RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-05 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 17-040 to construct a new 3,560 square foot, two-story, single-family residence with an attached two-car carport, swimming pool, spa, decks, landscaping, hardscape, new onsite wastewater treatment system (OWTS) and offsite private street improvements proposed adjacent to 5243 and 5246 Horizon Drive; including Variance (VAR) No. 17-004 to reduce the Environmentally Sensitive Habitat Area (ESHA) buffer, VAR No. 17-005 for a greater than 50 percent reduction of the front yard setback, VAR No. 17-053 for construction on slopes steeper than 2.5 to 1, VAR No. 18-035 for a reduction in the parkland setback, and Site Plan Review (SPR) No. 17-015 for construction up to 28 feet with pitched roofs for the residence located in the Rural Residential-Two Acre (RR-2) zoning district at 5180 Horizon Drive (Edwards).

DISCUSSION: On September 26, 2019, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to property owners and occupants within a 500-foot radius of the subject property. At the time the notice was published, the subject application included VAR No. 18-033 for retaining walls to exceed
six feet in height and SPR No. 19-078 for a hillside residential development standard exemption. After the publication of the notice, the applicant submitted revised plans that comply with the maximum height of retaining walls that are designed as an integral part of the structure and revised plans that comply with the hillside residential development standards. Therefore, VAR No. 18-033 and SPR No. 19-078 are no longer required and have been removed from the subject application.

On October 21, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. The Planning Commission continued the item to a date uncertain, at the applicant’s request, to allow time for the applicant to submit revised plans that reduce the square footage of the residence and increase the front yard setback and parkland setback.

On November 1, 2019, the applicant submitted a letter from the project’s geotechnical consulting engineer that addresses construction on slopes and revised architectural and civil plans that include:

1) Reduced Total Development Square Footage (TDSF) from 3,972 square feet to 3,560 square feet;
2) Reduced development area from 6,047 square feet to 4,869 square feet;
3) Proposed planting of Oak trees as a fire break;
4) Removal of front and side yard retaining walls;
5) Increased setback from ESHA from two feet to eight feet, six inches;
6) Increased front yard setback from zero feet to five feet, four inches; and
7) Increased parkland setback from 11 feet, 2 inches to 12 feet, 2 inches.

The revisions to the architectural and civil plans were reviewed by the City Environmental Health Administrator and City Public Works Department and determined to not require changes to the existing approvals. The City Biologist and City geotechnical staff reviewed and approved the revised plans. The recitals contained in the resolution were modified to reflect the continuations of the hearings and the date of tonight’s hearing. The project plans and letter from the geotechnical consulting engineer are included as Attachments 2 and 3.

This agenda report provides a project overview, a summary of project setting and surrounding land uses, a description of the project scope, an analysis of the project’s consistency with applicable provisions of the Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC), and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the project is consistent with the LCP and MMC.

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1 CalWest Geotechnical Consulting Engineers Supplemental Memorandum dated October 25, 2019
**Project Overview**

The subject parcel is an irregularly shaped vacant lot, similar to a rectangle, located in a residentially developed hillside area (Figure 1). The parcel is zoned RR-2 and is approximately one acre in size. The parcel takes access from the east side of Horizon Drive, a private road that dead-ends at the subject parcel. The Fire Department uses the adjacent parcel to the west as a fire department turnaround. That parcel also contains a public water tank operated by the Los Angeles County Waterworks District No. 29 (WD29). The subject parcel consists of mostly steep downhill slopes descending from Horizon Drive towards the rear of the property.

The subject application proposes to construct a new 3,560 square foot, two-story single-family residence with an attached two-car carport. The single-family residence is designed with a pitched roof not to exceed 28 feet in height. The subject application includes a swimming pool, spa, decks, landscaping, hardscape, OWTS and offsite fire department access improvements.

According to the LCP ESHA and Marine Resources Map and Biological Assessment prepared by Cooper Ecological Monitoring, Inc., the easterly half of the parcel contains Chaparral ESHA. The proposed residence and associated development is located entirely within the disturbed portions of the subject parcel (non-ESHA). However, portions of the required fuel modification (200-foot radius) extend into Chaparral ESHA. Residential development, including related fuel modification, is not a permitted activity in the applicable Chaparral ESHA and, therefore, a variance from LCP Local Implementation Plan (LIP) Section 4.5.3 is required.

In addition to a variance for encroachment into ESHA, the applicant is requesting VAR No. 17-005 for the reduction of the required front yard setback. The subject property is located adjacent to a 40-foot wide private road easement, and 20 feet of the easement width is located in the property’s frontage. The proposed development is sited 25 feet, 4 inches from the property line. As setbacks are measured from the edge of private road easements, the setback for the proposed residence is five feet, four inches. The front yard setback variance would permit the proposed development to be sited the furthest distance from ESHA, which is consistent with LIP Section 4.6.4(B) and (C).

Although the proposed development is sited on the flattest portion of the lot, the majority of the lot consists of slopes steeper than 2.5 to 1. As such, a portion of the proposed
development is sited on slopes steeper than 2.5 to 1, therefore, the applicant is requesting VAR No. 17-053 for construction on steep slopes.

The final variance request (VAR No. 18-035) is for a reduction to the required parkland setback. Pursuant to LIP Section 3.6(F)(6), new development adjacent to parklands is required to provide a 100-foot setback from parklands. As the subject parcel is located immediately south of the Zuma and Trancas Canyons Park (owned by the National Park Service) and the width of the subject parcel is approximately 98 feet wide, there is no alternative development pad that would avoid an encroachment into the parkland setback. However, pursuant to Government Code Section 51184(a), fuel modification does not apply to open space lands that are environmentally sensitive parklands. Therefore, the fuel modification of the proposed project will not be required to extend into the adjacent parkland and thus no direct impacts to the adjacent park are anticipated. In addition to the requested variances, the subject application includes SPR No. 17-015 for construction in excess of 18 feet in height with a total height of 28 feet for a pitched roof.

Figure 1 – Aerial Photo

The subject application includes fire department access improvements offsite, along the private street easement adjacent to 5243 and 5246 Horizon Drive. The improvements
include adding a section of asphalt measuring approximately 10 feet long by 20 feet wide to Horizon Drive to create the required 15 percent grade along the street. The additional asphalt will be placed over an existing street threshold which currently does not meet fire department access requirements. On September 23, 2019, pursuant to LIP Section 13.6.2(C), an invitation to be co-applicant was sent to the property owners of 5243 and 5246 Horizon Drive, where the offsite fire department access improvements will occur.

The subject property does not contain an official LCP mapped trail. A far eastern corner of the subject parcel is within the Appeal Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map as shown in Figure 1. However, the proposed development, including fuel modification, does not extend into the Appeal Jurisdiction. Therefore, the proposed project is not appealable to the California Coastal Commission.

**Surrounding Land Uses and Project Setting**

Table 1 provides a summary of the lot dimensions and the lot area of the subject parcel.

<table>
<thead>
<tr>
<th>Table 1 – Property Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Depth</td>
</tr>
<tr>
<td>Lot Width</td>
</tr>
<tr>
<td>Gross Lot Area</td>
</tr>
<tr>
<td>Net Lot Area*</td>
</tr>
</tbody>
</table>

*Net Lot Area = Gross Lot Area minus the area of access easements and 1 to 1 slopes.

The parcel’s surrounding area contains a mix of one- and two-story, single-family residential development with mature landscaping, open space and a few undeveloped lots. A table showing the Los Angeles County Tax Assessor’s Records, for properties within a 500-foot radius of the subject property, is included as Attachment 4. As shown in Table 2, the immediately surrounding land uses consist of single-family residential homes and undeveloped lots within the RR-2 and Public Open Space (OS) zoning districts.

<table>
<thead>
<tr>
<th>Table 2 – Surrounding Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direction</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>North</td>
</tr>
<tr>
<td>Southeast</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>East</td>
</tr>
</tbody>
</table>

² On October 6, 2014, the City of Malibu approved CDP No. 11-032 for the construction of a new 4,487 square foot, single-family residence and associated development. CDP No. 11-032 included a variance for encroachment in ESHA, a variance for a 38 percent reduction in the front yard setback, a site plan review for construction on steep slopes and a site plan review for construction in excess of 18 feet up to 28 feet for a pitched roof. To date, the approved single-family residences has not been constructed.
Project Description

The proposed scope of work is as follows:

Construction

a. A new 3,560 square foot, two-story, single-family residence with an attached two-car carport;

b. Swimming pool, spa and decks;

c. Landscaping and hardscape;

d. Offsite fire department access improvements; and

e. OWTS.

Additional Discretionary Requests

a. VAR No. 17-004 to reduce the ESHA buffer;

b. VAR No. 17-005 for a greater than 50 percent reduction of the front yard setback;

c. VAR No. 17-053 for construction on slopes steeper than 2.5 to 1;

d. VAR No. 18-035 for a reduction in the parkland setback; and

e. SPR No. 17-015 for construction up to 28 feet in height for a pitched roof.

Proposed Total Development Square Footage (TDSF)

- Lower Level (areas < 18 feet in height) 2,205 sq. ft.
- Upper Level (areas > 18 feet in height) 1,078 sq. ft.
- Covered Areas > 6 Feet (portion of carport with solid roof) 277 sq. ft.

Total: 3,560 sq. ft.

Hillside Residential Development

Hillside residential development standards pursuant to MMC Sections 17.40.040(A)(20) and 17.62.070 apply to residential development inland of Pacific Coast Highway, when the proposed development area is located on slopes steeper than 30 percent. Development subject to hillside residential standards shall have a reduced TDSF of 25 percent and a maximum height limit of 35 feet as measured from the lowest low point to the highest high point of each structure. The proposed development complies with both the reduced TDSF and maximum height limit of 35 feet. Therefore, a site plan review for an exemption to the hillside residential development standards is not required.

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3 "Proposed Development Area" is defined as the proposed portion of a project site that will be developed, including the building pad and all graded slopes, all structures, and parking areas. The area of one proposed access driveway or roadway not to exceed twenty feet wide, and one proposed hammerhead or safety turnaround, as required by the LA County Fire Department not located within the approved building pad, shall be excluded from the total proposed development area.
**LCP Analysis**

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

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters are discussed in the *LIP Conformance Analysis* section. The nine remaining LIP chapters do contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only the following chapters and associated findings are applicable to the project: Coastal Development Permit (including the required findings for the VARs and SPR), ESHA, Scenic Visual and Hillside Resource Protection and Hazards. These chapters are discussed in the *LIP Findings* section of this report.

**LIP Conformance Analysis**

The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) (Attachment 5 – Department Review Sheets). WD29 provided a letter to the applicant stating that WD29 can serve water to the property. The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies with the inclusion of VAR Nos. 17-004, 17-005, 17-053, and 18-035 and SPR No. 17-015.

**Zoning (LIP Chapter 3)**

The project is subject to non-beachfront development and design standards set forth under LIP Sections 3.5 and 3.6. Table 3 provides a summary and indicates the proposed project meets those standards.
<table>
<thead>
<tr>
<th>Development Requirement</th>
<th>Allowed/Required</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SETBACKS (ft.)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard (20% or 65 ft., whichever is less)</td>
<td>65 ft.</td>
<td>5 ft., 4 in.</td>
<td>VAR No. 17-005</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>66 ft., 5 in.</td>
<td>338 ft., 2 in.</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (10% - Min)</td>
<td>9 ft., 9 in.</td>
<td>12 ft., 2 in.</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (25% - Cumulative)</td>
<td>24 ft., 6 in.</td>
<td>28 ft.</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>ESHA SETBACK</strong></td>
<td>200 ft.</td>
<td>8 ft., 6 in.</td>
<td>VAR No. 17-004</td>
</tr>
<tr>
<td><strong>PARKLAND SETBACK</strong></td>
<td>100 ft.</td>
<td>12 ft., 2 in.</td>
<td>VAR No. 18-035</td>
</tr>
<tr>
<td><strong>PARKING</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enclosed</td>
<td>2</td>
<td>2</td>
<td>Complies</td>
</tr>
<tr>
<td>Unenclosed</td>
<td>2</td>
<td>2</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)</strong></td>
<td>7,108 sq. ft.</td>
<td>3,560 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Hillside Development TDSF</td>
<td>7,108 – 25%</td>
<td>3,560 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>1st Floor x 2/3rds = 2nd Floor</td>
<td>2,482 sq. ft. x 2/3</td>
<td>1,078 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>sq. ft.</td>
<td>= 1,655 sq. ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DEVELOPMENT AREA</strong></td>
<td>10,000 sq. ft.</td>
<td>4,869 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>IMPERMEABLE COVERAGE</strong></td>
<td>13,519 sq. ft.</td>
<td>5,501 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>HEIGHT (ft.)</strong></td>
<td>18 ft.</td>
<td>28 ft.</td>
<td><strong>SPR No. 17-015</strong></td>
</tr>
<tr>
<td>Hillside Development Height</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>SITE OF CONSTRUCTION</strong></td>
<td>&lt; 3:1</td>
<td>&gt;2.5 to 1</td>
<td><strong>VAR No. 17-053</strong></td>
</tr>
<tr>
<td><strong>NON-EXEMPT GRADING</strong></td>
<td>&lt; 1,000 cubic yards</td>
<td>40 cubic yards</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>FENCES/WALLS/HEDGES/GATES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>6 ft.; lower 42 in. view impermeable</td>
<td>None Proposed</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>6 ft.</td>
<td>None Proposed</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yards</td>
<td>6 ft.</td>
<td>None Proposed</td>
<td>Complies</td>
</tr>
<tr>
<td>Retaining Walls</td>
<td>6 ft.</td>
<td>None Proposed</td>
<td>Complies</td>
</tr>
</tbody>
</table>
Grading (LIP Chapter 8)

LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel. As summarized in Table 4 and as shown on the grading plans, the project proposes 40 cubic yards of non-exempt grading. Therefore, the proposed project complies with grading requirements set forth under LIP Section 8.3.

<table>
<thead>
<tr>
<th>Table 4 – LCP Grading Conformance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Exempt</strong></td>
</tr>
<tr>
<td>R&amp;R*</td>
</tr>
<tr>
<td>Cut</td>
</tr>
<tr>
<td>Fill</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Import</td>
</tr>
<tr>
<td>Export</td>
</tr>
</tbody>
</table>

*Note: R&R= Removal and Recompaction; cy = cubic yards

**Exempt grading includes all Removal and Recompaction (R&R), understructure and safety grading. Safety grading is the incremental grading required for fire department access (such as turnouts, hammerheads and turnarounds and any other increases in driveway width above 15 feet required by the Los Angeles County Fire Department).

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 Report was prepared by Robert Wlodarski in March of 2015 for the proposed project site. No archaeological resources were found onsite during the Phase I investigation. The Phase I Archaeological Report determined that the proposed improvements should have no adverse impacts to known cultural resources.

Nevertheless, a condition of approval has been incorporated into the proposed project which states that in the event that potentially important cultural resources be found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. The project has been conditioned to meet this requirement and complies with LIP Chapter 11.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the proposed project for conformance to LIP Chapter 17 requirements for water quality protection. A standard condition of approval for this project requires that prior to the issuance of any development
permit, a Local Storm Water Pollution Prevention Plan incorporating construction-phase Erosion and Sediment Control Plan and Best Management Practices, must be approved by the City Public Works Department. Additionally, the ocean between Latigo Point and the western City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. As such, the applicant’s drainage system is required to retain all non-storm water runoff on the property without discharge to the ASBS, and to maintain the natural water quality within the ASBS by treating storm runoff for pollutants in residential storm runoff that would cause a degradation of ocean water quality in the ASBS. A condition is also included requiring a Water Quality Mitigation Plan. With the implementation of these conditions, the proposed project conforms to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes an OWTS to serve the proposed development, which includes a 3,634-gallon MicroSepTec tank and ultraviolet disinfection unit. The OWTS has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the LCP and MMC. The proposed OWTS has been approved for installation by the City Environmental Health Administrator having met all applicable requirements. Conditions of approval have been included in the resolution, which require continued operation, maintenance, and monitoring of onsite facilities.

LIP Findings

A. General Coastal Development Permit (LIP Chapter 13)

Pursuant to LIP Section 13.9, the following four findings need to be made on all coastal development permits.

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

The project is located in the RR-2 zoning district, an area designated for rural residential uses. A single-family residence and associated development are permitted uses. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigations, the proposed project, as conditioned,
conforms to the LCP and MMC in that it meets all applicable residential development standards with the inclusion of the requested VARs and SPR.

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

The project is not located between the first public road and the sea. Therefore, this finding does not apply.

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

The following alternatives to the proposed project were considered.

**Alternative Project** – On June 19, 2018, staff visited the project site to document the story poles erected in June, 2018 and reviewed alternate site locations for the proposed project. Story pole photographs are included as Attachment 6. Due to the presence of steep slopes throughout the property, there are no feasible alternative site locations for the proposed development. Siting the development on the most disturbed portion of the property reduces environmental impacts due to landform alteration. Additionally, the proposed development does not encroach on existing bluewater views from neighboring properties. A smaller or alternative project could be proposed on the subject parcel. However, the proposed development area is less than 10,000 square feet (4,869 square feet) which is consistent with LIP Section 4.7.1. The proposed project also complies with TDSF and impermeable coverage. It is not anticipated that a smaller or relocated project would be an environmentally superior alternative. Therefore, an alternative project would not provide an environmental advantage and would not meet the project objectives.

**Proposed Project** – The project consists of a new single-family residence and associated development, all of which are permitted uses within the RR zoning classification of the subject property. The selected location for the proposed single-family residence and associated development have been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and the LACFD, and the project meets the City's residential development policies of the LCP and MMC. The proposed residence and related driveway are located within the disturbed portions of the subject parcel (non-ESHA). No other feasible alternative exists that would avoid impacts on ESHA due to fuel modification requirements. Additionally, no other feasible alternative development pad exists that would avoid construction on steep slopes. Furthermore, the proposed project is required to conserve an area containing intact habitat, restore an area of degraded habitat equivalent to the affected habitat, or pay an in-lieu fee for habitat conservation pursuant to LIP Section 4.8.1. As the proposed project is required to offset ESHA impacts and is
consistent with ESHA protection standards, the proposed project, as designed, is the least environmentally damaging alternative.

Finding 4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

According to the LCP ESHA and the Marine Resources Map and Biological Assessment prepared by the project’s consulting biologist, Cooper Ecological Monitoring, Inc. dated June 13, 2017, the easterly half of the parcel contains Chaparral ESHA. The required 200 foot fuel modification will extend into Chaparral ESHA. Therefore, pursuant to LUP Policy 5.5 and LIP Section 13.7(C), the application was subject to the Environmental Review Board (ERB) because the proposed development will impact ESHA. On July 24, 2018, the ERB reviewed the project and made the following recommendations:

a. Use fire resistant materials on the exterior and roof of the proposed residence.

b. Ceanothus shrubs within fuel modification Zone C should be thinned such that small clusters of 2-3 can be maintained 15-20 feet apart as described in the Zone C Fuel Modification guidelines.

c. Purchase container plants from local vendors that are certified Argentine Ant free.

d. Plant Oak trees downslope from the proposed development to serve as a fire break for the residence.

e. Fuel Modification should not take place during nesting season.

f. Move the drainage system (shown on Sheet C2) below the seepage pits in order to utilize the drainage and reduce erosion potentials.

The ERB recommended that staff proceed with the application.

The project plans have been revised to incorporate ERB Recommendations (a) through (d). ERB Recommendation (d) was originally in conflict with a determination by the City Biologist due to the proposed location of the trees. A revised site plan, including a new location for the proposed fire break Oak trees was submitted to the Planning Department on November 1, 2019 and reviewed and approved by the City Biologist. In addition to the fire break Oak trees, the property owner has agreed to utilize fire resistant materials on the roof and exterior walls, in addition to complying with all LACFD requirements.
A condition in Planning Commission Resolution No. 20-05 has been added to address ERB Recommendation (e). Staff has discussed ERB Recommendation (f) with the City Environmental Health Administrator and City Public Works Department. Both departments have indicated that the proposed design is the least environmentally impactful and, due to the steep slopes and natural drainage features, relocating the drainage system may create additional environmental impacts. Therefore, ERB Recommendation (e) has not been incorporated into the revised plans.

B. Variance for Fuel Modification to Extend into ESHA (LIP Section 13.26.5)

A variance is proposed to allow the required 200 feet of fuel modification of the proposed residence to extend into Chaparral ESHA. Pursuant to LIP Sections 4.5.3, 4.6.1(E) and 4.6.1(F), new development, including fuel modification, is not a permitted activity in ESHA; therefore, a variance is required. LIP Section 13.26.5 requires that the City makes ten findings in consideration and approval of a variance. Based on the foregoing evidence contained within the record, the required findings for VAR No. 17-004 are made as follows.

Figure 2 – ESHA and Parkland

The proposed single-family residence is sited approximately eight feet, six inches from Chaparral ESHA as determined by the submitted Biological Assessment and approximately 12 feet, 2 inches from the Zuma and Trancas Canyon Park, a parcel owned by the National Park Service (Figure 2). As proposed, the fuel modification would extend 191 feet, 6 inches into ESHA on the subject property from the northeastern corner of the structure. Given the size and shape of the lot and location of ESHA, no alternative feasible location exists on the property that would avoid impacts to ESHA. Therefore, the project
would be conditioned to provide mitigation for unavoidable impacts to ESHA for the removal, conversion, or modification of natural habitat for new development, including required fuel modification.

**Finding 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.*

Exceptional characteristics applicable to the subject parcel exist with regards to ESHA. According to the Biological Assessment prepared by Cooper Ecological Monitoring, Inc., dated June 13, 2017, ESHA is located on approximately half of the property. Due to the size and shape of the subject property, there is no feasible alternative location on the property that could support the proposed development and avoid encroachments into ESHA for fuel modification. Therefore, strict application of the zoning ordinance could preclude single-family residential development on the property zoned to permit residential land uses.

**Finding 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.*

The City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and LACFD have reviewed the proposed project and determined it was consistent with all applicable safety, health or welfare regulations and policies. The project is designed to minimize grading by siting the proposed single-family residence near Horizon Drive and using the flattest portion of the subject parcel for the development pad as well as preserving the natural condition of the slopes adjacent to the development area. Therefore, granting of the proposed 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 in which the property is located.

**Finding 3.** *The granting of the variance will not constitute a special privilege to the applicant or property owner.*

The granting of the proposed variance will not constitute a special privilege to the applicant or property owner. The proposed single-family residence is consistent with the uses permitted in the applicable zoning designation and the neighboring property to the south which were similarly developed with (or approved for) the construction of single-family residences. Therefore, granting the proposed variance does not constitute a special privilege to the property owner.
Finding 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.

This variance will not be contrary to or in conflict with the zoning provisions nor LCP goals, objectives and policies as variances to ESHA protection standards may be granted pursuant to LIP Section 4.6.4(A). As previously discussed in Section A, the proposed project is consistent with the LCP. Mitigation for fuel modification encroachment into ESHA will be provided in accordance with LIP Section 4.8.1. The mitigation will require habitat restoration, habitat conservation or an in-lieu fee for habitat conservation. All departmental reviewers have determined the proposed project is consistent with the LCP, with the requested variances and site plan review.

Finding 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.

Pursuant to LIP Section 4.7, which states that “where all feasible building sites are ESHA or ESHA buffer, the City may only permit development as specified in Sections 4.7.1 through 4.7.4.” LIP Sections 4.7.1 through 4.7.4 have been satisfied given the proposed development area does not exceed the 10,000 square foot maximum allowed (4,869 square feet). The City Biologist has reviewed and approved the subject application, including the approved fuel modification plan and determined that the proposed development complies with the 10,000 square foot development area.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The requested variance is not associated with stringline standards. Therefore, this finding does not apply.

Finding 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 proposed uses are consistent with the permitted uses in the applicable RR-2 zoning district. The proposed variance would not authorize an unpermitted use or activity.

Finding 8. The subject site is physically suitable for the proposed variance.
The subject parcel is physically suitable for the proposed variance in that there are no alternate building sites that would eliminate the need for a variance requiring the fuel modification for the residence to encroach into ESHA.

Finding 9. The variance complies with all requirements of state and local law.

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

Finding 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 does not include or encroach upon public parking. Therefore, this finding does not apply.

C. Variance for a Greater than 50 Percent Reduction of the Front Yard Setback (LIP Section 13.26)

A variance is proposed for the reduction of the required front yard setback from 65 feet to five feet, four inches for the proposed residence measured from the edge of the private road easement pursuant to LIP Section 3.6(F)(1). The front yard setback variance would permit the proposed development to be sited the furthest distance from ESHA, which is consistent with LIP Section 4.6.4(B) and (C). LIP Section 4.6.4(B) and (C) allow modifications to development standards where necessary to avoid or minimize impacts to ESHA. Based on the foregoing evidence contained within the record, the required findings for VAR No. 17-005 are made as follows.

Finding 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.

Special circumstances or exceptional characteristics applicable to the subject parcel consist of the steep slopes, ESHA, and proximity to parkland. The proposed building pad is surrounded by slopes steeper than 2.5 to 1 and the easterly half of the subject parcel contains Chaparral ESHA. As proposed, there will be 25 feet, 4 inches between the home and the paving. Without a reduced front yard setback, there would not be sufficient space to site a residence. The proposed variance would allow the residence to provide a five foot, four inch front yard setback from the edge of road easement instead of the required 65 feet. As a result, the proposed development will minimize impacts to ESHA on the property and allow a home to be built onsite similar to other nearby properties.
Additionally, the front yard setback has been measured from the edge of a private road easement instead of the front property line. The subject property is located at the end of Horizon Drive. The adjacent property to the north is owned by the National Park Service and is not zoned for residential development. It is unlikely that the road easement along Horizon Drive will extend north, past the subject property, to accommodate any potential future residential development. Therefore, constructing the proposed residence 25 feet, 4 inches from the property line (five feet, four inches from the undeveloped road easement), will not result in adverse visual impacts to the property or surrounding neighborhood. Due to these special circumstances and exceptional characteristics, the strict application of the zoning ordinance would deprive the property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

**Finding 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.

As previously discussed in Section B, the proposed project 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.

**Finding 3.** The granting of the variance will not constitute a special privilege to the applicant or property owner.

The granting of the variance will not constitute a special privilege to the applicant or property owner as front yard setback reductions have been granted to neighboring properties. The adjacent property to the south (5190 Horizon Drive) was granted an approval in 2014 for a new 4,487 square foot, single-family residence under CDP No. 11-032. CDP No. 11-032 included a variance for the proposed fuel modification to extend into ESHA and a variance for a 38 percent reduction in the front yard setback. Similar to other residences on Horizon Drive, the proposed project would maintain a 25 foot, 4 inch setback from the property line. The subject property, however, would include a five foot, four inch setback from the undeveloped private road easement. Therefore, the proposed variance will not constitute a special privilege to the applicant or the property owner.

**Finding 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 proposed variance will not be contrary to or in conflict with the LCP. The proposed variance would allow the subject parcel to be constructed with a residence with a reduction to the required front yard setback. The reduction of the required front yard setback would allow the single-family residence to be sited on the most disturbed portions of the property and with reduced impacts on ESHA. By doing so, the proposed
The project will minimize land disturbance consistent with LIP Section 8.3(A) and ESHA requirements previously discussed in Section B. Additionally, the proposed front yard setback reduction is consistent with LIP Section 4.6.4(B) in that modifications to standards such as setbacks shall be permitted where necessary to avoid or minimize impacts to ESHA. The City Biologist, City Environmental Health Administrator, City Geologist and City Public Works Department deemed the proposed project consistent with the LCP and applicable goals and policies.

**Finding 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 ESHA standards. Therefore, this finding does not apply.

**Finding 6.** For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The requested variance is not associated with stringline standards. Therefore, this finding does not apply.

**Finding 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 proposed uses are consistent with the permitted uses in the applicable RR-2 zoning district. The proposed variance would not authorize an unpermitted use or activity.

**Finding 8.** The subject site is physically suitable for the proposed variance.

The subject parcel is physically suitable for the proposed variance in that there are no alternate building sites that would eliminate the need for a variance requiring the reduction in the front yard setback. Pushing the development pad closer to the rear of the property would result in greater environmental impacts to ESHA.

**Finding 9.** The variance complies with all requirements of state and local law.

The City Biologist, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, and LACFD reviewed the proposed project and determined it was in conformance with State and local requirements. Therefore, the proposed project complies with all applicable requirements of State and local law.
Finding 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 does not include or encroach upon public parking. Therefore, this finding does not apply.

D. Variance for Construction on Slopes Steeper than 2.5 to 1 (LIP Section 13.26)

A variance is proposed to allow construction of the single-family residence and associated development on slopes steeper than 2.5 to 1 (shown in red in Figure 3). Slopes shown in green represent slopes that are 3 to 1 or flatter. LIP Section 13.26.5 requires that the City makes ten findings in consideration and approval of a variance. Based on the foregoing evidence contained within the record, the required findings for VAR No. 17-053 are made as follows:

Finding 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 property consists of steep slopes throughout the lot with a limited flat area (shown in green in Figure 3) located near the proposed driveway. Due to these site characteristics, the proposed development takes advantage of the currently disturbed areas and minimizes construction on steep slopes by keeping the proposed development near Horizon Drive. Therefore, residential development on the subject property would not be feasible without granting a variance for construction on slopes steeper than 2.5 to 1.

Finding 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.

The proposed variance will allow construction of a single-family residence. The proposed development will not be detrimental to the public’s interest, safety, health or welfare and will not be detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property. Furthermore, the project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City geotechnical staff and City Public Works Department for conformance with the LCP and determined not to be detrimental to the public interest safety, health or welfare, nor detrimental or injurious to the property.

Finding 3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

As previously stated, the site’s topography contains steep slopes throughout the lot. There is no alternative development pad on the property that would avoid construction on steep slopes. Therefore, approval of the variance will grant relief from a technical development standard, which if strictly applied, could limit single-family development completely on the subject properties. The proposed development is consistent with surrounding properties and in the RR-2 zoning district. Therefore, the granting of the variance will not constitute a special privilege to the applicant or the property owner.

Finding 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 proposed variance will not be contrary to or in conflict with the LCP as the improvements, consisting of a single-family residence and associated development are allowed in the RR-2 zoning district. As previously stated in Section A, with the inclusion of the variance, the project is consistent with the LCP, the Coastal Act, and other applicable regulations. The granting of the variance will not be contrary to or in conflict with the general purposes and intent of LIP Chapters 8 and 13, nor the goals, objectives, and policies of the LCP.
Finding 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 ESHA or ESHA buffer standards. Therefore, this finding does not apply.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The requested variance is not associated with stringline standards. Therefore, this finding does not apply.

Finding 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 variance request is for development on slopes steeper than 2.5 to 1 for the construction of a single-family residence in the RR-2 zoning district. Therefore, the variance request does not authorize a use or activity that is not expressly authorized by the zoning regulations for the subject property.

Finding 8. The subject site is physically suitable for the proposed variance.

The subject site is physically suitable for the proposed variance. The proposed development is sited on the disturbed portion of the subject site, however, construction on slopes steeper than 2.5 to 1 cannot be avoided. In addition, the proposed project has been reviewed and approved by City geotechnical staff and City Public Works Department for structural integrity and stability, and determined that the project site is physically suitable for the proposed variance.

Finding 9. The variance complies with all requirements of state and local law.

The proposed project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals and permits. Construction of the single-family residence and associated development is conditioned to comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

Finding 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 does not include or encroach upon public parking. Therefore, this finding does not apply.

E. Variance for a Reduction in the Parkland Setback (LIP Section 13.26)

Pursuant to LIP Section 3.6(F)(6), new development shall be sited no less than 100 feet from a parkland. The proposed single-family residence is sited less than 100 feet from the adjacent parkland (12 feet, 2 inches); therefore, a variance is required. LIP Section 13.26.5 requires that the City makes ten findings in consideration and approval of a variance. Based on the foregoing evidence contained within the record, the required findings for VAR No. 18-035 are made as follows.

Finding 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.

Exceptional characteristics applicable to the subject parcel exist with regards to the location of the adjacent parkland. According to the LCP ESHA and Marine Resources Map, the Zuma and Trancas Canyon Park is located immediately north of the subject property. The applicant proposes a single-family residence sited approximately 12 feet, 2 inches from the property line, which results in a parkland setback 87 feet, 8 inches. Due to the steep slopes throughout the subject property, there is no feasible alternative location on the property that could support the proposed development and avoid encroachments into the parkland setback while minimizing impacts to onsite ESHA. Therefore, strict application of the zoning ordinance could preclude the proposed residential development on a property zoned to permit residential land uses.

Pursuant to Government Code Section 51184(a), fuel modification does not apply to open space lands that are environmentally sensitive parklands. Therefore, the fuel modification of the proposed project will not be required to extend into the adjacent parkland to the north. In conformance with LIP Section 3.6(F)(6), the proposed project is sited and designed to minimize impacts to habitat and recreational opportunities.

Finding 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.

The City Biologist has determined that the encroachment into the 100-foot parkland setback would not adversely impact ESHA resources located within the parkland as fuel modification is not required to extend into parkland. Additionally, the property owner has agreed to the ERB recommendations including the use of fire resistant materials on the exterior and roof, utilizing certified Argentine Ant free container plants, planting Oak trees
as a fire break and restricting fuel modification on the subject property during nesting season. Adhering to these recommendations will reduce environmental impacts on the neighboring parkland habitat. As such, the granting of the proposed 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 in which the property is located.

**Finding 3.** The granting of the variance will not constitute a special privilege to the applicant or property owner.

The granting of the proposed variance will not constitute a special privilege to the applicant or property owner. The proposed single-family residence is consistent with the uses permitted in the applicable zoning designation. Additionally, due to the size of the subject parcel and its proximity to the adjacent parkland, there is no alternative building site that would not encroach into the 100-foot setback from the parkland. Therefore, denial of the variance would deprive the property owner of developing the property in a manner similar to neighboring single-family residential development.

**Finding 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 proposed variance will not be contrary to or in conflict with the LCP. The proposed variance would allow a single-family residence with a reduced parkland setback. The reduction of the required parkland setback would allow the single-family residence to be sited approximately 12 feet, 2 inches from the adjacent parkland to the north. By doing so, the proposed project will minimize landform alteration and land disturbance consistent with LIP Section 8.3(A) and ESHA requirements previously discussed in Section B. The City Biologist, City Environmental Health Administrator, City geotechnical staff and City Public Works Department deemed the proposed project consistent with the LCP and applicable goals and policies.

**Finding 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 ESHA or ESHA buffer standards. Therefore, this finding does not apply.

**Finding 6.** For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.
The requested variance is not associated with stringline standards. Therefore, this finding does not apply.

Finding 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 proposed uses are consistent with the permitted uses in the applicable RR-2 zoning district. The proposed variance would not authorize an unpermitted use or activity.

Finding 8. The subject site is physically suitable for the proposed variance.

The subject parcel is physically suitable for the proposed variance in that there are no alternate building sites that would eliminate the need for a variance reduction of the parkland setback.

Finding 9. The variance complies with all requirements of state and local law.

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

Finding 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 does not include or encroach upon public parking. Therefore, this finding does not apply.

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

LIP Section 13.27.5(A) requires that the City makes four findings in the consideration and approval of a site plan review for construction in excess of the City’s base 18 feet in height up to a maximum of 24 feet with a flat roof and 28 feet with a pitched roof. Two additional findings are required pursuant to MMC Section 17.62.060. The applicant is proposing to construct a new two-story, single-family residence at a height of 28 feet for a pitched roof. Based on the evidence in the record, the findings of fact for SPR No. 17-015 are made as follows:

Finding 1. The project is consistent with policies and provisions of the Malibu LCP.
As stated in Section A, the project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and detailed site investigation, the project is consistent with all policies and provisions of the LCP and MMC.

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

Story poles were installed in June 2018. Staff visited the project site on June 19, 2018, photo-documented the story poles and evaluated the project for conformance with City codes (Attachment 6 – Story Pole Photographs). Neighboring properties located along Horizon Drive are developed with a mix of one- and two-story residential structures of similar size with mature landscaping. The subject application includes a new two-story, single-family residence, with a proposed pitched roof, not to exceed 28 feet in height. As demonstrated with the story pole photographs, due to the size, shape, and topography of the lot, the proposed development will not be visible from public viewing areas or scenic roads. Furthermore, the story poles demonstrate that the proposed development will not be located within primary views of neighboring properties. Based on the existing development within the surrounding neighborhood, the proposed project is expected to blend with the surrounding built environment. Therefore, the portion of the residence in excess of 18 feet is not anticipated to adversely affect neighborhood character.

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

As evident from the story poles, the proposed residence is similar in size, height and massing to existing homes clustered near Horizon Drive. As designed, the proposed residence will be lower in elevation than the adjacent parkland to the north, thereby providing views over the residence toward the Pacific Ocean. Additionally, the proposed residence will be only marginally higher than the existing road grade of Horizon Drive. The elevation of Horizon Drive at the front of the residence is approximately 1010 feet. The elevation of the proposed top of roof will be 1010.58 feet. Therefore, the proposed development is designed to not block views from a scenic area, scenic road or public viewing area.

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

The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

Finding 5. The project is consistent with the City's general plan and local coastal program.
The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use. The proposed project is also consistent with the City’s General Plan and LCP. The goals and policies of the General Plan intend to maintain rural residential character in this area, and all components of the project are consistent with these goals. The proposed project is consistent with the LCP in that it conforms to the residential land use designation and all applicable development standards.

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

The proposed development is not expected to obstruct visually impressive scenes from private property as all nearby residences have views oriented away from the subject property. This analysis is based on aerial photographs, site visits and story pole placement.

G. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

As previously discussed, the Biological Assessment prepared by Cooper Ecological Monitoring, Inc. dated June 13, 2017 identifies Chaparral ESHA along most of the parcel. Therefore, the fuel modification for the proposed development extends approximately 192 feet, into ESHA. Therefore, the supplemental ESHA findings in LIP Section 4.7.6 are made as follows.

Finding 1. Application of the ESHA overlay ordinance would not allow construction of a residence on an undeveloped parcel.

As previously stated, exceptional characteristics exist on the subject property which limit development. The front of the lot, where the proposed construction is sited, is outside of ESHA, however, the required fuel modification will encroach into ESHA by approximately 192 feet. Given the constraints of the lot, there is no feasible location on the parcel that would avoid fuel modification from extending into ESHA. A residence and related fuel modification are not permitted activities in ESHA. However, without the implementation of LIP Section 4.7, the application of LIP Chapter 4 would not allow construction of a residence on this parcel.

Finding 2. The project is consistent with all provisions of the certified LCP with the exception of the ESHA overlay ordinance and it complies with the provisions of Section 4.7 of the Malibu LIP.
As previously stated in Section A, the proposed project is consistent with all applicable provisions of the LCP including LIP Section 4.7. Because ESHA encroachments could not be avoided, LIP Section 4.7.1 states the allowable development area shall not exceed 10,000 square feet. The proposed development area (4,869 square feet) in conformance with LIP Section 4.7.1, has been reviewed and approved by the City Biologist. Additionally, the proposed development is subject to ESHA mitigation including habitat restoration, habitat conservation or in-lieu fees for habitat conservation. Therefore, the proposed project complies with the provision of LIP Section 4.7.

H. Native Tree Protection (LIP Chapter 5)

No protected native trees exist within the project area. Therefore, the findings contained in LIP Chapter 5 do not apply.

I. 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 project site is visible from Zuma and Trancas Canyon Park. Therefore, LIP Chapter 6 applies and the five findings set forth in LIP Section 6.4 are made as follows.

Finding 1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

The proposed project is a new two-story, single-family residence and associated development. Story poles were placed on the project site to demonstrate the size, mass, height, and bulk of the proposed development. An analysis of the project’s visual impact was conducted through site inspections, architectural plans and review of neighborhood character. Based on a staff site visit after story poles were installed, it was determined the proposed development is not expected to have significant adverse scenic or visual impacts as the development will have limited visibility from public viewing areas within the adjacent parkland. Therefore, the project as conditioned will not have significant adverse scenic or visual impacts due to project design, location or other reasons. Standard conditions of approval have been included for colors, materials, and lighting.

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

The project has been designed to avoid any adverse or scenic impacts. The proposed development has been conditioned to utilize colors and materials that will be compatible with the surrounding natural environment. Additionally, the project site has been conditioned to restrict exterior lighting per the requirements of LIP Section 6.5(G).
Therefore, the proposed development will not result in significant adverse scenic visual impacts.

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

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

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

The project, as designed and conditioned, is not expected to adversely affect scenic and visual resources and no feasible alternatives would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

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

As discussed in Findings 1 and 2, the project, as proposed and conditioned, will result in less than significant impacts on scenic and visual resources. The location proposed for development would result in a less than significant visual impact to public views from the adjacent parkland and will not impact sensitive resources. Therefore, the proposed development, as designed, is sited to minimize or otherwise contribute to conformance to sensitive resources.

J. Transfer of Development Credits (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.

K. Hazards (LIP Chapter 9)

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

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 and has been reviewed and approved for conformance with all relevant policies and
regulations of the LCP and MMC by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and LACFD. The required findings are made as follows:

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

Analysis for potential hazards included review of the submitted geotechnical reports prepared by CalWest Geotechnical Consulting Engineers, dated February 24, 2016 and June 20, 2017, and Landphases, Inc., dated February 20, 2017 and June 9, 2017. According to the geotechnical reports, the proposed development was determined to not increase instability of the site or structural integrity from a geologic, flood or fire hazards perspective. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area. Based on review of the project plans by City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD, these specialists and agency determined that adverse impacts to the project site related to the proposed development are not expected. The proposed project, including the new OWTS, will neither be subject to nor increase the instability from geologic or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer’s recommendations and governing agency’s building codes are followed.

All recommendations of the City geotechnical staff and City Public Works Department shall be incorporated into the final design and construction including foundations and grading. Final plans shall be reviewed and approved by the City geotechnical staff and City Public Works Department prior to the issuance of a grading permit.

Fire Hazard

The entire city limits of Malibu are within an identified fire hazard zone. The property is currently subject to wildfire, however, development of a residence on the subject property will not increase the site’s susceptibility to wildfire. The scope of work proposed as part of this application is not expected to have an impact on wildfire hazards. The proposed development may actually decrease the site’s susceptibility to wildfire through the use of appropriate building materials during construction.

The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has “mutual aid agreements” with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Conditions of approval have been included in the resolution to require compliance with all LACFD development standards. As such, the proposed
Finding 2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As stated in Finding 1, the project as designed, conditioned, and approved by the City geotechnical staff and City Public Works Department, does not have any significant adverse impacts on site stability or structural integrity from geologic or fire hazards due to the project design.

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

As previously stated in Section A, the project, as proposed and conditioned, is the least environmentally damaging alternative.

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

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD. These specialists and agency determined that the proposed project does not impact site stability or structural integrity. As previously discussed in Section A, there are no feasible alternatives to the proposed development that would result in less site disturbance.

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

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

L. Shoreline and Bluff Development (LIP Chapter 10)

LIP Chapter 10 applies to land that is located on or along the shoreline, a coastal bluff or bluff-top fronting the shoreline. The proposed project is not located near the shore. Therefore, LIP Chapter 10 findings do not apply.
M. Public Access (LIP Chapter 12)

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

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

No official LCP trail is mapped on the subject property. Additionally, the subject property is not located between the first public road and the sea or on a bluff. Therefore, the requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

N. Land Division (LIP Chapter 15)

This project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) and (e) – New Construction. The Planning Department 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: Staff has not received any public correspondence regarding this project.

PUBLIC NOTICE: On December 12, 2019, staff published a Notice of Public Hearing Notice in a newspaper of general circulation within the City of Malibu and mailed the notice to property owners and occupants within a 500-foot radius of the subject property.
SUMMARY: The required findings can be made that the project complies with the LCP. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 20-05. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department and appropriate City departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 20-05
2. Project Plans
3. CalWest Geotechnical Consulting Engineer Memorandum
4. Surrounding Residences
5. Department Review Sheets
6. Story Poles Photographs
7. 500-Foot Radius Map
8. Public Hearing Notice
CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 20-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 17-040 TO CONSTRUCT A NEW 3,560 SQUARE FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE, ATTACHED TWO-CAR CARPORT, SWIMMING POOL, SPA, DECKS, LANDSCAPING, HARDSCAPE, NEW ONSITE WASTEWATER TREATMENT SYSTEM, AND OFFSITE PRIVATE STREET IMPROVEMENTS PROPOSED ADJACENT TO 5243 AND 5246 HORIZON DRIVE; INCLUDING VARIANCE NO. 17-004 TO REDUCE THE ENVIRONMENTALLY SENSITIVE HABITAT AREA BUFFER, VARIANCE NO. 17-005 FOR A GREATER THAN 50 PERCENT REDUCTION OF THE FRONT YARD SETBACK, VARIANCE NO. 17-035 FOR CONSTRUCTION ON SLOPES STEEPER THAN 2.5 TO 1, VARIANCE NO. 18-035 FOR A REDUCTION IN THE PARKLAND SETBACK AND SITE PLAN REVIEW NO. 17-015 FOR CONSTRUCTION UP TO 28 FEET IN HEIGHT WITH PITCHED ROOFS FOR THE RESIDENCE LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 5180 HORIZON DRIVE (EDWARDS)

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

SECTION 1. Recitals.

A. On March 16, 2017, an application for Coastal Development Permit (CDP) No. 17-040 and Variance (VAR) Nos. 17-004 and 17-005 and Site Plan Review (SPR) No. 17-015 was submitted to the Planning Department by the applicant, Bittoni Architects, on behalf of the property owners, Joanne Eleri Edwards and Andrew Edwards. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and Los Angeles County Fire Department (LACFD) for review.

B. On May 18, 2017, Planning Department staff conducted a site visit to document site conditions, the property and surrounding area.

C. On November 7, 2017, the applicant submitted a variance request (VAR No. 17-035) for construction on slopes steeper than 2.5 to 1.

D. On June 19, 2018, Planning Department staff conducted a site visit to document the story poles.

E. On June 20, 2018, a Notice of Coastal Development Permit (CDP) Application was posted on the subject property.

F. On July 24, 2018, the Environmental Review Board (ERB) reviewed the proposed project and made recommendations for consideration by the Planning Commission.

G. On February 19, 2019, the applicant submitted a variance request (VAR No. 18-035) for a reduced parkland setback.
H. On August 29, 2019, the CDP application was deemed complete for processing.

I. On September 26, 2019, an invitation to be co-applicant was sent to the property owners of 5243 and 5246 Horizon Drive, the proposed locations for the offsite fire department access improvements.

J. On September 26, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

K. On October 21, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. The Planning Commission continued the item to a date uncertain, at the applicant’s request, to allow time for the applicant to submit revised plans to reduce the proposed variances.

L. On November 1, 2019, the applicant submitted a letter from the project Consulting Geotechnical Engineer and revised architectural and civil plans, reducing the square footage of the proposed single-family residence, removing retaining walls and increasing the front yard setback, setback from the adjacent parkland, setback from the environmentally sensitive habitat area (ESHA), and proposing planting Oak trees as a fire break. The City Biologist and City geotechnical staff reviewed and approved the revised plans.

M. On December 12, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

N. On January 6, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

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

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9 and Malibu Municipal Code (MMC) Section 17.62.070, the Planning Commission adopts and approves the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 17-040 to construct a new 3,560 square foot, two-story, single-family residence, attached two-car carport, swimming pool, spa, decks, landscaping, hardscape, new onsite wastewater treatment system
(OWTS), and offsite private street improvements proposed adjacent to 5243 and 5246 Horizon Drive; including VAR No. 17-004 to reduce the ESHA buffer, VAR No. 17-005 for a greater than 50 percent reduction in the front yard setback, VAR No. 17-053 for construction on slopes steeper than 2.5 to 1, VAR No. 18-035 for a reduction of the parkland setback and SPR No. 17-015 for construction up to 28 feet with pitched roofs for the residence located in the Rural Residential-Two Acre (RR-2) zoning district at 5180 Horizon Drive.

The project is consistent with the LCP’s zoning, grading, cultural resources, water quality, and wastewater treatment requirements. With the inclusion of the proposed variances and site plan review, the project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. General Coastal Development Permit (LIP Chapter 13)

1. The project is located in the RR-2 zoning district, an area designated for residential uses. The project has been reviewed for conformance with the LCP by the Planning Department, the City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and LACFD. The proposed project, with the inclusion of the variances and site plan review, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

2. The proposed project meets the development policies of the LCP and MMC, with the inclusion of the variances and site plan review and has been determined to be the least environmentally damaging feasible alternative. The proposed development has been sited on the most disturbed portion of the property, limiting environmental impacts such as grading and landform alternation. Therefore, the proposed project has been determined to be the least environmentally damaging feasible alternative.

3. According to the LCP ESHA and the Marine Resources Map and Biological Assessment prepared by the project’s consulting biologist, the easterly half of the subject parcel contains Chaparral ESHA. Therefore, pursuant to LUP Policy 5.5 and LIP Section 13.7(C), the application was subject to review by the Environmental Review Board (ERB). On July 24, 2018, the ERB reviewed the project and made recommendations regarding the proposed fuel modification and the use of fire-resistant materials, certified Argentine Ant free container plants and planting Oak trees as a fire break. These feasible recommendations have been included on the project plans and as conditions of approval in Planning Commission Resolution No. 20-05.

B. Variance Findings for Fuel Modification to Extend into ESHA (LIP Section 13.26.5)

VAR No. 17-004 from the development standards contained in LIP Section 4.5.3, 4.6.1(E) and 4.6.1(F) will allow the residence’s required fuel modification to extend into ESHA.

1. Exceptional characteristics exist on the subject property, including size, shape and the presence of ESHA on the easterly half of the parcel that limits the location of the proposed development pad. The proposed residence has been sited on the most disturbed portion of the property and as far from ESHA as feasibly possible, thereby minimizing adverse environmental impacts to the adjacent ESHA. The variance allows fuel modification to extend into ESHA as no feasible alternative building pad location exists on the property. The neighboring properties to the south were constructed with similar encroachments of fuel modification into ESHA. Therefore,
strict application of the code would deprive the property owner of privileges enjoyed by other
surrounding property owners.

2. Evidence in the record demonstrates that granting the variance will not be
detrimental to the public’s interest, safety, health or welfare. The project was reviewed by City
geotechnical staff, City Biologist, City Environmental Health Administrator and City Public
Works Department for consistency with all applicable regulations and policies.

3. Granting the variance will not constitute a special privilege to the applicant or
property owner. The proposed development is also consistent with the uses permitted in the RR
zoning district.

4. The variance will not be contrary to or in conflict with the zoning provisions nor
LCP goals, objectives and policies as variances to ESHA protection standards may be granted
pursuant to LIP Section 4.6.4(A). Due to the topography, size and shape of the lot and the location
of ESHA, the encroachment of the residence’s required fuel modification into ESHA cannot be
avoided. The proposed project is consistent with the LCP and applicable goals and policies.

5. Pursuant to LIP Section 4.7, which states that “where all feasible building sites are
ESHA or ESHA buffer, the City may only permit development as specified in Sections 4.7.1
through 4.7.4.” LIP Sections 4.7.1 through 4.7.4 have been satisfied given the proposed
development area does not exceed 10,000 square feet and mitigation is required.

6. The proposed uses are consistent with the permitted uses in the applicable RR-2
zoning district. Therefore, the variance would not authorize an unpermitted use or activity.

7. The subject parcel is physically suitable for the variance in that there are no
alternate building sites which would eliminate the need for a variance requiring the fuel
modification for the residence to encroach into ESHA.

8. The variance will comply with all requirements of State and local law in that the
proposed project will be required to obtain applicable permits from the Building Safety
Department prior to construction.

C. Variance for a Greater than 50 Percent Reduction in the Front Yard Setback (LIP
Section 13.26.5)

VAR No. 17-005 from the development standards will approve a reduction of the required front
yard setback from 65 feet to 5 feet, 4 inches to allow for the proposed single-family residence.

1. The proposed building pad is surrounded by slopes deeper than 2.5 to 1 and the
easterly half of the subject parcel contains chaparral ESHA. The variance would allow the single-
family residence to provide a five foot, four inch front yard setback from the edge of the private
road easement instead of the required 65 feet. As a result, the proposed development will reduce
impacts to ESHA at the rear of the property.

Special circumstances or exceptional characteristics applicable to the subject parcel consist of the
topography (i.e., steep slopes) and ESHA. Due to these special circumstances and exceptional
characteristics, the strict application of the zoning ordinance would deprive the property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

2. The proposed project 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.

3. Granting the variance will not constitute a special privilege to the applicant or property owner as similar setback reductions have been granted to neighboring properties. Similar to other residences on Horizon Drive, the proposed project would maintain a 25 foot, 4 inch setback from the property line (a 5 foot, 4 inch setback from the undeveloped private road easement). Therefore, the variance will not constitute a special privilege to the applicant or the property owner.

4. Granting the variance will not be contrary to or in conflict with the LCP. The variance would allow the subject parcel to be constructed with a single-family residence with a reduction to the required front yard setback similar to other residentially developed properties along Horizon Drive. The reduction of the required front yard setback would allow the single-family residence and carport to be sited on the most disturbed portion of the property and with reduced impacts on ESHA. Additionally, the proposed front yard setback reduction is consistent with LIP Section 4.6.4(B) in that modifications to standards such as setbacks shall be permitted where necessary to avoid or minimize impacts to ESHA. The City Biologist, City Environmental Health Administrator, City Geologist and City Public Works Department deemed the proposed project consistent with the LCP and applicable goals and policies.

5. The proposed project is consistent with the applicable RR-2 zoning designation.

6. The subject parcel is physically suitable for the variance in that there are no alternate building sites that would eliminate the need for a variance requiring the reduction in the front yard setback.

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

D. Variance for Construction on Slopes Steeper than 2.5 to 1 (LIP Section 13.26)

VAR No. 17-053 from the development standards contain in LIP Section 3.6(J) will allow for development on slopes steeper than 2.5 to 1 for construction of the proposed single-family residence and associated development.

1. The subject property consists of steep slopes throughout the lot with a limited flat area located near the proposed driveway. Due to these site characteristics, the proposed single-family residence and associated development has been sited on the flattest area of the property. The flat areas of the property, however, are not wide enough to accommodate a single-family residence and associated development. Therefore, residential development on the subject property would not be feasible without granting a variance for construction on slopes steeper than 2.5 to 1.

2. The variance will allow construction of a single-family residence. The proposed
development will not be detrimental to the public’s interest, safety, health or welfare and will not be detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property. The project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City geotechnical staff and City Public Works Department for conformance with the LCP and determined not to be detrimental to the public interest safety, health or welfare, nor detrimental or injurious to the property.

3. The subject property’s topography contains steep slopes throughout the lot. There is no alternative development pad on the property that would avoid construction on steep slopes. Therefore, approval of the variance will grant relief from a technical development standard, which if strictly applied, could limit single-family development completely on the subject properties. The proposed development is consistent with surrounding properties and in the RR-2 zoning district. Therefore, granting the variance will not constitute a special privilege to the applicant or the property owner.

4. Granting the variance will not be contrary to or in conflict with the LCP as the improvements, consisting of a single-family residence and associated development are allowed in the RR-2 zoning district. The project is consistent with the LCP, the Coastal Act, and other applicable regulations with the inclusion of the variance. Granting the variance will not be contrary to or in conflict with the general purposes and intent of LIP Chapters 8 and 13, nor the goals, objectives, and policies of the LCP.

5. The variance request is for development on slopes steeper than 2.5 to 1 for the construction of a single-family residence in the RR-2 zoning district. Therefore, the variance request does not authorize a use or activity that is not expressly authorized by the zoning regulations for the subject property.

6. The subject site is physically suitable for the proposed variance. The proposed development is sited on the flattest portions of the subject site, however, construction on slopes steeper than 2.5 to 1 cannot be avoided. In addition, the proposed project has been reviewed and approved by City geotechnical staff and City Public Works Department for structural integrity and stability, and determined that the project site is physically suitable for the proposed variance.

7. The proposed project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals and permits.

E. Variance for a Reduction in the Parkland Setback (LIP Section 13.26)

VAR No. 18-035 from the development standards contained in LIP Section 3.6(F) will allow a reduction in the required parkland setback.

1. Exceptional characteristics applicable to the subject parcel exist with regards to the location of the adjacent parkland. According to the LCP ESHA and Marine Resources Map, the Zuma and Trancas Canyon Park is located immediately north of the subject property. The subject application proposes a single-family residence sited approximately 12 feet, 2 inches from the property line, which results in a parkland setback request of 87 feet, 10 inches. Due to the steep slopes throughout the subject property, there is no feasible alternative location on the property that could support the proposed development and avoid encroachments into the parkland setback while minimizing impacts to onsite ESHA. Therefore, strict application of the zoning ordinance could
preclude single-family residential development on the property zoned to permit residential land uses.

2. The City Biologist has determined that the encroachment into the 100-foot parkland setback would not adversely impact ESHA resources located within the parkland as fuel modification is not required to extend into parkland. Additionally, the property owner has agreed to the ERB recommendations including the use of fire-resistant materials on the exterior and roof, utilizing certified Argentine Ant free container plants, planting Oak trees as a fire break and restricting fuel modification on the subject property during nesting season. As such, granting the 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 in which the property is located.

3. Granting the variance will not constitute a special privilege to the applicant or property owner. The proposed single-family residence is consistent with the uses permitted in the applicable zoning designation. Additionally, due to the size of the subject parcel and its proximity to the adjacent parkland, there is no alternative building site that would not encroach into the 100-foot setback from the parkland. Therefore, denial of the variance would deprive the property owner of developing the property in a manner similar to neighboring single-family residential development.

4. Granting the variance will not be contrary to or in conflict with the LCP. The variance would allow the subject parcel to be constructed with a single-family residence with a reduction to the required parkland setback. The reduction of the required parkland setback would allow the single-family residence to be sited approximately 12 feet, 2 inches from the northern property line and adjacent parkland. Thereby, minimizing landform alteration and land disturbance consistent with LIP Section 8.3(A) and ESHA requirements. The City Biologist, City Environmental Health Administrator, City Geologist and City Public Works Department deemed the proposed project consistent with the LCP and applicable goals and policies.

5. The proposed uses are consistent with the permitted uses in the applicable RR-2 zoning district. The variance would not authorize an unpermitted use or activity.

6. The subject parcel is physically suitable for the variance in that there are no alternate building sites that would eliminate the need for a variance reduction in the parkland setback.

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

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

SPR No. 17-015 from the development standards contained in LIP Section 13.27 will allow construction over 18 feet in height for pitched roofs up to 28 feet for the proposed single-family residence.
1. The project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and a detailed site investigation, the project is consistent with all policies and provisions of the LCP and MMC.

2. Story poles were installed in June 2018, and demonstrate that the project is compatible with the surrounding development. Surrounding properties are developed with one- and two-story residential structures. As demonstrated by the story poles, the proposed development will not be visible from a public viewing area and will not block bluewater views from neighboring properties. Therefore, the project will not be more impactful than the surrounding development with regards to neighborhood character and is not anticipated to adversely affect neighborhood character.

3. As designed, the proposed residence will allow views from the adjacent parkland and centerline of Horizon Drive over the top of roof. Therefore, the proposed development is designed to not block views from a scenic area, scenic road or public viewing area.

4. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use. The proposed project is consistent with the LCP in that it conforms to the residential land use designation and all applicable development standards.

6. The proposed development is not expected to obstruct visually impressive scenes from private property as all nearby residences have views oriented away from the subject property.

G. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

1. Exceptional characteristics exist on the subject property which limit development. The required fuel modification will encroach into ESHA by approximately 192 feet. Given the constraints of the lot, there is no feasible location on the parcel that would avoid fuel modification into ESHA. A residence and related fuel modification are not permitted uses in ESHA. Therefore, the application of LIP Chapter 4 would not allow construction of a residence on this parcel.

2. The proposed project is consistent with all applicable provisions of the LCP. As ESHA encroachments could not be avoided, LIP Section 4.7.1 states the allowable development area shall not exceed 10,000 square feet. The proposed development area has been reviewed and approved by the City Biologist. Additionally, the proposed development is subject to ESHA mitigation including habitat restoration, habitat conservation or in-lieu fees for habitat conservation. Therefore, the proposed project complies with the provision of LIP Section 4.7.

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

1. Based on an analysis of the project’s visual impacts, it was determined that the proposed development is not expected to have significant adverse scenic or visual impacts. With the inclusion of the conditions set forth in this resolution, pertaining to permissible exterior colors, materials and lighting restrictions, the project will blend in with the surrounding developed
environment. As demonstrated by the story poles, the proposed development will not have significant adverse scenic or visual impacts from the adjacent parkland. Standard conditions of approval have been included for colors, materials, and lighting.

2. The project has been designed and conditioned to not have significant adverse scenic or visual impacts. The project has been conditioned to include limitations on lighting and colors of the materials used to prevent any visual impacts to scenic areas and primary views.

3. As previously discussed in Section A, the project is the least environmentally damaging alternative. The proposed new single-family residence is sited on the property to limit grading and potential impacts to the steep slope. Therefore, the project, as proposed and conditioned, is the least environmentally damaging alternative.

4. The project, as designed and conditioned, is not expected to adversely affect scenic and visual resources and no feasible alternatives would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

5. The proposed project will have less than significant visual impacts to public views from the adjacent parkland and will not impact sensitive resources. The proposed development is sited to minimize or otherwise contribute to conformance to sensitive resource protection policies.

I. Hazards (LIP Chapter 9)

1. Evidence in the record demonstrates that the project will neither be subject to nor increase the instability of the site from geologic, flood, or fire hazards. The proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

2. The project, as designed, conditioned, and approved by the City geotechnical staff and the City Public Works Department, does not have any significant adverse impacts on the site stability or structural integrity from geologic or fire hazards due to the project design.

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

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and LACFD. These specialists and agency determined that the proposed project does not impact site stability or structural integrity. There are no feasible alternatives to the proposed development that would result in less site disturbance.

5. The proposed project, as designed and conditioned, will not have adverse impacts on sensitive resources.


Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 17-040, VAR Nos. 17-004, 17-005, 17-053 and 18-035, and SPR No. 17-015 subject to the following conditions.
SECTION 5. Conditions of Approval.

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

2. Approval of this application is to allow for the following:

   **Construction**
   
   a. A new 3,560 square foot, two-story, single-family residence with an attached two-car carport;
   b. Swimming pool, spa and decks;
   c. Landscaping and hardscape;
   d. Offsite fire department access improvements; and
   e. OWTS.

   **Additional Discretionary Requests**
   
   a. VAR No. 17-004 to reduce the ESHA buffer;
   b. VAR No. 17-005 for a greater than 50 percent reduction in the front yard setback;
   c. VAR No. 17-053 for construction on slopes steeper than 2.5 to 1;
   d. VAR No. 18-035 for a reduction in the Parkland setback; and
   e. SPR No. 17-015 for construction up to 28 feet in height for a pitched roof.

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 Department date stamped **November 1, 2019**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

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

5. The applicant shall submit three (3) complete sets of plans, including the items required in Condition No. 6 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
6. This resolution, signed and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).

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

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

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

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

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.

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

**Cultural Resources**

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

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

**Colors and Materials**

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

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

**Fencing/Walls/Screening**

17. The height of proposed fences shall comply with LIP Section 3.5.3(A) and shall not exceed six feet in height. All fencing shall be shown on plans, or shall be included in a separate permit application.

18. Any above-ground equipment shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall comply with LIP Section 3.5.3(A).

19. Necessary boundary fencing of any single area exceeding half acre shall be of an open rail-type design with a wooden rail at the top (instead of wire), be less than 40 inches high, and have a space greater than 14 inches between the ground and the bottom post or wire. A split rail design that blends with the natural environment is preferred.

20. Fencing or walls shall be prohibited within ESHA, except where necessary for public safety or habitat protection or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in any wildlife corridor.

21. Development adjacent to, but not within ESHA, may include fencing, if necessary for security, that is limited to the area around the clustered development area.

**Lighting**

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

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

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

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

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

e. Site perimeter lighting shall be prohibited; and

f. Outdoor decorative lighting shall be prohibited for aesthetic purposes.

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

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

25. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.

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

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

Swimming Pool / Spa / Mechanical Equipment

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

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

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

31. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool / spa is prohibited. Provide information on the plans regarding the type of sanitation proposed for pool.

   a. Ozonization systems are an acceptable alternative to chlorine. The discharge of clear water from ozonization systems is not permitted to the street;
b. Salt water sanitation is an acceptable alternative to chlorine. The discharge of salt water is not permitted to the street; and
c. Chlorinated water from pools or spas shall be trucked to a publicly-owned treatment works facility for discharge.

32. The discharge of chlorinated and non-chlorinated pool/spa water into streets, storm drains, creeks, canyons, drainage channels, or other locations where it could enter receiving waters is prohibited.

33. A sign stating “It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per MMC Section 13.04.060(D)(5)” shall be posted in the filtration and/or pumping equipment area for the property.

**Biology/Landscaping**

34. Pursuant to LIP Section 4.7.1, the allowable development area is limited to 10,000 square feet as all feasible building areas will result in impacts to ESHA.

35. Pursuant to LIP Section 4.8.1, all new development shall include mitigation for unavoidable impacts to ESHA from the removal, conversion, or modification of natural habitat for new development, including required fuel modification and brush clearance. Prior to Final Plan Check the applicant shall provide area calculations of ESHA occurring within Fuel Modification Zones A and B and to ESHA areas occurring within Fuel Modification Zone C.

36. Prior to the issuance of permits, the applicant shall also submit one of the following three habitat impact mitigation methods to the City Biologist and Planning Department: 1) habitat restoration plan; 2) habitat conservation plan; or 3) in-lieu fees to the Santa Monica Mountains Conservancy for habitat mitigation. Prior to final plan check the applicant shall provide either a detailed restoration plan, a habitat conservation plan, or evidence of payment of in-lieu fees to the Santa Monica Mountains Conservancy.

37. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.

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

39. Prior to a final plan check approval, the property owner/applicant must provide a landscape water use approval from the WD29.

40. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three sequential violations of this condition will result in a requirement to permanently remove the vegetation from the site.

41. Vegetation shall be situated on the property so as not to obstruct the primary view from
private property at any given time (given consideration of its future growth).

42. Invasive plant species, as determined by the City of Malibu, are prohibited.

43. No non-native plant species shall be approved greater than 50 feet from the residential structure.

44. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

45. Grading should be scheduled only during the dry season from April 1 and October 31. If it becomes necessary to conduct grading activities from November 1 and 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.

46. Grading, excavation and vegetation removal scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of grading 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.

47. 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.

48. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 9.22). The certificate shall include the property owner’s signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22.

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

Geology

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

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

Environmental Health

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

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

54. A final design and system specifications shall be submitted as to all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The final OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer’s wet signature, professional registration number and stamp (if applicable).

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

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

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

e. H20 Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.

57. Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building and Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/waterproofing 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).

58. Prior to final Environmental Health approval, the applicant shall provide engineer’s certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to structures (i.e., setbacks less than those shown in MMC Table 15.42.030(E)) 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 Table 15.42.030(E) setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced. All proposed reductions
in setback from the OWTS to **buildings** (i.e., setbacks less than those shown in Table 15.42.030(E)) also must be supported by a letter from the project architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California-licensed architect, then the required architect's certification may be supplied by an engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setbacks to the wastewater system. In this case, the engineer must include in his/her letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback, then the architect or engineer must provide associated construction documents for review and approval during Building Safety Division plan check. The wastewater plans and the construction plans must be specifically referenced in all certification letters.

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

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

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

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

63. 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.
64. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.

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

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

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

Public Works

68. The consulting engineer shall sign the final plans prior to the issuance of permits.

Grading/Drainage/Hydrology

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

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

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

71. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:
   a. Public Works Department general notes;
b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
d. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes;
e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan if required by the City Biologist;
f. Private storm drain systems shall be shown on this plan. Systems greater than 12 inches in diameter shall also have a plan and profile for the system included with this plan; and
g. Public storm drain modifications shown on the grading plan shall be approved by the City Public Works Department prior to the issuance of the grading permit.

72. A digital drawing (AutoCAD) of the project’s private storm drain system, public storm drain system within 250 feet of the property lines and post-construction BMP’s shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMP’s and other applicable facilities. The digital drawing shall also show the subject property, public and private street, and any drainage easements.

Stormwater

73. The ocean between Latigo Point and the West City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation allows discharge of storm water only where it is essential for flood control or slope stability, including roof, landscape, road and parking lot drainage, to prevent soil erosion, only occurs during wet weather, and is composed of only storm water runoff. The applicant shall provide a drainage system that accomplishes the following:

a. Installation of BMPs that are designed to treat the potential pollutants in the storm water runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
b. Prohibits the discharge of trash.
c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e. no additional pollutant loading).
h. Elimination of non-storm water discharges.
74. 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:

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75. 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.

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

77. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The WAMP shall meet all the requirements of the City’s current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:

a. Site Design BMPs;
b. Source Control BMPs;
c. Treatment Control BMPs that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;
d. Drainage Improvements;
e. A plan for the maintenance and monitoring of the proposed treatment BMP for the expected life of the structure;
f. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits;

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

**Water Service**

78. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from WD29 indicating the ability of the property to receive adequate water service.

**Fuel Modification**

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

80. Fuel modification shall not occur during the nesting season between February 1 and August 30.

**Construction / Framing**

81. 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.

82. 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.

83. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the highest roof member elevation, lowest finish floor elevation and elevation of centerline of Horizon Drive. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.
84. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

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

Deed Restrictions

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

Prior to Occupancy

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

88. Prior to the issuance of a Certificate of Occupancy, the City Biologist shall inspect the project site and determine that all Planning Department conditions to protect natural resources are in compliance with the approved plans.

89. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
90. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

**Fixed Conditions**

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

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

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

PASSED, APPROVED AND ADOPTED this 6th day of January 2020.

_________________________
JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

_________________________
KATHLEEN STECKO, Recording Secretary

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

**I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-05** was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 6th day of January 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_________________________
KATHLEEN STECKO, Recording Secretary
GRADING & DRAINAGE & WQMP PLAN

NOTES:
1. DUE TO SITE TOPOGRAPHY IT IS INEFFECTUAL TO RETAIN ON-SITE THE STORM WATER QUALITY DESIGN VOLUME (JWQDNX)
2. BIPROCESS DESIGN VOLUME TO BE 1.5 TIMES OF SECHING VOLUME.
Zone "A" - 20 ft from structure
Zone "B" - 100 ft from structure

Landscape Plan

Usage Recommendations:
1. New plant materials will be used on the concrete sidewalk of the proposed sidewalk.
2. Gravel bed drain within storm sewer line E should be drained with grass and plants up to 30 ft from the proposed 30 ft by 30 ft area as described in the Zone Flood Mitigation guidelines.
3. Certified Arboretum site, no grassy plots from this area with arboretum.
Zone "A" - 20' from structure
Zone "B" - 100' from structure
October 25, 2019

Bittoni Architects
11527 Pico Boulevard
Los Angeles, CA 90064

SUBJECT: SUPPLEMENTAL GEOTECHNICAL ENGINEERING MEMORANDUM, PROPOSED CUSTOM SINGLE FAMILY RESIDENCE, 5180 HORIZON DRIVE, CITY OF MALIBU, CALIFORNIA.


ADDENDUM ENGINEERING GEOFIC REPORT #1PROPOSED CUSTOM SINGLE FAMILY RESIDENTIAL DEVELOPMENT, 5180 HORIZON DRIVE, CITY OF MALIBU, CALIFORNIA, PREPARED BY LAND PHASES INC., PROJECT NO. LP1310, DATED JUNE 9, 2017.

UPDATE GEOTECHNICAL ENGINEERING REPORT, PROPOSED CUSTOM SINGLE FAMILY RESIDENTIAL DEVELOPMENT, 5180 HORIZON DRIVE, CITY OF MALIBU, CALIFORNIA, PREPARED BY CALWEST GEOTECHNICAL, PROJECT NO. 5747, DATED FEBRUARY 24, 2016.

REPORT OF UPDATE ENGINEERING GEOLOGY STUDY, PROPOSED CUSTOM SINGLE FAMILY RESIDENTIAL DEVELOPMENT, 5180 HORIZON DRIVE, CITY OF MALIBU, CALIFORNIA, PREPARED BY LAND PHASES INC., PROJECT NO. LP1310, DATED FEBRUARY 20, 2017.

ADDITIONAL REFERENCES ARE INCLUDED IN THE AFOREMENTIONED REPORTS.

**Introduction**

This Supplemental Geotechnical Engineering Memorandum has been prepared at the request of the project architect, Jonathan Burton, Bittoni Architects, relative to the foundation setback recommendations, specifically those related to the building clearance from ascending slopes.
Section 1808 of the Building Code requires structures to be located such that the minimum horizontal setback distance from the face of the structure to the toe of an ascending slope is at least \( \frac{1}{2} \) the overall height of the adjacent ascending slope that is steeper than 3:1 (H:V), with a maximum required setback of 15 feet.

**Discussion**

The slope stability analyses included in our referenced Addendum Geotechnical Engineering Report, dated June 20, 2017, determined factors of safety of 2.415 and 1.125 for the static and seismic conditions, respectively, for the ascending slope which is at an approximate slope gradient of 2.4:1 (H:V) with a thin soil profile of one foot underlain by competent Conejo Volcanic bedrock.

Given the slope conditions and favorable slope stability factors of safety, it is the opinion of this office the horizontal setback distance from the face of the building wall to the toe of the ascending slope may be reduced to 7.5 feet as shown on the Architectural Site Plan and Building Sections prepared by Bittoni Architects, included in Appendix A.

In consideration of the reduced setback, it is recommended to incorporate three (3) feet of freeboard for debris and slough protection on top of the building wall, designed for an impact loading of 125 pcf.

**Summary and Conclusions**

CalWest Geotechnical has prepared this Supplemental Geotechnical Engineering Memorandum relative to the foundation setback recommendations, specifically those related to the building clearance for ascending slopes. As stated above, based on our review of the referenced reports and consultation with the project architect, Bittoni Architects, it is the opinion of this office the horizontal setback from the face of the building wall to the toe of the ascending slope may be reduced to 7.5 feet.

In summary, it continues to be the opinion of this office that the proposed project, as planned, is considered feasible from a geotechnical engineering perspective, provided the recommendations provided herein and in our referenced reports are made part of the final project plans and implemented during construction.

**Limitations and Uniformity of Conditions**

This supplemental geotechnical engineering memorandum is prepared for use by Britoni Architects and their authorized agents and should not be considered transferable. Prior to use by others, the subject site and this memorandum should be reviewed by CalWest Geotechnical to determine if any additional work is required.
The professional opinions contained in this memorandum are not intended to imply total performance of the project or guarantee that unusual conditions will not be discovered during or after construction.

If conditions encountered during construction appear to differ from those described in this memorandum and the referenced reports, this office should be notified so we may determine if any modifications are necessary. In this way, any required supplemental recommendations can be made with a minimum delay to the project.

This memorandum has been prepared in accordance with generally accepted engineering practices and makes no warranties, either express or implied, as to the professional opinions provided.

Should you have any questions, please do not hesitate to call.

Respectfully submitted,

Leonard Liston
President
RCE 31902

Eli Katibah
Staff Engineer

Enc: Appendix A- Architectural Site Plan and Building Sections
Nearby Residences within 500 Feet

This table summarizes square footage of nearby residences, parcel sizes and year built based on data obtained from the Los Angeles County Assessor. The building square footage is the habitable area only, and does not include garages, covered patios and some other accessory structures. Vacant parcels have been excluded from the table.

<table>
<thead>
<tr>
<th>Address / APN</th>
<th>Habitable Area Only</th>
<th>Parcel Size</th>
<th>Year Built</th>
</tr>
</thead>
<tbody>
<tr>
<td>5253 Horizon Dr</td>
<td>10,294 sq. ft.</td>
<td>136,331 sq. ft.</td>
<td>2016</td>
</tr>
<tr>
<td>5243 Horizon Dr</td>
<td>5,000 sq. ft.</td>
<td>43,746 sq. ft.</td>
<td>1972</td>
</tr>
<tr>
<td>5247 Horizon Dr</td>
<td>2,200 sq. ft.</td>
<td>78,676 sq. ft.</td>
<td>blank</td>
</tr>
<tr>
<td>5217 Horizon Dr</td>
<td>4,341 sq. ft.</td>
<td>44,955 sq. ft.</td>
<td>1990</td>
</tr>
<tr>
<td>5200 Horizon Dr</td>
<td>4,206 sq. ft.</td>
<td>44,168 sq. ft.</td>
<td>2004</td>
</tr>
<tr>
<td>5246 Horizon Dr</td>
<td>2,638 sq. ft.</td>
<td>47,461 sq. ft.</td>
<td>1975</td>
</tr>
<tr>
<td>5250 Horizon Dr</td>
<td>4,325 sq. ft.</td>
<td>67,185 sq. ft.</td>
<td>1961</td>
</tr>
<tr>
<td>5254 Horizon Dr</td>
<td>2,483 sq. ft.</td>
<td>30,780 sq. ft.</td>
<td>1978</td>
</tr>
<tr>
<td>30001 Zenith Point Rd</td>
<td>2,231 sq. ft.</td>
<td>138,117 sq. ft.</td>
<td>1979</td>
</tr>
<tr>
<td>30002 Zenith Point Rd</td>
<td>2,629 sq. ft.</td>
<td>21,594 sq. ft.</td>
<td>1960</td>
</tr>
<tr>
<td>30004 Zenith Point Rd</td>
<td>2,200 sq. ft.</td>
<td>97,419 sq. ft.</td>
<td>1964</td>
</tr>
</tbody>
</table>

ATTACHMENT 4
TO: City of Malibu Biologist  
FROM: City of Malibu Planning Department  
DATE: 3/16/2017

PROJECT NUMBER: CDP 17-040
JOB ADDRESS: 5180 HORIZON DR
APPLICANT / CONTACT: Jon Burton, Bittoni Architects
APPLICANT ADDRESS: 11527 W. Pico Blvd
Los Angeles, CA 90064
APPLICANT PHONE #: (310)804-7154
APPLICANT FAX #: 
APPLICANT EMAIL: jon@bittoniarchitects.com
PLANNER: Jessica Cleavenger

PROJECT DESCRIPTION: New single family residence on vacant lot (Revised Plan)  

TO: Malibu Planning Department and/or Applicant  
FROM: City Biologist, Dave Crawford  

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

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

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

Signature  
Date  

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

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

PROJECT INFORMATION

| Applicant: | Jon Burton  
(name and email address) | jon@bittoniarchitects.com |
|------------|----------------------|
| Project Address: | 5180 Horizon Drive  
Malibu, CA 90265 |
| Planning Case No.: | CDP 17-040 |
| Project Description: | NSFR  
(Revised Planting) |
| Date of Review: | December 3, 2019 |
| Reviewer: | Dave Crawford |
| Contact Information: | Phone: (310) 456-2489 ext. 307  
Email: d.crawford@malibucity.org |
| Signature: | |

SUBMITTAL INFORMATION

<table>
<thead>
<tr>
<th>Site Plans:</th>
<th></th>
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<tbody>
<tr>
<td>Site Survey:</td>
<td></td>
</tr>
<tr>
<td>Grading Plans:</td>
<td></td>
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<tr>
<td>OWTS Plan:</td>
<td></td>
</tr>
<tr>
<td>Planting Plan</td>
<td>11/19/19</td>
</tr>
<tr>
<td>Irrigation/hydrozone/water budget calculations</td>
<td></td>
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<tr>
<td>Bio Assessment:</td>
<td></td>
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<tr>
<td>Bio Inventory:</td>
<td></td>
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<tr>
<td>Native Tree Survey:</td>
<td></td>
</tr>
<tr>
<td>Native Tree Protection Plan</td>
<td></td>
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<tr>
<td>Miscellaneous:</td>
<td></td>
</tr>
<tr>
<td>Previous Reviews:</td>
<td></td>
</tr>
</tbody>
</table>

REVIEW FINDINGS

Review Status: [ ] INCOMPLETE  Please respond to the listed review comments and provide any additional information requested.

[ ] CANNOT BE APPROVED AS SUBMITTED  The submitted project plans are not consistent with the City codes and/or regulations

[ ] APPROVED  The proposed project

Environmental Review Board: [ ] This project has the potential to impact ESHA and may require review by the Environmental Review Board
DISCUSSION:

1. The purpose of this review is limited to memorializing the inclusion of five coast live oak trees as a fire break pursuant to ERB recommendation. All other aspects of Biology recommendations and conditions of approval remain as previously identified.

RECOMMENDATIONS:

1. The proposed change to planting is recommended for APPROVAL with the following conditions:

   A. Prior to installation of any landscaping, the applicant shall obtain plumbing permit for the proposed irrigation system from the Building Safety Division.

   B. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.

   C. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 9.22). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22. (form attached)

   D. Prior to Final Plan Check Approval, if your property is serviced by the Los Angeles County Waterworks District No. 29, please provide landscape water use approval from that department. For approval contact:

      Nima Parsa
      Address: 23533 West Civic Center Way, Malibu, CA 90265-4804
      Email: Nparsa@DPW.LACOUNTY.GOV (preferred)
      Phone: (310) 317-1389

      Please note this action may require several weeks. As such, the applicant should submit their approved landscape plans to DPW as soon as feasible in order to avoid a delay at plan check.

   E. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

   F. Invasive plant species, as determined by the City of Malibu, are prohibited.
G. Vegetation shall be situated on the property so as not to obstruct the primary view from private property at any given time (given consideration of its future growth).

H. No non-native plant species shall be approved greater than 50 feet from the residential structure.

I. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

2. **PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY**, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

---

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

cc: Planning Project file
    Planning Department
**City of Malibu**  
23825 Stuart Ranch Rd., Malibu, California CA 90265-4861  
(310) 456-2489  FAX (310) 317-1950  www.malibucity.org

**ENVIRONMENTAL HEALTH REVIEW**  
**REFERRAL SHEET**

| TO: | City of Malibu Environmental Health Administrator  
| DATE: | 3/16/2017 |
| FROM: | City of Malibu Planning Department |

| PROJECT NUMBER: | CDP 17-040  
| JOB ADDRESS: | 5180 HORIZON DR  
| APPLICANT / CONTACT: | Jon Burton, Bittoni Architects  
| APPLICANT ADDRESS: | 11527 W. Pico Blvd  
| Los Angeles, CA 90064  
| APPLICANT PHONE #: | (310)804-7154  
| APPLICANT FAX #: |  
| APPLICANT EMAIL: | jon@bittoniarchitects.com  
| PROJECT DESCRIPTION: | New single family residence on vacant lot |

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

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

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

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

Signature:  
Date: NOVEMBER 16, 2017

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

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

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant: Jon Burton, Bittoni Architects</th>
<th><a href="mailto:Jon@BittoniArchitects.com">Jon@BittoniArchitects.com</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address: 5180 Horizon Drive</td>
<td>Malibu, California 90265</td>
</tr>
<tr>
<td>Planning Case No.: CDP 17-040</td>
<td></td>
</tr>
<tr>
<td>Project Description: New single family resident on vacant lot</td>
<td></td>
</tr>
<tr>
<td>Date of Review: November 16, 2017</td>
<td></td>
</tr>
<tr>
<td>Reviewer: Matt Janousek</td>
<td></td>
</tr>
<tr>
<td>Contact Information: Phone: (310) 456-2489 x 307 Email: <a href="mailto:mjanousek@malibucity.org">mjanousek@malibucity.org</a></td>
<td></td>
</tr>
</tbody>
</table>

SUBMITTAL INFORMATION

| Architectural Plans: Bittoni Architects: Plans dated 1-6-2017 (submitted to Planning 3-16-2017); revised plans dated 11-7-2017 (received 11-7-2017) |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| OWTS Plan: Bart Slutske: OWTS plan dated 1-6-2017; revised plan dated 2-20-2017 (received 11-7-2017)                             |
| OWTS Report: Bart Slutske: OWTS design report dated 2-16-2017                                                                    |
| Miscellaneous: Bart Slutske: Percolation test report dated 8-21-2015                                                            |
| Previous Reviews: 3-28-2017                                                                                                       |

REVIEW FINDINGS

<table>
<thead>
<tr>
<th>Planning Stage:</th>
<th>CONFORMANCE REVIEW COMPLETE for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Plumbing Code (MPC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CONFORMANCE REVIEW INCOMPLETE for the City of Malibu LIP and MPC. The listed Planning stage review comments shall be addressed prior to conformance review completion.</td>
</tr>
<tr>
<td>OWTS Plot Plan:</td>
<td>NOT REQUIRED</td>
</tr>
<tr>
<td></td>
<td>REQUIRED (attached hereto)</td>
</tr>
<tr>
<td></td>
<td>REQUIRED (not attached)</td>
</tr>
</tbody>
</table>

Based upon the project description and submittal information noted above, a *conformance review* was completed for a new alternative onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed OWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2016 Edition with City of Malibu local amendments (Malibu Municipal Code Section 15.12; hereinafter MPC), and the City of Malibu Local Coastal Program/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.
The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Conditions of Planning Conformance Review for Building Plan Check Approval

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

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

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

a. The Bart Slutske OWTS design report dated 2-16-2017 designates boring B-5 as the primary seepage pit location and B-4 as the expansion pit location. However, the OWTS plan dated 2-20-2007 designates boring B-4 as the primary seepage pit and B-5 as the expansion pit. Please clarify this discrepancy and revise the final OWTS report and plan accordingly.

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 fixture schedule, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.

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 (gfpsf). 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.]

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

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

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

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

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

9) **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.

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

11) **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.

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

---

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

**cc:** Environmental Health file  
Planning Department
NOTES:

1. This conformance review is for a 4 bedroom (52 fixture units) new single family dwelling. The new alternative onsite wastewater treatment system conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).

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

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

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT
ENVIRONMENTAL HEALTH
CONFORMANCE REVIEW

NOV 16 2017

SIGNED: [Signature]

THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS.
TO: City of Malibu Geotechnical Staff  
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 17-040
JOB ADDRESS: 5180 HORIZON DR
APPLICANT / CONTACT: Jon Burton, Bittoni Architects
APPLICANT ADDRESS: 11527 W. Pico Blvd
Los Angeles, CA 90064
APPLICANT PHONE #: (310)804-7154
APPLICANT FAX #: (310)456-7154
APPLICANT EMAIL: jon@bittoniarchitects.com

PROJECT DESCRIPTION: New single family residence on vacant lot

TO: Malibu Planning Division and/or Applicant
FROM: City Geotechnical Staff

The project is feasible and CAN proceed through the Planning process.

The project CANNOT proceed through the planning process until geotechnical feasibility is determined. Depending upon the nature of the project, this may require engineering geologic and/or geotechnical engineering (soils) reports which evaluate the site conditions, factor of safety, and potential geologic hazards.

SIGNATURE  DATE: 12/13/19

Determination of geotechnical feasibility for planning should not be construed as approval of building and/or grading plans which need to be submitted for Building Department approval. At that time, those plans may require approval by City Geotechnical Staff. Additional requirements/conditions may be imposed at the time building and/or grading plans are submitted for review, including geotechnical reports.

City Geotechnical Staff may be contacted on Tuesday and Thursday between 8:00 am and 11:00 am or by calling (310) 456-2489, extension 306 or 307.

Reviewed building plans prepared by Bittoni Architects dated 10-31-19 and geotechnical report by Calwest dated 10-25-19 addressing reduced building setbacks from ascending slopes. Review plans in BPC. A plan check fee of $1,016.00 is required.
GEOTECHNICAL REVIEW SHEET

**Project Information**

<table>
<thead>
<tr>
<th>Date</th>
<th>November 20, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Address</td>
<td>5180 Horizon Drive</td>
</tr>
<tr>
<td>Lot/Tract/PM #</td>
<td>n/a</td>
</tr>
<tr>
<td>Applicant/Contact</td>
<td>Jon Burton, <a href="mailto:jon@bittoniarchitects.com">jon@bittoniarchitects.com</a></td>
</tr>
<tr>
<td>Contact Phone #</td>
<td>310-804-7154</td>
</tr>
<tr>
<td>Fax#:</td>
<td></td>
</tr>
<tr>
<td>Project Type</td>
<td>New single-family residential development, onsite wastewater treatment system (OWTS)</td>
</tr>
<tr>
<td>Review Log #:</td>
<td>3990</td>
</tr>
<tr>
<td>Planning #:</td>
<td>CDP 17-040</td>
</tr>
<tr>
<td>BPC/GPC #:</td>
<td></td>
</tr>
<tr>
<td>Planner:</td>
<td>Jessica Colvard</td>
</tr>
</tbody>
</table>

**Consultant(s) / Report Date(s):**

Calwest Geotechnical (Liston, RCE 31902): 6-20-17, 2-24-17
Land Phases, Inc. (Holt, CEG 2282, CHG 816): 6-9-17, 2-20-17
Ref: West Coast Geotechnical: 12-19-03, 10-8-02
Ref: Mountain Geology, Inc.: 3-20-91
Ref: Coastline Geotechnical Consultants, Inc.: 3-26-91
Barton Slutske (REHS # 3940): 2-16-17, 8-12-15

Onsite Wastewater Treatment System (OWTS) plan prepared by Barton Slutske, R.E.H.S. dated February 20, 2017.

**Previous Reviews:**

Environmental Health Review Sheets dated 3-28-17 and 11-16-17, 4-4-17

**Review Findings**

**Coastal Development Permit Review**

- The residential development project is **APPROVED** from a geotechnical perspective.

- The residential development project is **NOT APPROVED** from a geotechnical perspective. The listed ‘Review Comments’ shall be addressed prior to approval.

**Building Plan-Check Stage Review**

- **Awaiting Building plan check submittal.** Please respond to the listed ‘Building Plan-Check Stage Review Comments’ AND review and incorporate the attached ‘Geotechnical Notes for Building Plan Check’ into the plans.

- **APPROVED** from a geotechnical perspective. Please review the attached ‘Geotechnical Notes for Building Plan Check’ and incorporate into Building Plan-Check submittals.

- **NOT APPROVED** from a geotechnical perspective. The listed ‘Building Plan-Check Stage Review Comments’ shall be addressed prior to Building Plan-Check Stage approval.
Remarks

The referenced addendum geotechnical reports, building and grading plans, and OWTS plans were reviewed by the City from a geotechnical perspective. The project consists of constructing a new approximately 3,500 square foot two-story single-family residence and attached garage, a swimming pool, retaining walls, grading, decks, and a new onsite wastewater treatment system (OWTS) consisting of a treatment tank system and one 5-foot diameter by 30' BI seepage pit with a 10' cap with 100% expansion.

Building Plan-Check Stage Review Comments:

1. Please provide the square footages of the proposed development on the cover sheet of the plans.

2. Please include the grading yardages on the grading plans.

3. Please clearly show the Code-required foundation setbacks from descending slopes on the foundation plans.

4. Please clearly show the Code-required building setbacks from the ascending slope on the building and grading plans. If the walls of the house on the side of the ascending slope are to be designed as a retaining wall (as per Examples of Slope Setback Requirements Sheet in the report by Land Phase), then the unbackfilled part of the wall should be designed for impact loads/pressure.

5. The Consultant should clarify if materials above the setback level would provide any vertical or lateral resistance.

6. The following note must be included on the plans: "The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, minimum depths into the recommended bearing material, depth below ground water, and a map depicting the locations of the piles."

7. Two sets of grading, retaining wall, OWTS, swimming pool and spa, garage/guest house, and residence plans (APPROVED BY BUILDING AND SAFETY) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall. Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.
Please direct questions regarding this review sheet to City Geotechnical staff listed below.

Engineering Geology Review by: Christopher Dean, C.E.G. #1751, Exp. 9-30-18
Date: 11/20/17
Engineering Geology Reviewer (310-456-2489, x306)
Email: cdean@malibucity.org

Geotechnical Engineering Review by: Ali Abdel-Haq, G.E. #2308, Exp. 12-31-17
Date: 11/20/2017
Geotechnical Engineering Reviewer (805-496-1222)
Email: ali@geodynamics-inc.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 & Environmental Geology Consultants

(MAL5367)
- GEOTECHNICAL -

NOTES FOR BUILDING PLAN-CHECK

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

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

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

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

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

5. Show the onsite wastewater treatment system on the Swimming pool Plan.

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

Grading Plans (as Applicable)

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

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

Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the Geotechnical Consultant, on the Plans.

2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may
TO: Public Works Department
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 17-040
JOB ADDRESS: 5180 HORIZON DR
APPLICANT / CONTACT: Jon Burton, Bittoni Architects
APPLICANT ADDRESS: 11527 W. Pico Blvd
Los Angeles, CA 90064
APPLICANT PHONE #: (310)804-7154
APPLICANT FAX #: 
APPLICANT EMAIL: jon@bittoniarchitects.com
PROJECT DESCRIPTION: New single family residence on vacant lot

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

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

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

[Signature]
2.20.18
The Public Works Department has reviewed the plans submitted for the above referenced project. Based on this review sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan (LCP) and the Malibu Municipal Code (MMC) can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

GRADING AND DRAINAGE

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

2. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City’s LIP Section 8.3. A note shall be placed on the project that addresses this condition.
3. A grading and drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
   - Public Works Department General Notes
   - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
   - The limits of land to be disturbed during project development shall be delineated on the grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
   - The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
   - If the property contains trees that are to be protected they shall be highlighted on the grading plan.
   - If the property contains rare and endangered species as identified in the resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
   - Private storm drain systems shall be shown on the grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
   - Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.

4. The applicant shall label all City/County storm drain inlets within 250 feet from each property line per the City of Malibu’s standard label template. A note shall be placed on the project plans that address this condition.

STORMWATER

5. The ocean between Latigo Point and the West City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation allows discharge of storm water only where it is essential for flood control or slope stability, including roof, landscape, road and parking lot drainage, to prevent soil erosion, only occurs during wet weather, and is composed of only storm water runoff. The applicant shall provide a drainage system that accomplishes the following:
   - Installation of BMPs that are designed to treat the potential pollutants in the storm water runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
• Prohibits the discharge of trash.
• Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e. no additional pollutant loading).
• Elimination of non-storm water discharges.

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

<table>
<thead>
<tr>
<th>Erosion Controls</th>
<th>Scheduling</th>
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</thead>
<tbody>
<tr>
<td>Preservation of Existing Vegetation</td>
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<table>
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<tr>
<th>Sediment Controls</th>
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<tbody>
<tr>
<td>Silt Fence</td>
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<tr>
<td>Sand Bag Barrier</td>
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<tr>
<td>Stabilized Construction Entrance</td>
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<thead>
<tr>
<th>Non-Storm Water Management</th>
<th>Water Conservation Practices</th>
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<tr>
<td>Dewatering Operations</td>
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<th>Waste Management</th>
<th>Material Delivery and Storage</th>
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<tr>
<td>Stockpile Management</td>
<td></td>
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<tr>
<td>Spill Prevention and Control</td>
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<tr>
<td>Solid Waste Management</td>
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<tr>
<td>Concrete Waste Management</td>
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<tr>
<td>Sanitary/Septic Waste Management</td>
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All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

7. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's Local Implementation Plan Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP's) that have been implemented in the design of the project (See LIP Chapter 17 Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading/building permits for this project.
8. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:

- Site Design Best Management Practices (BMP's)
- Source Control BMP's
- Treatment Control BMP's that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
- Drainage Improvements
- A plan for the maintenance and monitoring of the proposed treatment BMP's for the expected life of the structure.
- A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.
- The WQMP shall be submitted to Public Works and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

MISCELLANEOUS

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

10. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:

- The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
- There are sufficient BMPs in place to prevent soil erosion; and
- The discharge does not reach into the MS4 or to the ASBS (including tributaries)

Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.
The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating "It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)." The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

11. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.
TO: Los Angeles County Fire Department
FROM: City of Malibu Planning Department
DATE: 3/16/2017

PROJECT NUMBER: CDP 17-040
JOB ADDRESS: 5180 HORIZON DR
APPLICANT / CONTACT: Jon Burton, Bittoni Architects
APPLICANT ADDRESS: 11527 W. Pico Blvd
Los Angeles, CA 90064
APPLICANT PHONE #: (310)804-7154
PROJECT DESCRIPTION: New single family residence on vacant lot

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 1125 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.)
The project is required to have an interior automatic fire sprinkler system.
Final Fuel Modification Plan Approval is required prior to Fire Department Approval

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

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

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

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

SIGNATURE
DATE
November 14, 2018

Jon Burton
2128 Cotner Avenue
Los Angeles, CA 90025

Dear Mr. Burton:

FUEL MODIFICATION PLAN – 5180 HORIZON DRIVE, MALIBU
PARCEL # 4469-005-019 FM PROJECT #7054 – FFFM # 201800261

The Final Fuel Modification Plan has been reviewed and approved. Occupancy is subject to the onsite inspection and approval of required fuel modification. Inspections are to be performed by Forestry Division personnel.

Questions regarding this response should be directed to the Fuel Modification Unit. Office hours are Monday through Thursday, from 8:00 a.m. to 4:00 p.m. for plan submittal and general questions. Plan checkers are available 8:00 a.m. to 10:00 a.m. and by appointment. The Fuel Modification Unit may be reached at (626) 969-5205.

Very truly yours,

J. LOPEZ, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

JL:rw
TO: CALIFORNIA COASTAL COMMISSION

RE: 5180 HORIZON DRIVE

This Department has reviewed the proposed project at the address shown above. We find the project to be feasible in concept. The roadway providing access to this project is required to be less than 20% grade and a minimum of 20 feet in width. Private access roadway has a grade of 10% or greater shall have a paved/concrete surface. See site plan signed & dated NOVEMBER 2, 2017. Fire flow & Hydrant requirements will be determined during the plan review.

Access leading up to the proposed Parcel must also satisfy Fire department requirements

Please call 818-880-0341 if you have any questions regarding this matter.

[Signature]
Inspector

[Signature]
Date

DECEMBER 2, 2017
Story Pole Photographs
NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on Monday, January 6, 2020, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

COASTAL DEVELOPMENT PERMIT NO. 17-040, VARIANCE NOS. 17-004, 17-005, 17-053, 18-035, AND SITE PLAN REVIEW NO. 17-015 - An application for the construction of a new 3,560 square foot, two-story, single-family residence with an attached two-car garage, swimming pool, spa, decks, landscaping, hardscape, new onsite wastewater treatment system, and offsite private street improvements proposed adjacent to 5243 and 5246 Horizon Drive; including variances to reduce the ESHA buffer, for a greater than 50 percent reduction in the front yard setback, for construction on slopes steeper than 2.5 to 1, and for a reduction in the required parkland setback, and a site plan review for construction up to 28 feet with pitched roofs (Addresses: 5180 Horizon Drive / 4469-005-019 (Residence), 5243 Horizon Drive / 4469-005-027 (Street Improvements), 5246 Horizon Drive / 4469-005-013 (Street Improvements))

LOCATION / APNs: 5180 Horizon Drive / 4469-005-019 (Residence)  5243 Horizon Drive / 4469-005-027 (Street Improvements)  5246 Horizon Drive / 4469-005-013 (Street Improvements)

ZONING: Rural Residential-Two Acre (RR-2)

APPLICANT / OWNER: Bittoni Architects / Andrew Edwards

APPLICATION FILED: March 16, 2017

CASE PLANNER: Jessica Cleavenger, Associate Planner, jcleavenger@malibucity.org
(310) 456-2489, ext. 234

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

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 245.

BONNIE BLUE, Planning Director  Date: December 12, 2019

ATTACHMENT 8