Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Richard Mollica, Assistant Planning Director

Reviewed: Bonnie Blue, Planning Director

Date prepared: February 6, 2020

Meeting date: February 18, 2020

Subject: Coastal Development Permit No. 13-054, Lot Line Adjustment No. 18-001, Variance Nos. 19-022 and 19-023, Site Plan Review Nos. 13-053 and 13-054, and Demolition Permit No. 19-048 — An application for a lot line adjustment and the construction of a new single-family residence (Continued from February 3, 2020)

Locations: 3469 and 3441 Cross Creek Road, within the appealable coastal zone

APNs: 4458-023-003 and 4458-023-004

Owner: Malibu Realty, LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-16 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 13-054 to construct a new 5,056 square foot, single-story, single-family residence with a 920 square foot basement, landscaping, riparian habitat restoration, Lot Line Adjustment (LLA) No. 18-001 to allow for a lot line adjustment between 3469 and 3441 Cross Creek Road, Variance (VAR) No. 19-022 to allow for unenclosed parking to replace enclosed parking, VAR No. 19-023 to allow for the proposed residence’s fuel modification to extend into the required Environmentally Sensitive Habitat Area (ESHA) buffer, Site Plan Review (SPR) No. 13-053 to allow for a 28-foot tall pitched roof, SPR No. 13-054 to allow for construction on slopes steeper than 3:1 but flatter than 2.5:1, and Demolition Permit (DP) No. 19-048 to allow for the demolition of an existing accessory structure located in the Rural Residential-Five Acre (RR-5) zoning district at 3469 and 3441 Cross Creek Road (Malibu Realty, LLC).
DISCUSSION: This agenda report provides a project overview and description of setting, a summary of 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 proposed project includes a lot line adjustment, the demolition of an existing accessory structure and the construction of a new single-story, single-family residence with a basement in its place. Currently, one lot has a primary residence and the other does not. The lot line adjustment will allow for the proposed new residence to be constructed in the same location on 3469 Cross Creek Road as the demolished accessory structure. The adjusted lot lines will result in the existing single-family residence being located on 3441 Cross Creek Road; no new development will take place on that lot. By eliminating future development on 3441 Cross Creek Road, there will be no new ESHA impacts or scenic impacts given the parcel's visibility from Malibu Creek, Legacy Park and the Serra Canyon neighborhood (Attachment 5).

According to the LCP ESHA and Marine Resources Map and Biological Assessment prepared by Forde Biological Consultants, the project's Consulting Biologist, dated January 27, 2014, the eastern property line of 3469 Cross Creek Road is directly adjacent to riparian habitat as well as chaparral ESHA. Furthermore, 3441 Cross Creek Road contains ESHA on the northern portion.

The proposed residence and associated development are located entirely within the disturbed portions of the subject parcel (non-ESHA). However, portions of the required fuel modification (200-foot radius) extend into the surrounding riparian ESHA. Residential development, including related fuel modification, is not a permitted activity in ESHA and thus, a variance from LCP Local Implementation Plan (LIP) Section 4.5.3 is required.

The required fuel modification for a residence of any size or location on the subject parcel would extend into ESHA. As ESHA impacts could not be avoided, LIP Section 4.7.1 states the allowable development area shall be a maximum of 10,000 square feet. Pursuant to LIP Section 4.8.1, the applicant is also required to mitigate impacts to ESHA.

The eastern portion of 3469 Cross Creek Road (along Malibu Creek) is within the California Coastal Commission Appeal Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map. The proposed development apart from the fuel modification zones, is not sited within the Appeal Jurisdiction; however, the CDP will be appealable to the Commission due to the fuel modification in the appeal zone.
Project Setting

The subject parcels are irregularly shaped lots. The lot addressed as 3469 Cross Creek Road has direct access to Cross Creek Road and contains a driveway that allows 3441 Cross Creek Road to also access Cross Creek Road. See Figure 1 below. The 3469 Cross Creek Road lot is currently developed with a single-family residence and accessory development which includes landscaping, hardscaping, and accessory structures; furthermore, previous grading activities have resulted in a site that has been terraced to accommodate the existing development. A site plan review is required for the proposed new residence because the existing accessory structure it will replace is located on slopes steeper than 3 to 1. The 3441 Cross Creek Road lot is undeveloped with exception of a driveway, minor landscaping and structures which facilitate agricultural uses.

Tables 1 through 4 describe the existing characteristics for each lot, then the characteristics resulting from the lot line adjustment. As shown in the tables, net lot area is the gross lot area minus the areas of public or private easements and 1:1 slopes. Figure 2 demonstrates the existing and proposed lot lines.

<table>
<thead>
<tr>
<th>Table 1 — Property Data for 3469 Cross Creek Road (Existing)</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>Slopes 1 to 1 and steeper</td>
</tr>
<tr>
<td>*Net Lot Area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2 — Property Data for 3441 Cross Creek Road (Existing)</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>Slopes 1 to 1 and steeper</td>
</tr>
<tr>
<td>*Net Lot Area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 3 — Property Data for 3469 Cross Creek Road (Proposed)</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>Slopes 1 to 1 and steeper</td>
</tr>
<tr>
<td>*Net Lot Area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 4 — Property Data for 3441 Cross Creek Road (Proposed)</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>Slopes 1 to 1 and steeper</td>
</tr>
<tr>
<td>*Net Lot Area</td>
</tr>
</tbody>
</table>
Figure 3 illustrates the proposed lot lines and development. The proposed single-family residence (labeled as Garden House) will be sited on the existing developed pad of 3469 Cross Creek; however, the proposed residence will be sited further from the riparian ESHA to provide the required 100-foot setback from the edge of the riparian habitat as determined by the submitted Biological Assessment. However, a 30-foot wide stretch of riparian habitat exists on the site between the property boundary and the 100-foot buffer. This stretch of habitat would be located within the home’s required fuel modification zone. National Park Service Land exists to the north and east of the parcel and pursuant to Government Code Section 51184(a), fuel modification does not apply to open space lands that are environmentally sensitive parklands. Therefore, the fuel modification of the proposed project will not be required to extend into the adjacent parkland. In conformance with LIP Section 3.6(F)(6), the proposed project is sited and designed to minimize impacts to habitat and recreational opportunities.

According to the Biological Assessment, there are no protected trees within the proposed development area. Even though the project is not able to completely avoid ESHA impacts due to the fuel modification area, overall, the project will result in less impacts to ESHA than the current situation. This is because the proposed residence on 3469 Cross Creek is sited further from the onsite ESHA than the existing accessory structure; and with the incorporation of the lot line adjustment, the development potential on 3441 Cross Creek Road will be eliminated as this adjusted lot will now contain a primary residence (the existing residence formerly on 3469 Cross Creek).

Currently, 3441 Cross Creek Road is vacant and could be developed with a structure that is limited to a 10,000 square foot development area because the northern portion of the lot is mapped as ESHA. Not only would this result in the elimination of up to 10,000 square feet of ESHA, but it would also result in hillside development. As discussed throughout this report, the adjustment of the lot line between the two parcels will result in the existing single-family residence being on the vacant lot (3441 Cross Creek Road) and because of the onsite ESHA, future development will be limited to the existing developed footprint. The project as proposed would protect the existing onsite ESHA from potential future development.
**Surrounding Land Uses**

Table 5 provides a summary of surrounding land uses. The surrounding land uses consist of both residential properties and national parklands.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Address/Parcel No.</th>
<th>Size</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>APN 4458-023-902</td>
<td>7.2 acres</td>
<td>POS</td>
<td>Public Open Space</td>
</tr>
<tr>
<td>East</td>
<td>APN 4458-012-902</td>
<td>20.94 acres</td>
<td>POS</td>
<td>Public Open Space</td>
</tr>
<tr>
<td>South</td>
<td>3515 Cross Creek Rd.</td>
<td>3.51 acres</td>
<td>RR-5</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td></td>
<td>APN 4458-024-028</td>
<td>5.52 acres</td>
<td>RR-5</td>
<td>Vacant</td>
</tr>
<tr>
<td>West</td>
<td>APN 4458-023-903</td>
<td>21.62 acres</td>
<td>I</td>
<td>Vacant</td>
</tr>
<tr>
<td></td>
<td>23800 Malibu Crest Dr.</td>
<td>3.4 acres</td>
<td>RR-1</td>
<td>Single-Family Residence</td>
</tr>
</tbody>
</table>

**Project Description**

On 3469 Cross Creek Road, the proposed project includes the demolition of an existing 1,744 square foot, single-story accessory structure as well as the unpermitted addition, construction of a new, single-story, single-family residence, grading, lot line adjustment, and habitat restoration. The proposed total development square footage (TDSF) of the residence is 5,056 square feet. The residence also includes a 920 square foot basement. Since the basement is less than 1,000 square feet it is not included in the TDSF calculation.

The proposed lot line adjustment (LLA No. 18-001) is required to allow for the construction of the proposed residence. Without the approval of the LLA, the proposed project would result in a lot that is developed with two primary residences and the potential for new development of a primary residence on 3441 Cross Creek Road. The 3441 Cross Creek Road lot does not contain a primary residence and is only developed with a fire access road that includes a vehicular turn-around and minor agricultural development that is complementary to 3469 Cross Creek Road.

The 3469 Cross Creek Road lot is currently developed with a number of structures which do not conform to current City ordinances because they were built prior to incorporation of the City. The following structures currently exist on the parcel addressed as 3469 Cross Creek Road:

- Single-family residence;
- Guest house and garage (connected to the main residence via a tunnel);
- Two guard houses;
- Tennis pavilion; and
- An accessory structure (subject of this application which will be demolished and replaced with new residence).

Figure 1 Existing Development Located at 3469 Cross Creek Road

Figure 2 below demonstrates the proposed lot line adjustment. The existing lot line that will be modified is shown in red. The proposed modification to that line is shown in blue.
Figure 2 Site Plan Demonstrating the Modification to the Existing Lot Line

Figure 3 Aerial Photograph Demonstrating the Proposed Lot Lines and Development

Source: Applicant's Submittal
With the exception of an unpermitted addition made to the accessory structure that will be demolished, all of the existing development was built with permits that were issued by the County of Los Angeles and the California Coastal Commission. The unpermitted addition is located on the side of the structure that was nearest the creek within the required 100-foot riparian setback. The applicant has worked with the City Biologist to identify the boundaries of the work that was permitted to ensure that the new development maintains the riparian setback as previously approved and no benefit is given for the addition built without the benefit of permit.

The following discretionary requests are included:

- VAR No. 19-022 to replace the two required enclosed parking spaces with two unenclosed parking spaces;
- VAR No. 19-023 for a reduction in the required ESHA buffer due to fuel modification;
- SPR No. 13-053 to allow for a 28 foot tall pitched roof; and
- SPR No. 13-054 to allow for construction on slopes steeper than 3:1 but flatter than 2.5:1.

LCP Analysis

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

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters are discussed in the LIP Conformance Analysis section. The nine remaining LIP chapters do contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only the following chapters and associated findings are applicable to the project: Coastal Development Permit (including the required findings for the VARs and SPRs), ESHA, Scenic Visual and Hillside Resource Protection, Hazards, and Land Division. 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 3 – 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 LLA No. 18-001, VAR Nos. 19-022, 19-023 and SPR Nos. 13-053 and 13-054.

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 6 provides a summary of conformance for the new residence on the adjusted 3469 Cross Creek lot and indicates the proposed project meets those standards. The table below contains a two-thirds calculation because the proposed structure has vaulted ceilings. Even though a second floor is not proposed, clear areas above 18 feet are limited to two-thirds the size of the area below 18 feet. The project demonstrates compliance with that. Additionally, while the project is setback 100 feet from the edge of the riparian ESHA, the fuel modification zone will extend into that buffer and therefore VAR No. 19-023 is included.

The 3441 Cross Creek lot does not involve any change in conformance as no new development is occurring on this lot, and no new non-conformities are created.

<table>
<thead>
<tr>
<th>Table 6 – LCP Zoning Conformance – 3469 Cross Creek Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Requirement</td>
</tr>
<tr>
<td>Allowed/Required</td>
</tr>
<tr>
<td>Proposed</td>
</tr>
<tr>
<td>Comments</td>
</tr>
<tr>
<td>SETBACKS (ft.)</td>
</tr>
<tr>
<td>Front Yard (20% or 65 ft., whichever is less)</td>
</tr>
<tr>
<td>65 ft.</td>
</tr>
<tr>
<td>530 ft.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
<tr>
<td>Rear Yard</td>
</tr>
<tr>
<td>161 ft., 2 in.</td>
</tr>
<tr>
<td>336 ft.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (10% - Min)</td>
</tr>
<tr>
<td>28 ft., 11 in.</td>
</tr>
<tr>
<td>60 ft.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (25% - Cumulative)</td>
</tr>
<tr>
<td>72 ft., 3 in.</td>
</tr>
<tr>
<td>193 ft.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
<tr>
<td>PARKING</td>
</tr>
<tr>
<td>Enclosed</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>0</td>
</tr>
<tr>
<td>VAR No. 19-022</td>
</tr>
<tr>
<td>Unenclosed</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>Complies</td>
</tr>
<tr>
<td>TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)</td>
</tr>
<tr>
<td>11,172 sq. ft.</td>
</tr>
<tr>
<td>5,973 sq. ft.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
<tr>
<td>1st Floor x 2/3rds = Area Above 18 ft.</td>
</tr>
<tr>
<td>5,973 sq. ft. x 2/3 = 3,981 sq. ft.</td>
</tr>
<tr>
<td>1,001 sq. ft.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
<tr>
<td>Basement</td>
</tr>
<tr>
<td>920 sq. ft.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
<tr>
<td>DEVELOPMENT AREA</td>
</tr>
<tr>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>9,921 sq. ft.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
<tr>
<td>IMPERMEABLE COVERAGE</td>
</tr>
<tr>
<td>25,000 sq. ft.</td>
</tr>
<tr>
<td>15,638 sq. ft.</td>
</tr>
<tr>
<td>Complies</td>
</tr>
</tbody>
</table>
Table 6 – LCP Zoning Conformance – 3469 Cross Creek Road

<table>
<thead>
<tr>
<th>Development Requirement</th>
<th>Allowed/</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Required</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>HEIGHT (ft.)</strong></td>
<td>18 ft. Required</td>
<td>28 ft. SPR No. 13-053</td>
<td></td>
</tr>
<tr>
<td><strong>SITE OF CONSTRUCTION</strong></td>
<td>3:1 or flatter</td>
<td>2.5:1 to 3:1 SPR No. 13-054</td>
<td></td>
</tr>
<tr>
<td><strong>NON-EXEMPT GRADING</strong></td>
<td>&lt; 1,000 cubic yards</td>
<td>986 cubic yards</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FENCES/WALLS/HEDGES/</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GATES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>6 ft.; lower 42 in. view impermeable</td>
<td>None Proposed</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>6 ft.</td>
<td>None Proposed</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yards</td>
<td>6 ft.</td>
<td>None Proposed</td>
<td>Complies</td>
</tr>
<tr>
<td>Retaining Walls</td>
<td>6 ft.</td>
<td>6 ft. or less*</td>
<td>Complies</td>
</tr>
</tbody>
</table>

*Additional retaining walls are been proposed that are integral parts of the structure.

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. Grading will only occur on 3469 Cross Creek. As shown in Table 7, the proposed project includes approximately 811 cubic yards of exempt, understructure grading. The project includes 1,684 cubic yards of exempt grading. A total 986 cubic yards of non-exempt grading is proposed which is less than 1,000 cubic yards that is allowed pursuant to LIP Section 8.3. The City Public Works Department has reviewed the proposed project for conformance with LCP grading requirements and has deemed the project consistent with these requirements. The project will be conditioned to cease any earthmoving during the rainy season unless required to remediate hazardous geologic conditions that endanger public health and safety.
Table 7 – 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></td>
<td>R&amp;R*</td>
<td>Understructure</td>
<td>Safety</td>
<td></td>
</tr>
<tr>
<td>Cut</td>
<td>0 cy</td>
<td>1,312 cy</td>
<td>0 cy</td>
<td>162 cy</td>
</tr>
<tr>
<td>Fill</td>
<td>0 cy</td>
<td>372 cy</td>
<td>0 cy</td>
<td>824 cy</td>
</tr>
<tr>
<td>Total</td>
<td>0 cy</td>
<td>1,684 cy</td>
<td>0 cy</td>
<td>986 cy</td>
</tr>
<tr>
<td>Import</td>
<td>0 cy</td>
<td>0 cy</td>
<td>0 cy</td>
<td>662 cy</td>
</tr>
<tr>
<td>Export</td>
<td>0 cy</td>
<td>940 cy</td>
<td>0 cy</td>
<td>0 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 which includes a site visit and literature review was prepared by Robert J. Wlodarski of H.E.A.R.T., Inc. in May 2008 for the subject parcel. No archaeological resources were found onsite during the Phase I on-foot investigation. The report concluded that any improvements within the project area would not have adverse affects on cultural resources. In the event that potentially important cultural resources are found during construction, the project has been conditioned to stop work until further evaluation.

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. With the implementation of these conditions, the proposed project conforms to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. On August 18, 2014, the City Environmental Health Administrator reviewed the proposed project and determined that the existing OWTS could accommodate the proposed development without the need of an upgrade or replacement. Currently there are two OWTSes on the 3469 Cross Creek property and after the lot line adjustment, one will be located on each lot. There is a system for the existing main residence and an additional system that serves the accessory structure that will be replaced with the new structure as part of this permit. No work on the OWTSes is proposed.
or required. In addition, conditions of approval have been included to require continued operation, maintenance and monitoring of onsite facilities. These properties are located within Phase 2 of the Civic Center prohibition area; however, the project has been screened to ensure no increase in discharges will occur.

LIP Findings

A. General Coastal Development Permit (LIP Chapter 13)

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

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

The project is located in the RR-5 zoning district, an area designated for rural residential uses. A single-family residence and associated development are permitted uses. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigations, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards with the inclusive of the requested LLA, VARs, SPRs and DP.

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 – A smaller or alternative project could be proposed on the subject properties. A smaller project would consist of building a smaller residence that meets the definition of a second unit on 3469 Cross Creek. While this project would eliminate the need for the lot line adjustment, it would still result in the need for an ESHA buffer variance because the required fuel modification zones would still extend into the riparian habitat. A smaller structure could fit on the existing building pad without the need of the SPR for construction on slopes steeper than 3 to 1. Furthermore, elimination of the lot line
adjustment would allow for the construction of a new single-family residence on the property addressed as 3441 Cross Creek Road. Construction of a new residence on 3441 Cross Creek Road would result in ESHA disturbance, grading, and hillside development. The project as proposed with the inclusion of the lot line adjustment will result in less site disturbance, grading, and ESHA disturbance. In conclusion, an alternate project may result in greater potential negative impacts on the environment.

**Proposed Project** - The proposed project consists of: (i) the replacement of an existing non-conforming accessory structure and landscaping with a new single-family residence and (ii) a Lot Line Adjustment. The new residence at 3469 Cross Creek will not encroach into the ESHA buffer, as the existing accessory does. All non-native grasses and the irrigation system within the ESHA Buffer will be removed and replaced with native habitat plantings and only a temporary irrigation system will be installed to establish the new plantings. The new residence will share an existing driveway with the adjacent 3441 Cross Creek property. The new residence will connect to the existing OWTS that currently serves the accessory structure. The Lot Line Adjustment eliminates the potential for a new hillside residence on the lot addressed 3441 Cross Creek Road, which would be visible from private residential property throughout Serra Canyon neighborhood, the Civic Center area, and Legacy Park. Therefore, the project as proposed is the least environmentally damaging alternative and would be consistent with the ESHA development standards. As the proposed project is required to offset ESHA impacts and is consistent with ESHA protection standards, the proposed project, as designed, is the least environmentally damaging alternative.

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

According to the LCP ESHA and the Marine Resources Map and Biological Assessment prepared by Forde Biological Consultants, the project's Consulting Biologist, dated January 27, 2014, the eastern property line of the parcel addresses as 3469 Cross Creek Road is directly adjacent to riparian habitat as well as chaparral ESHA. Therefore, pursuant to LUP Policy 5.5 and LIP Section 13.7(C), the application was subject to the Environmental Review Board (ERB) because the proposed development will impact ESHA. On October 1, 2019, the ERB reviewed the project and recommended that the portion of Cross Creek Road that serves the subject properties be improved to public road standards. To accomplish this, the applicant would need to obtain permission from the property owners along Cross Creek Road. At this time, no plans or fire department requirements relate to the widening of Cross Creek Road. The ERB supported the lot line adjustment because it eliminated the development potential for the lot addressed as 3441 Cross Creek Road.
Cross Creek Road. The elimination of future development on the lot will result in increased ESHA protection.

**B. Variance to Eliminate the Enclosed Parking Requirement (LIP Section 13.26.5)**

LIP Section 3.14.3 requires two enclosed and two unenclosed parking spaces for single-family residences. The applicant is requesting VAR No. 19-022 to eliminate the unenclosed parking requirement and allow the use of unenclosed spaces. Given the size of the property and distance from public streets or areas, parking on the site is not visible. The applicant has proposed a total of four designated parking spaces adjacent to the proposed residence. The required findings in support of Variance No. 19-022 are made as follows.

**Finding 1.** That 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 properties in the vicinity and under the identical zoning classification.

There are special circumstances and exceptional characteristics applicable to the subject property such that strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity. The project proposes the construction of a single-story, single-family residence on an existing building pad. To construct a garage, additional hardscape and grading would be required. However, given the size of the parcel unenclosed parking is abundant and out of view of the public and adjacent neighbors. Furthermore, according to information from the LA County Assessor's office, a number of properties immediately adjacent the subject property do not have enclosed parking.

**Finding 2.** That 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 granting of the variance will relieve the project from providing two enclosed parking spaces and allow for the construction of a single-family residence in an area that has been determined to be appropriate for such a use. Given the size of the property, the owner will be able to accommodate all required parking onsite and outside the view of neighboring properties. The project has been reviewed and approved by the City geotechnical staff, and the City Public Works Department for consistency with all applicable regulations and policies. Therefore, the granting of the variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity in which the property is located.

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

According to the LA County Assessor's office there are a number of properties adjacent to the subject property that do not contain garages due to their age. The granting of the variance will not constitute a special privilege to the applicant, because the owner will still be capable of parking four cars on the subject parking without impacting surrounding properties or streets.

Finding 4. That 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 Local Coastal Program.

The project is consistent with the LCP, the Coastal Act, and other applicable regulations. The granting of the variance will not be contrary to or in conflict with the general purposes and intent of LIP Chapter 13, nor the goals, objectives, and policies of the LCP. As discussed previously, the granting of the requested variance will allow for relief from the required enclosed parking; however, given the size of the subject parcel all parking will remain on site and not on adjacent streets.

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 LIP Section 4.7.

The properties that are the subject of this application are both ESHA adjacent and contain ESHA, however, the proposed variance does not result in ESHA impacts. The proposed unclosed parking is located within a previously permitted and disturbed area on the property. Therefore, this finding is not applicable.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.

The proposed variance is not for a deviation of stringline standards; therefore, this finding is not applicable.

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 requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-5 zoning designation. The proposed project will allow for the construction of a single-family residence, which is permitted in the subject zone.
Finding 8. The subject site is physically suitable for the proposed variance.

The granting of the variance will allow construction of a single-family residence in an area designated for single-family residences. The site is currently developed with a driveway and unenclosed parking that will continue to be utilized. The subject site is physically suitable for the proposed variance in that there is no alternate building site or configuration, which would be less environmentally damaging.

In addition, the subject site has been reviewed and approved by the City geotechnical staff, and the City Public Works Department as being physically suitable for the proposed variance.

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

The variance 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 County agencies.

Finding 10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The proposed project does not include or encroach upon public parking. Therefore, this finding does not apply.

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

A variance is proposed to allow the required 200 feet of fuel modification of the proposed residence to extend into riparian ESHA. Pursuant to LIP Sections 4.5.3, 4.6.1(E) and 4.6.1(F), new development, including fuel modification, is not a permitted activity in ESHA; therefore, a variance is required. LIP Section 13.26.5 requires that the City makes ten findings in consideration and approval of a variance. Based on the foregoing evidence contained within the record, the required findings for VAR No. 19-023 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. According to the Forde Biological Consultants, the project’s Consulting Biologist, dated January 27, 2014, the eastern property line of the parcel addressed as 3469 Cross Creek Road is directly adjacent to riparian habitat as well as chaparral ESHA. Even though the proposed structure will be located on the previously developed building pad, portions of
the structure's required fuel modification zones will extend into the riparian habitat. Due to the shape and location of the existing building pad on the subject property, there is no feasible alternative location on the property that could support the proposed development and avoid encroachments into ESHA for fuel modification. Therefore, strict application of the zoning ordinance could preclude use of the existing building pad on the property zoned to permit residential land uses.

Finding 2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

The City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and LACFD have reviewed the proposed project and determined it was consistent with all applicable safety, health or welfare regulations and policies. The project is designed to utilize an existing building pad, OWTS, and driveway 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 are similarly developed with 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 in that with the inclusion of the lot line adjustment, the overall potential for impacts to ESHA would be reduced. 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, inclusive of the requested variances and site plan reviews.
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 on the existing building pad does not exceed the 10,000 square foot development area (9,921 square feet proposed). 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 limitation.

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

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

Finding 7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity, which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

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

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

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

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

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

Finding 10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.
The proposed project does not include or encroach upon public parking. Therefore, this finding does not apply.

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 makes four findings in the consideration and approval of a site plan review for construction in excess of the City's base 18 feet in height up to a maximum of 24 feet with a flat roof and 28 feet with a pitched roof. Two additional findings are required pursuant to MMC Section 17.62.060. The applicant is proposing to construct a new single-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. 13-053 are made as follows:

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

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

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

Story poles were installed in January of 2018. Staff visited the project site and photo-documented the story poles and evaluated the project for conformance with City codes (Attachment 4 – Story Pole Photographs). Neighboring properties located along Cross Creek Road are developed with a mix of one- and two-story residential structures of similar size with mature landscaping. The subject application includes a new single-story, single-family residence, with a proposed pitched roof, not to exceed 28 feet in height. As demonstrated in the story pole photographs, due to the size, shape, and topography of the lot, the proposed development will not be visible from public viewing areas or scenic roads. Furthermore, the story poles demonstrate that the proposed development will not be located within primary views of neighboring properties. Based on the existing development within the surrounding neighborhood, the proposed project is expected to blend with the surrounding built environment. Therefore, the portion of the residence in excess of 18 feet is not anticipated to adversely affect neighborhood character.
Finding 3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

As evident from the story poles, the proposed residence is similar in size, height and massing to existing homes in the surrounding area. In addition, the story poles demonstrate how the design is integrated into the hillside and is shielded from view. Therefore, the proposed development is designed to not block views from a scenic area, scenic road or public viewing area.

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

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

Finding 5. The project is consistent with the City’s general plan and local coastal program.

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

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

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

E. 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 on a previously approved building pad that was cut into an existing slope. The proposed residence will utilize the
existing pad and expand it slightly to accommodate the proposed increase in size; however, similar to the previous development, work will take place on slopes ranging from 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. 13-054 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 existing structure is sited on a pad that was the result of a cut into slopes that range from 3 to 1 to 2.5 to 1. As proposed the structure would utilize the existing pad and extend the existing cut into the slope. Given the siting of the home, mature landscaping, and the structures location, it will not be visible from the street or surrounding residences. Neighboring properties were also constructed on similar slopes and feature homes that blend into the surrounding topography. 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 proposed structure 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.

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

As previously discussed, the Biological Assessment prepared by Forde Biological Consultants, the project's Consulting Biologist, dated January 27, 2014, the eastern property line of the parcel addressed as 3469 Cross Creek Road is directly adjacent to
riparian habitat as well as chaparral ESHA. Therefore, the fuel modification for the proposed development will extend into the riparian ESHA. Therefore, the supplemental ESHA findings in LIP Section 4.7.6 are made as follows.

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

As previously stated, exceptional characteristics exist on the subject property which limit development and the project as proposed will utilize an existing building pad. The entire eastern portion of the lot is directly adjacent riparian habitat. The northern and western property lines are adjacent to chaparral ESHA. The project as proposed will limit encroachment into the surrounding ESHA by utilizing the existing developed pad on the lot addressed as 3469 Cross Creak Road and by adjusting the lot line for the lot addressed as 3441 Cross Creek Road, no further development will take place. Given the constraints of the lot, there is no feasible location on the parcel that would avoid fuel modification from extending into ESHA. A residence and related fuel modification are not permitted activities in ESHA. However, without the implementation of LIP Section 4.7, the application of LIP Chapter 4 would not allow construction of a residence on this parcel.

Finding 2. The project is consistent with all provisions of the certified LCP with the exception of the ESHA overlay ordinance and it complies with the provisions of Section 4.7 of the Malibu LIP.

As previously stated in Section A, the proposed project is consistent with all applicable provisions of the LCP including LIP Section 4.7. Because ESHA encroachments could not be avoided, LIP Section 4.7.1 states the allowable development area shall not exceed 10,000 square feet. The proposed development area (9,921 square feet) is in conformance with LIP Section 4.7.1, has been reviewed and approved by the City Biologist. Additionally, the proposed project includes ESHA habitat restoration. Therefore, the proposed project complies with the provision of LIP Section 4.7.

H. Native Tree Protection (LIP Chapter 5)

No protected native trees will be impacted by the project according to the submitted biological reports. Therefore, the findings contained in LIP Chapter 5 do not apply.

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

The Scenic, Visual, and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The project parcel is located adjacent to Malibu Creek which is an LCP identified area.
Finding 1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

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

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

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

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

As discussed in Section A, the project, as proposed or conditioned, is the least environmentally damaging alternative and will limit further development potential of the site through the proposed lot line adjustment.

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

The project, as designed and conditioned, is not expected to adversely affect scenic and visual resources and no feasible alternatives would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.
Finding 5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.

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

J. Transfer of Development Credits (LIP Chapter 7)

The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.

K. Hazards (LIP Chapter 9)

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

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

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

Analysis for potential hazards included review of the submitted geotechnical reports prepared by Mountain Geology, Inc., dated October 9, 2013 and January 9, 2014, CalWest Geotechnical Consulting Engineers, dated November 4, 2019 and January 10, 2014, EPD Consultants, dated October 14, 2013, and GeoSystems, dated October 14, 2001, February 13, 2004, September 17, 2004, and June 23, 2005. 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. 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.

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

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

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

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

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

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

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

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

L. Shoreline and Bluff Development (LIP Chapter 10)

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

M. Public Access (LIP Chapter 12)

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

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

No official LCP trail is mapped on the subject property. Additionally, the subject property is not located between the first public road and the sea or on a bluff. Therefore, the requirement for public access of LIP Section 12.4 does not apply and further findings are not required.
N. Land Division (LIP Chapter 15)

The proposed lot line adjustment would relocate the lot line in between two legal lots (3441 and 3469 Cross Creek Road). Pursuant to LIP Section 15.5(A), the City may approve a lot line adjustment provided that it makes six findings. Based on the evidence contained in the record, the findings for LLA No. 18-001 are made as follows.

Finding 1. All the parcels involved in lot line adjustment are legal parcels.

Based on review by the City’s Surveyor, both lots that are involved in the lot line adjustment are legal lots. Certificates of Compliance for each adjusted lot are required to be recorded in conjunction with the approval of the proposed lot line adjustment.

Finding 2. The lot line adjustment complies with the applicable provisions of the Subdivision Map Act.

The Public Works Department and Planning staff have reviewed the proposed lot line adjustment and found it to be in conformance with all provisions of the Subdivision Map Act and no additional parcels will be created.

Finding 3. The reconfigured parcels comply with the LCP size standards and the parcels can be developed consistent with all LCP policies and standards or, if the existing parcels do not meet this requirement, then the reconfigured parcels can accommodate development that does not have greater conflicts with the LCP policies and standards than would have occurred from development on the existing parcels.

Lots 1 and 2 will conform to the RR-5 minimum lot size standard. Therefore, the proposed lot line adjustment is consistent with applicable LCP policies and standards as the new lot configurations will not conflict with LCP policies.

Finding 4. If environmentally sensitive habitat is present on any of the parcels involved in the lot line adjustment, the lot line adjustment will not increase the amount of environmentally sensitive habitat that would be damaged or destroyed by development on any of the parcels, including any necessary road extensions, driveways, and required fuel modification.

The lot line adjustment will decrease the amount of ESHA that would be damaged or destroyed by eliminating the future development potential on the lot addressed as 3441 Cross Creek Road which currently is not developed with a single-family residence. As proposed, the existing single-family residence that is addressed as 3469 Cross Creek will now be part of 3441 Cross Creek Road. Without approval of the lot line adjustment, the lot addressed as 3441 Cross Creek Road could be developed with a single-family residence on a 10,000 square foot building pad. Furthermore, the additional fuel
modification required by a new residence would result in further ESHA disturbance. As proposed the lot line adjustment will take advantage of existing developed building pads and sit disturbance. The reconfiguration of the lots would not increase the amount of environmentally sensitive habitat that would be damaged or destroyed as part of any future development.

Finding 5. As a result of the lot line adjustment, future development on the reconfigured parcels will not increase the amount of landform alteration (including from any necessary road extensions or driveways) from what would have been necessary for development on the existing parcels.

As proposed the lot line adjustment will not result in additional landform alteration. As discussed throughout this report, the lot line adjustment will eliminate the future development potential of the lot addressed as 3441 Cross Creek Road and the development that is taking place on the lot addressed as 3469 will be limited to an existing developed pad because of topography and ESHA limitations. Therefore, landform alteration will not occur.

Finding 6. As a result of the lot line adjustment, future development on the reconfigured parcels will not have greater adverse visual impacts from a scenic road, public trail or trail easement, or public beach than what would have occurred from development on the existing parcels.

Based on existing development, topography and building pad limitations, no adverse visual impacts to scenic views are expected. Future development facilitated by the lot line adjustment will be located within existing flat building pad areas, which will minimize grading quantities and impacts to ESHA when compared to the existing lot configuration.

O. Lot Line Adjustment Findings (MMC Section 16.28.020)

Pursuant to MMC Section 16.28.020, the City may approve and/or modify an application for a lot line adjustment, provided that it makes five findings. Based on the evidence contained within the record, the findings for LLA No. 18-001 are made as follows.

Finding 1. The lots proposed to be created by the lot line adjustment comply with all applicable zoning regulations, except lot size requirements; however, the lots created shall each comply with the dimension requirement of the zoning ordinance.

Lots 1 and 2 will conform to the RR-5 minimum lot size standards. Therefore, the proposed lot line adjustment is consistent with applicable MMC policies and standards as the new lot configurations will not conflict with MMC policies.
Finding 2. The lot line adjustment, in and of itself, will not result in the need for additional improvements and/or facilities.

The proposed lot line adjustment will not result in the need for additional improvements and/or facilities since both lots will have developed building pads and a previously constructed access road. Without the lot line adjustment, development of a new residence could take place on the lot addressed as 3441 Cross Creek Road and that development would result in the need for additional improvement and facilities.

Finding 3. No additional parcels shall result from the lot line adjustment, and any land taken from the one parcel shall be added to an adjacent parcel.

Two legal lots exist and the proposed lot line adjustment will result in the same number of lots, with the same cumulative total square footage.

Finding 4. The proposed adjustment will result in a generally continuous and straight property line extending the full length of the property’s dimensions.

The proposed lot line adjustment relocates the existing common north-south lot line to the east. The new lot line will be continuous and will extend near the full length of both properties, similar to what exists today. The newly configured lot lines are adjusted in a generally continuous and straight configuration, given the topographic configuration of the properties.

Finding 5. Adjacent property owner(s) directly involved in the lot line adjustment have provided written authorization to the applicant supporting the proposed action.

A written authorization for the proposed lot line adjustment by the owner of both properties is on file with City.

P. Demolition Permit Findings (MMC Chapter 17.70)

The findings for DP No. 19-048 are made as follows:

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

The proposed project includes the demolition of an existing 1,744 square foot accessory building. Conditions of approval, including the recycling of demolished materials have been included to ensure that the proposed project will not create significant adverse environmental impacts.
Finding 2. A development plan has been approved or the requirement waived by the city.

This CDP application is being processed concurrently with DP No. 19-048. Therefore, approval of the demolition permit is subject to approval of CDP No. 13-054.

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 15303(a) and (e) – New Construction and 15305(a) – Minor Changes in Land Use Limitations. 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: Prior to the February 3, 2020 Planning Commission meeting, staff responded to questions raised by one of the Planning Commissioner’s. That response is included as Attachment 6.

PUBLIC NOTICE: On January 9, 2020, staff published a Notice of Public Hearing Notice in a newspaper of general circulation within the City of Malibu and mailed the notice to property owners and occupants within a 500-foot radius of the subject property.

SUMMARY: The required findings can be made that the project complies with the LCP. Further, the Planning Department’s findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 20-16. 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. 20-16
2. Project Plans
3. Department Review Sheets
4. Story Poles Photographs
5. Visual Impact Study for 3441 Cross Creek Road
6. Correspondence
7. 500-Foot Radius Map
8. Public Hearing Notice
The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On November 13, 2013, an application for Coastal Development Permit (CDP) No. 13-054 and Site Plan Review (SPR) Nos. 13-053 and 13-054 was submitted to the Planning Department by applicant, DP Planning and Development, on behalf of Malibu Reality, LLC. The application was routed to the City’s geotechnical staff, City Environmental Health Administrator, City Biologist, the City Public Works Department, and Los Angeles County Fire Department (LACFD) for review.

B. On January 11, 2018, Planning Department staff conducted a site visit to document site conditions, the story poles, the property and surrounding area.

C. On August 28, 2018, the applicant submitted revised project plans.

D. On March 1, 2019, the applicant submitted revised project plans and applied for Variance (VAR) Nos. 19-022 and 19-023 to allow for the elimination of the required enclosed parking and a reduction in the size of the required ESHA buffer. Also, the application was deemed complete for processing.

E. On October 1, 2019, the Environmental Review Board (ERB) reviewed and considered the subject application, written reports, and provided recommendations to staff regarding the project.

F. On January 9, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.
G. On February 3, 2020, at the applicant’s request, the Planning Commission continued the item to the February 18, 2020 Regular Planning Commission Meeting.

H. On February 18, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) and (e) – New Construction and 15305(a) – Minor Changes in Land Use Limitations. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to LIP including Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 13-054 to construct a new 5,056 square foot, single-story, single-family residence with a 920 square foot basement, landscaping, riparian habitat restoration, Lot Line Adjustment (LLA) No. 18-001 to allow for a lot line adjustment between 3469 and 3441 Cross Creek Road, VAR No. 19-022 to allow for unenclosed parking to replace enclosed parking, VAR No. 19-023 to allow for the proposed residence’s fuel modification to extend into the required Environmentally Sensitive Habitat Area (ESHA) buffer and riparian habitat restoration, Site Plan Review SPR No. 13-053 to allow for a 28 foot tall pitched roof, and SPR No. 13-054 to allow for construction on slopes steeper than 3:1 but flatter than 2.5:1 and Demolition Permit (DP) No. 19-048 to allow for the demolition of the existing accessory structure located in the Rural Residential-Five Acre (RR-5) zoning district at 3469 and 3441 Cross Creek Road (Malibu Realty, LLC).

The project is consistent with the LCP’s zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. With the inclusion of the proposed variances, 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-5 zoning district, an area designated for rural residential uses. A single-family residence and associated development are permitted uses. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigations, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards with the inclusive of the requested LLA, VARs, SPRs and DP.
2. The project is not located between the first public road and the sea. Therefore, this finding does not apply.

3. Evidence in the record demonstrates that as conditioned, the project will not result in biological impacts and has been designed to minimize grading, site disturbance and protect ESHA by eliminating the development potential on the property addressed as 3441 Cross Creek Road. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment.

4. According to the LCP ESHA and the Marine Resources Map and Biological Assessment prepared by Forde Biological Consultants, the project’s Consulting Biologist, dated January 27, 2014, the eastern property line of the parcel addresses as 3469 Cross Creek Road is directly adjacent to riparian habitat as well as chaparral ESHA. Therefore, pursuant to LUP Policy 5.5 and LIP Section 13.7(C), the application was subject to the Environmental Review Board (ERB) because the proposed development will impact ESHA. On October 1, 2019, the ERB reviewed the project and recommended that the portion of Cross Creek Road that serves the subject properties be improved to public road standards. To accomplish this, the applicant would need to obtain permission from the property owners along Cross Creek Road. At this time, no plans or fire department requirements relate to the widening of Cross Creek Road. The ERB supported the lot line adjustment because it eliminated the development potential for the lot addressed as 3441 Cross Creek Road. The elimination of future development on the lot will result in increased ESHA protection.

B. Variance to Eliminate the Enclosed Parking Requirement (LIP Section 13.26.5)

1. There are special circumstances and exceptional characteristics applicable to the subject property such that strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity. The project proposes the construction of a single-story, single-family residence on an existing building pad. To construct a garage, additional hardscape and grading would be required. However, given the size of the parcel unenclosed parking is abundant and out of view of the public and adjacent neighbors. Furthermore, according to information from the LA County Assessor’s office, a number of properties immediately adjacent to the subject property do not have enclosed parking.

2. The granting of the variance will relieve the project from providing two enclosed parking spaces and allow for the construction of a single-family residence in an area that has been determined to be appropriate for such a use. Given the size of the property, the owner will be able to accommodate all required parking onsite and outside the view of neighboring properties. The project has been reviewed and approved by the City geotechnical staff, and the City Public Works Department for consistency with all applicable regulations and policies. Therefore, the granting of the variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity in which the property is located.
3. According to the LA County Assessor’s office there are a number of properties adjacent to the subject property that do not contain garages due to their age. The granting of the variance will not constitute a special privilege to the applicant, because the owner will still be capable of parking four cars on the subject parking without impacting surrounding properties or streets.

4. The project is consistent with the LCP, the Coastal Act, and other applicable regulations. The granting of the variance will not be contrary to or in conflict with the general purposes and intent of LIP Chapter 13, nor the goals, objectives, and policies of the LCP. As discussed previously, the granting of the requested variance will allow for relief from the required enclosed parking; however, given the size of the subject parcel all parking will remain on site and not on adjacent streets.

5. The properties that are the subject of this application are both ESHA adjacent and contain ESHA, however, the proposed variance does not result in ESHA impacts. The proposed unclosed parking is located within a previously permitted and disturbed area on the property.

6. The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-5 zoning designation. The proposed project will allow for the construction of a single-family residence, which is permitted in the subject zone.

7. The granting of the variance will allow construction of a single-family residence in an area designated for single-family residences. The site is currently developed with a driveway and unenclosed parking that will continue to be utilized. The subject site is physically suitable for the proposed variance in that there is no alternate building site or configuration, which would be less environmentally damaging.

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

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

1. Exceptional characteristics applicable to the subject parcel exist with regards to ESHA. According to the Forde Biological Consultants, the project’s Consulting Biologist, dated January 27, 2014, the eastern property line of the parcel addressed as 3469 Cross Creek Road is directly adjacent to riparian habitat as well as chaparral ESHA. Even though the proposed structure will be located on the previously developed building pad, portions of the structure’s required fuel modification zones will extend into the riparian habitat. Due to the shape and location of the existing building pad on the subject property, there is no feasible alternative location on the property that could support the proposed development and avoid encroachments into ESHA for fuel modification. Therefore, strict application of the zoning ordinance could preclude use of the existing building pad on the property zoned to permit residential land uses.

2. The City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and LACFD have reviewed the proposed project and determined it was consistent with all applicable safety, health or welfare regulations and policies.
The project is designed to utilize an existing building pad, OWTS, and driveway 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.

3. 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 are similarly developed with single-family residences. Therefore, granting the proposed variance does not constitute a special privilege to the property owner.

4. 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 in that with the inclusion of the lot line adjustment, the overall potential for impacts to ESHA would be reduced. 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. The Planning Commission has determined the proposed project is consistent with the LCP, inclusive of the requested variances and site plan reviews.

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 on the existing building pad does not exceed the 10,000 square foot development area (9,921 square feet proposed). The Planning Commission has reviewed the subject application, including the approved fuel modification plan and determined that the proposed development complies with the 10,000 square foot development area limitation.

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

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

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

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

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

3. As evident from the story poles, the proposed residence is similar in size, height and massing to existing homes in the surrounding area. In addition, the story poles demonstrate how the design is integrated into the hillside and is shielded from view. Therefore, the proposed development is designed to not block views from a scenic area, scenic road or public viewing area.

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

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

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

E. Site Plan Review for Construction on Slopes between 3 to 1 and 2.5 to 1 (LIP Section 13.27.5)

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 detailed site investigations, the project is consistent with all policies and provisions of the LCP and MMC.

2. The existing structure is sited on a pad that was the result of a cut into slopes that range from 3 to 1 to 2.5 to 1. As proposed the structure would utilize the existing pad and extend the existing cut into the slope. Given the siting of the home, mature landscaping, and the structures location, it will not be visible from the street or surrounding residences. Neighboring properties were also constructed on similar slopes and feature homes that blend into the surrounding topography. 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 proposed structure 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.

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

1. Exceptional characteristics exist on the subject property which limit development and the project as proposed will utilize an existing building pad. The entire eastern portion of the lot is directly adjacent riparian habitat. The northern and western property lines are adjacent to chaparral ESHA. The project as proposed will limit encroachment into the surrounding ESHA by utilizing the existing developed pad on the lot addressed as 3469 Cross Creak Road and by adjusting the lot line for the lot addressed as 3441 Cross Creek Road, no further development will take place. Given the constraints of the lot, there is no feasible location on the parcel that would avoid fuel modification from extending into ESHA. A residence and related fuel modification are not permitted activities in ESHA. However, without the implementation of LIP Section 4.7, the application of LIP Chapter 4 would not allow construction of a residence on this parcel.

2. The proposed project is consistent with all applicable provisions of the LCP including LIP Section 4.7. Because ESHA encroachments could not be avoided, LIP Section 4.7.1 states the allowable development area shall not exceed 10,000 square feet. The proposed development area (9,921 square feet) is in conformance with LIP Section 4.7.1, has been reviewed and approved by the City Biologist. Additionally, the proposed project includes ESHA habitat restoration. Therefore, the proposed project complies with the provision of LIP Section 4.7.

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

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

2. The project has been designed to avoid any adverse or scenic impacts. The proposed development has been conditioned to utilize colors and materials that will be compatible with the surrounding natural environment. Additionally, the project site has been conditioned to restrict exterior lighting per the requirements of LIP Section 6.5(G). Therefore, the proposed development will not result in significant adverse scenic visual impacts.
3. The project, as proposed or conditioned, is the least environmentally damaging alternative and will limit further development potential of the site through the proposed lot line adjustment.

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

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

I. Hazards (LIP Chapter 9)

1. Analysis for potential hazards included review of the submitted geotechnical reports prepared by Mountain Geology, Inc., dated October 9, 2013 and January 9, 2014, CalWest Geotechnical Consulting Engineers, dated November 4, 2019 and January 10, 2014, EPD Consultants, dated October 14, 2013, and GeoSystems, dated October 14, 2001, February 13, 2004, September 17, 2004, and June 23, 2005. 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. 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.

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

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

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

5. No adverse impacts to sensitive resources are expected.

J. Land Division (LIP Chapter 15)

1. Based on review by the City’s Surveyor, both lots that are involved in the lot line adjustment are legal lots. Certificates of Compliance for each adjusted lot are required to be recorded in conjunction with the approval of the proposed lot line adjustment.

2. The Public Works Department and the Planning Commission have reviewed the proposed lot line adjustment and found it to be in conformance with all provisions of the Subdivision Map Act and no additional parcels will be created.
3. Lots 1 and 2 will conform to the RR-5 minimum lot size standard. Therefore, the proposed lot line adjustment is consistent with applicable LCP policies and standards as the new lot configurations will not conflict with LCP policies.

4. The lot line adjustment will decrease the amount of ESHA that would be damaged or destroyed by eliminating the future development potential on the lot addressed as 3441 Cross Creek Road which currently is not developed with a single-family residence. As proposed, the existing single-family residence that is addressed as 3469 Cross Creek will now be part of 3441 Cross Creek Road. Without approval of the lot line adjustment, the lot addressed as 3441 Cross Creek Road could be developed with a single-family residence on a 10,000 square foot building pad. Furthermore, the additional fuel modification required by a new residence would result in further ESHA disturbance. As proposed the lot line adjustment will take advantage of existing developed building pads and sit disturbance. The reconfiguration of the lots would not increase the amount of environmentally sensitive habitat that would be damaged or destroyed as part of any future development.

5. As proposed the lot line adjustment will not result in additional landform alteration. As discussed throughout this report, the lot line adjustment will eliminate the future development potential of the lot addressed as 3441 Cross Creek Road and the development that is taking place on the lot addressed as 3469 will be limited to an existing developed pad because of topography and ESHA limitations. Therefore, landform alteration will not occur.

6. Based on existing development, topography and building pad limitations, no adverse visual impacts to scenic views are expected. Future development facilitated by the lot line adjustment will be located within existing flat building pad areas, which will minimize grading quantities and impacts to ESHA when compared to the existing lot configuration.

K. Lot Line Adjustment Findings (MMC Section 16.28.020)

1. Lots 1 and 2 will conform to the RR-5 minimum lot size standards. Therefore, the proposed lot line adjustment is consistent with applicable MMC policies and standards as the new lot configurations will not conflict with MMC policies.

2. The proposed lot line adjustment will not result in the need for additional improvements and/or facilities since both lots will have developed building pads and a previously constructed access road. Without the lot line adjustment, development of a new residence could take place on the lot addressed as 3441 Cross Creek Road and that development would result in the need for additional improvement and facilities.

3. Two legal lots exist and the proposed lot line adjustment will result in the same number of lots, with the same cumulative total square footage.

4. The proposed lot line adjustment relocates the existing common north-south lot line to the east. The new lot line will be continuous and will extend near the full length of both properties, similar to what exists today. The newly configured lot lines are adjusted in a generally continuous and straight configuration, given the topographic configuration of the properties.

5. A written authorization for the proposed lot line adjustment by the owner of both properties is on file with City.
L. Demolition Permit Findings (MMC Chapter 17.70)

1. The proposed project includes the demolition of an existing 1,744 square foot accessory building. Conditions of approval, including the recycling of demolished materials have been included to ensure that the proposed project will not create significant adverse environmental impacts.

2. This CDP application is being processed concurrently with DP No. 19-048. Therefore, approval of the demolition permit is subject to approval of CDP No. 13-054.


Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 13-054, LLA No. 18-001, VAR Nos. 19-022 and 19-023, SPR No. 13-053 and 13-054 and DP No. 19-048, subject to the following conditions.

SECTION 5. Conditions of Approval.

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

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:

   a. Demolition of an existing 1,744 square foot, single-story structure;
   b. Construction of a new single-story, 5,056 square foot single-family residence that is 28 feet in height that includes a 921 square foot basement;
   c. Grading;
   d. Riparian habitat restoration;
   e. Landscaping;
   f. Hardscaping;
   g. Lot line adjustment between 3441 and 3469 Cross Creek Road;
   h. Construction of retaining walls (six feet high maximum);
   i. Discretionary Requests:
      i. VAR No. 19-022 to allow for the elimination of the two required enclosed parking spaces;
      j. VAR No. 19-023 to allow for a reduction in the required ESHA buffer;
      k. SPR No. 13-053 to allow for height up to 28 feet for a pitched roof, and
      l. SPR No. 13-054 to allow for construction on slopes steeper than 3:1 but flatter than 2.5:1.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped March 1, 2019. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

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

5. The applicant shall submit three (3) complete sets of plans 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 Acceptance of Conditions Affidavit and all Department Review Sheets attached to the February 18, 2020 Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.

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

10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. 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 CDP approved by the City is void.
12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

Cultural Resources

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

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

Lighting

15. 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 such lighting does not exceed 850 lumens;
   e. Site perimeter lighting shall be prohibited; and
   f. Outdoor decorative lighting for aesthetic purposes is prohibited.

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

17. 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.

18. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.
19. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.

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

21. 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.

**Fencing and Walls**

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

23. Necessary boundary fencing 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.

24. 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.

25. 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.

26. No exterior lighting is proposed as part of this project; therefore, no new exterior lighting is permitted as part of this project.

**Demolition/Solid Waste**

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

28. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.

29. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.

30. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.
31. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.

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

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

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

Construction / Framing

35. 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.

36. 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.

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

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

39. The project is in the vicinity of a public viewing area and shall incorporate colors and materials that are compatible with the surrounding landscape.

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

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

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

40. Retaining walls visible from beaches or public viewing areas shall incorporate veneers, texturing and/or colors to blend with the surrounding earth materials. The colors shall be reviewed and approved by the Planning Director and clearly indicated on the grading and building plans.

Biology/Landscaping

41. 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. One of the following three Habitat Impact Mitigation methods shall be required: (1) habitat restoration; (2) habitat conservation; or (3) in-lieu fee for habitat conservation. The CDP shall include conditions setting forth the requirements for habitat mitigation. Prior to Final Plan Check the applicant shall provide either a detailed restoration plan, a habitat conservation plan, or evidence of payment of in lieu fees to the Santa Monica Mountains Conservancy.

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

43. 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.

44. Prior to final Planning inspection or other final project sign off 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.

45. Prior to Final Plan Check Approval, the applicant shall submit a landscape water use approval from the Los Angeles County Waterworks District No. 29.
46. 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.

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

48. 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).

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

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

51. Grading shall be scheduled only during the dry season from April 1-October 31st. If it becomes necessary to conduct grading activities from November 1–March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

52. 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.

53. Construction fencing shall be placed at the ESHA buffer limits. 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.

54. All new development including structures, septic systems, or landscaping, shall be set back no less than 100 feet from the identified ESHA boundary.

55. 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.

56. Up-lighting of landscaping is prohibited.

57. Necessary boundary fencing of any single area exceeding ½ 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.
58. 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

59. Prior to recordation of the lot line adjustment, Environmental Health final approval is required.

60. Environmental Health final approval of the lot line adjustment is contingent upon verification that the following state agency actions have been completed:
   a. California State Water Resources Control Board approval of the “Table 4-zz Basin Plan Amendment” as present in Los Angeles Regional Water Quality Control Board Resolution R14-003 adopted on 2-6-2014, and
   b. State Office of Administration law formal adoption of Los Angeles Regional Water Quality Control Board Resolution R14-003 into California State Law.

Geology

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

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

Grading/Drainage/Hydrology (Public Works)

63. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.

64. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.
65. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The QQMP shall meet all the requirements of the City’s current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
   a. Site Design Best Management Practices (BMPs):
   b. Source Control BMPs;
   c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must 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 BMPs for the expected life of the structure;
   f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
   g. Measures to treat and infiltrate runoff from impervious areas;
   h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measure installed during construction prior to the issuance of grading or building permits; and
   i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior the Public Works Department’s approval of the grading and drainage plan and/or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP’s, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Los Angeles County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.

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

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

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<td>Preservation of Existing Vegetation</td>
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<td>Spill Prevention and Control</td>
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<td>Sanitary/Septic Waste Management</td>
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All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

68. Prior to the approval of any permits and prior to the submittal of the required construction general permit document to the State Water Quality Control Board, the property owner / applicant shall submit the Public Works Department an Erosion and Sediment Control Plan (ESCP) for review. The ESCP shall contain appropriate site-specific construction site BMPs prepared and certified by a qualified SWPPP developer (QWD). All structural BMPs must be designed by a licensed California civil engineer. The ESCP must address the following elements:

a. Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside the disturbed area
b. Methods used to protect native vegetation and trees
c. Sediment / erosion control
d. Controls to prevent tracking on- and off-site
e. Non-stormwater control
f. Material management (delivery and storage)
g. Spill prevention and control
h. Waste management
i. Identification of site risk level as identified per the requirements in Appendix 1 of the Construction General Permit
j. Landowner must sign the following statement on the ESCP:

"I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that quality personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate and complete. I am aware that submitting false and/or inaccurate information, failing to properly and/or adequately implement the ESCP may result in revocation of grand and/or other permits or other sanctions provided by law."

69. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2.

70. 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.

71. 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.

72. The Building Official may approve grading during the rainy season to remediate hazardous geologic conditions that endanger public health and safety.

73. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.
74. All cut and fill slopes shall be stabilized with landscaping at the completion of final grading.

Lot Line Adjustment

75. Prior to LLA recordation, the applicant shall submit the following documents for review and approval by the Public Works Department:
   a. Certificate of Compliance for the Lot Line Adjustment in the current City format;
   b. Legal descriptions of the new parcel configurations along with copies of all documents referenced in legal descriptions;
   c. An exhibit showing new configuration and identifying what line or lines were adjusted, and the areas of the adjusted parcels;
   d. Closure calculations; and
   e. Grant Deeds to be used to actuate the lot line adjustment, along with legal descriptions.

Prior to Final Sign-Off

76. Prior to final approval, the City Biologist shall inspect the project site and determine that all planning conditions have been implemented to protect natural resources in compliance with approved plans and this resolution.

77. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental and Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.

78. 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

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

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

Deed Restrictions

81. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.
82. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 15 - 21. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

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

PASSED, APPROVED AND ADOPTED this 18th day of February 2020.

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

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

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. 20-16 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 18th day of February 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary
Erosion Control Plan/applyability:

The erosion control plan shall be presented to the project's engineer upon filing the grading permit. The erosion control of the site shall be a responsibility of the engineer at the face of the site of work of the phase of construction. As such any construction project, phases of work or overlap so shall be the responsibility of the engineer to implement this plan or another suitable erosion control plan at the commencement of this phase of construction. A copy of this plan shall be in the hands of all employees in the area for purposes of the safety and control of the project.
**LANDSCAPE PLANTING NOTES:**

1. **CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND EXISTING TREES AND VEGETATION PRIOR TO THE COMMENCEMENT OF THE LANDSCAPE WORK.**

2. **THE CONTRACTOR SHALL PROTECT ALL TREES DESIGNATED TO BE SAVED OR OUTSIDE PROJECT LIMITS FROM DAMAGE DURING CONSTRUCTION USING TREE BARRIERS WITH REASONABLE PROTECTION ZONES AS CONSTRUCTION PERMITS. NO STORAGE OF FUEL OR CONSTRUCTION MATERIALS SHALL BE PERMITTED AROUND TREES TO BE SAVED.**

3. **ALL TREES AND SHRUBS SHALL BE OF THE SIZES AS CALLED FOR IN THE LANDSCAPE DRAWINGS ANY MATERIAL AS DETERMINED BY THE LANDSCAPE ARCHITECT AS NOT MEETING THE SIZES AND QUALITY AS CALLED FOR SHALL BE REMOVED FROM THE SITE.**

4. **MULCH ALL DISTURBED AREAS WITH 3 INCH MINIMUM LAYER.**

5. **WATER ALL PLANT MATERIAL IMMEDIATELY AFTER PLANTING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WATER AND IRRIGATION FUNCTIONING ADEQUATELY FROM THE TIME OF THE PLANTING UNTIL ONE YEAR AFTER ACCEPTANCE BY THE OWNERS REPRESENTATIVE TO INSURE THAT THE PLANT MATERIAL SURVIVES.**

6. **THE CONTRACTOR SHALL VERIFY THAT THE QUANTITIES INDICATED WILL PROVIDE THE COVERAGE AS SPECIFIED AND REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT.**

7. **ALL PLANT MATERIAL SHALL BE GUARANTEED ONE YEAR AFTER ACCEPTANCE BY THE OWNERS REPRESENTATIVE.**

8. **ALL SHRUB AND GROUND COVER SHALL BE PLANTED IN STAGGERED ROWS, SPACED AS INDICATED.**

9. **WATERING WILL BE ACCOMPLISHED BY THE USE OF AN UNDERGROUND IRRIGATION SYSTEM.**

10. **REMOVAL OF ALL CONSTRUCTION DEBRIS, ROCK, EXCESS OF BULLER SAND, CONCRETE AND MORTAR DEBRIS, EXISTING WEEDS AND GRASSES AND ALL FOREIGN MATERIALS IN THE PLANTING BED AND SOIL AREAS SHALL BE REMOVED AND PLANTER MIX SHALL BE INSTALLED PRIOR TO ANY INSTALLATION OF PLANTS OR TREES.**

11. **EXISTING VEGETATION/TREES MUST BE PROTECTED DURING CONSTRUCTION.**

12. **CONTRACTOR WILL BE RESPONSIBLE TO REPLACE ALL DAMAGED PLANT MATERIAL.**

13. **ALL DAMAGED TURF AREAS SHALL BE RE-SEEDING EXCLUDING 15 INCH X 15 INCH AREAS AND PLACING SOD SO IT IS EVEN WITH EXISTING SURVIVING SOD. THROWING SOD ON TOP OF GROUND IN BARE SPOTS IS NOT ACCEPTABLE.**

14. **EXISTING SURROUNDING IRRIGATION SYSTEM IF ANY, SHALL BE CHECKED PRIOR TO CONSTRUCTION BEGINNING AND DAMAGE TO THE SYSTEM SHALL BE REPAIRED TO ITS ORIGINAL CONDITION.**

15. **ALL PLANTS SHOWN AS EXISTING ARE TO REMAIN UNDISBURBED. NO EXISTING PLANTS ARE TO BE REMOVED FROM THIS PROJECT AREA.**

**PLANT LEGEND**

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<tr>
<th>TREES</th>
<th>SHRUBS/A CCENTS</th>
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<tr>
<td>Native Species</td>
<td>Non Native Species</td>
<td>Landscaping Materials</td>
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**EXISTING PLANT LEGEND**

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<th>SYMBOL</th>
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<td>10&quot; BOX</td>
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<td></td>
<td>48&quot; BOX</td>
<td>QUCERUS AGROPLANA - COAST LIVE OAK - (AO) LOW WATER USE (AT LEAST 30 FT FROM STRUCTURE)</td>
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</table>

**PLANT LEGEND**

<table>
<thead>
<tr>
<th>SYMBOL</th>
<th>SIZE</th>
<th>BOTANICAL NAME - COMMON NAME (ABBREVIATION)</th>
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<td>QUCERUS AGROPLANA - COAST LIVE OAK - (AO) LOW WATER USE (AT LEAST 30 FT FROM STRUCTURE)</td>
</tr>
</tbody>
</table>

**Landscape Planting Legend and Notes**

- **LANDSCAPE PLANTING**
- **LEGEND AND NOTES**

**GARDEN HOUSE LANDSCAPE PLAN**

3490 CROSS CREEK RD MALIBU, CALIFORNIA 90265

**COP 40-40-402 CD**

**FEBRUARY 5, 2019**

**NOT FOR CONSTRUCTION**

**UNLESS INDICATED**

**L2.0**

**PROJECT MANAGER**

**Landscape Architect**

**Landscape Designer**
LANDSCAPE DETAILS

SHRUB PLANTING WITH DRAINAGE

STANDARD TREE PLANTING

GROUNDCOVER PLANTING

MULTI-TRUNK TREE PLANTING

SPA DETAIL

CONTAINER SHRUB PLANTING

NOT FOR CONSTRUCTION

AS SHOWN

LANDSCAPE DETAILS

L3.1
IRRIGATION CONSTRUCTION NOTES:

1. THE LANDSCAPE CONTRACTOR SHALL COORDINATE THE IRRIGATION SYSTEM WITH THE SITE DEVELOPMENT AND RETENTION BASIN. SEE CIVIL DRAWINGS.

2. THE IRRIGATION CONTRACTOR SHALL FOLLOW THE PRESSURE MAP AND GROUP ACTUAL LOCATIONS INTO FIELD.

3. CONSTRUCTION SHALL BEGIN IN THE EXISTING CONTIGUOUS IN THE FIELD.

4. ONE WIRE SHOWN.

5. DRAIN COUPLED NALLY.

6. ALL VALVES SHALL BE PLACED IN APPROPRIATE LOCATIONS TO MAINTAIN WIRELESS CHAIN PLACE VALVES BASED ON DRAWING.

7. DRAINAGE VALVES ARE PLACED ACCORDING TO SITE DEVELOPMENT AND RETENTION BASES ON CIVIL DRAWINGS.

THE LANDSCAPE CONTRACTOR SHALL COORDINATE THE IRRIGATION SYSTEM WITH THE SITE DEVELOPMENT AND RETENTION BASIN. SEE CIVIL DRAWINGS.
TO: City of Malibu Biologist

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 13-054

JOB ADDRESS: 3469 CROSS CREEK RD

APPLICANT / CONTACT: Drew Purvis, DP Planning & Development, Inc.

APPLICANT ADDRESS: 2854 Wasatch Court
Westlake Village, CA 91361

APPLICANT PHONE #: (805) 852-8844

APPLICANT FAX #: 

APPLICANT EMAIL: dpplanning@outlook.com

PLANNER: Richard Mollica

PROJECT DESCRIPTION: NSFR, demo E studio, LLA

TO: Malibu Planning Department and/or Applicant

FROM: City Biologist, Dave Crawford

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

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

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

Signature Date

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

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

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant: (name and email address)</th>
<th>Drew Purvis <a href="mailto:dpplanning@outlook.com">dpplanning@outlook.com</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address:</td>
<td>3469 Cross Creek Road Malibu, California 90264</td>
</tr>
<tr>
<td>Planning Case No.:</td>
<td>CDP 13-054</td>
</tr>
<tr>
<td>Project Description:</td>
<td>NSFR, demo E studio, LLA (REVISED)</td>
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<tr>
<td>Date of Review:</td>
<td>March 19, 2019</td>
</tr>
<tr>
<td>Reviewer:</td>
<td>Dave Crawford</td>
</tr>
<tr>
<td>Contact Information:</td>
<td>Phone: (310) 456-2489 ext. 307 Email: <a href="mailto:dcrawford@malibucity.org">dcrawford@malibucity.org</a></td>
</tr>
</tbody>
</table>

SUBMITTAL INFORMATION

| Site Plans: | 3/1/19 |
| Site Survey: | 3/1/19 |
| Planting Plan: | 3/1/19 |
| Irrigation/Hydrozone/ water budget Plan: | 3/1/19 |
| Grading Plans: | 3/1/19 |
| OWTS Plan: | |
| Bio Assessment: | Forde (2/14) |
| Bio Inventory: | |
| Native Tree Survey: | |
| Native Tree Protection Plan | |
| Other: | LLA map; Development area Map |
| Previous Reviews: | |

REVIEW FINDINGS

Review Status:  
- □ INCOMPLETE: Additional information and/or a response to the listed review comments is required.  
- □ DENIED The project cannot be approved as designed as it is conflict with one or more elements of the LCP and/or City Codes.  
- ☑ APPROVED The proposed project approved with the conditions attached.  

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

1. The Maximum Applied Water Allowance (MAWA) for this project totals 1,517,062 gallons per year. The Estimated Applied Water Use (EAWU) totals 938,194 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

RECOMMENDATIONS:

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

   A. 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 Environmentally Sensitive Habitat Area (ESHA). The proposed project is 9,921 square feet, thus meeting the requirement.

   B. 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. One of the following three Habitat Impact Mitigation methods shall be required: (1) habitat restoration; (2) habitat conservation; or (3) in-lieu fee for habitat conservation. The CDP shall include conditions setting forth the requirements for habitat mitigation. Prior to Final Plan Check the applicant shall provide either a detailed restoration plan, a habitat conservation plan, or evidence of payment of in lieu fees to the Santa Monica Mountains Conservancy.

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

   D. 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.

   E. 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.

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

   **Nima Parsa**
   Address: 23533 West Civic Center Way, Malibu, CA 90265-4804
   Email: Nparsa@DPW.LACOUNTY.GOV (preferred)
   Phone: (310) 317-1389
Please note this action may require several weeks. As such, the applicant should submit their approved landscape plans to DPW as soon as feasible in order to avoid a delay at plan check.

G. 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.

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

I. 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).

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

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

L. Grading should be scheduled only during the dry season from April 1-October 31st. If it becomes necessary to conduct grading activities from November 1–March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

M. 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.

N. Construction fencing shall be placed at the ESHA buffer limits. 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.

O. All new development including structures, septic systems, or landscaping, shall be set back no less than 100 feet from the identified ESHA boundary.

P. 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.

Q. Up-lighting of landscaping is prohibited.
R. Necessary boundary fencing of any single area exceeding ½ 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.

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.

3. 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
TO: City of Malibu Environmental Health Administrator  DATE: 11/13/2013
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 13-054, SPR 13-053, SPR 13-054
JOB ADDRESS: 3469 CROSS CREEK RD
APPLICANT / CONTACT: Drew & Sky Purvis, DP Planning and Development,
APPLICANT ADDRESS: 3659 Lang Ranch Parkway
Thousand Oaks, CA  91362
APPLICANT PHONE #: (805) 492-1393
APPLICANT FAX #: (310) 919-0340
APPLICANT EMAIL: drew@plandp.com

PROJECT DESCRIPTION: NSFR, demo E studio, LLA

TO: Malibu Planning Department and/or Applicant
FROM: Andrew Sheldon, City Environmental Health Administrator

________________________________________
An Onsite Wastewater Treatment System (OWTS) Plot Plan approval IS NOT REQUIRED for the project.

________________________________________
An OWTS Plot Plan approval IS REQUIRED for the project. DO NOT grant your approval until an approved Plot Plan is received.

8-18-2014

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not a Private Sewage Disposal System Plot Plan approval is required.

Andrew Sheldon, Environmental Health Administrator may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.
TO: Los Angeles County Fire Department  
FROM: City of Malibu Planning Department  
DATE: 11/13/2013  

PROJECT NUMBER: CDP 13-054, SPR 13-053, SPR 13-054  
JOB ADDRESS: 3469 CROSS CREEK RD  
APPLICANT / CONTACT: Drew & Sky Purvis, DP Planning and Development  
APPLICANT ADDRESS: 3659 Lang Ranch Parkway  
Thousand Oaks, CA 91362  
APPLICANT PHONE #: (805) 492-1393  
APPLICANT FAX #: (310) 919-0340  
PROJECT DESCRIPTION: NSF, demo E studio, LLA  

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

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

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

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

- Required Fire Department vehicular access (including width and grade %)  
- Required and/or proposed Fire Department Vehicular Turnaround  
- Required 5 foot wide Fire Department Walking Access (including grade %)  
- Width of proposed driveway/access roadway gates

*County of Los Angeles Fire Department Approval Expires with City Planning permits expiration, revisions to the County of Los Angeles Fire Code or revisions to Fire Department regulations and standards.  
**Minor changes may be approved by Fire Prevention Engineering, provided such changes achieve substantially the same results and the project maintains compliance with the County of Los Angeles Fire Code valid at the time revised plans are submitted. Applicable review fees shall be required.

SIGNATURE  
DATE: 6/10/2014

Additional requirements/conditions may be imposed upon review of complete architectural plans.  
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341 or at the Fire Department Counter:  
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM
GEOTECHNICAL REVIEW SHEET

Project Information

Date: March 5, 2014
Site Address: 3469 Cross Creek Road
Lot/Tract/PM #: 3469 Cross Creek Road
Applicant/Contact: Shelley Coulson, topanga22@verizon.net
Contact Phone #: 310-456-8990
Project Type: New single-family residential development, Lot Line Adjustment (LLA)

Submittal Information

Consultant(s) / Report Date(s):
- Mountain Geology, Inc. (Holt, CEG 1200): 1-9-14, 10-9-13
- Calwest Geotechnical (Liston, RCE 31902): 1-10-14, 11-4-13
- EPD Consultants (Poffenbarger, RCE 69089): 10-14-13
- Ref: GeoSystems: 6-23-05, 9-17-04, 2-13-04, 10-14-01

Grading plans prepared by Wynn Engineering, Inc. dated November 7, 2013.
OWTS plans prepared by EPD Consultants dated October 14, 2013.

Previous Reviews: 12-10-13, Geotechnical Review Referral Sheet dated 10-28-13

Review Findings

Coastal Development Permit Review

- The residential development and LLA are APPROVED from a geotechnical perspective.
- The residential development and LLA are NOT APPROVED from a geotechnical perspective. The listed ‘Review Comments’ shall be addressed prior to approval.

Building Plan-Check Stage Review

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

Remarks

The referenced addendum reports were reviewed by the City from a geotechnical perspective. Based upon the submitted information, the project comprises constructing a new 5,119 square foot one-story single-family residence and 690 square foot basement, boulder retaining walls, and grading (1,312 yards of cut and 372...
yards of fill under structure; 162 yards of cut and 824 yards of fill non-exempt; and 278 yards of export). The new residence will utilize the onsite wastewater treatment system approved by City geotechnical staff on 8-21-12 (ACDP 08-116).

NOTICE: Applicants shall be required to submit all Geotechnical reports for this project as searchable PDF files on a CD. At the time of Building Plan Check application, the Consultant must provide searchable PDF files on a CD to the Building Department for ALL previously submitted reports that have been reviewed by City Geotechnical Staff.

Building Plan-Check Stage Review Comments:
1. Please depict limits and depths of over-excavation and structural fill to be placed on the grading plan, and cross sectional view of the proposed building area. Cut and fill yardages are to be indicated on the cover sheet of the plans.
2. Include the following note on the building plans: “The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundations for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, minimum depths into the recommended bearing material, depth to groundwater, and a map depicting the locations of the piles”.
3. Prior to final approval of the project, an as-built report documenting the installation of the low pressure grouting program shall be prepared by the Project Geotechnical Consultant. The report shall include, as a minimum, the locations of the grout points, depths of grout, dates of installation, and results of confirmation CPT tests that show significant improvement that reduces downdrag to acceptable levels. The report shall include a statement that the grouting system was installed under the observation of the geotechnical engineer of record and that the installation conformed to the approved plan and specifications. Any modifications to the plans necessary for the conditions encountered during the construction must be documented in the final report. Please include this comment as a note on the plans.
4. The following note must appear on the grading and foundation plans: “Tests shall be performed prior to pouring footings and slabs to evaluate the Expansion Index of the supporting soils, and foundation and slab plans should be reviewed by the Civil or Structural Engineer and revised, if necessary.”
5. Section 7.2.1 of the City’s geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. Building plans shall reflect this requirement.
6. Two sets of final grading, retaining wall, and residence plans (APPROVED BY BUILDING AND SAFETY) incorporating the Project Geotechnical Consultant’s recommendations and items in this review sheet must be reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical/Civil Engineer. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants’ recommendations and items in this review sheet over the counter at City Hall. Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.
City of Malibu

Geotechnical Review Sheet

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

Engineering Geology Review by:

Christopher Dean, C.E.G. #1751, Exp. 9-30-14
Engineering Geology Reviewer (310-456-2489, x306)
Email: cdean@malibucity.org

Geotechnical Engineering Review by:

Kenneth Clements, G. E. # 2010, Exp. 6-30-14
Geotechnical Engineering Reviewer (805-563-8909)
Email: kclements@fugro.com

This review sheet was prepared by City Geotechnical Staff contracted with Fugro as an agent of the City of Malibu.

FUGRO CONSULTANTS, INC.
4820 McGrath Street, Suite 100
Ventura, California 93003-7778
(805) 650-7000 (Ventura office)
(310) 456-2489, x306 (City of Malibu)
TO: Public Works Department
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 13-054, SPR 13-053, SPR 13-054
JOB ADDRESS: 3469 CROSS CREEK RD
APPLICANT / CONTACT: Drew & Sky Purvis, DP Planning and Development,
APPLICANT ADDRESS: 3659 Lang Ranch Parkway
Thousand Oaks, CA 91362
APPLICANT PHONE #: (805) 492-1393
APPLICANT FAX #: (310) 919-0340
APPLICANT EMAIL: drew@plandp.com
PROJECT DESCRIPTION: NSFR, demo E studio, LLA

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: [Signature]
Date: [Date]
To: Planning Department

From: Public Works Department  
Jorge Rubalcava, Assist. Civil Engineer

Date: August 7, 2014

Re: Proposed Conditions of Approval for 3469 Cross Creek Rd. CDP 13-054

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. Prior to the issuance of any permits, the applicant must finalize the Lot Line Adjustment.

2. This project proposes grading adjoining an Environmental Sensitive Habitat Area (ESHA). The project plans shall adequately identify the limits of ESHA.

3. Grading permits shall not be issued between November 1 and March 31 each year LCP Section 17.3.1. Projects approved for grading permit shall not receive grading permits unless the project can be rough graded before November 1. A note shall be placed on the project plans that address this condition.

4. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's Local Implementation Plan (LIP), Section 8.3. The applicant shall place a note on the plans that addresses this condition.

5. 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 disturb 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.

6. 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.

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

STORMWATER

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

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

9. 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 Local Implementation Plan, Section 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.

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

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

MISCELLANEOUS

11. The Developers Consulting Engineer shall sign the final plans prior to the issuance of permits.

12. POOLS, SPAS OR DECORATIVE WATER FEATURES — The discharge of the water contained in a Pool, spa and decorative water feature such as a fountain or fish pond is an illegal discharge unless it is discharged to a sanitary sewer system. Malibu has limited sewers available so it is likely that your property cannot legally discharge the contents of the proposed pool or spa to the street without violating the Clean Water Act or the Malibu Water Quality Ordinance. The plans should include the following information and or construction notes:

- Provide information on the plans regarding the type of sanitation that you propose to use for this installation. Ozonization systems are an acceptable alternative to Chlorine. The release of clear water from this system is permitted to either landscaping or sanitary sewer. Salt water sanitation is an acceptable alternative, but the discharge of the salt water is prohibited to both sewer systems and landscape. Highly chlorinated water from pools or spas shall be discharged to a public sewer or may be trucked to a POTW for discharge.
- Provide a construction note that directs the contractor to install a new sign stating "It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)." The new sign shall be posted in the filtration and/or pumping equipment area for the property.

13. WASTE MANAGEMENT FOR CONSTRUCTION SITES - The City of Malibu is required by AB 939 to reduce the flow of wastes to the landfills of Los Angeles and Ventura Counties by 50%. Since this project consists of all new construction (residential and nonresidential, the applicant shall comply with the following conditions:

- The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: Asphalt, dirt and earthen material, lumber,
concrete, glass, metals, and drywall. Prior to Public Works approval of the final plans, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan for the above project types shall be signed by the Owner or Contractor shall be submitted to the Public Works Department. The WRRP shall indicate the agreement of the applicant to divert at least 50% of all construction waste generated by the project.

- Prior to Final Building inspection, the applicant shall provide the Public Works Department with a Final Waste Reduction and Recycling Summary Report (Summary Report). The Final Summary Report shall designate all material that were land filled or recycled, broken down by material types. The Public Works Department shall approve the final Summary Report.
Story Pole Photographs

View of the site looking north.

View of the site looking South.
Private & Public Views
Write a description for your map

Legend

Proposed Garden House
Story Pole

Alternative Project Site
Photo Location Key
Malibu Local Coastal Program Building Site

View “A” from Middle of Serra Retreat
Malibu Local Coastal Program Building Site

View “B” from Back of Serra Retreat
Malibu Local Coastal Program Building Site

View “C” from Legacy Park
Good Afternoon,

I received the email below from a Commissioner, but I wanted to share the information with everyone. My responses are in red.

Richard

Richard Mollica / Assistant Planning Director / City of Malibu
23825 Stuart Ranch Road, Malibu CA, 90265
Phone: 310.456.2489 ext. 346
Fax: 310.456.7650

From: K Hill <kraig.malibu@gmail.com>
Sent: Thursday, January 30, 2020 1:40 PM
To: Richard Mollica <rmollica@malibucity.org>
Cc: Steve Uhring <steve.uhring@gmail.com>
Subject: Re: 3441 Cross Creek

Hi Richard,

A few preliminary questions re 3441/3469 Cross Creek... I'm not sure how much of it I'll have time to digest, having received the report late last night; and I'm not sure a site visit will be possible yet. (Meanwhile, if you know anything about the story poles on Lacey Harber's parcel between Big Rock and Las Flores, let's talk.)

When determining the final size of 3469 after LLA, we use the "net" area number. But if "net" is what we count, then that parcel ends up being ~4.5 acres, due to a ~1 acre open space easement along the creek – which is smaller than the 5 acres required by the zoning. Please clarify. (See Assessor map attached.)

Below is the definition of Lot Area from LIP Chap. 2:

"LOT AREA - the total area within the lot lines of a lot, excluding any street rights of way."

We use the word "easement" to encompass public and private streets. Since this is an open space easement and not a street right of way we would not take it out of lot area.

What is it that prevents further development on 3441— is it already at 10,000 square-foot TDA?

Without approval of this application a new 10,000 square foot development area could be graded. With the lot line approval, no further development area would be permitted because the home that would now be located on it would be the one disturbed area allowed.

The parcel up the hill from (West of) 3441 is (still) developable?

Do you mean the Harbor Vista property? If so, yes a single-family residence and accessory structures could be built there.
On 3469, the new house would be adjacent to the wildland interface, so we should be reluctant to allow too much variance re fuel mod. How close would this be exactly? (I must've missed that number in the report.)

Per the project plans, the project is 100 feet from the ESHA, but to avoid a variance a project is required to be 300 feet (200 foot fuel modification distance + 100 foot buffer) from the edge of ESHA. There is overlap, because as the report states the new pad is the old pad which already had a fuel modification zone.

At the wildland interface, a garage is a fire safety feature; if we're trying to build a fire-safe house, it won't help to have cars burning in the driveway. So what are the numbers re nearby houses without garages? E.g., what do the closest 10 houses have? What about within 500 ft.? What proportion of nearby houses have been built or remodeled since cityhood, so should have required garages? Have any of them been granted variances to exclude a garage so that they could meet a TDA limit?

The applicant is preparing an exhibit that addresses the frequency of garages. In this case square footage is not an issue. As the report demonstrates, the property could be developed beyond the proposed TDSF. The owner has chosen not to pursue a garage because the intended users of the structure will not be parking cars. When the exhibit is prepared, I will see that it is distributed.

“October 1, 2019, the ERB reviewed the project and recommended that the portion of Cross Creek Road that serves the subject properties be improved to public road standards.” Does that mean widening to 20 ft. to Fire Code, or what? Is it not that wide already?

The ERB recommendation was referring to safety stopping issues and lines of sight which could result in modifications to the roadway such as increased shoulder and lane widths. This comment was referring to improvements beyond fire department requirements.

Thanks,
Kraig
On Jan 30, 2020, at 10:56 AM, Richard Mollica <rmollica@malibucity.org> wrote:

Hi Kraig,

Thanks for the observation. Yes, I will bring it to the other commissioner's attention.

Richard

Richard Mollica / Assistant Planning Director / City of Malibu
23825 Stuart Ranch Road, Malibu CA, 90265
Phone: 310.456.2489 ext. 346
Fax: 310.456.7650

Connect with the City of Malibu!

-----Original Message-----
From: K Hill <kraig.malibu@gmail.com>
Sent: Wednesday, January 29, 2020 11:02 PM
To: Richard Mollica <rmollica@malibucity.org>
Subject: 3441 Cross Creek

Richard,

The description on page 6 of Fig. 2 on the next page has "blue" and "red" reversed. It took me a bit to figure that out; if other commissioners haven't sorted it out already they'd prolly appreciate a correction.

- K
NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on Monday, February 3, 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. 13-054, LOT LINE ADJUSTMENT NO. 18-001, VARIANCE NOS. 19-022 AND 19-023, SITE PLAN REVIEW NOS. 13-053 AND 13-054, AND DEMOLITION PERMIT NO. 19-048** - The proposed project includes a lot line adjustment between two adjacent lots, the demolition of an existing structure and the construction of a new 5,056 square foot, single-story single-family residence with a 920 square foot basement, landscaping, riparian habitat restoration, variances to allow for unenclosed parking to replace enclosed parking and to allow for the proposed residence's fuel modification to extend into the required Environmentally Sensitive Habitat Area buffer and riparian habitat restoration, site plan reviews to allow for a 28 foot tall pitched roof and to allow for construction on slopes steeper than 0.1 but flatter than 2.6:1.

**LOCATION / APNs:** 3489 Cross Creek Rd and 3441 Cross Creek Rd / 4458-023-003 and 4458-023-004

**ZONING:** Rural Residential-Five Acre (RR-5)

**APPLICANT / OWNER:** DP Planning and Development, Inc. / Malibu Reality LLC

**APPEALABLE TO:** City Council and California Coastal Commission

**ENVIRONMENTAL REVIEW:** Categorical Exemption CEQA Guidelines Sections 15303(a), 15303(e), and 15305(a)

**APPLICATION FILED:** November 13, 2013

**CASE PLANNER:** Richard Mollica, Assistant Planning Director, rmollica@malibucity.org (310) 456-2489, ext. 346

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/planning/forms 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 805-555-1800.

BONNIE BLUE, Planning Director

Date: January 9, 2020

ATTACHMENT 8