a delineated EARTHQUAKE FAULT ZONE
- Within a 100-YEAR FLOODPLAIN OR FLOODWAY

The project cannot alter or demolish:

- Deed-restricted AFFORDABLE HOUSING
- RENT-CONTROLLED HOUSING
- Housing on parcels with an ELLIS ACT EVICTION in the last 15 yrs.
- Housing OCCUPIED BY A TENANT currently or in the last 3 yrs.



ADDTL. QUALIFICATIONS 2-UNIT DEVELOPMENTS

- Project DOES NOT REMOVE MORE THAN 25% OF EXTERIOR WALLS on a site that has a tenant or has had a tenant in the last 3 yrs. *(even if the rental unit itself isn't altered)*

ADDTL. QUALIFICATIONS LOT SPLITS

- LOT IS SPLIT ROUGHLY IN HALF – smaller lot is at least 40% of the original lot[8]
- Each new lot is AT LEAST 1,200FT^2 [9] *(This means the original lot must be at least 2,400ft^2 for a 50/50 split; 3,000ft^2 if a 60/40 split.)*
- Lot is NOT ADJACENT TO ANOTHER LOT SUBDIVIDED by you (or done in concert with you) using SB 9
- Lot was NOT CREATED BY A PREVIOUS SB 9 SPLIT

ADDITIONAL LIMITATIONS ON SB 9 PROJECTS

CONTACT YOUR LOCAL JURISDICTION FOR ADDITIONAL DETAILS ON SB 9 PROJECT LIMITATIONS.

2-UNIT DEVELOPMENTS & LOT SPLITS

- PARKING: Your jurisdiction cannot require more than one off-street parking space per unit, and cannot require any parking spaces if the parcel is close to transit (as defined in the law)
- NO SHORT-TERM RENTAL: Units created by SB 9 cannot be used for short-term rentals (less than 30 days)
- HOAS: SB 9 does not change rules or restrictions put in place by homeowners' associations.
- LOCAL STANDARDS: Jurisdictions may set zoning, subdivision, and design standards for SB 9 projects, but they must be objective and they cannot preclude two units of at least 800ft^2 on each lot.
- PUBLIC HEALTH AND SAFETY: Your project can be denied if it creates a "specific, adverse impact on public health and safety."[10]

ADDTL. LIMITATIONS 2-UNIT DEVELOPMENTS

- You may be required to do a PERCOLATION TEST if you have on-site wastewater treatment

ADDTL. LIMITATIONS LOT SPLITS

- The project is limited to RESIDENTIAL USES ONLY
- OWNER-OCCUPANCY: Applicant must sign an affidavit saying they intend to live in one of the units for 3+ years after approval
- Your jurisdiction cannot require CORRECTION OF NONCONFORMING ZONING CONDITIONS
- Your jurisdiction may require EASEMENTS FOR PUBLIC SERVICES AND FACILITIES and/or to have access to the public right-of-way



WHAT DOES THE PROCESS LOOK LIKE?



STEP 1 Applicant submits SB 9 application to local jurisdiction.



STEP 2 Local jurisdiction determines whether application is complete within 30 days of submittal.



STEP 3 Once application is complete, local staff reviews the application and determines whether to approve and conditions of approval.

6 Urbanized areas/urban cluster maps are on the U.S. Census Bureau website.
7 As defined in Government Code § 65913.4(a)(6)(B)-(K).
8 Each new lot can be smaller than required minimum lot size.
9 This number may be lowered by local ordinance.
10 Must be determined in writing by a building official, based on inconsistency with objective standards and without feasible mitigation measures.

Site Photographs (May 19, 2026) and Rental Listing Records

28809 Boniface Drive (CDP No. 23-010 and TPM No. 23-001)
Prepared by City of Malibu Planning Division, September 8, 2026

The following site photos were taken by staff during the May 19, 2026, site inspection of the storage building on proposed Parcel B. The photos show the interior finished for residential use, including kitchen cabinets, sink, and refrigerator, with the oven removed; bathrooms with sinks and showers; and sparse furnishing, some of it covered or stored. The Zillow listing record for the property shows the property listed for rent by Douglas Elliman (MLS No. 18412610) on December 4, 2018, and the listing removed on May 1, 2019. The rental listing photographs, also provided, show the structure fully furnished with the same exterior, kitchen, living and dining area, bathrooms, and entry door as the site photos.

Staff Site Photographs, May 19, 2026



Site Photo 1 - Front Exterior Elevation



Site Photo 2 - Front Exterior Elevation (cont.)



Site Photo 3 - Exterior Rear Elevation (Entry Door)



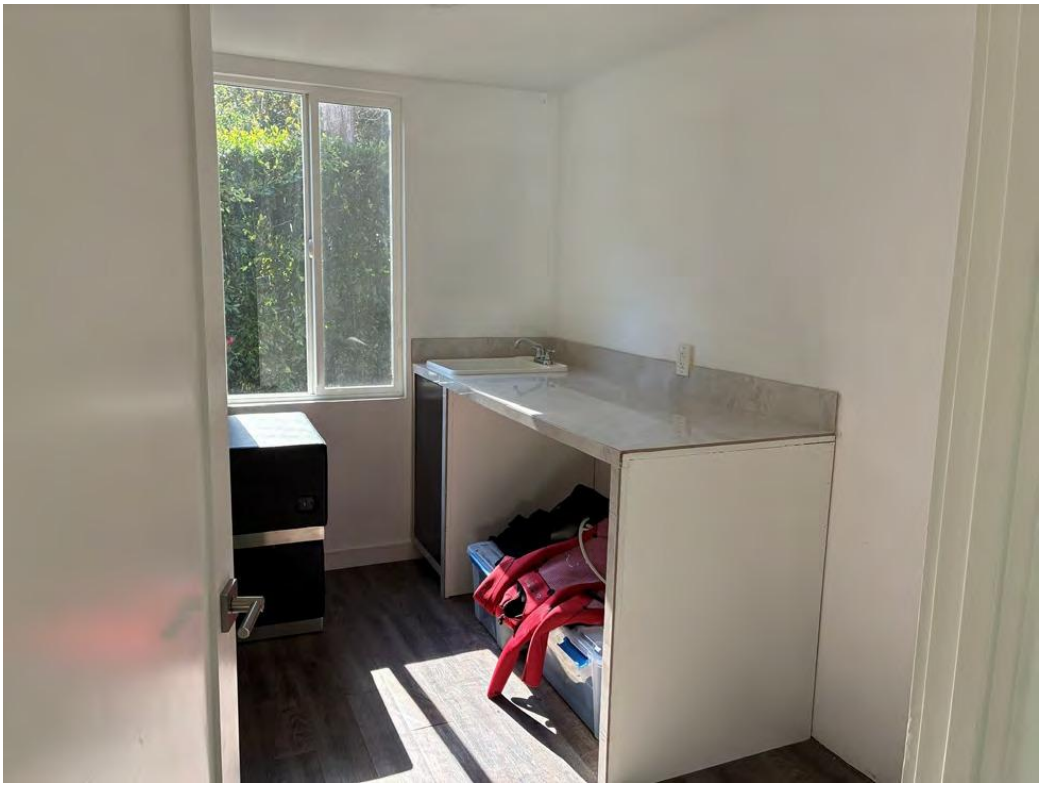
Site Photo 4 - Living Room, Dining Room, and Kitchen



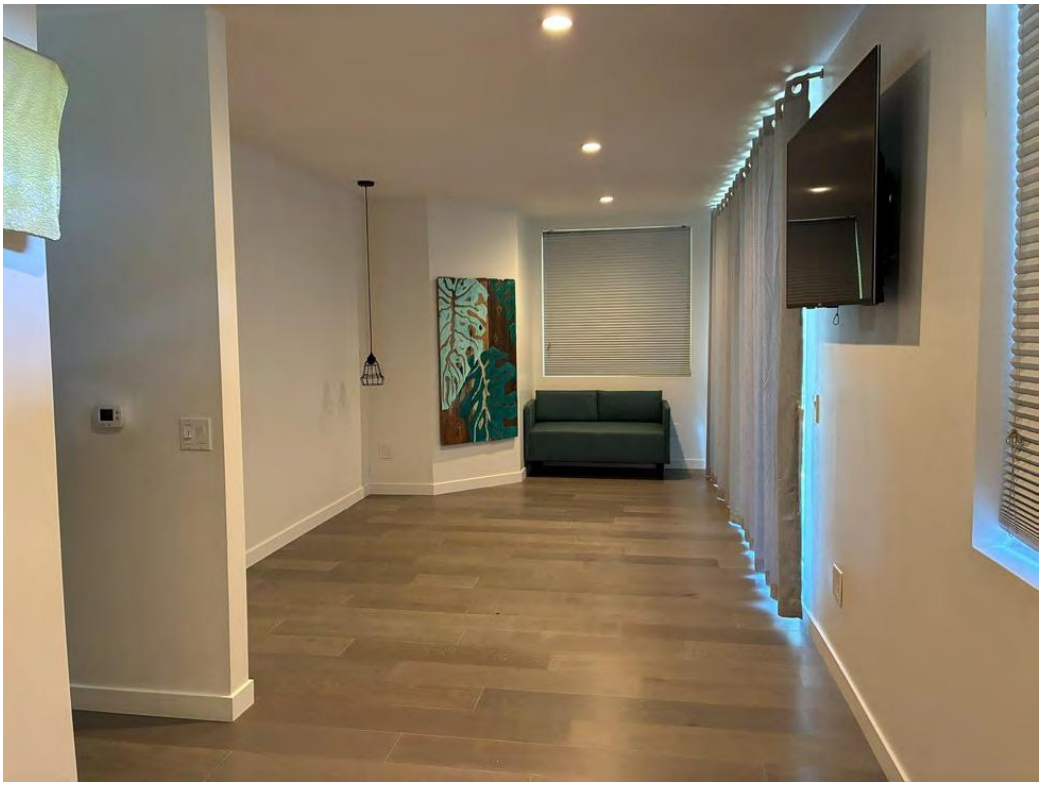
Site Photo 5 - Kitchen (Oven Removed)



Site Photo 6 - Dining Area



Site Photo 7 - Walk-in Closet



Site Photo 8 - Master Bedroom



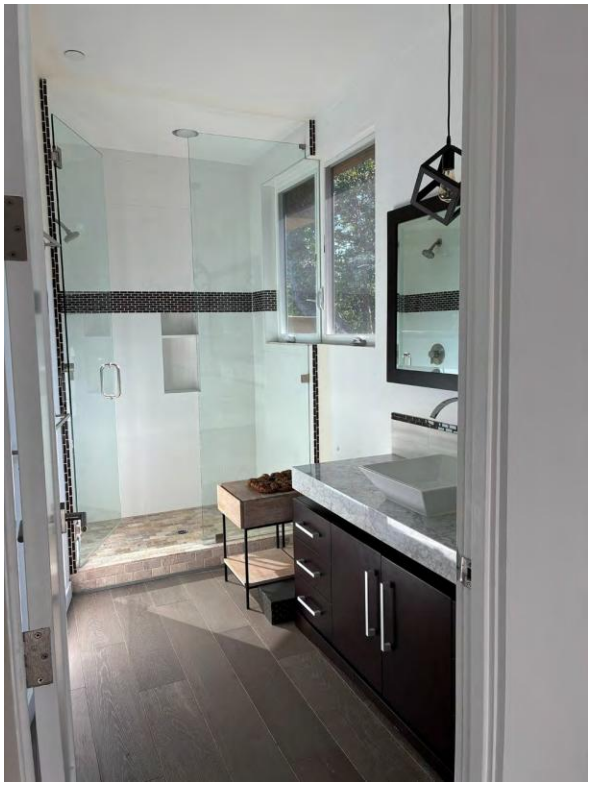
Site Photo 9 - Master Bathroom (Shower Behind)



Site Photo 10 - Family Room



Site Photo 11 - Office



Site Photo 12 - Second Floor Bathroom



Site Photo 13 - First Floor Bathroom (Shower Beyond)

Rental Listing Records

Source: Zillow, 28809 Boniface Dr, Malibu, CA 90265, https://www.zillow.com/homedetails/28809-Boniface-Dr-Malibu-CA-90265/20555751_zpid/, accessed May 21, 2026.

Price history

Date	Event	Price
5/1/2019	Listing removed	$35,000 $12/sqft
Source: Douglas Elliman #18412610 Report		
12/4/2018	Listed for rent	$35,000 +75% $12/sqft
Source: Douglas Elliman #18412610 Report		
9/2/2011	Listing removed	$20,000 $7/sqft
Source: Coldwell Banker Residential Brokerage - Malibu West #11-506001 Report		
5/6/2011	Price change	$20,000 -11.1% $7/sqft
Source: Coldwell Banker Residential Brokerage - Malibu West #11-506001 Report		
4/24/2011	Price change	$22,500 -10% $8/sqft
Source: Coldwell Banker Residential Brokerage - Malibu West #11-506001 Report		

Show more



Listing Photos - 1



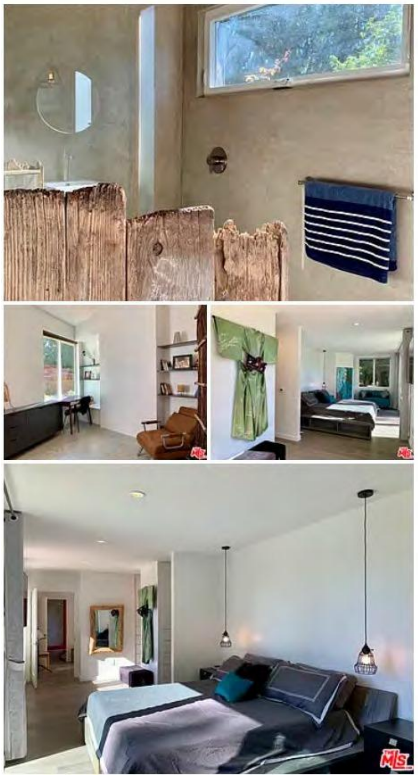
Listing Photos - 2



Listing Photos - 3



Listing Photos - 4



Listing Photos - 5



Listing Photos - 6



Listing Photos - 7



Listing Photos - 8



Listing Photos - 9



Listing Photos - 10

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

LOS ANGELES COUNTY WATERWORKS DISTRICTS REVIEW
REFERRAL SHEET

FROM: City of Malibu Planning Department **DATE: 02/08/2023**

PROJECT NUMBER:	**CDP 23-010**
JOB ADDRESS:	**28809 BONIFACE DR**
APPLICANT / CONTACT:	**Cindy Martin, Schmitz & Associates, Inc.**
APPLICANT EMAIL:	**cmartin@schmitzandassociates.net**
APPLICANT PHONE #:	**(818) 338-3636**
PLANNER:	**Patrick Achis**
PROJECT DESCRIPTION:	**Lot Split (SB9), New SFR (on newly created lot), New OWTS to serve new SFR**

TO: Malibu Planning Department and/or Applicant

FROM: LACWD No. 29, Malibu

Compliance with the conditions checked below is required prior to Waterworks District approval

The project **DOES NOT** require any system improvements for domestic and/or fire flow conditions ____

The project **DOES NOT** require capital improvement fees and/or participation fees ____

The project **DOES** require a Will Serve Letter ***(Final Waterworks Districts approval)*** X

The project **DOES** require capital improvement fees and/or participation fees X

The project **DOES** require the owner to execute an agreement and participate financially in the design and construction of a future water system to increase local storage and conveyance capacity in the event of an interruption of the primary water supply ____

The project **DOES** require private contract water system improvements for domestic and/or fire flow conditions X

The required fire flow for this project set by the Fire Department is 1,250 gallons per minute at 20 pounds per square inch for a 1 hour duration

Scope of water system improvements required:
Determined at time of water service application.

Note: Los Angeles County Waterworks District No. 29, Malibu approval expires upon the earliest of the following: 1) Two years from the date of this form; 2) Expiration date of the City Planning permit(s), or 3) Date County adopts changes to the county of Los Ange/es Fire Code an makes revisions to appli le ire Department regulations and standards.

Vicki N — 9-4-2026

SIGNATURE **DATE**

Additional requirements/conditions may be imposed upon review of complete architectural plans.
Los Angeles County Waterworks District No. 29, Malibu may be contacted by phone at (310) 317-1389 or at the Waterworks Public Counter 23533 Civic Center Way, Malibu CA 90265; Hours: Monday-Thursday 8:00am – 12:00pm

ATTACHMENT 6

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 Biologist

FROM: City of Malibu Planning Department **REVISED DATE** 04/22/2025

PROJECT NUMBER:	CDP 23-010
JOB ADDRESS:	28809 BONIFACE DR
APPLICANT / CONTACT:	Cindy Martin, Schmitz & Associates, Inc.
APPLICANT EMAIL:	cmartin@schmitzandassociates.net
PLANNER:	Adam Pisarkiewicz
PROJECT DESCRIPTION:	Lot Split (SB9), New SFR (on newly created lot), New OWTS to serve new SFR
REVISION:	

TO: Malibu Planning Department and/or Applicant

FROM: City Biologist, Courtney McCammon

_____ **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).

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

Building Plan Check (BPC) Required ☐ Yes ☐ No BPC Fees Req'd $_____

_____ **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).**

Courtney McCammon 5/2/25

Signature Date

Additional requirements/conditions may be imposed upon review of plan revision

Contact Information:

Courtney McCammon, City Biologist, biology@malibucity.org, (310) 456-2489, extension 277

City of Malibu

Biology • Planning Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email)	Cindy Martin, Schmitz & Associates, Inc. cmartin@schmitzandassociates.net	
Project Address:	**28809 BONIFACE DR** Malibu, CA 90265	
Planning Case No.:	CDP 23-010	
Project Description:	Lot Split (SB9), New SFR (on newly created lot), New OWTS to serve new SFR	
Date of Review:	May 2, 2025	
Reviewer:	Courtney McCammon	Signature: Courtney McCammon
Contact Information:	Phone: (310) 456-2489 ext 277	Email: biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	4/22/25
Site Survey:	4/22/25
Landscape Plan:	
Hydrozone Plan:	
Irrigation Plan:	
Fuel Modification Plan:	
Grading Plan:	4/22/25
OWTS Plan:	4/22/25
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	2/20/23 (Incomplete)

REVIEW FINDINGS

Review Status:	☐	**INCOMPLETE**: Additional information and/or a response to the listed review comments is required.
	☒	**APPROVED**: The project has been approved with regards to biological impacts.
	☐	**CANNNOT APPROVE AS SUBMITTED**: 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

Recycled Paper

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 feet in height, or change 500/2,500 square feet or more (new residence/existing residence) of the existing landscaping area, a detailed landscape plan shall be submitted for review and approval prior to any planting.

   B. Grading/excavation/vegetation removal scheduled between February 1 - September 15 will require nesting bird surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than five 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 two business days of completion of surveys. No vegetation and/or tree removal is permitted with this application.

   C. All new development including structures, septic systems, or landscaping, shall not encroach on slopes steeper than 4:1.

   D. 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 lighting of natural habitat areas. Up-lighting is prohibited.

-o0o-

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

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 website: www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Staff

FROM: City of Malibu Planning Staff **REVISED DATE** 10/27/2025

PROJECT NUMBER: CDP 23-010

JOB ADDRESS: 28809 BONIFACE DR

APPLICANT / CONTACT: Cindy Martin, Schmitz & Associates, Inc.

APPLICANT EMAIL: cmartin@schmitzandassociates.net

PROJECT DESCRIPTION: Lot Split (SB9), New SFR (on newly created lot), New OWTS to serve new SFR

REVISION:

TO: Malibu Planning Department and/or Applicant

FROM: Malibu Environmental Health Staff

✓ **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.

Building Plan Check (BPC) Required ☑ Yes ☐ No BPC Fees Req'd $

_____ **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 12/1/2025

Signature **Date**

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

Public Counter hours for Environmental Health staff are Tuesdays and Thursdays, 8:00 AM – 12:00 PM.

City of Malibu

Environmental Health ● Environmental Sustainability Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Cindy Martin, Schmitz & Associates, Inc. cmartin@schmitzandassociates.net		
Project Address:	**28809 Boniface Drive** Malibu, California 90265		
Planning Case No.:	CDP 23-010		
Project Description:	Lot Split (SB9), New SFR (on newly created lot), New OWTS to serve new SFR		
Date of Review:	December 1, 2025		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Barsocchini & Associates: Plans dated 8-19-2022, 2-11-2025
Grading Plans:	LC Engineering: Plans dated 5-19-2022, 2-3-2025
OWTS Plan:	EPD: OWTS plans dated 11-11-2022, 2-17-2025
OWTS Report:	EPD: OWTS report dated 11-11-2022, 2-17-2025; Percolation Test report dated 11-7-2022
Geology Report:	Gold Coast Geoservices: Geotechnical Report dated 10-6-2022, 5-30-2025
Miscellaneous:	Operating Permit: Active; expires 10-8-2027
Previous Reviews:	3-9-2023, 5-22-2025

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program (LCP)/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 LCP/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 (MMC) 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) **OWTS on Project Plans:** The final project site plans must show the proposed onsite wastewater treatment system (OWTS), including the treatment tank, present/future dispersal area(s), and all lines of connection to the residence.

2) **Building Plans:** All 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.

3) **Architectural Plans:**

   - The final architectural plans must show 4 bedrooms and 37 drainage fixture units (DFU), or as otherwise indicated by the OWTS designer in the final design report.

   - Show and label all drainage fixtures on the final floor plans including clothes washers, kitchen sinks, and dishwashers.

4) **Proof of 1.28 Gallon or Less Flushometer Water Closet:** The 2022 California Plumbing Code permits water closets to be computed as 3 DFU if the proposed water closet is categorized as a flushometer tank with a 1.28 gallon per flush or less and is ANSI, IAPMO, IPC, UPC, ASME, CSA, or City of LA approved. Specifications of the flushometer tank shall be submitted.

   - The OWTS Designer must reference water closets to be computed as 3 DFU. Please provide the make and model number of the water closet that is ANSI, IAPMO, IPC, UPC, ASME, CSA, or City of LA approved and incorporate the low flow specification sheet into the final OWTS design report and architectural plan set.

5) **Certified Fixture Unit Worksheet:** A fixture unit worksheet showing all proposed bedrooms and DFU must be completed and certified by the OWTS Designer (EPD).

   - Please incorporate the fixture unit worksheet into the final architectural plan set and final OWTS design report.

   - The fixtures listed on the certified fixture unit worksheet must match the submitted architectural plans.

6) **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 plan must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. The plot plan must be drawn to scale.

7) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and large set of construction drawings with system specifications 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).

   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 drainage fixture units, 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 (gpsf). 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.]

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

9) **Notice of Decision:** The final OWTS plans shall include the Conditions of Approval sections of the Notice of Decision (NOD) from the Planning Department. The Acceptance of Conditions Affidavit must be signed and notarized by the owner of the property and incorporated into the final OWTS plans.

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

11) **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.

12) **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**.

13) **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 OWTS 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**.

14) **Storm Water Pollution Prevention Plan (S.W.P.P. Plan):** A S.W.P.P. Plan shall be submitted during the building plan check stage review. The plan must show the proposed OWTS components.

15) **Waterworks District 29 (W.W.D.29) Approval:** WWD29 approval of the OWTS plot plan is required. The final OWTS plot plan must show the water main and meter as applicable.

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

17) **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.

18) **City of Malibu Public Works Approval:** City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

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

20) **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.

21) **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.

-o0o-

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

28809 BONIFACE DRIVE (CDP 23-010)
MALIBU, CA 90265

S.F.D.:	4 Bedroom/37 Fixture Units (N)
TREATMENT TANK:	3,634 Gallon MicroSepTec ES12 with UV Disinfection Unit (N)
ACTIVE:	2 - 6' x 27' BI w/8' Cap (N) (projected; B-1 and B-4)
FUTURE:	2 - 6' x 27' BI w/8' Cap (N) (projected; B-2 and B-3)
PERC RATE:	3,209 gpd/6.3 gpsf (proj; B-1)
	4,521 gpd/8.9 gpsf (proj; B-2)
	4,761 gpd/9.4 gpsf (proj; B-3)
	7,681 gpd/15.1 gpsf (proj; B-4)
DESIGNER:	Kevin Poffenbarger, RCE 69089
REFERENCE:	EPD: OWTS report dated 11-11-2022, 2-17-2025; Percolation Test report dated 11-7-2022
	Gold Coast Geoservices: Geotechnical Report dated 10-6-2022, 5-3-2025

NOTES:

1. This conformance review is for a new single-family dwelling and new advanced onsite wastewater treatment system (OWTS). The new OWTS 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.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: ..... DATE: 12/1/2025

THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS

KEY:
- PROPERTY LINE
- (P) RESIDENCE
- (P) SS PIPES (GRAVITY)
- (P) SS PIPES (AIR)
- (P) SS PIPES (VENT)
- (P) SS PIPES (ELECTRICAL)
- (P) PRESENT SEEPAGE PIT
- (P) FUTURE SEEPAGE PIT
- PERCOLATION TEST BORING (B-X) APPROXIMATE PER GOLD COAST GEOSERVICES, INC.

ABBREVIATIONS:

BI	BELOW INLET
DFU	DRAINAGE FIXTURE UNIT
(E)	EXISTING
FF	FINISHED FLOOR
FG	FINISHED GRADE
FS	FINISHED SURFACE
OWS	ONSITE WASTEWATER SYSTEM
PL	PROPERTY LINE
(P)	PROPOSED
RIS	REDUCTION IN SETBACK

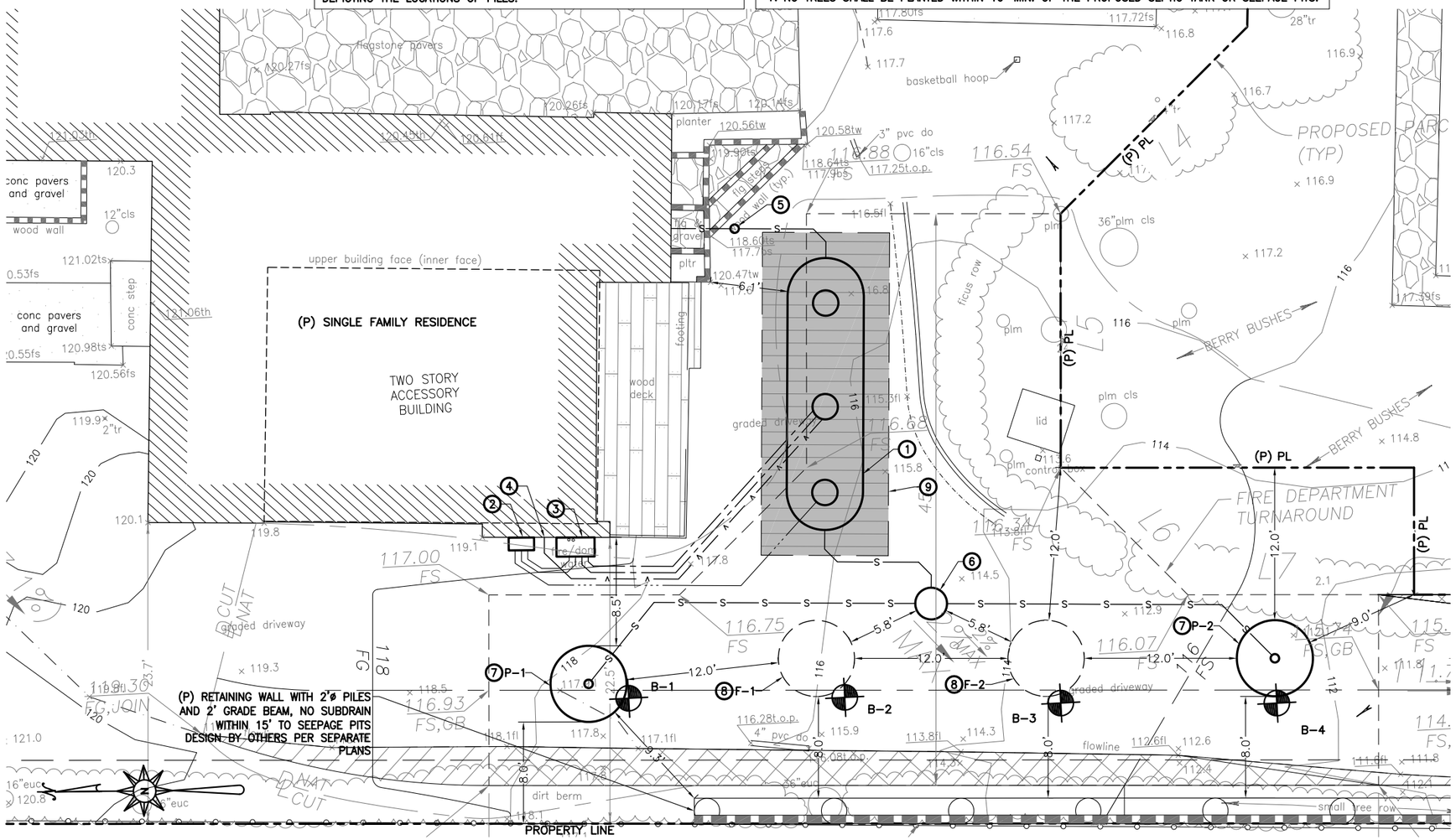
NOTES:
1. FOR ONSITE WASTEWATER SYSTEM OVERALL SITE PLAN REFER TO DETAIL 1, SHEET W0.00.
2. ONSITE WASTEWATER SYSTEM GENERAL NOTES PER DETAIL 3, SHEET W0.00.
3. ONSITE WASTEWATER SYSTEM PROCESS FLOW SCHEMATIC PER DETAIL 2, SHEET W0.00.
4. ONSITE WASTEWATER SYSTEM CALCULATIONS PER DETAIL 6, SHEET W0.00.
5. ONSITE WASTEWATER SYSTEM KEYNOTES PER DETAIL 4, SHEET W0.00.
6. ONSITE WASTEWATER SYSTEM SEEPAGE PIT ELEVATIONS PER DETAIL 5, SHEET W0.00.

PRELIMINARY - NOT FOR CONSTRUCTION

FOUNDATION NOTE:
THE PROJECT GEOTECHNICAL CONSULTANT SHALL PREPARE AN AS-BUILT REPORT DOCUMENTING THE INSTALLATION OF THE PILE FOUNDATION ELEMENTS FOR THE CITY FILE. THE REPORT SHALL INCLUDE TOTAL DEPTHS OF THE PILES, DEPTHS INTO THE RECOMMENDED BEARING MATERIAL, MINIMUM REQUIRED DEPTH IN THE RECOMMENDED BEARING MATERIAL AND A MAP DEPICTING THE LOCATIONS OF PILES.

SOILS NOTE:
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.

SPECIAL NOTE:
1. NO TREES SHALL BE PLANTED WITHIN 10' MIN. OF THE PROPOSED SEPTIC TANK OR SEEPAGE PITS.



1 ONSITE WASTEWATER SYSTEM (OWS) SITE PLAN
Scale: 1"=10'

EPD consultants
sustainable water systems & solutions
20722 MAIN STREET
CARSON, CA 90745
Phone (310) 241-6565
Fax (310) 241-6566

REGISTERED PROFESSIONAL ENGINEER
KEVIN L. POFFENBARGER
No. 69089
CIVIL
STATE OF CALIFORNIA

▽ NO.	REVISIONS:	DATE:	BY:
1	NEW PARCEL LINES	12/5/24	MD
2	PC COMMENTS	2/17/25	MD

SHEET TITLE: ONSITE WASTEWATER SYSTEM (OWS) SITE PLAN

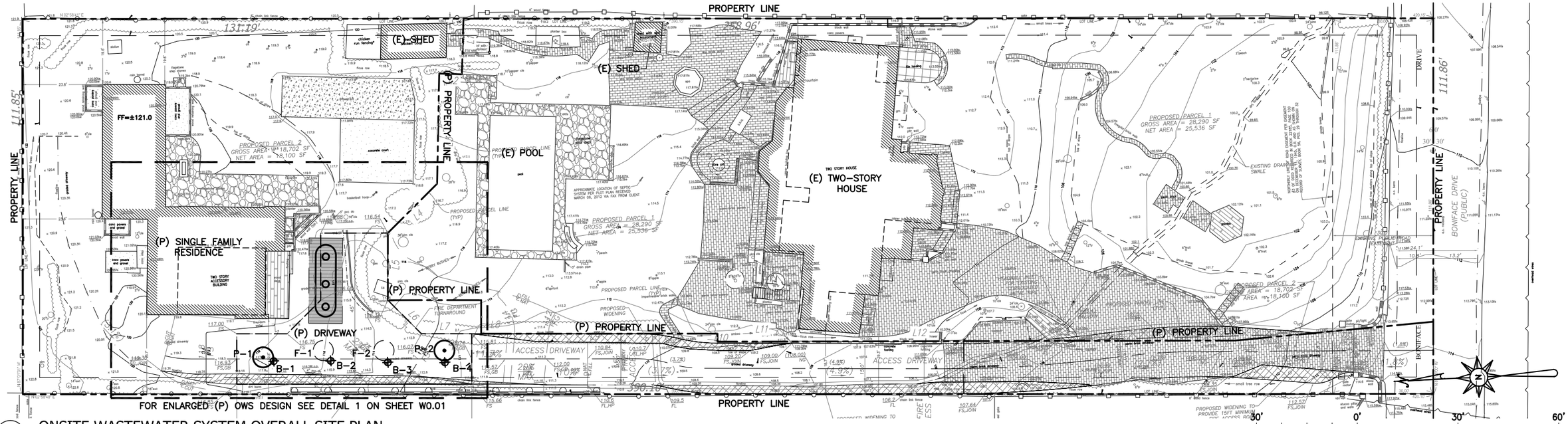
PROJECT: 28809 BONIFACE DRIVE MALIBU, CA 90265

DATE	SCALE	DRAWN BY
11/11/22	AS_SHOWN	AF

PROJECT NO. G828

DRAWING NO. W0.01

SHEET 2 OF 2 SHEETS



1 ONSITE WASTEWATER SYSTEM OVERALL SITE PLAN

Scale: 1"=30'

GRAPHIC SCALE: 1"=30'

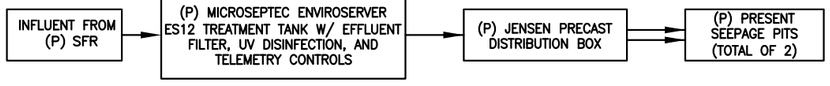
KEY:

- PROPERTY LINE
- EASEMENT
- (E) STRUCTURE
- PERCOLATION TEST BORING (B-X) APPROXIMATE PER GOLD COAST GEOSERVICES, INC.

FOUNDATION NOTE:
THE PROJECT GEOTECHNICAL CONSULTANT SHALL PREPARE AN AS-BUILT REPORT DOCUMENTING THE INSTALLATION OF THE PILE FOUNDATION ELEMENTS FOR THE CITY FILE. THE REPORT SHALL INCLUDE TOTAL DEPTHS OF THE PILES, DEPTHS INTO THE RECOMMENDED BEARING MATERIAL, MINIMUM REQUIRED DEPTH IN THE RECOMMENDED BEARING MATERIAL AND A MAP DEPICTING THE LOCATIONS OF PILES.

SOILS NOTE:
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.

PRELIMINARY - NOT FOR CONSTRUCTION



2 ONSITE WASTEWATER SYSTEM PROCESS FLOW SCHEMATIC

Scale: N.T.S.

1. THIS PLAN ACCURATE FOR ONSITE WASTEWATER SYSTEM (OWS) DESIGN ONLY.
2. TOPOGRAPHY PER TENTATIVE PARCEL MAP, PREPARED BY LC ENGINEERING GROUP INC., DATED FEBRUARY 3, 2025. GRADING AND DRAINAGE PLANS PREPARED BY LC ENGINEERING GROUP, DATED FEBRUARY 3, 2025. GEOLOGIC BORINGS (B-X) APPROXIMATE PER SUPPORTING GEOLOGY REPORT, PREPARED BY GOLD COAST GEOSERVICES, INC., DATED OCTOBER 6, 2022. ELEVATIONS ARE APPROXIMATE PER REFERENCED PLANS.
3. CONTRACTOR SHALL FOLLOW ALL REQUIREMENTS OF PROJECT FINAL FULL SIZE PLANS & SPECIFICATIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN THE FINAL FULL SIZE PLANS & SPECIFICATIONS FROM THE SYSTEM ENGINEER PRIOR TO PROCEEDING WITH WORK.

3 ONSITE WASTEWATER SYSTEM GENERAL NOTES

Scale: N.T.S.

	SEEPAGE PIT #	PERC.TEST BORING PIT #	EXISTING GRADE (FT)	CAP DEPTH FROM EG (FT)	PROPOSED GRADE (FG) (FT)	CAP DEPTH FROM FG (FT)	PROPOSED CAP ELEVATION (FT)	15-FT HORIZONTAL DOWNHILL ELEV. (FT)	BELOW INLET (BI) DEPTH (FT)	BOTTOM OF PIT ELEVATION (FT)	GROUNDWATER ELEVATION (FT)	GROUNDWATER SEPARATION (FT)
PRESENT SEEPAGE PITS	P-1	B-1	117.50	8.00	116.87	7.37	109.50	116.00	27.00	82.50	67.00	15.50
	P-2	B-4	112.00	8.00	115.87	11.87	104.00	111.00	27.00	77.00	67.00	10.00
FUTURE SEEPAGE PITS	F-1	B-2	116.00	8.00	116.50	8.50	108.00	114.00	27.00	81.00	67.00	14.00
	F-2	B-3	114.00	8.00	116.25	10.25	106.00	112.00	27.00	79.00	67.00	12.00

5 ONSITE WASTEWATER SYSTEM SEEPAGE PIT ELEVATIONS

Scale: N.T.S.

1. (P) MICROSEPTEC ENVIROSERVER ES12-GRAV/SOL/UV TREATMENT TANK HOUSED IN A 3,634-GALLON FIBERGLASS REINFORCED PLASTIC (FRP) TANK PROVIDED BY THE MFR, W/ EFFLUENT FILTER, UV DISINFECTION, TELEMETRY CONTROLS, AND THREE (3) 24"ø FRP LIDS/RISERS TO GRADE SPECIFIED GAS AND WATER TIGHT AND VENTED TO THE ROOF PER MPC.
2. (P) MICROSEPTEC TELEMETRY CONTROL PANEL. REQUIRES POWER TO PANEL AND DEDICATED IP ADDRESS, INTERNET CONNECTIONS TO BE VERIFIED BY THE MFR. LICENSED ELECTRICIAN TO DETERMINE NUMBER AND SIZING OF WIRES.
3. (P) MICROSEPTEC HIBLOW HP-120LL AIR COMPRESSORS (TYP. OF 2) IN ABOVE GROUND ENCLOSURES PER MFR.
4. (P) ENVIROSERVER ES12 AIR VENT W/ 3"ø SCH 40 PVC AIR VENT LINE TO ROOF PER MPC.
5. (P) GRAVITY CLEANOUT TO GRADE.
6. (P) JENSEN PRECAST MODEL D-30 DISTRIBUTION BOX INSTALLED WITH ONE (1) 30"ø TRAFFIC RATED WATERTIGHT LID, RISER AND MANHOLE TO GRADE OR APPROVED EQUAL. NUMBER OF OUTLETS PER PLAN.
7. (P) PRESENT 2 X 6'ø X 27' BI SEEPAGE PITS W/ 8' CAP DEPTHS FROM EG @ BORINGS B-1 AND B-4. CONSTRUCT WITH 8"ø ACCESS PORTS IN TRAFFIC RATED ENCLOSURES TO GRADE.
8. (P) FUTURE 2 X 6'ø X 27' BI SEEPAGE PITS W/ 8' CAP DEPTHS FROM EG @ BORINGS B-2 AND B-3.
9. (P) H-20 TRAFFIC RATED SLAB WITH THREE (3) 30"ø H-20 TRAFFIC RATED RISERS & MANHOLE COVERS TO GRADE, UNDER SEPARATE PERMIT, FOR MICROSEPTEC ES12 TANK.

4 ONSITE WASTEWATER SYSTEM KEYNOTES

Scale: N.T.S.

TOTAL BEDROOMS: 4
TOTAL DRAINAGE FIXTURE UNITS: 37

SINGLE-FAMILY RESIDENCE: 4 BEDROOMS
1 BEDROOM @ 300 GPD/BED = 300 GPD
3 BEDROOMS @ 150 GPD/BED = 450 GPD

PEAK DESIGN DAILY FLOWRATE: 750 GPD
AVERAGE DESIGN DAILY FLOWRATE: 400 GPD
STRENGTH OF SEPTIC TANK EFFLUENT: 200mg/L OR LESS

MIN SEPTIC TANK CAPACITY: 1,500-GAL (BASED UPON BEDROOM COUNT ONLY)

MIN SEPTIC TANK CAPACITY: 2,000-GAL (BASED UPON DFU COUNT ONLY)

MIN SEEPAGE PIT CAPACITY (PRESENT AND FUTURE): 7,500-GAL

EFFLUENT DISPERSAL:
PERC RATE PRESENT: B-1 = 6.3 GPD/SF (3,209 GPD/6'ø PIT)
B-4 = 15.1 GPD/SF (7,681 GPD/6'ø PIT)
TOTAL = 10,890 GPD

PERC RATE FUTURE: B-2 = 8.9 GPD/SF (4,521 GPD/6'ø PIT)
B-3 = 9.4 GPD/SF (4,761 GPD/6'ø PIT)
TOTAL = 9,282 GPD

(EPD CONSULTANTS, INC. 11/7/22 PERCOLATION TEST REPORT)
PRESENT SEEPAGE PITS: (6'ø X 27' BI PIT W/ 8' CAP DEPTH FROM EG @ B-1)
(6'ø X 27' BI PIT W/ 8' CAP DEPTH FROM EG @ B-4)

FUTURE SEEPAGE PITS: (6'ø X 27' BI PIT W/ 8' CAP DEPTH FROM EG @ B-2)
(6'ø X 27' BI PIT W/ 8' CAP DEPTH FROM EG @ B-3)

PEAK DESIGN DISPERSAL LOADING RATE: 0.74 GPD/SF
AVERAGE DESIGN DISPERSAL LOADING RATE: 0.39 GPD/SF

6 ONSITE WASTEWATER SYSTEM CALCULATIONS

Scale: N.T.S.

EPD consultants
sustainable water systems & solutions
20722 MAIN STREET
CARSON, CA 90745
Phone (310) 241-6565
Fax (310) 241-6566

REGISTERED PROFESSIONAL ENGINEER KEVIN L. POFFENBARGER No. 89089 CIVIL STATE OF CALIFORNIA

▽NO.	REVISIONS:	DATE:	BY:
1	NEW PARCEL LINES	12/5/24	MD
2	PC COMMENTS	2/17/25	MD

ADDRESS:
APN 4466-018-025
28809 BONIFACE DRIVE
MALIBU, CA 90265

SHEET TITLE:
ONSITE WASTEWATER SYSTEM (OWS) OVERALL SITE PLAN

PROJECT:
28809 BONIFACE DRIVE

DATE	SCALE	DRAWN BY
11/11/22	AS_SHOWN	AF

PROJECT NO.
G828

DRAWING NO.
W0.00

SHEET 1 OF 2 SHEETS

City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	November 13, 2025	**Review Log #:**	**5025**
Site Address:	28809 Boniface Drive		
Lot/Tract/PM #:	TPM No. 84368	**Planning #:**	**CDP 23-010**
Applicant/Contact:	Cindy Martin, cmartin@schmitzandassociates.com	**BPC/GPC #:**	**P3**
Contact Phone #:	818-338-3636	**Planner:**	**Adam Pisarkiewicz**
Project Type:	Lot split; New two-story single-family residence, new Onsite Wastewater Treatment System (OWTS) on newly created lot		

Submittal Information

Consultant(s) / Report Date(s):
*(Current submittal(s) in **Bold**.)*

Gold Coast Geoservices, Inc. (Hogrefe, CEG 1516): **5-30-2025**
Gold Coast Geoservices, Inc. (Hogrefe, CEG 1516; Vardeh, RCE 56992): 11-15-2024, 10-6-2022
EPD Consultants (Poffenbarger, RCE 69089): 2-17-2025, 11-11-2022, 11-7-2022

3rd Coastal Development Permit Submittal for Geology
Architectural plans prepared by Barsocchini & Associates Designs dated February 11, 2025.
Civil plans prepared by LC Engineering Group, Inc. dated February 3, 2025.
OWTS plans prepared by EPD Consultants dated February 17, 2025.
Fire Access Exhibit prepared by LC Engineering Group, Inc. dated May 19, 2022.
Total Grading Yardage Verification Certificate prepared by Leonard I. Liston III dated August 3, 2022.

Previous Reviews: 6-10-2025, 2-28-2023; Ref: Environmental Health Review Sheet dated 5-22-2025

Review Findings

Coastal Development Permit Review

☒ The residential development project is **ACCEPTABLE** from a geotechnical perspective, with the following comments to be addressed prior to building plan check stage completion.

☐ The residential development project is **NOT ACCEPTABLE** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to acceptance.

Building Plan-Check Stage Review

☒ Awaiting Building plan check submittal.

☐ The plans are **COMPLETE** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ The plans are **NOT COMPLETE** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage completion.

Project submittals were reviewed from a geotechnical perspective for conformance with applicable codes, guidelines and standards of practice, including the following current City adopted standards:

- City of Malibu Local Coastal Program – Land Use Plan and Local Implementation Plan (LCP-LUP and LCP-LIP)
- Malibu Municipal Code – Title 15, Buildings and Construction
- City of Malibu Guidelines for the Preparation of Geotechnical Reports and Procedures for Report Submittal (November 2013) referred to herein as Geotechnical Report Guidelines

In the case of conflicting requirements between the Geotechnical Guidelines and any other referenced standards, the latest standard will apply. The Applicant is responsible for complying with the submittal requirements for all Planning variances, as appropriate; any questions regarding variances should be directed to the case Planner.

Remarks:

The referenced response geotechnical report, architectural plans, civil plans, OWTS design report, and OWTS plans were reviewed by the City's consultants from a geotechnical perspective. Based on the submitted information, the proposed development includes splitting the lot into two parcels, converting the existing 998 square foot storage building and constructing additions to the storage building to create a new 2,548 square foot two-story single-family residence, decks, and flatwork on the newly created lot.

Grading consists of 157 yards of cut and 91 yards of fill for safety; 13 yards of cut and 42 yards of fill non-exempt; and 37 yards of export.

A new OWTS will be installed on the property that consists of a 3,634-gallon Enviroserver MicroSepTec ES12 treatment tank system with UV disinfection and two present 6'diameter x 27' BI seepage pits with 8' caps (B-1 and B-4), and futures consisting of two 6'diameter x 27' BI seepage pits with 8' caps (B-2 and B-3). The peak design daily flowrate is 750 gpd and the average design daily flowrate is 400 gpd. The peak design dispersal loading rate is 0.74 gpd/sf and the average design dispersal loading rate is 0.39 gpd/sf. The existing OWTS components on the property will be properly abandoned.

Building Plan-Check Stage Review Comments:

1. Indicate the bearing material and depth for all foundation types on the foundation plans in accordance with recommendations by the Project Geotechnical Consultant.
2. Please show the name, address, and phone number for the Project Geotechnical Consultant on the cover sheet of the plans.
3. Please provide reduced setback letters from the OWTS, geotechnical and structural consultants for any reduced setbacks between the OWTS components and foundations, as applicable.
4. If piles will be used, then include the following note on the foundation plans, as appropriate: "*The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for the City's files. The report shall include total depths of the piles, depth into the recommended bearing material, minimum required depth into the recommended bearing material, and a map depicting the locations of the piles.*"
5. Please include a note on the OWTS plans stating, "*The Project Engineering Geologist shall observe and approve the installation of the proposed 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*."

6. 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, a dry density and optimum moisture maximum curve(s), a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, and the expansion index of the materials used for foundation embedment. 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.
7. One set of final electronic OWTS plans incorporating the Project Geotechnical and Environmental Health Specialists' recommendations and items in this review sheet must be **reviewed and e-stamped and e-signed by the Project Engineering Geologist**. The City's geotechnical consultants will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet**.**
8. One set of electronic grading 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 e-stamped and e-signed by the Project Engineering Geologist and Project Civil/Geotechnical Engineer**. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet. Please direct questions regarding this review sheet to City Geotechnical staff listed below.

Please direct questions regarding this review sheet to City's Geotechnical consultants listed below.

Engineering Geology Review by: 11-13-2025

Christopher Dean, C.E.G. #1751, Exp. 9-30-26 Date
Engineering Geology Reviewer (408-656-3210)
Email: cdean@malibucity.org

Geotechnical Engineering Review by: 11-13-2025

Matthew Janousek, G.E. #3005, Exp. 12-31-26 Date
Geotechnical Engineering Reviewer (805-370-8710)
Email: mjanousek@malibucity.org

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

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

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 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 the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel.*"
4. 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.
5. Show the onsite wastewater treatment system on the Site Plan.
6. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
7. 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 backdrains 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.

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department

FROM: City of Malibu Planning Department **REVISED DATE** 06/15/2026

PROJECT NUMBER:	CDP 23-010
JOB ADDRESS:	28809 BONIFACE DR
APPLICANT / CONTACT:	Cindy Martin, Schmitz & Associates, Inc.
APPLICANT EMAIL:	cmartin@schmitzandassociates.net
PROJECT DESCRIPTION:	Lot Split (SB9), New SFR (on newly created lot), New OWTS to serve new SFR
REVISION:	

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

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

X **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.**

Building Plan Check (BPC) Required ❑Yes ❑No BPC Fees Req'd $_____

SIGNATURE

06/22/2026
DATE

FORM 195
Rev. 02/22

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION

Fire Prevention Engineering
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4125 Fax (323) 890-4129

Information on Fire Flow Availability for Building Permit

For One and Two Family Dwellings, Townhomes, and Accessory Dwelling Unit's

INSTRUCTIONS:

Complete parts I, II (A), & II (B)

Verifying fire flow, fire hydrant location and fire hydrant size.

PROJECT INFORMATION
(To be Completed by Applicant)

PART I

Building Address: 28809 Boniface Dr

City or Area: Malibu APN 4466-018-025

Nearest Cross Street: Fernhill Drive

Distance of Nearest Cross Street: 135'.

Property Owner: Donald R. Lehman and Marie Christine Lehman, Trustees of the Donald R. Lehman and Marie Christine Lehman Family Revocable Trust Dated February 06, 2017 Telephone: ( ) 818-338-3636

Address: 28809 Boniface Dr

City: Malibu Zip Code 90265

Occupancy (Use of Building): Sprinklered: Yes ☐ No ☐

Type of Construction: Conversion of Existing Structure

Square Footage: 2,548 sq.ft. Number of Stories: 2

Applicant's Signature 2/6/2024 Date

PART II (A) **INFORMATION ON FIRE FLOW AVAILABILITY**
(Part II A and II B to be completed by Water Purveyor)

The distance from the fire hydrant to the property line is 140' feet via vehicular access. The fire flow services will be rendered from a 12" inch diameter water main. The hydrant is located on Boniface

350 (Feet) West (Direction) of Fernhill Drive (Nearest Cross - Street)

Static PSI 82 Residual PSI 36 Orifice size 2.5", 4" Pitot N/A

Fire Flow at 20 PSI 1250 for one-hour duration ☐ Flow Test Date / Time N/A

☒ Hydraulic model

Domestic Meter Size 1"

PART II (B)

LA County Waterworks District
Water Purveyor

Signature

(310) 456-6621 ext. 238 3/6/2024
Phone Number Date

William Johnson, Senior Civil Engineer
Title

PART III **Conditions for Approval by the Building Department**
(To be Completed by Building Department)

The building permit may be issued for new or additions to detached one and two family dwellings, townhomes, and accessory dwelling units when the above information is completed and shows that the following minimum requirements are met and is not located in a Fire Hazard Severity Zone.

- The water system is capable of delivering at least 1000 GPM at 20 PSI for one-hour if non-sprinklered
- The water system is capable of delivering at least 500 GPM at 20 PSI for one-half hour if sprinklered.
- The total area of the entire structure is less than 3,600 square feet.
- No portion of the lot frontage to the public fire hydrant shall exceed 450 feet via vehicular access.
- All portions of a new single family, two-family or townhome construction must be within 150 feet of a vehicular access roadway that is a minimum of 20 feet wide clear to sky, paved with concrete or asphalt and does not exceed 15% grade.
- A new detached ADU that is fire sprinklered, the 150-foot distance to all portions of the structure can be extended to 300 feet of a vehicular access roadway that is a minimum of 20 feet wide clear to sky, paved with concrete or asphalt and does not exceed 15% grade.

APPROVED BY DATE OFFICE

This Information is Considered Valid for Twenty-Four Months

When the project does not meet all of the above requirements for approval by the **Building Department,** the project must be sent to the **Fire Prevention Division** for approval before a Building Permit can be issued by the **Building Department**.

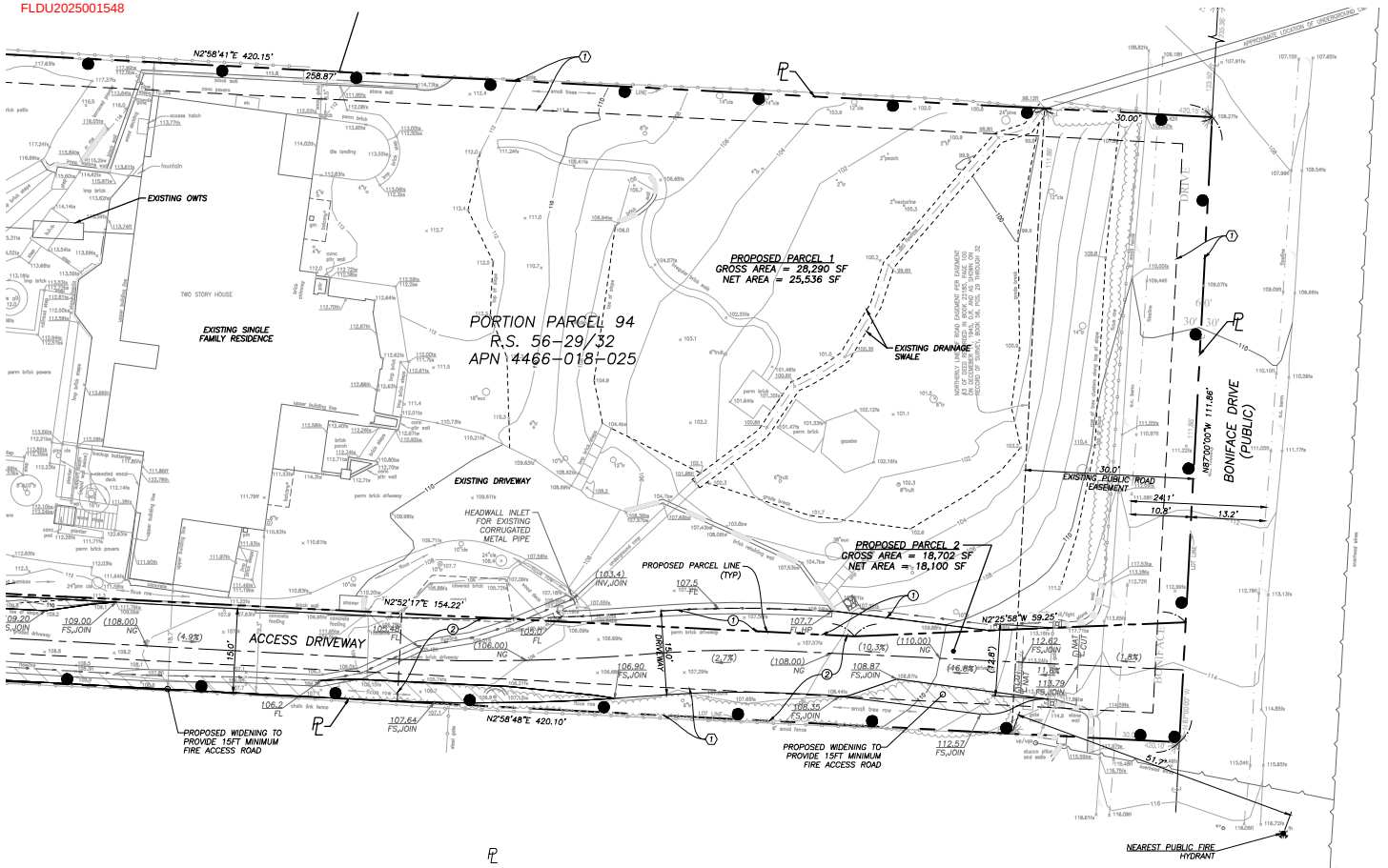
28809 Boniface Drive

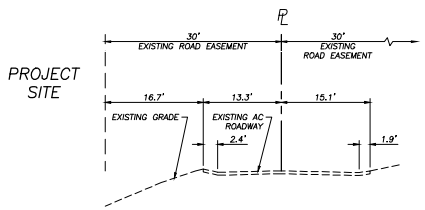
County of Los Angeles
Fire Department
Fire Prevention Division
Land Development Unit

CLEARED FOR PUBLIC HEARING

10/16/2025
FLDU2025001548

MINOR LAND DIVISION
TENTATIVE PARCEL MAP NO. 84368
IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES





BONIFACE DRIVE STREET SECTION
1"=10'

SCALE: 1"=10'
10' 5' 0' 10' 20'

LEGEND:

- PROPERTY BOUNDARY
- STREET CENTERLINE
- PROPOSED ACCESS ROAD WIDENING
- EXISTING BUILDING FOOTPRINT
- PROPOSED RETAINING WALL
- PROPOSED CONTOURS (FOR REFERENCE ONLY)
- EXISTING CONTOURS
- PROPOSED FIRE DEPARTMENT TURNAROUND (FOR REFERENCE ONLY)
- PROPOSED ON-SITE WASTEWATER TREATMENT SYSTEM (BY OTHERS)

EXISTING EASEMENT LEGEND:

(1) 5' WIDE EASEMENT FOR POLE LINES, POWER LINE, CABLES, CONDUITS, SEWERS AND POLES PER BOOK 24224, PAGE 351, O.R.

PROPOSED EASEMENT LEGEND:

(1) PROPOSED ACCESS IN FAVOR OF PARCEL 2

(2) PROPOSED FIRE LANE AND ACCESS IN FAVOR OF PARCEL 1

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.40'	N87°01'11.50"W
L3	6.75'	N5°00'52.42"E
L2	10.00'	S87°01'11.50"E

NOTES:

1. ALL SURVEY INFORMATION PROVIDED HEREON IS BASED ON A "TOPOGRAPHY SURVEY" PREPARED BY DANIELSON SURVEYING, DATED JULY 20, 2021.
2. ALL FIRE ACCESS AND PROPOSED GRADING & DRAINAGE IMPROVEMENTS SHOWN ON THIS MAP ARE PROVIDED FOR REFERENCE ONLY. REFER TO THE LATEST VERSIONS OF THE "FIRE ACCESS EXHIBIT" AND "GRADING AND DRAINAGE PLANS" PREPARED BY OUR OFFICE. THESE PLANS ARE NOT CONSIDERED FINAL WITHOUT STAMPS AND SIGNATURES FROM OUR OFFICE, ALONG WITH THE CORRESPONDING APPROVALS FROM THE CITY OF MALIBU AND OTHER AGENCIES HAVING JURISDICTION.
3. ALL EXISTING STRUCTURES ARE PROPOSED TO REMAIN.
4. FINAL MONUMENTS WILL BE SET PRIOR TO FILING WITH THE COUNTY RECORDER OF THE FINAL MAP.
5. ALL EXISTING TREES ARE PROPOSED TO REMAIN, EXCEPT THOSE WHICH MUST BE REMOVED TO SATISFY FIRE DEPARTMENT ACCESS REQUIREMENTS.
6. WATER IS PROVIDED TO THE SITE BY LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29.

LC ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CIVIL • STRUCTURAL • GEOTECHNICAL
897 Ventu Park Road, Suite 100, Thousand Oaks, California 91320
818-997-7148 • 805-497-7334 • lcengineering@sbcglobal.net

FOR PLAN CHECK ONLY
THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION.

REV#	DATE	SUBMITTAL/REVISION

LEHMAN RESIDENCE
28809 BONIFACE DRIVE
MALIBU, CA 90265

TENTATIVE PARCEL MAP

DATE:	2/3/2025
SCALE:	1"=10'
DRAWN:	ED
JOB NO:	8181
SHEET	

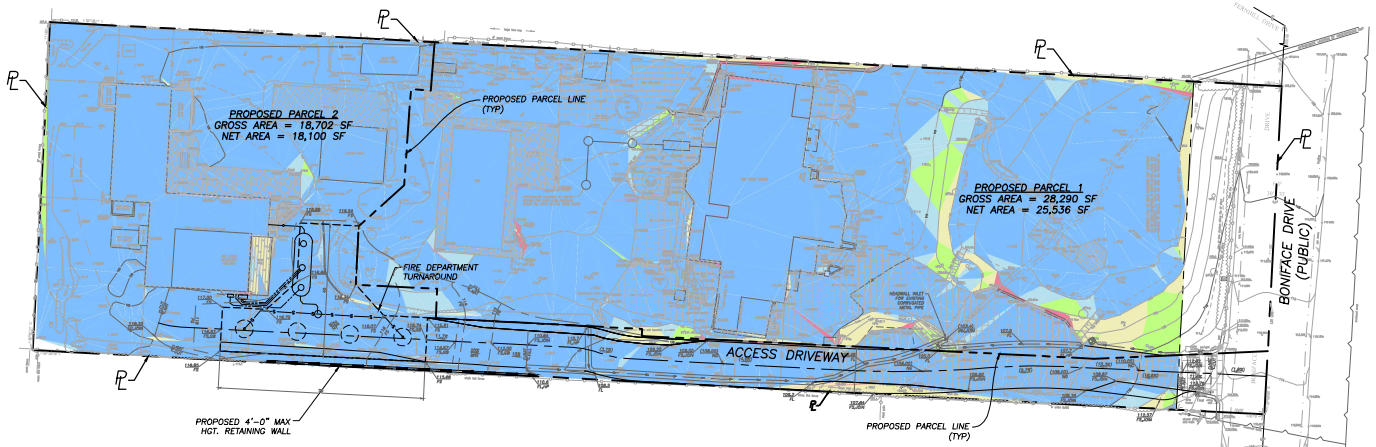
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Fri, 02, 2025, 3:58pm Elizabeth Dwyer
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County of Los Angeles
Fire Department
Fire Prevention Division
Land Development Unit

CLEARED FOR PUBLIC HEARING

10/16/2025
FLDU2025001548



PROPOSED PARCEL DATA:

PARCEL	PARCEL AREA (GROSS)	PARCEL AREA (NET*)	% OF TOTAL**
1	28,290 SF	25,536 SF	58.5%
2	18,702 SF	18,100 SF	41.5%
TOTAL	46,992 SF	43,636 SF	100%

*NET AREA IS GROSS AREA LESS PUBLIC ACCESS EASEMENT
**% OF TOTAL IS BASED ON NET AREA

PROPOSED PARCEL 1 SLOPE TABLE:

MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA (SF)
0	4:1		22,318 SF
4:1	3:1		1,082 SF
3:1	2.5:1		844 SF
2.5:1	1:1		949 SF
1:1	VERTICAL		343 SF
		VERTICAL	25,536 SF

PROPOSED PARCEL 2 SLOPE TABLE:

MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA (SF)
0	4:1		17,114 SF
4:1	3:1		356 SF
3:1	2.5:1		126 SF
2.5:1	1:1		409 SF
1:1	VERTICAL		95 SF
		VERTICAL	18,100 SF

MAXIMUM ALLOWABLE SQUARE FOOTAGE (PARCEL 1)
TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
PURSUANT TO MALIBU MUNICIPAL CODE SECTION 17.40.040(13)

UP TO 0.5 AC.	21,780 x 0.177 = 3,855 + 1,000 =	4,855 S.F.
0.5 AC. TO 1 AC.	25,193 – 21,780 = 3,413 x 0.10 =	341 S.F.
	TOTAL:	5,196 S.F.

NOTE: USE LOT AREA MINUS ALL SLOPES GREATER THAN OR EQUAL TO 1:1

MAXIMUM ALLOWABLE SQUARE FOOTAGE (PARCEL 2)
TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
PURSUANT TO MALIBU MUNICIPAL CODE SECTION 17.40.040(13)

UP TO 0.5 AC.	18,005 x 0.177 = 3,855 + 1,000 =	3,187 S.F.
	TOTAL:	3,187 S.F.

NOTE: USE LOT AREA MINUS ALL SLOPES GREATER THAN OR EQUAL TO 1:1

PROJECT INFORMATION:

OWNER	DONALD R. LEHMAN AND MARIE CHRISTINE LEHMAN FAMILY REVOCABLE TRUST 28809 BONIFACE DRIVE MALIBU, CA 90265 (310) 866–1645
CIVIL ENGINEER	LC ENGINEERING GROUP, INC. 889 PIERCE COURT SUITE 101 THOUSAND OAKS, CA. 91360 (805) 497–1244 (818) 991–7148
SURVEYOR	MARK DANIELSON, PLS 7882 DANIELSON SURVEYING 25000 AVENUE STANFORD, STE. 141 (661) 904–7039

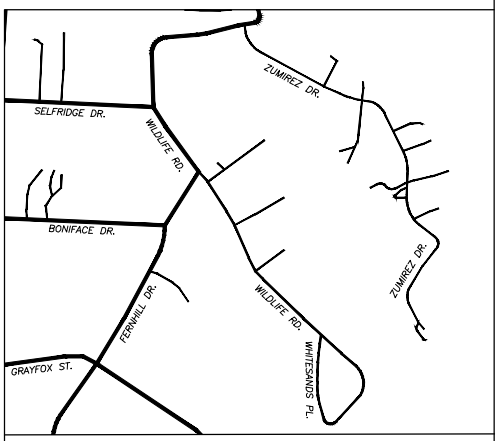
BENCHMARK:

NO. Y–11386 (L.A. COUNTY PUBLIC WORKS)
(SURVEY SECTION | MALIBU QUAD)
ELEVATION 189.381, 2008 ADJUSTMENT
DATUM: NAVD 1988
DPW BM TAG IN W CB 600MM(2') N/O BCR @ NW COR PACIFIC COAST HWY & CAVALLERI RD

NOTES:

1. ALL SURVEY INFORMATION PROVIDED HEREON IS BASED ON A 'TOPOGRAPHY SURVEY' PREPARED BY DANIELSON SURVEYING, DATED JULY 20, 2021.
2. ALL FIRE ACCESS AND PROPOSED GRADING & DRAINAGE IMPROVEMENTS SHOWN ON THIS MAP ARE PROVIDED FOR REFERENCE ONLY. REFER TO THE LATEST VERSIONS OF THE 'FIRE ACCESS EXHIBIT' AND 'GRADING AND DRAINAGE PLANS' PREPARED BY OUR OFFICE. THESE PLANS ARE NOT CONSIDERED FINAL WITHOUT STAMPS AND SIGNATURES FROM OUR OFFICE, ALONG WITH THE CORRESPONDING APPROVALS FROM THE CITY OF MALIBU AND OTHER AGENCIES HAVING JURISDICTION.
3. WATER IS PROVIDED TO THE SITE BY LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29.

20' 10' 0' 20' 40'
GRAPHIC SCALE: 1"=20'



VICINITY MAP

LC ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CIVIL • STRUCTURAL • GEOTECHNICAL
889 Pierce Court, Suite 101, Thousand Oaks, California 91360
818-597-7148 • 805-497-1244 • lcgroup@lcengineer.com

FOR PLAN CHECK ONLY
THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION.

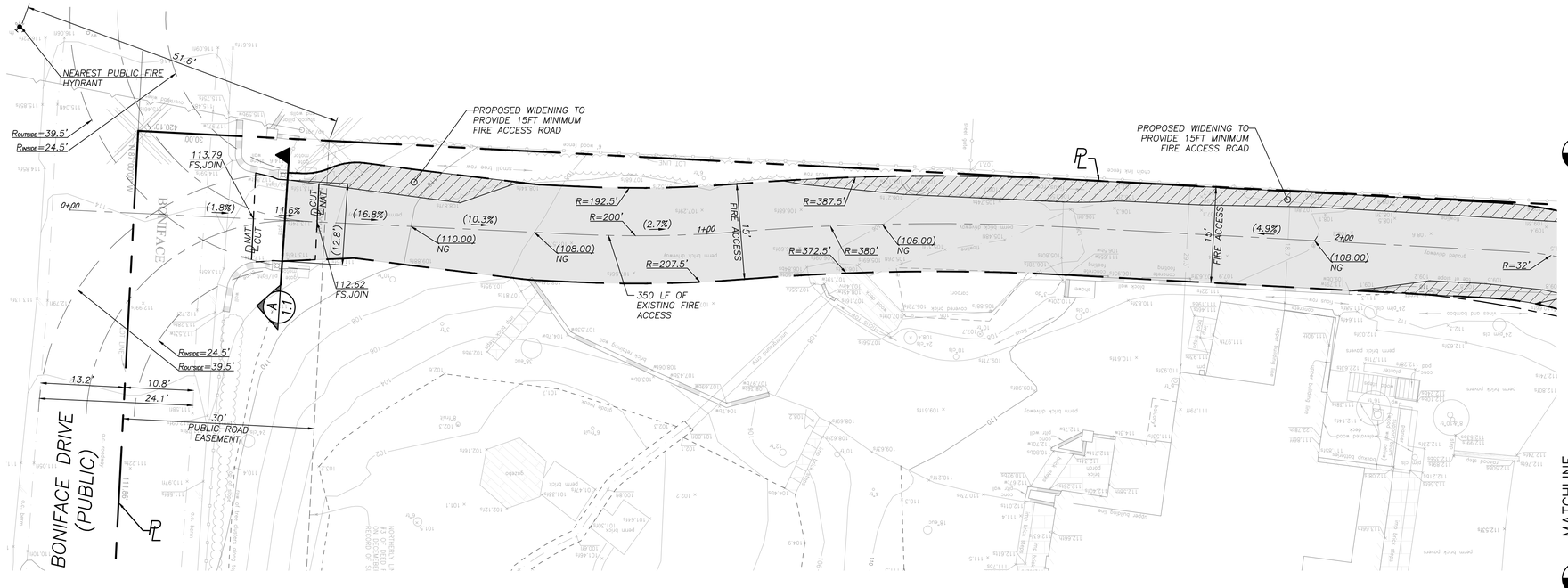
REV#	DATE	SUBMITTAL/REVISION

LEHMAN RESIDENCE
28809 BONIFACE DRIVE
MALIBU, CA 90265

SLOPE BAND ANALYSIS EXHIBIT

DATE:	01/21/25
SCALE:	1"=20'
DRAWN:	NL
JOB NO:	8181
SHEET	SB 1.0

Feb 03, 2025, 5:03pm Elizabeth Dwyer
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LEGEND

- BOUNDARY OF FIRE ACCESS ROAD IMPROVEMENTS PER 'TYPICAL ROAD SECTION' DETAIL, SHT. FD1.1.
- LIMIT OF FIRE TRUCK TURNAROUND
- PROPOSED ROAD WIDENING
- HOSE PULL
- PROPOSED RETAINING WALL
- EXISTING BUILDING

County of Los Angeles
Fire Department
Fire Prevention Division
Land Development Unit

CLEARED FOR PUBLIC HEARING

10/16/2025

FLDU2025001548

FIRE DEPARTMENT NOTES:

1. FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. FIRE CODE 501.4

2. WHEN SECURITY GATES ARE PROVIDED, MAINTAIN A MINIMUM ACCESS WIDTH OF 15 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 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH REQUIREMENTS OF ASTM F220. GATES SHALL BE OF SWINGING OR SLIDING TYPE. CONSTRUCTION OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE 503.6.

3. THE REQUIRED FIRE FLOW FOR FIRE HYDRANTS AT THIS LOCATION IS 1,250 GPM AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF ONE (1) HOUR OVER AND ABOVE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 507.3 AND APPENDIX B105.1.

4. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDE THE WORDS NO PARKING – FIRE LANE. SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH AND HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND. SIGNS SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS, TO CLEARLY INDICATE THE ENTRANCE TO SUCH ROAD, OR PROHIBIT THE OBSTRUCTION THEREOF AND AT INTERVALS, AS REQUIRED BY THE FIRE INSPECTOR. FIRE CODE 503.3.

5. SPACING OF FIRE HYDRANTS SHALL NOT EXCEED THE DISTANCES SPECIFIED IN FIRE CODE C105.2 & C106.

6. APPROVED BUILDING ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION SHALL BE PROVIDED AND MAINTAINED SO AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, BE ARABIC NUMERALS OR ALPHABET LETTERS, AND BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH.

7. ALL FIRE HYDRANTS SHALL MEASURE 6" X 4" X 2-1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C503, OR APPROVED EQUAL.

8. PROVIDE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM AS SET FORTH BY BUILDING CODE 903 AND FIRE CODE 903. FIRE SPRINKLER PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION IN ACCORDANCE WITH FIRE CODE 901.2 AND THE TYPE OF SPRINKLER SYSTEM PROVIDED WILL COMPLY WITH EITHER NFPA 13, NFPA 13R, OR NFPA 13

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

10. ALL ROOF COVERINGS SHALL BE CLASS "A" AS SPECIFIED IN BUILDING CODE 1505.1.1 (RESIDENTIAL CODE R327.5 & R902).

11. ROOF GUTTERS SHALL BE PROVIDED WITH A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER. (RESIDENTIAL CODE R337.5.4 AND BUILDING CODE 705A.4).

12. ACCESSORY AND MISCELLANEOUS STRUCTURES, OTHER THAN BUILDINGS COVERED BY SECTION R337.10 & 701A.3, WHICH POSE A SIGNIFICANT EXTERIOR FIRE EXPOSURE HAZARD TO APPLICABLE BUILDINGS DURING WILDFIRES SHALL BE CONSTRUCTED TO CONFORM TO THE IGNITION RESISTANCE REQUIREMENTS OF THIS SECTION.R337.10 AND BUILDING CODE 710A.

13. CLEARANCE OF BRUSH AND VEGETATION GROWTH SHALL BE MAINTAINED PER FIRE CODE 325.

SCALE: 1"=10'

10' 5' 0' 10' 20'

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889 Pierce Court, Suite 101, Thousand Oaks, California 91360
818-991-7148 • 805-497-1244 • lcengroupinc.com • info@lcengroupinc.com

FOR PLAN CHECK ONLY
THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION.

REV#	DATE	SUBMITTAL/REVISION

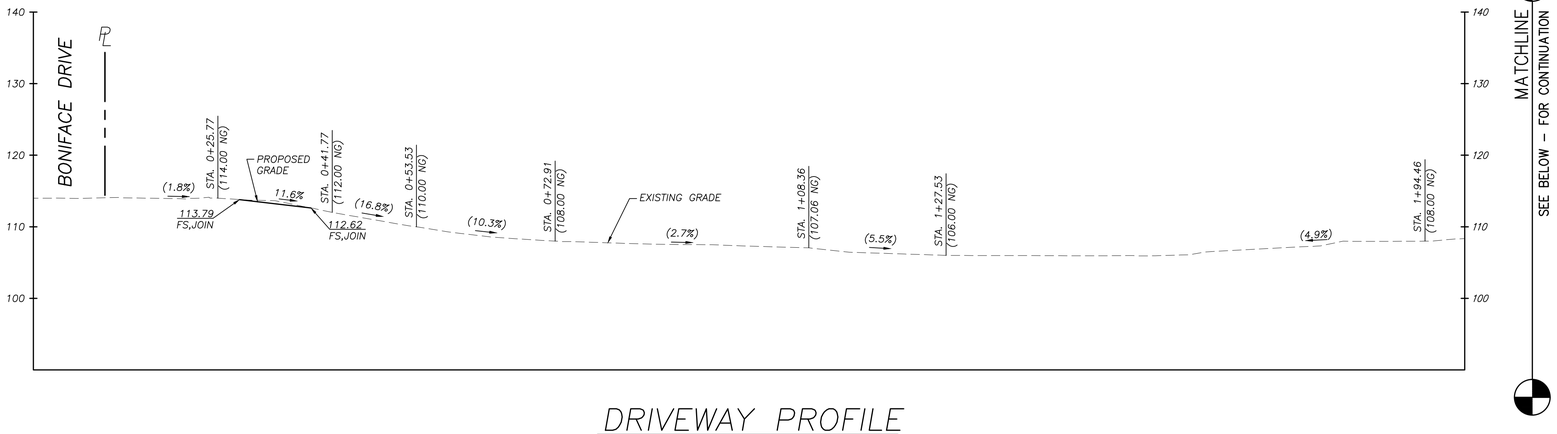
LEHMAN RESIDENCE
28809 BONIFACE DRIVE
MALIBU, CA 90265

FIRE ACCESS EXHIBIT

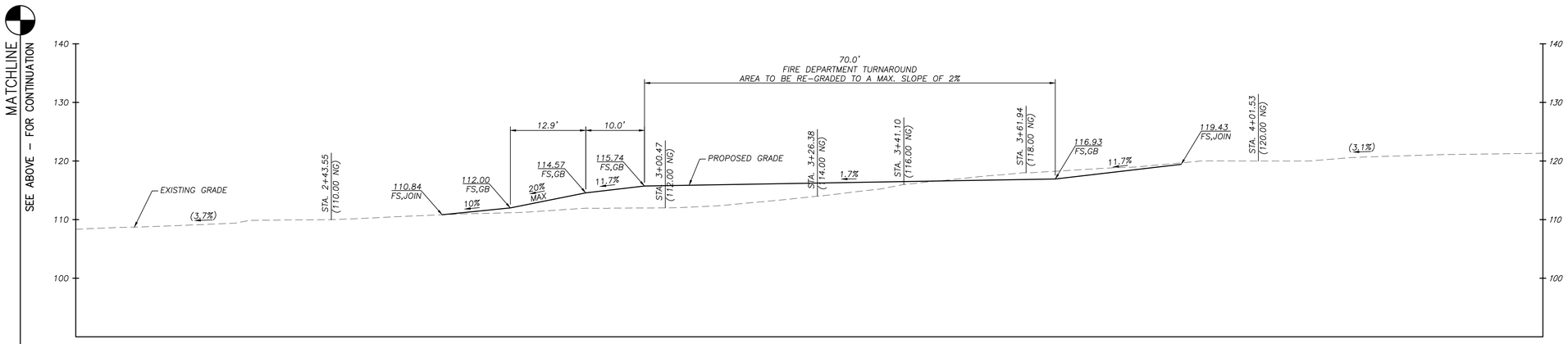
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JOB NO:	8181
SHEET	

FD 1.0

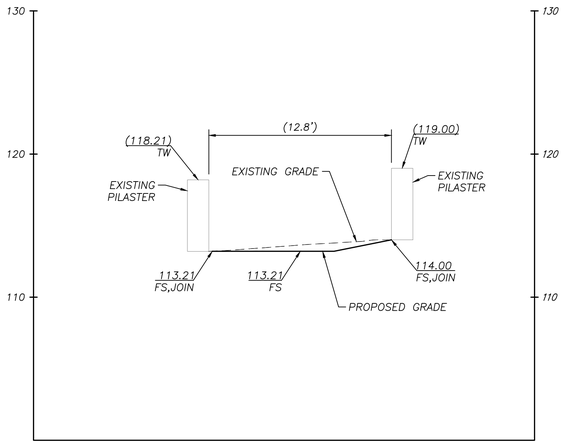
Sep 11, 2025, 5:21pm Patrick Kaufmann
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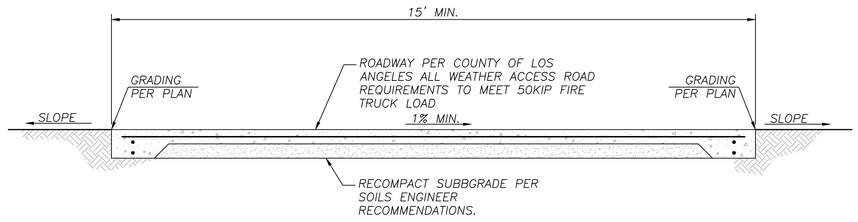
DRIVEWAY PROFILE
1"=10'



DRIVEWAY PROFILE (CONT.)
1"=10'



SECTION A
1"=5'



TYPICAL ROAD SECTION
N.T.S.

County of Los Angeles
Fire Department
Fire Prevention Division
Land Development Unit
CLEARED FOR PUBLIC HEARING
10/16/2025
FLDU2025001548

LC ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CIVIL • STRUCTURAL • GEOTECHNICAL
889 Plaza Court, Suite 101, Thousand Oaks, California 91360
818-991-7148 • 805-497-1244 • lcgroupinc.com • info@lcgroupinc.com

FOR PLAN CHECK ONLY
THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION.

REV#	DATE	SUBMITTAL/REVISION

LEHMAN RESIDENCE
28809 BONIFACE DRIVE
MALIBU, CA 90265

FIRE ACCESS PROFILE

DATE:	9/5/2025
SCALE:	1"=10'
DRAWN:	ED
JOB NO:	8181
SHEET	

FD 1.1

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ANTHONY C. MARRONE
FIRE CHIEF
FORESTER & FIRE WARDEN

"Proud Protectors of Life, the Environment, and Property"

COUNTY OF LOS ANGELES FIRE DEPARTMENT

FUEL MODIFICATION UNIT
605 NORTH ANGELENO AVENUE
AZUSA, CA 91702
(626) 969-5205
forestryfuelmodification@fire.lacounty.gov
www.fire.lacounty.gov/forestry-division/forestry-fuel-modification/

BOARD OF SUPERVISORS
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SECOND DISTRICT
LINDSEY P. HORVATH
THIRD DISTRICT
KATHRYN BARGER
FIFTH DISTRICT

September 12, 2024

Dear Applicant:

FUEL MODIFICATION PLAN – 28809 BONIFACE DRIVE, CITY OF MALIBU
PARCEL #4466-018-025 FM PROJECT #5374 – FFFM #202400070

The Final Fuel Modification Plan has been reviewed and approved. Occupancy is subject to onsite inspection and approval of required fuel modification. Inspections are to be performed by Forestry Division personnel.

Questions regarding this response should be directed to the Fuel Modification Unit. Office hours are Monday through Thursday, from 8:00 a.m. to 4:00 p.m. Plan checkers are available 8:00 a.m. to 10:00 a.m. and by appointment. The Fuel Modification Unit may best be reached by email using our office email (forestryfuelmodification@fire.lacounty.gov).

Very truly yours,

WILLIAM ROMO, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

WR:lp

Enclosures

City of Malibu

PLANNING DEPARTMENT

23825 Stuart Ranch Rd. ♦ Malibu, California ♦ 90265-4816
(310) 456-2489 ♦ fax (310) 456-7650
www.malibucity.org

NOTICE OF DECISION

Administrative Plan Review No. 12-020
Site Plan Review Nos. 12-027 and 12-042
Code Violation No. 12-006
Coastal Development Permit Exemption No. 12-054
Categorical Exemption No. 12-099
28809 Boniface Drive
APN 4466-018-025

NOTICE IS HEREBY GIVEN that the City of Malibu has APPROVED an application by Marie Lehman, applicant and property owner, for approval of new swimming pool, detached storage building, and other proposed accessory development at an existing single-family residence, as described more fully below, located at 28809 Boniface Drive. The parcel is zoned Rural Residential-1 acre (RR-1) and is regulated by the non-beachfront residential development standards within the Malibu Municipal Code (M.M.C.). The approval is for the following:

1. Administrative Plan Review (APR) No. 12-020 for conformance to the City's property development and design standards;
2. Site Plan Review (SPR) No. 12-027 for construction over 18 feet in height, up to a maximum of 24 feet with a flat roof (21 feet, 8 inches proposed); and
3. SPR No. 12-042 for a 20 percent reduction in the rear yard setback (46 feet, 8 inches proposed).

Proposed Project

The scope of work addresses Code Violation (CV) No. 12-006 for construction without benefit of permits pertaining to the swimming pool excavation and pouring of a concrete slab, as well as the additional new accessory development. The slab (noted on the survey as "building under construction") is located in the northeast corner of the property and appears to have been built in preparation for a new pool house; however, it is located within the required rear yard setback and is now proposed to be incorporated into the new 950 square foot impermeable patio. Instead of a pool house, the scope of work includes a storage building limited to non-habitable use as allowed by the Los Angeles County Fire Department (LACFD).

The project consists of the following (Attachment 1):

- +/- 796 square foot swimming pool located at the rear of the residence, north of the existing terrace;
- 670 square feet of impermeable pool decking;

ATTACHMENT 7

- Pool equipment located in the east side yard with minimum three foot setback to property line and solid screening at least 42 inches but no more than 6 feet high;
- Detached 998 square foot non-habitable storage building (including mezzanine) with a flat roof 21 feet, 8 inches in height, located in the northwest portion of the property;
- 950 square foot impermeable patio, east of the storage building; and
- Extension of the second floor roof of the main residence front entry (maximum height of 20 feet, 4 inches) to create a new 334 square foot porch, steps and 148 square foot covered drive area.

No new trellis, landscaping, modifications to the existing onsite wastewater treatment system or plumbing fixtures are included in the approval. The only grading proposed is exempt excavation yardage associated with the swimming pool that the applicant states has already been removed from the site.

Project Background

CV No. 12-006

- Stop Work Order: Issued December 21, 2011 for foundation slab construction and swimming pool excavation without benefit of permits.
- Notice of Violation: Letter sent January 5, 2012

Subject APR Application

- Application Date: April 16, 2012
- Completeness Determination: November 7, 2012
- Notice of Application: November 8, 2012
- Site Plan Review Period: November 8, 2012 to November 29, 2012

California Environmental Quality Act

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposal as described above. 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, and therefore, shall be exempt from the provisions of CEQA. Accordingly, a categorical exemption has been prepared pursuant to CEQA Guidelines Section 15303(e) – New Construction. 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).

Coastal Development Permit Exemption

Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.4 provides a coastal development permit exemption for certain projects which do not involve a risk of adverse environmental impact. The proposed project is consistent with LIP Section 13.4.1 - Improvements to an Existing Single-family Residence. The proposed development is not listed among the classes of development in LIP Section 13.4.1(B) for which an exemption does not apply.

Conformance Analysis

The project was reviewed by the City Planning Department, City Biologist, City Geologist, City Environmental Health Administrator, City Public Works Department and the LACFD. The project, as proposed and conditioned, is consistent with all applicable development standards, City goals, and policies. The following analysis describes how this determination was made. Correspondence from the referring agencies is attached (Attachment 2).

Zoning (M.M.C. Title 17)

Table 1 provides a summary of the lot dimensions and the lot area of the subject parcel.

Table 1 – Property Data	
Lot Depth	390 feet
Lot Width	112 feet
Gross Lot Area	46,992 square feet (1.08 acres)
Net Lot Area*	43,636 square feet (1.00 acres)

*Net lot area equals gross lot area minus the area of public and private street easements and 1:1 slopes.

M.M.C. Title 17 requires conformance to non-beachfront residential development standards. The existing residence is nonconforming as to side yard setbacks (west = 15 feet, east = 6 feet). The setbacks in Table 2 are for the proposed development. As proposed, the project meets the property development and design standards set forth in M.M.C. Chapter 17.40.

Table 2 – M.M.C. Zoning Conformance			
Development Requirement	**Required/Allowed**	**Proposed**	**Comments**
SETBACKS			
Front Yard	65 feet	116 feet	Complies
Rear Yard	58 feet, 6 inches	46 feet, 8 inches	*SPR No. 12-042*
Side Yard (west)	16 feet, 10 inches	23 feet, 7 inches	Complies
Side Yard (east)	11 feet, 2 inches	37 feet	Complies
PARKING	2 enclosed 2 unenclosed	2 enclosed 3 unenclosed	Complies
HEIGHT	18 feet	21 feet, 8 inches	*SPR No. 12-027*
TWO THIRDS RULE (storage)	555 square feet	555 square feet	Complies
IMPERMEABLE COVERAGE	13,090 square feet	9,558 square feet	Complies
CONSTRUCTION ON SLOPES	3 to 1 and flatter	Flatter than 3 to 1	Complies
TOTAL DEV SQ FT (TDSF)	7,037 square feet	5,809 square feet	Complies
NON-EXEMPT GRADING	1,000 cubic yards	0 cubic yards	Complies

Cultural Resources Preservation (M.M.C. Chapter 17.54)

M.M.C. Chapter 17.54 requires certain procedures be followed to determine potential impacts on archaeological resources. An Initial Evaluation Report was prepared for the project site by Brandon Lewis and found no evidence of cultural or historical resources on the property. The report was reviewed by Planning staff on April 25, 2012. Staff determined no impacts to archaeological resources are anticipated to occur from the proposed project.

Administrative Plan Review Conformance

Pursuant to M.M.C. Chapter 17.62, the proposed development has been reviewed for conformance with the property development and design standards of the M.M.C. Chapter 17.40.

The Planning Director has determined that the proposed project, as conditioned, conforms to the property development and design standards of the M.M.C. and is consistent be consistent with all applicable City goals and policies. The proposed project has also been reviewed by the City Biologist and City Environmental Health Administrator and has been determined to be consistent with all applicable City goals and policies.

Site Plan Review Findings **[M.M.C. Section 17.62.040(D)] – SPR No. 12-027**

Pursuant to M.M.C. Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of an SPR for construction in excess of the City's base 18 feet in height up to 28 feet. The Planning Director hereby makes the required findings for SPR No. 12-027 for the storage building height up to 21 feet, 8 inches and the second floor roof extension at the front entry at 20 feet, 4 inches as indicated below:

1. *The project is compatible with other development in the adjacent area in relation to size, bulk and height.*

   The proposed project is compatible with other development in the adjacent area in that the neighborhood is residentially developed with two-story residences and accessory structures of similar height, size, and design. The original design for the storage building called for a height of 26 feet, 6 inches. Story poles depicting the siting and 26.5 foot height of the storage building were installed in September 2012, and photographed by staff on October 1, 2012. The adjacent property owners to the west at 28825 Boniface Drive expressed concern over the height. The applicant then reduced the height as shown in the current flat roof design with a height of 21 feet, 8 inches. On October 19, 2012, the neighbors indicated by phone to staff that they are satisfied with the design as proposed, and no correspondence was submitted after the Notice of Application was sent. The second floor roof extension over the porch will be 20 feet, 4 inches high, which is well below the 25 foot high existing roof height. The residence will continue to have a similar appearance from the street and nearby residences after construction.

2. *The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plan materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.*

   The proposed project does not impact natural resources as the site does not contain environmentally sensitive habitat area (ESHA), nor does it impact hydrology, native plant materials, native wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs or similar features. The site is currently developed with a two-story single-family residence and accessory development within the fuel modification zones of other residences.

3. *Remedial Grading (if applicable) exceeding five thousand (5,000) cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California Licensed Geologist and reviewed and approved by the City Geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources.*

There is no remedial grading associated with this project; therefore, this finding does not apply.

4. *The project 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 M.M.C. Section 17.40.040(A)(17).*

   The proposed project does not increase the height of the existing residence. The new storage building will be located in the rear of the property and partially screened from adjacent residences by existing mature vegetation. Views of the ocean, mountains and canyons are not currently available to surrounding residences. Based on staff's evaluation and on-site analysis, it was determined that the proposed project will have no impacts to primary views of surrounding residences as defined in M.M.C. Section 17.40.040(A)(17).

5. *The project does not affect solar access, as defined by staff.*

   The extension of the second floor roof on the south-facing side of the main residence will have no effect on the solar access of surrounding properties. The storage building is located in the rear of the property such that the only potential for solar access impacts is to the westerly neighbor (28825 Boniface) during early morning hours. After the applicant agreed to reduce the height of the building to 21 feet, 8 inches with a flat roof, the neighbor contacted staff on October 19, 2012 and indicated she no longer had any objection to the project. Therefore, staff determined the project will not affect solar access.

6. *The project is consistent with the City's General Plan, Local Coastal Program, Municipal Code and City standards.*

   The use and development related to this project conforms to the RR-1 zoning district and does not adversely affect neighborhood character or environmental resources; therefore, the project is consistent with the land use goals, policies and objectives of the General Plan, LCP, M.M.C., and City standards.

7. *The proposed project complies with all applicable requirements of state and local law.*

   City of Malibu Environmental Sustainability Department building permits will be required prior to construction of the project. The proposed project will comply with all applicable requirements of state and local law.

8. *A sea wall, bulkhead or other shoreline protective device (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the City's coastal engineer.*

   This finding is not applicable as the project site is inland.

***Site Plan Review Findings* [M.M.C. Section 17.62.040(D)] – SPR No. 12-042**

The Planning Director hereby makes the required findings for SPR No. 12-042 to reduce the rear yard setback by 20 percent to 46 feet, 8 inches for the storage building as follows:

1. *The project is compatible with other development in the adjacent area in relation to size, bulk and height.*

   The proposed project is compatible with other development in the adjacent area in that the neighborhood is residentially developed with two-story residences and accessory structures of similar height, size, and design. Surrounding properties have accessory structures with reduced setbacks from property lines. The new storage building will be set back more than existing accessory structures on properties to the north and east.

2. *The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plan materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.*

   As discussed in SPR No. 12-027 Finding 2, the proposed project does not impact natural resources.

3. *Remedial Grading (if applicable) exceeding five thousand (5,000) cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California Licensed Geologist and reviewed and approved by the City Geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources.*

   No remedial grading is proposed; therefore, this finding does not apply.

4. *The project 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 M.M.C. Section 17.40.040(A)(17).*

   As discussed in SPR No. 12-027 Finding 4, the project does not obstruct scenic views from surrounding residences. The subject property and surrounding neighborhood has extensive mature vegetation and trees. Ocean, mountain and canyon views are not available over the subject property from surrounding residences. Therefore, while the new storage building will be visible from other residences, the reduction in the rear yard setback has no effect on primary views of nearby residences.

5. *The project does not affect solar access, as defined by staff.*

   As discussed in SPR No. 12-027 Finding 5, the proposed project does not affect solar access for neighboring lots.

6. *The project is consistent with the City's General Plan, Local Coastal Program, Municipal Code and City standards.*

   As discussed in SPR No. 12-027 Finding 6, the project is consistent with the land use goals, policies and objectives of the General Plan, LCP, M.M.C., and City standards.

7. *The proposed project complies with all applicable requirements of state and local law.*

   As discussed in SPR No. 12-027 Finding 7, the proposed project will comply with all applicable

requirements of state and local law.

8. *A sea wall, bulkhead or other shoreline protective device (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the City's coastal engineer.*

   This finding is not applicable as the project site is inland.

APPROVAL OF APR NO. 12-020, SPR No. 12-027 and SPR No. 12-042

The Planning Director has **APPROVED** the project subject to the following 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:
   a. +/- 796 square foot swimming pool located at the rear of the residence, north of the existing terrace;
   b. 670 square feet of impermeable pool decking;
   c. Pool equipment located in the east side yard with minimum three foot setback to the property line and solid screening at least 42 inches but no more than 6 feet high;
   d. Detached 998 square foot non-habitable storage building (including mezzanine) with a flat roof 21 feet, 8 inches in height, located in the northwest portion of the property;
   e. 950 square foot impermeable patio, east of the storage building; and
   f. Extension of the second floor roof of the main residence front entry (maximum height of 20 feet, 4 inches) to create a new 334 square foot porch, steps and 148 square foot covered drive area.

3. The 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 30 days of this decision or prior to issuance of building permits.

4. The Notice of Decision (including the signed Acceptance of Conditions Affidavit and the Departmental Review Sheets) shall be copied in its entirety and placed directly onto a separate plan sheet(s) to be included in the development plans prior to submitting for a building permit from the City of Malibu Environmental Sustainability Department.

5. The applicant shall submit three complete sets of plans, which include the pages described in Condition No. 4 above, to the Planning Department for consistency review and approval prior to the issuance of building permits.

6. Prior to construction, the applicant shall receive Planning Department approval for compliance with conditions of approval.

7. The Planning Director is authorized to make minor changes to the approved plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.

8. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the plans date-stamped **September 4, 2012** and on file with the Planning Department. In the event the project plans conflict with any condition of approval, the condition shall control.

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

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

11. The approved APR shall expire three years from the date of approval, December 3, 2012, **(expiring December 3, 2015)**, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the Building Official) and the work is continuing under a valid building permit. If no building permit is required, the administrative plan review approval shall expire after three years from the date of final planning approval if construction is not completed. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.

12. The Planning Director may grant up to four one-year extensions of the expiration of an administrative plan review approval, if the Planning Director finds that the conditions, including but not limited to changes in the zoning ordinance under which the APR approval was issued, have not significantly changed.

13. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights there under.

14. In the event that potentially important cultural resources are found in the course of geologic testing, 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. Where, as a result of this evaluation, the Planning Director determines that the project may have an adverse impact on cultural resources, a Phase II Evaluation of cultural resources shall be required pursuant to M.M.C. Section 17.54.040(D)(4)(b).

15. If human bone is discovered, the procedures described in Section 7050.5 of the California

Health and Safety Code shall be followed. These procedures require 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.

Site Specific Conditions

16. A new or modified onsite wastewater treatment system, trellis or other onsite improvements are NOT authorized under this approval.

17. 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.

18. The proposed storage building shall have exterior siding of brick, wood, stucco, metal, concrete or other similar material. Reflective glossy, polished and/or roll-formed type metal siding is prohibited.

19. When framing is completed, a site survey shall be prepared by a licensed surveyor, civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. The Planning Department shall sign off stating that said document has been received and verified for compliance with this approval.

20. Night lighting from exterior and interior sources shall be minimized. Exterior lighting shall be low intensity and shielded and directed downward and inward so that there is no offsite glare.

21. No lighting around the perimeter of the site, no lighting for sports courts or other private recreational uses, and no lighting for aesthetic purposes or uplighting of landscaping is allowed.

22. 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 change an existing landscaped area over 5,000 square feet in area, a detailed landscape plan and required application materials shall be submitted for review and approval prior to any planting.

Public Works

23. A Drainage Plan shall be approved by the Public Works Department prior to the issuance of grading and/or building permits for the project and shall depict the size of the drainage devices and their applicable outlet structures.

24. Any exported soil from the 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 LCP Local Implementation Plan Section 8.3.

25. A Storm Water Pollution Prevention Plan (SWPPP) shall be approved by the Public Works Department prior to the issuance of building permits for the project. This plan shall include:

a. Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff;

b. Designated areas for construction-related portable toilets that provides a separation from storm water runoff and limits the potential for upset;

c. Designated areas for disposal and recycling facilities for solid waste that provides a separation from the site drainage system to prevent the discharge of runoff through the waste; and

d. Specific best management practices (BMPs) to prevent erosion and BMPs for sediment control prior to discharge from the property.

Swimming Pools and Spas

26. On-site noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in Malibu Municipal Code (M.M.C.) Chapter 8.24 (Noise).

27. Pool equipment shall be located at least three feet from the property line.

28. Pool equipment shall be screened from view by a solid wall or fence on all four sides and shall comply with M.M.C. Section 17.40.030(A).

29. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool / spa to a street, storm drain, creek, canyon, drainage channel or stream 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 release of clear water from this system is permitted to either landscaping or a public sewer system (if one serves the project site);

    b. Salt water sanitation is an acceptable alternative to chlorine, but the discharge of salt water is prohibited to both public sewer systems and landscaping; and

    c. Highly chlorinated water from pools or spas shall be discharged to a public sewer system (if one serves the project site) or shall be trucked to a publicly-owned treatment works (POTW) facility for discharge.

30. The swimming pool plans submitted to the Public Works Department for approval shall include a note directing the contractor to install a sign stating "It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per M.M.C. Section 13.04.060(D)(5)" and to place the sign in the filtration and/or pumping equipment area for the property.

Solid Waste

31. The property owner shall contract with a City-approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but not be limited to asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.

Los Angeles County Fire Department

32. The project requires Fire Department plan review and developer fee payment.

City Geologist

33. A geotechnical that includes recommendations for the proposed pool design, accessory structure and patio shall be provided for plan check review.

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 and City-designated holidays.

35. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, will be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code.

Prior to Occupancy

36. Prior to the issuance of the final building inspection, the applicant shall provide the City Environmental Sustainability Department with a Final Waste Reduction and Recycling Summary Report (Summary Report). The Summary Report shall designate all materials that were land filled or recycled, broken down by material types. The Summary Report shall be approved by the Environmental Sustainability Department.

37. 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 by the City Environmental Sustainability Department and the issuance of the certificate of occupancy.

38. The property owner shall request a final planning inspection prior to final inspection by the City Environmental Sustainability Department. A certificate of occupancy shall not be issued until the Planning Department has determined that the project complies with the APR.

Review of City Action

Any person aggrieved with the Planning Director's decision on the Administrative Plan Review may file a Request for Review form with the City Clerk no later than **December 13, 2012 at close of business**. Request for Review forms may be found online at www.malibucity.org, in person at City Hall during normal business hours, or by calling (310) 456-2489, extension 374.

Please contact **Bonnie Blue** in the Planning Department at **(310) 456-2489 extension 258** for further information.

Date: December 3, 2012

Prepared By: _____
Bonnie Blue, AICP, LEED AP
Senior Planner

Approved By: _____
Joyce Parker-Bozylinski, AICP
Planning Director

Attachments:
1. Project Plans
2. Department Review Sheets

Feasible Alternatives Report - 28809 Boniface Dr.

The project does not have any significant adverse impacts.

Heights
There is no proposed construction over 18'. There is an existing structure, with a height of 21 feet, 8 inches that was approved pursuant to SPR 12-027. That existing structure is being converted to an SB 9 SFR, without any increase in existing height.

Location
The proposed new SFR will be located within an existing legally entitled shed, that was approved pursuant to SPR 12-027, which clusters development, including building pads. Additional square footage is also proposed to be added to the existing legally entitled structure, rather than elsewhere on the parcel, to also cluster development, including building pads, to maximize open space and minimize site disturbance, erosion, sedimentation and required fuel modification.

Additionally, the entire site is disturbed; there is no open space.

Yard Setbacks
There are no discretionary requests for reduction of certain yard setbacks. The proposed SFR is pursuant SB 9, which is ministerial and not discretionary pursuant to Gov't Code § 65852.21 (a), which states:

> A proposed housing development containing no more than two residential units within a single-family residential zone **shall be considered ministerially, without discretionary review** or a hearing… (emphasis added).

Pursuant to the same statute, § 65852.21((2)(B) (i) and (ii):

> "… no setback shall be required for an existing structure…"

> "… a local agency may require a setback of up to four feet from the side and rear lot lines."

The proposed SFR's front yard setback is based on the existing structure, which is being converted to an SB 9 SFR, so there is no required front yard setback.

The proposed project does not propose side and rear setbacks less than 4'.

Fuel Modification
The subject property, located on an infill lot, is sited entirely within existing overlapping fuel modification from adjacent neighbors. See Overlapping Fuel Modification exhibit, attached hereto as Exhibit A.

Subdivision
Ministerial - The proposed subdivision is brough pursuant to SB 9, which is ministerial and not discretionary pursuant to Gov't Code § 66411.7 (a) (urban lot split) which states:

> Notwithstanding any other provision of this division and any local law, a local agency **shall ministerially approve**, as set forth in this section, a parcel map for an urban lot split… (emphasis added). Gov't Code § 66411.7 (a)

[Continued on nest page]

Subdivision (Continued)
Lot Size - The application is being submitted pursuant to SB9, Gov't Code § 66411.7 (ministerial approval of a parcel map for an urban lot split).

Pursuant to Gov't Code § 66411.7 (a)(2)(A), the minimum lot size for an SB9 urban lot split is 1,200 sq. ft.

Pursuant to Gov't Code § 66411.7 (b), one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for the subdivision.

The proposed application for 28809 Boniface meets both lot size criteria. As set forth in the table below, both PROPOSED LOT 1 and PROPOSED LOT 2 meets the minimum lot size of 1,200 sq. ft.

PARCEL NO.	NET AREA
PROJECT SITE	43,636 sq.ft.
1	25,928 sq.ft.
2	17,708 sq.ft.

Additionally, the smaller of the two lots, PROPOSED LOT 2, is no smaller than 40% of the net lot area. It is proposed at 40.58% of the net lot area.

[Continued on nest page]

Exhibit A – Overlapping Fuel Modification



March 4, 2025
Via City of Malibu Planning Submittal Online Portal and pisarkiewicz@civicsolutions.com

City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, California 90265-4861
Attention: Adam Pisarkiewicz, Contract Planner

Re: CDP No 23-010 - New SFR, New OWTS and Lot Split (SB9) – 28809 Boniface Dr. – APN 4466-018-025
Response to Planning Department Incomplete Letter of 3/31/2023

Dear Mr. Pisarkiewicz

This correspondence responds to the **Planning Department Incomplete Letter of 3/31/2023**, and addresses each comment, as follows:

1. Senate Bill 9 Provisions:

- **In a separate document, please provide more information on how the proposed project is invoking the use of Senate Bill 9 provisions in relation to the City's LCP requirements and an analysis of any potential effects on coastal resources.**

Applicant's Response: See attached.

2. Architectural Plans & Tentative Map:

- **Please ensure that the lot area calculations displayed on the Architectural Plans and Tentative Map are matching**.

Applicant's Response: The lot area calculations are matching Please see resubmitted Plan Set, A-1.4. See also lot calculations on tentative map.

3. Sheet A-1.1 - Site Plan

- **Please include any dedicated parking spaces for the new SFR and their associated dimensions**.

Applicant's Response: There is one uncovered 10' x 20' parking space located north of the proposed SB 9 SFR. Please see resubmitted Cover Sheet and Proposed Site Plan, Plan Set, Sheet A-1.0 and A-1.1.

[Continued on next page]

Attachment – Senate Bill 9 Provisions

1. Senate Bill 9 Provisions:

• In a separate document, please provide more information on how the proposed project is invoking the use of Senate Bill 9 provisions in relation to the City's LCP requirements and an analysis of any potential effects on coastal resources.

I. The Subject Property Mees the Criteria for an SB9 Single-Family Residence and SB9 Urban Lot Split.

BUILDING YARD SETBACKS - The proposed new single-family residence (SFR) is submitted pursuant SB 9 as codified in Gov't Code § 65852.21 (no more than two residential units within a single-family residential zone). The proposed SB 9 SFR meets yard setback requirements pursuant to the SB 9 statute, § 65852.21((2)(B) (i) and (ii):

"… no setback shall be required for an existing structure…"

"… a local agency may require a setback of up to four feet from the side and rear lot lines."

The proposed SFR's front yard setback is based on the existing structure, which is being converted to an SB 9 SFR, so there is no required front yard setback.

The proposed project does not propose side and rear setbacks less than 4'.

LOT SIZE - The proposed lot split is submitted pursuant to SB9, Gov't Code § 66411.7 (SB 9 urban lot split).

Pursuant to Gov't Code § 66411.7 (a)(2)(A), the minimum lot size for an SB9 urban lot split is 1,200 sq. ft.

Pursuant to Gov't Code § 66411.7 (b), one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for the subdivision.

The proposed application for 28809 Boniface meets both lot size criteria. As set forth in the table below, both PROPOSED LOT 1 and PROPOSED LOT 2 meet the minimum lot size of 1,200 sq. ft.

PROPOSED PARCEL DATA:

PARCEL	PARCEL AREA (GROSS)	PARCEL AREA (NET*)	% OF TOTAL**
1	28,290 SF	25,536 SF	58.5%
2	18,702 SF	18,100 SF	41.5%
TOTAL	46,992 SF	43,636 SF	100%

*NET AREA IS GROSS AREA LESS PUBLIC ACCESS EASEMENT
**% OF TOTAL IS BASED ON NET AREA

Additionally, the smaller of the two lots, PROPOSED LOT 2, is no smaller than 40% of the net lot area. It is proposed at 41.5% of the net lot area.

[Continued on next page]

II. The Proposed SB 9 Project Meets the Coastal Commission's Geographic Eligibility

The Coastal Commission provides mapped areas that meet the basic geographic eligibility requirements of SB 9 in the Coastal Zone.[1] Those areas the meet public SB 9 geographic eligibility in the Coastal Zone are set forth in the Commission's map below, and highlighted in yellow.[2] The subject property, 28809 Boniface Dr., lies within the SB9 geographic eligibility area, as also set forth in the map below:

Coastal Commission SB 9 Map



III. No Potential Adverse Effect on Coastal Resources

The proposed project also meets Coastal Act policies relating to the protection of coastal resources. In the California Coastal Commission SB 9 Guidance Memorandum of 1/21/2022 (CCC Memo), the former Executive Director advised that SB 9 residential development in the coastal zone must be consistent with the Coastal Act "including requirements relating to protection of coastal resources and hazards, such as Coastal Act Sections 30250, 30253, 30235 and 30240 (emphasis added)".[3]

The proposed SB 9 project does not adversely affect coastal resources and specifically meets each of Coastal Act policies referenced in the CCC Memo, including Sections 30250, 30253, 30235 and 30240:

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[1] See https://www.coastal.ca.gov/rflg/, and see https://coastalcomm.maps.arcgis.com/apps/webappviewer/index.html?id=682a1f6f84ac47f0a44bd475019a9e88.

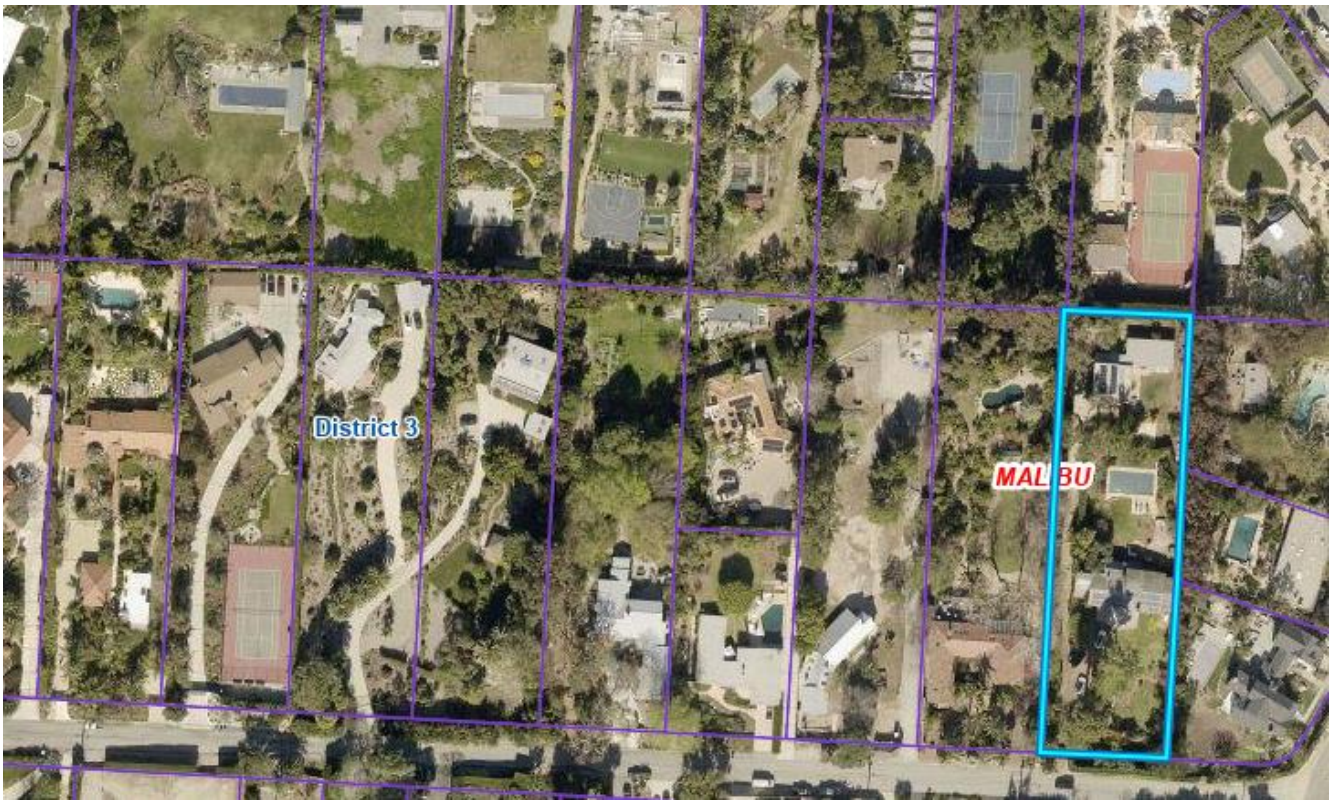
[2] See https://coastalcomm.maps.arcgis.com/apps/webappviewer/index.html?id=682a1f6f84ac47f0a44bd475019a9e88.

[3] CCC memo ay page 2.

Section 30250 Location; existing developed area, states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it

Applicant's Discussion: The subject property is located within, contiguous and in close proximity to existing developed area. The subject property is located on an infill lot, among a residential area of the Point Dume neighborhood. See below:



The subject property is also sited entirely within existing overlapping fuel modification from adjacent neighbors. See Overlapping Fuel Modification exhibit, attached hereto as Exhibit A.

Section 30253 Minimization of adverse impacts, states:

"New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled. (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses."

Applicant's Discussion

Section 30253 (a) - There are no geologic or flood hazard areas on the subject property.

Although the entire city of Malibu is located within a mapped Very High Fire Hazard Severity Zone (VHFHSZ), Government Code Sections 65852.21 (SB9 Developments) and 66411.7 (SB9 Urban Lot Split) state that the housing development, or parcel being subdivided, must meets all the following requirements, including that the parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4

Section 65913.4 (D) states:

"[t]he development is not located on a site that is any of the following: (D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development) (emphasis added)."

There are applicable fire hazard mitigation measures in place. In Los Angeles County, for instance, Los Angeles County Building Code § 701A.3.1, includes fire hazard mitigation measures.[4] Additionally, CA Residential Code § R337 also has specific state fire mitigation measures.[5]

[4] § 701A.3.1. Application date and where required
New buildings for which an application for a building permit is submitted on or after July 1, 2008, and any additions, alterations, or repairs made to existing buildings for which an application for a building permit is submitted on or after January 1, 2017, located in any Fire Hazard Severity Zone or Wildland Interface Fire Area shall comply with all Sections of this Chapter…

701A.4 Inspection and certification.
Building permit applications and final completion approvals for buildings within the scope and application of this Chapter shall comply with the following: 1. Building permit issuance. The Building Official shall, prior to construction, provide the owner or applicant a certification that the building as proposed to be built complies with all applicable state and local building standards, including those for materials and construction methods for wildfire exposure as described in this Chapter. Issuance of a building permit by the Building Official for the proposed building shall be considered as complying with this Section. 2. Building permit final. The Building Official shall, upon completion of construction, provide the owner or applicant with a copy of the final inspection report that demonstrates the building was constructed in compliance with all applicable state and local building standards, including those for materials and construction methods for wildfire exposure as described in this Chapter. Issuance of a certificate of occupancy by the Building Official for the proposed building shall be considered as complying with this Section.

[5] Section R337 Materials and Construction Methods for Exterior Wildfire Exposure**R337.1.1 Scope**
Section R337 and all subsections apply to building materials, systems and or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface (WUI) Fire Area as defined in Section R337.2.
R337.1.2 Purpose
The purpose of Section R337 is to establish minimum standards for the protection of life and property by increasing the ability of a building located in any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland-Urban Interface (WUI) Fire Area to resist the intrusion of flame or burning embers projected by a vegetation fire and contributes to a systematic reduction in conflagration losses.

Based on those provisions, any applicable risks from VHFHSZ are mitigated and minimized.

Section 30253 (b) - This section is inapplicable to the subject property. The prosed project is located on relatively flat land, is not on a beach or bluff, not within the first parallel road and the sea, and will not contribute to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30253 (c) - There are no air pollution issues associated with the subject property or proposed SB 9 project.

Section 30253 (d) - The subject property is located within walking distance, less than one-half mile, to the Metro Bus Line 134 Zumirez/PCH bus stop. Additionally, the proposed project is located within the Point Dume neighborhood, in close proximity to grocery stores, amenities and the beach, thereby reducing energy consumption and vehicle miles traveled.

Section 30253 (e) - The proposed project is located on an infill lot, provides onsite parking and does not hamper access or parking to popular visitor destination points for recreational uses.

Section 30235 Construction altering natural shoreline, states:

> "Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible."

Applicant's Discussion: This section is inapplicable. The subject property is not located on the shore.

Section 30240 Environmentally sensitive habitat areas; adjacent developments, states:

> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Applicant's Discussion: This section is inapplicable. The subject property is not located within or adjacent to an environmentally sensitive habitat area.

Additional Analysis of Potential Effects on Coastal Resources

The CCC Memo further elaborates on impacts to coastal resources and Coastal Act policies, stating:

R337.1.3 Application
New buildings located in any Fire Hazard Severity Zone or any Wildland-Urban Interface (WUI) Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this section. This shall include all new buildings with residential, commercial, educational, institutional or similar occupancy type use, which shall be referred to in this section a "applicable buildings" (see definition in Section R337.2, as well as new buildings and structures accessory to those applicable buildings

"Approval of the types of lot split and residential development projects contemplated by SB 9 is likely to increase residential density in urban areas, both in terms of the overall number of residential units and in terms of the nature of the built environment itself. In some areas, this increase in density may be able to be accommodated with limited coastal resource impacts. However, in other areas, there may be cases where such projects cause significant adverse impacts to coastal resources such as public access, sensitive habitats, and recreation areas. (*See* Pub. Res. Code § 30250.) For example, approval of new residential development projects and lot splits pursuant to SB 9 would not be consistent with the Coastal Act if the projects are adjacent to environmentally sensitive areas (ESHA) and are not sited and designed to prevent impacts which would significantly degrade those areas, or are incompatible with the continuance of those habitat and recreation areas. (Pub. Res. Code § 30240.) Residential areas in the coastal zone are often intertwined with significant coastal resource areas, such as along the immediate shoreline, between the first public road and the sea, near LCP-designated scenic areas, and near sensitive habitat areas (emphasis added)."[6]

The subject property is not located at or near

- "public access, sensitive habitats, and recreation areas,"
- "ESHA", or
- "along the immediate shoreline, between the first public road and the sea, near LCP-designated scenic areas, and near sensitive habitat areas."

III. Because the Proposed SB 9 Project Complies with the Coastal Act, It Should be Approved.

The CCC Memo states:

"Local governments in the coastal zone are required to comply with both the Coastal Act and, to the extent they do not conflict with Coastal Act requirements, the new SB 9 requirements."[7]

The CCC Memo also states:

"As relevant here, the Coastal Act does not exempt local governments from complying with state and federal law "with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any other law hereafter enacted." (Pub. Res. Code § 30007.) The Coastal Act also requires the Commission to encourage housing opportunities for low- and moderate-income households (Pub. Res. Code § 30604(f))"[8]

Applicant's Discussion: The proposed project complies with the relevant provisions of the Coastal Act and does not impact coastal resources, as previously discussed. See for instance, §§ Coastal Act Sections 30250, 30253, 30235 and 30240. Accordingly, The City should comply with State SB 9 law and approve the subject project.

IV. The City of Malibu's LCP

Applicant's Discussion: There are no provisions of the City of Malibu LCP addressing SB 9 projects. The Malibu LCP was approved by the Coastal Commission *prior* to the State implementing SB 9.

[6] CCC Memo at Page 4
[7] CCC Memo at page 10.
[8] CCC Memo at page 2

The Savings Clause provision of SB 9 states:

> "Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section."[9]

This section states that SB 9 does not supersede the provisions of the Coastal Act. The proposed project does not violate any provisions of the Coastal Act, and there are no substantial impacts to coastal resources.

The purpose of the Coastal Act, as codified in section 30001.5 is to:

- protect coastal resources,
- maximize public access, and
- maximize public recreational opportunities.[10]

Moreover, Section 30007 of the Coastal Act states:

> "Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any law hereafter enacted."

Not only is the proposed SB 9 project consistent with the purpose of the Coastal Act, and consistent with state housing laws, the proposed SB 9 project is in furtherance of the goals of the Coastal Act. The proposed project meets State housing laws, will increase the housing supply, and will provide additional public access and public recreational opportunities due to its Malibu location.

Until there are approved LCP amendments specifically addressing SB 9 projects, such projects should be approved if there are no substantial impacts to coastal resources.

The City of Malibu's current LCP has no provisions addressing SB 9 projects and is completely silent on the subject. Yet, the proposed SB 9 project is consistent with State law as well as the Coastal Act. Thus, the City should confirm that the proposed project does not substantially impact coastal resources and then approve the project.

Similarities to the City's Short Term Rental Policies – Approving the subject SB 9 project because it does not impact coastal resources and is in furtherance of Coastal Act policies. It is illustrative to note that the City policies on short term rentals is a corollary to applying SB 9 and provides related guidance for the City. There are currently no provisions of the LCP which specifically address short-term rentals (STRs); likewise there are no provisions of the LCP which address SB 9. The LCP was approve prior to the effective date of SB 9. Yet, the City is allowing STRs while it works on proposed LCP amendments to regulate STRs. Likewise, the City should approve SB 9 projects that do not substantially impact coastal resources, while it simultaneously works on LCP amendments to regulate SB 9 projects.

[9] Gov't Code §§ 65852.21 66411.7 (b)(3) (o)
[10] Public Resources Code § 30001.5

VI. There are No Provisions of State SB 9 law or of the Coastal Act Which State that Either Law May be Flagrantly Disregarded by a Local Government By the Mere Act of Delaying and Failing to Amend and Update its LCP.

There are no provisions of Gov't Code § 65852.21 (SB 9 Development), Gov't Code § 66411.7 (SB 9 urban lot split), or the Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), which allow a local government to disregard State law by delaying and failing to amend and update its LCP.

Huntington Beach - The State Attorney General's office, along with the California Department of Housing and Community Development, filed a lawsuit on behalf of the People of the State of California, against the City of Huntington Beach for its blatant refusal to balance the Coastal Act with State Housing laws. Specifically, Huntington Beach refused to process SB 9 (or ADU) applications.[11] As a result of the lawsuit, and as acknowledged by the Attorney General's office, on April 4, 2023, the Huntington Beach City Council reversed course and began processing SB 9 (and ADU) project applications.[12] This was despite the fact that the City of Huntington Beach did not have approved LCP amendments for SB 9 projects; rather, SB 9 projects were currently processed through the zoning code, including reduced yard setbacks, which is also applicable to projects requiring a CDP:

> 237.06 Applicability Notwithstanding any other provision of the Huntington Beach Municipal Code *or Local Coastal Program*, the provisions of this chapter shall apply to SB 9 development projects. Except as expressly provided in SB 9 or in this chapter, all other regulations of the underlying zone of a property developed pursuant to SB 9 shall apply, along with all other applicable regulations from the City of Huntington Beach Municipal Code and Local Coastal Program.
>
> 237.12 C. Setbacks.
>
> 1. Any units constructed pursuant to the provisions of SB 9 shall have a minimum four-foot setback from all side and rear lot lines.
>
> 4. No additional setbacks shall be required if a unit is constructed within the footprint of an existing structure on a lot (emphasis added).

The City of Malibu should follow suit and process SB applications that are consistent with Coastal Act policies, such as the subject proposed project, during the interim while is works on LCP amendments.

VII. The Provisions of the CCC Memo Suggesting the Coastal Cities Do Not have to Comply with State Housing Laws, Until an Approved LCP SB 9 Amendment is in Place, is not Legally Sound and Should be Disregarded.

The CCC does not have authority to disregard the provisions and purpose of the Coastal Act and State law. See for instance*, Jason Riddick, et al. vs City of Malibu, et al*., where the Court disregarded provisions of the California Coastal Commission memorandum related to ADUs, which were not legally sound. In the *Riddick* case, the Court stated:

> "[B]ecause an interpretation is an agency's legal opinion, it commands a commensurably lesser degree of judicial deference. (Id.) For instance, when an agency did not have a longstanding interpretation of a statute and did not adopt a formal regulation interpreting the statute, courts have simply disregarded

[11] *People of California v. City of Huntington Beach* (OCSC,Case No. 30-2023-01312235-CU-WM-CJC)

[12] Attorney General Newsletter, dated April 10,2023, "Attorney General Bonta, Newsom Administration Sue Huntington Beach for Violating State Housing Element Law."

the opinion offered by the agency. (Interinsurance Exchange of Automobile Club v. Superior Court, (2007) 148 Cal.App.4th 1218, 1235-36; State of California ex rel. Nee v. Unumprovident Corp. (2006) 140 Cal.App.4th 442, 451.) Furthermore, an agency does not have the authority to alter or amend a statute or enlarge or impair its scope. (Morris v. Williams (1967) 67 Cal.2d 733, 748.)"[13]

Local governments in the coastal zone are required to comply with both the Coastal Act and State housing laws to the extent they do not conflict with Coastal Act requirements. See Section 30007 of the Coastal Act (Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing …); see also *Kalnel v. City of Los Angeles* (2016) 3 Cal. App. 5th 927, 944 (State housing laws are to be balanced with the Coastal Act).

Based on Section 30007 of the Coastal Act as well as *Jason Riddick, et al. vs City of Malibu, et al*., the CCC does not have authority to disregard the provisions and purpose of the Coastal Act and State law. Accordingly, the subject SB 9 project should be approved.

Conclusion

The proposed project complies with the provisions of State SB 9 law. The proposed project also complies with the provisions of the Coastal Act. The proposed project will not adversely impact coastal resources and is in furtherance of the goals of the Coastal Act. Accordingly, the proposed SB 9 project, including the SB 9 reduced yard setbacks, should be approved.

Sincerely,

Cynthia Martin

Cynthia Martin, JD I Special Projects Manager **I Schmitz & Associates, Inc.**
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Direct Phone: (747) 444-6175
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[13] *Jason Riddick, et al. vs City of Malibu, et al*., Minute Order, dated July 26, 2022.

Exhibit A – Overlapping Fuel Modification



Woolsey Fire Structure Data and Fire Perimeter Map

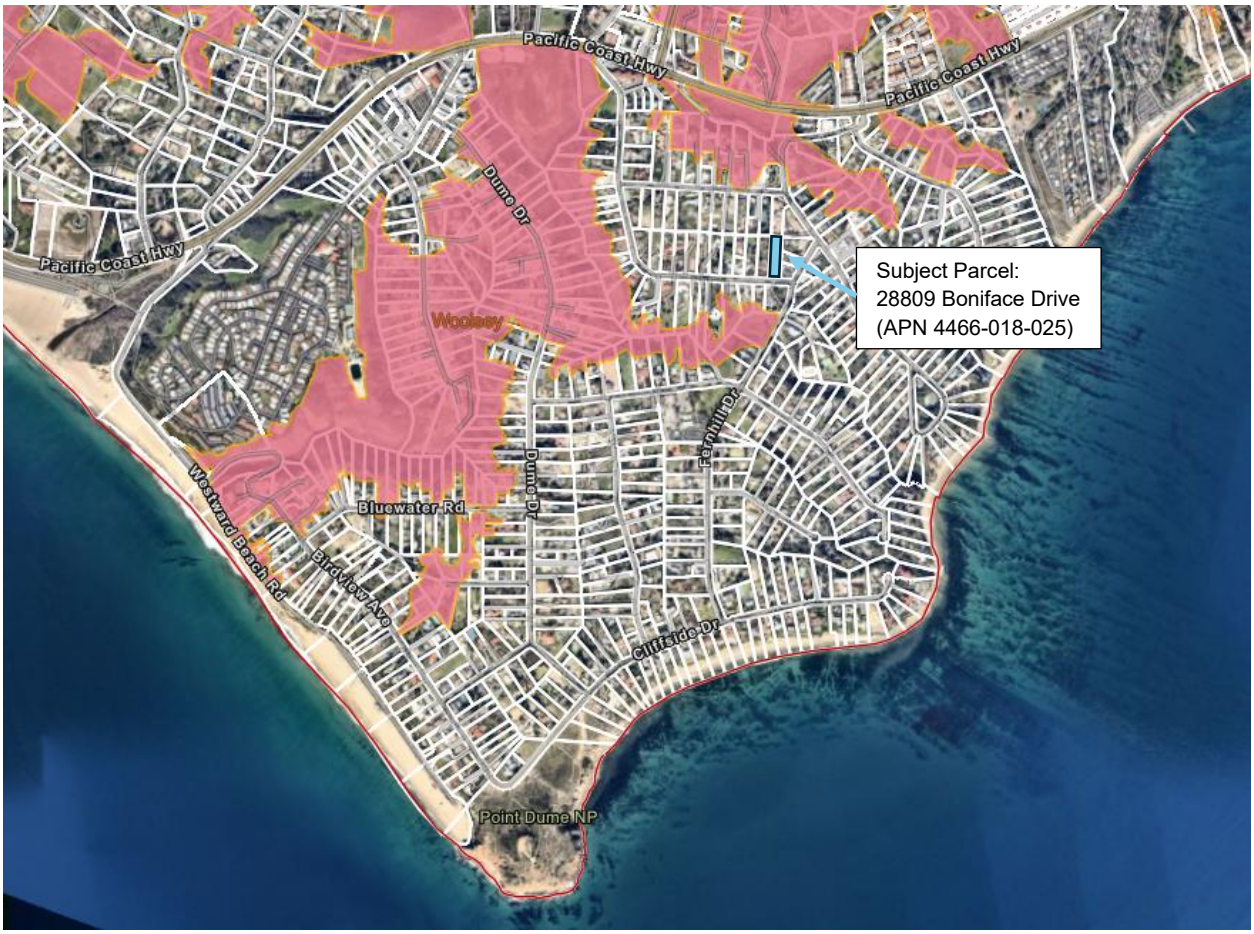
CAL FIRE Damage Inspection Data (2018) - Point Dume Neighborhood

Prepared by City of Malibu Planning Division, September 10, 2026

Damage Inspection Results	Count
Damaged structures inspected by CAL FIRE	**171**
Destroyed (more than 50 percent damage)	145
Residences (single-family residences and mobile homes)	102
Accessory structures (garages, sheds, and other outbuildings)	42
Commercial buildings	1
Major damage (25-50 percent)	2
Minor damage (10-25 percent)	5
Affected (up to 10 percent)	19
Parcels in the Point Dume neighborhood	**866**
Parcels with at least one destroyed structure	105
Parcels with a destroyed residence	92
Boniface Drive	**2**
Residence destroyed (28904 Boniface Drive)	1
Accessory structure with Minor damage (28942 Boniface Drive)	1

Note: CAL FIRE Damage Inspection (DINS) records for the Woolsey Fire (November 8, 2018) within the Point Dume neighborhood south of Pacific Coast Highway (Exhibits 1 through 3), exported from City GIS on September 8, 2026. Only structures found damaged are recorded. CAL FIRE classifies a structure with more than 50 percent damage as “Destroyed.” The final fire perimeter (Exhibit 1) lies approximately 263 feet southwest of the subject parcel.

Exhibit 1 - Woolsey Fire Final Perimeter, Point Dume Neighborhood



Source: CAL FIRE fire perimeter data (Woolsey Fire, 2018); City of Malibu GIS. Shaded area is the burned area within the final perimeter.

Exhibit 2 - CAL FIRE Damage Inspection Records, Point Dume Neighborhood



Legend - CAL FIRE damage classification

Damage	Description	Symbol
>0-10%	Affected	
10-25%	Minor	
25-50%	Major	
50-100%	Destroyed	
Inaccessible	Inaccessible	
No Damage	No Damage	

Source: CAL FIRE Damage Inspection (DINS) data, Woolsey Fire (2018); City of Malibu GIS. Each inspected structure is one symbol.

Exhibit 3 - Damage Inspection Records for Dume Drive, Wandermere Road, Portshead Road, Selfridge Drive, and Boniface Drive



Source: CAL FIRE Damage Inspection (DINS) data, Woolsey Fire (2018); City of Malibu GIS. Symbols as shown in Exhibit 2.

Prepared by Malibu Planning Division, September 8, 2026

Surrounding Parcel Size Analysis - 500 ft. Radius of Subject Parcel				
Raduis Map No.	**APN**	**Site Address**	**Gross Lot Area (SF) - LA County Assessor Data**	**Notes**
1	4466-004-002	6634 WILDLIFE RD	87,846	Above 85,000 SF
2	4466-004-005	6692 WILDLIFE RD	58,836	
3	4466-004-021	6638 WILDLIFE RD	52,457	
4	4466-004-022	6644 WILDLIFE RD	44,757	
5	4466-004-023	6670 WILDLIFE RD	72,516	
6	4466-004-024	6688 WILDLIFE RD	44,822	
7	4466-004-039	6708 WILDLIFE RD	51,560	
8	4466-004-040	6702 WILDLIFE RD	39,202	
9	4466-005-043	6728 WILDLIFE RD	40,425	
10	4466-007-006	6765 WILDLIFE RD	41,510	
11	4466-007-008	6737 WILDLIFE RD	57,651	
12	4466-007-018	6749 WILDLIFE RD	20,637	
13	4466-007-019	NO SITE ADDRESS	27,799	
14	4466-007-020	6750 FERNHILL DR	14,007	
15	4466-007-021	6738 FERNHILL DR	13,504	
16	4466-007-022	6722 FERNHILL DR	28,347	
17	4466-007-027	28786 SEA RANCH WAY	46,663	
18	4466-007-032	NO SITE ADDRESS	32,064	
19	4466-017-006	6825 FERNHILL DR	86,200	Above 85,000 SF
20	4466-017-007	6785 FERNHILL DR	52,622	
21	4466-017-009	28850 BONIFACE DR	71,572	
22	4466-017-010	28872 BONIFACE DR	101,459	Above 85,000 SF
23	4466-017-015	28834 BONIFACE DR	28,607	
24	4466-017-016	28840 BONIFACE DR	38,600	
25	4466-018-001	6655 WILDLIFE RD	46,200	
26	4466-018-002	28818 SELFRIDGE DR	43,268	
27	4466-018-004	28834 SELFRIDGE DR	43,294	
28	4466-018-005	28850 SELFRIDGE DR	43,332	
29	4466-018-006	28860 SELFRIDGE DR	43,948	
30	4466-018-020	28873 BONIFACE DR	44,483	
31	4466-018-021	28859 BONIFACE DR	44,017	
32	4466-018-023	28841 BONIFACE DR	45,205	
33	4466-018-024	28825 BONIFACE DR	43,617	
34	**4466-018-025**	**28809 BONIFACE DR (subject parcel)**	**44,348**	Subject parcel (excluded from calculations)
35	4466-018-027	6715 FERNHILL DR	43,810	
36	4466-018-028	6681 WILDLIFE RD	48,492	
37	4466-018-029	6731 FERNHILL DR	18,548	
38	4466-018-030	6743 FERNHILL DR	18,722	
39	4466-018-031	28855 BONIFACE DR	23,050	
40	4466-018-032	28851 BONIFACE DR	19,608	
41	4466-018-033	28828 SELFRIDGE DR	21,761	
42	4466-018-034	28824 SELFRIDGE DR	22,031	
43	4466-019-017	28837 SELFRIDGE DR	73,808	
44	4466-019-030	28819 SELFRIDGE DR	39,835	

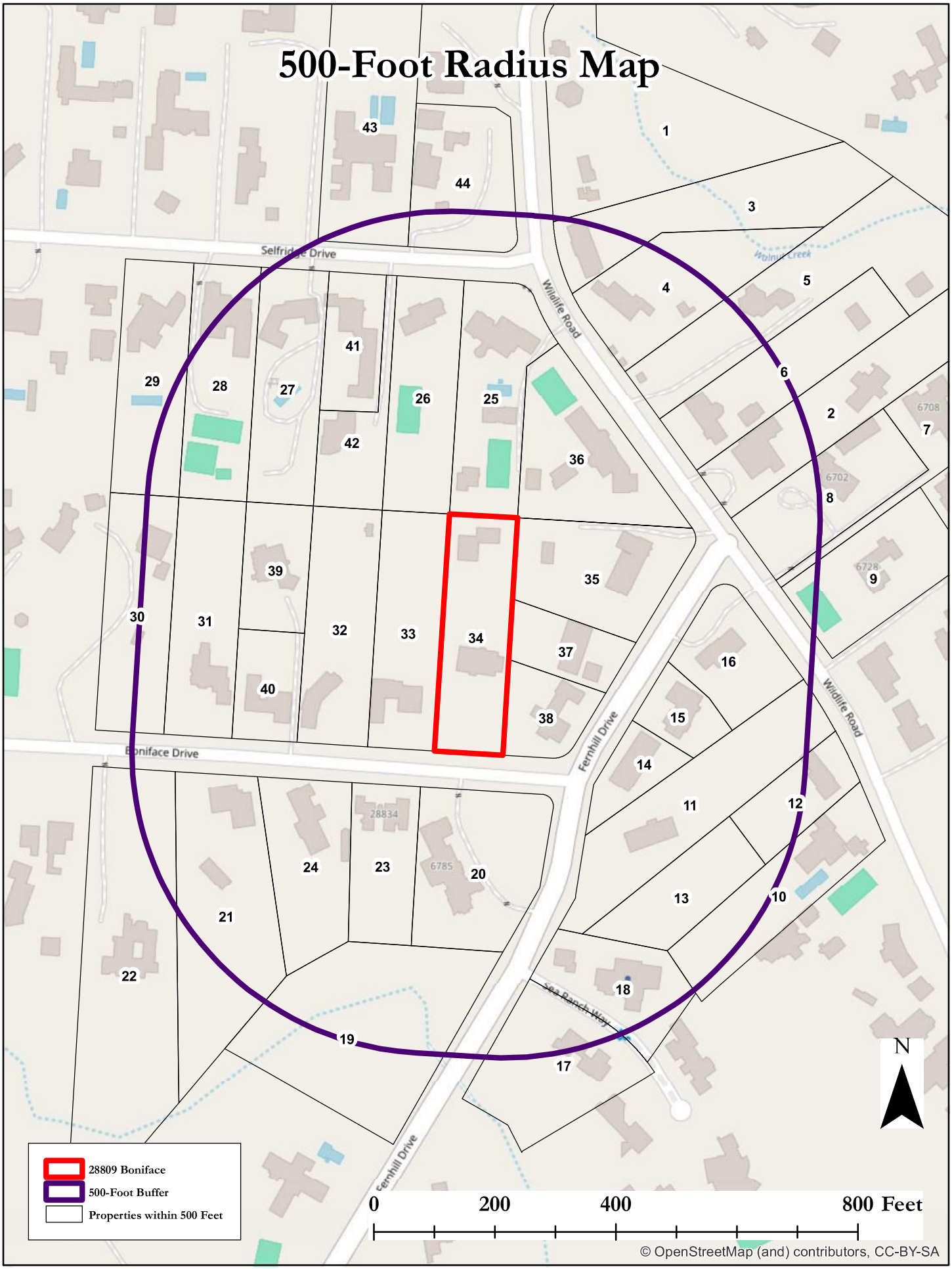
Summary (excludes subject parcel)

Number of surrounding parcels	43
Average lot area (SF)	43,737
Median lot area (SF)	43,617
Parcels above 85,000 SF	3
Average w/o parcels above 85,000 SF	40,130
Median w/o parcels above 85,000 SF	43,313
Subject parcel lot area (SF)	44,348

Source: Los Angeles County Assessor, gross lot area (SF). Parcels within a 500 ft. radius of the subject parcel per applicant's mailing data and radius map.
The 85,000 SF threshold is used to show the effect of large outlier parcels on the average.

ATTACHMENT 11

500-Foot Radius Map



Source: Applicant's public noticing materials (CDP No. 23-010)

Received
9/17/26
Planning Div.

From: Don Maclay
To: Planning Commission
Subject: Lot Splitting on Point Dume
Date: Thursday, September 17, 2026 10:54:58 AM

Lot splitting on Point Dume, apparently being requested by the Lehman's, is a bad idea if you care about Malibu's rural character, property values and what Malibu represents to us as residents.

Allowing it, even one time, sets a bad precedent. Please disapprove the Lehman request.

Don Maclay
Malibu Resident since 1966 - first on Malibu Road & then Point Dume

Received
9/21/26
Planning Div.

From: joe wirht
To: Planning Commission
Subject: Opposition for Permit for Lot Split of 28809 Boniface Drive, Malibu
Date: Monday, September 21, 2026 1:13:40 PM

Dear Planning Commission,

I'm writing to voice my strong opposition to the proposed lot split at 28809 Boniface Drive. I have a couple of major concerns with this project:

- **Septic Systems:** Adding more density and extra septic tanks onto an approximately one-acre lot—which could end up with multiple homes and ADUs—just puts too much unnecessary strain on our local infrastructure and environment here in Point Dume.
- **Setting a Bad Precedent:** Approving this would open the door for similar splits across other lots. We haven't seen a split like this in the neighborhood in over 50 years, and letting it through risks kicking off widespread overdevelopment throughout Malibu. Once a lot split goes through, it's a permanent change we can't take back.

Please protect the character of our neighborhoods and vote against this application.

Thanks for listening,

Joe Wirht
[redacted]

Get Outlook for iOS

Received
9/17/26
Planning Div.

From: Karen Verham
To: Planning Commission
Subject: Proposed Lot Split 28809 Boniface Drive, Malibu
Date: Wednesday, September 16, 2026 9:45:03 PM

We do not approve of the possibility of splitting one-acre properties into two separate residential lots. While their proposal is for a one-acre, if approved it could be applied to other lots, without regard to size. If approved, this one one-acre property would permanently become TWO SEPARATE PROPERTIES, that could be separately owned and developed. This will result in up to four homes, two residents and two ADU's. Where there is now one house there can be four. This will open the door to similar splits of other properties. This is going to result in the possibility of over development throughout Malibu, as it will set a precedent. Many other owners will most likely follow suit, changing the neighborhoods we strive to protect.

Thank you,

Karen Verham
[redacted]

Received
9/17/26
Planning Div.

From: [redacted]
To: Planning Commission
Subject: Don Lehman lot Split on Boniface
Date: Thursday, September 17, 2026 3:48:37 PM

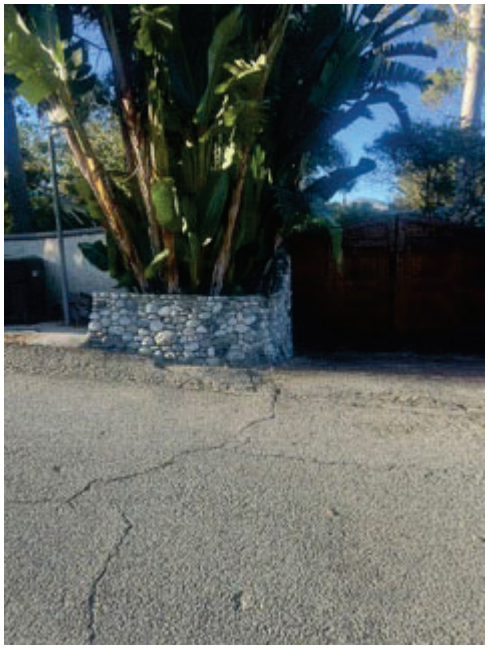
My wife and I strongly oppose the concept of their request for a lot split as we believe the division into 1/2 acre lot sizes was phased out decades ago and this request would now set an extremely poor precedent for the future of Malibu residential density. We voted for city hood with a desire to retain individual septic systems rather than destroy our semi-rural environment and potentially excessive subdivision that could have occurred if we had been forced to connect to the Hyperion Plant in El Segundo.

Robert and Patricia von Sternberg
[redacted]

From: Arnold Bernstein
To: Patrick Achis
Subject: 28809 Boniface dr
Date: Tuesday, September 1, 2026 6:46:38 PM

How on earth can anyone read this?

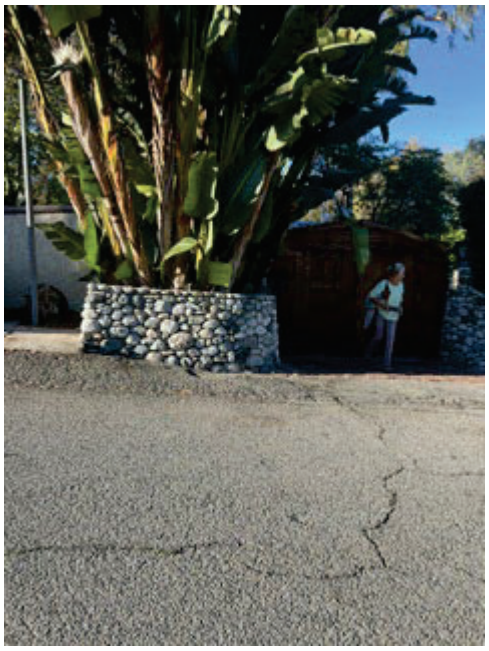




Sent from my iPhone

From: Arnold Bernstein
To: Patrick Achis
Subject: 28809 Boniface Dr.
Date: Thursday, September 3, 2026 7:44:22 PM

Does the city believe that this new positioning of the notice is any better than the one where it is hidden in the bushes?



Sent from my iPhone

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, October 5, 2026, at 6:30 p.m**. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA for the project identified below. Public comment can be submitted ahead of the public hearing to planningcommission@malibucity.org for inclusion in the public record. To participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

COASTAL DEVELOPMENT PERMIT NO. 23-010, TENTATIVE PARCEL MAP NO. 23-001, AND CODE VIOLATION NO. 23-010 - An application for the subdivision of a 43,636 square foot (sf.) parcel into two parcels consisting of Parcel A (25,536 sf.) and Parcel B (18,100 sf.) as an urban lot split and a two-unit housing development pursuant to Senate Bill 9 (SB 9) (Government Code Sections 66411.7 and 65852.21); with development on Parcel A consisting of the removal of all exterior walls of an existing detached, non-habitable, two-story, 998 sf. storage building and construction of a new two-story, 21 foot (ft.) 8 inch (in.) tall, 2,548 sf. single-family residence with one uncovered parking space, one 4 ft. tall, 92 ft. long driveway retaining wall, widening and extension of the existing driveway with a new fire truck turnaround, an advanced onsite wastewater treatment system, grading, decks, landscaping, hardscape, and associated development; Parcel B will remain unchanged, with the existing single-family residence to remain as-is

LOCATION / APN:	**28809 Boniface Dr** / 4466-018-025
ZONING:	Rural Residential, One-Acre (RR-1)
APPLICANT / OWNERS:	Schmitz & Associates, Inc. / Donald R. Lehman and Marie Christine Lehman Trust
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	The Planning Commission will consider the applicable determination under the California Environmental Quality Act concurrently with its action on the application.
APPLICATION FILED:	February 8, 2023
CASE PLANNER:	Patrick Achis, Senior Planner, pachis@malibucity.org / (310) 456-2489, ext. 247

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

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 ten days following the date of action which the appeal is made 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/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 246.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

YOLANDA BUNDY, Community Development Director — Date: September 10, 2026

ATTACHMENT 13

Commission Agenda Report

Planning Commission Meeting
10-05-26
Item 5.D.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Michelle Santiago, Assistant Planner

Reviewed by: Didier Murillo, Principal Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: September 24, 2026 Meeting date: October 5, 2026

Subject: Request for Determination of Use No. 26-002 – Smoke Shop in a Community Commercial Zoning District

Location: 22775 Pacific Coast Highway
APN: 4452-021-009
Owner: Carbon Plaza LLC
Tenant: Malibu Smoke Co.

RECOMMENDED ACTION: Either 1) adopt Planning Commission Resolution No. 26-47 determining the project is exempt from the California Environmental Quality Act, and approving Determination of Use No. 26-002, determining that a smoke shop use is similar to, and not more objectionable than, a liquor store use in the Community Commercial zoning district, subject to obtaining a conditional use permit (Carbon Plaza LLC); or 2) direct staff to return with a resolution consistent with the Planning Commission's decision.

DIRECTOR'S RECOMMENDATION: The applicant requested that the Community Development Director determine that a smoke shop is a permitted use in the CC zoning district (Attachment 2). A smoke shop has one distinguishing feature that prevented the Director from determining that the proposed smoke shop use was similar in nature to the uses permitted in the CC zoning district: 1) smoke shops are part of the highly regulated tobacco industry which may or may not be similar to and not more objectionable than retail use which may provide a similar service and is a permitted use in the CC zoning district (Attachment 2). On these bases, the Director concluded that the decision would be elevated to the Planning Commission, as contemplated by Malibu Municipal Code (MMC) Section 17.04.050.

DISCUSSION: To implement the General Plan and regulate land use and development in a manner compatible with the City's planning goals, the City is divided into zoning districts. Each zone has development standards for structures and limits the land uses to a variety of uses that generally are compatible with one another and together are consistent with the City's long-range vision for the area. Land uses in the Local Coastal Program (LCP) largely mirror the MMC. The Coastal Act allows the City to enact more restrictive regulations without amendments to the LCP and generally provides that the City may adopt and enforce additional regulations, not in conflict with the Coastal Act, as long as the permitted uses of the property in the coastal zone are not altered and there is no change in the relative composition of residential, commercial or recreational uses.

The applicant proposes to locate the smoke shop on a commercially developed property located approximately ¼ mile east of the Malibu Pier on Pacific Coast Highway (PCH). The existing commercial building is approximately 5,641 square feet (sf) in size, of which 1,483 sf would be occupied by the smoke shop Unit 202 (Attachment 3). Tobacco sales (smoke) shops are not listed in the City's Permitted Use Table, nor explicitly listed in the CC zoning district as an allowed use. However, the City has issued approvals on tobacco sales shops in the past and has a Tobacco Retailer Registration Ordinance codified in MMC Section 5.42, indicating that tobacco sales are generally allowed in the City. Because the CC zoning district is silent on whether these shops can be allowed as just a permitted "by-right" use or a conditionally permitted use, the Director is requesting the Planning Commission decide the proper way to process tobacco retailers in the CC zoning district.

The site provides 17 onsite parking spaces which have been restriped pursuant to approved plans in 2015 (Attachment 4) . Pursuant to MMC Section 17.48.030 the off-street parking requirements of general retail stores, except as otherwise provided requires one space for each 225 sf of gross floor area (Attachment 5). The proposed use would not be intensifying the allowed parking required for a retail use and there are no proposed changes to the parking supply or layout. The proposed smoke shop is taking over portions of an existing Cannabis Dispensary known as 99 High Tide. Furthermore, a food store, grocery store, supermarket, or similar used also requires one space for each 225 sf of gross floor area.

Furthermore, staff conducted research on other existing tobacco stores in the city and found two previously approved tobacco stores (in the same location), which the city approved as a retail use only, exactly what the current applicant is proposing (Attachment 6). These two previously approved tobacco stores are located at 22625 PCH. The applicant also provided the required State Tobacco Retailer's License Approval from the state approving the retail sale of tobacco products in the subject property (Attachment 7). This is part of the requirements pursuant to MMC Chapter 5.42 which outlines the requirements to complete a tobacco retailer registration with the city.

Permit Requirements

The question before the Planning Commission is whether the proposed use is similar to and not more objectionable than the permitted uses or conditionally permitted uses listed in the CC zone of the MMC and LCP, which includes residential services such as pharmacies, food market, hardware and garden supply stores, and service stations. If the Planning Commission determines that it is, the application will be treated as if the use were specifically listed as allowed in a CC zone.

Alternatively, the Planning Commission may also find that the proposed use is similar and not more objectionable than conditionally permitted uses in a CC zone or other commercial zones. Conditionally permitted uses in the CC zone include restaurants exceeding interior occupancy of 125, bars, live entertainment, service stations, provided no convenience market is included, cultural and artistic uses, such as museums, galleries, performing arts studios, health care facilities, recreational facilities such as equestrian training and boarding facilities, tennis and swim clubs, and golf driving ranges, residential care facilities for the elderly, neighborhood-serving construction services and public or private educational institutions. If found that a smoke shop is a conditionally permitted use in the CC zone, the proposed smoke shop would need to submit a Conditional Use Permit (CUP) application to establish whether the use is appropriate in the applicable commercial zone and surrounding properties.

If the Commission determines that it is not similar to or is more objectionable than the allowed CC uses, the applicant may apply for a zoning text amendment and an LCP amendment to request that the specific use be allowed.

The Zoning Ordinance cannot list every single type of use. Instead, it lists the commonly anticipated uses for each type of zoning district (Attachment 2). Uses not listed are prohibited, although a use not identified could be permitted by the Community Development Director if it is determined a use “to be of a similar nature to uses permitted” in the zone [MMC Sections 17.24.020 and 17.24.030]. Alternatively, MMC Section 17.04.050 provides the following:

> When a use is not specifically listed or is determined by the director not to be included in a general category of uses in the chapter defining uses permitted, it shall be assumed that such uses are prohibited unless it is determined by an action of the planning commission, following receipt of a recommendation from the director, and a public hearing, that the use is similar to and not more objectionable than the uses listed. A determination of similar use shall be processed in the same manner as provided in Chapter 17.74 of this title.

According to the MMC and LCP, the purpose of the CC zone is to provide for resident serving needs of the community similar to the Commercial Neighborhood (CN) district, but on parcels of land more suitable for concentrated commercial activity. The conditionally permitted uses listed in the MMC for the CN district (Attachment 2) include liquor stores

as a conditionally permitted use in a CC zone. Staff believes that a liquor store use poses similar age restrictions, hours of operation, and product licensing concerns as a smoke shop, and therefore could be considered a similar use.

Moreover, the Local Implementation Plan (LIP) permits a liquor store use in a CC zone (Attachment 8). In comparison to other jurisdictions, smoke shops have been frequently grouped with tobacco shop or convenience market as permitted uses in similar commercial zones, sometimes requiring additional conditions for approval.

City	Zoning	Permitted/ Restricted
City of Santa Monica	➢ CN-Commercial Neighborhood ➢ GC-General Commercial ➢ Mixed Use Districts	Permitted- with additional restrictions for approval
City of Hermosa Beach	➢ C-1-Neighborhood Commercial ➢ C-2-Downtown Commercial ➢ C-3-General Commercial	Permitted by right
City of Culver City	➢ All Commercial Zoning Districts	Permitted- with additional restrictions for approval

If the Planning Commission concludes that the use is similar and not more objectionable than other permitted or conditionally permitted uses under any commercial zone, the Planning Commission may adopt Resolution No. 26-47 or direct staff to bring back a resolution under consent calendar to memorialize their determination. If found that a smoke shop requires a CUP, staff will later bring back a CUP for consideration by the Commission.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the Community Development 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 Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not governed by CEQA, and CEQA does not apply. Any future development application proposing the subject use will be evaluated in accordance with CEQA for potential environmental impacts.

CORRESPONDENCE: As of publication of this report, no correspondence has been received by staff concerning the proposed project.

PUBLIC NOTICE: On September 3, 2026, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to property owners and occupants within a 500-foot radius of the subject property (Attachment 9).

SUMMARY: Following the public hearing, provide direction to staff regarding a resolution memorializing the determination of use.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-47
2. MMC Permitted Uses Table
3. Project Plans
4. Approved 2015 restriped Parking Plan
5. MMC Parking Requirement
6. Previously Approved Planning Clearances
7. State Tobacco Registration Approval
8. LIP Permitted Uses Table
9. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-47

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING DETERMINATION OF USE NO. 26-002, DETERMINING THAT A SMOKE SHOP USE IS SIMILAR TO, AND NOT MORE OBJECTIONABLE THAN, A LIQUOR STORE USE IN THE COMMUNITY COMMERCIAL ZONING DISTRICT, SUBJECT TO OBTAINING A CONDITIONAL USE PERMIT

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

SECTION 1. Recitals.

A. On August 19, 2026, Malibu Smoke Co. submitted an application for Determination of Use (DU) No. 26-002 to the Community Development Department for a determination of use pursuant to Malibu Municipal Code (MMC) Section 17.04.050. The application requests a determination that a smoke shop is similar to, and not more objectionable than, the permitted uses or conditionally permitted uses in the Community Commercial (CC) zoning district.

B. On August 25, 2026, staff deemed the application complete for processing.

C. After reviewing the application, the Community Development Director referred the matter to the Planning Commission pursuant to MMC Section 17.04.050.

D. On September 10, 2026, a Notice of Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On October 5, 2026, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, staff presentation and 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 evaluated the determination of use and found its quasi-legislative decision on the determination of use to be exempt from review under CEQA. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not governed by CEQA, and CEQA does not apply. Any future development application proposing the subject use will be evaluated in accordance with CEQA for potential environmental impacts. The Planning Commission hereby

determines that there is no possibility the decision on the determination of use application will have a significant effect on the environment and accordingly, the exemption set forth in CEQA Section 15061(b)(3) applies.

SECTION 3. Findings.

Based on evidence contained within the record and pursuant to MMC Section 17.04.050, the Planning Commission hereby makes the following findings of fact:

A. MMC Section 17.04.050 enables the City to determine a specific use is permitted in a zone even if the use is not expressly permitted, permitted subject to Director's review, or conditionally permitted (collectively "permitted") in a zone if it is similar to and not more objectionable than a permitted or conditionally permitted use.

B. The smoke shop is similar to, and not more objectionable than, a liquor store use, which is conditionally allowed in the CC zoning district. Similar permitted or conditionally permitted uses allowed in the CC zoning district include book stores, food markets, hardware/garden supply stores, liquor stores, plant nurseries, prescription pharmacies, stationary supplies, bakeries, barber shops/beauty salons, laundry/dry cleaners, miscellaneous services, banks/financial institutions, health care facilities, veterinary clinics, professional offices, bars, live entertainment, restaurants, vehicle washing/detailing, service stations, cultural and artistic uses (such as museums, galleries, performing arts venues), dance studios, golf driving ranges, health clubs, parks, beaches, playgrounds, public beach accessway, recreational facilities, sports courts (lighted), places of worship, day care and nursey schools, educational (non-profit) activities, emergency communication and service facilities, government facilities, public utility facilities, residential care facilities for the elderly, wireless telecommunications antennae and facilities, construction services, and self-storage.

C. The smoke shop would be visitor-serving for both visitors and residents and is expected to generate a similar parking demand as a liquor store. A liquor store poses similar concerns as a smoke shop in terms of regulatory requirements and age-based restrictions on sales.

D. Approval of the determination of use does not approve a specific project; rather, it allows an applicant to operate a smoke shop as a conditionally permitted use in the CC zoning district should all other requirements be met. An applicant would be required to submit an application for a conditional use permit from the City, at which time the specific merits and impacts will be evaluated to determine whether that project should be approved or denied.

E. On September 10, 2026, 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 parcel and to all interested parties.

F. On October 5, 2026, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby determines that a smoke shop is a conditionally permitted use within the CC zone, subject to obtaining a conditional use permit.

SECTION 5. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 5th day of October 2026.

MARNI KAMINS, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to MMC 17.04.220 (Appeal of Action), 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 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-47 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 5th day of October 2026 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

17 Attachment 1

Appendix 1

PERMITTED USES TABLE

In the event of a conflict between the table and the text of Title 17, the text shall control.

KEY TO TABLE (In addition to a coastal development permit, MCUP, CUP, LFDC, & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table.)	
P	Permitted use
MCUP	Requires the approval of a minor Conditional Use Permit by the Director
CUP	Requires the approval of a Conditional Use Permit
A	Permitted only as an accessory use to an otherwise permitted use
LFDC	Requires the approval of a Large Family Day Care permit
WTF	Requires the approval of a Wireless Telecommunications Facility
•	Not permitted (Prohibited)

USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Agricultural employee housing, as an accessory use, animal related	A	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•
Agricultural employee housing, as an accessory use, crop related	A	A	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•
One single-family residence per lot[28]	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Manufactured homes pursuant to Government Code § 65852.3	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar development[29]	•	•	CUP[30]	CUP[2,30]	•	•	•	•	P[31]	•	•	•	•	•	•	•
Second units pursuant to Government Code § 65852.2	A	A	A	A	•	•	•	•	•	•	•	•	•	•	•	•
Mobile home parks in existence as of March 28, 1991	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•	•
Mobile home park accessory uses (including recreation facilities, meeting rooms, management offices, storage/maintenance buildings, and other similar uses)	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•
Mobile home park modifications to number, layout, or density and public or common areas, except for repair and maintenance	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•
Temporary mobile home as residence subject to § 17.40.040(A)(18)	P	P	P	MCUP	•	•	•	•	•	•	•	•	•	•	•	•
Accessory uses (guest units (750 sf max), garages, barns, pool houses, pools, spas, gazebos, storage sheds, greenhouses (non-commercial), sports courts (non-illuminated), corrals (non-commercial), and similar uses)	A	A	A	A[3]	•	•	•	•	•	•	•	•	•	•	•	•
Residential care facilities (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•
Large residential care facilities (serving 7 or more persons)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Small residential care facilities (serving 6 or fewer persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Small family day care (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•
Large family day care (serving 7 to 12 persons)	LFDC	LFDC	LFDC	•	•	•	•	•	•	•	•	•	•	•	•	•
Home occupations	P/MCUP[4]	P/MCUP[4]	P/MCUP[4]	P/MUP[4]	•	•	•	•	•	•	•	•	•	•	•	•
Domestic animals kept as pets or for personal use	A	A	A	A	A	•	•	•	•	•	•	•	•	•	•	•
Equestrian and hiking trails (public and private)	P[5]	P[5]	P[5]			P[5]	•							P[5]		
Equestrian riding and training facilities and activities including boarding of horses and domestic animals, tournaments, shows and contests (including accessory uses such as	•	•	•	•	•	CUP	•		•	•	•	•	•	•	•	•

ATTACHMENT 2

USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
club house with food and beverage service, pro shop, tack shop, riding rings, boarding/training/show facilities, barns, parking lots, sports courts, and living accommodations for members, their guests, participants, employees and persons required for the operation and maintenance of such facilities)																
Grazing of cattle, horses, sheep or goats, including the supplemental feeding of such animals	P[7]	•	•	•	•	CUP[7]	•	•	•	•	•	•	•	CUP[6]	•	•
Raising of horses, sheep, goats, donkeys, mules and other equine cattle for personal use	A[8]	A[8]					•									
Raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals	P[9]	•	•	•	•	CUP[9]	•	•	•	•	•	•	•	CUP[6]	•	•
Boarding of horses as a commercial use	MCUP[10]	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Raising of hogs or pigs	P[11]	•	•	•	•	CUP[11]	•	•	•	•	•	•	•	•	•	•
Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature provided the parcel is 1 acre in size	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[6]	•	•
Greenhouses (noncommercial) on lots of at least 1 acre	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[6]	•	•
Raising of crops (field, tree, bush, berry row, nursery stock, etc.) provided no retail sale from the premises	A	A	•	•	•	•	•	•	•	•	•	•	•	CUP[6]	•	•
Horticultural related activities	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•
Wildlife preserves	•	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•
Book stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Convenience stores	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Food markets	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Hardware, garden supply stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Liquor stores	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Plant nurseries	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Pharmacies	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Stationery supplies	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Retail sales of recreational equipment and clothing, souvenirs, and similar uses	•	•	•	•	•	•	•	•	P	P	P	P	•	•	•	•
Bakeries (no on-site seating)	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Laundry, dry cleaners	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Banks, financial institutions	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Health care facilities	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	CUP	•	•
Medical, dental, and physical therapy offices	•	•	•	•	•	•	•	•	P	P	P	P	•	•	•	•
Professional offices	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Veterinary hospital	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Bars	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Professional offices	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Live entertainment	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Movie theaters	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Refreshment stands, ice cream stands, and other fixed location outdoor food vending stands	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Restaurants	•	•	•	•	•	•	•	CUP[12]	CUP[13]	CUP[13]	CUP[13]	CUP[13]	•	•	•	•

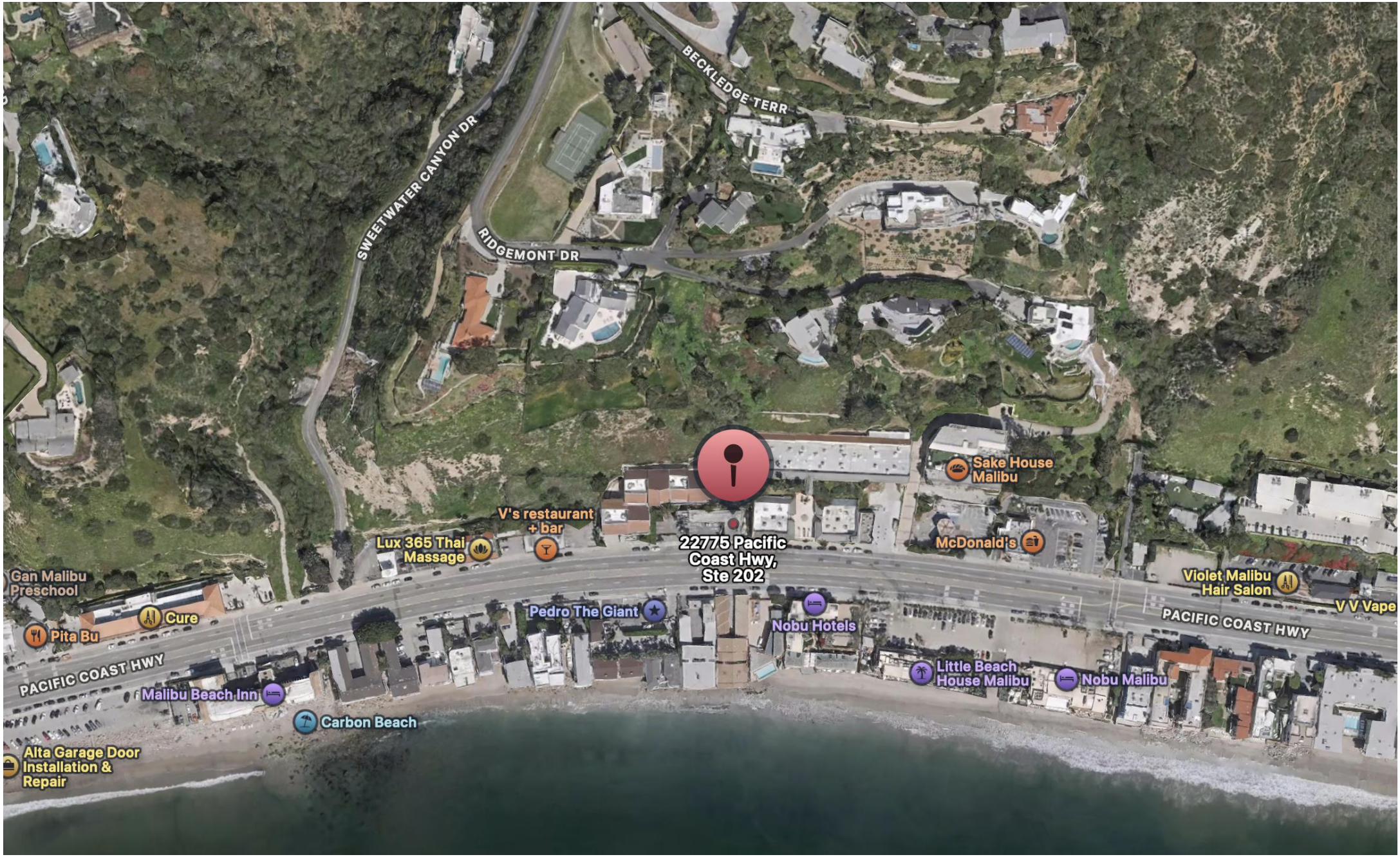
USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Vehicle washing/detailing	•	•	•	•	•	•	•	CUP[14]	CUP[14]			CUP	•	•	•	•
Service stations (without convenience market)	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Towing and automobile storage	•	•	•	•	•	•	•	•	•	•	•	CUP	•	CUP	•	•
Community stage theaters	CUP[15]	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Cultural and artistic uses (such as museums, galleries, performing arts venues)	•	•	•	•	•	CUP	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Dance studios	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Emergency Shelters	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•
Health clubs	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Hotels	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•	•
Motels and bed and breakfast inns	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•	•	•
Parks and playgrounds	•	•	CUP	CUP	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Public parks, beaches, and playgrounds	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•
Recreation facilities (swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts and similar uses)	•	•	•	•	•	P	•	•	•	•	•	•	•	P[16]/ CUP	•	•
Recreational facilities (private) whose members receive membership through deeded rights, property rights, or membership	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•
Recreation facilities (neighborhood - for use by surrounding residents and operated by a non-profit corporation or neighborhood association for non-commercial purposes)	•	•	CUP	CUP	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Recreation facilities (neighborhood - for use by surrounding residents)		CUP					•									
Recreational facilities such as equestrian training and boarding facilities tennis and swim clubs and golf driving ranges	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Recreational vehicle parks	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	P
Sports courts (lighted)	CUP	CUP	CUP	CUP	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Sports fields (lighted)	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP[17]	•	•
Charitable, philanthropic activities and educational (non-profit) activities	•	•	•	•	•	•	•	P[18]	P[18]	P[18]	P[18]	P[18]	•	CUP	•	•
Churches, temples, and other places of worship	•	•	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	CUP	•	•
Community centers	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Day care facilities, nursery schools	CUP	CUP	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	CUP	•	•
Educational institutions (public or private)	•	•	•	•	•	•	•	•	CUP[19]	•	•	•	•	CUP	•	•
Emergency communication and service facilities	•	CUP	CUP	CUP	CUP	CUP	•	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Communication Facilities	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Farmers' markets operated by a nonprofit charitable organization	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Helipad sites	CUP[20]	•	•	•	•	•	•	•	•	•	•	•	•	CUP[21]	•	•
Government facilities, including police and fire stations	•	•	CUP	•	•	•	•	P	P	P	P	P	•	P	•	•
Libraries, museums	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Maintenance yards	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Public utility facilities	CUP	CUP	CUP	CUP	•	•	•	CUP	CUP	CUP	CUP	CUP	CUP[22]	CUP	•	•
Research institutions	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Residential care facilities for the elderly	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	CUP[23]	•	•
Wastewater storage and hauling	•	•	•	•	•	•	•	•	•	•	CUP[24]	CUP	•	•	•	•
Wireless telecommunications antennae and facilities subject to Ch. 17.46	SPR/CUP[25]	•	•	•	•	SPR	•	SPR	SPR	SPR	SPR	SPR	SPR/CUP[25]	SPR	SPR	SPR/CUP[25]
Construction services (neighborhood-serving)	•	•	•	•	•	•	•	•	CUP	•	•	CUP	•	•	•	•
Manufacturing, processing, or treatment of products	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•

USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Masonry supplies	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Sculptural and metal art activities	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Research and development, testing facilities	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Self-storage	•	•	•	•	•	•	•	CUP[26]	CUP[26]	CUP[26]	CUP[26]	CUP[26]	•	•	•	•
Wholesale, storage, and distribution	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Light industrial uses	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Uses permitted by right that operate between the hours of 11:00 p.m. to 7:00 a.m.	•	•	•	•	•	•	•	MCUP	P	P	P	P	•	•	•	•
Medical marijuana and/or retailer-storefront facilities	•	•	•	•	•	•	•	CUP[27]	CUP[27]	CUP[27]	CUP[27]	CUP[27]	•	•	•	•
New or the expansion over 500 sf of multifamily residential use including duplexes, condominiums, stock cooperatives, apartments and other similar developments	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•	•
Expansion up to 500 sf of existing buildings provided the expansion conforms to Ch. 17.40	•	•	•	P	•	•	•	P	P	P	P	P	•	•	P	P
Any use permitted in § 17.26.020 in an existing commercial structure	•	•	•	•	•	•	•	MCUP	MCUP	MCUP	MCUP	MCUP	•	•	•	•
Any use involving new construction or expansion over 500 sf	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	CUP
Routine maintenance of natural open space areas and existing facilities, provided no construction or grading activity occurs	•	•	•	•	•	P	•	•	•	1`•	•	•	•	•	•	•
Any proposed grading or construction related to proposed uses	•	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•
Temporary real estate and construction signs with new development activity	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Other uses determined by the planning director to be of a similar nature to permitted uses	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•

Notes:

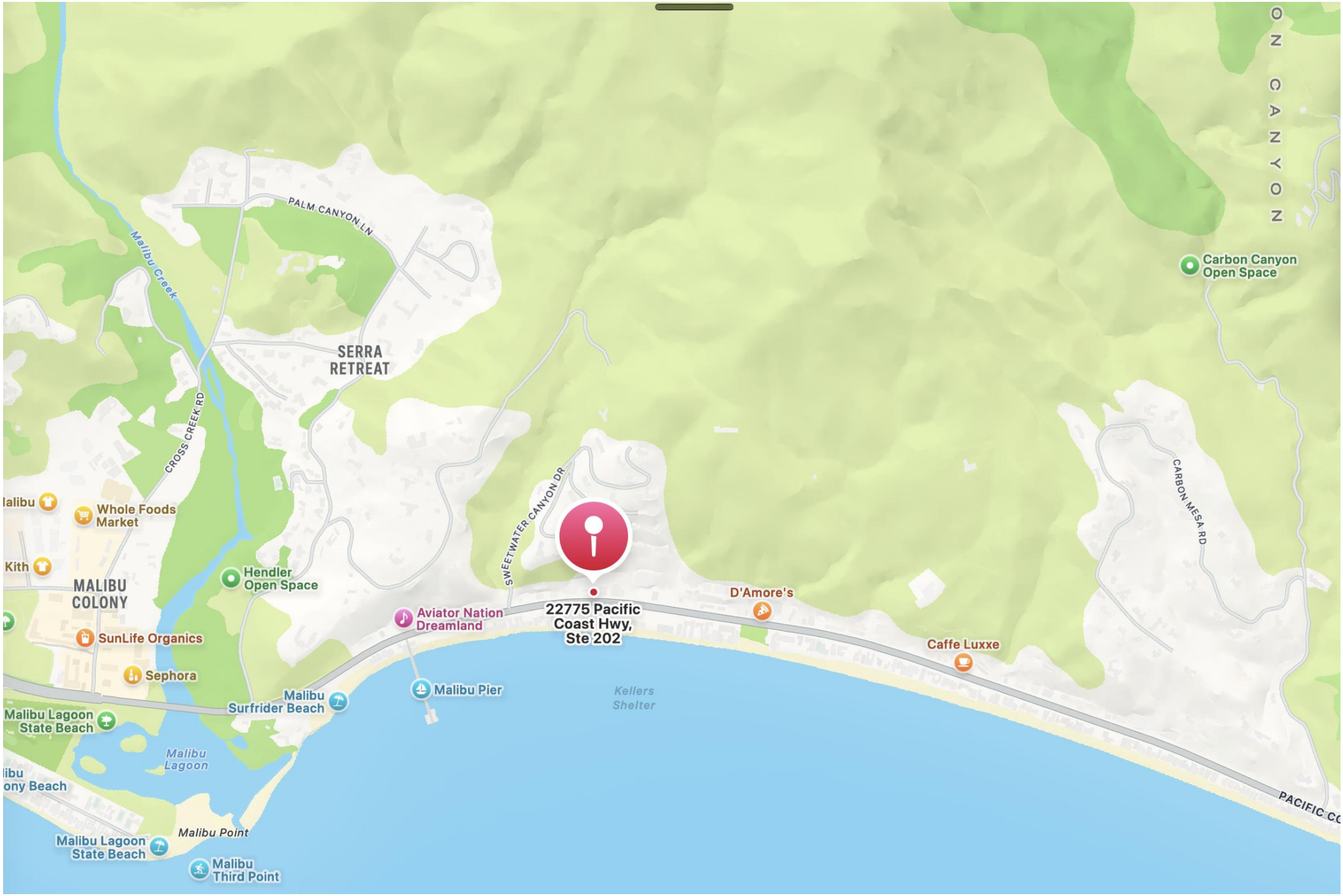
1. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08.
2. Includes the expansion of over 500 sq. ft. of existing multiple family structures.
3. Barns and corrals not allowed.
4. Subject to Home Occupation Standards Section 17.40.040(A)(19).
5. Public and private hiking trails in CR and I zones and private hiking trails in RR, SF, and MF zones.
6. Accessory uses when part of an educational or non-profit (non-commercial) use.
7. Subject to Section 17.08.020 (D)(2) for RR zone and Section 17.18.030(B)(2) for CR zone.
8. Subject to Section 17.08.020 (C)(5)for RR zone and Section 17.10.020(C)(5) for SF zone.
9. Subject to Section 17.08.020 (D)(1) for RR zone and Section 17.18.030(B)(1) for CR zone.
10. Subject to Section 17.08.030 (B), except that the minimum area required shall be 5 acres.
11. Subject to Section 17.08.020(D)(4) for RR zone and Section 17.18.030(B)(5) for CR zone.
12. Maximum interior occupancy of 125 persons.
13. If exceeding interior occupancy of 125 persons.
14. By hand only.
15. Subject to Section 17.08.040(F).
16. Subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel.
17. Sports field lighting shall be limited to the main sports field at Malibu High School and subject to the standards of LIP Sections 4.6.2 and 6.5(G).
18. Charitable, philanthropic, or educational non-profit activities shall be limited to permanent uses that occur within an enclosed building.
19. Subject to Section 17.26.030(A)(1).
20. Subject to Section 17.08.040(C).
21. Limited to public agency use only (not for private use).
22. Conditionally permitted only when facilities are ancillary to the Civic Center Wastewater Treatment Facility, including, but not limited to, injection wells, generators, and pump stations.
23. Residential care facilities for the elderly are limited to operation by a non-profit only.
24. This use is conditionally permitted in the Civic Center Wastewater Treatment Facility Institutional Overlay District and only when associated with the existing wastewater treatment facility or with the Civic Center Wastewater Treatment Facility.
25. CUP required unless located in public right-of-way.
26. Subject to Section 17.22.040(N).
27. Subject to Section 17.66.120.
28. Transitional and supportive housing is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.
29. Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses.
30. Multifamily development associated with an affordable housing development project is permitted by right.
31. Multifamily development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APNs 4458-022-023 and 4458-022-024 only), in compliance with Section 3.4.5 of the LIP.

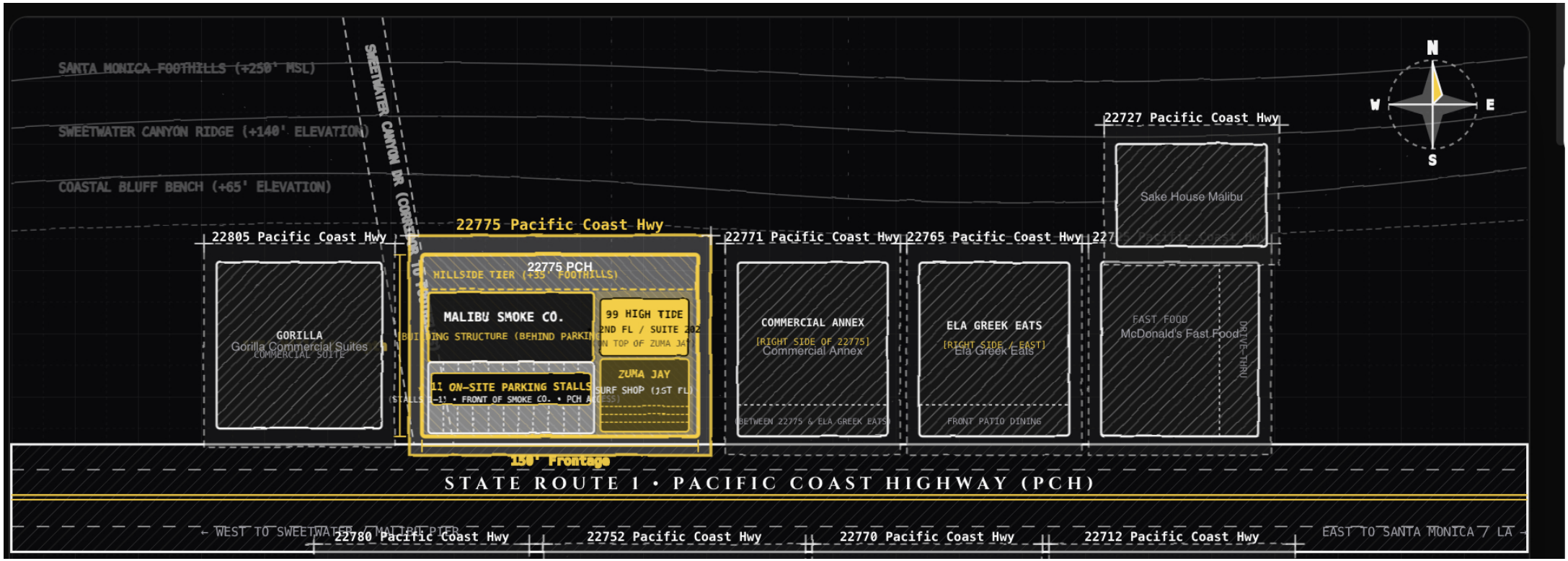
(Ord. 449 § 8, 2019; Ord. 431 § 4, 2018)

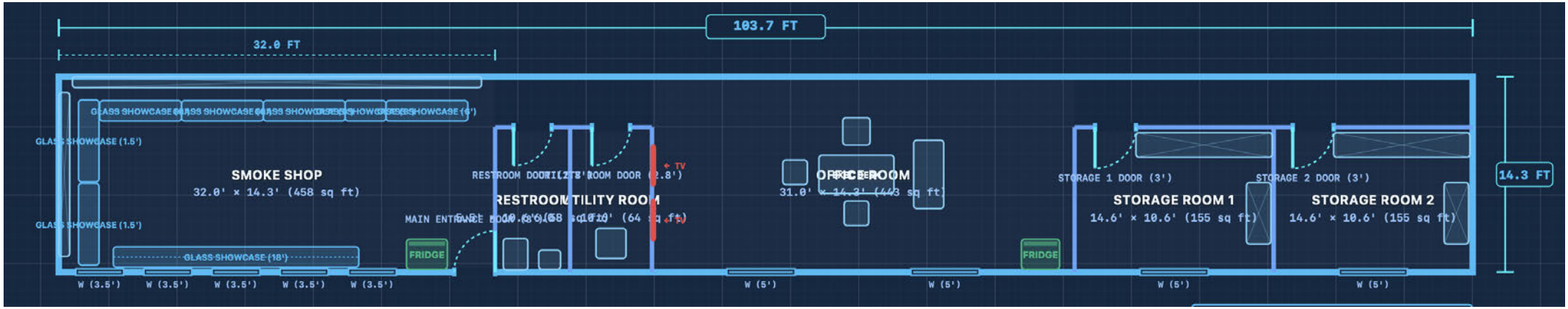


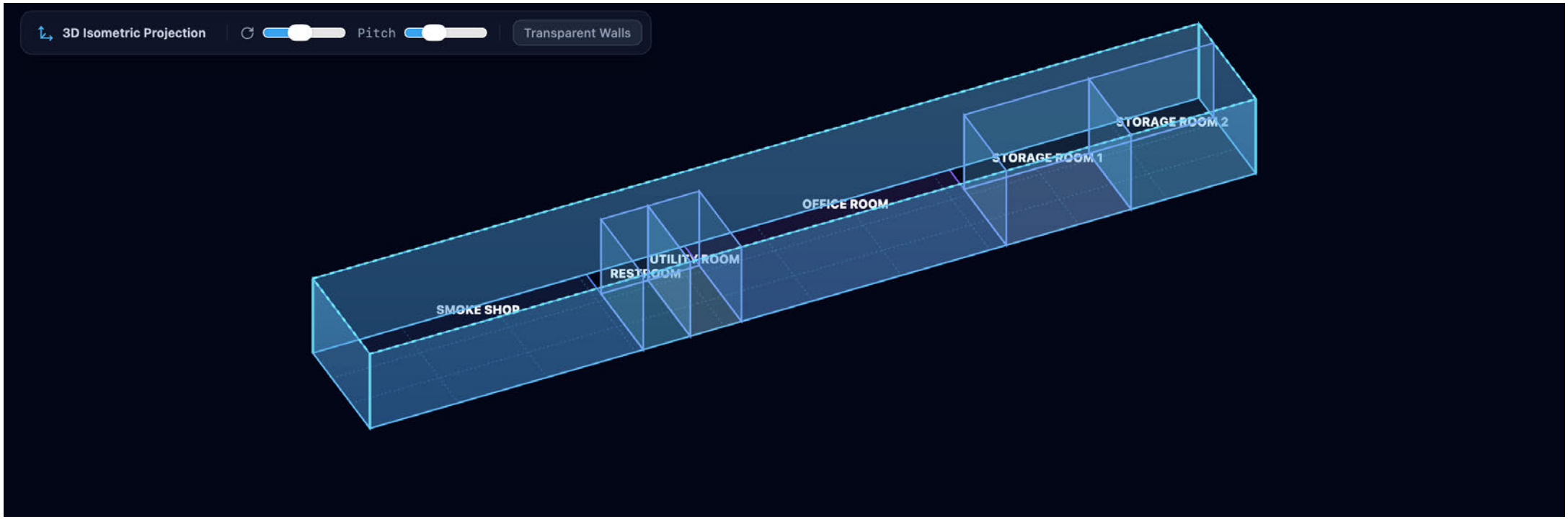
ATTACHMENT 3

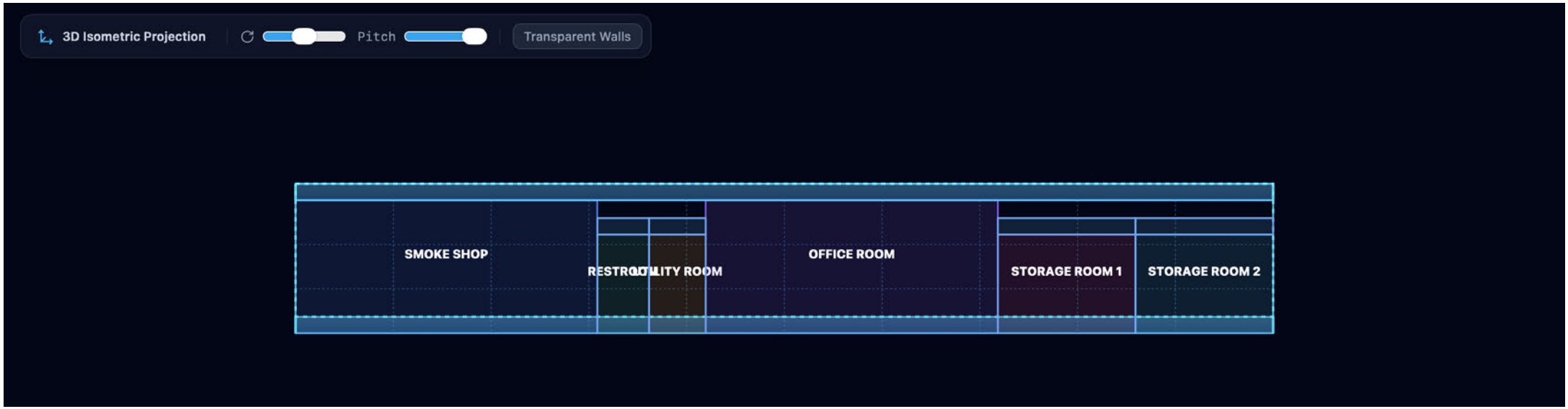

Santa Monica
NOBU Malibu
Little Beach House Malibu
22775 Pacific Coast Hwy
NOBU Ryokan
Pacific Coast Hwy

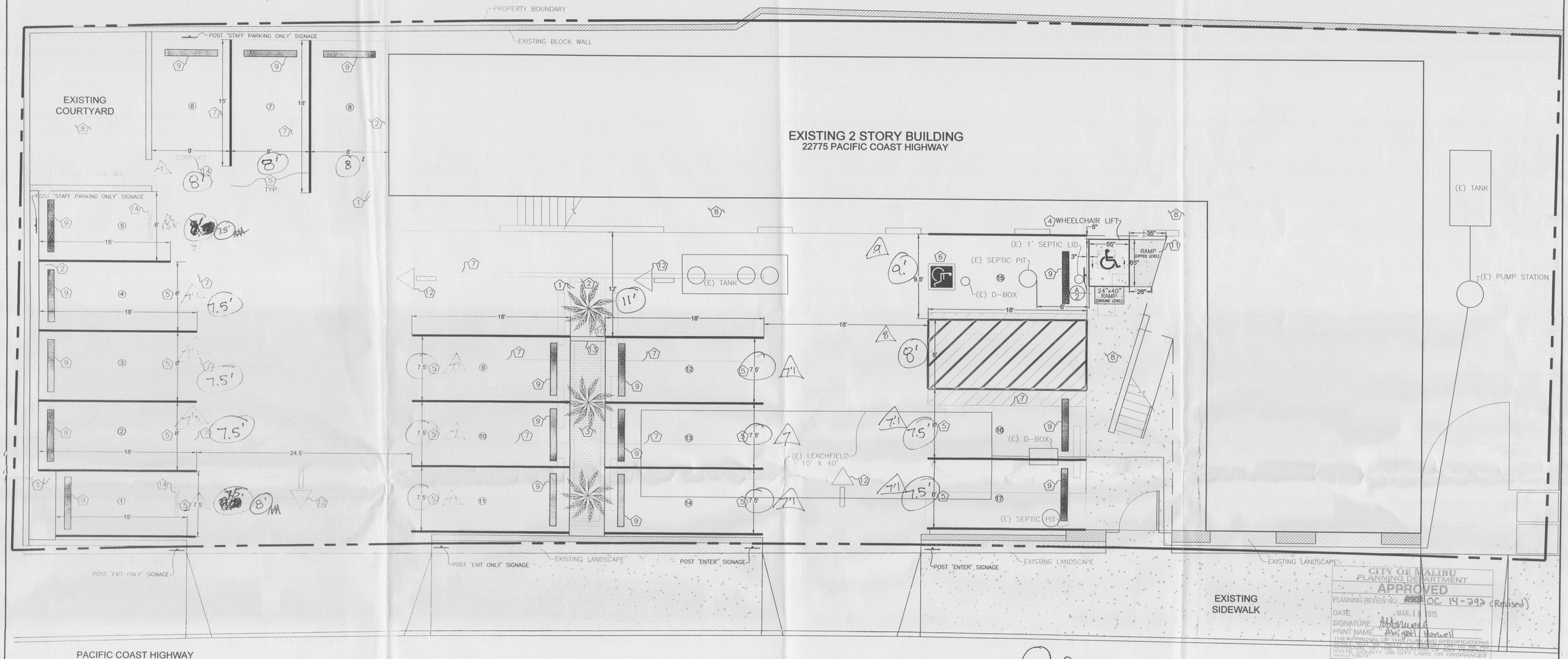

PALM CANYON LN
Malibu Creek
SERRA RETREAT
CROSS CREEK RD
SWEETWATER CANYON DR
CARBON MESA RD
Carbon Canyon Open Space
Whole Foods Market
Kith
MALIBU COLONY
Hendler Open Space
SunLife Organics
Sephora
Aviator Nation Dreamland
22775 Pacific Coast Hwy, Ste 202
D'Amore's
Caffe Luxxe
Malibu Pier
Malibu Surfrider Beach
Keller's Shelter
Malibu Lagoon State Beach
Malibu Lagoon
Malibu Point
Malibu Lagoon State Beach
Malibu Third Point
PACIFIC


SANTA MONICA FOOTHILLS (+250' MSL)
SWEETWATER CANYON RIDGE (+140' ELEVATION)
COASTAL BLUFF BENCH (+65' ELEVATION)
SWEETWATER CANYON DR (CORRIDOR)
N
W
E
S
22805 Pacific Coast Hwy
22775 Pacific Coast Hwy
22771 Pacific Coast Hwy
22765 Pacific Coast Hwy
22727 Pacific Coast Hwy
Sake House Malibu
GORILLA
Gorilla Commercial Suites
COMMERCIAL SUITE
22775 PCH
HILLSIDE TIER (+35' FOOTHILLS)
MALIBU SMOKE CO.
99 HIGH TIDE
2ND FL / SUITE 202
ON TOP OF ZUMA JAY
BUILDING STRUCTURE (BEHIND PARKING)
11 ON-SITE PARKING STALLS
-11' • FRONT OF SMOKE CO. • PCH ACCESS)
ZUMA JAY
SURF SHOP (1ST FL)
150' Frontage
COMMERCIAL ANNEX
[RIGHT SIDE OF 22775]
Commercial Annex
(BETWEEN 22775 & ELA GREEK EATS)
ELA GREEK EATS
[RIGHT SIDE / EAST]
Ela Greek Eats
FRONT PATIO DINING
FAST FOOD
McDonald's Fast Food
DRIVE-THRU
STATE ROUTE 1 • PACIFIC COAST HIGHWAY (PCH)
← WEST TO SWEETWATER / MALIBU PIER
22780 Pacific Coast Hwy
22752 Pacific Coast Hwy
22770 Pacific Coast Hwy
22712 Pacific Coast Hwy
EAST TO SANTA MONICA / LA →


103.7 FT
32.0 FT
GLASS SHOWCASE (1.5')
GLASS SHOWCASE (1.5')
GLASS SHOWCASE (18')
SMOKE SHOP
32.0' × 14.3' (458 sq ft)
FRIDGE
MAIN ENTRANCE DOOR (3')
RESTROOM DOOR (2.8')
UTILITY ROOM
TV
OFFICE ROOM
31.0' × 14.3' (443 sq ft)
FRIDGE
STORAGE 1 DOOR (3')
STORAGE 2 DOOR (3')
STORAGE ROOM 1
14.6' × 10.6' (155 sq ft)
STORAGE ROOM 2
14.6' × 10.6' (155 sq ft)
14.3 FT
W (3.5')
W (3.5')
W (3.5')
W (3.5')
W (3.5')
W (5')
W (5')
W (5')
W (5')


3D Isometric Projection
Pitch
Transparent Walls
STORAGE ROOM 2
STORAGE ROOM 1
OFFICE ROOM
UTILITY ROOM
RESTROOM
SMOKE SHOP


3D Isometric Projection
Pitch
Transparent Walls
SMOKE SHOP
RESTROOM
UTILITY ROOM
OFFICE ROOM
STORAGE ROOM 1
STORAGE ROOM 2



CITY OF MALIBU
PLANNING DEPARTMENT
APPROVED
PLANNING REVIEW NO. OC 14-292 (Revised)
DATE MAR. 18 2015
SIGNATURE
PRINT NAME Adrian Fernell
THE APPROVAL OF THIS PLAN AND SPECIFICATIONS SHALL NOT BE HELD TO PERMIT OR TO BE AN APPROVAL OF THE VIOLATION OF ANY FEDERAL, STATE, COUNTY OR CITY LAWS OR ORDINANCES

CITY OF MALIBU
PUBLIC WORKS DEPARTMENT
APPROVED
SIGNATURE DATE 3.18.15
THE APPROVAL OF THIS PLAN AND SPECIFICATIONS SHALL NOT BE HELD TO PERMIT OR TO BE AN APPROVAL OF THE VIOLATION OF ANY FEDERAL, STATE, COUNTY OR CITY LAWS OR ORDINANCES.

This is a revision to the previous parking plan dated 1/7/15 to better comply with ccc plan approved 8-3-88.
AMcDonnell

NOTE: THESE PLANS WERE CREATED FROM AS BUILT DRAWINGS AND CITY RECORDS. RJR PERFORMED SPOT MEASUREMENTS ON DECEMBER 29, 2014 TO VERIFY CRITICAL LOCATIONS. ALL SITE DIMENSIONS, LOCATIONS, ETC SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. VARIATIONS BETWEEN FIELD CONDITIONS AND THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT ENGINEER SO TIMELY ALTERATIONS CAN BE MADE.

NOTE:
THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES OR STRUCTURE SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS TO THE BEST OF OUR KNOWLEDGE. THE CONTRACTOR IS REQUIRED TO TAKE OUR PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES AND ANY OTHER LINES NOT OF RECORD OR NOT SHOWN ON THIS DRAWING. PRIOR TO EXCAVATION THE CONTRACTOR SHALL CALL TOLL FREE (800) 422-4133 TO VERIFY THE UNDERGROUND LOCATION OF GAS AND TELEPHONE LINES. IT SHALL BE THE OWNER AND CONTRACTORS SOLE RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO START OF CONSTRUCTION AND VERIFY THE EXISTENCE OF KNOWN AND UNKNOWN LINES.

UNDERGROUND SERVICE ALERT
Call: Toll FREE
1 - 800
422-4133
TWO WORKING DAYS BEFORE YOU DIG
CAUTION: Remember that the USA Center notifies only those utilities belonging to the center. There could be other utilities present at the work site. The center will inform you of whom they will notify.

GENERAL NOTES

1. ALL EXISTING BUILDING, HARDSCAPE AND LANDSCAPE DIMENSIONS, ELEVATIONS AND LOCATIONS ARE PER THE PROJECT SURVEY PLANS.
2. THE LOCATION/DIMESNIONS OF EXISTING SEPTIC SYSTEM INCLUDING PITS, TANKS, LEACH FIELDS, LINES AND ALL OTHER ASSOCIATED FACILITIES ARE ESTIMATED BASED ON THE PROVIDED DRAWINGS. THE LOCATION OF THE ABOVE FACILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO THE BEGINNING OF CONSTRUCTION.
3. RJR MAKES NO ASSUMPTIONS IN REGARDS TO THE STRENGTH, STABILITY OR CONDITION OF THE EXISTING SEPTIC FACILITIES AS PART OF THIS PLAN.
4. THE LOCATION OF UNDERGROUND UTILITIES AND DRAINAGE DEVICES ARE NOT PART OF THIS PLAN AND SHALL BE VERIFIED BY OTHERS PRIOR TO CONSTRUCTION.
5. ALL PROPERTY BOUNDARIES, EASEMENTS AND RIGHT OF WAYS ARE PER THE PROJECT SURVEY PLANS.

REFERENCE DRAWINGS

THE FOLLOWING DRAWINGS AND SITE DATA WERE PROVIDED TO RJR AS REFERENCE:

1. SITE PLAN, HAYNE ARCHITECTS, 4-17-2014 (pdf)
2. ONSITE WASTEWATER TREATMENT SYSTEM AS-BUILT PLAN (NTS), MOSSER PLUMBING, 7-23-2003 (pdf)
3. PROPOSED PARKING LAYOUT SKETCH, CLIENT PROVIDED, UNDATED (pdf)
4. WHEELCHAIR LIFT PLANS, HARMAR, 12-11-2014 (pdf)

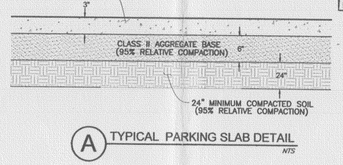
LEGEND

- (#) PARKING STALL NUMBER (FOR REFERENCE ONLY)
- PROPOSED SIGN
- EXISTING CONCRETE
- PROPOSED LANDSCAPING
- PROPOSED ASPHALT

CONSTRUCTION NOTES

1. SAWCUT, REMOVE AND DISPOSE OF EXISTING HARDSCAPE FEATURE.
2. INSTALL PARKING LOT SECTION (3" A.C. ON 6" BASE). COMPACT UPPER 24" OF SOIL TO 95% COMPACTION PRIOR TO PLACEMENT OF AGGREGATE BASE. COMPACT BASE SECTION TO 95% COMPACTION. SEE DETAIL 'A' HEREON.
3. LANDSCAPE PLANTER TO REMAIN.
4. INSTALL WHEELCHAIR LIFT. (HARMAR WHEELCHAIR LIFT OR APPROVED EQUAL) DETAILS PER SEPARATE PLAN AND PERMIT. CONCRETE SLAB PER MANUFACTURER SPECIFICATIONS.
5. APPLY NEW 4" WIDE PARKING STALL PAINT AS SHOWN ON PLANS. CONTRACTOR TO FOLLOW GOOD HOUSEKEEPING AND BEST MANAGEMENT PRACTICE (BMP) RULES. PARKING LOT SHALL BE CLEANED ACCORDING TO PAINT MANUFACTURER SPECIFICATIONS. ANY PRESSURE WASHING ACTIVITIES SHALL ADHERE TO CURRENT BMP REQUIREMENTS AND PREVENT OFFSITE RUNOFF.
6. APPLY HANDICAP PARKING STALL PAINT PER DETAIL A/2 & C/2. PARKING LOT SHALL BE CLEANED ACCORDING TO PAINT MANUFACTURER SPECIFICATIONS. ANY PRESSURE WASHING ACTIVITIES SHALL ADHERE TO CURRENT BMP REQUIREMENTS AND PREVENT OFFSITE RUNOFF.
7. BLACK OUT EXISTING PARKING STALL PAINT AS SHOWN. NEW STALL MARKINGS SHALL BE APPLIED PER PLAN.
8. EXISTING HARDSCAPE TO REMAIN.
9. INSTALL WHEEL STOPS PER DETAIL D/2
10. EXISTING TREE TO BE REMOVED.
11. CUT AND REMOVE WALL FOR 34" CLEAR LIFT OPENING. EXPOSED WALL ENDS TO BE FINISHED TO MATCH EXISTING. SEE WHEELCHAIR LIFT PLANS FOR CONNECTION DETAILS.
12. APPLY 60" DIRECTIONAL PAINTED ARROW (WHITE) PER PLAN.
13. INSTALL 4" CONCRETE CURB PER SPPWC 120-1 (C1-150) MODIFIED TO 4".
14. INSTALL PAINTED "COMPACT" MARKINGS AS SHOWN.

○ - Proposed
△ - currently striped @



A TYPICAL PARKING SLAB DETAIL
NTS

GRAPHIC SCALE
0 1" 2" 3"
0 2.5 5 10 15
1" = 5'
(IN FEET)

ROBERT W. ANDERSON
C-58383
EXP. 12-31-14
CIVIL
STATE OF CALIFORNIA

NO.	DESCRIPTION OF REVISION	BY	APP.	DATE
D				
C				
B				
A				

Prepared by:
RJR ENGINEERING GROUP
Planning · Civil Engineering · Flood Control/Hydrology
Geotechnical Engineering · Geology · Water Resources · Environmental
3500 Camino Ave, Ste. 200, Oxnard, CA 93030
(805) 485-3935 (805) 485-6486 FAX
E-mail: rjr@rjreng.com
C-58383 12-31-14 12-30-14
ROBERT W. ANDERSON R.C.E. NO. EXP. DATE DATE

GPN: APN:
TRACT: LOT:
PROJ. NO. 6011.60 OWNER:

City of Malibu

RJR DWG. NO.
PROJ. NO. 6011.60

PARKING LOT STRIPPING PLAN

99 HIGH TIDE COLLECTIVE
22775 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA

ATTACHMENT 4

SHEET 1 OF 2
DRAWING NO.

Title 17. Zoning

Chapter 17.48. OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 17.48.030. Specific parking requirements.

Parking shall be provided in accordance with the list of uses under this section. Where the standards result in a fraction, the next larger whole number shall be the number of spaces required. For additions to existing development, the increased parking requirement shall be based only on the addition. A minimum of two spaces shall be provided for any use or development regardless of the size or scope of the use or development. The minimum size for a residential parking space shall be 18 feet long by 10 feet wide. If the specific use is not listed in the following table, the parking requirements listed in each zone district shall apply.

Parking Standards	
A. Residential Units.	
Emergency shelters	For each 10 adult beds, one space plus one additional space per employee on the largest shift.
Large residential care facility	For every two beds, one space and one space for every employee In addition, one off-street parking space for each outside employee shall be provided and maintained.
Multifamily units	For each efficiency dwelling unit, two spaces which (market rate) shall be either enclosed or covered. For each one-bedroom or two-bedroom unit, three spaces, two of which shall be enclosed. For each additional bedroom above two, one space which shall be enclosed or covered. Guest parking for each four units or fraction thereof, one space.
Multifamily units	For each efficiency or one-bedroom dwelling unit, (affordable) one space. For each two-bedroom or three-bedroom unit, two spaces, inclusive of guest parking. For each four-bedroom or larger unit, two and one-half spaces. Guest parking for each four units or fraction thereof, one space.
Single-room occupancy	For two units, one space inclusive of guest parking. Resident manager parking, two spaces.
Small residential care facility	For each facility, two enclosed and two unenclosed spaces.
B. Visitor-Serving Commercial Uses.	
Hotel	Two spaces for each room, plus one space for the average, per-shift number of employees, plus one space for each 100 square feet of gross floor area used for consumption of food or beverages, or public recreation areas, plus one

Parking Standards	
	space for each five fixed seats, or for every 35 square feet of assembly area where there are no fixed seats in meeting rooms or other assembly areas.
Motel or motor hotel	One space for each keyed room, plus one space for the average, per-shift number of employees
Boarding/lodging houses, student housing, dormitories, and fraternity/ sorority houses	Two spaces for each three guest rooms, plus two spaces for each dwelling unit. In dormitories, each 100 square feet of gross floor area shall be considered equivalent to one guest room.
C. Educational and Cultural Uses.	
Elementary and junior high	Two spaces for each classroom.
High school, including auditoriums and stadiums on the site	Seven spaces for each teaching station.
College or university, including auditoriums and stadiums on the site	.85 spaces for each full-time equivalent, less the number of space provided to serve on-campus housing facilities in accord with this schedule.
Business, professional or trade schools	One space for each faculty member or employee, plus one space for each three students based upon the maximum number of students attending classes at any one time during any 24-hour period.
Day nurseries and preschools	One space for each employee, plus one space for each five children or one space for each 10 children where a circular driveway is provided for the continuous flow of passenger vehicles (for the purpose of loading and unloading children) and which accommodates at least two such vehicles.
Libraries, museums, and art galleries	One space for each 250 square feet of gross floor area.
D. Places of Assemble and Recreational Uses.	
Theater, auditorium, arena or stadium, except when part of a school or institutional	One space for each three fixed seats or for every 21 square feet of seating area where there are not fixed seats, plus one space for each two employees.
Churches	One space for each three fixed seats or for every 21 square feet of seating area where there are no fixed seats.
Chapels, mortuaries or funeral homes	One space for each three fixed seats or for every 21 square feet of seating area where there are no fixed seats in the main chapel, plus one space for each 350 square feet of gross floor area outside the main chapel.
Dance halls, pool and billiard parlors, skating rinks, exhibition and assembly halls without fixed seats, community centers, health clubs, lodge and union halls	One space for each three persons allowed with the maximum occupancy load as established by local building code, or one space for each 72 square feet of gross floor area, whichever is greater, plus one space for each employee.
Bowling alley	Five spaces for each lane.
Golf driving range, public	One and one-half spaces for each 10 linear feet of driving range or one space per tee, whichever is greater.
Golf course, regulation, public	Eight spaces for each hole, plus one space for each employee.
Golf course, miniature or 3 par, public	Two spaces for each hole, plus one space for each employee.

Parking Standards	
Swimming pool, commercial	One space for each 100 square feet of water surface, plus one space for each employee, but not less than 10 spaces for any such use.
Tennis, handball, and racquetball courts, public	Two spaces for each court.
Private golf course, country club, swim club, tennis club, recreation center and other similar uses	One space for each four persons allowed within the maximum occupancy load as established by building code, plus one space for each two employees.
Stables	One space for every five horses.
E. Medical and Health Uses.	
Convalescent and nursing homes, homes for the aged, resthomes and sanitariums	One space for every four beds or One space for every dwelling unit, whichever is greater, plus one space for each employee.
Hospitals	One space for each two patient beds, plus One space for each employee.
Dental and medical offices or other similar uses	One space for each 150 square feet of gross floor area.
Veterinary hospitals and clinics	One space for each 300 square feet of gross floor area.
F. Office Uses.	
Commercial bank, savings and loan offices, other floor financial institutions, public or private utility office, mutual ticket agency, other similar window service offices	One space for each 225 square feet of gross floor area of the main non-bank uses within a bank structure shall provide parking pursuant to specific use guidelines.
General office and other business, technical service, administrative, or professional offices	One space for each 250 square feet of gross floor area.
G. Business and Commercial Uses.	
Beauty shop or barber shop	Three spaces for each of the first two beauty or barber chairs, plus one and one-half spaces for each additional chair.
Other personal service establishments, including cleaning or laundry agency or similar use	One space for each 250 square feet of gross floor area.
General retail stores, except as otherwise provided	One space for each 225 square feet of gross floor area.
Shopping centers	Five space for each 1,000 square feet of gross floor area within the center, or spaces as required for each individual use within the center. To qualify for the "shopping center" criteria (5/1000) a well balanced mixture of uses within the center must be demonstrated. Where there is an imbalance of high intensity uses, restaurants, theater, bowling alleys, billiard parlors, beauty schools and other such uses and/or long-term parking uses, parking calculations will be based totally or in part on an individual basis.
Food store, grocery store, supermarket, or similar use	One space for each 225 square feet of gross floor area.
Restaurants, night clubs, bars and similar establishments for the sale and	One space for each 50 square feet of service area.

Parking Standards	
consumption of food or beverages on the premises	
Drive-in and window service restaurants providing outdoor eating area or walk-up or drive-up window service	One space for each 50 square feet of gross floor area, but not less than 10 spaces for any such use. The above may be modified for walk-up facilities with no seating area (and beach-front walk-up seating) depending upon the particulars of the individual case.
Laundromats and coin operated cleaners	One space for each two machines.
Automobile service stations	Two spaces for each lubrication stall, rack, or pit, plus one space for each gasoline pump outlet.
Auto wash, except self-service	Reservoir (line-up) parking equal to five times the capacity of the auto wash. In determining capacity, each 20 linear feet of wash line shall equal one car length.
Auto wash, self-service	Five spaces for each two wash stalls.
Furniture store, appliance store, machinery rental or sales store (excluding motor vehicle rental or sales), and similar establishments which handle only bulky merchandise	One space for each 500 square feet of gross floor area, except floor area used exclusively for storage of loading, plus one space for each 500 square feet of outdoor sales, display or service area.
Commercial service, establishments, repair shops, motor vehicle repair garages, and similar establishments	One space for each 500 square feet of gross floor area, except floor area used exclusively for storage or loading, plus one space for each 500 square feet of outdoor sales, display or service area.
Automobile, truck, boat, trailer or similar vehicle shops, motor vehicle sales or rental establishment	One space for each 500 square feet of gross floor area, except floor area used exclusively for storage or loading, plus one space for each 1,000 square feet of outdoor sales, display or service area.
Wholesale establishments, mail order houses, printing and publishing establishments, and cartage or express facilities	One space for each 500 square feet of gross floor area, but not less than five spaces, plus one space for each employee.
Lumber yard	One space for each 500 square feet of gross floor area, plus one space for each 1,000 square feet of outdoor sales, display or service area, plus one space for each two employees.
Contractor's storage yard, salvage yard, junk yard, automobile wrecking yard	Five spaces, plus one space for each employee.
Retail plant nursery, garden shop including greenhouses or lathhouses, or similar outdoor sales and display	Five spaces, plus one space for each 500 square feet of outdoor sales, display or service area.
H. Manufacturing and Related Uses.	
Manufacturing or industrial establishment, including offices and other incidental operations on the same site	One space for each 350 square feet of gross floor area, but not less than three spaces for each four employees.
Laboratories and research establishments	One space for each 300 square feet of gross floor area, but not less than three spaces for each four employees.
Warehouses or storage building	One space for each one thousand square feet of gross floor area, but not less than one space for each employee.

Parking Standards	
Public utility facilities, including electric, gas, water, telephone, and telegraph, facilities not having business offices on the premises	One space for each employee, but not less than two spaces for each such facility.

(Prior code § 9332; Ord. 86 § 3, 1993; Ord. 93 § 57, 1993; Ord. 151 § 12, 1996; Ord. 179 § 7(2), 1998; Ord. 222 § 3(B), 2001; Ord. 449 § 8, 2019)

PC Application: 12-017

City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4804
(310) 456-2489 • fax (310) 456-7650
www.malibucity.org

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OCT 09 2012
PLANNING DEPT.

PLANNING DEPARTMENT
COMMERCIAL PLANNING CLEARANCE

GENERAL INFORMATION

BUSINESS NAME: Smonkey 22625
ADDRESS AND TENANT # (If applicable): 22625 Pacific Coast Hwy Malibu CA 90265
BUSINESS PHONE #: 213-280-8282 BUSINESS FAX #:
BUSINESS EMAIL: [redacted]

APPLICANT / CONTACT: [redacted] Last: Kim
APPLICANT ADDRESS: [redacted] LA STATE: CA ZIP: 90057
APPLICANT PHONE #: [redacted] APPLICANT FAX #:
APPLICANT EMAIL: [redacted]

PROPERTY OWNER: First: Malibu Pacific Partners, LTD A California Limited Partnership. Last:
OWNER ADDRESS: P.O. Box 2613 CITY: Malibu STATE: CA ZIP: 90265
PROPERTY OWNER PHONE #: [redacted] PROPERTY OWNER FAX #: [redacted]
PROPERTY OWNER E-MAIL: None

BUSINESS INFORMATION – please prepare conceptual floor plan on page 3

1. BUSINESS TYPE: ☒RETAIL ☐SERVICE ☐FOOD SERVICE ☐OFFICE ☐INDUSTRIAL
   ☐OTHER:
2. ANTICIPATED OPENING DATE: Nov. 2012 or Dec 2012 HOURS OF OPERATION: 11HRS. 10-9pm
3. TOTAL # OF EMPLOYEES: 0 (owner only) SQUARE FOOTAGE OF LEASED AREA: 495 SQ. FT.
4. OUTDOOR STORAGE: ☒NO ☐YES *(If yes, explain)*:
5. FOR FOOD SERVICE, PROVIDE AREA FOR SERVICE SQUARE FOOTAGE: 0 SQ. FT.
6. NUMBER OF SEATS FOR CUSTOMERS: ☒INDOOR None ☒OUTDOOR None
7. ALCOHOL: ☒NONE ☐ONSITE CONSUMPTION ☐OFFSITE CONSUMPTION *(e.g., retail sales)*
8. TOBACCO: ☐NONE ☐ONSITE CONSUMPTION ☒OFFSITE CONSUMPTION *(e.g., retail sales)*
9. REQUIRED OFF-STREET PARKING: None *(refer to M.M.C. Chapter 17.48 for requirements)*
10. EXTERIOR ADDITIONS, DEMOLITION, AND/OR ALTERTATIONS TO THE BUILDING:
    ☒NO ☐YES *(If yes, explain and prepare a conceptual site plan on page 4)*:
11. INTERIOR ALTERATIONS, PLUMBING / MECHANICAL SYSTEMS TO BE ADDED, ALTERED, OR MOVED:
    (e.g., fixtures, wastewater, heating, air conditioning, etc.): ☒NO ☐YES *(If yes, provide a general description)*:
12. HANDLING, STORAGE, AND/OR USE OF HAZARDOUS MATERIALS/WASTE: ☒NO ☐YES *(If yes, provide a general description)*:
13. SIGNAGE: ☒NO ☐YES *(If yes, submit a sign permit application and review sign design requirements in M.M.C. Chapter 17.52)*
    Not yet.

ATTACHMENT 6

14. TOTAL SQUARE FEET OF SHOPPING CENTER / SERVICE CENTER (or building if not a shopping center / service center): approx. 3594

15. PREVIOUS USE OF THE TENANT SPACE: Mailbox rental and Shipping Store

16. DATE PREVIOUS BUSINESS CLOSED: about 7/31/12

17. TYPE OF BUILDING: ☐SINGLE TENANT ☒MULTI-TENANT ☐OTHER: _____

ADDITIONAL PERMITS

Approval of this Planning Clearance does not eliminate the need for other permits, licenses, or certificates required. Additional permits may be required (e.g., Health Permit, Occupancy Permit, Sign Permit, Tenant Improvement Permit, Temporary Use Permit, Conditional Use Permit, etc.). See the Building and Safety Division to verify which construction permits may be required.

APPLICANT STATEMENT

I hereby certify under penalty of perjury that I have read and understand all of the sections above and that the information provided on this form is true and correct to the best of my knowledge. I also state that I have read and familiarized myself with the portions of Title 17 (Zoning) of the Malibu Municipal Code which apply to my business in this location. I agree to comply with these regulations and any other local, state, and federal regulation that may relation to this proposed business.

Applicant Signature: _____ Date: 10-3-12

Property Owner Signature: _____ Date: 10/04/12

STAFF USE ONLY – DO NOT WRITE BELOW THIS LINE

1. ☒NEW BUSINESS ☐NAME CHANGE ONLY ☐SAME BUSINESS/ OWNERSHIP CHANGE
   ☐OTHER: _____
2. ZONE: _____ APN: _____
3. PERMITTED USE: ☒YES ☐NO *(If yes, a PC is required)*
4. CONDITIONALLY PERMITTED USE: ☐YES ☐NO *(If yes, a CUP is required)*
5. DEVELOPMENT SCOPE:
   - BASIC REMODEL/INTERIOR: ☒YES ☐NO *(If yes, no Planning issues)*
   - MINOR REMODEL/EXTERIOR: ☐YES ☒NO *(If yes, ☐OC Level I - OR - ☐OC Level II*)*
     *If OC II, referrals required by: ☐Environmental Health ☐Public Works ☐Biology ☐Geology ☐LA County Fire Department ☐Hazardous Materials
   - MINOR ADDITION / EXTERIOR ALTERATIONS: ☐YES ☒NO *(If yes, APR required)*
   - MAJOR ADDITION / RECONFIGURATION, AND/OR WASTEWATER SYSTEM UPGRAGE: ☐YES ☒NO *(If yes, CDP required)*

☒ PC ISSUED / NO. PCDP12-017 ☐ PC DENIED*

DATE APPROVED: 10-17-12 DATE DENIED. _____

PLANNER SIGNATURE: _____

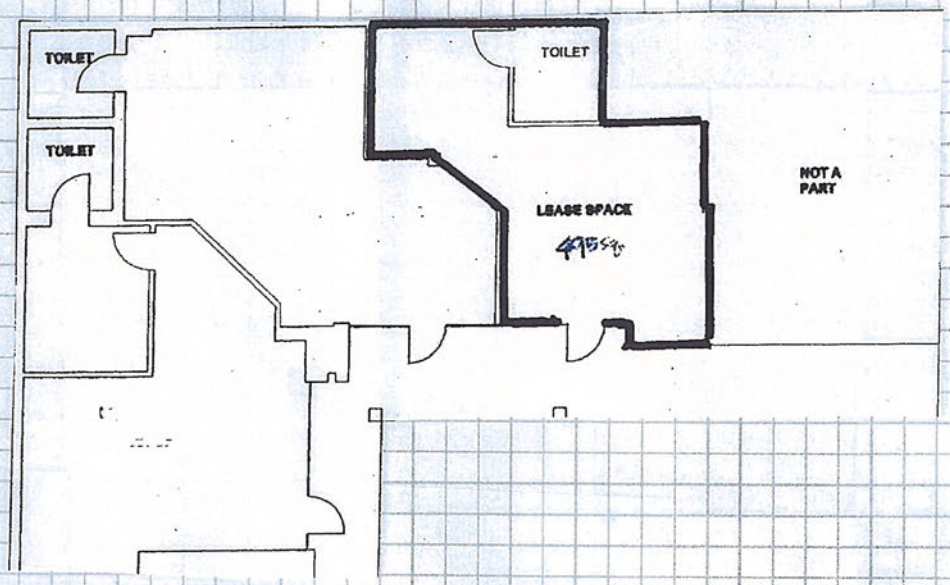
*REASON FOR DENIAL: _____

NEXT STEPS *(e.g., submit to Building and Safety, apply for a CUP, provide information, etc.)*:

move forward with Building and Safety for T.I. after returning Affidavit. Apply for sign permit and apply for a tobacco Retail license.

Prepare the following and submit:

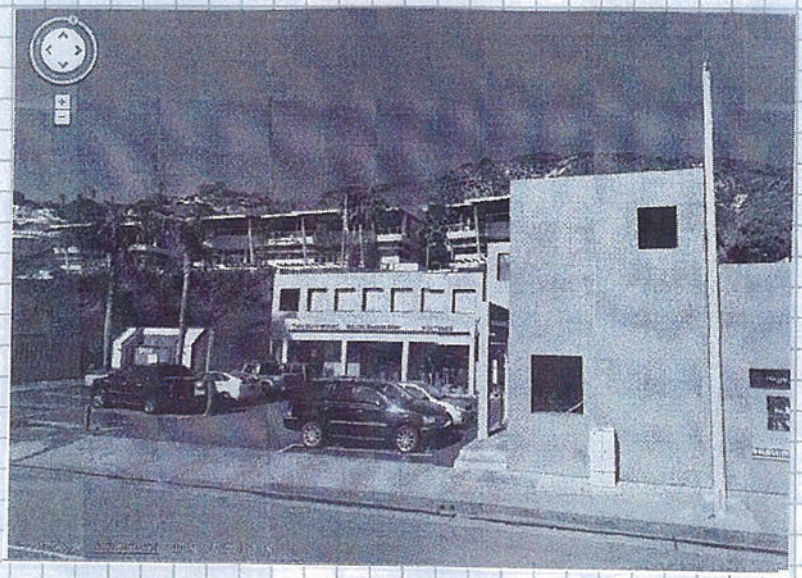
Conceptual Floor Plan



For any exterior changes to the building and/or site around the building, please prepare the following:

Conceptual Site Plan





City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

PLANNING CLEARANCE CONDITIONS OF APPROVAL

1. **Construction Hours**

   a. Per Malibu Municipal Code (M.M.C) Section 4.2.04(G), construction may take place from 7:00 a.m. to 7:00 p.m. weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays. Construction is not permitted on Sundays or the following City observed holidays: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day.

2. **Noise**

   a. All noise is subject to the City's Noise Ordinance found in M.M.C. Chapter 8.24. The project applicant and property owner acknowledge receipt of the City's Noise Ordinance and agree to comply with the provisions at all times.

3. **Lighting**

   a. Exterior lighting shall be minimized, restricted to low intensity features, shielded, and concealed to the maximum feasible extent so that no light source is directly visible from public viewing areas. Traffic lights, navigational lights, and other similar safety lighting are exempt from this requirement.

4. **Signs**

   a. All signs shall comply with M.M.C. Chapter 17.52. A sign permit is required unless specifically exempt under M.M.C. Section 17.52.050(D). To apply for a sign permit, submit a uniform application, letter of authorization, the review fee of ~~$99~~ $101, and 3 sets of plans.

5. **Alarm Permits**

   a. Per M.M.C. Chapter 8.08 anyone who owns or uses an alarm system shall obtain a permit for that system from the City. Alarm systems that are not designed to evoke a police or fire response and are not intended to be audible outside of the premises are exempt from this requirement. There is an initial permit fee of $52; thereafter, each permit must be renewed annually and an annual fee of $31 will be required.

b. A service charge will be imposed in instances of alarm systems that emit more than two false alarms during any consecutive 12-month period. The third false alarm in any consecutive 12-month period will be assessed at $227. Each false alarm thereafter will be assessed at $76 per instance. Repeated false alarms may result in revocation of the Alarm Permit. The penalties for operating an alarm system without a permit are contained in M.M.C. Section 8.08.160.

6. Wastewater Disposal

a. All wastewater shall be disposed of on the site where it is created, unless a property is already developed with a habitable structure and a conditional use permit is obtained for off-site treatment or disposal. A conditional use permit, subject to the provisions of M.M.C. Chapter 17.66, may be granted to the site receiving the wastewater only after consideration of the following factors:

b. Geologic or soils conditions of the sending site which limit on-site wastewater treatment and disposal capacity;

c. Indications that there are no other technically feasible treatment options available to the sending site;

d. Compatibility of the proposed off-site treatment and disposal facility with the uses and character of adjacent properties and surrounding neighborhood;

e. The environmental and public health impacts to the receiving site with respect to site-specific and area-wide geology, site-specific and area-wide hydrology, biological resources/native plant communities, water quality/proximity to receiving waters, and cumulative impacts;

f. The environmental benefits of off-site disposal are greater than those from on-site disposal;

g. Subject to applicable provisions of this code, water may be recycled through toilets and/or used for landscape irrigation.

7. Smoking

a. Smoking is prohibited in all outdoor dining areas located on private or public property, including the public right-of-way. Smoking is also prohibited within 20 feet of an outdoor dining area, except while actively passing by on the way to another destination. The M.M.C. defines "smoking" as inhaling, exhaling, burning, or carrying any lighted cigarette, cigar or pipe. (Ord. No. 337, § 1, 7-13-2009)

b. Any business with an area subject to the prohibition set forth in M.M.C. Section 9.32.020 shall post or cause to be posted and shall maintain "no smoking" signs in conspicuous locations within said area. All such signs shall: (1) be no greater than one square foot in

size; (2) be prominently displayed; (3) clearly state "no smoking" and/or use the international "no smoking" symbol; and (4) reference M.M.C. Section 9.34.020. Any business with an area subject to the prohibition set forth in M.M.C. Section 9.34.020 shall also provide a smoker's waste receptacle 20 feet from the entry way or, where that distance is not possible, at the farthest possible point away from the entry way.

8. Tobacco

a. Per M.M.C. Chapter 5.42, all merchants who sell tobacco, tobacco products, or tobacco parphernalia shall register with the City. The tobacco registation form application is available on the City's website and at City Hall. Registration is free, is effective for one year, and has to be renewed annually, not later than 30 days prior to the expirations of the term.

9. Plastic Bags

a. Per M.M.C. Chapter 9.28 no retail, restaurant, vendor, or nonprofit vendor shall provide plastic bags of compostable plastic bags to customers.

10. Polystyrene Food Packaging (Styrofoam)

a. Per M.M.C. Chapter 9.24, no restaurant, food packager, retail food vendor, vendor, or nonprofit food provider shall provide prepared food to its customers in any food packaging that utilizes expanded polystyrene.

11. Special Conditions

a. _____

_____

b. _____

_____

c. _____

_____

ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned applicant(s) and property owner(s) acknowledge and agree to abide by all terms and conditions of **Planning Clearance Number** 12.017 for the business located at 22625 Pacific Coast Highway.

10/23/2012
Date

Signature of Applicant

Ki min Kim
Print Applicant's Name

Date

Signature of Property Owner/Manager

Print Property Owner/ Manager's Name

PC No. 17 - 026

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

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AUG 17 2017
PLANNING DEPT.

PLANNING CLEARANCE APPLICATION

General Information

PROPOSED PROPERTY ADDRESS: 22625 PCH (22625) Unit #. 22631
BUSINESS NAME: Malibu Cigar Club
BUSINESS ADDRESS: [redacted] CITY: Malibu STATE: CA ZIP: 90265
BUSINESS PHONE #: [redacted] BUSINESS EMAIL: [redacted]
APPLICANT / CONTACT: First: Richard Last: Loehr
APPLICANT ADDRESS: [redacted] CITY: Moorpark STATE: CA ZIP: 93021
APPLICANT PHONE #: [redacted] APPLICANT EMAIL: [redacted]
PROPERTY OWNER: Malibu Pacific Partners Ltd

Fees

☒ Planning Clearance $ 317 + 173 = 490
CREDIT CARD FEE (2.36%): $
TOTAL FEES: $

□ CASH
□ CREDIT CARD-AUTH. CODE:
□ CHECK #:

Business Information

1. **BUSINESS TYPE:** ☒ RETAIL ☐ MEDICAL ☐ FOOD SERVICE ☐ OFFICE ☐ INDUSTRIAL
   ☐ OTHER:
2. **PREVIOUS USE OF THE TENANT SPACE:** ☒ RETAIL ☐ MEDICAL ☐ FOOD SERVICE
   ☐ OFFICE ☐ INDUSTRIAL ☐ OTHER: VAPE SHOP
3. **PROPOSED BUSINESS:** ☒ NEW BUSINESS ☐ NAME CHANGE ONLY ☒ SAME BUSINESS/ OWNERSHIP CHANGE
   ☐ OTHER:
4. **BUSINESS DESCRIPTION (PROVIDE ADDITIONAL PAGES IF NECESSARY):**
   Cigar Club, Selling Cigars + Humidors
   Lighters, Cutters,

PC No. 17-026

5. **HOURS OF OPERATION:** 11am - 7pm **TOTAL # OF EMPLOYEES:** 1

6. **NEW OR REPLACED SIGNAGE:** ☒ YES ☐ NO

7. **NUMBER OF SEATS FOR CUSTOMERS (RESTURANT USE ONLY):**

☒ **INDOOR** [redacted] ☐ **OUTDOOR** _____

8. **ALCOHOL:** ☐ NONE ☐ ONSITE CONSUMPTION ☐ OFF-SITE CONSUMPTION *(e.g., retail sales)*

9. **TOBACCO:** ☐ NONE ☒ ONSITE CONSUMPTION ☒ OFF-SITE CONSUMPTION *(e.g., retail sales)*

Site Information

10. **ZONING:** CC **APN:** 4452-022-006

11. **TYPE OF DEVELOPMENT:** ☐ SINGLE BUILDING ☒ MULTI-TENANT ☐ OTHER: _____

12. **DATE PREVIOUS BUSINESS CLOSED:** _____

***PARKING WILL BE EVALUATED BY STAFF**

Formula Retail

Formula Retail Establishment if:
Question No. 14 is ten (10) or more, and Question No. 15 is YES

13. **IS THE BUSINESS ONE OF USES LISTED BELOW:** ☐ YES ☐ NO **-If yes, circle one below.**

→ **THESE USES EXEMPT ANYWHERE IN THE CITY**

a. Bank or financial service
b. Drug store/pharmacy
c. Gas station
d. Grocery
e. Insurance office
f. Low-cost overnight accommodations
g. Medical use
h. Movie theater
i. Postal service office
j. Real estate office

14. **NUMBER OF EXISTING, OPERATIONAL ESTABLISHMENTS WORLDWIDE FOR PROPOPOSED BUSINESS:** 1

15. **WILL THE BUSINESS MAINTAIN TWO OR MORE OF THE FOLLOWING FEATURES:** ☒ YES ☒ NO

If yes, circle the applicable feature. Please refer to Malibu Municipal Code Section 17.66.130 for the feature definitions.

a. Standardized color scheme
b. Standardized décor
c. Standardized façade
d. Uniform apparel
e. Standardized layout
f. Standardized signage, service mark or trademark
g. Standardized array of merchandise or menu

Formula Retail in Civic Center Commercial District

16. IS THE BUSINESS A FORMULA RETAIL ESTABLISHMENT*: ☐ YES ☒ NO
IF YES, REQUIRES A FORMULA RETAIL CUP

PC No. 17-026

17. IS THE PROPOSED BUSINESS WITHIN A SHOPPING CENTER IN EXISTENCE AS OF APRIL 1, 2014, AND IN THE CIVIC CENTER COMMERCIAL DISTRICT: ☐ YES ☐ NO
Civic Center Commercial District is all commercially-zoned/used land generally located between the Pacific Ocean to the south, Malibu Canyon Road to the west, the City boundary to the north, and Malibu Creek to the east. The district also includes commercial use on the parcels comprising Hughes Research Laboratory (HRL).

18. SQUARE FOOTAGE OF LEASED AREA: 661 SQ. FT.

***Formula Retail Establishment is Exempt from a Conditional Use Permit if:
Questions 13 is YES, or Question No. 18 is between 1,400 sq. ft. and 5,000 sq. ft.***

19. IS THE FORMULA RETAIL ESTABLISHMENT EXEMPT FROM A CUP**:
☐ YES ☒ NO ☐ NOT FORMULA RETAIL

Tenant Improvement

20. EXTERIOR ADDITIONS, DEMOLITION, AND/OR ALTERATIONS TO THE BUILDING: ☐ YES ☒ NO
If yes, explain: _____

21. INTERIOR ALTERATIONS, PLUMBING / MECHANICAL SYSTEMS TO BE ADDED, ALTERED, OR MOVED:
(e.g., fixtures, wastewater, heating, air conditioning, etc.): ☐ YES ☐ NO
If yes, explain: Cieling - Fan

22. PROVIDE EXISTING AND PROPOSED FLOOR PLAN AND SITE PLAN ON ADDITONAL PAGES AND ATTACH TO THIS APPLICATION

ADDITIONAL PERMITS

Approval of this Planning Clearance is for the use of the tenant space, it does not eliminate the need for other permits, licenses, or certificates required. Additional permits may be required (e.g., Health Permit, Occupancy Permit, Sign Permit, Tenant Improvement Permit, Temporary Use Permit, Conditional Use Permit, etc.). See the Department of Environmental Sustainability to verify which construction permits may be required.

APPLICANT STATEMENT

I hereby certify under penalty of perjury that I have read and understand all of the sections above and that the information provided on this form is true and correct to the best of my knowledge. I also state that I have read and familiarized myself with the portions of the Malibu Municipal Code which apply to my business in this location. I agree to comply with these regulations and any other local, state, and federal regulation that my relation to this proposed business.

Property Owner, or Applicant Signature: _____ Date: 8/17/2017

PC No. 17-026

Staff Use Only

1. PERMITTED USE: ☒ YES ☐ NO
2. FORMULA RETAIL ESTABLISHMENT THAT REQUIRES A CUP: ☐ YES ☒ NO
3. CONDITIONALLY PERMITTED USE: ☐ YES ☒ NO *(If yes, a CUP is required)*

Approved for permit: _____ Date: 9/25/2017
Planning Staff

NOT Approved for permit: _____ Date: _____
Planning Staff

Reason not approved or additional information required:

_____

NEXT STEPS ***(e.g., See Building Safety; apply for a CUP, provide information, etc.):***

****See Building Safety Division for occupancy change***

****Discuss Tenant Improvement with the Planning Department for potential review and submittal requirements***

Submit for Sign Permit or tenant improvement, if either are desired.

PC No. 17-026

PLANNING CLEARANCE CONDITIONS OF APPROVAL

1. The approval of this planning clearance is for the use described in the application, no development is permitted as part of this planning clearance approval.

2. **If Formula Retail**

   a. This approved planning clearance shall run solely with the operation of the formula retail establishment for which it was approved and continue to be valid upon change of ownership of the formula retail establishment, the land, or any lawfully existing building or structure on the land. The planning clearance shall expire in the event that a formula retail establishment ceases or suspends operation for a period of six consecutive calendar months, relocates to another tenant space, expands by two hundred (200) square feet or more of gross floor area, or increases service area by fifty (50) square feet or more.

3. **Construction Hours**

   a. Per Malibu Municipal Code (MMC) Section 4.2.04(G), construction may take place from 7:00 a.m. to 7:00 p.m. weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays. Construction is not permitted on Sundays or the following City observed holidays: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day.

4. **Noise**

   a. All noise is subject to the City's Noise Ordinance found in MMC Chapter 8.24. The project applicant and property owner acknowledge receipt of the City's Noise Ordinance and agree to comply with the provisions at all times.

5. **Lighting**

   a. Exterior lighting shall be minimized, restricted to low intensity features, shielded, and concealed to the maximum feasible extent so that no light source is directly visible from public viewing areas. Traffic lights, navigational lights, and other similar safety lighting are exempt from this requirement.

6. **Signs**

   a. All signs shall comply with MMC Chapter 17.52. A sign permit is required unless specifically exempt under MMC Section 17.52.050(D). To apply for a sign permit, submit a uniform application, letter of authorization, the sign permit review fee, and 3 sets of plans.

7. **Alarm Permits**

   a. Per MMC Chapter 8.08 anyone who owns or uses an alarm system shall obtain a permit for that system from the City. Alarm systems that are not designed to evoke a police or fire response and are not intended to be audible outside of the premises are exempt from this requirement.

   b. A service charge will be imposed in instances of alarm systems that emit more than two false alarms during any consecutive 12-month period. The penalties for operating an alarm system without a permit are contained in MMC Section 8.08.160.

8. **Wastewater Disposal**

   a. All wastewater shall be disposed of on the site where it is created, unless a property is already developed with a habitable structure and a conditional use permit is obtained for off-site treatment or disposal. A conditional use permit, subject to the provisions of MMC Chapter 17.66, may be granted to the site receiving the wastewater only after consideration of the following factors:

b. Geologic or soils conditions of the sending site which limit on-site wastewater treatment and disposal capacity;

c. Indications that there are no other technically feasible treatment options available to the sending site;

d. Compatibility of the proposed off-site treatment and disposal facility with the uses and character of adjacent properties and surrounding neighborhood;

e. The environmental and public health impacts to the receiving site with respect to site-specific and area-wide geology, site-specific and area-wide hydrology, biological resources/native plant communities, water quality/proximity to receiving waters, and cumulative impacts;

f. The environmental benefits of off-site disposal are greater than those from on-site disposal;

g. Subject to applicable provisions of this code, water may be recycled through toilets and/or used for landscape irrigation.

9. Smoking

a. Smoking is prohibited in all outdoor dining areas located on private or public property, including the public right-of-way. Smoking is also prohibited within 20 feet of an outdoor dining area, except while actively passing by on the way to another destination. The MMC defines "smoking" as inhaling, exhaling, burning, or carrying any lighted cigarette, cigar or pipe. (Ord. No. 337, § 1, 7-13-2009)

b. Any business with an area subject to the prohibition set forth in MMC Section 9.32.020 shall post or cause to be posted and shall maintain "no smoking" signs in conspicuous locations within said area. All such signs shall: (1) be no greater than one square foot in size; (2) be prominently displayed; (3) clearly state "no smoking" and/or use the international "no smoking" symbol; and (4) reference MMC Section 9.34.020. Any business with an area subject to the prohibition set forth in MMC Section 9.34.020 shall also provide a smoker's waste receptacle 20 feet from the entry way or, where that distance is not possible, at the farthest possible point away from the entry way.

10. Tobacco

a. Per MMC Chapter 5.42, all merchants who sell tobacco, tobacco products, or tobacco parphernalia shall register with the City. The tobacco registation form application is available on the City's website and at City Hall. Registration is free, is effective for one year, and has to be renewed annually, not later than 30 days prior to the expirations of the term.

11. Plastic Bags

a. Per MMC Chapter 9.28 no retail, restaurant, vendor, or nonprofit vendor shall provide plastic bags of compostable plastic bags to customers.

12. Polystyrene Food Packaging (Styrofoam)

a. Per MMC Chapter 9.24, no restaurant, food packager, retail food vendor, vendor, or nonprofit food provider shall provide prepared food to its customers in any food packaging that utilizes expanded polystyrene.

PC No. 17-026

13. Special Conditions

a. Approved for identified retail use only. Special events on site may require a Temporary Use Permit from the City.

b.

DISPLAY THIS PERMIT CONSPICUOUSLY AT THE PLACE OF BUSINESS FOR WHICH IT IS ISSUED

CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

SELLER'S PERMIT

PERMIT NUMBER

259353824 - 00001

MALIBU SMOKE CO.

MALIBU SMOKE CO.
22775 PACIFIC COAST HWY STE 202
MALIBU CA 90265-5070

START DATE:
July 17, 2026

IS HEREBY AUTHORIZED PURSUANT TO SALES AND USE TAX LAW TO ENGAGE IN THE BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY AT THE ABOVE LOCATION.

THIS PERMIT IS NOT VALID AT ANY OTHER ADDRESS.

YOU ARE REQUIRED TO OBEY ALL FEDERAL AND STATE LAWS THAT REGULATE OR CONTROL YOUR BUSINESS. THIS PERMIT DOES NOT ALLOW YOU TO DO OTHERWISE.

PLEASE RETAIN THIS DOCUMENT FOR YOUR RECORDS.

THIS PERMIT IS VALID UNTIL REVOKED OR CANCELED AND IS NOT TRANSFERABLE.
FOR GENERAL TAX QUESTIONS, PLEASE CALL OUR CUSTOMER SERVICE CENTER AT 1-800-400-7115 (TTY:711).
FOR INFORMATION ON YOUR RIGHTS, CONTACT THE TAXPAYERS' RIGHTS ADVOCATE OFFICE AT 1-888-324-2798.

CDTFA-442-R REV. 20 (2-22)

A MESSAGE TO OUR PERMIT HOLDER

As a permittee, you have certain rights and responsibilities under the Sales and Use Tax Law. For assistance, we offer the following resources:

- Our website at *www.cdtfa.ca.gov*.
- Our toll-free Customer Service Center at 1-800-400-7115 (TTY:711). Customer service representatives are available Monday through Friday from 7:30 a.m. to 5:00 p.m. (Pacific time), except state holidays.

As a permittee, you are expected to maintain the normal books and records of a prudent businessperson. You are required to maintain these books and records for no less than four years, and make them available for inspection by a California Department of Tax and Fee Administration (CDTFA) representative when requested. You are also required to know and charge the correct sales or use tax rate, including any local and district taxes.

You must notify us if you are buying, selling, adding a location, or discontinuing your business; adding or dropping a partner, officer, or member; or when you are moving any or all of your business locations. This permit is valid only for the owner specified on the permit. A person who obtains a permit and ceases to do business, or never commenced business, shall surrender their permit by immediately notifying CDTFA in writing at this address: California Department of Tax and Fee Administration, Field Operations Division, P.O. Box 942879, Sacramento, CA 94279-0047. You may also surrender the permit to a CDTFA representative.

If you would like to know more about your rights as a taxpayer, or if you are unable to resolve an issue with CDTFA, please contact the Taxpayers' Rights Advocate Office for help by calling 1-888-324-2798 or by faxing 1-916-323-3319.

As authorized by law, information provided by an applicant for a permit may be disclosed to other government agencies.

ATTACHMENT 7

Appendix 1
TABLE B PERMITTED USES

KEY TO TABLE (In addition to a coastal development permit, MCUP, CUP, LFDC, & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table.)	
P	Permitted use
MCUP	Requires the approval of a minor Conditional Use Permit by the Director
CUP	Requires the approval of a Conditional Use Permit
A	Permitted only as an accessory use to an otherwise permitted use
LFDC	Requires the approval of a Large Family Day Care permit
WTF	Requires the approval of a Wireless Telecommunications Facility
•	Not permitted (Prohibited)

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
RESIDENTIAL																
Single-family residential[17]	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Manufactured homes	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments[18])	•	•	CUP[19]	CUP[19]	•	•	•	•	P[20]	•	•	•	•	•	•	•
Second units	A[1]	A[1]	A[1]	A[1]	•	•	•	•	•	•	•	•	•	•	•	•
Mobile home parks	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•	•
Mobile home park accessory uses (including recreation facilities, meeting rooms, management offices, storage/maintenance buildings, and other similar uses)	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•
Mobile home as residence during construction	P	P	P	MCUP	•	•	•	•	•	•	•	•	•	•	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Accessory uses (guest units, garages, barns, pool houses, pools, spas, gazebos, storage sheds, greenhouses (non-commercial), sports courts (non-illuminated), corrals (non-commercial), and similar uses)	A[1]	A[1]	A[1]	A[1]	•	•	•	•	•	•	•	•	•	•	•	•
Residential care facilities (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•
Large residential care facilities (serving 7 or more persons)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Small residential care facilities (serving 6 or fewer persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Small family day care (serving 6 or fewer persons)	A	A	A	•	•	•	•	•	•	•	•	•	•	•	•	•
Large family day care (serving 7 to 12 persons)	LFDC	LFDC	LFDC	•	•	•	•	•	•	•	•	•	•	•	•	•
Home occupations	P/ MCUP[2]	P/ MCUP[2]	P/ MCUP[2]	P/ MCUP[2]	•	•	•	•	•	•	•	•	•	•	•	•
AGRICULTURAL/ANIMAL-RELATED																
Agricultural employee housing, as an accessory use, animal related	A	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•
Agricultural employee housing, as an accessory use crop related	A	A	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•
Domestic animals kept as pets or for personal use	A	A	A	A	A	•	•	•	•	•	•	•	•	•	•	•
Equestrian and hiking trails (public and private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Equestrian riding and training facilities and activities including boarding of horses and domestic animals, tournaments, shows and contests (including accessory uses such as club house with food and beverage service, pro shop, tack shop, riding rings, boarding/training/show facilities, barns, parking lots, sports courts, and living accommodations for members, their guests, participants, employees and persons required for the operation and maintenance of such facilities)	•	•	•	•	•	CUP	•	•	CUP	•	•	CUP	•	•	•	•
Grazing of cattle, horses, sheep or goats, including the supplemental feeding of such animals, provided that such grazing is not a part of nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard or commercial riding academy located on the same premises	P[3]	•	•	•	•	CUP[3]	•	•	•	•	•	•	•	CUP[13]	•	•
Raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals	P	A	•	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•
Boarding of horses as a commercial use	MCUP[3]	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Raising of hogs or pigs	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•
Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•
Greenhouses	P	•	CUP	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Raising of crops (field, tree, bush, berry row, nursery stock, etc.) provided no retail sale from the premises	A	A	CUP	•	•	•	•	•	•	•	•	•	•	CUP[13]	•	•
Wildlife preserves	•	•	•	•	•	P	•	•	•	•	•	•	P	•	•	•
RETAIL USES																
Book stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Convenience stores	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Food markets	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Hardware, garden supply stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Liquor stores	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Plant nurseries	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Prescription pharmacies	•	•	•	•	•	•	A	P	P	P	P	P	•	•	•	•
Stationary supplies	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Visitor-oriented goods such as recreational equipment and clothing, souvenirs, local arts/crafts, and similar uses	•	•	•	•	•	•	•	MCUP	•	P	P	•	•	•	•	•
GENERAL SERVICES																
Bakeries (no on-site seating)	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Laundry, dry cleaners	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
OFFICE/HEALTH USES																
Banks, financial institutions	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Health care facilities	•	•	•	•	•	•	•	•	CUP	CUP[4]	CUP[4]	CUP	•	CUP	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Medical, dental, physical therapy, and veterinary clinics and offices	•	•	•	•	•	•	P	P[5]	P[5]	P[4,5]	P[4,5]	P[5]	•	•	•	•
Professional offices	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
DINING, DRINKING, AND ENTERTAINMENT																
Amphitheatre	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•
Bars	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Live entertainment	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Movie theaters	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Refreshment stands, ice cream stands, and other fixed location outdoor food vending stands	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Restaurants	•	•	•	•	•	•	•	CUP[6]	CUP[7]	CUP[7]	CUP[7]	CUP[7]	•	•	•	•
AUTOMOTIVE RELATED USES																
Vehicle washing/detailing	•	•	•	•	•	•	•	CUP[8]	CUP[8]			CUP	•	•	•	•
Service stations (without convenience market)	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Towing and automobile storage	•	•	•	•	•	•	•	•	•	•	•	CUP	•	CUP	•	•
RECREATION AND LEISURE																
Camping	•	•	•	•	•	P	•	•	•	•	•	•	P	•	•	•
Guest Cabins						P										
Community stage theaters	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Cultural and artistic uses (such as museums, galleries, performing arts venues)	•	•	•	•	•	CUP	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Dance studios	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Golf driving ranges	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	P	•
Health clubs	•	•	•	•	•	•	•	P	P	P	P	P	•	•	P	•
Hotels	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•	•
Motels, bed and breakfast inns	•	•	•	•	•	•	•	•	•	CUP	CUP	•	•	•	•	•
Parks, beaches, and playgrounds	CUP	CUP	CUP	CUP	•	P	•	CUP	CUP	CUP	CUP	CUP	P	CUP	P	•
Public Beach Accessway	P	P	P	P	P			P	P	P	P	P	P			

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Recreation facilities (swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts and similar uses)	•	•	•	•	•	A	•	•	CUP	CUP[9]	CUP[9]	CUP	P	P[14]	P	•
Recreation facilities (neighborhood - for use by surrounding residents and operated by a non-profit corporation or neighborhood association for non-commercial purposes)	•	CUP	CUP	CUP	•	•	•	CUP	CUP	•	•	CUP	•	•	•	•
Recreational vehicle parks	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	P
Sports courts (lighted)	•	•	•	•	•	•	•	CUP	CUP	CUP[9]	CUP[9]	CUP	•	•	•	•
Sports fields (lighted)	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP[11]	•	•
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Charitable, philanthropic activities	•	•	•	•	•	•	•	P[10]	P[10]	P[10]	P[10]	P[10]	•	CUP	•	•
Churches, temples, and other places of worship	•	•	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	CUP	•	•
Community centers	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Day care facilities, nursery schools	CUP	CUP	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	CUP	•	•
Educational (non-profit) activities	•	•	•	•	•	•	•	P	P	P	P	P	P	CUP	•	•
Educational institutions (public or private)	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Emergency communication and service facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP[4]	CUP[4]	CUP	CUP	CUP	CUP	CUP
Emergency Shelters	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•
Farmers' markets operated by a nonprofit charitable organization	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Helipad sites	CUP	•	•	•	•	•	•	•	•	•	•	•	•	CUP[12]	•	•
Government facilities, including police and fire stations	•	•	CUP	•	•	•	•	P	P	P[4]	P[4]	P	•	P	•	•
Libraries, museums	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Maintenance yards	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Public utility facilities	CUP	CUP	CUP	CUP	•	•	•	CUP	CUP	CUP[4]	CUP[4]	CUP	CUP[15]	CUP	•	•
Research institutions	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Residential care facilities for the elderly	•	•	•	•	•	•	•	•	CUP	CUP	CUP[4]	CUP[4]	•	CUP[13]	•	•
Wastewater storage and hauling	•	•	•	•	•	•	•	•	•	•	CUP[16]	CUP	•	•	•	•
Wireless telecommunications antennae and facilities	WTF	•	•	•	•	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF
CONSTRUCTION/LIGHT INDUSTRIAL USES																
Construction services (neighborhood-serving)	•	•	•	•	•	•	•	•	CUP	•	•	CUP	•	•	•	•
Manufacturing, processing, or treatment of products	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Masonry and building supplies	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Metal welding	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Research and development, testing facilities	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Self-storage	•	•	•	•	•	•	•	CUP	CUP	•	•	CUP	•	•	•	•
Wholesale, storage, and distribution	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
OTHER USES																
Uses permitted by right that operate between the hours of 11:00 p.m. to 7:00 a.m.	•	•	•	•	•	•	MCUP	MCUP	•	•	•	•	•	•	•	•
Mixed use (commercial and residential)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•

Notes:

1. Subject to Residential Development Standards (Section 3.6).
2. Subject to Home Occupations Standards [(Section 3.6(O)].
3. Use Prohibited in Environmentally Sensitive Habitat Areas.
4. This commercial use may be permitted only if at least 50% of the total floor area of the project is devoted to visitor servin g commercial use. This floor area requirement shall not apply to the Civic Center Wastewater Treatment Facility.

5. CUP for veterinary hospitals.
6. Maximum interior occupancy of 125 persons.
7. If exceeding interior occupancy of 125 persons.
8. By hand only.
9. Use permitted only if available to general public.
10. Charitable, philanthropic, or educational non-profit activities shall be limited to permanent uses that occur within an enclosed building.
11. Sports field lighting shall be limited to the main sports field at Malibu High School and subject to the standards of LIP Sections 4.6.2 and 6.5(G).
12. Limited to public agency use only (not for private use).
13. Accessory uses when part of an educational or non-profit (non-commercial) use. However, residential care facilities for the elderly are limited to operation by a non-profit only.
14. CUP for facilities within a side or rear yard when adjacent to a residentially-zoned parcel.
15. Conditionally permitted only when facilities are ancillary to the Civic Center Wastewater Treatment Facility, including, but not limited to, injection wells, generators, and pump stations.
16. This use is conditionally permitted in the Civic Center Wastewater Treatment Facility Institutional Overlay District and only when associated with the existing wastewater treatment facility or with the Civic Center Wastewater Treatment Facility.
17. Transitional and supportive housing is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.
18. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses.
19. Multi-family development associated with an affordable housing development project is permitted by right.
20. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APNs 4458-022-023 and 4458-022-024 only), in compliance with Section 3.4.5.

(Ord. 449 § 4, 2019; Ord. 393 § 4, 2015; Ord. 373 § 3, 2013; Ord. 366 §§ 3(A) and (B), 2012; Ord. 303 § 3, 2007)

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, October 5, 2026, at 6:30 p.m.** in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA for the project identified below. Public comment can be submitted ahead of the public hearing to planningcommission@malibucity.org for inclusion in the public record. To participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

DETERMINATION OF USE NO. 26-002 - An application to determine that a Smoke Shop retail use is similar to and not more objectionable than the permitted uses in the Community Commercial zoning district

LOCATION / APN:	**22775 Pacific Coast Hwy, 202** / 4452-021-009
ZONING:	Community Commercial (CC)
APPLICANT / OWNER:	Malibu Smoke Co. / Carbon Plaza LLC
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15061
APPLICATION FILED:	August 19, 2026
CASE PLANNER:	Michelle Santiago, Assistant Planner, msantiago@malibucity.org (310) 456-2489, ext. 382

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

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 ten days following the date of action which the appeal is made 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/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 246.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

YOLANDA BUNDY, Community Development Director — Date: September 10, 2026

ATTACHMENT 9