Supplemental Commission Agenda Report

To: Chair Brotman and Members of the Planning Commission

Prepared by: Jasch Janowicz, Contract Planner

Approved by: Bonnie Blue, AICP, Planning Director

Date prepared: July 27, 2015

Meeting date: August 3, 2015

Subject: Coastal Development Permit No. 13-047, Site Plan Review No. 13-045, Minor Modification Nos. 13-016 and 13-017, and Demolition Permit No. 13-022 – An application for the demolition of an existing single-family residence and the construction of a new two-story single-family residence and associated development (Continued from July 6, 2015)

Location: 24840 Pacific Coast Highway, within the appealable coastal zone

APNs: 4458-015-019

Zoning: Rural Residential–2 Acre (RR-2)

Applicant: Schmitz and Associates

Owner: Johnson Family Trust

Application Filed: September 24, 2013

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 15-68 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 13-047 and Demolition Permit (DP) No. 13-022, to allow the demolition of an existing 7,316 square foot single-family residence, and the construction of a new 6,843 square foot two-story single-family residence with a 791 square foot basement, a 979 square foot subterranean garage, a 468 square foot pool cabana, a 348 square foot gym, a 48 square foot guard station, 89 square foot seating room, an alternative onsite wastewater treatment system (AOWTS), and other ancillary improvements, Site Plan Review (SPR) No. 13-045 for height in excess of 18 feet in height (up to 24 feet for a flat roof is proposed), Minor Modification (MM) No. 13-016 for a 20 percent reduction in the cumulative side yard setback, and MM No. 13-017 for a 50 percent reduction in the front...
yard setback located in the Rural Residential Two-Acre (RR-2) zoning district at 24840 Pacific Coast Highway (PCH) (Johnson Family Trust).

**DISCUSSION:** This agenda report will provide an overview of the project, including a summary of the surrounding land uses and project setting and a description of the proposed project. Next, the report summarizes staff’s analysis of the project’s consistency with applicable provisions of the Malibu Local Coastal Program (LCP) and CEQA review. The discussion and analysis demonstrate the project is consistent with the LCP.

**Project Overview**

The subject property is located on the ocean side of PCH above Malibu Road. The project will remove the existing residence, the existing garage and other ancillary improvements, which were originally built in the late 1950s and subsequently modified pursuant to CDP No. 4-02-1018 and Administrative Plan Review No. 07-131 (Attachment 2 – Vicinity Map, Aerial Photographs and Site Photos). Like many properties along this area of PCH, this parcel contains a slope which descends from PCH towards Malibu Road and the beach. Prior coastal development permits for the property issued by the California Coastal Commission (CCC) classified this slope as a bluff, even though it does not front the shoreline. In any event, no portions of the project are constructed on slopes steeper than 5:1.

The proposed project includes construction of a new two-story single-family residence (24 feet in height), subterranean basement, detached subterranean garage, pool, pool cabana, seating room, guard station, and other accessory development. The new two-story residential and ancillary structures will be located within the previously approved building footprint when compared to the existing onsite development, and therefore most of the mature vegetation is proposed to remain along the front, side, and rear yard areas of the lot. Additional landscaping is proposed within the yard areas and within the interior portions of the site. Due to the property’s location and topographic characteristics, view corridor preservation along PCH is required and thus view permeable improvements are proposed within the front yard area and at the property driveway to enhance views along PCH while maintaining the existing landscaped and topographic character of the property. Views from Malibu Road along the property's southern property line would not be modified as no improvements to the existing slope/bluff feature would occur and the existing mature landscaping along the slope/bluff would remain.

The existing residence is legal non-conforming with respect to side yard setbacks. The proposed project would increase the western and eastern side yard setbacks from zero feet and 5.75 feet to 11 feet each to meet the minimum side setback requirement. The proposed cumulative total side yard setback of 22 feet will require approval of a minor modification from the cumulative side yard requirement of 27.5 feet.
A 50 percent encroachment into the front yard setback is requested to allow for the construction of a 43 square foot guard station, to be located 32.5 feet from the northern property boundary along PCH. This structure would be largely screened by existing vegetation and the existing berm along the property's PCH frontage.

**Surrounding Land Uses and Project Setting**

Properties in the immediate area are either developed with single-family residences or are vacant. The subject property and the adjacent properties are all zoned RR-2. Table 1 below outlines the land uses of properties next to the subject parcel.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Address/Parcel No.</th>
<th>Lot Size</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>West</td>
<td>4458-015-045</td>
<td>1.16 acre</td>
<td>Single-family residence</td>
</tr>
<tr>
<td>East</td>
<td>4458-015-021</td>
<td>1.22 acre</td>
<td>Single-family residence</td>
</tr>
<tr>
<td>South</td>
<td>N/A</td>
<td>N/A</td>
<td>Malibu Road</td>
</tr>
<tr>
<td>North</td>
<td>N/A</td>
<td>N/A</td>
<td>Malibu Road</td>
</tr>
</tbody>
</table>

The project site is rectangular in shape with approximately 112 feet of frontage on PCH and 109 feet of frontage on Malibu Road. Overall, the site ascends approximately 153 feet from Malibu Road to PCH, and the grading associated with the previously approved single-family residence has established three primary building areas, which contain the primary residence and parking areas furthest to the south, the pool and pool house in the center portion of the site, and the tennis court and landscaping in the northern portion of the site near PCH. Significant landscaping and a five foot tall berm are located adjacent to PCH. Along with the existing entry gate, these features currently screen all onsite structures on the property from PCH. These existing features also block ocean views through the property from PCH. Views of the existing residential improvements from Malibu Road are also largely obscured by the existing ascending slope and the existing mature landscaping.

<table>
<thead>
<tr>
<th>Lot Depth</th>
<th>658 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>109.81</td>
</tr>
<tr>
<td>Gross Lot Area (including driveway easements)</td>
<td>72,226 sq. ft. (1.66 acre)</td>
</tr>
<tr>
<td>Area of 1:1 slopes</td>
<td>0 sq. ft.</td>
</tr>
<tr>
<td>Area of private access easement</td>
<td>0 sq. ft. (0.01 acre)</td>
</tr>
<tr>
<td>*Net Lot Area</td>
<td>72,226 sq. ft. (1.66 acre)</td>
</tr>
</tbody>
</table>

*Net Lot Area = Gross Lot Area minus the area of public or private access easements and 1:1 slopes.

The subject parcel lies within the Appeal Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map. The parcel does not contain Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as shown on the LCP ESHA Overlay Map. No planned or developed trails, including offers to dedicate (OTD)
trail easements, or parkland, exist on or within the vicinity of the subject parcel as indicated on the City’s pending Parkland and Trails System Map and LCP Park Lands Map.

Project Description

The project plans are included as Attachment 3. The project consists of:

- Demolition of the existing 7,316 square foot residence and ancillary structures;
- Removal of existing septic system;
- Construction of a:
  - 6,843 square foot, two-story residence;
  - 791 square foot basement and a 979 square foot detached subterranean three-car garage (385 square feet count towards Total Development Square Footage\(^1\) (TDSF));
  - 468 square foot pool cabana;
  - 348 square foot gym;
  - 89 square foot seating room;
  - 48 square foot guard station;
  - New pervious driveway with three unenclosed parking spaces;
  - Pool and pool equipment;
  - Landscaping, hardscape, view permeable entry gates, view permeable tennis court fencing and walls;
  - AOWTS;
  - Grading; and
  - 51.5 foot view permeable entry gate and 22.5 foot wide view corridor.

Altogether, the project TDSF will equal 8,181 square feet.

In addition to requested CDP, the project includes the following discretionary requests:

- SPR No. 13-045 to allow construction of residential dwelling up to 24 feet in height with a flat roof;
- DP No. 13-022 for removal of existing onsite development;
- MM No. 13-016 for reduction of the required cumulative side yard setback from 27.45 feet to 22 feet; and
- MM No. 13-017 for reduction of the required front yard setback from 65 feet to 32.5 feet.

The proposed project would involve the demolition of all existing residential and ancillary structures and therefore it is considered new development. New development located on the ocean side of PCH is required to protect ocean views pursuant to LIP Section 6.5E.

\(^1\) TDSF calculated per Malibu Municipal Code (M.M.C.) Section 17.40.040(A)(13)(c) and (d)
All of the proposed residential structures would be located beneath the PCH centerline elevation. However, the proposed guard station, existing berm and the retaining walls proposed along the PCH frontage would remain above the PCH centerline elevation. Therefore, the project is required to comply with the view protection design standards contained in LIP Section 6.5E(2). To achieve compliance with the view corridor protection requirements, the project would replace the existing non view permeable entry gate with a view permeable entry gate totaling 41.5 feet in width. The new gate would create a new continuous view corridor through the property with a minimum width of 22.5 feet (20 percent of the property's PCH frontage). The guard station would be located outside of the view corridor and would be largely screened from view along PCH by the existing five foot tall berm, the existing mature landscaping, and the proposed front yard walls and landscaping.

Vehicular access to the project site would be provided by a new pervious concrete driveway descending south from PCH along the western portion of the site to the proposed three-car subterranean garage. The proposed driveway configuration has been reviewed and approved by the Los Angeles County Fire Department.

The existing septic system is proposed for abandonment and replacement with a new AOWTS. The new septic system is proposed beneath the areas located north of the primary residence. The system design includes a 5,000 gallon single compartment influent storage tank, a 3,000 gallon 2-compartment septic tank, a 1,500 gallon recirculation tank, two AdvanTex treatment units, a 5,000 gallon effluent dosing tank, and a 2,300 square foot drip dispersal area. The 2,300 square foot drip dispersal area is located on top of the existing berm and its construction would not impact the berm's existing topography. The conceptual design has been reviewed and approved by the City's Environmental Health Administrator.

A new 6 foot retaining wall is proposed to replace the wall currently located along the front property line. This wall would be plaster up to 42 inches in height, with 30 inches of view permeable fencing above.

The existing mature landscaping within the property would be maintained in a condition so as not to significantly obstruct or block the primary view(s) from adjacent residences and from the view corridor along PCH. Supplemental landscaping improvements are proposed throughout the project site, including front yard landscaping along PCH, landscaping around the existing tennis court and proposed pool and pool house structures, landscaping within the entry courtyard, and landscaping surrounding the proposed deck areas. The conceptual landscaping plan has been reviewed by the City's Biologist, who concluded that the design is consistent with the City's Landscape Water Conservation Ordinance requirements included in Malibu Municipal Code (M.M.C.) Chapter 9.20. Additional conditions of approval have been required, including the siting of landscaping on the property so as not to obstruct the primary view from private
property and the prohibition of non-native species in areas greater than 50 feet from residential structures.

The proposed onsite grading and deck areas comply with the setbacks from the top of the bluff slope descending toward Malibu Road. The principal residence and all accessory structures will be set back 50 feet from the blufftop. The lower deck area will be set back at least 20 feet from the blufftop. This lower deck area will have no formal structural foundations and therefore the proposed 20 foot setback exceeds the minimum 15 foot bluff setback requirement. The conceptual grading plan has been reviewed and approved by the City’s geotechnical consultant.

**LCP Analysis**

The LCP consists of the LUP and LIP. The LUP contains programs and policies to implement the Coastal Act in 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 CDP must adhere. This project has been reviewed and approved for LCP conformance by the Planning Department, as well as the City Environmental Health Administrator, City Public Works Department, City Geologist, City Biologist, and the Los Angeles County Fire Department (LACFD).

There are 14 sections within the LIP that potentially require specified findings to be made, depending on the nature and location of the proposed project. Of these 14, five sections are for conformance review only and require no findings. These five sections include: Zoning, Grading, Archaeological/Cultural Resources, Water Quality and Onsite Wastewater Treatment Systems and are discussed under the LIP Conformance Section of this report.

The nine remaining sections include: 1) Coastal Development Permit Findings; 2) Environmentally Sensitive Habitat Area (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. Of these nine, only the General Coastal Development Permit (including site plan review and minor modification findings), Scenic, Visual, and Hillside Resource Protection, Hazards, and Shoreline and Bluff Development findings apply to the project.

Based on the project site, the scope of work, and substantial evidence contained within the record, the ESHA, Native Tree Protection, Hazards, Transfer of Development Credits, Public Access, and Land Division findings are not applicable or required for the project for the reasons described herein.
LIP Conformance Analysis

The proposed project has been reviewed by Planning Department, City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and LACFD for conformance with the LCP. The departmental review sheets are attached hereto as Attachment 3. The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals and policies, with the inclusion of SPR No. 13-045, and MM Nos. 13-016 and 13-017.

Zoning (LIP Chapter 3)

Table 3 provides a summary and indicates that the proposed project meets the property development and design standards as set forth under LIP Chapter 3.

<table>
<thead>
<tr>
<th>Development Requirement</th>
<th>Allowed / Required</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SETBACKS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>65 feet</td>
<td>32.6 feet</td>
<td>Minor Modification No. 13-016</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>98.6 feet</td>
<td>182.0</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (minimum)</td>
<td>10 feet</td>
<td>11 feet</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (cumulative)</td>
<td>27.5 feet</td>
<td>22 feet</td>
<td>Minor Modification No. 13-017</td>
</tr>
<tr>
<td>BUILDING HEIGHT</td>
<td>18 feet</td>
<td>24 feet (flat)</td>
<td>SPR No. 13-045</td>
</tr>
<tr>
<td>ACCESSORY STRUCTURE HEIGHT</td>
<td>18 feet</td>
<td>11 feet</td>
<td>Complies</td>
</tr>
<tr>
<td>TDSF</td>
<td>8,181 square feet</td>
<td>8,181 square feet</td>
<td>Complies</td>
</tr>
<tr>
<td>BASEMENT + SUBTERRANEAN GARAGE</td>
<td>385 square feet (791+ 979 sf − 1000/2= 385 sf)</td>
<td>385 square feet</td>
<td>Complies</td>
</tr>
<tr>
<td>TWO-THIRDS RULE</td>
<td>3,034 square feet</td>
<td>3,031 square feet</td>
<td>Complies</td>
</tr>
<tr>
<td>PARKING</td>
<td>2 enclosed 2 unenclosed</td>
<td>3 enclosed 2 unenclosed</td>
<td>Complies</td>
</tr>
<tr>
<td>IMPERMEABLE COVERAGE</td>
<td>20,480 square feet</td>
<td>14,485 square feet</td>
<td>Complies</td>
</tr>
<tr>
<td>CONSTRUCTION ON SLOPES</td>
<td>Flatter than 3 to 1</td>
<td>5 to 1 or flatter</td>
<td>Complies</td>
</tr>
</tbody>
</table>
Grading (LIP Chapter 8)

As shown in Table 4, the project involves non-exempt grading in the amount of 962 cubic yards. Approximately 2,852 cubic yards will be exported from the site. The project conforms to the grading requirements as set forth under LIP Section 8.3, which ensures new development minimizes the visual and 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 residentially-zoned parcel.

<table>
<thead>
<tr>
<th></th>
<th>R&amp;R</th>
<th>Exempt</th>
<th>Non-Exempt</th>
<th>Remedial</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cut</td>
<td>460</td>
<td>880</td>
<td>920</td>
<td>792</td>
<td>3052</td>
</tr>
<tr>
<td>Fill</td>
<td>15</td>
<td>10</td>
<td>5</td>
<td>170</td>
<td>200</td>
</tr>
<tr>
<td>Total</td>
<td>475</td>
<td>890</td>
<td>925</td>
<td>962</td>
<td>3252</td>
</tr>
<tr>
<td>Import</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Export</td>
<td>445</td>
<td>870</td>
<td>905</td>
<td>622</td>
<td>2852</td>
</tr>
</tbody>
</table>

Note: All quantities in cubic yards; R&R = Removal and Recompaction; Exempt grading = includes all R&R, understructure, and safety grading; Safety grading = the incremental grading required for emergency vehicle access (turnouts, hammerheads, and turnarounds and any other increases in driveway width in excess of the 15 feet required by LACFD).

Archaeological/Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. Pursuant to these requirements, staff has reviewed the City of Malibu Cultural Resources Sensitivity Map and determined that the subject parcel has a very low potential for containing any archaeological resources. All work proposed is within a previously disturbed area of the property. Accordingly, staff has determined that no further study is required at this time.

Nevertheless, a condition of approval has been included which states that 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.

Water Quality (LIP Chapter 17)

The City Public Works Department has reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval require that prior to grading permit issuance, a local storm water pollution prevention plan, final grading and drainage plan, and water quality mitigation plan must be approved by the City Public Works Department. With the implementation
of these conditions, the project conforms to the Water Quality Protection standards of LIP Chapter 17.

Onsite Wastewater Treatment Systems (LIP Chapter 18)

The City Environmental Health Administrator has reviewed the proposed OWTS and determined that the subject system will meet all applicable requirements. The applicant is required to record a covenant indicating the proper operation and maintenance of the OWTS. In addition, conditions of approval have been included for the proposed project to require continued operation, maintenance and monitoring of subject system.

LIP Findings

LIP Section 13.9 requires that the following four findings be made for all CDPs.

Finding A1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.

The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the Los Angeles County Fire Department. The proposed project, as conditioned, conforms to the LCP in that it meets all residential development standards with the inclusion of the site plan review for construction in excess of 18 feet in height, and a minor modification for the reduction in the front yard setback and the side yard setback.

Finding A2. The project is located between the first public road and the sea. The project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is not located between the first public road and the sea and will not impact public access or recreation because the project site is located inland and not located along the shoreline. In addition, the project site has no trails on or adjacent to it according to the pending LCP Park Lands and Trails Systems Map. The project will not result in significant impacts on public access or recreation. Therefore, the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).

Finding A3. The project is the least environmentally damaging alternative.

Pursuant to CEQA, this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and is categorically exempt from CEQA pursuant to Sections 15301 and 15303. The proposed
project would not result in significant adverse effects on the environment, within the meaning of CEQA, and there are no feasible alternatives that would further reduce any impacts on the environment. The proposed project allows for a new two-story single-family residential structure, landscaping and hardscape, wall and fences, and accessory structures, all of which are permitted uses within the rural residential zoning classification of the subject property. The project will not result in potentially significant impacts on the physical environment.

Three alternatives were considered to determine which was the least environmentally damaging.

1. **No Project** — The no project alternative would avoid any change to the project site, and hence, any change to natural resources. The project site is zoned RR-1 which allows for single-family residential development and the owner’s objectives include a new two-story residence. Therefore, the no project alternative would not accomplish any of the project objectives and therefore, is not viable.

2. **Smaller Project** — A smaller project could be proposed on the project site. However, the project proposes less impermeable coverage than what is allowed per the LIP and the proposed residential development and the associated accessory structures would conform to development standards and will be within a legally established previously graded development area. As proposed, the project results in no significant increase to the building footprint, and the proposed increase in building height would not impact blue water views of the Pacific Ocean, views from PCH, or views from the coastline. These views are already currently blocked by existing mature vegetation and topography. Therefore, it is not anticipated that a smaller or relocated project would be an environmentally superior alternative.

3. **Alternative Location** — The proposed project is centrally located on the project site and all structures are proposed on existing graded pad areas in the same area where residential development currently exists. Moving the proposed residence and accessory development to different locations on the property would offer no advantage with respect to view preservation and would require additional grading.

4. **Proposed Project** — The project consists of demolition of the existing one-story residence and construction of a new two-story single-family residence and associated development within the existing development area. The project would maintain a similar building footprint and building setbacks. The reduced front yard setback is similar to neighboring front yard setbacks for existing residences and the existing landscaped character of the property as seen from PCH and Malibu Road will be maintained. New views of the ocean over the property will be created by the view corridor and new view permeable gate. Therefore, the proposed project would not adversely impact neighborhood character. The proposed project
conforms to all residential development criteria, with the inclusion of the site plan review and minor modification requests.

Based on site reconnaissance, photographs, review of the architectural plans, and the nature of the surrounding area, the proposed residence will have no significant adverse scenic or visual impacts on public views or on the physical environment due to the project location. The selected location has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City Geologist, and the City Public Works Department, and meets the City's residential development policies. For the reasons stated above, the project, as proposed, is the least environmentally damaging feasible alternative.

Finding A4. If the project is located in or adjacent to an environmentally sensitive habitat area (ESHA) 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.

The subject parcel is not located in ESHA or ESHA buffer as depicted on the LCP ESHA and Marine Resources Overlay Map. Therefore, the project did not require review by the ERB. The City Biologist has reviewed the project and determined that it is consistent with the LCP.

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

The application includes construction of a new single-family residence in excess of 18 feet in height, up to a maximum height of 24 feet for a flat roof. LIP Section 13.27.5(A) requires that the City make four findings in the consideration and approval of a SPR for construction in excess of the City's base of 18 feet in height, up to a maximum of 24 feet in height for a flat roof. Two additional findings are required pursuant to M.M.C. Section 17.62.040(D). Based on the evidence contained in the record, the Planning Commission makes the required findings for SPR No. 13-045 as follows:

Finding B1. The project is consistent with policies and provisions of the Malibu LCP.

The project has been reviewed for all relevant policies and provisions of the LCP. The proposed project is consistent with the LCP in that the proposed project is located within the RR-1 zone which allows for residential use and it complies with applicable development standards. The project is also consistent with the Rural Residential General Plan land use designation. Based on submitted plans, reports, visual impact analysis, and detailed site investigation, it has been determined that the project is consistent with all applicable policies and provisions of the LCP.
Finding B2. The project does not adversely affect neighborhood character.

The project proposes a two-story single-family residence within an area surrounded by existing single-family residences. Story poles were placed on the site to demonstrate the size, mass, and bulk of the proposed project, and to demonstrate the project’s potential for aesthetic changes to the site relative to nearby properties located along PCH and Malibu Road. The project’s height and bulk will not adversely affect neighborhood character because the residence will be similar in height to other residences and structures in the vicinity. Furthermore, neighboring properties are separated and screened from view by mature vegetation. The story poles demonstrated that the project’s primary structures are lower in elevation than the PCH road grade to the north (with the exception of the guard station, which will be largely screened from view) and that the project will not significantly alter private views from neighboring properties or public views from PCH and/or Malibu Road. The project complies with the required square footage limitations and setbacks contained in LIP Section 3.6. Therefore, the project does not adversely affect neighborhood character.

Finding B3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

Staff visited the site after the story poles were installed and evaluated the project as it relates to public views. Based on the review of the project plans and the site visit, it was determined that the proposed residential development would not be visible from any public scenic viewing area. All of the residential structures will be located below the centerline elevation of PCH. New views through the project site and of the ocean will be created by the construction of a new view permeable gate and 22.5 foot wide view corridor as required by LIP Chapter 6. Therefore, the proposed project is not expected to have a significant adverse effect on public views.

Finding B4. 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. The project has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, LACFD and it meets the City’s residential development policies. The project must also be approved by the Los Angeles County Waterworks District No. 29, appropriate City agencies and the City Building Safety Division, as applicable, prior to the issuance of building permits.
Finding B5. The project is consistent with the city's general plan and local coastal program.

The proposed project is consistent with the LCP and General Plan in that the proposed project is located in an area identified for residential use. The proposed project, as designed and conditioned, is consistent with the General Plan and LCP, inclusive of the proposed site plan review.

Finding B6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in Section 17.40.040(A)(17).

The project does not impact the private views of any nearby residences and it does not impact public views from PCH or Malibu Road. The private residences are located to the east, west, and south of the applicant's property and are screened from view by existing mature side and rear yard vegetation. There are no residences located immediately north of the project site and therefore there are no existing private views over the property from PCH. The existing residences located immediately south of the project site (south of Malibu Road) are located approximately 100 feet lower in elevation and therefore only have limited views of the southern portion of the property. These existing residences would not experience any view impacts from the proposed project. Furthermore, the project's proposed residential structures would be located below the PCH centerline elevation, the existing berm and mature landscaping along PCH would remain along with the existing mature landscaping located along the bluff. Therefore, the project will not obstruct visually impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residences.

C. Minor Modification for a 50 Percent Reduction of the Front Yard Setback and a 20 Percent Reduction in the Cumulative Side Yard Setback (LIP Section 13.27)

A minor modification is proposed for a 50 percent reduction of the front yard setback from the required 65 feet to the proposed 32.5 feet and a 20 percent reduction of the cumulative side yard setback. LIP Section 13.27.5(B) requires that the City make three findings in consideration and approval of a minor modification to reduce the required setbacks. Based on the foregoing evidence contained within the record, the required findings for MM No. 13-016 are made as follows.

Finding C1. That the project is consistent with policies and provisions of the Malibu LCP.

As previously discussed in Finding A1, the proposed project, with inclusion of the proposed site plan review and minor modification, as designed and conditioned,
conforms to all applicable LCP policies and provisions. A reduction in the cumulative side yard setback is needed in order to construct the proposed residential structure in approximately the same location as the existing residence. A reduction in the front yard setback is required in order to construct the proposed guard station near the existing gated entry.

The proposed 11 ft. side yard will be consistent with the code requirements and would eliminate the existing non-conforming side yard setbacks. The cumulative side yard setback will be increased from 5 feet to 22 feet. The proposed guard station will be located 32.5 feet from the front property line. The proposed residential structures are surrounded on all sides by dense vegetation and an earthen berm along the northern property line. Therefore, no portions of the residential structure and only limited portions of guard station will be visible from PCH or other scenic viewing area. Therefore, the project conforms to all applicable LCP policies and provisions.

Finding C2. That the project does not adversely affect neighborhood character.

The proposed project is not expected to adversely affect neighborhood character. The proposed residence is compatible with other development in the area in terms of size, bulk and height. For example, the main residence located at 24834 (immediately to the east) is two stories tall and 7,890 square feet. The residence located immediately to the west is 8,974 square feet. The primary living areas proposed on the project site total 6,843 square feet. Furthermore, the residential structures will be located below the PCH road grade and sufficiently set back from the bluff face on Malibu Road so that views from these scenic areas will not be impacted. The existing mature landscaping and topographic conditions along PCH and Malibu Road would remain. Therefore, the proposed project would not adversely impact neighborhood character.

Finding C3. The proposed project complies with all applicable requirements of state and local law.

As previously discussed in Finding B4, the proposed project complies with all requirements of State and local law.

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

The Scenic, Visual, and Hillside Resource Protection Chapter governs those CDP applications concerning any parcel of land that is located along, within, provide views to or is visible from any scenic area, scenic road or public viewing area. The project site is visible from PCH and Malibu Road, which are LCP designated scenic roads and public viewing areas. Public views of the ocean and water from PCH along the project frontage and further to the west and east have been substantially reduced, or completely blocked, in many areas by existing berms, the construction of single-family residences, privacy walls, fencing, landscaping, and other residential related development between PCH and
the ocean. When these existing residential developments (including the proposed project) are viewed together, such development creates a wall-like effect when viewed from PCH. Similarly, views of the Santa Monica Mountains are largely eliminated from Malibu Road along the project frontage due to the existing slope/bluff and existing mature landscaping.

The findings of LIP Section 6.4 are made below.

Finding D1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

Story poles were installed on the project site to depict the location, height and mass of the project. An analysis of the project's visual impact from public viewing areas was conducted through site reconnaissance, a review of the story poles, architectural plans, and an investigation of the visual character of the project site and surrounding properties.

During this analysis it was determined that the proposed residential structures will not visible from PCH due to the existing berm and landscaping and will be only slightly visible from Malibu Road due to the limited line of sight created by the bluff feature along Malibu Road. These existing conditions obstruct ocean views from PCH and views of the Santa Monica Mountains from Malibu Road along the property frontage and immediately east and west of the project site.

The accessory guard station would be the only structure visible from PCH but it would not impair views of the ocean due to the previously described berms, walls, and landscaping that currently exists along PCH. Over time, the proposed landscaping would sufficiently screen the upper two feet of the guard station structure visible from PCH. This structure is less than 50 square feet and thus would not significantly impact the existing views along PCH at this location or from any of the immediately surrounding properties, which are dominated by residential entry gates, mature landscaping, remnant natural and manmade berms, and residential structures.

The project would replace existing residential development on a site that has been previously graded and is currently screened from view from PCH. Moreover, the project would enhance views through the property by replacing the existing non-conforming front yard walls and landscaping with walls and landscaping of appropriate height and appropriate view permeability. The existing solid entry gate would be replaced with a view permeable gate that would enhance views through the property to the ocean. The existing mature landscaping would be retained onsite and would be maintained in a configuration so as not to impact public views of the site from PCH or Malibu Road. Therefore, the proposed development will maintain the existing visual character along PCH and Malibu Road, the height and bulk is consistent or lower than development in the surrounding area, and would provide new public views of the Pacific Ocean.
new public views of the Pacific Ocean will be provided by a 41.5 foot view permeable entry gate and 22.5 foot wide view corridor.

The project, as proposed, will have no significant adverse scenic or visual impacts due to the design or location of buildings and/or improvements on the site.

Finding D2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

As stated in Finding D1, the project will have no significant adverse scenic or visual impact. Conditions of approval require that colors and materials be used that blend with the natural environment, and site lighting is conditioned to be dark-sky compliant and minimized to the amount necessary for public safety.

Finding D3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the project as conditioned is the least environmentally damaging feasible alternative.

Finding D4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

The proposed project does not pose any significant adverse impacts on scenic and visual resources. As discussed in Finding D1, the project will result in a less than significant impact on scenic and visual resources.

Finding D5. 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 Finding D1, the project as conditioned will have no significant adverse scenic and visual impacts.

E. 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 hazard 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 causes the potential to create adverse impacts upon site stability or structural integrity.
Finding E1. 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.

The applicant submitted a series of geologic reports prepared by GeoConcepts, Inc., all of which have been reviewed by the City Geologist for the hazards listed in LIP Sections 9.2(A)(1-7). Analysis also included review of the City of Malibu General Plan and review of the hazards designation in the City of Malibu’s Geographic Information System (GIS).

Based on staff’s review of the above referenced reports, City GIS and associated information, it has been determined that:

1. The project site is not located within a liquefaction/seismically induced settlement hazard zone;
2. The project site is not located in a tsunami inundation zone;
3. No landslides are present on or near the site nor are any shown on regional geologic maps;
4. The development site is not located in a Federal Emergency Management Agency (FEMA) identified flood hazard area; and
5. The project site is located within an extreme fire hazard area.

Fire Hazard

The entire city limits of Malibu are located within the extreme fire hazard zone. The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has mutual aid agreements with cities and counties throughout the state so that additional personnel and firefighting equipment can augment the LACFD. As such, the proposed project as conditioned will not be subject to nor increase the instability of the site or structural integrity involving wild fire hazards. Nonetheless, a condition of approval has been included in this resolution which requires that the property owner 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 City Geologist, City Public Works Department and LACFD have reviewed the project and found that there were no substantial risks to life and property related to any of the above hazards provided that their recommendations and those contained in the associated geotechnical reports are incorporated into the project design. 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.
As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards. Final plans shall be reviewed and approved by the City Geologist, the City’s Public Works Department, and LACFD prior to the issuance of a building permit.

Finding E2. 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.

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, which will ensure that no significant impacts to slope stability will result from geologic, flood or fire hazards.

Finding E3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the proposed project is the least environmentally damaging alternative.

Finding E4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

The proposed project, with the inclusion of the recommended engineering techniques, will meet the appropriate factors of safety. There are no alternatives that would avoid or substantially lessen impacts on site stability or structural integrity.

Finding E5. 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 discussed in Findings E1 and E4, the proposed project as designed and conditioned, will have no significant adverse impacts on site stability, structural integrity or sensitive resources. Therefore, no adverse impacts are anticipated to result from hazards or conflict with sensitive resource protection policies contained in the LCP.

F. Shoreline and Bluff Development (LIP Chapter 10)

The Shoreline and Bluff Development Ordinance governs those CDP applications concerning any parcel of land that may impact the shoreline or coastal bluffs. The proposed project is not located adjacent to the shoreline and therefore would not contribute to shoreline erosion and would not require the construction of a shoreline protection device. Therefore, the findings below discuss the project's consistency with
the goal of minimizing risks and the assurance of structure stability with respect to the coastal bluff slope located above Malibu Road.

The findings of LIP Section 10.3 are made below.

Finding F1. The project, as proposed, will have no significant adverse impacts on public access, shoreline sand supply or other resources due to project design, location on the site or other reasons.

The proposed residential structure is located at least 50 feet away from the top of the bluff slope. The proposed onsite grading and structural design have been reviewed by the City's Geotechnical Engineer and the required onsite grading and proposed building design would achieve a soil condition determined to be sufficiently stable. Onsite grading will occur only within areas with an average slope of 5:1 or flatter. No improvements are proposed that would impede public access to coastal resources along PCH or Malibu Road. Furthermore, the existing bluff face has been modified and compacted as part of a previously approved slope repair effort approved by the CCC under CDP No. 4-99-176. Therefore, the project will have no significant adverse impact on shoreline sand supply or public access.

Finding F2. The project, as conditioned, will not have significant adverse impacts on public access, shoreline sand supply or other resources due to required project modifications or other conditions.

As discussed in Finding E1, the project will have no significant adverse impact on shoreline sand supply or public access due to the project modifications.

Finding F3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the project as conditioned is the least environmentally damaging feasible alternative.

Finding F4. There are no alternatives to the proposed development that would avoid or substantially lessen impacts on public access, shoreline sand supply or other resources.

As discussed in Finding A3, the project as conditioned is the least environmentally damaging feasible alternative.

Finding F5. If the development includes a shoreline protective device, that it is designed or conditioned to be sited as far landward as feasible, to eliminate or mitigate to the

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2 CDP No. 4-99-176 was approved by the CCC in 1992 for remediation of a landslide threatening the residence. It was further amended in 1994. The approval included over 40,000 cubic yards of excavation, removal and recompaction of the bluff slope, construction of a buttress fill and installation of subdrains, hydraugers and surface drains.
maximum feasible extent adverse impacts on local shoreline sand supply and public access, there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources and is the least environmentally damaging alternative.

The project does not include a shoreline protection device and therefore this finding does not apply.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is exempt from the provisions of CEQA according to CEQA Guidelines Section 15301(a) and (d) – Existing Facilities and 15303 (d) and (e) – New Construction or Conversion of Small Structures. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: To date, staff has received two pieces of correspondence regarding this project. The first piece of correspondence (submitted in June 2014) expresses concerns regarding the lack of parking along the project site’s Malibu Road frontage due to a previous landslide and requests that the vehicle parking be restored along the project site’s Malibu Road frontage. The City Geologist has confirmed that the proposed project would not impact the stability of the slope fronting Malibu Road, as no improvements to the slope are proposed. Furthermore, the construction of vehicle parking along Malibu Road is not required for the proposed project as sufficient vehicle parking is proposed on-site. The second piece of correspondence (submitted in July 2015) expresses concerns regarding the sufficiency of the proposed bluff setback and the visibility of the proposed two-story residential structure from Malibu Road. The project meets the City’s minimum coastal bluff setback requirement of 50 feet and the proposed two-story structure would be sufficiently screened from views available from the Malibu Road public right-of-way.

PUBLIC NOTICE: Staff published a Notice of Public Hearing on June 11, 2015 and mailed the notice to property owners and occupants within a 500-foot radius of the subject property (Attachment 7).

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, staff recommends approval of this project subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 15-68. The project has been reviewed and conditionally approved for conformance with the LCP by staff and appropriate City departments.
ATTACHMENTS:

1. Planning Commission Resolution No. 15-68
2. Project Plans
3. Site Photographs
4. Aerial Photograph/Vicinity Map
5. Department Review Sheets
6. Correspondence
7. Public Hearing Notice

All referenced reports not included in the attachments can be viewed in their entirety in the project file located at Malibu City Hall.
CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 15-68


THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On September 24, 2013, the applicant submitted the subject application, Coastal Development Permit (CDP) No. 13-047, Demolition Permit (DP) No. 13-022, Site Plan Review (SPR) No. 13-045, and Minor Modification (MM) Nos. 13-016 and 13-017. The CDP application was routed to the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department and the Los Angeles County Fire Department (LACFD) for review.

B. On May 30, 2014, the Planning Department staff conducted a site visit and took photographs to document the condition of the site.

C. On October 1, 2014, a Notice of CDP Application for CDP No. 13-047 was posted on the subject property.

D. On June 17, 2014, a Courtesy Notice of Proposed Project was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On October 1, 2014, the project was deemed complete for processing.
F. On June 11, 2015, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

G. On June 30, 2015 the Planning Department staff conducted a site visit to inspect and photograph story poles, which were installed in April 2015 and certified by the licensed surveyor on June 29, 2015.

H. On July 6, 2015, the Planning Commission continued to the item to the August 3, 2015 Regular Planning Commission Meeting.

I. On August 3, 2015, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

Section 2. Environmental Review.

Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposal as described above. The Planning Commission has found that this project is listed among the classes of projects determined to have less than significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines 15301 – Existing Facilities and 15303 – New Construction. The Planning Commission further determined 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 Sections 13.7(B) and 13.9 of the Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP), the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below for CDP No. 13-047, DP No. 13-022, SPR No. 13-045, MM No. 13-016, and MM No. 13-017, for the demolition of an existing 7,316 square foot single-family residence, and the construction of a new 6,843 square foot two-story single-family residence with a 791 square foot basement, a 979 square foot subterranean garage, a 468 square foot pool cabana, a 348 square foot gym, a 48 square foot guard station, 89 square foot seating room, an alternative onsite wastewater treatment system (AOWTS), and other ancillary improvements located at 24840 Pacific Coast Highway (PCH).

The project has been reviewed for conformance with the LCP by Planning Department staff, the City Biologist, City Geologist, City Environmental Health, City Public Works Department, and LACFD. Subject to the conditions of approval, the project is 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 consists of the construction of a new two-story single-family residence and associated accessory structures, landscaping, walls, a new entry gate, and an AOWTS. Evidence in the record demonstrates that the project conforms to the certified Malibu LCP.

2. The project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code) as it would not impede access opportunities to the shore.

3. Evidence in the record demonstrates that as conditioned, the project will not result in environmental impacts and has been designed to minimize grading. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment.

4. Evidence in the record demonstrates that the project site does not contain ESHA and Environmental Review Board review is not required.

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

Based on the evidence contained in the record, the Planning Commission makes the required findings for SPR No. 13-045 as follows:

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

2. The project does not adversely affect neighborhood character.

3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP by providing a view permeable gate and new views of the ocean from PCH over the site driveway within a 22.5 foot wide view corridor.

4. The proposed project will comply with all applicable requirements of state and local law. The project has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City Environmental Health Administrator, City Geologist, City Public Works Department, LACFD and it meets the City’s residential development policies. The project must also be approved by the Los Angeles County Waterworks District No. 29, appropriate City agencies and the City Building Safety Division, as applicable, prior to the issuance of building permits.

5. The project is consistent with the City’s General Plan, LCP, Malibu Municipal Code (M.M.C). and City’s standards in that the project is located in an area designated for residential use and is designed and conditioned in compliance with these regulations.

6. The project does not obstruct visually impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in M.M.C. Section 17.40.040(A)(17) due to existing mature side and rear yard vegetation and project siting upslope from Malibu Road residences.
C. **Minor Modification for 50 Percent Reduction of the Front Yard Setback and a 20 Percent Reduction in the Cumulative Side Yard Setback (LIP Section 13.27)**

Based on the evidence contained within the record, the required findings for MM Nos. 13-016 and 13-017 are made as follows:

1. The project is consistent with policies and provisions of the Malibu LCP.
2. The project does not adversely affect neighborhood character in that the size, design and siting of the project are similar to other nearby residences.
3. The proposed project complies with all applicable requirements of state and local law.

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

1. The project consists of site grading and the construction of a two-story residential structure and associated accessory structures, landscaping, walls, a new entry gate, and an AOWTS within established building pads and below the elevation of PCH. With the inclusion of the conditions set forth in Section 5 of this resolution, the structures will blend with the surrounding environment. New ocean views of the property will be provided through the new view permeable gate and view corridor. With the implementation of said conditions, the project will not have significant adverse scenic or visual impacts.
2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.
3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.
4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.
5. As conditioned, development on the site will not have significant adverse impacts on scenic or visual resources.

E. **Hazards (LIP Chapter 9)**

1. Based on the evidence contained within the record, it has been determined that the project site is not located within a liquefaction/seismically induced settlement hazard zone; the project site is not located in a tsunami inundation zone; no landslides are present on or near the site nor are any shown on regional geologic maps; the development site is not located in a Federal Emergency Management Agency (FEMA) identified flood hazard area; and the project site is located within an extreme fire hazard area.
2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

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

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

5. The proposed project as designed and conditioned, will have no significant adverse impacts on site stability, structural integrity or sensitive resources. Therefore, no adverse impacts are anticipated to result from hazards or conflict with sensitive resource protection policies contained in the LCP.

E. Shoreline and Bluff Development (LIP Chapter 10)

1. The proposed residential structure is located at least 50 feet away from the top of the bluff slope. The proposed onsite grading and structural design has been reviewed and approved by the City’s Geotechnical Engineer. The required onsite grading and proposed building design would achieve a soil condition determined to be sufficiently stable, as the improvements are proposed within areas with an average slope of 5:1 or flatter. No improvements are proposed that would impede access to PCH or Malibu Road. Furthermore, the existing bluff face has been modified and compacted as part of a previously approved slope repair effort and no improvements to the bluff face are proposed. Therefore, the record demonstrates that the project will have no significant adverse impact on shoreline sand supply or public access.

2. The project, as conditioned, will not have significant adverse impacts on public access, shoreline sand supply or other resources due to required project modifications or other conditions.

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

4. There are no alternatives to the proposed development that would avoid or substantially lessen impacts on public access, shoreline sand supply or other resources.

5. The project does not include a shoreline protective device.

Section 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves Coastal Development Permit No. 13-047, Demolition Permit No. 13-022, Site Plan Review No. 13-045, and Minor Modification Nos. 13-016 and 13-017, subject to the following conditions.
Section 5. Conditions of Approval

Standard Conditions

1. The property owner/applicant or their successor 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 the existing 7,316 square foot residence and ancillary structures;
   b. Removal of existing septic system;
   c. Construction of a:
      i. 6,843 square foot, two-story residence;
      ii. a 791 square foot basement and a 979 square foot detached subterranean three-car garage
      iii. a 468 square foot pool cabana
      iv. a 348 square foot gym
      v. a 48 square foot guard station
      vi. a new pervious driveway with three unenclosed parking spaces
      vii. Pool and pool equipment
      viii. Landscaping, hardscape, view permeable entry gates, view permeable tennis court fencing and walls
      ix. Installation of a new AOWTS
      x. Site grading
      xi. A 51.5 foot view permeable gate and 22.5 foot wide view corridor

3. Subsequent submittals for this project shall be in substantial compliance with the plans on file, dated April 3, 2015 with the Planning Department. The project shall comply with all conditions of approval stipulated in the referral sheets attached to the agenda report for this project. 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 property owner/applicant or their successor shall submit three (3) complete sets of plans, including items in No. 6 to the Planning Department for consistency review and
approval prior plan check submittal 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 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 Environmental Sustainability Department for plan check, and the City Public Works Department for an encroachment permit (as applicable).

7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. 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.

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 structures shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Geologist, City Environmental Health Administrator, City Public Works Department, Los Angeles County Waterworks District No. 29 and the LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.

10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the M.M.C. 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 coastal development permit approved by the City is void.

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

13. 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.

14. The developer’s consulting engineer shall sign the final plans prior to the issuance permits.

Cultural Resources

15. 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 M.M.C. Section 17.54.040(D)(4)(b) shall be followed.

16. 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.

Construction and Demolition

17. The property owners and/or their successors in interest 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.

18. Prior to approval of the final plans, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) signed by the Owner or Contractor shall be submitted to the Environmental and Sustainability Department for review and approval. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent 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 materials that were landfilled or recycled and these materials shall broken-down by material types. The Public Works Department shall approve the final Summary Report.

19. 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.

20. 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 Deputy Building Official.

21. 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.

22. 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.
23. Upon completion of demolition activities, the applicant shall request a final inspection by the City Building Safety Division.

**Construction / Framing**

24. 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.

25. 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 will be rinsed off prior to leaving the property.

26. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

27. 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.

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

**Street Improvements**

29. Prior to Public Works Department’s approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed work within the City’s right-of-way.
30. Replace the existing RC Junction Chamber adjacent to Malibu Road with a new storm drain manhole per APWA Standard Plan 321-1. The manhole frame and cover shall be located a minimum of 12 inch above existing grade.

Geology

31. 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.

Onsite Wastewater Treatment System

34. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's Onsite Wastewater Treatment regulations including provisions of LIP Section 18.9 related to continued operation, maintenance and monitoring of onsite facilities.

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

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

37. The final AOWTS design report shall contain the following information (in addition to the items listed above).

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

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

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

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

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

39. The following note shall be added to the plan drawings included in the OWTS final design. "Prior to commencing work to abandon, remove, or replace existing onsite wastewater treatment system (OWTS) components an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."

40. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
41. An operations and maintenance manual specified by the AOWTS designer shall be submitted to the City Environmental Health Administrator. This shall be the same operations and maintenance manual submitted to the owner and/or operator of the proposed AOWTS following installation.

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

43. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive, notice to any future purchaser for value that the AOWTS serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Plumbing Code, Appendix K, Section 1(i). Said covenant shall be provided by the City of Malibu Environmental Health Administrator and shall be submitted to the City of Malibu with proof of recordation by the Los Angeles County Recorder.

44. Final approval by the City Geologist and Geotechnical Engineer, and City Planning Department shall be submitted to the City Environmental Health Administrator.

45. A final planning approval shall be submitted to the City Environmental Health Administrator.

46. In accordance with M.M.C. Chapter 15.14, an application shall be made to the Environmental and Building Safety Division for an OWTS operating permit. An operating permit fee shall be submitted with the application and a final fee shall be paid for Environmental Health review of the OWTS design and system specifications.

**Grading / Drainage / Hydrology**

47. Grading permits shall not be issued between November 1 and March 31 each year per LIP Section 8.4. 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 that addresses this condition.

48. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City’s LIP, Section 8.3. A note shall be placed on the project that addresses this condition.

49. A Grading and Drainage plan shall be approved containing the following information 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 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.

d. 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.

e. If the property contains trees that are to be protected they shall be highlighted on the grading plan.

f. 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.

g. 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.

h. 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.

50. 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.

51. 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, but not limited to:

   a. Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff.

   b. Designated area for the construction of portable toilets that separates them from storm water runoff and limits the potential for upset.

   c. Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent discharge of runoff through the waste.

   d. Specific BMP’s to prevent erosion and BMPs for sediment control prior to discharge from the property.

52. 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:

   a. Site Design BMP’s;

   b. Source Control BMPs;

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

53. 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 this 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 shall include the following information and or construction notes:
a. Provide information on the plans regarding the type of sanitation that you propose to use for this installation. Ozonation 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; and
b. 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 M.M.C. Section 13.04.060(D)(5)." The new sign shall be posted in the filtration and/or pumping equipment area for the property.

Water Service

54. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve letter from Los Angeles County Waterworks District No. 29 to the Planning Department indicating the ability of the property to receive adequate water service.

Biology / Landscaping

55. Night lighting from exterior and interior sources shall be minimized to that necessary for public safety.

56. Prior to issuance of building permits, approval of landscape water use by Los Angeles County Waterworks District No. 29 shall be provided to the City.
57. Vegetation shall be situated on the property so as to not obstruct the primary view from private property at any given time (given consideration of its future growth).

58. No non-native plants shall be approved greater than 50 feet from the residential structure.

59. The landscaping plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.

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

61. Grading scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Surveys shall be completed no more than 5 days from proposed initiation of site preparation activities. Should 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.

**Lighting**

65. 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.

66. Exterior lighting shall be minimized and restricted to low intensity features, shielded, and concealed so that no light source is directly visible from public viewing areas. 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 that are directed downward, and use bulbs that do not exceed 60 watts or the equivalent;
   b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 60 watts or the equivalent;
   c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 60 watts or the equivalent;
   d. Lights at entrances in accordance with Building Codes shall be permitted provided that such lighting does not exceed 60 watts or the equivalent;
   e. Site perimeter lighting shall be prohibited;
   f. Outdoor decorative lighting for aesthetic purposes is prohibited;
   g. Night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited;
67. 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 shall not produce an illumination level greater than one foot candle.

68. Up-lighting of landscaping is prohibited.

69. All lighting fixtures shall be rated dark skies compliant. Prior to issuance of a Building Permit, the applicant shall submit a photometric plan for review and approval by the Planning Director. The photometric plan shall also demonstrate compliance with any dark skies ordinance or any other applicable lighting standards adopted by the City prior to issuance of a building permit for any structure on the site.

Site Specific Conditions

70. A view corridor totaling 20 percent of the site’s PCH frontage (22.5 feet) shall be created by constructing a 41.5 ft. wide view permeable entry gate. The 22.5 ft. wide view corridor shall be kept free of all landscaping, vehicle parking, or structures that obscure or block bluewater views. To maintain bluewater views to the maximum extent feasible, the landscaping plan shall be revised to include removal or relocation of the six existing eucalyptus trees located along the eastern edge of the proposed driveway entrance. The proposed entry landscaping planter shall also be shifted approximately 3 feet to the east to keep the view corridor free of vegetation. Final landscaping plans reflecting the above-described landscape plan modifications shall be reviewed and approved by the Planning Director prior to issuance of building permits.

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

Prior to Occupancy

72. Prior to the final building inspection, the applicant shall provide the City Environmental Sustainability Department a Final Waste Reduction and Recycling Summary Report ("Summary Report"). The Summary Report shall designate all materials that were land filled or recycled, broken down by material types. The City Environmental Sustainability Department shall approve the Summary Report.

73. The applicant shall request a final planning inspection prior to final building inspection by the City Environmental Sustainability Department. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with the
approved CDP. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.

74. Any construction trailer, storage equipment, portable restroom or similar temporary equipment / structures not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the Certificate of Occupancy.

**Deed Restrictions**

75. Prior to final Planning approval: the property owner shall execute and record a deed restriction indemnifying and holding 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.

76. Prior to final planning approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 65 - 69. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.

**Fixed Conditions**

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

78. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.
Section 6. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 3rd day of August 2015.

DAVID BROTMAN, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, extension 245.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s decision 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. 15-68 was passed and adopted by the Planning Commission of the City of Malibu at the meeting thereof held on the 3rd day of August 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary
IN PROGRESS

A3.3
Wall Elevations
Garage / Driveway

1/4"=1'-0"
Story Pole and Site Photographs

View Northeast from just inside entry gate

View southeast towards existing tennis court
Story Pole and Site Photographs

View south from top of driveway

View south from end of existing driveway
Story Pole and Site Photographs

View Southeast from top of bluff

View southwest from top of bluff

[Images of the view southeast from top of the bluff and the view southwest from top of the bluff]
Story Pole and Site Photographs

View south from PCH at existing driveway entrance

View north from Malibu Road (Story Poles Emphasized)
Story Pole and Site Photographs

View north east of existing berm (behind entry gate)

View east towards proposed pool house structure
Story Pole and Site Photographs

View south of proposed two-story elevation (western property line)

View south of proposed two-story elevation (eastern property line)
Story Pole and Site Photographs

View Northwest towards southern two-story elevation

View North towards southern two-story elevation
Story Pole and Site Photographs

View North showing approximate location of subterranean garage
Aerial Map
ENIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator DATE: 9/24/2013
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 13-047, SPR 13-045, MM 13-016, MM 13-017, D
JOB ADDRESS: 24840 PACIFIC COAST HWY
APPLICANT / CONTACT: Chris Deleau, Schmitz & Assoc
APPLICANT ADDRESS: 5234 Chesebro Road, Suite 200
Agoura Hills, CA 91301
APPLICANT PHONE #: (818) 338-3636
APPLICANT FAX #: (818) 338-2423
APPLICANT EMAIL: cdeleau@schmitzandassociates.net
PROJECT DESCRIPTION: NSFR

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.

Signature: ___________________________ Date: September 10, 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.
ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: Chris Deleau
(Name and Address) 5234 Chesbro Road, Suite 200
Agoura Hills, CA 91301
Project Address: 24840 Pacific Coast Highway
Malibu, CA 90265
Planning Case No.: CDP 13-047
Date of Review: September 10, 2014
Reviewer: T. Curtis
Contact Information: Phone: (310) 456-2489 ext. 307 • Email: tcurtis@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans: Planning Submittal dated September 24, 2013
Grading Plans: N/A
OWTS Plan: Lombardo (08-06-13, 06-19-14)
OWTS Report: Lombardo (02-24-14)
Geology Report: GeoConcepts (09-18-13, 07-30-13, 02-25-14, 06-20-14)
Miscellaneous: Setback Reduction Letter (Engle Kirk, 08-27-14)

REVIEW FINDINGS

Planning Stage: ✓ Conformance Review Complete for the City of Malibu LCP/LIP and Malibu Plumbing Code. The listed Conditions of Planning Conformance Review and Plan Check Review Comments shall be addressed prior to plan check approval.

Plan Check Stage:  □ APPROVED

OWTS Plot Plan:  □ NOT REQUIRED

Please distribute this notice to all of the project consultants and provide a coordinated response to all items using a single submittal package with a point by point summary.

On September 10, 2014, a Conformance Review was completed for a new alternative onsite wastewater treatment system (AOWTS) proposed to serve the onsite wastewater treatment needs of the subject property. The proposed AOWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2013 Edition, and the City of Malibu Ordinance No. 377 Amendments (MPC), and the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP). Please distribute this notice to all of the project consultants and provide a coordinated response to all items using a single submittal package with a point by point summary. The following items shall be addressed prior to final approval:
1) Final OWTS Plot Plan: A final plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MPC, and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS and must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).

2) OWTS Design Report, Plan, and System Specifications: A final design report, plan drawings (four sets), and system specifications shall be submitted as to OWTS design basis and all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed alternative onsite wastewater disposal system. For all OWTS, final design drawings and calculations must be signed by a California-registered Civil Engineer, a Registered Environmental Health Specialist, or a Professional Geologist who is responsible for the design. The final OWTS design report and drawings shall be submitted with the designer’s wet signature, professional registration number, and stamp (if applicable).

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

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

   b. Sewage and effluent pump design calculations.

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

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

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

3) Certification for Reduction in Setback: Letters of certification shall be provided from all applicable consulting engineers for setbacks to the OWTS that do not conform to the minimum code requirements. Certifications shall reference the approved construction plans.

4) Building Plans: Architectural floor plans of the proposed residence approved by building safety shall be submitted for review.

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

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

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

8) Covenant: A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix K, Section 1(i). Said covenant shall be provided by the City of Malibu Environmental Health Specialist. Please submit a certified copy issued by the Los Angeles County Recorder.

9) City of Malibu Geologist/Geotechnical Approval: City of Malibu Geologist and Geotechnical Engineer final approval shall be submitted.

10) City of Malibu Planning Division Approval: City of Malibu Department of Environmental and Community Development, Planning Division final approval shall be obtained.

11) Environmental Health Final Review Fee: A final fee shall be paid to the City of Malibu for Environmental Health review of the AOWTS design and system specifications.
12) Operating Permit Application and Fee: In accordance with M.M.C. Chapter 15.14, an application shall be made to the Environmental and Building Safety Division for an OWTS operating permit. An operating permit fee shall be submitted with the application.

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

cc: Environmental Health main file
Planning Division
## Notes:

1. This conformance review is for a new 4-bedroom (69 fixture units) single family residence and a new one-bedroom (9 fixture units) guest house with a new alternative onsite wastewater treatment system. The new alternative onsite wastewater treatment system shall be installed, as shown. The alternative onsite wastewater treatment system shown conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).

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

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

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### CITY OF MALIBU
#### ENVIRONMENTAL SUSTAINABILITY DEPT
#### ENVIRONMENTAL HEALTH
#### CONFORMANCE REVIEW

**SEP 19 2014**

**SIGNATURE:**

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

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### Diagram

[Diagram showing wastewater treatment system layout]

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<table>
<thead>
<tr>
<th>Component</th>
<th>Capacity</th>
<th>Notes</th>
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<tbody>
<tr>
<td>C.D.P.</td>
<td>24840 PACIFIC COAST HWY MALIBU, CA 90265</td>
<td></td>
</tr>
<tr>
<td>Guest House</td>
<td>1 Bedroom/9 Fixture Units (N)</td>
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<tr>
<td>Septic Tank</td>
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<tr>
<td>Influent Storage Tank</td>
<td>5,000 Gal (N)</td>
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<tr>
<td>Recirculation Tank</td>
<td>1,500 Gal (N)</td>
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<tr>
<td>Treatment Units</td>
<td>2 - AdvanTex AX20 Units (N)</td>
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<tr>
<td>Effluent Dosing Tank</td>
<td>2,500 sq ft drip dispersal (N)</td>
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<td>Perc Rate</td>
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<td>Soil Classification</td>
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<td>Loading Rate</td>
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<td>Designer</td>
<td>Lombardo, ROC 74752</td>
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</tr>
<tr>
<td>Reference</td>
<td>Lombardo: OWTS Design Report (02-24-14); OWTS Plot Plan (08-08-13)</td>
<td></td>
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GEOTECHNICAL REVIEW SHEET

Date: July 7, 2014

Project Information

Review Log #: 3523
Site Address: 24840 Pacific Coast Highway
Lot/Tract/PM #: n/a
Planning #: CDP 13-047
Applicant/Contact: Steve Montoya, smontoya@schmitzandassociates.net
Contact Phone #: 818-338-3636
Project Type: New single-family residential development

Consultant(s) / Report Date(s):

GeoConcepts, Inc. (Walter, RGE 2476; Barrett, CEG 2088): 6-9-14, 3-28-14, 2-25-14, 1-23-14, 9-18-13, 7-30-13
Lombardo Associates, Inc. (Lombardo, FCE 74752): 2-24-14 (2 reports), 8-6-13
Ref: Donald B. Kowalewsky: 4-8-10
Onsite Wastewater Treatment System (OWTS) plans prepared by Lombardo Associates, Inc. dated February 3, 2014.
Grading plans prepared by Sherwood Design Engineers dated September 17, 2013.

Previous Reviews:

5-16-14, 2-20-14, 10-17-13, Geotechnical Review Referral Sheet dated 9-24-13; Ref: 4-29-10.

Coastal Development Permit Review

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

Building Plan-Check Stage Review

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

Remarks

The referenced supplemental report was reviewed by the City from a geotechnical perspective. The project
comprises demolishing the existing one-story single-family residence, two-story garage/recreation room, site walls, gates, fences, flatwork, tennis court surfacing, landscaping, and onsite wastewater treatment system (OWTS) and constructing a new 6,814 square foot two-story single-family residence with a 783 square foot basement, a detached subterranean 979 square foot garage, 553 square foot pool cabana and 389 square foot gym, 43 square foot guard house, swimming pool/spa, and new tennis court surfacing. Grading consists of 475 yards of R & R; 880 yards of cut and 10 yards of fill under structure; 920 yards of cut and 5 yards of fill for safety; 792 yards of cut and 170 yards of fill non-exempt; and 2,852 yards of export. A new OWTS will be installed on the property consisting of a treatment tank system and 2,300 square feet of drip dispersal zones in the northern portion of the property. The hydraulic loading rate for the drip dispersal zones is 0.4 GPDSF. Two groundwater monitoring wells are proposed down-gradient of the proposed drip dispersal zones to determine depths of the perched groundwater zones and to identify when to modify the wastewater disposal procedures at the site.

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. The R & R Grading yardages do not balance (460 yards of cut and 15 yards of fill). How is this removal and re-compaction grading? Please clarify and correct.

2. 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.

3. Please provide reduced setback letters from the geotechnical and structural consultants for any reduced setbacks between the OWTS components and foundations, as applicable.

4. Please include recommendations on the plans to properly abandon the existing OWTS on the property.

5. Please include a monitoring well plan as part of the plan check submittal. Show the location of the wells on the plans and include a construction detail(s) for the wells in the plans.

6. Include the following note on the building plans: “The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, minimum depths into the recommended bearing material, depth to groundwater, and a map depicting the locations of the piles”.

7. The following note must appear on the grading and foundation plans: “Tests shall be performed prior to pouring footings and slabs to evaluate the direct shear strength values and the expansion index values of the supporting soils. The Project Geotechnical Consultant shall confirm in writing that the tested conditions are consistent with the foundation and slab recommendations provided in their reports. The foundation and slab design should then be reviewed by the Civil or Structural Engineer and revised, if necessary.”

8. 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 grading plans.

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

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

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

Geotechnical Engineering Review by: Kenneth Clements, G.E. # 2010, Exp. 6-30-16
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)
The following standard items should be incorporated into Building Plan-Check submittals, as appropriate:

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

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

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

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

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

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

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

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

Grading Plans (As Applicable)

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

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

Retaining Walls (As Applicable)

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

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

TO: City of Malibu City Biologist
FROM: City of Malibu Planning Department
DATE: 9/24/2013

PROJECT NUMBER: CDP 13-047, SPR 13-045, MM 13-016, MM 13-017, D
JOB ADDRESS: 24840 PACIFIC COAST HWY
APPLICANT / CONTACT: Chris Deleau, Schmitz & Assoc
APPLICANT ADDRESS: 5234 Chesebro Road, Suite 200
                                      Agoura Hills, CA 91301
APPLICANT PHONE #: (818) 338-3636
APPLICANT FAX #: (818) 338-2423
APPLICANT EMAIL: cdeleau@schmitzandassociates.net
PROJECT DESCRIPTION: NSFR

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

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).

Additional requirements/conditions may be imposed upon review of plan revisions. Dave Crawford City Biologist, may be contacted on Tuesday between 9:00 am and 11:00 am at the City Hall Public counter, by leaving an e-mail at dcrewford@malibucity.org or by leaving a detailed voice message at (310) 456-2489, extension 277.
City of Malibu
23815 Stuart Ranch Road, Malibu, California 90265
(310) 456-2489 Fax (310) 456-7650

Planning Department

BIOLOGICAL REVIEW

Site Address: 24840 Pacific Coast Highway
Applicant/Phone: Chris Deleau/818.338.3636
Project Type: NSFR
Project Number: CDP-13-047
Project Planner: Bonnie Blue
REFERENCES: Site Plans, Landscape/Irrigation/hydrozone plans

REFERENCES: Site Plans, Landscape Plans, Irrigation Plans, Hydrozone Map, Water Budget Calculations

DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 318,607 gallons per year. The Estimated Applied Water Use (EAWU) totals 199,959 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

RECOMMENDATIONS:

1. The project is APPROVED with the following conditions:

   A. Any non-native trees removed as part of the plan shall be removed from the site and not relocated elsewhere on the site.

   B. 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:

   **Jonathan King**
   Address: 23533 Civic Center Way, Malibu, CA 90265
   Email: JKing@DPW.LACOUNTY.GOV (preferred)
   Phone: (310) 317-1388
C. 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.

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

E. 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).

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

G. 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.

H. Grading scheduled between February 1 and August 30 will require nesting bird surveys by a qualified biologist prior to initiation of grading 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 indicating the results of the nesting bird survey shall be submitted to the City Biologist prior to construction.

I. 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.

J. Up-lighting of vegetation is prohibited greater than 20 feet from the primary residence.

K. Necessary 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.

Reviewed By: ____________________________  Date: 6/24/14

Dave Crawford, City Biologist
310-456-2489 ext.227 (City of Malibu); e-mail dcrawford@malibucity.org
Available at Planning Counter Tuesdays 9:00 a.m. to 11:00 a.m.
TO: Public Works Department   DATE: 9/24/2013
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 13-047, SPR 13-045, MM'13-016, MM'13-017, D
JOB ADDRESS: 24840 PACIFIC COAST HWY
APPLICANT / CONTACT: Chris Deleau, Schmitz & Assoc
APPLICANT ADDRESS: 5234 Chesbro Road, Suite 200
Agoura Hills, CA  91301
APPLICANT PHONE #: (818)338-3636
APPLICANT FAX #: (818) 338-2423
APPLICANT EMAIL: cdeleau@schmitzandassociates.net
PROJECT DESCRIPTION: NSFR

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

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

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

[Signature]

DATE: 4/30/14
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.

**STREET IMPROVEMENTS**

1. Prior to the Public Works Department’s approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed work within the City’s right-of-way.

2. Replace the existing RC Junction Chamber adjacent to Malibu Road with a new storm drain manhole per APWA Standard Plan 327-1. The manhole frame and cover shall be located a minimum of 12" above existing grade.

**GRADING AND DRAINAGE**

3. 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.

4. 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.

5. 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

6. A Wet Weather Erosion and Sediment control plan is required for this project (grading or construction activity is anticipated to occur during the rainy season). The following elements shall be included:

• Locations where concentrated runoff will occur.

• Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures.

• Location and sizing criteria for silt basins, sandbag barriers, and silt fencing.

• Stabilized construction entrance and a monitoring program for the sweeping of material tracked off site.

7. 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, but not limited to:

• Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff.
Designated area for the construction portable toilets that separates them from storm water runoff and limits the potential for upset.
Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent the discharge of runoff through the waste.
Specific BMP's to prevent erosion and BMPs for Sediment control prior to discharge from the property.

8. 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.

9. 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 biofilter 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 singed 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

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

11. 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.

12. 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.
City of Malibu
23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489  FAX (310) 456-7650

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department  DATE: 9/24/2013
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 13-047, SPR 13-045, MM 13-016, MM 13-017, D
JOB ADDRESS: 24840 PACIFIC COAST HWY
APPLICANT / CONTACT: Chris Deleau, Schmitz & Assoc
APPLICANT ADDRESS: 5234 Chesebro Road, Suite 200
                     Agoura Hills, CA  91301
APPLICANT PHONE #: (818) 338-3636  FAX #: (818) 338-2423

PROJECT DESCRIPTION: NSFR

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 X
The project DOES NOT require Fire Department Plan Review

The required fire flow for this project is 1250 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 X

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

App’d  N/app’d

Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project.

Required and/or proposed Fire Department Vehicular Turnaround

Required 5 foot wide Fire Department Walking Access (including grade %)

Width of proposed driveway/access roadway gates

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

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

SIGNATURE  DATE
Additional requirements/conditions may be imposed upon review of complete architectural plans.

The Fire Prevention Engineering may be contacted by phone at (818) 880-0341 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
Notice of Public Hearing

City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Notice Continued...

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the beginning of 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 for 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 decision 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.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

If you have questions regarding this notice, please contact Jasch Janowicz, Contract Planner, at (310) 456-2489, extension 345.

Date: June 11, 2015
By: Bonnie Blue, AICP, Planning Director
Subject APN: 4458-015-019 4458-015-020
Address: 24840 PACIFIC COAST HWY
MALIBU CA 90265
500' Radius
I have been a resident at [redacted] since 1981 - full time since 1996. I have seen many changes as you can imagine.

When we purchased our property our soil engineer told us that the hill across the street from us that lead up to a lot on Pacific Coast Highway was un-buildable. Imagine our surprise when we first saw machinery above us readying the property for a home. (Schwartz and Helfrick) We and our neighbors on Malibu Road, watched with astonishment as the home was completed, with a pool at the edge of the property and landscaping on the hill that rivaled an arboretum. A group of residents on the Road got together and wrote letters of caution to the owner/builders. It was plain to see they had over landscaped and the hill was in danger of collapsing. We were ignored.

The hill did collapse causing the property next to it to slide as well. The soil covered half of Malibu road up to the middle white line. We were in danger of being pushed into the sea. There was barely one lane for cars to pass in front of our houses for several years! Imagine the inconvenience and the fear of further slides! And of course, now there was no parking on the road by our homes any more.

If the owners of the PCH property had complied when we originally warned them and removed most of the landscaping the hill would not have failed.

Years later, when the owners were forced to fix the hill because of our continued protests and legal intervention, the cost to reconstruct the slide went into the millions. We learned that the builders constructed their home without a permit and nobody stopped them.

When the slide was finally repaired the parking places were not restored. The property owners merely put a wooden retaining wall at the edge of the slide. I was dismayed! We had been waiting patiently for our parking area to be restored for years!
I was forced to champion a further protest to have the public parking restored. Finally, the owners complied. Which is why there is parking on Malibu Road today in front of the following addresses: 24826, 24832, 24836, 24844, 24848, and 24850. Since many of these residences were part time occupants or built after the 1993/4 slide, no one else brought attention to the problem and the parking was never restored. I have enclosed photos to show where the hill slide has never been repaired properly.

As you know, public parking in Malibu is extremely limited. When parking is restored to its original configuration along the Road it will be an enormous boon to the public and to anyone else living nearby on the road.

It is the responsibility of the owners of the slide property to make those reparations. And now that the home at 24840 Pacific Coast Highway will be reconstructed, it is time to require those repairs to the road's parking.

Sincerely submitted by:

Sharleen Cooper Cohen and Martin L. Cohen M.D.
July 16, 2015

City of Malibu
Planning Commission

Honorable Commissioners,

Re: Coastal Development Permit # 13-047
24840 PCH

I am writing to request that the Planning Commission take time to deliberate the precedent being set by this home for future residential development on the coastal bluff above Malibu Road.

Here is a bit of perspective on my perspective:
I served on the City’s General Plan Task force and during public testimony there was a great deal of sentiment requesting a designation which would have preserved the entire bluff as open space. My belief at the time, as it is now, was that since the bluff is privately owned, the best use was for one story, rural residential. For the most part this is what has occurred and bluff top homes currently are not overly visible from PCH or Malibu Road. I trust the commissioners can agree that this is a good thing.

I have lived on Malibu road for over forty years and do not recall being able to see Storey poles for new bluff top construction. Unfortunately the height and set back variances you are asked to approve for this project amount to visual “Mission Creep”. If approved they will forever change planning proposals for homes on this bluff.

I ask the commission to work with the home owner and staff to devise an adjustment which will still result a beautiful new residence while not setting a precedent which could result in future visible blight.

I believe this coastal bluff two story development is not in keeping with the neighborhood character of the bluff or Malibu Road.

Respectfully,

Martin and Victoria Cooper