Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Adrian Fernandez, Principal Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: April 23, 2020  Meeting date: May 4, 2020

Subject: Administrative Coastal Development Permit Amendment No. 17-014 – An amendment to Administrative Coastal Development Permit No. 13-014 for the construction of a new two-story, single-family residence, detached accessory structures and associated development

Location: 28465 Via Acero Street, not within the appealable coastal zone

APN: 4467-033-014

Owner: Thilo Kuther

RECOMMENDED ACTION: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit Amendment No. 17-014.

DISCUSSION: This agenda item is for informational and reporting purposes only. Pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13, the Planning Director shall report in writing to the Planning Commission any administrative coastal development permits that were approved by the City of Malibu. If the majority of the Planning Commissioners present so request, the issuance of an administrative coastal development permit shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a regular coastal development permit application under LIP Section 13.6, subject to the provisions for hearing and appeal set forth in LIP Sections 13.11 and 13.12.

Local Implementation Plan Sections 13.13 and 13.29 (Administrative Permits Applicability)

The Planning Director may process administrative permits if: 1) the proposed project is not appealable as defined in LIP Chapter 2; 2) the project is for any of the uses specified (a) improvements to any existing structure, (b) any single-family dwelling, (c) lot mergers,
(d) any development of four dwelling units or less that does not require demolition and any other developments not in excess of $100,000.00, other than any division of land; 3) water wells; or 4) onsite wastewater treatment systems.

**Permit Issuance and Local Appeal Period**

On April 28, 2020, the Planning Director will issue the administrative coastal development permit thus beginning the appeal period. The appeal period will begin on April 28, 2020 and end on May 8, 2020. In addition, since this project is not located within the Appealable Jurisdiction of the California Coastal Commission as depicted on the Post- LCP Certification Permit and Appeal Jurisdiction Map of the City of Malibu, the project is not appealable to the California Coastal Commission.

The project is more specifically described in the Planning Director’s decision attached hereto.

**PUBLIC NOTICE:** A Notice of Application and Notice of Decision were mailed to property owners and occupants within a 500-foot radius of the subject property.

**ATTACHMENT:** Administrative Coastal Development Permit Amendment No. 17-014
ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT AMENDMENT

Administrative Coastal Development Permit Amendment No. 17-014
Minor Modification Permit No. 18-002
Categorical Exemption No. 17-161
Amendment to Administrative Coastal Development Permit No. 13-014, Site Plan Review No. 13-006, and Minor Modification No. 13-005
28465 Via Acero Street
APN 4467-033-014

NOTICE IS HEREBY GIVEN that the City of Malibu has APPROVED an application from Schmitz and Associates, Inc., on behalf of the property owner, Thilo Kuther, for an administrative coastal development permit amendment (ACDPA) to amend Administrative Coastal Development Permit (ACDP) No. 13-014, Site Plan Review (SPR) No. 13-006, and Minor Modification (MM) No. 13-005, which approved a two-story, single-family residence, detached accessory structures and associated development. A site plan review for height in excess of 18 feet (up to 28 feet for a pitched roof) and minor modification for a 50 percent reduction of the required front yard setback were also included in the original approval. The subject amendment is for minor adjustment of the building footprints, relocation of the swimming pool, spa and decks, and changing from a 28-foot high pitched roof to a 24-foot high flat roof (Attachment 1). A new MM No. 18-002 is included for the building footprint change within the previously permitted front yard setback. The subject parcel is zoned Rural Residential–Five Acre (RR-5) and is not located within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map of the City of Malibu.

Project Background

On September 13, 2016, the City of Malibu approved ACDP No. 13-014 to permit the following work:

1. Construction of a 6,018 square foot, two-story single-family residence that is 28 feet in height, plus a 1,054 square foot attached four-car garage;
2. Construction of a 900 square foot detached guest house;
3. Construction of a 1,000 square foot detached barn;
4. Total development square footage (TDSF) was 8,972 square feet;
5. Construction of an onsite wastewater treatment system (OWTS);
6. Construction of a swimming pool, spa and associated equipment;
7. Construction of retaining walls (six feet high maximum);
8. Construction of a permanent potable water well and associated water lines for domestic use;
9. Installation of new landscaping and hardscaping;
10. Grading; and
11. Installation of five underground water storage tanks totaling 24,000 gallons to meet Los Angeles County Fire Department (LACFD) requirements.

12. Discretionary requests:
   a. SPR No. 13-006 for height in excess of 18 feet (up to 28 feet for a pitched roof) for the main residence; and
   b. MM No. 13-005 for up to 50 percent front yard setback reduction for all three buildings including a proposed front yard setback of 25 feet, 10 inches for the residence (51.1 feet required).

The owner hired a new architect to modify the architectural style of the residence and the two detached accessory buildings, and to make additional changes as summarized here:

1. Modify portions of the main residence footprint without changing the volume of the building above 18 feet in height and change the finished floor to incorporate a new split-level design. Shift a portion of the first floor square footage further from the front property line, increasing the front yard setback.

2. Adjust the siting of the detached art studio (formerly a barn) and detached second unit within the reduced front yard. The second unit will include a kitchen whereas the original guest house did not.

3. Relocate the swimming pool, spa and decks.

4. Modify grading quantities, including an increase of 70 cubic yards of non-exempt grading for a total of 965 cubic yards.

5. MM No. 18-002 for the modification to the main residence footprint and the adjustment to the siting of the detached art studio and second unit. The resulting front yard setbacks would increase to 30 feet for the residence, 30.8 feet for the second unit and 35.2 feet for the art studio from the previously approved 25 feet, 10 inches.

Portions of the residence above 18 feet in height were originally approved with a site plan review. The modified design of the residence maintains the approved volumes over 18 feet in the same location and with a slightly lower roof due to a change from a pitched to a flat roof (Attachment 2 – Volumetric Exhibits). The proposed building footprint modifications would not obstruct protected primary views of neighboring residences and would be less visible from public scenic areas compared to the previously approved design (Attachment 3 – Story Pole Photos\(^1\)). Since there is no increase in height or change to the location of the volumes over 18 feet, no amendment to the previously approved site plan review is required.

**Proposed Project**

The proposed amendment would result in the following amended scope of work (Attachment 1 – Project Plans):

1. Construction of a 5,990 square foot, two-story single-family residence that is 24 feet in height plus a 749 square foot attached garage and non-habitable storage;

2. Construction of a single-story 899 square foot detached second unit with a 188 square foot non-habitable storage;

\(^1\) Story poles were not reinstalled for the new siting of buildings since the buildings are generally in same area and the portion of the residence in excess of 18 feet does not project above the height of the originally approved residence. Attachment 3 includes story pole photos of the previously approved buildings.
3. Construction of a single-story 1,027 square foot detached art studio;
4. TDSF is 8,853 square feet;
5. Installation of an onsite wastewater treatment system (OWTS);
6. Construction of a swimming pool, spa and associated equipment;
7. Construction of retaining walls (six feet high maximum);
8. Construction of a permanent potable water well and associated water lines for domestic use;
9. Installation of landscaping and hardscaping;
10. Grading;
11. Installation of five underground water storage tanks totaling 24,000 gallons to meet the LACFD requirements; and
12. Discretionary request:
   a. MM No. 18-002 for up to 50 percent front yard setback reduction for all three buildings including a proposed front yard setback of 30 feet for the residence, 30.8 feet for the second unit and 35.2 feet for the art studio.

**Administrative Permits Applicability (LIP Sections 13.13 and 13.29)**

The Planning Director may process ACDPs if: 1) the proposed project is not appealable as defined in LCP Local Implementation Plan (LIP) Chapter 2; 2) the proposed project is not within the CCC continuing jurisdiction as defined in LIP Chapter 2; 3) the project is for any of the uses specified (a) improvements to any existing structure, (b) any single-family dwelling, (c) any development of four dwelling units or less that does not require demolition and any other developments not in excess of $100,000.00, other than any division of land; 4) water wells; and 5) OWTS.

The project consists of modifying a previously approved ACDP for a new single-family residence and associated development; therefore, pursuant to LIP Section 13.29.1, the project can be processed administratively.

**Project Background**

Administrative Coastal Development Permit Amendment Application

- Application Date: December 7, 2017
- Posting of Property: June 20, 2019
- Completeness Determination: October 2, 2019
- Notice of Application Mailer (Attachment 5): January 2, 2019
- Notice of Decision Mailer (Attachment 5): April 23, 2020
- Issuance of ACDP: April 28, 2020
- Planning Commission Reporting: May 4, 2020
- Appeal Period: May 8, 2020

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2 The Planning Director originally issued a Notice of Decision for this project on March 10, 2020 and the project was scheduled to be reported to the Planning Commission on March 16, 2020. Due to City Hall closure as a result of COVID-19, the March 16, 2020 Planning Commission meeting was cancelled. As a result, the Planning Director rescinded the original approval and reissued a new approval on April 28, 2020 in order to have the item reported to the Planning Commission prior to the expiration of the appeal period.


**Surrounding Land Uses and Project Setting**

The parcel is a rectangularly shaped undeveloped lot. The subject parcel is bordered by Via Acero Street, a private street, to the south, Kanan Dume Road to the west, residential development to the south (across Via Acero Street) and east, and undeveloped properties to the north. Access to the parcel is from Via Acero Street and Via Acero Street dead-ends near the middle of the southerly property line. Properties in the vicinity of the subject property are zoned RR-5 and properties to the southeast are developed with single-family residences that have attached or detached garages, and swimming pools.

The project site has no trails on or adjacent to it according to the LCP Park Lands Map. Additionally, the property is not in a designated Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as shown on the LCP ESHA and Marine Resources Map.

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

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

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

**California Environmental Quality Act**

Pursuant to the authority and criteria contained in the California Environmentally Quality Act (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 and categorically exempt from the provisions of CEQA according to CEQA Guidelines Section 15303(a), (d) and (e) – New Construction. 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).

**LCP Analysis**

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

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 and Archaeological / Cultural Resources, Water Quality, and OWTS and are discussed under the **LIP Conformance Analysis** section.

The nine remaining LIP sections include: 1) Coastal Development Permit findings; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. These nine
sections are discussed under the LIP Findings section. Of these nine, General Coastal Development Permit (including the minor modification findings), Scenic, and Visual and Hillside Resource Protection findings apply to this amended project.

Based on the project site, the scope of work, and substantial evidence contained within the record, the ESHA, Native Tree Protection, Transfer of Development Credits, Hazards, Shoreline and Bluff Development, 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, LACFD and City Public Works Department for conformance with the LCP. The review sheets are attached hereto as Attachment 4. 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 MM No. 18-002.

**Zoning (LIP Chapter 3)**

Development standards are contained in LIP Chapter 3. Table 1 provides a summary and indicates that the proposed project meets the property development and design standards as set forth under LIP Sections 3.5, 3.6, and 3.12, inclusive of the MM.

<table>
<thead>
<tr>
<th>Development Requirement</th>
<th>Allowed</th>
<th>Approved</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>FRONT YARD SETBACK</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residence</td>
<td>51 feet, 8 inches</td>
<td>25.8 feet</td>
<td>30 feet</td>
<td>MM No. 18-002</td>
</tr>
<tr>
<td>Art Studio</td>
<td>25.8 feet</td>
<td>30 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second Unit</td>
<td>48 feet</td>
<td>35.2 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HEIGHT</td>
<td>18 ft.</td>
<td>28 ft. (pitched)</td>
<td>24 ft. (flat)</td>
<td>SPR No. 13-006 (no change)</td>
</tr>
<tr>
<td>Residence</td>
<td>18 ft.</td>
<td>18 ft.</td>
<td>18 ft.</td>
<td></td>
</tr>
<tr>
<td>Art Studio</td>
<td>18 ft.</td>
<td>18 ft.</td>
<td>18 ft.</td>
<td></td>
</tr>
<tr>
<td>Second Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)</td>
<td>9,719 sq. ft.</td>
<td>8,972 sq. ft.</td>
<td>8,853 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>2/3rd RULE (2nd FLOOR SQUARE FOOTAGE</td>
<td>3,203 sq. ft.</td>
<td>2,391 sq. ft.</td>
<td>1,853 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Previously Approved</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>New Design</td>
<td>3,302 sq. ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IMPERMEABLE COVERAGE</td>
<td>25,000 sq. ft.</td>
<td>16,372 sq. ft.</td>
<td>23,763 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>NON-EXEMPT GRADING</td>
<td>1,000 cu. yd.</td>
<td>895 cu. yd.</td>
<td>965 cu. yd.</td>
<td>Complies</td>
</tr>
<tr>
<td>CONSTRUCTION ON SLOPES</td>
<td>3 to 1 or less</td>
<td>3 to 1 or less</td>
<td>3 to 1 or less</td>
<td>Complies</td>
</tr>
<tr>
<td>FENCE/WALL HEIGHT</td>
<td>42 in. solid/6 ft. open, view permeable</td>
<td>42 in. solid/6 ft. open, view permeable</td>
<td>42 in. solid/6 ft. open, view permeable</td>
<td>Complies</td>
</tr>
<tr>
<td>Front</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side(s)</td>
<td>6 ft.</td>
<td>6 ft.</td>
<td>6 ft.</td>
<td>Complies</td>
</tr>
</tbody>
</table>
Grading (LIP Chapter 8)

As shown in Table 2, the proposed project includes 18 cubic yards of non-exempt grading. ACDP No. 13-014 approved 895 cubic yards of non-exempt grading. The proposed project will increase 70 cubic yards of non-exempt grading for a total of 965 cubic yards of non-exempt grading. This remains below the maximum 1,000 cubic yards of non-exempt grading allowed pursuant to LIP Section 8.3. The Public Works Department has reviewed the proposed project for conformance with LCP grading requirements and has deemed the project consistent with these requirements.

<table>
<thead>
<tr>
<th>Table 2 – LCP Grading Conformance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Exempt</strong></td>
</tr>
<tr>
<td>Cut</td>
</tr>
<tr>
<td>Fill</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Import</td>
</tr>
<tr>
<td>Export</td>
</tr>
</tbody>
</table>

All quantities listed in cubic yards unless otherwise noted
*R&R= Removal and Re-compaction
**Exempt grading includes all R&R, understructure and safety grading.
***Safety grading is the incremental grading required for Fire Department access (such as turnouts, hammerheads, and turnarounds and any other increases in driveway width above 15 feet required by the LACFD).

Archaeological / Cultural Resources (LIP Chapter 11)

A Phase I Archaeological Report was prepared by Robert J. Wlodarski of HEART, Inc. in August of 2012 for the project site. No archaeological resources were found onsite during the Phase I investigation. The study concluded that the project area yielded no archaeological resources and the proposed improvements should have no adverse impacts to known cultural resources.

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

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval include the implementation of approved storm water management plans during construction activities and to manage runoff from the development, including a water quality mitigation plans that will be recorded on the property. With the implementation of these conditions, the project conforms to the water quality protection standards of LIP Chapter 17.
Onsite Wastewater Treatment System Standards (LIP Chapter 18) and Malibu Municipal Code Chapters 15.40, 5.42 and 15.44

LIP Chapter 18 and Malibu Municipal Code (MMC) Chapters 15.40, 5.42 and 15.44 address the requirements for OWTS. The project includes the installation of a new OWTS which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, MMC and LCP. The subject system meets all applicable requirements and operating permits will be required. The system utilizes a MicroSepTec ES12 unit that includes ultraviolet disinfection and one present and one future seepage pit. These units provide the residence with secondary and tertiary treatment. Conditions of approval have been included to require continued operation, maintenance and monitoring of onsite facilities. As conditioned, the City Environmental Health Administrator has determined that the project is consistent with City goals and policies.

Administrative Coastal Development Permit Findings

The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP goals and policies with the inclusion of the site plan review. Based on the foregoing evidence contained within the record and pursuant to LIP Section 13.13, the Planning Director hereby makes the following findings of fact.

A. General Coastal Development Permit (LIP Section 13.9)

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

The project has been reviewed for conformance with the LCP by Planning Department staff, City Biologist, City Environmental Health Administrator, LACFD and the City Public Works Department. As discussed herein, based on submitted reports, project plans, and detailed site investigation, the proposed project, as conditioned and with the approval of the minor modification, conforms to the LCP and MMC in that it meets all applicable residential development standards.

Finding 2. If the project is located between the first public road and the sea, that the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 3020 of the Public Resources Code).

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

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

The following alternatives to the proposed project were considered.

1. No Amendment – An alternative for not modifying the previously approved project may be considered. However, all three buildings are generally in the same location compared to the approved plans, except the art studio was moved about 13 feet closer to Via Acero Street, and are several feet lower in height. The portion of the residence in excess of 18 feet in height fits within the previously approved envelope. The residence’s roof height has been modified from a maximum
of 28 feet for a pitched roof to a maximum of 24 feet for a flat roof. Therefore, the proposed design will be less visible from Kanan Dume Drive, a scenic road.

2. Alternate Location/Design – A reduced project alternative could be proposed on the project site. However, the project complies with the maximum allowable TDSF, impermeable coverage and height limitations of the LCP. A shorter project may eliminate the second floor, or reduce the project of the height and expand the first floor footprint. Neither is expected to offer any environmental advantages since the project is not prominent and a larger footprint increases site disturbance and impermeable coverage. The proposed single-family residential structure could be relocated elsewhere on the subject parcel. However, the northern half of the parcel consists of steep slopes; relocating the proposed development further downslope from its proposed location would require additional grading, land disturbance, greater impacts to scenic resources and construction on steep slopes. Moving the project further north or west would require the redesign of a fire department-required turnaround that will serve Via Acero Street. Furthermore, the proposed project complies with the requirements of both the MMC and LIP. In conclusion, an alternate location would result in greater potential negative impacts on the environment.

3. Proposed Amended Project – The project consists of the construction of a new single-family residence which is a permitted use within the RR-5 zoning designation. It is comprised of construction of a new 5,990 square foot, two-story, single-family residence plus an attached garage and non-habitable storage, detached art studio, and detached second unit and associated development, including a new OWTS providing secondary and tertiary treatment for the proposed residence. The minor modification allows for development consistent with that existing and allowed in the neighborhood. The project is located along an existing developed area of Via Acero Street zoned for residential development. The project as conditioned will comply with all applicable requirements of State and local law. The proposed project has been determined to be the least environmentally damaging feasible alternative.

Finding 4. The project is not located in or adjacent to an environmentally sensitive habitat area (ESHA) pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay).

According to the LCP ESHA and Marine Resources Map, the subject parcel is not located within or adjacent to ESHA. Therefore, Environmental Review Board review was not required, and this finding does not apply.

B. Minor Modification for Reduction of the Front Yard Setback (LIP Section 13.27.5)

A minor modification is proposed to reduce the front yard setback up to 50 percent for all three buildings resulting in a proposed front yard setback of 30 feet for the residence, 30.8 feet for the second unit and 35.2 feet for the art studio. Based on the foregoing evidence contained in the record, the required findings for MM No. 18-002 are made as follows.

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

The proposed amendment, with the inclusion of the proposed minor modification, as designed and conditioned, conforms to all applicable LCP policies and provisions. The reduced front yard setback permits new development outside slopes steeper than 3 to 1, which is consistent with Site of Development criteria, and minimizes the visibility of the proposed buildings from Kanan Dume Road, a scenic road, by
siting the proposed development closer to the front property line. The accessory buildings’ proximity to Via Acero Road also eliminates the need for additional driveways that would otherwise be necessary in order to comply with LACFD requirements.

**Finding 2: That the project does not adversely affect neighborhood character.**

The subject parcel is located within the Ramirez Canyon residential neighborhood. According to the General Plan, the Ramirez Canyon neighborhood is bounded by the Kanan Dume Road to the west and Escondido Canyon to the east. The General Plan described the homes in this neighborhood as ranging in size from 2,000 square feet to 8,000 square feet but include some much smaller residences. The homes vary greatly in style and architecture, including small, original cottages, medium-sized ranch style homes, and large, modern or Mediterranean structures.

The proposed amendment will comply with all development standards, with the inclusion of the proposed minor modification, and will result in development that will not adversely affect neighboring character. The subject parcel consists of steep slopes, which is characteristic of other parcels in the area, and the proposed reduction of the front yard setback that is the subject of this minor modification is consistent with existing buildings to the west and the residence located immediately to the south at 28460 Via Acero Street. Based on review of the City GIS and property survey, the building at 28460 Via Acero Street (directly across Via Acero Street) provides approximately a 35-foot front yard setback. The proposed siting of the structures within the reduced front yard setback does not place any structure within the primary view of the neighboring residence at 28460 Via Acero Street, based on analysis of story poles installed for the previous design approved under ACDP No. 13-014.

Some of the primary objectives of setbacks are to ensure that the use of a property does not infringe on the privacy of neighbors, that fire department access around the structures is provided, to provide light and ventilation, and to avoid potential visual impacts. The 50 percent reduction to the front yard setback would not affect existing fire department access around the new buildings because there is ample separation between the property lines and all the buildings, which would have a minimum setback of 30 feet, and would still accomplish all the other purposes of setbacks. Granting the MM request for the modified front yard setback will not adversely affect neighborhood character, since it will result in development consistent with neighboring properties.

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

The City Biologist, City Environmental Health Administrator, City geotechnical staff, LACFD and City Public Works Department reviewed proposed project and determined it is in conformance with applicable requirements of the LCP, MMC and state law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants. The project complies with all applicable requirements of State and local law.

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

The Scenic, Visual and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. LIP policies require that new development not be visible from scenic roads or public viewing areas. Where this is not feasible, new development must minimize
impacts through siting and by incorporating design measures to ensure visual compatibility with the character of surrounding areas.

The project site is adjacent to and visible from Kanan Dume Road, which is an LUP-identified scenic road. The site’s topography abutting Kanan Dume Road steeply ascends to a maximum height of approximately 20 feet and then gradually descends in a northeast direction, except for steep slopes around the Via Acero Street cul-de-sac and the northeast portion of the parcel. On August 18, 2016, staff visited the subject parcel after story poles were installed that represented the height, location and bulk of the buildings that were previously approved under ACDP No. 13-014. Based on those photos and the new volumetric exhibits created for the amended project, staff determined that the proposed residence and accessory buildings would not be visible from the portion of Kanan Dume Road abutting the subject parcel.

The findings set forth in LIP Section 6.4 are made below because the proposed buildings would be partially visible from certain more distant segments of Kanan Dume Road and the footprints are proposed to be modified. The portion of the residence in excess of 18 feet in height will not project above the previously approved building envelope.

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

On August 18, 2016, staff visited the subject property after story poles representing the height, location and bulk of the proposed buildings were installed. Based on the site visit, staff determined that the proposed accessory buildings would be partially visible from Kanan Dume Road. However, the proposed buildings are located approximately 200 and 400 feet east of Kanan Dume Road where all but the tops of the proposed buildings are obscured because of the project site’s descending topography.

While visible from Kanan Dume Road, the proposed modifications to the building footprints are relatively minor and the art studio, which is the building closest to Kanan Dume Road, would be relocated 13 feet closer to Via Acero Street, further away from Kanan Dume Road. Additionally, the height of all three buildings would be decreased and the portion of the residence over 18 feet in height would be reduced from 28 feet (pitched) to 24 feet (flat) and fits into the volume of the approved building envelope. Additionally, the proposed structures would blend in with the surrounding environment. The proposed structures have been conditioned to utilize colors and materials and lighting that will adversely affect the surrounding natural scenic and residential character. With the implementation of these conditions, the proposed amendment will not have significant adverse scenic or visual impacts.

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

As previously discussed in Finding 1, as conditioned, the proposed amendment will not have significant adverse scenic or visual impacts.

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

As discussed in Section A, Finding 3, the proposed amendment, as conditioned, is the least environmentally damaging feasible alternative.
Finding 4: There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

As previously discussed in Finding 1, the proposed amendment would have a less than significant impact on scenic and visual resources.

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

As previously discussed in Finding 1, the proposed amendment would have a less than significant impact on scenic and visual resources.

Conditions of Approval

Standard Conditions

1. Condition No. 2 of ACDP No. 13-014 is hereby amended as follows:

   The scope of work approved pursuant to the amendment is as follows and is incorporated into and amends ACDP No. 13-014:
   a. Construction of a 5,990 square foot, two-story single-family residence that is 24 feet in height plus a 749 square foot attached garage and non-habitable storage;
   b. Construction of a single-story 899 square foot detached second unit with a 188 square foot non-habitable storage;
   c. Construction of a single-story 1,027 square foot detached art studio;
   d. TDSF is 8,853 square feet;
   e. Installation of an OWTS;
   f. Construction of a swimming pool, spa and associated equipment;
   g. Construction of retaining walls (six feet high maximum);
   h. Construction of a permanent potable water well and associated water lines for domestic use;
   i. Installation of new landscaping and hardscaping;
   j. Grading; and
   k. Installation of five underground water storage tanks totaling 24,000 gallons to meet the LACFD requirements.
   l. Discretionary request:
      i. MM No. 13-005 for up to 50 percent front yard setback reduction for all three buildings including a proposed front yard setback of 30 feet for the residence, 30.8 feet for the second unit and 35.2 feet for the art studio.

2. Condition No. 3 of ACDP 13-014 is hereby amended as follows:

   Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, dated February 18, 2020. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
3. Condition No. 4 of ACDP 13-014 is hereby amended as follows:

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

4. Condition No. 6 of ACDP 13-014 is hereby amended as follows:

   This ACDPA, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the April 28, 2020 ACDPA for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.

5. No other changes to the conditions contained in ACDP No.13-014 are made by this amendment and all other findings, terms and/or conditions contained in ACDP No. 13-014 and ACDPA No. 17-005, including the expiration date, shall remain in full force and effect.

6. All other conditions of ACDP No. 13-014 are incorporated herein by reference.

Deed Restriction – Fire

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

Biology

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

9. Prior to a final plan check approval, the property owner/applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.
Lighting

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

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

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

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

Appeals and Reporting

LOCAL APPEAL - A decision of the Planning Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk by May 8, 2020 and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeals shall be emailed to psalazar@malibucity.org and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal via email, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

REPORTING – Pursuant to LIP Section 13.13.6, this permit shall be reported to the Planning Commission and is tentatively scheduled to be reported at the May 4, 2020 Planning Commission meeting. Copies of this report will be available at the meeting and to all those wishing to receive such notification by contacting the Case Planner. This permit will not become effective until completion of the Planning Commission review of the permit pursuant to California Code of Regulations Section 13153.

Please contact Adrian Fernandez, Principal Planner, in the Planning Department at (310) 456-2489, extension 482, for further information. Copies of all related documents can be reviewed by any interested person by contacting the Case Planner.
Date: April 28, 2020

Prepared by:

Adrian Fernandez
Principal Planner

Approved by:

Bonnie Blue
Planning Director

Attachments:

1. Project Plans
2. Volumetric Exhibits
3. Story Pole and Site Photos
4. Department Review Sheets
5. Radius Map
6. Notices
ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned property owner(s) acknowledges receipt of the City of Malibu’s decision of approval and agrees to abide by all terms and conditions for Administrative Coastal Development Permit Amendment No. 17-014, dated April 28, 2020, for the project located at 28465 Via Acero Street, Malibu, CA 90265. The permit and rights conferred in this approval shall not be effective until all property owner(s) signs and returns this notarized affidavit to the City of Malibu Planning Department within ten (10) days of the decision and/or prior to issuance of any development permit.

______________________  ____________________________________
Date     Signature of Property Owner

____________________________________
Print Property Owner Name

______________________  ____________________________________
Date     Signature of Property Owner

____________________________________
Print Property Owner Name

ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
County of Los Angeles  } SS

On _________________________ before me, __________________________________________,
Date         (Insert Name and Title of Notary Public)

personally appeared ________________________________________________________________

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

____________________________________
(Notary Public’s signature in and for said County and State) (seal)
28465 via acero, malibu, ca 90265

IMPERMEABLE COVERAGE:

MAX ALLOWABLE TOTAL DEVELOPMENT AREA:

SETBACK CALCULATIONS:

BUILDING DATA:

PROJECT DESCRIPTION:

PROJECT TEAM:

CODES:

NOT PART OF THIS SUBMITTAL
LEGEND:

- 4' WIDETH FIRE DEPT ACCESS (OPEN TO SKY)

NOTES ON GABLES PROPOSED TO SUPPORT THE GABLED PORTIONS OF SIDES AS SLOPED STEEPER THAN 3:12.

LESS THAN 1:12.

1. LANDSCAPE WALLS RETAIN IN GALLERY TANK AND ANYTHING TO BE RETAINED IN SHALLOW HOLE.

2. LANDSCAPE WALLS RETAIN IN THE FRONT FIRE SET BACK NOT TO EXCEED 4' IN HEIGHT. LANDSCAPE WALLS ON PROPERTY OUTSIDE OF THE FRONT FIRE SET BACK NOT TO EXCEED 72 INCHES.

FIRE DEPARTMENT NOTES

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1. FIRE DEPT ACCESS, VIA ACERO

2. FIRE DEPT ACCESS, SPUR, GARAGE

3. FIRE DEPT ACCESS, SPUR
impermeable surfaces, site plan

scale: 1/100 x 1/100

LEGEND

PROPOSED IMPERMEABLE COVERAGE

impermeable coverage

building footprints:
main house: 10,354 sq ft
entrance: 3,381 sq ft
total footprints: 13,735 sq ft

utility areas:
main house: 2,400 sq ft
total footprints: 4,801 sq ft

utility piers:
slab: 2,189 sq ft
total footprints: 2,189 sq ft

gross total: 16,069 sq ft

max. impermeable coverage:
allowable = 25,000 sq ft = 13,735 sq ft
ALLOWED MAX: 2 ACRES: 43,560 sq ft x 2 = 87,120 sq ft

PROPOSED: 47,294.35 sq ft (1.08 ACRES)
NOOSE
PLEAT

REQUIREMENTS:

• Alsi_U,
SaW 50
MRS ERR
0. Poi_y RatUwoosdal
- bwt,e.d
E.p.d.w
MOSS bE. SoRt. MatEs Mowalns (Ckyst
MATER tTYERE~ Mitt
Mt,~.J Cods
MUG EflER 5)

REFER TO ARCHITECTURAL PLANS FOR DESIGNING AND PAVING MATERIALS.

CARTER, ROMANEK
Landscape Architects, Inc.
31188 Old Pine Ridge Road
Agoura Hills, CA 91301
Phone: 818-871-7702
Fax: 818-871-2437
IRC: 50171

Class:
VIA ACERO RESIDENCE
SHEEREN ADELTA MURPHEY, LA MACHA
### FUEL MODIFICATION PLAN NOTES

#### FULL FUEL MODIFICATION PLAN NOTES

**Zone A - Initial Zone**
- Remove all non-native species and convert to native species and shrubs, ensuring a balance of plant diversity.
- Implement a prescribed burn strategy to maintain ecosystem health.
- Monitor water usage and adjust irrigation methods as needed to reduce waste.

**Zone B - Targeted Zone**
- Implement a selective thinning method for invasive species, focusing on areas with high density.
- Introduce drought-tolerant native species to improve water conservation efforts.
- Regularly assess and adjust management practices to enhance ecological balance.

**Zone C - Native Species Zone**
- Establish a diverse mix of native species to support local wildlife and ecosystems.
- Implement a rotational grazing system to maintain soil health and nutrient balance.
- Monitor for pest and disease outbreaks and apply appropriate control measures.

### PLANT MATERIAL LEGEND

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
<th>Location</th>
<th>Rarity</th>
<th>Height</th>
<th>Growth Rate</th>
<th>Bloom Time</th>
<th>Bloom Color</th>
<th>Foliage Type</th>
<th>Maintenance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evergreen Holly</td>
<td>Ilex aquifolium</td>
<td>Zone A</td>
<td>Rare</td>
<td>Low</td>
<td>Slow</td>
<td>Spring</td>
<td>Green</td>
<td>Needle-like</td>
<td>Moderate</td>
</tr>
<tr>
<td>Privet</td>
<td>Ligustrum vulgare</td>
<td>Zone B</td>
<td>Common</td>
<td>Medium</td>
<td>Moderate</td>
<td>Summer</td>
<td>Green</td>
<td>Leaf-like</td>
<td>Low</td>
</tr>
<tr>
<td>Serviceberry</td>
<td>Amelanchier canadensis</td>
<td>Zone C</td>
<td>Rare</td>
<td>Low</td>
<td>Slow</td>
<td>Spring</td>
<td>White</td>
<td>Leaf-like</td>
<td>High</td>
</tr>
</tbody>
</table>

### Maintenance
- Regularly monitor and maintain plant health to ensure longevity and ecosystem integrity.
- Implement a rotating cropping system to prevent soil depletion.
- Monitor for pest and disease outbreaks and apply appropriate control measures.

### Footnotes
- Zone A: Initial Zone
- Zone B: Targeted Zone
- Zone C: Native Species Zone

---

**CARTER, ROMEK Landscape Architects, Inc.**

**Client:**

**Project:** VIA ACERO RESIDENCE

**Design:** VIA ACERO RESIDENCE

**Scale:** 1:50

**Drawing Title:** FUEL MODIFICATION PLAN NOTES & LEGEND

**Sheet No:** FM-3
PROPOSED NEW DESIGN MAIN HOUSE / AREA OF FOOTPRINT
4,998 SF, 114 SF LESS AS APPROVED DESIGN

PLANNING APPROVED MAIN HOUSE / AREA OF FOOTPRINT
4,998 SF

LEGEND:

PLANNING APPROVED MAIN HOUSE
AREA OF HEIGHT OVER 18'-0" / 2,915 SF

OVERLAPPING AREA OF HEIGHT OVER 18'-0"
APPROVED / PROPOSED

EQUAL WITH

PROPOSED NEW DESIGN MAIN HOUSE
AREA OF HEIGHT OVER 18'-0" / 1,597.4 SF
3D FOOTPRINT / APPROVED DESIGN

HEIGHT OVER 18" APPROVED DESIGN

3D FOOTPRINT / PROPOSED DESIGN

4'-0" HIGH PLANTER BOX AT EXTERIOR STAIR TO 2ND FLOOR
PUSHED BACK WALL @ SECOND FLOOR
HEIGHT OVER 18" PROPOSED DESIGN
6' HIGH PLANTER BOX AT GARAGE / DRIVEWAY
PUSHED BACK WALL @ SECOND FLOOR PROPOSED DESIGN

HEIGHT OVER 18' PROPOSED DESIGN AND APPROVED DESIGN

6' HIGH PLANTER BOX AT GARAGE / DRIVEWAY

HEIGHT OVER 18' PROPOSED DESIGN AND APPROVED DESIGN

4'-0" HIGH PLANTER BOX AT EXTERIOR STAIR TO 2ND FLOOR
Photographs

Looking Northwest 08/16/2016

Looking South 08/16/2016

Looking East 10/21/2016

Looking Northeast 10/21/2016
TO: City of Malibu Contract Biological Staff  
FROM: City of Malibu Planning Department  
DATE: 12/17/2017  

PROJECT NUMBER: ACDPA 17-014  
JOB ADDRESS: 28465 VIA ACERO ST  
APPLICANT / CONTACT: Nicole Farnoush, Schmitz and Associates  
APPLICANT ADDRESS: 28118 Agoura Road, Ste. 103  
Agoura Hills, CA 91301  
APPLICANT PHONE #: (818) 338-3636  
APPLICANT FAX #: (818) 338-3423  
APPLICANT EMAIL: nfarnoush@schmitzandassociates.net  
PLANNER: Carlos Contreras  
PROJECT DESCRIPTION: NSFR, pool, 2nd unit, art studio, OWTS, and grading

TO: Malibu Planning Department and/or Applicant  
FROM: City Contract 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).

Signature: ______________________  Date: 5/29/18

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

Contact Information:
Dave Crawford, Contract Biologist, dcrawford@malibucity.org, (310) 456-2489, extension 277
Steven Hongola, Contract Biologist, shongola@malibucity.org, (310) 456-2489, extension 301
## BIOLOGY REVIEW SHEET

### PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant: Nicole Farnoush</th>
<th><a href="mailto:n.farnoush@schmitzandassociates.net">n.farnoush@schmitzandassociates.net</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address:</td>
<td>28465 Via Acero Street</td>
</tr>
<tr>
<td></td>
<td>Malibu, CA 90265</td>
</tr>
<tr>
<td>Planning Case No.:</td>
<td>ACDPA 17-014</td>
</tr>
<tr>
<td>Project Description:</td>
<td>NSFR, pool, 2nd unit, art studio, OWTS, grading</td>
</tr>
<tr>
<td>Date of Review:</td>
<td>May 29, 2018</td>
</tr>
<tr>
<td>Reviewer:</td>
<td>Dave Crawford</td>
</tr>
<tr>
<td>Contact Information:</td>
<td>Phone: (310) 456-2489 ext. 307 Email: <a href="mailto:dcrawford@malibucity.org">dcrawford@malibucity.org</a></td>
</tr>
</tbody>
</table>

### SUBMITTAL INFORMATION

| Site Plans:   | 12/7/17 |
| Site Survey:  | 12/7/17 |
| Grading Plans:| 12/7/17 |
| OWTS Plan:    |         |
| Planting Plan | 5/9/18  |
| Hydrozone map and Water Budget Calcs | 5/9/18 |
| Bio Assessment: |       |
| Bio Inventory: |       |
| Native Tree Survey: |      |
| Native Tree Protection Plan | |
| Miscellaneous: | |
| Previous Reviews: | |

### REVIEW FINDINGS

- Review Status: **INCOMPLETE**: Additional information and/or a response to the listed review comments is required.
- Review Status: **NOT APPROVED**: Please respond to the listed review comments and provide any additional information requested.
- Review Status: **APPROVED**: The proposed project

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

1. The Maximum Applied Water Allowance (MAWA) for this project totals 1,415,608 gallons per year. The Estimated Applied Water Use (EAWU) totals 800,539 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

RECOMMENDATIONS:

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

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

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

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

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

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

   D. 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.

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

   F. 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).

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

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

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

K. 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. (High intensity lighting of the shore is prohibited).

L. Necessary boundary fencing of any single area exceeding ½ acre shall be of an open rail-type design with a wooden rail at the top (instead of wire), be less than 40 inches high, and have a space greater than 14 inches between the ground and the bottom post or wire. A split rail design that blends with the natural environment is preferred.

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

---

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

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

TO: City of Malibu Environmental Health Administrator  DATE: 12/7/2017
FROM: City of Malibu Planning Department

PROJECT NUMBER: ACDPA 17-014
JOB ADDRESS: 28465 VIA ACERO ST
APPLICANT / CONTACT: Nicole Farnoush, Schmitz and Associates
APPLICANT ADDRESS: 28118 Agoura Road, Ste. 103
                              Agoura Hills, CA 91301
APPLICANT PHONE #: (818) 338-3636
APPLICANT FAX #: (818) 338-3423
APPLICANT EMAIL: nfarnoush@schmitzandassociates.net

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

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

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

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

Signature ___________________________ Date ___________________________
TO: City of Malibu Environmental Health Administrator  DATE: 12/7/2017
FROM: City of Malibu Planning Department

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

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

**PROJECT INFORMATION**

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Nicole Farnoush, Schmitz and Associates</th>
</tr>
</thead>
<tbody>
<tr>
<td>(name and email</td>
<td><a href="mailto:nfarnoush@schmitzandassociates.net">nfarnoush@schmitzandassociates.net</a></td>
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<tr>
<td>address)</td>
<td></td>
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<tr>
<td>Project Address</td>
<td>28465 Via Acero Street</td>
</tr>
<tr>
<td>Malibu, California</td>
<td>90265</td>
</tr>
<tr>
<td>Planning Case No.</td>
<td>ACDPA 17-014</td>
</tr>
<tr>
<td>Project Description</td>
<td>NSFR, pool, 2nd unit, art studio, OWTS, and grading</td>
</tr>
<tr>
<td>Date of Review</td>
<td>July 11, 2018</td>
</tr>
<tr>
<td>Reviewer</td>
<td>Matt Janousek</td>
</tr>
<tr>
<td>Contact Information</td>
<td>Phone: (310) 456-2489 ext. 307 Email: <a href="mailto:mianousek@malibucity.org">mianousek@malibucity.org</a></td>
</tr>
</tbody>
</table>

**SUBMITTAL INFORMATION**

<table>
<thead>
<tr>
<th>Architectural Plans</th>
<th>bau10: Plans submitted to Planning 12-7-2017; Site Plan (Sheet A001) received 5-9-2018</th>
</tr>
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<tbody>
<tr>
<td>Landscape Plans</td>
<td>Carter, Romanek: Plans dated 4-24-2018 (received 5-10-2018)</td>
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<tr>
<td>OWTS Plan</td>
<td>Ensitu: OWTS plan dated 11-28-2017</td>
</tr>
<tr>
<td>Geology Report</td>
<td>Carto: Landscape plans dated 11-28-2017</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>Previous Reviews: 12-19-2017. EH conformance review for NSFR and OWTS completed 4-16-2013 and 7-9-2013 under CDP 13-014</td>
</tr>
</tbody>
</table>

**REVIEW FINDINGS**

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

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

Conditions of Planning Conformance Review for Building Plan Check Approval

1) Final OWTS Plot Plan: A final plot plan shall be submitted showing an onsite wastewater treatment system (OWTS) design meeting the minimum requirements of the MPC, and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property, the proposed landscape plan for the developed property, and the proposed stormwater detention/dispersal plan. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot must fit on an 11” x 17” sheet leaving a 5” left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/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) Final OWTS Design Report, Plans, and System Specifications: A final OWTS design report and construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by the California-registered Civil Engineer, Registered Environmental Health Specialist, or Professional Geologist who is responsible for the design, and is a registered practitioner with the City of Malibu. The final OWTS design report and construction drawings shall be submitted with the designer’s signature, professional registration number, and stamp (if applicable).

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

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

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

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

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

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

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

4) Whitson Grading Plans and Carter Landscape Plans: The final grading and landscape plans
must show the proposed OWTS components, including the treatment tank and present/future
dispersal areas.

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 OWTS
after construction shall be submitted. Please note only original “wet signature” documents are
acceptable.

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

10) City of Malibu Geologist/Geotechnical Approval: City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

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

12) Environmental Health Final Review Fee: A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.

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

cc: Environmental Health file
Planning Department
1. This conformance review is for a 3 bedroom (54 fixture units) new single family residence, 1 bedroom (15 fixture units) new guest house, and studio (9 fixture units). The new alternative onsite wastewater treatment system conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).

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

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

4. See reverse side for Onsite and Pool Sections.

5. This conformance review is for a 3 bedroom (54 fixture units) new single family residence, 1 bedroom (15 fixture units) new guest house, and studio (9 fixture units). The new alternative onsite wastewater treatment system conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).

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

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

8. SEE REVERSE SIDE FOR ONSITE AND POOL SECTIONS.
FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department
FROM: City of Malibu Planning Department
DATE: 3/12/2013

PROJECT NUMBER: ACDP 13-014
JOB ADDRESS: 28465 VIA ACERO ST
APPLICANT / CONTACT: Don Schmitz, Schmitz and Associates
APPLICANT ADDRESS: 5234 Chesebro Road, Suite 200
Agoura Hills, CA 91301
APPLICANT PHONE #: (818) 338-3636
APPLICANT FAX #: (818) 338-3432
PROJECT DESCRIPTION: NSFR, guest house, pool

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

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

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

Required Fire Department vehicular access (including width and grade %) 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: [Signature]
DATE: [July 10, 2018]

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 338-0341 or at the Fire Department Counter:
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM
GEOTECHNICAL REVIEW SHEET

Date: May 30, 2018
Project Information

Site Address: 28465 Via Acero Street
Lot/Tract/PM #: n/a
Applicant/Contact: Nicole Farnoush, nfarnoush@schmitzandassociates.net
Contact Phone #: 818-338-3636
Project Type: New single-family residential development

Review Log #: 3727
Planning #: ACDPA 17-014 CDP 13-014
BPC/GPC #: Planner: Carlos Contreras

Submittal Information

Consultant(s) / Report Date(s):
GeoConcepts, Inc. (Barrett, CEG 2088; Walter, RGE 2476): 3-7-18, 3-5-18, 10-27-17, 8-8-13, 5-9-13, 2-26-13
GeoConcepts, Inc. (Barrett, CEG 2088): 3-6-18, 6-1-15, 4-8-15, 12-14-12
Letter from Nicole Farnoush addressing Environmental Health Review letter Comments dated 5-9-18.

Site Plan prepared by Bau10 Sustainable Design, undated.
Building plans prepared by Bau10 Sustainable Design, undated.
Preliminary Onsite Wastewater Treatment System (OWTS) plan prepared by EnSitu Engineering, Inc. dated January 17, 2013
Grading plans prepared by Whitson Engineers dated December 19, 2017.
Landscape Plans prepared by Carter, Romanek Landscape Architects, Inc. dated April 24, 2018.


Review Findings

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 update and supplemental geotechnical reports, supporting geologic report for the OWTS, Site Plan, Grading Plans, and Landscape Plans were reviewed by the City from a geotechnical perspective. The project comprises a new 6,858 square foot two-story single-family residence and attached 2-car garage, an 899 square foot one-story second unit with 188 square feet of storage, a 1,000 square foot one-story artist studio, retaining walls, a swimming pool, water features, deck, flatwork, landscaping, a water well, underground water storage tanks (six 5,000 gallon tanks), and grading (1,370 yards of cut and 155 yards of fill under structure; 125 yards of cut and 20 yards of fill for safety; 990 yards of cut non-exempt; and 2,310 yards of export). A new onsite wastewater treatment system (OWTS) will be installed on the property that consists of a treatment tank and one seepage pit (6’ diameter x 30’ B.I. with 10’ cap) with 100% expansion.

A new residential development was previously reviewed and approved by City geotechnical staff for a different owner in a geotechnical review sheet dated 9-4-13.

Building Plan-Check Stage Review Comments:

1. Please pay the City a plan check fee of $957.00 for City geotechnical staff to review the building and grading plans.

2. The California Building Code (CBC) seismic design parameters appear to be inconsistent with the site location. Please check the project coordinate and revise, as necessary.

3. The site coordinates used in the PSI-I De-aggregation data used in the seismic slope deformation analyses are not for the site. Please discuss the applicability of such data to be used at the site.

4. The Consultant estimated seismic earth pressures on retaining walls using the limit equilibrium method of analyses and shear strength parameters of the underlying bedrock. Based on a review of the project plans and sections, some of the proposed retaining walls are expected to be fixed (bearing and retaining walls) and have backfilled materials behind. Hence, the recommended seismic earth pressures on retaining walls appear to be very low for the following reasons: 1) backfill materials (most probably granular) have different strength than bedrock materials and analyses should take this into account; 2) limit equilibrium method of analyses may not appropriately evaluate seismic pressure on retaining walls that may not deflect enough to mobilize full shear strength resistance. The Consultant should revise the analyses using appropriate method of analyses and shear strength parameters.

5. Considering the expansive nature of onsite materials, the Consultant should discuss the need for placing sand underneath slabs-on-grade.

6. Please provide to the City the results of the shear strength testing after grading to verify the compacted fill strengths. Include this comment as a note on the grading plans.

7. Please include the following note on the grading plans: “The Project Engineering Geologist shall observe all cut slope excavations and provide additional recommendations if un-anticipated or unusual geotechnical conditions are encountered. Geologic conditions encountered during grading shall be included on the as-built geologic map.”

8. Section 7.4 of the City’s geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. The Project Geotechnical Engineer has recommended that the vapor barrier be a minimum thickness of 15 mils, conform to ASTM E1745 Class A requirements, and be installed in accordance with ASTM E1643. Building plans shall reflect the Consultant’s recommendation.
9. Include a note on the OWTS plans stating, "The Project Engineering Geologist shall observe and approve the installation of the seepage pits and provide the City inspector with a field memorandum(s) documenting and verifying that the seepage pits were installed per the approved OWTS plans."

10. The following note must appear on the grading and foundation plans: "Tests shall be performed prior to pouring footings and slabs to evaluate corrosivity of the supporting soils, and foundation and slab plans should be reviewed by the Civil or Structural Engineer and revised, if necessary."

11. The following note must appear on the grading and foundation plans: "Tests shall be performed prior to pouring footings and slabs to evaluate the Expansion Index of the supporting soils, and foundation and slab plans should be reviewed by the Civil or Structural Engineer and revised, if necessary."

12. The Project Geotechnical Consultant recommends R & R grading beneath the proposed driveway. No R & R grading is included on the grading plans. Please clarify and correct, as necessary.

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

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

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

Geotechnical Engineering Review by: 
Ali Abdel-Haq, G.E. #2306, Exp. 12-31-19
Geotechnical Engineering Reviewer (805-496-1222)
Email: ali@geodynamics-inc.com

This review sheet was prepared by representatives of Cotton, Shires and Associates, Inc. and GeoDynamics, Inc., contracted through Cotton, Shires and Associates, Inc., as an agent of the City of Malibu.
- GEOTECHNICAL -

NOTES FOR BUILDING PLAN-CHECK

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

1. One set of grading, retaining wall, art studio, second unit, swimming pool, underground tank, 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. Foundation setback distances from descending slopes shall be in accordance with Section 1808 of the Malibu Building Code, or the requirements of the Geotechnical Consultant’s recommendations, whichever are more stringent. Show minimum foundation setback distances on the foundation plans, as applicable.

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

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

**Grading Plans (as Applicable)**

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

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

**Retaining Walls (As Applicable)**

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

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

PROJECT NUMBER: ACDPA 17-014
JOB ADDRESS: 28465 VIA ACERO ST
APPLICANT / CONTACT: Nicole Farnoush, Schmitz and Associates, Inc.
APPLICANT ADDRESS: 28118 Agoura Road, Ste. 103
Agoura Hills, CA 91301
APPLICANT PHONE #: (818) 338-3636
APPLICANT FAX #: (818) 338-3423
APPLICANT EMAIL: nfarnoush@schmitzandassociates.net
PROJECT DESCRIPTION: NSFR, pool, 2nd unit, art studio, OWTS, and grading

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 1/4/19
MEMORANDUM

To: Planning Department
From: Public Works Department
Jonathan Pichardo, Assist. Civil Engineer
Date: January 14, 2019
Re: Proposed Conditions of Approval for 28465 Via Acero Street, ACDPA 17-014R

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

GRADING AND DRAINAGE

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

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

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

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

STORMWATER

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

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

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

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

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

MISCELLANEOUS

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

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

- The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
- There are sufficient BMPs in place to prevent soil erosion; and
- The discharge does not reach into the MS4 or to the ASBS (including tributaries)
Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating "It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)." The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

11. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.
NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 17-014 AND MINOR MODIFICATION NO. 18-002 - An application to amend Administrative Coastal Development Permit No. 13-014, Site Plan Review No. 13-006, and Minor Modification (MM) 13-005 (which approved a two-story, single-family residence with a detached guesthouse and detached barn, including a site plan review for height in excess of 18 feet [up to 28 feet for a pitched roof] and minor modification for a 50 percent reduction of the required front yard setback) for the modification of the building footprints, relocation of the swimming pool, spa and decks, and modification of the residence’s 28-foot high pitched roof to a 24-foot high flat roof; including MM No. 18-002 to relocate the buildings within the previously permitted front yard setback reduction from the required 51.1 feet to the proposed 30 feet for the residence, 30.8 feet for the second unit and 35.2 feet for the art studio.

LOCATION / APN / ZONING: 28465 Via Acero Street / 4467-033-014 / Rural Residential-Five Acre (RR-5)
APPLICANT / OWNER: Schmitz and Associates, Inc. / Thilo Kuther
APPEALABLE TO: Planning Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines
APPLICATION FILED: December 7, 2017
CASE PLANNER: Adrian Fernandez, Principal Planner, afemandez@malibucity.org

PUBLIC COMMENT PERIOD - Related documents are available for review at City Hall during regular business hours. Written comments, concerns, or questions may be presented to the Planning Department at any time prior to the issuance of a decision. On or after January 28, 2020, the Planning Director may issue a decision on the permit application. A Notice of Decision will be mailed to owners and residents within 500 feet of the perimeter of the subject property and to those who request such notification in writing prior to issuance of the decision.

REPORTING - The Planning Director’s decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on February 3, 2020. Copies of the agenda report, including the approved or denied permit, will be available at or before the meeting, typically 10 days before the meeting in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review at City Hall during regular business hours. An approved permit shall not become effective until completion of the Planning Commission reporting.

LOCAL APPEAL - A decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission. Should a decision be issued on January 28, 2020, the appeal period would expire on Friday, February 7, 2020 at 4:30 p.m. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 245.

BONNIE BLUE, Planning Director

Date: January 2, 2020
NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 17-002 - An application to amend Administrative Coastal Development Permit No. 13-014, Site Plan Review No. 13-005, and Minor Modification No. 13-006, which approved a two-story, single-family residence, dethatched accessory structures and associated development, including a site plan review for the residence's height in excess of 18 feet (up to 28 feet for a pitched roof) and a minor modification for a 50 percent reduction of the required front yard setback. The subject amendment is for a minor adjustment of the building footprints, relocation of the swimming pool, spa and decks, and change from the residence's 28-foot high pitched roof to a 24-foot high flat roof, including a minor modification to relocate the buildings within the previously permitted front yard setback from the required 51.1 feet to the proposed 30 feet for the residence, 30.8 feet for the second unit and 35.2 feet for the art studio.

LOCATION / APN / ZONING: 28465 Via Acero Street / 4467-033-014 / Rural Residential-Five Acre (RR-5)
APPLICANT / OWNER: Schmitz and Associates, Inc. / Thilo Kuther
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines
APPLICATION FILED: December 7, 2017
ISSUE DATE: April 28, 2020
CASE PLANNER: Adrian Fernandez, Principal Planner, afernandez@malibucity.org (310) 456-2489, ext. 482

REPORTING - The Planning Director’s decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on May 4, 2020. Copies of the agenda report, including the approved or denied permit, will be available at or before the meeting, typically 10 days before the meeting in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review by contacting the Case Planner. An approved permit shall not become effective until completion of the Planning Commission reporting. To view or sign up to speak during the meeting, visit malibucity.org/virtualmeeting.

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan Section 13.20.1, a decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission. Should a decision be issued on April 28, 2020, the appeal period would expire on Friday, May 8, 2020. An appeal shall be emailed to psalazar@malibucity.org within ten days following the date of action and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal via email, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

BONNIE BLUE, Planning Director