To: Chair Jennings and Members of the Planning Commission

Prepared by: Jessica Thompson, Associate Planner

Approved by: Bonnie Blue, Planning Director

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

Subject: Coastal Development Permit No. 15-069, Site Plan Review No. 15-057
and, Demolition Permit No. 20-004 – An application to for the
demolition of an existing single-family residence, the construction of a
new single-family residence, and exterior site improvements

Location: 29140 Cliffside Drive, within the appealable coastal zone

APN: 4468-001-005

Owner: Setara Limited

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-34
(Attachment 1) determining the project is categorically exempt from the California
Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP)
No. 15-069, Site Plan Review (SPR) No. 15-057, and Demolition Permit No. (DP) 20-004
for the demolition of an existing 3,413-square foot single-family residence, construction of
a new 24-foot tall, two-story, 6,927-square foot, single-family residence including an
attached one-car garage, three-car carport, new onsite wastewater treatment system
(OWTS), landscaping, new driveway, retaining walls, water feature, pool and spa and
associated equipment, pool decking, non-exempt grading; and including a site plan review
for construction above 18 feet in height, not to exceed 24 feet in height for a flat roof
located in the Rural Residential-One Acre (RR-1) zoning district at 29140 Cliffside Drive
(Setara Limited).
DISCUSSION: This agenda report provides a project overview, a summary of the surrounding land uses and project setting, description of the proposed project, staff’s analysis of the proposed project’s consistency with Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the proposed project is consistent with the LCP and MMC. The project was originally noticed for the March 16, 2020 Planning Commission Meeting; however, prior to that meeting it was determined that the project was improperly noticed. As a result, staff obtained revised noticing materials from applicant and scheduled a new hearing date.

Project Overview

The proposed project involves the demolition of the existing one-story, single-family residence, and the construction of a new single-family residence, and associated exterior improvements (Attachment 2 - Project Plans).

Surrounding Land Uses and Project Setting

The subject parcel is located at 29140 Cliffside Drive and is currently developed with a 3,413-square foot single-family residence that was constructed in 1982. The parcel is approximately 1.1 acres in area and is located on the seaward side of Cliffside Drive, as shown on Figure 1. The site is currently developed in a way that is typical of other homes in the community. Homes located along Cliffside Drive generally consist of one- and two-story development. The properties on the seaward side of Cliffside are blufftop lots. The upper two-thirds of the subject property gently slopes down from Cliffside, then steeply descends into a coastal bluff located at the rear of the property, and down to the beach.

The project site does not contain mapped trails on or adjacent to it according to the LCP Park Lands Map. Additionally, the property is not located in a designated Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as shown on the LCP ESHA and Marine Resources Map.
The property is located in a community zoned RR-1 and most of the surrounding residences include accessory development. The subject site is bordered to the north, east and west by single-family residential development. The Pacific Ocean borders the south. Table 1 provides a summary of the neighboring surrounding land uses and lot sizes.

### Table 1 – Surrounding Land Uses

<table>
<thead>
<tr>
<th>Direction</th>
<th>Address</th>
<th>Lot Size</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>29135 Cliffside Dr</td>
<td>1.2 acres</td>
<td>RR-1</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td>North</td>
<td>29149 Cliffside Dr</td>
<td>1.31 acres</td>
<td>RR-1</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td>West</td>
<td>29150 Cliffside Dr</td>
<td>1.22 acres</td>
<td>RR-1</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td>East</td>
<td>29130 Cliffside Dr</td>
<td>1.01 acres</td>
<td>RR-1</td>
<td>Single-Family Residence</td>
</tr>
</tbody>
</table>

Nearby residence information has been included at the Planning Commission’s prior request. Attachment 4 summarizes the square footage of nearby residences, parcel sizes and year built based on data obtained from the Los Angeles County Assessor. The building square footage is habitable area only, and does not include garages, covered patios and some other accessory structures, which differs from the TDSF calculation.
Additionally, attachment 5, prepared by the applicant, provides a neighborhood standards exhibit including surrounding residence square footages.

Table 2 provides a summary of the lot dimensions and lot area of the subject parcel. The subject site is smaller than the adjacent lots shown in Table 1.

<table>
<thead>
<tr>
<th>Table 2 – Total Property Data</th>
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</thead>
<tbody>
<tr>
<td><strong>Lot Depth</strong></td>
</tr>
<tr>
<td><strong>Lot Width</strong></td>
</tr>
<tr>
<td><strong>Gross Lot Area</strong></td>
</tr>
<tr>
<td><strong>Area Comprised of 1:1 Slopes</strong></td>
</tr>
<tr>
<td><strong>Area Comprised of Access Easements</strong></td>
</tr>
<tr>
<td><strong>Net Lot Area</strong></td>
</tr>
</tbody>
</table>

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

**Project Description**

The proposed scope of work is as follows:

a. Demolition of existing 3,413-square foot, single-story, single-family residence;
b. Construction of a new 6,927-square foot, two-story, single-family residence;
c. Demolition of all existing hardscaping and replace with 10,544-square feet of impermeable coverage, including a new driveway and concrete pool deck;
d. New retaining walls (not to exceed six feet in height);
e. New front yard access gate (not to exceed 42 inches solid, six feet total in height);
f. Construction of a new OWTS;
g. New pool (1,726-square feet);
h. Associated pool equipment (to be fully screened);
i. 19,200-square feet of landscaping;
j. New side yard privacy wall (not to exceed six feet in height);
k. Water feature measuring 10 square feet;
l. 920 cubic yards of non-exempt grading; and
m. Discretionary Request:
   i. SPR No. 15-057 to allow for construction above 18 feet in height, up to 24 feet in height for a flat roof.

**LCP Analysis**

The LCP consists of the Land Use Plan (LUP) and the LIP. The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP contains provisions to carry out the policies of the LUP to which every project requiring a coastal development permit must adhere.
There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters are discussed in the LIP Conformance Analysis section.

The nine remaining LIP chapters contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only findings in the following chapters are applicable to the proposed project: Coastal Development Permit, Hazards, Scenic, Visual and Hillside Resource Protection, Shoreline and Bluff Development and Public Access.¹ These chapters are discussed in the LIP Findings section of this report.

**LIP Conformance Analysis**

The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and the Los Angeles County Fire Department (LACFD) (Attachment 3 – Department Review Sheets). The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies.

¹ The ESHA, Native Tree Protection, Transfer of Development Credits, and Land Division findings are neither applicable nor required for the proposed project.
Zoning (LIP Chapter 3)

The proposed project is subject to development and design standards set forth under LIP Sections 3.5 and 3.6. Table 3 provides a summary and indicates the proposed project meets those standards.

As shown in Table 3, the proposed project conforms to the development standards as set forth under LIP Chapter 3. The proposed project has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The project provides a 20% view corridor as required by LIP Chapter 6 and complies with the blufftop setback of LIP Chapter 10.

Grading (LIP Chapter 8)

LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel. The project proposes 920 cubic yards.

<table>
<thead>
<tr>
<th>Table 3 – Zoning Conformance</th>
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</thead>
<tbody>
<tr>
<td>Development Requirement</td>
</tr>
<tr>
<td>SETBACKS (ft.)</td>
</tr>
<tr>
<td>Front Yard</td>
</tr>
<tr>
<td>Rear Yard (Bluff setback)</td>
</tr>
<tr>
<td>Side Yard (Minimum 10%)</td>
</tr>
<tr>
<td>Side Yard</td>
</tr>
<tr>
<td>View Corridor</td>
</tr>
<tr>
<td>PARKING SPACES</td>
</tr>
<tr>
<td>Enclosed (10 ft. x 18 ft.)</td>
</tr>
<tr>
<td>Unenclosed (10 ft. x 18 ft.)</td>
</tr>
<tr>
<td>Total Development Square Footage (TDSF) (sq.ft.)</td>
</tr>
<tr>
<td>TDSF</td>
</tr>
<tr>
<td>2/3&lt;sup&gt;rd&lt;/sup&gt; Rule: 1&lt;sup&gt;st&lt;/sup&gt; Floor x 2/3&lt;sup&gt;rd&lt;/sup&gt; = 2&lt;sup&gt;nd&lt;/sup&gt; Floor (sq. ft.) + volume &gt; 18 feet</td>
</tr>
<tr>
<td>Height</td>
</tr>
<tr>
<td>IMPERMEABLE COVERAGE (sq.ft.)</td>
</tr>
<tr>
<td>NON-EXEMPT GRADING (cu.yd.)</td>
</tr>
</tbody>
</table>
yards of non-exempt grading. All grading quantities are summarized in Table 4. The proposed project complies with grading requirements set forth under LIP Section 8.3.

<table>
<thead>
<tr>
<th></th>
<th>Exempt*</th>
<th></th>
<th>Non-Exempt</th>
<th>Remedial</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>R&amp;R**</td>
<td>Understructure</td>
<td>Safety***</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cut</td>
<td>1,218</td>
<td>1,016</td>
<td>699</td>
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<td>3,813</td>
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<td>1,218</td>
<td>8</td>
<td>14</td>
<td>40</td>
<td>1,280</td>
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<tr>
<td>Total</td>
<td>2,436</td>
<td>1,024</td>
<td>713</td>
<td>920</td>
<td>5,093</td>
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<tr>
<td>Import</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Export</td>
<td>0</td>
<td>1,008</td>
<td>685</td>
<td>840</td>
<td>2,533</td>
</tr>
</tbody>
</table>

All grading quantities indicated are in cubic yards (c.y.)
* Exempt grading includes all R&R, understructure and safety grading.
** R&R= Removal and Re-compaction
***Safety grading is the incremental grading required for fire department access (such as turnouts, hammerheads and turnarounds and any other increases in driveway width above 15 feet required by the Los Angeles County Fire Department).

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. The project site has been evaluated for potential impacts to archeological resources per the adopted City of Malibu Cultural Resources Map. An initial evaluation of the property for archaeological resources was completed in 2015 by Robert J. Wlodarski of Historical, Environmental, Archaeological, Research (H.E.A.R.T.). No cultural resources were observed and the staff archaeologist indicated that no impacts to cultural resources were anticipated.

Nevertheless, a condition of approval is included in the resolution which states that in the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources, and until the Planning Director can review this information.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the proposed project for conformance to LIP Chapter 17 requirements for water quality protection and requirements of the State Water Resources Control Board because the property is located in an Area of Special Biological Significance (ASBS). The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an ASBS as part of the California Ocean Plan. Standard conditions of approval include the implementation of approved stormwater management plans during construction activities and to manage runoff from the development, including recordation of a water quality mitigation plan, and best management practices in compliance with ASBS standards. With
the implementation of these conditions, the proposed project conforms to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The proposed project allows for a new 7,540-gallon MicroSepTec tank with Ultra Violet (UV) disinfection unit, two new seepage pits and two future seepage pit dedications. Details are provided in the Environmental Health review sheet and approved plot plan in Attachment 3. The system has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the MMC and the LCP. Conditions of approval have been included in this resolution, which require continued operation, maintenance, and monitoring of onsite facilities.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all coastal development permits.

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

The proposed project is located in the RR-1 residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, 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 is in conformity to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is located between the first public road and the sea. However, no trails or recreational areas are shown on or adjacent to the subject property according to the LCP Park Lands Map and the project does not adversely impact any existing or proposed public access. Therefore, no potential project-related or cumulative impact on public access and/or recreation is anticipated to result from the proposed project. The proposed project conforms to the public access and recreational policies in Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).
Finding 3. The project is the least environmentally damaging alternative.

This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts to coastal resources.

Alternate Project – Rather than demolish the existing structure, the owner could have chosen to keep the existing residence, which has non-confirming structures within the front yard setback, does not meet the LCP’s view corridor requirement, and is not compliant with the required bluff top setback (Figure 2). The existing septic system would also not be updated. This alternative would have resulted in a continued non-conformity and would not offer the new ocean views or environmental benefits of a state-of-the-art OWTS.

**Figure 2 – Demolition of Existing Single-Family Residence**

Proposed Project – The proposed project consists of the demolition of an existing single-family residence, and the construction of a new single-family residence and associated exterior site improvements. The project has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and the LACFD, and meets the City’s residential development policies of the LCP and MMC, inclusive of the SPR. The proposed project, as conditioned, will comply with all applicable requirements of State and local law. The proposed project has been determined not to result in adverse biological, scenic or visual resource impacts, provides new ocean views over the property and meets all setbacks. The project as conditioned is the least environmentally damaging feasible alternative.
Finding 4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

The subject property is not designated as containing ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. The property does contain a coastal bluff at the rear of the property. While the LCP categorizes coastal bluffs as ESHA, on January 11, 2019, the City Biologist approved the proposed project and found that the property does not contain resources that qualify the bluff as ESHA. As such, the City Biologist determined the project is exempt from Environmental Review Board (ERB) review requirements.

B. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height [LIP Section 13.27]

LIP Section 3.6(E) limits the height of structures to 18 feet, unless findings for a SPR can be made to authorize height up to 24 feet with a flat roof. The applicant is requesting SPR No. 15-057 to allow for construction above 18 feet in height, not to exceed 24-feet in height for a flat roof. LIP Section 13.27.5(A) requires that the City make four findings in consideration and approval of a SPR. Two additional findings are required pursuant to MMC Section 17.62.040(D) when a project exceeds 18 feet. Based on the foregoing evidence contained in the record, the required findings for SPR No. 15-057 are made as follows:

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

As previously discussed in Section A, the proposed project has been reviewed for all relevant policies and provisions of the LCP, and the proposed project, as designed, is consistent with all applicable development and design standards of the LCP.

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

Story poles were installed in June 2019 to demonstrate the proposed development’s siting, height and bulk. Staff visited the project site on December 6, 2019, photo-documented the story poles and evaluated the project for conformance with City codes. Neighboring properties located along Cliffside Drive are developed with a mix of one- and two-story residential structures of similar size with mature landscaping. The subject application includes a new two-story, single-family residence sited in the center of the parcel, with a proposed flat roof, not to exceed 24-feet in height. Due to the size, shape, and topography of the property, the proposed development will not be visible from Cliffside Drive and will not be visible from any scenic area, or scenic road. The reason why the home will not be visible from Cliffside Drive is because the site of development is below the road grade of
Cliffside Drive. In addition, based on the existing development within the surrounding neighborhood, the proposed project is expected to blend with the surrounding built environment. Therefore, the portions of the structures in excess of 18 feet are not anticipated to adversely affect neighborhood character.

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

Staff visited the subject parcel to view the story poles and surrounding neighborhood, and determined that the proposed residence will not be visible from any scenic area, scenic road, or public viewing area. The property's blufftop descends from the street and the proposed development is sited on the level portion of the property, minimizing view impacts. Given the location and design of the proposed project, descending topography, and the implementation of conditions of approval for lighting, the residence is not expected to create obstructions or encroachments into public views and provides the maximum feasible protection to significant public views as required by LIP Chapter 6.

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

The proposed project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies, such as the LACFD. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

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

As discussed in Section A, the proposed project is consistent with the LCP in that the project is located in an area that has been identified for residential uses. The goals and policies of the General Plan intend to maintain rural character in this area, and the proposed project is consistent with the development standards set forth to implement this goal. The proposed residence incorporates siting and design measures to minimize visual impacts, and as designed, is consistent with the applicable land use designation and is consistent with all applicable development and design standards of the LCP and General Plan.
Finding 6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

Based on the visual impact analysis (aerial photographs, story poles, and site visits), staff has determined that the new single-family residence above 18 feet in height, not to exceed 24 feet in height for a flat roof is not expected to obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17). The proposed project is located at a lower elevation, compared to the homes that are located on the inland side of Cliffside drive, which minimizes private view impacts. No nearby property owners have requested a primary view determination in response to the notice of hearing and story poles.

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

The subject property is not designated as containing ESHA, or ESHA buffer, as shown on the LCP ESHA and Marine Resources Map. Based on site specific analysis by the City Biologist, it has been determined that there is no ESHA on the property and that review by the ERB was not required. On January 11, 2019, the City Biologist approved the proposed project and determined that the project is not expected to result in any adverse impacts to significant biological resources. As conditioned, the proposed project will result in less than significant impacts to sensitive resources, and no significant loss of vegetation or wildlife, or encroachments into an ESHA. Therefore, the findings of LIP Section 4.7.6 are not applicable.

D. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the subject parcel. Therefore, the findings of LIP Chapter 5 are not applicable.

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

The Scenic, Visual, and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject property is located on a bluff-top property that is along the ocean side of Cliffside Drive, which is considered a scenic road pursuant to LUP Chapter 6, Section C.6.2. The proposed project complies with Chapter 6 of the LIP in that it includes a view corridor on the western side which will not be disrupted by the proposed project. Since the project is located adjacent to a scenic resource and on a scenic road, the findings set forth in LIP Section 6.4 are enumerated herein.
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.

An analysis of the project’s potential visual impact was conducted through site inspections, and review of the architectural plans. The proposed project allows for the demolition of an existing single-family residence and the construction of a new single-family residence. All work will comply with the required blufftop setback. In addition, the project provides a 21-foot, four inch wide view corridor along the western property line to allow for views of the ocean from Cliffside Drive. It is not anticipated that the project will result in adverse scenic or visual impacts; therefore, the project is consistent with LIP Chapter 6.

Finding 2. The project, as conditioned, will have no significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

As discussed in Finding E1, as conditioned, the project will not have significant adverse scenic or visual impacts.

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

As discussed in Finding A3, the project 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 discussed in Finding E1, the project is not expected to result in any significant adverse impact. Therefore, there are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

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

As discussed in Finding E1, as conditioned, development on the site will not have significant adverse impacts on scenic and visual resources inclusive of the view corridor.

F. Transfer of Development Credit (LIP Chapter 7)

The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.
G. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity, or other potential hazards listed in LIP Sections 9.2(A)(1-7) must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity.

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, and City geotechnical staff and LACFD. The required findings are made as follows:

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

The applicant submitted geotechnical and engineering reports prepared by GeoConcepts Inc. dated August 24, 2018, and reports prepared by Michael K. Nunley & Associates, Inc. dated December 10, 2015. referenced in the geotechnical review sheet in Attachment 3. These reports are on file at City Hall. The referenced reports evaluate site-specific conditions and recommendations and are provided to address any pertinent issues. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area. Based on review of the project plans and associated geotechnical reports by City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD, these specialists determined that adverse impacts associated with these hazards to the project site related to the proposed development are not expected. The proposed project will neither be subject to nor increase the instability from geologic, flood, or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer’s recommendations and governing agency’s building codes are followed.

The project, as conditioned, will incorporate all recommendations contained in the above cited geotechnical report and conditions required by the City Public Works Department, City geotechnical staff, and the LACFD. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood, or any other hazards.

Fire Hazard

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The subject property is currently subject to wildfire hazards.
The scope of work proposed as part of this application is not expected to have an adverse impact on wildfire hazards as it will be conditioned to meet all LACFD requirements.

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

As stated in Finding 1, the proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

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

As previously stated in Section A, Finding 3, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

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

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. It has been determined that the proposed project does not impact site stability or structural integrity. As previously discussed in Finding A3, there are no feasible alternatives.

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

As discussed in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

H. Shoreline and Bluff Development (LIP Chapter 10)

LIP Section 10.3 requires that shoreline and bluff development findings be made if the proposed project is located on a parcel of land located on or along the shoreline, a coastal bluff or a blufftop fronting the shoreline and the project is anticipated to result in potentially significant adverse impacts on coastal resources, such as public access and shoreline sand supply. While all new development will be located landward of the required blufftop setback and no adverse impacts are expected, the requirements of LIP Chapter 10 are applicable to the project and the required findings are made as follows.
Finding 1. The project, as proposed, will have no significant adverse impacts on public access, shoreline sand supply or other resources due to project design, location on the site or other reasons.

The proposed project complies with the development standards detailed in LIP Section 10.4(K) and will have no significant adverse impacts on public access, shoreline sand supply or other resources due to project design and location on the site. The blufftop building site is approximately 100 feet above the shore. The proposed project is compliant with the required bluff setback, does not include any bluff or shoreline protection device, and therefore is not expected to have significant adverse impacts on public access, shoreline sand supply or other resources.

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

As stated in Finding 1 of this section, as designed, conditioned, and approved by the City staff, the project will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

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

As discussed in Findings A3 and C1, the proposed project, as conditioned, is the least environmentally damaging alternative.

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

As previously stated, the project as designed, conditioned, and approved by the City staff, the project will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

Finding 5. In addition, if the development includes a shoreline protective device, that it is designed or conditioned to be sited as far landward as feasible, to eliminate or mitigate to the maximum feasible extent adverse impacts on local shoreline sand supply and public access, that there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources and that it is the least environmentally damaging alternative.

The development does not include involve a new or modified shoreline or bluff protective device; therefore, this finding is not applicable.
I. Public Access (LIP Chapter 12)

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

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

The project is located between the first public roadway and the sea. No onsite vertical, lateral, bluff-top, recreational, or trail access is currently provided on the subject parcel. No proposed or existing public trails or public beaches are shown on or adjacent to the subject property on the LCP Park Lands Map; therefore, trail and recreational accesses are not applicable.

LIP Section 12.5 states that public access is not required when adequate access exists nearby, and the findings addressing LIP Section 12.7.3 can be made. Due to the ability of the public, through other reasonable means, to reach nearby coastal resources, an exception for public vertical and bluff-top access has been determined to be appropriate for the project and no condition for public vertical or bluff-top access has been required. Analyses required in LIP Section 12.7.2 are provided herein and in geotechnical reports referenced earlier. The proposed project will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources.

LIP Section 12.7.3 requires that findings be made to address each of the following in order to grant an exception from the requirement to provide an access easement. The required findings are provided below the criteria:

- The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the public safety concern, or the military facility, which is the basis for the exception, as applicable.
- Unavailability of any mitigating measures to manage the type, character, intensity, hours, season, or location of such use so that fragile coastal resources, public safety, or military security, as applicable, are protected.
• Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.

**LIP Section 12.7.3 Findings.**

**Finding 1:** The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the public safety concern, or the military facility, which is the basis for the exception, as applicable.

No new vertical, bluff-top, or lateral access is provided by the proposed project, and the proposed project would not impact fragile coastal resources, does not raise a significant public safety concern, or have any impact on a military facility. The basis for the exception to the requirement for vertical, bluff-top, and lateral access is associated with the availability of access nearby, as described in Finding 3, which follows.

**Finding 2.** Unavailability of any mitigating measures to manage the type, character, intensity, hours, season, or location of such use so that fragile coastal resources, public safety, or military security, as applicable, are protected.

No new vertical, bluff-top, or lateral access is provided by the proposed project, and the proposed project would not impact fragile coastal resources, does not raise a significant public safety concern, or have any impact on a military facility. The basis for the exception to the requirement for vertical, bluff-top, and lateral access is associated with the availability of access nearby, as described in Finding 3, which follows.

**Finding 3.** Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.

The project as proposed does not block or impede access to the ocean. The project site does not provide vertical access to the coast as it is located on top of steep coastal bluff.

In addition, the public has the ability, through another reasonable means (via Westward Beach Road, Point Dume State Beach, and other nearby properties in the immediate neighborhood), to reach nearby coastal resources. An existing vertical, bluff-top and lateral accessway is located to the west, less than 350 feet away, at Point Dume State Beach. Lateral public access also exists along the State of California’s “wet sand right-of-way” which allows public use of lands seaward of the mean high tide and provides public access along and parallel to the sea or shoreline. The public, through another reasonable means, can reach the same area of public tidelands as would be made accessible by an access way on the subject property.
No legitimate governmental or public interest would be furthered by requiring vertical or bluff-top at the project site because existing access to coastal resources is adequate and the proposed project will not impact the public’s ability to access the shoreline or other coastal resources.

J. Land Division (LIP Chapter 15)

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

K. Demolition Permit Findings (MMC Chapter 17.70)

MMC Section 17.70.060 requires that a demolition permit be issued for projects that result in the demolition of any building or structure. The project includes the demolition of the existing single-family residence to allow for the construction of a new single-family residence. The findings for DP No. 20-004 are made as follows:

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

Conditions of approval, including the recycling of demolished materials, have been included to ensure that the proposed project will not create significant adverse environmental impacts.

Finding 2. A development plan has been approved or the requirement waived by the City.

This CDP application is being processed concurrently with DP No. 20-004, and approval of the demolition permit is subject to the approval of CDP No. 15-069.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposed project. The Planning Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) - New Construction or Conversion of Small Structures, 15303(e) - New Construction or Conversion of Small Structures, 15304(b) – Minor Alterations to Land. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: To date, staff has received no correspondence regarding this project.
PUBLIC NOTICE: On April 9, 2020, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and a notice was mailed to all property owners and occupants within a 500-foot radius of the subject property (Attachment 7).

SUMMARY: The required findings can be made that the proposed project complies with the LCP and MMC. Further, the Planning Department’s findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 20-34. The proposed project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:
1. Planning Commission Resolution No. 20-34
2. Project Plans
3. Department Review Sheets
4. Table of Surrounding Properties within 500-feet
5. Neighborhood Square Footages Exhibit prepared by applicant
6. View Corridor Exhibit prepared by applicant
7. Public Hearing Notice
8. Radius Map
CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 20-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 15-069, SITE PLAN REVIEW NO. 15-057 AND DEMOLITION PERMIT NO. 20-004 TO ALLOW FOR THE DEMOLITION OF AN EXISTING 3,413-SQUARE FOOT SINGLE-FAMILY RESIDENCE, CONSTRUCTION OF A NEW 24-FOOT TALL, TWO-STORY, 6,927-SQUARE FOOT, SINGLE-FAMILY RESIDENCE INCLUDING AN ATTACHED ONE-CAR GARAGE, THREE-CAR CARPORT, NEW ONSITE WASTEWATER TREATMENT SYSTEM, LANDSCAPING, NEW DRIVEWAY, RETAINING WALLS, WATER FEATURE, POOL AND SPA AND ASSOCIATED EQUIPMENT, POOL DECKING, NON-EXEMPT GRADING; AND INCLUDING A SITE PLAN REVIEW FOR CONSTRUCTION ABOVE 18 FEET IN HEIGHT, NOT TO EXCEED 24 FEET IN HEIGHT FOR A FLAT ROOF LOCATED IN THE RURAL RESIDENTIAL-ONE ACRE (RR-1) ZONING DISTRICT AT 29140 CLIFFSIDE DRIVE (SETARA LIMITED)

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

SECTION 1. Recitals.

A. On December 15, 2015, an application for an Coastal Development Permit (CDP) No. 15-069, Site Plan Review (SPR) No. 15-057, and Demolition Permit (DP) No. 20-004 to allow for the demolition of an existing single-family residence and the construction of a new single-family residence and associated development was submitted to the Planning Department by Jaime Harnish. The application was routed to the City Biologist, City Environmental Administrator, City geotechnical staff, City Public Works Department, and Los Angeles County Fire Department (LACFD) for review.

B. On December 6, 2019, staff visited the site to view the story poles.

C. On December 6, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

D. On February 12, 2020, the application was deemed complete.

E. On February 20, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject properties.

F. On March 5, 2020, prior to the March 16, 2020 Planning Commission meeting, the item was continued due to an error with the noticing materials.

G. On April 2, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject properties.

ATTACHMENT 1
H. On May 4, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) New Construction or Conversion of Small Structures, 15303(e) New Construction or Conversion of Small Structures, and 15304(b) Minor Alterations to Land. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(b) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 15-069, SPR No. 15-057, and DP No. 20-004 to allow for the demolition of an existing 3,413-square foot single-family residence, construction of a new 24-foot tall, two-story, 6,927-square foot, single-family residence including an attached one-car garage, three-car carport, new onsite wastewater treatment system (OWTS), landscaping, new driveway, retaining walls, water feature, pool and spa and associated equipment, pool decking, non-exempt grading; and including a site plan review for construction above 18 feet in height, not to exceed 24 feet in height for a flat roof located in the RR-1 zoning district at 29140 Cliffside Drive (Setara Limited).

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

A. General Coastal Development Permit (LIP Chapter 13)

1. The proposed project is located in the RR-1 residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.
2. The project is located between the first public road and the sea; however, no trails or recreational areas are shown on or adjacent to the subject property according to the LCP Parklands Map or the pending LCP Parkland and Trails System Map. Therefore, no potential project-related or cumulative impact on public access and/or recreation is anticipated to result from the proposed project. The proposed project conforms to the public access and recreational policies in Chapter 3 of the Coastal Act of 1976.

3. Evidence in the record demonstrates that as conditioned, the project will not result in adverse biological or visual impacts. Rather than demolish the existing structure, the owner could have chosen to keep the existing residence, which had non-confirming structures within the front yard setback, does not meet the LCP’s view corridor requirement, and is not compliant with the required bluff top setback. This alternative would have resulted in a continued non-conformity. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment as no significant effects are expected. The proposed project is the least environmentally damaging environmental feasible alternative.

B. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height (LIP Section 13.27)

LIP Section 3.6(E) limits the height of structures to 18 feet, unless findings for a SPR can be made to authorize height up to 24 feet with a flat roof. The applicant is requesting SPR No. 15-057 to allow for construction above 18 feet in height, not to exceed 24-feet in height for a flat roof. LIP Section 13.27.5(A) requires that the City make four findings in consideration and approval of a SPR. Two additional findings are required pursuant to MMC Section 17.62.040(D) when a project exceeds 18 feet. Based on the foregoing evidence contained in the record, the required findings for SPR No. 15-057 are made as follows:

1. The project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and a detailed site investigation, the project is consistent with all policies and provisions of the LCP.

2. Story poles were installed in June 2019 to demonstrate the proposed development’s height and bulk. Staff visited the project site on December 6, 2019 and photo-documented the story poles and evaluated the project for conformance with City codes. Neighboring properties located along Cliffside Drive are developed with a mix of one- and two-story residential structures of similar size with mature landscaping. The subject application includes a new two-story, single-family residence sited in the center of the parcel, with a proposed flat roof, not to exceed 24-feet in height. Due to the size, shape, and topography of the lot, the location of the proposed development and the existing mature landscaping, the proposed development will not be visible from Cliffside Drive and will not be visible from any scenic area, or scenic road. The reason why the home will not be visible from Cliffside Drive is because the site of development is below the road grade of Cliffside Drive. In addition, based on the existing development within the surrounding neighborhood, the proposed project is expected to blend with the surrounding built environment. Therefore, the portions of the structure in excess of 18 feet are not anticipated to adversely affect neighborhood character.
3. Staff visited the subject parcel to view the story poles and surrounding neighborhood, and it was determined that the proposed residence will not be visible from any scenic area, scenic road, or public viewing area. The property slopes downward toward the Pacific Ocean and the proposed development is sited on the level portion of the property, minimizing view impacts. Given the location and design of the proposed project, intervening topography, and the implementation of conditions of approval for lighting, the residence is not expected to create obstructions or encroachments into public views and provides the maximum feasible protection to significant public views as required by LIP Chapter 6.

4. The proposed project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies, such as the LACFD. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

5. As discussed in Section A, the proposed project is consistent with the LCP in that the project is located in an area that has been identified for residential uses. The goals and policies of the General Plan intend to maintain rural character in this area, and the proposed project is consistent with the development standards set forth to implement this goal. The proposed residence incorporates siting and design measures to minimize visual impacts, and as designed, is consistent with the applicable land use designation and is consistent with all applicable development and design standards of the LCP and General Plan.

6. Based on the visual impact analysis (aerial photographs, story poles, and site visits), staff has determined that the new single-family residence above 18 feet in height, not to exceed 24 feet in height for a flat roof is not expected to obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17). The proposed project is located at a lower elevation, compared to the homes that are located on the inland side of Cliffside drive, minimizing view impacts. No nearby property owners have requested a primary view determination in response to the notice of hearing and story poles.

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

1 and 2. An analysis of the project’s potential visual impact was conducted through site inspections, and review of the architectural plans. The proposed project allows for the demolition of an existing single-family residence and the construction of a new single-family residence. All work will comply with the required blufftop setback. In addition, the project provides a 21-foot, four inch wide view corridor along the western property line to allow for views of the ocean from Cliffside Drive. It is not anticipated that the project will result in adverse scenic or visual impacts; therefore, the project is consistent with LIP Chapter 6.

3. As discussed in Section A, Finding 3, the project, as proposed or conditioned, is the least environmentally damaging alternative.

4. As discussed herein, the project, as designed and conditioned, is not expected to adversely affect scenic and visual resources. Therefore, no feasible alternatives would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.
5. As discussed in Findings 1 and 2, the project, as proposed and conditioned, will result in less than significant impacts on scenic and visual resource, inclusive of the view corridor.

D. Hazards (LIP Chapter 9)

1. The applicant submitted geotechnical and engineering reports prepared by GeoConcepts Inc. dated August 24, 2018, and reports prepared by Michael K. Nunley & Associates, Inc. dated December 10, 2015 referenced in the geotechnical review sheet in Attachment 3. These reports are on file at City Hall. The referenced reports evaluate site-specific conditions and recommendations and are provided to address any pertinent issues. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area. Based on review of the project plans and associated geotechnical reports by City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD, these specialists determined that adverse impacts to the project site related to the proposed development are not expected. The proposed project, will neither be subject to nor increase the instability from geologic, flood, or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer’s recommendations and governing agency’s building codes are followed.

The project, as conditioned, will incorporate all recommendations contained in the above cited geotechnical report and conditions required by the City Public Works Department, City geotechnical staff, and the LACFD. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood, or any other hazards.

2. As stated in Finding 1, the proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

3. As discussed in Section A, Finding 3, the project, as conditioned, is the least environmentally damaging alternative, in that the proposed development complies with the requirements of both the MMC and LCP, and no environmentally superior alternatives have been identified.

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

5. As discussed herein, the proposed project, as designed and conditioned, will not have adverse impacts on sensitive coastal resources.

E. Shoreline and Bluff Development (LIP Chapter 10)

1. The proposed project, as designed and conditioned, complies with the development standards detailed in LIP Section 10.4(K) and will have no significant adverse impacts on public access, shoreline sand supply or other resources due to project design and location on the site. The proposed project is compliant with the required bluff setback and is not expected to have significant adverse impacts on public access, shoreline sand supply or other resources.
3. As previously discussed, the proposed project, as conditioned, is the least environmentally damaging alternative.

4. As previously discussed, as designed, conditioned, and approved by the City staff, the project will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

F. Public Access (LIP Chapter 12)

1. No new vertical, bluff-top, or lateral access is provided by the proposed project, and the proposed project would not impact fragile coastal resources, does not raise a significant public safety concern, or have any impact on a military facility. The basis for the exception to the requirement for vertical, bluff-top, and lateral access is associated with the availability of access nearby, as described in Finding 3, which follows.

2. No new vertical, bluff-top, or lateral access is provided by the proposed project, and the proposed project would not impact fragile coastal resources, does not raise a significant public safety concern, or have any impact on a military facility. The basis for the exception to the requirement for vertical, bluff-top, and lateral access is associated with the availability of access nearby, as described in Finding 3, which follows.

3. The project as proposed does not block or impede access to the ocean. The project site does not provide vertical access to the coast as it is located on top of steep coastal bluff. In addition, the public has the ability, through another reasonable means (via Westward Beach Beach Road, Point Dume State Beach, and other nearby properties in the immediate neighborhood), to reach nearby coastal resources. An existing vertical, bluff-top and lateral accessway is located to the west at Point Dume State Beach. Lateral public access also exists along the State of California’s “wet sand right-of-way” which allows public use of lands seaward of the mean high tide and provides public access along and parallel to the sea or shoreline. The public, through another reasonable means, can reach the same area of public tidelands as would be made accessible by an access way on the subject property.

No legitimate governmental or public interest would be furthered by requiring vertical or bluff-top at the project site because existing access to coastal resources is adequate and the proposed project will not impact the public’s ability to access the shoreline or other coastal resources.

G. Demolition Permit Findings (MMC Chapter 17.70)

1. Conditions of approval, including the recycling of demolished materials, have been included to ensure that the proposed project will not create significant adverse environmental impacts.

2. This CDP application is being processed concurrently with DP No. 20-004, and approval of the demolition permit is subject to the approval of CDP No. 15-069 and SPR 15-057.

SECTION 5. Planning Commission Approval.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 15-069, SPR 15-057 and DP No. 20-004, subject to the following conditions, that are applicable to the project, as noted below.
SECTION 6. Conditions of Approval.

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

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
   
a. Demolition of existing 3,413-square foot, single-story, single-family residence;
b. Construction of a new 6,927-square foot, two-story, single-family residence;
c. Demolition of all existing hardscaping and replace with 10,544-square feet of impermeable coverage, including a new driveway and concrete pool deck;
d. New retaining walls (not to exceed six feet in height);
e. New front yard access gate (not to exceed 42 inches solid, six feet total in height);
f. Construction of a new OWTS;
g. New pool (1,726-square feet);
h. Associated pool equipment (to be fully screened);
i. 19,200-square feet of landscaping;
j. New side yard privacy wall (not to exceed six feet in height);
k. Water feature measuring 10 square feet;
l. 920 cubic yards of non-exempt grading; and
m. Discretionary Request:
   
i. SPR No. 15-057 to allow for construction above 18 feet in height, up to 24 feet in height for a flat roof.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, signed by Public Works Engineering staff on February 24, 2020. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

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

5. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the March 16, 2020, Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.
7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

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

9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City geotechnical staff, and City Public Works Department, as applicable. Notwithstanding this review, all required permits shall be secured.

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

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

Cultural Resources

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

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

Lighting

14. 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.

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

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

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

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

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

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

Fencing and Walls

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

View Corridor

22. Pursuant to LIP Section 6.5(E)(2)(e) and in order to ensure the protection of scenic and visual resources, the applicant is required to maintain:
   a. A view corridor a minimum of 21 feet, 4 inches wide adjacent to the western property line extending the length of the property.
   b. No portion of any structure shall extend into the view corridor above the elevation of the adjacent street.
   c. Any fencing across the view corridor shall be permanently maintained as visually permeable. Tinted or frosted glass, and louvered or slatted screen fences are not permitted. Potted plants shall not be used to block view corridor.
   d. Any landscaping in this area shall include only low-growing species that will not obscure or block bluewater views.
   e. If at any time the property owner allows the view corridor to become impaired or blocked, it would constitute a violation of the coastal development permit and the Coastal Act and be subject to all civil and criminal remedies.
Biology/Landscaping

23. The Maximum Applied Water Allowance (MAWA) for this project totals 150,044 gallons per year. The Estimated Applied Water Use (EAWU) totals 149,385 gpy, thus meeting the Landscape Water Conversation ordinance Requirements.

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

25. Prior to 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 as been signed off by the Building Safety Department.

26. 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.

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

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

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

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

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

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

33. 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.
34. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to 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 nesting bird surveys shall be submitted to the City within two business days of completing the surveys.

35. Up-lighting of landscape is prohibited.

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

37. Prior to the 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.

*Environmental Health*

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

39. A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer’s wet signature, professional registration number and stamp (if applicable).

40. The final design report shall contain the following information (in addition to the items listed above).
   a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, 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 conceptual design for custom engineered systems;

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

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

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

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

43. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

44. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
45. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

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

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

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

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

50. A 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 Building Plan Check review.

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

Geology

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

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

Grading/Drainage/Hydrology

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

55. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.
56. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
   a. Is located within or adjacent to ESHA, or
   b. Includes grading on slopes greater than 4 to 1.

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

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

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

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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.

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

60. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The WQMP shall meet all the requirements of the City’s current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
   a. Site Design Best Management Practices (BMPs);
   b. Source Control BMPs;
   c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;
   d. Drainage improvements;
   e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
   f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
   g. Measures to treat and infiltrate runoff from impervious areas;
   h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measure installed during construction prior to the issuance of grading or building permits; and
   i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior the Public Works Department’s approval of the grading and drainage plan and/or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP’s, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Los Angeles County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.
61. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.

62. The project engineer shall sign the final plans prior to the issuance of construction permits.

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

64. 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 BMPs 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, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

Public Works

65. The applicant shall submit to Public Works a signed and notarized reciprocal easement agreement, by the property owners of 29140 Cliffside Drive and 29150 Cliffside Drive, for the proposed shared reciprocal driveway easement. The signed and notarized reciprocal easement agreement shall be submitted to Public Works, prior to Public Works Approval of any Building Permits.
66. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

Swimming Pool / Spa / Water Feature

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

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

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

70. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaeicides, 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:
   a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
   b. There are sufficient BMPs in place to prevent soil erosion; and
   c. The discharge does not reach in to the MS4 or to the ASBS (including tributaries).

71. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

72. A sign stating “It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per MMC Section 13.04.060(D)(5)” shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

73. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

Construction/Framing

74. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.

75. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.
76. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

77. A construction management plan shall be approved by the Public Works Director to manage construction traffic, including grading truck trips, in order to minimize impacts on traffic and emergency access.

**Demolition/Solid Waste**

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

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

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

81. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.

82. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.

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

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

85. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.
Colors and Materials

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

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

Prior to Final Sign-Off

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

89. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

Fixed Conditions

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

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

SECTION 7. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 4th day of May 2020.

__________________________
JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

__________________________
KATHLEEN STECKO, Recording Secretary
LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. 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. Anyone unable to submit an appeal via email should contact Patricia Salazar at (310) 456-2489, extension 245, at least two business days before the appeal deadline to arrange alternative delivery of the appeal. Appeal forms may be found online at malibucity.org/planningforms, or by calling (310) 456-2489, ext. 245.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s decision to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-34 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 4th day of May 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary
PROJECT DESCRIPTION
TOTAL LANDSCAPE AREA: 9286 SF
TOTAL IRRIGATED LANDSCAPE: 10.070 SF
TOTAL HIGH WATER USE AREA (WATER FEATURE): 1736 SF
TOTAL MEDIUM WATER USE AREA: 2010 SF
TOTAL LOW WATER USE AREA: 5.324 SF
TOTAL HARDCRACE AREA: 10.868 SF
IMPERMEABLE HARDSCAPE AREA: 10.274 SF
PERMEABLE HARDSCAPE AREA: 594 SF
WATER SUPPLY: POTABLE

LANDSCAPE SHEET INDEX
L0.00 TITLE SHEET
L0.10 TREE INVENTORY
L0.20 DEMOLITION PLAN
L0.30 LANDSCAPE PLAN
L0.35 IRRIGATION PLAN
L0.40 CONSTRUCTION DOCUMENTS

PROJECT INFORMATION
PROJECT ADDRESS:
29140 CLIFFSIDE ORANGE, CA 92865
APN: 449A.861.865
PROJECT DESCRIPTION:
RESIDENTIAL LANDSCAPE
LOT AREA GROSS: 40,015 SF
LOT AREA NET: 42,486 SF
ZONING: R1
OCUPANCY GROUP: R-1
FIRE ZONE: 09A0402

PROJECT PARTICIPANTS
OWNER:
EZ PROPERTIES INC
29140 CLIFFSIDE ORANGE, CA 92865
TEL: 714-245-3404

ARCHITECT:
DONALDSON ARCHITECTS
3034 WILSHIRE AVENUE
CULVER CITY, CA 90232
TEL: 310-204-0600
CONTACT: CHRISTINE REINS

CIVIL ENGINEER:
PEAK SURVEYS INC
2468 TOWNEGREEN RD, F-110
WESTLAKE VILLAGE, CA 91361
TEL: 805-497-6723
CONTACT: GARETH CRITES

LANDSCAPE DESIGN:
ELYSIAN LANDSCAPES
2340 WEST THIRD STREET
LOS ANGELES, CA 90057
TEL: 213-380-3105

STATEMENT OF COMPLIANCE
I HAVE COMPLIED WITH THE CRITERIA OF THE LANDSCAPE WATER CONSERVATION ORDINANCE, AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THIS PROJECT.
LANDSCAPE DESIGNER: ELYSIAN LANDSCAPES

RECEIVED
FEB 25 2020
PLANNING DEPT.
TO: City of Malibu Biologist
FROM: City of Malibu Planning Department
PROJECT NUMBER: CDP 15-069
JOB ADDRESS: 29140 CLIFFSIDE DR
APPLICANT / CONTACT: Jaime Harnish
APPLICANT ADDRESS: PO Box 6363
Malibu, CA 90265
APPLICANT PHONE #: (310) 589-2473
APPLICANT FAX #: jaimeharnish@hotmail.com
PLANNER: Richard Mollica
PROJECT DESCRIPTION: Demo ESFR and NSFR, swimming pool, landscaping, AOWTS

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

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

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

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

Signature: [Signature]
Date: 11/15/18

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

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

PROJECT INFORMATION

Applicant: Jaime Harnish
(name and email address) jaimeharnish@hotmail.com

Project Address: 29140 Cliffside Drive
Malibu, CA 90265

Planning Case No.: CDO 15-069

Project Description: Demo ESFR, NSFR, swimming pool, landscaping, OWTS

Date of Review: January 11, 2019

Reviewer: Dave Crawford

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

SUBMITTAL INFORMATION

Site Plans: 9/25/18
Site Survey: 9/25/18
Planting Plan: 12/18/18
Irrigation/Hydrozone/ water budget Plan: 12/18/18
Grading Plans: 9/25/18
OWTS Plan: 9/25/18
Bio Assessment:
Bio Inventory:
Native Tree Survey:
Native Tree Protection Plan
Other:
Previous Reviews: Incomplete 4/5/16, Approved 5/30/17, Incomplete 10/9/18, Incomplete 11/27/18

REVIEW FINDINGS

Review Status: ☑ APPROVED The proposed project approved with the conditions attached.

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

1. The Maximum Applied Water Allowance (MAWA) for this project totals 150,044 gallons per year. The Estimated Applied Water Use (EAWU) totals 149,385 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. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 9.22). The certificate shall include the property owner’s signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22.

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

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

   G. Vegetation shall be situated on the property so as not to obstruct the primary view from private property at any given time (given consideration of its future growth).
H. No non-native plant species shall be approved greater than 50 feet from the residential structure.

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

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

K. 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.

L. Up-lighting of landscaping is prohibited.

M. 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
TO: City of Malibu Environmental Health Administrator  DATE: 12/15/2015
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 15-069

JOB ADDRESS: 29140 CLIFFSIDE DR

APPLICANT / CONTACT: Jaime Harnish

APPLICANT ADDRESS: PO Box 6363
Malibu, CA 90265

APPLICANT PHONE #: (310) 589-2473

APPLICANT FAX #: jaimeharnish@hotmail.com

PROJECT DESCRIPTION: Demo ESFR and NSFR, swimming pool, landscaping, AOWTS

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: [Signature]
Date: October 8, 2018
**ENVIRONMENTAL HEALTH REVIEW SHEET**

**PROJECT INFORMATION**

<table>
<thead>
<tr>
<th>Applicant: Jaime Harnish</th>
<th>Project Address: 29140 Cliffside Drive Malibu, CA 90265</th>
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<tbody>
<tr>
<td>(name and email address)</td>
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<td></td>
<td>Reviewer: Matt Janousek</td>
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<td>Contact Information: Phone: (310) 456-2489 ext. 307 Email: <a href="mailto:mjanousek@malibucity.org">mjanousek@malibucity.org</a></td>
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**SUBMITTAL INFORMATION**

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<td>Previous Reviews: 12-23-2015</td>
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**REVIEW FINDINGS**

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

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

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

Based upon the project description and submittal information noted above, a conformance review was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed 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, 2013 Edition with City of Malibu local amendments (Malibu Municipal Code Section 12.12; 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**

1) **Final OWTS Plot Plan:** A final plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MPC, and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot must be submitted 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. 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. Traffic-rated slab plans for treatment tank and seepage pits.

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

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

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

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

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

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

5) **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.

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

7) **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 advanced onsite wastewater disposal system.

8) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater disposal system after construction shall be submitted. Please note only original "wet signature" documents are acceptable.
9) **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 Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the OWTS serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. *Please submit a certified copy issued by the City of Malibu Recorder.*

10) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

11) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu Geologist and Geotechnical Engineer final approval of the OWTS plan shall be submitted.

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

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

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

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

**cc:** Environmental Health file
Planning Department
S.P.D.: 7 Bedrooms/100 Fixture Units (N)
TREATMENT: 7,540 Gallon MicroSept200 ES-25
TANK: w/ UV Disinfection Unit (N)
ACTIVE: 2 - 6' x 25' HI w/ 15' Cap
(F) (projected: B-4, B-5)
FUTURE: 2 - 6' x 25' HI w/ 15' Cap
(F) (projected: B-7, B-8)
PERC RATE: 12,492 gpd/25.6 gpm (projected: B-4)
31,589 gpd/25.2 gpm (projected: B-5)
12,864 gpd/27.3 gpm (projected: B-7)
12,171 gpd/25.8 gpm (projected: B-8)
DESIGNER: Eileen Shields, RCE (74757)

NOTES:
1. This conformance review is for a new 7 bedroom (100 fixture units) single family dwelling. The new advanced onsite wastewater treatment system conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).
2. This review relates only to the minimum requirements of the MPC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of review treatment.
3. This review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

REFERENCES:
1. SITE SURVEY DATED MARCH 2015. PREPARED BY CHRIS NELSON AND ASSOCIATES, INC.
2. SITE PLAN DATED FEBRUARY 2018. PREPARED BY SHUTSUN AND DONALDSON
3. PRIVATE SEWAGE DISPOSAL SYSTEM RESULTS DATED NOVEMBER 2015. PREPARED BY GEOCONCEPTS INC.
TO: Los Angeles County Fire Department  
FROM: City of Malibu Planning Department  
DATE: 12/15/2015  

PROJECT NUMBER: CDP 15-069  
JOB ADDRESS: 29140 CLIFFSIDE DR  
APPLICANT / CONTACT: Jaime Harnish  
APPLICANT ADDRESS: PO Box 6363  
Malibu, CA 90265  
APPLICANT PHONE #: (310) 589-2473  
APPLICANT FAX #:  
PROJECT DESCRIPTION: Demo ESFR and NSFR, swimming pool, landscaping, AOWTS  

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<tr>
<th>TO: Malibu Planning Department and/or Applicant</th>
<th>FROM: Fire Prevention Engineering Assistant</th>
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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 **1250** gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.)
- The project is required to have an interior automatic fire sprinkler system.
- Final Fuel Modification Plan Approval is required prior to Fire Department Approval

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.

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

The Fire Prevention Engineering may be contacted by phone at (818) 880-0341 or at the Fire Department Counter: 26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM
GEOTECHNICAL REVIEW SHEET

**Project Information**

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<th>Date:</th>
<th>October 30, 2018</th>
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<tbody>
<tr>
<td>Site Address:</td>
<td>29140 Cliffside Drive</td>
</tr>
<tr>
<td>Lot/Tract/PM #:</td>
<td>Planning #:</td>
</tr>
<tr>
<td>Applicant/Contact:</td>
<td>Jaime Harnish, <a href="mailto:jaimeharnish@hotmail.com">jaimeharnish@hotmail.com</a></td>
</tr>
<tr>
<td>Contact Phone #:</td>
<td>310-589-2473</td>
</tr>
<tr>
<td>Project Type:</td>
<td>Revised project: New single-family residential development; new Advanced Onsite Wastewater Treatment System (AOWTS)</td>
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<tr>
<td>BPC/GPC #:</td>
<td></td>
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<tr>
<td>Fax#:</td>
<td>Richard Mollica</td>
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<tr>
<td>Planner:</td>
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</tbody>
</table>

**Review Log #: 3822**

**Planning #: CDP 15-069**

**Submittal Information**

| Consultant(s) / Report Date(s): | GeoConcepts, Inc. (Walter, GE 2476; Barrett, CEG 2088): 8-24-18, 2-3-16, 11-19-15, 11-16-15 |
| Grading plans prepared by Peak Surveys, Inc. dated September 14, 2018. |
| AOWTS Conformance review Site Plan prepared by MKN dated December 9, 2015. |

**Previous Reviews:**

Environmental Health Review Sheet dated October 8, 2018, 2-15-16, 1-5-16, Geotechnical Review Referral Sheet dated 12-16-15

**Review Findings**

**Coastal Development Permit Review**

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

**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. 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.
Remarks

The referenced update geotechnical report, Building plans, and grading plans were reviewed by the City from a geotechnical perspective. The project comprises demolishing the existing single-family residence, retaining walls, hardscape, and OWTS and constructing a new 5,597 square foot two-story single-family residence and attached 1,330 square foot covered (one) and open (three) garages, a new swimming pool, retaining walls, hardscape, landscaping, and grading (2,436 yards of R & R; 1,016 yards of cut and 8 yards of fill under structure; 699 yards of cut and 14 yards of fill for safety; 880 yards of cut and 40 yards of fill non-exempt; and 2,533 yards of export). A new onsite wastewater treatment system (OWTS) will be installed on the property that consists of a treatment tank system and two 6' diameter x 25' BI seepage pits with 15' caps with 100% expansion. Due to the grade changes in the area of the proposed seepage pits, the revised capping depths, reflected on the OWTS Consultant’s plans are 11’ and 12’.

Building Plan-Check Stage Review Comments:

1. Please provide a copy of the referenced report by GeoConcepts, Inc. dated 2-17-16 for review.
2. Section 7.4 of the City’s geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. Building plans shall reflect this requirement.
3. Please include the swimming pool subdrain detail in the swimming pool plans. Where will the subdrain outlet on the property? The City does not recommend constructing outlets at the top or down the coastal bluff.
4. The following a note needs to be included into the project grading and building plans. ‘Prior to the placement of concrete slabs, the slab subgrade soils shall be pre-moistened to at least 120% of the optimum moisture content to the depth specified by the geotechnical engineer. The pre-moistened soils should be tested and verified to be by the geotechnical engineer within one day prior to the placement of the moisture barrier and sand.’
5. Two sets of final grading, retaining wall, swimming pool, and residence plans (APPROVED BY BUILDING AND SAFETY) incorporating the Project Geotechnical Consultant’s recommendations and items in this review sheet must be reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical/Civil Engineer. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants’ recommendations and items in this review sheet over the counter at City Hall. Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.

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

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

Date: 10/30/20

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

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

GeoDynamics, Inc.
Applied Earth Sciences
Geotechnical Engineering & Environmental Geology Consultants

(MAL20258)
The following standard items should be incorporated into Building Plan-Check submittals, as appropriate:

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

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

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

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

5. Foundation setback distances from descending slopes shall be in accordance with Section 1808 of the Malibu Building Code, or the requirements of the Project Geotechnical Consultant's recommendations, whichever are more stringent. Show minimum foundation setback distances on the foundation plans, as applicable.

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

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

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 Project 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: CDP 15-069
JOB ADDRESS: 29140 CLIFFSIDE DR
APPLICANT / CONTACT: Jaime Harnish
APPLICANT ADDRESS: PO Box 6363
Malibu, CA 90264
APPLICANT PHONE #: (310) 589-2473
APPLICANT FAX #: jaimeharnish@hotmail.com
PROJECT DESCRIPTION: Demo ESFR and NSFR, swimming pool, landscaping, AOWTS

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]  3-21-19

DATE
To: Planning Department

From: Public Works Department
Julian De Anda, P.E., Associate Civil Engineer

Date: March 21, 2019

Re: Proposed Conditions of Approval for 29140 Cliffside Drive (CDP 15-069)

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.

RECIPROCAL EASEMENT AGREEMENT

1. The applicant shall submit to Public Works a signed and notarized reciprocal easement agreement, by the property owners of 29140 Cliffside Drive and 29150 Cliffside Drive, for the proposed shared reciprocal driveway easement. The signed and notarized reciprocal easement agreement shall be submitted to Public Works, prior to Public Works Approval any Building permits.

STREET IMPROVEMENTS

2. This project proposes to construct a new driveway within the City's right-of-way. Prior to the Public Works Department's approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed driveway. The driveway shall be constructed of either 6-inches of concrete over 4-inch of aggregate base, or 4-inches of asphalt concrete over 6-inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.
GRADING AND DRAINAGE

3. 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.

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

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

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

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

STORMWATER

8. 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.
9. 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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Preservation of Existing Vegetation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sediment Controls</th>
<th>Silt Fence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sand Bag Barrier</td>
</tr>
<tr>
<td></td>
<td>Stabilized Construction Entrance</td>
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</table>

<table>
<thead>
<tr>
<th>Non-Storm Water Management</th>
<th>Water Conservation Practices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste Management</td>
<td>Dewatering Operations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Waste Management</th>
<th>Material Delivery and Storage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Stockpile Management</td>
</tr>
<tr>
<td></td>
<td>Spill Prevention and Control</td>
</tr>
<tr>
<td></td>
<td>Solid Waste Management</td>
</tr>
<tr>
<td></td>
<td>Concrete Waste Management</td>
</tr>
<tr>
<td></td>
<td>Sanitary/Septic Waste Management</td>
</tr>
</tbody>
</table>

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.

10. 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.

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

- Site Design Best Management Practices (BMP’s)
• Source Control BMP’s
• Treatment Control BMP’s that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
• Drainage Improvements
• A plan for the maintenance and monitoring of the proposed treatment BMP’s for the expected life of the structure.
• A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.
• The WQMP shall be submitted to Public Works 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 with the County Recorder. A copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

MISCELLANEOUS

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

13. 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.

14. Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.
Table of Surrounding Properties Within 500-Feet

This table summarizes square footage of nearby residences, parcel sizes and year built based on data obtained from the Los Angeles County Assessor.

Building square footage is habitable area only, and does not include garages, covered patios and some other accessory structures.

Non-habitable areas has been deducted from the proposed project.

Source: GIS 2020

Project Site: 29140 Cliffside Drive

Source: GIS 2020
<table>
<thead>
<tr>
<th>Address / APN</th>
<th>Habitable Area Only</th>
<th>Parcel Size</th>
<th>Year Built</th>
</tr>
</thead>
<tbody>
<tr>
<td>29140 Cliffside Drive (Proposed Project)</td>
<td>6,927 sq. ft.</td>
<td>51,226 sq. ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>29042 Cliffside Drive</td>
<td>5,254 sq. ft.</td>
<td>46,182 sq. ft.</td>
<td>1973</td>
</tr>
<tr>
<td>29061 Cliffside Drive</td>
<td>2,650 sq. ft.</td>
<td>28,912 sq. ft.</td>
<td>1960</td>
</tr>
<tr>
<td>29119 Cliffside Drive</td>
<td>5,741 sq. ft.</td>
<td>52,775 sq. ft.</td>
<td>1977</td>
</tr>
<tr>
<td>29131 Cliffside Drive</td>
<td>2,978 sq. ft.</td>
<td>65,387 sq. ft.</td>
<td>1955</td>
</tr>
<tr>
<td>29135 Cliffside Drive</td>
<td>1,533 sq. ft.</td>
<td>52,440 sq. ft.</td>
<td>1954</td>
</tr>
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<td>29149 Cliffside Drive</td>
<td>8,242 sq. ft.</td>
<td>56,961 sq. ft.</td>
<td>1989</td>
</tr>
<tr>
<td>7160 Dume Drive</td>
<td>9,911 sq. ft.</td>
<td>74,491 sq. ft.</td>
<td>1991</td>
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<td>7161 Grasswood Avenue</td>
<td>3,199 sq. ft.</td>
<td>26,595 sq. ft.</td>
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<td>29107 Cliffside Drive</td>
<td>1,924 sq. ft.</td>
<td>22,541 sq. ft.</td>
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<tr>
<td>4466-014-032</td>
<td>N/A</td>
<td>14,344 sq. ft.</td>
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<td>29151 Cliffside Drive</td>
<td>3,141 sq. ft.</td>
<td>42,188 sq. ft.</td>
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<td>29208 Cliffside Drive</td>
<td>7,674 sq. ft.</td>
<td>56,366 sq. ft.</td>
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<td>29150 Cliffside Drive</td>
<td>11,741 sq. ft.</td>
<td>53,045 sq. ft.</td>
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<td>29130 Cliffside Drive</td>
<td>4,262 sq. ft.</td>
<td>44,154 sq. ft.</td>
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<td>Living Area</td>
<td>Total Area</td>
<td>Year</td>
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<tr>
<td>--------------------------</td>
<td>--------------</td>
<td>------------</td>
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<tr>
<td>29122 Cliffside Drive</td>
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<td>43,216 sq. ft.</td>
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<td>6,107 sq. ft.</td>
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<td>70,283 sq. ft.</td>
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<td>4468-002-902</td>
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<td>1,264,817 sq. ft.</td>
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<td>8,382 sq. ft.</td>
<td>46,493 sq. ft.</td>
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<td>29225 Cliffside Drive</td>
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<td>46,981 sq. ft.</td>
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<td>29235 Cliffside Drive</td>
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<td>47,144 sq. ft.</td>
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<tr>
<td>1</td>
<td>4468-001-002</td>
<td>EZ PROPERTIES, INC (O PL)</td>
<td>4412 W 6TH ST</td>
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<tr>
<td>2</td>
<td>4468-001-005</td>
<td>SETARA LIMITED</td>
<td>1500 WSHIRE BLVD</td>
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<td>3</td>
<td>4468-001-006</td>
<td>TROX AMERICAN HOLDINGS CORP</td>
<td>6635 WILSHIRE BLVD</td>
</tr>
<tr>
<td>4</td>
<td>4468-001-007</td>
<td>JAMES R OLSON</td>
<td>27162 CLIFPSIDE DR</td>
</tr>
<tr>
<td>5</td>
<td>4468-001-008</td>
<td>STIEGELER JOHN &amp; LINDA TRST</td>
<td>5341 E 4TH ST</td>
</tr>
<tr>
<td>6</td>
<td>4468-001-009</td>
<td>HOPED STEVENS &amp; STEVENS TRST</td>
<td>29115 CLIFPSIDE DR</td>
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<tr>
<td>7</td>
<td>4468-001-010</td>
<td>RANDOLPH STEADMAN &amp; KYUNG STEADMAN</td>
<td>1329 PACIFIC COAST HWY</td>
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<tr>
<td>8</td>
<td>4468-001-011</td>
<td>CRISUITE LIMITED LLC</td>
<td>10937 CIPPSIDE DR</td>
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<td>9</td>
<td>4468-001-012</td>
<td>HADSON F AVENUE</td>
<td>5133 E 4TH ST</td>
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<td>10</td>
<td>4468-001-013</td>
<td>MADERA LIMITED</td>
<td>1413 N 142ND AVENUE CIR</td>
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<td>4468-001-014</td>
<td>BURBANK</td>
<td>2313 N 142ND AVENUE CIR</td>
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<td>4468-001-016</td>
<td>BURBANK</td>
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<tr>
<td>14</td>
<td>4468-001-017</td>
<td>BURBANK</td>
<td>2313 N 142ND AVENUE CIR</td>
</tr>
</tbody>
</table>

**SQUARE FOOTAGES**

- **TOTAL SF**: 100884
- **AVERAGE SF**: 5044

**RECEIVED**

**JUN 28 2019**

**PLANNING DEPT.**

Attachment 5
29140 CLIFFSIDE DR
VIEW CORRIDOR EXHIBIT
06/28/2019

Shubin Donaldson

Attachment 6
VIEW CORRIDOR PER SITE PLAN

PROPOSED RESIDENCE AT 29140 CLIFFSIDE

EXISTING RESIDENCE AT 29150 CLIFFSIDE

ShubinDonaldson

EXTENT OF VIEW CORRIDOR FROM CLIFFSIDE DR
The Malibu Planning Commission will hold a public hearing on Monday, May 4, 2020, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

COASTAL DEVELOPMENT PERMIT NO. 15-069, SITE PLAN REVIEW NO. 15-057, AND DEMOLITION PERMIT NO. 20-004 - An application to allow for the demolition of an existing single-family residence, construction of a new 24 foot tall, two-story, 6,927 square foot, single-family residence including an attached one-car garage, three-car carport, new onsite wastewater treatment system, 10,544 square feet of impermeable coverage, 19,200 square feet of landscaping, new driveway, retaining walls (not to exceed six feet in height), water features, pool and spa and associated equipment (to be fully screened), pool decking, 840 cubic yards of non-exempt grading; including a site plan review for construction above 18 feet in height, not to exceed 24 feet in height for a flat roof

LOCATION / APN / ZONING: 29140 Cliffside Dr / 4468-001-005 / Rural Residential-One Acre (RR-1)
APPLICANT / OWNER(S): Jaime Harnish / Setara Limited
APPEALABLE TO: City Council and California Coastal Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15303(a) and (e) and 15304(b)
APPLICATION FILED: December 15, 2015
CASE PLANNER: Jessica Thompson, Associate Planner, jthompson@malibucity.org (310) 456-2489, ext. 280

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

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be 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 online, 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.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission’s approval directly to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1800.

BONNIE BLUE, Planning Director

Date: April 9, 2020

ATTACHMENT 7