To: Chair Jennings and Members of the Planning Commission

Prepared by: David Eng, Assistant Planner

Approved by: Bonnie Blue, Planning Director

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

Subject: Administrative Plan Review No. 19-143, Variance No. 19-041, Variance No. 19-042, Site Plan Review 19-087, and Site Plan Review No. 19-088 – An application for a new four-car garage and driveway at an existing single-family residence

Location: 3556 Sweetwater Mesa Road
APN: 4452-017-008
Owner: Michael Thomson

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-39 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Administrative Plan Review (APR) No. 19-143 to construct a new 900 square foot, four-car garage constructed on piles with a wood wraparound deck and concrete driveway, including Variance (VAR) No. 19-041 for construction on slopes greater than 2-½:1, VAR No. 19-042 for a 40.5 percent reduction of the side yard setback, Site Plan Review (SPR) No. 19-087 for a 27 percent reduction of the front yard setback, and SPR No. 19-088 to allow for a 27.25-foot tall pitched roof and 24-foot tall flat roof, and finding that VAR No. 20-011 for the two-thirds rule does not apply; at an existing single-family residence located in the Rural Residential-One Acre (RR-1) zoning district at 3556 Sweetwater Mesa Road (Thomson).

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

The 2.49-acre subject parcel is located at 3556 Sweetwater Mesa Road in the Serra Canyon neighborhood and is zoned Rural Residential – One Acre (RR-1) (Figure 1). The property is accessed from Sweetwater Mesa Road. The parcel is characterized by sloped topography that descends from Sweetwater Mesa Road southward toward adjacent properties on Pacific Coast Highway below. (Figure 2)

The parcel is currently developed with a 5,955 square foot, two-level, single-family residence that includes an attached two-car garage and detached mechanical room. Additional existing site improvements include a swimming pool and spa, patio, and outdoor barbecue.

According to Los Angeles County Assessor’s data and building permit records, the dwelling was originally constructed in 1981, before the City of Malibu’s incorporation in 1991. The dwelling was developed under County regulations at the time, and as a result, does not conform to the current design and development standards of the MMC. The non-conformities include building encroachments into the required front yard setback, building height exceeding the base 18 feet up to 39 feet, and development on slopes greater than 2-½:1. The property’s zoning conformance is discussed in additional detail later in this report.

The proposed project involves the addition of a 900 square foot detached four-car garage near the northeastern corner of the parcel, with a wraparound wood deck for Fire Department access and 42-inch tall glass safety railing. The project also includes a new, elevated 961 square-foot concrete driveway in between the new garage and roadway (Attachment 2- Project Plans). The new garage will be constructed at street level and require caissons due to the descending topography away from the road. Because of the sloped topography, the new garage will be 11-feet tall from the street elevation but have a maximum height of 27.25 feet from the lowest natural grade at the rear of the building. The new garage is proposed with a 3:12 pitched roof partially hidden behind a parapet, floor-to-ceiling windows on the south elevation, and glass garage doors on the north elevation. The new garage is proposed to accommodate the owner’s vehicles and provide guest parking on a narrow street that lacks on-street parking due to emergency vehicle access requirements. According to the applicant, when the home was originally constructed, onstreet parking was allowed but later when the street was designed as a fire access lane, this parking became prohibited. The applicant is seeking to provide offstreet parking for guests and personal cars that have no alternative parking.
The applicant is requesting four discretionary requests to allow the development of the new garage as proposed:

1) Variance for a 40.5% reduction of the required 53.8-foot side yard setback to 32 feet to accommodate the new garage; and

2) Variance to allow development on a slope of greater than 2-½:1; and

3) Site Plan Review for a 27% reduction of the required 27.3-foot front yard setback to 20 feet to accommodate the new garage; and

4) Site Plan Review for a height increase of the base 18 feet up to 28 feet for portions of the garage with a pitched roof, and up to 24 feet for portions of the garage with a flat parapet roof.

The City published a Notice of Public Hearing for this project on April 23, 2020 that included request for VAR 20-011 to allow relief from the “two-thirds rule” provisions of MMC Section 17.40.040(A)(13)(b). This section requires that the total development square footage for a structure greater than 18 feet in height shall not exceed be greater than permitted for single-story for single-story construction. It further states that any second floor area plus the area of vaulted ceilings above 18 feet in height shall not exceed two-thirds the first floor area, and shall be oriented so as to minimize view blockage from adjacent properties.

Since that notice, and upon further analysis of the project, Planning staff has determined that the variance is not required for the proposal, as the proposed garage is a single-story structure comprised only of interior parking spaces.

Typically, the Planning Director completes the review and approval of an APR and SPR; however, as the subject application includes two variance requests, staff is referring the application to the Planning Commission for a public hearing pursuant to MMC Section 17.72.060. As the proposed project includes SPR No. 19-088 for height exceeding 18 feet, story poles representing the location and height of the proposed buildings were installed (Attachment 3 – Site and Story Pole Photographs). Staff conducted an inspection of the story poles on February 25, 2020, and visually assessed whether the proposed residence would affect protected primary views from surrounding residences, public views from scenic viewing areas, or neighborhood character. Based on the project plans and conditions observed at the site visit, Planning staff determined that the proposed new garage is not likely to obstruct primary views of neighboring residences or have a visual impact from public scenic areas and would not adversely affect neighborhood character.
Surrounding Land Uses and Project Setting

As shown in Figure 1, the subject property is located in the Serra Canyon residential neighborhood. The parcel is mostly rectangular and developed with a two-level single-family residence. The site is characterized by steeply sloped topography without a flat pad, descending southward from Sweetwater Mesa Road, a narrow street from which the property takes access (Figure 2). Similar to the developed portion of the lot, the proposed development site closest to Sweetwater Mesa Road consists of slopes ranging from 4:1 to 2-½:1. These steeper slopes dominate the area on which the proposed garage will be built. Additionally, a cluster of mature eucalyptus trees populates the project area in this portion of the parcel. The applicant studied alternative locations for locating a new garage and found the current proposal to be the most feasible and least impactful option given the constraints of steep slopes (Attachment 4 – Alternative Locations Study)

Figure 1 – Aerial Map

Source: City GIS
The property is not in a designated Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer, as shown on the LCP ESHA and Marine Resources Map.

The property is zoned RR-1 and located in a neighborhood primarily developed with one and two-story single-family residences with accessory structures such as pools and sheds. The property also abuts parcels with commercial uses fronting Pacific Coast Highway. Table 1 provides a summary of the neighboring surrounding land uses and lot sizes.
Table 2 provides a summary of the lot dimensions and lot area of the subject parcel. The subject site is substantially larger than the adjacent lots shown in Table 1.

Table 1 – Surrounding Land Uses

<table>
<thead>
<tr>
<th>Direction</th>
<th>Address</th>
<th>Lot Size</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>3535 Sweetwater Mesa Road</td>
<td>4.80 acres</td>
<td>RR-1</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>3516 Sweetwater Mesa Road</td>
<td>1.21 acre</td>
<td>RR-1</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>22931 Pacific Coast Highway</td>
<td>0.43 acre</td>
<td>CV-1</td>
<td>Multi-Family Residential</td>
</tr>
<tr>
<td></td>
<td>22969 Pacific Coast Highway</td>
<td>1.20 acre</td>
<td>CV-1</td>
<td>Commercial Parking Lot</td>
</tr>
<tr>
<td></td>
<td>22969 Pacific Coast Highway</td>
<td>0.69 acre</td>
<td>CV-1</td>
<td>Commercial</td>
</tr>
<tr>
<td>West</td>
<td>23107 Pacific Coast Highway</td>
<td>0.81 acre</td>
<td>CV-1</td>
<td>Commercial</td>
</tr>
<tr>
<td></td>
<td>3620 Sweetwater Mesa Road</td>
<td>15.74 acres</td>
<td>RR-1</td>
<td>Single-Family Residential</td>
</tr>
</tbody>
</table>

*Net Lot Area = Gross Lot Area minus the areas of access easements and 1 to 1 slope.

Table 2 – Total Property Data

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Depth</td>
<td>136.6 feet</td>
</tr>
<tr>
<td>Lot Width</td>
<td>537.7 feet</td>
</tr>
<tr>
<td>Gross Lot Area</td>
<td>108,687 square feet (2.5 acres)</td>
</tr>
<tr>
<td>Area Comprised of 1:1 Slopes</td>
<td>3,446 square feet</td>
</tr>
<tr>
<td>Net Lot Area*</td>
<td>98,993 (2.27 acres)</td>
</tr>
</tbody>
</table>

Project Description

The proposed scope of work is as follows:

a. Construction of a new 900 square foot four-car garage on caissons;
b. New 961 square foot driveway;
c. Removal and trimming of vegetation at the project site per fuel modification requirements; and
d. Discretionary Requests:
   i. VAR No. 19-041 for development on a slope of greater than 2-½:1
   ii. VAR No. 19-042 for a 40.5 percent reduction of the side yard setback.
   iii. SPR No. 19-087 for a 27 percent reduction of front yard setback.
   iv. SPR No. 19-088 to allow a height increase of the base 18 feet up to 27.4 feet for portions of the garage with a pitched roof, and up to 24 feet for portions with a flat parapet roof.
Coastal Development Permit Exemption

The proposed project is exempt from the requirement to obtain a coastal development permit (CDP). LCP Local Implementation Plan (LIP) Section 13.4 provides a coastal development permit exemption for certain projects that do not involve a risk of adverse environmental impact. Informed by study of the site and findings in a February 2020 report by GeoConcepts, Inc., City geotechnical and Planning Department staff have confirmed that the parcel is not located on or within 300 feet of the seaward face of a coastal bluff. Specifically, the proposed project is consistent with LIP Section 13.4.1, “Exemption for Improvements to Existing Single-Family Residences.” Additionally, the proposed development is not listed among the classes of development in LIP Section 13.4.1(B) for which a coastal development permit exemption does not apply.

MMC Consistency Analysis (MMC Title 17)

The proposed development has been reviewed for conformance with the development and design standards of MMC Title 17. The Planning Department, Environmental Health Administrator, City geotechnical staff, Public Works Department, and Los Angeles County Fire Department have reviewed the proposal and determined it to be consistent with all applicable City goals and policies (Attachment 5 – Department Review Sheets).

Table 3 provides a summary of non-beachfront residential development standards and demonstrates that the proposed project, as conditioned, conforms to the property development and design standards of MMC Chapter 17.40 and 17.60, inclusive of the requested site plan reviews and variances.

<table>
<thead>
<tr>
<th>Table 3 – Zoning Conformance</th>
<th>Development Requirement</th>
<th>Allowed/ Required</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SETBACKS (ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>27.3</td>
<td>20</td>
<td>SPR</td>
<td></td>
</tr>
<tr>
<td>Rear Yard</td>
<td>20.25</td>
<td>160 (approx.)</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td>Side Yard (Minimum 10%)</td>
<td>53.8</td>
<td>32</td>
<td>VAR</td>
<td></td>
</tr>
<tr>
<td>Total Side Yard (Cumulative 25%)</td>
<td>134.42</td>
<td>432 (approx.)</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td>PARKING SPACES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enclosed (10 ft. x 18 ft.)</td>
<td>2</td>
<td>6</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td>Unenclosed (10 ft. x 18 ft.)</td>
<td>2</td>
<td>4</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td>Total Development Square Footage (TDSF) (sq.ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TDSF</td>
<td>8,795</td>
<td>6,855</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td>(E) Single-Family Residence</td>
<td></td>
<td>5,832</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(E) Machine Room</td>
<td></td>
<td>119</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(N) Detached Garage</td>
<td></td>
<td>900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development Requirement</td>
<td>Allowed/ Required</td>
<td>Proposed</td>
<td>Comments</td>
<td></td>
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<td>------------------------------</td>
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<tr>
<td><strong>HEIGHT (ft.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Residence</td>
<td>39 (Approx.)</td>
<td>39 (flat roof)</td>
<td>Existing Non-Conforming</td>
<td></td>
</tr>
<tr>
<td>Detached Garage</td>
<td>18</td>
<td>24 (flat roof) 27.4 (pitched roof)</td>
<td>SPR</td>
<td></td>
</tr>
<tr>
<td><strong>IMPERMEABLE COVERAGE (sq.ft.)</strong></td>
<td>25,000</td>
<td>12,585</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td><strong>NON-EXEMPT GRADING (cu.yd.)</strong></td>
<td>1,000</td>
<td>0</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td><strong>CONSTRUCTION ON SLOPES</strong></td>
<td>4 to 1 and flatter</td>
<td>2-1/2:1 to 1:1</td>
<td>VAR</td>
<td></td>
</tr>
<tr>
<td><strong>FENCES/WALLS/HEDGES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retaining Walls</td>
<td>6 ft. max. 12 ft. cumulative</td>
<td>6 ft. max. 12 ft. cumulative</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impermeable</td>
<td>3.5 ft.</td>
<td>NA</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td>Permeable</td>
<td>6 ft.</td>
<td>4 ft.</td>
<td>Complies</td>
<td></td>
</tr>
<tr>
<td>Rear &amp; Side Yard</td>
<td>6 ft.</td>
<td>6 ft.</td>
<td>Complies</td>
<td></td>
</tr>
</tbody>
</table>

As shown in Table 3, the proposed project conforms to the development standards as set forth under MMC Title 17, inclusive of the requested SPRs and VARs.

**Grading**

MMC Section 17.40.080(A)(5) ensures that new development minimizes the visual impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a commercial parcel. No grading is proposed with this project; therefore, the project complies with the grading requirements of the MMC.

**Archaeological / Cultural Resources**

MMC Chapter 17.54 requires certain procedures to be followed to determine potential impacts on cultural resources. Robert J. Wlodarski of HEART, Inc. prepared a Phase I archaeological survey for the subject property in May 2019. The evaluation found no indication of prehistoric or historic archaeological resources in the project area and noted signs of moderate-to-extensive ground disturbance due to prior grading and terracing. HEART Inc. determined that any proposed modifications to the project area will not adversely impact 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.

**Water Quality**

The City Public Works Department reviewed and approved the project for conformance with water quality protection for conformance with water quality protection pursuant to MMC Chapter 13.04. Standard conditions of approval include the implementation of approved storm water management plans during construction activities, to manage runoff from the development, and best management practices. With the implementation of these conditions, the project conforms to the water quality protection standards of the MMC.

**A. Variance Request from MMC Section 17.40.040(A)(6) for More Than 20 Percent Reduction of Side Yard Setback**

Pursuant to MMC Section 17.40.040(A)(6), structures may be constructed outside of the required side yard setback, which in no event shall be less than 10 percent of the total width of the lot or five feet, whichever is greater. Project plans depict a total lot width of 537.7 feet, therefore requiring a minimum 53.8-foot side yard setback from the easterly property line. The project proposes a new garage that is located 32 feet from the easterly property line.

Pursuant to MMC Section 17.62.040(A)(8) the Planning Director may approve a site plan review (SPR) allowing a setback reduction of up to 20 percent. However, reducing the side yard setback by this amount will still result in an encroachment of the garage into this setback. Therefore, a variance is requested to reduce the side yard setback by 40.5 percent, which results in a 32-foot setback. MMC Section 17.72.060 requires that the City make eight findings in consideration and approval of a variance. Based on the foregoing evidence contained within the record, the required findings for VAR No. 19-042 are made as follows:

*Finding 1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, topography, location or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.*

Due to the narrow width of Sweetwater Mesa Road, required emergency vehicle access precludes on-street parking in the vicinity of the subject property. Parking for the residence is limited to four spaces provided by an existing two-car garage and a single car-depth driveway fronting it. These conditions make it difficult to park the residents’ vehicles and provide parking for guests and other visitors to the home. While the subject parcel is 2.49
acres, areas appropriate for locating a new garage are limited due to the property’s sloped topography. Locating the garage in a conforming location near the interior of the parcel and behind the dwelling would result in the need for a long driveway, turnaround, and extensive grading, constraints that are typically absent for flatter parcels. Due to these circumstances and exceptional characteristics applicable to the property, strict application of the zoning ordinance would make it difficult to provide additional parking at the site.

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

The Planning Department, Environmental Health Administrator, City geotechnical staff, Public Works Department, and LACFD have reviewed the project. With the incorporation of the conditions set forth by these departments, the project will not be detrimental or injurious to the property or public interest, safety, health, or welfare in that the proposal is consistent with the residential uses that exist on the site and in the neighborhood.

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

The granting of the variance will not constitute a special privilege to the applicant or property owner as steeply sloped site topography on other residential lots would similarly limit the locations that an accessory building such as a garage could be built.

Finding 4. The granting of such variance or modification will not be contrary to or in conflict with the general purposes and intent of this chapter, nor to the goals, objectives and policies of the general plan.

The granting of the variance will not be contrary to or conflict with the MMC. The proposed variance would allow for a new garage and driveway on a parcel zoned and developed for single-family residential use. The granting of the variance will also be consistent with the General Plan. The new development will be situated near and in line with the existing residence located along the street. This location will minimize the alteration of the existing hillside and lessen visual impacts due to the garage’s placement within a mature cluster of eucalyptus trees.

Finding 5. The variance or modification request is consistent with the purpose and intent of the zone(s) in which the site is located.

The project is a necessary improvement to the existing single-family residential use allowed by the RR-1 zoning designation. The project conforms to the Rural Residential zoning standards with the inclusion of the variance. As no alterations are proposed to any existing buildings, the existing non-conformities may be maintained. The proposed
variance would augment off-street parking for the residents and their visitors and would not authorize an unpermitted use or activity.

Finding 6. The subject site is physically suitable for the proposed variance or modification.

The variance for a reduced side yard setback would allow the new garage and driveway to be located on a portion of the parcel with fewer steep slopes and near the street. Therefore, the site is physically suitable for the proposed variance.

Finding 7. The variance or modification permit complies with all requirements of state and local law.

The proposed project has received a conformance review from the Planning Department, City Environmental Health Analyst, City Geotechnical staff, City Public Works Department, and LACFD. The proposed project is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies. The new garage and driveway will be required to comply with all building code requirements and will incorporate recommendations from applicable City agencies and project consultants. Therefore, the project complies with all applicable state and local laws.

Finding 8. All or any necessary conditions have been imposed on the variance or modification as are reasonable to assure that the variance will not be detrimental to the health, safety and welfare of the city.

The proposed project has received conformance review from the Planning Department, City Environmental Health Administrator, City Geotechnical staff, City Public Works Department, and LACFD. The proposed project is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies. The new garage and driveway will be required to comply with all building code requirements and will incorporate recommendations from applicable City agencies and project consultants. Therefore, the variance will not be detrimental to the health, safety, and welfare of the city.

B. Variance Request from MMC Section 17.40.040(A)(12) to Allow Construction of Structures on Slopes of 2-½:1 or Greater.

Pursuant to MMC Section 17.40.040(A)(12), structures may be constructed on slopes greater than 3:1 but less than 2-½:1, subject to the provisions of Section 17.62.030. The project plans and associated slope study demonstrate that the new garage and driveway will be constructed on slopes of between 2-½:1 and 1:1 and therefore requires a variance from the Planning Commission. MMC Section 17.72.060 requires that the City make eight findings in consideration and approval of a variance. Based on the foregoing evidence contained within the record, the required findings for VAR 19-041 are made as follows:
Finding 1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, topography, location or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

The subject parcel is characterized by sloped topography that descends from Sweetwater Mesa Road southward toward adjacent parcels on Pacific Coast Highway. The majority of the parcel is characterized by slopes greater than 2-½:1; such slopes make it difficult to provide additional parking that would conform to the City’s zoning ordinances. Therefore, strict application of the zoning ordinance would deprive the property of the ability to develop accessory structures such as a garage and driveway similar to adjacent properties under the identical zoning designation.

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

The Planning Department, Environmental Health Administrator, City geotechnical staff, Public Works Department, and LACFD have reviewed the project. With the incorporation of the conditions set forth by these departments, the project will not be detrimental or injurious to the property or public interest, safety, health, or welfare in that the proposal is consistent with the residential uses that exist on the site and in the neighborhood. Increasing off-street parking will help to ensure vehicles can be stored in a way that does not interfere with neighborhood or emergency access along this narrow road.

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

The granting of the variance will not constitute a special privilege to the applicant or property owner. The property does not contain a flat pad to accommodate accessory development. Neighboring lots are similarly developed with accessory structures on steep slopes that characterize properties located along the southeast side of Sweetwater Mesa Drive. The applicant attempted to find alternative project locations on the subject property that would avoid the need for the variance, but those attempts were unsuccessful.

Finding 4. The granting of such variance or modification will not be contrary to or in conflict with the general purposes and intent of this chapter, nor to the goals, objectives and policies of the general plan.

The granting of the variance will not be contrary to or conflict with the MMC. The proposed variance would allow for a new garage and driveway on a parcel zoned and developed for single-family residential use. The granting of the variance will also be consistent with the General Plan. The new development will be situated near and in line with the existing
Finding 5. The variance or modification request is consistent with the purpose and intent of the zone(s) in which the site is located.

The project is a beneficial improvement to the existing single-family residential use allowed by the RR-1 zoning designation and will help to achieve the goal of providing vehicles with off-street parking. The project conforms to the Rural Residential zoning standards with the inclusion of the variance. As no alterations are proposed to any existing buildings, the existing non-conformities may be maintained. The proposed variance would augment off-street parking for residents and their visitors and would not authorize an unpermitted use or activity.

Finding 6. The subject site is physically suitable for the proposed variance or modification.

The subject site is physically suitable for a new garage and driveway as it is already developed with residential uses, including a single-family residence, garage, swimming pool, and mechanical room. The new garage and driveway will not require grading on the hillside as they are proposed to be built on caissons and maintain the same elevation as the street. Therefore, the subject site is physically suitable for the proposed variance.

Finding 7. The variance or modification permit complies with all requirements of state and local law.

The proposed project has received a conformance review from the Planning Department, City Environmental Health Analyst, City geotechnical staff, City Public Works Department, and LACFD. The proposed project is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies. The new garage and driveway will be required to comply with all building code requirements and will incorporate recommendations from applicable City agencies and project consultants. Therefore, the project complies with all applicable state and local law.

Finding 8. All or any necessary conditions have been imposed on the variance or modification as are reasonable to assure that the variance will not be detrimental to the health, safety and welfare of the city.

The proposed project has received a conformance review from the Planning Department, City Environmental Health Administrator, City Geotechnical staff, City Public Works Department, and LACFD. The proposed project is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies. The new garage and driveway will be required to comply with all building code requirements and will incorporate recommendations from applicable City agencies and project consultants.
consultants. Therefore, the variance will not be detrimental to the health, safety, and welfare of the city.

C. Site Plan Review for Reduction of the Front Yard Setback.

Pursuant to MMC Section 17.40.040(A)(6), structures may be constructed outside of the required front yard setback, which in no event shall be less than 20 percent of the total depth of the lot, or 65 feet, whichever is less. The parcel has a lot depth of 136.6 feet, and the required front yard setback is 27.3 feet. SPR No. 19-087 is requested to allow for a 27 percent reduction of the required front yard setback to allow for a 20-foot front yard setback.

Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for the reduction of the required front yard setback. Two of these findings pertaining to remedial grading and shoreline protective devices, are not applicable to this project. The required findings for SPR 19-087 are made below:

Finding 1. The project is compatible with other development in the adjacent area in relation to size, bulk and height.

The project is compatible with other development in the adjacent area in that the neighborhood is developed with one- and two-story residences of similar size, bulk, and height. Other parcels further up and down the street – especially on the south and east sides of the street – have dwellings and structures with reduced or existing, non-conforming front yard setbacks.

Finding 2. The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.

The proposed addition is not located in or adjacent to any designated ESHA or ESHA buffer, as shown on the LCP ESHA and Marine Resources Map. There are no significant adverse impacts to natural resources in that the site is characterized by steep slopes but not sensitive resources or natural features.

Finding 3. Remedial Grading (if applicable) exceeding five thousand (5,000) cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California Licensed Geologist and reviewed and approved by the City Geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources.
There is no remedial grading associated with this project; therefore, this finding does not apply.

**Finding 4. The project does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).**

The proposed maximum height of the new garage will be 27.25 feet tall at the rear elevation, where the grade is at its lowest. However, based on site visits and aerial photographs obtained through City Geographic Information System (GIS), staff determined that the proposed design 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). Furthermore, the garage will be located within and partially screened by existing vegetation that will remain at the site. The applicant has kept neighbors apprised of the project, and to date, Planning staff has not received any correspondence or letters of concern regarding the proposal and erected story poles.

**Finding 5. The project does not affect solar access, as defined by staff.**

The proposed project does not affect solar access for neighboring lots because the proposed garage is not close to neighboring development and fronts a street at the northerly property line.

**Finding 6. The project is consistent with the City’s General Plan, Local Coastal Program, Municipal Code and City standards.**

The Planning Department, Environmental Health Administrator, City Public Works Department, and LACFD have reviewed the proposed project for conformance and found it to be consistent with the MMC and LCP, inclusive of the requested SPR. Furthermore, this project is listed among the classes of development exempt from requiring a CDP pursuant to LIP Section 13.4.1. It conforms to the MMC development standards listed in MMC Sections 17.40.030 and 17.40.040.

**Finding 7. The proposed project complies with all applicable requirements of state and local law.**

The project complies with all applicable requirements of State and local law. The use and development of the subject property conforms to the RR-1 zoning district and therefore, is consistent with the land use goals, policies, and objectives of the General Plan, LCP, MMC, and City standards. The requested SPR is consistent with the MMC, which allows for a 50% reduction of the front yard setback pursuant to Section 17.62.040(A)(8). Construction of the proposed improvements will comply with all building code
requirements and will incorporate all recommendations from applicable City agencies and project consultants.

Finding 8. A sea wall, bulkhead or other shoreline protective device (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the City’s coastal engineer.

As there is no shoreline protective device associated with this project, this finding does not apply.

D. Site Plan Review for Building Height Above 18 Feet.

Pursuant to MMC Section 17.40.040(A)(5), except for beachfront lots, every residence and every other building or structure associated with a residential development, including satellite dish antenna, shall not be higher than eighteen feet above natural or finished grade, whichever results in a lower building height. MMC Section 17.62.040 allows the planning director to approve construction on a non-beachfront lot resulting in height increases over the base 18 feet up to 28 feet in height for a pitched roof and 24 feet tall for a flat roof as measured from finished or natural grade, whichever is lower.

Although the garage has a floor-to-roof plate height of only eight feet and a height of 11 feet above street level, the lower topography at the rear of the garage will result in a total building height that is much taller. The new garage is proposed with a 3:12 pitched roof. To maintain architectural consistency with the main dwelling, portions of the roof will be screened by a parapet, which is considered a flat roof. Under the limitations of the SPR, the garage is proposed to be a maximum of 27.4 feet tall for portions with a pitched roof and 24 feet tall for portions with a flat roof.

Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for the reduction of the required front yard setback. As noted above, the two findings pertaining to remedial grading and shoreline protective devices do not apply to this project and are not discussed below. The required findings for SPR 19-087 can be made as follows:

Finding 1. The project is compatible with other development in the adjacent area in relation to size, bulk and height.

The project is compatible with other development in the adjacent area in that the neighborhood along Sweetwater Mesa Road is developed with large one- and two-story residences of similar size, bulk, and height. Viewed from Sweetwater Mesa Road, the proposed garage will appear as a one-story building only 11 feet high that is consistent with the size, bulk, and height of the existing dwelling and neighboring properties.
Furthermore, the proposed height of the garage will not exceed the height of the existing non-conforming 39-foot tall dwelling.

**Finding 2.** The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.

The proposed addition is not located in or adjacent to any designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. There are no significant adverse impacts to natural resources and based on submitted project plans, visual analysis, and site investigation, the proposed project, as conditioned, conforms to the MMC in that it meets all applicable residential development standards, inclusive of the requested SPR, and results in the least environmentally damaging feasible alternative.

**Finding 3.** The project 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).

Staff visited the site, conducted a story pole inspection, and reviewed the site’s surroundings for potential impacts. Located within an existing cluster of mature eucalyptus trees, of which some will remain, the new garage will not further obstruct any established primary views of the ocean or canyon. The elevation of the new garage is lower than that of the existing residence located uphill and across the street to the north and shares a similar elevation with the adjacent neighbor on the street. Based on site visits and aerial photographs obtained through City GIS, staff determined that the proposed design 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).

**Finding 4.** The project does not affect solar access, as defined by staff.

The proposed project does not affect solar access for neighboring lots because the proposed addition is located downslope from neighboring parcels to the north and fronts a street on the northerly property line.

**Finding 5.** The project is consistent with the City’s General Plan, Local Coastal Program, Municipal Code and City standards.

The Planning Department, Environmental Health Administrator, City Public Works Department, and LACFD have reviewed the proposed project for conformance and found it to be consistent with the MMC and LCP, inclusive of the requested SPR. Furthermore, this project is listed among the classes of development exempt from requiring a CDP.
pursuant to LIP Section 13.4.1 and conforms to the MMC development standards listed in MMC Sections 17.40.030 and 17.40.040.

Finding 6. The proposed project complies with all applicable requirements of state and local law.

The project complies with all applicable requirements of State and local law. The use and development of the subject property conforms to the RR-1 zoning district and therefore, is consistent with the land use goals, policies, and objectives of the General Plan, LCP, MMC, and City standards. The requested SPR is consistent with MMC Section 17.62.040(A)(1), which allows a building height of more than 18 feet, up to 28 feet for structures with a pitched roof and 24 feet for those with a flat roof. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

OPTIONS: Staff’s recommendation is to approve the project without the variance for the two-thirds rule because staff found that the rule does not apply to this single-story structure that does not have internal area higher than 18 feet. The Commission has three options:
1. Approve the project as staff recommends.
2. Determine the two-thirds rule does apply and approve the project as staff recommends but also grant the variance for relief from the two-thirds rule (the findings can be made due to the site characteristics (narrow width of the street and the steep descending slopes) and the benefits of providing needed offstreet parking; staff would return with an amended resolution).
3. Deny the project or provide other direction.

PUBLIC NOTICE: On February 20, 2020, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachments 6 and 7).

SUMMARY: The required findings can be made that the proposed project complies with the MMC. Further, the Planning Department’s findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval provided in Section 4 (Conditions of Approval) of Planning Commission Resolution No. 20-39. The proposed project has been reviewed and conditionally approved for conformance with the MMC by Planning Department staff and appropriate City and County departments.
ATTACHMENTS:

1. Planning Commission Resolution No. 20-39
2. Project Plans
3. Site and Story Pole Photos
4. Alternative Locations Study
5. Department Review Sheets
6. Radius Map
7. Public Hearing Notice
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND APPROVING ADMINISTRATIVE PLAN REVIEW (APR) NO. 19-143 TO CONSTRUCT A NEW 900 SQUARE FOOT, FOUR-CAR GARAGE CONSTRUCTED ON PILES WITH A WOOD WRAPAROUND DECK AND CONCRETE DRIVEWAY, INCLUDING VARIANCE (VAR) NO. 19-041 FOR CONSTRUCTION ON SLOPES GREATER THAN 2½:1, VAR NO. 19-042 FOR A 40.5 PERCENT REDUCTION OF THE SIDE YARD SETBACK, SITE PLAN REVIEW (SPR) NO. 19-087 FOR A 27 PERCENT REDUCTION OF THE FRONT YARD SETBACK, AND SPR NO. 19-088 TO ALLOW FOR A 27.25-FOOT TALL PITCHED ROOF AND 24-FOOT TALL FLAT ROOF, AND FINDING THAT VAR NO. 20-011 FOR THE TWO-THIRDS RULE DOES NOT APPLY; AT AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED IN THE RURAL RESIDENTIAL-ONE ACRE (RR-1) ZONING DISTRICT AT 3556 SWEETWATER MESA ROAD (THOMSON).

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

SECTION 1. Recitals.

A. On September 23, 2019, an application for Administrative Plan Review (APR) No. 19-143, Variance Nos. (VAR) 19-041 and 19-042, and Site Plan Review (SPR) Nos. 19-087 and 19-088 was submitted to the Planning Department by applicant Marny Randall, on behalf of owner Michael Thomson. The application was routed to the City Environmental Health Administrator, City geotechnical staff, Los Angeles County Fire Department (LACFD), and the City Public Works Department for review.

B. On November 7, 2019, Planning Department staff conducted a site visit to document site conditions, the property, and the surrounding area.

C. On February 13, 2020, Planning Department staff deemed the APR application complete for processing.

D. On February 13, 2020, a Planning Department staff mailed a courtesy notice of the proposed project to all property owners and occupants within a 500-foot radius of the subject property.

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

F. On March 16, 2020, the Planning Commission held a duly noticed public hearing was adjourned to April 6, 2020, with all scheduled items continued to April 6, 2020.

G. On April 6, 2020, the Planning Commission held a duly noticed public hearing and continued this item to a date uncertain.
H. On April 23, 2020, a Planning Department staff published a Notice of Planning Commission Public Hearing in a newspaper of general circulation within the City of Malibu and mailed notices to all property owners and occupants within a 500-foot radius of the subject property.

I. On May 4, 2020, the Planning Commission held a duly noticed public hearing and received a report on the subject application indicating that the project would be renoticed for the hearing of May 18, 2020.

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 found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Section 15303(a) – 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 apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Findings of Fact.

Based on the substantial evidence within the record and pursuant to Malibu Municipal Code (MMC) Title 17, the Planning Commission adopts the analysis in the agenda report, incorporated herein, and the findings of fact below for APR No. 19-143 to construct a new 900 square foot, four-car garage with a wood wraparound deck and concrete driveway, including VAR No. 19-041 for construction on slopes greater than 2-½:1, VAR No. 19-042 for a 40.5 percent reduction of the side yard setback, SPR No. 19-087 for a 27 percent reduction of the front yard setback, and SPR No. 19-088 to allow for a 27.25-foot tall pitched roof and 24-foot tall flat roof, at an existing single-family residence located in the Rural Residential-One Acre (RR-1) zoning district at 3559 Sweetwater Mesa Road. With the inclusion of the proposed variances and site plan reviews, the project, as conditioned, has been determined to be consistent with the design and development standards of the MMC. The required findings are made herein.

A. Administrative Plan Review (Title 17)

The project has been reviewed for conformance with the MMC by the Planning Department, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and LACFD. The proposed project, as conditioned, is consistent with the zoning, grading, cultural resources, and Title 17 requirements of the MMC and meets all applicable residential development standards of the RR-1 Rural Residential-One Acre zoning district.

B. Variance Request from MMC Section 17.40.040(A)(6) for More Than 20 Percent Reduction of Side Yard Setback
1. Due to the narrow width of Sweetwater Mesa Road, required emergency vehicle access precludes on-street parking in the vicinity of the subject property. Parking for the residence is limited to four spaces provided by an existing two-car garage and a single car-depth driveway fronting it. These conditions make it difficult to park the residents’ vehicles and provide parking for guests and other visitors to the home. While the subject parcel is 2.49 acres, areas appropriate for locating a new garage are limited due to the property’s sloped topography. Locating the garage in a conforming location near the interior of the parcel and behind the dwelling would result in the need for a long driveway, turnaround, and extensive grading, constraints that are typically absent for flatter parcels. Due to these circumstances and exceptional characteristics applicable to the property, strict application of the zoning ordinance would make it difficult to provide additional parking at the site.

2. The Planning Department, Environmental Health Administrator, City geotechnical staff, Public Works Department, and LACFD have reviewed the project. With the incorporation of the conditions set forth by these departments, the project will not be detrimental or injurious to the property or public interest, safety, health, or welfare in that the proposal is consistent with the residential uses that exist on the site and in the neighborhood.

3. The granting of the variance will not constitute a special privilege to the applicant or property owner as steeply sloped site topography on other residential lots would similarly limit the locations that an accessory building such as a garage could be built.

4. The granting of the variance will not be contrary to or conflict with the MMC. The proposed variance would allow for a new garage and driveway on a parcel zoned and developed for single-family residential use. The granting of the variance will also be consistent with the General Plan. The new development will be situated near and in line with the existing residence located along the street. This location will minimize the alteration of the existing hillside and lessen visual impacts due to the garage’s placement within a mature cluster of eucalyptus trees.

5. The project is a necessary improvement to the existing single-family residential use allowed by the RR-1 zoning designation. The project conforms to the Rural Residential zoning standards with the inclusion of the variance. As no alterations are proposed to any existing buildings, the existing non-conformities may be maintained. The proposed variance would augment off-street parking for the residents and their visitors and would not authorize an unpermitted use or activity.

6. The variance for a reduced side yard setback would allow the new garage and driveway to be located on a portion of the parcel with fewer steep slopes and near the street. Therefore, the site is physically suitable for the proposed variance.

7. The proposed project has received a conformance review from the Planning Department, City Environmental Health Analyst, City Geotechnical staff, City Public Works Department, and LACFD. The proposed project is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies. The new garage and driveway will be required to comply with all building code requirements and will incorporate recommendations from applicable City agencies and project consultants. Therefore, the project complies with all applicable state and local laws.
8. The proposed project has received conformance review from the Planning Department, City Environmental Health Administrator, City Geotechnical staff, City Public Works Department, and LACFD. The proposed project is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies. The new garage and driveway will be required to comply with all building code requirements and will incorporate recommendations from applicable City agencies and project consultants. Therefore, the variance will not be detrimental to the health, safety, and welfare of the city.

C. Variance Request from MMC Section 17.40.040(A)(12) to Allow Construction of Structures on Slopes of 2-½:1 or Greater

1. The subject parcel is characterized by sloped topography that descends from Sweetwater Mesa Road southward toward adjacent parcels on Pacific Coast Highway. The majority of the parcel is characterized by slopes greater than 2-½:1; such slopes make it difficult to provide additional parking that would conform to the City’s zoning ordinances. Therefore, strict application of the zoning ordinance would deprive the property of the ability to develop accessory structures such as a garage and driveway similar to adjacent properties under the identical zoning designation.

2. The Planning Department, Environmental Health Administrator, City geotechnical staff, Public Works Department, and LACFD have reviewed the project. With the incorporation of the conditions set forth by these departments, the project will not be detrimental or injurious to the property or public interest, safety, health, or welfare in that the proposal is consistent with the residential uses that exist on the site and in the neighborhood. Increasing off-street parking will help to ensure vehicles can be stored in a way that does not interfere with neighborhood or emergency access along this narrow road.

3. The granting of the variance will not constitute a special privilege to the applicant or property owner. The property does not contain a flat pad to accommodate accessory development. Neighboring lots are similarly developed with accessory structures on steep slopes that characterize properties located along the southeast side of Sweetwater Mesa Drive. The applicant attempted to find alternative project locations on the subject property that would avoid the need for the variance, but those attempts were unsuccessful.

4. The granting of the variance will not be contrary to or conflict with the MMC. The proposed variance would allow for a new garage and driveway on a parcel zoned and developed for single-family residential use. The granting of the variance will also be consistent with the General Plan. The new development will be situated near and in line with the existing residence located along the street. The proposed garage location will minimize alterations to the existing hillside that characterizes the site.

5. The project is a beneficial improvement to the existing single-family residential use allowed by the RR-1 zoning designation and will help to achieve the goal of providing vehicles with off-street parking. The project conforms to the Rural Residential zoning standards with the inclusion of the variance. As no alterations are proposed to any existing buildings, the existing non-conformities may be maintained. The proposed variance would augment off-street parking for residents and their visitors and would not authorize an unpermitted use or activity.
6. The subject site is physically suitable for a new garage and driveway as it is already developed with residential uses, including a single-family residence, garage, swimming pool, and mechanical room. The new garage and driveway will not require grading on the hillside as they are proposed to be built on caissons and maintain the same elevation as the street. Therefore, the subject site is physically suitable for the proposed variance.

7. The proposed project has received a conformance review from the Planning Department, City Environmental Health Analyst, City geotechnical staff, City Public Works Department, and LACFD. The proposed project is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies. The new garage and driveway will be required to comply with all building code requirements and will incorporate recommendations from applicable City agencies and project consultants. Therefore, the project complies with all applicable state and local law.

8. The proposed project has received a conformance review from the Planning Department, City Environmental Health Administrator, City Geotechnical staff, City Public Works Department, and LACFD. The proposed project is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies. The new garage and driveway will be required to comply with all building code requirements and will incorporate recommendations from applicable City agencies and project consultants. Therefore, the variance will not be detrimental to the health, safety, and welfare of the city.

D. Site Plan Review for Reduction of the Front Yard Setback.

1. The project is compatible with other development in the adjacent area in that the neighborhood is developed with one- and two-story residences of similar size, bulk, and height. Other parcels further up and down the street – especially on the south and east sides of the street – have dwellings and structures with reduced or existing, non-conforming front yard setbacks.

2. The proposed addition is not located in or adjacent to any designated ESHA or ESHA buffer, as shown on the LCP ESHA and Marine Resources Map. There are no significant adverse impacts to natural resources in that the site is characterized by steep slopes but not sensitive resources or natural features.

3. There is no remedial grading associated with this project; therefore, this finding does not apply.

4. The proposed maximum height of the new garage will be 27.25 feet tall at the rear elevation, where the grade is at its lowest. However, based on site visits and aerial photographs obtained through City Geographic Information System (GIS), staff determined that the proposed design 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). Furthermore, the garage will be located within and partially screened by existing vegetation that will remain at the site. The applicant has kept neighbors apprised of the project, and to date, Planning staff has not received any correspondence or letters of concern regarding the proposal and erected story poles.
5. The proposed project does not affect solar access for neighboring lots because the proposed garage is not close to neighboring development and fronts a street at the northerly property line.

6. The Planning Department, Environmental Health Administrator, City Public Works Department, and LACFD have reviewed the proposed project for conformance and found it to be consistent with the MMC and LCP, inclusive of the requested SPR. Furthermore, this project is listed among the classes of development exempt from requiring a CDP pursuant to LIP Section 13.4.1. It conforms to the MMC development standards listed in MMC Sections 17.40.030 and 17.40.040.

7. The project complies with all applicable requirements of State and local law. The use and development of the subject property conforms to the RR-1 zoning district and therefore, is consistent with the land use, policies, and objectives of the General Plan, LCP, MMC, and City standards. The requested SPR is consistent with the MMC, which allows for a 50% reduction of the front yard setback pursuant to Section 17.62.040(A)(8). Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

8. As there is no shoreline protective device associated with this project, this finding does not apply.

E. Site Plan Review for Building Height Above 18 Feet.

1. The project is compatible with other development in the adjacent area in that the neighborhood along Sweetwater Mesa Road is developed with large one- and two-story residences of similar size, bulk, and height. Viewed from Sweetwater Mesa Road, the proposed garage will appear as a one-story building only 11 feet high that is consistent with the size, bulk, and height of the existing dwelling and neighboring properties. Furthermore, the proposed height of the garage will not exceed the height of the existing non-conforming 39-foot tall dwelling.

2. The proposed addition is not located in or adjacent to any designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. There are no significant adverse impacts to natural resources and based on submitted project plans, visual analysis, and site investigation, the proposed project, as conditioned, conforms to the MMC in that it meets all applicable residential development standards, inclusive of the requested SPR, and results in the least environmentally damaging feasible alternative.

3. Staff visited the site, conducted a story pole inspection, and reviewed the site’s surroundings for potential impacts. Located within an existing cluster of mature eucalyptus trees, of which some will remain, the new garage will not further obstruct any established primary views of the ocean or canyon. The elevation of the new garage is lower than that of the existing residence located uphill and across the street to the north and shares a similar elevation with the adjacent neighbor on the street. Based on site visits and aerial photographs obtained through City GIS, staff determined that the proposed design 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).
4. The proposed project does not affect solar access for neighboring lots because the proposed addition is located downslope from neighboring parcels to the north and fronts a street on the northerly property line.

5. The Planning Department, Environmental Health Administrator, City Public Works Department, and LACFD have reviewed the proposed project for conformance and found it to be consistent with the MMC and LCP, inclusive of the requested SPR. Furthermore, this project is listed among the classes of development exempt from requiring a CDP pursuant to LIP Section 13.4.1 and conforms to the MMC development standards listed in MMC Sections 17.40.030 and 17.40.040.

6. The project complies with all applicable requirements of State and local law. The use and development of the subject property conforms to the RR-1 zoning district and therefore, is consistent with the land use goals, policies, and objectives of the General Plan, LCP, MMC, and City standards. The requested SPR is consistent with MMC Section 17.62.040(A)(1), which allows a building height of more than 18 feet, up to 28 feet for structures with a pitched roof and 24 feet for those with a flat roof. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

SECTION 4. 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. Construction of a new 900 square foot four-car garage on caissons;
   b. New 961 square foot driveway;
   c. Removal and trimming of vegetation at the project site per fuel modification requirements; and
   d. Discretionary Requests:
      i. VAR No. 19-041 for development on a slope of greater than 2-1/2:1
      ii. VAR No. 19-042 for a 40.5 percent reduction of the side yard setback.
      iii. SPR No. 19-087 for a 27 percent reduction of front yard setback.
      iv. SPR No. 19-088 to allow a height increase of the base 18 feet up to 27.4 feet for portions of the garage with a pitched roof, and up to 24 feet for portions a flat parapet roof.
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 **February 13, 2020**. 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. The permits and rights conferred in this approval shall not be effective until the property owner signs and returns the **Acceptance of Conditions Affidavit** accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 30 days of this decision and/or prior to 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 Acceptance of Conditions Affidavit and all Department Review Sheets attached to the March 16, 2020 Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.

7. An approved administrative plan review shall expire three years from the date of approval, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. If no building permit is required, the administrative plan review approval shall expire after three years from the date of final planning approval if construction is not completed. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.

8. The Planning Director may grant up to four one-year extensions of the expiration of an administrative plan review approval, if the Planning Director finds that the conditions, including, but not limited to, changes in the zoning ordinance, under which the administrative plan review approval was issued have not significantly changed.

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

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

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

12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

Cultural Resources

13. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Therefore, 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, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These require 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.

Site-Specific Conditions

15. A construction management plan, including a traffic control plan and construction parking plan, shall be submitted for review and approval by the Public Works Department and the Planning Department prior to the issuance of building permits.

16. No exterior lighting is proposed as part of this project; therefore, no new exterior lighting is permitted as part of this project. Any new exterior lighting is subject to the Dark Sky Ordinance (MMC Chapter 17.41).

Biology

17. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting.

Environmental Health

18. All final project 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.

19. A plot plan drawn to scale shall be submitted showing all existing improvements, proposed improvements (e.g. garage, driveway), and an onsite wastewater treatment system (OWTS)
design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). The OWTS plan must be drawn to scale. At least one copy of the plot plan showing essential features of the OWTS must be submitted on an 11” x 17” sheet leaving a 5” left margin clear to provide space for a City-applied legend on approvals. Note: the Septic System Site Plan submitted on 9-23-2019 does not show the proposed improvements.

20. The Operating Permit for the existing OWTS on the subject property expired on 6-9-2019 (see attached Notice to Comply dated 8-29-2019). An active Operating Permit is required for the property per the Malibu Municipal Code, Chapter 15.44, and is required prior to final Environmental Health approval of the proposed project. An operating permit fee in accordance with the adopted fee schedule shall be submitted with the application.

Geology

21. Please submit a fee to City geotechnical staff for building plan check review in accordance with the adopted fee schedule.

22. The Project Geotechnical Consultant assumes a C Site Class in the seismic deformation analyses of the descending slope. However, he assumes a Site Class of D in evaluating the Building Code seismic parameters. Please reconcile this apparent discrepancy and provide justification for assuming a Site Class of D in the selection of the seismic parameters.

23. Please include the following note on the plans: *An as-built report documenting the installation of the pile foundation elements shall be prepared by the Project Geotechnical Consultant and submitted to City geotechnical staff for review. The report shall include the total depths of all piles, required depth into the bearing material, the actual depth into the recommended bearing material, and a map depicting the location of the piles.*

24. Two sets of final garage 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.**

Public Works

25. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
   a. Is located within or adjacent to ESHA, or
   b. Includes grading on slopes greater than 4 to 1.
   c. Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary
erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.
26. 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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<th>Sediment Controls</th>
<th>Silt Fence</th>
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<tbody>
<tr>
<td></td>
<td>Sand Bag Barrier</td>
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<td>Stabilized Construction Entrance</td>
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<tr>
<th>Non-Storm Water Management</th>
<th>Water Conservation Practices</th>
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<tr>
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<td>Dewatering Operations</td>
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<tr>
<th>Waste Management</th>
<th>Material Delivery and Storage</th>
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<tr>
<td></td>
<td>Stockpile Management</td>
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<tr>
<td></td>
<td>Spill Prevention and Control</td>
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<td>Solid Waste Management</td>
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<td></td>
<td>Concrete Waste Management</td>
</tr>
<tr>
<td></td>
<td>Sanitary/Septic Waste Management</td>
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</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.

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

Construction / Framing

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

29. Prior to issuance of a building/demolition permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction generated by the project.

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

31. 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.
32. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

Prior to Final Sign-Off

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

34. 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

35. This administrative plan review shall run with the land and bind all future owners of the property.

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

SECTION 5. 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.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-39 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
PROPOSED GARAGE
Lot Dept = 136'-7" (136.6')
Lot Width = 537'-8" (537.7')

REQUIRED SETBACK
Front Yard: \(136.6' \times 0.20 = 27.3'\)
Rear Yard: \(136.6' \times 0.15 = 20.4'\)
10% Side Yard: \(537.7' \times 0.1 = 53.8'\)
15% Side Yard: \(537.7' \times 0.15 = 80.7'\)

Vegetation Modification Note: Existing vegetation to be modified to meet Los Angeles County Fire Department Fuel Modification requirements. Acceptable screening plants to be added as needed to screen proposed structure within Fuel Modification guidelines.
LEGEND

* (E) Concrete Driveway.............= 449 sq. ft
* (E) Deck [2]...............................= 370 sq. ft
* (E) Deck (1) & Concrete Stairs.....= 136 sq. ft
* (E) Floor Above Pool...............= 297 sq.ft
* (E) Main House (2nd Floor).......= 2,554 sq. ft
* (E) Machine Room.....................= 119 sq ft
* (E) Concrete Pavers...............= 504 sq. ft
* (E) Concrete Pavers...............= 513 sq ft
* (E) Concrete Pavers...............= 186 sq ft
* Proposed Garage....................= 900 sq. ft

NOTE: 8,795 sq ft = Max. TDSF for 2,554 sq ft

MAXIMUM TDSF CALCULATION

Percentages:
Up to ½ acre: 21,780 x .177 = 3,855 + 1,000 = 4,855
½ acre to 1 acre: 43,560 = 21,780 x .05 = 1,089
1 acre to 1 ½ acres: 65,340 = 21,780 x .02 = 673
1 ½ acres or more: 120,226 = 54,886 x .02 = 1,098
TOTAL: 8,795

* Total Existing Impermeable = 5,971 sq ft
* Proposed Impermeable = 2,223 sq ft

Existing + Proposed Impermeable = 8,194 sq ft

NOTE: New Sq ft = Max. TDSF 8,795 sq ft

DATE START: 6-8-2019

SCALE: 1/32" = 1'-0"

DRAWN BY:

PETER O.

BAROSCHI & ASSOCIATES DESIGNS

959-902-9090

GSPublisherEngine 164.90.90.100
3556 Sweetwater Mesa Road – Site and Story Pole Photographs

1. Oblique aerial view of subject property on hillside

2. Existing dwelling from Sweetwater Mesa Road (not visible behind vegetation)
3. Existing dwelling from within property

4. Existing garage off from Sweetwater Mesa Road
5. Westerly adjacent property at 3620 Sweetwater Mesa Road

6. Northerly adjacent property at 3535 Sweetwater Mesa Road
3556 Sweetwater Mesa Road – Site and Story Pole Photographs

7. Neighboring property at 3509 Sweetwater Mesa Road

8. View southwest of Sweetwater Mesa Road from subject property
9. View northeast of Sweetwater Mesa Road from subject property

10. View of story poles from across Sweetwater Mesa Road
11. View southwest of story poles from up Sweetwater Mesa Road

12. View of story poles (west elevation of proposed garage) from within the subject property
13. View of northeast toward subject property and story poles from Pacific Coast Highway

14. View west toward subject property and story poles from Pacific Coast Highway
3556 Sweetwater Mesa Road – Site and Story Pole Photographs

15. View north toward subject property and story poles from Malibu Pier.

16. Zoomed in view of subject property and story poles from entrance to Malibu Pier.

Source: All photos by City of Malibu staff except #1 by Eagleview and #3 by MLS.
LOCATION DETERMINATION ISSUES:

Location A:
1. No side yard setback Variance.
2. Variance for front yard setback.
3. SPR for height over 18' above grade.
4. Variance for construction on slopes steeper than 2.5:1
5. Terrace deposits on slope too deep for structure without understory
6. Conflict with septic elements - would require relocation of system.

Location B:
1. No side yard setback Variance.
2. Variance for front yard setback.
3. Variance for height - Envelope exceeds 28' above grade at southern end
5. Terrace deposits on slope too deep for structure without understory
6. Conflict with septic elements - would require relocation of system.

Location C:
1. No side yard setback Variance.
2. SPR for front yard setback.
3. SPR for height over 18'
4. Variance for construction on slopes steeper than 2.5:1
5. Mapped earthquake fault could complicate pile foundation design. Therefore, since alternative site is available, GeoConcepts prefers to use Location D.

Location D (Selected Location):
1. Variance for side yard setback.
2. SPR for front yard setback.
3. SPR for height over 18' above grade.
ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator  DATE: 9/23/2019
FROM: City of Malibu Planning Department

PROJECT NUMBER: APR 19-143
JOB ADDRESS: 3556 SWEETWATER MESA RD
APPLICANT / CONTACT: Marny Randall
APPLICANT ADDRESS: 909 Euclid Street, Suite #9
                     Santa Monica, CA 90403
APPLICANT PHONE #: (310) 395-2615
APPLICANT FAX #: (310) 395-2368
APPLICANT EMAIL: marnyrandall@gmail.com
PROJECT DESCRIPTION: N detached garage, fire dept walkaround, and driveway

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 Municipal Code (MMC). 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 MMC. 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

OCTOBER 1, 2019

Rev 141008

ATTACHMENT 5A
ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Marny Randall</th>
</tr>
</thead>
<tbody>
<tr>
<td>(name and email address)</td>
<td><a href="mailto:marnyrandall@gmail.com">marnyrandall@gmail.com</a></td>
</tr>
<tr>
<td>Project Address:</td>
<td>3556 Sweetwater Mesa Road</td>
</tr>
<tr>
<td>Malibu, California 90265</td>
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</tr>
<tr>
<td>Planning Case No.:</td>
<td>APR 19-143</td>
</tr>
<tr>
<td>Project Description:</td>
<td>N detached garage, fire dept. walkaroud, and driveway</td>
</tr>
<tr>
<td>Date of Review:</td>
<td>October 1, 2019</td>
</tr>
<tr>
<td>Reviewer:</td>
<td>Matt Janousek</td>
</tr>
<tr>
<td>Signature:</td>
<td>[Signature]</td>
</tr>
<tr>
<td>Contact Information:</td>
<td>Phone: (310) 456-2489 ext. 307</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:mjanousek@malibucity.org">mjanousek@malibucity.org</a></td>
</tr>
</tbody>
</table>

SUBMITTAL INFORMATION

| Operating Permit: | Expired 6-9-2019 |
| Miscellaneous: | Septic System Plot Plan (undated) |
| Previous Approval: | |
| Previous Reviews: | |

REVIEW FINDINGS

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

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

OWTS Plot Plan: ☐ NOT REQUIRED

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

Environmental Health conformance review has been completed for the development proposal described in the project description provided by the Planning Department and the project plans and reports submitted to this office. 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 project. In order to obtain Environmental Health final approval of the OWTS Plot Plan and project construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.
Conditions of Planning Conformance Review for Building Plan Check Approval:

1) **Building Plans:** All final project 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.

2) **OWTS Plot Plan:** A plot plan drawn to scale shall be submitted showing all existing improvements, proposed improvements (e.g., garage, driveway), and an onsite wastewater treatment system (OWTS) design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). The OWTS plan must be drawn to scale. At least one copy of the plot plan showing essential features of the OWTS must be submitted on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend on approvals. **Note: the Septic System Site Plan submitted on 9-23-2019 does not show the proposed improvements.**

3) **Expired Operating Permit:** The Operating Permit for the existing OWTS on the subject property expired 6-9-2019 (see attached Notice to Comply dated 8-29-2019). An active Operating Permit is required for the property per the Malibu Municipal Code, Chapter 15.44, and is required prior to final Environmental Health approval of the proposed project. An operating permit fee in accordance with the adopted fee schedule shall be submitted with the application.

---

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
August 29, 2019

THOMSON, MICHAEL D
3556 SWEETWATER MESA RD,
MALIBU, CA, 90265-4923

NOTICE TO COMPLY: EXPIRED OPERATING PERMIT

Re: 3556 SWEETWATER MESA RD (APN 4452-017-008)

Dear Property Owner,

The Operating Permit for the onsite wastewater treatment systems (OWTS) at the above referenced property expired on June 9, 2019. In order to protect public health and safety, the City issues operating permits to ensure the appropriate operation and maintenance of the OWTS. The Malibu Municipal Code (MMC) requires the timely renewal of operating permits and does not allow for the permit to lapse for longer than thirty (30) days (MMC 15.14.040). The MMC also requires the inspection of the OWTS by a City approved OWTS inspector (MMC 15.14.050).

The MMC is available online at www.malibucity.org and at City Hall.

ACTIONS REQUIRED

1. Schedule inspection with City approved inspector: www.malibucity.org/practitioners;
2. Provide inspection report to the City with operating permit renewal application; and
3. Pay fee established by the City’s current fee schedule (enclosed).

Failure to comply before November 1, 2019 will result in a mandatory Administrative Hearing Notice and the referral of this issue to Code Enforcement for further action. Please contact me should you have any further questions.

Sincerely,

Mat Simpkins
Wastewater Management Program Analyst
Extension 282
msimpkins@malibucity.org
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: 9/23/2019

PROJECT NUMBER: APR 19-143
JOB ADDRESS: 3556 SWEETWATER MESA RD
APPLICANT / CONTACT: Marny Randall
APPLICANT ADDRESS: 909 Euclid Street, Suite #9
                               Santa Monica, CA 90403
APPLICANT PHONE #: (310) 395-2615
APPLICANT FAX #: (310) 395-2368
PROJECT DESCRIPTION: N detached garage, fire dept walkaround, and driveway

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

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

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

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

Required Fire Department vehicular access (including width and grade %)
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.

G. Kennelly
SIGNATURE
10-8-19
DATE

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0941 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

ATTACHMENT 5.B
# GEOTECHNICAL REVIEW SHEET

## Project Information

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<tr>
<th>Date:</th>
<th>October 7, 2019</th>
<th>Review Log #:</th>
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<tbody>
<tr>
<td>Site Address:</td>
<td>3556 Sweetwater Mesa Road</td>
<td>Planning #:</td>
<td>APR 19-143</td>
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<tr>
<td>Lot/Tract/PM #:</td>
<td></td>
<td>BPC/GPC #:</td>
<td></td>
</tr>
<tr>
<td>Applicant/Contact:</td>
<td>Marny Randall, <a href="mailto:marnyrandall@gmail.com">marnyrandall@gmail.com</a></td>
<td>Planner:</td>
<td></td>
</tr>
<tr>
<td>Contact Phone #:</td>
<td>310-395-2615</td>
<td>Fax #:</td>
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<tr>
<td>Project Type:</td>
<td>New detached garage and driveway apron</td>
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## Submittal Information

**Consultant(s) / Report Date(s):** GeoConcepts, Inc. (Barrett, CEG 2088; Walter, GE 2476): 7-12-2019

*Current submittal(s) in Bold.*


**Previous Reviews:** None; Ref: Environmental Health Review Letter dated 10-1-19

## Review Findings

### Planning Review

- The garage project is **APPROVED** from a geotechnical perspective.

- The garage 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 geotechnical report and Architectural plans were reviewed by the City from a geotechnical perspective. Based on the submitted information and a site reconnaissance, the project includes a new 900 square foot detached garage on a pile and grade beam foundation system with a 20’ deep driveway apron off Sweetwater Mesa Drive. No grading is proposed.

No changes to the Onsite Wastewater Treatment System (OWTS) are proposed.
Review Comments:

1. None.

Building Plan-Check Stage Review Comments:

1. Please submit a fee of $1,016.00 to City geotechnical staff for building plan check review.

2. The Project Geotechnical Consultant assumes a C Site Class in the seismic deformation analyses of the descending slope. However, he assumes a Site Class of D in evaluating the Building Code seismic parameters. Please reconcile this apparent discrepancy and provide justification for assuming a Site Class of D in the selection of the seismic parameters.

3. Please include the following note on the plans: An as-built report documenting the installation of the pile foundation elements shall be prepared by the Project Geotechnical Consultant and submitted to City geotechnical staff for review. The report shall include the total depths of all piles, required depth into the bearing material, the actual depth into the recommended bearing material, and a map depicting the location of the piles."

4. Two sets of final garage 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 (310-456-2469, x306)  
Email: cdean@malibucity.org  
10/7/2019

Geotechnical Engineering Review by:  
Ali Abdel-Haq, G.E. #2308, Exp. 12-31-19  
Geotechnical Engineering Reviewer (805-496-1222)  
Email: ali@geodynamics-inc.com  
10/7/2019

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.
NOTES FOR BUILDING PLAN-CHECK

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

1. One set of garage 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 Plans.

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

Retaining Walls (As Applicable)

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

2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.
TO: Public Works Department  
FROM: City of Malibu Planning Department  
DATE: 9/23/2019

PROJECT NUMBER: APR 19-143
JOB ADDRESS: 3556 SWEETWATER MESA RD
APPLICANT / CONTACT: Marny Randall
APPLICANT ADDRESS: 909 Euclid Street, Suite #9  
                     Santa Monica, CA 90403
APPLICANT PHONE #: (310) 395-2615
APPLICANT FAX #: (310) 395-2368
APPLICANT EMAIL: marnyrandall@gmail.com
PROJECT DESCRIPTION: N detached garage, fire dept walkaround, and driveway

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

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

X 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 9/26/19

Rev 120910

ATTACHMENT 5.D
City of Malibu

MEMORANDUM

To: Planning Department

From: Public Works Department
Danh Duong, Assistant Civil Engineer

Date: September 26, 2019

Re: Proposed Conditions of Approval for 3556 Sweetwater Mesa Rd APR 19-143

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

GRADING AND DRAINAGE

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

STORMWATER

2. 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:

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

**MISCELLANEOUS**

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

ADMINISTRATIVE PLAN REVIEW NO. 19-143, VARIANCE NOS. 19-041, 19-042 AND 20-011, AND SITE PLAN REVIEW NOS. 19-087 AND 19-088 - An application for a new 900 square foot detached four car garage to be constructed on piles over a slope with wraparound fire access deck, and new driveway at an existing two-level, single-family residence with an attached two-car garage and detached mechanical room; including variances for construction of the new garage on slopes steeper than 2½ to 1, for a 41 percent reduction of the required side yard setback, and for building area above 18 feet in height which exceeds the amount allowed by the two-thirds rule that pertains to massing; and site plan reviews for a 27 percent reduction of the front yard setback and for height increase over 18 feet to 28 feet for portions of the garage with a pitched roof, and up to 24 feet for portions of the garage with a flat parapet roof

LOCATION / APN / ZONING: 3556 Sweetwater Mesa Rd / 4452-017-008 / Rural Residential-One Acre (RR-1)
APPLICANT / OWNER(S): Marny Randall / Michael Thomson
APPEALABLE TO: Planning Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Section 15303(a)
APPLICATION FILED: September 23, 2019
CASE PLANNER: David Eng, Assistant Planner, deng@malibucity.org (310) 456-2489, ext. 372

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.

BONNIE BLUE, Planning Director

Date: April 23, 2020