To: Chair Stack and Members of the Planning Commission

Prepared by: Richard Mollica, Senior Planner

Reviewed: Bonnie Blue, Planning Director

Date prepared: July 8, 2016

Meeting Date: July 18, 2016

Subject: Coastal Development Permit No. 11-046, Variance No. 16-011, and Site Plan Review Nos. 16-017 and 16-018 - An application for the construction of a new two-story single-family residence and associated development

Location: 6050 Murphy Way, not located within the appealable coastal zone

APN: 4467-004-028

Owner: C.A. Rasmussen Co. LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 16-51 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 11-046, an application for the construction of a new 10,605 square foot, two-story single-family residence with attached guesthouse and a subterranean garage, for total development square footage for the site is 10,887, alternative onsite wastewater system (AOWTS), new driveway, restoration of unpermitted environmentally sensitive habitat area (ESHA), retaining walls, pool, spa, pool equipment, landscaping, patio with barbeque area, grading, and associated development, including Variance (VAR) No. 16-011 to reduce the required buffer, Site Plan Review (SPR) No. 16-017 for a roof height of 28 feet, and SPR No. 16-018 to allow for remedial grading in the Rural Residential-Ten Acre (RR-10) zoning district located at 6050 Murphy Way (C.A. Rasmussen Co. LLC).

DISCUSSION: On June 6, 2016, the Planning Commission opened the public hearing for this item. Due to a lack of quorum, the hearing was not completed, no action was taken, and the item was re-noticed for the July 18, 2016 Regular Planning Commission meeting.
One of the main issues discussed during the June 6th meeting was whether the project site is located on a ridgeline. To address this matter, additional information has been added to the Surrounding Land Use and Project Setting discussion of this report. The ESHA resources discussion in that section has also been slightly expanded and findings related to ESHA and scenic resources have been clarified. Other than that information, this agenda report provides the same overview of the project, summary of the surrounding land uses, description of the proposed project and a summary of staff’s analysis of the project’s consistency with the applicable provisions of the Malibu Local Coastal Program (LCP) and the CEQA that was presented in the June 6, 2016 agenda report. The analysis and findings discussed herein demonstrate that the project is consistent with the LCP.

**Project Overview**

The scope of the proposed project includes the construction of a new single-family residence which includes a subterranean garage, attached second residential unit, new AOWTS, retaining walls, pool and spa, hardscaping, including a driveway, and landscaping. Due to the onsite ESHA, the project was limited to a 10,000 square foot development area. The project also includes a variance to reduce the required ESHA buffer to allow for the required fuel modification zones. The project also includes two site plan review requests, one for the construction of a pitched roof that is 28 feet in height and a second to allow for 1,248 cubic yards of remedial grading. Project plans are included as Attachment 2.

**Surrounding Land Uses and Project Setting**

Figure 1 depicts an aerial view of the subject property and vicinity.
The project site is zoned RR-10 and is not located within the Appeal Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map. The property abuts the Debutts Terrace Trail which runs along Murphy Way adjacent to the street right-of-way. The only development that will take place in the street right-of-way is the construction of the drive apron which will have no adverse impact on public access. Property data is summarized in Table 1.

<table>
<thead>
<tr>
<th>Table 1 – Property Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Depth</td>
</tr>
<tr>
<td>Lot Width</td>
</tr>
<tr>
<td>Gross Lot Area</td>
</tr>
<tr>
<td>Area of Street Easements</td>
</tr>
<tr>
<td>Area of 1 to 1 Slopes</td>
</tr>
<tr>
<td>Net Lot Area(^1)</td>
</tr>
</tbody>
</table>

As outlined in Table 2, the surrounding land uses consist of single-family residential homes within the RR-10 zoning district and a vacant parcel that is Escondido Canyon Park and is zoned Public Open Space (POS). The residentially developed lots along Murphy Way are developed with two-story homes.

<table>
<thead>
<tr>
<th>Table 2 – Surrounding Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direction</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>North</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>East</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>West</td>
</tr>
</tbody>
</table>

**ESHA Resources**

The subject parcel does contain ESHA based on the LCP ESHA and Marine Resources Map. Also, a Biological Assessment for the project site was completed by Nelson and Associates during November 2014. The Biological Assessment states that there were no special-status plant or wildlife species present on the site. During the summer of 2012 a Geotechnical Exploratory Permit was issued for a seismic trench. During the course of testing, onsite ESHA was removed without the benefit of permit. Through the use of aerial photographs and the City’s ESHA maps, the City Biologist and planning staff were able to

---

\(^1\) Net Lot Area = Gross Lot Area minus the area of street easements and 1 to 1 slopes.
determine the limits of ESHA and the amount of ESHA disturbed. The attached resolution includes conditions of approval requiring remediation of the 71,874 square feet / 1.65 acres of ESHA that was disturbed. In addition, the project has been sited and designed in accordance with the LCP’s ESHA requirements.

Ridgeline Analysis

The scenic and visual resource standards of LIP Chapter 6 require measures to minimize visual impacts of development that will be located on a ridgeline, and states that the hillside development standards where the ridgeline measures are found apply to properties with a slope of 20 percent or greater. The subject site and adjacent property to the south and east, addressed as 6200 Porterdale, are situated on the same topographic ridge-like feature with slopes descending from Murphy Way, and have been reviewed against the LCP’s criteria for ridgelines in the past by the Planning Commission and found not to be either a primary or secondary ridgeline.

LIP Section 2.1 provides the following definitions: 2

RIDGELINE, PRIMARY - a hill, ridge or promontory which drops on either side of the top of this landform feature, and includes at least one of the following conditions: 1) forms a distinct part of the skyline when viewed from a public street or highway; or, 2) is seen as a distinct and prominent edge against a backdrop of land at least 500 feet behind it when viewed from a public street and contains an average slope of at least 3:1.

RIDGELINE, SECONDARY - a hill, ridge, or promontory other than a primary ridgeline, but on which the elevation drops more than 10 feet in 100 feet horizontally on either side of the top of this landform feature.

In its adoption of Initial Study No. 15-001 and Negative Declaration 15-001 (January 19, 2016), which was prepared for the lot line adjustment for 6200 Porterdale, it was determined that the ridge feature does not meet the City’s criteria for a primary or secondary ridgelines, as defined in Local Implementation Plan (LIP) Section 2.1 for the following reasons: 1) the ridge feature does not form a distinct part of the skyline when viewed from a public street or highway; 2) the ridge feature is not seen as a distinct and prominent edge against a backdrop of land when viewed from a public street; and (3) the ridge feature does not drop more than 10 vertical feet in 100 horizontal feet on either side of the top of the ridge.

The Planning Commission previously evaluated the 6200 Porterdale property for construction of a single-family residence sited on this feature in 2008 and concluded that

2 Malibu Municipal Code (MMC) Section 17.40.040(A)(8) provides the same definition.
the building site on this feature did not qualify as a secondary ridgeline and would not have significant adverse visual impacts.

For the subject property, when looking from the south towards the north from a public street (or even from Murphy Way), the property is viewed among a backdrop of developed properties at a higher elevation; therefore, the site does not meet the definition of a primary ridgeline. Also, the applicant prepared an analysis which demonstrates that the site does not qualify as a secondary ridgeline because the building pad does not have an elevation drop of more than 10 feet in 100 feet horizontally on either side\(^3\) (Attachment 3).

Finally, it should be noted that the proposed building pad on the subject site was part of a previous CDP approval by the California Coastal Commission (CCC) for the subdivision of the subject parcel into four lots and 16,439 cubic yards of grading to create building pads. The proposed development has been sited in an area previously approved for a building pad; and as discussed previously an analysis was completed to demonstrate that the site of development is not considered a ridgeline.

**Project Description**

The proposed project includes the following work:

- Construction of a new 10,665 square foot, two-story, single-family residence
  - 6,902 square foot first floor;
  - 3,093 square foot second floor;
  - 1,565 square foot subterranean garage (283 square feet are considered TDSF\(^4\))
  - Covered decks and entry, 852 square feet (included in TDSF);
- Landscaping;
- AOWTS;
- ESHA restoration and mitigation;
- Driveway and hardscape;
- Planters with landscaping;
- Swimming pool;
- Spa;
- Mechanical equipment area;
- Outdoor barbecue area; and

---

\(^3\) Because hillside development standards apply to properties with a slope of 20 percent or greater, all recent secondary ridgeline analyses, including those for CDP Nos. 05-024 and 05-026, have been prepared by drawing a segment along the "spine" of the building pad and extending perpendicular lines 50 feet in both directions from the segment to determine if the elevation drops more than 10 feet.

\(^4\) TDSF = Total Development Square footage.
• Retaining walls up to six feet in height.

The following discretionary requests are included:

1. VAR No. 16-011 to reduce the required scrub ESHA buffer;
2. SPR No. 16-017 for construction in excess of 18 feet in height to allow for a pitched roof that is 28 feet in height; and
3. SPR No. 16-018 to allow for 1,248 cubic yards of remedial grading.

**LCP Analysis**

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

There are 14 sections within the LIP that potentially require specified findings to be made, depending on the nature and location of the proposed project. Of these 14, five sections are for conformance review only and require no findings. These five sections include Zoning, Grading and Archaeological / Cultural Resources, Water Quality, and Onsite Wastewater Treatment System (OWTS) and are discussed under the Conformance Analysis section. The nine remaining LIP sections include: 1) Coastal Development Permit findings; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. These nine sections are discussed under the LIP Findings section. Of these nine, General Coastal Development Permit (including the variance and site plan review findings), Scenic, Visual and Hillside Resource Protection, ESHA, and Hazards findings apply to this project.

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

**LIP Conformance Analysis**

The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, and the City Public Works Department for conformance with the LCP, as well as the Los Angeles County Fire Department (LACFD). The department review sheets are attached hereto as Attachment 4. The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals and policies with the inclusion of the variance and site plan reviews.
Zoning (LIP Chapter 3)

As shown in Table 2, the proposed project complies with LIP Sections 3.5 and 3.6 concerning residential non-beachfront development standards.

<table>
<thead>
<tr>
<th>Development Requirement</th>
<th>Allowed</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SETBACKS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front yard setback</td>
<td>65 ft.</td>
<td>174 ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>110 ft.</td>
<td>340 ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Side yard setback (min. 25% Total)</td>
<td>195 ft.</td>
<td>733 ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Side yard setback (min. 10%)</td>
<td>78 ft.</td>
<td>153 ft.</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>CONSTRUCTION ON SLOPES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td>18 ft.</td>
<td>28 ft.</td>
<td>Site Plan Review</td>
</tr>
<tr>
<td><strong>TOTAL DEVELOPMENT SQUARE FOOTAGE</strong></td>
<td>11,172 sq. ft.</td>
<td>11,129 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Two-Thirds Calculation – Main Residence</td>
<td>5,007 sq. ft.</td>
<td>3,261 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Second Unit</td>
<td>900 sq. ft.</td>
<td>900 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Impermeable Coverage</td>
<td>25,000 sq. ft.</td>
<td>12,960 sq. ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>PARKING SPACES</td>
<td>2 enclosed</td>
<td>3 enclosed</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>2 unenclosed</td>
<td>2 unenclosed</td>
<td></td>
</tr>
<tr>
<td>Retaining Walls</td>
<td>6 ft.</td>
<td>6 ft.</td>
<td>Complies</td>
</tr>
<tr>
<td>Fences and Gates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>6 feet (42 inches solid, 30 inches permeable)</td>
<td>6 feet (42 inches solid, 30 inches permeable)</td>
<td>Complies</td>
</tr>
<tr>
<td>Side(s)</td>
<td>6 feet</td>
<td>6 feet</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear</td>
<td>6 feet</td>
<td>6 feet</td>
<td>Complies</td>
</tr>
</tbody>
</table>

The proposed main residence and accessory development as demonstrated in the above table will comply with the applicable non-beachfront residential development standards with the inclusion of the associated site plan reviews for remedial grading and height. The project also includes a variance to allow for the reduction of the required ESHA buffer due to the size of the required fuel modification zone. In addition, since the project does impact ESHA, the project has been limited to a 10,000 square foot development area. As discussed throughout this report, the proposed development has been determined to be consistent with all applicable LCP codes, standards, goals, and policies.
Grading (LIP Chapter 8)

The project proposes a total of 3,427 cubic yards of grading. Of that, 516 cubic yards meet the definition of non-exempt grading. The majority of the grading is remedial grading and safety grading for access to the site. A site plan review has been included as part of the project to approve the 1,248 cubic yards of remedial grading that is required for stabilization of the site. The proposed remedial grading has been reviewed and conditionally approved by the City geotechnical staff. Since the project does not propose non-exempt grading beyond the 1,000 cubic yards permitted, the project conforms to the grading requirements as set forth under LIP Section 8.3, which ensures that new development minimizes the visual and resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for residential development. Quantities for site preparation are detailed in Table 4.

<table>
<thead>
<tr>
<th></th>
<th>Exempt**</th>
<th>Non-Exempt</th>
<th>Remedial</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>R&amp;R</strong></td>
<td>Understructure</td>
<td>Safety***</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cut</td>
<td>0</td>
<td>685</td>
<td>663</td>
<td>468</td>
</tr>
<tr>
<td>Fill</td>
<td>0</td>
<td>172</td>
<td>143</td>
<td>48</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>857</td>
<td>806</td>
<td>516</td>
</tr>
<tr>
<td>Import</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Export</td>
<td>0</td>
<td>513</td>
<td>520</td>
<td>420</td>
</tr>
</tbody>
</table>

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

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. According to the City’s Cultural Resources Map and a site evaluation completed by PAST, Inc. in November of 2003, the subject site has a low potential of containing cultural resources and it is not expected that the subject project would impact any archaeological resources.

The resolution contains conditions of approval that require all work to immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources which are uncovered, and until the Planning Director can review this information.

Water Quality (LIP Chapter 17)

The City Public Works Department has reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval require that prior to grading permit issuance, final grading and
drainage plans incorporating construction-phase erosion control and storm water pollution prevention, as well as post-construction storm water management must be approved by the City Public Works Department. With the implementation of these conditions, the project conforms to the Water Quality Protection standards of LIP Chapter 17.

Onsite Wastewater Treatment Systems (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes a new AOWTS, which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, the Malibu Municipal Code (MMC), and the LCP. This system will consist of a MicroSepTec ES12 EnviroServer treatment tank with an UV disinfection unit. Secondary and tertiary treatment will be required. An operation and maintenance contract and recorded covenant covering such shall be in compliance with the City Environmental Health requirements. Conditions of approval have been included in Planning Commission Resolution No. 16-51 to require continued operation, maintenance and monitoring of onsite facilities.

LIP Findings

A. General Coastal Development Permit (LIP Chapter 13)

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

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

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

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

The project is not located between the first public road and the sea; therefore, this finding is not applicable.
Finding A3. The project is the least environmentally damaging alternative.

1. **No Project** – The no project alternative would avoid any changes to the subject parcel, leaving it vacant. The project site is designated for single-family development. In addition, it would not allow for the restoration of the ESHA that was cleared from the site without the benefit of permit as part of the geologic testing for the subject application. The no project alternative would not accomplish any of the project objectives.

2. **Alternative Design** – The project objective is for the construction of a single-family residence on a lot that is currently vacant. The applicant could have proposed a smaller residence; however, the lot is over 12 acres in size. Despite the size, the lot is constrained and a smaller home would still require a variance to reduce the required ESHA buffer. Given the topography of the site (steep slopes) and geologic conditions, the location of the building pad is limited. The site plan review for remedial grading would still be required to remediate the areas on the property affected by past landslide activity. Given that the impacts on the site would be the same as the proposed project and remedial grading would still be required, the alternative design does not offer significant environmental advantages.

3. **Proposed Project** – The proposed project will allow for the construction of a new single-family residence and guest house with associated development that includes a swimming pool, a subterranean garage, hardscaping and landscaping, and remedial grading. The proposed design results in development that is set back from Murphy Way and is not visible from PCH. Furthermore, the proposed development will not impact views from surrounding trails because of landscaping and existing development along Murphy Way. The proposed remedial grading will improve onsite stability. The project as conditioned will comply with all applicable requirements of state and local law. The project will not result in potentially significant impacts on the physical environment.

Finding A4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

The project site does contain ESHA, and the required fuel modification zones will extend into the required ESHA Buffer. The proposed project was reviewed by the City Biologist and it was determined that the proposed project is exempt from review by the Environmental Review Board (ERB) because pursuant to LIP Section 4.4.4(D), new structures and landscaping proposed within the permitted graded pad or permitted development area if there is no graded pad, authorized in a previously approved coastal
development permit do not need to be reviewed by the ERB. Since the building pad grading was approved by the CCC in CDP No. 5-90-1068, the proposed development is taking place in an area previously approved for a building pad.

B. Variance for the reduction in the required Scrub ESHA Buffer (LIP – Section 13.26.5)

The applicant is requesting a variance from LIP Section 4.6.1(F) which prohibits development within 100 feet of the outermost edge of the ESHA and prohibits fuel modification within ESHA. While the structure is not located in scrub ESHA, the required fuel modification zones will encroach into ESHA located on the subject property. Because of this, the project is restricted to a 10,000 square foot development area.

Pursuant to Malibu LIP Section 13.26.5 Variance Findings, the Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes all of the following findings of fact. Staff can substantiate and support the proposed variance for the reduction in the required ESHA buffer as follows.

Finding B1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, 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.

ESHA vegetation is present on the subject parcel. The applicant has researched various alternatives that would allow development of the subject lot comparable to neighboring properties. The current design places development within a previously approved and prepared building pad and utilizes an existing access road which will be improved as part of the subject CDP. Due to the topography and geological constraints of the subject parcel, it is not possible to locate the development’s fuel modification zones in a manner that would meet the required scrub ESHA setback. The proposed siting of the proposed residence creates the least amount of impact to ESHA and the site. If the proposed structure were to be moved to another location on the project site, additional grading for landform alteration would be required to create a new building pad and access driveway. Granting of this variance would allow for development similar to development on other parcels in the area while still minimizing impacts to ESHA.

Finding B2. The granting of such variance 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 project will meet all applicable building and engineering safety codes and will not be detrimental to other adjacent properties or improvements. The proposed variance will
allow for the construction of a single-family residence and associated development in an area that has been determined to be appropriate for such use, and will not be detrimental to the public’s interest, safety, health or welfare in that all required permits are required to be secured as a condition of this CDP.

Finding B3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

Granting of the variance will not constitute a special privilege to the applicant or property owner because other properties in the immediate vicinity are developed similarly. Since the applicant is proposing to develop a single-family residence consistent with the use allowed by the zoning district, granting the variance does not constitute a special privilege to the property owner. Neighboring development also abuts the surrounding ESHA and their associated fuel modification zones encroach into ESHA.

Finding B4. The granting of such variance 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 LCP.

The granting of the variance is not contrary to or in conflict with the general purposes or intent of the LCP in that granting the variance will allow for construction of a single-family residence in the RR-10 zoning district. As stated previously, the proposed project has been reviewed and approved by the LACFD, the City Public Works Department, City Environmental Health Administrator, City Biologist, and the City Geologist. The project, as proposed or conditioned, was found to be consistent with applicable City goals and policies.

Finding B5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

Development on the subject parcel will result in development that requires the reduction of scrub ESHA buffer setback; however, the development will be located on a previously approved building pad and only the fuel modification zones encroach into ESHA. The granting of this variance will allow for the approval of a residence, as well as associated grading, landscaping, and an addition to that residence. Additionally, the proposed development does not exceed the allowable 10,000 square foot development envelope. Given that the project will minimize additional site disturbance, the proposed project will have the least amount of impacts to the ESHA.

Page 12 of 22

Agenda Item 5.A.
Finding B6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The variance does not pertain to stringlines and this finding is not applicable.

Finding B7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The proposed project includes a single-family residence, which is an allowed use in the RR-10 zoning district in which the project is located. The proposed variance to allow for a reduction in the required scrub ESHA setback does not authorize a use or activity that is not expressly authorized by the zoning regulations for the subject property.

Finding B8. The subject site is physically suitable for the proposed variance.

The granting of the variance will allow for the construction of a residence that is compatible with the surrounding neighborhood. Furthermore, with the implementation of the geotechnical standards specified by the applicant's geotechnical consultant, the proposed residence can be constructed in a way that will not result in instability of the site. Given the topography and shape of the subject parcel, the existing building pad that was previously improved provides the best location for development. Therefore, the subject site is physically suitable for the proposed variance.

Finding B9. The variance complies with all requirements of state and local law.

The variance complies with all requirements of state and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City departments and agencies. All required permits for the proposed development will be secured.

Finding B10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The proposed variance does not pertain to public parking and this finding does not apply.

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

LIP Section 13.27.5(A) requires that the City makes four findings in the consideration and approval of a site plan review for construction in excess of 18 feet in height up to a
maximum of 28 feet with a pitched roof. Two additional findings are required pursuant to MMC Section 17.62.050. The applicant has proposed to build a new two-story single-family residence that will be 28 feet above existing grade at its highest point with a pitched roof. Based on the evidence in the record, the findings of fact for SPR No. 16-017 are made as follows.

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

As discussed herein, the project has been reviewed for and found consistent with all relevant policies and provisions of the LCP.

Finding C2. The project does not adversely affect neighborhood character.

The project site is located along the southern side of Murphy Way. Story poles were installed in April 2016 to demonstrate that the project is compatible with the rural nature of the surrounding development (Site and Story Pole Photos - Attachment 5). The residences surrounding the subject parcel are developed as two-story residential structures with accessory development. The larger lots share setbacks similar to those proposed in the project, while the smaller lots located to the north of the property feature much smaller setbacks. In addition, the site's topography descends from Murphy Way. Similar to the neighboring development, the proposed development will be partially shielded from views by the slope located on the subject property that exists between the building pad and Murphy Way. This will allow structures to the north of the subject property to look over the proposed development towards the ocean to the south. The project complies with all development standards. Therefore, the project is not anticipated to adversely affect neighborhood character.

Finding C3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

The proposed development is located on a site that descends from Murphy Way and does not meet the definition of a primary or secondary ridgeline. The subject property is 12 acres in size. Because of the slope on the existing property, proposed landscaping, and the characteristics of the surrounding neighborhood, bluewater views will be maintained over the existing development. Furthermore, the site of development has been located downslope and approximately 200 feet away from Murphy Way to help preserve bluewater views. Due to the location and design of the project and the implementation of standard conditions of approval, the project is expected to have less than significant impacts to scenic vistas and provides the maximum feasible protection to significant public views as required by LIP Chapter 6.
Finding C4. The proposed project complies with all applicable requirements of state and local law.

The proposed project will comply with all applicable requirements of state and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies, such as the LACFD.

Finding C5. The project is consistent with the City’s general plan and local coastal program.

As discussed previously in Finding A1, the proposed project, with the inclusion of the two site plan reviews and the variance, is consistent with the LCP in that the proposed project is located in an area that has been identified for residential use. The goals and policies of the General Plan are intended to maintain residential character in this area, and the project is consistent with these goals. The proposed project is consistent with the LCP in that it conforms to the residential land use designation and all applicable development standards. In addition, the project resolution contains materials and lighting conditions to which the project must comply with.

Finding C6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

Based on the visual impact analysis (story pole placement), staff determined that the proposed development will not result in impacts to neighboring residences' bluewater views. No surrounding property owners have contacted staff since the placement of the story poles or the mailing of the courtesy notice. Based on the visual analysis, as well as site inspections, it is expected that the project will not obstruct visually impressive scenes of the ocean from primary viewing areas of surrounding residences.

D. Site Plan Review for Remedial Grading (LIP Section 13.27)

The LCP requires that the City make findings in the consideration and approval of a SPR for remedial grading. The project includes SPR No. 16-018 because it proposes remedial grading to recompact soil that was affected by past landslide activity. Based on the evidence contained within the record, Planning Department staff recommends the approval of SPR No. 16-018.
Finding D1. The project is consistent with policies and provisions of the Malibu LCP.

The project has been reviewed for all relevant policies and provisions of the Malibu LCP. Based on submitted reports, visual impact analysis, and detailed site investigations, the project is consistent with all policies and provisions of the Malibu LCP. Furthermore, the geotechnical reports that recommend remedial grading were reviewed by the City’s geotechnical staff and it was determined that the proposed remedial grading was required and complied with the City’s geotechnical guidelines.

Finding D2. The project does not adversely affect neighborhood character.

The project is compatible with other development in the adjacent area in that the neighborhood is primarily residentially developed. The proposed remedial grading will stabilize onsite soil conditions as well as add to the stability of surrounding properties. In addition, the area of landslide debris will be restored, with no structures being developed in the areas where remedial grading is taking place. It is not expected that the project will adversely affect neighborhood character.

Finding D3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

This project consists of the construction of a new single-family residence and associated development. As part of the site preparation there is an area on the property that contains landslide debris. The area in which the remedial grading will take place will not be used for development but will be restored with groundcover; and therefore, the remedial grading will not impact public views.

Finding D4. The proposed project complies with all applicable requirements of state and local law.

The proposed project has received LCP conformance review from the City Biologist, City geotechnical staff, the City Public Works Department, and the LACFD. The project must also be approved by the City of Malibu Building Safety Division, prior to issuance of City building permits. The proposed project complies with all applicable requirements of state and local law.

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

Scrub ESHA exists on the subject property. While the proposed residence and accessory structures are not located within ESHA, the required fuel modification zones are located within the required the ESHA buffer and mapped ESHA.
A Biological Assessment for the project site was completed by Nelson and Associates during November 2014. The Biological Assessment states that there were no special-status plant or wildlife species present on the site. In addition, the Biological Assessment states that the proposed development will be located on a previously approved building pad and area where grading was approved as part of a CCC-issued CDP and only the required fuel medication zones will intrude into the mapped ESHA areas. Given this, the proposed site of development is the best location to minimize potential impacts to existing ESHA to the maximum extent feasible.

Pursuant to LIP Section 4.7.1, the proposed project development envelope is limited to 10,000 square feet as the adjacent ESHA cannot be fully avoided. Furthermore, pursuant to LIP Section 4.8.1 the applicant will be required to complete habitat impact mitigation measures for areas disturbed by the project’s fuel modification zones. Pursuant to LIP Section 4.7.6(C), the supplemental ESHA findings can be made as follows.

Finding E1. Application of the ESHA overlay ordinance would not allow construction of a residence on an undeveloped parcel.

The property contains scrub ESHA and given the topography and geological of the property the site of development is limited and the development restrictions that apply to ESHA would not permit the construction of a residence on this parcel. This is because it is not possible to site any structure on the property without having the necessary fuel modification zones encroach into the onsite ESHA.

Finding E2. The project is consistent with all provisions of the certified LCP with the exception of the ESHA overlay ordinance and it complies with the provisions of Section 4.7 of the Malibu LIP.

The proposed single-family residence is consistent with the property’s RR-10 zoning designation. In addition, the proposed structure is outside the required 100-foot ESHA buffer.

Finding E3. The project is consistent with all provisions of the certified LCP with the exception of the ESHA overlay ordinance and it complies with the provisions of Section 4.7 of the Malibu LIP.

As stated in Finding A1, the proposed project is consistent with all provisions of Malibu’s certified LCP, with the exception of the ESHA setbacks. Section 4.7 of the LIP provides for reasonable, economically viable use of properties that could otherwise not be developed due to ESHA constraints. The proposed new residence is consistent with Sections 4.7.1 of the LIP, which limits development area to a 10,000 square foot development envelope. In addition, Condition No. 50 of Resolution No. 16-51 requires mitigation for the ESHA disturbance from fuel modification.
F. Native Tree Protection (LIP Chapter 5)

No protected native trees exist within the project area. Therefore, the findings in LIP Chapter 5 do not apply.

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

The Scenic, Visual and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The project site is in the vicinity of PCH and LUP mapped trails, which are LUP-identified scenic areas. The subject parcel is located adjacent to developed parcels that share a similar topography and is not visible from PCH. The site’s topography descends from Murphy Way which contains the Debutts Terrace Trail and a ravine separates the development from the Escondido Falls Trail to the east. Since the project is located adjacent to scenic resources, the findings set forth in LIP Section 6.4 are enumerated herein.

Finding G1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

There is no feasible development site location on the proposed project site where development would not have potential to be visible from Debutts Terrace Trail since it looks down on the site. Because of the topography of the area and building pad’s distance from the Escondido Falls Trail (approximately 1,100 feet), the project is not expected to have significant adverse visual impacts on the trail. Given the surrounding topography, there are no views of the beach; views of the coast and are still maintained over the subject property by the proposed development based on review of the story poles. In addition, the subject property is not visible from PCH because of the topography and surrounding development in the project area. Therefore, the project as conditioned will not have significant adverse scenic or visual impacts due to the project design, location or other reasons.

Finding G2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

As discussed in Finding G1, as conditioned, the project will not have significant adverse scenic or visual impacts and has been conditioned with lighting limitations as well as color restrictions to blend into the surrounding environment.
Finding G3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

The project has been conditioned to include limitations on lighting and colors of the materials used to prevent any visual impacts to surrounding areas and properties. As discussed in Finding A3 the project is the least environmentally damaging feasible alternative.

Finding G4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

As discussed in Finding G1, the project, as conditioned, will result in a less than significant impact on scenic and visual resources.

Finding G5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.

As discussed in Finding G1, as conditioned, development on the site will not have significant adverse impacts on scenic and visual resources, and ESHA impacts have been minimized.

H. Transfer of Development Credit (LIP Chapter 7)

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

I. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all approvals, denials or conditional approvals of development located in or near an area subject to these hazards. As stated earlier, the subject project includes remedial grading to stabilize landslide debris. However, no development will occur in the location where the remedial grading will take place. The site of construction was chosen because it was located on stable materials suitable for development. The project has been analyzed for the hazards listed in LIP Sections 9.2(A)(1-7) by City geotechnical staff, City Public Works Department, and has been reviewed and approved for conformance with all relevant policies and regulations of the LCP and MMC.
Finding I. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

City geotechnical staff determined that the proposed project is not anticipated to result in potential adverse impacts on site stability or structural integrity and the Public Works Department determined the project is not in a flood hazard area. Based on review of the reports by the following consulting geologists:

- Mountain Geology, Inc. dated June 25, 2015, April 25, 2013, and January 26, 2011 and,

The reports conclude that the proposed development is suitable for the site and, if their recommendations are followed, the development will be safe from geologic hazard. Based on review of the project and associated technical submittals, on September 2, 2015, City geotechnical staff approved the project, subject to conditions. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal and drainage. Final plans shall be reviewed and approved by City geotechnical staff prior to the issuance of a grading permit.

Fire Hazard

The entire city limits of Malibu are located within a high fire hazard area. The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has “mutual aid agreements” with cities and counties throughout the state so that additional personnel and fire-fighting equipment can augment the LACFD.

Nonetheless, a condition of approval has been included in the resolution which requires that the property owner indemnify and hold the City harmless from hazards associated with wildfire. The project, as conditioned, will incorporate all recommendations of City geotechnical staff, City Public Works Department and the LACFD.

Finding I2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As stated in Finding I1, the project as designed, conditioned, and approved by City geotechnical staff and City Public Works Department, does not have any significant adverse impacts on the site stability or structural integrity from geologic, flood or fire hazards due to the project design.
Finding 13. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

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

Finding 14. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

As stated in Finding I1, the project as designed, and conditioned, and approved by City geotechnical staff and City Public Works Department does not have any significant adverse impacts on the site stability or structural integrity.

Finding 15. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.

As discussed in Finding I1, no adverse impacts to sensitive resources are anticipated.

J. Shoreline and Bluff Development (LIP Chapter 10)

The project site is located on the inland side of Pacific Coast Highway and is not located along the shoreline or on a bluff. Therefore, LIP Chapter 10 is not applicable.

K. Public Access (LIP Chapter 12)

The subject parcel is not located between the first road and the sea as it is located on the inland side of Pacific Coast Highway. The parcel does not contain any mapped trails, however, the Debutts Terrace Trail runs along the right-of-way for Murphy Way adjacent to the subject parcel. The proposed development is set back from the street and only the existing driveway will be improved which is located in the vicinity of the trail. No physical barriers such as fences, walls or gates will be located in the area of the trail; therefore, trail access is not blocked. In addition, a mapped trail alignment currently exists to the south of the subject parcel which would connect the Debutts Terrace Trail to the Escondido Falls trail. Due to the existence of mapped trails surrounding the subject property, access on the subject property is not required; furthermore, the proposed development is not expected to affect the surrounding network of trails. Therefore, complies with the provisions of Chapter 12 and no findings are required.

L. Land Division (LIP Chapter 15)

This project does not include a land division; therefore, the findings in LIP Chapter 15 do not apply.
ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) – New Construction and 15303(e) – new construction of accessory structures. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: At the June 6, 2016 meeting correspondence was submitted to the City regarding the proposed project. Included in that correspondence is clarification regarding the ridgeline issue, the applicant's preference not to grant a trail across the subject property and a request by the homeowners association that the owner be held accountable for any construction damage to the private roads which allow for access to the site. A condition of approval has been added to the resolution addressing the homeowners association’s request.

PUBLIC NOTICE: Staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu on June 23, 2016 and mailed the notice to all property owners and occupants within a 1,000-foot radius of the subject property (Attachment 6).

SUMMARY: The required findings can be made that the project complies with the LCP. Further, the Planning Department’s findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 16-51. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department and appropriate City departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-51
2. Project Plans
3. Secondary Ridgeline Analysis
4. Department Review Sheets
5. Site and Story Pole Photos
6. Public Hearing Notice
CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 16-51

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 11-046, AN APPLICATION FOR THE CONSTRUCTION OF A NEW 10,605 SQUARE FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE WITH ATTACHED GUESTHOUSE AND A SUBTERRANEAN GARAGE, FOR TOTAL DEVELOPMENT SQUARE FOOTAGE FOR THE SITE IS 10,887, ALTERNATIVE ONSITE WASTEWATER SYSTEM, NEW DRIVEWAY, RESTORATION OF UNPERMITTED ENVIRONMENTALLY SENSITIVE HABITAT AREA, RETAINING WALLS, POOL, SPA, POOL EQUIPMENT, LANDSCAPING, PATIO WITH BARBEQUE AREA, GRADING, AND ASSOCIATED DEVELOPMENT, INCLUDING VARIANCE NO. 16-011 TO REDUCE THE REQUIRED ENVIRONMENTALLY SENSITIVE HABITAT AREA BUFFER, SITE PLAN REVIEW NO. 16-017 FOR A ROOF HEIGHT OF 28 FEET, AND SITE PLAN REVIEW NO. 16-018 TO ALLOW FOR REMEDIAL GRADING IN THE RURAL RESIDENTIAL-TEN ACRE ZONING DISTRICT LOCATED AT 6050 MURPHY WAY (C.A. RASMUSSEN CO. LLC)

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

SECTION 1. Recitals.

A. On September 13, 2011, an application for Coastal Development Permit (CDP) No. 11-046, Variance (VAR) No. 16-011, and Site Plan Review (SPR) Nos. 16-017 and 16-018 was submitted to the Planning Department by applicant, Eric Rasmussen, on behalf of the property owner C.A. Rasmussen. The application was routed to the City geotechnical staff, City Environmental Health Administrator, City Biologist, the City Public Works Department, and the Los Angeles County Fire Department (LACFD) for review.

B. On April 12, 2016, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On March 22, 2016, story poles were placed onsite to demonstrate the project mass and bulk.

D. On May 3, 2016, a courtesy notice discussing the proposed project was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On May 11, 2016, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. On June 6, 2016, the Planning Commission continued the item to a date uncertain.

G. On June 20, 2016, a Notice of Planning Commission Public Hearing was published in a
newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

H. On July 18, 2016, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in 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 15303(a) — new construction and 15303(e) — new construction of accessory 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. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to LIP Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below for CDP No. 11-046 to allow for the construction of a new 10,605 square foot, two-story single-family residence with attached guesthouse and a 1,565 square foot subterranean garage, for total development square footage for the site of 10,887, environmentally sensitive habitat area (ESHA) restoration, alternative onsite wastewater system, new driveway, retaining walls, pool, spa, pool equipment, landscaping, patio with barbeque area, grading, and associated development, including VAR No. 16-011 to reduce the required ESHA buffer, SPR No. 16-017 for a roof height of 28 feet, and SPR No. 16-018 to allow for remedial grading, located in the Rural Residential 10-acre (RR-10) lot size minimum (RR10) zoning district at 6050 Murphy Way.

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

A. General Coastal Development Permit (LIP Chapter 13)

1. The project is for the construction of a new single-family residence and associated development and has been reviewed for conformance with the LCP by Planning Department staff, the City Biologist, City Environmental Health Administrator, City geotechnical staff, the City Public Works Department and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and detailed site investigation, the proposed project, as conditioned and with the approval of the variance and the two site plan reviews, conforms to the LCP in that it meets all applicable residential development standards.

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

3. The project site does contain ESHA, and the required fuel modification zones will extend into the required ESHA Buffer. The proposed project was reviewed by the City Biologist and it was determined that the proposed project is exempt from review by the Environmental Review Board (ERB) because pursuant to LIP Section 4.4.4(D), new structures and landscaping proposed within the permitted graded pad or permitted development area if there is no graded pad, authorized in a previously approved coastal development permit do not need to be reviewed by the ERB. The California Coastal Commission (CCC) issued CDP No. 5-90-1068 to allow for the subdivision of the subject parcel into four lots and 16,439 cubic yards of grading to create building pads. The proposed development is taking place in an area previously approved for a building pad.

B. Variance for the reduction in the required Scrub ESHA Buffer (LIP – Section 13.26.5)

1. ESHA vegetation is present on the subject parcel. The applicant has researched various alternatives that would allow development of the subject lot comparable to neighboring properties. The current design places development within a previously approved building pad and utilizes an existing access road which will be improved as part of the subject CDP. Building pads were approved as part of CCC issued CDP No. 5-90-1068. Due to the topography and geological constraints of the subject parcel, it is not possible to locate the development and its associated fuel modification zones in a manner that would meet the required scrub ESHA setback. The proposed siting of the proposed residence creates the least amount of impact to ESHA and the site. If the proposed structure were to be moved to another location on the project site, additional grading for landform alteration would be required to create a new building pad and access driveway. Granting of this variance would allow for development similar to development on other parcels in the area while still minimizing impacts to ESHA.

2. The project will meet all applicable building and engineering safety codes and will not be detrimental to other adjacent properties or improvements. The proposed variance will allow for the construction of a single-family residence and associated development in an area that has been determined to be appropriate for such use, and will not be detrimental to the public’s interest, safety, health or welfare in that all required permits are required to be secured as a condition of this CDP. As stated previously, the proposed project has been reviewed and approved by the LACFD, the City Public Works Department, City Environmental Health Administrator, City Biologist, and the City Geologist. The project, as proposed or conditioned, was found to be consistent with applicable City goals and policies.

3. Granting of the variance will not constitute a special privilege to the applicant or property owner because other properties in the immediate vicinity are developed similarly. Since the applicant is proposing to develop a single-family residence consistent with the use allowed by the zoning district, granting the variance does not constitute a special privilege to the property owner. Neighboring development also abuts the surrounding ESHA and their associated fuel modification zones encroach into ESHA.

4. The granting of the variance is not contrary to or in conflict with the general purposes or intent of the LCP in that granting the variance will allow for construction of a single-family residence in the RR-10 zoning district.

5. Development on the subject parcel will result in development that requires the reduction
of scrub ESHA buffer setback; however, the development will be located on a previously approved building pad and only the fuel modification zones encroach into ESHA. The granting of this variance will allow for the approval of a residence, as well as associated grading, landscaping, and an addition to that residence. Additionally, the proposed development does not exceed the allowable 10,000 square foot development envelope. Given that the project will minimize additional site disturbance, the proposed project will have the least amount of impacts to the ESHA.

6. The proposed project includes a single-family residence, which is an allowed use in the RR-10 zoning district in which the project is located. The proposed variance to allow for a reduction in the required scrub ESHA setback does not authorize a use or activity that is not expressly authorized by the zoning regulations for the subject property.

7. The granting of the variance will allow for the construction of a residence that is compatible with the surrounding neighborhood. Furthermore, with the implementation of the geotechnical standards specified by the applicant’s geotechnical consultant, the proposed residence can be constructed in a way that will not result in instability of the site. Given the topography and shape of the subject parcel, the existing building pad that was previously improved provides the best location for development. Therefore, the subject site is physically suitable for the proposed variance.

8. The variance complies with all requirements of state and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City departments and agencies. All required permits for the proposed development will be secured.

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

1. The applicant has proposed to build a new two-story single-family residence that will be 28 feet above existing grade at its highest point with a pitched roof. As discussed herein, the project has been reviewed for all relevant policies and provisions of the LCP.

2. The project site is located along the southern side of Murphy Way. Story poles were installed in April 2016 to demonstrate that the project is compatible with the rural nature of the surrounding development. The residences surrounding the subject parcel are developed as two-story residential structures with accessory development. The larger lots share setbacks similar to those proposed in the project, while the smaller lots located to the north of the property feature much smaller setbacks. In addition, the site’s topography descends from Murphy Way. Similar to the neighboring development, the proposed development will be shielded from views by the slope located on the subject property that exists between the building pad and Murphy Way. This will allow structures to the north of the subject property to look over the proposed development towards the ocean to the south. The project complies with all development standards. Therefore, the project is not anticipated to adversely affect neighborhood character.

3. The proposed development is located on a site that descends from Murphy Way and does not meet the definition of a primary or secondary ridgeline. The subject property is 12 acres in size. Because of the slope on the existing property, proposed landscaping, and the characteristics of the surrounding neighborhood, bluewater views will be maintained over the existing development. Furthermore, the site of development has been located downslope and approximately 200 feet away from Murphy Way to help preserve bluewater views. Due to the location and design of the project and the
implementation of standard conditions of approval, the project is expected to have less than significant impacts to scenic vistas and provides the maximum feasible protection to significant public views as required by LIP Chapter 6.

4. The proposed project will comply with all applicable requirements of state and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies, such as the LACFD.

5. As discussed previously, the proposed project, with the inclusion of the two site plan reviews and the variance, is consistent with the LCP in that the proposed project is located in an area that has been identified for residential use. The goals and policies of the General Plan are intended to maintain residential character in this area, and the project is consistent with these goals. The proposed project is consistent with the LCP in that it conforms to the residential land use designation and all applicable development standards. In addition, the project resolution contains materials and lighting conditions to which the project must comply with.

6. Based on the visual impact analysis (story pole placement), staff determined that the proposed development will not result in impacts to neighboring residences' bluewater views. No surrounding property owners have contacted staff since the placement of the story poles or the mailing of the courtesy notice. Based on the visual analysis, as well as site inspections, it is expected that the project will not obstruct visually impressive scenes of the ocean from primary viewing areas of surrounding residences.

D. Site Plan Review for Remedial Grading (LIP Section 13.27)

1. The project includes 1,248 cubic yards of remedial grading and has been reviewed for all relevant policies and provisions of the Malibu LCP. Based on submitted reports, visual impact analysis, and detailed site investigations, the project is consistent with all policies and provisions of the Malibu LCP. Furthermore, the geotechnical reports that recommend remedial grading were reviewed by the City's geotechnical staff and it was determined that the proposed remedial grading was required and complied with the City's geotechnical guidelines.

2. The project is compatible with other development in the adjacent area in that the neighborhood is primarily residentially developed. The proposed remedial grading will stabilize onsite soil conditions as well as add to the stability of surrounding properties. In addition, the area of landslide debris will be restored, with no structures being developed in the areas where remedial grading is taking place. It is not expected that the project will adversely affect neighborhood character.

3. This project consists of the construction of a new single-family residence and associated development. As part of the site preparation there is an area on the property that contains landslide debris. The area in which the remedial grading will take place will not be used for development but will be restored with groundcover; and therefore, the remedial grading will not impact public views.

4. The proposed project has received LCP conformance review from the City Biologist, City geotechnical staff, and the City Public Works Department. The project must also be approved by the City of Malibu Building Safety Division, prior to issuance of City building permits. The proposed project complies with all applicable requirements of state and local law.
E. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

1. A Biological Assessment for the project site was completed by Nelson and Associates during November 2014. The Biological Assessment states that there were no special-status plant or wildlife species present on the site. In addition, the Biological Assessment states that the proposed development will be located on a previously approved building pad and area where grading was approved as part of a CCC issued CDP and only the required fuel medication zones will intrude into the mapped ESHA areas. The property contains scrub ESHA and given the topography and geological of the property the site of development is limited and the development restrictions that apply to ESHA would not permit the construction of a residence on this parcel. This is because it is not possible to site any structure on the property without having the necessary fuel modification zones encroach into the onsite ESHA.

2. The proposed single-family residence is consistent with the property’s RR-10 zoning designation. In addition, the proposed structure is outside the required 100-foot ESHA buffer.

3. The proposed project is consistent with all provisions of Malibu’s certified LCP, with the exception of the ESHA setbacks. Section 4.7 of the LIP provides for reasonable, economically viable use of properties that could otherwise not be developed due to ESHA constraints. The proposed new residence is consistent with Sections 4.7.1 of the LIP, which limits development area to a 10,000 square foot development envelope. In addition, conditions requiring mitigation for the ESHA disturbance have been included in this resolution.

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

1. There is no feasible development site location on the proposed project site where development would not have potential to be visible from Debutts Terrace Trail since it looks down on the site. Because of the topography of the area and building pad’s distance from the Escondido Falls Trail (approximately 1,100 feet), the project is not expected to have significant adverse visual impacts on the trail. Given the surrounding topography, there are no views of the beach; views of the coast and are still maintained over the subject property by the proposed development based on review of the story poles. In addition, the subject property is not visible from PCH because of the topography and surrounding development in the project area. Therefore, the project as conditioned will not have significant adverse scenic or visual impacts due to the project design, location or other reasons.

2. The project will not have significant adverse impacts on scenic or visual impacts.

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

4. The project is not expected to have any significant adverse impacts on scenic and visual resources, and ESHA impacts have been minimized.

J. Hazards (LIP Chapter 9)

1. City geotechnical staff determined that the proposed project is not anticipated to result in potential adverse impacts on site stability or structural integrity and the Public Works Department determined the project is not in a flood hazard area. The reports conclude that the proposed development is suitable for the site and, if their recommendations are followed, the development will be safe from
geologic hazard. Based on review of the project and associated technical submittals, on September 2, 2015, City geotechnical staff approved the project, subject to conditions. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal and drainage. Final plans shall be reviewed and approved by City geotechnical staff prior to the issuance of a grading permit.

2. The project as designed, conditioned, and approved by City geotechnical staff and City Public Works Department, does not have any significant adverse impacts on the site stability or structural integrity from geologic, flood or fire hazards due to the project design.

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

4. The project as designed, conditioned, and approved by City geotechnical staff and City Public Works Department does not have any significant adverse impacts on the site stability or structural integrity.

5. The project, as designed, constructed, and conditioned, is not expected to have adverse impacts to sensitive resources.


Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 11-046, VAR No. 16-011 and SPR Nos. 16-017 and 16-018, subject to the following conditions.

SECTION 5. Conditions of Approval.

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

2. Approval of this application is to allow for the following:

   a. Construction of a new 10,887 square foot, two-story, single-family residence
      i. 6,902 square foot first floor;
      ii. 3,093 square foot second floor;
      iii. 1,565 square foot subterranean garage (283 square feet are considered total
development square footage (TDSF))
      iv. Covered decks and entry, 852 square feet (included in TDSF)
   b. AOWTS;
   c. ESHA mitigation;
   d. Landscaping;
e. Driveway and hardscape;
f. Planters with landscaping;
g. Swimming Pool;
h. Spa;
i. Mechanical equipment area;
j. Outdoor barbeque area;
k. Retaining walls up to six feet in height;
l. VAR No. 16-011 to reduce the required scrub ESHA buffer;
m. SPR No. 16-017 for construction in excess of 18 feet in height to allow for a pitched roof that is 28 feet in height; and
n. SPR No. 16-018 to allow for 1,248 cubic yards of remedial grading.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped March 23, 2016. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

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

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

6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the July 18, 2016, Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.

7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.

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

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

10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the CDP approved by the City is void.

Cultural Resources

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

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

Geology

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

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

Grading / Drainage

16. Grading permits shall not be issued between November 1 and March 31 each year pursuant to LIP Section 17.2.1. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that is located within or adjacent to ESHA or includes grading on slopes greater than 4 to 1. Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.
17. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3. A note shall be placed on the plans addressing this condition.

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

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

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

d. Elimination of non-storm water discharges.

21. A 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></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydraulic Mulch</td>
<td></td>
</tr>
<tr>
<td>Hydroseeding</td>
<td></td>
</tr>
<tr>
<td>Soil Binders</td>
<td></td>
</tr>
<tr>
<td>Straw Mulch</td>
<td></td>
</tr>
<tr>
<td>Geotextiles and Mats</td>
<td></td>
</tr>
<tr>
<td>Wood Mulching</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sediment Controls</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiber Rolls</td>
<td></td>
</tr>
<tr>
<td>Gravel Bag Berm</td>
<td></td>
</tr>
<tr>
<td>Street Sweeping and/or Vacuum</td>
<td></td>
</tr>
<tr>
<td>Storm Drain Inlet Protection</td>
<td></td>
</tr>
<tr>
<td>Scheduling</td>
<td></td>
</tr>
<tr>
<td>Check Dam</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional Controls</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Wind Erosion Controls</td>
<td></td>
</tr>
<tr>
<td>Stabilized Construction Entrance/ Exit</td>
<td></td>
</tr>
<tr>
<td>Stabilized Construction Roadway</td>
<td></td>
</tr>
<tr>
<td>Entrance/ Exit Tire Wash</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-Stormwater Management</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle and Equipment Washing</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-Stormwater Management</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle and Equipment Fueling</td>
<td></td>
</tr>
<tr>
<td>Vehicle and Equipment Maintenance</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Waste Management</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Material Delivery and Storage</td>
<td></td>
</tr>
<tr>
<td>Spill Prevention and Control</td>
<td></td>
</tr>
</tbody>
</table>

All BMPs shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

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

a. Site Design BMPs
b. Source Control BMPs
c. Treatment Control BMPs that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.

d. Drainage Improvements

e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure.

f. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.

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

21. A state construction activity permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.

22. Prior to the approval of any permits and prior to the applicant submitting the required Construction General Permit documents to the State Water Quality Control Board, the applicant shall submit to the Public Works Department for review and approval an Erosion and Sediment Control Plan (ESCP). The ESCP shall contain appropriate site-specific construction site BMPs and shall be developed and certified by a Qualified SWPP Developer (QWD). All structural BMPs must be designed by a licensed California Engineer. The ESCP must address the following elements:

a. Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside the disturbed area.

b. Methods used to protect native vegetation and trees.

c. Sediment/Erosion Control.

d. Controls to prevent tracking on and off the site.

e. Non-storm water controls.

f. Material management (delivery and storage).

g. Spill prevention and control.

h. Waste management.

i. Identification of site Risk Level as identified per the requirements in Appendix 1 of the Construction General Permit.

j. Landowner must sign the following statement on the ESCP:

"I certify that this document and all attachment were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly
responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate and complete. I am aware that submitting false and/or inaccurate information, failing to update the ESCP to reflect current conditions, or failing to properly and/or adequately implement the ESCP may result in revocation of grant and/or other permits or other sanctions provided by law.”

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

Construction/Framing

26. A construction staging plan shall be submitted for review and approval by the Planning Department and Building Safety Division prior to permit issuance.

27. 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.

28. 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.

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

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

Lighting

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

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

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

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

Colors and Materials

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

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

Onsite Wastewater Treatment System

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

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

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

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

41. The final design report shall contain the following information (in addition to the items listed above).
   a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
   b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
   c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system’s geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak AOWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and
   d. All final design drawings shall be submitted with the wet signature and typed name of the AOWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of
18 inch by 22 inch, for review by the Environmental Health Division. Note: For AOWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.

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

42. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder’s Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental Sustainability Department.

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

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

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

46. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the AOWTS serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Plumbing Code (MPC), Appendix K, Section 10). Said covenant shall be provided by the City of Malibu Environmental Health Administrator and shall be submitted to the City of Malibu with proof of recordation by the Los Angeles County Recorder.

47. The City geotechnical staff and Geotechnical Engineer’s final approval shall be submitted to the City Environmental Health Administrator.

48. In accordance with MMC Chapter 15.14, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.
49. The Maximum Applied Water Allowance (MAWA) for this project totals 469,970 gallons per year. The Estimated Applied Water Use (EAWU) totals 326,540 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

50. Pursuant to LIP Section 4.8.1, all new development shall include mitigation for unavoidable impacts to ESHA from the removal, conversion, or modification of natural habitat for new development, including required fuel modification and brush clearance. The proposed project will result in 24,000 sf (0.55) acres of permanent impacts (Development footprint and/or Fuel Modification Zones A and/or B) to ESHA and 72,000 sf (1.65 acres) of partial impacts (Fuel Modification Zone C). One of the following three Habitat Impact Mitigation methods shall be required: 1) habitat restoration; 2) habitat conservation; or 3) in-lieu fee for habitat conservation. The CDP shall include conditions setting forth the requirements for habitat mitigation. Prior to grading permit issuance the applicant shall provide either a detailed restoration plan, a habitat conservation plan, or evidence of payment of in lieu fees to the Santa Monica Mountains Conservancy.

51. Prior to Final Plan Check Approval, please provide landscape water use approval from the Los Angeles County Waterworks District No. 29.

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

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

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

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

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

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

58. Grading scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Surveys shall be completed no more than 5 days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active.
59. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas.

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

61. Prior to issuing a certificate of occupancy, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

Water Quality/ Water Service

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

Swimming Pool / Spa / Water Feature

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

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

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

66. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
   a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
   b. There are sufficient BMPs in place to prevent soil erosion; and
   c. The discharge does not reach into the MS4 or to the ASBS (including tributaries)

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

67. The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating “It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5).” The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.
68. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

**Fencing and Walls**

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

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

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

72. Fencing or walls shall be prohibited within ESHA, except where necessary for public safety or habitat protection or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in any wildlife corridor.

**Deed Restrictions**

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

74. Prior to final planning approval, the applicant shall be required to execute and record a deed restriction reflecting Lighting conditions. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval for issuance of grading permits.

**Site Specific Conditions**

75. Prior to the issuance of any development permit, the applicant/property owner shall provide a pre-construction assessment of the existing condition of Winding Way to the subject parcel. A copy of this assessment shall be kept on file with the City. The applicant/property owner shall be responsible for repairs of any damage to the road that may result during the construction phase of the proposed project. Any obvious damage to the road that becomes apparent during the construction phase (including, but not limited to, pot holes, cracks and ripples) shall be immediately repaired by the applicants/property owner. Prior to a Planning Department final inspection, the applicant/property owner shall submit a post-construction assessment of the road to demonstrate compliance with this condition. A photo survey shall be utilized to complete this assessment.
Prior to Occupancy

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

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

78. 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

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

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

SECTION 6. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 18th day of July 2016.

ROOHİ STACK, 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. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 245.
I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-51 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 18th day of July 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary
MALIBU CUSTOM RESIDENCE
Malibu, California
C. A. RASMUSSEN COMPANY, LLC

FRONT ELEVATION "A"

RIGHT ELEVATION "A"
TO: Los Angeles County Fire Department  
FROM: City of Malibu Planning Department  
PROJECT NUMBER: CDP 11-046, LDP 11-024  
JOB ADDRESS: 6050 MURPHY WAY  
APPLICANT / CONTACT: Eric Rasmussen  
APPLICANT ADDRESS: 2320 Shasta way Suite F Simi Valley, CA 93065  
APPLICANT PHONE #: (818)518-6932  
APPLICANT FAX #: ___________________________  
PROJECT DESCRIPTION: NSFR

TO: Malibu Planning Department and/or Applicant  
FROM: Fire Prevention Engineering Assistant  
Compliance with the conditions checked below is required prior to Fire Department approval.

- The project DOES require Fire Department Plan Review and Developer Fee payment  
- The project DOES NOT require Fire Department Plan Review
- The required fire flow for this project is 159 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.)
- The project is required to have an interior automatic fire sprinkler system.
- Final Fuel Modification Plan Approval is required prior to Fire Department Approval

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

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

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

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

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

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

MEMORANDUM

To: Planning Department
From: Public Works Department
    Jorge Rubalcava, Assist. Civil Engineer

Date: April 14, 2016
Re: Proposed Conditions of Approval for 6050 Murphy Way CDP 11-046 Updated.

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

GRADING AND DRAINAGE

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

2. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's LIP Section 8.3. A note shall be placed on the project that addresses this condition.
3. A grading and drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
   - Public Works Department General Notes
   - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
   - The limits of land to be disturbed during project development shall be delineated on the grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturb for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
   - The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
   - If the property contains trees that are to be protected they shall be highlighted on the grading plan.
   - If the property contains rare and endangered species as identified in the resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
   - Private storm drain systems shall be shown on the grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
   - Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.

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

STORMWATER

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

6. A 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>Hydraulic Mulch</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hydroseeding</td>
</tr>
<tr>
<td></td>
<td>Soil Binders</td>
</tr>
<tr>
<td></td>
<td>Straw Mulch</td>
</tr>
<tr>
<td></td>
<td>Geotextiles and Mats</td>
</tr>
<tr>
<td></td>
<td>Wood Mulching</td>
</tr>
<tr>
<td>Sediment Controls</td>
<td>Fiber Rolls</td>
</tr>
<tr>
<td></td>
<td>Gravel Bag Berm</td>
</tr>
<tr>
<td></td>
<td>Street Sweeping and/or Vacuum</td>
</tr>
<tr>
<td></td>
<td>Storm Drain Inlet Protection</td>
</tr>
<tr>
<td></td>
<td>Scheduling</td>
</tr>
<tr>
<td></td>
<td>Check Dam</td>
</tr>
<tr>
<td>Additional Controls</td>
<td>Wind Erosion Controls</td>
</tr>
<tr>
<td></td>
<td>Stabilized Construction Entrance/ Exit</td>
</tr>
<tr>
<td></td>
<td>Stabilized Construction Roadway</td>
</tr>
<tr>
<td></td>
<td>Entrance/ Exit Tire Wash</td>
</tr>
<tr>
<td>Non-Stormwater Management</td>
<td>Vehicle and Equipment Washing</td>
</tr>
<tr>
<td></td>
<td>Vehicle and Equipment Fueling</td>
</tr>
<tr>
<td></td>
<td>Vehicle and Equipment Maintenance</td>
</tr>
<tr>
<td>Waste Management</td>
<td>Material Delivery and Storage</td>
</tr>
<tr>
<td></td>
<td>Spill Prevention and Control</td>
</tr>
</tbody>
</table>

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

7. Prior to the approval of any permits and prior to the applicant submitting the required Construction General Permit documents to the State Water Quality Control Board, the applicant shall submit to the Public Works Department for review and approval an Erosion...
and Sediment Control Plan (ESCP). The ESCP shall contain appropriate site-specific construction site BMPs and developed and certified by a Qualified SWPPP Developer (QWD). All structural BMPs must be designed by a licensed California Engineer. The ESCP must address the following elements:

- Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside the disturbed area.
- Methods used to protect native vegetation and trees.
- Sediment/Erosion Control.
- Controls to prevent tracking on and off the site.
- Non-storm water controls.
- Material management (delivery and storage).
- Spill Prevention and Control.
- Waste Management
- Identification of site Risk Level as identified per the requirements in Appendix 1 of the Construction General Permit.
- Landowner must sign the following statement on the ESCP:

"I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate and complete. I am aware that submitting false and/or inaccurate information, failing to update the ESCP to reflect current conditions, or failing to properly and/or adequately implement the ESCP may result in revocation of grand and/or other permits or other sanctions provided by law."

8. A State Construction activity permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.

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

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

MISCELLANEOUS

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

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

- The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
- There are sufficient BMPs in place to prevent soil erosion; and
- The discharge does not reach into the MS4 or to the ASBS (including tributaries)

Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.
The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating "It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)." The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.
GEOTECHNICAL REVIEW SHEET

Date: September 2, 2015
Review Log #: 3305

Project Information
- Site Address: 6050 Murphy Way
- Lot/Tract/PM #: n/a
- Applicant/Contact: Erik Rasmussen, erik@rasmussencollc.com
- Contact Phone #: 818-518-6932
- Project Type: New single-family residential development

Consultant(s) / Report Date(s):
- Mountain Geology, Inc. (Holt, CEG 1200): 6-25-15, 4-25-13
- Mountain Geology, Inc. (Holt, CEG 2282; CHG 816): 1-26-11
- Calwest Geotechnical (Liston, RCE 31902): 6-6-13, 2-7-11
- Barton Slutske (REHS # 3940): 12-26-10

Floor plans and elevations, undated.

Previous Reviews: 9-18-13, 8-23-13, 10-4-11, Geotechnical Review Referral Sheet dated 9-15-11

Coastal Development Permit Review
☑ The residential development project is APPROVED from a geotechnical perspective.

Building/Grading Plan-Check 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 revised grading plans and Engineering Geologic Memorandum were reviewed by the City from a geotechnical perspective. The project comprises a new 8,622 square foot two-story single-family residence with a 2,320 square foot subterranean garage, a swimming pool, tennis court, retaining walls, soldier pile walls for stabilization, and an onsite wastewater treatment system (OWTS) consisting of a treatment tank system and seepage pits.

Revised grading consists of 685 yards of cut and 172 yards of fill under structure; 663 yards of cut and 143 yards of fill for safety; 468 yards of cut and 48 yards of fill non-exempt; 1,248 yards of cut remedial; and
2,701 yards of export.

The Project Engineering Geologist recommends removal of a stockpile of uncertified artificial fill adjacent to the access driveway and in the motor court area. City geotechnical staff concurs with the Consultant that this grading is remedial-mitigation of an unsuitable geotechnical condition underlying the building area.

NOTICE: Applicants shall be required to submit all Geotechnical reports for this project as searchable PDF files on a CD. At the time of Building Plan Check application, the Consultant must provide searchable PDF files on a CD to the Building Department for ALL previously submitted reports that have been reviewed by City Geotechnical Staff.

Building/Grading Plan-Check Stage Review Comments:

1. The project structural engineer needs to consider the Project Geologist’s conclusions regarding bedrock shattering and incorporate those recommendations into the design of the project, as applicable.

2. If structures are supported on the proposed soldier piles, the Project Geotechnical Consultant needs to provide estimates of pile deflection at the top of the soldier piles.

3. Please clearly label the landslide and fault Restricted Use Areas established by the Project Engineering Geologist on the grading and site plans. Indicate the restrictions for development on the plans.

4. Please depict limits and depths of over-excavation and structural fill to be placed on the grading plan, and cross sectional view of the proposed building area. Cut and fill yardages are to be indicated on the cover sheet of the plans.

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

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

Engineering Geology Review by: ____________________________ Date: 9/2/15
Christopher Dean, C.E.G. #1751, Exp. 9-30-16
Engineering Geology Reviewer (310-456-2489, x306)
Email: cdean@malibucity.org

This review sheet was prepared by City Geotechnical Staff contracted with Fugro as an agent of the City of Malibu.

FUGRO CONSULTANTS, INC.
4820 McGrath Street, Suite 100
Ventura, California 93003-7778
(805) 650-7000 (Ventura office)
(310) 456-2489, x306 (City of Malibu)
SITE ADDRESS: 6050 Murphy Way
Applicant/Phone: Eric Rasmussen/ 818-518-6932
Project Type: NSFR
Project Number: CDP 11-046
Project Planner: Richard Mollica

RESOURCES: Scrub ESHA

REFERENCES: Site plans, partial site survey, landscape plans, Hydrozone map and water budget calculations, Biological Resource assessment (Nelson 11/14);

DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 1,027,467 gallons per year. The Estimated Applied Water Use (EAWU) totals 452,844 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

2. This project has numerous restrictions due to ESHA and Geotechnical safety issues. Additionally, a previous CDP was issued on this property for a lot split that also placed the development area in the same area as proposed with this project, though there is no longer a proposal to split the project. Therefore, due to the restriction of geological hazards, the proposed home location is in the least environmentally damaging area. Further, pursuant to LIP Section 4.4.4.D, the project is not subject to ERB review.

RECOMMENDATIONS:

1. The project is APPROVED with the following conditions:

   A. Pursuant to LIP Section 4.7.1 the allowable development area is limited to 10,000 square feet as all feasible building areas will result in impacts to Environmentally Sensitive Habitat Area (ESHA).

   B. Pursuant to LIP Section 4.8.1, all new development shall include mitigation for unavoidable impacts to ESHA from the removal, conversion, or modification of natural habitat for new development, including required fuel modification and brush clearance. The proposed project will result in 24,000 sf (0.55) acres of permanent impacts (Development footprint and/or Fuel Modification Zones A and/or B) to ESHA and...
72,000 sf (1.65 acres) of partial impacts (Fuel Modification Zone C). One of the following three Habitat Impact Mitigation methods shall be required: (1) habitat restoration; (2) habitat conservation; or (3) in-lieu fee for habitat conservation. The CDP shall include conditions setting forth the requirements for habitat mitigation. Prior to Final Plan Check the applicant shall provide either a detailed restoration plan, a habitat conservation plan, or evidence of payment of in lieu fees to the Santa Monica Mountains Conservancy.

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

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

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

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

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

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

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

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

J. Grading scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Surveys shall be completed no more than 5 days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active.
K. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas.

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

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

Reviewed By: _______________________________ Date: _________________

Dave Crawford, City Biologist  
310-456-2489 ext.227 (City of Malibu); e-mail dcrawford@malibucity.org  
Available at Planning Counter Tuesdays 9:00 a.m. to 11:00 a.m.
ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator
FROM: City of Malibu Planning Department
PROJECT NUMBER: CDP 11-046, LDP 11-024
JOB ADDRESS: 6050 MURPHY WAY
APPLICANT / CONTACT: Eric Rasmussen
APPLICANT ADDRESS: 2320 Shasta way Suite F
Simi Valley, CA 93065
APPLICANT PHONE #: (818) 518-6932
APPLICANT FAX #: eras_490@yahoo.com
APPLICANT EMAIL: eras_490@yahoo.com
PROJECT DESCRIPTION: NSFR

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

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

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

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

Signature: [Signature]
Date: DECEMBER 11, 2014

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

Andrew Sheldon, Environmental Health Administrator may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.
City of Malibu
Environmental Health • Environmental Sustainability Department
23825 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: Eric Rassmussen
(name and email
address)
2320 Shasta Way Suite F
Simi Valley, CA 93065
Project Address: 6050 Murphy Way
Malibu, CA 90265
Planning Case No.: CDP 11-046
Project Description: New onsite wastewater treatment system
Date of Review: December 11, 2014
Reviewer: Todd Curtis
Signature:
Contact Information: Phone: (310) 456-2489 ext. 307 Email: tcurtis@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans: Submitted December 5, 2014
Grading Plans: Geoworks Submitted December 5, 2014
OWTS Plan: Slutkske (11/17/14)
OWTS Report: Slutkske (10/08/14)
Geology Report: Mountain Geology (01-26-11; 04-25-14)
Miscellaneous: N/A
Previous Reviews: N/A

REVIEW FINDINGS

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

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

Plan Check Stage: ☐ APPROVED

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

OWTS Plot Plan: ☐ NOT REQUIRED

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

Based upon the project description and submittal information noted above, a conformance review was completed for a new alternative onsite wastewater treatment system (AOWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed AOWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2013 Edition with City of Malibu local amendments (Malibu Municipal Code Section 12.12; hereinafter MPC), and the City of Malibu Local Coastal Program/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.
The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project AOWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Conditions of Planning Conformance Review

1) **Final AOWTS Plot Plan**: A final plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the MPC, and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The AOWTS Plot Plan shall show essential features of the AOWTS, existing improvements, and proposed/new improvements. The plot must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).

2) **Final AOWTS Design Report, Plans, and System Specifications**: A final AOWTS design report and construction drawings with system specifications (four sets) shall be submitted to describe the AOWTS design basis and all components proposed for use in the construction of the AOWTS. All plans and reports must be signed by the California-registered Civil Engineer, Registered Environmental Health Specialist, or Professional Geologist who is responsible for the design. The final AOWTS design report and construction drawings shall be submitted with the designer’s signature, professional registration number, and stamp (if applicable).

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

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

b. Sewage and effluent pump design calculations.

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

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

e. For AOWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.

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

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

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

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

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

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

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

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

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

-000-

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
N.S.F.D.: 6 Bedroom / 100 Fixture Units (6)

TREATMENT YEAR: MicroSystem ES-12 w/ UV Disinfection (6)

ACTIVE: 2 - 5' x 40' BI w/ 10' Cap (8)
FUTURE: 2 - 5' x 40' BI w/ 10' Cap (8)

TREC RATE: 19,950 gpd (present projected for B-6 and B-7)
29,325 gpd (future projected for B-8 and B-9)

DESIGNER: Shihtu (86-103)

REFERENCE: Shihtu (86-08-14)

NOTES:

1. This conformance review is for a 6 bedroom (100 fixture units) new single family residence. The new alternative onsite wastewater treatment system conforms to the requirements of the City of Malibu Plumbing Code (BPC) and the Local Coastal Plan (LCP).

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

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

A view of the site looking south from Murphy Way

View of the site looking east from Murphy Way
From: Jonathan Kaye [mailto:jonathan@kayo.com]
Sent: Friday, June 03, 2016 5:56 PM
To: Richard Mollica <RMollica@malibucity.org>
Cc: Bonnie Blue <BBlue@malibucity.org>
Subject: 6050 Murphy Way Development

Coastal Development Permit No. 11-046
Variance No. 16-011
Site Plan Review Nos. 16-017 and 16-018

Richard,
My name is Jonathan Kaye and I'm the President of the Winding Way – Murphy Way Home and Landowners Association. Because Murphy Way is a private street we would like to request that the developer for the project take and submit pictures to the Association before and after construction of the private road leading up to the development and make any repairs or fix any damage caused by construction. I know this has been done by the planning department for another development (27318 WINDING WAY, see below) and we would like this provision to be added to any and all future construction projects on our private roads. These roads include – Winding Way, West Winding Way, Murphy Way, Porterdale Drive and Delaplane Road.

Sincerely,
Jonathan Kaye

Coastal Development Permit No. 08-046
Variance No. 15-044
Site Plan Review No. 08-023
Minor Modification No. 15-015
Section 5. Conditions of Approval
Site Specific Conditions
14. Prior to the issuance of any development permit, the applicant/property owner shall provide a preconstruction assessment of the existing condition of Winding Way to the subject parcel. A copy of this assessment shall be kept on file with the City. The applicant/property owner shall be responsible for repairs of any damage to the road that may result during the construction phase of the proposed project. Any obvious damage to the road that becomes apparent during the construction phase (including, but not limited to, pot holes, cracks and ripples) shall be immediately repaired by the applicants/property owner. Prior to a Planning Department final inspection, the applicant/property owner shall submit a post-construction assessment of the road to demonstrate compliance with this condition. A photo survey shall be utilized to complete this assessment.

Jonathan Kaye, President
Winding Way - Murphy Way Home and Landowners Association
PO Box 2883
Malibu, California 90265
Direct 213-806-6767
Jonathan@Kayo.com

Date Received 6/16/16 Time 7:30am
Planning Commission meeting of 6/16/16
Agenda Item No. 5D
Total No. of Pages 1

Kathleen Steck
Subject: 6050 Murphy Way Development
Hi Richard,
I am sorry that I was unable to get these to you and the Commissioners sooner. Please see attached comment letter discussing the ridgeline question as a complement to the provided exhibit, and our response to the MRCA trail request letter.

Looking forward to the hearing tonight. Please let me know of any late breaking developments.

Regards,
Eric

---

Eric Rasmussen
C.A. Rasmussen Co.
2320 Shasta Way, Ste. F
Simi Valley, CA 93065
wk: (805) 581-2275 ext. 21
fax: (805) 581-2265
cell: (818) 518-6932
e: eric@rasmussencollc.com
June 5, 2016

Re: Response to letter from Paul Edelman, MRCA

Dear Mr. Mollica,

Thank you for sharing the recent letter provided by Mr. Paul Edelman of the Mountains Recreation and Conservation Authority (MRCA), which requests that we consider granting an easement for a public trail crossing our property located at 6050 Murphy Way in Malibu. At this time, we must respectfully decline this request, for reasons of privacy and other concerns raised previously and briefly discussed below. We remain open to discussion and look forward to clarification of the issues raised.

In general, hiking trails have the potential for being a wonderful community asset and can be difficult to oppose in concept, depending on one's perspective. While public access routes through private neighborhoods may be desirable in the abstract, they also directly conflict with other important legal and economic values, such as the sanctity of property rights and privacy. Therefore, the relevant question is a determination of which of many competing and often conflicting public policy goals should be prioritized with the finite funding and resources available. Beyond question, private property rights must be preserved, and they are undermined or destroyed at society's peril. Also beyond question is the fact that the amenity of public access to natural areas already exists, and opportunities for the millions of residents of nearby metropolitan Los Angeles area to recreate in the immediate area of the proposed project, and in myriad other locations, are plentiful. We therefore must consider the benefits of a small marginal increase in such opportunities in relation to an irreversible loss of property rights and the private, quiet character of long established residential neighborhoods. Considering the net costs versus benefits of these competing goals, we conclude that it is better to err on the side of preserving privacy and private property rights than to err in the opposite direction.

Mr. Edelman’s letter states that residents have expressed support for adding a new, additional easement through private property in this area. To the immediate east of our property is the Winding Way East trail and public parking lot, which currently facilitates public access to increasingly large numbers of hikers through the residential neighborhood to the Escondido Falls parkland. We are not aware of any area resident who currently takes the position that an additional public access route would provide any additional benefit. Rather, it is our understanding of the prevailing sentiment of residents,
based on oral and written testimony, that a majority are strongly opposed to adding additional trails. For example, I refer you to the Malibu City Council hearing on May 9, 2016, at which a large number of Malibu residents expressed vehement opposition to the depiction of proposed trails over their or their neighbor’s property on the voluntary trails incentives (“wish list”) map. The City Council was receptive to these concerns.

In conclusion, we cannot in good conscience take an action, however altruistic it may appear, which would undermine important rights and values or violate the desires and sentiments of our neighbors as we understand them.

We would like to thank the MRCA and the city planning staff for all of the important work that you do and for the opportunity to consider this request.

Very Truly Yours,

Eric Rasmussen
C.A. Rasmussen Co., LLC
Chair Stack and members of the Malibu Planning Commission  
City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265  

Re: Secondary ridgeline study - 6050 Murphy Way  

June 5, 2016  

Honorable Commissioners,  

In response to questions received on June 1, 2016 about whether the proposed project site for 6050 Murphy Way meets the definition of a “secondary ridgeline,” we researched the applicable codes. The subject appears to have been governed by overlapping requirements which were not necessarily clear or consistent. However, the Malibu City Council has taken steps to create a specific and clearly defined procedure to bring these requirements into consistency and coherence. “LCP Interpretation Number 16” summarizes actions taken by the Council on October 24, 2005. This LCP interpretation appears to have resolved any potential confusion on this issue. However, some confusing language remains, creating ongoing misinterpretation, confusion, and/or inconsistency. To address this, on June 9, 2008, the city council resolved to amend the code for consistency with the provisions of LCP Interpretation #16 and further clarified its intent with “attachment 2,” a diagram.  

To summarize the rule, a “secondary ridgeline” would require a variance to build on, and be limited to one story in height, if the elevation were to drop more than 10 feet on either side within a 100 foot line drawn perpendicular to the ridgeline, the midpoint being the highest point along the ridgeline. Another way of stating this is to say that a secondary ridgeline is one which exceeds a 20 percent slope within 50 feet horizontally and perpendicular to the ridgeline. The subject ridge feature does not meet the definition of a secondary ridgeline, as can be seen in the provided “Ridgeline Exhibit” dated June 3, 2016.  

Both the staff report for this project, dated May 26, 2016, and Initial Study No. 15-001, adopted by the Malibu Planning Commission on January 19, 2016, for a lot line adjustment with the neighboring parcel, conclude that the Rasmussen project site at 6050 Murphy Way does not meet the definition of a primary or secondary ridgeline.  

Although the various code sections may not share the same language, it is abundantly evident that the intent of the council is to consider only ridgelines with a 20 percent or greater slope to be eligible as “secondary ridgelines.” This conclusion is borne out by common sense when one considers that a 10 percent slope criteria would be overly restrictive by any reasonable standard, but especially in the hilly terrain of this City.
There are several other clear reasons as to why the ridgeline restrictions are not applicable to this project. The following are some of those reasons.

1. According to LCP Interpretation #16, ridgeline standards only apply if all three of the following are true: the ridge is visible from a scenic area, the project is visible from a scenic area, and the project could result in potentially significant adverse impacts to scenic resources. As reflected in the staff report, the project has been found not to have any such potential adverse impacts because it does not obstruct ocean views and is not visible from PCH. As a result, the ridgeline standards are not applicable.

2. LUP chapter 6.4 (LUP Land Use Policies) states in part “Scenic Areas do not include inland areas that are largely developed or built out such as residential subdivisions along the coastal terrace....” The threshold for “largely built out” is 65 percent. Within a 1000 foot radius of the proposed project, 70 percent of the parcels are developed with single family homes, exceeding the threshold for “largely built out.” Because all areas from which the project is visible are largely built out, and thereby precluded from being a “scenic area,” the ridgeline standards do not apply.

3. The 70 percent buildout calculation underestimates the true average of developed parcels in the neighborhood because the parcel itself is so large (over 12 acres) and is contiguous to the north and south with three other extraordinarily large vacant residential parcels, making the neighbors more distant by virtue of the mere fact of parcel acreage. It is also contiguous to the east with 89 acres of parkland which is excluded, but also meets the criteria for being developed. As stated in LCP Interpretation #16, “In order to be considered developed, the parcel must accommodate uses normally related to human activities. All parcels with primary uses are considered developed.” Presumably, the primary use of hiking, etc. meets these criteria.

4. LIP Chapter 6.2 (Applicability- Scenic, Visual, and Hillside Resource Protection Ordinance) states, to paraphrase, that it applies to scenic areas with slopes over 20 percent. As previously mentioned, the area does not meet the criteria of a scenic area because it is largely built out, and the ridgeline feature does not exhibit slopes over 20 percent. Ridgeline standards only apply to those portions of the parcel that meet the definition of a ridgeline, and not the entire parcel.

5. As related in the staff report for the project, all of the existing homes along Murphy Way (formerly DeButts Terrace) are two story homes which have significantly smaller setbacks than the proposed project and are located on smaller lots. The proposed project is in keeping with the neighborhood character and in fact will have a lesser impact in relation to lot size compared to the other homes in the neighborhood. LIP section 6.1 “Purpose and Intent” states that “To implement the certified Land Use Plan (LUP), development standards, permit and application requirements, and other measures are provided to ensure that permitted development
shall be sited and designed to... be visually compatible with the character of surrounding areas.” Therefore, to limit the proposed to one story would be to force the project to deviate aesthetically from the rest of the neighborhood, contrary to the stated intent of the scenic, visual, and hillside protection ordinance in the LCP.

6. According to the Council Agenda Report for item 3.B.9 dated May 13, 2008, M.M.C. section 17.20.050 (hillside residential development) states that hillside development standards only apply to parcels of land on the inland side of Pacific Coast Highway with development areas located on slopes steeper than 30 percent, less restrictive than the 20 percent threshold found in the LCP.

As concluded in the staff report prepared on May 26, 2016, the proposed project will not have negative impacts on scenic resources for the following reasons. Because of the topography of the area, the distance between the building pad and the Escondido Falls Trail, and vegetation screening, the project will not have visual impacts on the trail. Views of the coastline, beach, or ocean are not obstructed based on review of the story poles. In addition, the subject parcel is not visible from PCH because of topography and surrounding developments. As conditioned, the project will utilize lighting limitations as well as color restrictions to even further reduce impacts on scenic resources.

In the Agenda Report from a City Council meeting on June 9, 2008, Item 3.B.9 recommends amendments to the Malibu Municipal Code and Local Coastal Program regarding the definition of secondary ridgelines, as a result of inconsistent and conflicting definitions found in the LCP, M.M.C. and the General Plan. At its April 7, 2008 meeting, the City Council directed staff to process an LCPA and a ZTA to revise the language of the definition to clarify the intent of the Council that the classification of secondary ridgelines would apply to properties exhibiting a 20 percent slope along the ridgeline feature. “Attachment 2” to that agenda report is a helpful diagram which clarifies the Council’s intent.

In conclusion, the clear standard for a secondary ridgeline is a 20 percent slope within 50 feet horizontally of a ridgeline feature. The Council’s intent on this question appears to have been consistent and has been clarified numerous times over more than a decade. Nonetheless, this is one of several areas in the code which would benefit from additional clarification. We respectfully suggest that clear, identical language be adopted in each code section on this topic to remove any lingering confusion, and we encourage the commission to do what it can to forward the important goal of clarity in the code.

Very Truly Yours,

Eric Rasmussen
C.A. Rasmussen Co., LLC
Chair Stack and Members of City of Malibu Planning Commission,

This is a letter of general support for the project in question. I am an abutting neighbor at 6200 Porterdale to the east and south east of the subject project (6050 Murphy Way). This area of Malibu is largely developed and the home being proposed is consistent with the character of the neighborhood. As such, I support the project as recommended by Planning staff in their well written and thorough staff report.

With regard to the MRCA request for a voluntary trail across the northern border of my neighbor's property, I do not want to oppose and will not oppose anything my neighbor might voluntarily agree to, but I do believe it would be a detriment to the safety of hikers and the safety and privacy of residents to our east and west. This path does not exist, is not necessary and has strong opposition in the neighborhood. There are existing flat, wide and relatively private trails already in place more than adequately serving the public already extremely close by. The proposed path although in a better location than previously proposed, is still highly inappropriate. Contrary to the communication from the MRCA, there is very strong neighborhood opposition to redundant trails in the area both from Ramirez Canyon residents (Sycamore Park) and East Winding Way residents due to legitimate safety and privacy concerns. As proof of this, I would refer you to review the City Council video from May 9, 2016 to get an idea of the strong and heartfelt opposition due to privacy and safety issues including safety issues for hikers. This is not a NIMBY issue and it is not fair to characterize it as such. To paraphrase the mayor, the MRCA is not taking care of the more than adequate trails it already has. There is nothing in the Coastal Act or LCP that requires gathering as many trails as humanly possible or minimize the distance between points on a map. The important issues are hiker safety, homeowner privacy and public access. There is already more than adequate access and the paths proposed lessen safety and privacy.

I support the project as recommended in the Planning staff report.

Thank you for all you do.

Brad Folb
Subject: Murphy Way 6050, CDP11-046 Comments

To Richard Mollica – Case Planner:

Hello Richard – please pass these comments on to the Planning Commissioners

The subject parcel is adjacent to Escondido Canyon Park, owned by the Mountains Recreation and Conservation Authority (MRCA). The subject parcel touches Murphy Way on the west which is dedicated public trail. Based on our previous communications with the applicant’s representative at the time (Lynn Heacox), it is our understanding that Mr. Rasmussen may be amenable to offering a trail easement along part of the northerly property boundary. Residents have expressed a desire to us to keep some kind of local trail connection from Murphy Way into Escondido Canyon Park. As the primary trail easement recipient in the area, the MRCA would like to fulfill that local wish to keep the thru trail potential alive.

This potential trail easement would be located the maximum possible distance from the proposed home. Because a trail easement gap would still exist to reach Murphy Way, it would be a considerable amount of time until any trail was constructed or required maintenance.

We would appreciate if you would ask if the owner would be willing to voluntarily accept a condition to record an offer to dedicate (or directly record) a trail easement along part of the northerly property boundary. The trail easement should be at least 35-feet-wide to allow for the construction of sustainable switchbacks. The trail easement should hug the northerly property boundary and span from Escondido Canyon Park to approximately 140 feet from the paved Murphy Way.

If owner is currently amendable to providing such a resource for the local community, MRCA stands ready to help effectuate this benefit.

We thank you, the applicant, and the owner for your consideration.

Paul Edelman
Chief of Natural Resources and Planning

310-589-3200 ext. 128
Notice Continued...

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

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

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days (fifteen days for tentative parcel maps) following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planning forms or in person at City Hall, or by calling (310) 456-2489, extension 246.

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

If you have questions regarding this notice, please contact Richard Mollica, Senior Planner, at (310) 456-2489, extension 346.

Date: June 23, 2016
By: Bonnie Blue, Planning Director

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