To: Chair Jennings and Members of the Planning Commission  
Prepared by: Justine Kendall, Associate Planner  
Approved by: Bonnie Blue, Planning Director  
Date prepared: July 23, 2020  
Meeting Date: August 3, 2020  
Subject: Extension of Coastal Development Permit No. 15-074 – A request to extend the Planning Commission's approval of Coastal Development Permit No. 15-074, an application for the construction of a new 1,093 square-foot second story addition, including a second story deck, interior remodel to an existing one-story residence, and demolition of an addition without benefit of permit  
Location: 24542 Malibu Road  
APN: 4458-012-012  
Owner: Lachman Family Trust  

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-50 (Attachment 1) granting a two-year extension of Coastal Development Permit (CDP) No. 15-074, and Demolition Permit No. 17-011, an application for the construction of a 1,093 square-foot second story addition, including a second story deck, interior remodel to an existing one-story residence, and demolition of an addition without benefit of permit located in the Single Family–Medium Density (SFM) zoning district at 24542 Malibu Road (Lachman Family Trust).

DISCUSSION: On April 17, 2017, the Planning Commission adopted Resolution No. 17-15, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 7 in Planning Commission Resolution No. 17-15 states that the coastal development permit and associated requests shall expire if the project has not commenced within three years after final City action. Extension of the permit may be granted by the approving authority for due cause. The item before the Commission is an extension request by the applicant. A complete project chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 20-50.
The applicant submitted plans to the Building Safety Division for Building Plan Check on December 28, 2017 and received comments back on January 18, 2018. Corrected plans have not been re-submitted to date. The property owner’s extension request states that unexpected severe medical issues, which came to light soon after submitting for Building Plan Check, and related complications caused by the COVID-19 crisis are causing the delay. The property owner states that they are still committed to moving forward with the project.

Per LCP Policy No. 5 (Coastal Development Permit Extensions), the aggregate life of a CDP shall not exceed five years absent extraordinary circumstances. A two-year extension to April 17, 2022 would be consistent with this policy. This is the first extension request made for this project. The subject coastal development permit is set to expire on April 17, 2020. On April 16, 2020, the applicant submitted an extension request to ensure a valid CDP permit remains in place while the project is under construction. The applicant’s basis for due cause is included as Attachment 2.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed\(^1\). Upon the Planning Commission’s approval of the time extension request, the approval set forth in Planning Commission Resolution No. 17-15 shall remain valid for an additional two-year term. The expiration date of this approval would then be April 17, 2022. All conditions of approval in Planning Commission Resolution No. 17-15 will remain in effect.

ATTACHMENTS:

1. Planning Commission Resolution No. 20-50
2. Planning Commission Resolution No. 17-15
3. Time Extension Request
4. LCP Policy No. 5 (CDP Extensions)
5. Public Hearing Notice

All referenced City Council and Planning Commission records are available for review at [http://www.malibucity.org/onbase](http://www.malibucity.org/onbase).
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A TWO-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 15-074, AN APPLICATION TO ALLOW THE CONSTRUCTION OF A NEW 1,093 SECOND STORY ADDITION, INCLUDING A SECOND STORY DECK, INTERIOR REMODEL TO AN EXISTING ONE-STORY RESIDENCE, AND DEMOLITION OF AN ADDITION WITHOUT BENEFIT OF PERMIT, INCLUDING DEMOLITION PERMIT NO. 17-011, LOCATED IN THE SINGLE FAMILY – MEDIUM DENSITY (SFM) ZONING DISTRICT AT 24542 MALIBU ROAD (LACHMAN FAMILY TRUST).

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

SECTION 1. Recitals.

A. On April 17, 2017, the Planning Commission adopted Planning Commission Resolution No. 17-15, approving Coastal Development Permit (CDP) No. 15-074 to construct a new 1,093 second story addition, including a second story deck, interior remodel to an existing one-story residence, and demolition of an addition without benefit of permit.

B. On April 16, 2020, the applicant submitted their first time extension request.

C. On July 23, 2020, a Notice of 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.

D. On August 3, 2020, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, 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 previously determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15301(e) - Existing Facilities. As such, Categorical Exemption No. 17-047 was filed for CDP No. 15-074, and adopted with the approval of the project.

SECTION 3. Findings of Fact.

Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, the Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby finds that the applicant has demonstrated due cause for the necessity of a time extension of the approval of the coastal development permit and associated requests.

A. The approvals set forth in Planning Commission Resolution No. 17-15 are hereby extended for an additional two-year term. The approval is now set to expire on April 17, 2022.

B. No other changes to the conditions contained in Planning Commission Resolution No. 17-15 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution No. 17-15 shall remain in full force and effect.

SECTION 5. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 3rd day of August, 2020.

________________________________________
JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

_____________________________________
KATHLEEN STECKO, Recording Secretary

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 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 19-67 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 3rd day of August, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____________________________________
KATHLEEN STECKO, Recording Secretary

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

SECTION 1. Recitals.

A. On December 23, 2015, an application for Coastal Development Permit (CDP) No. 15-074 was submitted to the Planning Department by Joseph Lezama, on behalf of property owner, Brad Glen Lachman and Wendy Benson Lachman, Trustees of The Lachman Family Trust. The application was routed to the City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, California State Lands Commission (CSLC), Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department Land Division (LACFD) for review.

B. On December 23, 2015, a courtesy notice of the proposed project was mailed to all property owners and occupants within a 500-foot radius of the subject property.

C. On August 29, 2016, the CDP application was deemed complete for processing.

D. On February 1, 2017, story poles were installed on the subject property.

E. On February 1, 2017, a Notice of CDP Application was posted on the subject property.

F. On February 15, 2017, Planning Department staff conducted a site visit to document the story poles, site conditions, the property and surrounding area, and conducted a visual impact analysis of the property.

G. On April 6, 2017, 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 April 17, 2017, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.
SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301(e) - Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 15-074 to allow a remodel with less than 50 percent demolition and a 1,093 square foot second story addition, including a 133 square foot second story deck to the existing one-story single-family residence in the SFM zoning district at 24542 Malibu Road.

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

A. General Coastal Development Permit (LIP Chapter 13)

1. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, CSLC, WD29, and LACFD. As discussed herein, based upon submitted reports, project plans, and detailed site investigation, the proposed project, as conditioned conforms to the LCP in that it meets all applicable residential development standards. The proposed project includes a demolition, remodel, and addition that conform to the requirements set forth in the LCP beachfront development standards.

2. The project is located between the first public road and the sea, on the south side of Malibu Road; however, the proposed project will not result in potentially significant adverse impacts on public access and/or recreation. Existing and improved vertical public access is located approximately 245 feet to the west and 770 feet to the east along Malibu Road. Therefore, the project will not interfere with the public’s right to access the beach. The project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).

3. Evidence in the record demonstrates that, as conditioned, the project meets the City’s beachfront residential development policies. There is no evidence that an alternative project would substantially lessen any potentially significant adverse impacts of the development on the environment.
B. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

1. The proposed project complies with beachfront residential standards for height, and side and rear yard setbacks. The residence conforms to the height limitation or 28 feet for a pitched roof and rear yard setbacks established by the building stringline, the deck stringline and the required 10 foot setback from the MHTL.

Although the subject parcel abuts scenic areas (the beach, Pacific Ocean, Malibu Bluffs Park and Malibu Road), the proposed construction is located on the south side of the property, the proposed structure will use earth tone colors and materials, and houses located within the vicinity of the subject property are developed with single-story and multistory structure.

Story poles were placed on the project site on February 1, 2017 to demonstrate the size, mass, height, and bulk of the proposed project, and photos of the site with the story poles in place are included in the record. An analysis of the project's visual impact from the beach was conducted through site inspection, architectural plans and review of neighborhood character.

Conditions of approval have been added to this Resolution pertaining to permissible exterior colors, materials and lighting restrictions. As proposed, the project would result in a less than significant visual impact to public views from scenic areas.

2. As previously discussed in Finding B1, and with the inclusion of conditions regulating exterior colors, materials and lighting to be used, the project will not result in significant adverse scenic or visual impacts and the proposed addition will be compatible with the character of the surrounding neighborhood.

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

4. There are no feasible alternatives that would avoid or substantially lessen impacts on scenic and visual resources and is the least environmentally damaging alternative.

5. As conditioned, designed and sited, development on the site will not have significant adverse impacts on scenic and visual resources.

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

The applicant submitted coastal engineering reports and addenda prepared by Davis Weiss, Structural Engineer and Associates. The report is on file at City Hall. In the report, site-specific conditions are evaluated and recommendations are provided to address any pertinent issues. According to the report the primary hazards related to the proposed project are flood hazards and wave uprush and tsunami hazards.
In summary, the proposed development is suitable for the intended use provided that the certified engineer’s conditions and governing agency’s building codes are followed. The findings provided by LIP Section 9.3 are made as follows.

1. Based on review of the above referenced report, it has been determined that:
   a. The beachfront location and elevation of the subject property puts it in a wave uprush and Tsunami zone.
   b. The project site is located in a Federal Emergency Management Agency (FEMA) identified VE Special Flood Hazard Area (SFHA).
   c. The project site is located within an extreme fire hazard area.
   d. The project site is located not located within a California Earthquake Fault Zone and no known potentially active or active faults cross the site and is not located within 500 feet of a mapped splay of the Malibu Coast Fault.

The project coastal engineer concluded the project is feasible from a costal engineering standpoint, will be free from flood hazards and wave uprush and tsunami hazards, and will not have an adverse effect upon the stability of the site or adjacent properties provided the engineer’s recommendations are incorporated into the plans and implemented during construction, and the subject property and proposed structures are properly maintained.

The project has been reviewed and approved for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, CSLC, WD29, and LACFD.

2. The project as designed, conditioned, and approved by the City Public Works Department, City geotechnical staff, and City Coastal Engineer, 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. A condition of approval has been included in Section 5 to require the applicant to acknowledge the extremely high wildfire hazard risk of development at the property and to indemnify the City.

3. The project, as conditioned, will not result in potentially significant impacts and is the least environmentally damaging alternative.

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

5. No adverse impacts to sensitive resources are expected.

D. Shoreline and Bluff Development (LIP Chapter 10)

1. All proposed development will occur entirely over the existing building footprint and the project does not propose a new onsite waste water treatment system In addition, the proposed development will take place on the existing foundation and no upgrade to the seawall is required. As such, no negative impacts on public access, shoreline sand supply or other resources are anticipated due to the proposed design.
2. The project, as conditioned, will not have significant adverse impacts on public access shoreline sand supply or other resources due to its location on the site. Nevertheless, a standard condition of approval required by LIP Chapter 10 has been included which requires the property owner to record a deed restriction acknowledging and assuming the risk of the hazards associated with development on a beach.

3. The project is not anticipated to negatively impact public access, shoreline sand supplies or other sensitive resources. As such, no project alternative would further avoid or substantially lessens impacts on these resources.

E. Demolition Permit (MMC Chapter 17.70)

1. Conditions of approval included in the Resolution to ensure that the project will not create significant adverse environmental impacts.

2. This CDP application is being processed concurrently with DP No. 17-011. Therefore, approval of the DP is subject to the approval of CDP No. 15-074.


Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 15-074, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

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

2. Approval of this application is to allow for the following:
   a. Demolition of 8.3 percent of exterior walls, existing roof and chimney, and interior remodel of the existing one-story main residence;
   b. Demolition of a 986.1 square foot addition under the existing structure that was constructed without the benefit of permits;
   c. Construction of a 1,093 square foot second-story bedroom and gym room addition with an attached 133 square foot deck over the existing first floor deck, measuring 15.25 feet tall and a chimney; and
   d. New barbeque on the first floor deck that is landward of the building stringline.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped February 17, 2017. The project shall comply with all conditions of approval stipulated in the department referral sheets. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
4. 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. 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 have been exhausted.

6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the 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. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to submittal into building plan check and again prior to the issuance of any building or development permits. These plan sets shall include the pages described in Condition No. 6.

8. 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.

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

10. All structures shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, CSLC, WD29, and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.

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

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

Cultural Resources

13. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.
14. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

**Geology/Coastal Engineer**

15. 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.

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

17. The property owner shall comply with the requirements for recorded documents and deed restrictions outlined in Sections 10.6(A) and 10.6(B)(1) of the LCP.

18. Prior to final permit issuance, a *Covenant and Agreement Regarding Maintenance of the Shoreline Protection Device and the Use of Transfer of Ownership of Property* shall be recorded, with a certified copy submitted to the City. The Covenant and Agreement shall incorporate the approved Shoreline Protective Device Monitoring Plan as Exhibit B.

**Biology/Landscaping**

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

20. No equipment of materials may be staged on the beach at any time.

**Water Service**

21. Prior to building permit issuance the applicant shall submit to the Planning Department an updated WD29 Will Serve letter confirming the property will receive adequate water service.
Public Works

Grading and Drainage

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

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

FEMA

23. Proposed improvements are located within the SFHA. An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The survey map shall delineate the boundary of the SFHA zone based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum, and any datum conversions. A post construction Elevation Certificate will be required to certify building elevation, when the construction is complete, and shall be provided to the Public Works Department for final approval.

Environmental Health

24. No renovation or replacement of the existing onsite wastewater treatment system is required or approved. Environmental Health review during plan check is required.

Construction / Framing

25. 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.
26. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:

   a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
   b. Grading activities shall be planned during the southern California dry season (April through October).
   c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
   d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

27. 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 and lowest finish floor elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.

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 rinsed prior to leaving the property.

Demolition/Solid Waste

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

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

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

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

33. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate “Investigation Fees” as required in the Building Code.
34. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

Site Specific Conditions

35. Fifty percent or more of exterior walls must remain in place during construction. Pursuant to LIP Section 13.4.2, the replacement of 50 percent or more of a single-family residence is not repair and maintenance, but instead constitutes a replacement structure requiring a coastal development permit. A major remodel agreement acknowledging this shall be required prior to issuance of building permits for the project. Contact Planning Department staff to discuss options PRIOR TO DEMOLITION of more than 50 percent of the existing exterior walls, should any questions or issues concerning exterior wall demolition come up during construction. Demolition of exterior walls will be determined based on LCP Policy 3: (Remodels and Additions).

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

37. The project is visible from scenic roads or public viewing areas, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape.

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

38. The understructure storage area cannot be converted into habitable space at any time in the future.

Lighting

39. 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 and lighting of the shore are prohibited.

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

41. 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.

42. Lighting of the shore is prohibited.

Deed Restrictions

43. 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.

44. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.

45. Prior to final planning approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth previously under Lighting. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.

Prior to Final Sign-Off

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

47. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.
48. 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.

49. No Certificate of Occupancy shall be issued, nor any authorization to connect utilities, until final planning inspection has determined that the construction complies with the approved plans.

Fixed Conditions

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

51. 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 17th day of April, 2017.

JOHN MAZZA, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to LCP 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.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s decision to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street, Ventura, California 93001, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.
I CERTIFY THAT THE FOREGOING RESOLUTION NO. 17-15 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 17th day of April, 2017 by the following vote:

AYES: 5  Commissioners: Jennings, Marx, Uhring, Pierson, Mazza
NOES: 0
ABSTAIN: 0
ABSENT: 0

KATHLEEN STECKO, Recording Secretary
TIME EXTENSION REQUEST
The City of Malibu will not accept incomplete applications.

Staff use only
Extension No. 20-006

To submit a time extension request:
This time extension request must be timely received by the Planning Department either in person or by mail addressed to City of Malibu, Attn: Planning Department, 23825 Stuart Ranch Road, Malibu, CA 90265.

The request letter must be received PRIOR to the expiration date listed in the Notice of Decision or Planning Commission Resolution.

Project No.: CDP 15-074
Site Address: 24542 Malibu Road

ALL of the following must be timely filed to perfect a time extension request.

1. Time Extension Checklist
   This form with property owner’s signature

2. Time Extension Request Letter
   A letter setting forth due cause for the Planning Director/Commission to grant the time extension.

3. Time Extension Fee ($506)

4. Property Owner's/Occupant’s Information
   Has the property owner or commercial occupant changed since the Planning Commission/Planning Director granted the time extension? □ YES □ NO

   If YES, Change of Property Owner/Occupant Fee applicable.

   Property Owner’s mailing Address: N/A

   Property Owner’s telephone: N/A

   Property Owner’s email address: N/A
5. Applicant's Information

Has the application representing the owner changed since the Planning Commission's/Planning Director's approval or since the issuance of the last extension? □ YES □ NO

If YES, fill out the Authorization to Submit Project section of this form.
Applicant's mailing address: N/A

Applicant's telephone: N/A
Applicant's email address: N/A

6. Certified Public Notice Property Owner & Occupant Mailing Address and Radius Map

Not required for Administrative Plan Review approvals in which a discretionary request (e.g. site plan review) was not included.

- The addresses of the property owners and occupants within the mailing radius shall be provided on a compact disc in a Microsoft Excel spreadsheet. The spreadsheet shall have the following column headers in row one: 1) name, 2) address, 3) city, state & zip code, and 4) parcel (for APN). The owners should be listed first followed by the occupants. The project applicant's mailing address should be added at the end of the list.
- An additional column for "arbitrary number" may be included if the supplied radius map utilizes such numbers for the purpose of correlating the addressee to their map location.
- Printouts of the excel spreadsheet and radius map, certified by the preparer as being accurate, must be provided.
- The radius map (8½" x 11") shall show a 500 foot radius* from the subject property and must show a minimum of 10 developed properties. A digital copy of the map shall be submitted on the same cd as the mailing addresses.

*Properties zoned RR-10, RR-20, or RR-40 require a 1,000-foot radius notification.
**Note that updated mailing labels may be requested by the project planner prior to deeming the application complete.

Indemnification Clause

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.

[Signature]  [Signature]  4-15-2020
PROPERTY OWNER SIGNATURE  PROPERTY OWNER NAME (PRINT)  DATE
AUTHORIZATION TO SUBMIT A PROJECT

Joseph Lezama (print name) is authorized by me/us as the owner(s) of the property located at 24542 Malibu Road, to submit an application to and obtain permits from the City of Malibu Planning Department and to act on my/our behalf of the process that applicant. This authorization will be valid until revoked by me/us in writing.

This form must be notarized if not witnessed by City of Malibu staff.

Witnessed by:

Dated: ____________________________  Witness Signature (Staff)

Print Name

I hereby certify that the time extension request submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the time extension shall be deemed to have been withdrawn and the project approval will expire.

Brad Lieberman
Print Property Owner’s Name 4-15-2020

Date
Application for Extension of Coastal Development Permit by

Wendi and Brad Lachman ("The Lachman Family Trust") regarding the proposed remodel of a single-family residence at 24542 Malibu Rd., Malibu CA.

April 14, 2020

Summary:

The applicants are Wendi and Brad Lachman who hold title to the land at 24542 Malibu Rd, Malibu CA in the name of "The Lachman Family Trust". This application is made by reason of exceptional medical circumstances that have arisen in the past year, just as the project was closing in on the construction phase. The proposed extension is two years.

LCP Policy 5

LIP Section 13.21 provides (in part):

"Due cause (for an extension) shall generally not exist unless the applicant has demonstrated the following:

- There are extraordinary circumstances beyond the applicant’s control that have prevented the applicant from commencing the development, such as financial hardship due to extreme economic conditions or job loss, inability to obtain a construction loan, personal reason, such as illness, divorce or death, restricted access to the property because of an existing lease or a necessary agency approval has not been obtained despite diligent efforts. ... and
- The applicant has exercised due diligence in its efforts to commence the project, such as contracting for and completing necessary studies, reports, drawings and plans to pursue and complete the plan check process.

Absent extraordinary circumstances the aggregate life of the permit shall not exceed five years."

The "Extraordinary Circumstances"

The Applicants had reached a general agreement with its proposed contractor to remodel the home at 24542 Malibu Rd. when the full impact of Mr. Lachman’s medical issues started to emerge.

Personal Medical Issues

Mr. Lachman was diagnosed with lymphoma and has been receiving ongoing medical treatment. He is under the care of Dr. John A. Glaspy at Ronald Reagan UCLA Medical Center.
Mr. Lachman’s treatment and age (74) have also placed him in the high-risk category for Covid-19. Until the restrictions are lifted, Mr. and Mrs. Lachman are unable to interact with people who are integral in the final construction of the project. The uncertainty is substantial and prevents all reasonable attempts to move forward with the project.

Our Due Diligence

We have taken substantially all the steps necessary to pursue the remodel of this home. Included in the steps we have taken are:

- Retainer of Burdge and Associates as our architects and interior design professionals
- We have obtained reports from all required professional sources
- We have obtained approvals from all required departments within the City of Malibu
- We have moved to the contract stage for the services of a General Contractor

Our Request

Wendi and Brad Lachman ask that our CDP Permit be extended for two more years.

Thank you for your consideration.

[Signature]

Wendi and Brad Lachman
November 13, 2017

**LCP Policy 5: Coastal Development Permit Extensions**

LIP Section 13.21 provides:

Unless the permit states otherwise, a coastal development permit shall expire two years from its date of approval if the development has not commenced during that time. The approving authority may grant a reasonable extension of time for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the two-year period.

Due cause shall generally not exist unless the applicant has demonstrated the following:

- There are extraordinary circumstances beyond the applicant's control that have prevented the applicant from commencing the development, such as financial hardship due to extreme economic conditions or job loss, inability to obtain a construction loan, personal reason, such as illness, divorce or death, restricted access to the property because of an existing lease or a necessary agency approval has not been obtained despite diligent efforts. Change of project ownership or architect and elective project redesigns do not by themselves constitute due cause; and
- The applicant has exercised due diligence in its efforts to commence the project, such as contracting for and completing necessary studies, reports, drawings and plans to pursue and complete the plan check process.

Absent extraordinary circumstances, the aggregate life of the permit shall not exceed five years.
The Malibu Planning Commission will hold a public hearing on Monday, August 3, 2020, at 6:30 p.m., on the project identified below via teleconference only in order to reduce the risk of spreading COVID-19, pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer’s Safer at Home Order.

EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 15-074 AND DEMOLITION PERMIT NO. 17-011 - A request to extend the Planning Commission's approval of an application to allow a remodel that includes less than 50 percent demolition, the demolition of an addition completed without the benefit of permits, and a construction of a 1,093 square foot second story addition, including a 133 square foot second-story deck at the existing one-story single-family residence

LOCATION / APN / ZONING: 24542 Malibu Road / 4458-012-012 / Single-family Medium (SFM)
APPLICANT / OWNER: Burdge and Associates Architects, Inc. / Lachman Family Trust
APPEALABLE TO: City Council
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Section 15301(e)
EXTENSION FILED: April 16, 2020
CASE PLANNER: Justine Kendall, Associate Planner, jkendall@malibucity.org (310) 456-2489, ext. 301

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

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

BONNIE BLUE, Planning Director

Date: July 9, 2020

ATTACHMENT 5