APRIL 20, 2026 REGULAR MEETING

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

1. Agenda

   Documents:

   PC260420_AGENDA.PDF

2. Item 1A

   Planning Commission Reorganization / Election of Chair and Vice Chair

   Documents:

   PC260420_ITEM 1A.PDF

3. Item 3B1

   Formula Retail Clearance No. 26-001 / 23465 Civic Center Way, Unit 850 (Birkenstock)

   Documents:

   PC260420_ITEM 3B1.PDF

4. Item 3B2

   Formula Retail Clearance No. 26-002 / 23465 Civic Center Way, Units 610-630 (Restoration Hardware)

   Documents:

   PC260420_ITEM 3B2.PDF

5. Item 3B3

   Formula Retail Clearance No. 26-003 - 23465 Civic Center Way, Unit 350 (Brandy Melville)

   Documents:

   PC260420_ITEM 3B3.PDF

6. Item 3B4

   Formula Retail Clearance No. 26-004 / 23465 Civic Center Way, Unit 470 (Malbon Golf)

Documents:

PC260420_ITEM 3B4.PDF

7. Item 3B5

   Formula Retail Clearance No. 26-005 / 23465 Civic Center Way, Unit 370 (The Shop by Wheat)

   Documents:

   PC260420_ITEM 3B5.PDF

8. Item 3B6

   Approval of Minutes / March 16, 2026 Regular Planning Commission meeting

   Documents:

   PC260420_ITEM 3B6.PDF

9. Item 3B7

   Extension of Coastal Development Permit No. 15-002 / 28906 Verde Mesa Lane

   Documents:

   PC260420_ITEM 3B7.PDF

10. Item 3B8

    De Minimis Waiver No. 24-002 / 29960 Harvester Road

    Documents:

    PC260420_ITEM 3B8.PDF

11. Item 5A

    Zoning Text Amendment No. 25-003 / ADU Ordinance

    Documents:

    PC260420_ITEM 5A.PDF

12. Item 5B

    Coastal Development Permit No. 23-033 / 31255 Beach View Estates Drive

Documents:

PC260420_ITEM 5B.PDF

13. Item 5C

Coastal Development Permit No. 21-045 / 24507 Vantage Point Terrace

Documents:

PC260420_ITEM 5C.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 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.

Malibu Planning Commission
Regular Meeting Agenda

Monday, April 20, 2026

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

City Hall – Council Chambers
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

Report on Posting of Agenda – April 9, 2026

1. **Ceremonial/Presentations**

   A. Planning Commission Reorganization

   Recommended Action: Conduct the election of Chair and Vice Chair

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

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. Formula Retail Clearance No. 26-001 - Cross Creek Ranch Shopping Center

      Location: 23465 Civic Center Way, Unit 850
      APN: 4458-022-032
      Owner: Cross Creek Ranch Malibu, LLC
      Tenant: Birkenstock
      Case Planner: Assistant Planner Peralta, 456-2489, ext. 315

      Recommended Action: Receive and file the Community Development Director's report on Formula Retail Clearance No. 26-001.

      2. Formula Retail Clearance No. 26-002 – Cross Creek Ranch Shopping Center

      Location: 23465 Civic Center Way, Units 610 – 630
      APN: 4458-022-032
      Owner: Cross Creek Ranch Malibu, LLC
      Tenant: Restoration Hardware, Inc.
      Case Planner: Assistant Planner Peralta, 456-2489, ext. 315

      Recommended Action: Receive and file the Community Development Director's report on Formula Retail Clearance No. 26-002.

3. Formula Retail Clearance No. 26-003 – Cross Creek Ranch Shopping Center

Location: 23465 Civic Center Way, Unit 350
APN: 4458-022-032
Owner: Cross Creek Ranch Malibu, LLC
Tenant: Brandy Melville
Case Planner: Assistant Planner Peralta, 456-2489, ext. 315

Recommended Action: Receive and file the Community Development Director's report on Formula Retail Clearance No. 26-003.

4. Formula Retail Clearance No. 26-004 – Cross Creek Ranch Shopping Center

Location: 23465 Civic Center Way, Unit 470
APN: 4458-022-032
Owner: Cross Creek Ranch Malibu, LLC
Tenant: Malbon Golf
Case Planner: Assistant Planner Peralta, 456-2489, ext. 315

Recommended Action: Receive and file the Community Development Director's report on Formula Retail Clearance No. 26-004.

5. Formula Retail Clearance No. 26-005 – Cross Creek Ranch Shopping Center

Location: 23465 Civic Center Way, Unit 370
APN: 4458-022-032
Owner: Cross Creek Ranch Malibu, LLC
Tenant: The Shop by Wheat
Case Planner: Assistant Planner Peralta, 456-2489, ext. 315

Recommended Action: Receive and file the Community Development Director's report on Formula Retail Clearance No. 26-005.

6. Approval of Minutes

Recommended Action: Approve the minutes of the March 16, 2026 Regular Planning Commission meeting.

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

7. Extension of Coastal Development Permit No. 15-002, Variance Nos. 16-019 and 17-052, Site Plan Review No. 16-041 and Minor Modification No. 21-005 – A request for an extension of time for construction of a new two-story single-family residence and associated development

Location: 28906 Verde Mesa Lane
APN: 4467-018-031
Owner: Maron Family Trust
Case Planner: Contract Planner Kinsella, 510-407-3062

Recommended Action: Adopt Planning Commission Resolution No. 26-14 granting a two-year extension of Coastal Development Permit No. 15-002 for the construction of a new 5,913 square foot, two-story single-family residence plus a 668 square foot

attached garage, swimming pool, spa, deck, hardscape, fencing, grading, retaining walls, and landscape, onsite wastewater treatment system; including Variance No. 16-019 for fuel modification encroachment into the Environmentally Sensitive Habitat Area and Environmentally Sensitive Habitat Area Buffer, Variance No.17-052 for construction on slopes steeper than 2.5 to 1, Site Plan Review No. 16-041 for height over 18 feet but not to exceed 28 feet for a pitched roof, and Minor Modification No. 21-005 for a less than 50 percent reduction to the required front yard setback in the Rural Residential, Five-Acre zoning district located at 28906 Verde Mesa Lane (Maron Family Trust).

8. De Minimis Waiver No. 24-002 – An application for a new onsite wastewater treatment system for a parcel affected by the Woolsey Fire

Location: 29960 Harvester Road, not within the appealable coastal zone
APN: 4469-013-037
Owner: Stacy Clunies-Ross Trust
Case Planner: Associate Planner Azzaz, 456-2489, ext. 302

Recommended Action: Receive and file the Community Development Director's report on the issuance of De Minimis Waiver No. 24-002 for a new onsite wastewater treatment system for a parcel affected by the Woolsey Fire.

4. Continued Public Hearings

None.

5. New Public Hearings

A. Zoning Text Amendment No. 25-003 – An amended recommendation for Accessory Dwelling Unit regulations to include a reduced setback provision for fire rebuilds

Location: Citywide
Case Planner: Senior Planner Achis, AICP, 456-2489, ext. 247

Recommended Action: Adopt Planning Commission Resolution No. 26-16 amending the Commission's prior recommendation (Resolution No. 26-03) to include a setback provision for Accessory Dwelling Units attached to fire rebuild replacement structures and recommending that the City Council approve revised Zoning Text Amendment No. 25-003.

B. Coastal Development Permit No. 23-033 and Variance No. 26-004 – An application for the construction of a new potable water well with a reduced setback from an onsite wastewater treatment system

Location: 31255 Beach View Estates Drive, partially within the appealable coastal zone
APN: 4470-004-014
Owner: Conscious Choice, LLC
Case Planner: Contract Planner Greenbauer, 949-489-1442, ext. 132

Recommended Action: Adopt Planning Commission Resolution No. 26-17 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 23-033 for the construction of a new potable water well to service an approved replacement single-family residence previously destroyed in the Woolsey Fire; including Variance No. 26-004 for an approximate 30 percent reduction

in the required 150-foot setback between the well and an onsite wastewater treatment system, located in the Rural Residential, Five-Acre zoning district at 31255 Beach View Estates Drive (Conscious Choice, LLC).

C. Coastal Development Permit No. 21-045 and Variance 26-003 – An application to grade and construct a new 594 square-foot, approximately 11 foot 2-inch tall, detached Accessory Dwelling Unit/Second Unit, including a variance for relief from Malibu Country Estates Overlay District standards associated with a proposed second building pad, reduced rear yard setback, wall heights, and allowances for impermeable coverage, structure height, and grading outside the existing building pad

Location: 24507 Vantage Point Terrace, partially within the appealable coastal zone
APN: 4458-033-006
Owner: Meissner Family Trust
Case Planner: Contract Planner Gonzalez, 929-789-7160

Recommended Action: Adopt Planning Commission Resolution No. 26-02 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. 21-045 and Variance No. 26-003 to grade and construct a new 594 square-foot, approximately 11 foot 2-inch tall, detached Accessory Dwelling Unit/Second Unit; including a variance for relief from Malibu Country Estates Overlay District standards associated with a proposed second building pad, reduced rear yard setback, wall heights, and allowances for impermeable coverage, structure height, and grading outside the existing building pad on a parcel located in the Malibu Country Estates Overlay and Single Family Medium zoning district at 24507 Vantage Point Terrace (Meissner Family Trust).

6. **Old Business**

None.

7. **New Business**

None.

8. **Planning Commission Items**

A. Planning Commission and staff comments and inquiries

Adjournment

Future Meetings

Monday, May 4, 2026	6:30 p.m. Regular Planning Commission Meeting City Hall Council Chambers
Monday, May 18, 2026	6:30 p.m. Regular Planning Commission Meeting City Hall Council Chambers
Monday, June 1, 2026	6:30 p.m. 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 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 p.m. 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 9th day of April 2026 at 11:00 a.m.



Rebecca Evans, Senior Management Analyst

Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 1.A.

To: Chair Riddick 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: April 9, 2026 Meeting date: April 20, 2026

Subject: Planning Commission Reorganization

RECOMMENDED ACTION: Conduct the election of Chair and Vice Chair.

Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 3.B.1.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Adriana Peralta, 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: April 9, 2026 Meeting date: April 20, 2026

Subject: Formula Retail Clearance No. 26-001 - Cross Creek Ranch Shopping Center

Location: 23465 Civic Center Way, Unit 850
APN: 4458-022-032
Owner: Cross Creek Ranch Malibu, LLC
Tenant: Birkenstock

RECOMMENDED ACTION: Receive and file the Community Development Director's report on Formula Retail Clearance (FRC) No. 26-001 (Attachment 1).

DISCUSSION: This agenda item is for informational and reporting purposes only. In March 2018, the City Council adopted Ordinance No. 431(a) regulating formula retail in commercial shopping centers. The Ordinance went into effect on April 12, 2018, establishing Malibu Municipal Code (MMC) Chapter 17.61 (Formula Retail Clearance).

The ordinance sets forth a ministerial[1] process by which a tenant with a non-exempt formula retail business receives approval from the Community Development Director to locate within a shopping center. MMC Section 17.61.030(C) states that all FRCs approved by the Community Development Director shall be noticed and reported to the Planning Commission within 30 days of issuance, and that the approval shall become final two days after the clearance is reported to the Commission, unless rescinded by the Director.

[1] A ministerial process is one in which there is no discretion on the part of the decision-maker in the application of the standards.

On August 14, 2023, Cross Creek Ranch Malibu, LLC (CCRM) and the City of Malibu (City) entered into a Settlement Agreement. Under the Settlement Agreement, Cross Creek Ranch is to be subject to the City's Formula Retail Ordinance — except that Cross Creek Ranch was able to open additional formula retail establishments beyond those allowed under the Formula Retail Ordinance if, among other requirements: (1) they submit the application before August 14, 2024, (2) the proposed tenant does not have 10 or more locations in the counties of Los Angeles, Orange and Ventura, (3) the proposed location does not exceed 4,000 sq ft (except up to 3 locations may be sized at 5,000 sq ft or less), (4) the proposed location will not cause more than 60% of the ground floor to constitute non-exempt formula retail businesses, and (5) the proposed location will not cause more than 20% of the gross floor area of the shopping center to constitute non-exempt formula retail that has not obtained a formula retail clearance under the City's Formula Retail Ordinance. As shown in Table 1, the businesses which were approved prior to August 14, 2024, were authorized under the settlement agreement.

MMC Section 17.61.020 – Applicability

A FRC is required for new formula retail establishments or existing formula retail establishments that relocate to a new tenant space or expand by 200 square feet or more of gross floor area[2] (GFA), except for the following which are exempt:

1. Grocery
2. Drug stores/pharmacies
3. Gas stations
4. Banks and financial services
5. Real estate offices
6. Movie theaters
7. Postal services offices
8. Medical offices

The subject FRC is for Birkenstock, a retail shoe store, which is a non-exempt use. Furthermore, Birkenstock currently has over seventy (70) locations worldwide.

MMC Section 17.61.030(B) – FRC Criteria for Issuance

The Community Development Director shall issue an FRC if the formula retail use complies with the following requirements:

1. *The location does not exceed 4,000 square feet of gross floor area.* The proposed tenant space is 2,528 square feet of gross floor area, which complies with this requirement.

[2] Gross floor area (GFA) means the sum of the gross horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six feet.

2. *Issuing the FRC will not result in (a) non-exempt formula retail establishments occupying more than 30 percent of the total gross floor area of a shopping center excluding the floor area occupied by exempt formula retail defined in MMC Section 17.66.020(A)(1-8) only; or (b) where the shopping center is more than one floor, non-exempt formula retail establishments occupying more than 40 percent of the total gross floor area of the ground floor of the shopping center, excluding the floor area occupied by exempt formula retail defined in MMC Section 17.61.020(A)(1-8).*

   The ordinance provides the following formula:

(Gross floor area - floor area of exempt formula retail)	X 0.30 =	Allowable non-exempt formula retail
	X 0.70 =	Required non-formula retail

   The Cross Creek Ranch shopping center has 10 buildings comprised of both one- and two-stories, totaling 111,489 square feet of total gross floor area (GFA). Therefore, the calculations have been evaluated under the formulas of both (a) and (b) as follows:

Table 1 Cross Creek Ranch Shopping Center – Compliance Table Proposed 2,528 sq. ft. Non-exempt Tenant (Unit 850)		
(a) Overall Shopping Center		
Total GFA of existing shopping center	1st floor: 90,303 sq. ft. 2nd floor: 21,186 sq. ft. Total: 111,489 sq. ft.	
Total exempt formula retail	*0 sq. ft.	
30% Calculation	Total: 111,489 sq. ft. Exempt: - 0 sq. ft. 111,489 sq. ft. Allowable: 111,489 sq. ft. x .30 = **33,446.70 sq. ft.**	
Non-exempt formula retail GFA		
Tenant (Suite No.)	Square Footage	
Brandy Melville (350)	1,525	*Proposed on 4/20/2026*
The Shop By Wheat (370)	1,520	*Proposed on 4/20/2026*
Malbon (470)	1,573	*Proposed on 4/20/2026*
Restoration Hardware (610-630)	2,613	*Proposed on 4/20/2026*
Velvet (810-820)	1,816	*"Grown into FRC"*
Birkenstock (850)	**---- SUBJECT APPLICATION --- 2,528**	***Proposed on 4/20/2026***
KITH (110)	3,996	**Approved on 2/20/2024*
KITH Treats (120)	719	**Approved on 2/13/2024*
Le Labo (360)	1,354	**Approved on 2/14/2024*
Ray-Ban (395)	1,190	**Approved on 2/14/2024*
Zadig & Voltaire (450)	1,805	*Approved on 9/10/2024*
Frame 460)	1,808	*Approved on 9/10/2024*
Pura Vida Miami (705)	2,469	**Approved on 4/15/2024*
Jenni Kayne (710)	1,857	*Approved on 9/10/2024*
TOTAL	**17,811**	*Complies (less than 33,466 sq. ft)*
**Approved prior to August 14, 2024 per the settlement agreement.*		

PUBLIC NOTICE: This item was posted on the April 20, 2026, Regular Planning Commission Meeting agenda.

ATTACHMENTS:

1. FRC No. 26-001 Application
2. Tenant List
3. Site Plan

FRC No. 26-001

City of Malibu

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

FORMULA RETAIL CLEARANCE APPLICATION

The City of Malibu will not accept incomplete applications

General Information

PROPERTY ADDRESS: 23465 Civic Center Way, Malibu CA 90265 **Unit #** Suite 850

BUSINESS NAME: Birkenstock

APPLICANT / CONTACT: First: Tierney **Last:** Mauge

APPLICANT ADDRESS [redacted] **CITY:** Santa Monica **STATE:** CA **ZIP:** 90401

APPLICANT PHONE # [redacted] **APPLICANT EMAIL:** tmauge@pacequity.com

PROPERTY OWNER: Cross Creek Ranch Malibu, LLC

Fees

❑ **Formula Retail Clearance** $_____

Formula Retail

1. **DOES THE PROPOSED RETAIL SERVICE CURRENTLY HAVE 10 OR MORE OPERATIONAL RETAIL ESTABLISHMENTS WORLDWIDE AND MAINTAIN TWO OR MORE OF THE FOLLOWING FEATURES LISTED BELOW?** ☑ YES ☐ NO

   If yes, circle the applicable feature below.

   a. Standardized array of merchandise or menu
   b. Standardized color scheme
   c. Standardized décor
   d. Standardized signage
   e. Standardized layout
   f. Standardized signage, service mark or trademark
   g. Uniform apparel

2. **WILL THE PROPOSED LOCATION EXCEED 4,000 SQUARE FEET OF GROSS FLOOR AREA?**

   ❒ YES ■ NO

3. **PROPOSED BUSINESS:** ■ NEW BUSINESS ❒ OTHER: _____

4. **BUSINESS DESCRIPTION (PROVIDE ADDITIONAL PAGES IF NECESSARY):**
   Retail sale of footwear and accessories.

ATTACHMENT 1

5. **TOTAL GROSS FLOOR AREA OF SHOPPING CENTER:** 111,489 sf

6. **PROPOSED FLOOR AREA:** 2,528 sf

***ISSUING THE FRC WILL *NOT RESULT IN (A)* NON-EXEMPT FORMULA RETAIL ESTABLISHMENTS OCCUPYING MORE THAN 30 PERCENT OF THE TOTAL GROSS FLOOR ARE OF A SHOPPING CENTER EXCLUDING THE FLOOR AREA OCCUPIED BY EXEMPT FORMULA RETAIL DEFINED IN 17.66.020(A)(1)-(8) ONLY, OR (B), WHERE THE SHOPPING CENTER IS MORE THAN ONE FLOOR, NON-EXEMPT FORMULA RETAIL ESTABLISHMENTS OCCUPY MORE THAN 40 PERCENT OF TOTAL GROSS FLOOR AREA OF THE GROUND FLOOR OF THE SHOPPING CENTER.**

REPORT TO PLANNING COMMISSION

All formula retail clearances approved by the Planning Director shall be noticed and reported to the Planning Commission within 30 days of issuance. Such report shall include all calculations and descriptions of businesses used in making the determination. The approval shall become final two days after the clearance is reported to the Planning Commission, unless rescinded by the Planning Director.

ADDITIONAL PERMITS

Approval of this Formula Retail Clearance is to clear the tenant space to be occupied by a formula retail establishment. It does not eliminate the need for other permits, licenses, or certificates required. Additional permits may be required (e.g., Health Permit, Certificate of Occupancy, 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.

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
		1/15/26

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: 1/15/26

Staff Use Only

FORMULA RETAIL CALCULATION

PROPOSED FORMULA RETAIL FLOOR AREA: 2,528

EXEMPT FORMULA RETAIL FLOOR AREA: 0

SHOPPING CENTER **TOTAL** GROSS FLOOR AREA: **1st FLOOR:** 90,303 **2nd FLOOR:** 21,486 **TOTAL:** 111,489

TOTAL GFA: 111,489 - 0 **EXEMPT FORMULA RETAIL =** 111,489

111,489 **x 30% =** 33,446 **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): 11,575 **COMPLIES** ■ YES ❒ NO

SHOPPING CENTER - GROSS FLOOR AREA OF **FIRST FLOOR:**

TOTAL GFA FIRST FLOOR: _____ - _____ **EXEMPT FORMULA RETAIL =** _____

_____ **x 40% =** _____ **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): _____ **COMPLIES** ❒ YES ❒ NO

Approved FRC: Adriana Peralta — Date: 03/26/2026
Planning Staff

NOT Approved for FRC: _____ — Date: _____
Planning Staff

Reason not approved or additional information required:

_____

_____

_____

Cross Creek Ranch

23465 Civic Center Way, Malibu, CA 90265

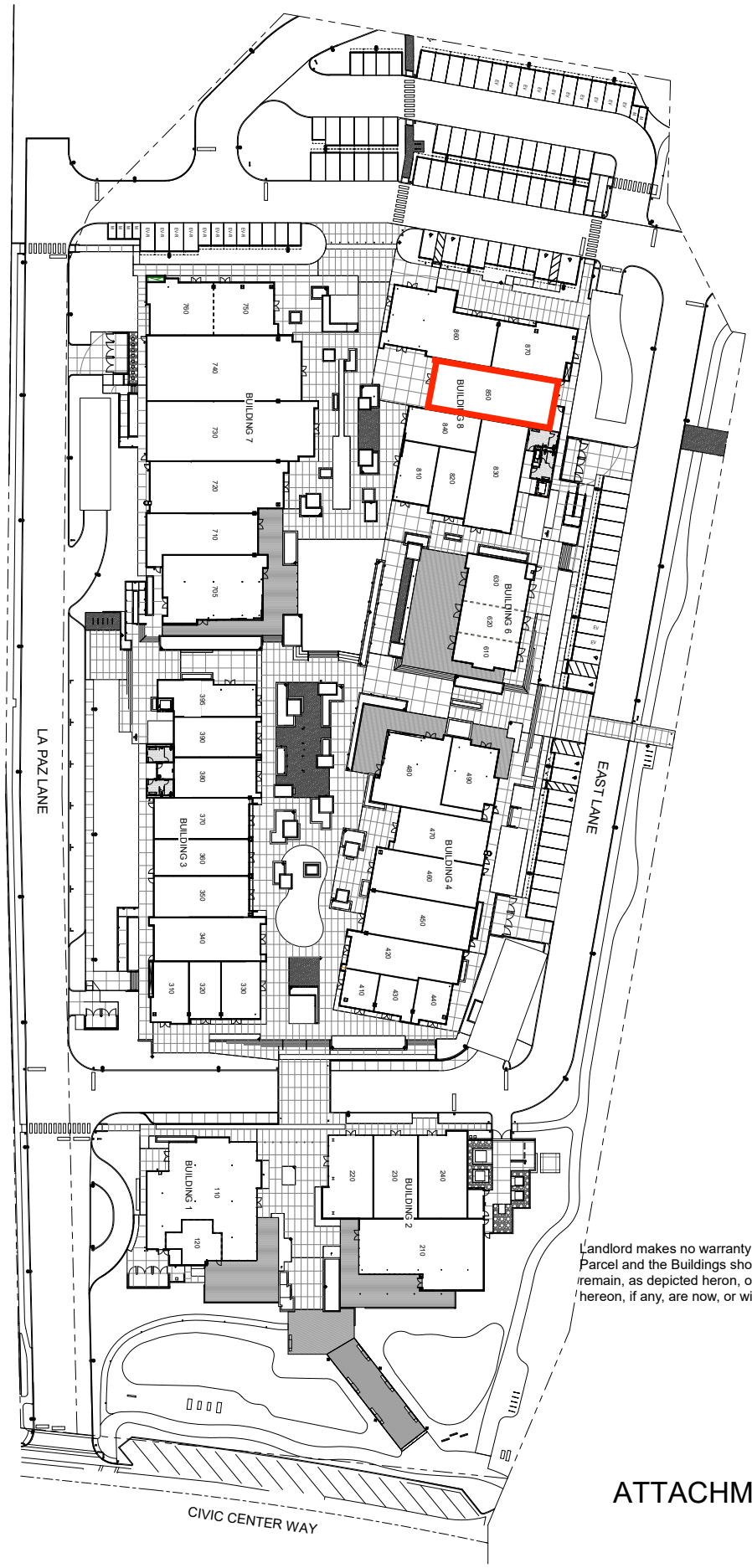
111,489 SF Total

April 8, 2026

Tenant Space	Business Name	# of stores World	Leasable SF	Exempt Retail	Settlement Agreement Formula Retail - 20%	Settlement Agreement Formula RSF	Settlement Agreement Formula as GLA %	Formula Retail Ordinance - 30%	Formula Retail Ordinance RSF	Formula Retail Ordinance as GLA %
110	KITH	10+	3,996		Yes	3,996	3.58%	No	-	0.00%
120	KITH Treats	10+	719		Yes	719	0.64%	No	-	0.00%
210	Clark's Oyster Bar	6	3,016		No	-	0.00%	No	-	0.00%
220			1,476			-	0.00%		-	0.00%
230	WGACA	3	1,441		No	-	0.00%	No	-	0.00%
240			1,606			-	0.00%		-	0.00%
310	Sunroom	1	870		No	-	0.00%	No	-	0.00%
320			714			-	0.00%		-	0.00%
330	Frankies Bikinis	7	863		No	-	0.00%	No	-	0.00%
340			1,850			-	0.00%		-	0.00%
350	Brandy Melville	10+	1,525		No	-	0.00%	Yes	1,525	1.37%
360	Le Labo	10+	1,354		Yes	1,354	1.21%		-	0.00%
370	The Shop by Wheat	10+	1,520		No	-	0.00%	Yes	1,520	1.36%
380	Guest in Residence	2	1,293		No	-	0.00%	No	-	0.00%
390			1,294			-	0.00%		-	0.00%
395	Ray-Ban	10+	1,190		Yes	1,190	1.07%		-	0.00%
410	Chit Chat Coffee + Matcha	2	510		No	-	0.00%	No	-	0.00%
420	The Great	9	1,587			-	0.00%	No	-	0.00%
430	California Incline	1	581		No	-	0.00%	No	-	0.00%
440			593			-	0.00%		-	0.00%
450	Zadig & Voltaire	10+	1,805		Yes	1,805	1.62%	No	-	0.00%
460	Frame	10+	1,808		Yes	1,808	1.62%	No	-	0.00%
470	Malbon	10+	1,573		No	-	0.00%	Yes	1,573	1.41%
480			2,029			-	0.00%		-	0.00%
490			1,279			-	0.00%		-	0.00%
610 - 630	RH	10+	2,613		No	-	0.00%	Yes	2,613	2.34%
705	Pura Vida Miami	10+	2,469		Yes	2,469	2.21%	No	-	0.00%
710	Jenni Kayne	10+	1,857		Yes	1,857	1.67%	No	-	0.00%
720			2,657			-	0.00%		-	0.00%
730			3,866			-	0.00%		-	0.00%
740			3,897			-	0.00%		-	0.00%
750 - 760	Wally's	3	2,580		No	-	0.00%	No	-	0.00%
810 - 820	Velvet**	10	1,816		No	-	0.00%	Yes	1,816	1.63%
830	Be Kind Studios	3	1,994		No	-	0.00%	No	-	0.00%
840			982			-	0.00%		-	0.00%
850	Birkenstock	10+	2,528		No	-	0.00%	Yes	2,528	2.27%
860	Madhappy	7	2,382		No	-	0.00%	No	-	0.00%
870	Alexander Design Workshop	0	1,501		No	-	0.00%	No	-	0.00%
Building 9	Industrious*	n/a	15,590		No	-	0.00%	No	-	0.00%
Building 10			15,598			-	0.00%		-	0.00%
Building 11			10,524			-	0.00%		-	0.00%
Storage, Restrooms, etc			2,143			-	0.00%		-	0.00%
			111,489			15,198	13.63%		11,575	10.38%

Total SF	**111,489**
Exempt SF	-
Non-Exempt SF	111,489
Percent Settlement Agreement Formula Retail Allowed	20%
Allowed Settlement Agreement Formula Retail	22,298
Current Settlement Agreement Formula Retail	15,198
Percent Formula Retail Ordinance Allowed	30%
Allowed Formula Retail Ordinance	33,447
Current Formula Retail Ordinance	11,575

ATTACHMENT 2



Landlord makes no warranty or representation that the Retail Parcel and the Buildings shown on this site plan will be, or will remain, as depicted heron, or that the tenant spaces shown hereon, if any, are now, or will be, located within the Retail Parcel.

ATTACHMENT 3

N

Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 3.B.2.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Adriana Peralta, 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: April 9, 2026 Meeting date: April 20, 2026

Subject: Formula Retail Clearance No. 26-002 - Cross Creek Ranch Shopping Center

Location: 23465 Civic Center Way, Units 610 – 630
APN: 4458-022-032
Owner: Cross Creek Ranch Malibu, LLC
Tenant: Restoration Hardware, Inc.

RECOMMENDED ACTION: Receive and file the Community Development Director's report on Formula Retail Clearance (FRC) No. 26-002 (Attachment 1).

DISCUSSION: This agenda item is for informational and reporting purposes only. In March 2018, the City Council adopted Ordinance No. 431(a) regulating formula retail in commercial shopping centers. The Ordinance went into effect on April 12, 2018, establishing Malibu Municipal Code (MMC) Chapter 17.61 (Formula Retail Clearance).

The ordinance sets forth a ministerial[1] process by which a tenant with a non-exempt formula retail business receives approval from the Community Development Director to locate within a shopping center. MMC Section 17.61.030(C) states that all FRCs approved by the Community Development Director shall be noticed and reported to the Planning Commission within 30 days of issuance, and that the approval shall become final two days after the clearance is reported to the Commission, unless rescinded by the Director.

[1] A ministerial process is one in which there is no discretion on the part of the decision-maker in the application of the standards.

On August 14, 2023, Cross Creek Ranch Malibu, LLC (CCRM) and the City of Malibu (City) entered into a Settlement Agreement. Under the Settlement Agreement, Cross Creek Ranch is to be subject to the City's Formula Retail Ordinance — except that Cross Creek Ranch was able to open additional formula retail establishments beyond those allowed under the Formula Retail Ordinance if, among other requirements: (1) they submit the application before August 14, 2024, (2) the proposed tenant does not have 10 or more locations in the counties of Los Angeles, Orange and Ventura, (3) the proposed location does not exceed 4,000 sq ft (except up to 3 locations may be sized at 5,000 sq ft or less), (4) the proposed location will not cause more than 60% of the ground floor to constitute non-exempt formula retail businesses, and (5) the proposed location will not cause more than 20% of the gross floor area of the shopping center to constitute non-exempt formula retail that has not obtained a formula retail clearance under the City's Formula Retail Ordinance. As shown in Table 1, the businesses which were approved prior to August 14, 2024, were authorized under the settlement agreement.

MMC Section 17.61.020 – Applicability

A FRC is required for new formula retail establishments or existing formula retail establishments that relocate to a new tenant space or expand by 200 square feet or more of gross floor area[2] (GFA), except for the following which are exempt:

1. Grocery
2. Drug stores/pharmacies
3. Gas stations
4. Banks and financial services
5. Real estate offices
6. Movie theaters
7. Postal services offices
8. Medical offices

The subject FRC is for Restoration Hardware, a retail furniture store, which is a non-exempt use. Furthermore, Restoration Hardware currently has over 70 locations worldwide.

MMC Section 17.61.030(B) – FRC Criteria for Issuance

The Community Development Director shall issue an FRC if the formula retail use complies with the following requirements:

[2] Gross floor area (GFA) means the sum of the gross horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six feet.

1. *The location does not exceed 4,000 square feet of gross floor area*. The proposed tenant space is 2,613 square feet of gross floor area, which complies with this requirement.

2. *Issuing the FRC will not result in (a) non-exempt formula retail establishments occupying more than 30 percent of the total gross floor area of a shopping center excluding the floor area occupied by exempt formula retail defined in MMC Section 17.66.020(A)(1)-(8) only; or (b) where the shopping center is more than one floor, non-exempt formula retail establishments occupying more than 40 percent of the total gross floor area of the ground floor of the shopping center, excluding the floor area occupied by exempt formula retail defined in MMC Section 17.61.020(A)(18).*

   The ordinance provides the following formula:

(Gross floor area - floor area of exempt formula retail)	X 0.30 =	Allowable non-exempt formula retail
	X 0.70 =	Required non-formula retail

   The Cross Creek Ranch shopping center has 10 buildings comprised of both one- and two-stories, totaling 111,489 square feet of total gross floor area (GFA). Therefore, the calculations have been evaluated under the formulas of both (a) and (b) as follows:

Table 1 **Cross Creek Ranch Shopping Center – Compliance Table** **Proposed 2,613 sq. ft. Non-exempt Tenant (Units 610-630)**		
(a) Overall Shopping Center		
Total GFA of existing shopping center	1st floor: 90,303 sq. ft. 2nd floor: 21,186 sq. ft. Total: 111,489 sq. ft.	
Total exempt formula retail	*0 sq. ft.	
30% Calculation	Total: 111,489 sq. ft. Exempt: - 0 sq. ft. 111,489 sq. ft. Allowable: 111,489 sq. ft. x .30 = **33,446.70 sq. ft.**	
Non-exempt formula retail GFA		
Tenant (Suite No.)	Square Footage	
Brandy Melville (350)	1,525	*Proposed on 4/20/2026*
The Shop By Wheat (370)	1,520	*Proposed on 4/20/2026*
Malbon (470)	1,573	*Proposed on 4/20/2026*
Restoration Hardware (610-630)	**---- SUBJECT APPLICATION ---2,613**	***Proposed on 4/20/2026***
Velvet (810-820)	1,816	*"Grown into FRC"*
Birkenstock (850)	2,528	*Proposed on 4/20/2026*
KITH (110)	3,996	**Approved on 2/20/2024*
KITH Treats (120)	719	**Approved on 2/13/2024*
Le Labo (360)	1,354	**Approved on 2/14/2024*
Ray-Ban (395)	1,190	**Approved on 2/14/2024*
Zadig & Voltaire (450)	1,805	*Approved on 9/10/2024*
Frame 460)	1,808	*Approved on 9/10/2024*
Pura Vida Miami (705)	2,469	**Approved on 4/15/2024*
Jenni Kayne (710)	1,857	*Approved on 9/10/2024*
TOTAL	**17,811**	*Complies (less than 33,466 sq. ft)*
**Approved prior to August 14, 2024 per the settlement agreement.*		

PUBLIC NOTICE: This item was posted on the April 20, 2026, Regular Planning Commission Meeting agenda.

ATTACHMENTS:

1. FRC No. 26-002 Application
2. Tenant List
3. Site Plan

FRC No. 26-002

City of Malibu

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

FORMULA RETAIL CLEARANCE APPLICATION

The City of Malibu will not accept incomplete applications

General Information

PROPERTY ADDRESS: 23465 Civic Center Way, Malibu CA 90265 **Unit #** Building 6 - 610,620,6

BUSINESS NAME: RH, Inc (formerly known as Restoration Hardware)

APPLICANT / CONTACT: First: Tierney **Last:** Mauge

APPLICANT ADDRESS: [redacted] **CITY:** Santa Monica **STATE:** CA **ZIP:** 90401

APPLICANT PHONE #: [redacted] **APPLICANT EMAIL:** tmauge@pacequity.com

PROPERTY OWNER: Cross Creek Ranch Malibu, LLC

Fees

❑ **Formula Retail Clearance** $_____

Formula Retail

1. **DOES THE PROPOSED RETAIL SERVICE CURRENTLY HAVE 10 OR MORE OPERATIONAL RETAIL ESTABLISHMENTS WORLDWIDE AND MAINTAIN TWO OR MORE OF THE FOLLOWING FEATURES LISTED BELOW?** ☑ YES ☐ NO

   If yes, circle the applicable feature below.

   a. Standardized array of merchandise or menu
   b. Standardized color scheme
   c. Standardized décor
   d. Standardized signage
   e. Standardized layout
   f. Standardized signage, service mark or trademark
   g. Uniform apparel

2. **WILL THE PROPOSED LOCATION EXCEED 4,000 SQUARE FEET OF GROSS FLOOR AREA?**

   ❐ YES ■ NO

3. **PROPOSED BUSINESS:** ■ NEW BUSINESS ❐ OTHER: _____

4. **BUSINESS DESCRIPTION (PROVIDE ADDITIONAL PAGES IF NECESSARY):**

   _____
   _____
   _____
   _____

ATTACHMENT 1

5. **TOTAL GROSS FLOOR AREA OF SHOPPING CENTER:** 111,489 sf

6. **PROPOSED FLOOR AREA:** 2,613 sf

***ISSUING THE FRC WILL *NOT RESULT IN (A)* NON-EXEMPT FORMULA RETAIL ESTABLISHMENTS OCCUPYING MORE THAN 30 PERCENT OF THE TOTAL GROSS FLOOR ARE OF A SHOPPING CENTER EXCLUDING THE FLOOR AREA OCCUPIED BY EXEMPT FORMULA RETAIL DEFINED IN 17.66.020(A)(1)-(8) ONLY, OR (B), WHERE THE SHOPPING CENTER IS MORE THAN ONE FLOOR, NON-EXEMPT FORMULA RETAIL ESTABLISHMENTS OCCUPY MORE THAN 40 PERCENT OF TOTAL GROSS FLOOR AREA OF THE GROUND FLOOR OF THE SHOPPING CENTER.**

REPORT TO PLANNING COMMISSION

All formula retail clearances approved by the Planning Director shall be noticed and reported to the Planning Commission within 30 days of issuance. Such report shall include all calculations and descriptions of businesses used in making the determination. The approval shall become final two days after the clearance is reported to the Planning Commission, unless rescinded by the Planning Director.

ADDITIONAL PERMITS

Approval of this Formula Retail Clearance is to clear the tenant space to be occupied by a formula retail establishment. It does not eliminate the need for other permits, licenses, or certificates required. Additional permits may be required (e.g., Health Permit, Certificate of Occupancy, 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.

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
		1/15/26

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: 1/15/26

Staff Use Only

FORMULA RETAIL CALCULATION

PROPOSED FORMULA RETAIL FLOOR AREA: 2,613

EXEMPT FORMULA RETAIL FLOOR AREA: 0

SHOPPING CENTER **TOTAL** GROSS FLOOR AREA: **1st FLOOR:** 90,303 **2nd FLOOR:** 21,186 **TOTAL:** 111,489

TOTAL GFA: 111,489 - 0 **EXEMPT FORMULA RETAIL =** 111,489

111,489 **x 30% =** 33,446 **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): 11,575 **COMPLIES** ■ YES ❒ NO

SHOPPING CENTER - GROSS FLOOR AREA OF **FIRST FLOOR:**

TOTAL GFA FIRST FLOOR: _____ - _____ **EXEMPT FORMULA RETAIL =** _____

_____ **x 40% =** _____ **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): _____ **COMPLIES** ❒ YES ❒ NO

Approved FRC: Adriana Peralta **Date:** 03/26/2026
Planning Staff

NOT Approved for FRC: _____ **Date:** _____
Planning Staff

Reason not approved or additional information required:

Cross Creek Ranch

23465 Civic Center Way, Malibu, CA 90265

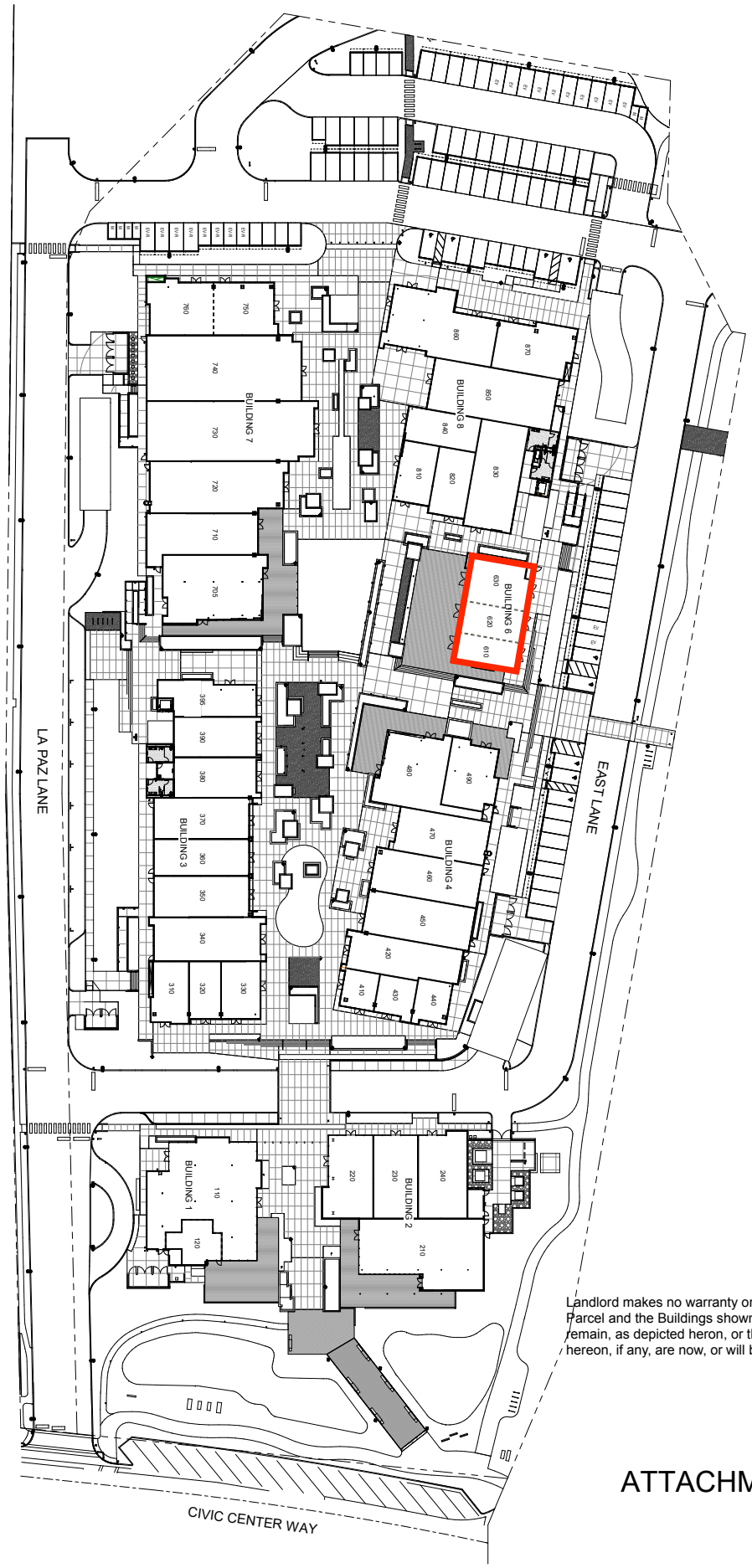
111,489 SF Total

April 8, 2026

Tenant Space	Business Name	# of stores World	Leasable SF	Exempt Retail	Settlement Agreement Formula Retail - 20%	Settlement Agreement Formula RSF	Settlement Agreement Formula as GLA %	Formula Retail Ordinance - 30%	Formula Retail Ordinance RSF	Formula Retail Ordinance as GLA %
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Current Settlement Agreement Formula Retail	15,198
Percent Formula Retail Ordinance Allowed	30%
Allowed Formula Retail Ordinance	33,447
Current Formula Retail Ordinance	11,575

ATTACHMENT 2



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ATTACHMENT 3

Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 3.B.3.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Adriana Peralta, 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: April 9, 2026 Meeting date: April 20, 2026

Subject: Formula Retail Clearance No. 26-003 – Cross Creek Ranch Shopping Center

Location: 23465 Civic Center Way, Unit 350
APN: 4458-022-032
Owner: Cross Creek Ranch Malibu, LLC
Tenant: Brandy Melville

RECOMMENDED ACTION: Receive and file the Community Development Director's report on Formula Retail Clearance (FRC) No. 26-003 (Attachment 1).

DISCUSSION: This agenda item is for informational and reporting purposes only. In March 2018, the City Council adopted Ordinance No. 431(a) regulating formula retail in commercial shopping centers. The Ordinance went into effect on April 12, 2018, establishing Malibu Municipal Code (MMC) Chapter 17.61 (Formula Retail Clearance).

The ordinance sets forth a ministerial[1] process by which a tenant with a non-exempt formula retail business receives approval from the Community Development Director to locate within a shopping center. MMC Section 17.61.030(C) states that all FRCs approved by the Community Development Director shall be noticed and reported to the Planning Commission within 30 days of issuance, and that the approval shall become final two days after the clearance is reported to the Commission, unless rescinded by the Director.

[1] A ministerial process is one in which there is no discretion on the part of the decision-maker in the application of the standards.

On August 14, 2023, Cross Creek Ranch Malibu, LLC (CCRM) and the City of Malibu (City) entered into a Settlement Agreement. Under the Settlement Agreement, Cross Creek Ranch is to be subject to the City's Formula Retail Ordinance — except that Cross Creek Ranch was able to open additional formula retail establishments beyond those allowed under the Formula Retail Ordinance if, among other requirements: (1) they submit the application before August 14, 2024, (2) the proposed tenant does not have 10 or more locations in the counties of Los Angeles, Orange and Ventura, (3) the proposed location does not exceed 4,000 sq ft (except up to 3 locations may be sized at 5,000 sq ft or less), (4) the proposed location will not cause more than 60% of the ground floor to constitute non-exempt formula retail businesses, and (5) the proposed location will not cause more than 20% of the gross floor area of the shopping center to constitute non-exempt formula retail that has not obtained a formula retail clearance under the City's Formula Retail Ordinance. As shown in Table 1, the businesses which were approved prior to August 14, 2024, were authorized under the settlement agreement.

MMC Section 17.61.020 – Applicability

An FRC is required for new Formula Retail establishments or existing Formula Retail establishments that relocate to a new tenant space or expand by 200 square feet or more of gross floor area[2] (GFA), except for the following which are exempt:

1. Grocery
2. Drug stores/pharmacies
3. Gas stations
4. Banks and financial services
5. Real estate offices
6. Movie theaters
7. Postal services offices
8. Medical offices

The subject FRC is for Brandy Melville, a retail clothing store, which is a non-exempt use. Furthermore, Brandy Melville currently has over 100 locations worldwide.

MMC Section 17.61.030(B) – FRC Criteria for Issuance

The Community Development Director shall issue an FRC if the Formula Retail use complies with the following requirements:

[2] Gross floor area (GFA) means the sum of the gross horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six feet.

1. *The location does not exceed 4,000 square feet of gross floor area.* The proposed tenant space is 1,525 square feet of gross floor area, which complies with this requirement.

2. *Issuing the FRC will not result in (a) non-exempt formula retail establishments occupying more than 30 percent of the total gross floor area of a shopping center excluding the floor area occupied by exempt formula retail defined in MMC Section 17.61.020(A)(1-8) only; or (b) where the shopping center is more than one floor, non-exempt Formula Retail establishments occupying more than 40 percent of the total gross floor area of the ground floor of the shopping center, excluding the floor area occupied by exempt formula retail defined in MMC Section 17.61.020(A)(1-8).*

   The ordinance provides the following formula:

(Gross floor area - floor area of exempt formula retail)	X 0.30 =	Allowable non-exempt formula retail
	X 0.70 =	Required non-formula retail

   The Cross Creek Ranch shopping center has 10 buildings comprised of both one- and two-stories, and over 37 units, totaling 111,489 square feet of total gross floor area (GFA). Therefore, the calculations have been evaluated under the formulas of both (a) and (b) as follows:

Table 1
Cross Creek Ranch Shopping Center – Compliance Table
Proposed 1,525 sq. ft. Non-exempt Tenant (Unit 350)

(a) Overall Shopping Center		
Total GFA of existing shopping center	1st floor: 90,303 sq. ft. 2nd floor: 21,186 sq. ft. Total: 111,489 sq. ft.	
Total exempt formula retail	*0 sq. ft.	
30% Calculation	Total: 111,489 sq. ft. Exempt: - 0 sq. ft. 111,489 sq. ft. Allowable: 111,489 sq. ft. x .30 = **33,446.70 sq. ft.**	

Non-exempt formula retail GFA		
Tenant (Suite No.)	Square Footage	
Brandy Melville (350)	**---- SUBJECT APPLICATION ---1,525**	***Proposed on 4/20/2026***
The Shop By Wheat (370)	1,520	*Proposed on 4/20/2026*
Malbon (470)	1,573	*Proposed on 4/20/2026*
Restoration Hardware (610-630)	2,613	*Proposed on 4/20/2026*
Velvet (810-820)	1,816	*"Grown into FRC"*
Birkenstock (850)	2,528	**Proposed on 4/20/2026*
KITH (110)	3,996	**Approved on 2/20/2024*
KITH Treats (120)	719	**Approved on 2/13/2024*
Le Labo (360)	1,354	**Approved on 2/14/2024*
Ray-Ban (395)	1,190	**Approved on 2/14/2024*
Zadig & Voltaire (450)	1,805	*Approved on 9/10/2024*
Frame 460)	1,808	*Approved on 9/10/2024*
Pura Vida Miami (705)	2,469	**Approved on 4/15/2024*
Jenni Kayne (710)	1,857	*Approved on 9/10/2024*
TOTAL	**17,811**	*Complies (less than 33,466 sq. ft)*

**Approved prior to August 14, 2024 per the settlement agreement.*

PUBLIC NOTICE: This item was posted on the April 20, 2026, Regular Planning Commission Meeting agenda.

ATTACHMENTS:

1. FRC No. 26-003 Application
2. Tenant List
3. Site Plan

FRC No. 26-003

City of Malibu

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

FORMULA RETAIL CLEARANCE APPLICATION

The City of Malibu will not accept incomplete applications

General Information

PROPERTY ADDRESS: 23465 Civic Center Way, Malibu, CA 90265 **Unit #** Suite 350

BUSINESS NAME: Bastiat Malibu Two, Inc. (Brandy Melville)

APPLICANT / CONTACT: First: Tierney **Last:** Mauge

APPLICANT ADDRESS: [redacted] : Santa Monica **STATE:** CA **ZIP:** 90401

APPLICANT PHONE #: [redacted] **APPLICANT EMAIL:** tmauge@pacequity.com

PROPERTY OWNER: Cross Creek Ranch Malibu, LLC

Fees

❑ **Formula Retail Clearance** $_____

Formula Retail

1. **DOES THE PROPOSED RETAIL SERVICE CURRENTLY HAVE 10 OR MORE OPERATIONAL RETAIL ESTABLISHMENTS WORLDWIDE AND MAINTAIN TWO OR MORE OF THE FOLLOWING FEATURES LISTED BELOW?** ☑ YES ☐ NO

   If yes, circle the applicable feature below.

   a. Standardized array of merchandise or menu
   b. Standardized color scheme
   c. Standardized décor
   d. Standardized signage
   e. Standardized layout
   f. Standardized signage, service mark or trademark
   g. Uniform apparel

2. **WILL THE PROPOSED LOCATION EXCEED 4,000 SQUARE FEET OF GROSS FLOOR AREA?**

   ❒ YES ■ NO

3. **PROPOSED BUSINESS:** ■ NEW BUSINESS ❒ OTHER: _____

4. **BUSINESS DESCRIPTION (PROVIDE ADDITIONAL PAGES IF NECESSARY):**
   Women's clothing and accessories retail store

ATTACHMENT 1

5. **TOTAL GROSS FLOOR AREA OF SHOPPING CENTER:** 111,489 sf

6. **PROPOSED FLOOR AREA:** 1,525 sf

***ISSUING THE FRC WILL *NOT RESULT IN (A)* NON-EXEMPT FORMULA RETAIL ESTABLISHMENTS OCCUPYING MORE THAN 30 PERCENT OF THE TOTAL GROSS FLOOR ARE OF A SHOPPING CENTER EXCLUDING THE FLOOR AREA OCCUPIED BY EXEMPT FORMULA RETAIL DEFINED IN 17.66.020(A)(1)-(8) ONLY, OR (B), WHERE THE SHOPPING CENTER IS MORE THAN ONE FLOOR, NON-EXEMPT FORMULA RETAIL ESTABLISHMENTS OCCUPY MORE THAN 40 PERCENT OF TOTAL GROSS FLOOR AREA OF THE GROUND FLOOR OF THE SHOPPING CENTER.**

REPORT TO PLANNING COMMISSION

All formula retail clearances approved by the Planning Director shall be noticed and reported to the Planning Commission within 30 days of issuance. Such report shall include all calculations and descriptions of businesses used in making the determination. The approval shall become final two days after the clearance is reported to the Planning Commission, unless rescinded by the Planning Director.

ADDITIONAL PERMITS

Approval of this Formula Retail Clearance is to clear the tenant space to be occupied by a formula retail establishment. It does not eliminate the need for other permits, licenses, or certificates required. Additional permits may be required (e.g., Health Permit, Certificate of Occupancy, 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.

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
		1/15/26

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: 1/15/26

Staff Use Only

FORMULA RETAIL CALCULATION

PROPOSED FORMULA RETAIL FLOOR AREA: 1,525

EXEMPT FORMULA RETAIL FLOOR AREA: 0

SHOPPING CENTER **TOTAL** GROSS FLOOR AREA: **1st FLOOR:** 90,303 **2nd FLOOR:** 21,186 **TOTAL:** 111,489

TOTAL GFA: 111,489 - 0 **EXEMPT FORMULA RETAIL =** 111,489

111,489 **x 30% =** 33,446 **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): 11,575 **COMPLIES** ■ YES ❒ NO

SHOPPING CENTER - GROSS FLOOR AREA OF **FIRST FLOOR:**

TOTAL GFA FIRST FLOOR: _____ - _____ **EXEMPT FORMULA RETAIL =** _____

_____ **x 40% =** _____ **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): _____ **COMPLIES** ❒ YES ❒ NO

Approved FRC: Adriana Peralta — Date: 03/26/2026
Planning Staff

NOT Approved for FRC: _____ — Date: _____
Planning Staff

Reason not approved or additional information required:

_____

_____

_____

Cross Creek Ranch

23465 Civic Center Way, Malibu, CA 90265

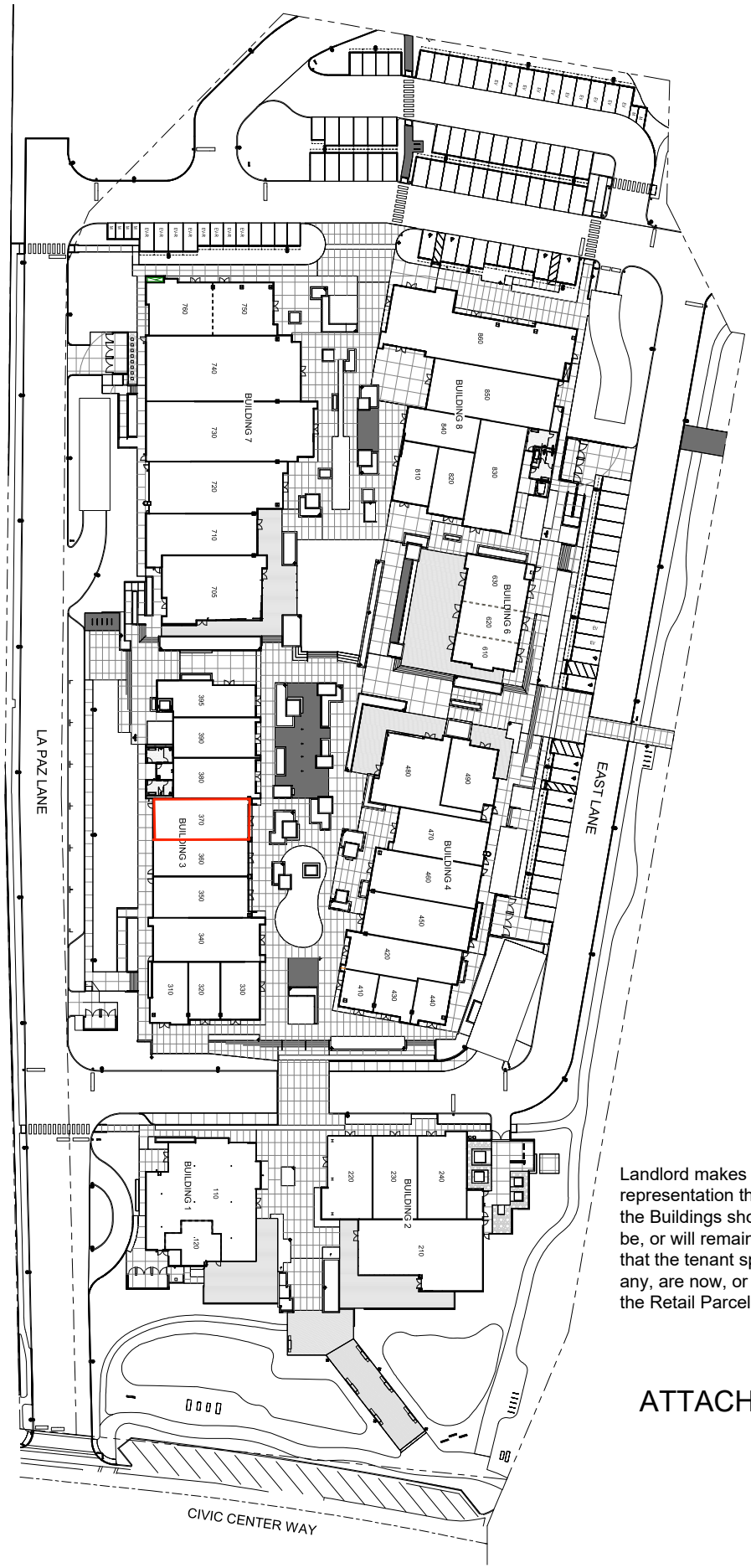
111,489 SF Total

April 8, 2026

Tenant Space	Business Name	# of stores World	Leasable SF	Exempt Retail	Settlement Agreement Formula Retail - 20%	Settlement Agreement Formula RSF	Settlement Agreement Formula as GLA %	Formula Retail Ordinance - 30%	Formula Retail Ordinance RSF	Formula Retail Ordinance as GLA %
110	KITH	10+	3,996		Yes	3,996	3.58%	No	-	0.00%
120	KITH Treats	10+	719		Yes	719	0.64%	No	-	0.00%
210	Clark's Oyster Bar	6	3,016		No	-	0.00%	No	-	0.00%
220			1,476			-	0.00%		-	0.00%
230	WGACA	3	1,441		No	-	0.00%	No	-	0.00%
240			1,606			-	0.00%		-	0.00%
310	Sunroom	1	870		No	-	0.00%	No	-	0.00%
320			714			-	0.00%		-	0.00%
330	Frankies Bikinis	7	863		No	-	0.00%	No	-	0.00%
340			1,850			-	0.00%		-	0.00%
350	Brandy Melville	10+	1,525		No	-	0.00%	Yes	1,525	1.37%
360	Le Labo	10+	1,354		Yes	1,354	1.21%		-	0.00%
370	The Shop by Wheat	10+	1,520		No	-	0.00%	Yes	1,520	1.36%
380	Guest in Residence	2	1,293		No	-	0.00%	No	-	0.00%
390			1,294			-	0.00%		-	0.00%
395	Ray-Ban	10+	1,190		Yes	1,190	1.07%		-	0.00%
410	Chit Chat Coffee + Matcha	2	510		No	-	0.00%	No	-	0.00%
420	The Great	9	1,587			-	0.00%	No	-	0.00%
430	California Incline	1	581		No	-	0.00%	No	-	0.00%
440			593			-	0.00%		-	0.00%
450	Zadig & Voltaire	10+	1,805		Yes	1,805	1.62%	No	-	0.00%
460	Frame	10+	1,808		Yes	1,808	1.62%	No	-	0.00%
470	Malbon	10+	1,573		No	-	0.00%	Yes	1,573	1.41%
480			2,029			-	0.00%		-	0.00%
490			1,279			-	0.00%		-	0.00%
610 - 630	RH	10+	2,613		No	-	0.00%	Yes	2,613	2.34%
705	Pura Vida Miami	10+	2,469		Yes	2,469	2.21%	No	-	0.00%
710	Jenni Kayne	10+	1,857		Yes	1,857	1.67%	No	-	0.00%
720			2,657			-	0.00%		-	0.00%
730			3,866			-	0.00%		-	0.00%
740			3,897			-	0.00%		-	0.00%
750 - 760	Wally's	3	2,580		No	-	0.00%	No	-	0.00%
810 - 820	Velvet**	10	1,816		No	-	0.00%	Yes	1,816	1.63%
830	Be Kind Studios	3	1,994		No	-	0.00%	No	-	0.00%
840			982			-	0.00%		-	0.00%
850	Birkenstock	10+	2,528		No	-	0.00%	Yes	2,528	2.27%
860	Madhappy	7	2,382		No	-	0.00%	No	-	0.00%
870	Alexander Design Workshop	0	1,501		No	-	0.00%	No	-	0.00%
Building 9	Industrious*	n/a	15,590		No	-	0.00%	No	-	0.00%
Building 10			15,598			-	0.00%		-	0.00%
Building 11			10,524			-	0.00%		-	0.00%
Storage, Restrooms, etc			2,143			-	0.00%		-	0.00%
			111,489			15,198	13.63%		11,575	10.38%

Total SF	**111,489**
Exempt SF	-
Non-Exempt SF	111,489
Percent Settlement Agreement Formula Retail Allowed	20%
Allowed Settlement Agreement Formula Retail	22,298
Current Settlement Agreement Formula Retail	15,198
Percent Formula Retail Ordinance Allowed	30%
Allowed Formula Retail Ordinance	33,447
Current Formula Retail Ordinance	11,575

ATTACHMENT 2



Landlord makes no warranty or representation that the Retail Parcel and the Buildings shown on this site plan will be, or will remain, as depicted heron, or that the tenant spaces shown hereon, if any, are now, or will be, located within the Retail Parcel.

ATTACHMENT 3

Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 3.B.4.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Adriana Peralta, 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: April 9, 2026 Meeting date: April 20, 2026

Subject: Formula Retail Clearance No. 26-004 – Cross Creek Ranch Shopping Center

Location: 23465 Civic Center Way, Unit 470
APN: 4458-022-032
Owner: Cross Creek Ranch Malibu, LLC
Tenant: Malbon Golf

RECOMMENDED ACTION: Receive and file the Community Development Director's report on Formula Retail Clearance (FRC) No. 26-004 (Attachment 1).

DISCUSSION: This agenda item is for informational and reporting purposes only. In March 2018, the City Council adopted Ordinance No. 431(a) regulating formula retail in commercial shopping centers. The Ordinance went into effect on April 12, 2018, establishing Malibu Municipal Code (MMC) Chapter 17.61 (Formula Retail Clearance).

The ordinance sets forth a ministerial[1] process by which a tenant with a non-exempt formula retail business receives approval from the Community Development Director to locate within a shopping center. MMC Section 17.61.030(C) states that all FRCs approved by the Community Development Director shall be noticed and reported to the Planning Commission within 30 days of issuance, and that the approval shall become final two days after the clearance is reported to the Commission, unless rescinded by the Director.

[1] A ministerial process is one in which there is no discretion on the part of the decision-maker in the application of the standards.

On August 14, 2023, Cross Creek Ranch Malibu, LLC (CCRM) and the City of Malibu (City) entered into a Settlement Agreement. Under the Settlement Agreement, Cross Creek Ranch is to be subject to the City's Formula Retail Ordinance — except that Cross Creek Ranch was able to open additional formula retail establishments beyond those allowed under the Formula Retail Ordinance if, among other requirements: (1) they submit the application before August 14, 2024, (2) the proposed tenant does not have 10 or more locations in the counties of Los Angeles, Orange and Ventura, (3) the proposed location does not exceed 4,000 sq ft (except up to 3 locations may be sized at 5,000 sq ft or less), (4) the proposed location will not cause more than 60% of the ground floor to constitute non-exempt formula retail businesses, and (5) the proposed location will not cause more than 20% of the gross floor area of the shopping center to constitute non-exempt formula retail that has not obtained a formula retail clearance under the City's Formula Retail Ordinance. As shown in Table 1, the businesses which were approved prior to August 14, 2024, were authorized under the settlement agreement.

MMC Section 17.61.020 – Applicability

An FRC is required for new Formula Retail establishments or existing Formula Retail establishments that relocate to a new tenant space or expand by 200 square feet or more of gross floor area[2] (GFA), except for the following which are exempt:

1. Grocery
2. Drug stores/pharmacies
3. Gas stations
4. Banks and financial services
5. Real estate offices
6. Movie theaters
7. Postal services offices
8. Medical offices

The subject FRC is for Malbon Golf, a retail golf store, which is a non-exempt use. Furthermore, Malbon Golf currently has nine (9) locations worldwide, listed below:

- Los Angeles, California;
- New York, New York;
- Carmel-by-the-Sea, California;
- Miami, Florida;
- Scottsdale, Arizona;
- Chicago, Illinois;
- Washington, District of Columbia;

[2] Gross floor area (GFA) means the sum of the gross horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six feet.

- Houston, Texas; and
- Bonifacio Global City, Philippines.

The proposed location in Malibu, CA will be the tenth (10th) location worldwide. Staff processed this Formula Retail Clearance out of an abundance of caution given the fact that Malbon Golf has future locations in the pipeline.

MMC Section 17.61.030(B) – FRC Criteria for Issuance

The Community Development Director shall issue an FRC if the Formula Retail use complies with the following requirements:

1. *The location does not exceed 4,000 square feet of gross floor area.* The proposed tenant space is 1,573 square feet of gross floor area, which complies with this requirement.

2. *Issuing the FRC will not result in (a) non-exempt formula retail establishments occupying more than 30 percent of the total gross floor area of a shopping center excluding the floor area occupied by exempt formula retail defined in MMC Section 17.61.020(A)(1-8) only; or (b) where the shopping center is more than one floor, non-exempt Formula Retail establishments occupying more than 40 percent of the total gross floor area of the ground floor of the shopping center, excluding the floor area occupied by exempt formula retail defined in MMC Section 17.61.020(A)(1-8).*

   The ordinance provides the following formula:

(Gross floor area - floor area of exempt formula retail)	X 0.30 =	Allowable non-exempt formula retail
	X 0.70 =	Required non-formula retail

   The Cross Creek Ranch shopping center has 10 buildings comprised of both one- and two-stories, and over 37 units, totaling 111,489 square feet of total gross floor area (GFA). Therefore, the calculations have been evaluated under the formulas of both (a) and (b) as follows:

Table 1 **Cross Creek Ranch Shopping Center – Compliance Table** **Proposed 1,573 sq. ft. Non-exempt Tenant (Unit 470)**		
(a) Overall Shopping Center		
Total GFA of existing shopping center	1st floor: 90,303 sq. ft. 2nd floor: 21,186 sq. ft. Total: 111,489 sq. ft.	
Total exempt formula retail	*0 sq. ft.	
30% Calculation	Total: 111,489 sq. ft. Exempt: - 0 sq. ft. 111,489 sq. ft. Allowable: 111,489 sq. ft. x .30 = **33,446.70 sq. ft.**	
Non-exempt formula retail GFA		
Tenant (Suite No.)	Square Footage	
Brandy Melville (350)	1,525	*Proposed on 4/20/2026*
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Malbon (470)	**---- SUBJECT APPLICATION ---1,573**	***Proposed on 4/20/2026***
Restoration Hardware (610-630)	2,613	*Proposed on 4/20/2026*
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TOTAL	**17,811**	*Complies (less than 33,466 sq. ft)*
**Approved prior to August 14, 2024 per the settlement agreement.*		

PUBLIC NOTICE: This item was posted on the April 20, 2026, Regular Planning Commission Meeting agenda.

ATTACHMENTS:

1. FRC No. 26-004 Application
2. Tenant List
3. Site Plan

FRC No. 26-004

City of Malibu

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

FORMULA RETAIL CLEARANCE APPLICATION

The City of Malibu will not accept incomplete applications

General Information

PROPERTY ADDRESS: 23465 Civic Center Way, Malibu, CA 90265 **Unit #** Suite 470

BUSINESS NAME: Malbon Golf

APPLICANT / CONTACT: First: Tierney **Last:** Mauge

APPLICANT ADDRESS: [redacted] **CITY:** Santa Monica **STATE:** CA **ZIP:** 90401

APPLICANT PHONE #: [redacted] **APPLICANT EMAIL:** tmauge@pacequity.com

PROPERTY OWNER: Cross Creek Ranch Malibu, LLC

Fees

❑ **Formula Retail Clearance** $_____

Formula Retail

1. **DOES THE PROPOSED RETAIL SERVICE CURRENTLY HAVE 10 OR MORE OPERATIONAL RETAIL ESTABLISHMENTS WORLDWIDE AND MAINTAIN TWO OR MORE OF THE FOLLOWING FEATURES LISTED BELOW?** ☑ YES ☐ NO

   If yes, circle the applicable feature below.

   a. Standardized array of merchandise or menu
   b. Standardized color scheme
   c. Standardized décor
   d. Standardized signage
   e. Standardized layout
   f. Standardized signage, service mark or trademark
   g. Uniform apparel

2. **WILL THE PROPOSED LOCATION EXCEED 4,000 SQUARE FEET OF GROSS FLOOR AREA?**

   ❒ YES ■ NO

3. **PROPOSED BUSINESS:** ■ NEW BUSINESS ❒ OTHER: _____

4. **BUSINESS DESCRIPTION (PROVIDE ADDITIONAL PAGES IF NECESSARY):**
   Apparel retail

5. **TOTAL GROSS FLOOR AREA OF SHOPPING CENTER:** 111,489 sf

6. **PROPOSED FLOOR AREA:** 1,573 sf

***ISSUING THE FRC WILL *NOT RESULT IN (A)* NON-EXEMPT FORMULA RETAIL ESTABLISHMENTS OCCUPYING MORE THAN 30 PERCENT OF THE TOTAL GROSS FLOOR ARE OF A SHOPPING CENTER EXCLUDING THE FLOOR AREA OCCUPIED BY EXEMPT FORMULA RETAIL DEFINED IN 17.66.020(A)(1)-(8) ONLY, OR (B), WHERE THE SHOPPING CENTER IS MORE THAN ONE FLOOR, NON-EXEMPT FORMULA RETAIL ESTABLISHMENTS OCCUPY MORE THAN 40 PERCENT OF TOTAL GROSS FLOOR AREA OF THE GROUND FLOOR OF THE SHOPPING CENTER.**

REPORT TO PLANNING COMMISSION

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ADDITIONAL PERMITS

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PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
		1/15/26

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: 1/15/26

Staff Use Only

FORMULA RETAIL CALCULATION

PROPOSED FORMULA RETAIL FLOOR AREA: 1,573

EXEMPT FORMULA RETAIL FLOOR AREA: 0

SHOPPING CENTER **TOTAL** GROSS FLOOR AREA: **1st FLOOR:** 90,303 **2nd FLOOR:** 21,186 **TOTAL:** 111,489

TOTAL GFA: 111,489 - 0 **EXEMPT FORMULA RETAIL =** 111,489

111,489 **x 30% =** 33,446 **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): 11,575 **COMPLIES** ■ YES ❒ NO

SHOPPING CENTER - GROSS FLOOR AREA OF **FIRST FLOOR:**

TOTAL GFA FIRST FLOOR: _____ - _____ **EXEMPT FORMULA RETAIL =** _____

_____ **x 40% =** _____ **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): _____ **COMPLIES** ❒ YES ❒ NO

Approved FRC: Adriana Peralta — Date: 03/26/2026
Planning Staff

NOT Approved for FRC: _____ — Date: _____
Planning Staff

Reason not approved or additional information required:

_____

_____

_____

Cross Creek Ranch

23465 Civic Center Way, Malibu, CA 90265

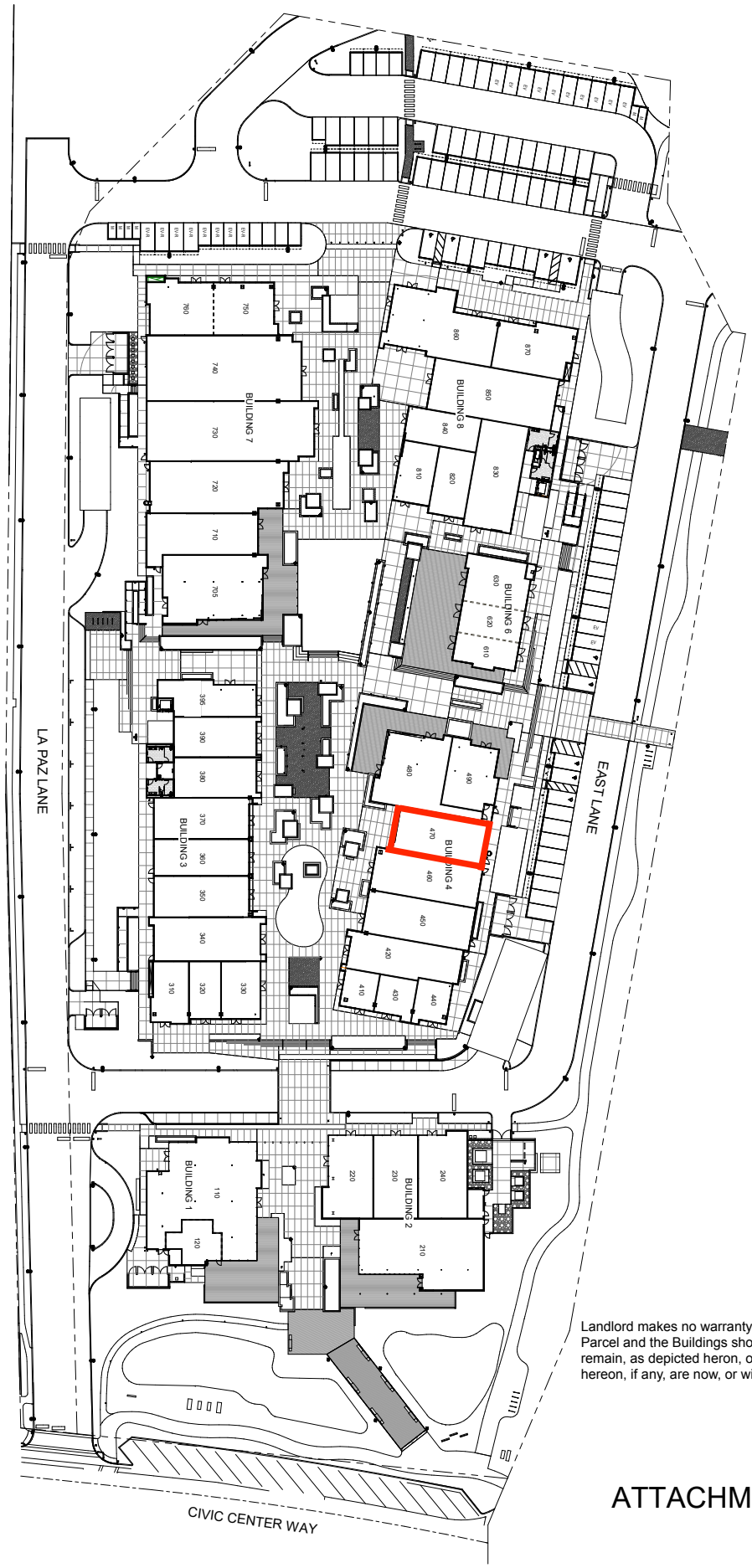
111,489 SF Total

April 8, 2026

Tenant Space	Business Name	# of stores World	Leasable SF	Exempt Retail	Settlement Agreement Formula Retail - 20%	Settlement Agreement Formula RSF	Settlement Agreement Formula as GLA %	Formula Retail Ordinance - 30%	Formula Retail Ordinance RSF	Formula Retail Ordinance as GLA %
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420	The Great	9	1,587			-	0.00%	No	-	0.00%
430	California Incline	1	581		No	-	0.00%	No	-	0.00%
440			593			-	0.00%		-	0.00%
450	Zadig & Voltaire	10+	1,805		Yes	1,805	1.62%	No	-	0.00%
460	Frame	10+	1,808		Yes	1,808	1.62%	No	-	0.00%
470	Malbon	10+	1,573		No	-	0.00%	Yes	1,573	1.41%
480			2,029			-	0.00%		-	0.00%
490			1,279			-	0.00%		-	0.00%
610 - 630	RH	10+	2,613		No	-	0.00%	Yes	2,613	2.34%
705	Pura Vida Miami	10+	2,469		Yes	2,469	2.21%	No	-	0.00%
710	Jenni Kayne	10+	1,857		Yes	1,857	1.67%	No	-	0.00%
720			2,657			-	0.00%		-	0.00%
730			3,866			-	0.00%		-	0.00%
740			3,897			-	0.00%		-	0.00%
750 - 760	Wally's	3	2,580		No	-	0.00%	No	-	0.00%
810 - 820	Velvet**	10	1,816		No	-	0.00%	Yes	1,816	1.63%
830	Be Kind Studios	3	1,994		No	-	0.00%	No	-	0.00%
840			982			-	0.00%		-	0.00%
850	Birkenstock	10+	2,528		No	-	0.00%	Yes	2,528	2.27%
860	Madhappy	7	2,382		No	-	0.00%	No	-	0.00%
870	Alexander Design Workshop	0	1,501		No	-	0.00%	No	-	0.00%
Building 9	Industrious*	n/a	15,590		No	-	0.00%	No	-	0.00%
Building 10			15,598			-	0.00%		-	0.00%
Building 11			10,524			-	0.00%		-	0.00%
Storage, Restrooms, etc			2,143			-	0.00%		-	0.00%
			111,489			15,198	13.63%		11,575	10.38%

Total SF	**111,489**
Exempt SF	-
Non-Exempt SF	111,489
Percent Settlement Agreement Formula Retail Allowed	20%
Allowed Settlement Agreement Formula Retail	22,298
Current Settlement Agreement Formula Retail	15,198
Percent Formula Retail Ordinance Allowed	30%
Allowed Formula Retail Ordinance	33,447
Current Formula Retail Ordinance	11,575

ATTACHMENT 2



Landlord makes no warranty or representation that the Retail Parcel and the Buildings shown on this site plan will be, or will remain, as depicted heron, or that the tenant spaces shown hereon, if any, are now, or will be, located within the Retail Parcel.

ATTACHMENT 3

Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 3.B.5.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Adriana Peralta, 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: April 9, 2026 Meeting date: April 20, 2026

Subject: Formula Retail Clearance No. 26-005 – Cross Creek Ranch Shopping Center

Location: 23465 Civic Center Way, Unit 370
APN: 4458-022-032
Owner: Cross Creek Ranch Malibu, LLC
Tenant: The Shop by Wheat

RECOMMENDED ACTION: Receive and file the Community Development Director's report on Formula Retail Clearance (FRC) No. 26-005 (Attachment 1).

DISCUSSION: This agenda item is for informational and reporting purposes only. In March 2018, the City Council adopted Ordinance No. 431(a) regulating formula retail in commercial shopping centers. The Ordinance went into effect on April 12, 2018, establishing Malibu Municipal Code (MMC) Chapter 17.61 (Formula Retail Clearance).

The ordinance sets forth a ministerial[1] process by which a tenant with a non-exempt formula retail business receives approval from the Community Development Director to locate within a shopping center. MMC Section 17.61.030(C) states that all FRCs approved by the Community Development Director shall be noticed and reported to the Planning Commission within 30 days of issuance, and that the approval shall become final two days after the clearance is reported to the Commission, unless rescinded by the Director.

[1] A ministerial process is one in which there is no discretion on the part of the decision-maker in the application of the standards.

On August 14, 2023, Cross Creek Ranch Malibu, LLC (CCRM) and the City of Malibu (City) entered into a Settlement Agreement. Under the Settlement Agreement, Cross Creek Ranch is to be subject to the City's Formula Retail Ordinance — except that Cross Creek Ranch was able to open additional formula retail establishments beyond those allowed under the Formula Retail Ordinance if, among other requirements: (1) they submit the application before August 14, 2024, (2) the proposed tenant does not have 10 or more locations in the counties of Los Angeles, Orange and Ventura, (3) the proposed location does not exceed 4,000 sq ft (except up to 3 locations may be sized at 5,000 sq ft or less), and (4) the proposed location will not cause more than 60% of the ground floor to constitute non-exempt formula retail businesses, (5) the proposed location will not cause more than 20% of the gross floor area of the shopping center to constitute non-exempt formula retail that has not obtained a formula retail clearance under the City's Formula Retail Ordinance. As shown in Table 1, the businesses which were approved prior to August 14, 2024, were authorized under the settlement agreement.

MMC Section 17.61.020 – Applicability

A FRC is required for new Formula Retail establishments or existing Formula Retail establishments that relocate to a new tenant space or expand by 200 square feet or more of gross floor area[2] (GFA), except for the following which are exempt:

1. Grocery
2. Drug stores/pharmacies
3. Gas stations
4. Banks and financial services
5. Real estate offices
6. Movie theaters
7. Postal services offices
8. Medical offices

The subject FRC is for The Shop by Wheat, a retail apparel store, which is a non-exempt use. Furthermore, The Shop by Wheat currently has eleven (11) locations worldwide, listed below:

- Santa Monica, California;
- Anguilla (Caribbean Islands);
- Dover, New Hampshire;
- York Beach, Maine;
- Three (3) locations in Massachusetts; and
- Four (4) locations in Hawaii.

[2] Gross floor area (GFA) means the sum of the gross horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six feet.

The proposed location in Malibu, CA will be the twelfth (12th) location worldwide.

MMC Section 17.61.030(B) – FRC Criteria for Issuance

The Community Development Director shall issue an FRC if the Formula Retail use complies with the following requirements:

1. *The location does not exceed 4,000 square feet of gross floor area.* The proposed tenant space is 1,520 square feet of gross floor area, which complies with this requirement.

2. *Issuing the FRC will not result in (a) non-exempt formula retail establishments occupying more than 30 percent of the total gross floor area of a shopping center excluding the floor area occupied by exempt formula retail defined in MMC Section 17.61.020(A)(1-8) only; or (b) where the shopping center is more than one floor, non-exempt Formula Retail establishments occupying more than 40 percent of the total gross floor area of the ground floor of the shopping center, excluding the floor area occupied by exempt formula retail defined in MMC Section 17.61.020(A)(1-8).*

   The ordinance provides the following formula:

(Gross floor area - floor area of exempt formula retail)	X 0.30 =	Allowable non-exempt formula retail
	X 0.70 =	Required non-formula retail

   The Cross Creek Ranch shopping center has 10 buildings comprised of both one- and two-stories, totaling 111,489 square feet of total gross floor area (GFA). Therefore, the calculations have been evaluated under the formulas of both (a) and (b) as follows:

Table 1
Cross Creek Ranch Shopping Center – Compliance Table
Proposed 1,520 sq. ft. Non-exempt Tenant (Unit 370)

(a) Overall Shopping Center		
Total GFA of existing shopping center	1st floor: 90,303 sq. ft. 2nd floor: 21,186 sq. ft. Total: 111,489 sq. ft.	
Total exempt formula retail	*0 sq. ft.	
30% Calculation	Total: 111,489 sq. ft. Exempt: - 0 sq. ft. 111,489 sq. ft. Allowable: 111,489 sq. ft. x .30 = **33,446.70 sq. ft.**	

Non-exempt formula retail GFA			
Tenant (Suite No.)		Square Footage	
Brandy Melville (350)		1,525	*Proposed on 4/20/2026*
The Shop By Wheat (370)	**---- SUBJECT APPLICATION ---**	**1,520**	***Proposed on 4/20/2026***
Malbon (470)		1,573	*Proposed on 4/20/2026*
RH (610-630)		2,613	*Proposed on 4/20/2026*
Velvet (810-820)		1,816	*"Grown into FRC"*
Birkenstock (850)		2,528	*Proposed on 4/20/2026*
KITH (110)		3,996	**Approved on 2/20/2024*
KITH Treats (120)		719	**Approved on 2/13/2024*
Le Labo (360)		1,354	**Approved on 2/14/2024*
Ray-Ban (395)		1,190	**Approved on 2/14/2024*
Zadig & Voltaire (450)		1,805	**Approved on 9/10/2024*
Frame 460)		1,808	**Approved on 9/10/2024*
Pura Vida Miami (705)		2,469	**Approved on 4/15/2024*
Jenni Kayne (710)		1,857	**Approved on 9/10/2024*
TOTAL		**17,811**	*Complies (less than 33,466 sq. ft)*
***Approved prior to August 14, 2024 per the settlement agreement.*			

PUBLIC NOTICE: This item was posted on the April 20, 2026, Regular Planning Commission Meeting agenda.

ATTACHMENTS:

1. FRC No. 26-005 Application
2. Tenant List
3. Site Plan

FRC No. 26-005

City of Malibu

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

FORMULA RETAIL CLEARANCE APPLICATION

The City of Malibu will not accept incomplete applications

General Information

PROPERTY ADDRESS: 23465 Civic Center Way, Malibu CA 90265 **Unit #** Suite 370

BUSINESS NAME: The Shop by Wheat

APPLICANT / CONTACT: First: Tierney **Last:** Mauge

APPLICANT ADDRESS: [redacted] **CITY:** Santa Monica **STATE:** CA **ZIP:** 90401

APPLICANT PHONE #: [redacted] **APPLICANT EMAIL:** TMauge@pacequity.com

PROPERTY OWNER: Cross Creek Ranch Malibu, LLC

Fees

❑ **Formula Retail Clearance** $_____

Formula Retail

1. **DOES THE PROPOSED RETAIL SERVICE CURRENTLY HAVE 10 OR MORE OPERATIONAL RETAIL ESTABLISHMENTS WORLDWIDE AND MAINTAIN TWO OR MORE OF THE FOLLOWING FEATURES LISTED BELOW?** ☑ YES ☐ NO

   If yes, circle the applicable feature below.

   (a.) Standardized array of merchandise or menu
   b. Standardized color scheme
   c. Standardized décor
   d. Standardized ~~signage~~ facade
   e. Standardized layout
   (f.) Standardized signage, service mark or trademark
   g. Uniform apparel

2. **WILL THE PROPOSED LOCATION EXCEED 4,000 SQUARE FEET OF GROSS FLOOR AREA?**

   ❑ YES ■ NO

3. **PROPOSED BUSINESS:** ■ NEW BUSINESS ❑ OTHER: _____

4. **BUSINESS DESCRIPTION (PROVIDE ADDITIONAL PAGES IF NECESSARY):**
   Multi-brand retail

ATTACHMENT 1

5. **TOTAL GROSS FLOOR AREA OF SHOPPING CENTER:** 111,489 sf

6. **PROPOSED FLOOR AREA:** 1,520 sf

***ISSUING THE FRC WILL *NOT RESULT IN (A)* NON-EXEMPT FORMULA RETAIL ESTABLISHMENTS OCCUPYING MORE THAN 30 PERCENT OF THE TOTAL GROSS FLOOR ARE OF A SHOPPING CENTER EXCLUDING THE FLOOR AREA OCCUPIED BY EXEMPT FORMULA RETAIL DEFINED IN 17.66.020(A)(1)-(8) ONLY, OR (B), WHERE THE SHOPPING CENTER IS MORE THAN ONE FLOOR, NON-EXEMPT FORMULA RETAIL ESTABLISHMENTS OCCUPY MORE THAN 40 PERCENT OF TOTAL GROSS FLOOR AREA OF THE GROUND FLOOR OF THE SHOPPING CENTER.**

REPORT TO PLANNING COMMISSION

All formula retail clearances approved by the Planning Director shall be noticed and reported to the Planning Commission within 30 days of issuance. Such report shall include all calculations and descriptions of businesses used in making the determination. The approval shall become final two days after the clearance is reported to the Planning Commission, unless rescinded by the Planning Director.

ADDITIONAL PERMITS

Approval of this Formula Retail Clearance is to clear the tenant space to be occupied by a formula retail establishment. It does not eliminate the need for other permits, licenses, or certificates required. Additional permits may be required (e.g., Health Permit, Certificate of Occupancy, 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.

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	Cross Creek Ranch Malibu LLC By: Tierney Mauge, Secretary PROPERTY OWNER NAME (PRINT)	2/27/26 DATE

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: 2/27/26

Staff Use Only

FORMULA RETAIL CALCULATION

PROPOSED FORMULA RETAIL FLOOR AREA: 1,520

EXEMPT FORMULA RETAIL FLOOR AREA: 0

SHOPPING CENTER **TOTAL** GROSS FLOOR AREA: **1st FLOOR:** 90,303 **2nd FLOOR:** 21,186 **TOTAL:** 111,489

TOTAL GFA: 111,489 - 0 **EXEMPT FORMULA RETAIL =** 111,489

111,489 **x 30% =** 33,446 **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): 11,575 **COMPLIES** ■ YES ❒ NO

SHOPPING CENTER - GROSS FLOOR AREA OF **FIRST FLOOR**:

TOTAL GFA FIRST FLOOR: _____ - _____ **EXEMPT FORMULA RETAIL =** _____

_____ **x 40% =** _____ **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): _____ **COMPLIES** ❒ YES ❒ NO

Approved FRC: Adriana Peralta **Date:** 3/23/2026
Planning Staff

NOT Approved for FRC: _____ **Date:** _____
Planning Staff

Reason not approved or additional information required:

_____

_____

_____

Cross Creek Ranch

23465 Civic Center Way, Malibu, CA 90265

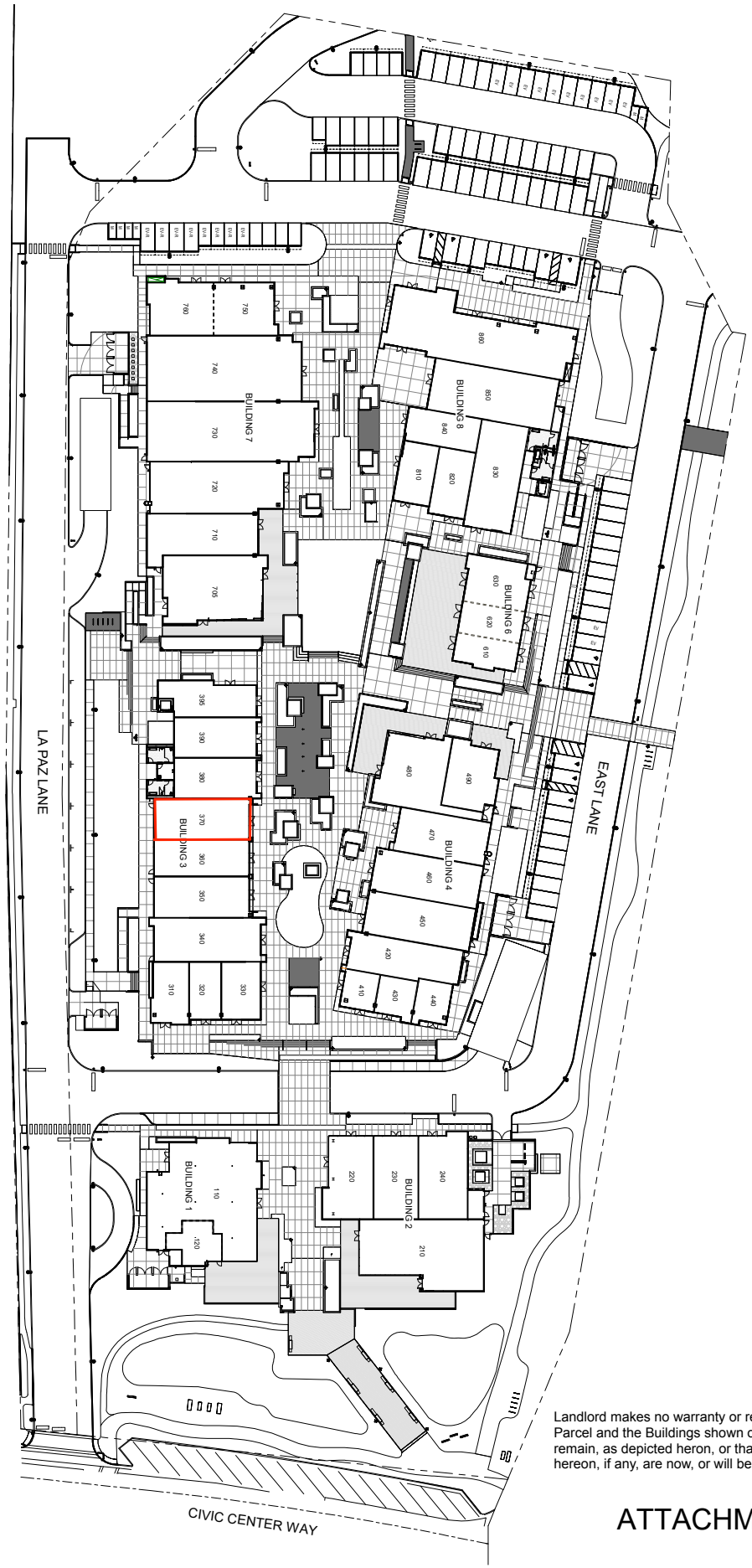
111,489 SF Total

April 8, 2026

Tenant Space	Business Name	# of stores World	Leasable SF	Exempt Retail	Settlement Agreement Formula Retail - 20%	Settlement Agreement Formula RSF	Settlement Agreement Formula as GLA %	Formula Retail Ordinance - 30%	Formula Retail Ordinance RSF	Formula Retail Ordinance as GLA %
110	KITH	10+	3,996		Yes	3,996	3.58%	No	-	0.00%
120	KITH Treats	10+	719		Yes	719	0.64%	No	-	0.00%
210	Clark's Oyster Bar	6	3,016		No	-	0.00%	No	-	0.00%
220			1,476			-	0.00%		-	0.00%
230	WGACA	3	1,441		No	-	0.00%	No	-	0.00%
240			1,606			-	0.00%		-	0.00%
310	Sunroom	1	870		No	-	0.00%	No	-	0.00%
320			714			-	0.00%		-	0.00%
330	Frankies Bikinis	7	863		No	-	0.00%	No	-	0.00%
340			1,850			-	0.00%		-	0.00%
350	Brandy Melville	10+	1,525		No	-	0.00%	Yes	1,525	1.37%
360	Le Labo	10+	1,354		Yes	1,354	1.21%		-	0.00%
370	The Shop by Wheat	10+	1,520		No	-	0.00%	Yes	1,520	1.36%
380	Guest in Residence	2	1,293		No	-	0.00%	No	-	0.00%
390			1,294			-	0.00%		-	0.00%
395	Ray-Ban	10+	1,190		Yes	1,190	1.07%		-	0.00%
410	Chit Chat Coffee + Matcha	2	510		No	-	0.00%	No	-	0.00%
420	The Great	9	1,587			-	0.00%	No	-	0.00%
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ATTACHMENT 2



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ATTACHMENT 3

Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 3.B.6.

To: Chair Riddick 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: April 9, 2026 Meeting date: April 20, 2026

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes of the March 16, 2026 Regular Planning Commission meeting.

DISCUSSION: Staff prepared draft minutes for the above-referenced Planning Commission meeting and hereby submits the minutes for the Commission's consideration.

ATTACHMENT:

March 16, 2026 Regular Planning Commission Meeting Minutes

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
MARCH 16, 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 Riddick 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 Elizabeth Riddick, Vice Chair John G. Mazza and Commissioners Marni Kamins, Drew Leonard and Skylar Peak

ALSO PRESENT: Kellan Martz, Assistant City Attorney; Tyler Eaton, Assistant Community Development Director; Fletcher Allen, Senior Planner; Patrick Achis, Senior Planner; Parker Davis, Media Technician; Gail Duncan, Administrative Assistant and Rebecca Evans, Recording Secretary

PLEDGE OF ALLEGIANCE

Dennis Robert Smith led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Peak 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 March 5, 2026.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2. WRITTEN AND ORAL COMMUNICATIONS

A. PUBLIC COMMENTS

Norm Haynie noted the previous City Council meeting included a presentation regarding the stability of Big Rock. One consideration omitted was the restriction on impermeable surfaces allowed by current city codes. He stated the Big Rock landslide became unstable from time to time primarily due to rainfall permeating the surface. Mr. Haynie suggested a greater percentage of impermeable surface be permitted in Big Rock and similar slide prone areas, to reduce the amount of water permeating the ground.

Gerald Baker commented on Vice Chair Mazza's public statement that he had attempted to run background checks on those who provided public comment virtually. He noted callers may have withheld personal identities due to the threatening nature of Vice Chair Mazza's actions. Mr. Baker noted the Vice Chair was informed multiple times that Malibu Township Council member Jo Drummond was not a registered voter or resident of Malibu when serving on a City Commission with that requirement. However, Vice Chair Mazza expressed no concerns regarding Ms. Drummond's standing to voice opinions on proposed developments. Mr. Baker stated the intent of public comment was to give the public a voice, regardless of whether the speaker was a critic or an ally.

Annestacia Komarovsk provided a video of navigation of an existing roundabout in east Los Angeles and mentioned her campaign website for election to Governor of California in 2026.

Jacob Loza followed up on Gerald Baker's comments. He questioned Vice Chair Mazza's length of service on the Planning Commission and potential gains from his service. He stated the Planning Commission could be used as a mechanism to shape land use decisions and zoning policy to pursue Malibu Township Council's limited development perspective. Mr. Loza noted the Planning Commission should be a neutral body and serve all residents.

Jed August agreed with Norm Hainey's comments regarding permeability. When structures and especially slabs were removed, and if there had been any pitting, there would be an increased risk with the accumulated water weight in the soil on that hillside.

Commissioner Leonard asked staff whether there was an existing nonconformity grandfathered into the Big Rock rebuild process for impermeable square footage?

In response to Commissioner Leonard, Assistant Community Development Director Eaton stated yes, rebuild properties could retain pre-existing nonconformities regarding the percentage of impermeable surface. However, he noted Mr. Haynie's statement reflected a larger conversation regarding permeability in hillside or landslide developments where a higher percentage of impermeable surfaces might have a positive impact on stability. Any change of that nature would require a code amendment.

Commissioner Mazza stated when the general plan was written, the main reason a limit to impermeable surfaces was incorporated was to protect against pollutant run off to the ocean. He noted a change to the LIP in this regard would require studies and had the potential to slow rebuilds by up to two years as the amendment was certified. He pointed out Big Rock had a functional dewatering system. He expressed the belief that three out of four of the public speakers were sponsored by the same candidate. He stated he searched Google for evidence of whether or not virtual speakers were Malibu residents. He stated an intent to request public comment on items not on the agenda but within the Commission's purview occur at the end of the meeting.

Commissioner Peak stated that a couple of years ago some community members instigated a Fair Political Practices Commission (FPPC) complaint against him and other Commissioners, which alleged conflicts of interest. Commissioner Peak read a portion of the letter from the FPPC which stated the investigation had found no evidence that Commissioner Peak had violated the Fair Political Practices Act and the case would be closed. He stated his hope that everyone who served on the Commission did so in an above-board manner.

Vice Chair Mazza pointed out Chris Frost had recently retired after 23 years of service on the Public Safety Commission out of a desire for public service to the community.

B. COMMUNITY DEVELOPMENT DIRECTOR REPORT

Assistant Community Development Director Eaton announced the Pacific Coast Highway roundabouts appeal would be heard by the City Council on Wednesday, March 18th at 2:00 p.m. He noted rebuild statistics were available online and would be reported to the Commissioners monthly.

ITEM 3 CONSENT CALENDAR

CONSENSUS Vice Chair Mazza moved and Commissioner Peak seconded a motion to approve the Consent Calendar.

The Consent Calendar was approved by unanimous consensus.

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 March 2, 2026 Regular Planning Commission meeting.
Staff Contact: Senior Management Analyst Evans, MS, 456-2489, ext. 246

This item was approved by unanimous consensus.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

A. Zoning Text Amendment No. 26-001 – An amendment to the Malibu Municipal Code Title 17 (Zoning) modifying standards and procedures related to Temporary Use Permits and Sign Permits to aide Economic Recovery for local businesses as a result of impacts from the 2025 Palisades Fire
Location: Citywide
Case Planner: Assistant Community Development Director Eaton, 456-2489, ext. 273
Recommended Action: Adopt Planning Commission Resolution No. 26-13 determining the amendments are exempt from the California Environmental Quality Act and recommending that the City Council approve Zoning Text Amendment No. 26-001 to amend Title 17 of the Malibu Municipal Code modifying standards and procedures related to Temporary Use Permits and Sign Permits.

Assistant Community Development Director Eaton and Senior Planner Allen presented the staff report.

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

Speakers: Bryan Gordon, Annestacia Komarovsk, Jed August

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

MOTION Commissioner Peak moved and Commissioner Leonard seconded a motion to adopt Planning Commission Resolution No. 26-13, as amended, 1) extending the temporary code amendments through December 31, 2027; and 2) determining the amendments are exempt from the California Environmental Quality Act and recommending that the City Council approve Zoning Text Amendment No. 26-001 to amend Title 17 of the Malibu Municipal Code modifying standards and procedures related to Temporary Use Permits and Sign Permits.

The motion was withdrawn by the maker.

MOTION Commissioner Peak moved and Chair Riddick seconded a motion to adopt Planning Commission Resolution No. 26-13, determining the amendments are exempt from the California Environmental Quality Act and recommending that the City Council approve Zoning Text Amendment No. 26-001 to amend Title 17 of the Malibu Municipal Code modifying standards and procedures related to Temporary Use Permits and Sign Permits.

The question was called and the motion carried unanimously.

RECESS Chair Riddick recessed the meeting at 7:45 p.m. The meeting resumed at 7:55 p.m. with all Commissioners present.

B. Coastal Development Permit No. 23-073, Variance No. 25-019, Site Plan Review No. 23-035, and Minor Modification No. 24-005 – An application for the construction of a single-family residence and associated development

Location: 32832 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-017-023
Owner: Sun is Shining, LLC
Case Planner: Senior Planner Achis, AICP, 456-2489, ext. 247
Recommended Action: Adopt Planning Commission Resolution No. 26-11 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 23-073 to construct a new 5,202-square-foot, two-story single-family residence with an 880 square-foot subterranean garage and 2,202 square-foot basement, advanced onsite wastewater treatment system, driveway, hardscaping, pool and

associated decks, landscaping and associated development; including Variance No. 25-019 for encroachment into an environmentally sensitive habitat area (ESHA) buffer and stream ESHA, Site Plan Review No. 23-035 for construction above 18 feet, up to 23 feet, 1 inch for a flat roof, and Minor Modification No. 24-005 for up to a 13 percent reduction of the front yard setback, located in the Rural Residential, Two-Acre zoning district at 32832 Pacific Coast Highway (Sun is Shining, LLC).

Senior Planner Achis presented the staff report.

Disclosures: Commissioners Peak, Leonard, Kamins, Mazza

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

Speakers: Bryan Knight, Jed August

As there were no other speakers present, Chair Riddick 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 Peak seconded a motion to continue the item to the May 18, 2026 Regular Planning Commission meeting.

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 8:39 p.m., Vice Chair Mazza moved and Chair Riddick seconded a motion to adjourn the meeting. The motion carried by unanimous consensus.

Approved and adopted by the Planning Commission of the City of Malibu on April 20, 2026.

_____
ELIZABETH RIDDICK, Planning Commission Chair

ATTEST:

_____
REBECCA EVANS, Recording Secretary

Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 3.B.7.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Stacey Kinsella, Contract Planner

Reviewed by: Tyler Eaton, Assistant Community Development Director

Approved by: Yolanda Bundy, Community Development Director, MS, PE, CBO, CFCO

Date prepared: April 9, 2026 Meeting date: April 20, 2026

Subject: Extension of Coastal Development Permit No. 15-002, Variance Nos. 16-019 and 17-052, Site Plan Review No. 16-041 and Minor Modification No. 21-005 – A request for an extension of time for construction of a new two-story single-family residence and associated development

Location: 28906 Verde Mesa Lane
APN: 4467-018-031
Owner: Maron Family Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-14 (Attachment 1) granting a two-year extension of Coastal Development Permit No. 15-002 for the construction of a new 5,913 square foot, two-story single-family residence plus a 668 square foot attached garage, swimming pool, spa, deck, hardscape, fencing, grading, retaining walls, and landscape, onsite wastewater treatment system; including Variance No. 16-019 for fuel modification encroachment into the Environmentally Sensitive Habitat Area and Environmentally Sensitive Habitat Area Buffer, Variance No.17-052 for construction on slopes steeper than 2.5 to 1, Site Plan Review No. 16-041 for height over 18 feet but not to exceed 28 feet for a pitched roof, and Minor Modification No. 21-005 for a less than 50 percent reduction to the required front yard setback in the Rural Residential, Five-Acre zoning district located at 28906 Verde Mesa Lane (Maron Family Trust).

DISCUSSION: On April 3, 2023, the Planning Commission adopted Resolution No. 23-18, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 6 in Planning Commission

Resolution No. 23-18 states that the coastal development permit and associated requests shall expire if the project has not commenced within three years after final City action. Extension of the permit may be granted by the approving authority for due cause. The item before the Commission is an extension request by the applicant. A complete project chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 23-18.

Per LCP Policy No. 5 (Coastal Development Permit Extensions), the aggregate life of a CDP shall not exceed five years absent extraordinary circumstances. A two-year extension to April 3, 2028 would be consistent with this policy. The subject coastal development permit is set to expire on April 3, 2026. On March 10, 2026, the applicant submitted an extension request to ensure a valid CDP permit remains in place while the project is under construction citing financial constraints and impacts from the Palisades Fire. The applicant's basis for due cause is included as Attachment 2.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission's approval of the time extension request, the approval set forth in Planning Commission Resolution No. 23-18 shall remain valid for an additional two-year term. The expiration date of this approval would then be April 3, 2028. All conditions of approval in Planning Commission Resolution No. 23-18 will remain in effect.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-14
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. 26-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A TWO-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 15-002 FOR THE CONSTRUCTION OF A NEW 5,913 SQUARE FOOT, TWO-STORY SINGLE FAMILY RESIDENCE PLUS A 668 SQUARE FOOT ATTACHED GARAGE, SWIMMING POOL, SPA, DECK, HARDSCAPE, FENCING, GRADING, RETAINING WALLS, AND LANDSCAPE, ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING VARIANCE NO. 16-019 FOR FUEL MODIFICATION ENCROACHMENT INTO THE ENVIRONMENTALLY SENSITIVE HABIT AT AREA AND ENVIRONMENTALLY SENSITIVE HABITAT AREA BUFFER, VARIANCE NO.17-052 FOR CONSTRUCTION ON SLOPES STEEPER THAN 2.5 TO 1, SITE PLAN REVIEW NO. 16-041 FOR HEIGHT OVER 18 FEET BUT NOT TO EXCEED 28 FEET FOR A PITCHED ROOF, AND MINOR MODIFICATION NO. 21-005 FOR A LESS THAN 50 PERCENT REDUCTION TO THE REQUIRED FRONT YARD SETBACK IN THE RURAL RESIDENTIAL, FIVE-ACRE ZONING DISTRICT LOCATED AT 28906 VERDE MESA LANE (MARON FAMILY TRUST)

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

SECTION 1. Recitals.

A. On April 3, 2023, the Planning Commission adopted Planning Commission Resolution No. 23-18, approving Coastal Development Permit (CDP) No. 15-002, Variance Nos. 16-019 and 17-052, Site Plan Review No. 16-041 and Minor Modification No. 21-005, an application for construction of a new 5,913 square foot, two-story single-family residence plus a 668 square foot attached garage, swimming pool, spa, deck, hardscape, fencing, grading, retaining walls, and landscape, onsite wastewater treatment system; including variances for fuel modification encroachment into the Environmentally Sensitive Habitat Area and Environmentally Sensitive Habitat Area Buffer and for construction on slopes steeper than 2.5 to 1, a site plan review for height over 18 feet but not to exceed 28 feet for a pitched roof, and a minor modification for a less than 50 percent reduction to the required front yard setback.

B. On March 10, 2026, the applicant submitted an initial two-year time extension request citing delays due to financial constraints and impacts from the Palisades Fire.

C. On March 26, 2026, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed on March 27, 2026 to all property owners and occupants within a 500-foot radius of the subject property.

D. On April 20, 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 Section 15303(a) and (d) – New Construction. As such, Categorical Exemption No. 15-008 was filed for CDP No. 15-002, 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. 23-18 are hereby extended for an additional two-year term. The approval is now set to expire on April 3, 2028.

B. No other changes to the conditions contained in Planning Commission Resolution No. 23-18 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution No. 23-18 shall remain in full force and effect.

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

PASSED, APPROVED AND ADOPTED this 20th day of April, 2026.

_____
ELIZABETH RIDDICK, 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. 26-14 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 20th day of April 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

TIME EXTENSION REQUEST

The City of Malibu will not accept incomplete applications.

Staff use only

Extension No. EXT 26-001

To submit a time extension request:

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

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

Project No.: 15-002

Site Address: 28906 Verde Mesa Lane, Malibu, CA 90265

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

1. **Time Extension Checklist** ✓

   This form with property owner's signature

2. **Time Extension Request Letter** ✓

   A letter setting forth due cause for the Planning Director / Commission to grant the time extension.

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

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

   Has the property owner or commercial occupant changed since the Planning Commission/ Planning Director granted the time extension? ☐ YES ☑ NO

   If **YES**, Change of Property Owner/Occupant Fee applicable.

   Property Owner's mailing Address: [redacted]

   [redacted]

   Property Owner's telephone: [redacted]

   Property Owner's email address: [redacted]

ATTACHMENT 2

Occupant's mailing Address: no occupant

Occupant's telephone: _____

Occupant's email address: _____

5. **Applicant's Information** _____

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

If **YES**, complete the Authorization to Submit Project on page 3. If **NO**, complete pages 1-2 only.

Applicant's mailing address: _____

Applicant's telephone: _____

Applicant's email address: _____

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

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

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

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

Indemnification Clause

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

[redacted] Thomas E. Maron 2/12/2026

PROPERTY OWNER SIGNATURE | PROPERTY OWNER NAME (PRINT) | DATE

M A R O N & A S S O C I A T E S

[redacted] [redacted]
[redacted] *FAX* [redacted]
e-mail: [redacted]

TO: City of Malibu **DATE: Feb. 12, 2026**

Attn: Planning Dept. **RE: Approval Extension**

Number of pages __1__ in this communication (plus the cover page).

I am requesting an extension of the approval for the plans to build a single-family residence on Lot 5 on Verde Mesa Lane per CDP 15-002. After 13 years, we were finally able to secure Planning Department approval almost three years ago, but due to the fires in the area, market conditions and financial constraints, undertaking the project at that time became infeasible. However, we would like to move ahead and need the additional time to complete the process. Hence, it is requested that our approval be extended for at least a 2-year period.

If anyone has any questions, please don't hesitate to contact me via phone or email. Thanks in advance for your support.

Please: Proceed_X_ Call Back___ From Thomas E. Maron

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, April 20, 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. 15-002, VARIANCE NOS. 16-019 AND 17-052, SITE PLAN REVIEW NO. 16-041, AND MINOR MODIFICATION NO. 21-005 - A request to extend the Planning Commission's approval for construction of a new 5,913 square foot, two-story single-family residence plus a 668 square foot attached garage, swimming pool, spa, deck, hardscape, fencing, grading, retaining walls, and landscape, onsite wastewater treatment system; including variances for fuel modification encroachment into the Environmentally Sensitive Habitat Area and Environmentally Sensitive Habitat Area Buffer and for construction on slopes steeper than 2.5 to 1, a site plan review for height over 18 feet but not to exceed 28 feet for a pitched roof, and a minor modification for a less than 50 percent reduction to the required front yard setback

LOCATION / APN / ZONING:	**28906 Verde Mesa Ln** / 4467-018-031 / Rural Residential-Five Acre (RR-5)
APPLICANT / OWNER:	Ryan Levis Architect, Inc. / Maron Family Trust
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Sections 15303(a) and 15303(d)
EXTENSION FILED:	March 10, 2026
CASE PLANNER:	Stacey Kinsella, Contract Planner, skinsella@malibucity.org (510) 407-3062

Extension requests will be presented on consent calendar but any person wishing to be heard may request at the beginning of the meeting to have the application addressed separately. Please see the recording secretary before start of the meeting to have an item removed from consent calendar.

A written staff report will be available at or before the hearing for the projects. All persons wishing to address the Commission regarding these matters 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: March 27, 2026

ATTACHMENT 4

Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 3.B.8.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Larbi Azzaz, Associate 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: April 9, 2026 Meeting date: April 20, 2026

Subject: De Minimis Waiver No. 24-002 – An application for a new onsite wastewater treatment system for a parcel affected by the Woolsey Fire

Location: 29960 Harvester Road, not within the appealable coastal zone
APN: 4469-013-037
Owner: Stacy Clunies-Ross Trust

RECOMMENDED ACTION: Receive and file the Community Development Director's report on the issuance of De Minimis Waiver (DMW) No. 24-002 for a new onsite wastewater treatment system (OWTS) 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 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, 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.

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 and required findings are more specifically described in the Community Development Director’s decision attached hereto.

PUBLIC NOTICE: A Notice of DMW Application was posted on the subject property.

ATTACHMENT: DMW No. 24-002

City of Malibu

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

De Minimis Waiver for OWTS

Based on the project plans and information provided in the permit application for the onsite wastewater treatment system (OWTS) described below, the Community Development Director hereby waives the requirement for a coastal development permit pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.4.11.

DMW No. 24-002	Other Applications: PVWF No. 19-165[1], APRWF No. 19-039[2], APRWF No. 21.010[3]
Location: 29960 Harvester Road	APN: 4469-013-037
CEQA Exemption Section: 15303(d)	Property Posting: April 8, 2026
CCC Appealable Jurisdiction: ☐Yes ☒No ☐Partial	The proposed system is located outside the CCC's Appealable Jurisdiction.

Pursuant to LIP Section 13.4.11(A), the following project may be waived through a de minimis waiver (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 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, or

[1] On August 1, 2019, the Planning Division approved Planning Verification – Woolsey Fire (PVWF) No. 19-165 for the in-kind rebuild of the single-family residence with detached garage, plus a 10 percent increase in square footage.
[2] On June 23, 2020, the Planning Division approved Administrative Plan Review – Woolsey Fire (APRWF) No. 19-039 for a new 248 square-foot addition to the single-family residence, and other site improvements. The total size of the replacement residence with detached garage is 5,221 square feet. The addition is less than 50 percent of the pre-fire square footage.
[3] On June 28, 2021, the Planning Division approved Administrative Plan Review – Woolsey Fire (APRWF) No. 21-010 for a new basement.

☐ 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, or

Project Description

Natural Disaster: ☒ Woolsey Fire or ☐ Other

Purpose: ☐New (non-existent OWTS), ☒ Replace Existing and Abandon Existing, or ☐ Repair Existing

Dispersal Type: ☐ Leachfield or ☒ Seepage Pit(s)

New OWTS Tank Size: 2,500-gallon

De Minimis Waiver Findings

Based on the foregoing evidence contained within the record, the Community Development Director hereby makes the following findings of fact: The proposed project will upgrade and improve treatment effectiveness compared to an existing OWTS that served a single-family residence that was destroyed in the Woolsey Fire of 2018. The proposed OWTS is located near the existing OWTS and clustered with existing development on the property. The applicant is required to record a covenant requiring the proper operation and maintenance of the OWTS. In addition, conditions of approval have been included to require continued operation, maintenance, and monitoring of the subject system. The conditions and requirements will ensure that the new OWTS does not have the potential for adverse effects, either individually or cumulatively, on coastal resources. The project as conditioned has been found to meet the requirements of the Malibu Municipal Code (MMC) and LCP. Furthermore, the project is consistent with the certified LCP, including the resource protection policies, in that no native trees, environmentally sensitive habitat area (ESHA), public scenic views including those from the LCP-mapped Zuma Ridge Trail along the Harvester Road public right-of-way, or cultural resources will be affected by the project. As no ESHA is present on or in the vicinity of the subject parcel, the proposed OWTS is not located within any ESHA buffer. In addition, all OWTS components will be located in an adequate area that has been previously disturbed and would not result in any new or more significant impacts to natural or cultural resources, and which has the necessary percolation conditions. The OWTS is not located on a beachfront parcel and does not require protection by a shoreline protection device.

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 OWTS described under the *Project Description* section of this DMW.

3. Subsequent submittals for this project shall be in substantial compliance with plans as approved by Environmental Health dated **January 30, 2026.** In the event the project plans conflict with any condition of approval, the condition shall take precedence.

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

5. The applicant shall email the final set of plans to the Planning Division for consistency review and approval prior to the issuance of an OWTS permit.

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

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

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

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

10. Minor changes to the approved plans or the conditions of approval may be approved by the 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.

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

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

Cultural Resources

13. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the 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.

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

Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Biology

15. 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.

16. 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.

Environmental Health

17. 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 OWTS plot plan included in the Friday Group OWTS Report dated 1-7-2026 is not drawn to scale and is not date stamped. There also appears to be potential proposed reduction in setbacks from the proposed OWTS components to other proposed improvements.

18. 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).
    a. The Project Geotechnical Consultant indicates that terrace deposits were encountered within the limits of the proposed dispersal area at a depth of 6 feet, and that excavation for the dispersal area should include extend to 6 feet or terrace deposits, whichever is deeper. The depth of import loamy sand should therefore be 6 feet, not 4 feet as currently recommended. Please revise all final OWTS reports and plans to indicate a 6-foot removal and replacement within the limits of the proposed dispersal area,
    b. 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;
    c. Sewage and effluent pump design calculations (as applicable);
    d. 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.; and
    e. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Division.

19. Reference Pool Plans: Reference approved pool plans under APRWF 19-039 shall be submitted to the project specialists for review. The plan should be referenced and incorporated into the applicable geologic cross sections and reduction in setback letters as applicable.

20. Engineer Certification for Reduction in Setbacks to Structures (Pools): The proposed OWTS dispersal area will be located proximal to a proposed swimming pool (approved under the City of Malibu Planning Case Number APRWF 19-039). The proposed dispersal area may need to be resized or reconfigured to meet minimum setbacks

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

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

23. Proof of Ownership: Proof of ownership of subject property shall be submitted.

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

25. Advanced OWTS Covenant: Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Office of the Los Angeles County Recorder. 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 MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.

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

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

28. 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.

29. 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.

30. City of Malibu Planning Approval: City of Malibu Planning Division final approval of the OWTS plan shall be obtained.

31. 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.

32. Operating Permit Application and Fee: In accordance with the 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.

Construction

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

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

Prior to Final Inspection

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

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

Deed Restrictions

37. 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

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

39. 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 OWTS. 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 **April 20, 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: April 9, 2026

Prepared by:

Larbi Azzaz
Associate Planner

Issued by:

Tyler Eaton for

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

Attachment: Department Review Sheets including OWTS Plot Plan

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. 24-002**, dated **April 9, 2026**, for the project located at **29960 Harvester Road, Malibu, CA 90265**. The permit and rights conferred in this approval shall not be effective until all property owner(s) signs and returns this notarized affidavit to the City of Malibu Planning 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)

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** 06/10/2025

PROJECT NUMBER: DMW 24-002

JOB ADDRESS: 29960 HARVESTER RD

APPLICANT / CONTACT: Steven Kent, Steven Kent Architect

APPLICANT EMAIL: stevenkentaia@gmail.com

PLANNER: Larbi Azzaz

PROJECT DESCRIPTION: NOWTS

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 10/8/25

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

ATTACHMENT

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)	Steven Kent, Steven Kent Architect stevenkentaia@gmail.com	
Project Address:	**29960 HARVESTER RD** Malibu, CA 90265	
Planning Case No.:	DMW 24-002	
Project Description:	NOWTS	
Date of Review:	October 8, 2025	
Reviewer:	Courtney McCammon	Signature: Courtney McCammon
Contact Information:	Phone: (310) 456-2489 ext 277	Email: biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	9/23/25
Site Survey:	9//23/25
Landscape Plan:	
Hydrozone Plan:	
Irrigation Plan:	
Fuel Modification Plan:	
Grading Plan:	
OWTS Plan:	9/23/25
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	

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

DISCUSSION:

1. The new revised plans show the OWTS away from the native protected tree, therefore, there are no impacts to the tree.

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.

-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** 01/21/2026

PROJECT NUMBER: DMW 24-002

JOB ADDRESS: 29960 HARVESTER RD

APPLICANT / CONTACT: Steven Kent, Steven Kent Architect

APPLICANT EMAIL: stevenkentaia@gmail.com

PROJECT DESCRIPTION: NOWTS

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)**

Matthew Thomas — 1/30/2026

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)	Steven Kent stevenkentaia@gmail.com		
Project Address:	**29960 Harvester Road** Malibu, California 90265		
Planning Case #:	DMW 24-002		
Project Description:	NOWTS (Fire Rebuild)		
Date of Review:	January 30, 2026		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Steven Kent Architects: Plans dated 11-25-2019, 11-30-2023
Grading Plan:	Pacific Coast Civil, Inc: Plans dated 9-23-2021
OWTS Plan:	The Friday Group: Plans dated 10-12-2024, 6-15-2025, **not dated (in 1-7-2026 report)** Larry Young: OWTS Plan dated 6-12-2023
OWTS Report:	The Friday Group: Reports dated 10-12-2024, 6-15-2025, **1-7-2026** Larry Young: OWTS Report dated 3-8-2024; Percolation Test Report dated 3-8-2024. Lyndon Ong Yiu: Fixture Unit Worksheet dated 9-22-2025
Supporting Geology:	GeoSystems, Inc.: Reports dated 1-17-2024, 6-5-2025, 9-19-2025, **1-13-2026**
Miscellaneous:	Compliance Agreement Recorded 3-5-2020
Previous Reviews:	4-11-2024, 11-14-2024, 7-22-2025, 11-26-2025 (APRWF 19-039 / IPCWF 24-0029);

REVIEW FINDINGS

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

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code (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.

Recycled Paper

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 OWTS 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 distribute this review letter to all applicable project consultants and ensure a coordinated (re)submittal package. Note that additional review conditions may be warranted based on the project team's response to conditions below.*

2) **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 OWTS plot plan included in the Friday Group OWTS Report dated 1-7-2026 is not drawn to* scale *and is not date stamped. There also appears to be potential proposed reduction in setbacks from the proposed OWTS components to other proposed improvements*.

3) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and large set of digital 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)..

    a. *The Project Geotechnical Consultant indicates that terrace deposits were encountered within the limits of the proposed dispersal area at a depth of 6 feet, and that excavation for the dispersal area should include extend to 6 feet or terrace deposits, whichever is deeper. The depth of import loamy sand should therefore be 6 feet, not 4 feet as currently recommended. Please revise all final OWTS reports and plans to indicate a 6-foot removal and replacement within the limits of the proposed dispersal area* .

    b. 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.

c. Sewage and effluent pump design calculations (as applicable).

d. 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.

e. 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.

f. 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.]

4) Geologic Cross Section through Proposed OWTS Dispersal Area and Swimming Pool: Please provide geologic cross sections showing the proposed OWTS dispersal area, path of effluent, and the proposed swimming pool design and foundation, and provide a discussion and recommendations pertaining to the conditions below.

5) Reference Pool Plans: Reference approved pool plans under APRWF 19-039 shall be submitted to the project specialists for review. The plan should be referenced and incorporated into the applicable geologic cross sections and reduction in setback letters as applicable.

6) **Engineer Certification for Reduction in Setbacks to Structures (Pools):** *The proposed OWTS dispersal area will be located proximal to a proposed swimming pool (approved under the City of Malibu Planning Case Number APRWF 19-039). The proposed dispersal area may need to be resized or reconfigured to meet minimum setbacks*.

All proposed reductions in setbacks from the OWTS to structures or other features less than those shown in Malibu Municipal Code (MMC) Section 15.42 must be supported by letters from the project consultants. The wastewater plans and the construction plans must be specifically referenced in all certification letters. The construction plans for all structures and/or buildings with reduced setback must be approved by City of Malibu Building Safety prior to Environmental Health final approval. The architectural and/or structural plans submitted for Building Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives).

For complex waterproofing installations, submittal of a separate waterproofing plan may be required. All plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

- Structures – All proposed reductions in setback from the OWTS to structures (i.e., setbacks less than those shown in MMC Section 15.42) must be supported by a letter from the project Structural Engineer and a letter from the project Soils Engineer (i.e., a Geotechnical Engineer or Civil Engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the structures for which the setback is reduced.

- The project OWTS Designer must review all existing and proposed improvements and acknowledge the proposed reduction in setbacks from all proposed improvements to the OWTS, and provide mitigation recommendations, as applicable.

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

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

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

10) **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.

11) **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.**

12) **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.

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

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

15) **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.

16) **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. Once the final OWTS plot plan is deemed feasible, Environmental Health staff will route the OWTS plot plan to WWD29.

17) **Environmental Health Approval:** City of Malibu Environmental Health final approval of the OWTS plan shall be obtained.

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

19) **Environmental Health Final OWTS Plan Check Review and Reduction in Setback Fee:** A final fee in accordance with the adopted fee schedule at the time of OWTS plan check submittal shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications and reduction in setbacks.

20) **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 OWTS plan check submittal 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

29960 HARVESTER ROAD (FIRE REBUILD)
MALIBU, CA 90265 (DMW 24-002)

S.F.D.:	4 Bedroom/58 Fixture Units (N) UNDER SEPARATE PERMIT
TREATMENT TANKE:	2,500 Gallon MicroSepTec ES 7.5 Treatment Tank w/ UV Disinfection and Dosing Pump (N)
ACTIVE:	2,500-sf Geoflow Dispersal Field (N)
FUTURE:	None
PERC RATE:	1.2 gpsf (6-foot thick layer of Engineered Loamy Sand)
DESIGNER:	Lyndon Yiu, REHS 5671
REFERENCE:	The Friday Group: Reports dated 10-12-2024, 1-7-2026
	GeoSystems, Inc.: Reports dated 1-17-2024, 1-13-2026

NOTES:

1. This conformance review is for a new advanced onsite wastewater treatment system (OWTS) to serve a fire rebuild of a single-family dwelling. The new advanced OWTS conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).

2. The fire rebuild of the single-family dwelling will be approved under separate permit.

3. 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.

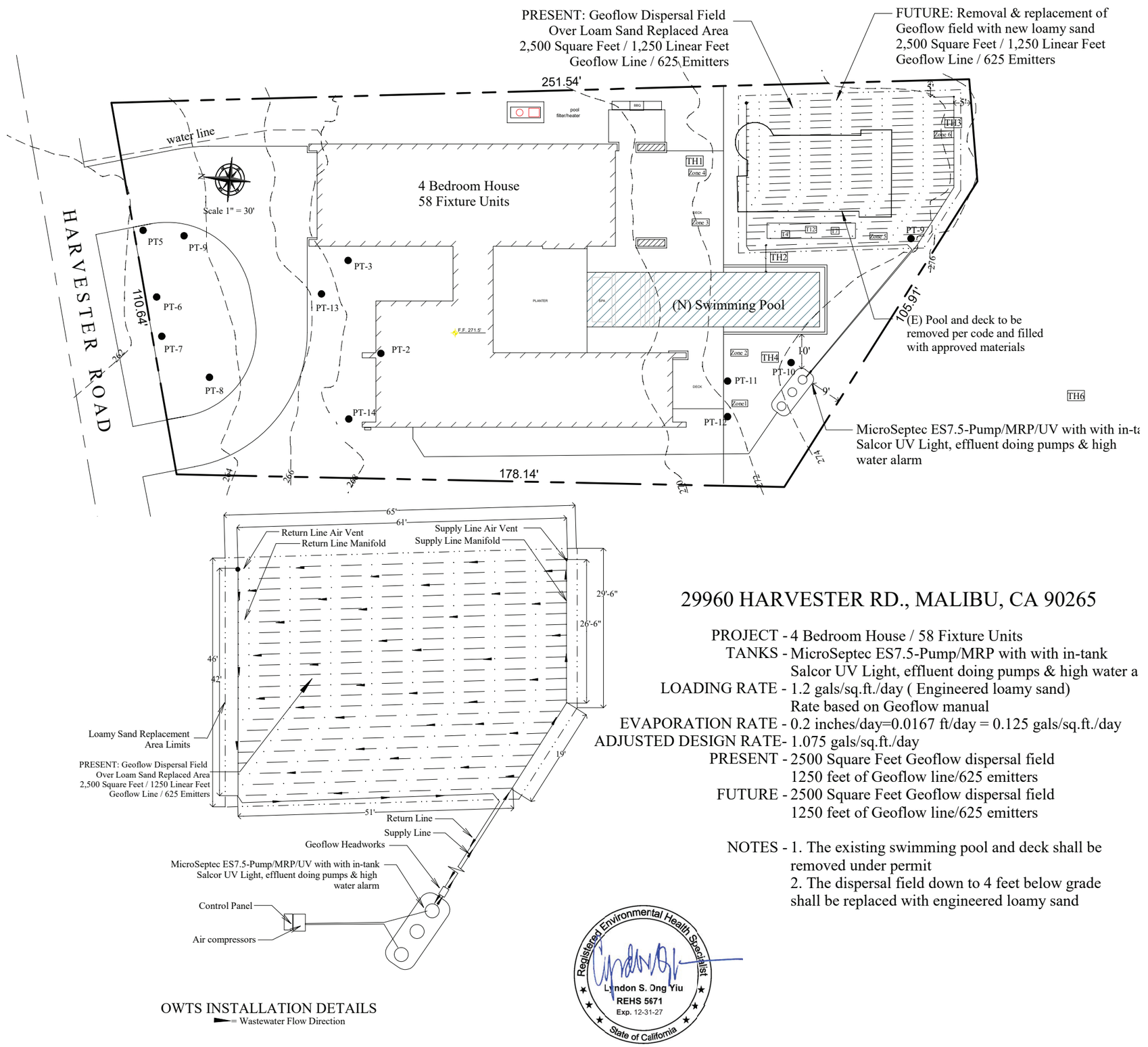
4. This review is valid for one year or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: DATE: 1/30/2026

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



OWTS INSTALLATION DETAILS
= Wastewater Flow Direction

29960 HARVESTER RD., MALIBU, CA 90265

PROJECT - 4 Bedroom House / 58 Fixture Units
TANKS - MicroSeptec ES7.5-Pump/MRP with with in-tank
Salcor UV Light, effluent doing pumps & high water a
LOADING RATE - 1.2 gals/sq.ft./day (Engineered loamy sand)
Rate based on Geoflow manual
EVAPORATION RATE - 0.2 inches/day=0.0167 ft/day = 0.125 gals/sq.ft./day
ADJUSTED DESIGN RATE- 1.075 gals/sq.ft./day
PRESENT - 2500 Square Feet Geoflow dispersal field
1250 feet of Geoflow line/625 emitters
FUTURE - 2500 Square Feet Geoflow dispersal field
1250 feet of Geoflow line/625 emitters

NOTES - 1. The existing swimming pool and deck shall be removed under permit
2. The dispersal field down to 4 feet below grade shall be replaced with engineered loamy sand

Registered Environmental Health Specialist
Lyndon S. Ong Yiu
REHS 5671
Exp. 12-31-27
State of California

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:	February 10, 2026	**Review Log #:**	**691**
Site Address:	29960 Harvester Road		
Lot/Tract/PM #:	APN 4469-013-037	**Planning #:**	**DMW 24-002 P5**
Applicant/Contact:	Steven Kent; stevenkentaia@gmail.com	**BPC/GPC #:**	
Contact Phone #:	310-293-3222 **Fax #:**	**Planner:**	**Larbi Azzaz**
Project Type:	**Revised project**: New Onsite Wastewater Treatment System (OWTS)		

Submittal Information

Consultant(s)/Report Date(s): *(Current submittal(s) in **Bold**.)*

GeoSystems, Inc. (Gladson, CEG 1758; Tsai, GE 2268): **1-13-2026**, 9-19-2025, 6-5-2025, 1-17-24
The Friday Group (Ong Yiu, REHS # 5671, MRPDS 12019): **1-7-2026**, 6-15-2025, 10-12-2024
Lawrence Young (REHS # 3738): 5-24-2025

5th Planning Submittal
OWTS Site Plan prepared by the Friday Group, undated.
Ref: OWTS and Percolation Reports by Lawrence Young: 03-08-24
OWTS Plan by Lawrence Young: 06-12-23
Civil Plan by Pacific Coast Civil, Inc.: 09-23-21
Architectural Title Sheet by Steven Kent Architects: 03-12-24

Previous Reviews: 10-22-2025, 7-21-2025, 11-22-2024, 4-30-2024; Ref. Environmental Health Review Sheets dated 1-30-2026, 11-14-2024 and 4-11-24

Review Findings

Planning Stage Review

☒ The revised OWTS project is **ACCEPTABLE** from a geotechnical perspective.

☐ The revised OWTS project is **NOT ACCEPTABLE** from a geotechnical perspective. The listed "Planning Stage Review Comments" shall be addressed prior to approval.

Building Plan-Check Stage Review

☒ Awaiting Building Plan-Check submittal.

☐ The OWTS 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 OWTS 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 Engineering Geology and Geotechnical Engineering Reports and Procedures for Report Submittal* (November 2013) referred to herein as "Geotechnical 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 regulations, as appropriate; any questions regarding Planning regulations or interpretations 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 with the following:
https://www.malibucity.org/DocumentCenter/View/28469/Electronic-Plans-Submittal-Guideline

Remarks:

The referenced response geotechnical report, supplemental OWTS design report, and OWTS plan have been reviewed by the City's consulting reviewers from a geotechnical perspective. Based on the submitted information, the revised scope of the project includes the installation of a new onsite wastewater treatment system (OWTS) consisting of a MicroSepTec ES7.5 pump/MRP with in-tank Salcor UV light and a 2,500 square foot GeoFlow dispersal field and 100% expansion (removing and replacing the engineered loamy sand materials in the present dispersal field). To accommodate the new OWTS, the existing swimming pool and deck will be removed and the dispersal field down to 6-feet below grade (based on T-7) will be replaced with engineered loamy sand. The loading rate, based on the Geoflow manual, is 1.2 gpsfpd (for engineered loamy sand).

The previous residential development was destroyed in the 2018 Woolsey Fire. Scopes of work related to the fire rebuild project are covered under Planning numbers PVWF 19-165, APRWF 19-039, and APRWF 21-010, and are not addressed in this review.

Building Plan Check Stage Review Comments:

1. Please submit a fee of $528.00 to the City for geotechnical review of the OWTS plans in the Building Plan Check Stage.

2. Please provide a set of civil plans for review (for removal and backfill of the pool).

3. The Project Geotechnical Consultant indicates that terrace deposits were encountered within the limits of the proposed dispersal area at a depth of 6 feet (T-7), and that excavation for the dispersal area should extend to 6 feet or terrace deposits, whichever is deeper. The depth of import loamy sand should therefore be 6 feet, not 4 feet as currently recommended. Please revise all final OWTS reports and plans to indicate a 6-foot removal and replacement within the limits of the proposed dispersal area.

4. Please provide reduction in setback letters from the Project OWTS Consultant and Project Geotechnical Consultant regarding reduced setbacks from structures and foundations.

5. Please include a note on the OWTS plans stating, "*The Project Engineering Geologist shall observe and approve the installation of the drip dispersal field and provide the City inspector with a field memorandum(s) documenting and verifying that the drip dispersal fields were installed per the approved OWTS plans.*"

6. Please include the following note on the OWTS plans, based on the Project Geotechnical Consultant's recommendations: "*The proposed backfill of the swimming pool should be composed of imported, non-expansive, granular soils, as recommended and observed/verified by the Project Geotechnical Consultant*."

7. Please include the following note on the OWTS plans: "*The placement of slurry and compacted fill utilized to properly abandon and remove /backfill the septic tank and seepage pits need to be addressed by the Project Geotechnical Consultant in their final compaction report*."

8. 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 for backfill of the pool and decking. 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. In addition, the Project Engineering Geologist needs to document that from the dispersal field down to 4-feet below grade is replaced with engineered loamy sand. This comment must be included as a note on the civil plans.

9. Two sets of final electronic civil and 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 Geotechnical Engineer and 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.

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

Geotechnical Engineering Review by: _____ 2-10-2026

Matthew Janousek, G.E. #3005, Exp. 12-31-26 Date
Geotechnical Engineering Reviewer (805-370-8710)
Email: mjanousek@malibucity.org

Engineering Geology Review by: _____ 2-10-2026

Chris Dean, C.E.G. #1751, Exp. 09-30-26 Date
Engineering Geology Reviewer (408-656-3210)
Email: cdean@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

Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 5.A.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Patrick Achis, AICP, Senior Planner

Reviewed by: Tyler Eaton, Assistant Community Development Director

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director

Date prepared: April 9, 2026 Meeting date: April 20, 2026

Subject: Zoning Text Amendment No. 25-003 – An amended recommendation for Accessory Dwelling Unit regulations to include a reduced setback provision for fire rebuilds

Applicant: City of Malibu
Location: Citywide

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-16 (Attachment 1) amending the Commission's prior recommendation (Resolution No. 26-03) to include a setback provision for Accessory Dwelling Units (ADUs) attached to fire rebuild replacement structures, and recommending that the City Council approve revised Zoning Text Amendment (ZTA) No. 25-003.

DISCUSSION: The Commission reviewed the ADU ordinance on August 18, 2025 and January 20, 2026, adopting Resolution No. 26-03 (Attachment 3) at the second hearing recommending City Council approval. Since then, staff has received requests from applicants rebuilding fire-destroyed structures, primarily on beachfront lots with limited buildable area, to allow attached ADUs to maintain the same setbacks as the replacement structure. This issue was not previously before the Commission. No other changes to the draft ordinance are proposed.

Background

Under the Governor of California's Executive Order N-20-25, the Coastal Act and the California Environmental Quality Act (CEQA) are suspended for new ADUs built in

conjunction with a rebuild of a primary structure that was destroyed in the 2025 Palisades Fire. As a result, any ADU built in conjunction with a rebuild does not need a coastal development permit. Instead, such ADUs may be permitted so long as they comply with Malibu Municipal Code (MMC) Section 17.44.

Many fire-destroyed properties, particularly along the beach, sit on lots as narrow as 35 to 40 feet. Under MMC Section 17.60.020(C), a replacement structure can be authorized to maintain pre-existing setbacks based on the prior legally established structure. A significant amount of rebuilds have non-conforming setbacks that are proposed to be maintained. Some beachfront rebuilds have no setback at all from the property line, which is allowed by the Los Angeles County Fire Department so long as the structure walls comply with appropriate fire ratings.

Under the current draft ordinance, any new ADU portion that extends beyond that structure's footprint or envelope must meet the standard ADU setback of four feet for side and rear yards. On constrained lots, this can make an attached ADU infeasible or impractical as part of the rebuild. For example, on a 35-foot-wide beach lot where the replacement structure has been authorized to rebuild with zero-foot side setbacks, requiring a four-foot setback for the ADU portion may create a less effective fire-protection configuration between the ADU and the replacement structure. It may also further reduce the buildable width to the point where an attached unit cannot be accommodated.

Without this provision, applicants must either forgo the ADU or pursue individual discretionary relief, which adds time and cost to the rebuild process. The City's Housing Element Program 4.1 (Support Development of ADUs) and state law both prioritize standards to streamline ADU production.

Proposed Language

Staff has prepared the following language for the Commission's consideration. No other changes to the ADU ordinance as recommended for adoption in Resolution No. 26-03 are proposed. A redline showing the proposed changes is included as Attachment 2.

> **MMC Section 17.44.090(B)(4)**
> *4. An ADU proposed in conjunction with, and attached to, a legally authorized replacement structure reconstructed pursuant to Section 17.60.020(C) following damage or destruction by a natural disaster, and which is located outside the footprint or envelope of the approved replacement structure, may maintain the same setback as the replacement structure it is attached to so long as the Los Angeles*

County Fire Department and City Building Official have determined the structure will comply with all necessary building and fire code requirements.

Scope and Limitations

This provision applies only to attached ADUs proposed as part of an authorized replacement structure following damage or destruction by a natural disaster. Detached ADUs are not eligible. The replacement structure must have been authorized under MMC Section 17.60.020(C). Both the Los Angeles County Fire Department and the City Building Official must determine that the structure complies with all applicable Building and Fire Code requirements before the reduced setback applies. The provision does not allow setbacks beyond what has already been authorized for the replacement structure; no additional setback reduction is granted. It does not allow an ADU to create a new non-conforming setback if the replacement structure is already compliant. The ADU in that case must meet the required four-foot setback stated in MMC Section 17.44 for side and rear yards. California Building Code requirements for openings near property lines, including fire-rated wall assemblies and restrictions on window and door placement, apply to the ADU in the same manner as the replacement structure. All other ADU development standards, including maximum unit size, height, and impermeable lot coverage, would continue to apply.

ENVIRONMENTAL REVIEW: The project is exempt from the requirements of CEQA pursuant to Public Resources Code Section 21080.17, which states that CEQA does not apply to the adoption of local ordinances regulating the construction of second units and by CEQA Guidelines Section 15282(h) that exempts adoption of an ordinance regarding second units in single-family and multifamily residential zones.

Furthermore, the Community Development Director has analyzed the proposed amendments. CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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 Community Development Director determined that the proposed amendments are required by state law and will not result in changes from existing development standards, such as density limits and environmental resource protection standards; consequently, 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.

PUBLIC NOTICE: Notice for this item was provided in accordance with City policies and the Brown Act. The City published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu on March 26, 2026 (Attachment 4). Additionally, the interested parties lists for ADUs and Zoning Text Amendments were sent a courtesy email

with the date of the agendized Planning Commission item and instructions for participation. The City's ADU webpage (www.malibucity.org/adu) was also updated with notification of this meeting. As of the writing of the report, staff has not received public comments.

SUMMARY AND NEXT STEPS: It is recommended that the Planning Commission adopt Resolution No. 26-16 amending the Commission's prior recommendation (Resolution No. 26-03) to include a setback provision for ADUs attached to fire rebuild replacement structures.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-16
   Exhibit A: Draft Ordinance
   Exhibit A-1: Amended MMC Chapter 17.44
2. Redline - Amendments to MMC Chapter 17.44 Since January 20, 2026 Meeting
3. Resolution No. 26-03
4. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU AMENDING THE COMMISSION'S PRIOR RECOMMENDATION (RESOLUTION NO. 26-03) TO INCLUDE A SETBACK PROVISION FOR ACCESSORY DWELLING UNITS ATTACHED TO FIRE REBUILD REPLACEMENT STRUCTURES, AND RECOMMENDING THAT THE CITY COUNCIL APPROVE REVISED ZONING TEXT AMENDMENT (ZTA) NO. 25-003

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

SECTION 1. Recitals.

A. On January 8, 2024, the City transmitted Ordinance No. 511 to the California Department of Housing and Community Development (HCD) for review pursuant to Government Code section 66326.

B. On November 13, 2024, HCD issued a written findings letter identifying required amendments and clarifications to ensure consistency with State Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) law.

C. On July 24, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu regarding Zoning Text Amendment (ZTA) No. 25-003.

D. On August 11, 2025, the City Council adopted Resolution No. 25-41 to: 1) initiate ZTA No. 25-003 to update accessory dwelling unit regulations consistent with State law, and 2) direct the Planning Commission to schedule a public hearing regarding the ZTA and provide a recommendation to the Council whether to approve, modify, or reject the amendment.

E. On August 18, 2025, the Planning Commission held a duly noticed public hearing on ZTA No. 25-003 and reviewed the agenda report, written materials, public testimony, and all evidence in the record.

F. To remain valid and enforceable, the City's ADU ordinance must be updated to reflect the most recent changes to State ADU and JADU law.

G. Since the August 18, 2025 hearing, ZTA No. 25-003 was not adopted so that the City could revise the amendment to reflect additional State ADU and JADU legislation has taken effect or will take effect through 2026, including, but not limited to, Assembly Bill (AB) 462, AB 1154, Senate Bill (SB) 9 (2025), SB 543, and SB 1211.

H. On December 25, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu regarding the revised ZTA No. 25-003.

I. On January 20, 2026, the Planning Commission held a duly noticed public hearing on the revised draft of ZTA No. 25-003 incorporating new state law and clarifications; and reviewed the agenda report, written materials, public testimony, and all evidence in the record.

J. Following the January 20, 2026, hearing, staff identified the need for a reduced setback provision for ADUs attached to fire rebuild replacement structures authorized under MMC Section 17.60.020(C) and returned the item to the Planning Commission for consideration of the additional provision.

K. On March 26, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and on March 27, 2026, a Notice of Planning Commission Public hearing was mailed to interested parties.

L. On April 20, 2026, the Planning Commission held a duly noticed public hearing on the revised draft of ZTA No. 25-003 to include a reduced setback provision for fire rebuilds; and reviewed the agenda report, written materials, public testimony, and all evidence in the record.

M. The proposed amendments are necessary to implement recent changes to State law and to address HCD's November 13, 2024 findings letter pursuant to Government Code section 66326.

N. The proposed amendments are consistent with the goals, objectives, and policies of the City's General Plan and Housing Element Program 4.1 (Support Development of Accessory Dwelling Units), and corresponding amendments to the Local Coastal Program will be processed separately for Coastal Commission certification.

SECTION 2. Environmental Review.

The project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which states that CEQA does not apply to the adoption of local ordinances regulating the construction of second units and by CEQA Guidelines Section 15282(h) that exempts adoption of an ordinance regarding second units in single-family and multifamily residential zones.

Furthermore, the Community Development Director has analyzed the proposed amendments. CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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 Community Development Director determined that the proposed amendments are required by State law and will not result in changes from existing development standards, such as density limits and environmental resource protection standards; consequently, 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.

SECTION 3. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code (MMC) Section 17.74.040, the Planning Commission hereby makes the following findings and recommends to the City Council that the MMC be amended as stated in Exhibit A of this resolution.

A. The subject ZTA 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. Specifically, it fulfills programs specified in Housing Element Goal 1 (Adequate Housing for the Existing and Projected Needs of All Economic Segments of the Community), and Housing Element Program 4.1 (Support Development of Accessory Dwelling Units) and Objective 1.e (timely updates to the ADU ordinance to maintain compliance with State law). In addition, adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

B. The Planning Commission held a public hearing, reviewed the subject ZTA for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the ZTA is consistent and recommends approval.

SECTION 4. Planning Commission Action.

Based on the above findings, the Planning Commission hereby recommends that the City Council approve the Zoning Ordinance Amendments detailed in Exhibit "A".

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

PASSED, APPROVED AND ADOPTED this 20th day of April, 2026.

_____
ELIZABETH RIDDICK, Planning Commission Chair

ATTEST:

_____
REBECCA EVANS, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-16 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting thereof held on the 20th day of April, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

Exhibit A: Draft Ordinance

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY OF MALIBU APPROVING ZONING TEXT AMENDMENT NO. 25-003 AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE TO UPDATE ACCESSORY DWELLING UNIT REGULATIONS AND DETERMINING 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. State law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs").

B. On February 1, 2024, the City transmitted Ordinance No. 511 to the California Department of Housing and Community Development (HCD) for review pursuant to Government Code section 66326.

C. On November 13, 2024, HCD issued a written findings letter identifying required amendments and clarifications to ensure consistency with State ADU and JADU law.

D. On August 11, 2025, the City Council adopted Resolution No. 25-41 to: 1) initiate Zoning Text Amendment (ZTA) No. 25-003 to update accessory dwelling unit regulations consistent with State law, and 2) direct the Planning Commission to schedule a public hearing regarding the ZTA and provide a recommendation to the Council whether to approve, modify, or reject the amendment.

E. On August 18, 2025, the Planning Commission held a duly noticed public hearing on the proposed ADU amendments on ZTA No. 25-003, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record and recommended approval of Resolution No. 25-65 some modifications.

F. To remain valid and enforceable, the City's ADU ordinance must be updated to reflect the most recent changes to State ADU and JADU law.

G. Since the August 18, 2025 hearing, ZTA No. 25-003 was not adopted so that the City could revise the amendment to incorporate additional State ADU and JADU legislation has taken effect or will take effect through 2026, including, but not limited to, Assembly Bill (AB) 462, AB 1154, Senate Bill (SB) 9 (2025), SB 543, and SB 1211.

H. On January 20, 2026, the Planning Commission held a duly noticed public hearing on the revised draft of ZTA No. 25-003 incorporating new state law and clarifications, reviewed the agenda report, written materials, public testimony, and all evidence in the record, and adopted Resolution No. 26-03 recommending City Council approval.

I. Following the January 20, 2026, hearing, staff identified the need for a reduced setback provision for ADUs attached to fire rebuild replacement structures authorized under MMC Section 17.60.020(C) and returned the item to the Planning Commission for consideration of the additional provision.

J. On March 26, 2026, 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.

K. On April 20, 2026, the Planning Commission held a duly noticed public hearing on the revised draft of ZTA No. 25-003 to include a reduced setback provision for fire rebuilds; and reviewed the agenda report, written materials, public testimony, and all evidence in the record.

L. On May 14, 2026, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

M. On June 8, 2026, the City Council held a duly noticed public hearing on the proposed ZTA No 25-003, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record and recommended approval of the amendments with some modifications.

SECTION 2. Environmental Review.

The project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which states that CEQA does not apply to the adoption of local ordinances regulating the construction of second units and by CEQA Guidelines Section 15282(h) that exempts adoption of an ordinance regarding second units in single-family and multifamily residential zones.

Furthermore, the Community Development Director has analyzed the proposed amendments. CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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 Community Development Director determined that the proposed amendments are required by State law and will not result in changes from existing development standards, such as density limits and environmental resource protection standards; consequently, there is no possibility the amendment will have a significant effect on the environment and accordingly, and the exemption set forth in Section 15061(b)(3) applies.

SECTION 3. Zoning Text Amendment Findings.

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

A. The subject ZTA 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. Specifically, it fulfills programs specified in Housing Element Goal 1 (Adequate Housing for the Existing and Projected Needs of All Economic Segments of the Community), and Housing Element Program 4.1 (Support Development of Accessory Dwelling Units) and Objective 1.e (timely updates to the ADU ordinance to maintain compliance with State law). In addition, adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

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

SECTION 4. Zoning Text Amendment No. 25-003, Amendments to the Malibu Municipal Code (MMC).

A. The City Council hereby amends Title 17 - Zoning in the MMC as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 5. Effective Date.

In accordance with California Government Code section 36937, this Ordinance shall become effective on the 30th day following its passage and adoption.

SECTION 6. 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 7. Certification.

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

PASSED, APPROVED, and ADOPTED this _____ day of _____ 2026.

_____
BRUCE LEE SILVERSTEIN, Mayor

ATTEST:

_____
KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

_____
TREVOR RUSIN, City Attorney

Exhibit A-1: Zoning Text Amendments to Chapter 17.44 of the Zoning Code (Accessory Dwelling Units)

EXHIBIT A-1

Zoning Text Amendments to Chapter 17.44 of the Zoning Code

(ACCESSORY DWELLING UNITS)

CHAPTER 17.44

ACCESSORY DWELLING UNITS

§ 17.44.010. Title.

This chapter shall be known as the "Malibu Accessory Dwelling Unit Ordinance."

§ 17.44.020. Purpose.

The purpose of this chapter is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code. The entire city of Malibu is located in a designated “Very High Fire Hazard Severity Zone,” and this chapter ensures that ADUs and JADUs are developed and operated on adequate sites, at proper and desirable locations, and that the goals and objectives of the general plan are observed.

§ 17.44.030. Effect of conforming.

An ADU or JADU that conforms to the standards in this chapter will be:

A. Deemed to be consistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.

B. Deemed not to exceed the allowable density for the lot on which the ADU or JADU is located.

C. Considered not to be subject to the application of any local ordinance, policy, or program to limit residential growth.

D. Approved without requiring the correction of a nonconforming zoning condition. This does not prevent the city from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12. For purposes of this chapter, "nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

§ 17.44.040. Definitions.

A. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

    1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and

    2. A manufactured home, as defined by Section 18007 of the California Health

and Safety Code.

B. “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

C. “Complete independent living facilities” means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

D. "Efficiency kitchen" means a kitchen that satisfies all of the following:

1. A cooking facility with appliances;

2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

E. "Junior accessory dwelling unit" means a residential unit that

1. Is no more than 500 square feet of interior livable space in size;

2. Is contained entirely within an existing or proposed single-family structure; an enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure;

3. Has an independent exterior entrance, apart from that of the primary dwelling;

4. Either includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and if the latter, the JADU includes an interior entrance to the main living area of the existing or proposed single-family structure in addition to the exterior entrance to the JADU; and

5. Includes an efficiency kitchen, as defined in this subsection D.

F. “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

G. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

H. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit or junior accessory dwelling unit.

I. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

J. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, or subways and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

K. "Tandem parking" means that two or more automobiles are parked on a driveway or in

any other location on a lot, lined up behind one another.

L. "Very high fire hazard severity zone" means zone as defined by Government Code Section 51177 and designated by Ordinance No. 299 and the City's adopted Local Responsibility Area Fire Hazard Severity Zone Maps, as may be amended from time to time.

§ 17.44.050. Permitted locations.

A. ADUs and JADUs under Section 17.44.060(A) are allowed on lots that are in a residential or mixed-use zone.

B. ADUs under Section 17.44.060(B) are allowed on lots zoned to allow single-family or multifamily dwelling residential use.

C. Areas with Adequate Ingress and Egress. Since the entire City is located within a designated "Very High Fire Hazard Severity Zone," emergency ingress and egress shall be evaluated consistent with the City's adopted Fire Code (2025 California Fire Code, as amended), including the fire apparatus access road requirements set forth in California Fire Code Section 503, as enforced by the Los Angeles County Fire Department. Nothing in this subsection is intended to establish a zoning-based prohibition on ADUs or JADUS. Compliance with Fire Code and Building Code requirements is required; however, such requirements shall not be used as a zoning-based basis to deny an ADU or JADU that must be approved ministerially under State law.

§ 17.44.060. Approvals.

The following approvals apply to ADUs and JADUs developed under this chapter. Because the city of Malibu lies entirely within the Coastal Zone, ADU applications may be subject to the requirements in the Local Coastal Program (LCP) in addition to the provisions of this chapter. If an ADU application is exempt from the need to obtain a coastal development permit, then only this chapter governs.

A. Class 1: Statutorily Regulated. Class 1 ADUs and JADUs are approved under Government Code Section 66323. If an ADU or JADU complies with each of the general requirements in Section 17.44.080 below, it is allowed subject to an ADU permit and a building permit in the following scenarios provided in this subsection (A). An ADU and JADU approved under subsection (A)(1) may be combined with an ADU approved under subsection (A)(2), and ADUs approved under subsection (A)(3) may be combined with ADUs approved under subsection (A)(4).

    1. Converted on a Lot with Single-Family. One ADU as described in this subsection (A)(1) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

        a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case

of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and

b. Has exterior access that is independent of that for the single-family dwelling; and

c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

d. The JADU complies with the requirements of Government Code Sections 66333 through 66339.

2. Limited Detached on a Lot with Single-Family. One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (A)(1) above if the detached ADU satisfies each of the following limitations:

   a. The side- and rear-yard setbacks are at least four feet.

   b. The total floor area is 800 square feet or smaller.

   c. The peak height above grade does not exceed the applicable height limit in subsection 17.44.080(K) below.

3. Converted on a Lot with Multifamily. One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (A)(3) at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

4. Limited Detached on a Lot with Multifamily. No more than two detached ADUs on a lot that has a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies both of the following limitations:

   a. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.

   b. The peak height above grade does not exceed the applicable height limit provided in subsection 17.44.080(K) below.

   c. If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

B. Class 2: Locally Regulated. Class 2 ADUs are approved under Government Code sections 66314–66322.

1. Except as allowed under subsection A, all ADUs require an ADU permit and a building permit and must comply with the standards set forth in Sections 17.44.080 and 17.44.090.

2. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU permit processing fee is determined by the city council by resolution.

§ 17.44.070. Process and timing.

A. Completeness.

1. Determination in 15 days. The city will determine whether an application to create or serve an ADU or JADU is complete and will provide written notice of the determination to the applicant within 15 business days after the city receives the application submittal.

2. Incomplete items. If the city's determination under subsection (A)(1) above is that the application is incomplete, the city's notice must list the incomplete items and describe how the application can be made complete.

3. Cure. After receiving a notice that the application is incomplete, the applicant may cure and address the items that were deemed by the city to be incomplete.

4. Subsequent submittals. If the applicant submits additional information to address incomplete items, within 15 business days of the subsequent submittal the city will determine in writing whether the additional information remedies all the incomplete items that the city identified in its original notice. The city may not require the application to include an item that was not included in the original notice.

5. Deemed complete. If the city does not make a timely determination as required by this subsection (A), the application or resubmitted application is deemed complete for the purposes of subsection (C) below.

6. Appeal of incompleteness. An applicant may appeal the city's determination that the application is incomplete by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the completeness determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

B. No Discretion or Hearing. An ADU permit is considered and approved ministerially by the community development director without discretionary review or a hearing.

C. Deadline to Approve or Deny Ministerial Approvals. The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city

receives a complete application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved, unless either:

1. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

2. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay ~~acting on~~ approving or denying the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

D. Denial. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection C above.

E. Appeal of Denial. An applicant may appeal the city's denial of the application by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

F. Concurrent Review of Demolition**.** A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

§ 17.44.080. General requirements.

The following requirements apply to all Class 1 and Class 2 ADUs and JADUs:

A. Zoning.

1. A Class 1 Statutorily Regulated ADU approved under Section 17.44.060(A) may be created on a lot in a residential or mixed-use zone.

2. A Class 2 Locally Regulated ADU approved under Section 17.44.060(B) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

3. In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned to allow single-family residences.

B. Rental Term. An ADU or JADU may not be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

C. Rental Rate Reporting. To facilitate the city's obligation to identify adequate sites in accordance with Government Code Sections 65583.1 and 66330, and to help ADUs and JADUs to count towards the city's Regional Housing Needs Assessment (RHNA) requirements, within 90 days after each January 1 following issuance of the building permit, the owner shall report the actual rent charged for the ADU or JADU during the prior year.

D. No Separate Conveyance. An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 66341, no ADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot). A JADU may not be sold or otherwise conveyed separately from the lot and the primary dwelling.

E. Septic System. If the ADU or JADU will connect to an on-site water treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

F. Fire Sprinklers.

1. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

2. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

G. Owner Occupancy with JADU.

a. Generally. As required by state law, JADUs are generally subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person’s legal domicile and permanent residence.

b. Exceptions. The owner-occupancy requirement in this subsection (G) does not apply in either of the following situations:

1. The JADU has separate sanitation facilities (i.e., does not share sanitation facilities with the existing primary dwelling unit structure).

2. The property is entirely owned by another governmental agency, land trust, or housing organization.

c. ADUs. ADUs are not subject to an owner-occupancy requirement.

H. Deed Restriction. Prior to issuance of a certificate of occupancy for a JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Community Development Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

1. The JADU may not be sold separately from the primary dwelling.
2. A JADU created cannot be rented for less than 30 days.
3. The JADU is restricted to the approved size and to the other attributes allowed by this section.
4. The deed restriction runs with the land and may be enforced against future property owners.
5. The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

I. Building and Safety.

a. Must Comply With Building Code. Subject to subsection (I)(b) below, all ADUs and JADUs must comply with all local building code requirements.

b. No Change of Occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or Code Enforcement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (I)(b) prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

J. Certificate of Occupancy Timing.

a. Generally. No certificate of occupancy for an ADU or JADU may be issued before the certificate of occupancy is issued for the primary dwelling unit.

b. Limited Exception for State-Declared Emergencies. Notwithstanding subsection (J)(a) above, a certificate of occupancy for an ADU may be issued before a certificate of occupancy for the primary dwelling if each of the following requirements are met:

1. The county is subject to a proclamation of a state of emergency made by the California Governor on or after February 1, 2025.

2. The primary dwelling was substantially damaged or destroyed by an event

referenced in the Governor's state of emergency proclamation.

3. The ADU has been issued construction permits and has passed all required inspections.

4. The ADU is not attached to the primary dwelling.

K. Height.

a. No ADU subject to this chapter may exceed 16 feet in height above grade, except as provided in subsections (K)(b) through (K)(d) of this section.

b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that matches the roof pitch of the primary dwelling unit.

c. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.

d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (K)(d) may not exceed two stories.

§ 17.44.090. Specific ADU requirements.

The following requirements apply only to Class 2 - Locally Regulated ADUs under Section 17.44.060 (B) above. This section does not apply to Class 1 Statutorily Regulated ADUs and JADUs under Section 17.44.060 (A) above.

A. Size.

1. The maximum floor area of a detached or attached ADU is 1,000 square feet.

2. Notwithstanding subsection (A)(1), an ADU that is created on a lot with an existing primary dwelling and that is attached to the primary dwelling is limited to 50 percent of the floor area of the existing primary dwelling, subject to subsection (A)(3).

3. Application of other development standards in this Section might further limit the size of the ADU, but no application of the percent-based size limit in subsection A.2 or of a FAR, front-setback, lot-coverage, or open-space requirement may require the ADU to be less than 800 square feet of interior

livable space.

4. By definition, a JADU may not be larger than 500 square feet.

B. Setbacks.

1. The front yard setback of an ADU located on a non-beach front lot, subject to this Section, shall be at least 20 percent of the total depth of the lot, or 65 feet, whichever is less. On a beachfront lot, the front yard setback shall be 20 feet maximum or the average of the two immediate neighbors, whichever is less.

2. No part of any ADU that is subject to this Section may be located within four feet of a side or rear property line.

3. No setback is required for an ADU that is subject to this Section if the ADU is constructed in the same location and to the same dimensions as an existing structure.

4. An ADU proposed in conjunction with, and attached to, a legally authorized replacement structure reconstructed pursuant to Section 17.60.020(C) following damage or destruction by a natural disaster, and which is located outside the footprint or envelope of the approved replacement structure, may maintain the same setback as the replacement structure it is attached to so long as the Los Angeles County Fire Department and City Building Official have determined the structure will comply will all necessary building and fire code requirements.

C. Floor Area Ratio (FAR). No ADU subject to Section 17.44.090 may cause the total FAR of the lot to exceed 38 percent, subject to subsection 17.44.090(A)(3).

D. Lot Coverage. No ADU subject to this Section may cause the total lot coverage of the lot to exceed 45% for up to ¼ acre; 35% of the net area for lots ¼ to ½ acre and 30% of the net area up to a maximum of 25,000 square feet per parcel for lots ½ acre of more in size, subject to subsection 17.44.090(A)(3).

E. Passageway. No passageway, as defined by Section 17.44.040, is required for an ADU.

F. Parking.

1. Generally. One off-street enclosed or unenclosed parking space is required for each ADU or bedroom, whichever is less. Unenclosed parking spaces may be provided in setback areas or as tandem parking, as defined by Section 17.44.040.

2. Exceptions. No parking under subsection (F)(1) above is required in the following situations:

a. The ADU is located within one-half mile walking distance of public transit, as defined in Section 17.44.040.

b. The ADU is located within an architecturally and historically significant

historic district.

c. The ADU is part of the proposed or existing primary residence or part of an existing accessory structure, under Section 17.44.060(A)(1).

d. When on-street parking permits are required but not offered to the occupant of the ADU.

e. When there is an established car share vehicle stop located within one block of the ADU.

f. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (D)(2)(a) through (D)(2)(f).

3. No Replacement Parking Required. When a garage, carport, covered parking structure, or uncovered parking space is: (a) demolished in conjunction with the construction of an ADU; or (b) converted to an ADU, those off-street parking spaces are not required to be replaced. If replacement parking is proposed by the owner, the parking must be located on hardscape.

G. Internal Connection. An attached ADU shall not be connected internally to the main residence. A detached ADU shall not be connected internally to any accessory structure except to a legally established garage that serves the ADU.

§ 17.44.100. Fees.

A. Impact Fees.

1. No impact fee shall be charged for an ADU that is less than 750 square feet of interior livable space.

2. Any impact fee that is required for an ADU that is 750 square feet or more of interior livable space must be charged proportionately in relation to the floor area of the primary dwelling unit. (e.g., the square footage of the ADU, divided by the square footage of the primary dwelling, times the typical fee amount charged for a new dwelling.)

3. A JADU or ADU with less than 500 square feet of interior livable space does not increase assessable space by 500 square feet for purposes of Education Code section 17620(a)(1)(C), and is therefore not subject to school fees under Education Code section 17620.

4. For purposes of this Section, "impact fee" means a "fee" under the Mitigation Fee Act (Government Code Section 66000(b)) and a fee under the Quimby Act (Government Code Section 66477). It does not include any connection fee or

capacity charge for water or sewer service.

B. Utility Fees.

1. An ADU that is constructed with a single-family dwelling shall be subject to standard utility-connection requirements and fees for a new residential use.

2. Converted ADUs created under Section 17.44.060(A)(1) are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required unless the ADU is constructed with a new single-family home (per subsection (B)(1) above).

3. All ADUs not covered by subsection (B)(1) or (B)(2) above require a new, separate utility connection directly between the ADU and the utility for any utility service that is provided by the City.

a. All utilities that are not provided by the City are subject to the connection and fee requirements of the utility provider.

b. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU, based on either the square footage or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.

§ 17.44.110. Nonconforming Zoning Code conditions, Building Code violations, and unpermitted structures.

A. Generally. The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

B. Unpermitted ADUs and JADUs Constructed Before 2020.

1. Permit to Legalize. As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:

a. The ADU or JADU violates applicable building standards, or

b. The ADU does not comply with the state ADU or JADU law or with this Chapter 17.44.

2. Exceptions:

a. Notwithstanding subsection (B)(1) above the city may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation

is necessary to comply with the standards specified in California Health and Safety Code Section 17920.3.

b. Subsection (B)(1) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.

Legend

Black Text – Adopted Malibu Municipal Code (MMC)
Blue Text – Changes Recommended Under Resolution No. 26-03 (underline is additions; strikethrough is deletions)
Red Text – Proposed Fire Rebuild Setback Provision

CHAPTER 17.44
ACCESSORY DWELLING UNITS

§ 17.44.090. Specific ADU requirements.

B. Setbacks.

1. The front yard setback of an ADU located on a non-beach front lot, subject to this Section ~~17.44.090~~, shall be at least 20 percent of the total depth of the lot, or 65 feet, whichever is less. On a beachfront lot, the front yard setback shall be 20 feet maximum or the average of the two immediate neighbors, whichever is less.

2. No part of any ADU that is subject to this Section ~~17.44.090~~ may be located within four feet of a side or rear property line.

3. No ~~additional~~ setback is required for an ADU that is subject to this Section ~~17.44.090~~ if the ADU is constructed in the same location and to the same dimensions as an ~~existing legally established~~ ~~accessory~~ structure ~~that was is legally demolished and then replaced with the ADU~~.

4. An ADU proposed in conjunction with, and attached to, a legally authorized replacement structure reconstructed pursuant to Section 17.60.020(C) following damage or destruction by a natural disaster, and which is located outside the footprint or envelope of the approved replacement structure, may maintain the same setback as the replacement structure it is attached to so long as the Los Angeles County Fire Department and City Building Official have determined the structure will comply with all necessary building and fire code requirements.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING TEXT AMENDMENT NO. 25-003, AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE TO UPDATE ACCESSORY DWELLING UNIT REGULATIONS TO UPDATE REGULATIONS RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

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

SECTION 1. Recitals.

A. On January 8, 2024, the City transmitted Ordinance No. 511 to the California Department of Housing and Community Development (HCD) for review pursuant to Government Code section 66326.

B. On November 13, 2024, HCD issued a written findings letter identifying required amendments and clarifications to ensure consistency with State Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) law.

C. On July 24, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu regarding Zoning Text Amendment (ZTA) No. 25-003.

D. On August 11, 2025, the City Council adopted Resolution No. 25-41 to: 1) initiate ZTA No. 25-003 to update accessory dwelling unit regulations consistent with State law, and 2) direct the Planning Commission to schedule a public hearing regarding the ZTA and provide a recommendation to the Council whether to approve, modify, or reject the amendment.

E. On August 18, 2025, the Planning Commission held a duly noticed public hearing on ZTA No. 25-003 and reviewed the agenda report, written materials, public testimony, and all evidence in the record.

F. To remain valid and enforceable, the City's ADU ordinance must be updated to reflect the most recent changes to State ADU and JADU law.

G. Since the August 18, 2025 hearing, ZTA No. 25-003 was not adopted so that the City could revise the amendment to reflect additional State ADU and JADU legislation has taken effect or will take effect through 2026, including, but not limited to, Assembly Bill (AB) 462, AB 1154, Senate Bill (SB) 9 (2025), SB 543, and SB 1211.

H. On December 25, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu regarding the revised ZTA No. 25-003.

I. On January 20, 2026, the Planning Commission held a duly noticed public hearing on the revised draft of ZTA No. 25-003 incorporating new state law and clarifications; and

Executed January 20, 2026

reviewed the agenda report, written materials, public testimony, and all evidence in the record.

J. The proposed amendments are necessary to implement recent changes to State law and to address HCD's November 13, 2024 findings letter pursuant to Government Code section 66326.

K. The proposed amendments are consistent with the goals, objectives, and policies of the City's General Plan and Housing Element Program 4.1 (Support Development of Accessory Dwelling Units), and corresponding amendments to the Local Coastal Program will be processed separately for Coastal Commission certification.

SECTION 2. Environmental Review.

The project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which states that CEQA does not apply to the adoption of local ordinances regulating the construction of second units and by CEQA Guidelines Section 15282(h) that exempts adoption of an ordinance regarding second units in single-family and multifamily residential zones.

Furthermore, the Community Development Director has analyzed the proposed amendments. CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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 Community Development Director determined that the proposed amendments are required by State law and will not result in changes from existing development standards, such as density limits and environmental resource protection standards; consequently, there is no possibility the amendment will have a significant effect on the environment and accordingly, and the exemption set forth in Section 15061(b)(3) applies.

SECTION 3. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code (MMC) Section 17.74.040, the Planning Commission hereby makes the following findings and recommends to the City Council that the MMC be amended as stated in Exhibit A of this resolution.

A. The subject ZTA 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. Specifically, it fulfills programs specified in Housing Element Goal 1 (Adequate Housing for the Existing and Projected Needs of All Economic Segments of the Community), and Housing Element Program 4.1 (Support Development of Accessory Dwelling Units) and Objective 1.e (timely updates to the ADU ordinance to maintain compliance with State law). In addition, adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

Executed January 20, 2026

B. The Planning Commission held a public hearing, reviewed the subject ZTA for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the ZTA is consistent and recommends approval.

SECTION 4. Planning Commission Action.

Based on the above findings, the Planning Commission hereby recommends that the City Council approve the Zoning Ordinance Amendments detailed in Exhibit "A".

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

PASSED, APPROVED AND ADOPTED this 20th day of January, 2026.

ELIZABETH RIDDICK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-03 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting thereof held on the 20th day of January, 2026, by the following vote:

AYES:	4
NOES:	1
ABSTAIN:	0
ABSENT:	0

REBECCA EVANS, Recording Secretary

Exhibit A: Draft Ordinance

Executed January 20, 2026

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY OF MALIBU APPROVING ZONING TEXT AMENDMENT NO. 25-003 AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE TO UPDATE ACCESSORY DWELLING UNIT REGULATIONS AND DETERMINING 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. State law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs").

B. On January 8, 2024, the City transmitted Ordinance No. 511 to the California Department of Housing and Community Development (HCD) for review pursuant to Government Code section 66326.

C. On November 13, 2024, HCD issued a written findings letter identifying required amendments and clarifications to ensure consistency with State ADU and JADU law.

D. On August 11, 2025, the City Council adopted Resolution No. 25-41 to: 1) initiate Zoning Text Amendment (ZTA) No. 25-003 to update accessory dwelling unit regulations consistent with State law, and 2) direct the Planning Commission to schedule a public hearing regarding the ZTA and provide a recommendation to the Council whether to approve, modify, or reject the amendment.

E. On August 18, 2025, the Planning Commission held a duly noticed public hearing on the proposed ADU amendments on ZTA No. 25-003, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record and recommended approval of the amendments with some modifications.

F. To remain valid and enforceable, the City's ADU ordinance must be updated to reflect the most recent changes to State ADU and JADU law.

G. Since the August 18, 2025 hearing, ZTA No. 25-003 was not adopted so that the City could revise the amendment to incorporate additional State ADU and JADU legislation has taken effect or will take effect through 2026, including, but not limited to, Assembly Bill (AB) 462, AB 1154, Senate Bill (SB) 9 (2025), SB 543, and SB 1211.

H. On January 20, 2026, the Planning Commission held a duly noticed public hearing on the revised draft of ZTA No. 25-003 incorporating new state law and clarifications; and reviewed the agenda report, written materials, public testimony, and all evidence in the record.

I. On _____, 2026, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

J. On _____, 2026, the City Council held a duly noticed public hearing on the proposed ZTA No 25-003, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

SECTION 2. Environmental Review.

The project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which states that CEQA does not apply to the adoption of local ordinances regulating the construction of second units and by CEQA Guidelines Section 15282(h) that exempts adoption of an ordinance regarding second units in single-family and multifamily residential zones.

Furthermore, the Community Development Director has analyzed the proposed amendments. CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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 Community Development Director determined that the proposed amendments are required by State law and will not result in changes from existing development standards, such as density limits and environmental resource protection standards; consequently, there is no possibility the amendment will have a significant effect on the environment and accordingly, and the exemption set forth in Section 15061(b)(3) applies.

SECTION 3. Zoning Text Amendment Findings.

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

A. The subject ZTA 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. Specifically, it fulfills programs specified in Housing Element Goal 1 (Adequate Housing for the Existing and Projected Needs of All Economic Segments of the Community), and Housing Element Program 4.1 (Support Development of Accessory Dwelling Units) and Objective 1.e (timely updates to the ADU ordinance to maintain compliance with State law). In addition, adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

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

SECTION 4. Zoning Text Amendment No. 25-003, Amendments to the Malibu Municipal Code (MMC).

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

A. Chapter 17.44 is amended in its entirety as shown in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 5. HCD Submittal.

In accordance with Government Code sections 66326 and 66333.5, the City Clerk is directed to submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after adoption.

SECTION 5. Effective Date.

In accordance with California Government Code section 36937, this Ordinance shall become effective on the 30th day following its passage and adoption.

SECTION 6. 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 7. Certification.

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

PASSED, APPROVED, and ADOPTED this _____ day of _____ 2026.

_____
MARIANNE RIGGINS, Mayor

ATTEST:

_____
KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

_____
TREVOR RUSIN, City Attorney

Exhibit A-1: Zoning Text Amendments to Chapter 17.44 of the Zoning Code (Accessory Dwelling Units)

EXHIBIT A-1

Zoning Text Amendments to Chapter 17.44 of the Zoning Code

(ACCESSORY DWELLING UNITS)

CHAPTER 17.44

ACCESSORY DWELLING UNITS

§ 17.44.010. Title.

This chapter shall be known as the "Malibu Accessory Dwelling Unit Ordinance."

§ 17.44.020. Purpose.

The purpose of this chapter is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code. The entire city of Malibu is located in a designated "Very High Fire Hazard Severity Zone," and this chapter ensures that ADUs and JADUs are developed and operated on adequate sites, at proper and desirable locations, and that the goals and objectives of the general plan are observed.

§ 17.44.030. Effect of conforming.

An ADU or JADU that conforms to the standards in this chapter will be:

A. Deemed to be consistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.

B. Deemed not to exceed the allowable density for the lot on which the ADU or JADU is located.

C. Considered not to be subject to the application of any local ordinance, policy, or program to limit residential growth.

D. Approved without requiring the correction of a nonconforming zoning condition. This does not prevent the city from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12. For purposes of this chapter, "nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

§ 17.44.040. Definitions.

A. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

   1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and

   2. A manufactured home, as defined by Section 18007 of the California Health

and Safety Code.

B. “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

C. “Complete independent living facilities” means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

D. "Efficiency kitchen" means a kitchen that satisfies all of the following:

1. A cooking facility with appliances;

2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

E. "Junior accessory dwelling unit" means a residential unit that

1. Is no more than 500 square feet of interior livable space in size;

2. Is contained entirely within an existing or proposed single-family structure; an enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure;

3. Has an independent exterior entrance, apart from that of the primary dwelling;

4. Either includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and if the latter, the JADU includes an interior entrance to the main living area of the existing or proposed single-family structure in addition to the exterior entrance to the JADU; and

5. Includes an efficiency kitchen, as defined in this subsection D.

F. “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

G. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

H. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit or junior accessory dwelling unit.

I. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

J. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, or subways and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

K. "Tandem parking" means that two or more automobiles are parked on a driveway or in

any other location on a lot, lined up behind one another.

L. "Very high fire hazard severity zone" means zone as defined by Government Code Section 51177 and designated by Ordinance No. 299 and the City's adopted Local Responsibility Area Fire Hazard Severity Zone Maps, as may be amended from time to time.

§ 17.44.050. Permitted locations.

A. ADUs and JADUs under Section 17.44.060(A) are allowed on lots that are in a residential or mixed-use zone.

B. ADUs under Section 17.44.060(B) are allowed on lots zoned to allow single-family or multifamily dwelling residential use.

C. Areas with Adequate Ingress and Egress. Since the entire city is located within a designated "Very High Fire Hazard Severity Zone," emergency ingress and egress shall be evaluated consistent with the City's adopted Fire Code (2025 California Fire Code, as amended), including the fire apparatus access road requirements set forth in California Fire Code Section 503, as enforced by the Los Angeles County Fire Department. Nothing in this subsection is intended to establish a zoning-based prohibition on ADUs or JADUs. Compliance with Fire Code and Building Code requirements is required; however, such requirements shall not be used as a zoning-based basis to deny an ADU or JADU that must be approved ministerially under State law.

§ 17.44.060. Approvals.

The following approvals apply to ADUs and JADUs developed under this chapter. Because the city of Malibu lies entirely within the Coastal Zone, ADU applications may be subject to the requirements in the Local Coastal Program (LCP) in addition to the provisions of this chapter. If an ADU application is exempt from the need to obtain a coastal development permit, then only this chapter governs.

A. Class 1: Statutorily Regulated. Class 1 ADUs and JADUs are approved under Government Code Section 66323. If an ADU or JADU complies with each of the general requirements in Section 17.44.080 below, it is allowed subject to an ADU permit and a building permit in the following scenarios provided in this subsection (A). An ADU and JADU approved under subsection (A)(1) may be combined with an ADU approved under subsection (A)(2), and ADUs approved under subsection (A)(3) may be combined with ADUs approved under subsection (A)(4).

1. Converted on a Lot with Single-Family. One ADU as described in this subsection (A)(1) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

    a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case

of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and

b. Has exterior access that is independent of that for the single-family dwelling; and

c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

d. The JADU complies with the requirements of Government Code Sections 66333 through 66339.

2. Limited Detached on a Lot with Single-Family. One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (A)(1) above if the detached ADU satisfies each of the following limitations:

a. The side- and rear-yard setbacks are at least four feet.

b. The total floor area is 800 square feet or smaller.

c. The peak height above grade does not exceed the applicable height limit in subsection 17.44.080(K) below.

3. Converted on a Lot with Multifamily. One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (A)(3) at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

4. Limited Detached on a Lot with Multifamily. No more than two detached ADUs on a lot that has a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies both of the following limitations:

a. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.

b. The peak height above grade does not exceed the applicable height limit provided in subsection 17.44.080(K) below.

c. If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

B. Class 2: Locally Regulated. Class 2 ADUs are approved under Government Code sections 66314–66322.

1. Except as allowed under subsection A, all ADUs require an ADU permit and a building permit and must comply with the standards set forth in Sections 17.44.080 and 17.44.090.

2. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU permit processing fee is determined by the city council by resolution.

§ 17.44.070. Process and timing.

A. Completeness.

1. Determination in 15 days. The city will determine whether an application to create or serve an ADU or JADU is complete and will provide written notice of the determination to the applicant within 15 business days after the city receives the application submittal.

2. Incomplete items. If the city's determination under subsection (A)(1) above is that the application is incomplete, the city's notice must list the incomplete items and describe how the application can be made complete.

3. Cure. After receiving a notice that the application is incomplete, the applicant may cure and address the items that were deemed by the city to be incomplete.

4. Subsequent submittals. If the applicant submits additional information to address incomplete items, within 15 business days of the subsequent submittal the city will determine in writing whether the additional information remedies all the incomplete items that the city identified in its original notice. The city may not require the application to include an item that was not included in the original notice.

5. Deemed complete. If the city does not make a timely determination as required by this subsection (A), the application or resubmitted application is deemed complete for the purposes of subsection (C) below.

6. Appeal of incompleteness. An applicant may appeal the city's determination that the application is incomplete by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the completeness determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

B. No Discretion or Hearing. An ADU permit is considered and approved ministerially by the community development director without discretionary review or a hearing.

C. Deadline to Approve or Deny Ministerial Approvals. The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city

receives a complete application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved, unless either:

1. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

2. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay ~~acting on~~ approving or denying the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

D. Denial. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection C above.

E. Appeal of Denial. An applicant may appeal the city's denial of the application by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

F. Concurrent Review of Demolition**.** A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

§ 17.44.080. General requirements.

The following requirements apply to all Class 1 and Class 2 ADUs and JADUs:

A. Zoning.

1. A Class 1 Statutorily Regulated ADU approved under Section 17.44.060(A) may be created on a lot in a residential or mixed-use zone.

2. A Class 2 Locally Regulated ADU approved under Section 17.44.060(B) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

3. In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned to allow single-family residences.

B. Rental Term. An ADU or JADU may not be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

C. Rental Rate Reporting. To facilitate the city's obligation to identify adequate sites in accordance with Government Code Sections 65583.1 and 66330, and to help ADUs and JADUs to count towards the city's Regional Housing Needs Assessment (RHNA) requirements, within 90 days after each January 1 following issuance of the building permit, the owner shall report the actual rent charged for the ADU or JADU during the prior year.

D. No Separate Conveyance. An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 66341, no ADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot). A JADU may not be sold or otherwise conveyed separately from the lot and the primary dwelling.

E. Septic System. If the ADU or JADU will connect to an on-site water treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

F. Fire Sprinklers.

1. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

2. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

G. Owner Occupancy with JADU.

a. Generally. As required by state law, ~~all~~ JADUs are generally subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence.

b. Exceptions. The owner-occupancy requirement in this subsection (G) does not apply in either of the following situations:

1. The JADU has separate sanitation facilities (i.e., does not share sanitation facilities with the existing primary dwelling unit structure).

2. The property is entirely owned by another governmental agency, land trust, or housing organization.

c. ADUs. ADUs are not subject to an owner-occupancy requirement.

H. Deed Restriction. Prior to issuance of a certificate of occupancy for a JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Community Development Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

1. The JADU may not be sold separately from the primary dwelling.
2. A JADU created cannot be rented for less than 30 days.
3. The JADU is restricted to the approved size and to the other attributes allowed by this section.
4. The deed restriction runs with the land and may be enforced against future property owners.
5. The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

I. Building and Safety.

a. Must Comply With Building Code. Subject to subsection I)(b) below, all ADUs and JADUs must comply with all local building code requirements.

b. No Change of Occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building

i.Code, unless the building official or Code Enforcement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (I)(b) prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

J. **Certificate of Occupancy Timing.**

a. Generally. No certificate of occupancy for an ADU or JADU may be issued before the certificate of occupancy is issued for the primary dwelling unit.

b. Limited Exception for State-Declared Emergencies. Notwithstanding subsection (J)(a) above, a certificate of occupancy for an ADU may be issued before a certificate of occupancy for the primary dwelling if each of the following requirements are met:

1. The county is subject to a proclamation of a state of emergency made by the California Governor on or after February 1, 2025.

2. The primary dwelling was substantially damaged or destroyed by an event referenced in the Governor's state of emergency proclamation.

3. The ADU has been issued construction permits and has passed all required inspections.

4. The ADU is not attached to the primary dwelling.

K. Height.

a. No ADU subject to this chapter may exceed 16 feet in height above grade, except as provided in subsections (K)(b) through (K)(d) of this section.

b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that matches the roof pitch of the primary dwelling unit.

c. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.

d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (K)(d) may not exceed two stories.

§ 17.44.090. Specific ADU requirements.

The following requirements apply only to Class 2 - Locally Regulated ADUs under Section 17.44.060 (B) above. This section does not apply to Class 1 Statutorily Regulated ADUs and JADUs under Section 17.44.060 (A) above.

A. Size.

1. The maximum floor area of a detached or attached ADU is 1,000 square feet.

2. Notwithstanding subsection (A)(1), an ADU that is created on a lot with an existing primary dwelling and that is attached to the primary dwelling is limited to 50 percent of the floor area of the existing primary dwelling, subject to subsection (A)(3).

3. Application of other development standards in this Section might further limit the size of the ADU, but no application of the percent-based size limit in

subsection A.2 or of a FAR, front-setback, lot-coverage, or open-space requirement may require the ADU to be less than 800 square feet of interior livable space.

4. By definition, a JADU may not be larger than 500 square feet.

B. Setbacks.

1. The front yard setback of an ADU located on a non-beach front lot, subject to this Section, shall be at least 20 percent of the total depth of the lot, or 65 feet, whichever is less. On a beachfront lot, the front yard setback shall be 20 feet maximum or the average of the two immediate neighbors, whichever is less.

2. No part of any ADU that is subject to this Section may be located within four feet of a side or rear property line.

3. No setback is required for an ADU that is subject to this Section if the ADU is constructed in the same location and to the same dimensions as an existing structure.

C. Floor Area Ratio (FAR). No ADU subject to Section 17.44.090 may cause the total FAR of the lot to exceed 38 percent, subject to subsection 17.44.090(A)(3).

D. Lot Coverage. No ADU subject to this Section may cause the total lot coverage of the lot to exceed 45% for up to ¼ acre; 35% of the net area for lots ¼ to ½ acre and 30% of the net area up to a maximum of 25,000 square feet per parcel for lots ½ acre of more in size, subject to subsection 17.44.090(A)(3).

E. Passageway. No passageway, as defined by Section 17.44.040, is required for an ADU.

F. Parking.

1. Generally. One off-street enclosed or unenclosed parking space is required for each ADU or bedroom, whichever is less. Unenclosed parking spaces may be provided in setback areas or as tandem parking, as defined by Section 17.44.040.

2. Exceptions. No parking under subsection (F)(1) above is required in the following situations:

a. The ADU is located within one-half mile walking distance of public transit, as defined in Section 17.44.040.

b. The ADU is located within an architecturally and historically significant historic district.

c. The ADU is part of the proposed or existing primary residence or part of an existing accessory structure, under Section 17.44.060(A)(1).

d. When on-street parking permits are required but not offered to the occupant of the ADU.

e. When there is an established car share vehicle stop located within one block of the ADU.

f. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (D)(2)(a) through (D)(2)(f).

3. No Replacement Parking Required. When a garage, carport, covered parking structure, or uncovered parking space is: (a) demolished in conjunction with the construction of an ADU; or (b) converted to an ADU, those off-street parking spaces are not required to be replaced. If replacement parking is proposed by the owner, the parking must be located on hardscape.

G. Internal Connection. An attached ADU shall not be connected internally to the main residence. A detached ADU shall not be connected internally to any accessory structure except to a legally established garage that serves the ADU.

§ 17.44.100. Fees.

A. Impact Fees.

1. No impact fee shall be charged for an ADU that is less than 750 square feet of interior livable space.

2. Any impact fee that is required for an ADU that is 750 square feet or more of interior livable space must be charged proportionately in relation to the floor area of the primary dwelling unit. (e.g., the square footage of the ADU, divided by the square footage of the primary dwelling, times the typical fee amount charged for a new dwelling.)

3. A JADU or ADU with less than 500 square feet of interior livable space does not increase assessable space by 500 square feet for purposes of Education Code section 17620(a)(1)(C), and is therefore not subject to school fees under Education Code section 17620.

4. For purposes of this Section, "impact fee" means a "fee" under the Mitigation Fee Act (Government Code Section 66000(b)) and a fee under the Quimby Act (Government Code Section 66477). It does not include any connection fee or capacity charge for water or sewer service.

B. Utility Fees.

1. An ADU that is constructed with a single-family dwelling shall be subject to standard utility-connection requirements and fees for a new residential use.

2. Converted ADUs created under Section 17.44.060(A)(1) are not required to

have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required unless the ADU is constructed with a new single-family home (per subsection (B)(1) above).

3. All ADUs not covered by subsection (B)(1) or (B)(2) above require a new, separate utility connection directly between the ADU and the utility for any utility service that is provided by the City.

   a. All utilities that are not provided by the City are subject to the connection and fee requirements of the utility provider.

   b. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU, based on either the square footage or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.

§ 17.44.110. Nonconforming Zoning Code conditions, Building Code violations, and unpermitted structures.

A. Generally. The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

B. Unpermitted ADUs and JADUs Constructed Before 2020.

1. Permit to Legalize. As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:

   a. The ADU or JADU violates applicable building standards, or

   b. The ADU does not comply with the state ADU or JADU law or with this Chapter 17.44.

2. Exceptions:

   a. Notwithstanding subsection (B)(1) above the city may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code Section 17920.3.

   b. Subsection (B)(1) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.

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, April 20, 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.

ACCESSORY DWELLING UNIT ORDINANCE

Zoning Text Amendment No. 25-003 - Consider a revised amendment incorporating new state law and clarifications to Title 17 (Zoning) of the Malibu Municipal Code (MMC) to update regulations related to Accessory Dwelling Units and make a recommendation to the City Council

The proposed ordinance was previously reviewed by the Commission on August 18, 2025, and subsequently on January 20, 2026, at which time the Commission provided recommendations to the City Council. The ordinance was not adopted by the City Council and is now returning to the Planning Commission for further consideration. Since the January 20, 2026 Planning Commission meeting, additional draft language has been incorporated to address reduced setback provisions for ADUs associated with fire rebuilds. No other substantive changes to the Planning Commission's prior recommendation are proposed.

The proposed ordinance before the Commission is the previously reviewed consolidated amendment that implements recommendations provided by the California Department of Housing and Community Development (HCD) and updates to MMC Chapter 17.44 reflecting the latest State ADU/Junior ADU statutes, including, for consideration, the addition of provisions related to reduced setbacks for fire rebuild ADUs.

LOCATION: **Citywide Project**
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.

The proposed ordinance is Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), which state that CEQA does not apply to the adoption of local ordinances regulating the construction of second units in single-family and multifamily residential zones. Furthermore, the Community Development Director has analyzed the proposed amendments. CEQA applies only to projects that have the potential for causing a significant effect on the environment. 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 Community Development Director determined that the proposed amendments are required by state law and will not have a significant effect on the environment.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR OTHERWISE HELD BY THE CITY, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, EITHER AT OR PRIOR TO THE PUBLIC HEARING.

YOLANDA BUNDY, Community Development Director Date: March 27, 2026

ATTACHMENT 4

Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 5.B.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Richard Greenbauer, Contract 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: April 9, 2026 Meeting date: April 20, 2026

Subject: Coastal Development Permit No. 23-033 and Variance No. 26-004 – An application for the construction of a new potable water well with a reduced setback from an onsite wastewater treatment system

Location: 31255 Beach View Estates Drive, partially within the appealable coastal zone
APN: 4470-004-014
Owner: Conscious Choice, LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-17 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 23-033 for the construction of a new potable water well to service an approved replacement single-family residence previously destroyed in the Woolsey Fire; including Variance (VAR) No. 26-004 for an approximate 30 percent reduction in the required 150-foot setback between the well and an onsite wastewater treatment system (OWTS), located in the Rural Residential, Five-Acre (RR-5) zoning district at 31255 Beach View Estates Drive (Conscious Choice, LLC).

DISCUSSION: This agenda report provides a project overview, project setting and a summary of the surrounding land uses, description of the proposed project, an analysis of the project's consistency with the applicable provisions of the Malibu Local Coastal Program (LCP), Malibu Municipal Code (MMC), and environmental review pursuant to CEQA. The analysis and findings discussed herein demonstrate that the project is consistent with the LCP, MMC, and CEQA.

Project Overview

As shown in Figure 1, the subject parcel is a previously disturbed property located on the southeast side of Beach View Estates Drive in the Trancas Highlands of western Malibu. Prior to the Woolsey Fire in 2018, the subject parcel was developed with a 6,193 square-foot, single-family residence and attached garage.

Figure 1 – Aerial Map



Source: City GIS, 2026

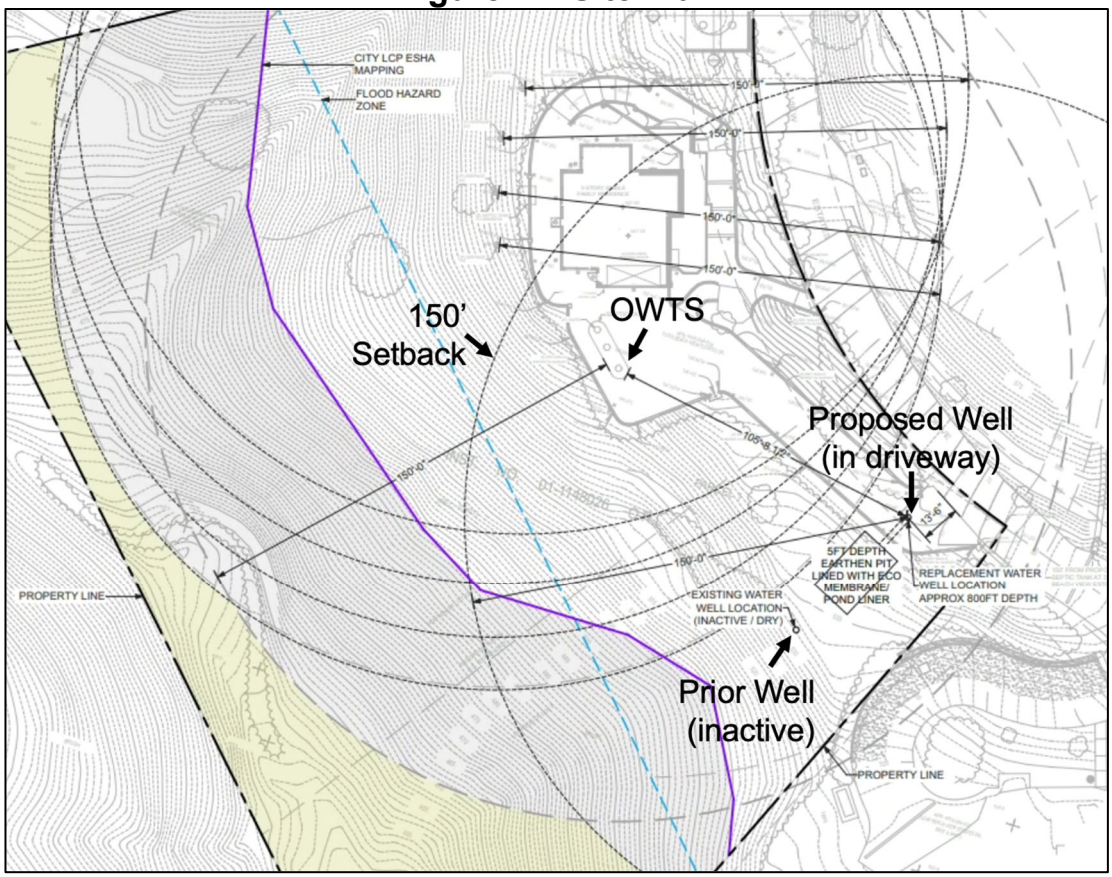
A replacement residence was approved via Planning Verification-Woolsey Fire (PVWF) No. 20-018 on March 20, 2020 for a like-for-like rebuild. De Minimis Waiver (DMW) No. 20-030 was approved on June 10, 2021 for a new OWTS. Administrative Plan Review-Woolsey Fire (APRWF) No. 22-018 was approved on May 10, 2024 for the addition of a basement, gates, retaining walls, and two 10,000-gallon, above-ground water storage tanks required by the Los Angeles County (County) Fire Department (LACFD). Due to the inability of County Waterworks District 29 (WD29) being able to provide public water service to the parcel, the proposed well would provide potable water for the replacement residence, irrigation for landscaping, and a source of water for use in fire suppression

associated with two water tanks. The prior residence also utilized a well for water service, which is no longer active, and a water delivery service to fill a 5,000-gallon water tank for potable water, irrigation, and fire suppression. The prior well location is approximately 50 feet to the southwest and downslope from the proposed location (Figure 2). Not being able to be served water by the County, the applicant must seek this replacement well in order to demonstrate they satisfy the LCP, specifically the Land Use Plan (LUP) Policy 5.46 which requires all new development demonstrate an adequate potable water supply is available to each parcel.

The proposed well location was identified in a hydrogeologic report prepared by Land Phases, Inc. dated October 18, 2024 and determined to be the optimal location to provide water service for the replacement residence. An updated letter from Land Phases, Inc. dated March 2, 2026 affirms that the original 2024 hydrological report remains valid for the proposed well. LCP Local Implementation Plan (LIP) Section 18.6(M) requires a minimum 150-foot setback between a water supply well and an OWTS. Due to the distance between the OWTS and optimal location for the proposed well, and other site constraints as described, VAR No. 26-004 is requested to authorize an approximate 30 percent reduction in the setback, from 150 feet to 105 feet, 8 inches (Figure 2). The reduced setback was reviewed and approved by the County Department of Public Health Drinking Water Program on August 22, 2023 (Attachment 2) where it was determined that no issues existed with the setback reduction due to site topography and the analysis in the hydrologic report. The reduced setback and proposed well were also reviewed and conditionally approved by the City's Environmental Health Administrator and geotechnical consultant reviewers for consideration of hydrogeologic factors including impacts to neighboring wells and nearby OWTS, as well as all other MMC and LCP requirements, subject to an approved VAR.

As shown in Figure 2 below, the proposed well is being placed on the previously developed, flatter portion of the lot and away from the steep slopes descending westerly. The previous well location was placed on those westerly slopes, closer to mapped environmentally sensitive habitat area (ESHA) offsite. The newly proposed well location was determined to be superior to the previous well to due its placement further away from the mapped ESHA and positioning on the flatter, pre-disturbed, portions of the lot. It is sited as far away as feasible from the ESHA but still within 150 feet of the site's OWTS. No feasible alternative exists which would place the well away from ESHA, be located on pre-disturbed flatter portions of the lot, and meet the 150-foot required setback. Therefore, the proposed well location appears to be the least environmentally damaging alternative since it has been determined that the less than 150-foot setback will not impact the water quality and potability of the well.

Figure 2 – Site Plan



Source: Applicant Plans, 2026

Project Setting and Surrounding Land Uses

Table 1 provides a summary of the dimensions and area of the subject parcel.

Table 1 – Parcel Data	
Lot Depth	250 feet, 6 inches
Lot Width	337 feet, 9 inches
Gross Lot Area	87,564 square feet (2.01 acre)
Area of 1:1 Slopes	3,628 square feet
Area of Public Street Easements	0 square feet
Net Lot Area*	80,936 square feet (1.86 acre)

*Net Lot Area = Gross Lot Area minus the area of 1 to 1 slopes and public street easements.

A small portion of the subject parcel is within the Appeal Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map. However, the proposed development does not extend into the Appeal Jurisdiction. Therefore, as confirmed per the definition of Appealable Coastal Development in LIP Section 2.1, the proposed project is not appealable to the California Coastal Commission. The project site does not contain mapped trails on or adjacent to it, according to the LCP Park Lands Map. Segments of the LCP-designated Trancas Canyon Trail are oriented along a nearby road, Anacapa View

Drive, approximately 375 feet north and 785 feet west of the project site. The project site is not designated Environmentally Sensitive Habitat Area (ESHA) based on the LCP ESHA Overlay Map. However, a mapped blue line stream is located approximately 200 feet downslope from the project site and generally oriented along the parcel's southwestern property line. The mapped stream is considered ESHA pursuant to LIP Chapter 4. The proposed well location is located to the furthest extent feasible from the stream and well beyond the minimum 100-foot stream buffer required by LIP Section 4.6.1. As described in the hydrology report, the stream is not considered flowing as it only experiences concentrated surface flow during periods of significant and prolonged precipitation. The Trancas Canyon drainage course is located approximately 2,000 feet to the east of the subject parcel and is characterized as most often having flowing water in the canyon bottom. The City Biologist has reviewed and conditionally approved the proposed well location and determined that adverse impacts to significant biological resources are not expected.

The subject parcel is zoned RR-5 as are the surrounding parcels which are vacant or developed with a mix of one- and two-story single-family residences. Table 2 provides a summary of the surrounding land uses immediately adjacent to the subject parcel.

Table 2 – Surrounding Land Uses				
Direction	**Address**	**Lot Size**	**Zoning**	**Land Use**
Northwest	31270 Beach View Estates Dr	1.19 acres	RR-5	Vacant
North	31250 Beach View Estates Dr	0.97 acre	RR-5	Single-Family Residential
Northeast	31222 Beach View Estates Dr	0.97 acre	RR-5	Single-Family Residential
Northeast	31240 Beach View Estates Dr	2.02 acres	RR-5	Vacant, Previously Single-Family Residential (Woolsey Fire)
West	APN 4470-006-016	5.06 acres	RR-5	Vacant

Project Description

The proposed scope of work is as follows (Attachment 3 – Project Plans):

Construction

a. **Potable water well under the existing access driveway in a below-grade vault, approximately 800 feet deep and 8 inches in diameter to provide potable water service to the replacement single-family residence and irrigation for landscaping. In addition, a temporary earthen retention pit adjacent to the**

drilling site to impound the water discharge associated with drilling of the well will be constructed.

Discretionary Request

b. VAR No. 26-004 for an approximate 30 percent reduction in the required 150-foot setback between the well and OWTS (105 feet, 8 inches proposed).

The proposed project includes drilling and casing for the proposed water well only. The well would provide water to two 10,000-gallon water storage tanks that were previously approved as part of APRWF No. 22-018 and would be utilized for potable water for residence, irrigation for landscaping, and fire suppression.

LCP Analysis

The LCP consists of the LUP and the LIP. The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP contains provisions to carry out the policies of the LUP to which every project requiring a CDP must adhere.

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters are discussed in the *LIP Conformance Analysis* section.

The nine remaining LIP chapters contain required findings: 1) CDP; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. For the reasons described in this report, including the project site, the scope of work and evidence in the record, only the findings associated with the CDP including findings for the VAR are applicable. This chapter is discussed in the *LIP Findings* section of this report.

LIP Conformance Analysis

The proposed project has been reviewed by the Planning Division, City Biologist, City geotechnical consultant reviewers, City Environmental Health Administrator, City Public Works Department, the County Department of Public Health Drinking Water Program, and the LACFD (Attachment 4 – Department Review Sheets). All conditions of approval from reviewers are included in the draft resolution (Attachment 1). The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies with the inclusion of the requested VAR.

Zoning (LIP Chapter 3)

The project is subject to development and design standards set forth under LIP Sections 3.5 and 3.6. Development of the proposed well has been reviewed for conformance with the LCP by the Planning Division. The proposed well would be located 13.5 feet west of the easterly property line within the parcel's existing access driveway from Beach View Estates Dr. Subject to approval of VAR No. 26-004, the water well will maintain a minimum 105-foot 8-inch setback from the onsite OWTS. The proposed well location would not include any above-grade components as it would be fully contained within a below-grade vault. Due to its location below the existing access driveway, the well and vault would not increase the impermeable coverage area for the parcel. The project complies with the residential development standards of LIP Chapter 3.

Grading (LIP Chapter 8)

LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel. The project does not propose or require any non-exempt grading. Minimal excavation is proposed to drill the proposed well and the proposed excavation is considered exempt grading (understructure). The project complies with the grading requirements set forth under LIP Section 8.3.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. A Phase I Archaeological Survey was prepared by Robert Wlodarski in January 2021, which concluded that the site has low potential for archeological resources. In addition, the project will not expand the existing developed and disturbed access driveway. Nevertheless, conditions in this document require that in the event that any potentially important cultural resources are found in the course of construction of the new water well, 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.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection and requirements of the State Water Resources Control Board (SWRCB) because the property is located in an Area of Special Biological Significance (ASBS). The ocean between Latigo Point and the west City limits has been established by the SWRCB as an ASBS as part of the California Ocean Plan. Standard conditions of approval require that prior to permit issuance, a Local Storm Water Pollution Prevention Plan be submitted and applicable permits from the RWQCB be

obtained. With the implementation of this condition, the project conforms to the water quality protection standards of LIP Chapter 17.

Furthermore, conditions of approval have also been applied to the project requiring approval from the Regional Water Quality Control Board (RWQCB) prior to water well construction. RWQCB and Public Works approval for the proper disposal of initial startup water have also been required to protect water quality.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project does not propose any changes to the approved OWTS. LIP Section 18.6(M) requires a minimum setback of 150 feet from the proposed well to the onsite OWTS. Subject to the approval of VAR No. 26-004 for a reduced setback of 105 feet 8 inches, the proposed well would otherwise be consistent with LIP Chapter 18. The reduced setback and proposed well were reviewed and conditionally approved by the City's Environmental Health Administrator for consistency with the Malibu Plumbing Code, MMC, and LCP. Furthermore, the reduced setback was reviewed and approved by the County Department of Public Health Drinking Water Program on August 22, 2023 where it was determined that no issues existed with the setback reduction due to site topography and the analysis in the hydrologic report.

LIP Findings

The LCP requires that findings be made for all CDPs pursuant to LIP Section 13.9. Additionally, findings for the Variance request must all be made pursuant to LIP Section 13.26.5 and MMC Section 17.72.06. Draft findings are provided within the resolution (Attachment 1) for the Commission's consideration.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Community Development Director has analyzed the proposed project and has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Section 15303(e) – Accessory Structures. The Community Development Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: As of publication of this report, no correspondence has been received by the Planning Division.

PUBLIC NOTICE: On March 26, 2026, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and on March 27, 2026 mailed

the notice to all property owners and occupants within a 500-foot radius of the subject parcel (Attachment 5).

SUMMARY: The required findings can be made that the proposed project complies with the LCP and MMC. Further, the Planning Division's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 26-17. The proposed project has been reviewed and conditionally approved for conformance with the LCP by Planning Division staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-17
2. County Water Well Permit
3. Project Plans
4. Department Review Sheets
5. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 23-033 FOR THE CONSTRUCTION OF A NEW POTABLE WATER WELL TO SERVICE AN APPROVED REPLACEMENT SINGLE FAMILY RESIDENCE PREVIOUSLY DESTROYED IN THE WOOLSEY FIRE; INCLUDING VARIANCE NO. 26-004 FOR AN APPROXIMATE 30 PERCENT REDUCTION IN THE REQUIRED 150- FOOT SETBACK BETWEEN THE WELL AND AN ONSITE WASTEWATER TREATMENT SYSTEM, LOCATED IN THE RURAL RESIDENTIAL, FIVE-ACRE ZONING DISTRICT AT 31255 BEACH VIEW ESTATES DRIVE (CONSCIOUS CHOICE, LLC)

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

SECTION 1. Recitals.

A. In 2018, the Woolsey Fire destroyed a 6,193 square-foot, single-family residence and attached garage on the subject parcel.

B. On March 20, 2020, the City approved Planning Verification-Woolsey Fire (PVWF) No. 20-018 for a like-for-like replacement residence and attached garage.

C. On June 10, 2021, the City approved De Minimis Waiver (DMW) No. 20-030 for a new onsite wastewater treatment system (OWTS) to serve the replacement residence).

D. On May 10, 2024, the City approved Administrative Plan Review-Woolsey Fire (APRWF) No. 22-018 for the addition of a basement, gates, retaining walls, and two 10,000-gallon, above-ground water storage tanks required by the Los Angeles County (County) Fire Department (LACFD).

E. On May 15, 2023, an application for Coastal Development Permit (CDP) No. 23-033 was submitted to the Planning Division by applicant Keystone Strategic Planning on behalf of property owner, Conscious Choice, LLC. Variance (VAR) No. 26-004 was subsequently requested by the applicant. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, County Waterworks District No. 29 (WD29), and the LACFD for review.

F. On March 10, 2026, a Notice of CDP Application was posted on the subject parcel.

G. On March 14, 2026, the CDP application was deemed complete for processing.

H. On March 26, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu.

I. On March 27, 2026, a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject parcel.

J. On April 20, 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 Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Section 15303(e) – Accessory Structures. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record, including the agenda report for the project and the hearing on April 20, 2026, and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9 and the Malibu Municipal Code (MMC), the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 23-033 and VAR No. 26-004 to construct a new potable water well to service an approved replacement single-family residence previously destroyed in the Woolsey Fire; including VAR No. 26-004 for an approximate 30 percent reduction in the required 150-foot setback between the well and an OWTS, located in the Rural Residential, Five-Acre (RR-5) zoning district at 31255 Beach View Estates Drive.

A. General Coastal Development Permit (LIP Chapter 13)

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

The proposed project is located in the RR-5 residential zoning district, an area designated for and previously associated with active residential use. Prior to the Woolsey Fire in 2018, a single-family residence existed on the subject parcel and was served by a private well approximately 50 feet to the southwest and downslope from the proposed well location. The proposed location was identified in a hydrogeologic report prepared by Land Phases, Inc. dated October 18, 2024 and determined to be the optimal location to service the potable water needs of a replacement residence and irrigation for onsite landscaping. The report analyzed the local geology, subsurface conditions, and groundwater conditions pertaining to the proposed project, and found that the proposed well is suitable for the intended residential use. An updated letter from Land Phases, Inc. dated March 2, 2026 affirms that the original 2024 hydrological report remains valid for the proposed well.

The proposed project has been reviewed for conformance with the LCP and, as conditioned, conforms to the LCP. LCP Land Use Plan Policy 5.47 states that new water wells shall minimize individual and cumulative impacts on groundwater, streams, springs, or seeps, and their associated riparian habitats. The nearest designated United States Geological Survey blue line drainage course is generally along the southwestern property line, approximately 200 feet southwest and significantly downslope of the proposed water well location. As described in the

hydrology report, the stream is not considered flowing as it only experiences concentrated surface flow during periods of significant and prolonged precipitation. The Trancas Canyon drainage course is located approximately 2,000 feet to the east of the subject parcel and is characterized as most often having flowing water in the canyon bottom. Due to topography and distance, no impacts to either drainage course are anticipated from the installation of the proposed well.

Furthermore, the project has been reviewed for conformance with the LCP by the Planning Division, City Biologist, City geotechnical consultant reviewers, City Environmental Health Administrator, City Public Works Department, the County Department of Public Health Drinking Water Program, and the LACFD. As discussed herein, based upon submitted reports, project plans, and detailed site investigation, the proposed project, as conditioned and inclusive of the VAR for a reduced setback between the proposed well and onsite OWTS, conforms to the LCP.

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

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.

As proposed, the project would not result in adverse impacts to coastal resources. The project consists of a new potable water well to replace an existing well that is located approximately 50 feet to the southwest and downslope of the proposed well location. The prior well provided water service to a previously existing single-family residence on the parcel that was destroyed in the Woolsey Fire in 2018. The prior well is currently inactive and dry. The proposed well is located upslope from the prior well location and further away from the mapped blue-line stream located downslope along the parcel's southwest property line. The proposed well would be entirely contained within the previously disturbed and graded development envelope, and under the existing access driveway. No disturbance to natural vegetation would result from the installation and operation of the proposed well. The proposed well would provide potable water to the single-family residence and irrigation for the existing residential landscaping onsite. The project's geotechnical consultant, and confirmed by the City's geotechnical consultants, have determined that the project will not result in significant adverse impacts to hydrogeology in the area including groundwater levels, nearby OWTS, undisturbed areas, or nearby streams.

The proposed well could be relocated to another location on the subject parcel; however, an alternate location has not been identified that would be environmentally superior over the proposed location. In order to meet the LIP's minimum 150-foot setback requirement between the OWTS and proposed well location, an alternate well location would need to be developed in the western portion of the property, downslope, and closer to the mapped stream Environmentally Sensitive Habitat Area (ESHA). Additionally, the western area of the parcel is mapped within a flood hazard easement, making this portion of the parcel less suitable for a water well when other locations exist onsite out of the flood hazard. The proposed well is further upslope and away from the mapped blue line stream and has been sited completely within a previously developed area on the parcel under the existing access driveway.

The proposed project does not include any other development, including brush clearance

or vegetation, and the proposed scope of work has been reviewed and conditionally approved for compliance with the LCP by the Planning Division, City Biologist, City geotechnical consultant reviewers, City Environmental Health Administrator, City Public Works Department, the LACFD. The proposed well location, including proximity to the onsite OWTS, has been reviewed and approved by the County Department of Public Health Drinking Water Program. As proposed, the proposed well location is the least environmentally damaging alternative.

The proposed well is being placed on the previously developed, flatter portion of the lot and away from the steep slopes descending westerly. The previous well location was placed on those westerly slopes, closer to mapped ESHA offsite. The newly proposed well location was determined to be superior to the previous well to due its placement further away from the mapped ESHA and positioning on the flatter, pre-disturbed, portions of the lot. It is sited as far away as feasible from the ESHA but still within 150 feet of the site's OWTS. No feasible alternative exists which would place the well away from ESHA, be on pre-disturbed flatter portions of the lot, and meet the 150-foot required setback. Therefore, the proposed well location is the least environmentally damaging.

4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explain why it is not feasible to take the recommended action.

The site of development is not designated ESHA based on the LCP ESHA Overlay Map. A mapped blue line stream is located approximately 200 feet downslope from the project site and generally oriented along the parcel's southwestern property line. The proposed well location is located to the furthest extent feasible from the stream and well beyond the minimum 100-foot stream buffer required by LIP Section 4.6.1. As described in the hydrology report, the stream is not considered flowing as it only experiences concentrated surface flow during periods of significant and prolonged precipitation. The Trancas Canyon drainage course is located approximately 2,000 feet to the east of the subject parcel and is characterized as most often having flowing water in the canyon bottom. The City Biologist has reviewed and conditionally approved the proposed well location and determined that adverse impacts to significant biological resources are not expected to occur. Due to the location of the proposed well, the project is not subject to review by the Environmental Review Board. Therefore, this finding is not applicable.

B. Variance No. 26-004 from LIP Section 18.6(M) for a Reduced Setback from the OWTS (LIP Section 13.26.5)

1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

The subject parcel consists of a new water well for a Woolsey Fire rebuild residence that was approved by PVWF No. 20-018 and is currently being constructed. The previously existing residence utilized a private onsite well, as well as a water delivery service to fill a 5,000-gallon water tank for potable water, irrigation, and fire suppression. In the aftermath of the fire, the property owner would like to establish a more reliable source of water and is requesting the approval of the proposed water well to serve the property and fill the two, previously approved,

10,000-gallon water tanks required by the LACFD for the replacement residence. The replacement residence is located near the eastern portion of the property and served by an existing driveway from the east. The proposed well is sited approximately 106 feet to the east of the replacement residence and 105 feet, 8 inches from the septic tank associated with the onsite OWTS. The approved septic tank associated with the OWTS is located next to the residence within the driveway for ease of access, maintenance, and service. Outside of the existing pad and driveway, the property slopes to the southwest and includes a mapped stream ESHA generally along the southwestern property line. In order to maximize the distance from the approved septic tank, limit potential impacts to landform alteration, and increase the distance between the mapped stream ESHA and water well, the proposed well is sited to the east and upslope on the parcel within the driveway. In order to meet the LIP's minimum 150-foot setback requirement between the OWTS and proposed well location, an alternate well location would need to be developed in the western portion of the property, downslope, and closer to the mapped stream ESHA. Additionally, the western area of the parcel is mapped within a flood hazard easement, making this portion of the parcel less suitable for a water well when other locations exist onsite out of the flood hazard.

Prior to the Woolsey Fire, the subject parcel benefitted from use of an onsite water well. Currently, neighboring parcels benefit from active water wells. The approval of the proposed well location within the 150-foot setback would allow for sufficient water service to the subject parcel, including fire suppression protection and irrigations for landscaping associated with the replacement residence. The proposed use is allowed within the RR-5 residential zone and consistent with privileges enjoyed by other parcels in the vicinity and under the identical zoning classification as the subject parcel.

2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

1. The requested variance is for an approximate 30 percent reduction in the LIP's minimum standard of 150 feet between an OWTS and water well. The reduced setback was reviewed and approved by the County Department of Public Health Drinking Water Program on August 22, 2023 where it was determined that no issues existed with the setback reduction due to site topography and the analysis in the project's hydrologic report. The reduced setback and proposed well were also reviewed and conditionally approved by the City's Environmental Health Administrator for consistency with the Malibu Plumbing Code, MMC, and LCP, subject to an approved variance. The granting of a variance would allow for a more reliable source of water for potable use, irrigation, and fire suppression for the subject parcel, the latter of which would also be a benefit to the surrounding residences in an area that does not have public water service from WD29. The previously existing residence utilized one 5,000-gallon water tank that was filled by a water delivery service. Post-fire, the LACFD has required and approved two 10,000-gallon water tanks onsite to serve the replacement residence. Approval of the variance would allow a new onsite well to be installed that would fill the two 10,000-gallon water tanks. This would also allow for reduced water delivery trips on neighboring roads and provide additional water availability in the area should it be necessary for fire suppression purposes. Thie variance has been reviewed and conditionally approved by the Planning Division, City Biologist, City geotechnical consultant reviewers, City Environmental Health Administrator, and City Public Works Department. The project consultants have also confirmed that the reduced setback is adequate for water service and safe. As proposed and conditioned, the variance would not be detrimental to the public interest and would be considered to result in an improvement to the safety, health, and welfare of residents of

the subject parcel and surrounding parcels.

3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

The subject parcel is zoned RR-5 and is surrounded by parcels under the same zoning classification. LIP Chapter 3.A.1 states that the purpose of the RR District is intended for sensitively designed, large lot single family residential development, with agricultural uses and animal keeping which respects surrounding residents and the natural environment as accessory uses. This district incorporates a variety of natural resources and amenities. The parcels immediately to the north, northeast, and east benefit from existing water wells, as did the previously existing residence on the subject parcel prior to the Woolsey Fire. There are no residences on the adjacent parcels to the northwest, west, and south. The granting of the requested variance would provide a reliable water source for the subject parcel that has historically utilized a private well and water delivery service to fill an existing water storage tank. The proposed water well would allow the subject parcel to have a similar, reliable source of water onsite that neighboring properties benefit from. Therefore, allowance of the proposed well location would not constitute a special privilege to the applicant or property owner.

4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

As previously discussed, there are existing private water wells that serve the parcels to the north, northeast, and east of the subject parcel. There are no residences on the adjacent parcels to the northwest, west, and south. The subject parcel is currently under construction for a replacement residence previously destroyed by the Woolsey Fire in 2018. The proposed water well is an allowable accessory use to the primary residential use approved on the parcel. As proposed, such a variance would not be contrary or in conflict with the general purposes and intent of LIP Chapter 13, nor the goals or the objectives of the LCP.

5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

The requested variance is not associated with a reduction to ESHA buffer or other ESHA standards. No ESHA is present within the proposed development site. The proposed well location would relocate an existing onsite well location further from mapped stream ESHA located approximately 200 feet downslope from the proposed location in an already developed area of the parcel furthest away from the onsite stream ESHA. However, a reduction in the LIP's minimum setback of 150 feet between the proposed well location and the onsite OWTS is necessary to install the well in this location. Otherwise, if the 150-foot setback were to be maintained, an alternate well location would need to be on the western portion of the parcel and anticipated to be within the 100-foot stream ESHA buffer. As proposed, the variance allows the greatest protection of ESHA related to the installation of a well on the subject property and will not increase the development area on the property consistent with Section 4.7 of the Malibu LIP.

6. For variances to stringline standards, the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.

The subject parcel is not located on the beach and does not require a variance to stringline standards. Therefore, this finding does not apply.

7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The subject parcel is zoned RR-5 and is currently under construction for a replacement residence previously destroyed by the Woolsey Fire in 2018. The proposed water well is an allowable accessory use to the primary residential use approved on the parcel. The use of the parcel for single-family residential is a permitted use in the RR-5 zone and water wells are standard accessory uses to residences in rural areas to provide necessary water for potable uses, irrigation, and fire suppression. The proposed variance would allow an approximate 30 percent reduction in the LIP's minimum setback between the proposed well and onsite OWTS, while avoiding potential impacts to onsite ESHA should an alternate location be necessary to comply with the 150-foot requirement.

8. The subject site is physically suitable for the proposed variance.

The subject parcel was previously developed for residential use and is currently under construction with a replacement residence previously destroyed by the Woolsey Fire in 2018. The proposed well location is within the existing access driveway near Beach View Estates Drive. The well would be located in a below-grade vault. The proposed well design and location, including the reduced setback to the onsite OWTS, has been reviewed and conditionally approved by the Planning Division, City Biologist, City geotechnical consultant reviewers, City Environmental Health Administrator, and City Public Works Department. The project consultants have also confirmed that the reduced setback is adequate for water service and safe. Based on the City's reviews and approval for the well location from the County Department of Public Health Drinking Water Program, the parcel and development site are physically suitable for the proposed well and would not create any impacts with the proximity of the water well to the OWTS.

9. The variance complies with all requirements of state and local law.

The proposed setback reduction provides an approximate 105-foot, 8-inch setback between the onsite OWTS and proposed well location. The proposed location was reviewed and approved by the County Department of Public Health Drinking Water Program. The proposed reduction and design have been reviewed for conformance with the LCP and MMC by the Planning Division, City Biologist, City geotechnical consultant reviewers, City Environmental Health Administrator, City Public Works Department, and the LACFD. Inclusive of the variance and as previously described, the proposed well and reduced setback are in compliance with all requirements of state and local law.

10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The requested variance is not associated with a request to reduce or eliminate public parking for access to the beach, public trails, or parklands. The subject parcel is inland and not located on the beach or coastal bluff. The proposed well location is on the subject parcel within

the existing access driveway and not within the Beach View Estates Drive public right of way. The project site does not contain mapped trails on or adjacent to it according to the LCP Park Lands Map. Segments of the LCP-designated Trancas Canyon Trail are oriented along a nearby road, Anacapa View Drive, approximately 375 feet north and 785 feet west of the project site. There is currently no public parking on the subject parcel. Granting the proposed variance would not result in impacts to public parking or recreational access in the area.

C. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

The proposed well location is not located within an ESHA buffer or ESHA, and no ESHA is present within the project site. A mapped blue line stream is located approximately 200 feet downslope from the project site and generally oriented along the parcel's southwestern property line. The mapped stream is considered ESHA pursuant to LIP Chapter 4. The proposed well location is located to the furthest extent feasible from the stream and well beyond the minimum 100-foot stream buffer required by LIP Section 4.6.1. Inclusive of a variance to reduce the LIP's minimum setback between a water well and OWTS, the proposed well location would relocate an existing onsite well location further from mapped stream ESHA and place it in an already developed area of the parcel. As proposed, the proposed well location provides the greatest protection of ESHA related to the installation of a well on the subject parcel. The City Biologist reviewed and conceptually approved the proposed project and determined that the project is not expected to result in any adverse impacts to significant biological resources. Therefore, the findings of LIP Chapter 4 are not applicable.

D. Native Tree Protection (LIP Chapter 5)

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

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

The Scenic, Visual, and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject parcel is located one-half mile north of PCH, an LCP-designated scenic road, in the foothills of the Trancas Highlands. The project site does not contain mapped trails on or adjacent to it according to the LCP Park Lands Map. Segments of the LCP-designated Trancas Canyon Trail are oriented along a nearby road, Anacapa View Drive, approximately 375 feet north and 785 feet west of the project site. No parklands are in the vicinity of the subject parcel. As the proposed well location would be entirely within the existing access driveway in a below-grade vault, the proposed development would not be visible from any scenic area, scenic road, or public viewing area. Therefore, the findings of LIP Chapter 6 are not applicable.

F. Transfer of Development Credit (LIP Chapter 7)

The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.

G. Hazards (LIP Chapter 9)

The project consists of the construction of a private water well in an existing access driveway to provide potable water for the replacement residence, irrigation for landscaping, and a source of water for use in fire suppression associated with two, previously approved, 10,000-gallon water tanks onsite. The proposed well has been reviewed for conformance with the LCP by the Planning Division, City geotechnical consultant reviewers, City Environmental Health Administrator, City Public Works Department, and the LACFD. The project is not anticipated to result in potentially significant adverse impacts on site stability or structural integrity. Therefore, the findings of LIP Chapter 7 are not applicable.

H. Shoreline and Bluff Development (LIP Chapter 10)

The subject parcel is not located on a beach or coastal bluff. Therefore, the findings of LIP Chapter 10 are not applicable.

I. Public Access (LIP Chapter 12)

The project site is not located along or near the shore, bluff-top or recreational area, and has no trails on or adjacent to it according to the LCP Park Lands Map. Segments of the LCP-designated Trancas Canyon Trail are oriented along a nearby road, Anacapa View Drive, approximately 375 feet north and 785 feet west of the project site. The proposed well location would be entirely within the existing access driveway in a below-grade vault on the subject parcel and would not result in any impacts to public access or recreation in the area. Therefore, the findings of LIP Chapter 12 are not applicable.

J. Land Division (LIP Chapter 15)

This project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 23-033 and VAR No. 26-004, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

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

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:

Construction

a. Potable water well under the existing access driveway in a below-grade vault, approximately 800 feet deep and 8 inches in diameter to provide potable water service to the replacement single-family residence and irrigation for landscaping. A temporary disposal area 5-feet deep lined with an ECO Membrane Pond Liner will be utilized for drilling of the new water well and subsequently removed to an appropriate off-site disposal area.

Discretionary Request

b. VAR No. 26-004 for an approximate 30 percent reduction in the required 150-foot setback between the well and OWTS (105 feet, 8 inches proposed).

The proposed project includes drilling and casing for the proposed water well only. The well would provide water to two 10,000-gallon water storage tanks that were previously approved as part of APRWF 22-018 and would be utilized for potable water for residence, irrigation for landscaping, and fire suppression.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Division date stamped **February 10, 2026**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

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

5. The applicant shall digitally submit a complete set of plans to the Planning Division for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

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

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 City Community Development Department, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, WD29 and LACFD, 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 LCP and MMC. Revised plans reflecting the minor changes and additional fees shall be required.

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

11. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit.

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.

Site-Specific Conditions

14. This approval is only for the installation of a water well and does not constitute approval for any other development or activities on the subject parcel. Minor adjustments to the location of the water well may be permitted by the Community Development Director provided that the setbacks between the onsite septic system and other applicable structures are not further reduced beyond the authorized setback herein, and the minor adjustment is otherwise consistent with all development standards. Should the setback be reduced less than 105 feet, 8 inches, an amendment to this CDP and VAR shall be required with an updated approval from the County Department of Public Health.

15. Prior to issuance of building or grading or excavation permits, the applicant shall provide the Planning Division with a copy of a well-yield test permit from the County Department of Public Health.

16. Prior to issuance of building permits or final inspection (or project sign off, as applicable) by the Planning Division, the applicant shall provide the Planning Division with approval from County Department of Public Health for connection of the new water well to the approved two 10,000-gallon water tanks.

17. If the water well is excavated and found not to satisfy the requirements of potable water to serve the single-family residence, the water well shall be properly restored and abandoned, as instructed by the County Department of Public Health. The applicant shall promptly notify the Community Development Department to coordinate how potable water service would be provided on the subject property. An amendment to this CDP or other City approval may be necessary at the discretion of the Community Development Director.

Biology / Landscaping

18. 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.

19. 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.

Onsite Wastewater Treatment System

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

21. County Public Health approval: Prior to City Environmental Health approval, the applicant shall demonstrate County Department of Public Health approval of the well for water supply yield and water quality requirements. City Environmental Health final approval of the water supply well is required.

22. 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 for Environmental Health Building Plan Check review.

Grading / Drainage / Hydrology

23. 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.

24. 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 not limited to:

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls Silt Fence	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 BMPs 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.

25. Since this work has been proposed to be completed without the RWQCB permit, the applicant must capture all of the water from the drill operations in tanks and haul to an appropriate facility.

26. The applicant shall not discharge any water generated during the development of the proposed well. As proposed, the earthen pit shall be lined to prevent any and all drill wastewater from infiltration.

27. The applicant must provide a permit or certified copy from the receiving authority granting the applicant's disposal water. The applicant shall submit the manifest prior to final inspection.

28. The work shall be performed in conformance with the management plan set forth in the memo dated October 10, 2025 from Hayward Environmental Consulting (HEC), as submitted with the CDP application.

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

30. For projects including installation of a private water well, prior to final inspection (or project sign, as applicable) by the Building Safety Division, the applicant shall demonstrate that all requirements of WD29 have been met, including installation of a backflow prevention device.

Construction / Framing

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

32. 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.

Fixed Conditions

33. This CDP shall run with the land and bind all future owners of the property.

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

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

PASSED, APPROVED AND ADOPTED this 20th day of April 2026.

_____
Elizabeth Riddick, 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.

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. 26-17 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 20th day of April 2026 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

ENVIRONMENTAL HEALTH

Drinking Water Program

5050 Commerce Drive, Baldwin Park, CA 91706
Telephone: (626) 430-5420 • Facsimile: (626) 813-3013 • Email: waterquality@ph.lacounty.gov
http://publichealth.lacounty.gov/eh/ep/dw/dw_main.htm

SR0350486 – 31255 Beach View Estates, Malibu CA, 90265

Work Plan Approval

WORK SITE ADDRESS	CITY	ZIP	EMAIL ADDRESS FOR WELL PERMIT APPROVAL
31255 Beach View Estates	Malibu	90265	mrasmussen@keystoneplanners.com

NOTICE:

- WORK PLAN APPROVALS ARE VALID FOR 180 DAYS. 30 DAY EXTENSIONS OF WORK PLAN APPROVALS ARE CONSIDERED ON AN INDIVIDUAL (CASE-BY-CASE) BASIS AND MAY BE SUBJECT TO ADDITIONAL PLAN REVIEW FEES (HOURLY RATE AS APPLICABLE).
- WORK PLAN MODIFICATIONS MAY BE REQUIRED IF WELL AND GEOLOGIC CONDITIONS ENCOUNTERED AT THE SITE INSPECTION ARE FOUND TO DIFFER FROM THE SCOPE OF WORK PRESENTED TO THE DEPARTMENT OF PUBLIC HEALTH—DRINKING WATER PROGRAM.
- WORK PLAN APPROVALS ARE LIMITED TO COMPLIANCE WITH THE CALIFORNIA WELL STANDARDS AND THE LOS ANGELES COUNTY CODE AND DOES NOT GRANT ANY RIGHTS TO CONSTRUCT, RENOVATE, OR DECOMMISSION ANY WELL. THE APPLICANT IS RESPONSIBLE FOR SECURING ALL OTHER NECESSARY PERMITS SUCH AS WATER RIGHTS, PROPERTY RIGHTS, COASTAL COMMISSION APPROVALS, USE COVENANTS, ENCROACHMENT PERMISSIONS, UTILITY LINE SETBACKS, CITY/COUNTY PUBLIC WORKS RIGHTS OF WAY, ETC.
- THIS PERMIT IS NOT COMPLETE UNTIL ALL OF THE FOLLOWING REQUIREMENTS ARE SIGNED BY THE DEPUTY HEALTH OFFICER. WORK SHALL NOT BE INITIATED WITHOUT A WORK PLAN APPROVAL STAMPED BY THE DEPARTMENT OF PUBLIC HEALTH—DRINKING WATER PROGRAM.
- ***ONCE APPROVED NOTIFY INSPECTOR AT phabib@ph.lacounty.gov PREFERABLY 3 BUSINESS DAYS BEFORE WORK IS SCHEDULED TO BEGIN.***

TO BE COMPLETED BY DEPARTMENT OF PUBLIC HEALTH—DRINKING WATER PROGRAM:

WORK PLAN APPROVED (CONSTRUCION OF 1 PRODUCTION WELL) ***DATE: August 22, 2023***

ADDITIONAL APPROVAL CONDITIONS:

- Well drilling or construction shall not start before a final Coastal Development Permit is obtained from the City of Malibu.
- Work plan approval is issued for scope of work submitted to the Drinking Water Program. Any modifications to the scope of work will require additional work plan review.
- Casing spacers shall be used within the interval(s) to be sealed to separate well casing, gravel tube, sounding tube or other tubes/casings from one another in a borehole.
- Ensure to backfill using a tremie pipe or equivalent, proceeding upward from the bottom of the boring.
- The construction/destruction of wells must comply with all applicable requirements published in the California Well Standards (Bulletins 74-81 and 74-90), Los Angeles County Code and all other applicable laws.
- Submit well completion report/log to ***phabib@ph.lacounty.gov*** within 30 days from the date its construction/destruction is completed.
- Drillers shall submit their well completion reports to the Department of Water Resources through the Online System of Well ; (OSWCR) at https://civicnet.resources.ca.gov/DWR_WELLS.

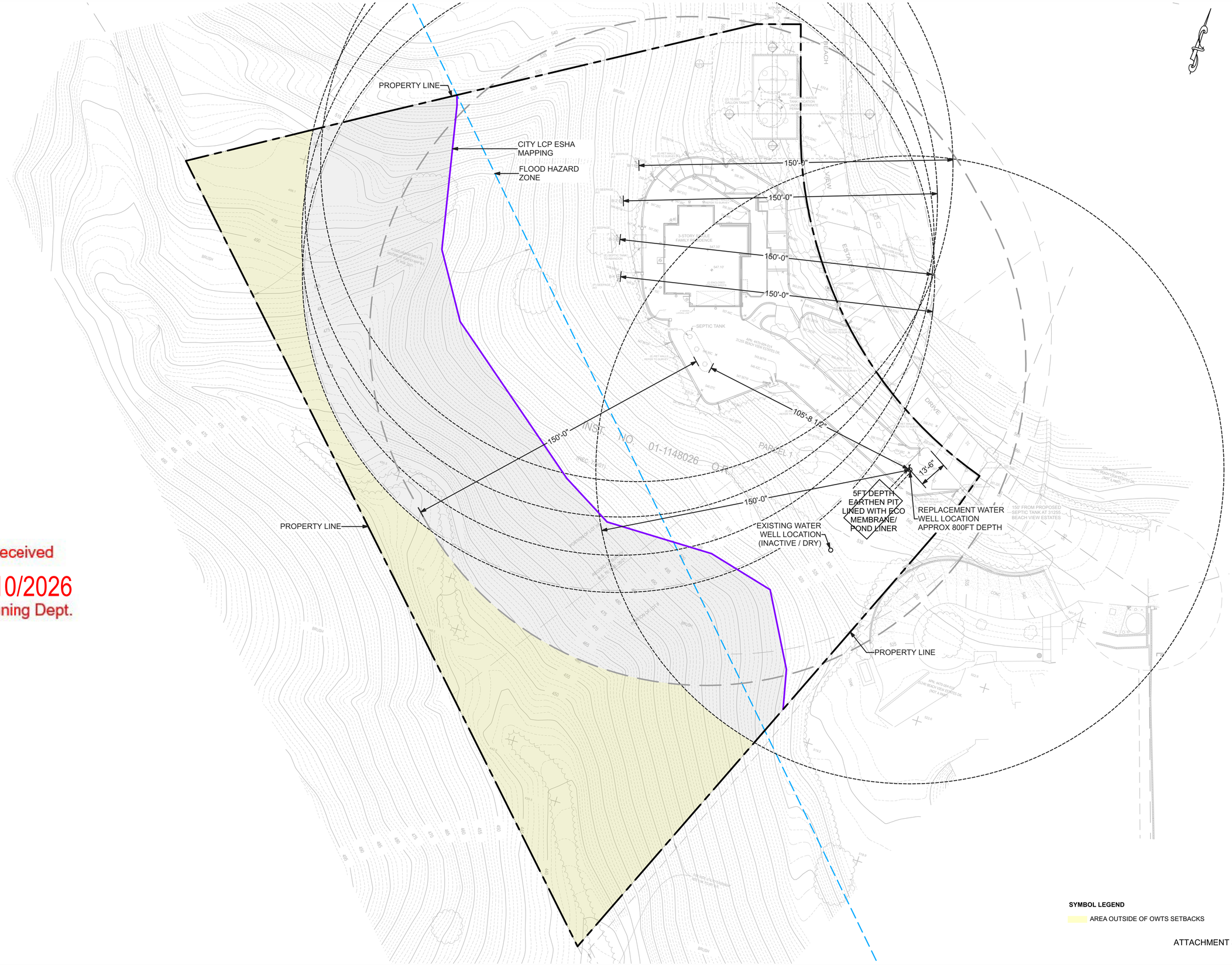
REHS NO: 5770

Peter Habib, REHS

Peter Habib

☐ ANNULAR SEAL FINAL INSPECTION REQUIRED	☐ WELL COMPLETION LOG REQUIRED
DATE ACCEPTED: REHS signature	DATE ACCEPTED: REHS signature
☐ WATER QUALITY—BACTERIOLOGICAL STANDARDS REQUIRED	☐ WATER QUALITY—CHEMICAL STANDARDS REQUIRED
DATE ACCEPTED: REHS signature	DATE ACCEPTED: REHS signature
☐ WATER SUPPLY YIELD REQUIRED	☐ OTHER REQUIREMENT
DATE ACCEPTED: REHS signature	DATE ACCEPTED: REHS signature

ATTACHMENT 2



Received
2 /10/2026
Planning Dept.

BEACH VIEW ESTATES RESIDENCE

31255 BEACH VIEW ESTATES
Malibu, CA

LICENSED ARCHITECT
DOUGLAS W. BURDGE
C-16899
RENEWAL 11/30/2025
STATE OF CALIFORNIA

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT.

WRITTEN DIMENSIONS SHALL BE VERIFIED ON THE JOB SITE. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

MARK	DATE	DESCRIPTION
	2022-08-25	PLANING DEPT. SUBMITTAL

BURDGE ARCHITECTS
24911 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL. 310-456-5905

SHEET TITLE

SITE PLAN

SYMBOL LEGEND

AREA OUTSIDE OF OWTS SETBACKS

ATTACHMENT 3

DRAWING NO.
A-0.3

PROJECT	BEACH VIEW ESTATES RESIDENCE
DATE	Plot Date: 2026/02/06
SCALE	1" = 20'
DRAWN BY	D.W.B.,

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** 03/31/2025

PROJECT NUMBER: CDP 23-033

JOB ADDRESS: 31255 BEACH VIEW ESTATES DR

APPLICANT / CONTACT: Martin Rasmussen, Keystone Strategic Planning

APPLICANT EMAIL: mrasmussen@keystoneplanners.com

PLANNER: Richard Greenbauer

PROJECT DESCRIPTION: New water well

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 4/7/25

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)	Martin Rasmussen, Keystone Strategic Planning mrasmussen@keystoneplanners.com		
Project Address:	**31255 BEACH VIEW ESTATES DR** Malibu, CA 90265		
Planning Case No.:	CDP 23-033		
Project Description:	New water well		
Date of Review:	April 5, 2025		
Reviewer:	Courtney McCammon	Signature:	Courtney McCammon
Contact Information:	Phone: (310) 456-2489 ext 277	Email:	biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	3/31/25
Site Survey:	3/31/25
Landscape Plan:	
Hydrozone Plan:	
Irrigation Plan:	
Fuel Modification Plan:	
Grading Plan:	3/31/25
OWTS Plan:	
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	5/24/23 (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

DISCUSSION:

1. Pursuant to Malibu LIP 4.4.4, the new water well is exempt from the biological assessment and environmental review board because it is an "addition to existing structures that are within the lawfully established graded pad area, or the existing developed/landscaped area if there is no graded pad, and that do not require additional fuel modification". The water well is in the existing driveway and does not require any fuel modification.

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.

-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 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator

FROM: City of Malibu Planning Department **REVISED DATE** 03/31/2025

PROJECT NUMBER: CDP 23-033

JOB ADDRESS: 31255 BEACH VIEW ESTATES DR

APPLICANT / CONTACT: Martin Rasmussen, Keystone Strategic Planning

APPLICANT EMAIL: mrasmussen@keystoneplanners.com

PROJECT DESCRIPTION: New water well

REVISION:

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

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

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 Sammak 4/30/2025

Signature **Date**

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

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

City of Malibu

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

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Martin Rasmussen mrasmussen@keystoneplanners.com		
Project Address:	**31255 Beach View Estates** Malibu, California 90265		
Planning Case No.:	CDP 23-033		
Project Description:	Water Well		
Date of Review:	April 30, 2025		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Burdge Architects: Plans dated 4-20-2023
Grading Plans:	
OWTS Plan:	EPD Consultants: Plot Plan dated 3-31-2023, 2-24-2025
OWTS Report:	EPD Consultants: Report dated 2-24-2025
Geology Report:	Land Phases: Hydrogeologic Report dated 10-18-2024. Alpine Geotechnical: Reports dated 2-15-2021, 4-26-2021, 8-26-2021.
Miscellaneous:	Los Angeles County Drinking Water Program Work Plan approval dated 8-22-2023
Previous Reviews:	7-3-2023

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

2) **LA County Public Health approval:** Prior to City of Malibu Environmental Health approval, the applicant shall demonstrate Los Angeles County Department of Public Health approval of the well for water supply yield and water quality requirements.

    - City of Malibu Environmental Health approval of the water supply well is required.

3) **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.

-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

31255 BEACH VIEW ESTATES DR (CDP 23-033)
MALIBU, CA 90265

S.F.D.:	4 Bedroom/57 Fixture Units (N)
TREATMENT TANK:	Existing 1,000 Gallon Septic Tank to be replaced with 3,634 Gallon MicroSepTec ES12 with UV Disinfection Unit (N)
ACTIVE:	1 – 6' x 24' BI w/10' Cap (N) (projected; B-1)
	1 – 6' x 21' BI w/11' Cap (N) (projected; B-2)
	1 – 6' x 20' BI w/11' Cap (N) (projected; B-3)
FUTURE:	1 – 6' x 19.5' BI w/10' Cap (F) (projected; B-4)
PERC RATE:	3,190 gpd/7.06 gpsf (proj; B-1)
	3,692 gpd/9.33 gpsf (proj; B-2)
	5,928 gpd/15.7 gpsf (proj; B-3)
	12,285 gpd/33.4 gpsf (proj; B-4)
DESIGNER:	Kevin Poffenbarger, RCE 69089
REFERENCE:	EPD: OWTS report dated 10-30-2020; Add I report dated 4-13-2021, 2-24-2025
	Alpine Geotechnical: Geologic and Soils Engineering report dated 9-30-2020; Add I letter dated 1-29-2021; Add II letter dated 4-26-2021
	Landphases: Hydrogeology Report dated 10-18-2024

*SEE REVERSE SIDE FOR MORE OWTS INFORMATION.

NOTES:

1. This conformance review is for a new water well to serve a new single-family dwelling only.
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.
4. A new advanced onsite wastewater treatment system (OWTS) will be installed under a separate permit (City of Malibu Planning case # DMW 20-030). The advanced OWTS conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: _____ DATE: 4/30/2025

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

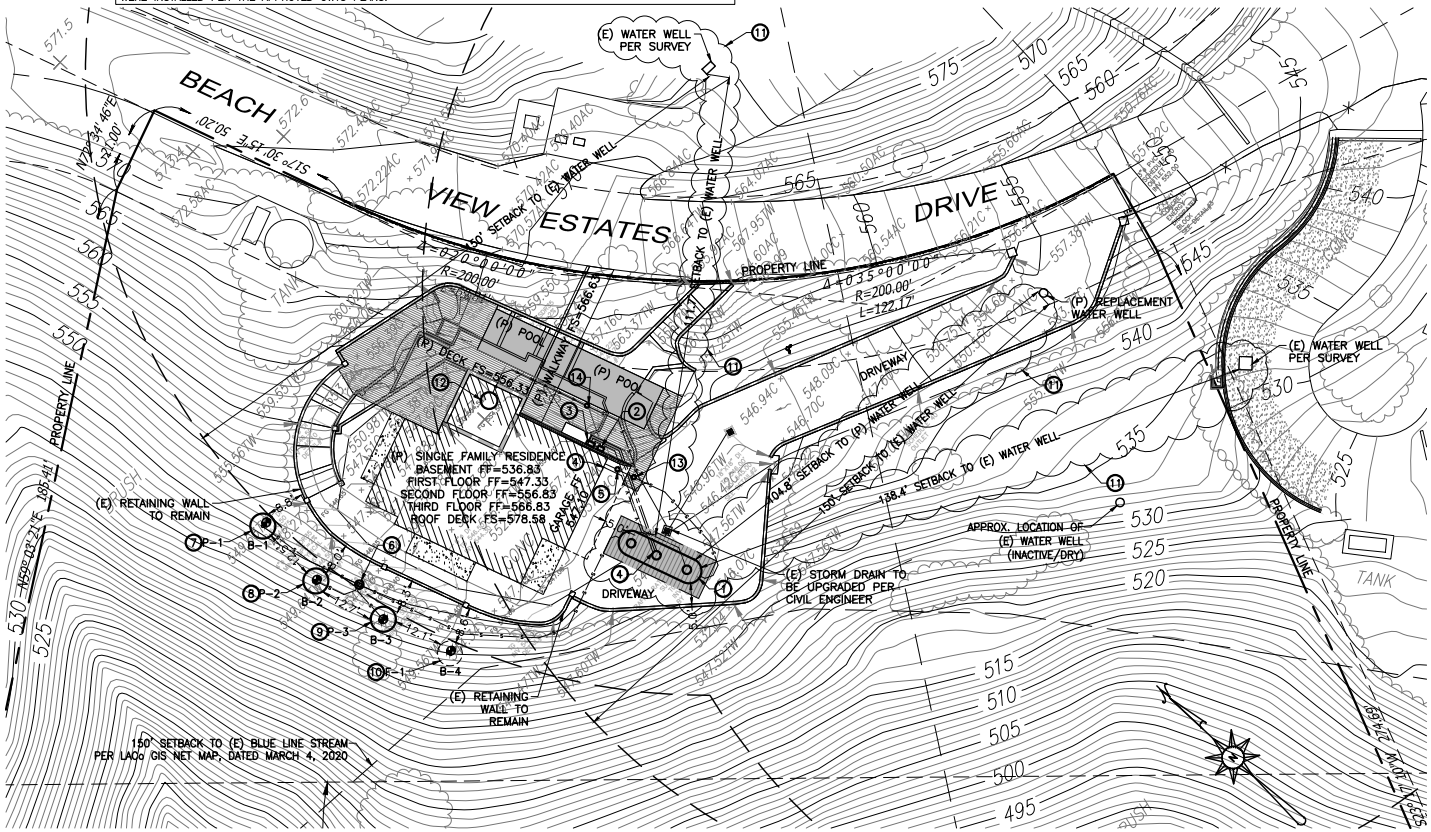
KEY:
- PROPERTY LINE
- EASEMENT
- (P) STRUCTURE
- (E) RETAINING WALL
- (P) SS PIPES (GRAVITY)
- (P) SS PIPES (PRESSURE)
- (P) SS PIPES (AIR)
- (P) SS PIPES (VENT)
- (P) SS PIPES (ELECTRICAL)
- (P) PRESENT SEEPAGE PIT
- (P) FUTURE SEEPAGE PIT
- GEOLOGIC BORINGS (B-X) APPROX. PER ALPINE GEOTECHNICAL, INC.

ABBREVIATIONS:

(E)	EXISTING
(P)	PROPOSED
BI	BELOW INLET
DFU	DRAINAGE FIXTURE UNIT
FF	FINISHED FLOOR
FG	FINISHED GRADE
FS	FINISHED SURFACE
OWS	ONSITE WASTEWATER SYSTEM
PSP	PER SEPARATE PERMIT
SFR	SINGLE-FAMILY RESIDENCE
SS	SANITARY SEWER

NOTES:
1. ONSITE WASTEWATER SYSTEM (OWS) DEMOLITION PLAN PER DETAIL 1, SHEET W0.00.
2. OWS GENERAL NOTES PER DETAIL 2, SHEET W0.00.
3. OWS REDUCTION IN SETBACK CERTIFICATIONS PER DETAIL 3, SHEET W0.00.
4. OWS PROCESS FLOW SCHEMATIC PER DETAIL 4, SHEET W0.00.
5. OWS CALCULATIONS PER DETAIL 5, SHEET W0.00.
6. OWS KEYNOTES PER DETAIL 6, SHEET W0.00.
7. OWS SEEPAGE PIT ELEVATIONS PER DETAIL 7, SHEET W0.00.

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.



1 ONSITE WASTEWATER SYSTEM (OWS) SITE PLAN

Scale: 1"=30'

GRAPHIC SCALE: 1"=30'

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	BUILDING PLAN CHECK SUBMITTAL	8/16/21	WHA
2	PROPOSED BASEMENT FIXTURES	8/26/22	WHA
3	PROPOSED WATER WELL	4/10/23	AF
4	PROPOSED WATER WELL (CDP 23-033)	2/24/25	WHA

SHEET TITLE: ONSITE WASTEWATER SYSTEM (OWS) SITE PLAN

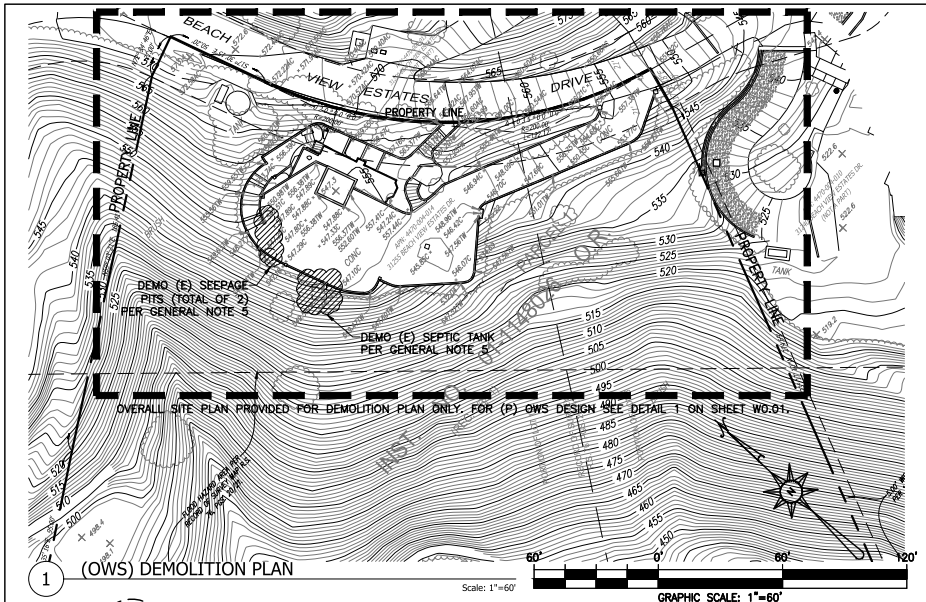
PROJECT: 31255 BEACH VIEW ESTATES DRIVE MALIBU, CA 90265

DATE	SCALE	DRAWN BY
10/30/20	AS SHOWN	CB

PROJECT NO. G843

DRAWING NO. W0.01

SHEET 2 OF 2 SHEETS



1 (OWS) DEMOLITION PLAN

Scale: 1"=60'

KEY:

- PROPERTY LINE
- EASEMENT
- (E) SEPTIC COMPONENT
- (E) SEEPAGE PIT LOCATION
- (P) OWS DEMOLITION AREA

1. THESE PLANS ARE ACCURATE FOR PROPOSED ONSITE WASTEWATER SYSTEM (OWS) ONLY.
2. AERIAL TOPOGRAPHIC SURVEY MAP PROVIDED BY CHRIS NELSON & ASSOCIATES, INC., DATED AUGUST 12, 2020. ARCHITECTURAL PLANS, DATED APRIL 14, 2023, AND REPLACEMENT WATER WELL PLAN, DATED FEBRUARY 17, 2025, PROVIDED BY BURDGE & ASSOCIATES ARCHITECTS. GRADING & DRAINAGE PLANS PROVIDED BY MESSIHA ENGINEERING SERVICES, INC., DATED APRIL 10, 2023. ELEVATIONS ARE APPROXIMATE PER THE REFERENCED PLANS AND PROVIDED IN NAVD88 DATUM.
3. ALL BORINGS (B–X) ARE APPROXIMATE LOCATIONS PER ALPINE GEOTECHNICAL, INC. GEOLOGIC & SOILS ENGINEERING REPORT, DATED SEPTEMBER 30, 2020.
4. CONTRACTOR SHALL FOLLOW ALL REQUIREMENTS OF APPROVED 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.
5. ALL (E) SEPTIC SYSTEM COMPONENTS SHALL BE ABANDONED, REMOVED OR DEMOLISHED AS NECESSARY BY THE CONTRACTOR PER THE MPC. SEE OWS DEMOLITION PLAN, THIS SHEET. ALL (E) SEPTIC COMPONENT LOCATIONS ARE APPROXIMATE PER THE COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES SEPTIC APPROVAL, DATED MARCH 14, 1991. REMOVAL OF ALL EXISTING SEPTIC SYSTEM COMPONENTS SHALL FOLLOW ASTM D1557 AND BE EXECUTED IN ACCORDANCE WITH APPLICABLE OSHA AND CAL/OSHA STANDARDS. PRIOR TO COMMENCING WORK TO ABANDON, REMOVE, OR REPLACE EXISTING OWS COMPONENTS AN "OWS ABANDONMENT PERMIT" SHALL BE OBTAINED FROM THE CITY OF MALIBU. ALL WORK PERFORMED IN THE OWS ABANDONMENT, REMOVAL, OR REPLACEMENT AREA SHALL BE PERFORMED IN STRICT ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL ENVIRONMENTAL AND OCCUPATIONAL SAFETY AND HEALTH REQUIREMENTS. THE OBTAINMENT OF ANY SUCH REQUIRED PERMITS OR APPROVALS FOR THIS SCOPE OF WORK SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND THEIR AGENTS.
6. ALL SEPTIC PIPING SHOWN HEREIN IS APPROXIMATE.

2 ONSITE WASTEWATER SYSTEM GENERAL NOTES

Scale: N.T.S.

CITY OF MALIBU MUNICIPAL CODE – MMC TABLE 15.42.030(E) REQUIRED REDUCTION IN SETBACK CERTIFICATIONS				
KEYNOTE	OWS COMPONENT	SITE ELEMENT	CODE SETBACK REQUIREMENT	ACTUAL SETBACK
11	SEPTIC TREATMENT TANK	(E) WATER WELLS	150.0 FEET	111.7–138.4 FEET
		(P) WATER WELL		104.8 FEET

NOTE:
THE LIST OF (P) REDUCTION IN SETBACKS IN THE ABOVE TABLE IS BEING PROVIDED AS REFERENCE ONLY. THE REQUIRED REDUCTION IN SETBACK CERTIFICATIONS HAVE BEEN PREPARED AND APPROVED BY ALL RELEVANT PARTIES AT THE CITY OF MALIBU. REFER TO KEYNOTE 11 PER DETAIL 6 THIS SHEET.

3 REDUCTION IN SETBACK CERTIFICATIONS

Scale: N.T.S.

TOTAL BEDROOMS: 5
TOTAL DRAINAGE FIXTURE UNITS: 74

SINGLE FAMILY RESIDENCE: 5 BEDROOMS
2 BEDROOM @ 300 GPD/BED = 600 GPD
3 BEDROOMS @ 150 GPD/BED = 450 GPD

PEAK DESIGN DAILY FLOWRATE: 1,050 GPD
AVERAGE DESIGN DAILY FLOWRATE: 600 GPD
STRENGTH OF SEPTIC TANK EFFLUENT: 200mg/L OR LESS

NEW MICROSEPTEC ES12 TERTIARY TREATMENT TANK: 3,634 GALLONS

MIN. SEPTIC TANK CAPACITY (MMC TABLE 15.42.070): 1,500–GALLONS
(BASED UPON BEDROOM COUNT ONLY)

MIN. SEPTIC TANK CAPACITY (MMC TABLE 15.42.070): 3,000–GALLONS
(BASED UPON DFU COUNT ONLY)

MIN. SEEPAGE PIT CAPACITY (PRESENT AND FUTURE): 9,000–GALLONS
(BASED UPON BEDROOM COUNT ONLY)

EFFLUENT DISPERSAL:
PERC RATE PRESENT: B–1 = 3,190.50 GPD/6'ø PIT
B–2 = 3,692.10 GPD/6'ø PIT
B–3 = 5,928.00 GPD/6'ø PIT
TOTAL = 12,810.60 GPD/3–6'ø PITS

PERC RATE FUTURE: B–4 = 12,285.00 GPD/6'ø PIT
TOTAL = 12,285.00 GPD/1–6"ø PIT

(ALPINE GEOTECHNICAL, INC. GEOLOGIC & SOILS ENGINEERING REPORT, DATED SEPTEMBER 30, 2020)

PRESENT SEEPAGE PITS: 3 TOTAL
(1 6'ø X 24.00' BI PIT W/ 10.00' CAP DEPTH FROM EG @ B–1)
(1 6'ø X 21.00' BI PIT W/ 11.00' CAP DEPTH FROM EG @ B–2)
(1 6'ø X 20.00' BI PIT W/ 11.00' CAP DEPTH FROM EG @ B–3)

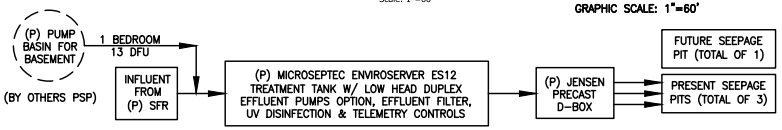
FUTURE SEEPAGE PIT: 1 TOTAL
(1 6'ø X 19.50' BI PIT W/ 10.00' CAP DEPTH FROM EG @ B–4)

PEAK DESIGN DISPERSAL LOADING RATE: 0.86 GPD/SF
AVERAGE DESIGN DISPERSAL LOADING RATE: 0.49 GPD/SF

5 ONSITE WASTEWATER SYSTEM CALCULATIONS

Scale: N.T.S.

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.



4 ONSITE WASTEWATER SYSTEM PROCESS FLOW SCHEMATIC

Scale: N.T.S.

	SEEPAGE PIT #	PERC.TEST BORING PIT #	SEEPAGE PIT DEPTH (FT)	EXISTING GRADE (EG) (FT)	FINISHED GRADE @ PIT (FG) (FT)	CAP DEPTH FROM EG (FT)	CAP DEPTH FROM FG/FS (FT)	CAP DEPTH ELEVATION (FT)	SURFACE ELEVATION @ 15–FT DAYLIGHT (FT)	BELOW INLET (BI) DEPTH (FT)	BOTTOM OF PIT ELEVATION (FT)	GROUNDWATER ELEVATION (FT)	GROUNDWATER SEPARATION (FT)
PRESENT SEEPAGE PITS	P–1	B–1	34.00	546.00	546.00	10.00	10.00	536.00	536.50	24.00	512.00	501.00	11.00
	P–2	B–2	32.00	543.00	543.00	11.00	11.00	532.00	532.50	21.00	511.00	501.00	10.00
	P–3	B–3	31.00	542.00	542.00	11.00	11.00	531.00	531.50	20.00	511.00	501.00	10.00
FUTURE SEEPAGE PIT	F–1	B–4	29.50	540.50	540.50	10.00	10.00	530.50	531.00	19.50	511.00	501.00	10.00

7 ONSITE WASTEWATER SYSTEM SEEPAGE PIT ELEVATIONS

Scale: N.T.S.

1. (P) MICROSEPTEC ENVIROSERVER ES12 TREATMENT SYSTEM HOUSED IN A 3,634–GALLON FRP TANK PROVIDED BY THE MFR W/ THREE (3) 24"ø FRP LIDS/RISERS TO GRADE PER MFR, GRAVITY DISCHARGE, EFFLUENT FILTER, UV DISINFECTION & TELEMETRY CONTROLS, TANK SHALL BE CONSTRUCTED UNDERNEATH H–20 TRAFFIC RATED SLAB W/ THREE (3) 30"ø H–20 TRAFFIC RATED MANHOLE COVERS TO GRADE. SPECIFIED GAS AND WATERTIGHT. VENT TO THE ROOF PER MPC.
2. (P) MICROSEPTEC TELEMETRY CONTROL PANEL. DEDICATED IP ADDRESS AND POWER TO PANEL, INTERNET CONNECTIONS TO BE VERIFIED BY THE MFR. LICENSED ELECTRICIAN TO DETERMINE NUMBER AND SIZING OF WIRES.
3. (P) TWO MICROSEPTEC HIBLOW HP–120LL AIR COMPRESSORS IN ABOVE GROUND ENCLOSURES FURNISHED BY CONTRACTOR PER MFR RECOMMENDATIONS.
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 CONCRETE MODEL D5 DISTRIBUTION BOX INSTALLED WITH ONE (1) 24"ø PVC WATERTIGHT LID, RISER AND MANHOLE TO GRADE OR APPROVED EQUAL. NUMBER OF OUTLETS PER PLAN.
7. (P) PRESENT ONE (1) 6'ø X 24.00' BI SEEPAGE PIT WITH 10.00' CAP DEPTH FROM EG @ B–1. CONSTRUCT WITH 8"ø INSPECTION PORT IN ENCLOSURE TO GRADE.
8. (P) PRESENT ONE (1) 6'ø X 21.00' BI SEEPAGE PIT WITH 11.00' CAP DEPTH FROM EG @ B–2. CONSTRUCT WITH 8"ø INSPECTION PORT IN ENCLOSURE TO GRADE.
9. (P) PRESENT ONE (1) 6'ø X 20.00' BI SEEPAGE PIT WITH 11.00' CAP DEPTH FROM EG @ B–3. CONSTRUCT WITH 8"ø INSPECTION PORT IN ENCLOSURE TO GRADE.
10. (P) FUTURE ONE (1) 6'ø X 19.50' BI SEEPAGE PIT WITH 10.00' CAP DEPTH FROM EG @ B–4.
11. REDUCTION IN SETBACK FOR ALL PORTIONS OF THE (P) SEPTIC TREATMENT TANK SITUATED LESS THAN 150–FT FROM THE (E) AND (P) WATER WELLS PER MPC TABLE 15.42.030(E). THE REDUCED SETBACKS WILL BE ADDRESSED AS REQUIRED PER THE WASTEWATER ENGINEER AND PROJECT GEOLOGIST / HYDROGEOLOGIST RECOMMENDATIONS. REFER TO DETAIL 3 THIS SHEET. IT IS UNDERSTOOD THIS SHALL BE MITIGATED WITH THE FOLLOWING (A) ADDING TERTIARY TREATMENT TO THE OWS TREATMENT PROCESS; AND (B) MFR AND CONTRACTOR TO PROVIDE AND INSTALL GAS AND WATERTIGHT TANK TO PREVENT CONTAMINATION WITH (E) AND (P) WATER WELLS.
12. (P) PUMP STATION TO SERVE BASEMENT LEVEL FIXTURES (DESIGNED BY OTHERS PER ARCHITECTURAL PLANS, PER SEPARATE PERMIT).
13. (P) BACKWATER VALVE.
14. (P) PRESSURE TO GRAVITY CLEANOUT. CONSTRUCT WITH "WYE" FITTING BEFORE 10–FT (MIN.) GRAVITY PIPING.

6 ONSITE WASTEWATER SYSTEM KEYNOTES

Scale: N.T.S.

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. 63089
CIVIL
STATE OF CALIFORNIA

▽ NO.	REVISIONS:	DATE:	BY:
1	BUILDING PLAN CHECK SUBMITTAL	8/16/21	WHA
2	PROPOSED BASEMENT FIXTURES	8/26/22	WHA
3	PROPOSED WATER WELL	4/10/23	AF
4	PROPOSED WATER WELL (CDP 23-033)	2/24/25	WHA

ADDRESS:
APN 4470-004-014
31255 BEACH VIEW ESTATES DRIVE
MALIBU, CA 90265

SHEET TITLE: ONSITE WASTEWATER SYSTEM

PROJECT: BEACH VIEW ESTATES RESIDENCE

DATE	SCALE	DRAWN BY
10/30/20	AS SHOWN	CB

PROJECT NO. G843

DRAWING NO. W0.00

SHEET 1 OF 2 SHEETS

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department

FROM: City of Malibu Planning Department **DATE:** 05/15/2023

PROJECT NUMBER:	CDP 23-033
JOB ADDRESS:	31255 BEACH VIEW ESTATES DR
APPLICANT / CONTACT:	Martin Rasmussen, Keystone Strategic Planning
APPLICANT ADDRESS:	4859 West Slauson Ave Los Angeles, CA 90056
APPLICANT PHONE #:	(503)866-1249
APPLICANT FAX #:	
PROJECT DESCRIPTION:	New water well

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

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

The project DOES require Fire Department Plan Review and Developer Fee payment	_____
The project DOES NOT require Fire Department Plan Review	X
The required fire flow for this project is _____ gallons per minute at 20 pounds per square inch for a 1 hour duration. (Provide flow information from the water dept.)	_____
The project is required to have an interior automatic fire sprinkler system.	_____
Final Fuel Modification Plan Approval is required prior to Fire Department Approval	_____

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

	App'd	N/app'd
Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project.	_____	_____
Required and/or proposed Fire Department Vehicular Turnaround	_____	_____
Required 5 foot wide Fire Department Walking Access (including grade %)	_____	_____
Width of proposed driveway/access roadway gates	_____	_____

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

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

Joseph Youman _____ 06-12-23 _____

SIGNATURE **DATE**

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341or at the Fire Department Counter:
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM

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: May 19, 2025		**Review Log #:**	**5075**
Site Address:	31255 Beach View Estates Drive		
Lot/Tract/PM #:		**Planning #:**	**CDP 23-033 P2**
Applicant/Contact:	Martin Rasmussen, mrasmussen@keystoneplanners.com	**BPC/GPC #:**	
Contact Phone #:	(503)866-1249 **Fax #:**	**Planner:**	**Richard Greenbauer**
Project Type:	New water well		

Submittal Information

Consultant(s) / Report Date(s): *(Current submittal(s) in **Bold**.)*	Land Phases, Inc. (Holt, CEG 2282, CHG 816): **10-18-2024** Alpine Geotechnical, Inc. (Sivas, CEG 2565; Simon, RCE 82610): Ref : 2-23-2023, 8-17-2022, 8-27-2021, 4-26-2021, 1-29-2021, 9-30-2020 EPD Consultants (Poffenbarger, RCE 69089): **2-24-2025** **2nd Planning Submittal for Geology** **Site plans prepared by Burdge Architects plotted on March 27, 2025, 3 sheets.** Architectural plans prepared by Burdge Architects dated April 18, 2023, 19 sheets. Grading plans prepared by Messiha Engineering Services, Inc. dated April 26, 2023. **OWTS plans prepared by EPD Consultants dated February 24, 2025.**
Previous Reviews:	7-24-2023; Ref: 12-8-2022 (for APRWF 22-018); 8-13-2021 (PVWF 20-018); 5-19-2021, 12-29-2020 (DMW 20-030); Environmental Health Review Sheets dated 4-30-2025 and 7-3-2023

Review Findings

Coastal Development Permit Review

☒ The water well project is **ACCEPTABLE** from a geotechnical perspective. No further geotechnical reviews are required.

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

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 hydrogeologic report, OWTS report, OWTS plans, and architectural site plans were reviewed by the City's geotechnical consultants from a geotechnical and hydrogeologic perspective.

This review evaluates the effects of disposing effluent from onsite wastewater treatment system (OWTS) into the subsurface in the vicinity of a water well from a water quality perspective. The Malibu Municipal Code requires water wells to be separated from seepage pits by a minimum of 150 feet (horizontal).

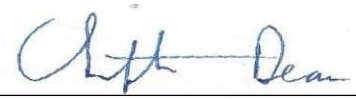
The water well will be permitted through the County of Los Angeles Health Department.

The new single-family residence, basement, and swimming pool/spa were previously reviewed under PVWF 20-018 and APRWF 22-018, and the new onsite wastewater treatment system (OWTS) was previously reviewed under DMW 20-030. These projects are not included in this review.

Review Comments:

None.

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

Engineering Geology Review by: 

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

5-19-2025
Date

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.

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** 10/14/2025

PROJECT NUMBER: CDP 23-033

JOB ADDRESS: 31255 BEACH VIEW ESTATES DR

APPLICANT / CONTACT: Martin Rasmussen, Keystone Strategic Planning

APPLICANT EMAIL: mrasmussen@keystoneplanners.com

PROJECT DESCRIPTION: New water well

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 $ 508

SIGNATURE

11/24/2025
DATE

Please see the attached conditions.

City of Malibu
MEMORANDUM

To: Community Development Department, Planning Division

From: Public Works Department
Julie Santia, Associate Engineer

Date: November 24, 2025

Re: Proposed Conditions of Approval for 31255 Beach View Estates Dr, CDP 23-033

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.

1. 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.**

2. 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.

3. Since this work has been proposed to be completed without the RWQCB permit, the applicant must capture all of the water from the drill operations in tanks and hauled to an appropriate facility.

   The applicant shall not discharge any water generated during the development of the proposed well. As proposed, the earthen pit shall be lined to prevent any and all drill wastewater from infiltration.

   The applicant must provide a permit or certified copy from the receiving authority granting the applicants disposal water. The applicant shall submit the manifest prior to final inspection.

   The work shall be performed in conformance with the management plan set forth in the memo dated October 10, 2025 from Hayward Environmental Consulting (HEC), as submitted with the CDP application.

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

MARK PESTRELLA, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

March 2, 2026

IN REPLY PLEASE
REFER TO FILE: WW-1

Conscious Choice LLC
C/O Martin Rasmussen
4859 West Slauson Avenue, #753
Los Angeles, CA 90056

Dear Mr. Rasmussen:

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU
WATER SERVICE TO 31255 BEACH VIEW ESTATES, MALIBU, CALIFORNIA 90265
ASSESSOR PARCEL NO. 4470-004-014

This is in response to your recent correspondence regarding water service from the Los Angeles County Waterworks District No. 29, Malibu, to Assessor Parcel No. 4470-004-014. The District is unable to provide water service for your project at this time as your parcel is more than 2,000 feet from one of the District's existing water mains, which would pose operational concerns that might result in deterioration of water quality.

Alternatively, you may propose a conceptual plan to extend the public water system to your property, while mitigating these concerns, and submit this plan to the District for consideration. If the District accepts the conceptual plan, the applicant must finance the design and agree, in writing, to finance the construction of the new water system facilities in order for the District to issue a Will-Serve Letter for the proposed development.

If you have any questions, please contact Ms. Marcela Benavides, Waterworks Division, at (626) 300-3353 or mbenavid@pw.lacounty.gov.

Very truly yours,

MARK PESTRELLA, PE
Director of Public Works

for CAROLINA T HERNANDEZ, PE
Assistant Deputy Director
Waterworks Division

RG:jc
P:\WWPUB\ADMIN\LETTERS\2026\WNSL D29- 31255 BEACH VIEW DR - APN 4448-026-060 (WWD2026000160).DOC

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, April 20, 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. 23-033 AND VARIANCE NO. 26-004 - An application for the construction of a new potable water well; including a variance for a reduced setback from an onsite wastewater treatment system

LOCATION / APN:	**31255 Beach View Estates Dr** / 4470-004-014
ZONING:	Rural Residential-Five Acre (RR-5)
APPLICANT / OWNER:	Keystone Strategic Planning / Conscious Choice, LLC
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15303(e)
APPLICATION FILED:	May 15, 2023
CASE PLANNER:	Richard Greenbauer, Contract Planner, rgreenbauer@malibucity.org (949) 489-1442, ext. 132

A written staff report will be available at or before the hearing for the projects. All persons wishing to address the Commission regarding these matters 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: March 27, 2026

ATTACHMENT 5

Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 5.C.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Magda Gonzalez, Contract 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: April 9, 2026 Meeting date: April 20, 2026

Subject: Coastal Development Permit No. 21-045 and Variance 26-003 – An application to grade and construct a new 594 square-foot, approximately 11 foot 2-inch tall, detached Accessory Dwelling Unit/Second Unit, including a variance for relief from Malibu Country Estates Overlay District standards associated with a proposed second building pad, reduced rear yard setback, wall heights, and allowances for impermeable coverage, structure height, and grading outside the existing building pad

Location: 24507 Vantage Point Terrace, partially within the appealable coastal zone
APN: 4458-033-006
Owner: Meissner Family Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-02 (Attachment 1) determining that the California Environmental Quality Act (CEQA) does not apply to projects that a public agency rejects or disapproves, and denying Coastal Development Permit (CDP) No. 21-045 and Variance (VAR) No. 26-003 to grade and construct a new 594 square-foot, approximately 11 foot 2-inch tall, detached Accessory Dwelling Unit (ADU)/Second Unit; including a variance for relief from Malibu Country Estates (MCE) Overlay District standards associated with a proposed second building pad, reduced rear yard setback, wall heights, and allowances for impermeable coverage, structure height, and grading outside the existing building pad on a parcel located in the Malibu Country Estates Overlay and Single Family Medium (SFM) zoning district at 24507 Vantage Point Terrace (Meissner Family Trust).

DISCUSSION: This agenda report provides a background and project overview, project setting and surrounding land uses, description of the proposed project, and an analysis of the project's inconsistency with applicable provisions of the Malibu Local Coastal Program (LCP). The analysis and findings contained herein demonstrate the project is not consistent with the LCP.

Background and Project Overview

As shown in Figure 1, the subject parcel is a developed, rectangular-shaped lot located on the inland side of Pacific Coast Highway (PCH) adjacent to John Tyler Drive. The parcel is situated within the MCE Overlay which includes specific development standards in LCP Local Implementation Plan (LIP) Section 3.4.1(D). The parcel is currently developed with a 3,572 square-foot single-family residence that was constructed in 1988 on one building pad located on the flatter portion of the parcel accessible from Vantage Point Terrace. The existing building pad is also occupied by a swimming pool, spa, and wooden deck located immediately to the rear of the existing residence. Similar to adjacent parcels in the MCE Overlay, the rest of the subject parcel slopes downward to John Tyler Drive. The parcel is served by a centralized wastewater treatment system, which serves the entire MCE. With exception to a vacant parcel immediately north, the subject parcel is in a neighborhood that is similarly developed with each parcel having one building pad developed in compliance with the MCE Overlay standards.

Figure 1 – Project Site



Source: Google Earth

The original application proposed a 623 square-foot, prefabricated ADU/Second Unit with height of 11 feet, 8 inches on a proposed second building pad located downhill of the existing residence near John Tyler Drive. On April 9, 2024, the applicant provided updated plans with a reduced size of 594 square feet and a height of 11 feet, 2 inches (Attachment 2). In both versions, the applicant has sited the prefabricated ADU/Second Unit on a proposed second building pad. Remedial and re-compaction grading is proposed for the upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of 3 feet beyond the proposed footprint. Despite having been informed by the Planning Division that the MCE Overlay standards limit all development to one building pad per parcel, the applicant had requested the Planning Division continue to process the project. The Planning Division had explained to the applicant that the proposed second building pad does not meet various MCE Overlay standards and requested additional details on the proposed structure which have not been provided. The applicant is seeking relief from the MCE Overlay standards and was told by staff that they would need to provide written findings justifying the request for consideration by the Planning Commission. This would be more commonly done under a variance request pursuant to LIP Section 13.26. On August 26, 2024, the applicant notified the Planning Division that relief through a variance would not be requested and that the City should continue to process the application as revised on April 9, 2024.

On October 9, 2025, the applicant requested the subject application be agendized for the Planning Commission. The Planning Division scheduled this item for the next available Planning Commission meeting, which was December 1, 2025. The Planning Division had recommended the project be denied due to inconsistencies with the LIP. The applicant requested the item be continued to February 2, 2026. On January 19, 2026, the applicant's representative, Keystone Planners, submitted a rebuttal packet addressing items that were determined by the Planning Division to be inconsistent with the LIP (Attachment 3). Among the items addressed in the rebuttal package were roofing materials, which have been updated from architectural shingles to Mediterranean Brava tile for consistency with the MCE Overlay standards. Additionally, the rebuttal package clarified that four trees in the proposed development area, previously unidentified, are comprised of three cedar trees and one orange tree, all of which are non-native trees not subject to the LCP's Native Tree protection policies.

The rebuttal package included a historic aerial image from 1980 shown in Figure 2. The applicant representative asserted that the 1980 image proves there are two building pads on the subject parcel – one near Vantage Point Terrace and a second downslope near John Tyler Drive. Based on the Planning Division's review, the purported second building pad referenced on the 1980 image is not typical of graded building pads within the MCE Overlay and appeared to be typical vegetation clearing along a roadway and/or vehicle shoulder/turnout along the west side of John Tyler Drive. The same type of cleared area extends onto other MCE Overlay parcels along John Tyler Drive. Additional research

conducted by the Planning Division demonstrated that there is no evidence of a second building pad having been graded as part of the MCE Overlay development. This was confirmed in an aerial image obtained by the Planning Division dated 1976, as shown in Figure 3, dated four years prior to the 1980 image. The 1976 image more clearly depicts one building pad for the subject parcel adjacent to Vantage Point Terrance, similar to other parcels in the MCE Overlay. Even if there was a legally authorized second building pad, which the evidence does not suggest there is, the MCE Overlay district requires that development be limited to one building pad. This requirement is codified in both the LCP and MMC.

The rebuttal package also described two alternate locations for the ADU/Second Unit with justifications as to why each was considered by the applicant to be infeasible. Alternative 1 placed the ADU/Second Unit over the existing swimming pool and extension over the slope to the rear of the residence. The Planning Division concurred with the applicant that Alternative 1 is not feasible due to design constraints and additional development that would be required. Alternative 2 placed the ADU/Second Unit on the southeast side yard of the property near the southerly side of the residence and behind the three-car garage. The applicant states that location is not feasible because it does not accommodate a modular building. A modular building would be difficult to place in that location but a different type of ADU can be constructed in these alternate areas. Other alternatives not considered by the applicant, but appear feasible, include converting part of the existing structure and/or adding square footage to the residence within other available areas on the existing building pad. The Planning Division encouraged the applicant to select one of these alternatives so that the proposed ADU met all of the LCP required development standards, but that was declined by the applicant. An ADU is feasible on this subject site, and the staff is in support of a compliant ADU location, but the applicant wants to place the ADU in an area prohibited by the LCP and MMC.

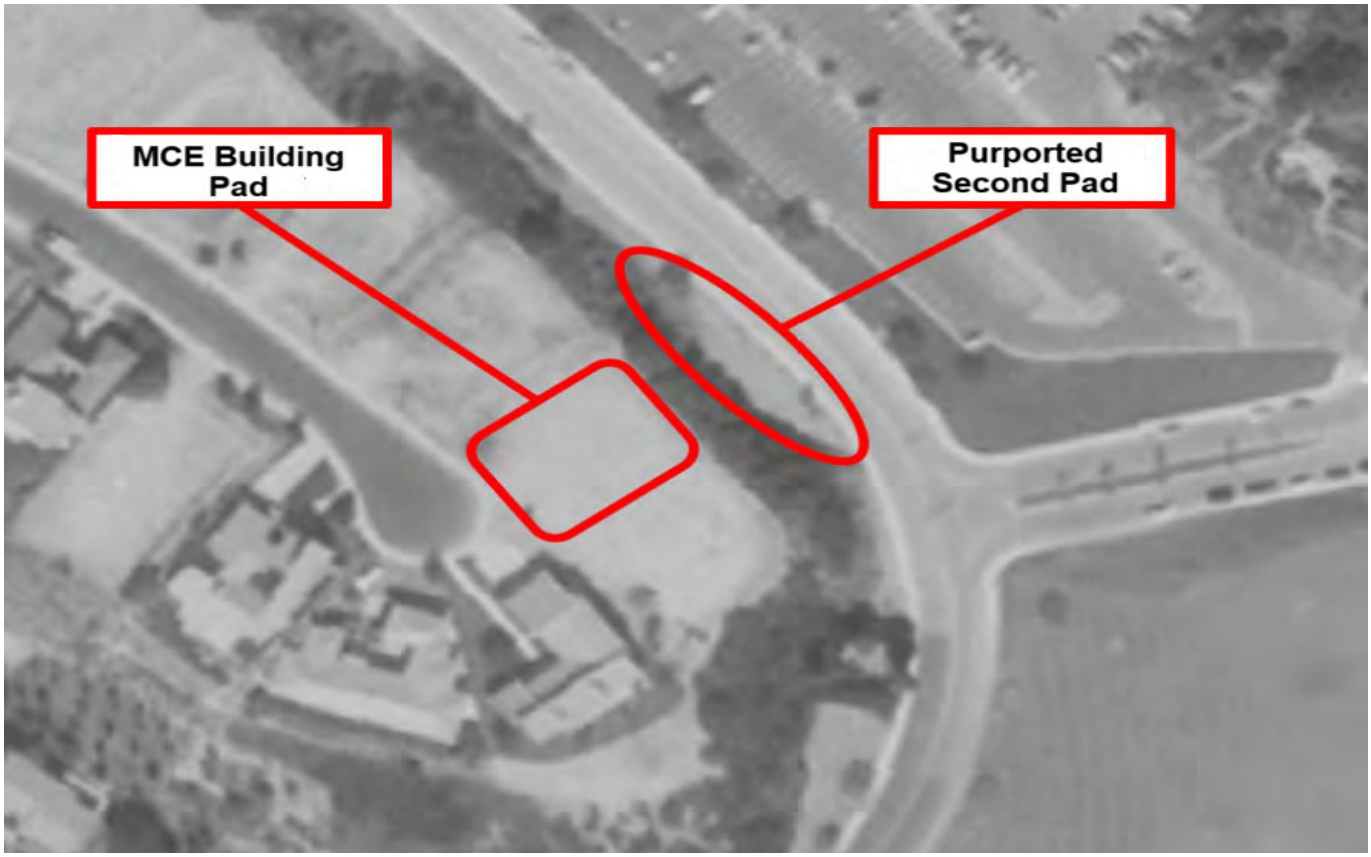
On February 2, 2026, the Planning Commission continued the item at the applicant's request. On February 5, 2026, the applicant representative submitted a variance request and confirmed that the January 19, 2026 rebuttal package sufficed for justification of the variance. However, on February 6, 2026 the applicant representative submitted an amended variance request which included two options for locating the ADU/Second Unit on the proposed second building pad (Attachment 4). One option included a 4-foot rear yard setback consistent with the proposed design, while the other option proposed a 15-foot rear yard setback, consistent with the MCE Overlay, but required the structure to be located higher on the slope.

As proposed, the ADU/Second Unit does not comply with the following LIP sections:

1. One building pad allowed (LIP 3.4.1(D)(6)(a)&(b));
2. No structures allowed downslope of existing pad (LIP 3.4.1(D)(6)(c));
3. Rear yard setbacks shall be 15 feet (LIP §3.4.1(D)(2)(c));

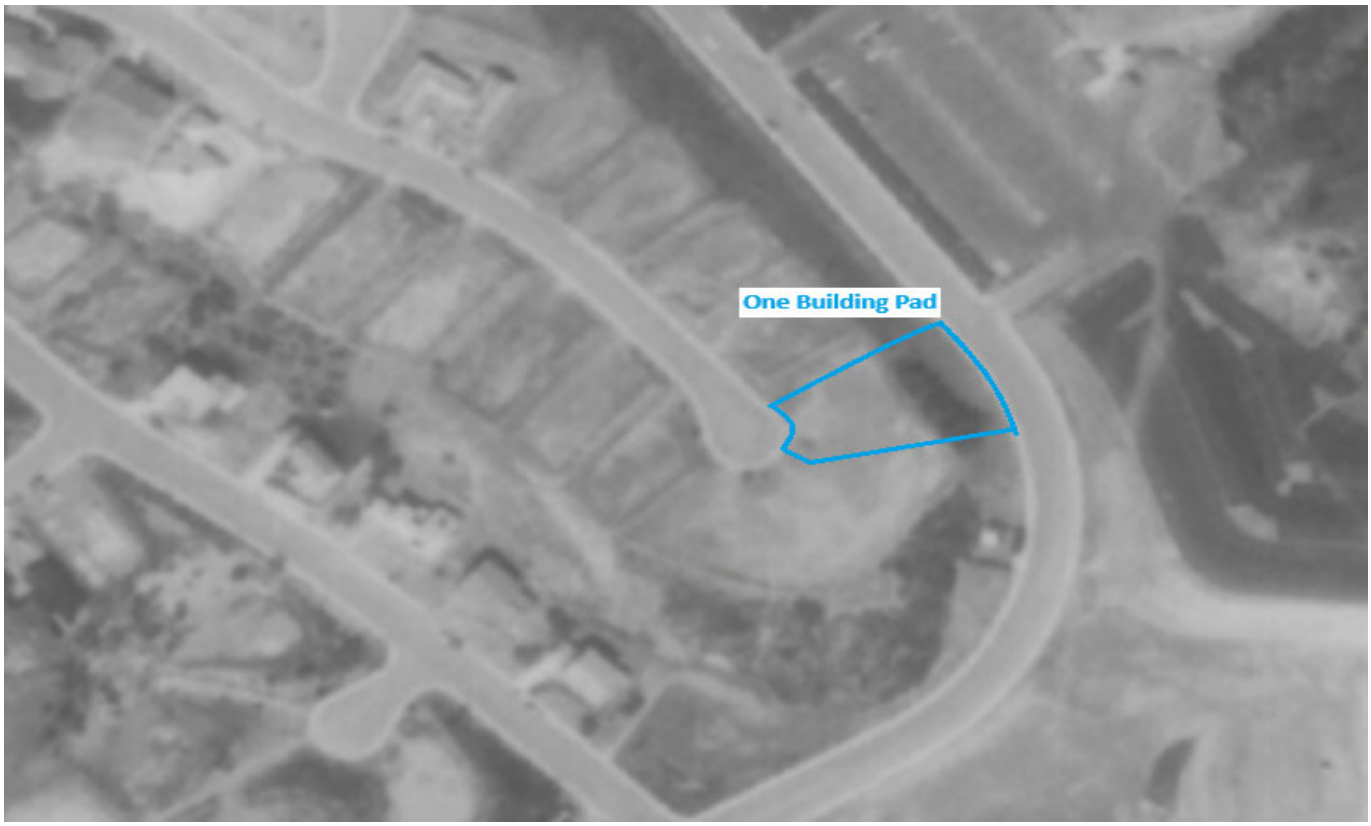
4. All impermeable coverage surfaces shall be on the existing building pad (LIP §3.4.1(D)(7));
5. Structure height is limited to additions/remodels of existing structure (LIP §3.4.1(D)(5)(d)(i-ii));
6. No grading for purposes of extending the existing building pad (LIP §3.4.1(D)(8));
7. No walls exceeding 6 ft in height within required rear yard (LIP 3.4.1(D)(4)(a));
8. LIP Section 8.3 (G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development."; and
9. LIP Chapter 11 Archaeological/Cultural Resources: It is not clear if the proposed second building pad would have potential impacts given that it is proposed downhill from the existing building pad in an undeveloped area and has not been evaluated for potential impacts during construction.

Figure 2 – Applicant 1980 Aerial Image



Source: Provided by Applicant Representative (UCSB Historical Aerials)

Figure 3 – Planning Division 1976 Aerial Image



Source: Obtained by the Planning Division (UCSB Historical Aerials)

As described in Table 3, the proposed project is inconsistent with several objective development standards in the MCE Overlay including the location of new structures, impermeable coverage, structure height, setback wall heights, grading, and an approximate 73% reduction in the required rear yard setback (from 15 feet to 4 feet). The proposed second building pad is also inconsistent with LIP Chapter 8 (Grading as otherwise limited pursuant to LIP Section 8.2) and LIP Chapter 11 (Archaeological Resources).

As previously mentioned, the parcel is located within the MCE Overlay which restricts development for all properties to one building pad per parcel and prohibits the creation of a secondary building pad pursuant to LIP Section 3.4.1(D)(6)(a), (b), and (c):

a. *All development, excluding walls and fences, shall be limited to the existing building pad.*
b. *There shall be no more than one building pad per lot.*
c. *No structure, excluding walls and fences, shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad.*

LIP Section 3.4.1(D)(d) provides the following definition of a building pad in the MCE Overlay District:

d. For the purposes of this Overlay District, a building pad shall be defined as a single, continuous, graded area, not exceeding 3 percent in slope, designed to accommodate development.

As currently designed, the Planning Division is unable to recommend that the required findings per LIP 13.9 can be made in support of the requested CDP, including CDP Finding 1 that the project as described in the application and accompanying materials conforms with the certified LCP, and CDP Finding 3 that the project is the least environmentally damaging alternative. Additionally, the Planning Division is unable to recommend that the required variance findings in LIP 13.36 can be made as the applicant has not demonstrated that extraordinary circumstances exist. As mentioned, an alternative location on this site can support an ADU, which the Planning Division could support; however, the applicant has refused to select an alternate location compliant with the LCP and MMC.

Surrounding Land Uses and Project Setting

Table 1 provides a summary of the dimensions and area of the subject parcel.

Table 1 – Property Data	
Lot Depth	160 feet
Lot Width	95 feet
Gross Lot Area	16,862 square feet (0.38 acres)
Area of Public Street Easements	1,600 square feet
Area of 1:1 Slopes	628 square feet
Net Lot Area *	14,634 square feet (0.33 acres)

*Net Lot Area = Gross Lot Area minus the area of 1 to 1 slopes and public street easements.

Pursuant to the City's Post-LCP Certification Permit and Appeal Jurisdiction Map, a downhill portion of the subject property is located within the Appeal Jurisdiction of the California Coastal Commission (CCC). However, pursuant to LIP 2.1 General Definitions for Appealable Coastal Development Permit, the proposed development is not located in an area appealable to the CCC.

The subject parcel is zoned SFM and within the MCE Overlay as are the surrounding parcels to the north, south, and west of the subject parcel. John Tyler Drive and Pepperdine University are located east of the subject parcel.

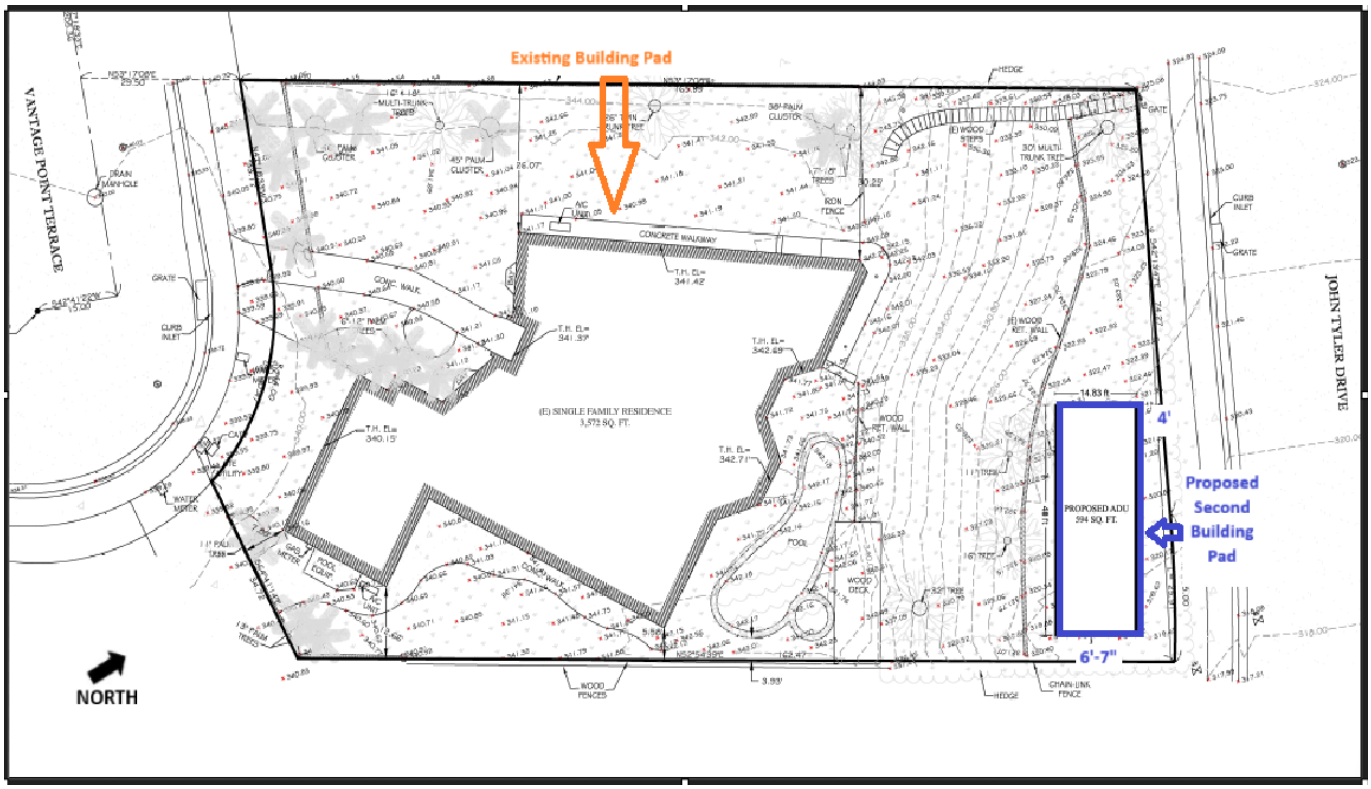
Table 2 provides a summary of the surrounding land uses:

Table 2 – Surrounding Land Uses				
Direction	**APN**	**Lot Size**	**Zoning**	**Land Use**
North	4458-033-005	16,849 SF	SFM/ MCE	Vacant
East	4458-030-042	1,234,912 SF	No Zone	John Tyler Drive / Pepperdine University
South	4458-033-031	42,495 SF	SFM/ MCE	Single-Family Residential
West	4458-033-010	13,416 SF	SFM/ MCE	Single-Family Residential

Source: Malibu CityGIS and LA County Tax Assessor

In Figure 4, the existing building pad is located at the top of the slope accessed from Vantage Point Terrace. The existing building pad includes a residence, garage, driveway, front and side yards, walkways, swimming pool, spa, and wooden deck. The proposed 14.83-foot by 40-foot prefabricated ADU/Second Unit is shown on the rear portion of the parcel downhill from the existing building pad. The ADU/Second Unit is proposed with a 4-foot rear yard setback and a 6-foot 7-inch interior yard setback.

Figure 4 – Site Plan



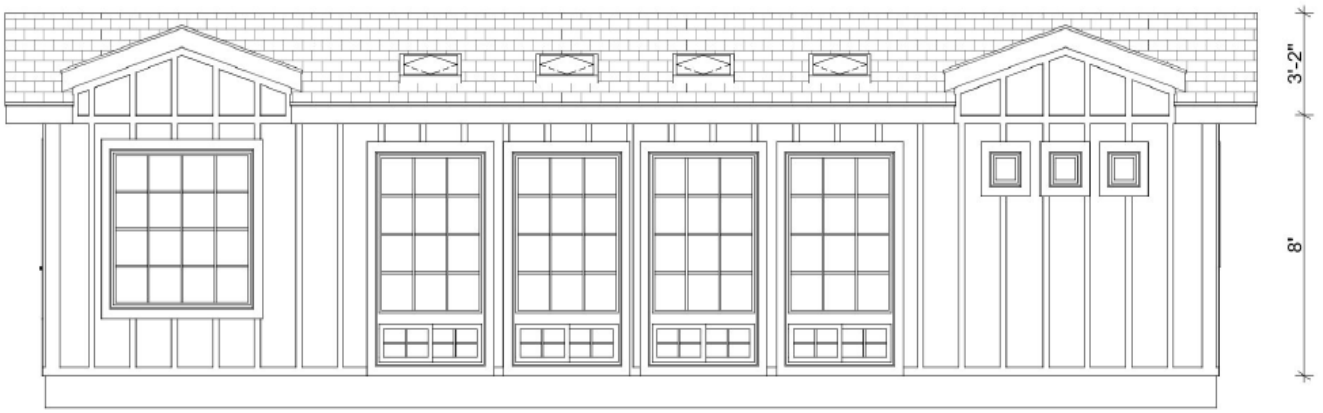
Source: Project Plans (Attachment 2)

Figure 5 – Illustrative & Project Elevations









Source: Project Plans (2024)

Alternative Locations for the ADU

Feasible alternatives for relocation are evident on the existing building pad, including an ADU/Second Unit attached to and/or integrated into the existing residence. The applicant stated that the proposed second building pad location is the only suitable location on the parcel due to sewer and water line easements north of the residence and steep slopes east of the residence; however, the applicant had not sufficiently provided an alternate design depicting infeasibility of all potential locations on the existing building pad.

Based on the Planning Division's review of the parcel, existing development, and thorough analysis of the variance justifications provided, it appears the applicant has design options adjacent to the existing residence on the side and/or front yards that could accommodate some form of an ADU/Second Unit and/or Junior ADU (JADU). As shown in Figure 6, potential locations are in the form of an attached structure to the residence and/or converted space associated with the residence or portion of the garage. An alternate design also appears feasible given that the existing building pad is sufficient in size to support other accessory uses including a swimming pool, spa, and wooden deck.

Figure 6 – Potential Alternate Locations for an ADU/Second Unit



LCP Analysis

The LCP consists of the Land Use Plan (LUP) and the LIP. The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP contains specific policies and regulations to which every project requiring a CDP must adhere. There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) Onsite Wastewater Treatment Systems. These chapters are discussed under the *LIP Conformance Analysis* section.

The nine remaining LIP chapters contain required findings: 1) CDP; 2) Environmentally Sensitive Habitat Area; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only the following chapters and associated findings are applicable to the project: CDP including findings for the VAR. These chapters are discussed in the *LIP Findings* section of this report.

LIP Conformance Analysis

The project has been reviewed by the Planning Division, City Biologist, City Public Works Division, City geotechnical consultant reviewers, Los Angeles County Waterworks District No. 29, and the Los Angeles County Fire Department (Attachment 5 – Department Review Sheets).

Zoning (LIP Chapter 3)

The proposed project is subject to non-beachfront residential development and design standards set forth under LIP Sections 3.4.1(D) (MCE Overlay District). Table 3 provides a project conformance summary with the relevant standards of the LIP. As summarized below, the proposed project does not comply with LIP Chapter 3.

Table 3 – LCP Zoning Conformance

Development Requirement	Allowed/ Required	Proposed	Comments
SITE OF CONSTRUCTION	All development limited to existing building pad; one building pad per lot; no structures downhill from	Proposed development extended to proposed second building pad; proposed second building	Does not comply with the LIP §3.4.1(D)(6)

Table 3 – LCP Zoning Conformance			
Development Requirement	**Allowed/ Required**	**Proposed**	**Comments**
	existing building pad	pad on lot; proposed structure located downhill from existing building pad	
REAR YARD SETBACK	15 ft.	4 ft.	Does not comply with LIP §3.4.1(D)(2)(c)
IMPERMEABLE COVERAGE	No maximum; all impermeable surfaces shall be on the existing building pad	Proposed structure on proposed second building pad	Does not comply with LIP §3.4.1(D)(7)
STRUCTURE HEIGHT	Limits structure height to additions/remodels of existing structure, vacant parcels or where an existing structure is replaced	No modifications to existing structure; proposed second structure not associated with existing structure	Does not comply with LIP §3.4.1(D)(5)(d)(i-ii)
GRADING	Grading for swimming pools and spas; no grading for purposes of extending the existing building pad	Proposed grading associated for use other than swimming pool or spa; proposed grading for second building pad	Does not comply with LIP §3.4.1(D)(8)
WALL HEIGHT WITHIN SETBACK	No walls exceeding 6 ft in height within required rear yard setback	Proposed walls associated with the structure extend above 6 ft within required rear yard setback	Does not comply with LIP §3.4.1(D)(4)(a)

Grading (LIP Chapter 8)

Unless otherwise limited in the LIP pursuant to LIP Section 8.2, LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards per lot of single-family development. The MCE Overlay standards provide more strict regulations for grading of property within the MCE Overlay District (LIP Section 3.4.1(D)(8)) by prohibiting grading on existing building pads except for export of 500 cubic yards associated with the construction of a swimming pool and spa, with additional provisions for cut and fill grading and remedial grading subject to the approval of a Site Plan Review. Based on the applicant's submitted materials, the proposed second building pad proposes remedial and re-compaction grading for the upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of 3 feet beyond the proposed footprint. As noted in Table 3, the proposed grading is for a use other than a swimming pool or spa. The proposed project does not comply with LIP Section 3.4.1(D)(8) and, therefore, does not comply with LIP Chapter 8 pursuant to the provision in LIP Section 8.2. Additionally, the LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures to be followed to determine potential impacts on archeological resources. Generally, the subject parcel has been evaluated for potential impacts to archeological resources per the adopted City of Malibu Cultural Resources Map and it has been determined that due to the previous grading activities to create the existing building pad and MCE community, the project has very low probability of disturbing archaeological resources for construction proposed on the existing building pad. However, given that the location of the proposed second building pad is downhill from the existing building pad, the proposed project location has not been evaluated for potential impacts to important cultural resources that may be found in the course of construction. The applicant has not provided information that demonstrates the proposed second building pad has been evaluated for potential impacts to archaeological resources. The Planning Division is unable to determine if the proposed project complies with LIP Chapter 11.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. In the event the project was to comply with the relevant standards of the LCP for issuing CDPs, standard conditions of

approval were provided to the Planning Division. These include the implementation of storm water management plans during construction activities and management of runoff from the proposed development.

LIP Findings

Several LIP findings cannot be made including, but not limited to, the general CDP findings listed in LIP Section 13.9 and variance findings in LIP Section 13.26.5 and MMC Section 17.72.060. As stated above, the project proposed is not consistent with the LCP or MMC. The draft resolution for denial of this application includes findings for why the permit can be denied. The draft resolution is attached for the Commission's consideration.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Community Development Director has analyzed the proposed project and finds that, pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproves.

CORRESPONDENCE: After the December 1, 2025 and the February 2, 2026 agendas were published, all correspondence received to-date, including correspondence submitted after the December 1, 2025 and February 2, 2026 Planning Commission agendas, is included at Attachment 6. No additional correspondence was received.

PUBLIC NOTICE: On March 18, 2026 staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 7).

SUMMARY: The required findings cannot be made that the project complies with the LCP and MMC. Based on the analysis contained in this report and the accompanying resolution, the Planning Division recommends denial of this project by the adoption of Planning Commission Resolution No. 26-02.

Should the Planning Commission determine that the findings can be made in support of the application, the Planning Commission will need to make findings for the following: 1) that the project is categorically exempt from CEQA; 2) that the CDP findings in LIP Sections 13.9(A through D) can be made; and 3) that the variance findings in LIP Section 13.26.5 can be made. The Planning Commission would need to direct the Planning Division to return with an approval resolution at a future public hearing.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-02
2. Project Plans
3. Applicant Rebuttal Package
4. Applicant Variance Request
5. Department Review Sheets
6. Correspondence
7. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU 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. 21-045 AND VARIANCE NO. 26-003 TO GRADE AND CONSTRUCT A NEW 594 SQUARE-FOOT, APPROXIMATELY 11 FOOT 2-INCH TALL, DETACHED ACCESSORY DWELLING UNIT/SECOND UNIT; INCLUDING A VARIANCE FOR RELIEF FROM MALIBU COUNTRY ESTATES OVERLAY DISTRICT STANDARDS ASSOCIATED WITH A PROPOSED SECOND BUILDING PAD, REDUCED REAR YARD SETBACK, WALL HEIGHTS, AND ALLOWANCES FOR IMPERMEABLE COVERAGE, STRUCTURE HEIGHT, AND GRADING OUTSIDE THE EXISTING BUILDING PAD ON A PARCEL LOCATED IN THE MALIBU COUNTRY ESTATES OVERLAY AND SINGLE FAMILY MEDIUM ZONING DISTRICT AT 24507 VANTAGE POINT TERRACE (MEISSNER FAMILY TRUST)

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

SECTION 1. Recitals.

A. On September 23, 2021, an application for Coastal Development Permit (CDP) No. 21-045 with Minor Modification (MM) No. 21-028 was submitted to the Planning Division by the applicant Keystone Strategic Planning, on behalf of property owner, the Meissner Family Trust. The application was routed to the City Biologist, City Public Works Department, City geotechnical consultant reviewers, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for review. The proposed development is located in the Malibu Country Estates (MCE) Overlay District, included within the City's certified Local Coastal Program (LCP) Local Implementation Plan (LIP) as LIP Section 3.4.1(D).

B. On October 9, 2025, the applicant requested the subject application be agendized for the Planning Commission. The applicant was informed that the application was not deemed incomplete.

C. On October 30, 2025, the applicant posted a Notice of CDP Application sign at the subject property.

D. On November 20, 2025, 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 project site and to all interested parties.

E. On December 1, 2025, the Planning Commission continued the item to the February 2, 2026 Regular Planning Commission meeting prior to opening the public hearing.

F. On February 2, 2026, the Planning Commission continued the item date uncertain at the applicant's request.

G. On February 5, 2026, the applicant submitted a request for Variance (VAR) No. 26-003. MM No. 21-028 was no longer considered applicable to the project as the requested rear yard setback exceeded the allowance under a MM.

H. On March 5, 2026, the applicant requested the Planning Commission hearing be continued to a date certain of April 20, 2026.

I. On March 26, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and on March 27, 2026 was mailed to all property owners and occupants within a 500-foot radius of the project site and to all interested parties.

J. On April 20, 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 California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project and finds that, pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproved.

SECTION 3. Findings for Denial.

Based on evidence contained within the record, including the agenda report for the project and the hearing on April 20, 2026, and pursuant to LIP Sections 13.7(B) and 13.9, the Planning Commission adopts the findings of fact, and denies CDP No. 21-045 and VAR No. 26-003 to construct a 594 square-foot Accessory Dwelling Unit/Second Unit (ADU/Second Unit) on a proposed second building pad on a parcel in the MCE Overlay and Single Family Medium (SFM) Zoning District located at 24507 Vantage Point Terrace (Meissner Family Trust).

The required findings of LIP Chapter 13 cannot be made by the City as enumerated below, and therefore the project does not comply with the California Coastal Act by extension of the City's LCP.

A. General Coastal Development Permit (LIP Chapter 13)

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

The proposed location of the ADU/Second Unit is not consistent with the MCE Overlay standards in LIP Section 3.4.1(D) or residential development standards in LIP Section 3.6(N)(1) and, therefore, does not meet the requirements for LIP Chapter 3 (Zoning). Furthermore, the proposed location does not comply with LIP Chapter 8 (Grading) and compliance with LIP Chapter 11 (Archaeological/Cultural Resources) cannot be determined based on the information submitted.

The proposed project fails to meet various requirements outlined in LIP Chapter 3 including: LIP Section 3.4.1(D)(2)(c) which requires rear yard setback to be at least 15 feet (4 feet proposed); LIP

Section 3.4.1(D)(4)(a) which stipulates that "no walls…in excess of 6 feet shall be allowed within the required rear…yard setback areas" (wall heights associated with the proposed structure extend above 6 feet in the rear yard setback); LIP Section 3.4.1(D)(5) which limits structure height to additions/remodels of an existing structure, a new structure on a vacant parcel, or where an existing structure is replaced (no modifications to the existing structure are proposed, the site is not vacant, and the proposed structure is not associated with the replacement of the existing residence); LIP Section 3.4.1(D)(6), which stipulates that the site of construction for all development is limited to one single building pad and that no structures shall be sited downhill from the existing building pad (the project proposes a second building pad and has located the proposed second building pad downhill of the existing building pad); LIP Section 3.4.1(D)(7) which strictly limits impermeable surfaces on the existing building pad (the proposed structure is located on a proposed second building pad); LIP Section 3.4.1(D)(8) which states grading shall only be permitted for the construction of swimming pools and spas and that no grading occur for purposes of extending the existing building pad (proposed grading associated for a use other than a swimming pool or spa and proposed for an additional building pad); and LIP Section 3.6(N)(c)(i) that requires a second residential unit be located within the required development area for the project site and clustered with the primary dwelling unit (the proposed second unit is located downhill from the existing residence, is not within the required development area as stipulated in the MCE Overlay standards, and is not clustered with the existing residence).

The proposed development is inconsistent with LIP Chapter 8 (Grading). The MCE Overlay standards provide more strict regulations for grading of property within the MCE Overlay District (LIP Section 3.4.1(D)(8)) by prohibiting grading on existing building pads except for export of 500 cubic yards associated with the construction of a swimming pool and spa, with additional provisions for cut and fill grading and remedial grading subject to the approval of a Site Plan Review. Based on the applicant's submitted materials, the proposed second building pad proposes remedial and re-compaction grading for the upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of a 3 feet beyond the proposed footprint. The proposed grading is for a use other than a swimming pool or spa and, therefore, does not comply with LIP Section 3.4.1(D)(8) or LIP Chapter 8 pursuant to the provision in LIP Section 8.2. Additionally, LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

Based on the information submitted by the applicant, the Planning Commission is unable to determine if the proposed project complies with LIP Chapter 11 (Archaeological/Cultural Resources). Although the project site has been evaluated for potential impacts to archeological resources and it has been determined that due to the previous grading activities to create the existing building pad and MCE community, the project has very low probability of disturbing archaeological resources for construction proposed on the existing building pad. It is not clear if the location of the proposed second building pad would have potential impacts given that it is proposed downhill from the existing building pad in an undeveloped area and has not been evaluated for potential impacts during construction. The applicant has not provided information demonstrating that the proposed second building pad has been evaluated for impacts to archeological resources.

In the event there is a conflict between a provision of the LCP and a provision of the General Plan or of any other City-adopted plan, resolution, or ordinance not included in the LCP, and it is not possible for the development to comply with both the LCP and the other provision, pursuant to LIP Section 1.3.1, the LCP governs. Consequently, the development may not be approved unless it complies with the LCP provision.

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

The subject parcel is not located between the first public road and the sea. The project site is located inland and not located along the shoreline. Therefore, this finding does not apply.

3. The project is the least environmentally damaging alternative.

As discussed in Finding 1, the applicant represented that the proposed location on a proposed second building pad downhill of the existing building pad is the only suitable location due to the site's sewer and water line easements and steep slopes. However, the applicant did not adequately justify why the ADU/Second Unit could not be developed within the existing building pad in compliance with the MCE Overlay standards. Furthermore, the applicant did not demonstrate that an alternate location within the residence as part of a conversion or adjacent to the residence on a flat portion of the existing building pad was infeasible. Additionally, the applicant did not provide information indicating that the proposed second building pad has been evaluated for potential impacts to archaeological/cultural resources.

As part of the Planning Commission's review of the subject application, alternate locations for development appeared feasible and would maintain consistency with the MCE Overlay standards, as well as consistency with LIP Chapters 3, 8 and 11. The alternate locations do not appear to necessitate the extent of proposed grading to accommodate the second building pad or result in the need for relief from the MCE Overlay standards. As proposed, the second building pad location is not considered to be the least environmentally damaging alternative

4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explain why it is not feasible to take the recommended action.

The LCP Environmentally Sensitive Habitat Area (ESHA) and Marine Resources Map does not identify any ESHA on the subject parcel or on any adjacent properties. The subject parcel is not in a designated ESHA or ESHA buffer and, therefore, Environmental Review Board review was not required. This finding does not apply.

B. Variance No. 26-003 from LIP Section 3.4.1(D) for Development on a Proposed Second Building Pad in the MCE Overlay District (LIP Section 13.27)

1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

There are no exceptional or extraordinary circumstances/characteristics that require the proposed structure be located on a secondary building pad in the MCE Overlay District. The proposed second building pad is situated approximately 25 feet downhill from the existing building pad in an undeveloped area. There are alternatives that grant the property owner the opportunity for an ADU/Second Unit within the existing building pad in compliance with MCE Overlay standards. The applicant represented that the proposed location is the only suitable location on the parcel due to sewer and storm drain easement and steep slopes; however, the alternative locations deemed unfeasible by the applicant are not the only locations available, there are other locations within the existing building pad that may accommodate an ADU/Second Unit. Based on the Planning Commission's review of the parcel, existing development, and thorough analysis of the variance justifications provided it appears the applicant has design options adjacent to the existing residence on the side and/or front yards that could accommodate an ADU/Second Unit and/or Junior ADU (JADU). These could be in the form of an attached structure to the residence and/or converted space associated with the residence or a portion of the garage. An alternate design also appears feasible given that the existing building pad is sufficient in size to support other accessory uses including a swimming pool, spa, and wooden deck. All feasible options described would not require special consideration and would fall within the allowable uses of the MCE Overlay, particularly development within the existing building pad.

2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

Granting the variance request would be detrimental to the improvements in the same SFM zone and MCE Overlay, as it would violate the established objective zoning requirements of the parcel's location. Furthermore, it would establish a precedent for disregarding the certified LCP.

3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

Granting the variance would constitute a special privilege to the property owner because no special circumstances or exceptional characteristics exist on the subject parcel, different from other parcels in the MCE Overlay, that would require the proposed structure to be located on a second building pad downslope of the existing building pad and in conflict with objective standards in the MCE Overlay. While a 26-foot wide sewer and storm drain easement extends across the northwest side yard, alternate locations for development of some form of an ADU/Second Unit appear feasible and would maintain consistency with the MCE Overlay standards, as well as consistency with LIP Chapters 3, 8 and 11. The alternate locations are outside of the 26-foot wide easement area and do not appear to necessitate the extent of proposed grading to accommodate the second building pad or result in the

need for relief from the MCE Overlay standards. As described in Finding A.3, the applicant did not justify the need for a second building pad and did not explore feasible alternatives within the existing building pad.

4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

The granting of the variance request would not meet the general purpose and intent because alternate locations appear feasible within the existing building pad that would allow for an ADU/Second to be developed on the subject parcel consistent with the objective standards of the MCE Overlay.

5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

The variance request is not for an ESHA buffer nor is the project located within an ESHA. Therefore, this finding is not applicable.

6. For variances to stringline standards, the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.

Stringline standards are not part of the variance request, and the subject parcel is not beachfront. Therefore, this finding is not applicable.

7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

Variance requests are designed to provide relief to sites with special circumstances or exceptional characteristics that severely hinder development thus negating the opportunity to enjoy the same privileges as surrounding neighbors. As described in Findings B.1 and B.3, alternate locations appear feasible within the existing building pad that would allow for some form of an ADU/Second Unit to be developed on the subject parcel consistent with the objective standards of the MCE Overlay.

8. The subject site is physically suitable for the proposed variance.

Alternate locations for development of an ADU/Second Unit appear feasible on the existing building pad and would maintain consistency with the MCE Overlay standards. The proposed second building pad would necessitate a variance for relief from objective development standards in the MCE Overlay and it has not been demonstrated that the proposed location would be physically suitable for the proposed development. The applicant did not provide information indicating that the proposed second building pad has been evaluated for potential impacts to archaeological/cultural resources consistent with LIP Chapter 11. Furthermore, the proposed second building pad proposes remedial and re-compaction grading for the upper 3 feet of previously compacted fill to be removed and recompacted

to a minimum of 3 feet beyond the proposed footprint. LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

9. The variance complies with all requirements of state and local law.

The City is entirely within the coastal zone and has a certified LCP that governs new development, including ADUs, JADUs, and Second Units. ADUs in the City must comply with state law and the LCP, as applied to implement the Coastal Act in the City. As proposed, the project does not represent the least environmentally damaging alternative as required by CDP Finding 1 or comply with objective standards in the MCE Overlay (LIP Section 3.4.1(D)).

10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The proposed project is located within a residential community and not located in an area that provides public parking for access to the beach, public trails, or parklands. Therefore, this finding is not applicable.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby denies CDP No. 21-045 and VAR No. 26-003.

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

PASSED, DENIED AND ADOPTED this 20th day of April 2026.

_____
ELIZABETH RIDDICK, 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.

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. 26-02 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 20th day of April 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

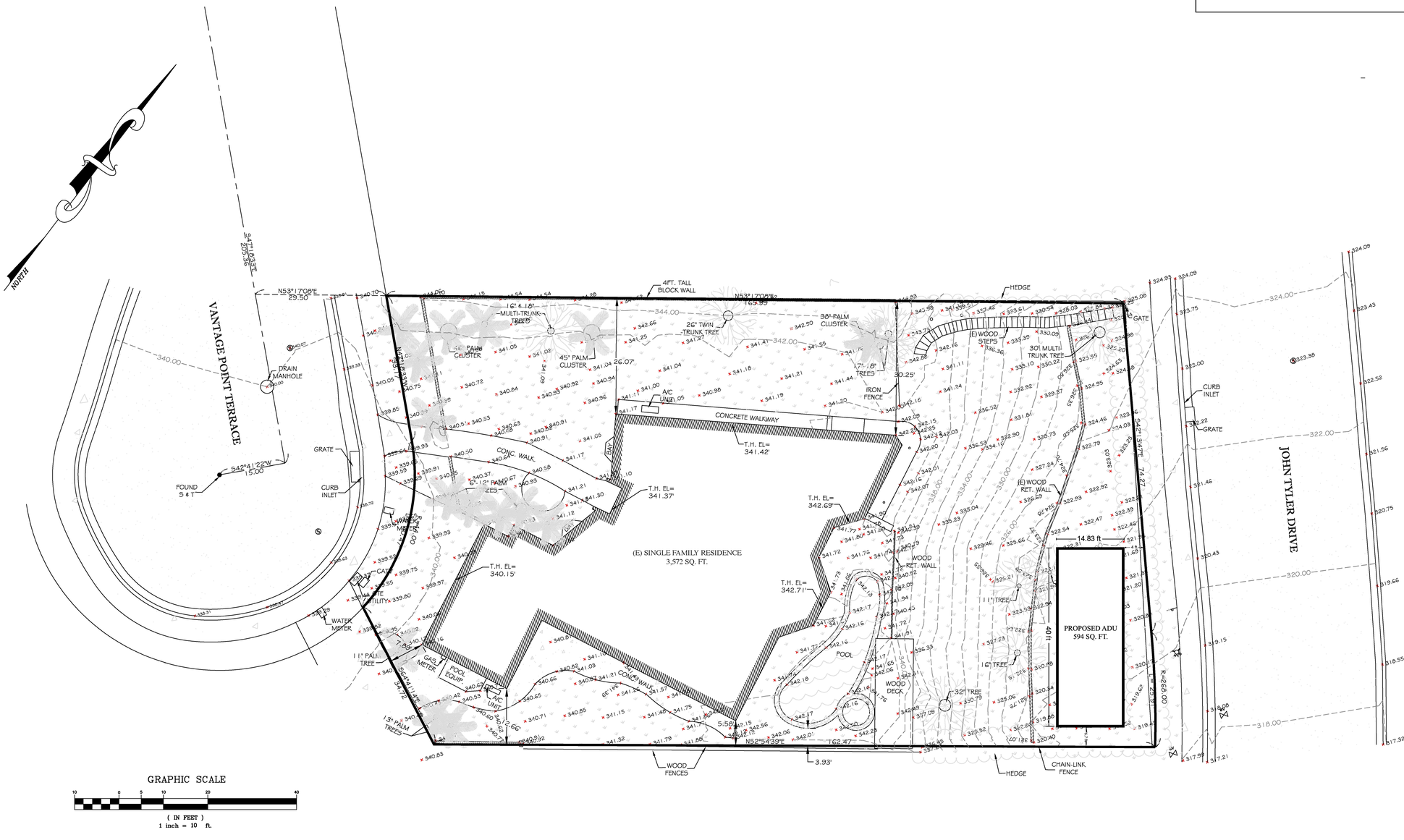
24507 VANTAGE POINT TERR.
MALIBU, CA 90265

PROPERTY DATA

APN:	4468-033-066
JURISDICTION:	CITY OF MALIBU
ZONING:	SFM
LCD ZONING OVERLAY:	MALIBU COUNTRY ESTATES
LOT SIZE:	0.36 ACRES

PROJECT SCOPE OF WORK

NEW ONE-STORY 594 SQ. FT. PRE-MANUFACTURED ACCESSORY DWELLING UNIT (ADU).



GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft.

14.83 ft

4/9/2024

REVISIONS	

ATTACHMENT 2

SITE PLAN

A1

Helmut Meissner
24507 Vantage Point Ter
Malibu, CA 90265

April 9, 2024

By email to kanecap@csgengr.com

City of Malibu – Planning Department
Attn: Kaneca Pompey

Re: ACDP 21-045 for proposed ADU at 24507 Vantage Point Ter

Kaneca,

I request that the ADU we seek to build be placed on the Planning Commission hearing calendar as soon as possible.

We refer to your last message dated 2/16/24, with which you sent us the following list Tyler had emailed to Erik Yesayan (Keystone Strategic Planning, in the following "KSP") back in July 2022.

The answers to each of the issues raised are set forth below, along with your questions:

Plans Revisions

1. *You will have to move the ADU to the building pad, where the existing single-family residence is located. If moved, please demonstrate that the site will allow for two unenclosed and three enclosed parking spaces.*
2. *Show the proposed setbacks on the site plan.*
3. *Clearly show on the site plan, which parts of the ADU will be enclosed and which parts will be deck.*
4. *Provide the type of material used on the exterior of the ADU.*
5. *Provide a roof plan indicating the slope of the ADU's roof.*
6. *Provide additional information on the cover sheet:*
    a. *Gross and Net lot area (see separate handout for description);*
    b. *Required and proposed setbacks (LIP Section 3.4(D)(2));*
    c. *Proposed and existing Total Development Square Footage (TDSF);*
    d. *Proposed and existing unenclosed covered areas (e.g., terraces, balconies and loggias that project more than 6 feet from the building face);*
    e. *List of discretionary requests.*

Here are the responses to the above items:

1. The ADU cannot be moved to the existing building pad because the entire northwest side of the property is subject to various easements and the southeast side is too small for an (attached) 600 sq. ft. ADU.

   The flat area at the bottom of the slope proposed in our initial application is the only area suitable for an ADU. Please see below for a more detailed discussion of the Overlay

District ("OD") rules prohibiting a second building pad. The discussion of the other revisions requested above (#2-6) is based on the ADU being built on the area as applied for (in the following "original ADU location"). Please note the ADU will be a pre-fabricated unit that comes with all necessary permits.

2. The setback issues for the original ADU location have been resolved in the discussions between Tyler and KSP.
3. The site plan for the original ADU location has been submitted by KSP. There will be no deck. Hence, the entire area will be enclosed. The dimensions are actually smaller than the original 15'x42'. The width is 14'10" and the length is only 40'.
4. The exterior walls are WUI compliant cement hardie board. The roof will be Class "A" fire-rated architectural shingles.
5. According to the supplier, the roof line is a 4 to 12 slope. Please see the attached package of drawings and renderings.
6. Reference is made to the information supplied by KSP and their discussions with Taylor.

Single Building Pad Requirement ("SBPR")

In the absence of a City ADU ordinance approved by the relevant authorities, the State ADU laws apply. The SBPR is invalid for multiple reasons:

The SBPR is part of the Malibu Country Estates ("MCE") OD rules and not used in any area within the jurisdiction of the City of Malibu other than in said MCE OD.

In its letter of 9/10/93, the City informed the MCE HOA that they can apply to the City Council for consideration of custom development criteria which would allow for development in the MCE neighborhood to be consistent with existing CC&Rs in-lieu of the City's Interim Zoning Ordinance.

Subsequently, the then Board of the MCE HOA filed such application. This means that whatever ultimately became the MCE OD rules which, in turn, ended up in the LCP, was solely based on input from the MCE HOA.

Sec. 4751 of the Civil Code deals with governing documents of HOAs and says that any HOA provision … that … effectively prohibits or unreasonably restricts the construction … of an ADU on a single-family residential lot, is void and unenforceable – as long as the requirements of the state ADU law are met. Which means the SBPR is not enforceable under State ADU law.

In addition to that, the SBPR is actually not part and has never been part of the CC&Rs since they were declared by the developer Century Malibu, Inc. on 8/17/72. All other provisions of the MCE OD are taken from the CC&Rs, except for the SBPR. The CC&Rs always required a unanimous consent of all members for any amendment, including the introduction of restrictions like the SBPR. While the 71 members who approved the petition to the City might have been sufficient for the City to accept the HOA's OD request, it still renders to OD restriction void for the members of the HOA. While it never was the City's responsibility to verify the HOA's representations, this does not change the fact that the SBPR has never been a valid neighborhood standard – regardless of its ultimate inclusion in the City's LCP.

The City's attorneys, citing Government Code Sec. 65852.2(l), keep claiming that the State ADU law is not applicable to provisions included in the LCP because the LCP is shielded by the Coastal Act. However, they ignore that this law is meant to protect, first and foremost, coastal resources, not the City's desire to prevent ADUs from being built. The proposed ADU has no impact at all on coastal resources because it is located on the land side of PCH, just 100 ft. from a Pepperdine parking lot.

The focus on coastal resources is clearly expressed in the Coastal Commission's memorandum of 1/21/22 when it states that "provisions on coastal resource protection must be incorporated into the planning and development process, and into updated LCP J/ADU requirements, when considering J/ADUs in the coastal zone." The Coastal Commission explicitly encourages "coastal jurisdictions … to update their LCPs to comply with the State's new laws".

The SBPR has absolutely nothing to do with the protection of coastal resources, except for potential ocean view obstruction. However, the subject ADU is proposed to be built at the flat bottom of a slope lying 20 feet under the existing building pad. With an overall height of 11'2", the highest point of the roof will still be about 9 ft. under the existing building pad and cannot possibly obstruct anybody's view. The ADU will be barely visible due to existing landscaping, even from the immediate neighbors' perspective. They don't object to the ADU. Instead, they support it.

The only potential valid concern about allowing ADUs in the MCE outside the existing building pad is if and when the proposed separate building pad poses a risk to the stability of a slope. This was the subject of the engineer Joseph Reichenberger's testimony in front of the Planning Commission and City Council 1995/96 when the OD was discussed. He stated:

> *"Enlargement of homes will also bring about a temptation to 'expand the pad'. There will be a tendency to add a small, sliver fill over an existing fill slope. Placement of these thin fill slopes is very difficult to control and cannot be adequately keyed or anchored into existing slopes and cannot be effectively compacted. These fills are subject to settlement, movement and ultimate failure."*

However, this risk is fully mitigated by

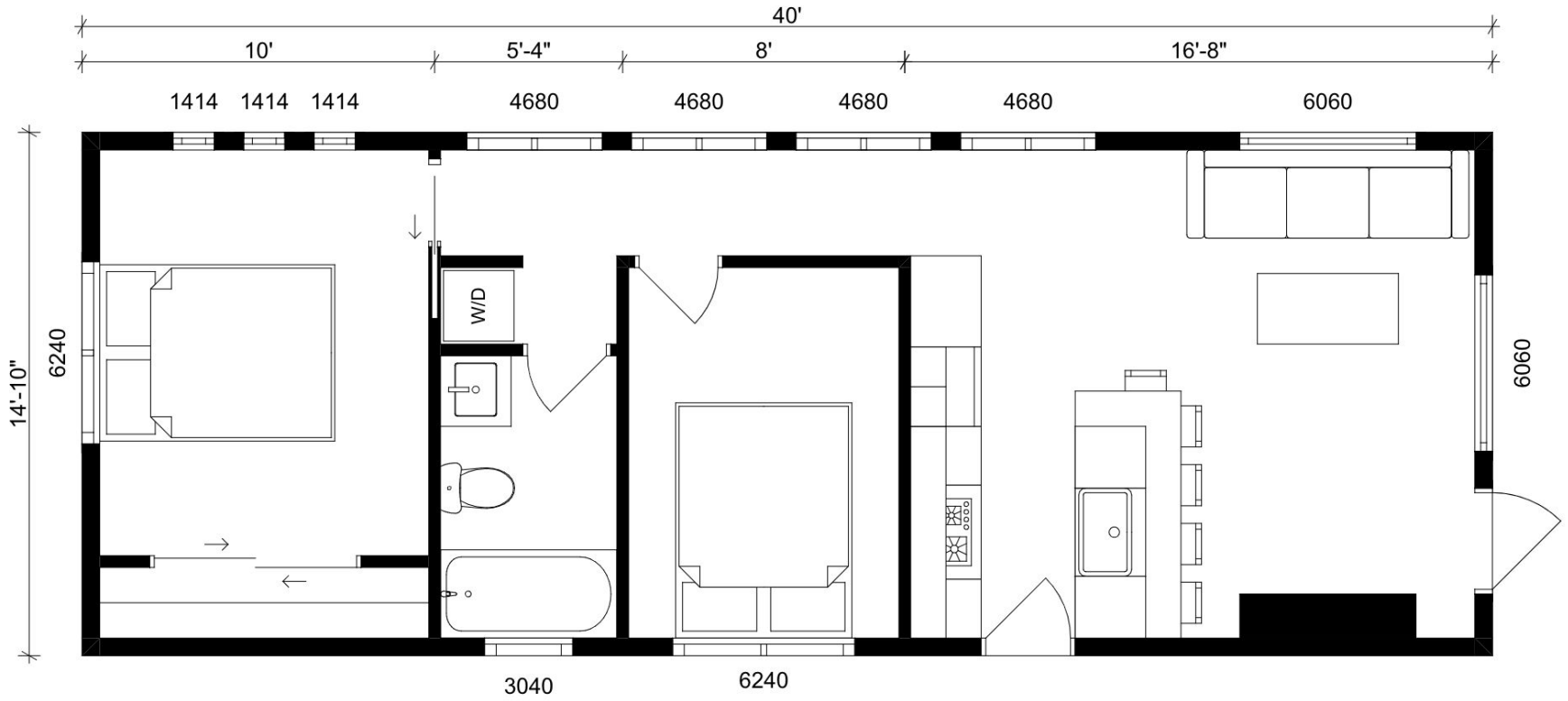
(a) The MCE OD rule that "No structure, excluding walls and fences, shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad." (MMC 17.42.020(D)(6)(c));
(b) The Tract Map's designation of certain areas close to slopes as "Restricted Use Area"; and
(c) The City's geologist. During the 2/20/96 hearing, Planning Director Parker-Bozylinksi assured the HOA that the City geologist would apply stricter rules than those noted in the Tract Map.

The proposed ADU is not sited in a location designated as Restricted Use Area and has passed the scrutiny of the geologists in charge.

Sincerely,

Helmut Meissner

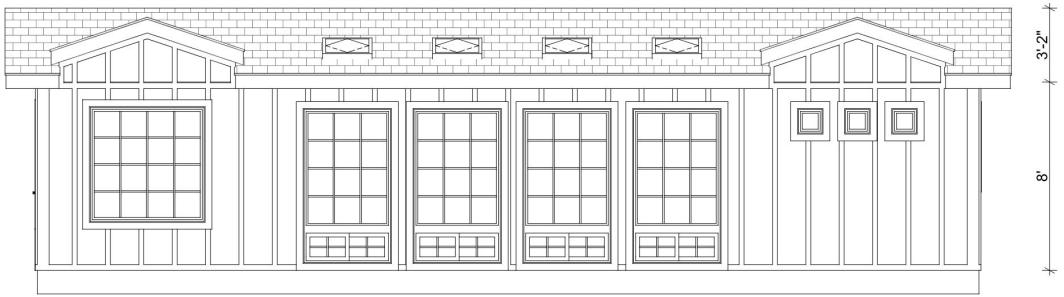


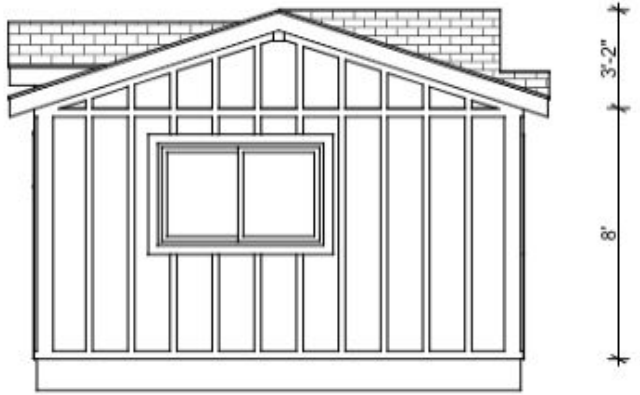

40'
10'
5'-4"
8'
16'-8"
1414
1414
1414
4680
4680
4680
4680
6060
14'-10"
6240
W/D
6060
3040
6240








3'-2"
8'


3'-2"
8'


3'-2"
8'


3'-2"
8'

From: **Andrew Tuck** atuck@keystoneplanners.com
Subject: Rebuttal to Staff Report - 24507 Vantage Point Terrace - Coastal Development Permit No. 21-045
Date: January 19, 2026 at 8:28 PM
To: Teaton@malibucity.org, MGonzalez@4leafinc.com, JSmith@malibucity.org
Cc: Matt Jewett mjewett@keystoneplanners.com, Whitney Wetherill admin@keystoneplanners.com

AT

Dear Malibu Planning Staff,

Our office was retained by the applicant of the above-referenced application to assist with addressing various questions and concerns raised leading up to the upcoming hearing. Please see attached an analysis of the questions/concerns raised in the Staff Report for Coastal Development Permit No. 21-045.

Also attached are the accompanying alternatives analysis and two updated exhibits: an updated Floor Plan and Elevations plan that reflect the use of updated roofing materials, from shingles to tiles, and a site plan identifying four previously unidentified trees. These materials are provided to ensure the record accurately reflects the project's constraints, the applicable standards, feasible options available, and responses to outstanding questions/concerns that the Staff Report indicates may not have been sufficiently addressed previously.

Thank you for your time and attention to these items, and if you need any additional information or would like clarification on any portion of the submittal, we would be happy to assist and/or discuss further at your convenience.

Sincerely,

KEYSTONE
Strategic Planning

Andrew Tuck
Keystone Strategic Planning
4859 West Slauson Avenue #753 Los Angeles, CA 90056
C: 310.912.2758 O: 310.361.9033 atuck@keystoneplanners.com www.keystonestrategicplanning.com

Vantage Point Rebuttal with Bookmarks_Final.pdf
20.8 MB



KEYSTONE
Strategic Planning

City of Malibu
Planning Department
ATTN: Tyler Eaton, Assistant Community Development Director
23825 Stuart Ranch Rd
Malibu, CA 90265

RE: CDP Application 21-045 – 24507 Vantage Point Terrace Staff Report Comments and Additional Information

Dear Mr. Eaton,

We are in receipt of the Staff Report prepared for the above-referenced application, dated November 20, 2025. The below analysis and supporting documentation are intended to correct/clarify and provide additional information pertaining to the statements/findings made within the staff report to assist in moving the application forward, consistent with applicable State and Local laws that govern the proposed development. In particular, this correspondence is intended to address and clarify unique circumstances that pertain to Accessory Dwelling Units (ADUs) and their treatment under State law, the role of the California Coastal Act, the historical record for development of the subject property/neighborhood with respect to building pad establishment, and the history, purpose and appropriate application of the local Malibu Country Estates (MCE) Overlay District to the subject application.

It appears that Staff's conclusions rest on a series of assumptions that may be inaccurate or incomplete—most notably that the MCE Overlay categorically limits all parcels within the Overlay District to a single building pad, and that such a limitation derives from or is mandated by the Coastal Act. As discussed further below, certain critical assumptions and conclusions made by Staff appear to be inconsistent with the history and facts surrounding original tract map and CC&Rs, the evolution of local regulatory controls, the physical conditions of what was then Lot 85 (now 24507 Vantage Point Terrace), and the statutory framework governing ADUs. Based upon our evaluation of the property's history and relevant governing regulations, it appears that the subject parcel contains two approved and existing building pads that predate the Coastal Act and the LCP, that the proposed ADU is sited entirely on an existing, compliant pad, and that neither the Coastal Act nor the LIP provides a lawful basis to deny the proposed project.

One Building Pad per Parcel

The principal issue raised by staff is the assertion that the Malibu Country Estates (MCE) Overlay District limits all development to one building pad per parcel. Staff relies on LIP Section

One Building Pad per Parcel

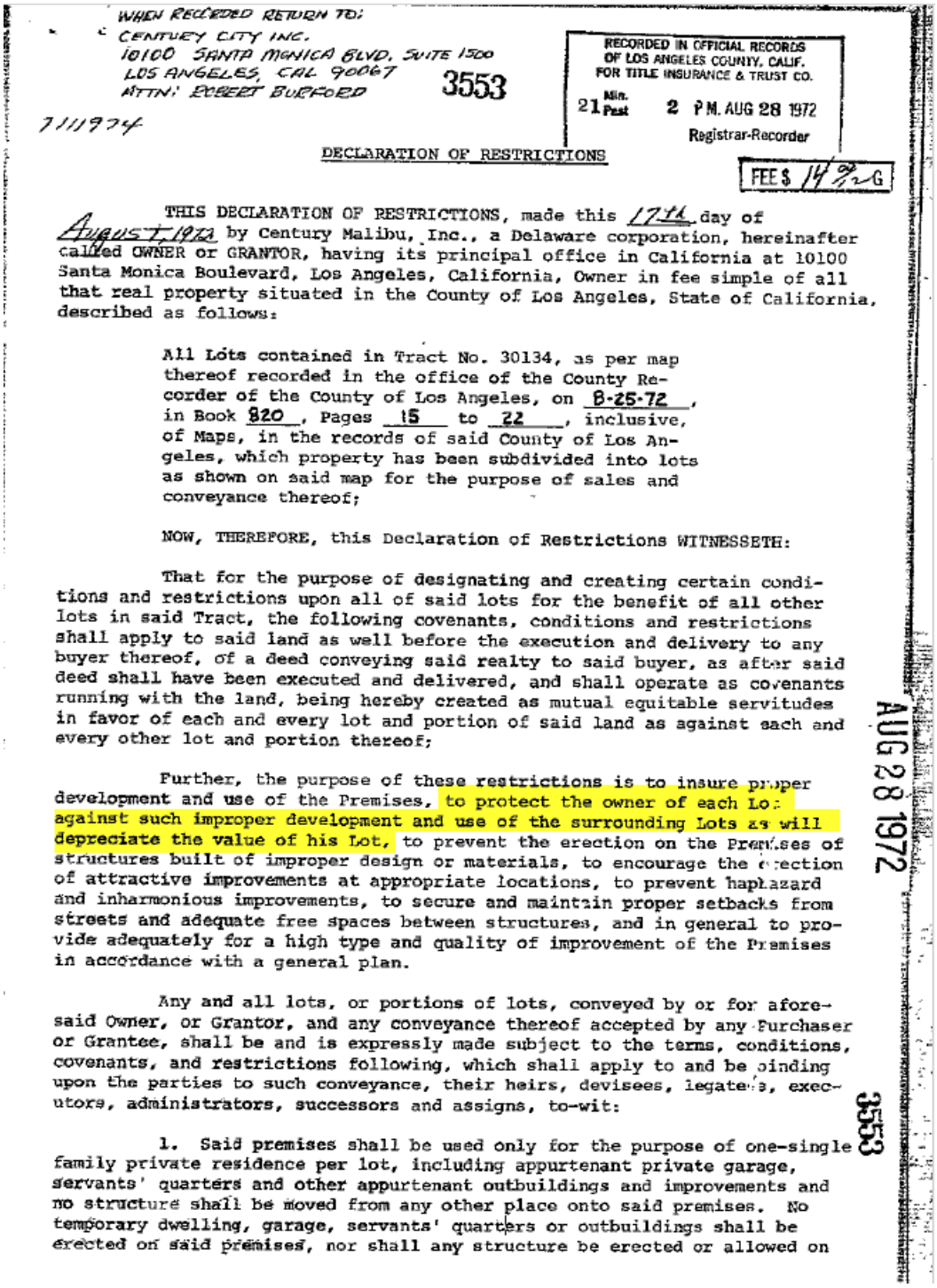
The principal issue raised by staff is the assertion that the Malibu Country Estates (MCE) Overlay District limits all development to one building pad per parcel. Staff relies on LIP Section 3.4.1(D), which provides the following standards for building pads within the MCE Overlay District:

a. All development, excluding walls and fences, shall be limited to the existing building pad.
b. There shall be no more than one building pad per lot.
c. No structure, excluding walls and fences, shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad.
d. A building pad is defined as a single, continuous, graded area, not exceeding three percent slope, designed to accommodate development.

As demonstrated below, staff's interpretation is inconsistent with the historical record, the legal framework governing ADUs, and the physical conditions of the subject parcel.

Historical Background of Malibu Country Estates

Staff claims the "*MCE Overlay District was established approximately 50 years ago.*" While the Overlay District technically was not established until the mid-nineties, the Malibu Country Estates neighborhood was originally developed in the 1970s. The original CC&Rs, recorded in 1972, expressly state their purpose was *"to protect the owner of each Lot against such improper development and use of the surrounding Lots as will depreciate the value of his Lot."* [**Attachment A**]



WHEN RECORDED RETURN TO:
CENTURY CITY INC.
10100 SANTA MONICA BLVD, SUITE 1500
LOS ANGELES, CAL 90067
ATTN: ROBERT BURFORD

3553

7111974

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.
FOR TITLE INSURANCE & TRUST CO.
21 Min. Past 2 P.M. AUG 28 1972
Registrar-Recorder

FEE $ 14.00 G

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS, made this 17th day of August, 1972 by Century Malibu, Inc., a Delaware corporation, hereinafter called OWNER or GRANTOR, having its principal office in California at 10100 Santa Monica Boulevard, Los Angeles, California, Owner in fee simple of all that real property situated in the County of Los Angeles, State of California, described as follows:

All Lots contained in Tract No. 30134, as per map thereof recorded in the office of the County Recorder of the County of Los Angeles, on 8-25-72, in Book 820, Pages 15 to 22, inclusive, of Maps, in the records of said County of Los Angeles, which property has been subdivided into lots as shown on said map for the purpose of sales and conveyance thereof;

NOW, THEREFORE, this Declaration of Restrictions WITNESSETH:

That for the purpose of designating and creating certain conditions and restrictions upon all of said lots for the benefit of all other lots in said Tract, the following covenants, conditions and restrictions shall apply to said land as well before the execution and delivery to any buyer thereof, of a deed conveying said realty to said buyer, as after said deed shall have been executed and delivered, and shall operate as covenants running with the land, being hereby created as mutual equitable servitudes in favor of each and every lot and portion of said land as against each and every other lot and portion thereof;

Further, the purpose of these restrictions is to insure proper development and use of the Premises, to protect the owner of each Lot against such improper development and use of the surrounding Lots as will depreciate the value of his Lot, to prevent the erection on the Premises of structures built of improper design or materials, to encourage the erection of attractive improvements at appropriate locations, to prevent haphazard and inharmonious improvements, to secure and maintain proper setbacks from streets and adequate free spaces between structures, and in general to provide adequately for a high type and quality of improvement of the Premises in accordance with a general plan.

Any and all lots, or portions of lots, conveyed by or for aforesaid Owner, or Grantor, and any conveyance thereof accepted by any Purchaser or Grantee, shall be and is expressly made subject to the terms, conditions, covenants, and restrictions following, which shall apply to and be binding upon the parties to such conveyance, their heirs, devisees, legatees, executors, administrators, successors and assigns, to-wit:

1. Said premises shall be used only for the purpose of one-single family private residence per lot, including appurtenant private garage, servants' quarters and other appurtenant outbuildings and improvements and no structure shall be moved from any other place onto said premises. No temporary dwelling, garage, servants' quarters or outbuildings shall be erected on said premises, nor shall any structure be erected or allowed on

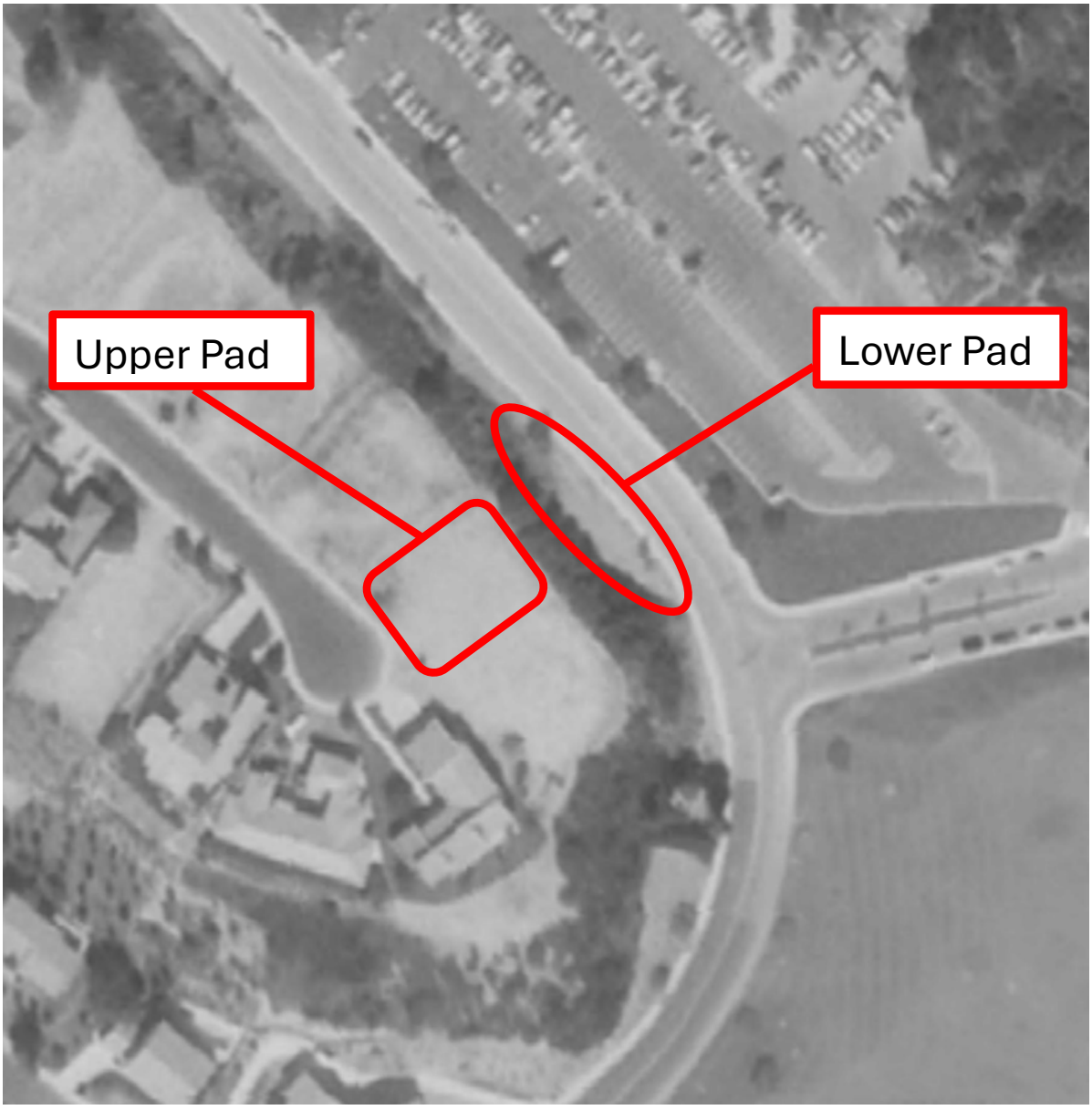
AUG 28 1972

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These original community standards restrictions were understandably intended to protect private property interests and value at the time. However, there is no intent to protect public coastal resources, as that is not the purpose of CC&Rs, and the MCE CC&Rs predate the California Coastal Act and the Malibu Local Coastal Program.

The CC&Rs specifically restricted development within areas designated as “Restricted Use Areas” on portions of lots 12, 13, 30, 31, 88, 89, 90, 91, 92, 93, 94, 100, 101, 102, 103, 104, 105, 106, and 107, as shown on Tract No. 30134 [**Attachment B**]. Lot 85 (now 24507 Vantage Point Terrace) was not among the parcels subject to Restricted Use Areas.

An aerial photograph from 1980 clearly shows that Lot 85 contained two distinct graded pads at that time—prior to the City’s incorporation and adoption of local zoning ordinances, the MCE Overlay District, and the Malibu LCP.





Evolution of Regulatory Controls

In the mid-1990s, the Malibu Country Estates HOA and the City collaborated to adopt Custom Subdivision Development Criteria, which effectively codified HOA-based development standards derived from the above-referenced 1972 CC&Rs. On September 10, 1993, then Planning Director Robert Bernard reached out to the Malibu Country Estates HOA to initiate the process of applying for Custom Development Criteria [**Attachment C**]. The Malibu City Council passed an ordinance (#122) in March 1995, thereby establishing the Malibu Country Estates Overlay District.

The Local Coastal Program (LCP/LIP) was later certified in 2002, incorporating many existing development standards and criteria derived from Malibu's existing local Zoning laws, including portions of the MCE Overlay District, which was derived from the HOA CC&Rs.

It appears that the originally limited, parcel-specific restrictions broadened to limit all development to a single building pad on every MCE parcel, regardless of the existing site conditions or the site-specific restricted use areas called out on the original tract map and CC&Rs. Given the history of the MCE Overlay District/CC&Rs, Staff's analysis appears to grant undue weight as it pertains to the primacy of this Overlay District through reference to the Coastal Act—despite originating as private view-protection measures, not public resource protections.

LCP vs. State ADU Law

The LCP consists of the Land Use Plan (LUP) and the Local Implementation Plan (LIP). The LUP establishes policies to implement the Coastal Act, while the LIP contains the regulatory provisions applicable to individual projects.

California Civil Code §4751 provides that "*Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code, is void and unenforceable.*"

Several conclusions in the Staff Report stem from the mistaken assumption that all elements included in the LCP automatically prevail over State ADU law. While Government Code § 66329 states that ADU law does not supersede the Coastal Act: "*Except as provided in subdivision (b), nothing in this article 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)*", the 1972 CC&Rs and the MCE Overlay District standards are not referenced or alluded to in any way in the Coastal Act and do not acquire Coastal Act authority simply because certain private property restrictions for the benefit of private property owners were added to the LCP, amidst the public resource protection policies of the Coastal Act that the LCP is required to implement.

If local jurisdictions could insulate ADU-prohibitive policies merely by incorporating them into an LCP, State ADU law would be rendered toothless within the coastal zone—an outcome clearly inconsistent with the legislative intent of State ADU law to enhance housing affordability.

The MCE Overlay District is also part of the local zoning ordinance (MMC 17.42.020(D)), which predates the adoption of the LCP and contains the same requirements. State ADU law supersedes local zoning ordinances. Subdivisions (a) and (b) of § 66325 state:

"(a) *Except as provided in subdivision (b), this article shall supersede a conflicting local ordinance.*

(b) *This article does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit."*

The Coastal Act's central purpose is protection of public coastal resources, including public views—not the preservation of private views between neighboring parcels nor to maintain high property values, as stated in the CC&Rs.

Correction to Staff Project Description of Project Site

The Staff report describes the parcel as containing a single flat pad with the remainder of the site sloping downward to John Tyler Drive. Based upon the foregoing, this description appears to be inaccurate. The site clearly consists of a flat pad, a slope, and a second flat pad. The omission of the existing lower pad materially affects staff's analysis and conclusions regarding building pad limitations and slope development. Ultimately, it leads to the erroneous conclusion that findings cannot be made to recommend approval of the proposed ADU.

Building Pads and Development Area

The proposed ADU is not located on a "*proposed building pad*" as staff asserts, but on an existing building pad. As evidenced above, aerial photographs demonstrate that this pad has been in existence since at least 1980. The proposed structure is sited on a pad of less than 3 percent grade, not a slope, and does not extend beyond or cantilever over any downhill slope in accordance with the development standards of the MCE Overlay District.

The parcel contains two existing, legally established building pads. As documented in the attached geotechnical report, the manufactured slope and flat base are comprised of "*well graded*", compacted, artificial fill, which demonstrates that the existing lower pad was the result of intentional grading. The submitted Geology Report states as follows:

> *We offer the following general description of materials encountered during our subsurface explorations.*
>
> *Artificial fill (af): Approximately 20-feet of certified compacted fill blankets the site. The fill can be described as silty gravelly sand with clay binder. The fill is light grey brown to brown, slightly moist to moist at depth, well compacted, dense with abundant cobble and well graded. The lab work revealed that the upper 2 to 3 feet of material has been disturbed. All undisturbed fill materials are unsuitable for structural support. The fill materials below 3 feet are suitable for use as a base for the placement of compacted fill.* (Geotechnical Report Page 5, **Attachment D**)

And later:

> *In areas of proposed development, the upper 3 feet of compacted fill shall be removed and recompacted. Following grading, the building pad area shall be underlain by a minimum of 3 feet of compacted fill. The limits of fill shall extend a minimum of three feet beyond the building footprint. Grading within areas of proposed hardscape shall consist of removing previous fill to expose firm compacted fill and the placement of new fill to design grades. (Geotechnical Report Page 11*, **Attachment D***)*

LIP Section 3.4.1(D)(6)(d) states, "*For the purposes of this Overlay District, a building pad shall be defined as a single, continuous, graded area, not exceeding 3 percent in slope, designed to accommodate development*." The conditions present in the lower building pad meet all objective criteria for the definition of a building pad. It is a uniformly graded whole (per page 5 of the geotechnical report cited above) that does not exceed 3 percent in slope (shown on the slope map below). In summary, contrary to the assessment provided in the Staff Report, the proposed building site is an existing, legally established, graded pad. No new pad is proposed, no grading to extend a pad is proposed, and no grading to create a new pad is proposed.



Other parcels within Malibu Country Estates were subject to Restricted Use Areas under the original tract map; Lot 85 was not. Accordingly, Lot 85 cannot now be artificially limited to one pad when two pads have long existed.

Views – Public vs. Private

The MCE Overlay's building pad provisions were designed to preserve private views as demonstrated in the previously cited 1972 MCE CCRs, not public coastal views. No public views are impacted by the proposed ADU. Moreover, no private views are impacted, given an 11-foot 2-inch height for the proposed structure and an approximately 20-foot slope, which shields it from view from uphill neighbors.



(Attachment E)

Public Resources Code section 30251 states,

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

The proposed ADU siting will not impact public views, in accordance with the Coastal Act. Additionally, the proposed ADU is sited on an existing graded and manufactured pad. Therefore, no alteration of natural landforms is proposed.

Similarly, chapter 6 of the LIP directs new development to minimize adverse visual impact.

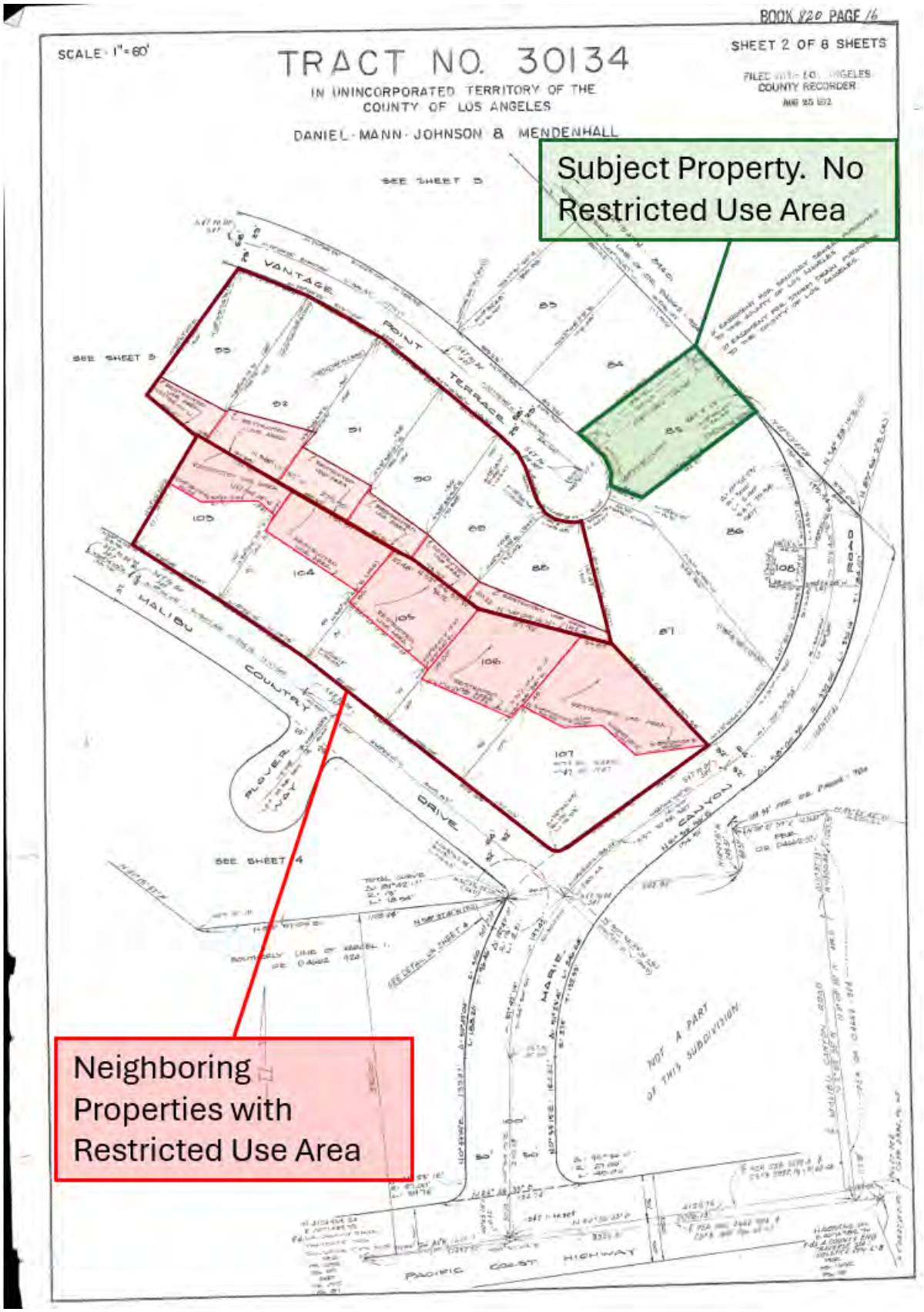
> *6.5. DEVELOPMENT STANDARDS A. Development Siting 1. New development shall be sited and designed to minimize adverse impacts on scenic areas from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas from scenic highways or public*

viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site"

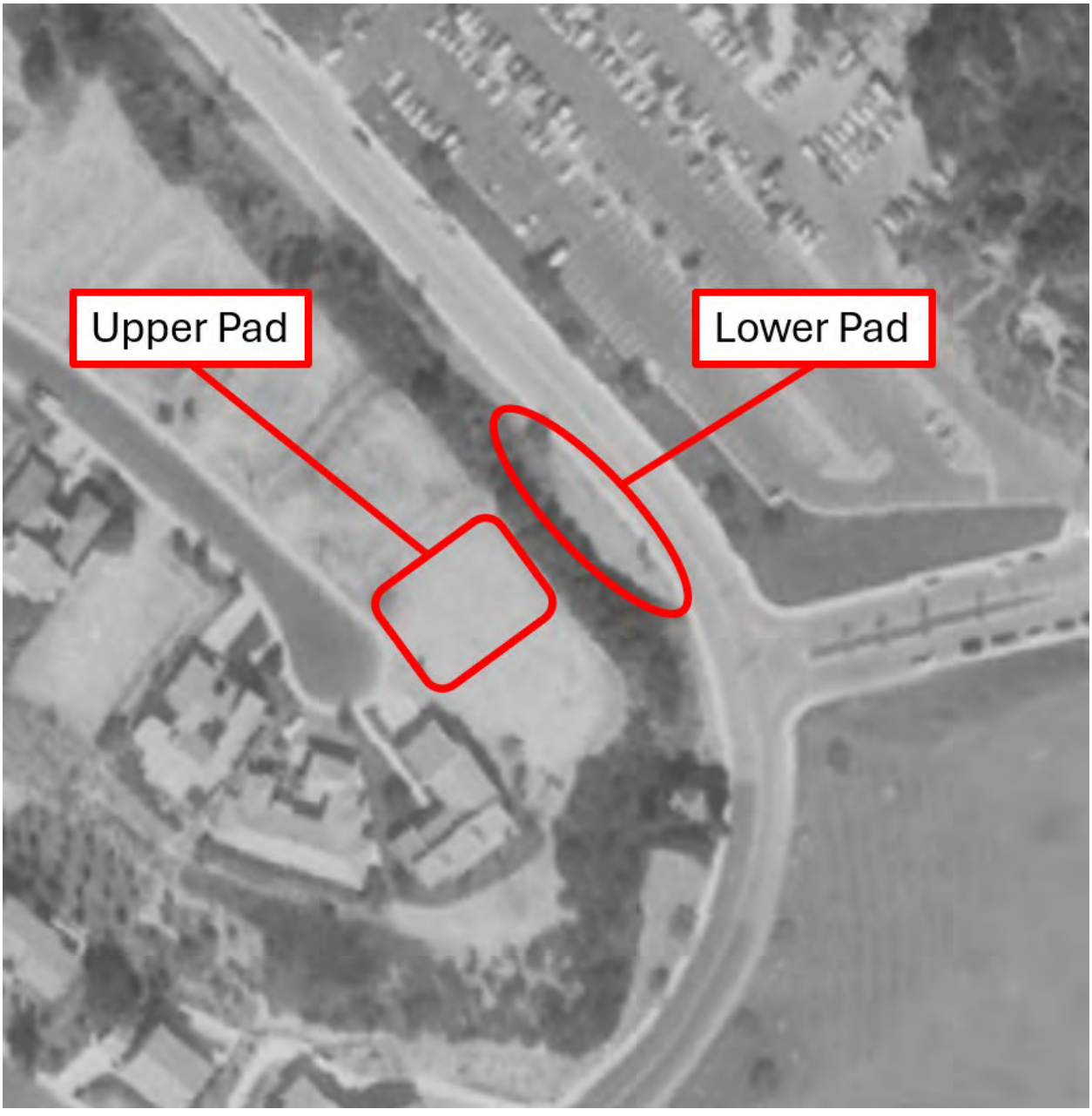
Siting the ADU on the existing lower building pad conforms with the LIP in that it is the least visible portion of the site.

Single Building Pad

In discussing LIP Chapter 6, staff asserts that each parcel was designated a single building pad at that time. This does not appear to be supported by the record. The tract map (**Attachment B**) recorded August 25, 1972, identifies Restricted Use Areas on specific parcels only, and Lot 85 was not among them.


BOOK 820 PAGE 16
SCALE 1"=60'
TRACT NO. 30134
IN UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES
DANIEL MANN JOHNSON & MENDENHALL
SHEET 2 OF 8 SHEETS
COUNTY RECORDER
SEE SHEET 5
SEE SHEET 3
SEE SHEET 4
VANTAGE POINT TERRACE
E. MALIBU COUNTRY
PLOVER WAY
DRIVE
CANYON ROAD
MARIE
NOT A PART OF THIS SUBDIVISION
PACIFIC COAST HIGHWAY
Subject Property. No Restricted Use Area
Neighboring Properties with Restricted Use Area

The 1980 aerial photograph further confirms the presence of a second lower pad on Lot 85.



(Attachment E)

MCE Overlay District Intent

Staff asserts that "*the standards of the MCE Overlay District are intended to maximize the protection of scenically impressive views from public viewing areas, including scenic roads.*" This is inconsistent with the express intent of the CC&Rs. Nowhere in the CC&Rs is there mention of protecting public views. Quite the opposite. They exist to protect the

owner of each lot. As stated in the CC&Rs, *"The purpose of these restrictions is to insure proper development and use of the Premises, to protect the owner of each Lot."*

Alternative Design Analysis

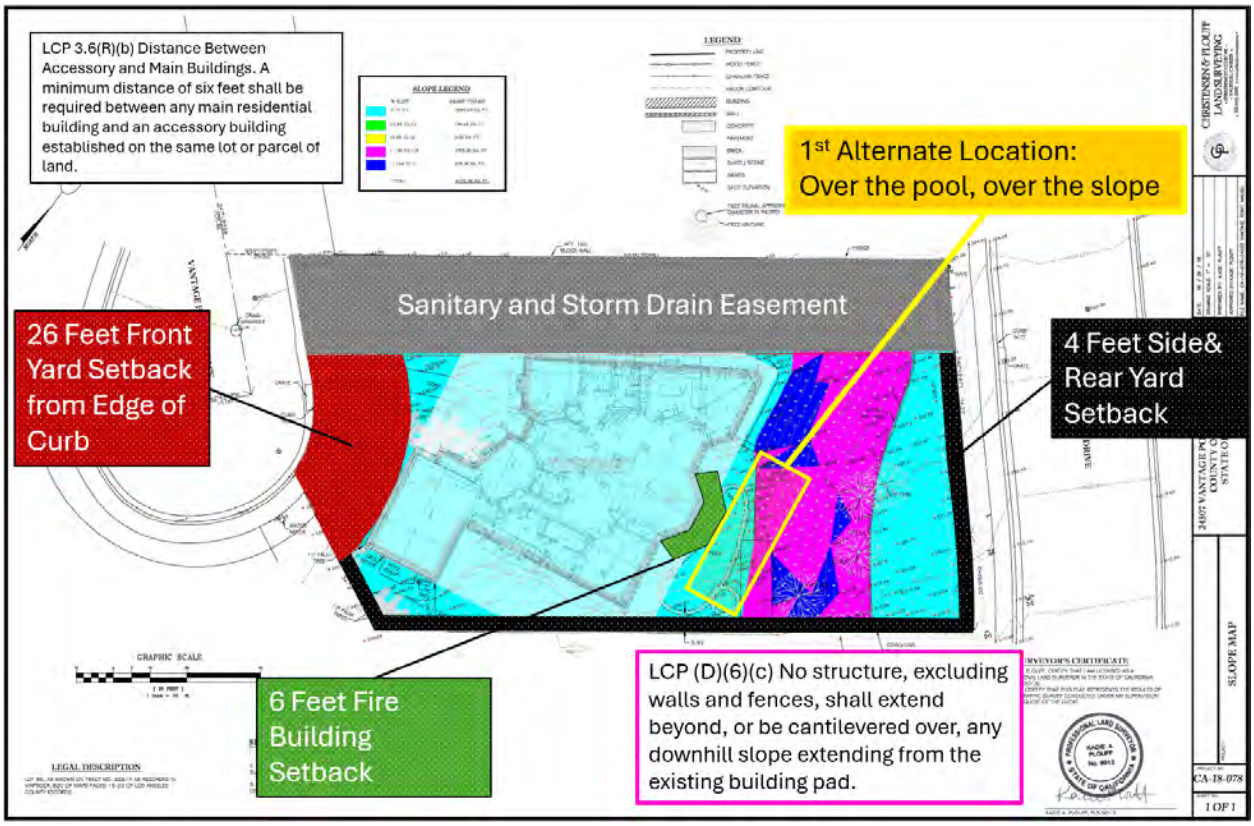
The Staff Report states that, *"the applicant has not provided an alternate design depicting existing constraints to development on the existing building pad or project feasibility/infeasibility at an alternate location."* To clarify, the applicant submitted a constraints map to City staff on September 7, 2022, which demonstrated significant constraints for development of an ADU on the upper portion of the lot. In order to further clarify the implications of these constraints, our office has included an expanded alternatives analysis, submitted with this response, that clearly depicts the impracticality and infeasibility of siting the ADU in alternative locations.

The Staff report suggests that conversion of the existing garage to an ADU might be a feasible alternative. However, this option would eliminate required on-site covered parking and require property owner vehicles to be parked on a cul-de-sac with limited street parking. This would be in opposition to one of the stated purposes of the LCP: "1.2. PURPOSE (H.) *To lessen congestion on the streets and provide for adequate off-street parking."*

It appears that converting the garage to an ADU and ignoring the on-site parking requirements would be less consistent with the requirements of the LCP than the provisions of the MCE Overlay District that are cited by Staff as a basis for denial. Unlike the siting of the proposed ADU on the lower pad, garage conversion and off-site parking would have meaningful adverse impacts to neighbors' use and enjoyment of their property, parking for guests, etc.

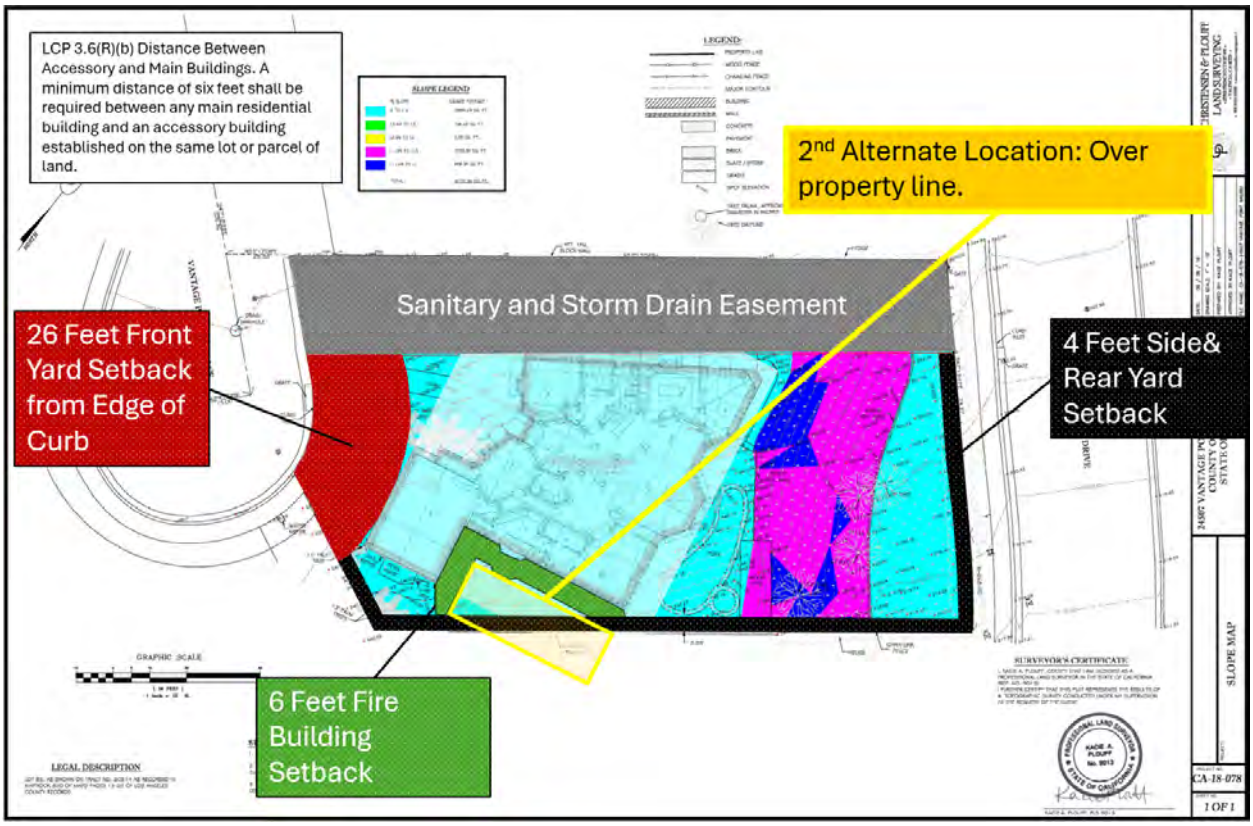
Staff asserts an *"alternate design also appears feasible given that the existing building pad is sufficient in size to support other existing uses including a pool, spa, and wooden deck."* However, the presence of recreational amenities does not demonstrate capacity for an ADU. The presence of a chimney or a bay window would not demonstrate the capacity for an ADU on a building pad any more than the presence of a pool. Capacity for one type of use is not inherently interchangeable with another. It is unclear whether Staff is proposing that the applicant remove the existing pool or deck in order to construct the ADU. However, that is not proposed, and it is not the applicant's desire to remove/trade existing development for the ADU, when the proposed development meets the requirements of State ADU law. Additionally, there are other considerations/constraints that make trading out the pool or deck for an ADU infeasible.

Even if the applicant were to remove the pool, the existing area would not support the proposed ADU. The alternatives analysis 1st Alternate Location clearly shows the infeasibility of this location for siting the ADU as it would extend over the slope beyond the building pad. Additionally, LCP Section 3.6(R)(b) requires *"A minimum distance of six feet…between any main residential building and an accessory building established on the same lot or parcel of land."* Finally, with or without the 6 ft. separation requirement, locating the ADU in the area of the pool/deck would block light/air to the living room, dining room, and primary (master) bedroom, significantly diminishing the use, enjoyment, and habitability of the existing residence.



Alternatives Analysis – 1st Alternate Location

The alternatives analysis' 2nd Alternate Location clearly shows the infeasibility of siting the ADU on the side yard, as there is not enough space between the main residence and the property line, even when utilizing the reduced setbacks afforded by State ADU Law. The proposed location is the only alternative that sufficiently meets the requirements/allowances for an ADU under State Law, the Coastal Act, and relevant local ordinances.



Alternatives Analysis – 2nd Alternate Location

Dimensional Standards: Setbacks

Staff asserts that, *"the proposed project is inconsistent with several requirements in the MCE Overlay District including an approximate 73% reduction in the required rear yard setback (from 15 feet to 4 feet)."* However, the proposed 4-foot rear yard setback and 6-foot 7-inch interior yard setback comply with State ADU law, which permits *"four-foot side and rear setbacks* [Gov. Code, § 66321, subd. (b)(3)]." Setbacks from property lines (i.e. yard setbacks) are a function of local zoning regulations, which State ADU law explicitly supersedes. The yard setbacks contained within the LCP are the same as those contained

within the City's local zoning ordinance and therefore do not fall under ADU law provisions to adhere to Coastal Resource protection policies of the Coastal Act.

Dimensional Standards: Walls

The staff report asserts: "The proposed project fails to meet various requirements outlined in LIP Chapter 3 including…LIP §3.4.1(D)(4)(a) which stipulates that, *"no walls…in excess of 6 feet shall be allowed within the required rear…yard setback areas," (wall heights associated with the proposed structure extend above 6 feet in the rear yard setback)."* Walls are defined in the LCP §2.1 as *"artificially constructed barriers…erected to enclose or screen an area of land."* This definition does not apply to the wall of a residential structure. Clearly, the exclusions listed in LIP Section 3.4.1(D)(6)(a) "*All development, excluding walls and fences, shall be limited to the existing building pad"* and (c) *"No structure, excluding walls and fences, shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad."* would make no sense if it were referring to the walls of a structure. In this case, the term "wall" is being used in the technical sense defined in the LCP rather than the more commonly used vernacular.

Regardless, Government Code §66314 (d)(7) allows "*a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure"*, and the project complies.

Dimensional Standards: Structure Height

The Staff Report asserts that the proposed ADU does "*not comply with LIP"* as it pertains to height and cites §3.4.1(D)(5)(d)(i-ii) (highlighted below and shown in context).

> *§3.4.1(D)*
> *5. Structure Height:*
> *a. No building or structure shall exceed one story and 18 feet in height to the highest point on the roof, except for chimneys, for those parcels located in Area "A" of this Overlay District as designated on the Zoning Map.*
> *b. No building or structure shall exceed two stories and 28 feet in height to the highest point on the roof, except for chimneys, for those parcels located in Area "B" of this Overlay District as designated on the Zoning Map.*
> *c. No building or structure shall exceed 18 feet in height to the highest point on the roof, except for chimneys, for the portion of the structure within 34 feet of the front property line and shall not exceed two stories and 28 feet in height to the highest point on the roof for the remaining portions of the building for those parcels located in Area "C" of this Overlay District as designated on the Zoning Map.*

d. The reference point for structure height measurements described in subsections a, b and c above shall be as follows:

i. For an addition or remodel of an existing structure, the height shall be measured from the finished first floor except that the new structure height shall not exceed that of the existing structure at its highest point on the roof, excluding chimneys.

ii. For the case where no structure exists or when an existing structure is removed to rebuild or replace, the height shall be measured from the control point set forth in the chart below.

iii. The finished first floor level of any part of any building shall not be more than 3 feet above the control point shown in the ***chart below****.*

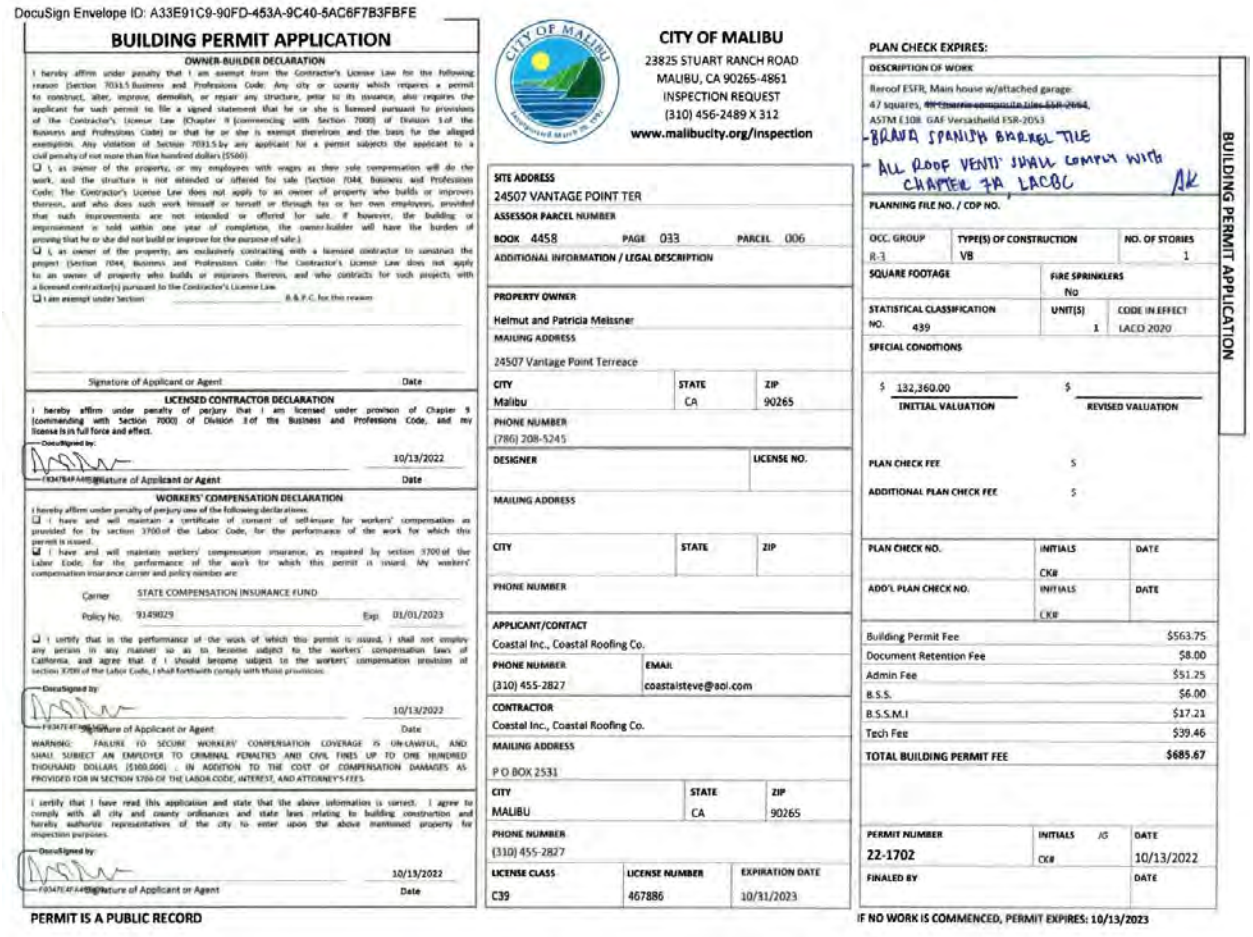
The Staff Report erroneously concludes that the above code "Limits structure height to additions/remodels of existing structure, vacant parcels or where an existing structure is replaced." This analysis does not appear to construe and apply the code correctly; the code appears instead to indicate the proper height and relative control point elevation for all construction cases. For addition or remodel of an existing structure "i" is in effect. For cases where no structure exists *or* when an existing structure is removed to rebuild or replace "ii" is in effect. The ADU is proposed to be constructed on the lower building pad where no structure exists, thus per the code "the height shall be measured from the control point set forth in the chart below."

Additionally, the "chart below" referenced in LIP Section 3.4.1(D)(5)(d)(ii and iii) does, in fact, not exist anywhere in the LIP. It appears in the local zoning ordinance (MMC 17.42.020(D)) from which the MCE Overlay standards were derived, but it was never adopted into the LCP. This omission, where the reference was copied but the referent was not, further demonstrates how MCE Overlay standards contained in the LCP derive from local zoning (in an incomplete manner), not the Coastal Act, and are superseded by State ADU law. The Staff Report conclusions and even the code itself are both incomplete and convoluted, when the proposed project's consistency with regards to height is abundantly clear and simple. The proposed ADU is consistent with the lowest maximum allowable height within the MCE Overlay District at less than 18 ft. in height, as the proposed ADU is only 11 ft. 2 inches in height.

Roofing Materials

Although enhanced requirements for certain roof aesthetics do not fall under the purview of the Coastal Act and could be construed as an undue cost imposed on an ADU under State ADU law, the applicant has agreed to revise the roofing materials from the previously proposed architectural shingles to Mediterranean Brava tile. This tile matches exactly the tiles approved for the primary residence in 2022 and is fully consistent with LIP Section 3.4.1(D) *"Roof materials shall be limited to clay tile, concrete tile or similar material."* This

modification addresses concerns with regards to LCP consistency as it pertains to roofing materials.



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BUILDING PERMIT APPLICATION

OWNER-BUILDER DECLARATION

I hereby affirm under penalty that I am exempt from the Contractor's License Law for the following reason (Section 7031.5 Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500):

☐ I, as owner of the property, or my employees with wages as their sole compensation will do the work, and the structure is not intended or offered for sale (Section 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale.).

☐ I, as owner of the property, am exclusively contracting with a licensed contractor to construct the project (Section 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a licensed contractor(s) pursuant to the Contractor's License Law.

☐ I am exempt under Section _____ B & P.C. for this reason

Signature of Applicant or Agent — Date

LICENSED CONTRACTOR DECLARATION

I hereby affirm under penalty of perjury that I am licensed under provison of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

DocuSigned by: 10/13/2022

Signature of Applicant or Agent — Date

WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:

☐ I have and will maintain a certificate of consent of self-insure for workers' compensation as provided for by section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

☑ I have and will maintain workers' compensation insurance, as required by section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: STATE COMPENSATION INSURANCE FUND

Policy No. 9149829 Exp: 01/01/2023

☐ I certify that in the performance of the work of which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provision of section 3700 of the Labor Code, I shall forthwith comply with those provisions.

DocuSigned by: 10/13/2022

Signature of Applicant or Agent — Date

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS ($100,000), IN ADDITION TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction and hereby authorize representatives of the city to enter upon the above mentioned property for inspection purposes.

DocuSigned by: 10/13/2022

Signature of Applicant or Agent — Date

PERMIT IS A PUBLIC RECORD

CITY OF MALIBU
23825 STUART RANCH ROAD
MALIBU, CA 90265-4861
INSPECTION REQUEST
(310) 456-2489 X 312
www.malibucity.org/inspection

SITE ADDRESS
24507 VANTAGE POINT TER

ASSESSOR PARCEL NUMBER
BOOK 4458 PAGE 033 PARCEL 006

ADDITIONAL INFORMATION / LEGAL DESCRIPTION

PROPERTY OWNER
Helmut and Patricia Meissner

MAILING ADDRESS
24507 Vantage Point Terreace

CITY: Malibu | STATE: CA | ZIP: 90265

PHONE NUMBER
(786) 208-5245

DESIGNER | **LICENSE NO.**

MAILING ADDRESS

CITY | STATE | ZIP

PHONE NUMBER

APPLICANT/CONTACT
Coastal Inc., Coastal Roofing Co.

PHONE NUMBER: (310) 455-2827 | **EMAIL**: coastalsteve@aol.com

CONTRACTOR
Coastal Inc., Coastal Roofing Co.

MAILING ADDRESS
P O BOX 2531

CITY: MALIBU | STATE: CA | ZIP: 90265

PHONE NUMBER
(310) 455-2827

LICENSE CLASS	LICENSE NUMBER	EXPIRATION DATE
C39	467886	10/31/2023

PLAN CHECK EXPIRES:

DESCRIPTION OF WORK
Reroof ESFR, Main house w/attached garage
47 squares, ~~BP Chemie composite tiles ESR-2654~~,
ASTM E108 GAF Versashield ESR-2053
-BRAVA SPANISH BARREL TILE
- ALL ROOF VENTS SHALL COMPLY WITH CHAPTER 7A, LACBC

PLANNING FILE NO. / CDP NO.

OCC. GROUP	TYPE(S) OF CONSTRUCTION	NO. OF STORIES
R-3	VB	1

SQUARE FOOTAGE | **FIRE SPRINKLERS**: No

STATISTICAL CLASSIFICATION NO.	UNIT(S)	CODE IN EFFECT
439	1	LACO 2020

SPECIAL CONDITIONS

$ 132,360.00 INITIAL VALUATION — $ _____ REVISED VALUATION

PLAN CHECK FEE $

ADDITIONAL PLAN CHECK FEE $

PLAN CHECK NO.	INITIALS CK#	DATE
ADD'L PLAN CHECK NO.	INITIALS CK#	DATE

Building Permit Fee	$563.75
Document Retention Fee	$8.00
Admin Fee	$51.25
B.S.S.	$6.00
B.S.S.M.I	$17.21
Tech Fee	$39.46
TOTAL BUILDING PERMIT FEE	**$685.67**

PERMIT NUMBER	INITIALS JG CK#	DATE
22-1702		10/13/2022
FINALED BY		DATE

IF NO WORK IS COMMENCED, PERMIT EXPIRES: 10/13/2023

BUILDING PERMIT APPLICATION

(Attachment F)

Archaeological Resources

The Staff Report discusses archaeological resources and seems to imply that there are potentially some questions in this regard. However, Staff did not request any information or documentation prior to issuance of the Staff Report, as confirmed by the submitted checklist pictured below wherein Staff checked the box that an Archaeology Survey would not be required. The original determination is understandable, given that the Staff Report notes the *"project site has been evaluated for potential impacts to archeological resources per the adopted City of Malibu Cultural Resources Map and it has been determined that due to the previous grading activities to create the existing building pad and MCE community,* ***the project has very low probability of disturbing archaeological resources for construction proposed on the existing building pad****."* Based upon the foregoing, it appears that appropriate Staff level review has been completed under the requirements of LIP Chapter 11 and findings should be made that the project is consistent with the LCP as

it pertains to Archaeological Resources.

City of Malibu

Coastal Development Permit Submittal Checklist

NOTE To submit a new application with the City of Malibu Planning Department, all required items as specified by City Staff on the Submittal Checklist, including application fees and those materials required by City Departments, must be provided at the time of submittal. **Incomplete application submittals WILL NOT be accepted.** An appointment is required for submittals. For an appointment, call 310-456-2489, ext. 485, or email mplanning@malibucity.org. See the New Application Submittal Guide for more information. For more information, visit the Planning Department website.

Staff Only - General Project Information

Date_____
Address / Location: (N) ADU
Project Description:_____

Fees: □ CDP Level: 1 $ 873 □ SPR $_____ □ MM $_____
□ VAR $_____ □ Other $_____ □ Other $_____
*The City will charge a service fee for credit card transactions.

Woolsey Fire Fee Waiver: □ Project Eligible □ Project Ineligible (all fees apply)

Requires the following discretionary requests:_____

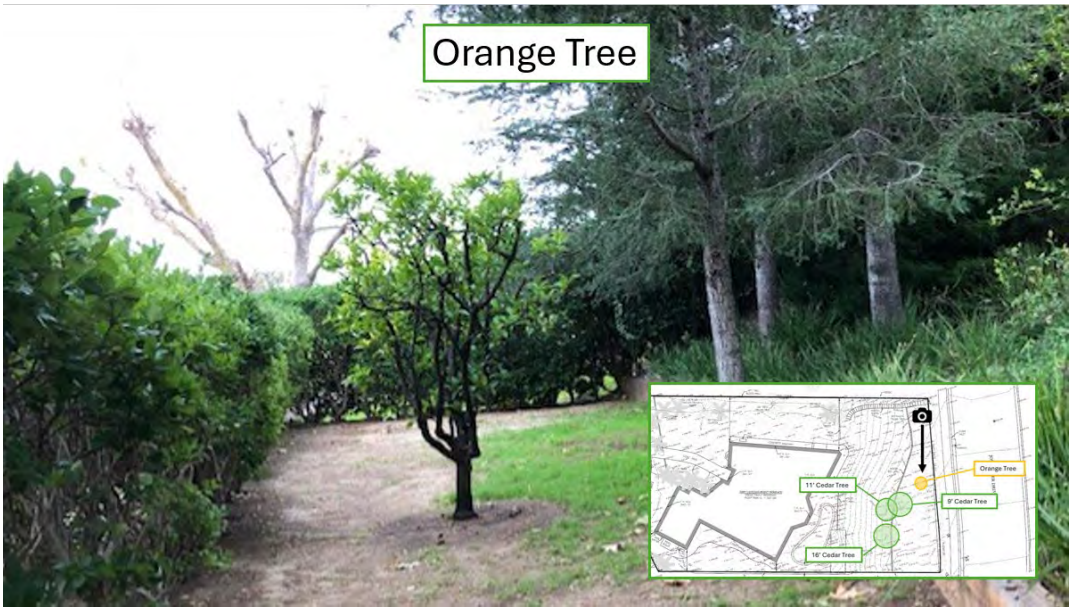
A **complete submittal** shall consist of the following City / County Department reviews, submittal documents, and fees:

Departments	Planning Review		Building Plan Check		Date	Submitted
	Req'd	Not Req'd	Req'd	Not Req'd		
Planning	✓	-	✓	-		☐
Archaeological Survey If needed, submit as separate application. Guide	☐	☒	☐	NA		☐

(Attachment G)

Trees

The Staff Report references four trees that were not explicitly identified on the site survey and allude to uncertainties about whether the project is in compliance with Native Tree protection policies of the LCP. To clarify, the identified trees consist of three cedar trees and one orange tree. These are non-native species and are not among the protected trees listed in LCP Chapter 5 (oak, walnut, sycamore, alder, and toyon).







(Attachment H)

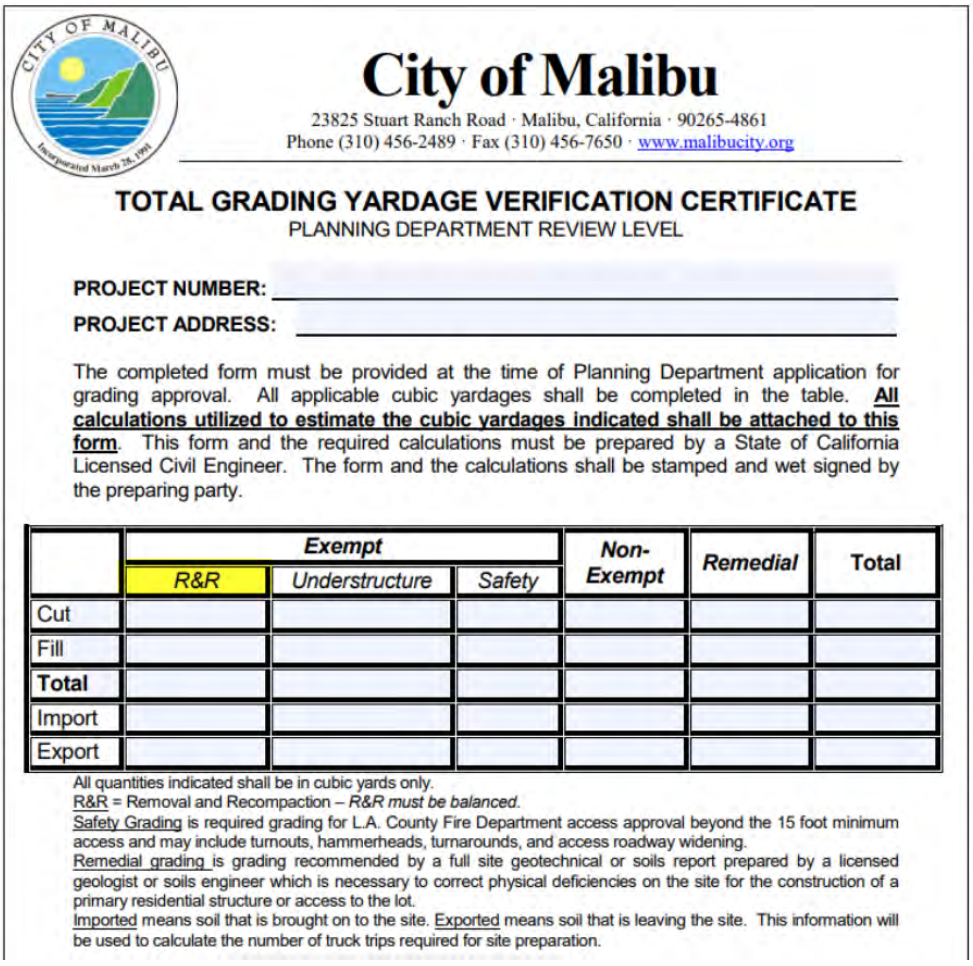
Impermeable Coverage

The Staff Report states that LIP §3.4.1(D)(7) *"strictly limits impermeable surfaces on the existing building pad (the proposed structure is located on a proposed second building pad)."* As discussed previously, the ADU is proposed to be sited on the existing lower building pad as defined in LCP Section 3.4.1(D)(6)(d). Thus, per LIP §3.4.1(D)(7) *"Impermeable Coverage: There shall be no maximum impermeable coverage limitation. However, including any structures, impermeable surfaces shall only be permitted on the existing building pad…"* Contrary to the Staff Report's assertion that there are strict limits on impermeable surfaces, the Code explicitly states that there is "no maximum impermeable coverage limitation" in the MCE Overlay, provided construction takes place on an existing building pad, which is what the applicant is proposing, as outlined above. Therefore, it is our understanding that the project complies with LCP impermeable coverage allowances/requirements.

Grading

Per the Staff Report, the *"building pad proposes remedial and re-compaction grading for the upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of 3 feet beyond the proposed footprint."* The City's Grading Verification Form

that Staff utilizes to verify compliance with the LCP has separate columns for "Remedial" and "R&R" (further defined as "Removal and Recompaction"). It is unclear which was intended in Staff's reference to "remedial and re-compaction grading".



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: _____

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						
Fill						
Total						
Import						
Export						

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.

To clarify, the only grading proposed is the removal/recompaction for the foundation per the recommendations of the Geotechnical Report, which states that:

In areas of proposed development, the upper 3 feet of compacted fill shall be removed and recompacted. Following grading, the building pad area shall be underlain by a minimum of 3 feet of compacted fill. The limits of fill shall extend a minimum of three feet beyond the building footprint. Grading within areas of proposed hardscape shall consist of removing previous fill to expose firm compacted fill and the placement of new fill to design grades. (Geotechnical Report Page 11, **Attachment D***)*

This type of grading is explicitly exempted per the LCP 8.3. DEVELOPMENT STANDARDS I. *"Exceptions. Excavation for foundations and other understructure excavation and*

incremental excavation for basements and safety purposes ***shall be excluded from grading limitations****."* This is further verified by the City's Total Grading Yardage Verification Certificate, which notes that R&R grading is exempt. Therefore, contrary to the Staff Report analysis, the proposed project complies with the LCP as it pertains to grading, as the proposed R&R grading for the foundation is excluded from LCP grading limitations.

Conclusion

In summary, the Staff Report's recommendation is premised on a misunderstanding and/or mischaracterization of the site, an overextension of the MCE Overlay District's intent and authority under ADU law, and a conflation of private, HOA-derived view protections with the Coastal Act's mandate to protect public coastal resources. The historical record confirms that Lot 85 was not originally subject to a single-pad restriction, that two graded pads have existed on the parcel for decades, and that the proposed ADU fully complies with the objective definition of a building pad under the LIP. The project is sited on the least visible portion of the site, does not impact public views, proposes no non-exempt grading/landform alteration or new pad, maintains existing required on-site covered parking to avoid adverse impacts to neighbors, conforms to applicable Coastal Act and LIP standards for Coastal resource protection, and is entitled to the protections afforded by State ADU law, which supersedes conflicting local zoning provisions. Additionally, the project has no impacts to public access or Environmentally Sensitive Habitat Areas and is compliant with all provisions/allowances/requirements of State ADU law. For these reasons, we believe that the proposed ADU should be found consistent with the LCP as applied under relevant State Law/requirements and approved accordingly.

Thank you for your time, attention, and consideration of this additional information. If there are any questions, please let us know.

Sincerely,

Keystone Strategic Planning



Matt Jewett

Principal

Attachment A

1972 Malibu Country Estates CC&Rs

WHEN RECORDED RETURN TO:
CENTURY CITY INC.
10100 SANTA MONICA BLVD. SUITE 1500
LOS ANGELES, CAL 90067
ATTN: ROBERT BURFORD

3553

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.
FOR TITLE INSURANCE & TRUST CO.
21 Min. Past 2 P.M. AUG 28 1972
Registrar-Recorder

7111974

DECLARATION OF RESTRICTIONS

FEE $ 14.00

THIS DECLARATION OF RESTRICTIONS, made this 17th day of August 1972 by Century Malibu, Inc., a Delaware corporation, hereinafter called OWNER or GRANTOR, having its principal office in California at 10100 Santa Monica Boulevard, Los Angeles, California, Owner in fee simple of all that real property situated in the County of Los Angeles, State of California, described as follows:

> All Lots contained in Tract No. 30134, as per map thereof recorded in the office of the County Recorder of the County of Los Angeles, on 8-25-72, in Book 820, Pages 15 to 22, inclusive, of Maps, in the records of said County of Los Angeles, which property has been subdivided into lots as shown on said map for the purpose of sales and conveyance thereof;

NOW, THEREFORE, this Declaration of Restrictions WITNESSETH:

That for the purpose of designating and creating certain conditions and restrictions upon all of said lots for the benefit of all other lots in said Tract, the following covenants, conditions and restrictions shall apply to said land as well before the execution and delivery to any buyer thereof, of a deed conveying said realty to said buyer, as after said deed shall have been executed and delivered, and shall operate as covenants running with the land, being hereby created as mutual equitable servitudes in favor of each and every lot and portion of said land as against each and every other lot and portion thereof;

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Further, the purpose of these restrictions is to insure proper development and use of the Premises, to protect the owner of each Lot against such improper development and use of the surrounding Lots as will depreciate the value of his Lot, to prevent the erection on the Premises of structures built of improper design or materials, to encourage the erection of attractive improvements at appropriate locations, to prevent haphazard and inharmonious improvements, to secure and maintain proper setbacks from streets and adequate free spaces between structures, and in general to provide adequately for a high type and quality of improvement of the Premises in accordance with a general plan.

Any and all lots, or portions of lots, conveyed by or for aforesaid Owner, or Grantor, and any conveyance thereof accepted by any Purchaser or Grantee, shall be and is expressly made subject to the terms, conditions, covenants, and restrictions following, which shall apply to and be binding upon the parties to such conveyance, their heirs, devisees, legatees, executors, administrators, successors and assigns, to-wit:

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1. Said premises shall be used only for the purpose of one-single family private residence per lot, including appurtenant private garage, servants' quarters and other appurtenant outbuildings and improvements and no structure shall be moved from any other place onto said premises. No temporary dwelling, garage, servants' quarters or outbuildings shall be erected on said premises, nor shall any structure be erected or allowed on

said premises which is not designed, built, maintained and used exclusively for private residential purposes or for making said premises more convenient for residence thereon. When the construction of any residence or structure is once begun, work thereon shall be prosecuted diligently and must be completed within a reasonable time. No shack, tent or trailer shall at any time be used on said premises as a residence, either temporarily or permanently, except that during the construction of a residence and upon written approval of the trailer to be used, and its proposed location, a trailer may be used on said premises for the purpose of construction efficiency for a period not to exceed eight months, provided the trailer and its use conform to all requirements of the County of Los Angeles.

2. All oil and mineral rights have been reserved by a former owner but with no right of surface entry. No well for the production of, or from which there is produced oil, gas or water, shall be drilled, dug or operated on said premises; nor shall any excavation be made on said premises, unless such excavation is necessary in connection with the erection of an approved structure thereon. No rubbish or debris of any kind or character shall ever be placed or permitted to accumulate upon said premises so as to render said premises unsanitary, unsightly, offensive, or detrimental to any other lot or lots in said Tract, or to the occupants thereof.

3. No building or other structure of any nature whatsoever, nor any addition to any building or other structure, shall be erected, maintained or permitted on said premises or the erection or construction thereof begun thereon, until complete Plans and Specifications prepared under the supervision of a registered architect or registered building designer shall have first been approved in writing by the Committee hereinafter provided for. Preliminary Plans must be submitted for approval prior to completion of the Final Plans and it is suggested that in order to avoid unnecessary planning and revision costs, schematic plans may be submitted before Preliminary Plans. Three sets of Final Plans and Specifications for any and all buildings, structures, walls, fences, and any alterations thereof or additions thereto, together with proposed exterior colors to be approved, shall be submitted to said Committee for approval, and all such Final Plans and Specifications shall show in detail the nature, kind, shape, height, material, color scheme and elevation of any such structure, and shall likewise show in detail the lot or building site plan indicating the location of such building or structure, and all outbuildings on any building site, and, when specifically requested, the grading plan of the building site to be built upon; said Plans and Specifications shall in every case be complete and detailed, and no structure of any kind shall be erected, maintained or permitted on said premises if the plans, elevations and specifications of such structure have not received the written approval of said Committee or which does not fully comply with such approved Plans, Specifications and Elevations, or which is not located on the building site upon which the same is to be erected according to said Plans and Specifications. One set of any such Plans and Specifications shall be retained by said Committee.

Final Plans submitted for approval, in addition to showing setbacks and other details, shall show the relation of the finished first floor level or floor levels of the house, to the highest point of the front street curb of such lot and shall include a Plot Plan showing contour lines of the existing pad and any proposed changes therein. Such plans shall also show:

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a. The total number of square feet in such house as determined in accordance with Paragraph 8 hereof.

b. The relation in terms of feet of the maximum roof height of the house, to the highest point of the front street curb of such lot, in accordance with paragraph 10 hereof.

c. The relation in terms of feet of the garage floor to the finished floor level or levels of the house in accordance with paragraph 10 hereof.

In the event that said Committee fails to approve or disapprove such plans within thirty (30) days after submission of the plans to it, then such approval will be deemed to have been given; PROVIDED, HOWEVER, that all other restrictions and conditions contained in this Declaration of Restrictions, including any Amendments thereto made with the concurrence of all the lot owners, shall remain applicable to such plans and all structures to be erected on the lot or building site to which the plans refer.

If the plans as submitted are approved by the Committee, such approval shall be limited solely to approval of the exterior architectural design of the buildings, walls, fences and other structures to be erected on the premises to which the plans refer. Approval for use on any lot of any plans or specifications shall not be deemed a waiver of the Committee's right, in its discretion, to disapprove such plans, features or elements, which are subsequently submitted for approval for use on any other lot or lots.

The owner of each respective lot in said Tract No. 30134 has the sole responsibility at all times of determining that all plans and specifications for the structures to be erected on such lot and the erection of all buildings, walls, fences and other structures on such lot conform and comply in all respects with this Declaration of Restrictions and all amendments hereto, with the covenants and recitals in the deed to such lot and with all building codes, rules, orders and regulations of the proper governmental authority, and that the exterior architectural design and color of all structures, when completed, conform with the exterior architectural design and color as approved by the Committee.

The Committee shall have the authority and right to inspect premises under construction for the purpose of determining that all construction complies with the plans, elevations and specifications as approved by it, but shall have no responsibility to take such action. Grantor may from time to time at any reasonable hour, enter and inspect any lot, structure or other property subject to these restrictions for the purpose of determining compliance herewith.

4. The Committee hereinabove referred to shall consist of not less than three (3) members. Any action by said Committee may be taken by a majority thereof, and the members of said Committee may act without a meeting. CENTURY MALIBU, INC., Grantor, shall have the right, and it shall be the duty of said Company to appoint the initial three members of such Committee; one of which may be replaced by a member to be appointed by a majority of the lot purchasers within the Tract after the first 50 lots have been sold. CENTURY MALIBU, INC., Grantor, shall have the right at any time to remove any of the three (3) members of said Committee so appointed by it, and to fill any vacancies caused by such removal or by the death,

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resignation, or other inability to act, of said Committee members. In the event and whenever said CENTURY MALIBU, INC., Grantor, desires to be relieved of the responsibility of maintaining such Committee, it may do so by filing, in the office of the County Recorder of the County of Los Angeles, a notice to that effect, and thereafter the right of appointing and removing members of said Committee shall be vested in the persons owning lots in said Tract, who may act by a majority of such lot owners, either at a meeting of such lot owners or in writing without a meeting. In no event, however, shall CENTURY MALIBU, INC. be liable for the consequences of action or inaction by said Committee or any member or members thereof whether appointed by CENTURY MALIBU, INC., Grantor, or otherwise.

5. Roofs shall be covered with wood shingle, wood shake, clay tile, concrete tile, or such other material and color as may be approved by the Committee, provided, however, that no flat roof shall exceed 20% of the total roof area, and provided further that no composition shingle, asphalt shingle, composition sheet, rock or gravel roof shall be used on any of the roof area except the above-mentioned flat area which shall not exceed 20% of the total roof area. No simulated mansard roof shall be used and any true mansard design shall be covered with metal sheeting or wood shingles, the design, material and treatment of which shall be approved by the Committee. For the purpose of these restrictions, any roof or portion thereof having a pitch flatter than 8 feet horizontally to 1 foot vertically shall be construed to be a flat roof.

No air conditioning unit nor air conditioning vents shall be exposed above the roof of any structure, and air conditioning units and vents, pump equipment and motors for swimming pools, etc., if any, shall be enclosed in a manner in keeping with the architecture of the home structure and shall be soundproofed so as not to be a nuisance to adjacent or nearby homeowners.

Patio walls and roofs shall be of the same design and material as the main part of the house, and the roof thereof shall be subject to the same provisions as above. Roll-back or sliding canvas covers or awnings may be used over patios provided the design and colors are approved by the Committee.

6. All exterior stucco shall be painted.

7. No lot may be subdivided for any reason whatsoever, except that three or more adjacent lots may be combined and the resulting total area divided into a smaller number of lots, with the approval of the County of Los Angeles, provided each resulting lot is larger than any one of the original lots so combined.

8. No residence building shall ever be erected, maintained or permitted on said premises which building contains less than 2,000 square feet of floor area.

In determining the number of square feet contained within any residence building erected or to be erected on said premises, the space contained within covered or uncovered porches, covered or uncovered entries, balconies, garage (whether or not it is an integral part of the residence), covered or uncovered patios, basement or cellar, shall not be considered in computing the square footage contained in any such building. For the purpose of computing the "minimum required floor area", it shall be deemed to include the total floor area of the residence building, measurements to be taken for this purpose from the outer faces of exterior walls.

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9. All buildings on lots 1, 2, 5 to 14, inclusive, 16 to 30 inclusive, 35 to 38 inclusive, 41, 45 to 49 inclusive, 57 to 75 inclusive, 79 to 98 inclusive, and 107 shall not exceed one story in height above the finished first floor level.

Buildings on lots 3, 4, 15, 31 to 34 inclusive, 39, 40, 50 to 56 inclusive and 76 to 78 inclusive, shall not exceed two stories in height above the finished first floor level.

Buildings on lots 42 to 44 inclusive, and 99 to 106 inclusive, may have the rear portion of the building two stories in height, provided no portion of the building within the first 34 feet back from the front property line exceeds one story in height above the finished first floor level.

10. The highest point of the roof (chimneys excepted) of buildings on lots 1, 2, 5 to 14 inclusive, 16 to 30 inclusive, 35 to 38 inclusive, 41, 45 to 49 inclusive, 57 to 75 inclusive, 79 to 98 inclusive, and 107 shall not exceed eighteen (18) feet above the control point designated for each respective lot on the schedule hereinafter shown as Schedule 10A.

The highest point of the roof (chimneys excepted) for all buildings on lots 3, 4, 15, 31 to 34 inclusive, 39, 40, 50 to 56 inclusive and 76 to 78 inclusive, shall not exceed twenty eight (28) feet above the control point designated for each respective lot on Schedule 10A.

The highest point of the roof (chimneys excepted) of all portions of buildings limited to one story in height as per Paragraph 9 above on lots 42 to 44 inclusive and 99 to 106 inclusive, shall not exceed eighteen (18) feet above the control point designated for each respective lot on Schedule 10A. That portion of buildings limited to two stories in height on the above lots shall not exceed twenty eight (28) feet above the control point designated for each respective lot on Schedule 10A.

The finished first floor level of any part of any building shall not be more than 3 feet above the control point shown in Schedule 10A.

The finished floor level of any garage shall not be more than eight (8) feet below the height control point for each respective lot as shown in Schedule 10A, and no retaining wall adjacent to and parallel with either side of a driveway shall exceed three (3) feet in height within the front setback area of any lot.

11. No residence or any part of any residence, garage or any other building or structure, exclusive of walls and fences, shall be placed on any lot nearer than 26 feet from the front of the front curb of said lot; and front, side and rear building setback lines on each lot shall conform in all respects to requirements of the County of Los Angeles, provided that no structure, including a porch, balcony, patio or terrace, but excluding walls and fences, shall extend down or be cantilevered or otherwise constructed over or on any downhill slope beyond the front, side or rear lines of the manufactured pad; and provided further that in the case of corner lots, any driveway entering said lot from the secondary street shall have at least 26 feet of driveway between the curb on said secondary street and the entrance doors to the garage.

The right has been dedicated to the County of Los Angeles to restrict the erection of buildings or other structures within areas designated as "Restricted Use Areas" on portions of lots 12, 13, 30, 31, 88, 89, 90, 91, 92, 93, 94, 100, 101, 102, 103, 104, 105, 106 and 107 on the map of Tract No. 30134.

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SCHEDULE 10A

The following schedule has been establi hed to set a control point for each lot (which control point represents the height of the approximate center of each lot pad) from which the maximum roof height and the maximum finished first floor level shall be measured. The control point for each lot pad is above or below the highest point of the curb of each respective lot, as follows:

	Number feet above or below high point of curb		Number feet above or below high point of curb		Number feet above or below high point of curb
Lot No. 1	- 1.6	22	- 2.1	43	+ 0.8
2	+14.2	23	- 0.3	44	+ 0.7
3	+26.7	24	+ 0.2	45	-14.9
4	+20.1	25	- 1.3	46	- 5.2
5	-12.9	26	- 1.5	47	- 2.4
6	- 3.2	27	- 9.7	48	- 0.6
7	- 5.0	28	- 5.7	49	+ 0.4
8	- 5.1	29	+ 1.5	50	+ 4.3
9	- 6.6	30	+ 1.4	51	+ 4.4
10	- 6.0	31	+ 3.4	52	+ 8.3
11	- 0.6	32	+ 3.1	53	+ 3.1
12	- 1.9	33	+ 1.1	54	- 6.4
13	- 3.9	34	- 0.2	55	+ 7.0
14	- 1.2	35	+ 0.5	56	+ 6.1
15	+15.2	36	+ 1.8	57	+ 0.5
16	+11.2	37	- 3.3	58	+ 3.4
17	+12.4	38	+ 3.1	59	+ 2.2
18	+ 4.7	39	+24.8	60	+ 0.3
19	-14.4	40	+22.9	61	+ 1.0
20	+15.7	41	- 0.4	62	+ 1.2
21	+ 1.5	42	+ 2.6	63	+ 0.8

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SCHEDULE 10A (CONT.)

Lot No.	Number feet above or below high point of curb		Number feet above or below high point of curb		Number feet above or below high point of curb
64	+ 0.4	79	- 2.1	94	- 0.8
65	+ 0.9	80	-13.1	95	+ 2.4
66	+ 1.8	81	- 3.3	96	- 0.7
67	+ 2.2	82	- 4.4	97	- 0.5
68	+ 1.7	83	- 3.3	98	-14.5
69	+ 1.3	84	- 0.7	99	- 3.2
70	+ 1.4	85	+ 0.4	100	- 4.4
71	-11.6	86	+ 1.5	101	- 2.5
72	- 4.5	87	+ 1.3	102	- 6.4
73	+ 0.6	88	+ 1.0	103	- 7.6
74	+ 0.8	89	+ 0.7	104	- 2.9
75	+10.8	90	- 0.1	105	+ 0.9
76	+15.1	91	- 3.9	106	+ 4.1
77	+13.8	92	- 1.6	107	- 2.6
78	+ 1.0	93	- 0.6		

Note:

In the case of a corner lot, the highest point of the curb (from which the above measurement has been made) may be located on the primary or secondary street. In the case of Lot 56, the measurement has been made from the highest point of the curb on Malibu Country Drive.

The above control points for each lot are intended to represent the height of the approximate center of each lot pad as originally graded. If a subsequent certified survey indicates that the approximate center of any of the above lots as originally graded is different from the control point so designated, said control point to be used for the respective lot shall be adjusted to the correct control point.

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In addition to the above, no structure, wall or fence in excess of six feet in height shall be constructed on any area of the following lots which area is located more than the number of feet designated below, as measured from the front of the curb of such lot:

Lots 62 - 64 inclusive - 137 feet
Lots 90 - 93 inclusive - 137 feet
Lots 94 - 96 inclusive - 117 feet

IT IS EXPRESSLY UNDERSTOOD, however, that any eave or roof overhang extending beyond the wall of such structure or structures a distance of 48 inches or less shall not be considered a violation of these restrictions. Any garage structure not connected with the residence as an integral part thereof shall be located not nearer than the required setback for the main structure from the FRONT property line of said building site.

12. If driveway curb cut and apron are in place on a given lot, the driveway shall remain at such location, unless a different location is approved by the Committee and the existing curb cut is replaced with curb and sidewalk of design typical of Tract 30134 and using the typical concrete mixture specified below. On other lots, the driveway curb cut and apron may be at such location as may be approved by the Committee and shall be of design typical of Tract 30134 and paved with concrete having a typical formula mixture of two pounds lamp black to each cubic yard of concrete mixture. Driveways between street and garage may be of black top, concrete having typical lamp black mixture as above, or such other material as may be approved by the Committee.

The following lots shall have reciprocal easements for driveway purposes: lots 2 and 3, lots 4 and 5, lots 15 and 16, lots 39 and 40, and lots 76 and 77. These double driveways shall be improved with paving 20 feet wide. Such driveways may be of blacktop or concrete provided that, if concrete, mixture shall be two pounds lamp black to each cubic yard of concrete mixture, or such other material as may be approved by the Committee.

Single access strip-type driveways serving Lots 17 and 29 shall be improved with paving 15 feet wide and may be of blacktop or of the typical concrete mixture specified above, or such other material as may be approved by the Committee.

The 15 foot driveway adjacent to Lot 52 is not a part of Tract 30134 and is not intended to serve Lot 52. This driveway will be the access driveway for a future lot to be created to the north of Lot 52.

The fire access roadway between Marie Canyon Road and Forest Gate Circle (as shown on the Final Map for Tract 30134) is not available for parking and must be kept free of parked cars at all times.

13. All walls and fences shall be maintained in good condition and be painted or stained if of wood or iron. If standard plain cememt or slumpstone cememt blocks are used, said walls shall be constructed of block not over four inches in height and painted. If standard cement blocks are used which are more than four inches in height, the wall shall be covered with stucco and shall be painted. Pattern or custom cement blocks shall not be used unless such blocks are of unusual custom design and unless the size of the blocks, design and wall are specifically approved by the Committee. In front of the front setback line, no wall or fence shall exceed five (5) feet in height above the surface of the ground upon which it is located, nor shall a wall or fence exceed six (6) feet in height to the

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rear of said front setback line unless said wall or fence is not within the side or rear setback areas. No hedge shall be planted or maintained in front of the front setback line at a greater height than five (5) feet from the ground, nor shall any hedge exceed six (6) feet in height to the rear of said front setback line unless said hedge is not within the side or rear setback lines.

In cases where the side or rear property line of a lot is at the top of the slope adjacent to the pad level of an upper lot, the owner of the lower lot shall not build a wall or fence on the said side or rear property line or on the slope adjacent thereto which wall or fence extends more than three feet above the pad level of the adjacent upper lot unless a written agreement and approval to do so is obtained from the owner of the upper lot and duly recorded.

No tennis court shall be constructed on any lot or combination of lots without the owner thereof having first obtained and recorded the written approval of the owner of every lot in Tract 30134 which is adjacent to such lot or combination of lots.

14. Each owner of a lot in said tract shall not in any way interfere with the established drainage in or over any lot in said Tract. In the event it is necessary to change the established drainage over any lot, adequate provisions for proper drainage shall be made therefor. For the purpose hereof "Established Drainage" is defined as the drainage as the same existed at the time of the overall grading of said Tract, including the landscaping of each lot in said Tract as completed by the undersigned.

Each lot owner shall provide continuous maintenance for all planted slopes within his lot and for all drainage benches, drainage channels and/or slopes to prevent drainage from overflowing onto other property. The owner of each lot shall keep said lot free and clear of weeds, debris and rubbish and keep the premises neat and in good order. Excepting homes not yet sold by Grantor, upon completion of a residence building, the lot owner shall within ninety (90) days plant and maintain lawns or otherwise landscape the front yard, and in the case of corner lots also the side street yard. The Grantor, its successors or assigns, hereby reserves the right, in the event of default in the performance of this covenant, after notice in writing to said lot owner to cure said default and lot owner's failure to do so within thirty days thereafter, to enter upon said lot and remove all weeds, debris and rubbish in accordance with this covenant and the expense thereof shall become due and payable from said lot owner to the Grantor within thirty (30) days after written demand therefor.

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15. No aerial or antenna for T.V., radio, ham radio, or any other purpose shall be installed on any lot except as may be installed under the roof and within the attic area of the home erected thereon. Spot or flood lights, if any, used for illumination or for accent lighting of landscaping, etc., shall be directed and/or controlled in such a manner as not to be an annoyance or nuisance to adjacent or nearby homeowners.

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16. No sign shall be placed or maintained on any lot prior to, during or after the erection of a residence thereon without the prior written consent of the Grantor, its successors or assigns, or duly authorized agent other than one ordinary 18" x 24" "Open for Inspection" "For Rent", "For Sale" or "Sold" sign of design approved by the Committee; and in the event any sign or signs shall be placed or maintained upon said premises in violation of these restrictions, said Grantor, or its successors or assigns, or duly authorized agent, may and is hereby authorized to enter upon said premises and to remove any and all such unauthorized signs.

Nothing contained in these restrictions and conditions shall operate to prohibit the Grantor, its successors, assigns, or its duly authorized agent from maintaining upon any lot or lots in said Tract a real estate Tract Office, together with suitable advertising signs for the purpose of conducting the proper development, sale and management of property in said Tract.

17. No trade, business or commercial activity of any sort shall be carried on upon said premises, nor shall anything be done thereon which may be or become an annoyance or nuisance to adjacent homeowners or a detriment to the neighborhood. No auction or public sale of real or personal property shall be conducted upon said premises, nor shall said premises or any part thereof be sold or offered for sale through an auction or public sale.

18. Any trailer, travel trailer, motor home, truck, boat, or other recreational or commercial vehicle shall not be used as additional living quarters, and shall be parked at all times within the garage of the respective home, except during reasonable loading, waiting, and/or unloading periods.

19. No livestock, dog, cat or other animal breeding, raising or care of a commercial nature shall be permitted. No hogs, sheep, bee hives, goats, cows or horses shall be permitted on said premises. No poultry shall be permitted or maintained on said property.

20. Violation or breach of any restriction herein contained shall give to Grantor and every owner of property subject to these restrictions the right to enter upon the property upon or as to which said violation or breach exists and to summarily abate and remove, at the expense of the owner or lessee thereof, any structure, thing or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof, or to prosecute a proceeding at law or in equity against the person or persons who have violated or are attempting to violate any of these restrictions to enjoin or prevent them from doing so, to cause said violation to be remedied or to recover damages.

The result of every action or omission whereby any restrictions herein contained is violated in whole or in part is hereby declared to be and to constitute a nuisance, and every remedy allowed by law or equity against an owner, either public or private, shall be applicable against every such result and may be exercised by Grantor or by any owner of property subject to these restrictions.

In any legal or equitable proceeding for the enforcement or to restrain the violation of this Declaration or any provision hereof, the losing party or parties shall pay the attorney's fees and court costs of the prevailing party or parties, in such amount as may be fixed by the Court in such proceedings. All remedies provided herein or at law or in equity shall be cumulative and not exclusive.

The failure of Grantor or any property owner to enforce any restriction herein contained shall in no event be deemed to be a waiver of the right to do so thereafter nor of the right to enforce any other restriction.

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21. If at any time any of said Paragraphs 1 to 19, inclusive, or any part thereof, shall be adjudged or held to be illegal, or invalid, such illegality or invalidity shall in no way affect or render illegal or invalid any of the other terms, conditions, covenants, and restrictions of said paragraph, or of any other paragraph or part thereof, but each and all of said other terms, conditions, covenants, and restrictions, notwithstanding said illegality or invalidity, shall be and remain in full force and effect.

Each and all of the conditions herein contained shall in all respects terminate and end and be of no further effect, either legal or equitable, either on said property or any part thereof, or on the parties thereto, their heirs, successors, devisees, executors, administrators or assigns, on or after January 1, of the year 2010 unless prior to said date and effective thereon, a written instrument shall be executed by the record owners of the majority of the lots in said property and duly recorded providing for an extension of these restrictions to a later date.

This Declaration, or any provision hereof, may also be modified or amended with the written consent of 100% of the Lots by recordation of the same in the Official Records of Los Angeles County.

Notwithstanding anything herein contained to the contrary, no breach of any of the foregoing conditions or any re-entry by reason of such breach shall defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to said property or any part thereof; but said conditions shall be binding upon and effective against any owner of said property whose title thereto was acquired by foreclosure, trustee's sale, or otherwise.

The foregoing conditions and restrictions constitute the minimum conditions and restrictions applying to any lot or lots in said Tract 30134. The right is reserved by the Grantor, in the case of any unsold lot or lots, to add other conditions and restrictions, to increase the requirements thereof as to setback lines, square footage content of buildings and otherwise to increase and supplement but not to diminish, the restrictions on said property.

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IN WITNESS WHEREOF, said Century Malibu, Inc. has hereunto caused its corporate name and seal to be affixed by its Officers thereunto duly authorized, on the day and year first hereinbefore written.

(S) By R. C. Hatfield
President

(CORPORATE SEAL)

(S) By L. W. Kempf
Secretary

STATE OF CALIFORNIA)
: SS.
COUNTY OF LOS ANGELES)

ON THIS 17th day of August, before me, the undersigned, a Notary Public in and for said County and State, personally appeared R. C. Hatfield, known to me to be the President and L. W. Kempf, known to me to be the Secretary of Century Malibu, Inc., the Corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the Corporation herein named, and acknowledged to me that such Corporation executed the same

WITNESS my hand and official seal the day and year in this Certificate first above written.

OFFICIAL SEAL
JUNE L. WALKUP
NOTARY PUBLIC-CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires Dec. 2, 1974
1900 Ave. of the Stars, Ste. 1500, Los Angeles, Ca. 90067

June L. Walkup (SEAL)
Notary Public and and for said
County and State

My Commission Expires 12-2-74

Recorded _____
as instrument No. _____
in Book _____, at Page _____,
Official Records of Los Angeles County,
California

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Attachment B

Malibu Country Estates Tract Map

SCALE: 1"=60'

TRACT NO. 30134

IN UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES

BEING A SUBDIVISION OF A PORTION OF RANCHO TOPANGA MALIBU SEQUIT PER PATENT RECORDED IN BOOK 1, PAGE 407 ET. SEQ. OF PATENTS OFFICIAL RECORDS OF LOS ANGELES COUNTY, STATE OF CALIFORNIA

DANIEL · MANN · JOHNSON · & MENDENHALL

FILED
AT REQUEST OF OWNER
AUG. 25, 1972
MIN. 27 PAST 4 PM
IN BOOK 820
AT PAGE 15
OF MAP RECORDS
LOS ANGELES COUNTY, CALIF.
COUNTY RECORDER
BY
$19.00
Deputy

We hereby certify that we are the owners of, or are interested in the land included within the subdivision shown on the annexed map and we consent to the preparation and filing of said subdivision as shown within the colored border lines, and we hereby dedicate to the public use all highways, streets and other public ways shown on said map. We further certify that except as shown on a copy of this map on file in the office of the County Road Commissioner we know of no easement or structure existing within the easements hereby offered for dedication to the public, other than publicly owned water lines, sewers or storm drains. That we will grant no right or interest within the boundaries of said easements offered to the public except where such right or interest is expressly made subject to the said easements. And we hereby dedicate to the County of Los Angeles the easements for storm drain, (access) and sanitary sewer purposes and for emergency vehicular access over the strips of land so designated on said map, and all uses incident thereto including the right to make connections therewith from adjoining properties. As a dedication to public use while all of Marie Canyon Road adjacent to this subdivision remains a public highway and for such time only we hereby abandon all rights of direct ingress and egress to said highway so that the owners of lots 85 to 87 inclusive, and 107 abutting this highway during such time will have no rights of access whatever in the highway as such except the general easement of travel which belongs to the whole public. If any change of alignment or width of such highway results in the vacation of any part adjacent to this subdivision, such vacation terminates the above dedication as to the part vacated. We hereby dedicate to the County of Los Angeles the right to prohibit construction of more than one residence and related accessory buildings on lots 1, 3 to 5 inclusive, 9, 11 to 15 inclusive, 29 to 34 inclusive, 39, 40, 50, 51, 75, 76, 79, 84, 86, 87, and 107. We hereby dedicate to the County of Los Angeles the right to restrict the erection of residential buildings or other structures within those areas designated on the map as restricted use areas. We hereby grant Lot 108 in fee simple to the County of Los Angeles.

CENTURY MALIBU, INC., A DELAWARE CORPORATION
(OWNERS)
AND
(EASEMENT HOLDER)

Granted by deeds recorded in Book D-4663, Page 624 Official Records and in Book D-4663, Page 634 Official Records, said easements are blanket in nature.

By Robert C. Hatfield
President

By J.W. Kempf
Secretary

By Merritt H. Adamson
Merritt H. Adamson, Owner

By Rhoda-May Adamson Dallas
Rhoda-May Adamson Dallas, Owner

By Sylvia R.A. Neville
Sylvia R.A. Neville, Owner

IN RE TRACT NO. 30134
IT IS ORDERED THAT THE MAP OF TRACT NO. 30134 IS HEREBY APPROVED; THAT THE BOND IN THE AMOUNT OF $44,875.00 FILED WITH THIS BOARD TO INSURE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES BE APPROVED; THAT ALL STREETS, HIGHWAYS AND OTHER PUBLIC WAYS AND EASEMENTS SHOWN ON SAID MAP AND OFFERED FOR DEDICATION BE AND THE SAME ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC. *THAT THE OFFER OF THE RIGHT TO RESTRICT THE ERECTION OF BUILDINGS OR OTHER STRUCTURES BE AND THE SAME IS HEREBY ACCEPTED ON BEHALF OF THE PUBLIC. THAT THE OFFER OF THE RIGHT TO PROHIBIT THE CONSTRUCTION OF MORE THAN ONE RESIDENTIAL BUILDING BE AND THE SAME IS HEREBY ACCEPTED ON BEHALF OF THE PUBLIC. THAT THE OFFER OF DEDICATION FOR ABANDOINMENT OF THE RIGHTS OF INGRESS AND EGRESS BE AND THE SAME IS HEREBY ACCEPTED ON BEHALF OF THE PUBLIC. THAT THE GRANT OF LOT 108 IN FEE SIMPLE BE AND THE SAME IS HEREBY ACCEPTED ON BEHALF OF THE PUBLIC.*

I HEREBY CERTIFY THAT THE FOREGOING ORDER WAS ADOPTED BY THE BOARD OF SUPERVISORS AT A MEETING HELD Aug. 24 1972

JAMES S. MIKE, EXECUTIVE OFFICER -
CLERK OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY Frances M. Brenby DEPUTY

I hereby certify that I have examined this map, that it conforms substantially to the tentative map and all approved alterations thereof; that all provisions of applicable State law and local subdivision ordinances have been complied with; and that I am satisfied that this map is technically correct.

Dated: August 25, 1972

Harvey T. Brandt
COUNTY ENGINEER
By
Deputy

I hereby certify that I am a Licensed Land Surveyor of the State of California, that this map consisting of 8 sheets correctly represents a true and complete survey made under my supervision September '71 that the monuments of the character and location shown hereon are in place or will be in place within twenty four months from filing date of this map; that said monuments are sufficient to enable the survey to be readily retraced and that tie notes to all centerline monuments shown hereon as to be set by me will be on file in the office of the County Engineer within twenty four months from filing date of this map.

Licensed Land Surveyor No. 2836

Basis of Bearings:

All bearings shown on this map are based on the California State Coordinate System, Zone 7, Lambert Grid. The bearing of N84°57'05"E between Los Angeles County Engineer Traverse Stations Solstice Canyon K-9 and L-8 was used as the basis of bearings for this map.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } SS.

On JANUARY 27, 1972 before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT C. HATFIELD known to me to be the ——— President, and L.W. KEMPF ———, known to me to be ——— Secretary of CENTURY MALIBU, INC., the Corporation that executed the within Instrument, and known to me to be the persons who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within Instrument pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.

Signature June L. Walkup
JUNE L. WALKUP
Name (Typed or Printed)

STATE OF CALIFORNIA
COUNTY OF Los Angeles } SS.

On FEBRUARY 3, 1972 before me, the undersigned, a Notary Public in and for said County and State, personally appeared MERRITH. ADAMSON, RHODA-MAY ADAMSON DALLAS, & SYLVIA R.A. NEVILLE known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same

Roseann Buddy Smith
Signature of Notary

ROSEANN BUDDY SMITH
Name (Typed or Printed) of Notary

The signature of the State of California, owner of easement as disclosed in Book 20743, Page 271, Official Records of Los Angeles County, has been omitted under the provisions of Section 11587 (a) of the Subdivision Map Act, their interest is such that it cannot ripen into a fee title and said signature is not required by the governing body.

The present owners of all mineral, oil, petroleum, asphaltum, gas, coal and other mineral and hydrocarbon substances reserved in the deeds recorded May 19, 1965 in Book D-2910 Page 176 Official Records, December 31, 1968 in Book D-4239 Page 596, Official Records; March 20, 1970 in Book D-4662 Page 924, Official Records and August 14, 1970 in Book D-4803 Page 161 of Official Records, and May 3, 1971, in Book D-5045 Page 769, Official Records (of Los Angeles County), have been omitted as necessary parties to sign the map under the provisions of Section 11587 C-(1) of the Subdivision Map Act inasmuch as such ownership does not include a right of entry on the surface of the land. Certain of said rights of entry on the surface were relinquished by deed recorded March 20, 1970 in Book D4662 Page 881, Official Records, Records of Los Angeles County.

MONUMENT NOTE:
2"I.P. DENOTES A 2" IRON PIPE 30" LONG WITH CEMENT PLUG AND SEAL STAMPED L.S. 2836 AND SET FLUSH
S.&T. DENOTES A 6" BOAT SPIKE, WASHER AND TIN STAMPED L.S. 2836

BOOK 820 PAGE 16

SCALE: 1" = 60'

TRACT NO. 30134

IN UNINCORPORATED TERRITORY OF THE
COUNTY OF LOS ANGELES

DANIEL · MANN · JOHNSON & MENDENHALL

SHEET 2 OF 8 SHEETS

FILED WITH LOS ANGELES
COUNTY RECORDER
AUG 25 1972

SEE SHEET 3

SEE SHEET 3

SEE SHEET 4

VANTAGE POINT TERRACE

MALIBU COUNTRY PLOVER WAY

MALIBU COUNTRY DRIVE

MALIBU CANYON ROAD

PACIFIC COAST HIGHWAY

NORTHEASTERLY LINE OF OR. D46662 - 924

N 42° 13' 47" W - 894.01'

6' EASEMENT FOR SANITARY SEWER PURPOSES TO THE COUNTY OF LOS ANGELES

10' EASEMENT FOR STORM DRAIN PURPOSES TO THE COUNTY OF LOS ANGELES.

RESTRICTED USE AREA

92 91 90 89 88 87 86 85 84 83 93 103 104 105 106 107 108

107
0.79 AC. GROSS
0.49 AC. NET

SET 2" I.P.

N 84° 57' 05" E 1108.44'

SOUTHERLY LINE OF PARCEL 1, O.R. D46662 - 924

SEE DETAIL ON SHEET 4

TOTAL CURVE
Δ = 81° 42' 17"
R = 13'
L = 18.54'

N 51° 15' 37" W

N 51° 56' 56" E 154.51'

582.95'

188.94' PER O.R. D46662 - 924

N 83° 25' 42" W RADIAL

PER O.R. D46662-924

NOT A PART OF THIS SUBDIVISION

IDENTICAL

N 0° 33' 15" E - 139.97'

N 0° 33' 15" E - 124.84'

390.00'

209.73'

50'

50'

N 84° 56' 33" E 154.74'

N 84° 56' 33" E 1432.72'

1432.70'

N 84° 51' 05" E

3556.81'

4125.75'

2006.13'

℄ PER CSB 5022-3 & CSFB 2992, Pg's 57, 65-68

℄ PER ORD. 4662-924 & CSFB 1652 Pgs. 65-67

℄ MALIBU CANYON ROAD N 5° 02' 55" W 402.11'

PER O.R. D46662 - 924

N 5° 03' 27" W 0.55'

N 4124939.24
E 4071439.75
Fd. LA. COUNTY ENGR. TRAVERSE STA. SOLSTICE CYN. K-8 PER FB 1652 PG. 65 AND FB 1312 PG. 87

N 4125252.25
E 4074982.70
Fd L.A. COUNTY ENG. TRAVERSE STA.: SOLSTICE CYN. L-8 PER FB. 1652 PG. 67

F/L ℄ PER CSFB. 2992, PG. 65

S & T to be set

SET 2" I.P.

#2 820/17'

BOOK 820 PAGE 17

SCALE 1"= 60'

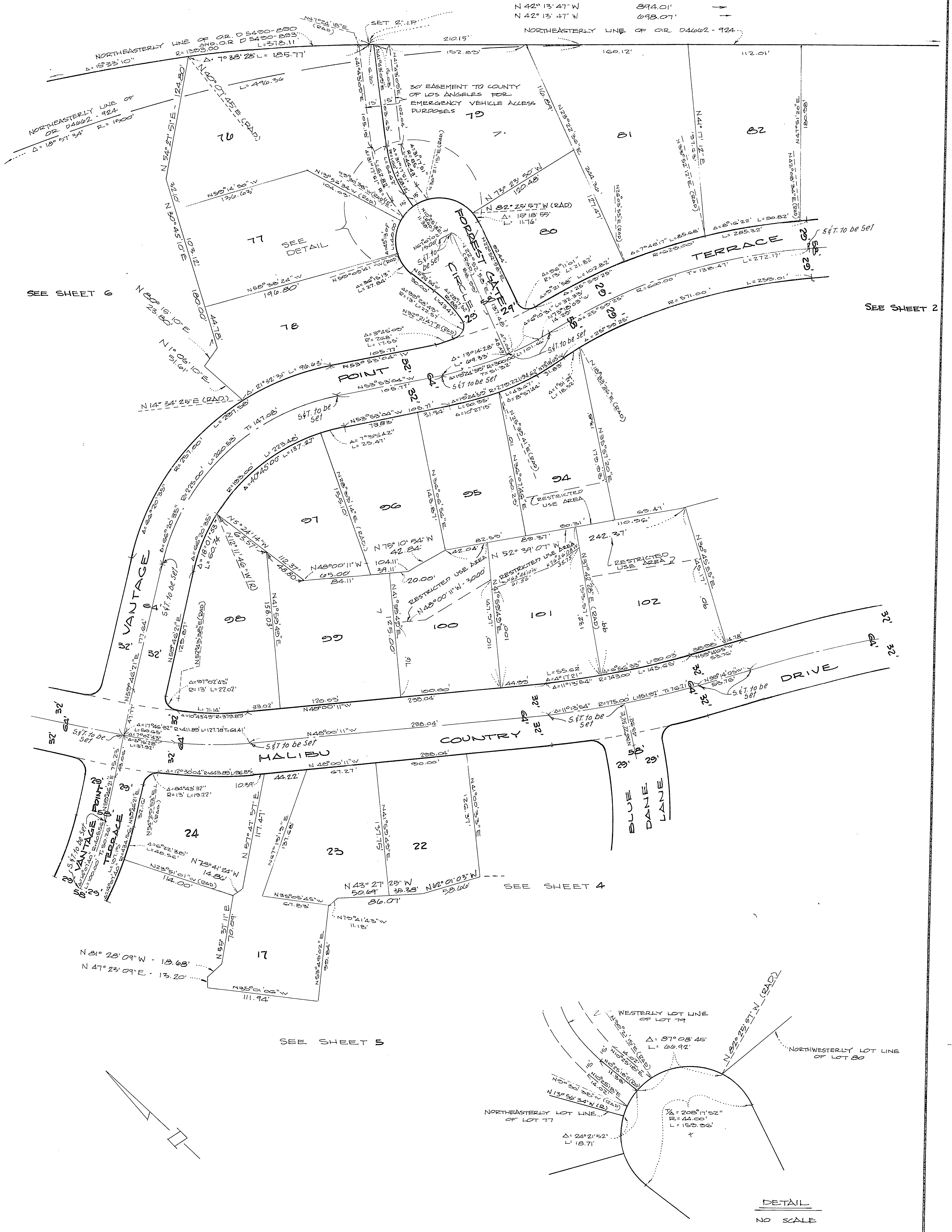
TRACT NO. 30134

IN UNINCORPORATED TERRITORY OF THE
COUNTY OF LOS ANGELES

DANIEL·MANN·JOHNSON & MENDENHALL

SHEET 3 OF 8 SHEETS

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AUG 25 1972

BOOK 820 PAGE 18

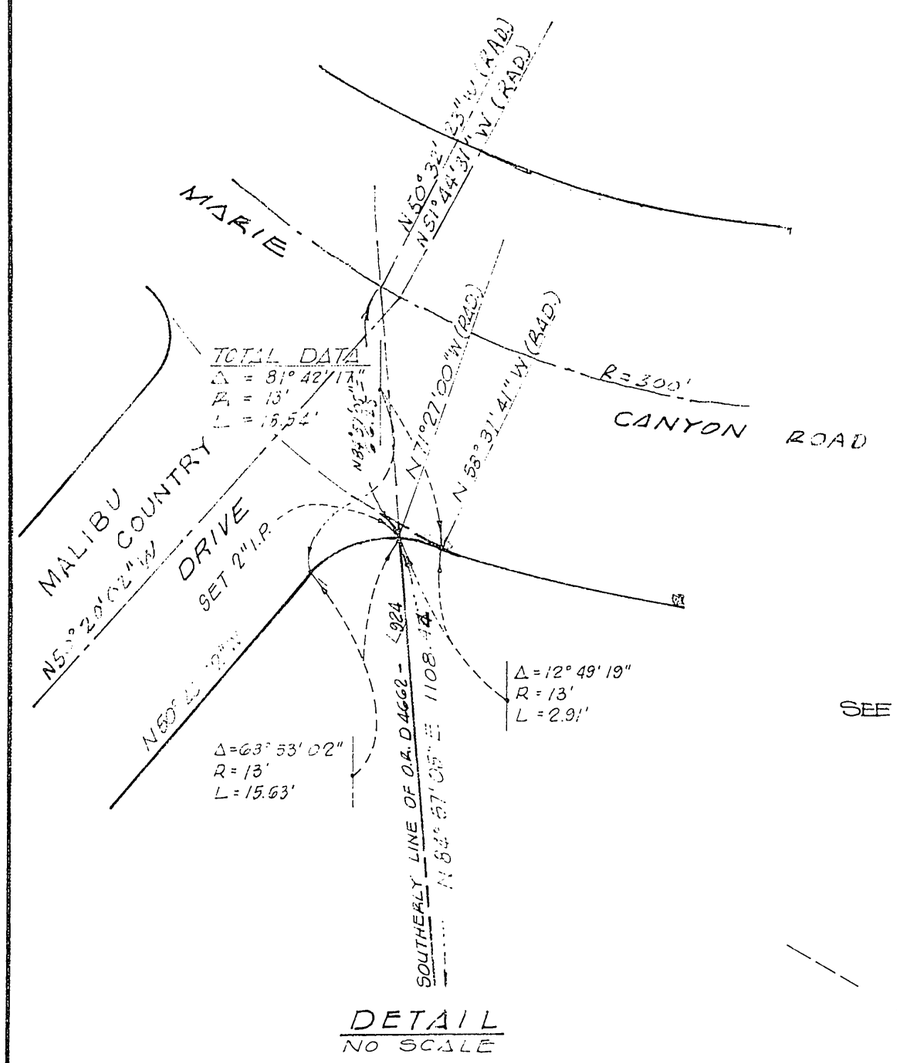
SCALE: 1"=60'

TRACT NO. 30134

IN UNINCORPORATED TERRITORY OF THE
COUNTY OF LOS ANGELES

DANIEL · MANN · JOHNSON · & MENDENHALL

SHEET 4 OF 8 SHEETS



$2.00 820/19

BOOK 820 PAGE 19

SCALE: 1" = 60'

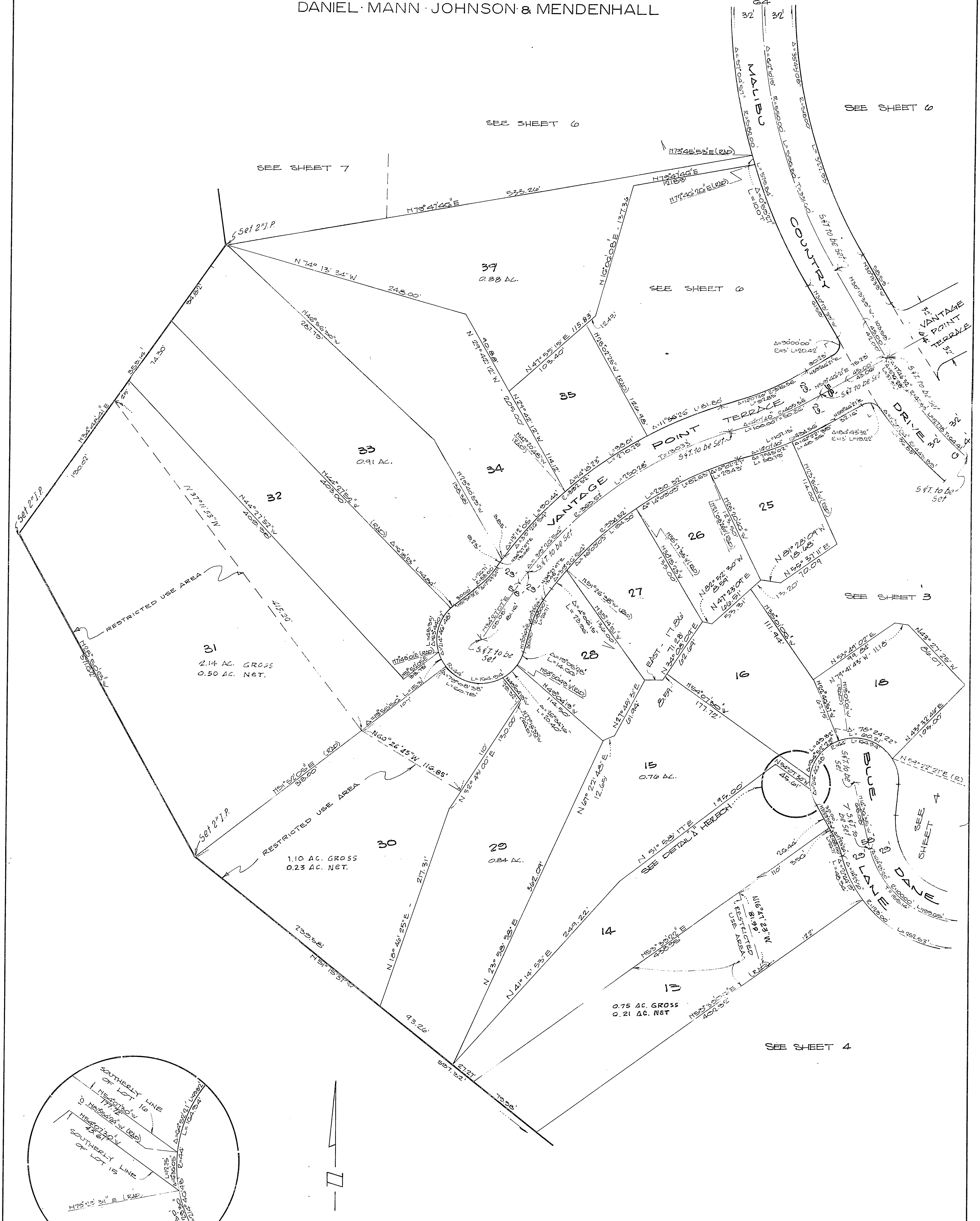
TRACT NO. 30134

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SHEET 5 OF 8 SHEETS

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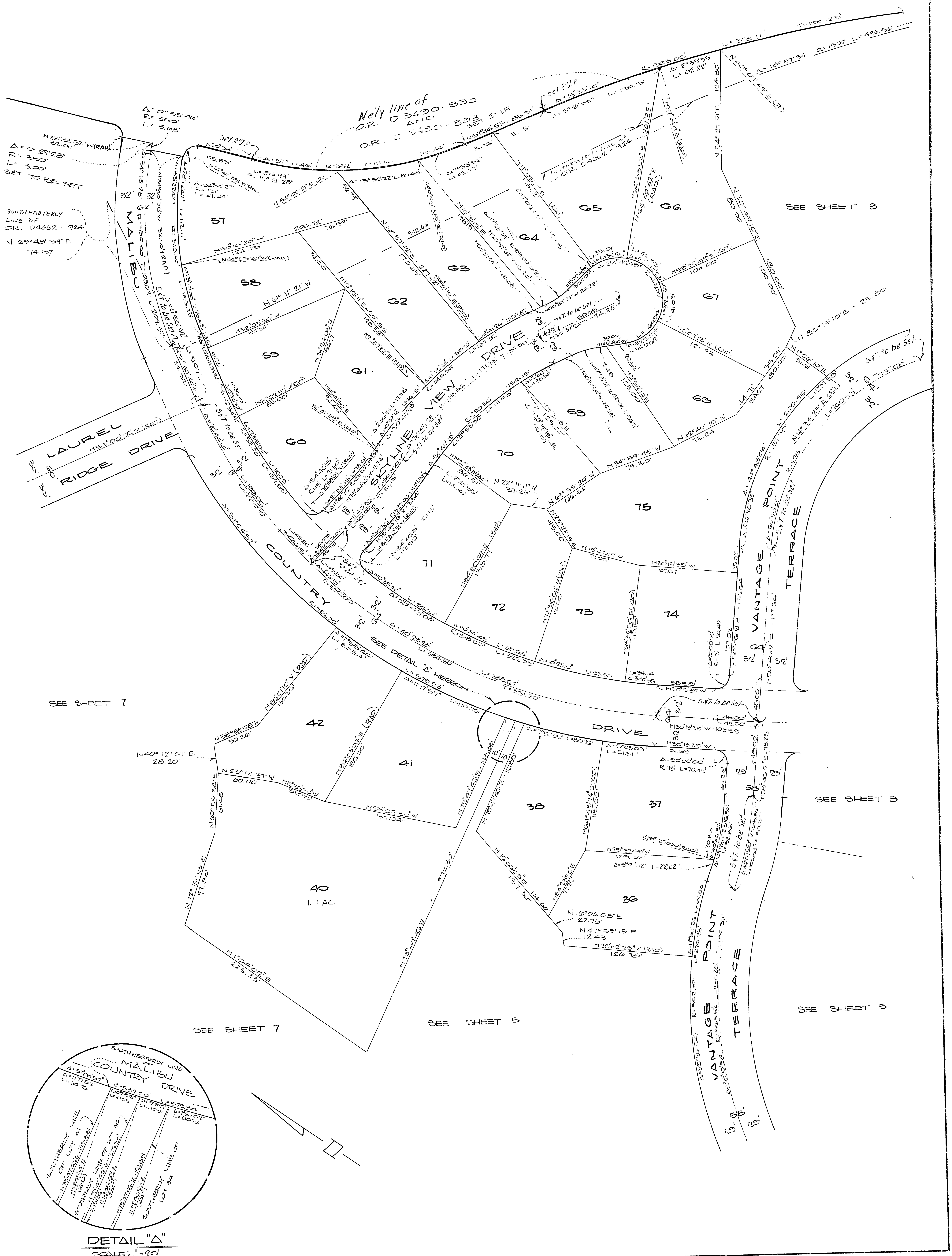
SCALE: 1" = 60'

TRACT NO. 30134

IN UNINCORPORATED TERRITORY OF THE
COUNTY OF LOS ANGELES

DANIEL·MANN·JOHNSON· & MENDENHALL

FILED WITH LOS ANGELES
COUNTY RECORDER
AUG 25 1972



BOOK 820 PAGE 21

SCALE: 1"= 60'

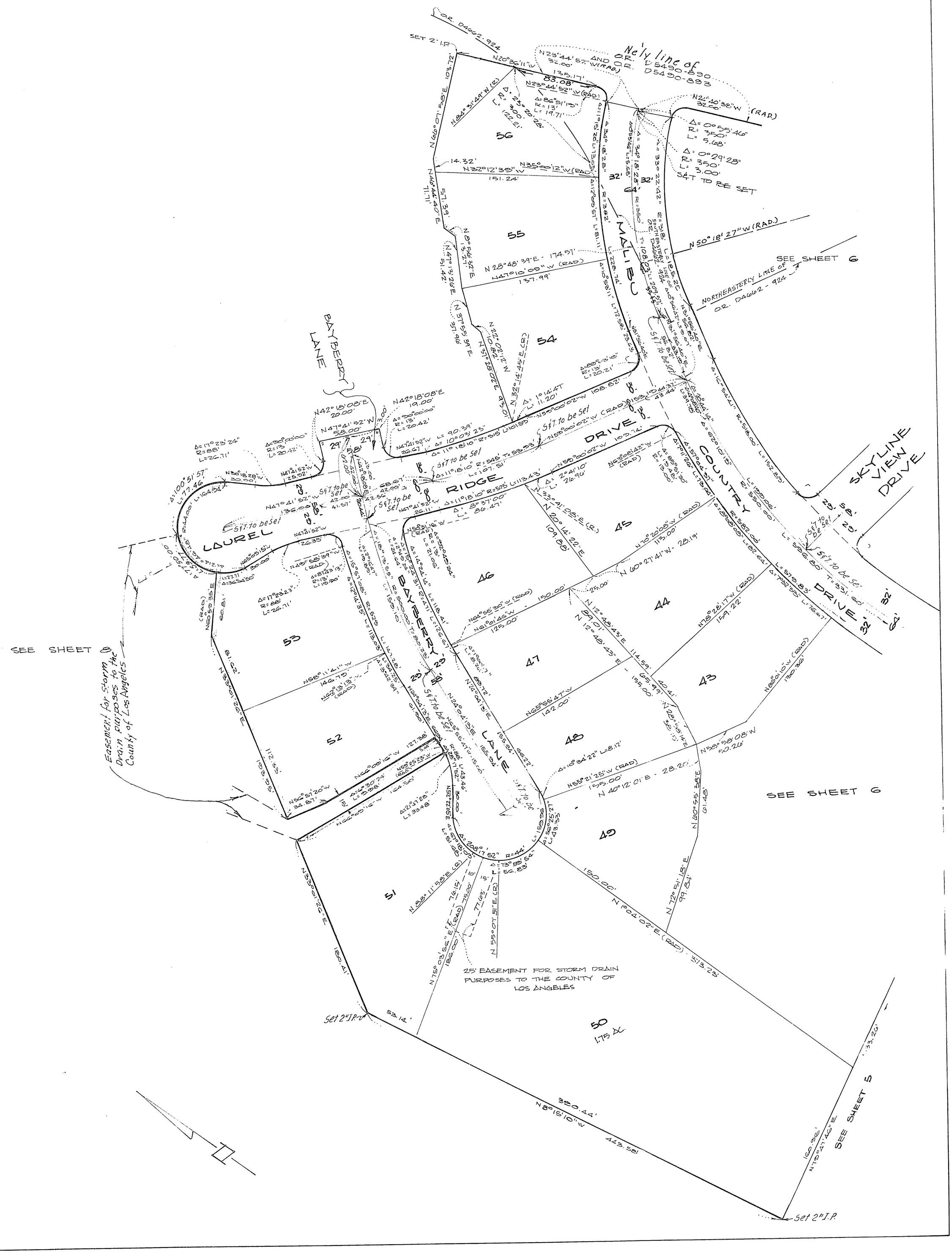
TRACT NO. 30134

IN UNINCORPORATED TERRITORY OF THE
COUNTY OF LOS ANGELES

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SHEET 7 OF 8 SHEETS

FILED WITH LOS ANGELES
COUNTY RECORDER
AUG 25 1972



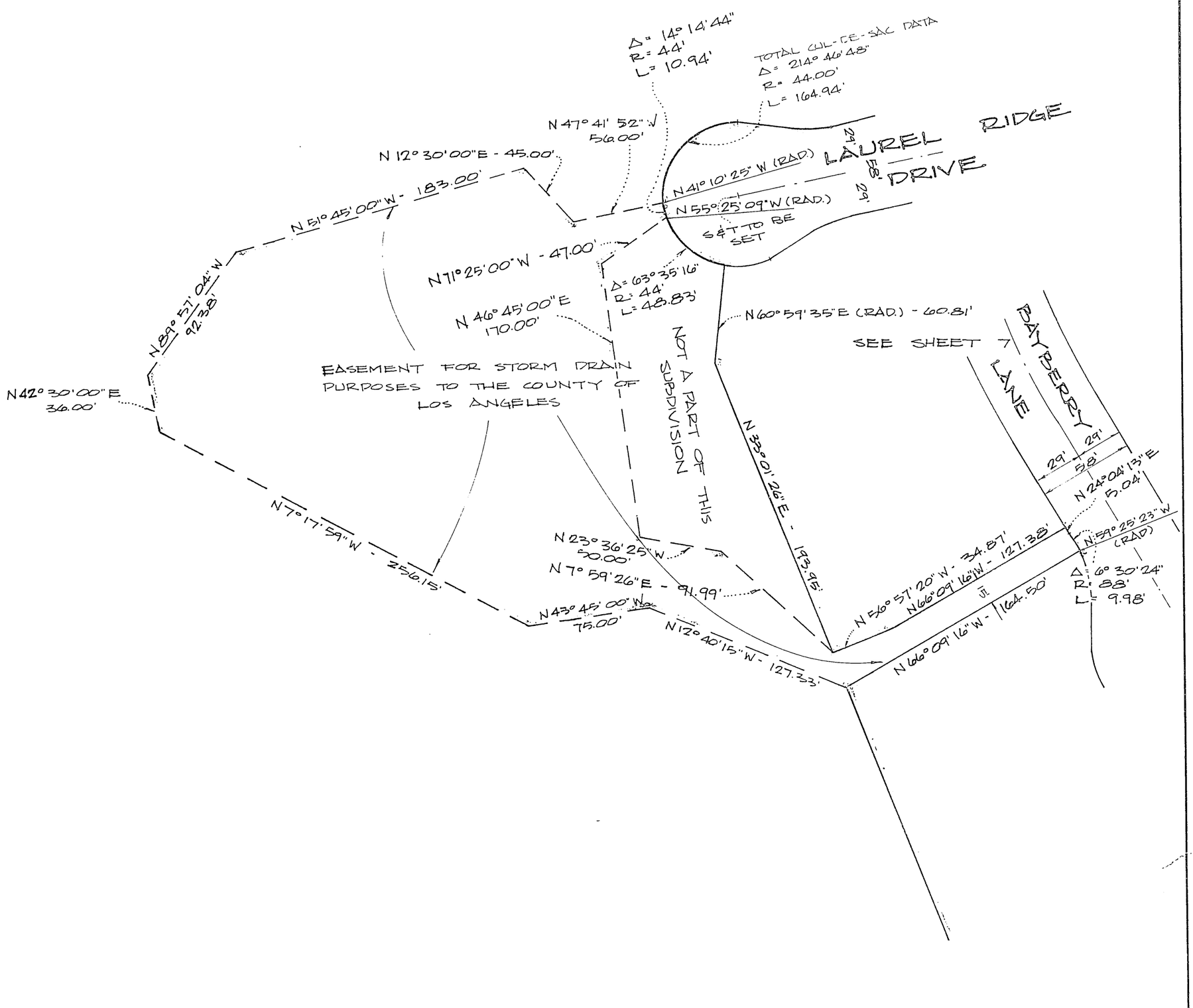
SCALE: 1"=60'

TRACT NO. 30134

IN UNINCORPORATED TERRITORY OF THE
COUNTY OF LOS ANGELES

DANIEL · MANN · JOHNSON & MENDENHALL

FILED WITH LOS ANGELES
COUNTY RECORDER
AUG 25 1972



Attachment C

Custom Development Criteria

City of Malibu

23805 Stuart Ranch Road, Suite 245 Malibu, California 90265 (310) 456-2489 Fax (310) 456-3356

Planning Department

September 10, 1993

Malibu Country Estates HOA
c/o Marilyn Santman
24633 Vantage Point Terrace
Malibu, CA 90265

Re: Custom Development Criteria

Dear Homeowner Association:

The Interim Zoning Ordinance of the City of Malibu provides for existing Homeowner's Associations and neighborhoods to apply to the City Council for consideration of custom development criteria. Such custom development criteria would allow for development in established neighborhoods to be consistent with existing Conditions, Covenants and Restrictions (C, C & R's) or neighborhood standards in-lieu of the Property Design and Development Criteria specified in the Interim Zoning Ordinance.

Attached is Chapter 9215 of the Interim Zoning Ordinance which authorizes the creation of Custom Subdivision Development Criteria. Additionally, an information and application submittal requirements sheet is included which provides directions as to how to apply for this review. Finally, a sample form is provided which can be used to verify that the required percentage of homeowners have accepted the proposed custom development criteria.

Please call if you have any questions regarding this matter.

Sincerely,

Robert Benard
Planning Director

Attachment D

Geotechnical Report

GEOLOGIC AND GEOTECHNICAL ENGINEERING INVESTIGATION,
PROPOSED MANUFACTURED ACCESSORY DWELLING UNIT (ADU),
24507 Vantage Point Terrace,
Malibu, California 90265

for

HELMUT MEISSNER

October 12, 2020 W.O. 7508

MDN 21724

GeoSoils Consultants Inc.

GeoSoils Consultants Inc.
GEOTECHNICAL GEOLOGIC ENVIRONMENTAL

October 12, 2020
W.O. 7508

MR. HELMUT MEISSNER
24507 Vantage Point Terrace
Malibu, California 90265

Subject: **Geologic and Geotechnical Engineering Investigation, Proposed Manufactured Accessory Dwelling Unit (ADU), 24507 Vantage Point Terrace, Malibu, California 90265**

INTRODUCTION

As requested, GeoSoils Consultants, Inc. (GSC) has performed a geologic and geotechnical engineering investigation for the subject site. The purpose of this investigation was to evaluate the geologic and geotechnical engineering conditions on the site and their impact on the proposed development. Proposed development will consist of a new manufactured accessory dwelling unit located at the toe of the slope.

This report has been prepared in accordance with generally accepted geotechnical engineering practices in the City of Malibu at the time it was prepared. The report presents a brief description of the site, the geotechnical engineering characteristics of the area, the seismicity of the area, an engineering analysis of the site characteristics, conclusions, and preliminary recommendations to development the site.

Opinions presented in this report are based on an inspection of the site, geologic mapping at the site, logging of test pit excavations, a review of the regional geologic maps and seismic hazard reports, review of available geotechnical reports for the surrounding area, and our general knowledge of the geologic and soils engineering conditions in the site area. The opinions presented have been arrived at through the exercise of the generally understood standard of care for our profession and standard of engineering practice, as we understand it.

6634 Valjean Avenue, Van Nuys, California 91406 Phone: (818) 785-2158 Fax: (818) 785-1548

SCOPE OF SERVICES

This geotechnical engineering study included:

a. Research of available data from the City of Malibu online public records system. Copies of available data are presented in Appendix D.

b. Research of published geologic and seismic hazard reports.

c. Excavating, sampling, and logging of two hand dug test pits. The test pit locations are shown on the enclosed Plate 1, Geologic Map. The test pit logs (Plates TP-1 and TP-2) are provided in Appendix A along with a general description of the field operations.

d. Laboratory testing of selected samples to determine the engineering properties of the on-site soils. The results of laboratory testing are presented in Appendix B

e. Engineering analyses of the data and information obtained from our field study and laboratory testing.

f. Preparation of this report summarizing our findings, conclusions, and recommendations.

SITE DESCRIPTION

The subject site is located at the south end of the Vantage Point Terrace cul de sac (Figure 1). The existing site conditions are shown on the Geologic Map, Plate 1. The property consists of a generally level artificial fill building pad that descends down to John Tyler Drive. A descending fill slope is located to the east of the existing residence and descends down to the lower street grade. The descending slope is approximately 20 feet high at angles of approximately 2H:1V.

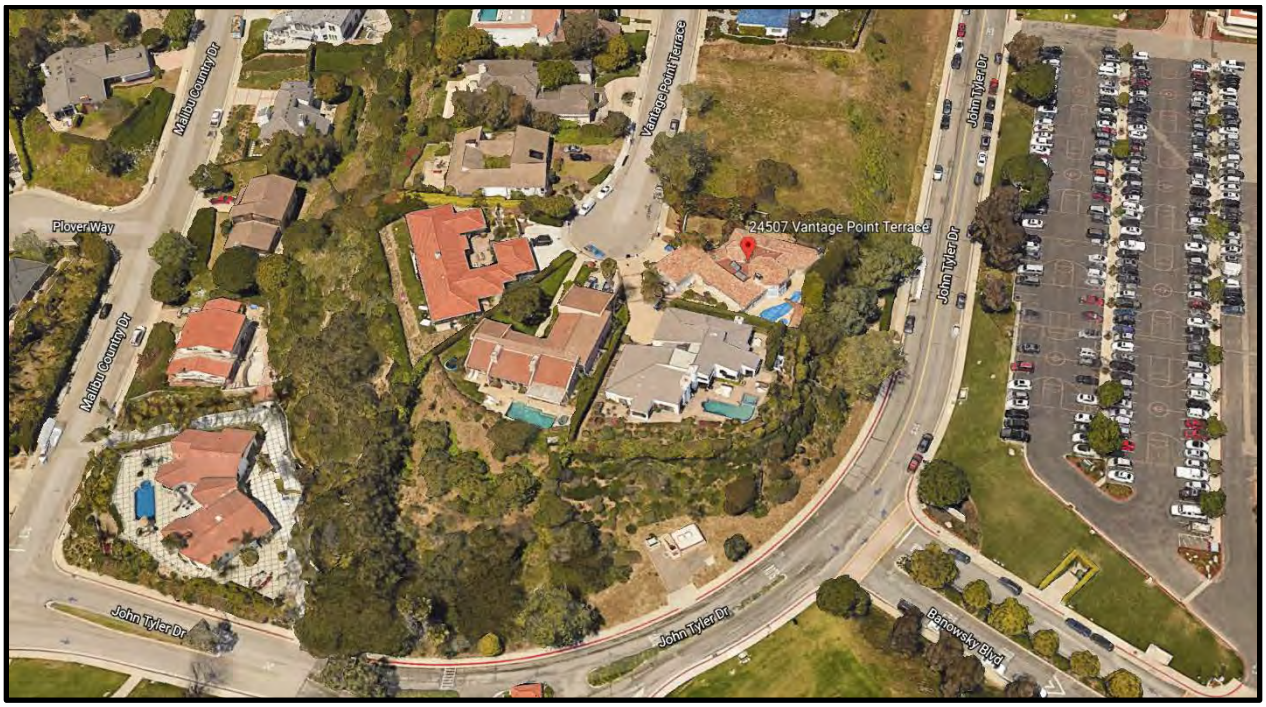


Figure 1: Site Location Map

PROPOSED DEVELOPMENT

The proposed development consists of a manufactured ADU that is located in the flat area along the toe of the slope and John Tyler Drive. Foundation plans are included as SPA-24-3F, Drawings 1 to 3. A perimeter footing will be provided around the structure and pier footings will be supported on concrete pads.

CITY RESEARCH

The City of Malibu files were researched via the OnBase Portal online public records system. For the subject site, soil reports were on file for the recently constructed pool and spa. The report and subsequent addendum were prepared circa late 2016. Per the report prepared by Schick Geotechnical, Inc. dated September 21, 2016, the lot was graded as part of Tract 30134 in the early 1970s and the home was constructed circa 1987. The original reports prepared by James E. Slosson & Associates for the graded tract were not available from the City of Malibu online public records system. However, portions of the reports were referenced in the addendum report by Schick Geotechnical, Inc. dated November 5, 2016.

GEOLOGIC CONDITIONS

Geologic conditions of the site were determined through research, field mapping, and subsurface exploration, and the results were superimposed on the Geologic Map, Plate 1. During construction, a representative from GSC should be present to confirm the geologic conditions encountered on the site are consistent with those presented herein. The following sections present our findings concerning subsurface soil conditions, groundwater conditions, and expansion potential.

Regional Geologic Setting

The subject property is located within the southwestern portion of the Transverse Ranges Geomorphic province of California. The Transverse Ranges consist of generally east-west trending mountains and valleys, which contrast with the north-northwest regional trend elsewhere in the state. The structure of the Transverse Ranges is controlled by the effects of north-south compressive deformation (crustal shortening), which is attributed to convergence between the big bend of the San Andreas fault north of the San Gabriel Mountains and the motion of the Pacific Plate. The valleys and mountains of the Transverse Ranges are typically bounded by a series of east-west trending, generally north dipping reverse faults with left-lateral oblique movement.

Local Regional Setting

The subject site is located within the Malibu Beach USGS 7.5-minute quadrangle. The site is underlain by approximately 20-feet of certified compacted fill and bedrock of the Sespe Formation. A Local Regional Setting Map is presented in Figure 2.

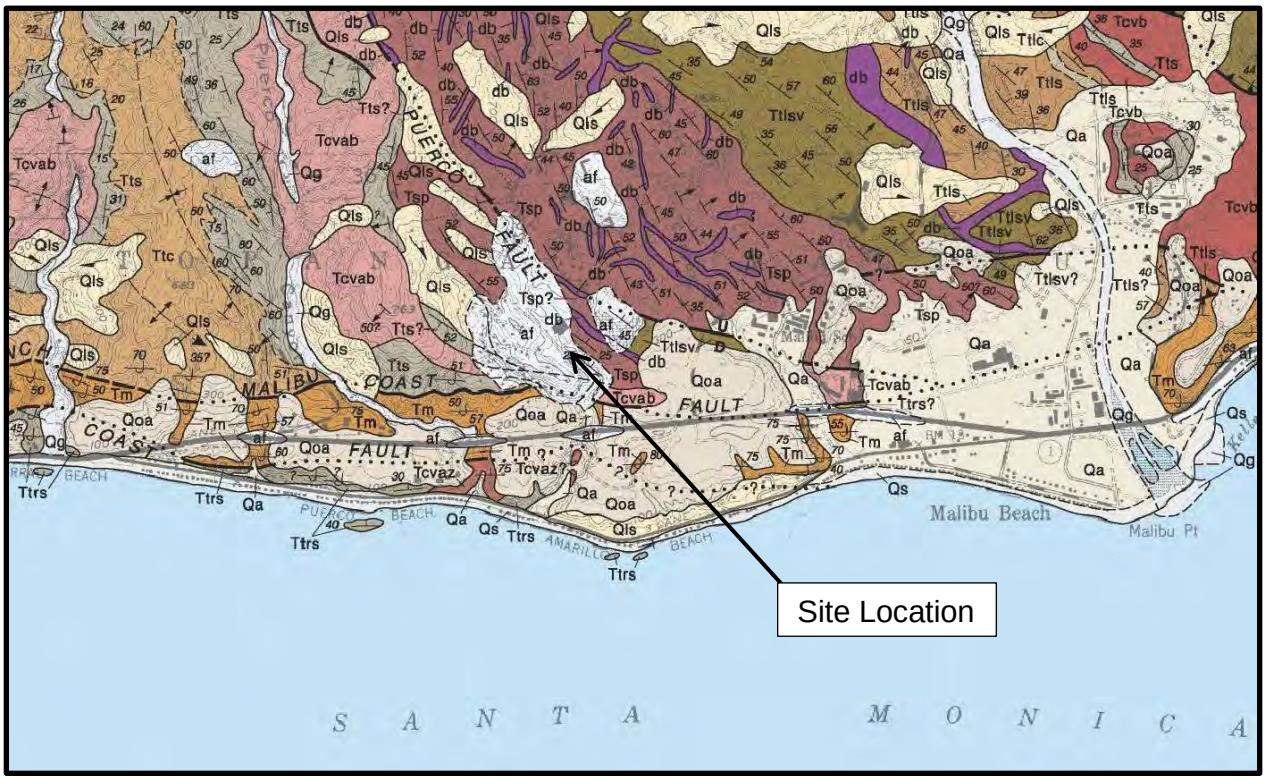


Figure 2: Local Geologic Setting

SUBSURFACE CONDITIONS

The following sections present our findings concerning subsurface soil conditions and expansion potential of surficial site soils.

We offer the following general description of materials encountered during our subsurface explorations.

Artificial fill (af): Approximately 20-feet of certified compacted fill blankets the site. The fill can be described as silty gravelly sand with clay binder. The fill is light grey brown to brown, slightly moist to moist at depth, well compacted, dense with abundant cobble and well graded. The lab work revealed that the upper 2 to 3 feet of material has been disturbed. All undisturbed fill materials are unsuitable for structural support. The fill materials below 3 feet are suitable for use as a base for the placement of compacted fill.

Bedrock, Sespe Formation (Tsp): Bedrock was observed in TP-2. The bedrock consists of claystone and sandstone. The bedrock was observed via the hand auger and sampler at 20-feet and was grey, moist, moderately hard, and dense. The bedrock is suitable for structural support.

The enclosed test pits, which are included in Appendix A, provide a detailed description of the soil strata encountered in our subsurface exploration.

Expansion Potential and Chemical Content of Surficial Site Soils

For preliminary foundation design purposes, the certified fill should be considered to have a low expansion potential with an expansion index of 34.

Chemical series was performed for the onsite soils. The results are presented in Appendix B. The material has a moderate sulfate content and is severely corrosive to ferrous metals.

WATER

Surface Water

Surface water consists of sheet flow from precipitation falling directly on the site and landscape watering.

Groundwater

No groundwater was encountered in our test pits excavated on the site to a maximum depth of 20 feet. However, perched groundwater levels typically fluctuate and may vary in response to season, precipitation patterns, on or off-site construction activities, site utilization, and other factors. Groundwater is not anticipated to pose a problem during development of this site.

FAULTING AND SEISMICITY

The project site is not within an Alquist-Priolo Earthquake Fault Zone or FER-229. A portion of the Malibu Coast Fault is mapped across the southern portion of the property. As stated in the response letter by Schick Geotechnical, Inc. dated November 5, 2016, the fault was

determined to be inactive by Leighton and Associates. As a result, fault trench is not required on the site. However, this site has experienced earthquake-induced ground shaking in the past and can be expected to experience further shaking in the future. Therefore, earthquake resistant design is recommended.

The site is not located within a zone of potential liquefaction; however, the fill slope on-site is located within a zone of potential seismic instability (Figure 3).

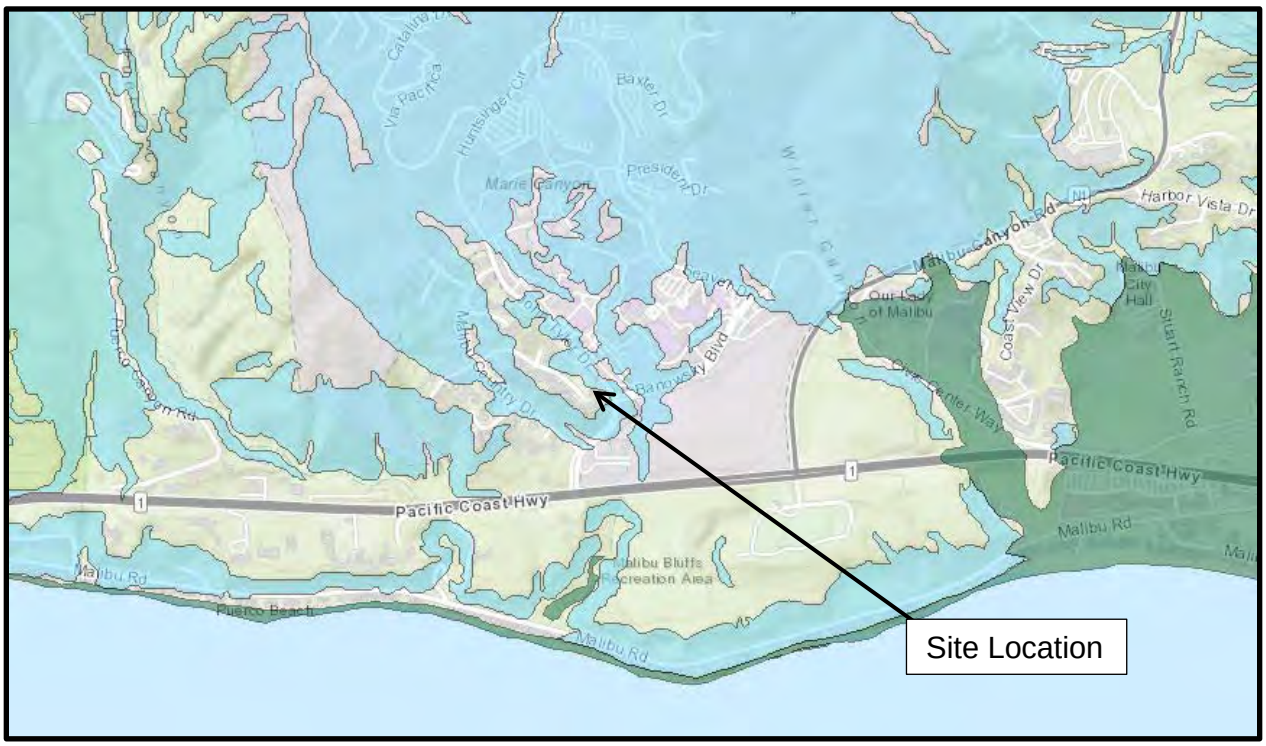


Figure 3: Seismic Hazard Zones of Required Investigation

Seismic Design Criteria

The 2019 CBC (California Building Code) seismic coefficient criteria are provided here for structural design consideration (Table 1).

Under the Earthquake Design Regulations of Chapter 16, Section 1613 of the CBC 2019, and based on the mapped values, the following coefficients and factors apply to the lateral-force design for the proposed structure at the site. The site is underlain by compacted fill and Class D is recommended.

TABLE 1 2019 CBC SECTION 1613, EARTHQUAKE LOADS	
Site Class Definition	D
Mapped Spectral Response Acceleration Parameter, S_s (Table 1613.3.1 for 0.2 second)	1.684
Mapped Spectral Response Acceleration Parameter, S_1 (Table 1613.3.1 for 1.0 second)	0.593
Site Coefficient, F_a (Table 1613.3.3(1) short period)	1.2
Site Coefficient, F_v (Table 1613.3.3(2) 1-second period)	null
Adjusted Maximum Considered Earthquake Spectral Response Acceleration Parameter S_{MS} (Eq. 16-37)	2.021
Adjusted Maximum Considered Earthquake Spectral Response Acceleration Parameter S_{M1} (Eq. 16-38)	null
Design Spectral Response Acceleration Parameter, S_{DS} (Eq. 16-39)	1.347
Design Spectral Response Acceleration Parameter, S_{D1} (Eq. 16-40)	null
Notes: Location: Longitude: -118.7093, Latitude: 34.0367 1. Site Class Designation: Class D is recommended based on subsurface condition. 2. Ss, SMs, and SDs are spectral response accelerations for the period of 0.2 second. 3. S1, SM1, and SD1 are spectral response accelerations for the period of 1.0 second.	

Conformance to the above criteria for seismic excitation does not constitute any kind of guarantee or assurance that significant structural damage or ground failure will not occur if a maximum level earthquake occurs. The primary goal of seismic design is to protect life and not to avoid all damage, since such design may be economically prohibitive. Following a major earthquake, a building may be damaged beyond repair, yet not collapse.

Secondary Earthquake Effects

Ground shaking produced during an earthquake can result in a number of potentially damaging phenomena classified as secondary earthquake effects. These secondary effects include ground rupture, landslides, lurching, seiches and tsunamis, seismically-induced settlement, and liquefaction. Descriptions of each of these phenomenons and how it could potentially affect the site are described below:

Ground Rupture

Ground surface rupture results when the movement along a fault is sufficient to cause a surface gap or rupture along the upper edge of the fault zone. Since there are no known active faults on the site, the potential for ground rupture is considered remote.

Landsliding

Landslides are slope failures that occur where the horizontal seismic forces act to induce soil and/or bedrock failures. The most common failure occurs by the reactivation or movement of a pre-existing landslide. Typically, existing slides that

are stable under static conditions (i.e., factor-of-safety at or greater than one) become unstable and move during strong ground shaking. The subject site is located in an earthquake induced landslide area as per the seismic hazard map of the Malibu Beach Quadrangle. However, the slope consists of a graded fill slope and slope stability analysis was not deemed necessary and has not been performed.

Seiches and Tsunamis

Seiches are generally caused by seismic excitation of a body of water, which causes surface oscillations that vary in period from a few minutes to several hours. Tsunamis are large sea waves produced by submarine earthquakes or volcanic eruptions. Due to the proximity of the site relative to the ocean, seiches and tsunamis are not considered a hazard to the site.

Liquefaction – General

Liquefaction describes a phenomenon where cyclic stresses, which are produced by earthquake-induced ground motion creates excess pore pressures in cohesionless soils. These soils may thereby acquire a high degree of mobility, which can lead to lateral sliding, consolidation and settlement of loose sediments, sand boils, and other damaging deformation. This phenomenon occurs only below the water table, but after liquefaction has developed, it can propagate upward into overlying, non-saturated soils as excess pore water escapes.

Liquefaction susceptibility is related to numerous factors and the following conditions must exist for liquefaction to occur: 1) sediments must be relatively young in age and must not have developed large amounts of cementation, 2) sediments must consist mainly of cohesionless sands and silts, 3) the sediments must not have a high relative density, 4) free groundwater must exist in the sediment, and 5) the site must be exposed to seismic events of a magnitude large enough to induce straining of soil particles.

This site is outside of the designated area of liquefaction potential presented on the State of California Seismic Hazard Zone map. In addition, the site is underlain by compacted fill and bedrock. Therefore, it is our opinion that liquefaction is not considered a potential hazard on this site.

Seismic Settlement Analysis

Seismically-induced settlement in unsaturated (dry) and saturated soils generally occur due to the dissipation of pore pressure.

The potential for seismically-induced settlement is greatest in loose granular soils (i.e., sands, silty sands, sandy silts), whereas cohesive soils (i.e., clays and silts) are generally not prone to settlement. It should be realized that granular soils are susceptible to settlement during a seismic event whether the soils liquefy or not.

As discussed above, compacted fill and bedrock underlies the site and will be used to support the planned improvements. Therefore, seismic settlement is not considered to be a hazard to the site provided the recommendations contained in this report are followed during design and construction.

CONCLUSIONS AND RECOMMENDATIONS

The proposed development is feasible from a geologic and geotechnical engineering perspective, provided the recommendations contained herein are incorporated into the final design and construction phase of the proposed site improvements. All structures should satisfy current slope setback requirements.

GSC anticipates that the proposed site improvements consisting of the residence will be founded into compacted fill.

The recommendations provided in this report are applicable for improvements on the lot provided yard areas have positive drainage that is maintained away from the structures. Therefore, it is important that information regarding drainage and site maintenance be passed on to future homeowners.

As in most of Southern California, the site lies within a seismically-active area, therefore earthquake resistant structural design is recommended.

Site Preparation Recommendations

In areas of proposed development, the upper 3 feet of compacted fill shall be removed and recompacted. Following grading, the building pad area shall be underlain by a minimum of 3 feet of compacted fill. The limits of fill shall extend a minimum of three feet beyond the building footprint. Grading within areas of proposed hardscape shall consist of removing previous fill to expose firm compacted fill and the placement of new fill to design grades. At this time, a grading plan is not available and should be forwarded to this office when complete. Grading guidelines are presented in Appendix C.

The following geologic and geotechnical recommendations for utility trench backfill, foundation design, and drainage should be incorporated into final design and construction. All such work and design shall be in conformance with local governmental regulations or the recommendations contained herein, whichever is more restrictive.

FOUNDATION DESIGN RECOMMENDATIONS

We offer the following site-specific recommendations and comments for purposes of footing design and construction. All structures must satisfy current slope setback requirements per the 2019 CBC Section 1808.7. The proposed improvements should be founded into compacted fill.

All footing subgrades should consist of compacted fill. Under no circumstances should footings be cast atop loose, soft, or slough, debris, existing artificial fill, topsoil, or surfaces covered by standing water. We recommend that a representative of GSC verify the condition of all subgrades before any concrete is placed. The following recommendations are suitable for the proposed manufactured ADU.

Foundation Criteria

1. An allowable soil bearing of 1,500 pounds per square foot may be used in the design of the perimeter footings founded into competent material. Perimeter footings should be continuous and should have a minimum width of 18 inches and a minimum embedment depth of 12 inches below lowest adjacent grade.

2. A coefficient of friction for concrete on competent soil of 0.3 and a lateral bearing value of 200 pounds per square foot per foot of depth may be employed to resist lateral loads. When combining passive pressure and frictional resistance, the passive pressure should be reduced by one third.

3. Seismic piers that support the raised floor should consist of adjustable jacks and be supported on a minimum 12 by 12 inch concrete pad, founded 6 inches into competent material and placed per manufacturer's guidelines.

Utility Trenching and Backfill

Utility Trenching

Open excavations and excavations that are shored shall conform to all applicable Federal, State and local regulations.

Backfill Placement

Approved on-site or imported fill material shall be evenly placed, watered, processed, and compacted in controlled horizontal layers not exceeding eight inches in loose thickness, and each layer should be thoroughly compacted with approved equipment. All fill material should be moisture conditioned, as required to obtain at least optimum moisture, but not greater than 120 percent of optimum moisture content. The fill should be placed and compacted on a horizontal plane, unless otherwise recommended by the Geotechnical Engineer.

Backfill Compaction Criteria

Each layer of utility trench backfill shall be compacted to at least 90 percent of the maximum laboratory density determined by ASTM D-1557-12. The field density shall be determined by the ASTM D-1556-07 method or equivalent. Where moisture content of the fill or density testing yields compaction results less than 90 percent, additional compaction effort and/or moisture conditioning, as necessary, shall be performed until the compaction criteria is reached.

Exterior Trenches Adjacent to Footings

Exterior trenches, paralleling a footing and extending below a 1H: 1V plane projected from the outside bottom edge of the footing should be compacted to 90 percent of the laboratory standard. Sand backfill, unless it is similar to the in-place fill, should not be allowed in these trench backfill areas. Density testing, along with probing, should be accomplished to verify the desired results.

Pipe Bedding

We recommend that a minimum of six inches of bedding material should be placed in the bottom of the utility trench. All bedding materials shall extend at least four inches above the top of utilities which require protection during subsequent trench backfilling. All trenches shall be wide enough to allow for compaction around the haunches of the pipe or materials, such as pea gravel, or controlled density fill (CDF) shall be used below the spring line of the pipes to eliminate the need for mechanical compaction in this portion of the trenches.

Construction Considerations

Erosion Control

Erosion control measures, when necessary, should be provided by the Contractor during grading and prior to the completion and construction of permanent drainage controls.

Compaction Equipment

It is also the Contractor's responsibility to have suitable and sufficient compaction equipment on the project site to handle the amount of fill being placed and the type of fill material to be compacted. If necessary, excavation equipment should be shut down to permit completion of compaction in accordance with the recommendations contained herein. Sufficient watering devices/equipment should also be provided by the Contractor to achieve optimum moisture content in the fill material.

Final Grading Considerations

Care should be taken by the Contractor during final grading to preserve any berms, drainage terraces, interceptor swales, or other devices of a permanent nature on or adjacent to the property.

On-Site Drainage

Seasonal precipitation and/or landscape water should not be allowed to pond within the site, especially next to foundations of any structures. Surface runoff should be collected and disposed of in such a manner as to prevent concentrated erosion. Roof gutters, downspouts, and yard drains should be provided in accordance with the City of Malibu requirements. We recommend that all planters proposed adjacent to structures be self-contained, provided with a subdrain system, and/or allowed to have positive drainage away from structure to drain excess landscape water.

LIMITATIONS

The findings and recommendations of this report were prepared in accordance with generally accepted professional geotechnical engineering principles and practice for the City of Malibu at this time. We make no other warranty, either express or implied.

The conclusions and recommendations contained in this report are based on site conditions disclosed in our subsurface investigation. However, soil conditions can vary significantly between test pits; therefore, further refinements of our recommendations contained herein may be necessary due to changes in the building plans or what is encountered during site grading.

The recommendations provided in this report are applicable for preliminary development planning for the referenced lot provided that surface water will be kept from infiltrating into the subgrade adjacent to the house foundation system. This may include, but not be limited to rainwater, roof water, landscape water and/or leaky plumbing. We caution against constructing open draining planters adjacent to the houses or obstructing the yard drainage in any way.

Since our investigation was based on the site conditions observed, selective laboratory testing, and engineering analysis, the conclusions and recommendations contained herein are professional opinions. Further, these opinions have been derived in accordance with standard engineering practices, and no warranty is expressed or implied.
If the conditions encountered during grading are not consistent with the findings presented in this report, or if proposed construction is moved from the location investigated, this office shall be notified immediately so that the condition or change can be evaluated and appropriate action taken.

“111” STATEMENT

Provided that the recommendations in this report are implemented, it is GSC’s opinion that the proposed development will be safe from the hazards of landslide, settlement or slippage. Furthermore, the development will not adversely affect the stability of the adjacent properties nor be adversely affected by adjacent properties.

We appreciate this opportunity to be of continued service to you. If you have any questions regarding the content of this report or any other aspects of the project, please do not hesitate to contact us.

Very truly yours,

GEOSOILS CONSULTANTS, INC.

KAREN L. MILLER
GE 2257

RUDY F. RUBERTI
CEG 1708

Encl: References
Plate 1, Geologic Map
Drawings 1 to 3, Manufactured Home Foundation System Plans SPA 24-3F
Appendix A, Field Exploration Procedures
Plates TP-1 and TP-2, Test Pit Logs
Appendix B, Laboratory Testing Procedures and Results
Plates C-1 and C-2, Consolidation Diagrams
Plate L-1, Chemical Test Results
Appendix C, Grading Guidelines
Appendix D, Outside Research

cc: (3) Addressee

MDN 21724

REFERENCES

1. Campbell, B.A., et al, undated, “Preliminary Geologic Map of the Point Dume Quadrangle, Los Angeles County, California, 70-53”

2. California Division of Mines and Geology, October 3, 1994, “Fault Evaluation Report FER 229, Malibu Coast Fault, Los Angeles County, California”

3. Department of Conservation, Division of Mines and Geology, 2001, “Seismic Hazard Report for the 7.5 Minute Malibu Beach Quadrangle, Los Angeles and Ventura Counties, California”

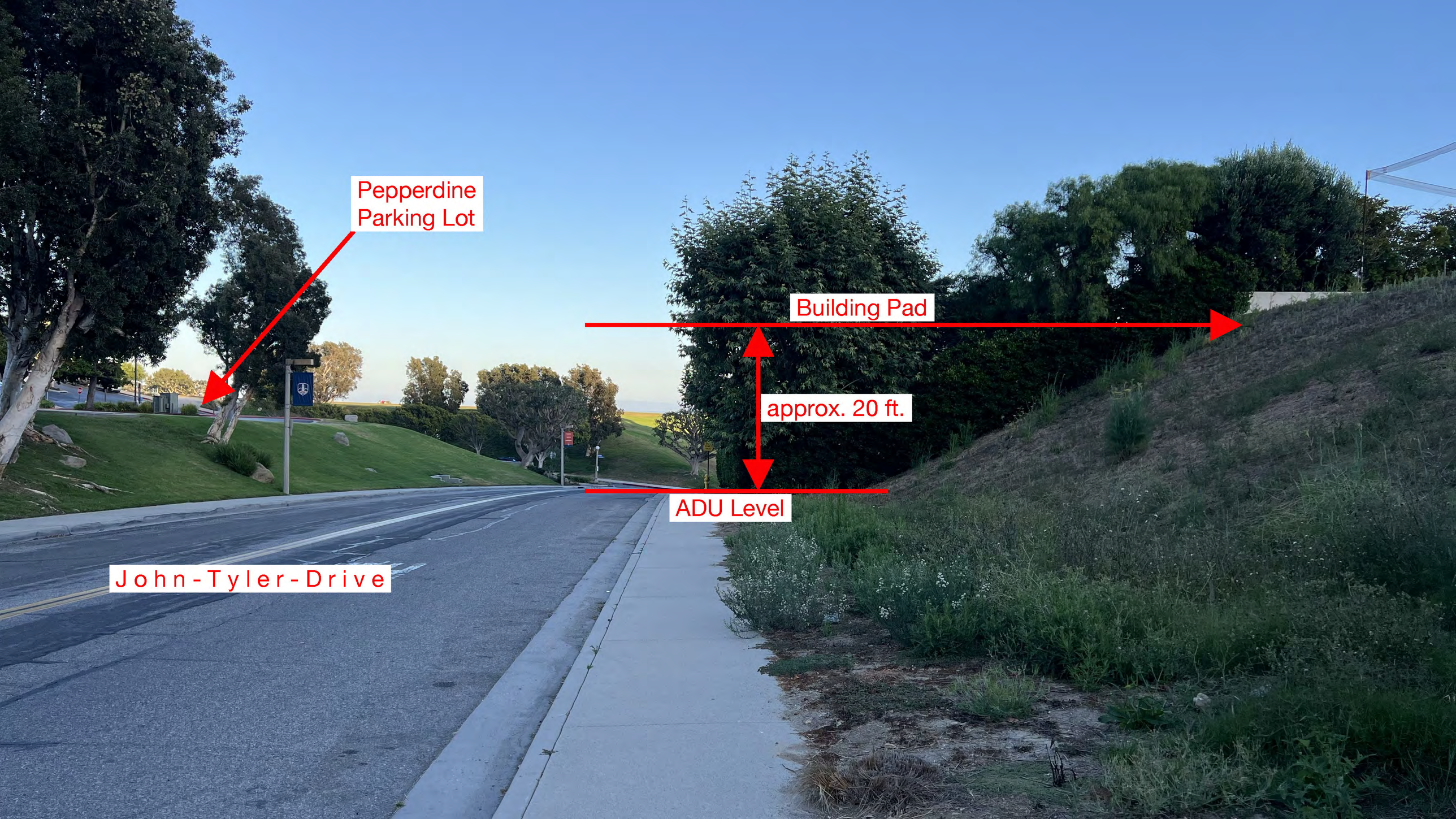
4. Dibblee, T.W., 1993, “Geologic Map of the Malibu Beach Quadrangle, Los Angeles and Ventura Counties, California”

Attachment E

Two Pads


UCSB Aerial Imagery


Upper Pad
Lower Pad


Pepperdine
Parking Lot
Building Pad
approx. 20 ft.
ADU Level
John-Tyler-Drive

Attachment F

Building Permit Application

DocuSign Envelope ID: A33E91C9-90FD-453A-9C40-5AC6F7B3FBFE

BUILDING PERMIT APPLICATION

OWNER-BUILDER DECLARATION

I hereby affirm under penalty that I am exempt from the Contractor's License Law for the following reason (Section 7031.5 Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500).

☐ I, as owner of the property, or my employees with wages as their sole compensation will do the work, and the structure is not intended or offered for sale (Section 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale.)

☐ I, as owner of the property, am exclusively contracting with a licensed contractor to construct the project (Section 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a licensed contractor(s) pursuant to the Contractor's License Law.

☐ I am exempt under Section _____ B.&.P.C. for this reason

Signature of Applicant or Agent — Date

LICENSED CONTRACTOR DECLARATION

I hereby affirm under penalty of perjury that I am licensed under provison of Chapter 9 (commending with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

DocuSigned by: F9347E4FA4[illegible] — 10/13/2022

Signature of Applicant or Agent — Date

WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:

☐ I have and will maintain a certificate of consent of self-insure for workers' compensation as provided for by section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

☑ I have and will maintain workers' compensation insurance, as required by section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: STATE COMPENSATION INSURANCE FUND

Policy No.: 9149029 Exp.: 01/01/2023

☐ I certify that in the performance of the work of which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provision of section 3700 of the Labor Code, I shall forthwith comply with those provisions.

DocuSigned by: F9347E4FA4[illegible] — 10/13/2022

Signature of Applicant or Agent — Date

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UN-LAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS ($100,000) , IN ADDITION TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction and hereby authorize representatives of the city to enter upon the above mentioned property for inspection purposes.

DocuSigned by: F9347E4FA4[illegible] — 10/13/2022

Signature of Applicant or Agent — Date

PERMIT IS A PUBLIC RECORD

CITY OF MALIBU

23825 STUART RANCH ROAD
MALIBU, CA 90265-4861
INSPECTION REQUEST
(310) 456-2489 X 312
www.malibucity.org/inspection

SITE ADDRESS
24507 VANTAGE POINT TER

ASSESSOR PARCEL NUMBER
BOOK 4458 PAGE 033 PARCEL 006

ADDITIONAL INFORMATION / LEGAL DESCRIPTION

PROPERTY OWNER
Helmut and Patricia Meissner

MAILING ADDRESS
24507 Vantage Point Terreace

CITY	STATE	ZIP
Malibu	CA	90265

PHONE NUMBER
(786) 208-5245

DESIGNER	LICENSE NO.

MAILING ADDRESS

CITY	STATE	ZIP

PHONE NUMBER

APPLICANT/CONTACT
Coastal Inc., Coastal Roofing Co.

PHONE NUMBER	EMAIL
(310) 455-2827	coastalsteve@aol.com

CONTRACTOR
Coastal Inc., Coastal Roofing Co.

MAILING ADDRESS
P O BOX 2531

CITY	STATE	ZIP
MALIBU	CA	90265

PHONE NUMBER
(310) 455-2827

LICENSE CLASS	LICENSE NUMBER	EXPIRATION DATE
C39	467886	10/31/2023

PLAN CHECK EXPIRES:

DESCRIPTION OF WORK
Reroof ESFR, Main house w/attached garage.
47 squares, ~~4K Quarrin composite tiles ESR-2664~~,
ASTM E108. GAF Versasheild ESR-2053
- BRAVA SPANISH BARREL TILE
- ALL ROOF VENTS SHALL COMPLY WITH CHAPTER 7A, LACBC AK

PLANNING FILE NO. / CDP NO.

OCC. GROUP	TYPE(S) OF CONSTRUCTION	NO. OF STORIES
R-3	VB	1

SQUARE FOOTAGE	FIRE SPRINKLERS
	No

STATISTICAL CLASSIFICATION	UNIT(S)	CODE IN EFFECT
NO. 439	1	LACO 2020

SPECIAL CONDITIONS

$ 132,360.00 — INITIAL VALUATION
$ _____ — REVISED VALUATION

PLAN CHECK FEE	$
ADDITIONAL PLAN CHECK FEE	$

PLAN CHECK NO.	INITIALS	DATE
	CK#	
ADD'L PLAN CHECK NO.	INITIALS	DATE
	CK#	

Building Permit Fee	$563.75
Document Retention Fee	$8.00
Admin Fee	$51.25
B.S.S.	$6.00
B.S.S.M.I	$17.21
Tech Fee	$39.46
TOTAL BUILDING PERMIT FEE	**$685.67**

PERMIT NUMBER	INITIALS	DATE
22-1702	JG CK#	10/13/2022
FINALED BY		DATE

IF NO WORK IS COMMENCED, PERMIT EXPIRES: 10/13/2023

BUILDING PERMIT APPLICATION

Attachment G

Development Checklist

City of Malibu

Coastal Development Permit Submittal Checklist

NOTE To submit a new application with the City of Malibu Planning Department, all required items as specified by City Staff on the Submittal Checklist, including application fees and those materials required by City Departments, must be provided at the time of submittal. **Incomplete application submittals WILL NOT be accepted.** An appointment is required for submittals. For an appointment, call 310-456-2489, ext. 485, or email mplanning@malibucity.org. See the New Application Submittal Guide for more information. For more information, visit the Planning Department website.

Staff Only - General Project Information

Date_____
Address / Location: (N) ADU
Project Description:_____

Fees: □ CDP Level: 1 $ 872 □ SPR $_____ □ MM $_____
□ VAR $_____ □ Other $_____ □ Other $_____
*The City will charge a service fee for credit card transactions.

Woolsey Fire Fee Waiver: □ Project Eligible □ Project Ineligible (all fees apply)

Requires the following discretionary requests:_____

A **complete submittal** shall consist of the following City / County Department reviews, submittal documents, and fees:

Departments	Planning Review		Building Plan Check		Date	Submitted
	Req'd	Not Req'd	Req'd	Not Req'd		
Planning	✓	-	✓	-		☐
Archaeological Survey If needed, submit as separate application. Guide	☐	☑	☐	NA		☐
City Biologist	☑	☐	☐	☐		☐
City Environmental Health	☐	☑	☐	☐		☐
City Public Works Department	☑	☐	☐	☐		☐
City Geotechnical Staff Review	☑	☐	☐	☐		☐
City Coastal Engineer Review	☐	☑	☐	☐		☐
Code Enforcement Review	☐	☑	☐	☐		☐
* Los Angeles County Fire Department	☑	☐	☐	☐		☐
* Los Angeles County Water District	☑	☐	☐	☐		☐

Standard Requirements

Item #	Description	Required	Submitted
1	Submittal Checklist	✓	☐
2	Uniform Application	✓	☐
3	Proof of Ownership	✓	☐
4	Letter of Authorization	✓	☐
5	Declaration Regarding Previously Issued Coastal Development Permits & Deed Restrictions	✓	☐
6	Grading Yardage Verification Certificate OR Letter stating none proposed	✓	☐
7	Application Fees	✓	☐
8	CD or Thumbdrive of All Documents	✓	☐
9	Hardcopy Sets of Plans See Project Plan Requirements	✓	☐

Digital Submittal

8. **A CD or thumbdrive, <u>which will not be returned</u>, of all submittal materials is required <u>with the exception of the Uniform Application and Submittal Checklist.</u>** All documents should be saved as an Adobe PDF.
-Each document shall be saved as a separate PDF. All documents should be numbered in the corresponding order of the submittal checklist, preferably titled with the same subject matter. For example:
    3. Proof of Ownership
    4. Letter of Authorization
    5. Declaration Regarding previously issued CDPS & Deed Restrictions
    5a. Coastal Commission Permit_1992
    5b. Coastal Commission Permit_1996
    6. Grading Yardage Verification
-Plans shall be grouped and named by discipline (e.g. architectural, grading, civil, etc.).

Discretionary Requests Requirements

Item #	Description	Required	Submitted
10	Written Statement(s) Justifying EACH Discretionary Request	☐	☐
		☐	☐

Biological / Landscape Requirements

Item #	Description	Required	Submitted
11	Landscape Plan, Hardscape, Fence Plan OR letter stating none proposed	✓	☐
12	Landscape Water Conservation Ordinance Documentation Package	☐	☐
	a. Cover Sheet	-	☐
	b. Water Budget Calculation Worksheet	-	☐
	c. Landscape Design Plan	-	☐
	d. Soil Report	-	☐
	e. Irrigation Design Plan	-	☐

Outdoor Lighting Submittal Requirements

Item #	Description	Required	Submitted
13	Outdoor Lighting Plan OR letter stating none proposed	✓	☐
14	Outdoor Lighting Plan shall include:	☐	☐
	a. Site Plan depicting the location of existing (e) and proposed (n) outdoor light fixtures	-	☐
	b. Manufacturer Specifications/Fixture Exhibit including details regarding the lumen counts and Kelvin for each fixture	-	☐
	d. A photometric plan	-	☐

Beachfront Lots Submittal Requirements

Item #	Description	Required	Submitted
15	Public Beach Access Locations/Information	☐	☐
16	CA State Lands Commission Determination Letter	☐	☐

Project Plan Requirements

Item #	Description	Required	Submitted
17	Project Plans	☐	☐
	a. Cover Sheet	☐	☐
	b. Site Survey	☐	☐
	c. Site Plan	☐	☐
	d. Architectural Plans	☐	☐
	e. Demolition Plan	☐	☐
	f. Preliminary Foundation Plan	☐	☐
18	Grading, Drainage, Erosion and Storm Water Management Plan **OR** Letter Stating None Propose	☐	☐
19	Color-coded Slope Analysis	☐	☐
20	Landscape Plan (see Item #11)	NA	NA
21	Irrigation Plans (see Item #12)	NA	NA

Plan Size and Quantities - In addition to a digital version, the following shall be submitted:

- Two (2) 24" x 36" size hardcopy sets dimensioned to ¼" = 1' or ⅛" = 1' scale and collated stapled and folded
- One additional set of plans per review from each department
- Coded Slope Analysis – One (1) original 24" x 36" color copy
- Landscape plan – Three (3) 24" x 36" size hardcopy sets dimensioned to ¼" = 1' or ⅛" = 1' scale and collated stapled and folded. (2 for City Biologist / 1 for Planning Staff)
- Irrigation Design Plan – Three (3) 24" x 36" size hardcopy sets dimensioned to ¼" = 1' or ⅛" = 1' scale and collated stapled and folded. (2 for City Biologist / 1 for Planning Staff)
- Requirements for each type of plan is provided for in the Submittal Document Guide.

Other Requirements

Item #	Description	Required Upon Submittal	Required Prior to Deeming Complete	Submitted
22	Will Serve Letter	☐	☐	☐
23	Visual Analysis	☐	☐	☐
24	Major Remodel Agreement	☐	☐	☐
25	Structural Plans	☐	☐	☐
26	Story Pole Plans & Certification	☐	☐	☐
27	Title Report	☐	☐	☐
28	Feasible Alternatives Report	☐	☐	☐
29	Notice of Coastal Development Permit Posting Affidavit	-	✓	-
30	Property Owner / Occupant Mailing Data & Radius Map	-	✓	☐
31	Plan Sets for Hearing	-	✓	-

Land Division

Item #	Description	Required	Submitted
32	Land Division - Set of Plans	☐	
	a. Site Survey	☐	
	b. Site Plan	☐	
	c. Tentative Parcel / Tract Map	☐	
	d. Color-Coded Slope Analysis		
33	Documents Relating to Legality of the Lots	☐	☐
	a. Assessor's Map	☐	☐
	b. Deed History	☐	☐
	c. Legal Description	☐	☐
	d. Plat Map	☐	☐
	e. Title Report (see Item #25)	☐	☐

Additional Documents

Item #	Description	Required	Submitted
34	Rebuild Option Acknowledgement Form (in lieu of a Planning Verification)	☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
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		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐

City Department Requirements

If a Department is marked as "Required" on page 1 of this form, please obtain fees and comments from each Department in the designated boxes below.

City Biologist Review

□ **Review required / No fee** □ **Review required / Fee required**

□ Level:____ = $ 430

Comments:

Required Documents:

Biological Report Submittal Guide & Other Landscaping Requirements

City Public Works Department Review

□ **Review required / No fee** □ **Review required / Fee required**

□ Public Works Review = $ 892

□ Traffic Review = $_____

□ Land Division = $_____

Comments:

Required Documents:

Public Works Project Plans and Report Requirement

+City Department Requirements

If a Department is marked as "Required" on page 1 of this form, please obtain fees and comments from each Department in the designated boxes below.

City Environmental Health Administrator Review (for staff use only) Initials:_____Date:_____

□ **Review required / No fee** □ **Review required / Fee required** □ **No Review Required**

□ **No Review required: Defer to Building Plan Check** **TOTAL:**_____

□ Non-OWTS* Review Simple $833 □ OWTS* Review-Complex $2,187
□ OWTS* Complex Commercial $7,080
□ OWTS* Complex 3rd Party Review $4000 (710 Account) □ Operating Permit Fee:_____

□ Hourly fee = $_____ Document Retention Fees □ $26 and/or □ $6
*Onsite Wastewater Treatment System (OWTS)

Comments:

Environmental Health Submittal Requirements

Item #	Description	Required Upon Submittal	Required Upon Deeming Complete	Submitted
EH.1	**Project Plans** (see Project Plans under Project Plan Requirements)	☐	☐	☐
EH.2	**Grading Plans** (see Grading, Drainage, Erosion and Storm Water Management Plan under Project Plan Requirements)	☐	☐	☐
EH.3	**Landscape/Hardscape/Irrigation Plans** (see Landscape Plan and Landscape Water Conservation Ordinance Document Package under Biological / Landscape Requirements)	☐	☐	☐
EH.4	Certified/Original Fixture Unit Worksheet	☐	☐	☐
EH.5	OWTS Plot Plan	☐	☐	☐
EH.6	Prohibition Policy Acknowledgment Form	☐	☐	☐
EH.7	OWTS Inspection Report	☐	☐	☐
EH.8	Operating Permit Required	☐	☐	☐
EH.9	Compliance Agreement	☐	☐	☐
EH.10	OWTS Design Report	☐	☐	☐
EH.11	Soils Analysis / Percolation / Infiltration Report	☐	☐	☐
EH.12	OWTS Supporting Geology / Soils Report	☐	☐	☐
EH.13	Architect/Engineer Certification for Reduction In Setbacks to Buildings or Structures	☐	☐	☐
EH.14	Geotechnical Report	☐	☐	☐
EH.15	Hydrogeological Report (Water Wells)	☐	☐	☐
EH.16	Coastal Engineer Report (Beachfront Property Only)	☐	☐	☐

City Geotechnical Staff Review (for staff use only) Initials:_____Date:_____

□ **Review required / No fee** □**Review required / Fee required** **TOTAL:** $3194

Fees
□ Level:____ $_____ □ Document Retention $26 Time & Materials + 30% = $_____

Comments:

Required Documents:

Geology Report Submittal Requirements

Item #	Description	Required Upon Submittal	Required Upon Deeming Complete	Submitted
GEO.1	**Project Plans** (see item #16 under Project Plan Requirement)	☑	☑	☐
GEO.2	**Grading Plans** (see items #17,#18 under Project Plan Requirements)	☐	☐	☐
GEO.3	**Landscape/Hardscape/Irrigation Plans** (items #19,#20 under Project Plan Requirement)	☐	☐	☐
GEO.4	OWTS Plot Plan	☐	☐	☐
GEO.5	OWTS Design Report	☐	☐	☐
GEO.6	Soils Analysis / Percolation / Infiltration Report	☐	☐	☐
GEO.7	OWTS Supporting Geology / Soils Report	☐	☐	☐
GEO.8	Architect/Engineer Certification for Reduction In Setbacks to Buildings or Structures	☐	☐	☐
GEO.9	Geotechnical Report	☑	☐	☐
GEO.10	Hydrogeological Report (Water Wells)	☐	☐	☐
GEO.11	Other items:	☐	☐	☐

City Coastal Engineer Review (Beachfront Properties) Initials:_____Date:_____

□ **Review required / No fee** □ **Review required / Fee required** **TOTAL:**_____

□ Reports required (2 copies, wet-stamped with wet-signature by a registered coastal / civil engineer, and CD and Electronic Signature Page)

□ Complex $3,236 □ Standard $1,618 □ Minor $750 □ Hourly fee =$_____
□ Document Retention $26

Comments:

Required Documents:

Coastal Engineering Report Submittal Requirements

Item #	Description	Required Upon Submittal	Required Upon Deeming Complete	Submitted
CO.1	**Project Plans** (see item #16 under Project Plan Requirement)	☐	☐	☐
CO.2	**Grading Plans** (see items #17,#18 under Project Plan Requirements)	☐	☐	☐
CO.3	**Landscape/Hardscape/Irrigation Plans** (items #19,#20 under Project Plan Requirement)	☐	☐	☐
CO.4	Coastal Engineer Report (Beachfront Property Only)	☐	☐	☐
CO.5	Geotechnical Report	☐	☐	☐
CO.6	OWTS Plot Plan	☐	☐	☐
CO.7	OWTS Design Report	☐	☐	☐
CO.8	Soils Analysis / Percolation / Infiltration Report	☐	☐	☐
CO.9	OWTS Supporting Geology / Soils Report	☐	☐	☐
CO.10	Architect/Engineer Certification for Reduction In Setbacks to Buildings or Structures	☐	☐	☐
CO.11	Other items:	☐	☐	☐

Code Enforcement Review

□ **Review required / No fee** □ **Review required / Fee required**

□ Hourly fee =$_____

Code Enforcement Officer Signature:_____ Date _____

Comments:

STAFF USE ONLY

Complete Submittal Date: _____

By: _____
(Print Name, Title)

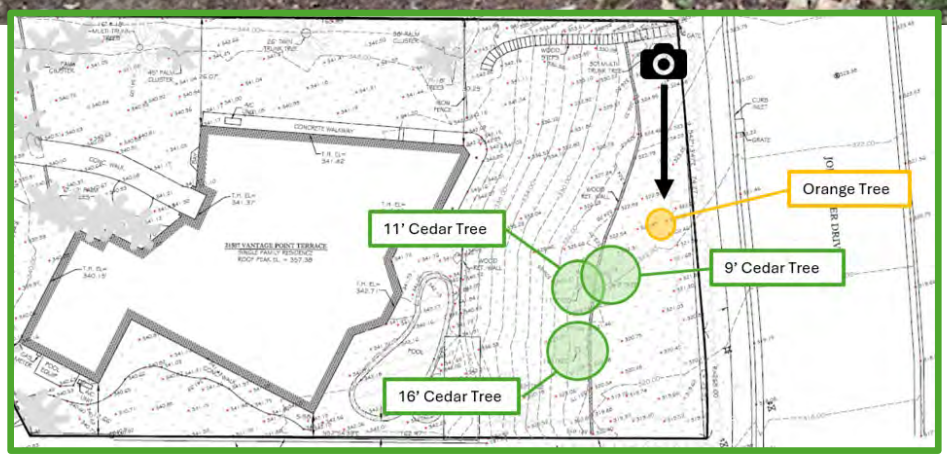
Note: A conformance review will begin after the time of submittal, and additional documentation may be requested.

Attachment H

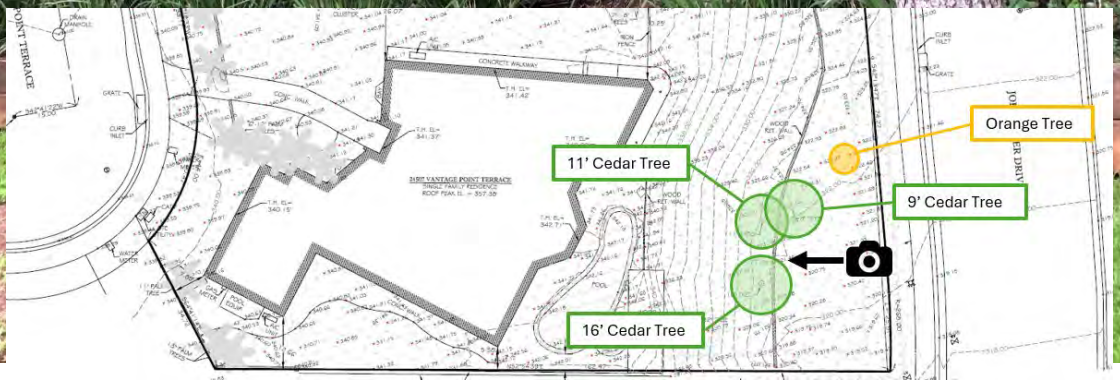
Trees

Orange Tree



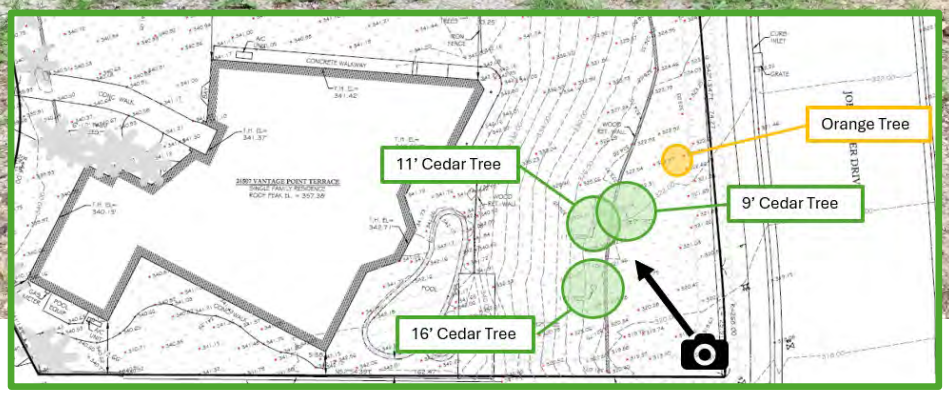


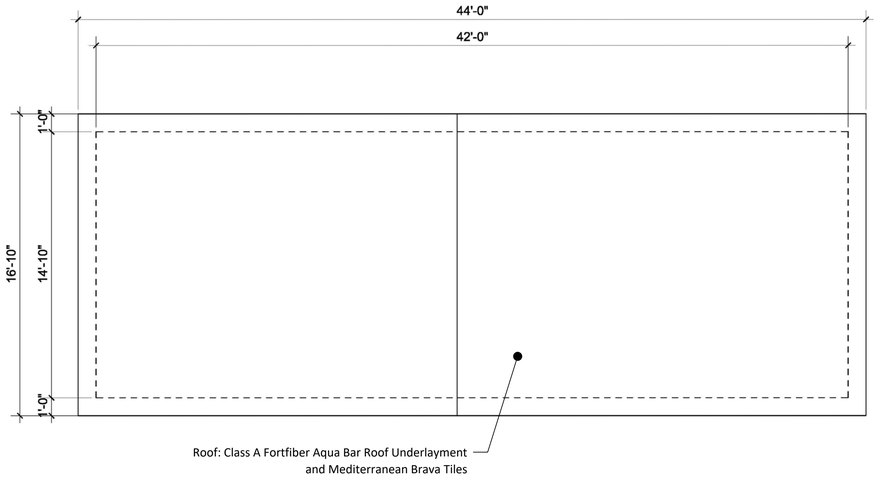
Cedar Trees



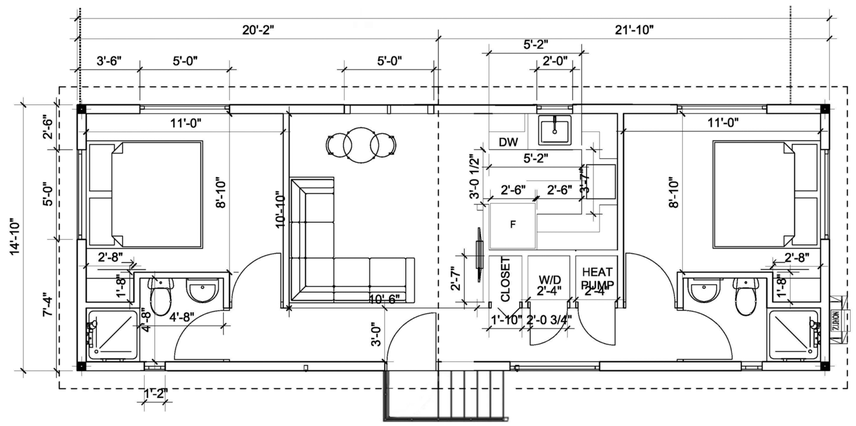
Cedar Trees

Alternate View

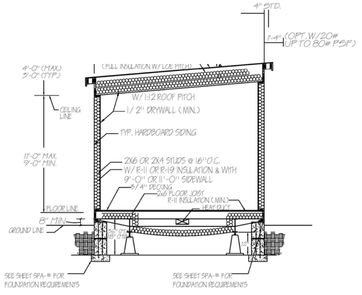




4 MARS - ROOF PLAN
SCALE: 1/4



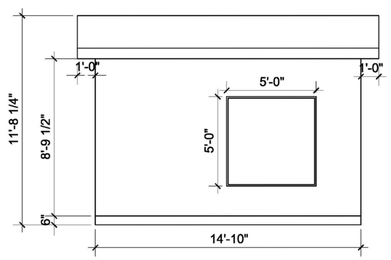
1 MARS - FLOOR PLAN
SCALE: 1/4



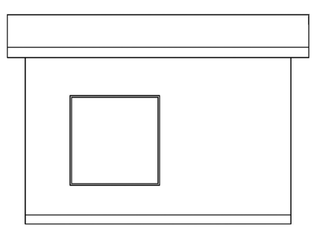
GENERAL CROSS SECTION

1. DETAILS & SPECIFICATIONS CALLED OUT ARE MINIMUM ONLY. OTHER EQUIVALENTS OR STRONGER MATERIALS MAY BE USED.
2. EXTERIOR SHALL BE VERTICAL OR HORZ. LAP PLYWOOD, COMPLANK, HARDBOARD, OR OTHER EQUIVALENT MATERIALS. (ALTERNATE EXTERIOR STUCCO USE MULIT-TEX STUCCO SYSTEM MANUFACTURED BY MULTICOAT CORP.)
3. ROOFING SHALL BE EPDM OR METAL OR OTHER APPROVED MATERIAL APPLIED PER MANUFACTURES INST.
4. NO CARPET OR PAD UNDER EXTERIOR SHEAR, OR BEARING WALLS.
5. ALL RAFTERS ARE APPROVED BY TEST OR CALCULATIONS. ALL TRUSSES ARE AN APPROVED I. STEEP ASSEMBLY.
6. ALL CEILING MATERIAL SHALL BE CLASS C RATED OR BETTER
7. APPLY VAPOR BARRIER ON WARM SIDE.
8. INTERIOR WALL & CEILING SHALL HAVE A FLAME SPEAD RATING NOT TO EXCEED 75.
9. INTERIOR WALLS & CEILING ARE SHEATHED W/ 1/ 2" GIPSUM WAL. BOARD.
10. FOR WATT-LINE LOAD REQUIREMENTS SEE SHEET SP-1/CO AND THE INSTALLATION MANUAL PAGE 17
11. ALL ROOFING, VENTS, AND EXTERIOR COVERING SHALL COMPLY WITH 2019 CBC CHAPTER 7A WHEN REQUIRED

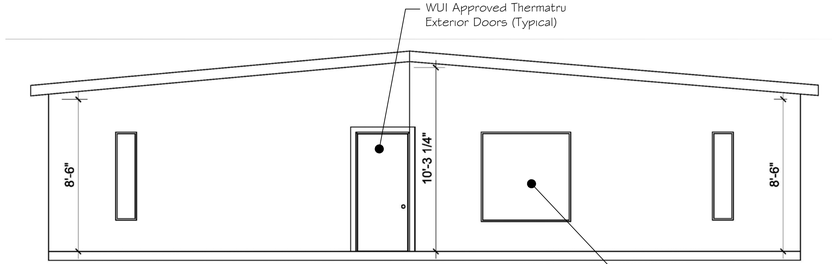
General Cross Section Detail
Scale: Not to Scale



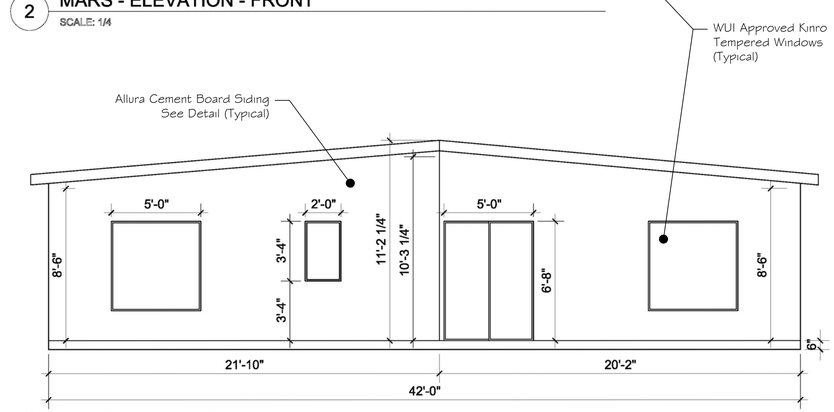
5 MARS - ELEVATION - RIGHT
SCALE: 1/4



6 MARS - ELEVATION - LEFT
SCALE: 1/4



2 MARS - ELEVATION - FRONT
SCALE: 1/4



3 MARS - ELEVATION - BACK
SCALE: 1/4

FIRE DEPARTMENT NOTES:

ROOF COVERINGS
FBU - VHFHSZ
All roof coverings shall be Class ""A"" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R902)

ROOF VALLEYS
FBU - VHFHSZ
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)

ROOF GUTTERS
FBU - VHFHSZ
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)

BRUSH CLEARANCE
FBU - VHFHSZ
Clearance of brush and vegetative growth shall be maintained per Fire Code 325 ACTION

24507 Vantage Point
Floor and Elevations Plan

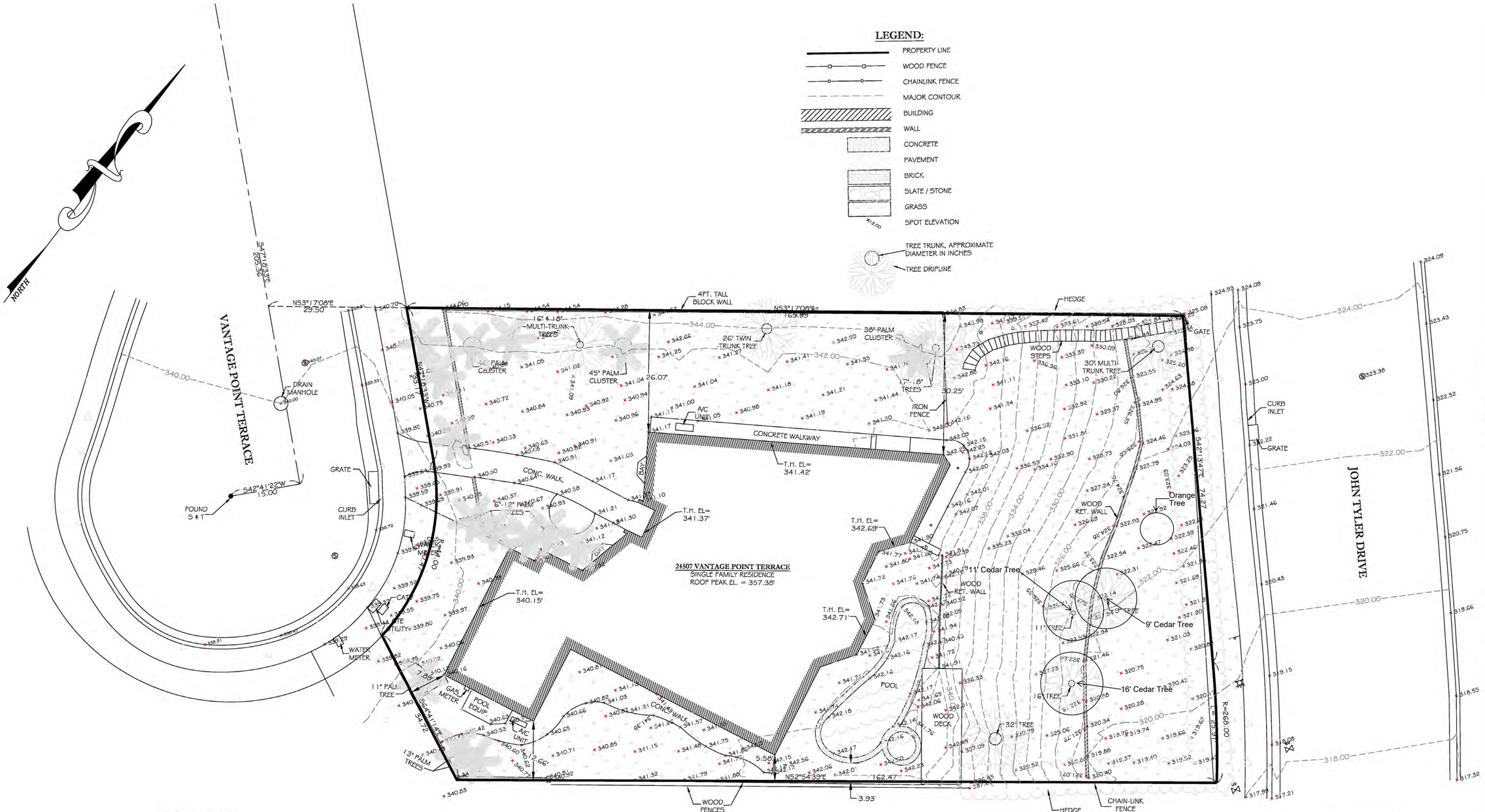
APN: 4468-033-006
Malibu, CA 90265

2025-12-29

Date:	Description:	By:

SCALE: AS SHOWN

SHEET NUMBER
2 of 2



GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft.

LEGAL DESCRIPTION

LOT 85, AS SHOWN ON TRACT NO. 30314 AS RECORDED IN MAPBOOK 820 OF MAPS PAGES 15-22 OF LOS ANGELES COUNTY RECORDS.

SURVEYOR'S NOTES

1. ELEVATIONS ARE ON ASSUMED DATUM.

2. ONLY TREES 6" AND ABOVE WERE LOCATED ON THIS SURVEY, SMALLER TREES AND SHRUBS ARE NOT SHOWN.

3. DISTANCES SHOWN HEREON AREA EXPRESSED IN FEET AND DECIMALS THEREOF.

SURVEYOR'S CERTIFICATE

I, KACIE A. PLOUFF, CERTIFY THAT I AM LICENSED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF CALIFORNIA (REF. NO. 9013)
I FURTHER CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A TOPOGRAPHIC SURVEY CONDUCTED UNDER MY SUPERVISION AT THE REQUEST OF THE CLIENT.

PROFESSIONAL LAND SURVEYOR
KACIE A. PLOUFF
No. 9013
STATE OF CALIFORNIA

KACIE A. PLOUFF, PLS 9013

CHRISTENSEN & PLOUFF
LAND SURVEYING
• 27801 FREMONT COURT #6 •
• VALENCIA, CA 91355 •
• 661-645-0300 • www.cplandsurveying.com •

DATE: 06 / 06 / 18
DRAWING SCALE: 1" = 10'
PREPARED BY: KACIE PLOUFF
APPROVED BY: KACIE PLOUFF
FILE NAME: CA-18-078-24507 VANTAGE POINT MALIBU

24507 VANTAGE POINT TERRACE, MALIBU
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

TOPOGRAPHIC SITE PLAN

PROJECT:

PROJECT NO.
CA-18-078

SHEET NO.
1 OF 1

KEYSTONE
Strategic Planning

City of Malibu
Planning Department
ATTN: Tyler Eaton, Assistant Community Development Director
23825 Stuart Ranch Rd
Malibu, CA 90265

January 19, 2026

Re: RPPL2023003558 – CDP Application 21-045 – 24507 Vantage Point Terrace Alternatives Analysis

Dear Malibu Planning Staff,

In response to questions, comments, and concerns raised in the Staff Report for the above-referenced project application, please see below/attached an updated and expanded Alternatives Analysis demonstrating the impracticality/infeasibility of constructing an ADU on the upper building pad.

Proposed Location: Existing Lower Building Pad

Here we have the applicant's proposed location on the lower building pad at the toe of the slope, in the northeast corner of the property adjacent to John Tyler Drive. Each exhibit delineates the 26-foot front yard setback (shown in red), 4-foot rear and side reduced setbacks allowed pursuant to State ADU Law (shown in black), and the sanitary and storm drain easement that dominate the North side of the property (shown in gray). A slope separates the existing upper and lower building pads. This lower building pad that has been present since at least 1980 and therefore does not involve the creation of a new pad or alteration of natural landforms. Siting the ADU here places development in the least visible portion of the property, avoiding impacts to public coastal views and private views alike, and is more consistent with Coastal Act and LIP policies favoring reduced visual impacts than any alternative location. This location represents the only feasible and compliant site, and satisfies State ADU law, Coastal Act policies, and applicable local standards while avoiding environmental, visual, and neighborhood impacts.

1st Alternate Location: Over the pool, over the slope

As implied in the staff report, the pool could theoretically be removed and the ADU sited there, *"given that the existing building pad is sufficient in size to support other existing uses including a pool, spa, and wooden deck."* However, there is insufficient area to support the proposed ADU. LCP (D)(6)(c) states, "*No structure, excluding walls and fences, shall extend beyond, or be*

cantilevered over, any downhill slope extending from the existing building pad." Given that there must be a 6-foot building setback per the LCP 3.6(R)(b) *"Distance Between Accessory and Main Buildings. A minimum distance of six feet shall be required between any main residential building and an accessory building established on the same lot or parcel of land."*
The East-facing living room features a prominent bay window that provides primary light, air, and view to the residence. Light, air, and views would all be blocked by the presence of the ADU, even if it were to fit. This placement, however, results in roughly half of the area of proposed ADU extending beyond and cantilevered over the downhill slope, which would result in a height greater than 18 ft. and/or new site grading/landform alteration on the existing slope. Therefore, this alternative is not feasible practically, would result in greater visual impacts, and does not achieve any greater consistency with relevant policies/regulations than the proposed location.

2nd Alternate Location: Over the property line

Along the southeastern side, behind the garage and adjacent to the Primary (Master) Bathroom, there is a right triangle of area where it might be assumed that an ADU could be sited. This second alternate shows clearly how after accounting for the master bath's bay window and the required 6-foot building setback, there is not nearly enough space to squeeze the ADU between the house and the property line, even with the benefit of State ADU law side yard setback reductions. The other half would spill into the setback and over the property line. Therefore, this location is not feasible.

Conclusion

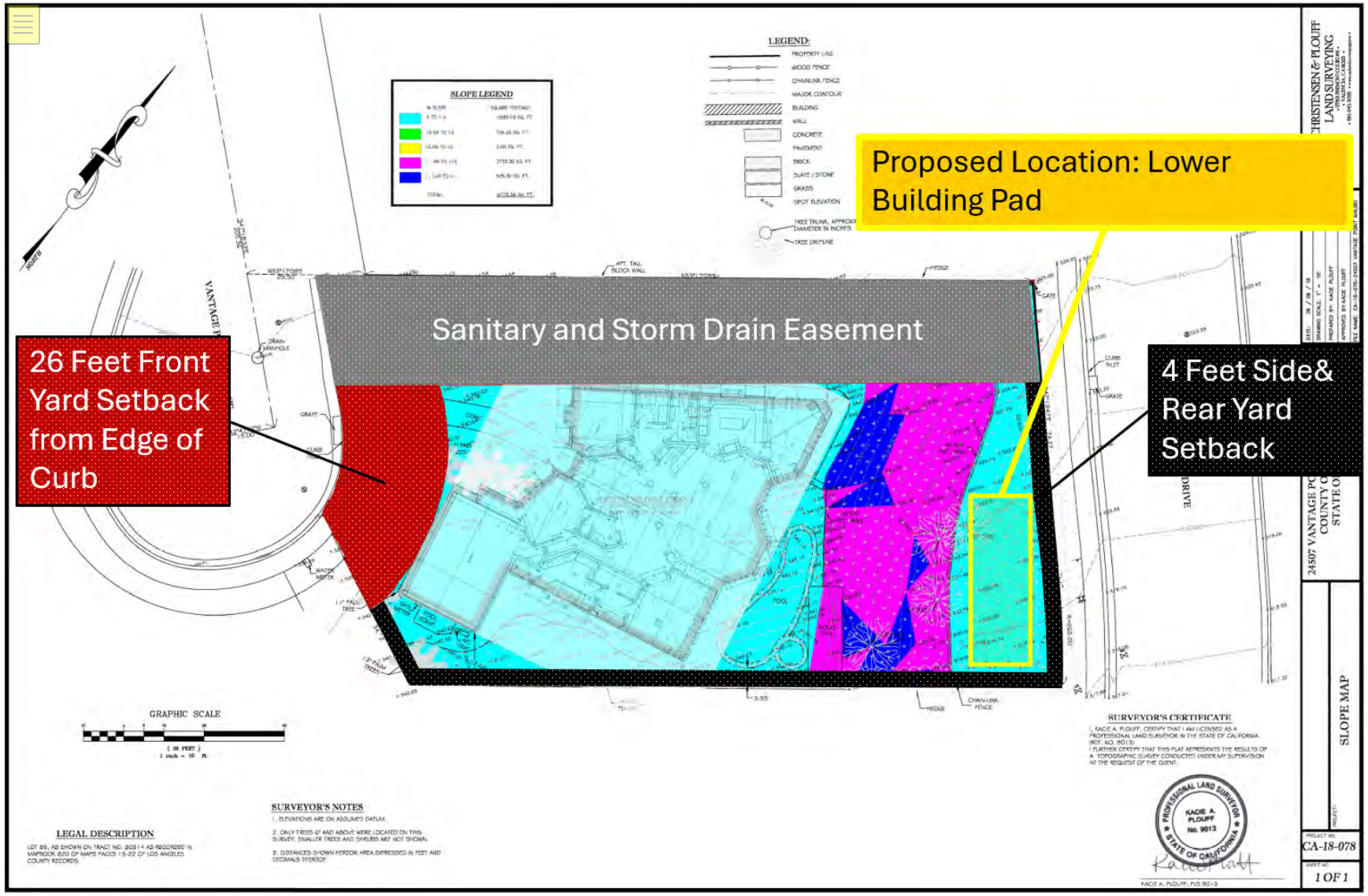
Based on the above analysis, the proposed location appears to be the only feasible location for the proposed ADU, consistent with State ADU law and relevant local ordinances. The proposed location is situated within the allowable front, rear, and side yard setbacks and easements, as required by State ADU law. It does not intrude into neighboring properties. It is not cantilevered over the slope and does not require any non-exempt landform alteration/grading. This location involves the least visible portion of the property, and satisfies State ADU law, Coastal Act policies, and applicable local standards while minimizing environmental, visual, and neighborhood impacts. Thank you for your time and attention to this application.

Sincerely,
Keystone Strategic Planning

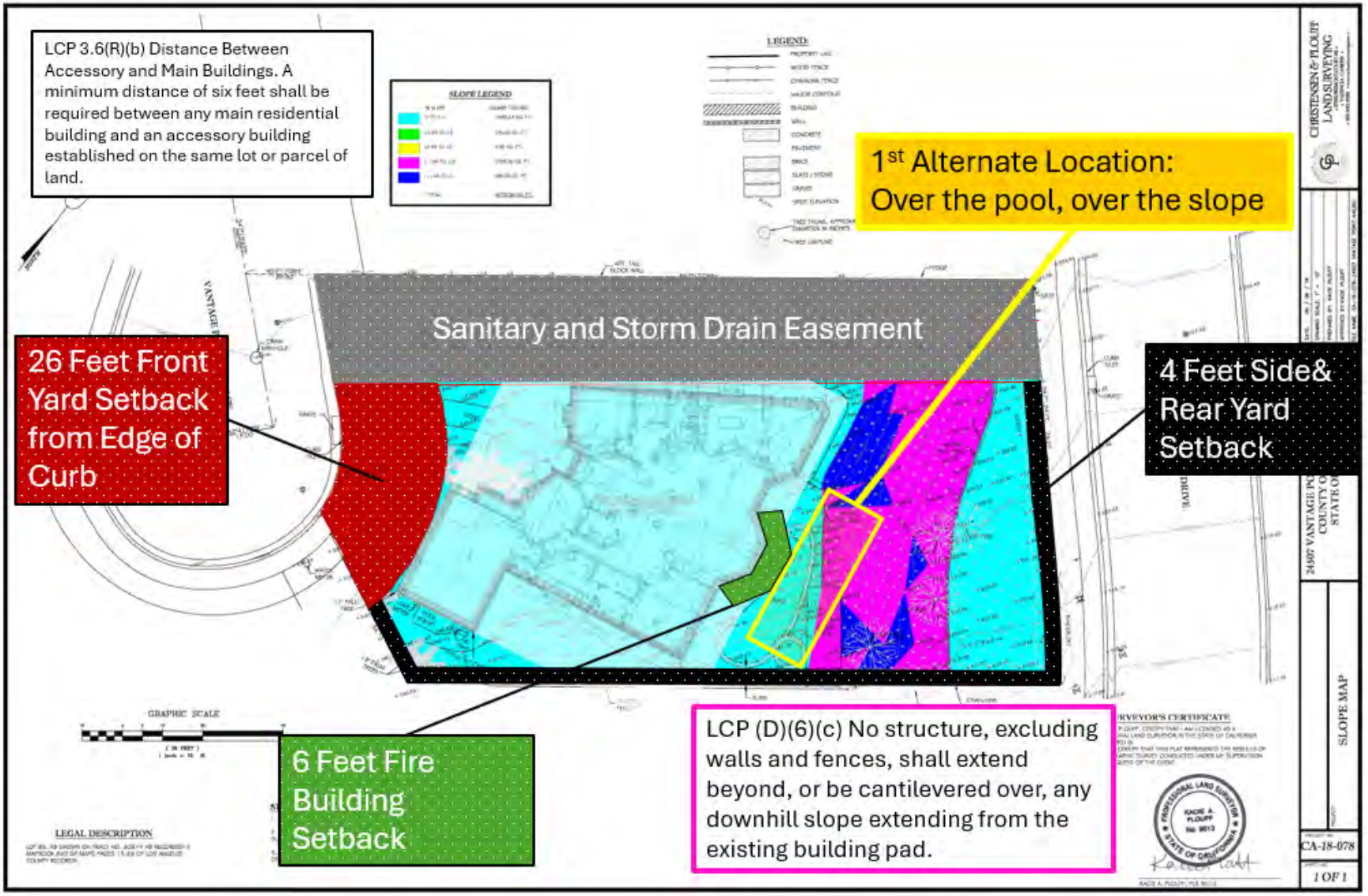


Matt Jewett
Principal

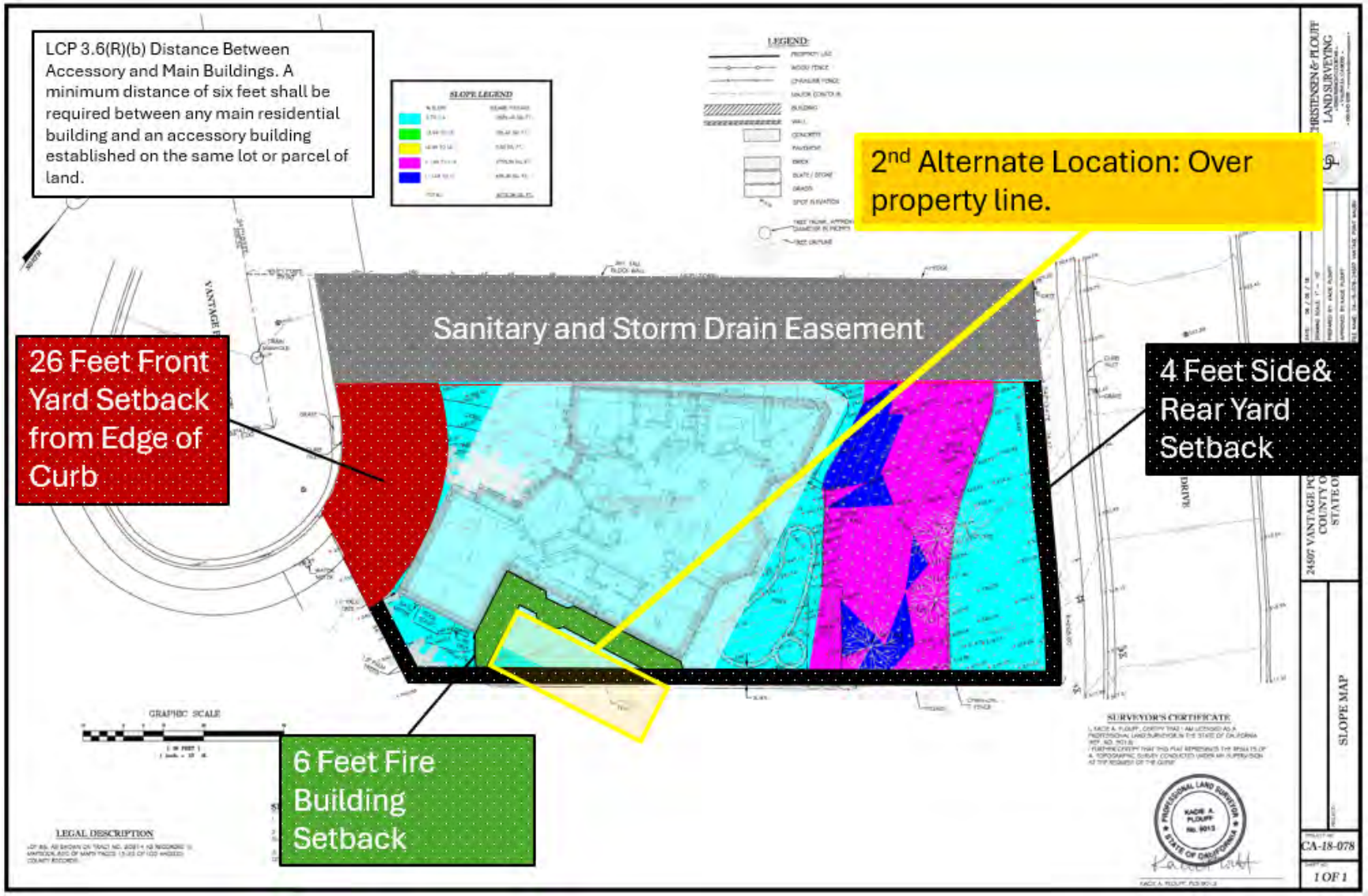
Proposed Location: Lower Building Pad



1st Alternate Location: Over the pool, over the slope



2nd Alternate Location: Over the property line



February 6, 2026

City of Malibu
Planning Department
ATTN: Magda Gonzalez, Contract Senior Planner
23825 Stuart Ranch Rd
Malibu, CA 90265

RE: CDP Application 21-045 – 24507 Vantage Point Terrace – Variance Application and Findings

Dear City Planning Staff,

As outlined in the Staff Report, the subject property is a rectangular-shaped lot located on the inland side of Pacific Coast Highway (PCH) adjacent to John Tyler Drive. The subject property is situated within the Malibu Country Estates (MCE) Overlay District. The parcel is currently developed with a 3,572 square-foot single-family residence that was constructed in 1988 on one building pad located on a flatter portion of the site. The existing building pad is also occupied by a swimming pool, spa, and wooden deck located immediately to the rear of the existing residence.

The subject application proposes a 594 square-foot, 11-foot 2-inch high ADU/Second Unit on the existing second building pad located on the southeasterly portion of the property abutting John Tyler Drive. While it remains the applicant's understanding that State ADU law would not require a Variance application to approve the proposed ADU, we believe that the necessary Variance findings can be made to approve the proposed development under the provisions of the LCP.

The MCE Overlay standards confine development to **one building pad per parcel** and require a **15-foot rear yard setback**. This Variance application requests relief from the following two (2) MCE Overlay standards and includes written findings justifying these requests:

A. There shall be no more than one building pad per lot LIP 3.4.1 (D)(6)(b).

   We seek relief to utilize an existing/legally established second building pad.

B. Rear yard setbacks shall be at least 15 feet LIP 3.4.1 (D)(2)(c).

   In order to site the ADU on the existing second building pad, we seek relief from the MCE rear yard setback of 15 feet, in compliance with LCP Variance allowances and State ADU law, to provide a rear yard setback of no less than 4 feet.

ATTACHMENT 4

Variance Findings for Development on a Second Legally Established Building Pad and Reduced Rear Yard Setbacks:

The subject application proposes a new ADU on a second legally established building pad. Siting for the ADU is constrained by an existing pair of easements located on the northern 25% of the property. Additionally, the property includes two existing flat areas that meet the MCE Overlay's definition of "building pads", which are separated by a manufactured slope. All natural slopes on the subject property were graded in conjunction with the establishment of the subdivision, which constitutes a single development area under the LCP's definition of "Development Area", which includes all graded slopes. Please see below the mandatory variance findings per LIP Section 13.26.5.

A. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

a. Findings for Second Building Pad:

i. The subject property is uniquely constrained by two recorded utility easements—one sanitary sewer and one storm drain easement—that run the length of the northernmost portion of the parcel, occupying approximately twenty-five percent of the total lot area, including the upper building pad that contains the existing single-family residence. These unusually significant easement encumbrances substantially reduce the buildable area in a manner not shared by surrounding parcels. Were it not for these easements, the ADU could likely be sited on the same building pad as the primary residence, thus not requiring utilization of the lower building pad.

ii. The property further contains two historically graded building pads, documented in aerial photography dating back to 1980. The lower building pad is separated from the primary pad by an existing manufactured slope and is physically suitable for development.

iii. The lower building pad meets the definition of LIP 3.4.1(D)(6)(d) *"a building pad shall be defined as a single, continuous, graded area, not exceeding 3 percent in slope, designed to accommodate development."*

b. Findings for Rear Yard Setback:

i. Strict application of LIP 3.4.1(D)(2)(c) "*Rear yard setbacks shall be at least 15 feet*" would require siting the ADU not on the lower building pad, but up

and/or into the slope. This would require non-exempt grading/landform alteration and the extension of the existing building pad, in conflict with LIP 3.4.1(D)(8)(b) "*No grading shall be permitted for the purpose of extending the existing building pad.*" As proposed, no grading or landform alteration is required, and earth movement is limited to exempt removal and recompaction for the foundation, consistent with the requirements of the LCP and the MCE Overlay District requirements for no extension of existing pads.

ii. Since strict application would require non-exempt grading, the LCP encourages such setback modifications prescribed by the Variance process. LIP 3.6 (F)(5) states, *"Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources."* The proposed siting for the ADU, within the identified 15 ft. rear yard setback, allows for no new landform alteration consistent with the purpose and goals of the LCP.

iii. This would also fulfill the purpose of CHAPTER 8. *"The purpose of the Grading Ordinance is to ensure that new development minimizes the visual and resource impacts of grading and landform alteration."*

Figure 1 below shows the proposed ADU siting with variances for setback and second building pad, allowing siting fully on the lower building pad. Figure 2 shows the infeasibility of siting the ADU on the lower building pad without rear yard setback relief.

Figure 1

Proposed ADU Siting – Lower Building Pad, 4-foot rear setbacks

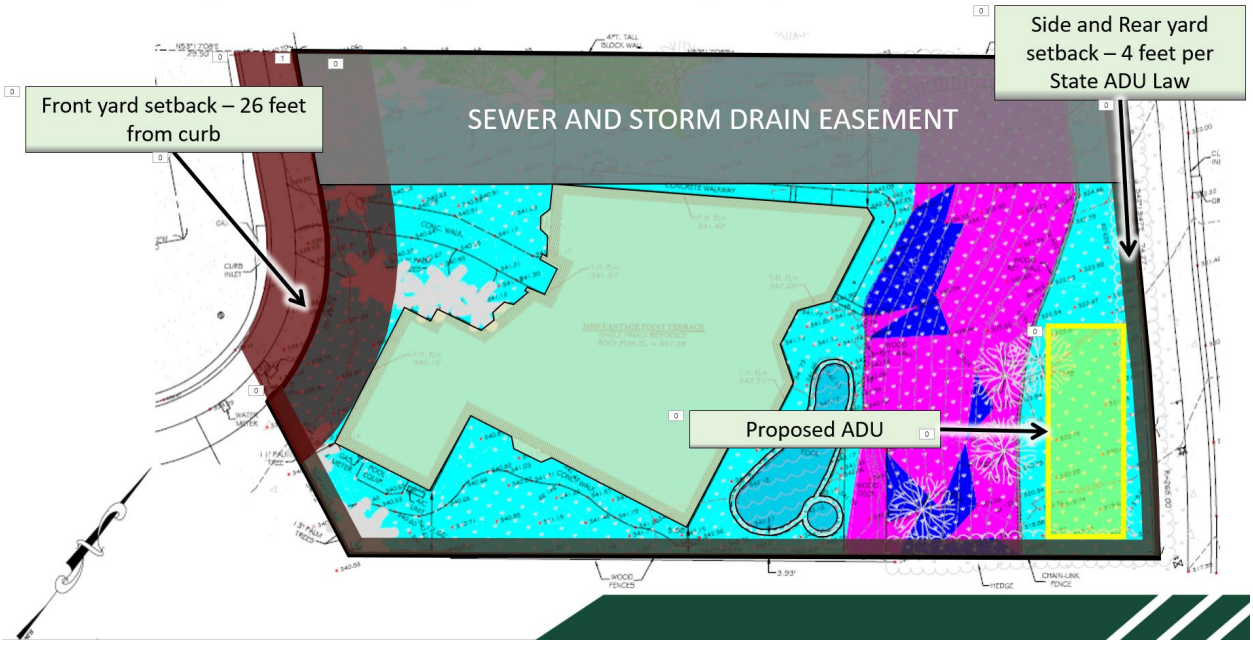
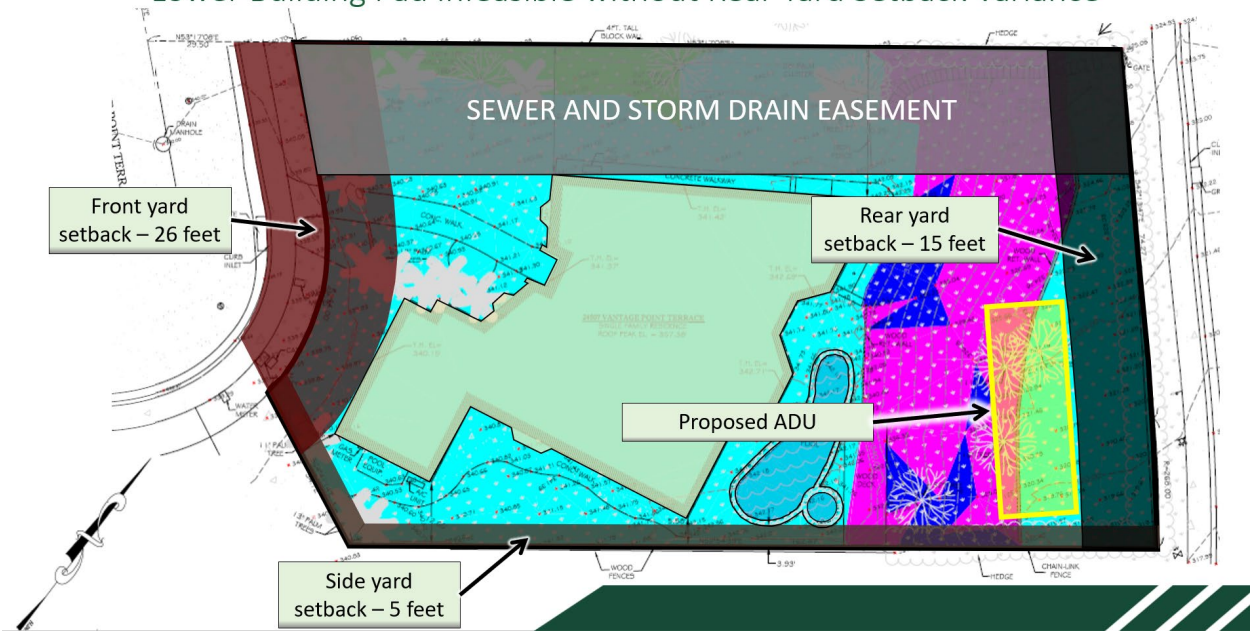


Figure 2

Alternate ADU Siting
Lower Building Pad Infeasible without Rear Yard Setback Variance



Based upon the foregoing, strict application of the LCP would deprive the property of reasonable development privileges enjoyed by similarly zoned parcels that do not suffer from comparable easement constraints and topographic conditions.

B. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

a. Second Building Pad & Rear Yard setback:

i. The project has been reviewed by multiple City departments, all of which have determined that the proposed development is safe and compliant with applicable health and safety standards.

ii. The project has been reviewed and approved by the City Public Works Department for conformance with LIP Chapter 17 water quality requirements, including stormwater management and runoff control measures.

iii. The City Biologist has reviewed and approved the project, finding it consistent with the City's goals and policies for biological resource protection.

iv. The proposed development has been reviewed and approved by City geotechnical staff, confirming that the site is geologically suitable for development, meeting the threshold set in LIP 9.3 *"A Coastal Development Permit for the proposed development shall only be granted if the City's decision making body is able to find that: 1. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons; 2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping or other conditions; 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative; 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity; 5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP."*

Based on these departmental reviews, the granting of the variance would not be detrimental to the public interest, health, safety, or welfare, nor injurious to nearby properties or improvements.

C. The granting of the variance will not constitute a special privilege to the applicant or property owner.

a. Second Building Pad & Rear Yard setback:

i. Second Units are Permitted Uses in the SF Zone (LIP Table B).

ii. The subject property is subject to unusual physical and legal constraints not shared by surrounding properties, including large utility easements occupying the northern quarter of the lot and a unique landform consisting of two legally established building pads divided by a slope within one approved development area as defined in LIP section 2.1 *"DEVELOPMENT AREA – the approved portion of a project site that is developed, including the building pad and all graded slopes, all structures, and parking areas."* These conditions significantly limit feasible building locations.

iii. A variance would provide reasonable relief from these unique constraints and does not confer a special privilege not enjoyed by other properties in the vicinity and under the same zoning classification.

iv. The proposed ADU, due to its placement on the existing lower building pad and its low profile, will not obstruct scenic views or visual resources and will remain largely invisible from neighboring properties.

D. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

a. *Second Building Pad & Rear Yard setback:*

i. The proposed development clusters construction on previously disturbed land, avoids slope disturbance, minimizes grading, reduces visual impacts and has no impact to sensitive environmental coastal resources.

ii. The project is located away from ESHA, marine resources, and sensitive visual resources.

iii. By utilizing an existing graded pad, the project protects coastal resources as demonstrated above while fulfilling the LCP's purpose. *"1.2. PURPOSE The purpose of this article is to implement the policies of the California Coastal Act of 1976, to carry out the policies of the City of Malibu Land Use Plan, and to:*

(A). Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of this City and of the State."
(b) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners."

Based upon the foregoing, the proposed siting protects and maintains public access to coastal resources while balancing social and economic needs of the people regarding affordable housing and private property rights, consistent with the goals, objectives, and policies of the Malibu Local Coastal Program.

E. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

a. *Second Building Pad & Rear Yard setback:*

i. The subject property is located inland of Pacific Coast Highway in a fully developed residential neighborhood. No Environmentally Sensitive Habitat Areas (ESHA) are located on the site or in the immediate vicinity. No ESHA standards or buffers are implicated by the proposed development.

F. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.

a. *Second Building Pad & Rear Yard setback:*

i. The subject property is a non-beachfront lot and is not subject to stringline standards applicable to beachfront parcels under Chapter 12 of the Malibu LIP. The proposed development does not limit or interfere with public access to coastal resources.

G. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

a. *Second Building Pad & Rear Yard setback:*

i. The subject property is zoned Single-Family Residential (SF). Pursuant to LCP Table B, second units (ADUs) are a permitted accessory use in the SF zone. The existing single-family residence establishes the primary use and therefore, the ADU/Second Unit may be permitted as an accessory use.

ii. The surrounding neighborhood is developed with single-family residences, and the proposed ADU is consistent with the existing land use pattern and the intent of the SF zone to maintain low-density residential development that respects surrounding properties and the natural environment.

H. The subject site is physically suitable for the proposed variance.

a. *Second Building Pad & Rear Yard setback:*

i. The proposed ADU site is located on a flat, historically graded pad at the toe of the slope in the rear portion of the property that requires no site grading to establish a new or extended pad.

ii. The site has been reviewed and approved by the project geologist and City geotechnical staff.

iii. The requested variance results in reduced landform alteration, avoidance of slope disturbance, and minimized environmental impacts.

I. The variance complies with all requirements of state and local law.

a. *Second Building Pad & Rear Yard setback:*

i. The proposed ADU complies with the Malibu Local Coastal Program and Malibu Municipal Code including provisions related to the required findings for these Variances.

ii. The project is consistent with the goals and requirements of State ADU law, including the setback standards authorized by Government Code section 66321(b)(3).

iii. The project is consistent with Government Code Section 65580 as it pertains to balancing housing needs (including low-income housing objectives) and is consistent with State Housing law and the California Coastal Act.

(d) "*Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to*

make adequate provision for the housing needs of all economic segments of the community, and conservation goals within the Coastal Zone."

J. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands. (Ord. 303 § 3, 2007)

a. Second Building Pad & Rear Yard setback:

i. The subject property is located in a residential cul-de-sac and contains no public parking facilities.

ii. No public parking spaces are proposed to be removed or altered by the project.

iii. Accordingly, the granting of the requested variances would not reduce or eliminate public parking for access to beaches, public trails, or parkland.

For the reasons set forth above, the requested Variances are fully supported by the required findings and are consistent with the Malibu Local Coastal Program, Malibu Municipal Code, the California Coastal Act, and applicable state housing and ADU law. The proposed ADU is sited on an existing, historically graded, legally established building pad in a manner that minimizes environmental and visual impacts, avoids slope disturbance and unnecessary grading, protects coastal resources, preserves public access, and balances resource conservation with the reasonable use of private property.

Based upon the foregoing, it appears that with the incorporation of these Variance findings, the ADU may be approved strictly under the provisions of the Malibu LCP, without the City's reliance on State ADU law and/or questions of interpretation surrounding the implementation of State law. Therefore, we respectfully request approval of the subject CDP application.

Sincerely,
Keystone Strategic Planning



Matt Jewett
Principal

LOS ANGELES COUNTY WATERWORKS DISTRICTS *

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

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

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

TO:

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

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

☐ Los Angeles County
Fire Department

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

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

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

RE: **24507 VANTAGE POINT TERRACE** (Address) **MALIBU** (City) **90265** (Zip Code)

APN # 4458-033-006

Los Angeles County Waterworks District No. 29

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

☐	Annexation of the property into Los Angeles County Waterworks District is required. **Water service to this property will not be issued until the annexation is completed.**
☐	The appropriate fees must be paid to the District and other related water agencies.
☒	The appropriate service connection fees have been paid to Waterworks Districts for the existing 1" service connection.
☒	The property has an existing 3/4"x1" water meter.
☐	The appropriate connection fees have been paid to Waterworks Districts for the proposed service.
☐	Water system improvements will be required to be installed by the developer subject to the requirements set by the Fire Department and the District.
☒	Water meter serving the property must be installed in accordance with Waterworks' District standards.
☒	Public water system and sewage disposal system must be in compliance with Health Department separation requirements.
☐	A portion of the existing fronting water main may be required to be replaced or upgraded if the water service tap cannot be made or if damage occurs to the water main.
☒	Property may experience low water pressure and / or shortage in high demand periods.
☐	The District **CAN NOT** serve water to this property at this time.
☐	Must comply with and satisfy City of Malibu requirements in order to obtain Water Service.
☒	A USC approved backflow device is required for this property and is to be installed and maintained by the property owner and tested annually.
☒	This Will Serve Letter is for an ADU, FEPC2021-3415.

By:	William Johnson	(310) 317-1389	4/6/2022
Signature	Print Name	Phone Number	Date
	Senior Civil Engineer		

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

Rev. 06/09

ATTACHMENT 5

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department

FROM: City of Malibu Planning Department **DATE:** 9/23/2021

PROJECT NUMBER:	ACDP 21-045
JOB ADDRESS:	24507 VANTAGE POINT TER
APPLICANT / CONTACT:	Matt & Martin Jewett & Rasmussen, Keystone Stra
APPLICANT ADDRESS:	4859 West Slauson Avenue Los Angeles, CA 90056
APPLICANT PHONE #:	(503)866-1249
APPLICANT FAX #:	
PROJECT DESCRIPTION:	(N) ADU with Minor Modification for rear yard setback modification.

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

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

The project DOES require Fire Department Plan Review and Developer Fee payment	✓
The project DOES NOT require Fire Department Plan Review	
The required fire flow for this project is 1,250 gallons per minute at 20 pounds per square inch for a 1 hour duration. (Provide flow information from the water dept.)	✓
The project is required to have an interior automatic fire sprinkler system.	✓
Final Fuel Modification Plan Approval is required prior to Fire Department Approval	

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

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

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

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

R. Gonzalez — SIGNATURE

04/26/2022 — DATE

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341or at the Fire Department Counter:
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM

Rev 04/21/10 mr

FIRE DEPARTMENT NOTES:

6 X 4 X 2 1/2 FIRE HYDRANTS
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.

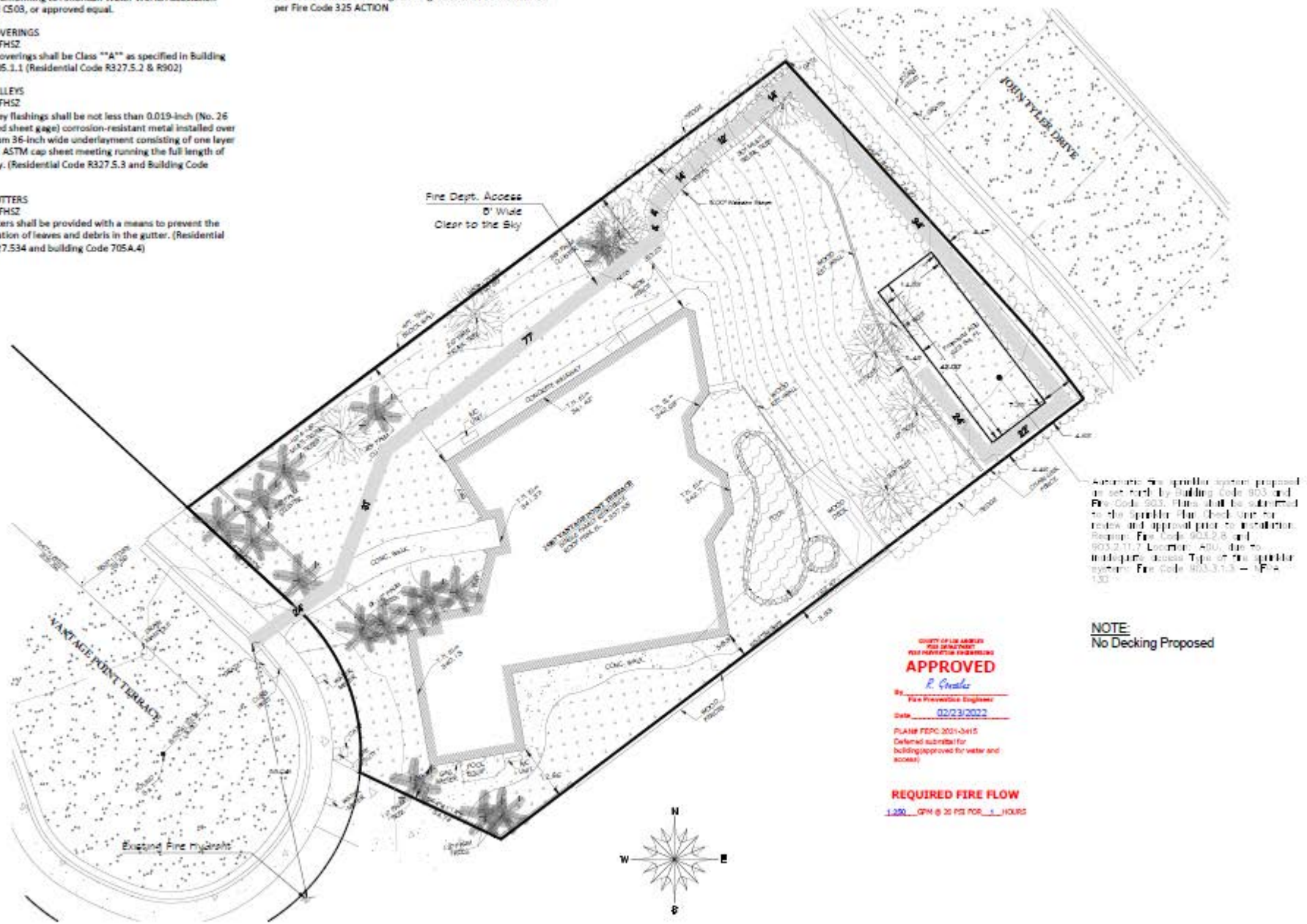
ROOF COVERINGS
FBU - VHFHSZ
All roof coverings shall be Class ""A"" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R902)

ROOF VALLEYS
FBU - VHFHSZ
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)

ROOF GUTTERS
FBU - VHFHSZ
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)

FIRE DEPARTMENT NOTES (CONTINUED):

BRUSH CLEARANCE
FBU - VHFHSZ
Clearance of brush and vegetative growth shall be maintained per Fire Code 325 ACTION



Automatic fire sprinkler system proposed as set forth by Building Code 903 and Fire Code 903. Plans shall be submitted to the sprinkler plan check unit for review and approval prior to installation. Reference Fire Code 903.2.8 and 903.2.11.7 Location ABU, due to inadequate access Type of fire sprinkler system Fire Code 903.3.1.3 – NFPA 13D

NOTE:
No Decking Proposed

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION ENGINEERING
APPROVED
R. Gruska
By _____ Fire Prevention Engineer
Date 02/23/2022
PLAN# FDPC 2021-3415
Deferred submittal for building(approved for water and access)

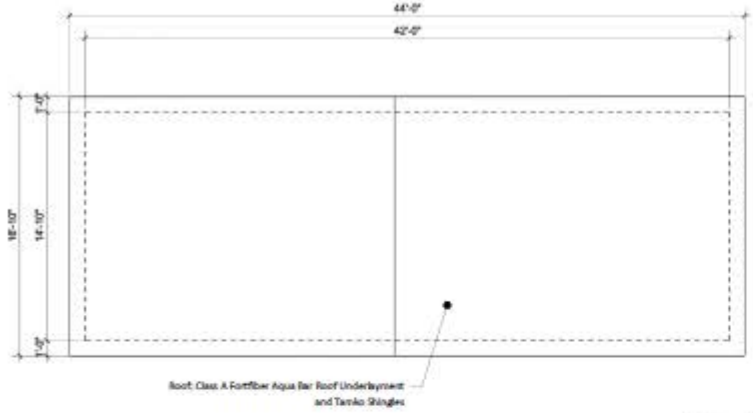
REQUIRED FIRE FLOW
1,250 GPM @ 20 PSI FOR 1 HOURS

24507 Vantage Point
Fire Access Plan
APN: 4468-033-006
Malibu, CA 90265
2022-01-21

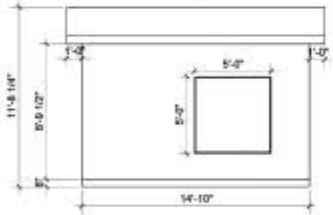
Date:	Description:	By:

SHEET NUMBER 1 of 2

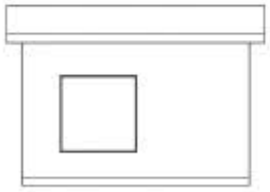
SCALE 1"=10'



4 MARS - ROOF PLAN
SCALE: 1/4



5 MARS - ELEVATION - RIGHT
SCALE: 1/4



6 MARS - ELEVATION - LEFT
SCALE: 1/4



General Cross Section Detail
Scale: Not to Scale

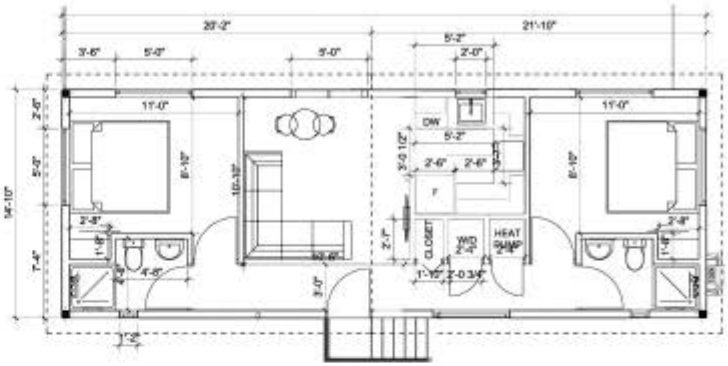
FIRE DEPARTMENT NOTES:

ROOF COVERINGS
FBU - VHFHSZ
All roof coverings shall be Class "A" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R902)

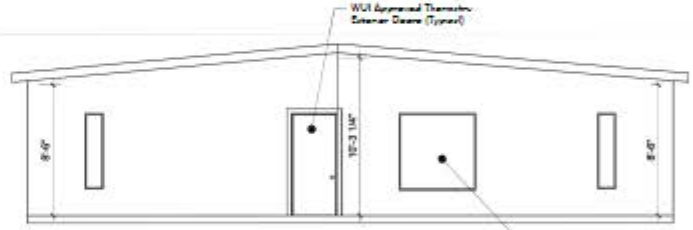
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FBU - VHFHSZ
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Roof gutters shall be provided with a means to prevent the accumulation of leaves and debris in the gutter. (Residential Code R327.534 and building Code 705A.4)

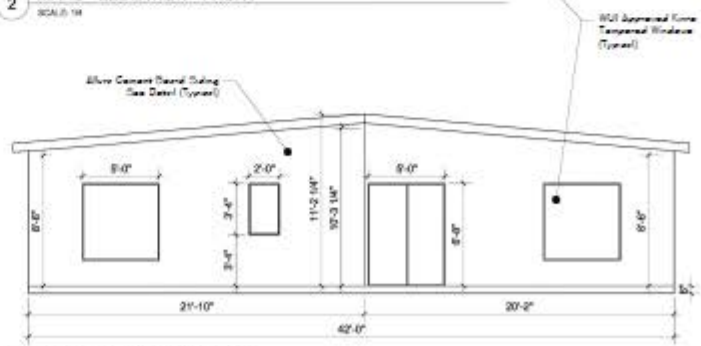
BRUSH CLEARANCE
FBU - VHFHSZ
Clearance of brush and vegetative growth shall be maintained per Fire Code 325 ACTION



1 MARS - FLOOR PLAN
SCALE: 1/4



2 MARS - ELEVATION - FRONT
SCALE: 1/4



3 MARS - ELEVATION - BACK
SCALE: 1/4

24507 Vantage Point
Floor and Elevations Plan

APN: 4468-033-006
Malibu, CA 90265

2022-01-21

Date:	Description:	By:

SCALE: AS SHOWN

SHEET NUMBER
2 of 2

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 **DATE:** 9/23/2021

PROJECT NUMBER:	ACDP 21-045
JOB ADDRESS:	24507 VANTAGE POINT TER
APPLICANT / CONTACT:	Matt Jewett, Keystone Strategic Planning
APPLICANT ADDRESS:	4859 West Slauson Avenue Los Angeles, CA 90056
APPLICANT PHONE #:	(425)753-6115
APPLICANT FAX #:	
APPLICANT EMAIL:	mjewett@keystoneplanners.com
PLANNER:	Didier Murillo
PROJECT DESCRIPTION:	(N) ADU with Minor Modification for rear yard setback modification.

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.**

_____ **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 — 10/6/21

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)	Matt Jewett, Keystone Strategic Planning mjewett@keystoneplanners.com		
Project Address:	**24507 VANTAGE POINT TER** Malibu, CA 90265		
Planning Case No.:	ACDP 21-045		
Project Description:	(N) ADU with Minor Modification for rear yard setback modification		
Date of Review:	October 6, 2021		
Reviewer:	Courtney McCammon	Signature:	Courtney McCammon
Contact Information:	Phone: (310) 456-2489 ext 277	Email:	biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	9/23/21
Site Survey:	9/23/21
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:	

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 shall be scheduled only during the dry season from April 1 - October 31. If it becomes necessary to conduct grading activities from November 1 – March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

   C. 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.

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

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	February 8, 2022	**Review Log #:**	**4811**
Site Address:	24507 Vantage Point Terrace		
Lot/Tract/PM #:	n/a	**Planning #:**	**ACDP 21-045**
Applicant/Contact:	Matt Jewett, mjewett@keystoneplanners.com	**BPC/GPC #**	
Contact Phone #:	425-753-6115 **Fax #:**	**Planner:**	**To be Determined**
Project Type:	New pre-manufactured accessory dwelling unit (ADU)		

Submittal Information

Consultant(s)/Report Date(s): *(Current submittal(s) in **Bold**.)*	GeoSoils Consultants, Inc. (Miller, GE 2257; Ruberti, CEG 1708): **12-15-2021 (revised 1-14-2022)**, 10-12-2020 Architectural plans prepared by Keystone Strategic Planning dated October 20, 2020. Structural plans prepared by Chapman Home Builders, Inc. dated April 30, 2020 (in geotechnical report).
Previous Reviews:	10-11-2021

Review Findings

Coastal Development Permit Review

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

☐ The proposed ADU is **NOT APPROVED** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.

Building Plan-Check Stage Review

☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.

☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ **NOT APPROVED** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

Remarks

The referenced response geotechnical report was reviewed by the City from a geotechnical perspective. The project includes the construction of a new 623 square foot pre-manufactured ADU adjacent to John Tyler Road on the property. R & R grading is proposed.

Review Comments:

None.

Building Plan-Check Stage Review Comments:

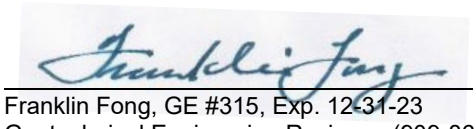
1. Please provide a plan check review fee of $1,016.00 for City geotechnical staff to review the plans upon Building Plan Check submittal.
2. Please submit a grading plan that implements the Project Geotechnical Consultant's recommendations for removal and re-compaction grading (upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of 3 feet beyond the ADU footprint).
3. A drainage plan prepared by a licensed civil engineer is to be included as part of the plans.
4. Include the following note on all the foundation plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Engineer prior to placement of reinforcing steel.*"
5. 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 and elevations of all density tests, locations and elevations of all removal bottoms, and the expansion index of the sandstone bedrock 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.
6. HARD COPY PLANS: Three sets of grading and ADU plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer.** City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**
7. ELECTRONIC PLANS: If final foundation and civil plans are digitally signed and stamped by the Project Geotechnical Consultant, as allowed under Board of Registration for Professional Engineers and Land Surveyors (2020 PE &PLS Board Rules (16 CCR §§400-476), the Plan Review Letter must contain the following:

    - Project description – Address, scope, including structures being permitted (e.g., pool, guest house etc.).
    - Plan set information – The date and preparer of the plan set reviewed; this must match the plan set that was submitted to the city for final approval.
    - Report references – All applicable geotechnical or coastal engineering reports need to be referenced.
    - Approval of specific plan sheets reviewed – List all plan sheets approved, e.g., civil (grading and drainage) as well as structural.
    - Licensed Professional signature and stamp – The letter must be signed and stamped by all licensed professionals who signed the reports.

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

Engineering Geology Review by:  2-8-2022

Christopher Dean, C.E.G. #1751, Exp. 9-20-2022 Date
Engineering Geology Reviewer (408-656-3210)
Email: cdean@malibucity.org

Engineering Geology Review by:  2-8-2022

Franklin Fong, GE #315, Exp. 12-31-23 Date
Geotechnical Engineering Reviewer (909-860-7515)
Email: ffong@ffongge.com

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

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

GeoDynamics, Inc.
Applied Earth Sciences
Geotechnical Engineering & Engineering Geology Consultants

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 ADU 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 Swimming pool 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 swimming pool and spa 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 Project 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 **DATE:** 9/23/2021

PROJECT NUMBER:	ACDP 21-045
JOB ADDRESS:	24507 VANTAGE POINT TER
APPLICANT / CONTACT:	Matt Jewett, Keystone Strategic Planning
APPLICANT ADDRESS:	4859 West Slauson Avenue Los Angeles, CA 90056
APPLICANT PHONE #:	(425)753-6115
APPLICANT FAX #:	
APPLICANT EMAIL:	mjewett@keystoneplanners.com
PROJECT DESCRIPTION:	(N) ADU with Minor Modification for rear yard setback modification.

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.

SIGNATURE

10/25/21
DATE

City of Malibu
MEMORANDUM

To: Planning Department

From: Public Works Department
Danh Duong PE., Assistant Civil Engineer

Date: October 25, 2021

Re: Proposed Conditions of Approval for 24507 Vantage Point Terrace - ACDP 21-045

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.

STORMWATER

1. 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

Recycled Paper

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

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

Received
11/24/25
Planning Div.

From: DOUGLAS DE LUCA
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Dec 1, 2025
Date: Friday, November 21, 2025 6:04:21 PM

Dear Planning Commissioners,
I am a homeowner in the Malibu Country Estates and live on the same street as the subject property. Homeowners in MCE should not be denied the opportunity to build an ADU as long as there is appropriate space on the lot, and the ADU does not impact the view of any neighbor. I do not have any objections, especially because there is no view impact with the ADU's roofline being lower than the building pad of the main house. Due to the property's location at the edge of our neighborhood, facing Pepperdine, none of the community's homeowners will even be able to see the proposed structure from their residences since it will be hidden behind vegetation at the bottom of a slope. Therefore, I fully support this ADU. Thank you for your consideration.

Regards,
Doug DeLuca
[redacted]
Malibu, ca 90265

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 11/24/25 Time 7:30 a.m.
Planning Commission meeting of 12/01/25
Agenda Item No. 5D
Total No. of Pages 1

ATTACHMENT 6

Received
12/1/25
Planning Div.

From: Eran Eliyahoo
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Dec 1, 2025
Date: Sunday, November 30, 2025 5:23:10 PM

Hello,

To whom it may concern, We own a property in the Malibu Country Estates that is directly next to the lot the subject ADU is planned for. The project does not pose any view impact since it is at the very bottom of the slope facing the large Pepperdine parking lot on John Tyler. There being no other concerns from our side, there is no reason for us to object and we recommend to approve the application.

Best regards,
Eran Eliyahoo

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/1/25 Time 7:30 a.m.
Planning Commission meeting of 12/1/25
Agenda Item No. 5D
Total No. of Pages 1

ATTACHMENT 6

Received
12/1/25
Planning Div.

From: emmanuel gonzalez
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Dec 1, 2025
Date: Saturday, November 29, 2025 4:15:35 PM

Dear Planning Commissioners:

Our home is immediately adjacent to the Meissners' property. We have seen the plans and feel comfortable with the project. Therefore, we may ask you to approve it.

Happy Holidays-

Emmanuel Gonzalez

Sent from my iPhone

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/1/25 Time 7:30 a.m.
Planning Commission meeting of 12/1/25
Agenda Item No. 5D
Total No. of Pages 1

Received
11/21/25
Planning Div.

From: Teresa LeGrove
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Dec 1, 2025
Date: Friday, November 21, 2025 3:01:07 PM
Attachments: AIorK4xXdTTrLyEUj2uxyaPqM07M6SN89yiQN1i-tUX1jBAUDwEln-LrYmb7Mx_eqJST5BOl_c03ffY.png
AIorK4yXCMS582h9cTXkp0JzNXdsO79KkWwPXgfxUE8mgDBEwn7aBD_qO-E1VkR-Es4IEKfC5FFWhjw.png
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AIorK4wIi7BIpRl2CAqKiY0nZI3_OtuWcreUZ8Vyis21c1l2ZfK1mU2UMGASO-Ebmu5n_NXQrJaV8xM.png
AIorK4z6pTulkSK7Ckq9Lc6i0jKk-ur43pG5CwsNPCYsxhm9siZcnNF0SDOvLJ8oDjV5HnnhSlRRRG0.png

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Dear City of Malibu Planning Department,

I'm writing as both a Malibu Country Estates resident and a local Realtor who works closely with families, students, and professionals in our community. I want to express my full support for my neighbor's proposed ADU project, as well as the broader effort to encourage well-planned ADUs in Malibu.

ADUs provide meaningful benefits in a city where housing costs continue to rise. They offer flexible options for those who work or study in Malibu, but cannot afford traditional rental prices. They also give homeowners a way to support aging parents, young adults who are just launching, or long-term local employees who are essential to the fabric of our community. When a property has the space to responsibly accommodate an ADU, it becomes an opportunity to strengthen our neighborhood without changing its character.

From both a resident's and a Realtor's perspective, I've seen how thoughtfully designed ADUs increase stability, improve housing accessibility, and help maintain the economic diversity that keeps Malibu vibrant.

Thank you for your time and consideration. I fully support this project and hope you will too.

Warm regards,

Teresa LeGrove

Malibu Country Estates Resident

Realtor®, Coldwell Banker Malibu

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 11/21/25 Time 3:01 p.m.
Planning Commission meeting of 12/01/25
Agenda Item No. 5D
Total No. of Pages 1

From:	Planning Commission
To:	Magda Gonzalez
Cc:	Rebecca Evans; Gail Duncan
Subject:	FW: Support of ADU application 24507 Vantage Point Terrace, Malibu (ACDP-21-045)
Date:	Tuesday, January 13, 2026 5:20:38 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png image006.png

Received
01/07/26
Planning Div.

Hi Magda,

Please see this correspondence regarding CDP 21-045. It should be added with any other correspondence received since the agenda report was last published for this packet when this item next goes to the planning commission.

Regards,

Gail Duncan
Administrative Assistant
Community Development Department
Office: 310.456.2489, ext. 309
23825 Stuart Ranch Road | Malibu, CA 90265

From: Dana Harger [redacted]>
Sent: Wednesday, January 7, 2026 7:56 AM
To: Planning Commission <planningcommission@malibucity.org>
Subject: Support of ADU application 24507 Vantage Point Terrace, Malibu (ACDP-21-045)

Dear Commissioners,

I am writing to register my support of the above mentioned project at 24507 Vantage Point Terrace in Malibu. I am a neighbor living at [redacted] Vantage Point Terrace, only a few homes away, and I have no opposition to the project going forward.

As a senior citizen living in Malibu I have given much thought to how I might be able to remain in my home. I believe having a separate living space for a caregiver will afford me the best opportunity to stay in my home. As the planning commission surely knows, we have a lack of housing for caregivers in the community and as many in the city of Malibu are over 60 and would surely like to remain in their homes, one solution would be to allow ADU's.

Thank you for taking the time to consider my position regarding this project.

Best,
Dana Harger

BREDEFELD & ASSOCIATES, P.C.

CERTIFIED PUBLIC ACCOUNTANTS
125 MAPLE AVENUE, SUITE C
CHESTER, NEW JERSEY 07930
(732) 764-9292
FAX: (732) 764-8988

Received
01/12/26
Planning Div.

M. BREDEFELD, CPA

23805 STUART RANCH ROAD, SUITE 101
MALIBU, CALIFORNIA 90265
(310) 317-4608

January 12, 2026

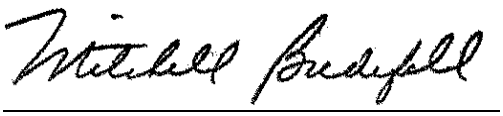
Dear Commissioners:

I am a homeowner in the Malibu Country Estates and live on the same street as the applicant. I know from personal experience about the importance of live-in caregivers when a family member needs them.

However, not all properties in our neighborhood lend themselves to a live-in situation. That's why those lots which have sufficient space in their backyard should be allowed to add a small ADU to their home. In the case of the Meissners' property, there is a building pad along John-Tyler Drive available for such purposes. Having an ADU at that location cannot possibly bother any neighbor because you can only see it when you walk through the campus. Based on the foregoing, I fully support the subject application.

Thank you for your consideration.

Sincerely yours,



Mitchell Bredefeld
MB/

Received
1/26/26
Planning Div.

From: **Buzzy Bookman** bookmanlawfirm@gmail.com
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045
Date: December 12, 2025 at 05:38
To: planningcommission@malibucity.org, Ellie Somerfield [redacted] Buzzy Bookman bookmanlawfirm@gmail.com, [redacted]

Ladies and Gentlemen,

I am the attorney for Eleanor Somerfield who resides on Vantage Point Terrace. I am also a co-trustee of the Somerfield Family Trust.

I am sending you this email on behalf of Mrs. Somerfield and myself personally, in support of the above application. I have inspected the plans for this project and it appears that the ADU causes no view obstructions and has been approved by the City geologist. In addition the unit planned for this project only occupies empty space in the backyard in a way that no neighbor could reasonably object to its presence. For these reasons I recommend that the Commission approve the application

Thank you,

Buzzy Bookman
(Mobile Tel:[redacted]

Lawrence E. Bookman, Esq.
LAWRENCE E. BOOKMAN
A PROFESSIONAL CORPORATION
16633 Ventura Boulevard,11th Floor
Encino, CA 91436-1865
Tel: (818) 907-3042; Fax: (818) 377-5433
e-mail: bookmanlawfirm@gmail.com

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CC: Planning Commission, PD,

Recording Secretary, File

Date Received 1/26/26 Time 7:30 a.m.
Planning Commission meeting of 2/2/26
Agenda Item No. 4A
Total No. of Pages 1

Received
1/26/26
Planning Div.

From: Scott Dudelson
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Feb 2, 2026
Date: Monday, January 26, 2026 1:06:36 PM

Dear Commissioners:

This email is in support of the Meissner family's application to build an ADU in their backyard. I am their neighbor on the Eastern cul-de-sac of Vantage Point Terrace and had a chance to see the plans. Being located at the bottom of a slope, the project does not have any view impact on my property — actually on nobody's property since the planned ADU is facing the university's Firestone Fieldhouse parking lot. Owners over 60 need a lawful approach to such development for caregivers/multi-generational living. Since the applicants have a suitable space for an ADU, I respectfully request that you grant them the permit.

Sincerely,

Scott Dudelson
[redacted] Vantage Point Terrace, Malibu CA 90265
Scott
https://www.linkedin.com/in/scottdudelson
https://www.swagbucks.com

The information contained in this e-mail message is privileged, confidential, and protected from disclosure. If you are not the intended recipient, any dissemination or copying is strictly prohibited. If you think that you have received this e-mail message in error, please e-mail the sender.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 1/26/26 Time 1:07 p.m.
Planning Commission meeting of 2/2/26
Agenda Item No. 4A
Total No. of Pages 1

Received
1/26/26
Planning Div.

From: sarah fischbach
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Feb 2, 2026
Date: Saturday, January 24, 2026 2:11:52 PM

Dear Commissioners,

I am a homeowner in the Malibu Country Estates [[redacted] Skyline View Dr] and write in support of the subject project. When I first heard of the restriction that each lot in our subdivision can only have one building pad, I assumed this is mandated by our CC&Rs. However, our governing documents do not contain such a provision. It is my understanding that use restrictions for the properties in our neighborhood are only legitimate when mandated by the CC&Rs. So it is very questionable how the City could legislate the second building pad prohibition without the unanimous approval of all HOA members required for an amendment of this kind, especially since this rule only applies to our neighborhood and not to the rest of Malibu. Whether or not there can be a second building pad is a factual matter. Most lots in the Malibu Country Estates simply don't have a second lot. But those few along John-Tyler Drive who do cannot be reasonably deprived of using their existing second pad of their property. Therefore, I respectfully request the subject application to be approved. As a professor at Pepperdine University, I enjoy living by the community that I work in and supporting the Malibu community as well.

Thank you and if you have any questions please do not hesitate to reach out.
Thank you for your support and consideration.

Dr. Sarah Fischbach & Lt Col Aaron Fischbach
[redacted] Skyline View Dr, Malibu
[redacted]

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 1/26/26 Time 7:30 a.m.
Planning Commission meeting of 2/2/26
Agenda Item No. 4A
Total No. of Pages 1

Received
1/26/26
Planning Div.

From: **Tom Botz** [redacted]
Subject: Fwd: ADU Application 24507 Vantage Point Ter (ACDP 21-045)
Date: December 19, 2025 at 20:10
To: Meissner Helmut [redacted]

Begin forwarded message:

> **From:** Tom Botz [redacted]
> **Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045)**
> **Date:** December 19, 2025 at 20:01:45 PST
> **To:** "planningcommission@malibucity.org" <planningcommission@malibucity.org>
>
> Dear Sir or Madam:
>
> I have owned my house in Malibu Country Estates ([redacted] Malibu Country Drive) since 2003.
>
> I am writing in support of the application of my neighbor Helmut Meissner for a permit to build an ADU on the back portion of his lot at 24507 Vantage Point Terrace.
>
> I have reviewed the plans and renderings and believe that the proposed ADU is entirely in character with the neighborhood and will in fact add to its charms.
>
> Accordingly, I believe that Mr. Meissner's application should be granted and the permit issued.
>
> Respectfully,
>
> Tom Botz

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 1/26/26 Time 7:30 a.m.
Planning Commission meeting of 2/2/26
Agenda Item No. 4A
Total No. of Pages 1

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, April 20, 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. 21-045 AND VARIANCE NO. 26-003 - An application to grade and construct a new 594 square-foot, approximately 11 foot 2-inch tall, detached Accessory Dwelling Unit/Second Unit; including a variance for relief from Malibu Country Estates Overlay District standards associated with a proposed second building pad, reduced rear yard setback, wall heights, and allowances for impermeable coverage, structure height, and grading outside the existing building pad

LOCATION / APN / ZONING:	**24507 Vantage Point Ter** / 4458-033-006 / Single-family Medium (SFM)
APPLICANT / OWNER:	Keystone Strategic Planning / Meissner Family Trust
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15270
APPLICATION FILED:	September 23, 2021
CASE PLANNER:	Magda Gonzalez, Contract Planner, mgonzalez@malibucity.org (925) 789-7160

A written staff report will be available at or before the hearing for the projects. All persons wishing to address the Commission regarding these matters 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: March 27, 2026

ATTACHMENT 7