To: Chair Jennings and Members of the Planning Commission

Prepared by: Lilly Rudolph, Contract Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: May 7, 2020     Meeting date: May 18, 2020

Subject: Coastal Development Permit No. 15-032, Site Plan Review No. 15-028, and Demolition Permit No. 15-010 – An application for the demolition of an existing one-story, single-family residence and associated development and construction of a new one-story single-family residence and associated development

Location: 6837 Zumirez Drive, within the appealable coastal zone
APN: 4466-003-007
Owner: The James Perse Revocable Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-24 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 15-032 for the construction of a new 6,912 square foot, one-story single-family residence that includes a 2,354 square foot basement, plus a 720 square foot detached garage, swimming pool, spa, hardscape, landscaping, grading, drainage, fencing, gates, retaining walls, and installation of a new onsite wastewater treatment system (OWTS); including Site Plan Review (SPR) No. 15-028 for construction in excess of 18 feet up to 24 feet for a flat roof for the residence, and Demolition Permit (DP) No. 15-010 for the demolition of an existing single-family residence with an attached garage, guest house, hardscape, walls, and OWTS, located in the Rural Residential-One Acre (RR-1) zoning district at 6837 Zumirez Drive (The James Perse Revocable Trust).

DISCUSSION: This agenda report provides a project overview, a summary of the project setting and surrounding land uses, a description of the project scope, an analysis of the project’s consistency with applicable provisions of the Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC), and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the project is consistent with the LCP and MMC.
Project Overview

The subject application involves construction of a new 6,955 square foot, one-story single-family residence with a basement, a detached garage, and other associated development. The project plans are included as Attachment 2. In addition, the subject application includes DP No. 15-010 for the demolition of an existing single-family residence with an attached garage, guest house, hardscape, walls and OWTS.

The application was submitted in May 2015. On June 15, 2016, the applicant requested the Planning Department to temporarily halt processing of the subject application. City review of the project was suspended until May 29, 2019, when the applicant notified City staff that it wishes to proceed processing the subject application.

Site Plan Review for Height

The subject application includes SPR No. 15-028 for construction in excess of 18 feet in height with a total height not to exceed 24 feet for a flat roof. Story poles representing the location and height of the proposed single-family residence were installed in February 2020 (Attachment 3 – Site and Story Pole Photographs). Staff conducted an inspection of the story poles on March 4, 2020 to visually assess potential impacts to primary views from the proposed residence’s flat roof not to exceed 24 feet in height and the proposed residence’s compatibility with the surrounding neighborhood. The proposed residence would be 24 feet in height as measured from natural grade to the top of the roof deck guardrail. Based on the project plans and staff’s site visit, it was determined that the proposed residence would not obstruct primary views of neighboring residences and would not be visible from public scenic areas. Staff also determined that the residence would be compatible with the surrounding neighborhood because the project is proportional to its lot size and has a deep front yard setback and the one-story design is similar to other properties in the area. Staff received no complaints to date from neighbors regarding the story poles or the project.

Surrounding Land Uses and Project Setting

The subject parcel is located in the Point Dume neighborhood. In 1956, a 2,650 square foot (according to County of Los Angeles building permit records) single-family residence and garage were constructed on the subject property. Subsequent approvals and permits were obtained for remodels and additions from the County of Los Angeles and later the City of Malibu. The subject property is currently developed with a 4,490 square-foot single-family residence with an attached 702 square foot garage, 214 square foot guest house, and septic system. The parcel is zoned RR-1 and is 1.29 acres in size and takes access from the terminus of Zumirez Drive, a public street.

As illustrated in Figure 1, the subject parcel is an irregularly shaped lot with a narrow front property line adjacent to Zumirez Drive that widens towards the rear of the lot. The existing
development area is located on slopes that are 4 to 1 and flatter with slopes that descend to the southern portion of the property. The rear of the property contains slopes as steep as 1 to 1. A concrete pathway runs from north to south along the western property line and descends to the rear of the property. The path is proposed to be removed as part of the application.

Figure 1 – Aerial Map

The project site is not in a designated Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. According to the LCP ESHA Overlay Map, there is a stream along the southwesterly property line. Pursuant to LIP Section 4.6.1(A), new development is not required to maintain a buffer from streams and riparian habitat but instead are required to avoid encroachment on slopes of 25 percent grade or steeper that descend toward a stream.

As shown in Table 1, the subject property is surrounded by a mix of undeveloped lots and one- and two-story developments with mature landscaping within the RR-1 zoning district. Views of the Pacific Ocean are oriented to the southeast of the subject parcel.
While not required for conformance review by City codes or Council direction, staff has included for reference, at the Commission’s request, a table showing the Los Angeles County Tax Assessor’s Records for properties within a 500-foot radius of the subject property (Attachment 4). This County square footage information is not the equivalent of the City’s total development square footage (TDSF) metric since it is based on the assessor’s rules for property valuation.

<table>
<thead>
<tr>
<th>Table 1 – Surrounding Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Direction</strong></td>
</tr>
<tr>
<td>North</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>West</td>
</tr>
<tr>
<td>East</td>
</tr>
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</tr>
</tbody>
</table>

* Rural Residential-One Acre (RR-1); Single-Family Residence (SFR)

Table 2 provides a summary of the lot dimensions and lot area of the subject parcel.

<table>
<thead>
<tr>
<th>Table 2 – Property Data</th>
</tr>
</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 of Road Easements</strong></td>
</tr>
<tr>
<td><strong>Area of 1 to 1 Slopes</strong></td>
</tr>
<tr>
<td><strong>Net Lot Area</strong>&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

The project site is within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map, so the project is appealable to the CCC. The project site has no trails on or adjacent to it according to the LCP Park Lands Map.

<sup>1</sup> Net Lot Area = Gross Lot Area minus the area of street easements and 1 to 1 slopes.
**Project Description**

The proposed project includes the following work:

a. Demolition of an existing 4,490 square foot single-family residence and associated development;

b. 6,912 square foot, one-story single-family residence that includes a 2,354 square foot basement that is partially excluded from TDSF\(^2\) plus a 720 square foot detached garage, and roof deck;

c. Swimming pool, spa, and pool equipment;

d. Non-exempt grading in the amount of 477 cubic yards;

e. Landscaping and hardscape;

f. Fencing, gates, and retaining walls;

g. Replacement of the existing OWTS; and

h. Discretionary requests:

   i. SPR No. 15-028 to allow an increase in the height of the residence up to 24 feet; and

   ii. DP No. 15-010 for the demolition of an existing one-story, single-family residence, guest house, hardscape, walls and OWTS.

**Proposed Total Development Square Footage (TDSF)**

<table>
<thead>
<tr>
<th>Component</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main floor area</td>
<td>6,235 sq. ft.</td>
</tr>
<tr>
<td>Basement</td>
<td>(actual: 2,354 sq. ft.) 677 sq. ft.</td>
</tr>
<tr>
<td>Detached garage</td>
<td>720 sq. ft.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7,632 sq. ft.</strong></td>
</tr>
</tbody>
</table>

**LCP Analysis**

The LCP consists of the Land Use Plan (LUP) and the Local Implementation Plan (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) Onsite Wastewater Treatment Systems. Updated conformance reviews for these chapters are discussed in the *LIP Conformance Analysis* section.

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\(^2\) The first 1,000 square feet of basement is not included as total development square footage; additional area in excess of 1,000 square feet is included in the calculation of TDSF at the rate of one square foot of TDSF for every two square feet of proposed basement square footage.
The nine remaining LIP chapters do contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division.

For the reasons described in this report only the following findings are applicable to the project: Coastal Development Permit (including the required findings for the SPR), and Hazards. These findings are discussed in the *LIP Findings* section of this report. The findings required by MMC Section 17.70.060 for the demolition permit are also discussed.

**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, Los Angeles County Waterworks District No. 29 (WD29), and the LACFD (Attachment 5 – Department Review Sheets). WD29 provided a Will Serve Letter to the applicant stating that WD29 can serve water to the property. The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies, inclusive of the requested SPR.

**Zoning (LIP Chapter 3)**

Development standards are contained in LIP Chapter 3. As shown in Table 3, the proposed development, with the inclusion of the site plan review, conforms to the property development and design standards as set forth under LIP Sections 3.5 and 3.6.

<table>
<thead>
<tr>
<th>Development Requirement</th>
<th>Required/Allowed</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SETBACKS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>65 ft.</td>
<td>94 ft., 3 in.</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>65 ft.</td>
<td>156 ft., 7 in.</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (15% - west)</td>
<td>26 ft., 8 in.</td>
<td>26 ft., 8 in.</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (10% - east)</td>
<td>17 ft., 10 in.</td>
<td>17 ft., 10 in.</td>
<td>Complies</td>
</tr>
<tr>
<td>PARKING</td>
<td>2 enclosed</td>
<td>2 enclosed</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>2 unenclosed</td>
<td>2 unenclosed</td>
<td></td>
</tr>
<tr>
<td>TDSF</td>
<td>7,634 sq. ft.</td>
<td>7,632 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>HEIGHT</strong></td>
<td>18 ft.</td>
<td>23 ft., 10 in. (flat roof)</td>
<td>SPR No. 15-028</td>
</tr>
<tr>
<td><strong>IMPERMEABLE COVERAGE</strong></td>
<td>16,673 sq. ft.</td>
<td>12,481 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>SLOPES (Point Dume)</strong></td>
<td>4 to 1 or flatter</td>
<td>4 to 1 or flatter</td>
<td>Complies</td>
</tr>
<tr>
<td>1st Floor x 2/3rd = 2nd Floor (sq. ft.)</td>
<td>4,825 sq. ft. max.</td>
<td>3,616 sq. ft.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

3 The ESHA, Native Tree Protection, Scenic, Visual and Hillside Resource Protection, Transfer of Development Credits, Shoreline and Bluff Development, Public Access, and Land Division findings are neither applicable nor required for the proposed project.
Table 3 – LCP Non-Beachfront Zoning Conformance

<table>
<thead>
<tr>
<th>Development Requirement</th>
<th>Required/Allowed</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>NON-EXEMPT GRADING</td>
<td>&lt; 1,000 cubic yards</td>
<td>477 cubic yards</td>
<td>Complies</td>
</tr>
<tr>
<td>FENCES/WALLS/HEDGES/GATES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>6 ft.; lower 42 in. view impermeable</td>
<td>6 ft.; lower 42 in. view impermeable</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>6 ft.</td>
<td>6 ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yards</td>
<td>6 ft.</td>
<td>6 ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Retaining Walls</td>
<td>6 ft.</td>
<td>4 ft.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

Although the residence does not include a second floor, vaulted ceilings higher than 18 feet in height contribute to the massing of the structure and were calculated to ensure compliance with the two-thirds rule.

The proposed basement is consistent with the requirements for basements specified in LIP Section 3.6(K)(3). The basement is only one floor level, not exceeding 12 feet in height, and is located beneath the first floor footprint. No portion of the basement wall daylights more than three feet. A secondary means of egress (lightwell) is proposed that complies with LCP Policy 4.

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 total amount of grading is 8,974 cubic yards as provided for on the Total Grading Yardage Verification Certificate on the grading plan cover sheet (Attachment 2). The total amount of proposed non-exempt grading is 477 cubic yards, which is less than the maximum allowable. The project complies with grading requirements set forth under LIP Section 8.3.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. A Phase I Archaeological Report was prepared by Robert Wlodarski in May 2015 for the project site. No archaeological resources were found onsite during the Phase I investigation. The Phase I Archaeological Report determined that the proposed improvements should have no adverse impacts to known cultural resources.

Nevertheless, a condition of approval 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. The project has been conditioned to meet this requirement and complies with LIP Chapter 11.
Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the proposed project for conformance to LIP Chapter 17 requirements for water quality protection. A standard condition of approval for this project requires that prior to the issuance of any development permit, a Local Storm Water Pollution Prevention Plan incorporating construction-phase Erosion and Sediment Control Plan and Best Management Practices, must be approved by the City Public Works Department. Additionally, the ocean between Latigo Point and the western 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. As such, the applicant’s drainage system is required to retain all non-storm water runoff on the property without discharge to the ASBS, and to maintain the natural water quality within the ASBS by treating storm runoff for pollutants in residential storm runoff that would cause a degradation of ocean water quality in the ASBS. A condition is also included requiring a Water Quality Mitigation Plan that is recorded against the property. With the implementation of these conditions, the proposed project conforms to the water quality protection standards of LIP Chapter 17.

Onsite Wastewater Treatment Systems (LIP Chapter 18)

LIP Chapter 18 and MMC Chapters 15.40, 15.42, and 15.44 address OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes a new OWTS to serve the proposed development, which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the LCP and MMC. The new system will incorporate a 7,450-gallon MicroSepTec ES25 with ultraviolet disinfection unit with three active and three future seepage pits. The existing system will be properly abandoned. The subject system will meet all applicable requirements, and operating permits will be required. An operation and maintenance contract and recorded covenant covering such shall be in compliance with City Environmental Health requirements. Conditions of approval are included which require continued operation, maintenance, and monitoring of onsite facilities as well as screening of any above-ground equipment.

LIP Findings

A. General Coastal Development Permit (LIP Chapter 13)

Pursuant to LIP Section 13.9, the following four findings need to be made for all CDPs.

Finding 1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.
The proposed project has been reviewed for conformance with all relevant policies and provisions of the LCP by Planning Department staff, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, City Biologist, and the Los Angeles County Fire Department (LACFD) (Attachment 5 – Department Review Sheets). As discussed herein, based on submitted reports and plans, visual analysis and site investigation, the project, as conditioned, conforms to the provisions of the LCP applicable to non-beachfront development in the RR-1 zone, inclusive of the requested SPR.

Finding 2. If the project is located between the first public road and the sea, that the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is located between the first public road and the sea. The project site is separated from the beach by a residential property at 6843 Zumirez Drive and is not a beachfront lot. No lateral access easement has been recorded 6843 Zumirez Drive, which is a beachfront lot. The proposed project is not expected to interfere with the public’s ability to access the beach; there is currently no access to the beach from this property. Therefore, the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).

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

The following alternatives to the proposed project were considered in order to determine the least environmentally damaging alternative with respect to coastal resources.

Smaller Project – A smaller project could be proposed on the site. However, the project meets the required development standards, inclusive of the SPR. In addition, the proposed residence would be 94 feet from Zumirez Drive, and the elevation of the building pad is approximately 10 feet lower than the street elevation, so the house appears lower in height. The proposed residence would not be a detriment to the visual quality from Zumirez Drive or the character of the neighborhood. The project site is flat, and land disturbance would be minimal, as the new residence is proposed on the existing building pad. It is not anticipated that a project with a reduced scope would offer significant environmental advantages.

Project without Increase in Height – The project could be proposed on the project site without an increase in the height of the main residence from 18 to 24 feet. However, a flat roof not to exceed 24 feet in height, measured from the natural grade to the top of the roof deck railing, is consistent with the development standards for the RR-1 zone with approval of a SPR and complies with the two-thirds rule. Further, the proposed flat roof would not obstruct primary views of neighboring residences and would not be visible from public scenic areas. No public or private visual benefits would result from a lower flat roof.
Proposed Project – The project conforms with all development standards, inclusive of the SPR. The proposed project is below the maximum allowed TDSF for the parcel and has been sited in the general footprint of the existing residence, avoiding 1 to 1 slopes to the south. The project removes impermeable improvements on slopes steeper than 4 to 1 and restores the slope. The proposed residence is compatible with existing two-story residences on surrounding properties. Story poles representing the location and height of the residence were installed, and staff has not received complaints regarding the proposed flat roof at 24 feet in height. The project consists of construction of a new single-family residence and accessory development on land that is zoned for these uses, and that is currently developed as such. The proposed single-family residence and associated development would not be a detriment to coastal views or neighborhood character. The proposed project, as designed and conditioned, can be found to be the least environmentally damaging alternative. There are no significant adverse impacts to coastal resources.

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 located in or adjacent to an ESHA or ESHA buffer as depicted on the LCP ESHA and Marine Resources Map; therefore, the proposed project is not subject to review by the Environmental Review Board.

B. Site Plan Review No. 15-028 for a height greater than 18 feet and not exceeding 24 feet [LIP Section 13.27.5(A)]

Pursuant to LIP Section 13.27.1, a site plan review is required to allow the proposed residence to exceed 18 feet, up to a height of 24 feet with a flat roof. LIP Section 13.27.5(A) requires the City to make four findings to approve a site plan review. Two additional findings are required by MMC Section 17.62.040(D). Based on the foregoing evidence contained within the record, the required findings for SPR No. 15-028 are made as follows.

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

As described herein, the proposed project, including the site plan review, has been reviewed and found in conformance with the LCP, by all applicable departments and agencies.

Finding 2. That the project does not adversely affect neighborhood character.
The site plan review would allow a 24-foot high flat roof for the residence. The surrounding neighborhood consists of one- and two-story single-family residences. The proposed residence is designed not to adversely affect neighborhood character in that the building pad elevation for the proposed residence is 10 feet lower that the adjacent road elevation and therefore reduces the appearance of the project’s overall height. The proposed residence is larger than some in the area, but the project is screened from view from Zumirez Drive and the appearance is minimized by the building pad elevation. The proposed project complies with the required size limitations, the 2/3rds rule and the required setbacks.

The subject property is located within the Point Dume neighborhood. The General Plan describes this neighborhood as an area characterized by single-family homes on lots that are large for parcels on the ocean side of Pacific Coast Highway. Original construction in Point Dume typically consisted of single-story ranch style homes in the 2,000 square foot range. However, most homes built in this area since 1985 have been large and comprise a wide variety of architectural styles. The proposed residence (6,912 square feet, one story) is consistent with the General Plan description of other homes in the Point Dume neighborhood.

Staff reviewed neighborhood context and views from Zumirez Drive. Due to the narrow lot frontage, a deep front yard setback of 94 feet that separates the residence from the street, and intervening topography with a gradual descending slope from Zumirez Drive, the proposed project would be less visible as compared to nearby residences from Zumirez Drive (Attachment 3 – Site and Story Pole Photographs). The project does not adversely affect neighborhood character.

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

Staff visited the site after story poles were placed and evaluated the project as it relates to public views. The project site is not visible from scenic viewing areas, and no significant public views, including bluewater ocean views, exist from Zumirez Drive. As such, the project provides maximum feasible protection to public views as required by the LCP.

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

The project has received LCP conformance review from the City geotechnical staff, City Biologist, City Public Works Department, the City Environmental Health Administrator, as well as the LACFD. Prior to issuance of building permits, the project must have a final approval by the City Building Safety Division. The project complies with all applicable requirements of State and local law.
Finding 5. The project is consistent with the City’s General Plan and Local Coastal program.

The proposed project, as designed, is consistent with the applicable land use designation, is consistent with all applicable development and design standards of the LCP and goals and policies of the General Plan because the project is located in an area that has been identified for residential use and the proposed residence incorporates siting and design measures to minimize visual impacts and landform alteration.

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

The maximum height of the proposed project is 24 feet with a flat roof, which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius, and staff did not receive any comments regarding view obstruction. Based on staff’s evaluation and site inspections, it was determined that neighboring residences would continue to have views of the ocean over the proposed residence. No significant impacts to private views are anticipated to occur because the proposed development is similar in profile when viewed from the street compared to the existing residence and is sited slightly landward of the existing residence. It is not expected that the portion of the residence over 18 feet will 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).

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

The subject property is not in a designated ESHA, or ESHA buffer, as shown on the LCP ESHA and Marine Resources Map. Therefore, the findings of LIP Section 4.7.6 are not applicable.

D. Native Tree Protection (LIP Chapter 5)

No native trees exist on the site. Therefore, the findings of 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 CDP applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The project site is not visible from any scenic area, scenic road, or public viewing area. Therefore, the findings set forth in LIP Chapter 6 need not be made.
F. Transfer of Development Credits (LIP Chapter 7)

According to LIP Section 7.2, transfer of development credits apply to land divisions and multi-family development in specified zones. The proposed project does not include a land division or multi-family development; therefore, LIP Chapter 7 does not apply.

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 must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project has the potential to create adverse impacts upon site stability or structural integrity. The proposed project was analyzed by staff for the hazards listed in LIP Section 9.2(A)(1-7).

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

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

Analysis for potential hazards included review of the submitted geotechnical reports prepared by GeoConcepts, Inc., dated May 7, 2015, May 8, 2015, July 8, 2015 and June 13, 2019, and Michael K. Nunley & Associates, dated June 3, 2015. According to the geotechnical reports, the proposed development was determined to not increase instability of the site or structural integrity from a geologic, flood or fire hazards perspective. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme wildfire hazard area. Based on review of the project plans by City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD, these specialists and agency determined that adverse impacts to the project site related to the proposed development are not expected. The proposed project, including the new OWTS, will neither be subject to nor increase the instability from geologic or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer’s recommendations and governing agency’s building codes are followed.

All recommendations of the City geotechnical staff and City Public Works Department shall be incorporated into the final design and construction including foundations and grading.
Final plans shall be reviewed and approved by the City geotechnical staff and City Public Works Department prior to the issuance of a grading permit.

Fire Hazard

The entire city limits of Malibu are within an identified fire hazard zone. The property is currently subject to wildfire, however, development of a residence on the subject property will not increase the site’s susceptibility to wildfire. The scope of work proposed as part of this application is not expected to have an impact on wildfire hazards. The proposed development may actually decrease the site’s susceptibility to wildfire through the use of appropriate building materials during construction.

The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has “mutual aid agreements” with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Conditions of approval have been included in the resolution to require compliance with all LACFD development standards. As such, the proposed project, as designed and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wildfire hazards.

A standard condition of approval is included in Planning Commission Resolution No. 20-24, which requires that the property owner indemnify and hold the City harmless from hazards associated with wildfire.

The proposed project will incorporate all recommendations contained in the above cited documents, geologic and geotechnical reports; as such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards.

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

As discussed in Finding 1, the proposed project as designed, conditioned, and approved by the City geotechnical staff, City Environmental Health Administrator, City Public Works Department and the LACFD, will not have any significant adverse impacts on the site stability or structural integrity from geologic or other hazards due to project modifications, landscaping or other conditions. The recommendations and measures that will be incorporated into the final project have been specifically designed as a result of thoroughly studying onsite geologic conditions.
Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

The project will not result in potentially significant environmental impacts because: 1) conditions of approval have been incorporated to substantially lessen any potentially significant adverse effects of the development on the environment; and 2) there are no other feasible alternatives that would substantially lessen any potentially significant adverse impacts of the development on the environment. Section A, Finding 3 contains further discussion supporting the conclusion that the proposed project is the least environmentally damaging alternative.

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

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

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

As discussed in Findings 1 through 4, the proposed project, as conditioned and approved by City departments and the LACFD, will not have any significant adverse impacts on site stability or structural integrity with the incorporation of all recommendations and conditions. Therefore, no adverse impacts are anticipated to hazards or to sensitive resource protection policies contained in the LCP.

H. Shoreline and Bluff Development (LIP Chapter 10)

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

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 involves new development between the nearest public roadway and the sea. As described herein, the project site is not a beachfront lot and is separated from the beach by a residential beachfront property at 6843 Zumirez Drive. No lateral access easement has been recorded 6843 Zumirez Drive. No trails are identified on the LCP Park Lands Map on or adjacent to the property, and the property is not located on a bluff or near a recreational area. Approval of the project will not affect the public’s ability to utilize the public wet sand to access the shoreline. Therefore, the project can be found 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 requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

J. Land Division (LIP Chapter 15)

The proposed project does not include a land division. Therefore, LIP Chapter 15 does not apply.

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 findings for DP No. 15-010 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. 15-010, and approval of the demolition permit is subject to the approval of CDP No. 15-032.

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

CORRESPONDENCE: Staff has not received public correspondence regarding this project.

PUBLIC NOTICE: Staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu on April 23, 2020 and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 6).

SUMMARY: The required findings can be made that the proposed project complies with the LCP. Further, the Planning Department’s findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report, staff recommends approval of this project subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 20-24. The proposed project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff, appropriate City departments, and the LACFD.

ATTACHMENTS:

1. Planning Commission Resolution No. 20-24
2. Project Plans
3. Site and Story Pole Photographs
4. Surrounding Residences
5. Departmental Review Sheets
6. Public Hearing Notice
CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 20-24  

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. 15-032 FOR THE CONSTRUCTION OF A NEW 6,912 SQUARE FOOT, ONE-STORY SINGLE-FAMILY RESIDENCE THAT INCLUDES A 2,354 SQUARE FOOT BASEMENT, PLUS A 720 SQUARE FOOT DETACHED GARAGE, SWIMMING POOL, SPA, HARDSCAPE, LANDSCAPING, GRADING, DRAINAGE, FENCING, GATES, RETAINING WALLS, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM (OWTS); INCLUDING SITE PLAN REVIEW NO. 15-028 FOR CONSTRUCTION IN EXCESS OF 18 FEET IN HEIGHT UP TO 24 FEET FOR A FLAT ROOF FOR THE RESIDENCE, AND DEMOLITION PERMIT NO. 15-010 FOR THE DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE, GUEST HOUSE, HARDSCAPE, WALLS, AND OWTS, LOCATED IN THE RURAL RESIDENTIAL-ONE ACRE ZONING DISTRICT AT 6837 ZUMIREZ DRIVE (THE JAMES PERSE REVOCABLE TRUST)

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

SECTION 1. Recital.

A. On May 12, 2015, an application for Coastal Development Permit (CDP) No. 15-032 was submitted to the Planning Department by the former applicant, Jose Iujvidin on behalf of the property owner, The James Perse Revocable Trust. The application was routed to City geotechnical staff, City Environmental Health Administrator, City Public Works Department, City Biologist, and Los Angeles County Fire Department (LACFD) for review. The current applicant is Marmol Radziner.

B. On April 25, 2016, a Notice of Coastal Development Permit (CDP) Application was posted on the subject property.

C. On June 15, 2016, the applicant, Marmol Radziner, requested the project be put on hold on behalf of the property owner.

D. On May 30, 2019, a “Letter of Authorization to Submit a Project” was submitted by the applicant in order to proceed with the processing of the project.

E. On June 19, 2019, Planning Department staff conducted a site visit to document site conditions, the property, and surrounding area.

F. On September 19, 2019, Planning Department staff determined that the application and plans conform to the development standards of the Local Coastal Program (LCP), Local Implementation Plan (LIP) and Malibu Municipal Code (MMC).
G. In February 2020, the applicant installed story poles to demonstrate the location and design of the residence.

H. On March 27, 2020, the application was deemed complete.

I. On April 23, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

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

SECTION 2. Environmental Review.

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

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, approving CDP No. 15-032 for the construction of a new 6,912 square foot, one-story single-family residence that includes a 2,354 square foot basement, plus a 720 square foot detached garage swimming pool, spa, hardscape, landscaping, grading, drainage, fencing, gates, retaining walls, and installation of a new onsite wastewater treatment system (OWTS); including Site Plan Review (SPR) No. 15-028 for construction in excess of 18 feet up to 24 feet for a flat roof for the residence, and Demolition Permit (DP) No. 15-010 for the demolition of an existing single-family residence with an attached garage, guest house, hardscape, walls, and OWTS, located in the Rural Residential-One Acre (RR-1) zoning district at 6837 Zumirez Drive.

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

A. General Coastal Development Permit (LIP Chapter 13)

1. The project has been reviewed and conditionally approved by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and the LACFD. As discussed herein, based on submitted reports, project plans, visual analysis, and detailed site investigation, the proposed project with the
inclusion of the site plan review, as conditioned, conforms to the LCP and Malibu Municipal Code (MMC) in that it meets all applicable residential zone development standards.

2. The proposed development is similar to that existing in the area, and has been determined not to result in adverse biological, scenic or visual resource impacts, and is the least environmentally damaging feasible alternative as it utilizes the existing graded pad, is not visible from public viewing areas and avoids slopes of 4 to 1 and steeper as required in Point Dume.

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

SPR No. 15-028 from the development standards contained in LIP Section 13.27 will allow construction over 18 feet in height for a flat roof up to 24 feet for the proposed single-family residence.

1. The proposed project has been reviewed and analyzed for conformance with the LCP. The project is consistent with the policies and provisions of the LCP.

2. Story poles were installed in February 2020 and demonstrate that the project is similar to surrounding development. Surrounding properties are developed with one and two-story residential structures. As demonstrated by the story poles, the proposed development will not be visible from a public viewing area and will not block bluewater views from neighboring properties. Therefore, the project will not be more impactful than the surrounding development with regards to neighborhood character and is not anticipated to adversely affect neighborhood character.

3. The design and location of the proposed residence will not create significant obstructions or encroachments into public views, as no bluewater ocean views exist over the subject property. The project provides maximum feasible protection to public views as required by the LCP.

4. The project has received LCP conformance review from the City geotechnical staff, City Biologist, City Public Works Department, City Environmental Health Administrator, and the LACFD. The project as conditioned complies with all applicable requirements of State and local law.

5. The project is consistent with the General Plan designation for the site. As discussed herein, the project is consistent with the LCP.

The existing residences to the northwest would continue to have views of the ocean over the residence. No significant impact to private views is anticipated to occur because the proposed development is similar in profile compared to the existing residence, and sited is slightly landward of the existing residence. The design and location of the residence will 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).

C. Hazards (LIP Chapter 9)

1. The record demonstrates that the project, as proposed and conditioned, will not adversely affect stability of the site or structural integrity from geologic, flood, or fire hazards.
2. The project, as designed, conditioned, and approved by the City geotechnical staff, City Public Works Department, and LACFD, does not have any significant adverse impacts on the site stability or structural integrity from geologic, flood or fire hazards due to the project design.

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

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

5. No adverse impacts to sensitive resources are expected as a result of the project.

D. 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. 15-010, and approval of the demolition permit is subject to the approval of CDP No. 15-032.


Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 15-032, SPR No. 15-028 and DP No. 15-010, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

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

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

   a. Demolition of an existing 4,490 square foot single-family residence and associated development;
   b. 6,912 square foot, one-story single-family residence that includes a 2,354 square foot basement that is partially excluded from TDSF, plus a 720 square foot detached garage and roof deck, and;
   c. Swimming pool, spa, and pool equipment;
   d. Non-exempt grading in the amount of 477 cubic yards;
e. Landscaping and hardscape;
f. Fencing, gates, and retaining walls;
g. Replacement of the existing OWTS; and
h. Discretionary requests:
   i. SPR No. 15-028 to allow an increase in the height of the residence up to 24 feet; and
   ii. Demolition Permit (DP) No. 15-010 for the demolition of an existing one-story, single-family residence, guest house, hardscape, walls and OWTS.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **August 21, 2019**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

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

5. The applicant shall submit three (3) complete sets of plans, including the items required in Condition No. 6 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

6. This resolution, signed and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).

7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

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

9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles
County Waterworks District No. 29 and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.

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

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

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

Cultural Resources

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

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

Fencing/Walls/Screening

15. The applicant shall include an elevation of the proposed electronic driveway gate on the architectural plans that are submitted for building plan check. The gate and all fencing along the front property line shall comply with the regulations set forth in LIP Section 3.5.

16. 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.

Lighting

17. 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.

18. 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.

19. 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.

20. Up-lighting of landscaping is prohibited.

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

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

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

Swimming Pool / Spa / Mechanical Equipment

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

25. 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).

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

27. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool / spa is prohibited. Provide information on the plans regarding the type of sanitation proposed for pool.
   a. Ozonation systems are an acceptable alternative to chlorine. The discharge of clear water from ozonation systems is not permitted to the street;
   b. Salt water sanitation is an acceptable alternative to chlorine. The discharge of salt water is not permitted to the street; and
c. Chlorinated water from pools or spas shall be trucked to a publicly-owned treatment works facility for discharge.

28. The discharge of chlorinated and non-chlorinated pool/spa water into streets, storm drains, creeks, canyons, drainage channels, or other locations where it could enter receiving waters is prohibited.

29. 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.

**Biology/Landscaping**

30. 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.

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

32. 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.

33. 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.

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

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

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

37. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
38. Pursuant to LIP Section 4.6.1.A, no development will be approved on slopes of equal to or steeper than 25 percent (4 to 1).

Geology

39. 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.

40. 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.

Environmental Health

41. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu’s onsite wastewater treatment regulations including provisions of MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.

42. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the 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).

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

44. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.

45. 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 fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;

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

c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system’s geometric dimensions and basic construction features. 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;

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

e. H2O Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.

46. Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building and Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/waterproofing plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

47. 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.”

48. 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.

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

50. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.

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

52. 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 Malibu MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.

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

54. 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.

Public Works

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

Grading/Drainage/Hydrology

56. In no event shall non-exempt grading exceed 1,000 cubic yards.

57. The Total Grading Yardage Verification Certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

58. 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.

59. 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 if 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 inches in diameter shall also have a plan and profile for the system included with this plan.

Stormwater

60. 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.
61. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

<table>
<thead>
<tr>
<th>Erosion Controls Scheduling</th>
<th>Erosion Controls Scheduling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preservation of Existing Vegetation</td>
<td></td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Non-Storm Water Management</th>
</tr>
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<tbody>
<tr>
<td>Water Conservation Practices</td>
</tr>
<tr>
<td>Dewatering Operations</td>
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<table>
<thead>
<tr>
<th>Waste Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Material Delivery and Storage</td>
</tr>
<tr>
<td>Stockpile Management</td>
</tr>
<tr>
<td>Spill Prevention and Control</td>
</tr>
<tr>
<td>Solid Waste Management</td>
</tr>
<tr>
<td>Concrete Waste Management</td>
</tr>
<tr>
<td>Sanitary/Septic Waste Management</td>
</tr>
</tbody>
</table>

All Best Management Practices (BMPs) 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.

62. A Storm Water Management Plan (SWMP) shall be submitted for review and approval to 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.

63. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The WQMP shall meet all the requirements of the City’s current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
   a. Site Design Best Management Practices (BMPs);
   b. Source Control BMPs;
   c. Treatment Control BMPs that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;
   d. Drainage improvements;
   e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
f. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits; and

g. The WQMP shall be submitted to the Public Works Department and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department’s approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMPs, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

Water Service

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

Fuel Modification

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

Demolition / Solid Waste

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

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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.

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

**Construction / Framing**

74. 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.

75. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

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

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

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

**Prior to Occupancy**

79. Prior to, or at the time of a Planning final inspection, the property owner / applicant shall submit to the Planning Department the plumbing permit for the irrigation system installation signed off by the Building Safety Division.

80. Prior to the issuance of a Certificate of Occupancy, the City Biologist shall inspect the project site and determine that all Planning Department conditions to protect natural resources are in compliance with the approved plans.

81. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled, and state the facilities where all materials were taken.

82. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.

83. 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**

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

85. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted thereunder.
SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 18th 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. 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 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. 20-24 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 18th day of May 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary
EXISTING IMPERMEABLE WALKWAY TO BE DEMOLISHED
EXISTING SINGE FAMILY RESIDENCE TO BE DEMOLISHED
EXISTING GENERATOR TO BE REMOVED AND RESERVED
EXISTING STONE WALL TO BE DEMOLISHED
EXISTING CONCRETE DRIVEWAY TO BE DEMOLISHED
EXISTING FOUNTAIN EQUIPMENT TO BE REMOVED
EXISTING BBQ, BENCHES AND PLANTERS TO BE DEMOLISHED
EXISTING GATE PROTECT IN PLACE
EXISTING CATV PROTECT IN PLACE
EXISTING VERIZON BOX PROTECT IN PLACE
EXISTING RETAINING WALL TO BE DEMOLISHED
EXISTING WATER METER PROTECT IN PLACE
EXISTING ELECTICAL BOX PROTECT IN PLACE
EXISTING PROPANE TANK TO BE REMOVED AND RESERVED
EXISTING BELOW-GRADE COVERED KILN STRUCTURE TO BE DEMOLISHED
EXISTING TRELLIS STRUCTURE TO BE DEMOLISHED
EXISTING SEWER AND DRAIN TO BE DEMOLISHED
EXISTING WOOD WALK TO BE DEMOLISHED
EXISTING RETAINING WALL TO BE DEMOLISHED
EXISTING GATE TO BE DEMOLISHED
EXISTING STEPPED WALK TO BE DEMOLISHED
EXISTING RUBBLE WALL TO BE DEMOLISHED
EXISTING IMPERMEABLE WALKWAY TO BE DEMOLISHED
EXISTING VAULT TO BE DEMOLISHED
EXISTING CONCRETE PADS TO BE DEMOLISHED
EXISTING SPA TO BE DEMOLISHED
EXISTING SANITARY SEWER SYSTEM TO BE ABANDONED
EXISTING IRRIGATION VALVES TO BE REMOVED
EXISTING AREA DRAINS TO BE REMOVED, TYPICAL
EXISTING CONCRETE GARDEN WALL PROTECT IN PLACE
EXISTING WATER FEATURE TO BE DEMOLISHED
EXISTING HARDSCAPE TO BE DEMOLISHED, TYPICAL
EXISTING 2000 GALLON SEPTIC TANK TO BE REMOVED
EXISTING PATIO TO BE DEMOLISHED
EXISTING FIRE PIT TO BE DEMOLISHED
EXISTING CONCRETE WALK TO BE DEMOLISHED
EXISTING WALL AND PILLARS TO BE DEMOLISHED
EXISTING CONCRETE WALK TO BE DEMOLISHED
EXISTING AREA DRAIN TO BE REMOVED, TYPICAL
EXISTING WOOD PATH TO BE DEMOLISHED
EXISTING IRRIGATION CONTROL VALVE TO BE REMOVED
EXISTING SEEPAGE PITS TO BE ABANDONED
EXISTING PERIMETER CHAIN-LINK FENCE TO REMAIN
EXISTING GATES TO BE REMOVED
EXISTING IRRIGATION CONTROL VALVE TO BE REMOVED
EXISTING STORAGE PROTECT IN PLACE
EXISTING SANITARY SEWER SYSTEM TO BE ABANDONED
EXISTING SEEPAGE PITS TO BE ABANDONED
EXISTING PERIMETER CHAIN-LINK FENCE TO REMAIN
EXISTING AREA DRAIN TO BE REMOVED, TYPICAL
EXISTING STAIRS PROTECT IN PLACE
EXISTING STORAGE PROTECT IN PLACE
EXISTING SPA EQUIPMENT TO BE REMOVED
EXISTING SANITARY SEWER SYSTEM TO BE ABANDONED
EXISTING SEEPAGE PITS TO BE ABANDONED

NOTE:
COMPLETE DEMOLITION OF EXISTING RESIDENCE, GUEST HOUSE, SITEWORK AND LANDSCAPE WITHIN THE HIGHLITED BOUNDARY TO ALLOW FOR NEW GROUND UP RESIDENCE AND GARAGE. BOUNDARY OF DEMOLITION WORK TO BE TO THE LEAST EXTENT POSSIBLE.

PROTECT ALL EXISTING UTILITY CONNECTIONS AND CONDUITS FROM DEBRIS.

PROVIDE APPROPRIATE CONSTRUCTION AND LANDSCAPE RUNOFF MITIGATION.

PROTECT ALL VEGETATION IN PLACE UNTIL REMOVAL IS NECESSARY FOR NEW CONSTRUCTION.

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PROTECT ALL VEGETATION IN PLACE UNTIL REMOVAL IS NECESSARY FOR NEW CONSTRUCTION.
FOUNDATION PLAN

1/8" = 1'-0"

LEGEND - FOUNDATION

NOT TO SCALE

TRUE NORTH

ARCHITECTURAL NORTH

TOP OF CONCRETE FOUNDATION WALL

TOP OF MAIN LEVEL SUB SLAB

TOP OF LOWER LEVEL SUB SLAB

ZUMIREZ RESIDENCE

6837 Zumirez, Malibu, CA 90265

AUGUST 20, 2019

TOTAL WIDTH

TOTAL LENGTH
1. The Fire Code Official is authorized to require an approved maintenance plan for vegetation placed on roofs due to the size of the gardens or landscaping area, or if materials and plants used may create a fire hazard to the building or exposures. Fire Code Appendix K104.2.3.1.
WOOD DECKING AND STEPS
OPEN TO
BEYOND
WOOD SIDING
LOWEST ADJACENT GRADE
90'-0"
EXISTING GRADE
FINISHED GRADE
INTEGRAL GUTTER
SKYLIGHT
HEIGHT LIMIT FOR 2/3 OF FIRST FLOOR AREA
114'-0"
STANDARD MALIBU HEIGHT LIMIT
108'-0"
MAXIMUM BUILDING HEIGHT
112'-7"
GUARDRAIL
HVAC EQUIPMENT SCREEN
WOOD SCREEN WITH DOOR BEYOND, TYPICAL
WOOD SCREEN WITH WINDOW BEYOND, TYPICAL
WOOD TRELLIS
WOOD RAFTERS
GREEN ROOF
METAL ROOF
FOOTPRINT OF EXISTING SINGLE FAMILY RESIDENCE
ZUMIREZ RESIDENCE
6837 Zumirez, Malibu, CA 90265
AUGUST 20, 2019
1/8" = 1'-0"
**Site and Story Pole Photos**

*Photograph 1.* From terminus of Zumirez Drive, facing south towards front of project site

*Photograph 2.* From proposed driveway, facing south towards proposed garage and residence
Photograph 3. From rear yard, facing west towards back of existing residence and storypole flagging along back of proposed residence

Photograph 4. From rear yard, facing north towards back of existing residence and storypole flagging along back of proposed residence
This table summarizes square footage of nearby residences, parcel sizes and year built based on data obtained from the Los Angeles County Assessor. Note that the Assessor’s data may not reflect all additions or other changes made to the property (permitted or unpermitted).

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

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

<table>
<thead>
<tr>
<th>Address/Parcel No.</th>
<th>Habitable Area Only (square feet)</th>
<th>Parcel Size (square feet)</th>
<th>Year Built</th>
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<tr>
<td>Existing Development</td>
<td>4,209 6,235</td>
<td>56,096</td>
<td>1956, 2004 remodel N/A</td>
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<tr>
<td>Proposed Project</td>
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<td></td>
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</tr>
<tr>
<td>6744 Zumirez Drive</td>
<td>2,365 59,176</td>
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<td>1960</td>
</tr>
<tr>
<td>6754 Zumirez Drive</td>
<td>9,042 127,279</td>
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</tr>
<tr>
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<tr>
<td>6888 Wildlife Road</td>
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<td>6844 Wildlife Road</td>
<td>2,224 47,768</td>
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<td>6749 Zumirez Drive¹</td>
<td>1,739/840 73,722</td>
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<td>6763 Zumirez Drive</td>
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<td>6825 Zumirez Drive</td>
<td>4,838 68,530</td>
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<td>1978</td>
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</tbody>
</table>

¹ Assessor’s data indicates two residential units are located on this property.
City of Malibu
23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489  FAX (310) 456-7650

BIOLOGY REVIEW
REFERRAL SHEET

TO: City of Malibu Biologist
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 15-032
JOB ADDRESS: 6837 ZUMIREZ DR
APPLICANT / CONTACT: Marmol Radziner
APPLICANT ADDRESS: 12210 Nebraska
Los Angeles, CA 90025
APPLICANT PHONE #: (310) 826-6222
APPLICANT FAX #: (310) 826-6226
APPLICANT EMAIL: newelllt@marmol-radziner.com
PLANNER: Lilly Rudolph

PROJECT DESCRIPTION: Demo existing SFR, N SFR, pool, spa

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

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

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

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

Signature Date

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

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

## PROJECT INFORMATION

| Applicant: (name and email address) | Marmol Radziner  
newelt@marmol-radziner.com |
|------------------------------------|------------------------------------------------------------------|
| Project Address:                   | 6837 Zumirez Drive  
Malibu, CA 90265 |
| Planning Case No.:                 | CDP 15-032 |
| Project Description:               | Demo existing SFR, NSFR, pool, spa |
| Date of Review:                    | September 10, 2019 |
| Reviewer:                          | Dave Crawford  
Signature: |
| Contact Information:               | Phone: (310) 456-2489 ext. 307  
Email: dcrwaford@malibucity.org |

## SUBMITTAL INFORMATION

| Site Plans:                         | 8/21/19 |
| Site Survey:                        | 8/21/19 |
| Planting Plan:                      | 8/21/19 |
| Irrigation/Hydrozone/ water budget Plan: | 8/21/19 |
| Grading Plans:                      | 8/21/19 |
| OWTS Plan:                          | 8/21/19 |
| Bio Assessment:                     | 8/21/19 |
| Bio Inventory:                      | |
| Native Tree Survey:                 | 8/21/19 |
| Native Tree Protection Plan:        | 8/21/19 |
| Other:                              | |
| Previous Reviews:                   | |

## REVIEW FINDINGS

| Review Status: | [ ] INCOMPLETE  Please respond to the listed review comments and provide any additional information requested. |
|                | [x] APPROVED  The proposed project |
| Environmental Review Board: | [ ] This project has the potential to impact ESHA and may require review by the Environmental Review Board |
DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 509,696 gallons per year. The Estimated Applied Water Use (EAWU) totals 480,655 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 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.

   D. 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.

   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. 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.

K. Up-lighting of landscaping is prohibited.

L. Pursuant to LIP Section 4.6.1.A No development will be approved on slopes of 25% (4:1) or steeper.

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: 5/12/2015
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 15-032
JOB ADDRESS: 6837 ZUMIREZ DR
APPLICANT / CONTACT: Jose Iujvidin, Jose Iujvidin Consulting
APPLICANT ADDRESS: 2420 Sirius Street
Thousand Oaks, CA 91360
APPLICANT PHONE #: (310) 418-0766
APPLICANT FAX #: (310) 867-8582
APPLICANT EMAIL: jose@joseconsults.com
PROJECT DESCRIPTION: Demo existing SFR, N SFR, pool, spa

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

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

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

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

Signature  Date

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

Andrew Sheldon, Environmental Health Administrator may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.
City of Malibu

Environmental Health - Environmental Sustainability Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 317-1950 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: Jose lujvidin
(name and email address)
jose@joseconsults.com

Project Address: 6837 Zumirez Drive
Malibu, CA 90265

Planning Case No.: CDP 15-032

Project Description: Demo existing SFR, NSFR, pool, spa

Date of Review: 6/23/2015

Reviewer: Matt Janousek
Signature: [Signature]

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

SUBMITTAL INFORMATION

Architectural Plans: Marmol Radziner plans submitted to Planning 5-12-2015
Grading Plans: Wallace E. Mason & Associates plans dated 5-11-2015
OWTS Plan: MKN Plot Plan dated 6-3-2015
OWTS Report: MKN summary report dated 6-3-2015
Geology Report: GeoConcepts reports dated 5-7-2015, 5-6-2015
Miscellaneous: Fixture Unit Worksheet by Ronald Radziner dated 6-4-2015
Barton Slutskie percolation test report dated 1-17-1999

Previous Reviews: EH Plot Plan approved 9-19-2002

REVIEW FINDINGS

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

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

Plan Check Stage: ☐ APPROVED

☒ NOT APPROVED Please respond to the listed plan check review comments and conditions of Planning conformance review.

OWTS Plot Plan: ☐ NOT REQUIRED

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

Based upon the project description and submittal information noted above, a conformance review was completed for a new alternative onsite wastewater treatment system (AOWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed AOWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2013 Edition 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 AOWTS 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 AOWTS Plot Plan:** A final plot plan shall be submitted showing an AOWTS 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 AOWTS Plot Plan shall show essential features of the AOWTS, existing improvements, and proposed/new improvements. The plot must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).

2) **Final AOWTS Design Report, Plans, and System Specifications:** A final AOWTS design report and construction drawings with system specifications (four sets) shall be submitted to describe the AOWTS design basis and all components proposed for use in the construction of the AOWTS. 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 AOWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

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

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

b. Sewage and effluent pump design calculations.

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

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

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

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

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

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

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

7) AOWTS Covenant: A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an alternative method of sewage disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix H, Section H 1.10. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. Please submit a certified copy issued by the Los Angeles County Recorder.

8) City of Malibu Geologist/Geotechnical Approval: City of Malibu Geologist and Geotechnical Engineer final approval of the AOWTS plan shall be submitted.

9) City of Malibu Planning Approval: City of Malibu Planning Department final approval of the AOWTS plan shall be obtained.
10) **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 AOWTS design and system specifications.

11) **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 AOWTS 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.

-o0o-

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

cc:   Environmental Health file
      Planning Department
1. This conformance review is for a new 6 bedroom (120 fixture units) single family dwelling. The alternative onsite wastewater treatment system conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).

2. This review relates only to the minimum requirements of the MPC, and 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 20, 2015, AND PREPARED BY PEAR SURVEYS, INC.
2. SITE SURVEY DATED MARCH 26, 2015, AND PREPARED BY MURDOCK MAULDIN.
3. GROUNDCOMPLIES APRIL 2, 2015, AND PREPARED BY WALSH C. MASON & ASSOCIATES.
4. PRIVATE SEWERAGE DISPOSAL SYSTEM REPORT DATED MAY 2, 2015, AND PREPARED BY GEOCONCEPTS, INC.
City of Malibu
23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489  FAX (310) 456-7650

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department
FROM: City of Malibu Planning Department

DATE: 5/12/2015

PROJECT NUMBER: CDP 15-032, SPR 15-028, DP 15-010
JOB ADDRESS: 6837 ZUMIREZ DR

APPLICANT / CONTACT: Jose Iujvidin, Jose Iujvidin Consulting
APPLICANT ADDRESS: 2420 Sirius Street
Thousand Oaks, CA 91360

APPLICANT PHONE #: (310) 418-0766
APPLICANT FAX #: (310) 867-8582

PROJECT DESCRIPTION: Demo existing SFR, N SFR, pool, spa

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

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

The project DOES require Fire Department Plan Review and Developer Fee payment
The project DOES NOT require Fire Department Plan Review
The required fire flow for this project is 1375 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.)
The project is required to have an interior automatic fire sprinkler system.
Final Fuel Modification Plan Approval is required prior to Fire Department Approval

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

Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project.
Required and/or proposed Fire Department Vehicular Turnaround
Required 5 foot wide Fire Department Walking Access (including grade %)
Width of proposed driveway/access roadway gates

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

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

SIGNATURE
DATE

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341 or at the Fire Department Counter:
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM
City of Malibu
23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

**Project Information**

<table>
<thead>
<tr>
<th>Date:</th>
<th>June 18, 2019</th>
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<tbody>
<tr>
<td>Site Address:</td>
<td>6837 Zumirez Drive</td>
</tr>
<tr>
<td>Lot/Tract/PM #:</td>
<td>n/a</td>
</tr>
<tr>
<td>Applicant/Contact:</td>
<td>Nicole Farnoush, <a href="mailto:nfarnoush@schmitzandassociates.net">nfarnoush@schmitzandassociates.net</a></td>
</tr>
<tr>
<td>Contact Phone #:</td>
<td>818-338-3636</td>
</tr>
<tr>
<td>Project Type:</td>
<td>New single-family residential development</td>
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</table>

**Submittal Information**

<table>
<thead>
<tr>
<th>Consultant(s) / Report Date(s):</th>
<th>GeoConcepts, Inc. (Barrett, CEG 2088; Walter, GE 2476): 6-13-19, 7-8-15, 5-7-15</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Current submittal(s) in Bold.)</td>
<td>GeoConcepts, Inc. (Barrett, CEG 2088): 5-8-15</td>
</tr>
<tr>
<td></td>
<td>Michael K. Nunley &amp; Associates (Shields, RCE 74757): 6-3-15</td>
</tr>
</tbody>
</table>

Building plans prepared by Marmol Radziner AIA dated May 12, 2015.

**Previous Reviews:**

8-5-15, 6-9-15, Geotechnical Review Referral Sheet dated 5-12-15

**Review Findings**

**Coastal Development Permit Review**

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

**Building Plan-Check Stage Review**

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

**Remarks**

The referenced update report was reviewed by the City from a geotechnical perspective. The project comprises demolishing the existing one-story single-family residence, detached guest house, spa, retaining walls, flatwork, and onsite wastewater treatment system (OWTS) and constructing a new 6,570 square foot one-story
single-family residence with 3,120 square foot basement and detached garage, a new swimming pool and spa, retaining walls, grading (5,608 yards of R & R; 2,442 yards of cut and 9 yards of fill under structure; 237 yards of cut for safety; 494 yards of cut non-exempt; and 3,164 yards of export), flatwork, and landscaping.

The new onsite wastewater treatment system (OWTS) consists of a treatment tank system and three 6' diameter x 35' BI seepage pits with 15' caps and 100% expansion.

**Building Plan-Check Stage Review Comments:**

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

2. The grading plans indicate that 5,608 yards of R & R (removal and re-compaction) will be performed on the site. Please clarify the R & R grading on the site. The sections do not show R & R grading under the proposed improvements. Recommendations for structures include foundations embedded into terrace deposits or bedrock.

3. Depressions resulting from demolition of the existing residence and improvements need to be cleansed and backfilled with certified compacted fill. The Project Geotechnical Consultant needs to provide appropriate recommendations for removal of debris and re-compaction of soil materials that will support structures or compacted fills.

4. Please provide grading recommendations for slab-on-grade support. The options for the slab support in the northeast portion of the residence and in the garage area are unclear. Will the floors be structural slab with the loads transferred to the deeper foundations or as a slab-on-grade, independent of the foundations? If the first floor is being supported as a slab-on-grade independent of the foundations, the Project Geotechnical Consultant needs to evaluate the potential for differential settlement between the slab and foundations that are supported in bedrock and the impacts of hydroconsolidation and seismically induced settlements on the performance of the slab-on-grade.

5. The Consultant needs to incorporate into the report a contour map of ground motion from the Northridge earthquake. To facilitate this requirement, the Malibu map is provided for the Project Consultants’ use at (http://www.malibucity.org/index.aspx?nid=258). The Consultants should include a copy of that ground motion map in their report, with the subject site plotted on the map. On the basis of that map, the Consultant should interpolate the ground acceleration at the subject site and state that value in their report.

6. Please provide the ASTM test method numbers for the laboratory procedures, where applicable.

7. Please provide the direct shear displacement plots per the 2013 City of Malibu Geotechnical Guidelines section 6.2.1.

8. Please provide weighted plasticity index and expansion index for the upper soils per the 2013 guidelines, Section 6.2.3. If these tests were not performed during this phase of work, the following note must appear on the grading and foundation plans: “Tests shall be performed prior to pouring footings and slabs to evaluate the Weighted Plasticity and the Expansion Index of the supporting soils, and foundation and slab plans should be reviewed by the Civil or Structural Engineer and revised, if necessary.

9. The following note must be placed on the plans: ‘Prior to the placement of concrete slabs, the slab subgrade soils shall be pre-moistened to at least 120% of the optimum moisture content to the depth specified by the geotechnical engineer. The pre-moistened soils should be tested and verified by the geotechnical engineer within one day prior to the placement of the moisture barrier and sand.’

10. 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 the Consultant’s requirement.

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

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

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

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

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

6/18/19

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 & Engineering Geology Consultants
City of Malibu

- GEOTEchnical -

NOTES FOR BUILDING PLAN-CHECK

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

1. One set of grading, retaining wall, swimming pool, spa, OWTS, garage, 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 name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Building Plans.

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

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

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

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

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

Grading Plans (as Applicable)

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

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

Retaining Walls (As Applicable)

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

2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.
City of Malibu
23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489   FAX (310) 456-7650

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department  DATE: 5/12/2015
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 15-032, SPR 15-028, DP 15-010
JOB ADDRESS: 6837 ZUMIREZ DR
APPLICANT / CONTACT: Jose Iujividin, Jose Iujividin Consulting
APPLICANT ADDRESS: 2420 Sirius Street
Thousand Oaks, CA 91360
APPLICANT PHONE #: (310) 418-0766
APPLICANT FAX #: (310) 867-8582
APPLICANT EMAIL: jose@joseconsults.com
PROJECT DESCRIPTION: Demo existing SFR, N SFR, pool, spa

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

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

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

SIGNATURE

DATE
City of Malibu
MEMORANDUM

To: Planning Department
From: Public Works Department
       Jorge Rubalcava, Assist. Civil Engineer
Date: March 29, 2016
Re: Proposed Conditions of Approval for 6837 Zumirez Drive CDP 15-032

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

GRADING AND DRAINAGE

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

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

STORMWATER

3. 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,
erbicides 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.

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

<table>
<thead>
<tr>
<th>Erosion Controls</th>
<th>Scheduling</th>
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<tbody>
<tr>
<td></td>
<td>Preservation of Existing Vegetation</td>
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<tr>
<td>Sediment Controls</td>
<td>Silt Fence</td>
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<td>Sand Bag Barrier</td>
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<td></td>
<td>Stabilized Construction Entrance</td>
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<tr>
<td>Non-Storm Water</td>
<td>Water Conservation Practices</td>
</tr>
<tr>
<td>Management</td>
<td>Dewatering Operations</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.

5. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City’s Local Implementation Plan, Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP’s) that have been implemented in the design of the project (See Local Implementation Plan, Section 17, Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the Grading/Building permits for this project.

6. 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 biofilter 1.5 times the SWQDv that is not retained on-site.
- Drainage Improvements
- A plan for the maintenance and monitoring of the proposed treatment BMP’s for the expected life of the structure.
- A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.
- The WQMP shall be submitted to Public Works and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical
review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

MISCELLANEOUS

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

8. 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.
PLANNING DEPARTMENT

Notice of Public Hearing

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA  90265

Phone (310) 456-2489
www.malibucity.org

PLANNING DEPARTMENT
Notice of Public Hearing

The Malibu Planning Commission will hold a public hearing on Monday, May 18, 2020, at 6:30 p.m. on the project identified below via teleconference only in order to reduce the risk of spreading COVID-19, pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer’s Safer at Home Order.

COASTAL DEVELOPMENT PERMIT NO. 15-032, SITE PLAN REVIEW NO. 15-028, AND DEMOLITION PERMIT NO. 15-010 - An application for construction of a new 6,955 square foot, one-story single-family residence plus a 720 square foot detached garage and a 2,354 square foot basement, swimming pool, spa, hardscape, landscaping, grading, drainage, fencing, gates, retaining walls, installation of a new onsite wastewater treatment system; including a site plan review for construction in excess of 18 feet up to 24 feet for a flat roof for the residence, and a demolition permit for the demolition of an existing single-family residence with an attached garage, guest house, hardscape, walls, and onsite wastewater treatment system

LOCATION / APN / ZONING: 6837 Zumirez Drive / 4466-003-007 / Rural Residential-One Acre (RR-1)
APPLICANT / OWNER(S): Marmol Radziner / James Perse Trust
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15303(a) and 15303(e)
APPLICATION FILED: May 12, 2015
CASE PLANNER: Lilly Rudolph, Contract Planner, lrudolph@malibucity.org (310) 456-2489, ext. 238

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 23, 2020

ATTACHMENT 6