To: Chair Jennings and Members of the Planning Commission
Prepared by: Jessica Cleavenger, Associate Planner
Reviewed: Bonnie Blue, Planning Director

Date prepared: December 23, 2019
Meeting date: January 6, 2020

Subject: Coastal Development Permit No. 18-064, Variance No. 19-031, Site Plan Review Nos. 19-003, 19-004 and 19-037, and Minor Modification No. 19-002 - An application for the construction of a new single-family residence and associated development

Location: 5942 Busch Drive, within the appealable coastal zone
APN: 4467-028-031
Owner: Douglas Cyril Land and Victoria Margaret Cooper-Lane Living Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-04 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 18-064 to construct a new two-story, 3,679 square foot, single-family residence, attached two-car garage, attached 900 square foot second unit, a 790 square foot second story deck, understructure mechanical area, 20-foot wide access driveway, hardscape, grading, landscaping and advanced onsite wastewater treatment system (OWTS); including Variance (VAR) No. 19-031 to reduce the Environmentally Sensitive Habitat Area (ESHA) buffer, Site Plan Review (SPR) No. 19-003 for construction on slopes between 3 to 1 and 2.5 to 1, SPR No. 19-004 for construction up to 28 feet with pitched roofs, SPR No. 19-037 for a hillside residential development standard exemption, and Minor Modification (MM) No. 19-002 for a 50 percent\(^1\) front yard setback reduction located in the Rural Residential-Two Acre (RR-2) zoning district at 5942 Busch Drive (Douglas Cyril Land and Victoria Margaret Cooper-Lane Living Trust).

\(^1\) The Public Hearing Notice published on December 12, 2019, inaccurately stated a 31 percent front yard setback reduction.
Rural Residential-Two Acre (RR-2) zoning district at 5942 Busch Drive (Douglas Cyril Land and Victoria Margaret Cooper-Lane Living Trust).

**DISCUSSION:** On October 21, 2019, the Planning Commission continued the item to the November 4, 2019 Regular Planning Commission meeting, at the applicant’s request, to allow time to submit revised plans that propose an understructure mechanical storage area and revised covered patio square footage calculation. On October 31, 2019, the applicant submitted revised plans, adding 380 square feet of understructure mechanical storage area with ceiling heights exceeding six feet, a revised Total Development Square Footage (TDSF) calculation, and an additional Two Thirds Compliance Exhibit. The revised plans and Two Thirds Compliance Exhibit are included as Attachments 2 and 3. On November 4, 2019, the Planning Commission continued the item to a date uncertain, to allow time for staff to review the revised plans.

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.

**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 is located between Busch Drive and Little Busch Drive. Similar to other developed properties located along this section of Busch Drive, the subject application proposes to take access to the property from Little Busch Drive with Little Busch Drive serving as the front of the property.

The subject parcel is characterized by slopes that descend gradually from Little Busch Drive to the south. Steeper slopes that range from 2.5 to 1 to 1 to 1 begin near the middle of the property and descend rapidly to the southern property line adjacent to Busch Drive. The subject parcel and neighboring properties contain mature tree canopy. The property to the east of the subject property (5936 Busch Drive) was destroyed by the Woolsey Fire in November of 2018, along with several non-native trees along Busch Drive, including trees on the subject property.

The proposed project includes the construction of a new two-story, single-family residence, attached two-car garage, attached 900 square foot second unit, deck, hardscape, landscaping, understructure storage area, and OWTS. The proposed development is on the flattest portion of the property, however, portions of the proposed development are sited on slopes ranging from 3 to 1 to 2.5 to 1. Therefore, a site plan...
review for construction on slopes has been requested as part of the subject application. The subject application also proposes construction on slopes steeper than 30 percent, therefore, the Hillside Residential Development\textsuperscript{2} regulations apply. A site plan review for an exemption from the hillside residential development standards has been requested as part of the subject application. A site plan review has also been applied for to allow construction over 18 feet in height up to 28 feet for a pitched roof. The project plans are included as Attachment 2.

\textbf{Figure 1 – Aerial Photo}

The subject property does not contain any mapped trails and is not designated ESHA as shown on the LCP ESHA Overlay Map. According to a Biological Inventory prepared on August 21, 2017 by ESA, a small ephemeral drainage feature is located along the southern property line. The drainage feature supports riparian habitat and drains local runoff from

\textsuperscript{2} Pursuant to MMC Section 17.02.060, "Hillside residential development" means a residential development occurring on a parcel of land on the inland side of Pacific Coast Highway on a proposed development area located on slopes over thirty percent and which will result in grading on slopes over 30 percent, as calculated on a slope analysis utilizing ten foot contour lines.
the residences to the north to the road to the south. The drainage feature contains a mix of native and non-native species, but does not provide adequate habitat for special-status plants and wildlife. Although the drainage feature is not mapped as ESHA, Land Use Plan (LUP) Section 3.1 states that regardless of whether streams or wetlands are designated as ESHA, the policies and standards in the LCP applicable to streams and wetlands shall apply. The proposed development has been designed to meet the ESHA buffer requirements pursuant to LIP Section 4.6.1 by providing a buffer of no less than 100 feet from the upland limit of the drainage feature. Additionally, the proposed development area is less than 10,000 square feet (8,564 square feet). Approximately 15 feet of the required fuel modification, however, will extend into the drainage feature. Residential development, including related fuel modification, is not a permitted activity in ESHA and, therefore, a variance from LCP Local Implementation Plan (LIP) Section 4.5.3 is required.

The project front property line is along Little Busch Drive. The applicant is requesting MM No. 19-002 for the reduction of the required front yard setback. The front yard setback reduction would permit the proposed development to be sited on the flattest portion of the property, near Little Busch Drive, and the furthest distance from the drainage feature at the southern edge of the property.

**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 (PCH), when the proposed development area is located on slopes steeper than 30 percent. A color coded slope analysis is included in Attachment 2 of the Project Plans. 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 the reduced TDSF, however, it exceeds the maximum height limit of 35 feet. An exemption to the hillside residential development standards can be granted pursuant to MMC 17.62.040(A)(11) if the development is not visible from a public viewing area and the site plan review findings can be made.

The proposed project meets the definition of hillside residential development because it is located inland of Pacific Coast Highway and the proposed development is partially sited on slopes steeper than 30 percent. Story poles were placed on the project site to evaluate

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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.

4 "Public viewing area" - a location along existing scenic public roads and trails or within public parklands or beaches where there are scenic views of the beach and ocean, coastline, mountains, ridgelines, canyons and other unique natural features or areas.
residences and whether these buildings would have an adverse effect on public views from scenic viewing areas. Story pole photographs are included as Attachment 6.

Based on the project plans and staff's site visit, it was determined that the proposed residence would not obstruct primary views of neighboring residences and is not visible from public viewing areas, therefore, a site plan review can be processed for an exemption. The findings to support a site plan review for an exemption from the hillside residential development standards can be made and are discussed in Section N of this agenda report.

**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 project site and surrounding areas contain a mix of one- and two-story, single-family residential development with mature landscaping and vacant land. 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 surrounding land uses consist of single-family residential homes and undeveloped lots within the RR-2 zoning district.

<table>
<thead>
<tr>
<th>Table 2 — Surrounding Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direction</td>
</tr>
<tr>
<td>North</td>
</tr>
<tr>
<td>Northeast</td>
</tr>
<tr>
<td>East</td>
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<tr>
<td>South</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
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<tr>
<td>East</td>
</tr>
</tbody>
</table>
Project Description

The proposed scope of work is as follows:

Proposed Development

a. 3,679 square foot, two-story, single-family residence including an attached two-car garage;
b. 900 square foot attached second residential unit;
c. 790 square foot second story deck;
d. Understructure mechanical storage area:
e. 450 cubic yards of non-exempt grading;
f. 20-foot wide access driveway;
g. Installation of an OWTS; and
h. Landscaping and hardscape.

Additional Discretionary Requests

i. VAR No. 19-031 to reduce the ESHA buffer;
j. SPR No. 19-003 for construction on slopes between 3 to 1 and 2.5 to 1;
k. SPR No. 19-004 for construction up to 28 feet in height for a pitched roof;
l. SPR No. 19-037 for a hillside residential development standard exemption; and
m. MM No. 19-002 for a 50 percent front yard setback reduction.

Proposed Total Development Square Footage (TDSF)

- Main Residence: 2,979 sq. ft.
- Attached Two-Car Garage: 490 sq. ft.
- Attached Second Unit: 900 sq. ft.
- Covered areas > six feet: 210 sq. ft.
- Mechanical Area > six feet in height: 380 sq. ft.

Total: 4,959 sq. ft. of TDSF

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.

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5 Also known as an accessory dwelling unit, or ADU.
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 VAR, SPRs and MM), ESHA 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 No. 19-031, SPR Nos. 19-003, 19-004 and 19-037, and MM No. 19-002.

**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>SETBACKS (ft.)</th>
<th>Allowed/Required</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard (20% or 65 ft., whichever is less)</td>
<td>46 ft., 2 inches</td>
<td>23 ft., 1 inch</td>
<td>MM No. 19-002</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>34 ft., 7 in.</td>
<td>119 ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (10% - Min)</td>
<td>14 ft., 3 in.</td>
<td>21 ft., 7 in.</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (25% - Cumulative)</td>
<td>35 ft., 8 in.</td>
<td>50 ft., 3 in.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

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### Table 3 — LCP Zoning Conformance

<table>
<thead>
<tr>
<th>Development Requirement</th>
<th>Allowed/Required</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ESHA SETBACK</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- fuel modification</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>Main Residence</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>- fuel modification</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>Second Unit</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>- No. 19-03</td>
<td></td>
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</tr>
<tr>
<td><strong>PARKING</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Residence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- enclosed</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>- unenclosed</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>Second Unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- No. 19-03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)</strong></td>
<td>6,243 sq. ft.</td>
<td>4,959 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Main Residence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- enclosed</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>- unenclosed</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>Second Unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- No. 19-03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DEVELOPMENT AREA</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Residence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- enclosed</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>- unenclosed</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>Second Unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- No. 19-03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>IMPERMEABLE COVERAGE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Residence</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- enclosed</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>- unenclosed</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>Second Unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- No. 19-03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>HEIGHT (ft.)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Residence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- 18 ft.</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>- 28 ft.</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td><strong>SITE OF CONSTRUCTION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Residence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- No. 19-004</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NON-EXEMPT GRADING</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Residence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Cubic yards</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>- 450 cubic yards</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td><strong>FENCES/WALLS/HEDGES/GATES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>- lower 42 in. view impermeable</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>- None Proposed</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>Side Yards</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>- None Proposed</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>Retaining Walls</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</td>
</tr>
<tr>
<td>- None Proposed</td>
<td>200 ft.</td>
<td>185 ft.</td>
<td>VAR</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 450 cubic yards of non-exempt grading. Therefore, the proposed project complies with grading requirements set forth under LIP Section 8.3.
Table 4 – LCP Grading Conformance

<table>
<thead>
<tr>
<th></th>
<th>Exempt**</th>
<th>Non-Exempt</th>
<th>Remedial</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>R&amp;R*</td>
<td>Understructure</td>
<td>Safety</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cut</td>
<td>860 cy</td>
<td>385 cy</td>
<td>0 cy</td>
<td>265 cy</td>
</tr>
<tr>
<td>Fill</td>
<td>860 cy</td>
<td>415 cy</td>
<td>50 cy</td>
<td>185 cy</td>
</tr>
<tr>
<td>Total</td>
<td>1,720 cy</td>
<td>800 cy</td>
<td>50 cy</td>
<td>450 cy</td>
</tr>
<tr>
<td>Import</td>
<td>0 cy</td>
<td>30 cy</td>
<td>50 cy</td>
<td>0 cy</td>
</tr>
<tr>
<td>Export</td>
<td>0 cy</td>
<td>0 cy</td>
<td>0 cy</td>
<td>80 cy</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 Compass Rose, Archaeological Inc. in October of 2016 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. 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.
LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The City Environmental Health Administrator has reviewed the proposed OWTS and determined that the subject system will meet all applicable requirements. Details for the proposed system are described on the Environmental Health Review Sheet (Attachment 5). The applicant is required to record a covenant indicating the proper operation and maintenance of the OWTS. In addition, conditions of approval have been included for the proposed project to require continued operation, maintenance and monitoring of subject system.

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 proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and the LACFD. Based on staff review of the submitted plans and materials, and the specific findings below, the proposed project, as conditioned, conforms to the LCP and MMC.

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 July 25, 2019, staff visited the project site to document the story poles erected in July, 2019 and reviewed alternate site locations for the proposed project. Story pole photographs are included as Attachment 6. Due to the presence of steep slopes on the southern half of the property, and the presence of a drainage feature along
the southern border, there are no feasible alternative site locations for the proposed development that are more protective of resources. Siting the development on the flattest portion of the property, closest to Little Busch Drive, reduces grading and 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 (8,564 square feet) which is consistent with LIP Section 4.7.1. The proposed project also complies with the TDSF and impermeable coverage calculation. 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 associated development are not located in ESHA. Additionally, no other feasible alternative building pad exists that would avoid impacts on ESHA due to fuel modification requirements. As such, 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 the Biological Inventory prepared by the project’s consulting biologist, ESA dated August 21, 2017, the subject parcel is not located in an ESHA or ESHA buffer. The Biological Inventory identifies a small ephemeral drainage feature located along the southern property line. The drainage feature supports riparian habitat and contains a mix of native and non-native species, but does not provide adequate habitat for special-status plants and wildlife.

Although the proposed development has been designed to meet the ESHA buffer requirements pursuant to LIP Section 4.6.1 by providing a buffer of no less than 100 feet from the drainage feature, the required 200-foot fuel modification will extend approximately
15 feet into drainage feature. However, as the subject property is not mapped as ESHA on the ESHA overlay map, the proposed project is exempt from review by the Environmental Review Board (ERB). Therefore, ERB review was not required, and this finding does not apply.

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

A variance is proposed to allow the required fuel modification of the single-family residence to extend approximately 15 feet into the ESHA buffer (drainage feature) on the southern edge of the property. 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 use in ESHA; therefore, a variance is required. LIP Section 13.26.5 requires that the City make ten findings in consideration and approval of a variance. Based on the foregoing evidence contained within the record, the required findings for VAR No. 19-031 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 ESHA. The small ephemeral drainage feature, identified as ESHA, is located along the southern property line. 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. As designed, the proposed development requires a minor modification for a reduction in the front yard setback to push the development closer to Little Busch Drive, in order to avoid the steep slopes and the drainage feature along Busch Drive. Given the constraints of the lot and the location of the drainage feature, strict application of the zoning ordinance could preclude single-family residential development on the property zoned to permit residential land uses. Therefore, the project will 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 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

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6 Pursuant to LIP Section 4.4.4(E), new structures within an existing, developed neighborhoods where the new structures will be located over 200 feet from an ESHA, as shown on the ESHA overlay map, are not subject to review by the Environmental Review Board.
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 as far north as possible, closest to Little Busch 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 properties along Busch Drive, which were similarly developed with 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 variance, site plan reviews, and minor modification.

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 (8,564 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 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 extend 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. Site Plan Review for Construction on Slopes between 3 to 1 and 2.5 to 1 (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 on slopes between 3 to 1 to 2.5 to 1. The applicant is proposing to construct a new single-family residence predominantly on slopes ranging from 3 to 1 and flatter. Portions of the proposed single-family residence, however,
are sited on slopes between 3 to 1 to 2.5 to 1, toward the rear of the development area. Based on the evidence in the record, the findings of fact for SPR No. 19-003 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 investigations, the project is consistent with all policies and provisions of the LCP and MMC.

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

The portions of the single-family residence that are proposed on slopes between 3 to 1 and 2.5 to 1 are located at the rear of the property. Due to the topography and lot depth, the portions of the proposed single-family residence on steep slopes will have limited visibility from Busch Drive. Additionally, the proposed single-family residence is similar to existing neighboring development with regards to size and massing. Neighboring properties were also constructed on similar slopes. Therefore, the portions of the structure proposed on slopes between 3 to 1 and 2.5 to 1 are 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.

The portions of the proposed single-family residence sited on slopes between 3 to 1 and 2.5 to 1 are located at the rear of the property and will not be visible from public viewing areas due to the size and shape of the lot. Therefore, the project provides maximum feasible protection to significant public views.

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.

D. 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 make 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 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. 19-004 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 investigations, 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 July 2019. Staff visited the project site on July 25, 2019, photo-documented the story poles and evaluated the project for conformance with City codes (Attachment 6 – Story Pole Photographs). Neighboring properties located along Busch 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 sited on the northern portion of the parcel, on the flattest slopes. The proposed single-family residence includes a pitched roof, not to exceed 28 feet in height. As demonstrated with the story pole photographs, the proposed development will be similar in size, shape, and massing to neighboring single-family residential development along Busch Drive. 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 portions of the structure in excess of 18 feet are 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.**

On July 25, 2019, staff visited the subject parcel after story poles representing the size, bulk and height of the proposed buildings were installed. Based on staff’s site visit after story poles were installed, it was determined that the proposed residential development will not be visible from public scenic areas or LCP parks or trails and will not impact scenic vistas. Therefore, the proposed project is not expected to have any significant adverse effects on public viewing areas.

**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 regards to size, shape, height and massing with existing development in the surrounding area. 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).

As stated in Finding 3, the proposed development will not obstruct visually impressive scenes of the Pacific Ocean or the beach. The proposed development is infill residential development that is consistent with development located on neighboring properties. Due to the shape and location of the subject parcel, which is lower in elevation than the neighboring properties to the north, no protected bluewater views or mountain views are visible across the property. Additionally, staff has not received any correspondence since the installation of the story poles in July of 2019. Therefore, the proposed development will not further obstruct visually impressive scenes from private property. This analysis is based on aerial photographs, site visits and story pole placement.

E. Minor Modification for a reduction of the front yard setback (LIP Section 13.27)

LIP Section 13.27 requires that the City make three findings in consideration and approval of a minor modification to reduce the required front yard setback up to 50 percent. The project proposes a 50 percent reduction of the front yard setback, along Little Busch Drive, required by LIP Section 3.6(G)(1) from 46 feet, 2 inches to 23 feet, 1 inch for the proposed single-family residence. Based on evidence in the record, the findings in support of MM No. 19-002 are made herein.

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

As previously stated in Section A, the project has been reviewed and analyzed for conformance with the LCP and MMC. The project is consistent with the policies and provisions of the LCP and MMC.
Finding 2. The project does not adversely affect neighborhood character.

The proposed single-family residence is sited 23 feet, 1 inch from the right-of-way of Little Busch Drive. The required front yard setback is 46 feet, 2 inches. As demonstrated with aerial images and site visits, reduced front yard setbacks are common for properties along Little Busch Drive as development has been sited closer to the road to avoid steep slopes and the drainage feature at the rear of the properties, along Busch Drive. Surrounding residences are sited approximately 25 feet to 45 feet from the front yard property lines where 40 feet to 65 feet is required. As the proposed single-family residence is sited in line with properties along Little Busch Drive, the proposed front yard setback reduction will not adversely affect neighborhood character.

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

The minor modification complies with all requirements of state and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and State agencies.

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

As previously discussed, according to the Biological Inventory prepared on August 21, 2017 by ESA, a small ephemeral drainage feature is located along the southern property line. The drainage feature supports riparian habitat and drains local runoff from the residences to the north to the road to the south, but does not provide adequate habitat for special-status plants and wildlife. Although the drainage feature is not mapped as ESHA, Land Use Plan (LUP) Section 3.1 states that regardless of whether streams or wetlands are designated as ESHA, the policies and standards in the LCP applicable to streams and wetlands shall apply. The proposed development meets the ESHA buffer requirements pursuant to LIP Section 4.6.1. Additionally, the proposed development area is less than 10,000 square feet (8,564 square feet). However, approximately 15 feet of the required fuel modification will extend into the drainage feature. 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 applicable to the subject parcel exist with regards to ESHA. 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, given the constraints of the lot, 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. 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 (8,564 square feet) 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.

G. 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.

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

The Scenic, Visual, and Hillside Resource Protection Chapter governs those CDP applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The project site is not visible from any scenic area, scenic road or public viewing area. Therefore, the scenic, visual and hillside resource protection findings contained in LIP Chapter 6 are not applicable.

I. 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.

J. 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 on September 17, 2018 and March 22, 2019, by SubSurface Designs, Inc. 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
project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wildfire hazards.

Finding 2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As stated in Finding 1, the project as designed, conditioned, and approved by the City geotechnical staff and 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.

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.

K. 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.
L. 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.

This project does not meet any of the above criteria and no official 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.

M. Land Division (LIP Chapter 15)

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

N. Site Plan Review Request from MMC Section 17.40.040(A)(20) and 17.62.070 – Exemption from Hillside Residential Development Standard [MMC 17.62.040(D)]

Additional regulations for hillside residential development apply pursuant to MMC Sections 17.40.040(A)(20) and 17.62.070 if the proposed development meets the definition of hillside residential development. The proposed project meets the definition of hillside residential development.

The SPR No. 19-037 for an exemption from the hillside development ordinance pursuant to MMC 17.62.040(A)(11) can be processed provided that it can be demonstrated that the proposed development cannot be seen from public scenic areas. Story poles were placed on the project site to evaluate public view impacts, and the proposed development cannot be seen from public scenic areas, and can, therefore, be exempt. MMC Section 17.62.040(D) requires that the City makes six findings in consideration and approval of
Based on the foregoing evidence contained within the record, the required findings for SPR No. 19-037 are made as follows:

**Finding 1. The project is compatible with other development in the adjacent area in relation to size, bulk, and height.**

Story poles were installed in July 2019, and demonstrate that the project is compatible in terms of siting, massing and scale to the surrounding development and is not located within the primary views of neighboring properties. Additionally, adjacent properties are developed with one- and two-story, single-family residences of similar size and provide decreased front yard setbacks similar to the proposed residence. Therefore, the proposed project is expected to blend with the surrounding built environment and is compatible with other development in the adjacent area in relation to size, bulk, and height.

**Finding 2. The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.**

The proposed project is located in an area that has been identified for residential use. The proposed residence incorporates siting and design measures to minimize landform alteration and will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, and wooded areas. Visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features do not exist onsite. The proposed project, as designed, is consistent with the applicable land use designation and is consistent with all applicable development and design standards of the LCP and General Plan, inclusive of the associated discretionary requests.

**Finding 3. The project does not obstruct visually impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in Section 17.40.040(A)(17).**

Based on the visual impact analysis (aerial photographs, site visits, story pole placement, and the design of the structure which incorporates the existing topography), staff has determined that the proposed residence is not expected to obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing areas of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

**Finding 4. That the project does not affect solar access, as defined by staff.**
Based on the visual impact analysis (aerial photographs, site visits and story pole placement), staff has determined that the proposed residence is not expected to affect solar access of nearby properties.

Finding 5. The project is consistent with the city’s general plan, local coastal program, municipal code, and city standards.

The proposed project, as designed, is consistent with the applicable land use designation and is consistent with all applicable development and design standards of the LCP, MMC and General Plan, inclusive of the associated discretionary requests in that the proposed project is located in an area identified for residential use and the project incorporates siting and design measures to minimize visual impacts and landform alteration. Additionally, the proposed project is consistent with the goals of the hillside residential development standards as it cannot be seen from public scenic areas and does not impact public views. The goals and policies of the General Plan intend to maintain rural character in this area, and the project is consistent with these goals.

Finding 6. The proposed project complies with all applicable requirements of state and local law.

As previously discussed in Section A, the project complies with all applicable requirements of State and local law.

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 and 15304(b) – Minor Alterations to Land. 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. 19-68. 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. 20-04
2. Revised Project Plans
3. Two Thirds Compliance Exhibit
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. 20-04

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. 18-064 TO CONSTRUCT A NEW TWO-STORY, 3,679 SQUARE FOOT, SINGLE-FAMILY RESIDENCE, ATTACHED TWO-CAR GARAGE, ATTACHED 900 SQUARE FOOT SECOND UNIT, 790 SQUARE FOOT SECOND STORY DECK, UNDERSTRUCTURE MECHANICAL AREA, 20-FOOT WIDE ACCESS DRIVeway, HARDSCAPE, GRADING, LANDSCAPING AND ADVANCED ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING VARIANCE NO. 19-031 TO REDUCE THE ENVIRONMENTALLY SENSITIVE HABITAT AREA BUFFER, SITE PLAN REVIEW NO. 19-003 FOR CONSTRUCTION ON SLOPES BETWEEN 3 TO 1 AND 2.5 TO 1, SITE PLAN REVIEW NO. 19-004 FOR CONSTRUCTION UP TO 28 FEET WITH PITCHED ROOFS, SITE PLAN REVIEW NO. 19-037 FOR A HILLSIDE RESIDENTIAL DEVELOPMENT STANDARD EXEMPTION, AND MINOR MODIFICATION NO. 19-002 FOR A 50 PERCENT FRONT YARD SETBACK REDUCTION LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 5942 BUSCH DRIVE (DOUGLAS CYRIL LAND AND VICTORIA MARGARET COOPER-LANE LIVING TRUST)

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

SECTION 1. Recitals.

A. On December 26, 2018, an application for Coastal Development Permit (CDP) No. 18-064, Site Plan Review (SPR) Nos. 19-003 and 19-004, and Minor Modification (MM) No. 19-002 was submitted to the Planning Department by the applicant, Steve Yett, on behalf of the property owners, Douglas Cyril Land and Victoria Margaret Cooper-Lane Living Trust. 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 14, 2019, Planning Department staff conducted a site visit to document site conditions, the property and surrounding area.

C. On June 12, 2019, the applicant submitted a site plan review (SPR No. 19-037) for a hillside residential development standard request.

D. On July 24, 2019, a Notice of Coastal Development Permit (CDP) Application was posted on the subject property.

E. On July 25, 2019, Planning Department staff conducted a site visit to document the story poles.

F. On September 10, 2019, the applicant submitted a variance request (VAR No. 19-031) for fuel modification to extend into Environmentally Sensitive Habitat Areas (ESHA).
G. On September 20, 2019, the CDP application was deemed complete for processing.

H. 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.

I. On October 21, 2019, the Planning Commission continued the item to the November 4, 2019, Regular Planning Commission meeting, at the applicant’s request, to allow time to submit revised plans that propose an understructure mechanical storage area and revised covered patio square footage calculation.

J. On October 31, 2019, the applicant submitted revised plans, adding 380 square feet of understructure mechanical storage area with ceiling heights exceeding six feet, a revised Total Development Square Footage (TDSF) calculation, and an additional two thirds compliance exhibit.

K. On November 4, 2019, the Planning Commission continued the item to a date uncertain to allow time for staff to review the revised plans.

L. 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.

M. 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 and Section 15304(b) – Minor Alterations to Land. 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) Chapter 17.70, the Planning Commission adopts and approves the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 18-064 to construct a new two-story, 3,679 square foot, single-family residence, attached two-car garage, attached 900 square foot second unit, 790 square foot second story deck, understructure mechanical area, 20-foot wide access driveway, hardscape, grading, landscaping and advanced onsite wastewater treatment system (OWTS); including VAR No. 19-031 to reduce the ESHA buffer, SPR No. 19-003 for construction on slopes between 3 to 1 and 2.5 to 1, SPR No. 19-004 for construction up to 28 feet with pitched roofs, SPR No. 19-037 for a hillside residential development standard
exemption, and MM No. 19-002 for a 50 percent front yard setback reduction located in the Rural Residential-Two Acre (RR-2) zoning district at 5942 Busch 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 variance, site plan reviews, and minor modification 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 variance, site plan reviews and minor modification, 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 variance, site plan reviews and minor modification and has been determined to be the least environmentally damaging feasible alternative. The proposed reduced front yard setback is required to pull the development closer to the front property, thereby avoiding impacts to the drainage feature at the rear of the property. The proposed development has been sited on the flattest 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.

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

VAR No. 19-031 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 a drainage feature along the southern property line that limit the location of the proposed development pad. The proposed residence has been sited on the flattest portion of the property and as far from the drainage feature as feasibly possible, thereby, minimizing adverse environmental impacts. The variance allows fuel modification to extend into the drainage feature as no feasible alternative building pad location exists on the property that would avoid the encroachment. The neighboring properties were constructed with similar encroachments of fuel modification into the drainage feature. 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 as the proposed development will be required to comply with State and local law. 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 in that similar development exists on neighboring properties and the variance
allows residential development where ESHA standards would otherwise render the lot unbuildable. 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 the drainage feature 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 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. Site Plan Review for Construction on Slopes between 3 to 1 and 2.5 to 1 (LIP Section 13.27.5)

SPR No. 19-003 from the development standards contained in LIP Section 13.27 will allow construction on slopes between 3 to 1 to 2.5 to 1 for the proposed single-family residence.

1. 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.

2. The portions of the single-family residence that are proposed on slopes between 3 to 1 and 2.5 to 1 are located at the rear of the property. Due to the topography and lot depth, the portions of the proposed single-family residence on steep slopes will have limited visibility from Busch Drive. Additionally, the proposed single-family residence is similar to existing neighboring development with regards to size, massing, and construction on slopes. Therefore, the portions of the structure proposed on slopes between 3 to 1 and 2.5 to 1 are not anticipated to adversely affect neighborhood character.

3. The portions of the proposed single-family residence sited on slopes between 3 to 1 and 2.5 to 1 are located at the rear of the property and will not be visible from public viewing.
areas due to the size and shape of the lot. Therefore, the project provides maximum feasible protection to significant public views.

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.

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

SPR No. 19-004 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 July 2019, and demonstrate that the project is compatible with the surrounding development. Surrounding properties are developed with one- and two-story residential structures of similar height and massing. 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 and will not be more impactful than the surrounding development with regards to neighborhood character and is not anticipated to adversely affect neighborhood character.

3. The proposed development is sited in a location that will not be visible 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.

E. Minor Modification for Reduction of the Front Yard Setback (LIP Section 13.27)

MM No. 19-002 from the development standards contained in LIP Section 13.27 will allow a 50 percent reduction to the front yard setback, from the required 46 feet, 2 inches to the proposed 23 feet, 1 inch.

1. With the inclusion of the proposed minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.
2. Evidence in the record demonstrates that the proposed project will not adversely affect neighborhood character as surrounding properties in the neighborhood consist of similar reduced front yard setbacks. Additionally, the reduced front yard setback will allow development to be pulled closer to the street and away from the drainage feature at the rear of the property.

3. The proposed project complies with all applicable requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

F. 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 the drainage feature identified as ESHA by approximately 15 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.

G. 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. As discussed in Section A, 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, will not have adverse impacts on sensitive resources in that the project has been conditioned to comply with State and local law and will incorporate all recommendations from applicable City and County agencies.
H. Site Plan Review Findings for Exemption from Hillside Residential Development Standard (MMC Section 17.62.040(D))

1. The proposed project is expected to blend with the surrounding built environment in that it is compatible with other development in the adjacent area due to similar size, bulk, and height.

2. The proposed residence incorporates siting and design measures to minimize visual impacts and landform alteration and will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features. The proposed residence is sited as far from the drainage feature as possible, and no other sensitive resources were identified onsite.

3. The proposed residence is not expected to obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing areas of any affected principal residence as defined in MMC Section 17.40.040(A)(17) as neighboring developed properties are elevated above the proposed residence.

4. Due to the size, shape and topography of the subject property, the proposed residence will not affect solar access as the proposed roofline is not expected to cast shadows onto existing development on the neighboring properties.

5. The proposed project, as designed, is consistent with the applicable land use designation and is consistent with all applicable development and design standards of the LCP, MMC and General Plan, inclusive of the associated discretionary requests in that the proposed project is located in an area identified for residential use and the project incorporates siting and design measures to minimize visual impacts and landform alteration.

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


Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 18-064, VAR No. 19-031, SPR Nos. 19-003, 19-004 and 19-037 and MM No. 19-002 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 3,679 square foot, two-story, single-family residence with an attached two-car garage;
b. 900 square foot attached second residential unit;
c. 790 square foot second story deck;
d. Understructure mechanical storage area;
e. 450 cubic yards of non-exempt grading;
f. 20-foot wide access driveway;
g. Installation of an OWTS; and
h. Landscaping and hardscape.

**Additional Discretionary Requests**

a. VAR No. 19-031 to reduce the ESHA buffer;
b. SPR No. 19-003 for construction on slopes between 3 to 1 and 2.5 to 1;
c. SPR No. 19-004 for construction up to 28 feet in height for a pitched roof;
d. SPR No. 19-037 for a hillside residential development standard exemption; and
e. MM No. 19-002 for a 50 percent front yard setback reduction.

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 October 31, 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.
Fencing/Walls/Screening

15. The height of proposed fences shall comply with LIP Section 3.5.3(A) and shall not exceed six feet in height.

16. 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).

17. 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.

18. 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.

19. 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

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

21. 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.

22. 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.

23. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
24. Motion sensor lights shall be programmed to extinguish ten minutes after activation.

25. 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.

Biology/Landscaping

26. The project Biological Inventory determined that the on-site drainage did not meet the definition of ESHA. Notwithstanding, pursuant to LUP Chapter 3, Section 3.1 “Regardless of whether streams and wetlands are designated as ESHA, the policies and standards in the LCP applicable to streams and wetlands shall apply.” Therefore, 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 a stream.

Based on the site plans, the proposed development falls well within this limitation and is situated as far as feasible from the drainage.

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

28. Prior to or at the time of a Planning final inspection, the property owner or 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.

29. 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.

30. 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.

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

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

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

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

35. 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.

36. To protect the on-site drainage feature, construction fencing shall be placed 15 feet south of the limits of grading and/or site disturbance. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site’s sensitive habitat areas.

37. 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.

38. Up-lighting of landscaping is prohibited.

39. No fencing shall cross or otherwise impede the on-site drainage course.

40. 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.

41. 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.

Environmental Health

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

43. A final design and system specifications (four sets) 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 designer must also be a registered OWTS designer with the City of Malibu. The final OWTS design report and drawings shall be submitted to the City Environmental Health Administrator with the designer’s wet signature, professional registration number and stamp (if applicable).

44. The final OWTS 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. Sewage and effluent pump calculations (as applicable).

c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;

d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system’s geometric dimensions and basic construction features. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and

e. All final design drawings shall be submitted with the wet signature and typed name of the AOWTS 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 AOWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.

45. 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.

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

47. An operations and maintenance manual specified by the OWTS designer shall be submitted to the City Environmental Health Administrator. This shall be the same operations and
maintenance manual submitted to the owner and/or operator of the proposed OWTS following installation.

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

49. 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 Clerk’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the OWTS serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Plumbing Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. The applicant shall submit a certified copy issued by the City of Malibu Recorder.

50. A covenant running with the land shall be executed by the property owner and recorded with the City of Malibu’s 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 an operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental Sustainability Department. The applicant shall submit a certified copy issued by the City of Malibu Recorder.

51. Final approval of the OWTS plan from the Project Geologist/Geotechnical Consultant staff shall be submitted.

52. Final approval of the OWTS plan from the City geotechnical staff shall be submitted.

53. City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

54. 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.

55. In accordance with MMC 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.
Geology

56. 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.

57. 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.

Public Works

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

Grading/Drainage/Hydrology

59. 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.

60. Exported soils 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 LIP Section 8.3. A note shall be placed on the project plans that addresses this condition.

61. A Grading and Drainage Plan for the excavation containing the following information shall be reviewed and approved by 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 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-excavation for fill slopes shall be shown;
   e. Any native trees required to be protected shall be highlighted on the grading plan;
   f. Any rare or endangered species as identified in the biological assessment, along
with fencing of these areas if required by the City Biologist;
g. Private storm drains, and systems greater than 12-inch diameter shall also include a plan and profile; and
h. Public storm drain modifications shown on the grading plan shall require approval by the Public Works Department prior to the issuance of the grading permit.

62. 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

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

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

64. 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.

65. 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.
66. 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**

67. 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**

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

**Construction / Framing**

69. 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.

70. 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.

71. 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 Little Busch 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.

72. A construction management plan, including a traffic control plan and construction parking
plan, shall be submitted for review and approval by the Building Official prior to the
issuance of a demolition, grading or building permits.

73. 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.

74. 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

75. 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

76. 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.
77. 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.

78. 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.

79. 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

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

81. 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.

JEFFERY 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.
COASTAL COMMISSION APPEAL — An aggrieved person may appeal the Planning Commission’s approval to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-04 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
TOTAL BLDG FOOTPRINT
= 3,856 S.F.

HAS/TABLE 74756
CC//SEEP 6747/C
2/0 Hf
LIQCEITLOCP4
/C/0 TALL
£720567
TOTAL = 1,337 SF
TOTAL OCt75 Too rfs/Nr 3475657/
7557S/F/SOO///P 35%
35%
/35%
66%
fl/SE CC/I/S/ES
213s
COMPLIANCE
-METHODOLOGY 1
2/3's COMPLIANCE - METHODOLOGY 2
p = 10-0
Slope Analysis

LEGEND

- Existing impermeable coverage
- Slopes less than 5:1
- Slopes between 4:1 and 5:1
- Slopes between 5:1 and 4:1
- Slopes between 2 1/2:1 and 3:1
- Slopes between 1 1/2:1 and 2 1/2:1
- Slopes between 1:1 and 1 1/2:1
- Slopes steeper than 1:1

Slopes deeper than 1:1 (all others are shown)
Hillside Slope Analysis

LEGEND
(based on 10'-0" contour interval)

- Green: Slopes less than 30%
- Red: Slopes steeper than 30%

[Map showing slopes with contour lines and legend]
LANDSCAPE NOTES:
TOTAL PROPOSED LANDSCAPE AREA: 2345 SF
THERE ARE NO EXISTING PROTECTED TREES ON SITE
PROPOSED HEDGE TO BE MAINTAINED AT 6' TALL
ALL PLANTED AREAS TO BE DRIED-IRRIGATED BY AN AUTOMATED SYSTEM WITH WEATHER SENSOR

PLANT LEGEND:

TOTAL PROPOSED LANDSCAPE AREA 2345 SF
THERE ARE NO EXISTING PROTECTED TREES ON SITE
PROPOSED HEDGE TO BE MAINTAINED AT 6' TALL
ALL PLANTED AREAS TO BE DRIED-IRRIGATED BY AN AUTOMATED SYSTEM WITH WEATHER SENSOR

Revised:

Site Plan
SCALE: 1/16" = 1' - 0"

City of Malibu
Landscape Permit
APN: 4467-0028-031

5942 Busch Dr., Malibu, CA 90265

The Lane Residence
AREA OF STRUCTURE OVER 18' TALL
2,414 S.F.
(AS MEASURED FROM FINISHED OR NATURAL GRADE)

RED SEMI-TRANSPARENT VOLUME IS 18' HIGH BUILDING ENVELOPE
(AS MEASURED FROM FINISHED OR NATURAL GRADE)
(ANY PORTION OF BUILDING BELOW THIS ENVELOPE IS LESS THAN 18' TALL)

DIMENSIONAL EXHIBIT
2/3's COMPLIANCE - METHODOLOGY 2

TOTAL BLDG FOOTPRINT = 3,856 S.F.
2,414 S.F. / 3,856 S.F. = 62.6%
62.6% < 66.6%
THEREFORE STRUCTURE COMPLIES
2 STORY PORTION OF STRUCTURE
1,127 S.F.

COVERED PATIO
(APPLIES TO 2-Story Area)
210 S.F.

1 STORY PORTION OF STRUCTURE
191 S.F.

TOTAL BLDG FOOTPRINT = 3,856 S.F.
2 STORY PORTION OF STRUCTURE = 1,337 S.F.
1,337 S.F. / 3,856 S.F. = 35%
35% < 66%
THEREFORE STRUCTURE COMPLIES

3 DIMENSIONAL EXHIBIT
2/3's COMPLIANCE - METHODOLOGY 1
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>6022 Merritt Dr</td>
<td>2,285 sq. ft.</td>
<td>29,586 sq. ft.</td>
<td>1973</td>
</tr>
<tr>
<td>6036 Merritt Dr</td>
<td>3,261 sq. ft.</td>
<td>29,851 sq. ft.</td>
<td>1978</td>
</tr>
<tr>
<td>6040 Merritt Dr</td>
<td>2,470 sq. ft.</td>
<td>21,959 sq. ft.</td>
<td>1953</td>
</tr>
<tr>
<td>6052 Merritt Dr</td>
<td>3,613 sq. ft.</td>
<td>39,561 sq. ft.</td>
<td>1950</td>
</tr>
<tr>
<td>6070 Merritt Dr</td>
<td>1,844 sq. ft.</td>
<td>35,867 sq. ft.</td>
<td>1983</td>
</tr>
<tr>
<td>6080 Merritt Dr</td>
<td>4,237 sq. ft.</td>
<td>43,813 sq. ft.</td>
<td>1989</td>
</tr>
<tr>
<td>6110 Merritt Dr</td>
<td>10,331 sq. ft.</td>
<td>62,147 sq. ft.</td>
<td>1992</td>
</tr>
<tr>
<td>APN 4467-028-047</td>
<td>5,071 sq. ft.</td>
<td>59,446 sq. ft.</td>
<td>2003</td>
</tr>
<tr>
<td>6080 Busch Dr</td>
<td>6,096 sq. ft.</td>
<td>43,072 sq. ft.</td>
<td>2002</td>
</tr>
<tr>
<td>5936 Busch Dr</td>
<td>2,825 sq. ft.</td>
<td>40,060 sq. ft.</td>
<td>1979</td>
</tr>
<tr>
<td>5946 Busch Dr</td>
<td>5,113 sq. ft.</td>
<td>40,415 sq. ft.</td>
<td>1984</td>
</tr>
<tr>
<td>5950 Busch Dr</td>
<td>2,922 sq. ft.</td>
<td>26,532 sq. ft.</td>
<td>1988</td>
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<tr>
<td>5954 Busch Dr</td>
<td>3,471 sq. ft.</td>
<td>26,511 sq. ft.</td>
<td>1979</td>
</tr>
<tr>
<td>5958 Busch Dr</td>
<td>2,702 sq. ft.</td>
<td>26,467 sq. ft.</td>
<td>1993</td>
</tr>
<tr>
<td>5960 Busch Dr</td>
<td>2,608 sq. ft.</td>
<td>31,513 sq. ft.</td>
<td>1984</td>
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<tr>
<td>5932 Busch Dr</td>
<td>5,000 sq. ft.</td>
<td>44,074 sq. ft.</td>
<td>1980</td>
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<tr>
<td>29502 Harvester Rd</td>
<td>2,529 sq. ft.</td>
<td>43,956 sq. ft.</td>
<td>1963</td>
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<tr>
<td>5795 Calpine Dr</td>
<td>5,977 sq. ft.</td>
<td>219,595 sq. ft.</td>
<td>2011</td>
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<tr>
<td>29507 Harvester Rd</td>
<td>1,724 sq. ft.</td>
<td>48,675 sq. ft.</td>
<td>1957</td>
</tr>
<tr>
<td>Address / APN</td>
<td>Habitable Area Only</td>
<td>Parcel Size</td>
<td>Year Built</td>
</tr>
<tr>
<td>---------------------</td>
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</tr>
<tr>
<td>5789 Calpine Dr</td>
<td>3,938 sq. ft.</td>
<td>55,887 sq. ft.</td>
<td>1976</td>
</tr>
<tr>
<td>29517 Harvester Rd</td>
<td>1,152 sq. ft.</td>
<td>63,702 sq. ft.</td>
<td>1956</td>
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<tr>
<td>29518 Harvester Rd</td>
<td>3,654 sq. ft.</td>
<td>60,474 sq. ft.</td>
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<td>4,162 sq. ft.</td>
<td>43,739 sq. ft.</td>
<td>1986</td>
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<tr>
<td>5900 Busch Dr</td>
<td>2,279 sq. ft.</td>
<td>47,498 sq. ft.</td>
<td>1957</td>
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<tr>
<td>5840 Busch Dr</td>
<td>2,600 sq. ft.</td>
<td>21,466 sq. ft.</td>
<td>1973</td>
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<td>29528 Harvester Rd</td>
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<td>22,037 sq. ft.</td>
<td>1980</td>
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<tr>
<td>5838 Busch Dr</td>
<td>2,277 sq. ft.</td>
<td>21,462 sq. ft.</td>
<td>1963</td>
</tr>
</tbody>
</table>
TO: City of Malibu Biologist
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 18-064
JOB ADDRESS: 5942 BUSCH DR
APPLICANT / CONTACT: Steve Yett
APPLICANT ADDRESS: PO Box 682
Malibu, CA 90265
APPLICANT PHONE #: (310) 383-7187
APPLICANT FAX #: (310) 317-9766
APPLICANT EMAIL: syettarch@aol.com
PLANNER: To Be Assigned

PROJECT DESCRIPTION: NSFR, NOWTS, ADU

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 1/26/18

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

Rev 05/29/2018
<table>
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<tr>
<th>PROJECT INFORMATION</th>
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<td>Applicant:</td>
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<td>(name and email</td>
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<tr>
<td>address)</td>
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<td>Project Address:</td>
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<td></td>
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<tr>
<td>Planning Case No.:</td>
</tr>
<tr>
<td>Project Description:</td>
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<td>Date of Review:</td>
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<td>Reviewer:</td>
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<td>Contact Information:</td>
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<th>SUBMITTAL INFORMATION</th>
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<tr>
<td>Site Plans:</td>
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<tr>
<td>Site Survey:</td>
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<td>Planting Plan:</td>
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<th>REVIEW FINDINGS</th>
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<td></td>
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<tr>
<td>Environmental Review Board:</td>
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DISCUSSION:

1. Pursuant to Section 9.22.030 of City of Malibu Ordinance No. 343 (Landscape Water Conservation Ordinance), the proposed project is not subject to the Landscape Water Conservation Ordinance as the property supports an existing single family residence and the newly planted area totals less than 2,500 square feet.

Total landscape area proposed for the project is 2,345 square feet.

RECOMMENDATIONS:

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

   A. The project Biological Assessments both determined that the on-site drainage did not meet the definition of ESHA. Notwithstanding, pursuant to LUP Chapter 3, Section 3.1 "Regardless of whether streams and wetlands are designated as ESHA, the policies and standards in the LCP applicable to streams and wetlands shall apply." Therefore, 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 a stream.

      Based on the site plans, the proposed development falls well within this limitation and is situated as far as feasible from the drainage.

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

   C. 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.

   D. 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. Since the only sensitive habitat within fuel modification range of the subject project is an ephemeral drainage, the proposed project would not result in any permanent impacts. As such, no mitigation beyond the building area restriction is required.

   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.

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

K. To protect the on-site drainage feature, construction fencing shall be placed 15 feet south of the limits of grading/site disturbance. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

L. 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.

M. Up-lighting of landscaping is prohibited.

N. No fencing shall cross or otherwise impede the on-site drainage course.

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.

2. The proposed project will REQUIRE REVIEW by the Environmental Review Board because the project has the potential to impact special-status biological resources.

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

cc: Planning Project file
    Planning Department
ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator  DATE: 12/26/2018
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 18-064
JOB ADDRESS: 5942 BUSCH DR
APPLICANT / CONTACT: Steve Yett
APPLICANT ADDRESS: PO Box 682
Malibu, CA 90265
APPLICANT PHONE #: (310) 383-7187
APPLICANT FAX #: (310) 317-9766
APPLICANT EMAIL: syettarch@aol.com
PROJECT DESCRIPTION: NSFR, NOWTS, ADU

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

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

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

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

Signature

Date

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

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

PROJECT INFORMATION

Applicant: Steve Yett
(name and email address)

Project Address: 5942 Busch Drive
Malibu, California 90265

Planning Case No.: CDP 18-064

Project Description: NSFR, NOWTS, ADU

Date of Review: January 8, 2019

Reviewer: Matt Janousek

Contact Information: Phone: (310) 456-2489 ext. 307
Email: mjanousek@malibucity.org

SUBMITTAL INFORMATION


Grading Plans: AHSIRT: Plans dated 11-29-2018

OWTS Plan: EPD: OWTS plan dated 11-16-2018


Miscellaneous:

Previous Reviews:

REVIEW FINDINGS

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

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

OWTS Plot Plan: ☐ NOT REQUIRED

☒ REQUIRED (attached hereto) ☐ REQUIRED (not attached)

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

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

1) **OWTS on Final Architectural and Grading Plans:** The final Architectural Plans and Grading Plans must show the proposed OWTS, including the treatment tank and dispersal area(s).

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

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

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

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

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

c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for “package” systems; and the design basis for engineered systems.

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

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

4) 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.

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

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

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

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

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

11) **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.

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

13) **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.

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

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

**cc:** Environmental Health file
Planning Department
1. This conformance review is for a 4 bedroom (60 fixture units) new single family dwelling. The advanced onsite wastewater treatment system conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).

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

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

*SEE REVERSE SIDE FOR MORE OWTS DETAILS*
City of Malibu
23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

<table>
<thead>
<tr>
<th>Project Information</th>
<th>Review Log #: 4232</th>
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<tbody>
<tr>
<td>Date: May 17, 2019</td>
<td></td>
</tr>
<tr>
<td>Site Address: 5942 Busch Drive</td>
<td></td>
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<tr>
<td>Lot/Tract/PM #:</td>
<td></td>
</tr>
<tr>
<td>Applicant/Contact: Stephen Yett, <a href="mailto:syettarch@aol.com">syettarch@aol.com</a></td>
<td></td>
</tr>
<tr>
<td>Contact Phone #: 310-383-7187</td>
<td>Fax #: 310-317-9766</td>
</tr>
<tr>
<td>Project Type: New Single Family Residence, OWTS, grading</td>
<td></td>
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<tr>
<td>Planning #: ACDP 18-064</td>
<td>BPC/GPC #:</td>
</tr>
<tr>
<td>Planner: Jessica Colvard</td>
<td></td>
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</tbody>
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<table>
<thead>
<tr>
<th>Submittal Information</th>
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<tbody>
<tr>
<td>Consultant(s) / Report Date(s): Subsurface Designs, Inc. (SDI) (Mahn, RCE 60293, Pongracz-Bartha, CEG 2370); 3-22-19, 9-17-18 (house); Subsurface Designs, Inc. (Mahn, RCE 60293, Triebold, CEG 1796) 11-15-18 (OWTS)</td>
</tr>
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| Previous Reviews: | 2-14-19 |

<table>
<thead>
<tr>
<th>Review Findings</th>
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<tbody>
<tr>
<td>Coastal Development Permit Review</td>
</tr>
<tr>
<td>☑ The residential development project is APPROVED from a geotechnical perspective.</td>
</tr>
<tr>
<td>☐ The residential development project is NOT APPROVED from a geotechnical perspective. The listed ‘Review Comments’ shall be addressed prior to approval.</td>
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<tr>
<th>Building Plan-Check Stage Review</th>
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<tbody>
<tr>
<td>☑ 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.</td>
</tr>
<tr>
<td>☑ APPROVED from a geotechnical perspective. Please review the attached ‘Geotechnical Notes for Building Plan Check’ and incorporate into Building Plan-Check submittals.</td>
</tr>
<tr>
<td>☐ NOT APPROVED from a geotechnical perspective. The listed ‘Building Plan-Check Stage Review Comments’ shall be addressed prior to Building Plan-Check Stage approval.</td>
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</tbody>
</table>

Remarks
The referenced geotechnical report for the single family residence and supporting geologic report for the Advanced OWTS were reviewed by the City from a geotechnical perspective.

Based on the submitted information, the project comprises the construction of two-story single-family residence, including a 490 square foot attached garage, a 3,879 square house consisting of a 2,979 main
residence on the second-floor, and a 900 square foot first-floor unit below. Proposed grading includes 1,510 yards of cut and fill (remove and replace), of which 500 cy is non-exempt fill with 30 yards of import and export. Exterior improvements include a driveway, flatwork, and an at grade deck. A new advanced onsite wastewater treatment system (AOWTS) consisting of a treatment tank system and two dispersal fields located on either side of the residence at the north end of the lot (1,955 and 1,385 square feet respectively) will be installed on the property.

Building Plan Check Review Comments:

1. Please submit a fee of $991.00 to City geotechnical staff for building plan check review.

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

3. Please clearly show the Code-required minimum building foundation setbacks from descending slopes on the plans, where applicable.

4. Clearly depict limits of cut and fill on the grading plans.

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

6. Two sets of final building, grading, and retaining wall 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: ____________________________________ 5/17/2019
Larry D. Gurrola, CEG. #2616, Exp. 8-31-20
Engineering Geology Reviewer (805-496-1222)

Geotechnical Engineering Review by: ____________________________________ 5/17/2019
Lauren J. Doyel, G.E. #2981, Exp. 8-30-19
Geotechnical Engineering Reviewer (805-496-1222)
Email: lauren@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.
The following standard items should be incorporated into Building Plan-Check submittals, as appropriate:

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

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

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

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

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

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

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

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

**Grading Plans (as Applicable)**

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

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

**Retaining Walls (As Applicable)**

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

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

DATE: 12/26/2018

PROJECT NUMBER: CDP 18-064
JOB ADDRESS: 5942 BUSCH DR
APPLICANT / CONTACT: Steve Yett
APPLICANT ADDRESS: PO Box 682  
Malibu, CA 90265
APPLICANT PHONE #: (310) 383-7187
APPLICANT FAX #: (310) 317-9766
APPLICANT EMAIL: syettarch@aol.com
PROJECT DESCRIPTION: NSFR, NOWTS, ADU

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

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

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

[Signature]  
[Date] 12/23/19

Rev 120910
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. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMP's shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMP's and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

**STORMWATER**

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

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

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

6. 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.

MISCELLANOUS

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

COMMERCIAL DEVELOPMENT

8. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.
Story Pole Photographs
Single-Family Residence
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. 18-064, VARIANCE NO. 19-031, SITE PLAN REVIEW NOS. 19-003, 19-004 AND 19-037, AND MINOR MODIFICATION NO. 19-002 - An application for the construction of a new 3,679 square foot, two-story, single-family residence with an attached two-car garage and 900 square foot second unit, 790 square foot second-story deck, landscaping, hardscape, grading, and new onsite wastewater treatment system; including a variance to reduce the ESHA buffer, site plan reviews for construction on slopes between 3 to 1 and 2.5 to 1, construction up to 28 feet with a pitched roof, and for an exemption from hillside development standards, and a minor modification for a 50 percent front yard setback reduction.

LOCATION / APN / ZONING: 5942 Busch Drive / 4467-028-031 / Rural Residential-Two Acre (RR-2)
APPLICANT / OWNER(S): Steve Yett / Douglas Cyril Land and Victoria Margaret Cooper-Lane Joint Living Trust
APPEALABLE TO: City Council and California Coastal Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15303(a), 15303(e), and 15304(b)
APPLICATION FILED: December 26, 2018
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.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission's approval directly to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1802.

BONNIE BLUE, Planning Director
Date: December 12, 2019

ATTACHMENT 8