Council Agenda Report

City Council Meeting
05-20-26
Item 1.B.

To: Mayor Silverstein and Honorable Members of the City Council

Prepared by: Allison Cook, Contract Planner

Reviewed by: Yolanda Bundy, Community Development Director
Tyler Eaton, Assistant Community Development Director

Approved by: Joseph D. Irvin, City Manager
Trevor Rusin, Interim City Attorney

Date prepared: April 9, 2026 Meeting date: May 20, 2026

Subject: Appeals of Planning Commission Resolution No. 25-03 Regarding Coastal Development Permit No. 20-003 (29329 Heathercliff Road, APN 4468-011-011; Owner, ACS International, LLC; Appellants, Larry Roth and Brian Adams)

RECOMMENDED ACTION: Either: 1) Adopt Resolution No. 26-18 (Appendix A) denying Appeal (AP) Nos. 25-002 and 25-003 (Appendices B and C), determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 20-003 to construct a new 4,050 square-foot, two-story, single-family residence, with an attached 390 square-foot garage, swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system (OWTS), including Minor Modification (MM) No. 20-001 for no more than a 50 percent reduction in the front yard setback, located in the Rural Residential, One-Acre (RR-1) zoning district at 29329 Heathercliff Road (ACS International, LLC); or 2) Direct staff to bring back a resolution consistent with the City Council's decision.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

STRATEGIC PLAN IMPLEMENTATION: N/A.

DISCUSSION: The matter before the Council is a single project subject to two separate appeals challenging the Planning Commission's approval of CDP No. 20-003 and MM No. 20-001, an application for the construction of a two-story single-family residence, swimming pool, and associated development. The appellants, Mr. Roth (AP No. 25-002, Appellant 1) and Mr. Adams (AP No. 25-003, Appellant 2), filed appeals of the Planning

Commission's decision to approve the project. The appellants are both direct neighbors of the Project.

Project Background

This application was originally filed as an Administrative Coastal Development Permit (ACDP) pursuant to LCP Local Implementation Plan (LIP) Section 13.13. The application was approved by the Planning Director on May 28, 2024, and was set to be reported to the Planning Commission at its June 3, 2024, meeting. However, in light of public comments submitted in advance of the June 3 meeting that were critical of the project, the applicant requested that the application be converted to a regular CDP. As such, the Planning Director's decision was rescinded and the application converted to a CDP prior to the June 3, 2024, Planning Commission hearing. The item was initially scheduled for Planning Commission hearing on October 7, 2024, but was continued by the Planning Commission to November 18, 2024. On October 22, 2024, the applicant submitted an updated site slope exhibit and project plans correcting topographical contour lines and making minor adjustments to the retaining wall alignment, stairway, and landing at the southeast corner of the proposed structure to provide adequate fire access around that side of the structure. Prior to the November 18, 2024, meeting, the applicant submitted a written request for the item to be continued to provide more time to respond to additional public comments received the day of the meeting as the applicant could not be in attendance. At its November 18, 2024, meeting, the Planning Commission continued the item to January 23, 2025. Items originally intended for January 23, 2025, were continued to February 3, 2025, due to the Palisades Fire. At the request of Planning Division staff, the item was continued from February 3, 2025, to February 18, 2025. On February 18, 2025, the applicant's representative requested that the item be continued to the March 17, 2025, meeting to provide time to discuss easement issues with a neighbor. The Planning Commission continued the item to March 17, 2025.

Planning Commission Hearing on March 17, 2025

At its March 17, 2025, meeting, after receiving evidence and conducting a public hearing, the Planning Commission approved the Project on a 2-1 vote (Peak and Riddick in support, Mazza opposed) with 1 abstention (Leonard) and 1 vacant seat. The terms of the approval are detailed in Planning Commission Resolution No. 25-03 (Appendix D). Council Resolution 26-18 (Appendix A) is drafted in line with the Planning Commission's action and conditions of approval. Should the Council choose to deny the project and uphold one or both appeals, staff will bring back a resolution matching the findings the Council identifies during the public hearing. The Planning Commission agenda report, in which the Planning Division recommended approval of the project, is included as Appendix E. The Planning Commission agenda report goes into greater detail regarding the project, the evidence, and the findings required. The video regarding the Planning Commission deliberation on the items can be found on the City's website at https://www.malibucity.org/662/Public-Meeting-Video-Archive

As approved by the Planning Commission, the project includes a split-level design that descends westerly with taller portions of the structure up to 18 feet in height on the eastern portion of the residence nearer to Heathercliff Road. No changes were made at the Planning Commission hearing. The project faces west toward the descending slope. Hillside residential development standards established in Malibu Municipal Code (MMC) Sections 17.40.040(A)(20) and 17.62.070 do not apply to this project as the project is not sited on slopes steeper than 30 percent, and, therefore, does not meet the definition of hillside development pursuant to MMC Section 17.02.060[1].

Minor Modification No. 20-001 was also approved to reduce the required front yard setback from 59.4 feet to 29.6 feet, a reduction of 49.8 percent. The applicant requested the reduced front yard setback to allow the residential structure to be sited closer to Heathercliff Road on the east side of the property. This allowed the applicant to avoid steeper slopes and native scrub vegetation on the western part of the property adjacent to PCH. It is anticipated that this will reduce the grading required and be less impactful on the environment.

A prior version of the project included a Site Plan Review (SPR) to request an increase in the building height from the maximum allowed 18 feet to 21.5 feet. Story poles were installed depicting the maximum height of 21.5 feet. However, as a result of discussions with neighboring residents, including those with established Primary View Determinations (PVDs), who raised concerns about the potential for view obstructions caused by the proposed height above 18 feet, the applicant withdrew the SPR request and submitted revised plans lowering the maximum building height to 18 feet. As approved by the Planning Commission, the residence includes varying heights that do not exceed 18 feet.

The Planning Division met and corresponded with Mr. Roth and Mr. Adams, the appellants and neighbors directly adjacent to the subject property, who expressed concerns about the project before the March 17, 2025, Planning Commission hearing. The project plans were discussed and Staff answered questions about view protection, slope of the site, and access easements. Mr. Roth and a representative for Mr. Adams also spoke at the public hearing and raised concerns similar to those cited in the appeals. The Roths own the parcel on the south side of the access driveway easement and the Adams own the parcel on the north side (see Figures 1 and 2 below).

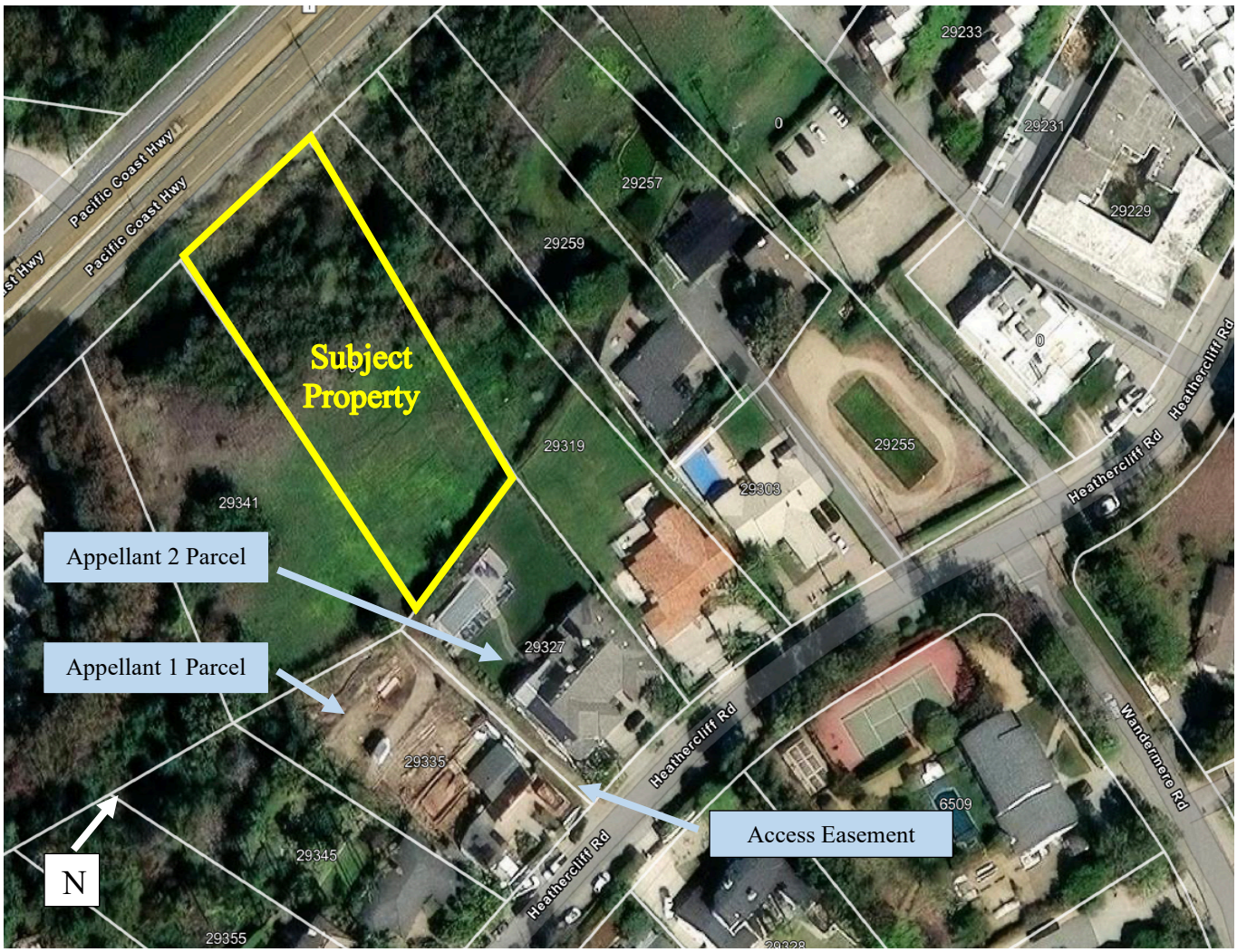
After the Planning Commission hearing, Mr. Adams and Mr. Roth each filed an appeal of the Planning Commission's decision to approve the project, Appeal No. 25-002 and Appeal No. 25-003, respectively (Appendices B and C). The applicant subsequently submitted responses to the appeals, which are attached as Appendices F and G.

[1] Pursuant to MMC Section 17.02.060, "Hillside residential development" means a residential development occurring on a parcel of land on the inland side of Pacific Coast highway on a proposed development area located on slopes over thirty percent and which will result in grading on slopes over 30 percent.

Project Overview

The subject property is vacant and residentially zoned in the Point Dume area that is bordered by Pacific Coast Highway (PCH) to the northwest and is within an established single-family residential neighborhood. Slopes on the property range from a ratio of 4 to 1 (25 percent slope) in the southeast portion of the property to steep slopes less than 2 to 1 (50 percent slope) near the PCH boundary. The proposed project site would be located on slopes flatter than 4 to 1, which is consistent with LIP Section 4.6.1(A) to protect Environmentally Sensitive Habitat Area (ESHA) within Point Dume. As shown on Figure 2, there are multiple easements recorded on the property for ingress, egress, and utility purposes to other properties in the vicinity, including an easement on adjacent parcels (those of the appellants') providing access to the property from Heathercliff Road, and an access easement on the parcel to the south of the subject property that borders PCH. Direct access from PCH is not possible due to physical constraints; as a result, access to the property is via an access easement over Appellant 2's property, which is also adjacent to Appellant 1's property.

Figure 1 – Project Area Aerial Map



Source: City of Malibu GIS 2025

As approved by the Planning Commission, the scope of work is as follows:

1. Construction of:
   a. 4,050 square-foot, 18 foot-tall, two-story, single-family residence, an attached 320 square-foot roof overhang, and an attached 390-square-foot garage;
   b. 6,405 square feet of impermeable surface coverage;
   c. Retaining walls not to exceed six feet in height;
   d. Swimming pool and associated pool equipment;
   e. Patios, decks and paving for vehicle and pedestrian access and a fire department turnaround area;
   f. Trellis over deck;
   g. Installation of an OWTS of 3,634 gallons; and
   h. Installation of 5,662 square feet of landscaping.
2. Non-exempt grading of 675 cubic yards.

The project plans are included as Exhibit 2, Items (C)(d)(2), (C)(c), and (D) of Appendix E.

APPEALS TO THE CITY COUNCIL

Mr. Roth (Appellant 1) and Mr. Adams's representative (Appellant 2) provided written and oral testimony during the public hearing before the Planning Commission. In the appeals, the appellants contend that the findings are not supported by the evidence and that the decision is not supported by the findings. The appellants also state that the project violates LCP policies and provisions.

The specific arguments are summarized below in italics. The full text of the appeal documents can be found in Appendices B and C. A response by the Planning Division is provided following each of the appellants' arguments, with Appeal No. 24-002 being described first, followed by Appeal No. 24-003.

Appeal No. 25-002 (Roth) (Appellant 1)

Appeal Item 1. The project does not meet the location requirement of the LCP as it is not proposed on the applicant's property. The appellant states that the Adams (Appellant 2) have adverse possession of their entire parcel, including the area in the easement in favor of the applicant, or at least a prescriptive or irrevocable easement, since the Adams have paid taxes on the parcel and have developed and used the area within the easement. The appellant further states that the applicant must prove ownership of the land, and that court action needed to clear title needs to proceed to conclusion before approval of a disputed CDP easement right.

Staff Response

LIP Section 13.6.2(A)(C) states:

> Where the applicant for a Coastal Development Permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the City shall not require the holder or owner of any superior interest in the property to join as a co-applicant. All holders or owners of any other interest of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.

The applicant submitted recorded Grant Deeds demonstrating an easement for ingress and egress and utility purposes through the neighboring parcels owned by each that runs from Heathercliff Road to the subject property (Easement A in Figure 2). There is another ingress, egress, and utility easement that runs along the rear property lines of the

neighboring parcels owned by each appellant (Easement B in Figure 2). There is also a fire truck turnaround easement for use by the subject property on the vacant parcel immediately south of the subject property and that borders PCH (Easement C in Figure 2).

Figure 2 – Easements



Source: City of Malibu GIS 2025

Legend
A – Area in red is Easement A.
B – Area in blue is Easement B.
C – Area in yellow in Easement C.

The proposed Los Angeles County Fire Department (LACFD) fire truck hammerhead and fire truck turnaround areas, as well as the access driveway to the project site from Heathercliff Road, are within a portion of these easements. Further information on the easements, including diagrams, is in Correspondence Received After Posting of the February 18, 2025, Agenda Report (Letter from Schmitz & Associates, representing the applicant, dated February 14, 2024, and letter from JMBM, representing the applicant, dated February 13, 2025), which is Exhibit 6 of Appendix E.

The Grant Deeds do not specify if grading and paving are permitted to provide ingress/egress; however ingress/egress easements generally include the right to construct reasonable improvements to needed to allow ingress and egress. A compliant fire department turnaround is necessary pursuant to Fire Department life and safety access requirements if a habitable structure is to be constructed on this parcel.

The applicant and his representatives have coordinated with both appellants regarding the easements. The Adams property, including a pool and pool equipment, would not be affected by the proposed development or improvements. However, a portion of the fence on the Adams property would need to be relocated, with vegetation in that area trimmed or removed. Figure 3 below shows the area on the Adams' property in the easement where the fence would be moved (rectangle-shaped area to the right of the truck). The full diagram is included as Exhibits 4 and 5 of Appendix E.

Figure 3 – Proposed Fence Area in Easement to Be Moved



Source: Applicant Submittal, 2025

The applicant has provided substantial evidence of the right (by way of the Grant Deeds and recorded easements) to use the easement areas to construct the LACFD hammerhead and turnaround area, and a driveway to the project site from Heathercliff Road. The appellant's claims are not that the rights were never granted—but rather that they have expired or been terminated through adverse possession. Such claims need to be adjudicated through the courts. The approval of a CDP indicates that the Council has made the required findings in the LIP and MMC. It is not determinative of adverse possession claims. Should a court determine that the easements no longer exist, the

Applicant will need to propose a new project or amend the current CDP (if the Council affirms the PC decision).

In addition, pursuant to LIP Section 13.6.2(C), the Planning Division provided written notice to the three adjacent property owners where there are easements and invited the owners to join as co-applicants on the subject CDP. The City did not receive any requests to join as co-applicants on the subject application. The LIP requirement for a co-applicant has been met, and the applicant has rights to utilize the shared access easement.

Appeal Item 2. The project does not meet fire code requirements. The appellant claims the project cannot meet current Fire Code requirements, and the fire access plan is not officially approved. The appellant further claims that, given recent fires, the Fire Department has stated that it will not be lenient with Code requirements. The appellant notes that the lack of access to the lot, given that a fire truck will not use the access driveway, is a risk to the entire community.

Staff Response

The LACFD provided an official conceptual approval and stamped the applicant's fire access plan for the project on November 17, 2020. The Planning Division spoke with supervising LACFD staff on October 10, 2024, and confirmed the conceptual approval for fire access was still valid for the project.

On October 24, 2024, the applicant's civil engineer made minor adjustments to the retaining wall, stairway, and landing at the southeast corner of the proposed structure near the fire truck hammerhead to improve fire access. On December 19, 2024, the applicant obtained an updated conceptual approval from the LACFD of the revised fire access plan with no changes to the originally approved access plan required by the LACFD (Exhibit 2(D) of Appendix E). The revised plan was officially stamped approved by the LACFD. As is standard practice, the final plan review by the LACFD will occur once final project plans are prepared and submitted to the LACFD during the Building Safety plan check phase.

Appeal Item 3. The project is not the least environmentally damaging alternative. The appellant states that the project is not the least environmentally damaging alternative because the site is within an ESHA buffer. The appellant notes that a biologist for the California Native Plant Society inspected the property and found several species of native plants, including oak, evergreen cherry, laurel sumac, and coyote brush. The appellant claims that the site is native animal habitat, and the proposed development is not set back by 100 feet from the ESHA.

Staff Response

The subject property and project site are not within an Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer, and there are no project alternatives that would be less

environmentally damaging than what is proposed. The nearest mapped ESHA is approximately 1,180 feet away and is associated with Zuma Creek. Exhibit 2(I) of Appendix E is a memorandum from the City Biologist providing an independent review of the biological resources on the property and project site following a site visit on December 31, 2024. The City Biologist found that the subject property and project site do not contain ESHA. The area where the proposed development would occur is comprised of non-native and ornamental vegetation, while areas further downslope from the project site on the subject property contain native vegetation. The plants that compose the native vegetation are not considered ESHA by the City Biologist. There are no native protected trees on the subject property, and no coast live oaks. A stand of holly leaf cherry and laurel sumac are located immediately adjacent to, but not on, the subject property.

Lastly, as the project is not located on slopes steeper than 4:1, it is compliant with the ESHA protections for Point Dume listed in LIP 4.6.1(A). The proposed single-family residence is 18 feet maximum in height, consistent with LIP Chapter 3.6.

Appeal Item 4. The project does not meet the threshold of development on slopes less than 4 to 1. The appellant states that the project does not meet the threshold to build on a slope less than 4 to 1 in Point Dume. The appellant indicates that the applicant completed illegal grading to lower the upper grade of the property without any excavation permit. The appellant further claims that the applicant removed approximately one to two feet from the top of the slope at both the neighbors' fence lines, and completed grading on the section of driveway owned by the adjacent neighbors, risking breaking the law to reduce the grade and get as close to the 10 percent required for the fire lane access and attempt to make the lot 4 to 1 when it was always 3 to 1 for decades. The appellant notes that Section 4.6.1(A) of the LIP states, "However, in the Point Dume area, new development shall be designed to avoid encroachment on slopes of 25 percent or steeper." The appellant contends that areas of the easement are still greater than a 4 to 1 slope.

Staff Response

Members of the public informed the City in late September/early October 2024 that illegal grading had occurred on the subject property to lower the grade of the property. After review of the complaint, City Code Enforcement found the applicant did not conduct illegal grading. In September 2024, the applicant conducted vegetation clearance for fuel modification purposes for neighboring structures as required by the LACFD. City staff visited the site on October 7, 2024, and confirmed that no grading had occurred.

The color-coded slope exhibit provides detailed information on the slopes onsite (Exhibit 2(C)(c) of Appendix E) and shows that the subject property mostly contains slopes of less than a 4 to 1 ratio, followed by slopes of a ratio between 4 to 1 and 2 to 1, and lastly a smaller area of slopes greater than 2 to 1. While portions of the property are steeper than a 4 to 1 slope, the project site, including all graded areas, would occur on slopes less than

4 to 1 (less than a 25 percent slope), consistent with the LIP provisions for the Point Dume area.

Appeal Item 5. The project violates ridgeline standards. The appellant claims that the proposed development is on a ridgeline that is visible from PCH. The appellant indicates that other homes behind this property are barely visible and have no scenic impacts, however this is the only home in the area that will be fully seen from the scenic PCH and built on the ridgeline. Therefore, the appellant claims that a variance is required. The appellant further indicates that new development shall be sited and designed to prohibit construction of structures on a primary and secondary ridgeline, and any structures shall be located a minimum of 300 feet measured from the top of a primary ridgeline. The appellant notes that City LCP Interpretation 16 states, "Parcels in the neighborhoods that are considered largely developed or built out will not be subject to ridgeline standards, unless development of the project site could result in potentially significant impacts on visual resources."

Staff Response

LIP Chapter 2 defines a primary ridgeline as a hill, ridge or promontory that 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 five hundred feet behind it when viewed from a public street and contains an average slope of at least 3 to 1. In addition, LIP Chapter 6 provides development standards and descriptions on how scenic resources are applied to development on ridgelines and hillsides.

The City's Planning Division has published an interpretation of the LCP requirements for establishing ridgeline development subject to LIP Chapter 6 regulations, referred to as LIP Interpretation No. 16 (Exhibit 2(C)(d)(5) of Appendix E). This interpretation discusses the differences in ridgeline standards provided in LIP Chapters 2 and 6 and specifically addresses the implementation of the LIP's protection standards for primary and secondary ridgelines. The City Council concurred with LIP Interpretation No. 16 on October 24, 2005. In accordance with the Interpretation, the Planning Division analyzed if the ridgeline standards would apply to the proposed project.

The photosimulation of the proposed project (Exhibit 2(C)(d)(4) of Appendix E) shows the residential development located at the top of the hill in a largely built out area near existing residences along Heathercliff Road. The subject property and the parcel just south of the subject parcel (also along PCH) are the only undeveloped parcels in the neighborhood which is made up of a total 23 parcels within a 500-foot radius of the subject property. According to LCP Land Use Plan (LUP) Policy 6.4, ridgeline development standards are not applied to largely developed or built out areas. LIP Interpretation No. 16 notes that if at least 65 percent of the parcels within a neighborhood are developed, an area is considered largely developed or built out for ridgeline standards purposes. Approximately

91 percent of the area parcels are developed or built out (Attachment 6 of Appendix E, Letter from Schmitz & Associates, representing the applicant, dated February 14, 2025).

Additionally, the project would not result in significant adverse impacts to scenic resources. The development is located on the furthest portion of the property from PCH, which is an LCP-designated scenic road. The development would be located upslope of scrub vegetation on the lower portion of the property adjacent to PCH. The residential structure is expected to only be minimally visible from the Zuma Ridge Trail located across PCH and upslope from the subject site. Additionally, the residence is designed to be stepped into the hillside and not taller than 18 feet in height. Additionally, the conditions of approval include colors and materials to ensure the development blends with the natural environment (City Council Resolution, Appendix A and Planning Commission Resolution, Appendix D).

Appeal Item 6. No basis exists for the front yard setback modification. The appellant states that the slope above 4 to 1 is not a valid reason for a setback reduction. The appellant claims the modification is contrary to law for the following reasons: (1) the applicant proposes to build on a neighbor's property and not his own; (2) the applicant completed illegal grading to try to reduce the slope of the lot to above 4 to 1; (3) the applicant proposes to build on a ridgeline which cannot be done if it is the only home viewable from PCH; (4) the applicant proposes to build without a protective buffer from ESHA; (5) the proposed project does not pass the Fire Code for road ingress and egress; and (6) areas of the proposed project still affect existing 4 to 1 slopes on Point Dume.

Staff Response

LIP Section 3.6(F)(5) states:

> Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources.

LIP Section 4.6.1(A) states:

> A. Stream/Riparian
>
> New development shall provide a buffer of no less than 100 feet in width from the outer edge of the canopy of riparian vegetation. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream.
>
> However, in the Point Dume area, new development shall be designed to avoid encroachment on slopes of 25 percent grade or steeper.

LUP Policy 3.35 states:

Development in the Point Dume area shall be designed to avoid encroachment on slopes of 25 percent grade or steeper.

The LIP considers steep slopes (25 percent or more, or 4 to 1) as ESHA in the Point Dume area, regardless of whether there is a stream or physical ESHA located on or offsite.

The MM requested by the applicant is for a reduction of the required front yard setback. The required minimum front yard setback for the property is 59.4 feet, while the proposed setback is 29.6 feet (a reduction of 49.8 percent). LIP Section 13.27.2(B)(1) allows a MM for a reduction in the required front yard setback of no more than 50 percent.

The applicant proposes to locate the residence on the flattest part of the property to avoid areas with slopes steeper than 4 to 1, which are located toward PCH. Shifting the building closer to the front property line and away from PCH avoids development on slopes steeper than 4 to 1. It also locates the building closer to other residences along Heathercliff Road and is consistent with the existing pattern of development in the neighborhood. The residential structure and associated development meet the LIP's total development square feet (TDSF) allowance. The property is located in an area that is developed with one- and two-story single-family residences located close to the front property lines. The MM will enable the project to avoid the sensitive resource of slopes steeper than 4 to 1 in the Point Dume area, consistent with LUP Policy 3.35 and LIP Section 4.6.1(A). LIP Section 13.27.5(B) lists the required findings for a MM, which the Planning Commission made on March 17, 2025 (Appendix D). These are also included in the draft City Council resolution (Appendix A).

Appeal No. 25-003 (Adams) (Appellant 2)

Appeal Item 1. This item is related to an unresolved property line dispute and encroachment issues. The appellant claims that the project improperly includes development on disputed property without the property owner's consent, in violation of LIP Section 13.6.2(A). This Section states, "…applicants must prove that they own the property which is the subject of the application or provide the City with written consent from the owner for the proposed development..." Section 13.6.2(C) states that where the applicant is not the fee owner, the applicant is to "demonstrate a legal right, interest, or other entitlement to use the property for the proposed development."

The appellant states that the proposed Fire Department turnaround area encroaches onto the northwestern corner of the Adams property, where ownership and easement rights are actively contested. While the applicant submitted a Grant Deed purporting to include easement rights on the Adams property, the appellant notes that the Adams have filed suit contending that any such rights to the portion of the easement on the Adams' side of the existing fence have been extinguished pursuant to California's adverse possession laws. The appellant states that the Adams have not provided consent for this encroachment, and the alleged easement rights are actively contested in pending litigation.

Staff Response

Refer to the response to *Appeal Item 1* (AP No. 25-002 (Roth)), above, which addresses the unresolved property line dispute and encroachment issues.

Appeal Item 2. Improper findings were made for a minor modification of the front yard setback. The appellant states that the Planning Commission's approval of a 49.8 percent reduction in the required front yard setback (from 59.4 feet to 29.6 feet) is based on legally and factually erroneous findings. The appellant states that the Planning Commission improperly characterized slopes steeper than 4 to 1 as "sensitive resources" requiring protection under LIP Section 3.6(F)(5) and contends that neither the LIP nor the LUP defines steep slopes as "sensitive resources" in the absence of ESHA or other protected habitat. The appellant states that the Planning Commission misapplied LUP Policy 3.35 and LIP Section 4.6.1(A), which only apply to stream habitat protection. Planning Commission Resolution No. 25-03 acknowledges that no, "stream or riparian habitats are located on or adjacent to the site," making these provisions entirely inapplicable. Without proper justification, the appellant states that the Planning Commission cannot legally make the findings for the Minor Modification under LIP Section 13.27.5(B) and, in particular, that the project is consistent with the LCP.

Staff Response

Refer to the response to *Appeal Item 6* (AP No. 25-002 (Roth)), above, which addresses the minor modification for the front yard setback, including related issues of slope, sensitive resources, and ESHA.

Appeal Item 3. Improper findings were made regarding LCP consistency. The appellant contends that the Planning Commission's findings required under the LCP are legally and factually erroneous. The appellant states that Section 3.A.1 of Planning Commission Resolution No. 25-03 finds that, the proposed project, as conditioned, conforms to the LCP, but that this finding is legally flawed given the unresolved property rights dispute and the mischaracterization of slopes as "sensitive resources." The appellant states that Section 3.B.1 finds that the reduced front yard setback will avoid development on slopes 4 to 1 and steeper, which are considered sensitive resources, but that this finding lacks any legal or factual basis since steep slopes in isolation do not constitute "sensitive resources" under the LCP. The appellant states that Section 3.B.3 finds that the project will comply with all applicable requirements of state and local law, but that this finding is legally improper in light of the unresolved property dispute currently in litigation. Lastly, the appellant states that Section 3.A.2 finds that the project has been determined to be the least environmentally damaging feasible alternative, but that this finding lacks substantial evidence given the project's reliance on an improper setback reduction and encroachment onto disputed property.

Staff Response

Refer to the response to *Appeal Item 1* (AP No. 25-003 (Adams)) regarding the pending lawsuit by the neighbor and the applicant's legal right to use the easements on the properties as evidenced in the recorded Grant Deeds. Refer to the response to *Appeal Item 2* (AP No. 25-003 (Adams)) regarding consideration of steep slopes as sensitive resources.

The full discussion of the least environmentally damaging feasible alternative to the project was provided in the LIP Findings section of the March 17, 2025, Planning Commission agenda report (Appendix E). Shifting the project closer to PCH (to comply with the required minimum front yard setback) would require development to be sited on 4 to 1 and steeper slopes and potentially within native scrub habitat on the steeper slopes, an area protected within LIP Chapter 4 for protection of ESHA within Point Dume. Additionally, disturbance, potentially exceeding the City's residential grading limits. The MM is requested to site the residence closer to the front property line near existing residences, away from steep slopes, and further away from PCH, an LCP designated scenic road, reducing the potential for public view impacts resulting from the project. Easement disputes and potential litigation may result in the applicant being unable to construct the project—but unless and until a court determines that the underlying grant deeds and easements have been terminated they remain substantial evidence of the right to their use. The applicant and the City have met the requirements of LIP Section 13.6.2(A)(C) for providing documentation as to the right to use the easements and to the right of co-applicant, to which neither appellant responded. No other feasible alternatives would be less environmentally damaging than the proposed project, as the project completely avoids ESHA and significant scenic impacts.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in the CEQA, the Planning Division and Planning Commission had analyzed the proposed project. The Planning Division and 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 and categorically exempt from the provisions of CEQA according to CEQA Guidelines Section 15303(a) and (e) – New Construction. The Planning Division and Planning Commission further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2). Staff recommends that the Council make these same findings if the Project is approved.

Should the City Council choose to uphold the appeal(s) and deny the project, pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproves.

PUBLIC CORRESPONDENCE: Previous correspondence submitted during the Planning Commission hearings is attached as Appendix H. The Planning Division has not received any additional correspondence on this project or the appeal.

PUBLIC NOTICE: On April 16, 2026, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and a public notice was mailed to the owners and occupants of all properties within a radius of 500 feet of the subject property (Appendix I).

SUMMARY: Based on information in this report, provided with the agenda reports presented to the Planning Commission, project plans, and other documents, the City Council shall either adopt the attached resolution denying the appeals and approving the project or direct the Planning Division to return with a resolution consistent with the City Council's decision.

APPENDICES:

A. Resolution No. 26-18
B. Appeal No. 25-002
C. Appeal No. 25-003
D. Adopted Planning Commission Resolution No. 25-03
E. March 17, 2025 Planning Commission Agenda Report
    1. Draft Planning Commission Resolution No. 25-03
    2. February 18, 2025 Planning Commission Agenda Report
        A. Draft Planning Commission Resolution No. 25-03
        B. Applicant's Request for Continuance dated November 18, 2024
        C. November 18, 2024, Agenda Report
            a. Draft Planning Commission Resolution No. 24-64
            b. Applicant's Request for Continuance
            c. Revised Project Plans and Summary of Changes
            d. October 7, 2024, Agenda Report
                1. Planning Commission Resolution No. 24-64
                2. Project Plans
                3. Department Review Sheets
                4. Photosimulation of Project
                5. LCP Interpretation No. 16
                6. Story Pole Photos
                7. Public Hearing Notice
                8. Public Correspondence
            e. Public Correspondence
        D. Revised Fire Access Plan approved by LACFD (dated 12-19-24)
        E. Public Comments
        F. Fuel Modification Plan
        G. Letter from applicant's geotechnical engineer (Leighton), dated 11-18-24
        H. Reissued City Geotechnical Review Sheet, dated 12-12-24
        I. Memorandum from the Contract City Biologist, dated 12-31-24
    3. Appendix of Easement Area on Topographic and Slope Map

4. Appendix of Easement Area Prior to Moving Fence on Aerial Photo
5. Appendix of Easement Area After Moving Fence on Aerial Photo
6. Correspondence received after the posting of the February 18, 2025 Agenda Report

F. Applicant's Response to Appeal No. 25-002
G. Applicant's Response to Appeal No. 25-003
H. Correspondence received after the posting of the March 17, 2025 Agenda Report
I. Notice of Public Hearing

RESOLUTION NO. 26-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DENYING APPEAL NOS. 25-002 AND 25-003, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 20-003 TO CONSTRUCT A NEW 4,050 SQUARE-FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 390 SQUARE-FOOT GARAGE, SWIMMING POOL, LANDSCAPING, HARDSCAPE, RETAINING WALLS, GRADING, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING MINOR MODIFICATION NO. 20-001 FOR NO MORE THAN A 50 PERCENT REDUCTION IN THE FRONT YARD SETBACK LOCATED IN THE RURAL RESIDENTIAL, ONE ACRE ZONING DISTRICT AT 29329 HEATHERCLIFF ROAD (ACS INTERNATIONAL, LLC)

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

SECTION 1. Recitals.

A. On January 9, 2020, an application for Coastal Development Permit (CDP) No. 20-003 to construct a new single-family residence and associated development was submitted to the Planning Division by ACS International, LLC. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for review.

B. On September 29, 2022, a Notice of Coastal Development Permit (CDP) Application was posted on the subject property.

C. On December 14, 2023, the application was deemed complete for processing.

D. On March 15, 2024, the Planning Division determined the application qualified to be processed administratively pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13.1.

E. On May 24, 2024, the Planning Director approved Administrative Coastal Development Permit (ACDP) No. 20-003, inclusive of Minor Modification (MM) No. 20-001. After considering public comments received by the Planning Director on the ACDP and prior to reporting the item to Planning Commission, the applicant requested that the application be processed as a regular CDP.

F. On September 26, 2024, 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.

G. On October 7, 2024, the Planning Commission continued the project item to the November 18, 2024, Planning Commission meeting date.

H. On October 24, 2024, the applicant submitted revised project plans and related application materials to the Planning Division.

I. On November 18, 2024, the Planning Commission continued the project item to the January 23, 2025, Planning Commission meeting date.

J. On December 19, 2024, the applicant submitted a revised fire access plan conceptually approved by LACFD with a date stamp of December 19, 2024.

K. On January 23, 2025, the Planning Commission continued the item to the February 3, 2025, Planning Commission meeting date due to the Palisades Fire.

L. On February 3, 2025, the Planning Commission continued the item to the February 18, 2025, Planning Commission meeting date at staff's request.

M. On February 18, 2025, the Planning Commission continued the item, at the applicant's request, to the March 17, 2025, Planning Commission meeting date.

N. On March 17, 2025, 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, and adopted Planning Commission Resolution No. 25-03 approving the project entitlements.

O. On March 26, 2025, Larry Roth filed an appeal of the Planning Commission's action (Appeal No. 25-002).

P. On March 26, 2025, Brian Adams filed an appeal of the Planning Commission's action (Appeal No. 25-003).

Q. On April 16, 2026, a Notice of City Council 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 radius of 500 feet from the subject property and all interested parties.

R. On May 20, 2026, the City Council held a duly noticed public hearing on the subject appeal, reviewed and considered the agenda report, reviewed and considered written reports including the agenda report for the March 17, 2025, Planning Commission meeting, 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 City Council has analyzed the proposed project. The City Council has found that the project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Section 15303(a) and (e) – New Construction or Conversion of Small Structures. The City Council 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. Appeal of Action.

The appellants contend that the Planning Commission's findings for approval of the project are not supported by the evidence, and the Planning Commission's decision is not supported by the findings. Specifically, the appellants contend that the proposed project is inconsistent with the City's LCP policies and provisions; the applicant does not have the necessary rights in the easements on the two adjacent neighbors' parcels because the easements have expired or been terminated through adverse possession; the project does not meet Fire Code requirements; the project is not the least environmentally damaging alternative; the project would occur in slopes steeper than a 4 to 1 ratio; no basis exists for the front yard setback modification; and the project violates ridgeline standards.

Based on the evidence in the record, as detailed below, in the May 20, 2026, City Council agenda report, in the Planning Commission agenda reports dated October 7, 2024, November 18, 2024, February 3, 2025, February 18, 2925, and March 17, 2025, and at the hearing on the matter, the City Council has determined that the project conforms to the LCP and Malibu Municipal Code (MMC), denying the appeals, and approving the project. The Council finds that the evidence supports the findings and is consistent with the City's past application of the applicable provisions of the LIP.

1. The applicant submitted recorded Grant Deeds demonstrating easements for ingress and egress on both the Roth (Appellant 1) and Adams (Appellant 2) parcels. The proposed Los Angeles County Fire Department (LACFD) fire truck hammerhead and fire truck turnaround areas, as well as the access driveway to the project site from Heathercliff Road, are within a portion of easements in the recorded Grant Deeds for the subject property. The easements are, "for ingress, egress and utility purposes." The easements are within four assessor parcel numbers (APNs): the subject property, the vacant parcel immediately south of the subject property (bordering PCH), and the two sites with residences fronting Heathercliff Road on each side of the access driveway (the Roth and Adams parcels).

The Grant Deeds do not specify if grading and paving are permitted to provide ingress/egress; however; ingress/egress easements generally include the right to construct reasonable improvements needed to allow ingress and egress. A compliant Fire Department turnaround is necessary pursuant to Fire Department life and safety access requirements if a habitable structure is to be constructed on this parcel.

The applicant has provided substantial evidence of the right by way of Grant Deeds and recorded easements to use the easement areas to construct the hammerhead, turnaround area, and driveway to Heathercliff Road in the locations proposed, as required by the LIP.

2. It is the City's policy to consider steep slopes (25 percent or more, or 4:1) as sensitive resources in the Point Dume area, regardless of whether there is a stream or Environmentally Sensitive Habitat Area (ESHA). The Minor Modification (MM) requested by the applicant is for a reduction of the required front yard setback. The required minimum front yard setback for this site is 59.4 feet, while the proposed setback is 29.6 feet (a reduction of 49.8 percent). Section 13.27.2(B)(1) of the LIP allows a Minor Modification for a reduction in the required front yard setback of no more than 50 percent. The applicant proposes to locate the

residence on the flattest part of the site to avoid areas with slopes 4 to 1 and steeper further toward the PCH. Shifting the building closer to the front property line and away from PCH avoids development on slopes steeper than 4 to 1. It also locates the building closer to other residences along Heathercliff Road and is consistent with the existing pattern of development in the neighborhood. The residential structure and associated development meet the LIP's total development square feet (TDSF) allowance. The residences in the surrounding neighborhood are one- and two-story structures located close to the front property lines. The MM will enable the project to avoid the sensitive resource of slopes steeper than 4 to 1 in the Point Dume area, which is consistent with LIP Section 4.6.1(A) and LUP Policy 3.35 to protect EHSA within Point Dume.

3. There are no project alternatives that would be less environmentally damaging than what is proposed. The subject property and project site are not within Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer. As the project is not located on slopes steeper than 4:1, it is compliant with the ESHA protections for Point Dume listed in LIP 4.6.1(A). Shifting the project closer to PCH to comply with the required minimum front yard setback would result in impacts to 4 to 1 slopes and potentially to native scrub habitat on the steeper slopes, although the habitat is not considered ESHA. Development in the steep slopes area would likely result in more grading and earthwork, potentially exceeding the City's grading limits. The MM is requested to site the residence closer to the front property line near existing residences, away from steep slopes, and further away from PCH, a scenic road, thereby reducing the potential for view impacts from the project. The proposed single-family residence is 18 feet maximum in height, consistent with LIP Chapter 3.6. No discretionary request is being applied for height above 18 feet. No other feasible alternatives would be less environmentally damaging than the proposed project, as the site can only be accessed via the shared easements and the project completely avoids ESHA and significant scenic impacts.

4. The LACFD conceptually approved and stamped the project's fire access plan on November 17, 2020. City staff spoke with supervising LACFD staff on October 10, 2024, and confirmed the conceptual approval for fire access is still valid. On October 24, 2024, the applicant's civil engineer made minor adjustments to the retaining wall, stairway, and landing at the southeast corner of the proposed structure near the fire truck hammerhead to improve fire access. On December 19, 2024, the applicant obtained an updated conceptual approval from the LACFD of the revised fire access plan with no changes to the originally approved access plan required by the LACFD. The plan is officially stamped approved by the Fire Department. Final plan review by the LACFD will occur once final project plans are prepared and submitted to the LACFD during the Building Safety plan check phase, as is standard practice.

5. In September 2024, the applicant conducted vegetation clearance on the subject property for fuel modification purposes for neighborhood structures, as required by the LACFD. City Code Enforcement visited the site on October 7, 2024, and confirmed that no grading had occurred.

6. The color-coded slope exhibit submitted as part of the project application materials provides detailed information on the slopes on-site. While portions of the subject site are steeper than a 4 to 1 slope, the development, including grading, would occur on slopes less than 4 to 1 (25 percent slope), consistent with the LIP provisions for the Point Dume area.

7. LIP Chapter 2 defines a primary ridgeline as 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 five hundred feet behind it when viewed from a public street and contains an average slope of at least 3 to 1. In addition, LIP Chapter 6 provides development standards and descriptions on how scenic resources are applied. Local Implementation Plan Interpretation No. 16 discusses the inconsistent ridgeline standard provided in LIP Chapters 2 and 6 as it relates to how to implement the protection of primary and secondary ridgelines. The City Council concurred with Interpretation No. 16 on October 24, 2005. In accordance with the interpretation, staff analyzed if the ridgeline standards would apply to the proposed project.

The project would not result in significant adverse impacts to scenic resources, given the location of the development on the portion of the site furthest from PCH, a scenic road, buffered by the scrub vegetation on the lower portion of the site, as well as the design of the residence stepped into the hillside, and conditions of approval for colors and materials to blend with the natural environment. Section 6.3 of the LIP provides that ridgeline standards do not apply if the project would not result in potentially significant adverse impacts to scenic resources.

The residential development is located at the top of the hill in a largely built out area near existing residences along Heathercliff Road. According to LUP Section 6.4, ridgeline development standards are not applied to largely developed or built out areas. LIP Interpretation No. 16 notes that if at least 65 percent of the parcels within a neighborhood are developed, an area is considered largely developed or built out for ridgeline standards. Approximately 91 percent of the area parcels within a 500-foot radius of the subject site are developed or built out. Therefore, the project site is not subject to ridgeline standards because it is in a largely developed area and it would not result in significant adverse impacts to scenic resources.

SECTION 4. Coastal Development Permit Findings.

Based on substantial evidence contained within the record (including the analysis, findings of fact, and conclusions set forth by staff in the May 20, 2026, Council Agenda Report and Planning Commission Agenda Reports dated October 7, 2024, November 18, 2024, February 3, 2025, February 18, 2925, and March 17, 2025, as well as the testimony and materials considered by the Planning Commission and City Council), and pursuant to LIP Section 13.7(B), the City Council adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 20-003 and MM No. 20-001 for the construction of a new 4,050 square-foot, two-story, single-family residence, with an attached 390 square-foot garage, swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new OWTS, including a MM for no more than a 50 percent reduction in the front yard setback.

The City Council finds the project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards. The project, as conditioned and with inclusion of the MM, 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 in the RR-1 residential zoning district, an area designated for residential uses, including single-family residences. The project has been reviewed for conformance with the LCP by the Planning Division, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, WD29, and the LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards, including the size, height, and location requirements of the LCP, inclusive of the requested MM.

2. The project is not located between the first public road and the sea.

3. Evidence in the record, including alternatives analysis provided in the agenda report, demonstrates that as conditioned, the project meets the development policies of the LCP, does not result in adverse impacts on coastal resources and has been determined to be the least environmentally damaging feasible alternative. The project would avoid native scrub vegetation on the subject property downslope of the project site and steep slopes.

4. The subject property is not in or adjacent to ESHA. The subject property is not designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map, which has been verified through onsite investigation by the City's Biologist. The closest ESHA is approximately 1,180 feet away and is associated with Zuma Creek. Thus, review by the Environmental Review Board was not required.

B. Minor Modification Findings for Front Yard Setback (LIP Section 13.27)

1. The project proposes a 49.8 percent reduction in the required front yard setback, from the minimum required 59.4 feet to 29.6 feet. The reduced front yard setback will allow the development to avoid slopes 4 to 1 and steeper, considered to be sensitive resources pursuant to LIP Chapter 4. By siting the development in the easterly and flatter area of the property, the remainder of the property is retained as natural open space and provides a buffer between the residence and PCH, an LCP-designated scenic road. Natural vegetation on the westerly portion of the property is also retained. The residence would be sited near neighboring residences, continuing the development pattern of houses upslope of PCH and close to Heathercliff Road.

2. The project's height and bulk will not adversely affect neighborhood character. The proposed structure complies with the size, height, location, grading and residential development standards of the LCP, consistent with the RR-1 zoning designation, with the inclusion of the MM request. The project is compatible with other development in the adjacent area in that the neighborhood is characterized by one- and two-story residences with similar residence placement near or at the top of the hillside and take access from Heathercliff Road. Based on conformance with development standards, inclusive of the MM, the project is not expected to have an adverse effect on neighborhood character. This is further supported by conditions of approval for the project related to pavement, driveway, and wall materials and colors, characteristics of the proposed project site and building design, and the surrounding topography and existing development character.

3. The 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, including those of the City Biologist, City geotechnical consultant reviewers, City Public Works Department, City Environmental Health Administrator, WD29, and the LACFD. The project must also be approved by the WD29 and the City's Building Safety Division prior to issuance of City building permits.

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

1. The residential structure will not adversely affect views from PCH, an LCP designated scenic road. The project meets the required development standards of the MMC and LIP, including size, height and location, inclusive of the MM for front yard setback. The residential structure will be located on the flatter portion of the property, upslope from PCH, and adjacent to other residences along Heathercliff Road, leaving the southern portion of the property adjacent to PCH as open space with natural habitat and serving as a visual buffer from the development. The residential structure is expected to only be minimally visible from the Zuma Ridge Trail located across PCH and upslope from the project site. The residence will be stepped into the hillside. The project's retaining walls are not directly visible from PCH. Nonetheless, the project has been conditioned so that the final design of the retaining walls includes materials and colors to blend with the surrounding earth materials and landscaping. Standard conditions of approval have been included for and pavement colors and materials, and outdoor lighting. Therefore, the project, as proposed and conditioned, will not have significant adverse scenic or visual impacts upon scenic roads and public viewing areas.

2. The project, as designed and conditioned, will not adversely affect scenic and visual resources and no feasible alternatives will avoid or substantially lessen significant adverse impacts on scenic and visual resources. The residential structure will be sited on the flatter portion of the property furthest from PCH, leaving most of the property and natural scrub vegetation preserved as a buffer between the development and PCH. A condition of approval has been added to ensure retaining walls are treated to blend in with the surrounding natural environment. The project has also been conditioned to include limitations on exterior lighting and colors of exterior finishes used to prevent any visual impacts to scenic areas. Shifting the proposed structure westerly on the property and downhill toward PCH may reduce the obstruction of views from neighbors' properties, although it is not expected to completely remove the view obstruction. Moving the structure downslope would result in development on steep slopes (steeper than 4 to 1) that are considered sensitive resources in LIP Chapter 4. There is potential this alternate location may also require development in natural scrub vegetation, as well as place the structure nearer to PCH which is uncharacteristic of the pattern of development in the area that is closer to the top of the hill.

D. Hazards (LIP Chapter 9)

1. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Division, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, WD29, and the LACFD. These specialists determined that the project, with conditions, would not result in adverse geologic or flood impacts. The project is not located in a hazard zone, except that the site is within an extreme fire hazard area, and groundwater is not expected to be encountered during construction. Any special conditions from these departments regarding site stability must be met prior to issuance of a building permit; any special conditions from the City Building Safety Division and the LACFD regarding structural integrity must be met prior to issuance of a building permit. Therefore, no

feasible alternatives to the proposed development that would avoid or substantially lessen impacts on site stability or structural integrity are required nor available.

2. The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone. The property is currently subject to wildfire, however, development of a residence and associated development on the subject property will not increase the project site's susceptibility to wildfire. The proposed development may actually decrease the project site's susceptibility to wildfire through compliance with fuel modification requirements and the use of appropriate building materials which will be utilized during construction. The City is served by the LACFD, as well as the California Department of Forestry and Fire Protection, if needed. In the event of major fires, the County has "mutual aid agreements" with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Conditions of approval have been included to require compliance with all LACFD development standards. As such, the proposed project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wildfire hazards.

3. The project site is not in a liquefaction, landslide, or Alquist Priolo Earthquake Zone. Groundwater is not expected to be encountered during construction. The project plans and associated technical reports have been reviewed by City geotechnical consultant reviewers, the LACFD, the City Public Works Department, and the City Environmental Health Administrator. These specialists determined that the project, with conditions, would not result in adverse geologic or flood impacts. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area.

SECTION 5. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves CDP No. 20-003 and MM No. 20-001, subject to the conditions in Section 6.

SECTION 6. 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. Construction of:
        - 4,050 square-foot, 18 foot-tall, two-story, single-family residence, an attached 320 square-foot roof overhang, and an attached 390 square foot garage;
        - 6,405 square feet of impermeable surface coverage;
        - Retaining walls not to exceed six feet in height;

- Swimming pool and associated pool equipment;
- Patios, decks and paving for vehicle and pedestrian access and a fire department turnaround area;
- Trellis over deck;
- OWTS of 3,634 gallons; and
- 5,662 square feet of landscaping.

b. Non-exempt grading of 675 cubic yards.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition 2 and depicted on plans on-file with the Planning Division dated October 24, 2024, with a fire access plan conceptually approved by the LACFD and date stamped December 19, 2024. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

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

5. The applicant shall digitally submit a complete set of plans to the Planning Division for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

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

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

8. All development shall conform to requirements of the City Building Safety Division, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, WD29, and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.

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

10. 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.

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

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 Community Development Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.

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

Lighting

14. No outdoor lighting is approved as part of this project. A lighting plan shall be submitted for City approval prior to Building Safety plan check, consistent with City standards, and the following: Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:

    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
    b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
    d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
    e. Site perimeter lighting shall be prohibited; and
    f. Outdoor decorative lighting for aesthetic purposes is prohibited.

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

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

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

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

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

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

Fencing and Walls

21. The height of 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.

22. All necessary boundary fencing that encloses more than one-half acre of the parcel shall be open/permeable and non-view obscuring. An open split-rail design with a wooden rail at the top (instead of wire), that is less than 40-inches high with a space greater than 14-inches between the ground and the bottom post or wire that blends with the natural environment is preferred.

Construction/Framing

23. Prior to the commencement of work, the applicant shall submit a copy of the Construction Management Plan to the Planning Division. The Construction Management Plan shall include a dedicated parking location for construction workers and storage of construction material, not within the public right of way. Prior to permit issuance, the Construction Management Plan must be acceptable to the Community Development Director, and, if applicable, to the Building Official and Public Works Director.

24. A construction staging plan shall be reviewed and approved by the Community Development Director prior to plan check submittal.

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. 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.

27. 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 stormwater 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.

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

29. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

Colors and Materials

30. The project is visible from a scenic road, 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 Community Development 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.

31. 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 Community Development Director and clearly indicated on all grading, improvement and/or building plans.

Fuel Modification

32. Prior to the issuance of final building permits, the project shall receive LACFD approval of a Final Fuel Modification Plan.

Site Specific Conditions

33. The project shall comply with all requirements and conditions of the LACFD.

Biology/Landscaping

34. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

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

36. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Community Development Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 17.53). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.

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

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

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

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

41. No development is permitted on slopes steeper than 4 to 1.

42. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from WD29.

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

44. Vegetation in excess of six feet in height shall not obstruct the primary view of existing residences located within a 1,000-foot radius at any given time (given consideration of its future growth).

45. Plantings required for fuel modification, except for within irrigated Zone A nearest to approved residential structures, must be native, drought-tolerant species and shall blend with the existing natural vegetation and natural habitats on the site.

46. Grading shall be scheduled only during the dry season from April 1 – October 31. 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.

47. The landscape and fuel modification plan has been conditioned to protect natural resources in accordance with the LCP. All areas shall be planted and maintained as described in the landscape and fuel modification plan. Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.

48. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, with native plant species, to the satisfaction of the Community Development Director.

49. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet between large woody (≥10-foot canopy) shrubs is recommended by the LACFD. Lawns are prohibited on slopes > 5 percent.

50. Slope planting measures such as contour planting and terracing or other techniques shall be incorporated on slopes to interrupt the flow and rate of surface runoff in order to prevent surface soil erosion.

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

52. 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. Up-lighting is prohibited.

53. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 feet from the eave/overhang of

a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.

Public Works – Grading and Drainage

54. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

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

56. 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.

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

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

59. The non-exempt grading for the project shall not exceed a total of 675 cubic yards, cut and fill.

60. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

Public Works – Storm Water

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

Erosion Controls Scheduling	Erosion Controls Scheduling Preservation of Existing Vegetation
Sediment Controls	Silt Fence Sand Bag Barrier Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices Dewatering Operations
Waste Management	Material Delivery and Storage Stockpile Management Spill Prevention and Control Solid Waste Management Concrete Waste Management Sanitary/Septic Waste Management

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.

62. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
    a. Site Design Best Management Practices (BMPs):
    b. Source Control BMPs;

c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;
d. Drainage improvements;
e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
g. Measures to treat and infiltrate runoff from impervious areas;
h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measure installed during construction prior to the issuance of grading or building permits; and
i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior the Public Works Department's approval of the grading and drainage plan and/or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Office of the Los Angeles County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.

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

64. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
    a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
    b. Prohibits the discharge of trash.
    c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).

d. Elimination of non-storm water discharges.

Geology

65. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical consultant reviewers 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 consultant reviewers prior to the issuance of a grading permit.

66. Final plans approved by the City geotechnical consultant reviewers 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 CD.

Swimming Pool/Spa/Water Feature

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

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

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

70. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides, 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)

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

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

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

Environmental Health/OWTS

74. OWTS on Architectural and Grading Plans: The final Architectural Site Plan (Sheet A-0.1) and Grading Plans must show the OWTS, including the treatment tank(s), present/future seepage pits, and all lines of connection to the residence.

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

76. Final OWTS Design Report, Plans, and System Specifications: A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the proposed OWTS.

77. All plans and reports must be signed by a City registered OWTS Designer, and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's signature, professional registration number, and stamp (if applicable).

78. The final OWTS design submittal shall contain the following information (in addition to the items listed above).
    a. The model and capacity of the treatment tank(s) must be discussed in the final OWTS report and clearly shown on the final OWTS plans.
    b. Confirm cap depth for seepage pit at LBA-5 on OWTS plan.
    c. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.
    d. Sewage and effluent pump design calculations (as applicable).
    e. 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.
    f. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and

basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics.

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

79. 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. The final floor plans must show all bedrooms and drainage fixtures in the proposed residence.

80. Proof of Ownership: Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

81. Operations and Maintenance Manual: An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

82. Maintenance Contract: A maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed onsite wastewater disposal system after construction shall be submitted. Note only original "wet signature" documents are acceptable.
83. Advanced OWTS Covenant: Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving the subject property is an advanced method of sewage disposal pursuant to the City of Environmental Health Administrator. The applicant shall submit a certified copy issued by the City of Malibu Recorder.

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

85. City of Malibu Public Works Approval: City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

86. City of Malibu Geologist/Geotechnical Approval: City of Malibu consulting geotechnical reviewers' final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

87. City of Malibu Planning Approval: City of Malibu Planning Division final approval of the OWTS plan shall be obtained.

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

89. Operating Permit Application and Fee: In accordance with the MMC, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System 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.

Water Quality/Water Service

90. 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 Division indicating the ability of the property to receive adequate water service.

91. Prior to final inspection (or project sign-off, as applicable) by the Planning Division, the applicant shall demonstrate that all requirements of WD29 have been met, including installation of a meter, if applicable.

92. A USC approved backflow device is required for this property and is to be installed and maintained by the property owner.

Deed Restrictions

93. 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 Division prior to final Planning approval.

94. Prior to final Planning Division approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition No. 15. The property owner shall provide a copy of the recorded document to the Planning Division prior to final Planning approval.

95. The garage area shall be limited to accessory use as defined by the City of Malibu LCP. Other than a future accessory dwelling unit (ADU) use compliant with State law, the garage area cannot be converted into habitable space at any time in the future. Prior to issuance of building permits, the application is required to execute and record a deed restriction to this effect.

Prior to Occupancy

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

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

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

99. The applicant shall request a final Planning Division inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Division has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Community Development 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.

100. 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

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

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

SECTION 7. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 20th day of May 2026.

BRUCE SILVERSTEIN, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

TREVOR RUSIN, Interim City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

RECEIVED
MAR 26 2025
PLANNING DEPT.

PLANNING DEPARTMENT
COASTAL DEVELOPMENT PERMIT
NOTICE OF APPEAL CHECKLIST

Actions Subject to Local Appeal: Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals), a decision or any portion of the decision of the Planning Director may be appealed to the Planning Commission by an aggrieved person, and any decision of the Planning Commission may be appealed to the City Council by an aggrieved person.

Deadline and Fees: Pursuant to LIP Section 13.20.1, an appeal shall be filed with the City Clerk within 10 days following the date of action for which the appeal is made, as indicated in the decision. If the tenth day falls on a weekend or a City-recognized holiday, the deadline shall extend to the close of business at City Hall on the first business day (whether whole or partial) following the weekend or a City-recognized holiday. Appeals shall be accompanied by the filing fee of $750 as specified by the City Council.

To perfect an appeal, the form must be completed, together with all the necessary attachments, and must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23825 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Development and Operations Manager, at (310) 456-2489, extension 245.

Part I. Project Information

1. What is the file number of the Coastal Development Permit you are appealing?
   CDP 20-003 & CDP 20-001 29329 HEATHERCLIFF RD 25-03
2. On what date was the decision made which you are appealing?
   MARCH 17, 2025
3. Who made the decision you are appealing?

   ☐ Planning Director ☒ Planning Commission

4. What is the address of the project site at issue?
   29329 HEATHERCLIFF RD MALIBU, CA 90265

Part II. Appeal Summary

1. Indicate your interest in the decision by checking the appropriate box.

   ☐ I am the Applicant for the project

   ☒ I am the neighbor

   ☐ Other (describe)

2. If you are not the applicant, please indicant the applicant's name:
   PLAYERS GROUP LLC, ACS INTERNATIONAL LLC, ALAN HAJJAR

3. Indicate the nature of your appeal.

   a) Are you appealing the ☒ approval or ☐ the denial of the application or ☐ a condition of approval?

   b) Each approval is accompanied by a list of specific conditions. If you are appealing one or more of the conditions of approval, list the condition number and state the grounds for your appeal. (Attach extra sheets if necessary.)

   SEE ATTACHED

4. Check the appropriate box(es) to indicate which of the following reasons forms the basis of your appeal:

   ☒ The findings or conditions are not supported by the evidence, or the decision is not supported by the findings: or

   ☒ There was a lack of fair or impartial hearing: or

   ☒ The decision was contrary to law.

   You must next provide a specific statement in support of each of the bases for appeal that you have checked above. Appeals that are stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)

   SEE ATTACHED

Each coastal development permitting decision made by the Planning Director or the Planning Commission is accompanied by written findings. The written findings set forth the basis for the decision. If you have checked the first box in this section as a ground for your appeal, you must indicate the specific finding(s) you disagree with and give specific reasons why you believe the finding(s) is/are not supported by the evidence or why the decision is not supported by the findings. Appeals stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)

ATTACHED

Part III. Appeal Checklist

ALL of the following must be timely filed to perfect an appeal.

1. [X] Completed Appeal Checklist (This form with appellant's signature)

2. [X] Appeal Fee $750

   The appeal fee must be submitted in the form of a check or money order made payable to the City of Malibu. Cash will not be accepted.

3. [X] Mailing Labels and Radius Maps for Public Notice to Property Owners and Occupants

Public Notice of an appeal must conform to the manner in which the original notice was given. The notice radius for appealable CDPs and non-appealable CDPs that do not require a public hearing is 100 feet for property owners and residents. The notice radius for non-appealable CDPs that require a public hearing is 300 feet for property owners and 100 feet for residents.

The mailing labels and radius map **must be certified** by the preparer (a form is available at the public counter): certification may not be more than six months prior to the date of submittal; the radius map must be provided on an 8½" x 11" paper; the mailing labels must be printed on 8½" x 11" paper, 3 columns, 10 rows (e.g. Avery 5160).

Part IV. Signature and Appellant Information

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or otherwise deficient, the appeal is ineffective and the filing fee may be returned. IN ORDER TO PERFECT AN APPEAL, ALL APPEAL SUBMITTALS MUST BE COMPLETE BY THE DEADLINE. NO EXTENSIONS WILL BE ALLOWED FOR APPELLANTS WHO ONLY PARTIALLY COMPLY WITH THESE REQUIREMENTS AS OF THE DEADLINE. IF AN APPEAL IS NOT PERFECTED BY THE DEADLINE, THE DECISION BECOMES FINAL.

LARRY ROTH
PRINT APPELLANT'S NAME

[redacted]
TELEPHONE NUMBER

APPELLANT'S SIGNATURE

MARCH 27, 2025
DATE

Appellant's mailing address: [redacted] MALIBU, CA

Appellant's email address: [redacted]

INTERESTED PARTY - [redacted]

OFFICE USE ONLY

Action Appealed: Approval of CDP 20-003

Appeal Period: 3/18/25 - 3/27/25

Date Appeal Form and required documents submitted: 3/26/25 Received by: Gail Duncan

Appeal Completion Date: 3/26/25 by: Gail Duncan, Administrative Assistant
(Name, Title)

The findings cannot be made because A: it cannot meet the LOCATION requirement of the LCP. It is not even being proposed on the applicant's PROPERTY.
There is a current lawsuit filed by the adjacent neighbor disputing the property easement that is required by the applicant to build that has failed to be settled multiple times, yet the applicant has threatened to build on it anyway without any right or entitlements. The Adams next door have owned the property for over 5 years (actually almost 25 years) and paid property taxes on the entire lot all this time so therefore, have at the very least adverse possession of the entire lot. They even had a pool approved by the City only a few years ago within the area that the applicant is trying to claim. At the very least the Adams have a PRESCRIPTIVE or IRREVOCABLE EASEMENT of this property that was always on their deed and USED by the Adams for decades. Even the aerial view on p 144 of the staff report here shows the proper boundaries of the proposed build lots and the adjacent lots. The City has no authority to grant entitlements for development on property which the applicant neither owns nor has rights to use. The California Land Title Association says it clearly here - irrevocable easements in a public right of way may be created by long-term public use (adverse possession). The time period in California is only 5 years.

The city simply cannot consider land that it has found proper to grant a building permit to one party and then only a few years later ignore the finding and grant a permit for another party to develop the same property.

The applicant is required by standard Condition 80 (p 18 of resolution No. 25-03) to prove ownership of the land not just claim the ownership. The city has set precedent in the past (2016 Breitmen CDP application on Seaboard Rd.) that court action needed to clear title needs to proceed to conclusion before approval of a disputed CDP easement right.

The Roth family at 29335 Heathercliff had a somewhat similar dispute with the applicant that was settled in 2022. In 2019 the Roths sent a letter to the city informing that there was a legal dispute over the easement and the project should not proceed until that matter was resolved. At the time the city and the applicant acknowledged the letter and accepted the conditions stopping work until the matter was resolved and the Roth's submitted a letter stating the dispute was settled to the city in September 2022. The Adam's dispute is different than the Roths, it's more complicated. In the Roth's case, the applicant and the Roth's had the same Title Company. In the Adam's case, the title companies are different, and the matter is still unsettled.

B. It cannot meet the current fire code requirements, and the fire access plans are not OFFICIALLY approved and in the wake of the most disastrous wildfire in US history, the fire department has stated that they will not be lenient with code requirements. The lack of access to the lot where a fire truck will NEVER come down to fight the fires back there is a risk to the ENTIRE community.

C. It is NOT the least environmentally damaging alternative because the site for the new construction is within an ESHA buffer zone. Julie Clark, a renowned biologist for the local National Plant Society, inspected the property escorted by the neighbors, and found several species of native plants that had been recently bulldozed up to the edge of the build

site. Protected Native Plants and trees discovered are oak, Evergreen Cherry, Laurel sumac, and coyote brush. It is a native animal habitat. The house and the walls are not setback by 100 ft from ESHA.

D. It does not meet the threshold to build on a slope less than 4:1 in Point Dume. The applicant completed illegal grading to lower the upper grade of the property without any excavation permit. They removed approximately 1-2 feet from the top of the slope at both the neighbors' fence lines. They also completed grading on the section of the driveway owned by the adjacent neighbors, risking breaking the law to reduce the grade and get as close to the 10% required for the fire lane access and to attempt to make the lot 4:1 when it was always 3:1 for decades. Section 4.6.1(A) of the LIP states, "However, in the Point Dume area, new development shall be designed to avoid encroachment on slopes of 25 percent grade or steeper." Illegal grading aside, there are areas of the easement that are STILL greater than 4:1 slope, this can be proven with existing surveys that the applicant does not have. They will be provided in the appeal.

E. The project violates the Ridgeline standards. This proposed build IS on a ridgeline that is EXTREMELY viewable from PCH. The other homes behind this property are barely visible therefore have no scenic impacts however, this is the **only** home in the area that will be seen fully from the scenic PCH and built ON the ridgeline, therefore, another variance is required. The other homes in the neighborhood have been there long before cityhood. This cannot be ignored. This proposed project is the ONLY one that is subject to new rules. New development shall be sited and designed to prohibit construction of structures on a primary or secondary ridgeline. Any structures shall be located a minimum of 300 feet measured from the top of a primary ridgeline. This would be the CLOSEST home to the ridgeline. LCP Interpretation 16 states, *"Parcels in neighborhoods that are considered largely developed or built out will not be subject to ridgeline standards,* ***unless development of the project site could result in potentially significant impacts on visual resources."*** *P 67 of Planning Interpretations and Policies, City of Malibu Planning Department*

F. No Basis Exists for the Front Yard Setback Modification. The slope above 4:1 is not a valid reason for a 50% setback reduction. All the other homes in the area are ALONG Heathercliff Rd and have proper access to fire trucks, exit to PCH, etc. and there before cityhood created these setback rules and cannot be compared to these two lone junk lots in a high fire hazard zone behind these homes.

The decision is contrary to law because the applicant has: 1. Proposed to build on the neighbors' property and not his own. 2. completed illegal grading in order to try to reduce the slope of the lot to above 4:1 3. Proposed to build on a ridgeline which he cannot do if he is the ONLY home viewable from PCH. 4. Proposed a build without a protective buffer from the ESHA. 5. Doesn't pass the fire code for road egress and ingress. 6. Areas of the proposed project still affect existing 4:1 slopes on Point Dume.

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

PLANNING DEPARTMENT
COASTAL DEVELOPMENT PERMIT
NOTICE OF APPEAL CHECKLIST

Actions Subject to Local Appeal: Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals), a decision or any portion of the decision of the Planning Director may be appealed to the Planning Commission by an aggrieved person, and any decision of the Planning Commission may be appealed to the City Council by an aggrieved person.

Deadline and Fees: Pursuant to LIP Section 13.20.1, an appeal shall be filed with the City Clerk within 10 days following the date of action for which the appeal is made, as indicated in the decision. If the tenth day falls on a weekend or a City-recognized holiday, the deadline shall extend to the close of business at City Hall on the first business day (whether whole or partial) following the weekend or a City-recognized holiday. Appeals shall be accompanied by the filing fee of $750 as specified by the City Council.

To perfect an appeal, the form must be completed, together with all the necessary attachments, and must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23825 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Development and Operations Manager, at (310) 456-2489, extension 245.

Part I. Project Information

1. What is the file number of the Coastal Development Permit you are appealing?
   CDP 20-003; Minor Modification 20-001

2. On what date was the decision made which you are appealing?
   March 17, 2025

3. Who made the decision you are appealing?

   ☐ Planning Director ☒ Planning Commission

4. What is the address of the project site at issue?
   29329 Heathercliff Road (APN 4468-011-011)

RECEIVED
MAR 26 2025
BY:_____

Part II. Appeal Summary

1. Indicate your interest in the decision by checking the appropriate box.

   ☐ I am the Applicant for the project

   ☒ I am the neighbor

   ☐ Other (describe)

2. If you are not the applicant, please indicant the applicant's name:
   ACS International, LLC

3. Indicate the nature of your appeal.

   a) Are you appealing the ☒ approval or ☐ the denial of the application or ☐ a condition of approval?

   b) Each approval is accompanied by a list of specific conditions. If you are appealing one or more of the conditions of approval, list the condition number and state the grounds for your appeal. (Attach extra sheets if necessary.)

4. Check the appropriate box(es) to indicate which of the following reasons forms the basis of your appeal:

   ☒ The findings or conditions are not supported by the evidence, or the decision is not supported by the findings: or

   ☐ There was a lack of fair or impartial hearing: or

   ☒ The decision was contrary to law.

   You must next provide a specific statement in support of each of the bases for appeal that you have checked above. Appeals that are stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)

   See Attachment A.

Each coastal development permitting decision made by the Planning Director or the Planning Commission is accompanied by written findings. The written findings set forth the basis for the decision. If you have checked the first box in this section as a ground for your appeal, you must indicate the specific finding(s) you disagree with and give specific reasons why you believe the finding(s) is/are not supported by the evidence or why the decision is not supported by the findings. Appeals stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)

See Attachment A.

Part III. Appeal Checklist

ALL of the following must be timely filed to perfect an appeal.

1. ☒ Completed Appeal Checklist (This form with appellant's signature)

2. ☒ Appeal Fee $750

   The appeal fee must be submitted in the form of a check or money order made payable to the City of Malibu. Cash will not be accepted.

3. ☒ Mailing Labels and Radius Maps for Public Notice to Property Owners and Occupants

   Public Notice of an appeal must conform to the manner in which the original notice was given. The notice radius for appealable CDPs and non-appealable CDPs that do not require a public hearing is 100 feet for property owners and residents. The notice radius for non-appealable CDPs that require a public hearing is 300 feet for property owners and 100 feet for residents.

   The mailing labels and radius map **must be certified** by the preparer (a form is available at the public counter): certification may not be more than six months prior to the date of submittal; the radius map must be provided on an 8½" x 11" paper; the mailing labels must be printed on 8½" x 11" paper, 3 columns, 10 rows (e.g. Avery 5160).

Part IV. Signature and Appellant Information

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or otherwise deficient, the appeal is ineffective and the filing fee may be returned. IN ORDER TO PERFECT AN APPEAL, ALL APPEAL SUBMITTALS MUST BE COMPLETE BY THE DEADLINE. NO EXTENSIONS WILL BE ALLOWED FOR APPELLANTS WHO ONLY PARTIALLY COMPLY WITH THESE REQUIREMENTS AS OF THE DEADLINE. IF AN APPEAL IS NOT PERFECTED BY THE DEADLINE, THE DECISION BECOMES FINAL.

Brian Adams
PRINT APPELLANT'S NAME

[redacted]
TELEPHONE NUMBER

APPELLANT'S SIGNATURE

3/25/25
DATE

Appellant's mailing address: [redacted] Malibu, CA 90265

Appellant's email address: [redacted]

OFFICE USE ONLY

Action Appealed: Approval of CDP No 20-003

Appeal Period: March 18 - March 27, 2025

Date Appeal Form and required documents submitted: March 26, 2025 Received by: Carole Mystrom

Appeal Completion Date: 3/26/25 by: Gail Duncan, Administrative Assistant
(Name, Title)

ATTACHMENT A
TO COASTAL DEVELOPMENT PERMIT APPEAL SUBMITTAL

I. PROJECT INFORMATION

On March 17, 2025, the City of Malibu (the "City") Planning Commission adopted Resolution No. 25-03, approving Coastal Development Permit No. 20-003 and Minor Modification No. 20-001 for property located at 29329 Heathercliff Road (the "**Property**") (approvals collectively referred to as "**Project Approvals**").

The Project Approvals authorize the construction of a new 4,050 square-foot, split-level, 18-foot tall. two-story single-family residence with an attached 390 square-foot garage, a swimming pool. landscaping, hardscape, retaining walls, grading, and installation of a new wastewater treatment system at the Property, including Minor Modification No. 20-001 for up to a 50 percent reduction of the front yard setback" located in the Rural Residential One Acre (RR-1) zoning district (the "**Project**"). Because the Project constitutes a completely new development, it must conform to the policies and standards of the City's Local Coastal Program ("**LCP**"), which consist of a Land Use Plan ("**LUP**") and a Local Implementation Plan ("**LIP**"). However, the Project violates the LCP as detailed below.

II. APPEAL SUMMARY

Despite various revisions, the Project continues to be inconsistent with and, in some instances, directly contradicts various LCP policies and provisions, including those related to property ownership requirements, sensitive resource designations, and required findings.

The Project Approvals improperly include development on the neighboring property located at 29327 Heathercliff Road (the "**Adams Property**") for which the applicant has not demonstrated clear legal rights, mischaracterize steep slopes as "sensitive resources" under the LCP to justify a significant front yard setback reduction, and fail to make findings supported by substantial evidence.

III. BASIS FOR APPEAL

The Project fails to conform to several provisions of the Malibu LCP, as detailed below.

A. Unresolved Property Line Dispute and Encroachment Issues

The Project improperly includes development on disputed property without the property owner's consent, in violation of LIP § 13.6.2. Specifically:

1. The fire department turnaround area encroaches onto the northwestern corner of the Adams' Property where ownership and easement rights are actively contested.

2. While the applicant submitted a grant deed purporting to include easement rights on the Adams Property, the Adams have filed suit contending that any such rights to the portion

of the easement on the Adams' side of the existing fence have been extinguished pursuant to California's adverse possession laws.

3. LIP § 13.6.2(A) explicitly requires that "applicants must prove that they own the property which is the subject of the application or provide the City with written consent from the owner." Where the applicant is not the fee owner, LIP § 13.6.2(C) requires the applicant to "demonstrate a legal right, interest, or other entitlement to use the property for the proposed development."

4. The Adams have not provided consent for this encroachment, and the alleged easement rights are actively contested in pending litigation.

5. Recent case law confirms the City cannot simply ignore or avoid third party legal claims that would render it impossible for City decisionmakers to make the required findings or that would otherwise result in an unlawful entitlement:

    a) In *Cave Landing, LLC v. California Coastal Com.* (2023) 94 Cal.App.5th 654 ("*Cave Landing*") reh'g denied (Sept. 5, 2023), review denied (Nov. 15, 2023), the Court of Appeal made clear that easement agreements, and even potential prescriptive rights, can serve as an appropriate basis for denying a land use application. In *Cave Landing*, the Court of Appeal upheld the Coastal Commission's denial of a permit that would have allowed property owners to move an easement for a hiking trail to another parcel. The Court of Appeal relied in part on the Commission's determination that the public "very likely" acquired a prescriptive right to use the existing trail. (*Id.* at 660.) Having analyzed the easement grant at issue, the Court of Appeal also determined that "[t]he express words of the easement grant limit the movement of the Trail to the McCarthy parcel." (*Id.*) Accordingly, "[t]he [Appellants] have no right to move the easement from their parcel or to interfere with the public use of the Trail on their land." (*Id.*) As such, the Commission correctly denied the permit. (*Id.*)

    b) In *JCCrandall, LLC v. County of Santa Barbara (2025) 328 Cal.Rptr.3d 828, 830, review denied and ordered not to be officially published* (Mar. 19, 2025), the court of appeal found that the County improperly granted a CUP (and could not make the findings for a CUP) where the sole means of access was over an easement, and where the easement agreement precluded the use contemplated by the CUP.

B. <u>Improper Findings for Minor Modification of Front Yard Setback</u>

The Planning Commission's approval of a 49.8% reduction in the required front yard setback (from 59.4 feet to 29.6 feet) is based on legally and factually erroneous findings:

1. The Commission improperly characterized slopes steeper than 4:1 as "sensitive resources" requiring protection under LIP § 3.6(F)(5).

2. Neither the LIP nor the LUP defines steep slopes as "sensitive resources" in the absence of ESHA or other protected habitat.

3. The Commission misapplied LUP Policy 3.35 and LIP § 4.6.1(A), which only apply to stream habitat protection. Resolution No. 25-03 itself acknowledges that "no streams or riparian habitats are located on or adjacent to the site" (p. 9), making these provisions entirely inapplicable.

4. Without proper justification, the Planning Commission cannot legally make the findings for the Minor Modification under LIP § 13.27.5(B), particularly that the project is consistent with the LCP.

C. Improper Findings Regarding LCP Consistency

The Planning Commission's findings required under the LCP are legally and factually erroneous, particularly:

1. Section 3.A.1 of Resolution No. 25-03 finds that "the proposed project, as conditioned, conforms to the LCP," but this finding is legally flawed given the unresolved property rights dispute and the mischaracterization of slopes as "sensitive resources."

2. Section 3.B.1 of Resolution No. 25-03 finds that "the reduced front yard setback will avoid development on slopes 4 to 1 and steeper, considered sensitive resources," but this finding lacks any legal or factual basis since steep slopes in isolation do not constitute "sensitive resources" under the LCP.

3. Section 3.B.3 of Resolution No. 25-03 finds that "the project will comply with all applicable requirements of State and local law," but this finding is legally improper in light of the unresolved property dispute currently in litigation.

4. Section 3.A.2 of Resolution No. 25-03 finds that the project "has been determined to be the least environmentally damaging feasible alternative," but this finding lacks substantial evidence given the project's reliance on an improper setback reduction and encroachment onto disputed property.

IV. CONCLUSION

As detailed above, the Project, as approved by the Planning Commission, violates numerous LCP policies and provisions. The findings are clearly unsupported by evidence, and the City Council should deny the Project as proposed or, at minimum, continue the matter until the property dispute is resolved and the project is redesigned to comply with all applicable LCP standards.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 25-03

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. 20-003 TO CONSTRUCT A NEW 4,050 SQUARE-FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 390 SQUARE-FOOT GARAGE, SWIMMING POOL, LANDSCAPING, HARDSCAPE, RETAINING WALLS, GRADING, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING MINOR MODIFICATION NO. 20-001 FOR UP TO A 50 PERCENT REDUCTION IN THE FRONT YARD SETBACK, LOCATED IN THE RURAL RESIDENTIAL-ONE ACRE ZONING DISTRICT AT 29329 HEATHERCLIFF ROAD (ACS INTERNATIONAL, LLC)

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

SECTION 1. Recitals.

A. On January 9, 2020, an application for Coastal Development Permit (CDP) No. 20-003 to allow for a new single-family residence and associated development was submitted to the Planning Department by ACS International, LLC. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for review.

B. On September 29, 2022, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On December 14, 2023, the application was deemed complete for processing.

D. On March 15, 2024, Planning Department staff determined the application qualified to be processed administratively pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13.1.

E. On May 24, 2024, the Planning Director approved Administrative Coastal Development Permit (ACDP) No. 20-003, inclusive of Minor Modification (MM) No. 20-001. After considering public comments received by the Planning Director on the ACDP and prior to reporting the item to Planning Commission, the applicant requested that the application be processed as a regular CDP.

F. On September 26, 2024, 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.

G. On October 7, 2024, the Planning Commission continued the project item to the November 18, 2024, Planning Commission meeting date.

H. On October 24, 2024, the applicant submitted revised project plans and related application materials to the Planning Department.

I. On November 18, 2024, the Planning Commission continued the project item to the January 23, 2025, Planning Commission meeting date.

J. On December 19, 2024, the applicant submitted a revised fire access plan conceptually approved by the County Fire Department with a date stamp of December 19, 2024.

K. On January 23, 2025, the Planning Commission continued the item to the February 3, 2025, Planning Commission meeting date due to the Palisades Fire.

L. On February 3, 2025, the Planning Commission continued the item to the February 18, 2025, Planning Commission meeting date at staff's request.

M. On February 18, 2025, the Planning Commission continued the item to the March 17, 2025, Planning Commission meeting date at the applicant's request.

N. On March 17, 2025, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

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

SECTION 3. Coastal Development Permit Findings.

Based on evidence contained within the record and pursuant to the LCP LIP, including Sections 13.7(B) and 13.9, the Planning Commission adopts the findings of fact, and approves CDP No. 20-003 for construction of a new 4,050 square-foot, split-level, 18-foot tall, two-story single-family residence with an attached 390 square-foot garage, a swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system

(OWTS), including MM No. 20-001 for up to a 50 percent reduction of the front yard setback, located in the Rural Residential–One Acre (RR-1) zoning district at 29329 Heathercliff Road.

The project, as conditioned, is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. With the inclusion of the proposed MM, the project 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 located in the RR-1 residential zoning district, an area designated for residential uses, including single-family residences. 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, WD29, and the LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards, including the size, height, and location requirements of the LCP, inclusive of the requested MM.

2. Evidence in the record, including detailed alternatives analysis provided in the agenda report, demonstrates that as conditioned, the project meets the development policies of the LCP, does not result in adverse impacts on coastal resources and has been determined to be the least environmentally damaging feasible alternative.

B. Minor Modification Findings for Front Yard Setback (LIP Section 13.27)

1. The project proposes a 49.8 percent reduction in the required front yard setback, from the minimum required 59.4 feet to 29.6 feet. The reduced front yard setback will avoid development on slopes 4 to 1 and steeper, considered sensitive resources. By siting the development in the easterly and flatter area of the property, the remainder of the site is retained as natural open space and provides a buffer from the residence to the Pacific Coast Highway (PCH), a scenic road. Natural vegetation on the westerly portion of the site is also retained. The residence would be sited near neighboring residences, continuing the development pattern of houses upslope of PCH and close to Heathercliff Road.

2. The project's height and bulk will not adversely affect neighborhood character. The proposed structure complies with the size, height, location, grading and residential development standards of the LCP and Malibu Municipal Code (MMC), consistent with the RR-1 zoning designation, with the inclusion of the MM request. The project is compatible with other development in the adjacent area in that the neighborhood is characterized by one- and two-story residences with similar residence placement near or at the top of the hillside and orientation parallel to PCH. Based on conformance with development standards, inclusive of the MM, project conditions for building, driveway, wall materials and colors, the particular proposed site and building design characteristics, the surrounding topography, and surrounding existing development, the project is not expected to have an adverse effect on neighborhood character.

3. The 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, including those of the City Biologist, City geotechnical consultant reviewers, City Public Works Department, City Environmental Health Administrator, WD29 and the LACFD. The project must also be approved by the WD29 and the City of Malibu Building Safety/Environmental Sustainability Department prior to issuance of City building permits.

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

1. The residential structure will not adversely affect views from PCH, a scenic road. The project meets the required development standards of the MMC and LIP, including size, height and location, inclusive of the MM for front yard setback. The residential structure will be located on the flatter portion of the site, upslope from PCH, and adjacent to other residences along Heathercliff Road, leaving the southern portion of the site along the scenic road as open space with natural habitat and serving as a visual buffer from the development. The residential structure is expected to be only minimally visible from the Zuma Ridge Trail located across PCH and upslope from the project site. The residence will be stepped into the hillside. The project's retaining walls are not directly visible from PCH. Nonetheless, the project has been conditioned so that the final design of the retaining walls includes veneers, textures and colors to blend with the surrounding earth materials and landscaping. Standard conditions of approval have been included for building and pavement colors, materials, and lighting. Therefore, the project, as proposed and conditioned, will not have significant adverse scenic or visual impacts upon scenic roads and public viewing areas.

2. The project, as designed and conditioned, will not adversely affect scenic and visual resources and no feasible alternatives will avoid or substantially lessen significant adverse impacts on scenic and visual resources. The structures will be sited on the flatter portion of the site furthest from the PCH, leaving most of the site and natural scrub vegetation preserved as a buffer between the development and the PCH. A condition of approval has been added to ensure retaining walls are treated to blend in with the surrounding natural environment. The project has also been conditioned to include limitations on exterior lighting and colors of exterior finishes used to prevent any visual impacts to scenic areas. Shifting the proposed structure westerly on the site and downhill toward the PCH may reduce the obstruction of views from neighbors' properties, although it is not expected to completely remove the view obstruction. Moving the structure downslope would result in development of steep slopes (steeper than 4 to 1) that are considered sensitive resources and natural scrub vegetation, as well as place the structure nearer to PCH, which is uncharacteristic of the pattern of development in the area that is closer to the top of the hill.

D. Hazards (LIP Chapter 9)

1. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical review consultants, WD29, and the LACFD. These specialists determined that the project, with conditions, would not result in adverse geologic or

flood impacts. The project is not located in a hazard zone, except that the site is within an extreme fire hazard area, and groundwater is not expected to be encountered during construction. Any special conditions from these departments regarding site stability must be met prior to issuance of a building permit; any special conditions from the City Building Safety Department and the LACFD regarding structural integrity must be met prior to issuance of a building permit. Therefore, no feasible alternatives to the proposed development that would avoid or substantially lessen impacts on site stability or structural integrity are required nor available.

2. The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone. The property is currently subject to wildfire, however, development of a residence and associated development on the subject property will not increase the site's susceptibility to wildfire. The proposed development may actually decrease the site's susceptibility to wildfire through compliance with fuel modification requirements and the use of appropriate building materials which will be utilized during construction. The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has "mutual aid agreements" with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Conditions of approval have been included to require compliance with all LACFD development standards. As such, the proposed project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wildfire hazards.

3. The project site is not in a liquefaction, landslide or Alquist Priolo Earthquake Zone. Groundwater is not expected to be encountered during construction. The project plans and associated technical reports have been reviewed by City geotechnical review consultants, the LACFD, the City Public Works Department, and the City Environmental Health Administrator. These specialists determined that the project, with conditions, would not result in adverse geologic or flood impacts. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 20-003 and MM No. 20-001, 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. Construction of:
      - 4,050 square-foot, 18 foot-tall, two-story, single-family residence, an attached 320 square-foot roof overhang, and an attached 390 square foot garage;
      - 6,405 square feet of impermeable surface coverage;
      - Retaining walls not to exceed six feet in height;
      - Swimming pool and associated pool equipment;
      - Patios, decks and paving for vehicle and pedestrian access and a fire department turnaround area;
      - Trellis over deck;
      - OWTS; and
      - 5,662 square feet of landscaping

   b. Non-exempt grading of 675 cubic yards;

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition 2 and depicted on plans on file with the Planning Department dated October 24, 2024, with a fire access plan conceptually approved by the LACFD and date stamped December 19, 2024. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs 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 digitally submit a complete set 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. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

7. Any questions of intent or interpretation of any condition of approval will be resolved by the

Planning Director upon written request of such interpretation.

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

9. 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.

10. 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.

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

Cultural Resources

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

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

Lighting

14. No outdoor lighting is approved as part of this project. A lighting plan shall be submitted for City approval prior to Building Safety plan check, consistent with City standards, and the following: Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:

    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);

b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
e. Site perimeter lighting shall be prohibited; and
f. Outdoor decorative lighting for aesthetic purposes is prohibited.

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

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

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

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

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

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

Fencing and Walls

21. The height of 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.

22. All necessary boundary fencing that encloses more than one-half acre of the parcel shall be open/permeable and non-view obscuring. A split-rail design with a wooden rail at the top (instead of wire), that is less than 40-inches high with a space greater than 14-inches between the ground and the bottom post or wire that blends with the natural environment is preferred.

Construction/Framing

23. Prior to the commencement of work, the applicant shall submit a copy of the Construction Management Plan to the Planning Department. The Construction Management Plan shall include a dedicated parking location for construction workers and storage of construction material, not within the public right of way. Prior to permit issuance, the Construction Management Plan must be acceptable to the Planning Director, and, if applicable, to the Building Official and Public Works Director.

24. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.

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. 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.

27. 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 stormwater 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.

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

29. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

Colors and Materials

30. The project is visible from a scenic road, 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.

31. 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.

Fuel Modification

32. Prior to the issuance of final building permits, the project shall receive LACFD approval of a Final Fuel Modification Plan.

Site Specific Conditions

33. The project shall comply with all requirements and conditions of the LACFD.

Biology/Landscaping

34. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

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

36. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 17.53). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.

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

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

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

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

41. No development is permitted on slopes steeper than 4 to 1.

42. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.

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

44. Vegetation in excess of six feet in height shall not obstruct the primary view of existing residences located within a 1,000-foot radius at any given time (given consideration of its future growth).

45. Plantings required for fuel modification, except for within irrigated Zone A nearest to approved residential structures, must be native, drought-tolerant species and shall blend with the existing natural vegetation and natural habitats on the site.

46. Grading shall be scheduled only during the dry season from April 1 – October 31. 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.

47. The landscape and fuel modification plan has been conditioned to protect natural resources in accordance with the LCP. All areas shall be planted and maintained as described in the landscape and fuel modification plan. Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.

48. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, with native plant species, to the satisfaction of the Planning Director.

49. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet between large woody (≥10-foot canopy) shrubs is recommended by the LACFD. Lawns are prohibited on slopes > 5 percent.

50. Slope planting measures such as contour planting and terracing or other techniques shall be incorporated on slopes to interrupt the flow and rate of surface runoff in order to prevent surface soil erosion.

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

52. 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. Up-lighting is prohibited.

53. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 feet from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.

Public Works – Grading and Drainage

54. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

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

56. 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.

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

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

59. The non-exempt grading for the project shall not exceed a total of 675 cubic yards, cut and fill.

60. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

Public Works – Storm Water

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

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

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.

62. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
    a. Site Design Best Management Practices (BMPs):
    b. Source Control BMPs;
    c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;
    d. Drainage improvements;
    e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
    f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
    g. Measures to treat and infiltrate runoff from impervious areas;
    h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality

measure installed during construction prior to the issuance of grading or building permits; and

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

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

64. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
    a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
    b. Prohibits the discharge of trash.
    c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
    d. Elimination of non-storm water discharges.

Geology

65. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical consultant reviewers 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 consultant reviewers prior to the issuance of a grading permit.

66. Final plans approved by the City geotechnical consultant reviewers 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 CD.

Swimming Pool/Spa/Water Feature

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

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

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

70. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides, 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)

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

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

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

Environmental Health/OWTS

74. OWTS on Architectural and Grading Plans: The final Architectural Site Plan (Sheet A-0.1) and Grading Plans must show the OWTS, including the treatment tank(s), present/future seepage pits, and all lines of connection to the residence.

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

76. Final OWTS Design Report, Plans, and System Specifications: A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the proposed OWTS.

77. All plans and reports must be signed by a City registered OWTS Designer, and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's signature, professional registration number, and stamp (if applicable).

78. The final OWTS design submittal shall contain the following information (in addition to the items listed above).
    a. The model and capacity of the treatment tank(s) must be discussed in the final OWTS report and clearly shown on the final OWTS plans.
    b. Confirm cap depth for seepage pit at LBA-5 on OWTS plan.
    c. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.
    d. Sewage and effluent pump design calculations (as applicable).
    e. 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.
    f. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate

the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics.

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

79. 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. The final floor plans must show all bedrooms and drainage fixtures in the proposed residence.

80. Proof of Ownership: Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

81. Operations and Maintenance Manual: An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

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

83. Advanced OWTS Covenant: Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving the subject property is an advanced method of sewage disposal pursuant to the City of Environmental Health Administrator. The applicant shall submit a certified copy issued by the City of Malibu Recorder.

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

85. City of Malibu Public Works Approval: City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

86. City of Malibu Geologist/Geotechnical Approval: City of Malibu consulting geotechnical reviewers' final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

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

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

89. Operating Permit Application and Fee: In accordance with the MMC, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System 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.

Water Quality/Water Service

90. 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.

91. Prior to final inspection (or project sign-off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of Los Angeles County Waterworks District No. 29 have been met, including installation of a meter, if applicable.

92. A USC approved backflow device is required for this property and is to be installed and maintained by the property owner.

Deed Restrictions

93. 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.

94. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition No. 15. The

property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

95. The garage area shall be limited to accessory use as defined by the City of Malibu LCP. The garage area cannot be converted into habitable space at any time in the future. Prior to issuance of building permits, the application is required to execute and record a deed restriction to this effect.

Prior to Occupancy

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

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

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

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

100. 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

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

102. 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 March 2025.

SKYLAR PEAK, Planning Commission Chair

ATTEST:

REBECCA EVANS, 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. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 25-03 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 17th day of March 2025 by the following vote:

AYES:	2	Commissioners: Peak and Riddick
NOES:	1	Commissioner: Mazza
ABSTAIN:	0	
ABSENT:	1	Commissioner: Leonard

REBECCA EVANS, Recording Secretary

Atta5

Commission Agenda Report

Planning Commission Meeting
03-17-25
Item 4.A.

To: Chair Hill and Members of the Planning Commission

Prepared by: Allison Cook, AICP, Contract Planner

Reviewed by: Raneika Brooks, AICP, Principal Planner

Approved by: Maureen Tamuri, AIA, AICP, Interim Planning Director

Date prepared: March 6, 2025 Meeting date: March 17, 2025

Subject: Coastal Development Permit No. 20-003 and Minor Modification No. 20-001 – An application for a new two-story single-family residence and associated development (Continued from February 18, 2025)

Location: 29329 Heathercliff Road, not within the appealable coastal zone
APN: 4468-011-011
Owner: ACS International, LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 25-03 (Exhibit 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 20-003 to construct a new 4,050 square-foot, two-story, split-level single-family residence of 18 feet tall, with an attached 390 square-foot garage, a swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system (OWTS), including Minor Modification (MM) No. 20-001 for up to a 50 percent reduction in the front yard setback, located in the Rural Residential, One-Acre (RR-1) Zoning District at 29329 Heathercliff Road (ACS International, LLC)

DISCUSSION: The subject item was originally scheduled for the October 7, 2024, Planning Commission meeting. Prior to the meeting, the applicant submitted a written request for the item to be continued to provide additional time to respond to public comments. At its October 7, 2024, meeting, the Planning Commission continued the item to November 18, 2024 prior to opening the public hearing. Prior to the November 18, 2024, meeting, the applicant submitted a written request for the item to be continued to provide more time to respond to additional public comments received the day of the meeting and because the applicant could not be in attendance. On November 18, 2024, the Planning

Commission continued the item to January 23, 2025 prior to opening the public hearing. On January 15, 2025, the January 23, 2025, meeting was adjourned and continued to February 3, 2025 due to the Palisades Fire. At the February 3, 2025, meeting, the Planning Commission continued the Item to the February 18, 2025 Regular Planning Commission meeting prior to opening the public hearing at the request of staff. On February 18, 2025, the applicant's representative requested that the item be continued to the March 17, 2025, Regular Planning Commission meeting to provide time to discuss easement issues with a neighbor. At the February 18, 2025 meeting, the Planning Commission continued the item to the March 17, 2025 Regular Planning Commission meeting prior to opening the public hearing.

This agenda report provides an addendum to the February 18, 2025, Planning Commission agenda report (Exhibit 2), and addresses easement information provided to the neighbor and changes to the project conditions of approval requested by the applicant.

Easement Areas on Neighboring Property

Written public comments on the proposed project include concerns from the neighbor at 29327 Heathercliff Road regarding use of easements on that property. A discussion of these easements and the applicant's rights to them for ingress/egress purposes, has been provided in the February 18, 2025, November 18, 2024, and October 7, 2024, agenda staff reports (Exhibit 2). Since the Commission meeting on February 18, 2025, the applicant and his representatives have provided additional information and exhibits to the neighbor to further clarify the portion of the fence and vegetation to be removed/trimmed, noting that the neighbor's pool and pool equipment would not be affected. The exhibits, which are provided as Exhibits 3, 4, and 5, depict the location of the easements, fencing, and pool/pool equipment, and show the proposed relocation of the fence. No changes to the project are proposed.

Conditions of Approval

After the applicant team reviewed the February 18, 2025 Planning Commission agenda report, the team requested specific project conditions of approval be removed, citing the conditions do not apply to the project site. The original conditions are listed in the draft resolution attached to the February 18, 2025 , agenda report. Resolution No. 25-03 reflects the changes described below.

Staff recommends that former Condition No. 52 be deleted. It reads, "Construction fencing shall be placed within five feet of the limits of grading. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas." This condition was not specifically required by the City Biologist nor the City Public Works Department, and since the site does not contain an environmentally sensitive habitat (ESHA), staff does not believe it is required.

Original Conditions Nos. 46 and 57 both address grading during the rainy season between November 1 – March 31, but are inconsistent because the latter is specific to properties with ESHA and slopes steeper than 4 to 1, while the former is a general prohibition of grading in the rainy season. Accordingly, staff recommends removing Condition No.57 and retaining Condition No. 46.

The applicant has requested that Condition No. 22 be removed, which addresses boundary fencing, indicating that there is no sensitive habitat onsite. However, staff suggests the condition be revised to reflect the following changes to be consistent with the LIP and to remove the requirement for wildlife-friendly design parameters since the LIP does not identify the project site as being within a wildlife corridor, and General Plan Conservation Element Figure CO-3 shows no wildlife corridor in the Point Dume area:

> *All necessary boundary fencing that encloses more than one-half acre of the parcel shall be open/permeable and non-view obscuring. ~~shall be of a~~ A ~~open~~ split-rail-~~type~~ design with a wooden rail at the top (instead of wire), ~~be~~ that is less than 40-inches high, ~~and have~~ with 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.*

Exhibits:

1. Planning Commission Resolution No. 25-03
2. February 18, 2025, Agenda Report (including November 18, 2024, Agenda Report and October 7, 2024, Agenda Report as attachments)
    A. Draft Planning Commission Resolution No. 25-03
    B. Applicant's Request for Continuance dated November 18, 2024
    C. November 18, 2024, Agenda Report
        a. Draft Planning Commission Resolution No. 24-64
        b. Applicant's Request for Continuance
        c. Revised Project Plans and Summary of Changes
        d. October 7, 2024, Agenda Report
            1. Planning Commission Resolution No. 24-64
            2. Project Plans
            3. Department Review Sheets
            4. Photosimulation of Project
            5. LCP Interpretation No. 16
            6. Story Pole Photos
            7. Public Hearing Notice
            8. Public Correspondence
        e. Public Correspondence
    D. Revised Fire Access Plan approved by LACFD (dated 12-19-24)
    E. Public Comments

F. Fuel Modification Plan
G. Letter from applicant's geotechnical engineer (Leighton), dated 11-18-24.
H. Reissued City Geotechnical Review Sheet, dated 12-12-24.
I. Memorandum from the Contract City Biologist, dated 12-31-24.

3. Exhibit of Easement Area on Topographic and Slope Map
4. Exhibit of Easement Area Prior to Moving Fence on Aerial Photo
5. Exhibit of Easement Area After Moving Fence on Aerial Photo
6. Correspondence received after the posting of the February 18, 2025 Agenda Report

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 25-03

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. 20-003 TO CONSTRUCT A NEW 4,050 SQUARE-FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 390 SQUARE-FOOT GARAGE, SWIMMING POOL, LANDSCAPING, HARDSCAPE, RETAINING WALLS, GRADING, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING MINOR MODIFICATION NO. 20-001 FOR UP TO A 50 PERCENT REDUCTION IN THE FRONT YARD SETBACK, LOCATED IN THE RURAL RESIDENTIAL-ONE ACRE ZONING DISTRICT AT 29329 HEATHERCLIFF ROAD (ACS INTERNATIONAL, LLC)

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

SECTION 1. Recitals.

A. On January 9, 2020, an application for Coastal Development Permit (CDP) No. 20-003 to allow for a new single-family residence and associated development was submitted to the Planning Department by ACS International, LLC. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for review.

B. On September 29, 2022, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On December 14, 2023, the application was deemed complete for processing.

D. On March 15, 2024, Planning Department staff determined the application qualified to be processed administratively pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13.1.

E. On May 24, 2024, the Planning Director approved Administrative Coastal Development Permit (ACDP) No. 20-003, inclusive of Minor Modification (MM) No. 20-001. After considering public comments received by the Planning Director on the ACDP and prior to reporting the item to Planning Commission, the applicant requested that the application be processed as a regular CDP.

F. On September 26, 2024, 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.

EXHIBIT 1

G. On October 7, 2024, the Planning Commission continued the project item to the November 18, 2024, Planning Commission meeting date.

H. On October 24, 2024, the applicant submitted revised project plans and related application materials to the Planning Department.

I. On November 18, 2024, the Planning Commission continued the project item to the January 23, 2025, Planning Commission meeting date.

J. On December 19, 2024, the applicant submitted a revised fire access plan conceptually approved by the County Fire Department with a date stamp of December 19, 2024.

K. On January 23, 2025, the Planning Commission continued the item to the February 3, 2025, Planning Commission meeting date due to the Palisades Fire.

L. On February 3, 2025, the Planning Commission continued the item to the February 18, 2025, Planning Commission meeting date at staff's request.

M. On February 18, 2025, the Planning Commission continued the item to the March 17, 2025, Planning Commission meeting date at the applicant's request.

N. On March 17, 2025, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

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

SECTION 3. Coastal Development Permit Findings.

Based on evidence contained within the record and pursuant to the LCP LIP, including Sections 13.7(B) and 13.9, the Planning Commission adopts the findings of fact, and approves CDP No. 20-003 for construction of a new 4,050 square-foot, split-level, 18-foot tall, two-story single-family residence with an attached 390 square-foot garage, a swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system

(OWTS), including MM No. 20-001 for up to a 50 percent reduction of the front yard setback, located in the Rural Residential–One Acre (RR-1) zoning district at 29329 Heathercliff Road.

The project, as conditioned, is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. With the inclusion of the proposed MM, the project 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 located in the RR-1 residential zoning district, an area designated for residential uses, including single-family residences. 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, WD29, and the LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards, including the size, height, and location requirements of the LCP, inclusive of the requested MM.

2. Evidence in the record, including detailed alternatives analysis provided in the agenda report, demonstrates that as conditioned, the project meets the development policies of the LCP, does not result in adverse impacts on coastal resources and has been determined to be the least environmentally damaging feasible alternative.

B. Minor Modification Findings for Front Yard Setback (LIP Section 13.27)

1. The project proposes a 49.8 percent reduction in the required front yard setback, from the minimum required 59.4 feet to 29.6 feet. The reduced front yard setback will avoid development on slopes 4 to 1 and steeper, considered sensitive resources. By siting the development in the easterly and flatter area of the property, the remainder of the site is retained as natural open space and provides a buffer from the residence to the Pacific Coast Highway (PCH), a scenic road. Natural vegetation on the westerly portion of the site is also retained. The residence would be sited near neighboring residences, continuing the development pattern of houses upslope of PCH and close to Heathercliff Road.

2. The project's height and bulk will not adversely affect neighborhood character. The proposed structure complies with the size, height, location, grading and residential development standards of the LCP and Malibu Municipal Code (MMC), consistent with the RR-1 zoning designation, with the inclusion of the MM request. The project is compatible with other development in the adjacent area in that the neighborhood is characterized by one- and two-story residences with similar residence placement near or at the top of the hillside and orientation parallel to PCH. Based on conformance with development standards, inclusive of the MM, project conditions for building, driveway, wall materials and colors, the particular proposed site and building design characteristics, the surrounding topography, and surrounding existing development, the project is not expected to have an adverse effect on neighborhood character.

3. The 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, including those of the City Biologist, City geotechnical consultant reviewers, City Public Works Department, City Environmental Health Administrator, WD29 and the LACFD. The project must also be approved by the WD29 and the City of Malibu Building Safety/Environmental Sustainability Department prior to issuance of City building permits.

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

1. The residential structure will not adversely affect views from PCH, a scenic road. The project meets the required development standards of the MMC and LIP, including size, height and location, inclusive of the MM for front yard setback. The residential structure will be located on the flatter portion of the site, upslope from PCH, and adjacent to other residences along Heathercliff Road, leaving the southern portion of the site along the scenic road as open space with natural habitat and serving as a visual buffer from the development. The residential structure is expected to be only minimally visible from the Zuma Ridge Trail located across PCH and upslope from the project site. The residence will be stepped into the hillside. The project's retaining walls are not directly visible from PCH. Nonetheless, the project has been conditioned so that the final design of the retaining walls includes veneers, textures and colors to blend with the surrounding earth materials and landscaping. Standard conditions of approval have been included for building and pavement colors, materials, and lighting. Therefore, the project, as proposed and conditioned, will not have significant adverse scenic or visual impacts upon scenic roads and public viewing areas.

2. The project, as designed and conditioned, will not adversely affect scenic and visual resources and no feasible alternatives will avoid or substantially lessen significant adverse impacts on scenic and visual resources. The structures will be sited on the flatter portion of the site furthest from the PCH, leaving most of the site and natural scrub vegetation preserved as a buffer between the development and the PCH. A condition of approval has been added to ensure retaining walls are treated to blend in with the surrounding natural environment. The project has also been conditioned to include limitations on exterior lighting and colors of exterior finishes used to prevent any visual impacts to scenic areas. Shifting the proposed structure westerly on the site and downhill toward the PCH may reduce the obstruction of views from neighbors' properties, although it is not expected to completely remove the view obstruction. Moving the structure downslope would result in development of steep slopes (steeper than 4 to 1) that are considered sensitive resources and natural scrub vegetation, as well as place the structure nearer to PCH, which is uncharacteristic of the pattern of development in the area that is closer to the top of the hill.

D. Hazards (LIP Chapter 9)

1. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical review consultants, WD29, and the LACFD. These specialists determined that the project, with conditions, would not result in adverse geologic or

flood impacts. The project is not located in a hazard zone, except that the site is within an extreme fire hazard area, and groundwater is not expected to be encountered during construction. Any special conditions from these departments regarding site stability must be met prior to issuance of a building permit; any special conditions from the City Building Safety Department and the LACFD regarding structural integrity must be met prior to issuance of a building permit. Therefore, no feasible alternatives to the proposed development that would avoid or substantially lessen impacts on site stability or structural integrity are required nor available.

2. The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone. The property is currently subject to wildfire, however, development of a residence and associated development on the subject property will not increase the site's susceptibility to wildfire. The proposed development may actually decrease the site's susceptibility to wildfire through compliance with fuel modification requirements and the use of appropriate building materials which will be utilized during construction. The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has "mutual aid agreements" with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Conditions of approval have been included to require compliance with all LACFD development standards. As such, the proposed project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wildfire hazards.

3. The project site is not in a liquefaction, landslide or Alquist Priolo Earthquake Zone. Groundwater is not expected to be encountered during construction. The project plans and associated technical reports have been reviewed by City geotechnical review consultants, the LACFD, the City Public Works Department, and the City Environmental Health Administrator. These specialists determined that the project, with conditions, would not result in adverse geologic or flood impacts. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 20-003 and MM No. 20-001, 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. Construction of:
      - 4,050 square-foot, 18 foot-tall, two-story, single-family residence, an attached 320 square-foot roof overhang, and an attached 390 square foot garage;
      - 6,405 square feet of impermeable surface coverage;
      - Retaining walls not to exceed six feet in height;
      - Swimming pool and associated pool equipment;
      - Patios, decks and paving for vehicle and pedestrian access and a fire department turnaround area;
      - Trellis over deck;
      - OWTS; and
      - 5,662 square feet of landscaping

   b. Non-exempt grading of 675 cubic yards;

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition 2 and depicted on plans on file with the Planning Department dated October 24, 2024, with a fire access plan conceptually approved by the LACFD and date stamped December 19, 2024. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs 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 digitally submit a complete set 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. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

7. Any questions of intent or interpretation of any condition of approval will be resolved by the

Planning Director upon written request of such interpretation.

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

9. 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.

10. 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.

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

Cultural Resources

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

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

Lighting

14. No outdoor lighting is approved as part of this project. A lighting plan shall be submitted for City approval prior to Building Safety plan check, consistent with City standards, and the following: Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:

    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);

b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
e. Site perimeter lighting shall be prohibited; and
f. Outdoor decorative lighting for aesthetic purposes is prohibited.

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

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

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

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

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

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

Fencing and Walls

21. The height of 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.

22. All necessary boundary fencing that encloses more than one-half acre of the parcel shall be open/permeable and non-view obscuring. A split-rail design with a wooden rail at the top (instead of wire), that is less than 40-inches high with a space greater than 14-inches between the ground and the bottom post or wire that blends with the natural environment is preferred.

Construction/Framing

23. Prior to the commencement of work, the applicant shall submit a copy of the Construction Management Plan to the Planning Department. The Construction Management Plan shall include a dedicated parking location for construction workers and storage of construction material, not within the public right of way. Prior to permit issuance, the Construction Management Plan must be acceptable to the Planning Director, and, if applicable, to the Building Official and Public Works Director.

24. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.

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. 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.

27. 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 stormwater 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.

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

29. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

Colors and Materials

30. The project is visible from a scenic road, 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.

31. 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.

Fuel Modification

32. Prior to the issuance of final building permits, the project shall receive LACFD approval of a Final Fuel Modification Plan.

Site Specific Conditions

33. The project shall comply with all requirements and conditions of the LACFD.

Biology/Landscaping

34. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

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

36. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 17.53). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.

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

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

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

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

41. No development is permitted on slopes steeper than 4 to 1.

42. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.

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

44. Vegetation in excess of six feet in height shall not obstruct the primary view of existing residences located within a 1,000-foot radius at any given time (given consideration of its future growth).

45. Plantings required for fuel modification, except for within irrigated Zone A nearest to approved residential structures, must be native, drought-tolerant species and shall blend with the existing natural vegetation and natural habitats on the site.

46. Grading shall be scheduled only during the dry season from April 1 – October 31. 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.

47. The landscape and fuel modification plan has been conditioned to protect natural resources in accordance with the LCP. All areas shall be planted and maintained as described in the landscape and fuel modification plan. Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.

48. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, with native plant species, to the satisfaction of the Planning Director.

49. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet between large woody (≥10-foot canopy) shrubs is recommended by the LACFD. Lawns are prohibited on slopes > 5 percent.

50. Slope planting measures such as contour planting and terracing or other techniques shall be incorporated on slopes to interrupt the flow and rate of surface runoff in order to prevent surface soil erosion.

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

52. 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. Up-lighting is prohibited.

53. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 feet from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.

Public Works – Grading and Drainage

54. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

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

56. 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.

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

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

59. The non-exempt grading for the project shall not exceed a total of 675 cubic yards, cut and fill.

60. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

Public Works – Storm Water

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

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

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.

62. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
    a. Site Design Best Management Practices (BMPs):
    b. Source Control BMPs;
    c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;
    d. Drainage improvements;
    e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
    f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
    g. Measures to treat and infiltrate runoff from impervious areas;
    h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measure installed during construction prior to the issuance of grading or building permits; and

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

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

64. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
    a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
    b. Prohibits the discharge of trash.
    c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
    d. Elimination of non-storm water discharges.

Geology

65. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical consultant reviewers 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 consultant reviewers prior to the issuance of a grading permit.

66. Final plans approved by the City geotechnical consultant reviewers 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 CD.

Swimming Pool/Spa/Water Feature

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

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

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

70. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides, 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)

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

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

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

Environmental Health/OWTS

74. OWTS on Architectural and Grading Plans: The final Architectural Site Plan (Sheet A-0.1) and Grading Plans must show the OWTS, including the treatment tank(s), present/future seepage pits, and all lines of connection to the residence.

75. Final OWTS Plot Plan: Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed

landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

76. Final OWTS Design Report, Plans, and System Specifications: A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the proposed OWTS.

77. All plans and reports must be signed by a City registered OWTS Designer, and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's signature, professional registration number, and stamp (if applicable).

78. The final OWTS design submittal shall contain the following information (in addition to the items listed above).
    a. The model and capacity of the treatment tank(s) must be discussed in the final OWTS report and clearly shown on the final OWTS plans.
    b. Confirm cap depth for seepage pit at LBA-5 on OWTS plan.
    c. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.
    d. Sewage and effluent pump design calculations (as applicable).
    e. 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.
    f. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance

rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics.

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

79. 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. The final floor plans must show all bedrooms and drainage fixtures in the proposed residence.

80. Proof of Ownership: Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

81. Operations and Maintenance Manual: An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

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

83. Advanced OWTS Covenant: Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving the subject property is an advanced method of sewage disposal pursuant to the City of Environmental Health Administrator. The applicant shall submit a certified copy issued by the City of Malibu Recorder.

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

85. City of Malibu Public Works Approval: City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

86. City of Malibu Geologist/Geotechnical Approval: City of Malibu consulting geotechnical reviewers' final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

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

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

89. Operating Permit Application and Fee: In accordance with the MMC, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System 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.

Water Quality/Water Service

90. 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.

91. Prior to final inspection (or project sign-off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of Los Angeles County Waterworks District No. 29 have been met, including installation of a meter, if applicable.

92. A USC approved backflow device is required for this property and is to be installed and maintained by the property owner.

Deed Restrictions

93. 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.

94. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition No. 15. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

95. The garage area shall be limited to accessory use as defined by the City of Malibu LCP. The

garage area cannot be converted into habitable space at any time in the future. Prior to issuance of building permits, the application is required to execute and record a deed restriction to this effect.

Prior to Occupancy

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

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

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

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

100. 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

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

102. 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 March 2025.

KRAIG HILL, Planning Commission Chair

ATTEST:

REBECCA EVANS, 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. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 25-03 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 17th day of March 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

Commission Agenda Report

Planning Commission Meeting
02-18-25
Item 4.A.

To: Chair Smith and Members of the Planning Commission

Prepared by: Allison Cook, AICP, Contract Planner

Approved by: Maureen Tamuri, AIA, AICP, Interim Planning Director

Reviewed by: Salvador Lopez Jr., Interim Assistant Planning Director

Date prepared: February 6, 2025 Meeting date: February 18, 2025

Subject: Coastal Development Permit No. 20-003 and Minor Modification No. 20-001 – An application for a new two-story single-family residence and associated development (Continued from February 3, 2025)

Location: 29329 Heathercliff Road, not within the appealable coastal zone
APN: 4468-011-011
Owner: ACS International, LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 25-03 (Attachment A) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 20-003 to construct a new 4,050 square-foot, two-story, single-family residence, with an attached 390 square-foot garage, swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system (OWTS); including Minor Modification (MM) No. 20-001 for up to a 50 percent reduction in the front yard setback, located in the Rural Residential, One-Acre (RR-1) Zoning District at 29329 Heathercliff Road (ACS International, LLC)

DISCUSSION: The subject item was originally scheduled for the October 7, 2024, Regular Planning Commission meeting. Prior to the meeting, the applicant submitted a written request for the item to be continued to provide additional time to respond to public comments. On October 7, 2024, the Planning Commission continued the item to November 18, 2024. Prior to the November 18, 2024 meeting, the applicant submitted a written request for the item to be continued to provide more time to respond to additional public comments received the day of the meeting and because the applicant could not be in attendance (Attachment B). On November 18, 2024 the Commission continued the item

to January 23, 2025 prior to opening the public hearing. On January 15, 2025, the January 23, 2025 Regular Planning Commission meeting was adjourned and continued to February 3, 2025 due to the Palisades Fire. On February 3, 2025 the Commission continued the item to February 18, 2025 at the request of staff.

This agenda report provides an addendum to the November 18, 2024 Planning Commission agenda report (Attachment C) and addresses recent Los Angeles County Fire Department (LACFD) fire access approval and responses to public correspondence received after the last agenda report was published.

Revised Fire Access Plan

The LACFD conceptually approved the project's fire access plan on November 17, 2020, with the final approval pending during the Building Safety plan check review. City staff spoke with supervising LACFD staff on October 10, 2024, and confirmed the conceptual approval for fire access is still valid. Please also see the discussion of the fire access plan and LACFD review in the November 18, 2024, Planning Commission Agenda Report (Attachment C).

On October 24, 2024, the applicant's civil engineer made minor adjustments to the retaining wall, stairway, and landing at the southeast corner of the proposed structure near the fire truck hammerhead to improve fire access. These changes were reflected on the architectural, civil, and landscape plans as part of the November 18, 2024, Planning Commission Agenda Report. On December 19, 2024, the applicant obtained an updated conceptual approval from the LACFD for the revised fire access plan as proposed by the applicant with no changes required by the LACFD (Attachment D).

Fuel Modification Plan

Attachment F is the conceptual Fuel Modification Plan approved by the LACFD Fuel Modification Unit, on July 12, 2023. This sheet was inadvertently omitted from the project plan set included as part of the October 7, 2024 Agenda Report. It is hereby included as part of the project plan set.

Public Comments

Public correspondence received after the November 18, 2024 Planning Commission Agenda Report was distributed is included in Attachment E. The following discussion addresses these public comments.

Biological Resources and ESHA

Public comments include that the site has a native plant alliance composed of coyote brush/holly-leafed cherry/giant wild rye, which is indicative of an Environmentally Sensitive

Habitat Area (EHSA), and the site contains native laurel sumac and oak. The public comments note that it is “highly probable the ESHA extended throughout much of the parcel prior to grading due to soil texture, slope gradient, and lack of prior development of the site.” The public comments indicate that grading and other disturbance of the site has occurred and that the project development will “take” additional native habitat. Public comments also stated that there are many bird species living and breeding on the property.

In response, Attachment I is a memorandum from the City Biologist providing an independent review of the biological resources on the project site, following a site visit on December 31, 2024. The City Biologist indicates that the site does not contain ESHA. The area where the proposed development is to occur is comprised of non-native and ornamental vegetation, while areas further downslope from the development area contain native vegetation. The plants that compose the native vegetation are not especially rare or valuable within the Malibu area. There are no native protected trees, including coast live oaks onsite. A stand of holly leaf cherry and laurel sumac are located immediately adjacent to, but not on, the project site.

Easements

Public comments indicate there is a current legal dispute regarding the easements required for this project, and that the applicant does not have permission to access his property. Moreover, public comments indicate that the hammerhead driveway is proposed on a second lot for which there is no application.

In response, the proposed hammerhead, which provides ingress/egress to the subject site, and the required fire truck turnaround area are within a portion of what is referred to as, "Parcel 3" and "Parcel 4" in the recorded Grant Deeds for the project site. Each of these "parcels" is an easement, "for ingress, egress and utility purposes." The two easements are within four assessor parcel numbers (APNs): the subject site, the vacant site immediately south of the subject site, and the two sites with residences fronting Heathercliff Road on each side of the easement. The Grant Deeds do not specify if grading and paving are permitted to provide ingress/egress. However, the City Attorney has indicated that, based on past practice, ingress/egress easements include the right to construct reasonable improvements to effect the ingress/egress, and, based on past practice, the City’s obligation is to determine that there is evidence to support the property owner’s right to build on the location, not to make a definitive determination on the rights.

Pursuant to LIP Section 13.6.2(C), the Planning Department notified in writing the owners of the three parcels where there are easements and included invitations to join as co-applicants on the subject CDP application. To date, the City has not received any requests to join as co-applicants on the subject application. The City Attorney has indicated that the co-applicant notification and invitation process is sufficient for the easement and ingress/egress issue, as the owners have been provided notice and an opportunity to

participate in the application and hearing process. Therefore, it is not required that the parcels/properties with easements be included as part of the project application.

Access Driveway

Public comments indicate that the applicant does not have permission to access his site, and that the access must be 20 feet wide or 26 feet wide in some cases.

In response, the proposed project is the only new residence being considered by the LACFD at this time, as there are no pending applications on the other parcels that hold access rights to the easements in question. Therefore, the applicable standards for the proposed driveway are sufficient to serve the proposed residence. The LACFD has conceptually approved the fire access plan for the project (December 18, 2024). As stated above, the LACFD will conduct a detailed review of the project during the Building Safety plan check phase, prior to building permit issuance.

The ingress/egress easement (i.e., “driveway”) that connects the subject site to Heathercliff Road is noted in the Grant Deed as being 15 feet wide. The Grant Deed shows that the 15-foot-wide easement overlaps the two residential properties on either side of the proposed driveway. The applicant has indicated that vegetation on these two properties and a fence segment located on one of the properties, all of which are within the access easement, would need to be adjusted to provide the full 15-foot width indicated in the Grant Deed and as required by LACFD. The project would not include removing other existing development on either residential property, including any walls, pool, or other structures, as these are not shown as being within the access easement.

Grading on the Site

Public comments state that the applicant completed illegal grading on the site to lower the grade of the property.

In response, the applicant has indicated that recent work on the site in September 2024 consisted of vegetation clearance for fuel modification purposes. City Code Enforcement, Building Safety, and Planning Department staff visited the site on October 7, 2024, and confirmed that no grading had occurred. Please refer to the November 18, 2024 Planning Commission Agenda Report (Attachment C) for further discussion.

Development on Steep Slopes

Public comments state that the project plans show a much less steep grade for the project site than exists.

In response, the color-coded slope analysis that is part of the project plans indicates that all elements of the proposed development project would occur in slopes of less than 4 to1.

The applicant reassessed project slopes and updated the civil plan set on October 24, 2024. Please refer to the November 18, 2024, staff report (Attachment C) and Exhibit D of that report, which is the October 7, 2024 staff report, for additional discussion of slopes.

Proposed Pool

Public comments state that the proposed pool "would require retaining walls in the unstable ESHA cliffside and is also encroaching on the ridgeline as well as the neighbor's property."

In response, the proposed pool does not require a retaining wall as evidenced in the project civil plan set. The project development, including pool, have been considered by the project geotechnical engineer, and the City geotechnical consultant reviewers have issued a preliminary approval of the project from a geotechnical perspective (Attachment H). Please see "*Ridgeline*" below for a discussion of the project site in relation to ridgelines. The pool would be located entirely within the subject site according to the project plans. The yard setback from the pool to the nearest property line is shown as approximately 15 feet on the project plans.

Slope Stability

Public comments state that the general area of the site has slope instability.

In response, the project geotechnical engineer, Leighton and Associates, Inc., provided a letter dated November 18, 2024, stating that the results of the slope stability analysis indicate that the proposed development will not increase a hazard for slope instability within or beyond the property limits (Attachment G). Please also refer to the discussion in the October 7, 2024 Planning Commission Agenda Report (Exhibit D of Attachment C).

City Geotechnical Consultant Reviewers

Public comments state that the City geotechnical consultant Department Review Sheet indicates a structure with a basement, although the project is a two-story residence with no basement.

In response, the City geotechnical consultant reviewers considered the current project design and approved it on a preliminary basis on October 25, 2024. When the application was originally submitted, it was labeled a one-story residence with a basement and this project description was provided on the Department Review Sheets when the project was routed for review. The project description should have been corrected to ensure all reviewers had the most current project description. Regrettably, this update was not made, and the Department Review Sheets included a one-story residence with basement in the scope of work, rather than a two-story residence.

The City geotechnical consultant reviewer confirmed that the project geotechnical consultant and the City's geotechnical consultant reviewers assessed the current version of the project with two stories. To provide clarity in the record, the City Geotechnical Review Sheet has been reissued with the current project scope reflecting a two-story residence without a basement (Attachment H).

Ridgeline

Public comments indicate that the project would be "built on a ridgeline that is "EXTREMELY viewable from PCH."

In response, the City's ridgeline standards would not apply to this project pursuant to Interpretation No. 16 with which the City Council concurred on October 24, 2005. The project would not result in significant adverse impacts to scenic resources, and the project would be located in a largely built out area with existing residences along Heathercliff Road located at the top of the hill. A full discussion of Interpretation No.16, ridgelines, and the project site is provided in Exhibit D (October 7, 2024 staff report) of Attachment C of this report.

Front Yard Setback Minor Modification

Public comments indicate opposition to the project because it cannot meet the required front yard setback.

In response, the MM requested by the applicant is for a reduction of the required front yard setback. The required minimum front yard setback for this site is 59.4 feet, while the proposed setback is 29.6 feet (a reduction of 49.8 percent). The MM request would enable the project to avoid 4 to 1 slopes, which are prohibited for development pursuant to LIP Section 4.6.1(A). A full discussion of the MM request for the front yard setback is provided in the October 7, 2024 Planning Commission Agenda Report.

ATTACHMENTS:

A. Planning Commission Resolution No. 25-03
B. Applicant's Request for Continuance dated November 18, 2024
C. November 18, 2024, Agenda Report
    a. Draft Planning Commission Resolution No. 24-64
    b. Applicant's Request for Continuance
    c. Revised Project Plans and Summary of Changes
    d. October 7, 2024, Agenda Report
        1. Planning Commission Resolution No. 24-64
        2. Project Plans
        3. Department Review Sheets
        4. Photosimulation of Project

5. LCP Interpretation No. 16
6. Story Pole Photos
7. Public Hearing Notice
8. Public Correspondence

e. Public Correspondence

D. Revised Fire Access Plan approved by LACFD (dated 12-19-24)
E. Public Comments
F. Fuel Modification Plan
G. Letter from applicant's geotechnical engineer (Leighton), dated 11-18-24.
H. Reissued City Geotechnical Review Sheet, dated 12-12-24.
I. Memorandum from the Contract City Biologist, dated 12-31-24.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 25-03

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. 20-003 TO CONSTRUCT A NEW 4,050 SQUARE-FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 390 SQUARE-FOOT GARAGE, SWIMMING POOL, LANDSCAPING, HARDSCAPE, RETAINING WALLS, GRADING, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING MINOR MODIFICATION NO. 20-001 FOR UP TO A 50 PERCENT REDUCTION IN THE FRONT YARD SETBACK, LOCATED IN THE RURAL RESIDENTIAL, ONE-ACRE ZONING DISTRICT AT 29329 HEATHERCLIFF ROAD (ACS INTERNATIONAL, LLC)

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

SECTION 1. Recitals.

A. On January 9, 2020, an application for Coastal Development Permit (CDP) No. 20-003 to allow for a new single-family residence and associated development was submitted to the Planning Department by ACS International, LLC. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for review.

B. On September 29, 2022, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On December 14, 2023, the application was deemed complete for processing.

D. On March 15, 2024, Planning Department staff determined the application qualified to be processed administratively pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13.1.

E. On May 24, 2024, the Planning Director approved Administrative Coastal Development Permit (ACDP) No. 20-003, inclusive of Minor Modification (MM) No. 20-001. After considering public comments received by the Planning Director on the ACDP and prior to reporting the item to the Planning Commission, the applicant requested that the application be processed as a regular CDP.

F. On September 26, 2024, 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.

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G. On October 7, 2024, the Planning Commission continued the item to the November 18, 2024, Regular Planning Commission meeting.

H. On October 24, 2024, the applicant submitted revised project plans and related application materials to the Planning Department.

I. On November 18, 2024, the Planning Commission continued the item to the January 23, 2025, Regular Planning Commission meeting.

J. On December 19, 2024, the applicant submitted a revised fire access plan conceptually approved by the LACFD with a date stamp of December 19, 2024.

K. On January 15, 2025, the January 23, 2025 Regular Planning Commission meeting was adjourned and continued to February 3, 2025 due to the Palisades Fire.

L. On February 3, 2025, the Planning Commission continued the item to February 18, 2025 at staff's request.

M. On February 18, 2025, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

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

SECTION 3. Coastal Development Permit Findings.

Based on evidence contained within the record and pursuant to the LCP LIP, including Sections 13.7(B) and 13.9, the Planning Commission adopts the findings of fact, and approves CDP No. 20-003 for construction of a new 4,050 square-foot, 18-foot tall, two-story single-family residence with an attached 390 square-foot garage, swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system (OWTS), including MM No. 20-001 for up to a 50 percent reduction of the front yard setback, located in the Rural Residential, One-Acre (RR-1) zoning district at 29329 Heathercliff Road.

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The project, as conditioned, is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. With the inclusion of the proposed MM, the project 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 located in the RR-1 residential zoning district, an area designated for residential uses, including single-family residences. 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, WD29, and the LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards, including the size, height, and location requirements of the LCP, inclusive of the requested MM.

2. Evidence in the record, including detailed alternatives analysis provided in the agenda report, demonstrates that as conditioned, the project meets the development policies of the LCP, does not result in adverse impacts on coastal resources and has been determined to be the least environmentally damaging feasible alternative.

B. Minor Modification Findings for Front Yard Setback (LIP Section 13.27)

1. The project proposes a 49.8 percent reduction in the required front yard setback, from the minimum required 59.4 feet to 29.6 feet. The reduced front yard setback will avoid development on slopes 4 to 1 and steeper, considered sensitive resources. By siting the development in the easterly and flatter area of the property, the remainder of the site is retained as natural open space and provides a buffer from the residence to the Pacific Coast Highway (PCH), a scenic road. Natural vegetation on the westerly portion of the site is also retained. The residence would be sited near neighboring residences, continuing the development pattern of houses upslope of PCH and close to Heathercliff Road.

2. The project's height and bulk will not adversely affect neighborhood character. The proposed structure complies with the size, height, location, grading and residential development standards of the LCP and Malibu Municipal Code (MMC), consistent with the RR-1 zoning designation, with the inclusion of the MM request. The project is compatible with other development in the adjacent area in that the neighborhood is characterized by one- and two-story residences with similar residence placement near or at the top of the hillside and orientation parallel to PCH. Based on conformance with development standards, inclusive of the MM, project conditions for building, driveway, wall materials and colors, the particular proposed site and building design characteristics, the surrounding topography, and surrounding existing development, the project is not expected to have an adverse effect on neighborhood character.

3. The 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

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Malibu, including those of the City Biologist, City geotechnical consultant reviewers, City Public Works Department, City Environmental Health Administrator, WD29 and the LACFD. The project must also be approved by the WD29 and the City of Malibu Building Safety/Environmental Sustainability Department prior to issuance of City building permits.

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

1. The residential structure will not adversely affect views from PCH, a scenic road. The project meets the required development standards of the MMC and LIP, including size, height and location, inclusive of the MM for front yard setback. The residential structure will be located on the flatter portion of the site, upslope from PCH, and adjacent to other residences along Heathercliff Road, leaving the southern portion of the site along the scenic road as open space with natural habitat and serving as a visual buffer from the development. The residential structure is expected to be only minimally visible from the Zuma Ridge Trail located across PCH and upslope from the project site. The residence will be stepped into the hillside. The project's retaining walls are not directly visible from PCH. Nonetheless, the project has been conditioned so that the final design of the retaining walls includes veneers, textures and colors to blend with the surrounding earth materials and landscaping. Standard conditions of approval have been included for building and pavement colors, materials, and lighting. Therefore, the project, as proposed and conditioned, will not have significant adverse scenic or visual impacts upon scenic roads and public viewing areas.

2. The project, as designed and conditioned, will not adversely affect scenic and visual resources and no feasible alternatives will avoid or substantially lessen significant adverse impacts on scenic and visual resources. The structures will be sited on the flatter portion of the site furthest from the PCH, leaving most of the site and natural scrub vegetation preserved as a buffer between the development and the PCH. A condition of approval has been added to ensure retaining walls are treated to blend in with the surrounding natural environment. The project has also been conditioned to include limitations on exterior lighting and colors of exterior finishes used to prevent any visual impacts to scenic areas. Shifting the proposed structure westerly on the site and downhill toward the PCH may reduce the obstruction of views from neighbors' properties, although it is not expected to completely remove the view obstruction. Moving the structure downslope would result in development of steep slopes (steeper than 4 to 1) that are considered sensitive resources and natural scrub vegetation, as well as place the structure nearer to PCH, which is uncharacteristic of the pattern of development in the area that is closer to the top of the hill.

D. Hazards (LIP Chapter 9)

1. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical review consultants, WD29, and the LACFD. These specialists determined that the project, with conditions, would not result in adverse geologic or flood impacts. The project is not located in a hazard zone, except that the site is within an extreme fire hazard area, and groundwater is not expected to be encountered during construction. Any

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special conditions from these departments regarding site stability must be met prior to issuance of a building permit; any special conditions from the City Building Safety Department and the LACFD regarding structural integrity must be met prior to issuance of a building permit. Therefore, no feasible alternatives to the proposed development that would avoid or substantially lessen impacts on site stability or structural integrity are required nor available.

2. The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone. The property is currently subject to wildfire, however, development of a residence and associated development on the subject property will not increase the site's susceptibility to wildfire. The proposed development may actually decrease the site's susceptibility to wildfire through compliance with fuel modification requirements and the use of appropriate building materials which will be utilized during construction. The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has "mutual aid agreements" with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Conditions of approval have been included to require compliance with all LACFD development standards. As such, the proposed project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wildfire hazards.

3. The project site is not in a liquefaction, landslide or Alquist Priolo Earthquake Zone. Groundwater is not expected to be encountered during construction. The project plans and associated technical reports have been reviewed by City geotechnical review consultants, the LACFD, the City Public Works Department, and the City Environmental Health Administrator. These specialists determined that the project, with conditions, would not result in adverse geologic or flood impacts. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 20-003 and MM No. 20-001, 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.

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

   a. Construction of:
      - A new 4,050 square-foot, 18 foot-tall, two-story, single-family residence, an attached 320 square-foot roof overhang, and an attached 390 square foot garage;
      - 6,405 square feet of impermeable surface coverage;
      - Retaining walls not to exceed six feet in height;
      - Swimming pool and associated pool equipment;
      - Patios, decks and paving for vehicle and pedestrian access and a fire department turnaround area;
      - Trellis over deck;
      - OWTS
      - 5,662 square feet of landscaping; and
   b. Non-exempt grading of 675 cubic yards.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition 2 and depicted on plans on file with the Planning Department dated October 24, 2024, with a fire access plan conceptually approved by the LACFD and date stamped December 19, 2024. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs 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 digitally submit a complete set 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. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

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

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

9. 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.

10. 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.

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

Cultural Resources

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

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

Lighting

14. No outdoor lighting is approved as part of this project. A lighting plan shall be submitted for City approval prior to Building Safety plan check, consistent with City standards, and the following: Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:

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a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60-watt incandescent bulb);
b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
e. Site perimeter lighting shall be prohibited; and
f. Outdoor decorative lighting for aesthetic purposes is prohibited.

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

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

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

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

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

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

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Fencing and Walls

21. The height of 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.

22. All 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.

Construction/Framing

23. Prior to the commencement of work, the applicant shall submit a copy of the Construction Management Plan to the Planning Department. The Construction Management Plan shall

include a dedicated parking location for construction workers and storage of construction material, not within the public right of way. Prior to permit issuance, the Construction Management Plan must be acceptable to the Planning Director, and, if applicable, to the Building Official and Public Works Director.

24. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.

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. 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.

27. 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 stormwater 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.

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

29. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

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Colors and Materials

30. The project is visible from a scenic road, 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.

31. 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.

Fuel Modification

32. Prior to the issuance of final building permits, the project shall receive LACFD approval of a Final Fuel Modification Plan.

Site Specific Conditions

33. The project shall comply with all requirements and conditions of the LACFD.

Biology/Landscaping

34. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

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

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36. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 17.53). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.

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

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

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

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

41. No development is permitted on slopes steeper than 4 to 1.

42. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.

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

44. Vegetation in excess of six feet in height shall not obstruct the primary view of existing residences located within a 1,000-foot radius at any given time (given consideration of its future growth).

45. Plantings required for fuel modification, except for within irrigated Zone A nearest to approved residential structures, must be native, drought-tolerant species and shall blend with the existing natural vegetation and natural habitats on the site.

46. Grading shall be scheduled only during the dry season from April 1 – October 31. 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.

47. The landscape and fuel modification plan has been conditioned to protect natural resources in accordance with the LCP. All areas shall be planted and maintained as described in the

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landscape and fuel modification plan. Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.

48. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, with native plant species, to the satisfaction of the Planning Director.

49. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet between large woody (≥10-foot canopy) shrubs is recommended by the LACFD. Lawns are prohibited on slopes > 5 percent.

50. Slope planting measures such as contour planting and terracing or other techniques shall be incorporated on slopes to interrupt the flow and rate of surface runoff in order to prevent surface soil erosion.

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

52. Construction fencing shall be placed within five feet of the limits of grading. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

53. 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. Up-lighting is prohibited.

54. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 feet from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.

Public Works – Grading and Drainage

55. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be

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constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

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

57. 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:
    a. Is located within or adjacent to ESHA, or
    b. 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.

58. 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.

59. 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 disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
    d. The grading limits shall include the temporary cuts made for retaining walls,
    e. buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
    f. If the property contains trees that are to be protected they shall be highlighted on the grading plan.
    g. 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

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protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.

h. 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.

i. 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.

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

61. The non-exempt grading for the project shall not exceed a total of 675 cubic yards, cut and fill.

62. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

Public Works – Storm Water

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

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

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.

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

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

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66. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
    a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
    b. Prohibits the discharge of trash.
    c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
    d. Elimination of non-storm water discharges.

Geology

67. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical consultant reviewers 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 consultant reviewers prior to the issuance of a grading permit.

68. Final plans approved by the City geotechnical consultant reviewers 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.

Swimming Pool/Spa/Water Feature

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

70. 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).

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

72. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides, 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:

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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)

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

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

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

Environmental Health/OWTS

76. OWTS on Architectural and Grading Plans: The final Architectural Site Plan (Sheet A-0.1) and Grading Plans must show the OWTS, including the treatment tank(s), present/future seepage pits, and all lines of connection to the residence.

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

78. Final OWTS Design Report, Plans, and System Specifications: A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the proposed OWTS.

79. All plans and reports must be signed by a City registered OWTS Designer, and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's signature, professional registration number, and stamp (if applicable).

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80. The final OWTS design submittal shall contain the following information (in addition to the items listed above).
    a. The model and capacity of the treatment tank(s) must be discussed in the final OWTS report and clearly shown on the final OWTS plans.
    b. Confirm cap depth for seepage pit at LBA-5 on OWTS plan.
    c. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.
    d. Sewage and effluent pump design calculations (as applicable).
    e. 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.
    f. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics.
    g. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by Building Safety Division and the Planning Department.

81. 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. The final floor plans must show all bedrooms and drainage fixtures in the proposed residence.

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82. Proof of Ownership: Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

83. Operations and Maintenance Manual: An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

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

85. Advanced OWTS Covenant: Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving the subject property is an advanced method of sewage disposal pursuant to the City of Environmental Health Administrator. The applicant shall submit a certified copy issued by the City of Malibu Recorder.

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

87. City of Malibu Public Works Approval: City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

88. City of Malibu Geologist/Geotechnical Approval: City of Malibu consulting geotechnical reviewers' final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

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

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

91. Operating Permit Application and Fee: In accordance with the MMC, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

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Water Quality/Water Service

92. 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.

93. Prior to final inspection (or project sign-off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of Los Angeles County Waterworks District No. 29 have been met, including installation of a meter, if applicable.

94. A USC approved backflow device is required for this property and is to be installed and maintained by the property owner.

Deed Restrictions

95. 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.

96. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 14-20. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

97. The garage area shall be limited to accessory use as defined by the City of Malibu LCP. The garage area cannot be converted into habitable space at any time in the future. Prior to issuance of building permits, the application is required to execute and record a deed restriction to this effect.

Prior to Occupancy

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

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

100. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability

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Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled and state the facilities where all materials were taken.

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

102. 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

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

104. 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.

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

PASSED, APPROVED AND ADOPTED this 18th day of February 2025.

_____
DENNIS R. SMITH, Planning Commission Chair

ATTEST:

_____
REBECCA EVANS, 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. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 25-03 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 18th day of February 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

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Applicant's Request for Continuance of Item 4.A. on Tonight's Planning Commission Agenda (29329 Heathercliff Rd.)

1 message

Chris Deleau <cdeleau@schmitzandassociates.net> Mon, Nov 18, 2024 at 2:49 PM
To: Allison Cook <capstonecityplan@gmail.com>
Cc: Alan ACS <alan@myacsinc.com>, Don Schmitz <dons@schmitzandassociates.net>, Scott Hoeft <shoeft@schmitzandassociates.net>, AK Munaim <amunaim@schmitzandassociates.net>, Erin Schrang <eschrang@schmitzandassociates.net>

Allison, please accept this as the applicant's formal request for a hearing continuance. We are requesting additional time to respond to multiple letters and email correspondence received on Friday and today, as well as the videos received from the public.

Additionally, our client fell and hurt his back very badly. He cannot move and is bedridden. He very much wants to attend the hearing.

Thanks,

Chris Deleau, JD, AICP
Special Projects Manager, Schmitz and Associates

747.494.7293
schmitzandassociates.com
cdeleau@schmitzandassociates.net
28230 Agoura Rd. Suite 200, Agoura Hills, CA 91301

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

ATTACHMENT B

Commission Agenda Report

Planning Commission Meeting
11-18-24
Item 4.A.

To: Chair Leonard and Members of the Planning Commission

Prepared by: Allison Cook, AICP, Contract Planner

Approved by: Maureen Tamuri, AIA, AICP, Interim Planning Director

Reviewed by: Salvador Lopez Jr., Interim Assistant Planning Director

Date prepared: November 7, 2024 Meeting date: November 18, 2024

Subject: Coastal Development Permit No. 20-003 and Minor Modification No. 20-001 – An application for a new two-story single-family residence and associated development (Continued from October 7, 2024)

Location: 29329 Heathercliff Road, not within the appealable coastal zone
APN: 4468-011-011
Owner: ACS International, LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 24-64 (Exhibit A) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-003 to construct a new 4,050 square-foot, two-story, single-family residence with an attached 390 square-foot garage, swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system; including Minor Modification No. 20-001 for up to a 50 percent reduction in the front yard setback, located in the Rural Residential, One-Acre Zoning District at 29329 Heathercliff Road (ACS International, LLC)

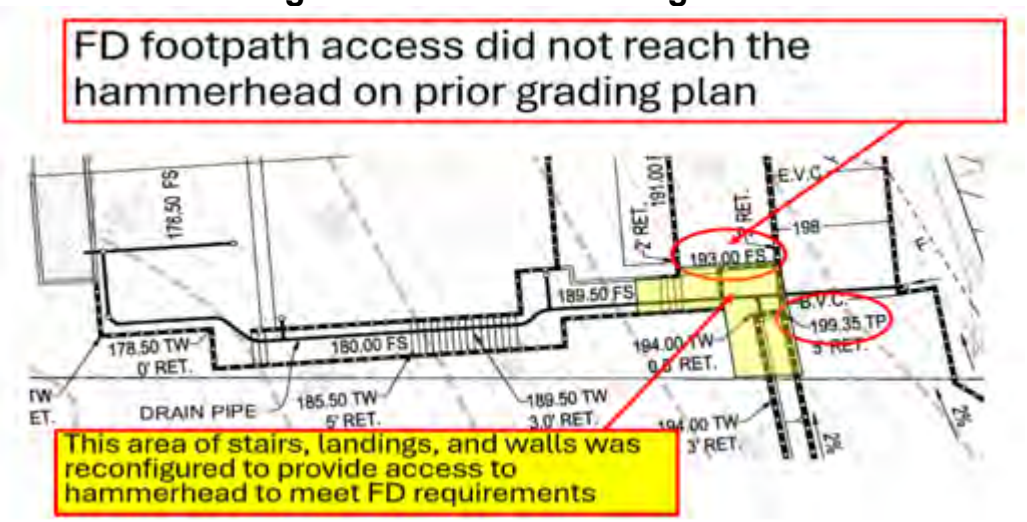
DISCUSSION: The subject item was scheduled for the October 7, 2024, Planning Commission hearing. Prior to the meeting, the applicant submitted a written request that the item be continued to provide the applicant with additional time to respond to public comments (Exhibit B). At its meeting on October 7, 2024, the Planning Commission continued the item to November 18, 2024. This agenda report provides an addendum to the October 7, 2024, agenda report. The following revisions shall be applied to said report.

Revised Plans

On October 24, 2024, the applicant submitted an updated site slope exhibit and project plans, and a written summary of the changes (Exhibit C). Since the October 7, 2024 meeting, the applicant's surveyor re-surveyed the topography in the area of the 200-foot contour line that crosses the proposed driveway "throat" at the entry to the hammerhead turnaround. The revised site slope exhibit shows the 200-foot contour line slightly more to the west, toward Pacific Coast Highway (PCH), than originally shown. The applicant also indicated that the prior site slope exhibit was not accurately prepared according to the required five-foot contour intervals, which had shown the colored slope bands that depict different slope steepness categories beginning and ending in between the five-foot contour intervals in some cases, as opposed to being coterminous with the contour interval lines. Additionally, in some cases, less than the five-foot contour interval was used. The revised slope exhibit corrects these items and shows some resulting changes in slope steepness categories for various portions of the site, all of which occur in the western part of the site (toward PCH) and downslope of the proposed development area (i.e., some areas are steeper and some shallower than previously shown). However, all elements of the proposed development project would continue to occur in slopes of less than 4:1 (less than 25 percent slope).

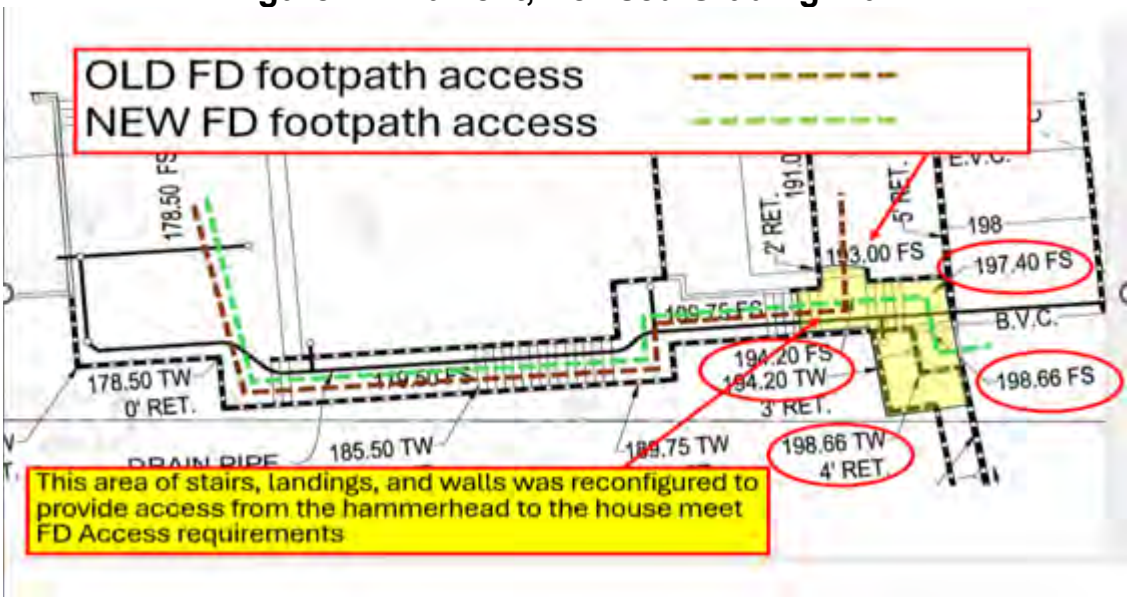
In addition to updating the grading plan with the new topographic information, the applicant's civil engineer also made minor adjustments to the retaining wall alignment, stairway, and landing at the southeast corner of the proposed structure near the hammerhead. The applicant provided the following two exhibits to depict the changes. The first exhibit is the former grading plan, and the second is the current, revised grading plan. Changes occur in the areas where elevation call outs are circled. All changes are consistent with zoning and LIP standards, and the retaining walls continue to not exceed six feet in height. A portion of the retaining wall increased from three to four feet in height.

Figure 1 – Former Grading Plan



Source: Applicant's Civil Engineer

Figure 2 – Current, Revised Grading Plan



Source: Applicant's Civil Engineer

The prior project plans identified total landscaping to be 6,840 square feet, which was reflected in the Project Description section of the October 7, 2024 agenda report. The applicant has since confirmed that the total landscaping should have been identified as 5,662 square feet. In addition, the prior project plans identified total permeable surface area to be 5,275 square feet and 6,400 square feet, varying among plan sheets, which was reflected in the Project Description section and Table 3 – LCP Zoning Conformance of the October 7, 2024, report. The applicant has confirmed that the total impermeable surface area proposed should have been noted as 6,405 square feet. The total of 6,405 square feet is less than the maximum allowed 8,549 square feet and is consistent with the LIP standard for impermeable coverage. The corrected square footages are reflected in the Resolution (Exhibit A).

The Site Plan (Sheet A-0.1) and Landscape Plan set were also adjusted to account for the changes to the stairs, landing, and retaining walls on the grading plan, to ensure all plan sets across disciplines are consistent (shown in Exhibit C). As a result of the grading plan changes, the square footages of landscaped and impermeable surface areas have been reduced in the area of the changes to the stairs, landing, and retaining walls, but have been increased elsewhere on the site so that the total proposed landscape area and impermeable surface area remain 5,662 square feet and 6,405 square feet, respectively. The Landscape Plan in Exhibit C specifically identifies where the landscape square footage has been removed and where it has been added.

Lastly, the applicant has revised the project rendering (shown on the cover sheet of the architectural plan set, Exhibit C). The earlier rendering depicted retaining walls along the

building elevation facing PCH, which had been removed from the design since before the prior set of plans included in the October 7, 2024, agenda report. Neither the project plans in the October 7, 2024, agenda report nor the revised project plans submitted on October 24, 2024, indicate a retaining wall along this building elevation.

The changes to the project plans are considered minor. The City's Geotechnical reviewing consultants have reviewed the changes to the grading plan, including stairs, landing, and retaining walls, and issued a letter that finds the changes acceptable with no additional geotechnical recommendations required.

Public Correspondence

Public correspondence received after the October 7, 2024 agenda report was distributed is included as Exhibit E. The following discussion addresses concerns expressed.

Fire Access

The County Fire Department approved the project's concept fire access plan on November 17, 2020. Final Fire Department approval of the project is required during Building Safety plan check review. The City's standard condition of approval is for the project to comply with all requirements and conditions of the Los Angeles County Fire Department (Condition of Approval No. 33 in Exhibit A). Therefore, as is standard practice, the County Fire Department staff will be reviewing the project for consistency with fire access and other fire-related requirements once final project plans are prepared and submitted to the County as part of the City Building Safety plan check process. City staff spoke with supervising County Fire Department staff on October 10, 2024, and confirmed that the Fire Department's concept fire access approval is still valid.

Illegal Grading

As part of concerns raised about slopes on the subject property, public comments indicated illegal grading had recently occurred on the project site. The applicant indicated that weed abatement activities took place on the project site on September 26, 2024, and confirmed that equipment used included a mechanical scraper, truck, and hand-held equipment. City Code Enforcement staff, along with Building Safety staff and Planning staff, visited the site on October 7, 2024 and observed no evidence that grading had occurred on the property.

Minor Modification

Public comments indicate that steep slopes are not considered sensitive resources in the LCP and LIP, and therefore a minor modification cannot be approved. A full discussion of the minor modification request for the front yard setback is provided in the October 7, 2024 agenda report. The front yard setback minor modification would enable the project to avoid

steep slopes (steeper than 4:1), which are considered sensitive resources. Chapter 4 of the LIP addresses Environmentally Sensitive Habitat Area (ESHA). Section 4.6.1(A) of the LIP states, “However, in the Point Dume area, new development shall be designed to avoid encroachment on slopes of 25 percent grade or steeper.”

EXHIBITS:

A. Planning Commission Resolution No. 24-64
B. Applicant’s Request for Continuance
C. Revised Project Plans and Summary of Changes
D. October 7, 2024, Agenda Report
E. Public Correspondence

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 24-64

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. 20-003 TO CONSTRUCT A NEW 4,050 SQUARE-FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 390 SQUARE-FOOT GARAGE, SWIMMING POOL, LANDSCAPING, HARDSCAPE, RETAINING WALLS, GRADING, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING MINOR MODIFICATION NO. 20-001 FOR UP TO A 50 PERCENT REDUCTION IN THE FRONT YARD SETBACK, LOCATED IN THE RURAL RESIDENTIAL, ONE-ACRE ZONING DISTRICT AT 29329 HEATHERCLIFF ROAD (ACS INTERNATIONAL, LLC)

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

SECTION 1. Recitals.

A. On January 9, 2020, an application for Coastal Development Permit (CDP) No. 20-003 to allow for a new single-family residence and associated development was submitted to the Planning Department by ACS International, LLC. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for review.

B. On September 29, 2022, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On December 14, 2023, the application was deemed complete for processing.

D. On March 15, 2024, Planning Department staff determined the application qualified to be processed administratively pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13.1.

E. On May 24, 2024, the Planning Director approved Administrative Coastal Development Permit (ACDP) No. 20-003, inclusive of Minor Modification (MM) No. 20-001. After considering public comments received by the Planning Director on the ACDP and prior to reporting the item to the Planning Commission, the applicant requested that the application be processed as a regular CDP.

F. On September 26, 2024, 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.

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EXHIBIT A

G. On October 7, 2024, the project applicant submitted a written request to continue the public hearing and the Planning Commission continued the item to the November 18, 2024 Regular Planning Commission meeting.

H. On October 24, 2024, the applicant submitted revised project plans and related application materials to the Planning Department.

I. On November 18, 2024, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

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

SECTION 3. Coastal Development Permit Findings.

Based on evidence contained within the record and pursuant to the LCP LIP, including Sections 13.7(B) and 13.9, the Planning Commission adopts the findings of fact, and approves CDP No. 20-003 for construction of a new 4,050 square-foot, 18-foot tall, two-story single-family residence with an attached 390 square-foot garage, swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system (OWTS), including MM No. 20-001 for up to a 50 percent reduction of the front yard setback, located in the Rural Residential–One Acre (RR-1) zoning district at 29329 Heathercliff Road.

The project, as conditioned, is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. With the inclusion of the proposed MM, the project 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 located in the RR-1 residential zoning district, an area designated for residential uses, including single-family residences. 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, WD29, and the LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all

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applicable residential development standards, including the size, height, and location requirements of the LCP, inclusive of the requested MM.

2. Evidence in the record, including detailed alternatives analysis provided in the agenda report, demonstrates that as conditioned, the project meets the development policies of the LCP, does not result in adverse impacts on coastal resources and has been determined to be the least environmentally damaging feasible alternative.

B. Minor Modification Findings for Front Yard Setback (LIP Section 13.27)

1. The project proposes a 49.8 percent reduction in the required front yard setback, from the minimum required 59.4 feet to 29.6 feet. The reduced front yard setback will avoid development on slopes 4 to 1 and steeper, considered sensitive resources. By siting the development in the easterly and flatter area of the property, the remainder of the site is retained as natural open space and provides a buffer from the residence to the Pacific Coast Highway (PCH), a scenic road. Natural vegetation on the westerly portion of the site is also retained. The residence would be sited near neighboring residences, continuing the development pattern of houses upslope of PCH and close to Heathercliff Road.

2. The project's height and bulk will not adversely affect neighborhood character. The proposed structure complies with the size, height, location, grading and residential development standards of the LCP and Malibu Municipal Code (MMC), consistent with the RR-1 zoning designation, with the inclusion of the MM request. The project is compatible with other development in the adjacent area in that the neighborhood is characterized by one- and two-story residences with similar residence placement near or at the top of the hillside and orientation parallel to PCH. Based on conformance with development standards, inclusive of the MM, project conditions for building, driveway, wall materials and colors, the particular proposed site and building design characteristics, the surrounding topography, and surrounding existing development, the project is not expected to have an adverse effect on neighborhood character.

3. The 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, including those of the City Biologist, City geotechnical consultant reviewers, City Public Works Department, City Environmental Health Administrator, WD29 and the LACFD. The project must also be approved by the WD29 and the City of Malibu Building Safety/Environmental Sustainability Department prior to issuance of City building permits.

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

1. The residential structure will not adversely affect views from PCH, a scenic road. The project meets the required development standards of the MMC and LIP, including size, height and location, inclusive of the MM for front yard setback. The residential structure will be located on the flatter portion of the site, upslope from PCH, and adjacent to other residences along Heathercliff Road, leaving the southern portion of the site along the scenic road as open space with natural habitat and serving as a visual buffer from the development. The residential structure is

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expected to be only minimally visible from the Zuma Ridge Trail located across PCH and upslope from the project site. The residence will be stepped into the hillside. The project's retaining walls are not directly visible from PCH. Nonetheless, the project has been conditioned so that the final design of the retaining walls includes veneers, textures and colors to blend with the surrounding earth materials and landscaping. Standard conditions of approval have been included for building and pavement colors, materials, and lighting. Therefore, the project, as proposed and conditioned, will not have significant adverse scenic or visual impacts upon scenic roads and public viewing areas.

2. The project, as designed and conditioned, will not adversely affect scenic and visual resources and no feasible alternatives will avoid or substantially lessen significant adverse impacts on scenic and visual resources. The structures will be sited on the flatter portion of the site furthest from the PCH, leaving most of the site and natural scrub vegetation preserved as a buffer between the development and the PCH. A condition of approval has been added to ensure retaining walls are treated to blend in with the surrounding natural environment. The project has also been conditioned to include limitations on exterior lighting and colors of exterior finishes used to prevent any visual impacts to scenic areas. Shifting the proposed structure westerly on the site and downhill toward the PCH may reduce the obstruction of views from neighbors' properties, although it is not expected to completely remove the view obstruction. Moving the structure downslope would result in development of steep slopes (steeper than 4 to 1) that are considered sensitive resources and natural scrub vegetation, as well as place the structure nearer to PCH, which is uncharacteristic of the pattern of development in the area that is closer to the top of the hill.

D. Hazards (LIP Chapter 9)

1. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical review consultants, WD29, and the LACFD. These specialists determined that the project, with conditions, would not result in adverse geologic or flood impacts. The project is not located in a hazard zone, except that the site is within an extreme fire hazard area, and groundwater is not expected to be encountered during construction. Any special conditions from these departments regarding site stability must be met prior to issuance of a building permit; any special conditions from the City Building Safety Department and the LACFD regarding structural integrity must be met prior to issuance of a building permit. Therefore, no feasible alternatives to the proposed development that would avoid or substantially lessen impacts on site stability or structural integrity are required nor available.

2. The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone. The property is currently subject to wildfire, however, development of a residence and associated development on the subject property will not increase the site's susceptibility to wildfire. The proposed development may actually decrease the site's susceptibility to wildfire through compliance with fuel modification requirements and the use of appropriate building materials which will be utilized during construction. The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has "mutual

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aid agreements" with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Conditions of approval have been included to require compliance with all LACFD development standards. As such, the proposed project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wildfire hazards.

3. The project site is not in a liquefaction, landslide or Alquist Priolo Earthquake Zone. Groundwater is not expected to be encountered during construction. The project plans and associated technical reports have been reviewed by City geotechnical review consultants, the LACFD, the City Public Works Department, and the City Environmental Health Administrator. These specialists determined that the project, with conditions, would not result in adverse geologic or flood impacts. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 20-003 and MM No. 20-001, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

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

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

    a. A new 4,050 square-foot, 18 foot-tall, two-story, single-family residence, an attached 320 square-foot roof overhang, and an attached 390 square foot garage;
    b. 6,405 square feet of impermeable surface coverage;
    c. Retaining walls not to exceed six feet in height;
    d. Swimming pool and associated pool equipment;
    e. Patios, decks and paving for vehicle and pedestrian access and a fire department turnaround area;
    f. Trellis over deck;
    g. OWTS;

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h. 5,662 square feet of landscaping; and
i. Non-exempt grading of 675 cubic yards.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition 2 and depicted on plans on file with the Planning Department dated October 24, 2024. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs 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 digitally submit a complete set 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. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

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

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

9. 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.

10. 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.

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

Cultural Resources

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

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

Lighting

14. No outdoor lighting is approved as part of this project. A lighting plan shall be submitted for City approval prior to Building Safety plan check, consistent with City standards, and the following: Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60-watt incandescent bulb);
    b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
    d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
    e. Site perimeter lighting shall be prohibited; and
    f. Outdoor decorative lighting for aesthetic purposes is prohibited.

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

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

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

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

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

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

Fencing and Walls

21. The height of 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.

22. All 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.

Construction/Framing

23. Prior to the commencement of work, the applicant shall submit a copy of the Construction Management Plan to the Planning Department. The Construction Management Plan shall include a dedicated parking location for construction workers and storage of construction material, not within the public right of way. Prior to permit issuance, the Construction Management Plan must be acceptable to the Planning Director, and, if applicable, to the Building Official and Public Works Director.

24. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.

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. 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

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California Vehicle Code. In addition, construction vehicles shall be covered when necessary and their tires rinsed prior to leaving the property.

27. 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 stormwater 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.

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

29. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

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Colors and Materials

30. The project is visible from a scenic road, 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.

31. 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.

Fuel Modification

32. Prior to the issuance of final building permits, the project shall receive LACFD approval of a Final Fuel Modification Plan.

Site Specific Conditions

33. The project shall comply with all requirements and conditions of the LACFD.

Biology/Landscaping

34. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

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

36. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 17.53). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.

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

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

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

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

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41. No development is permitted on slopes steeper than 4 to 1.

42. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.

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

44. Vegetation in excess of six feet in height shall not obstruct the primary view of existing residences located within a 1,000-foot radius at any given time (given consideration of its future growth).

45. Plantings required for fuel modification, except for within irrigated Zone A nearest to approved residential structures, must be native, drought-tolerant species and shall blend with the existing natural vegetation and natural habitats on the site.

46. Grading shall be scheduled only during the dry season from April 1 – October 31. 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.

47. The landscape and fuel modification plan has been conditioned to protect natural resources in accordance with the LCP. All areas shall be planted and maintained as described in the landscape and fuel modification plan. Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.

48. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, with native plant species, to the satisfaction of the Planning Director.

49. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet between large woody (≥10-foot canopy) shrubs is recommended by the LACFD. Lawns are prohibited on slopes > 5 percent.

50. Slope planting measures such as contour planting and terracing or other techniques shall be incorporated on slopes to interrupt the flow and rate of surface runoff in order to prevent surface soil erosion.

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

52. Construction fencing shall be placed within five feet of the limits of grading. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

53. 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. Up-lighting is prohibited.

54. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 feet from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.

Public Works – Grading and Drainage

55. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

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

57. 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:
    a. Is located within or adjacent to ESHA, or
    b. Includes grading on slopes greater than 4:1

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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.

58. 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.

59. 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 disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
    d. The grading limits shall include the temporary cuts made for retaining walls,
    e. buttresses, and over excavations for fill slopes and shall be shown on the grading
    f. plan;
    g. If the property contains trees that are to be protected, they shall be highlighted on the grading plan;
    h. 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;
    i. Private storm drain systems shall be shown on the grading plan. Systems greater
    j. than 12-inch diameter shall also have a plan and profile for the system included with the grading plan; and
    k. 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.

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

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61. The non-exempt grading for the project shall not exceed a total of 675 cubic yards, cut and fill.

62. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

Public Works – Storm Water

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

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

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.

64. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
    a. Site Design Best Management Practices (BMPs):
    b. Source Control BMPs;
    c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;
    d. Drainage improvements;
    e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;

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f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
g. Measures to treat and infiltrate runoff from impervious areas;
h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measure installed during construction prior to the issuance of grading or building permits; and
i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior the Public Works Department's approval of the grading and drainage plan and/or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Office of the Los Angeles County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.

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

66. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
    a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
    b. Prohibits the discharge of trash.
    c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
    d. Elimination of non-storm water discharges.

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Geology

67. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical consultant reviewers 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 consultant reviewers prior to the issuance of a grading permit.

68. Final plans approved by the City geotechnical consultant reviewers 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.

Swimming Pool/Spa/Water Feature

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

70. 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).

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

72. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides, 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)

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

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

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

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Environmental Health/OWTS

76. OWTS on Architectural and Grading Plans: The final Architectural Site Plan (Sheet A-0.1) and Grading Plans must show the OWTS, including the treatment tank(s), present/future seepage pits, and all lines of connection to the residence.

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

78. Final OWTS Design Report, Plans, and System Specifications: A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the proposed OWTS.

79. All plans and reports must be signed by a City registered OWTS Designer, and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's signature, professional registration number, and stamp (if applicable).

80. The final OWTS design submittal shall contain the following information (in addition to the items listed above).
    a. The model and capacity of the treatment tank(s) must be discussed in the final OWTS report and clearly shown on the final OWTS plans.
    b. Confirm cap depth for seepage pit at LBA-5 on OWTS plan.
    c. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.
    d. Sewage and effluent pump design calculations (as applicable).
    e. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment,

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textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems.

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

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

81. 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. The final floor plans must show all bedrooms and drainage fixtures in the proposed residence.

82. Proof of Ownership: Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

83. Operations and Maintenance Manual: An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

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

85. Advanced OWTS Covenant: Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Office of the Los

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Angeles County Recorder. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving the subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Environmental Health Administrator.

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

87. City of Malibu Public Works Approval: City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

88. City of Malibu Geologist/Geotechnical Approval: City of Malibu consulting geotechnical reviewers' final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

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

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

91. Operating Permit Application and Fee: In accordance with the MMC, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

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Water Quality/Water Service

92. 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.

93. Prior to final inspection (or project sign-off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of Los Angeles County Waterworks District No. 29 have been met, including installation of a meter, if applicable.

94. A USC approved backflow device is required for this property and is to be installed and maintained by the property owner.

Deed Restrictions

95. 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.

96. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 14-20. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

97. The garage area shall be limited to accessory use as defined by the City of Malibu LCP. The garage area cannot be converted into habitable space at any time in the future. Prior to issuance of building permits, the application is required to execute and record a deed restriction to this effect.

Prior to Occupancy

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

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

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

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

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102. 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

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

104. 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 November 2024.

_____
DREW LEONARD, Planning Commission Chair

ATTEST:

_____
REBECCA EVANS, Recording Secretary

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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. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 24-64 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 18th day of November 2024 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

DRAFT

RE: FW: 29329 Heathercliff Rd / CDP 20-003 Public Hearing - October 7, 2024

1 message

Don Schmitz <dons@schmitzandassociates.net> Mon, Oct 7, 2024 at 11:08 AM
To: Allison Cook <capstonecityplan@gmail.com>
Cc: Diana Springer <dspringer@schmitzandassociates.net>, Erin Schrang <eschrang@schmitzandassociates.net>, Chris Deleau <cdeleau@schmitzandassociates.net>, Scott Hoeft <shoeft@schmitzandassociates.net>, AK Munaim <amunaim@schmitzandassociates.net>, Alan ACS <alan@myacsinc.com>, Don Schmitz <dons@schmitzandassociates.net>, Patricia Salazar <psalazar@malibucity.org>

Good morning Allison;

Considering all the last-minute objections being raised by the neighbors, including a letter from their attorney within the hour, we are going to postpone our application from tonight's hearing so that we can produce a supplemental packet addressing all the issues. Hopefully, this will not unduly delay the hearing of the matter.

We very much appreciate your professionalism and steady hand on the handling of our application.

Don Schmitz, AICP
President, Schmitz and Associates

818.338.3636
310.617.0773
schmitzandassociates.com
dons@schmitzandassociates.net
28230 Agoura Rd. Suite 200, Agoura Hills, CA 91301

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

EXHIBIT B

From: Allison Cook <capstonecityplan@gmail.com>
Sent: Monday, October 7, 2024 10:55 AM
To: Alan ACS <alan@myacsinc.com>; AK Munaim <amunaim@schmitzandassociates.net>
Subject: Fwd: FW: 29329 Heathercliff Rd / CDP 20-003 Public Hearing - October 7, 2024

Hi - FYI.

Allison Cook, AICP

Owner, Capstone City Planning

Contract Planner to the City of Malibu

805-415-1991

capstonecityplan@gmail.com

---------- Forwarded message ---------
From: **Justin R. Trujillo** <JTrujillo@elkinskalt.com>
Date: Mon, Oct 7, 2024 at 10:30 AM
Subject: FW: 29329 Heathercliff Rd / CDP 20-003 Public Hearing - October 7, 2024
To: Allison Cook <capstonecityplan@gmail.com>
Cc: planningcommission@malibucity.org <planningcommission@malibucity.org>, Kenneth A. Ehrlich <KEhrlich@elkinskalt.com>

Allison:

Attached please find a courtesy copy of our supplemental letter opposing the 29329 Heathercliff Rd. project.

Please contact my office with any questions.

Thanks,

Justin R. Trujillo

JTrujillo@elkinskalt.com

Direct Dial: (310) 746-4446 | Fax: (310) 746-4499

Elkins Kalt Weintraub Reuben Gartside LLP
10345 W. Olympic Boulevard, Los Angeles CA 90064

www.elkinskalt.com

From: Justin R. Trujillo
Sent: Saturday, October 5, 2024 11:09 AM
To: mtamuri@malibucity.org; malibu planning <mplanning@malibucity.org>
Cc: Kenneth A. Ehrlich <KEhrlich@elkinskalt.com>; Gail Duncan <gduncan@malibucity.org>
Subject: 29329 Heathercliff Rd / CDP 20-003 Public Hearing - October 7, 2024

Chair Leonard, Interim Director Tamuri, and Members of the Planning Commission:

Attached please find correspondence regarding the above-referenced matter.

Please contact my office with any questions.

Thanks,

Justin R. Trujillo

JTrujillo@elkinskalt.com

Direct Dial: (310) 746-4446 | Fax: (310) 746-4499 | Download VCard

Elkins Kalt Weintraub Reuben Gartside LLP

10345 W. Olympic Boulevard, Los Angeles, CA 90064

www.elkinskalt.com

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Schmitz & Associates, Inc.
28230 Agoura Road, Suite 100
Agoura Hills, CA 91301

October 23rd, 2024

Attn: Allison Cook
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Cc: Raneika Brooks, Senior Planner

Hello Allison,

The project architect has confirmed that the area calculations shown on the most recent plans are correct and the area calculations and plans are consistent. The architectural site plan has been revised to match the Civil Plan in terms of impermeable coverage.

I. Plan Revision Summary: We provide you below with a summary of the physical plan changes, which are as follows:

1. Changes to Civil Plans: The small changes you noted in the civil plan were made to allow the Fire Department footpath access (hose pull) to work. Mo, the applicant's civil engineer, noticed that the stairway along the west side of the house, leading up to the hammerhead area, did not match the elevation of the hammerhead/driveway. He modified the stairs and landing configuration so that the stairs and landings were able to reach the appropriate driveway elevation to allow for Fire Department access. This required adding some stairs and landings and slightly reconfiguring the retaining walls adjacent to the hammerhead to accommodate Fire Department access. He worked backwards from the hammerhead towards the house resulting in minor changes to the stair, wall, and landing configuration (as shown in the Attached Civil Plan Changes Exhibit).

2. Changes to Architectural Plans: On the cover sheet of the architectural set, we have modified the rear elevation rendering so that it's more accurate. The rendering was previously showing a long variable height retaining wall elevating the rear deck above grade some three or four feet. If you look at the Civil Plans, there is no retaining wall there. The deck sits on grade completely. The rendering on the cover sheet has been modified accordingly. We also modified the architectural site plan to match the updated civil site plan.

3. Change to Slope Map: Regarding the slope band map, the prior map did not use 5' contour intervals. I believe he was using 2' intervals. When the surveyor revised the slope map to use 5' contour intervals to average the slopes, the locations of the slope bands changed in

EXHIBIT C

several places, which is to be expected. The topography didn't change, only how the average "slope" is calculated by the software program. This results in different slope bands (graphically). Using 5' contour intervals is standard in the City as is noted in the City's Application submittal requirements and as per past practice (see CDP application checklist/application requirements, requiring the use of 5' contour intervals for the slope map).

4. Changes to the Landscaping Plans: The landscape area calculations are correct. With the minor changes to the Civil and Landscaping plans, an equal amount of landscaping was added and subtracted, therefore, the total amount of landscaped area before and after was "netted out" and remains unchanged (see SheetL-1.0, illustrated in green is 260 sq ft + 5 sq ft = 265 sq ft added and the red dashed area is 265 sq ft removed).

   Further, the impervious quantity is correct with the change equal amounts of impervious area were added and subtracted; thus, the total amount of impervious area remains unchanged.

5. The revised geotechnical letter you requested indicates that no changes have occurred that would result in different recommendations from the Geotechnical Engineer.

6. Lastly, you will recall that the neighbor's surveyor/ civil engineer (Peak Survey & Engineering) raised the issue of some small discrepancies in the area of the 200' contour interval, as between prior surveys. To address this issue, we had the project surveyor come out to the property and survey the area near the driveway and hammerhead to verify the topography in this area. The updated survey varies only in very minor respects from the old topo maps. We also updated the slope map (and all other revised plans) based upon the most recent survey, and the map confirms that there is still no development being proposed on slopes steeper than 4:1.

The attached exhibits show the areas of change to the civil plan. The architectural and civil site plans have been modified to reflect the changes summarized above. The landscaping plan was also modified to match the Civil site plan so that all 3 plans are consistent. Attached you will find two exhibits detailing the changes to the plans and providing context for why the changes were made.

The changes, while they may have been a bit confusing, are very minor. Notwithstanding the lengthy explanation above, all that changed was the FD access walkway and the addition (relocation) of landscape area above the driveway.

All updated plans are attached hereto as are the two exhibits. There is no change to the photo simulation from PCH as the relocation of the stairs is not visible from PCH in this perspective.

We are also submitting the materials referenced through the City's Development Portal formally.

II. Violation Asserted by the Neighbor:

One of the concerns raised by the neighbors was that there had been "illegal grading" in violation of City codes. After receiving this comment, we arranged a meeting with representatives of the City's Building Safety, Code Enforcement and Planning Staff. At this site visit, it was determined by the City Building Official, Ryan Cerny, that no grading had occurred, only routine maintenance of the existing road. No violation has occurred.

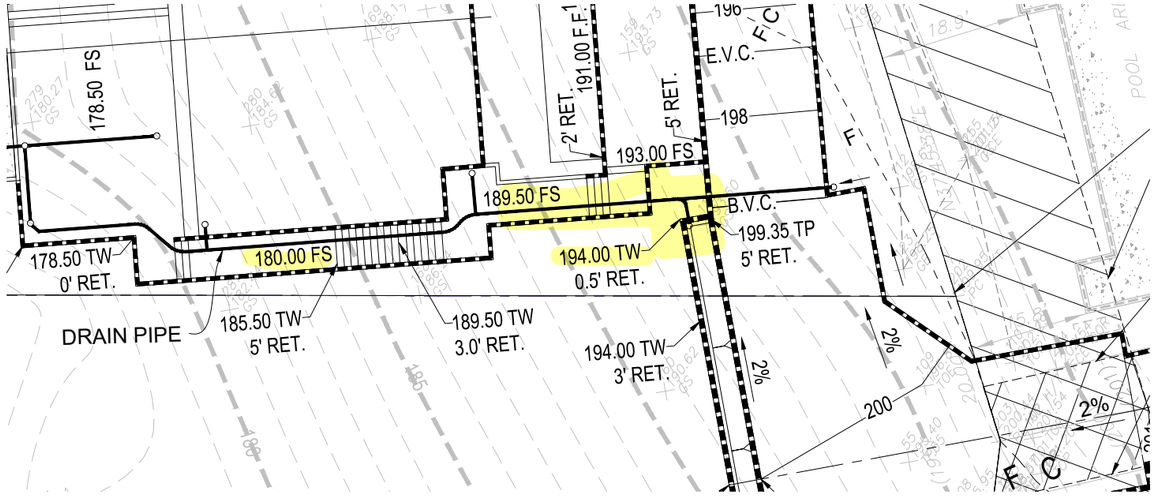
Should you have any questions please do not hesitate to contact us.

Best Regards,
Schmitz & Associates, Inc.

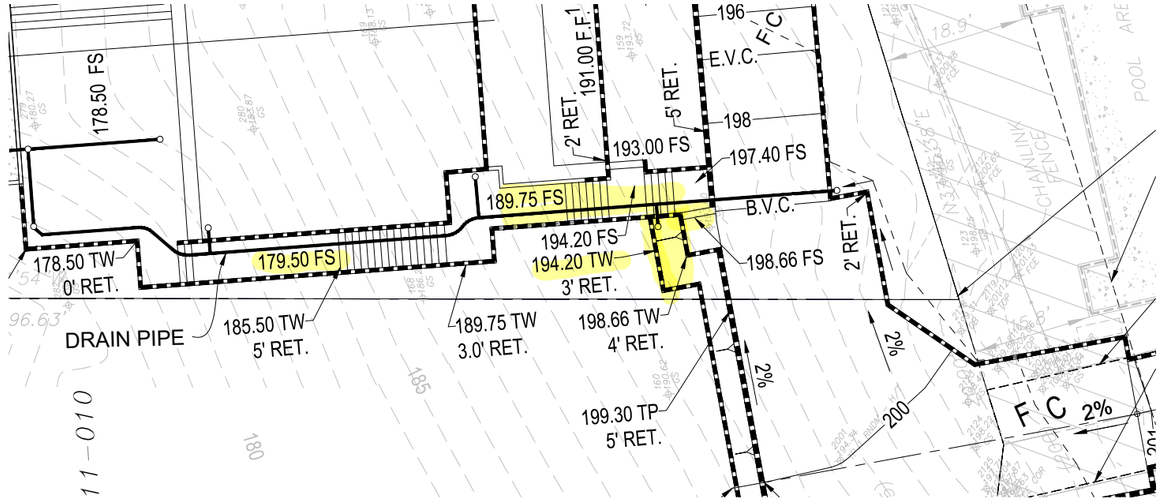
Christopher M. Deleau, JD, AICP
Special Projects Manager

CHANGES TO CIVIL PLAN AND EXPLANATION :

civil engineer, noticed that the stairway along the west side of the house, HIGHLIGHTED below in yellow leading up to the hammerhead area, did not match the elevation of the hammerhead/driveway, He modified the stair and landing configuration so that the stairs and landings were able to reach the appropriate driveway elevation. This required adding some stairs and landings and slightly reconfiguring the retaining walls adjacent to the hammerhead to accommodate Fire Department access. He worked backwards from the hammerhead towards the house resulting in minor changes to the stair, wall, and landing configuration (as shown in the exhibits below).



PREVIOUS CIVIL PLANS CHANGED AREA HIGHLIGHTED



CURRENT ADJUSTED CIVIL PLANS CHANGED AREA HIGHLIGHTED



DAVID KELLEN + ASSOCIATES, INC.
2701 AIRPORT AVENUE, SUITE #202
SANTA MONICA, CA 90405

TELEPHONE 310 245-3584
E MAIL: davidkellen117@gmail.com

RESIDENCE LOCATED AT:

29329 HEATHCLIFF ROAD
MALIBU, CA 90265

PROJECT OWNER

ACS INTERNATIONAL LLC

PROJECT ADDRESS

29329 HEATHERCLIFF ROAD
MALIBU, CA 90265

APN

4468-011-011

TOTAL DEVELOPMENT SQUARE FOOTAGE

FIRST FLOOR	2,590 SF
SECOND FLOOR	1,460 SF
TOTAL DWELLING	4,050 SF
FIRST FLOOR OVERHANG (>6'-0")	320 SF
TOTAL OVERHANG (>6'-0")	320 SF
GARAGE	390 SF
PROPOSED FLOOR AREA	4,760 SF (<5,527 SF ALLOWABLE)

ALLOWABLE FLOOR AREA

21,780 SF X .177 = 3,855 + 1,000 = 4,855 SF
28,498 SF (AREA OF SITE GREATER
THAN 1:1 SLOPE) - 21,780 SF
= 6,718 SF X .10 = 672 SF

4,855 SF + 672 SF = 5,527 SF

2/3 RULE CALCULATION

FIRST FLOOR	2,590 SF	
FIRST FLOOR OVERHANG (>6'-0")	320 SF	
TOTAL FIRST FLOOR	2,910 SF	
SECOND FLOOR	1,850 SF	65% (<2/3 OF FIRST FLOOR AREA)

NEW LANDSCAPE

NEW LANDSCAPE AREA	5,662 SF

IMPERMEABLE AREA

PROPOSED IMPERMEABLE AREA	6,405 SF
ALLOWABLE IMPERMEABLE AREA 30% OF 28,498 SF (NET LOT AREA)	8,549 SF (> 6,405 SF)

ROOF AREA TABULATION

TOTAL ROOF	4,210 SF
ROOF	
> 18' ABOVE GRADE	
< 20" ABOVE GRADE	480 SF (= 12% OF ROOF)
PARAPET	
> 18' ABOVE GRADE	40 SF
< 21.5" ABOVE GRADE	(= 1% OF ROOF)

SET BACK CALCULATIONS

FRONT YARD SETBACK SHAL BE AT LEAST 20% OF THE TOTAL DEPTH OF THE LOT, OR 65', WHICHEVER IS LESS

20% X 297 = 59.2'

WITH MODIFICATION - 59.2' / 2 = 29.6'

REAR YARD SETBACK SHALL BE AT LEAST 15% OF THE LOT DEPTH OR 15' WHICHEVER IS GREATER

15% X 297 = 44.6'

SIDE YARD SETBACKS SHALL BE CUMULATIVELY AT LEAST 25% OF THE TOTAL WIDTH OF THE LOT BUT, IN NO EVENT, SHALL A SINGLE SIDE YARD SETBACK BE LESS THAN 10% OF THE WIDTH OF THE LOT OR 5', WHICHEVER IS GREATER

25% X 116.1' = 29.1', 11.7' MIN + 17.4' = 29.1'

DISCRETIONARY ACTIONS

1) MODIFICATION FOR FRONT YARD SETBACK - REDUCE FRONT YARD SET BACK TO 29.6' (SEE FRONT YARD SETBACK)

SITE AREAS

GROSS SITE AREA	33,532 SF
NET SITE AREA	28,498 SF

NOTE: TDSF is the calculation of the interior space of the primary and accessory structures (including interior and exterior walls, fireplaces, vertical mechanical chases/voided spaces between walls, covered patio areas and overhangs with a depth in excess of six feet from the edge of the building or more than 60 percent enclosed by walls, and crawlspaces with a ceiling height in excess of six feet). Stairways and elevator shafts are counted once on the first floor only.

NOTE:

Clearance of brush and vegetative growth shall be maintained per Fire Code 325

NOTE:

All roof coverings shall be Class ""A"" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R902)

SET BACKS

Steps pave walkways project into a required yard up to a point not closerthan three feet to a property line. Height including railings shall not exceed six feet above the grade of the ground at the property line.

There are no balconies, decks, terraces that are at least six feet above grade with-in the side yard setbacks.

There are no open, unenclosed fire escapes and fireproof outside with-in the side yard setbacks.

There is no Ground-mounted pool equipment, air conditioners and built-in barbecues that are with-in the side yard setbacks.

Driveways, walkways, patio slabs and other areas constructed of concrete, asphalt or similarmaterials do not exceed one foot above ground level.

Decks over one foot high shall be regulated bySection 3.5.3(B)(3) of the Malibu LIP.

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	SURVEY
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< 4 TO 1 SLOPE ALLOWABLE BUILDING AREA

DENOTES FIRE TURN-AROUND

1 SITE PLAN
SCALE: 1/16" = 1'-0"

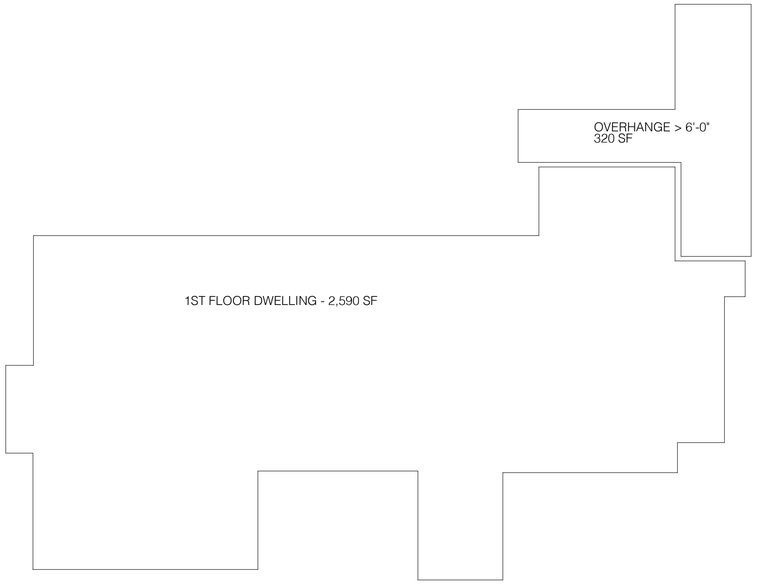
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29329 HEATHCLIFF ROAD
MALIBU, CA 90265

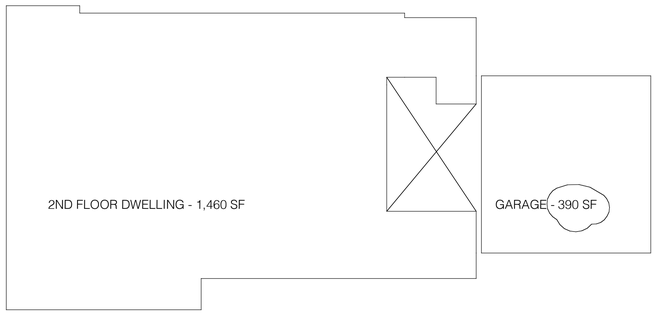
DAVID KELLEN + ASSOCIATES, INC.
2701 AIRPORT AVENUE, SUITE #202
SANTA MONICA, CA 90405
TELEPHONE 310 245-3584
E MAIL: davidkellen117@gmail.com

OCT 15, 2024

SITEPLAN

A-0.1





2 TOTAL DEVELOPMENT SQUARE FOOTAGE FIRST FLOOR

SCALE: 1/8" = 1'-0"

FIRST FLOOR	2,590 SF
OVERHANGE (>6'-0")	320 SF
TOTAL	2,910 SF

1 TOTAL DEVELOPMENT SQUARE FOOTAGE SECOND FLOOR

SCALE: 1/8" = 1'-0"

SECOND FLOOR	1,460 SF
GARAGE	390 SF

TOTAL DEVELOPMENT SQUARE FOOTAGE

FIRST FLOOR	2,590 SF
SECOND FLOOR	1,460 SF
TOTAL DWELLING	4,050 SF
FIRST FLOOR OVERHANG (>6'-0")	320 SF
TOTAL OVERHANG (>6'-0")	320 SF
GARAGE	390 SF
PROPOSED FLOOR AREA	4,760 SF (<5,487 SF ALLOWABLE)

ALLOWABLE FLOOR AREA

21,780 SF X .177 = 3,855 + 1,000 = 4,855 SF
28101 SF (AREA OF SITE GREATER THAN 1:1 SLOPE) - 21,780 SF
= 6,321 SF X .10 = 632 SF

4,855 SF + 632 SF = 5,487 SF

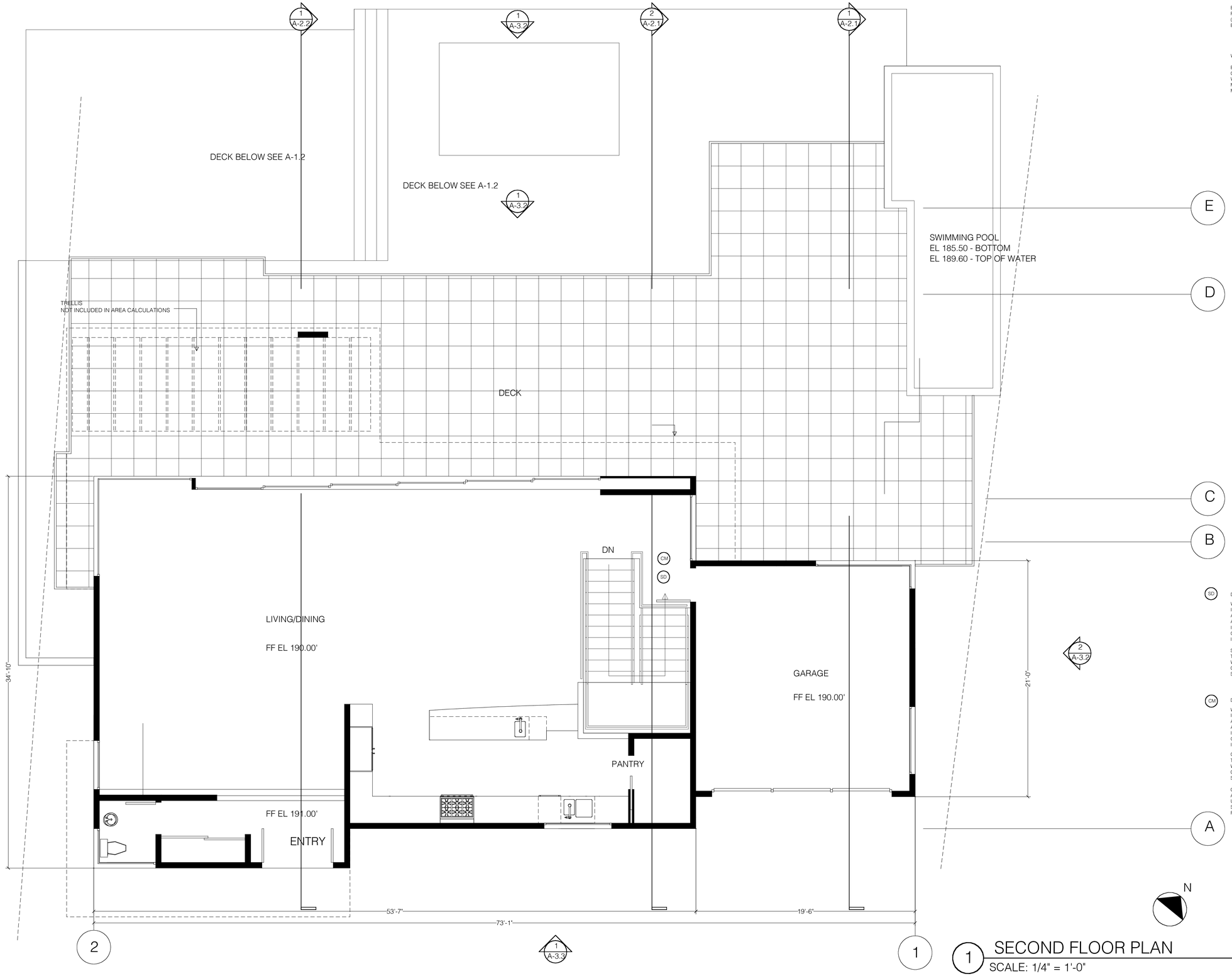
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SEPTEMBER 21, 2023

TOTAL DEVELOPMENT SQUARE FOOTAGE

A-0.2



1 SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

DOOR NOTES:

EXTERIOR DOOR ASSEMBLIES SHALL CONFORM TO PERFOMANCE STANDARD SFM 12-7A-1 (RESIDENTIAL CODE R327.8.3 AND BUILDING CODE 708A.3)

WINDOW NOTES:

EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOOR AND GLAZED OPENINGS WITHIN EXTERIOR DOORS SHALL BE MULTI-PANE GLAZING UNITS WITH A MINIMUM OF ONE TEMPERED PANE

Note:

Decking, surfaces, stair treads, risers, and landings of decks, porches, and balconies where any portion of such surface is within 10 feet of the primary structure shall comply with use of approved noncombustible construction (Residential Code R327.9.1 and Building Code 709A.3)

SD DENOTES SMOKE DETECTOR

WHEN MORE THAN ONE SMOKE ALARM IS REQUIRED TO BE INSTALLED WITHIN AND INDIVIDUAL DWELLING UNIT THE ALARM DEVIES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT

SMOKE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING PROVIDED THAT SUCH WIRING IS SERVED FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH A BATTERY BACKUP

CM DENOTES CARBON MONOXIDE ALARM

WHEN MORE THAN ONE CARBON MONOXIDE ALARM IS REQUIRED TO BE INSTALLED WITHIN AND INDIVIDUAL DWELLING UNIT THE ALARM DEVIES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT

CARBON MONOXIDE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING PROVIDED THAT SUCH WIRING IS SERVED FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH A BATTERY BACKUP

CARBON MONOXIDE ALARMS SHAL BE LISTED AS COMPLYING WITH THE REQUIREMENTS OF UL 2034. CARBON MONOXIDE DETECTORS SHALL BE LISTED AS COMPLYING WITH THE REQUIREMENTS OF UL 2075

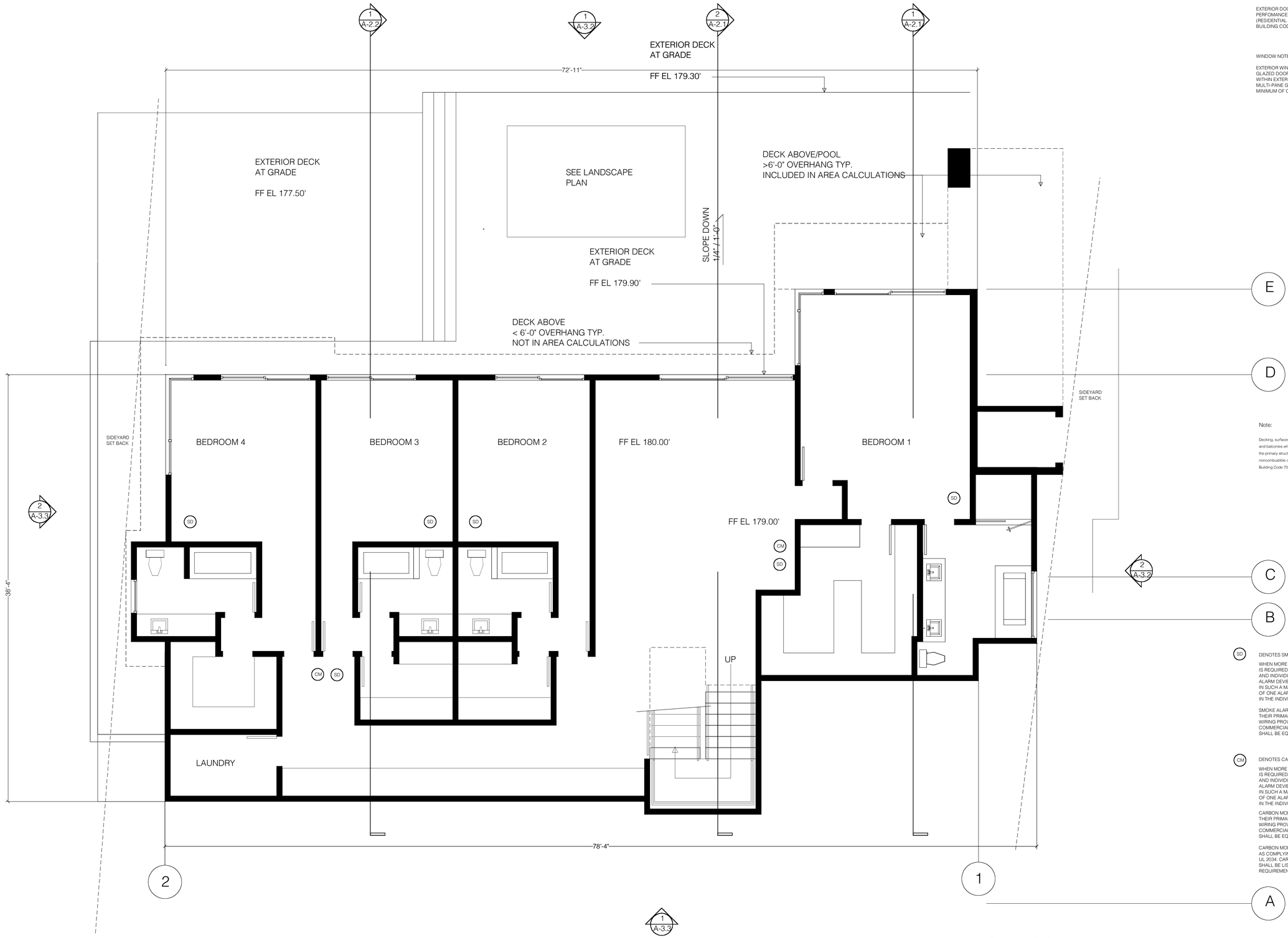
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APRIL 1, 2024

SECOND FLOOR PLAN

A-1.1



DOOR NOTES:

EXTERIOR DOOR ASSEMBLIES SHALL CONFORM TO PERFOMANCE STANDARD SFM 12-7A-1 (RESIDENTIAL CODE R327.8.3 AND BUILDING CODE 708A.3)

WINDOW NOTES:

EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOOR AND GLAZED OPENINGS WITHIN EXTERIOR DOORS SHALL BE MULTI-PANE GLAZING UNITS WITH A MINIMUM OF ONE TEMPERED PANE

Note:

Decking, surfaces, stair treads, risers, and landings of decks, porches, and balconies where any portion of such surface is within 10 feet of the primary structure shall comply with use of approved noncombustible construction (Residential Code R327.9.1 and Building Code 709A.3)

SD DENOTES SMOKE DETECTOR

WHEN MORE THAN ONE SMOKE ALARM IS REQUIRED TO BE INSTALLED WITHIN AND INDIVIDUAL DWELLING UNIT THE ALARM DEVIES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT

SMOKE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING PROVIDED THAT SUCH WIRING IS SERVED FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH A BATTERY BACKUP

CM DENOTES CARBON MONOXIDE ALARM

WHEN MORE THAN ONE CARBON MONOXIDE ALARM IS REQUIRED TO BE INSTALLED WITHIN AND INDIVIDUAL DWELLING UNIT THE ALARM DEVIES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT

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CARBON MONOXIDE ALARMS SHAL BE LISTED AS COMPLYING WITH THE REQUIREMENTS OF UL 2034. CARBON MONOXIDE DETECTORS SHALL BE LISTED AS COMPLYING WITH THE REQUIREMENTS OF UL 2075.

1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

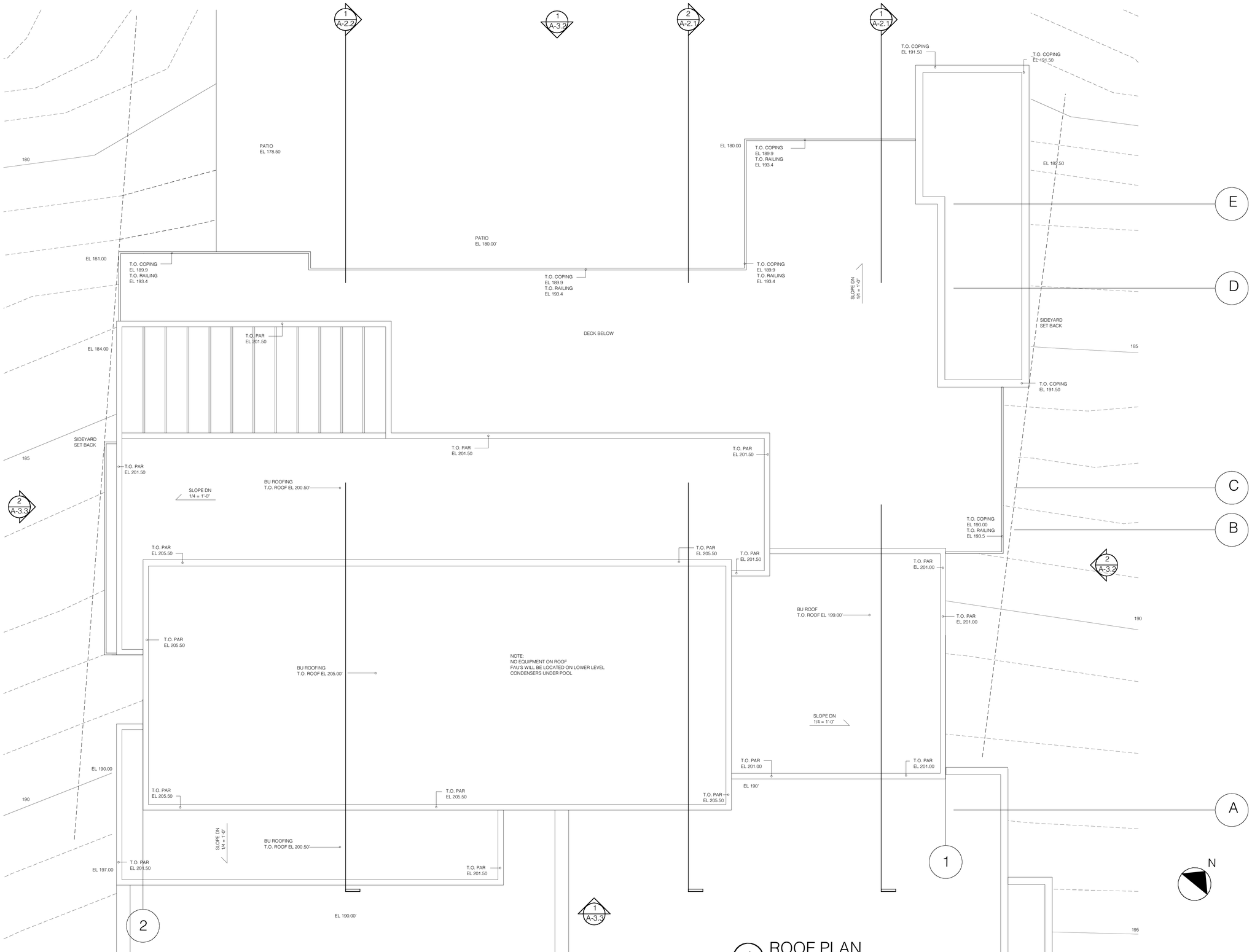
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APRIL 1, 2024

FIRST FLOOR PLAN

A-1.2



NOTE:

All roof coverings shall be Class ""A"" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R902)

NOTE:

ROOF GUTTERS SHALL BE PROVIDED WIHT A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER

1 ROOF PLAN
SCALE: 1/4" = 1'-0"

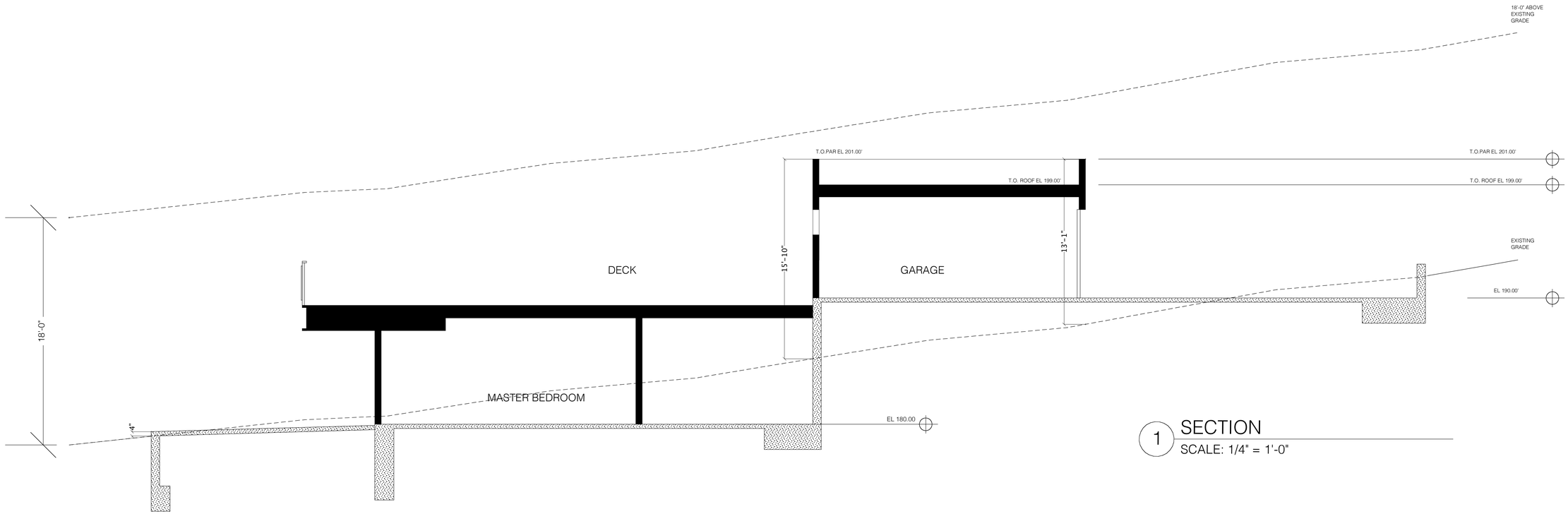
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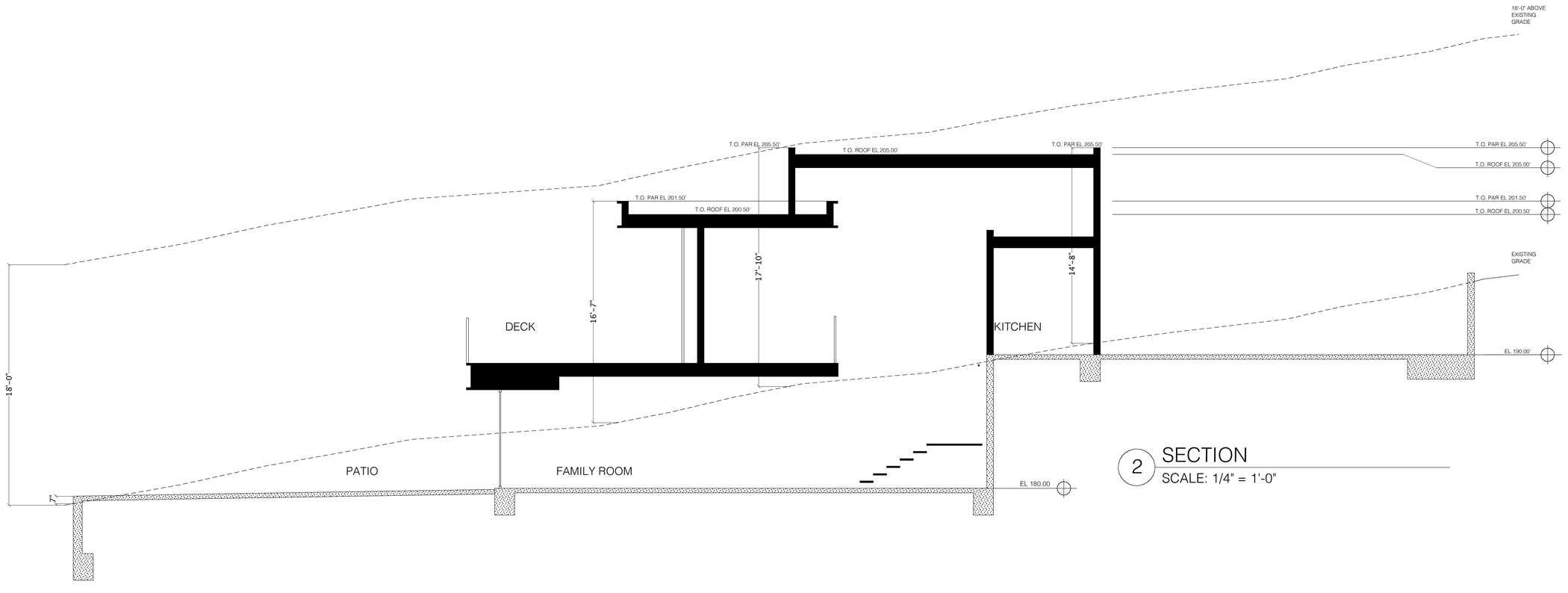
APRIL 1, 2024

ROOF PLAN

A-1.3



1 SECTION
SCALE: 1/4" = 1'-0"



2 SECTION
SCALE: 1/4" = 1'-0"

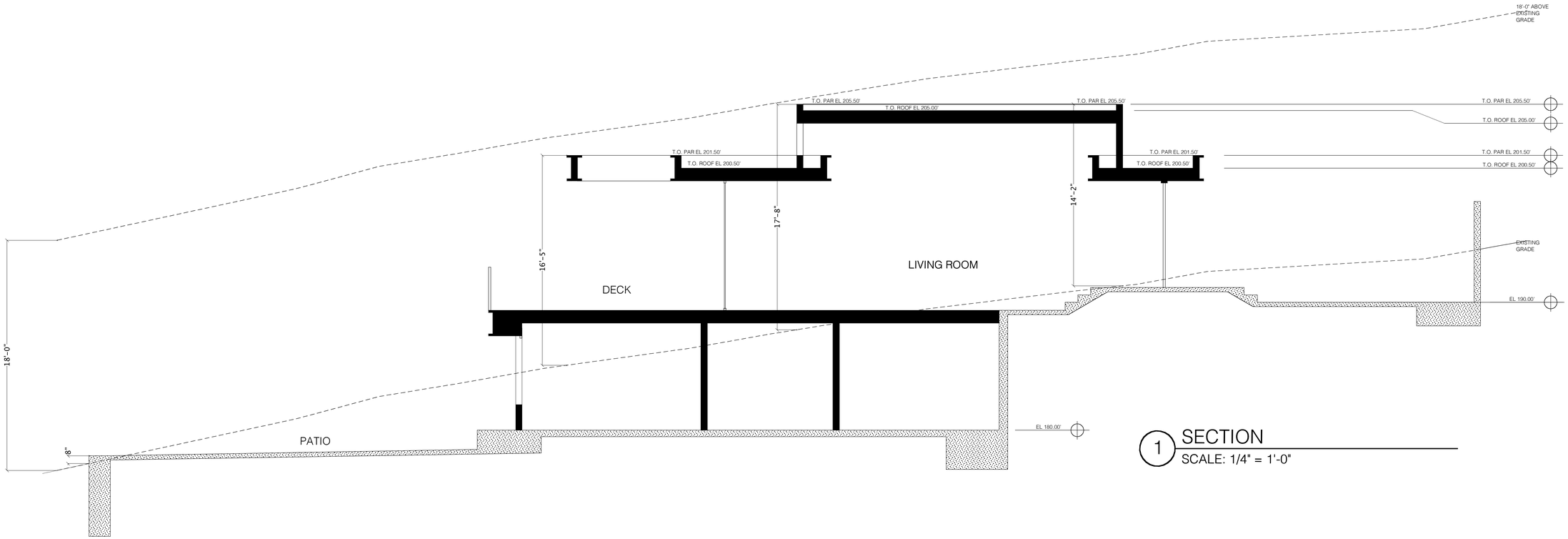
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APRIL 1, 2024

SECTIONS

A-2.1



1 SECTION
SCALE: 1/4" = 1'-0"

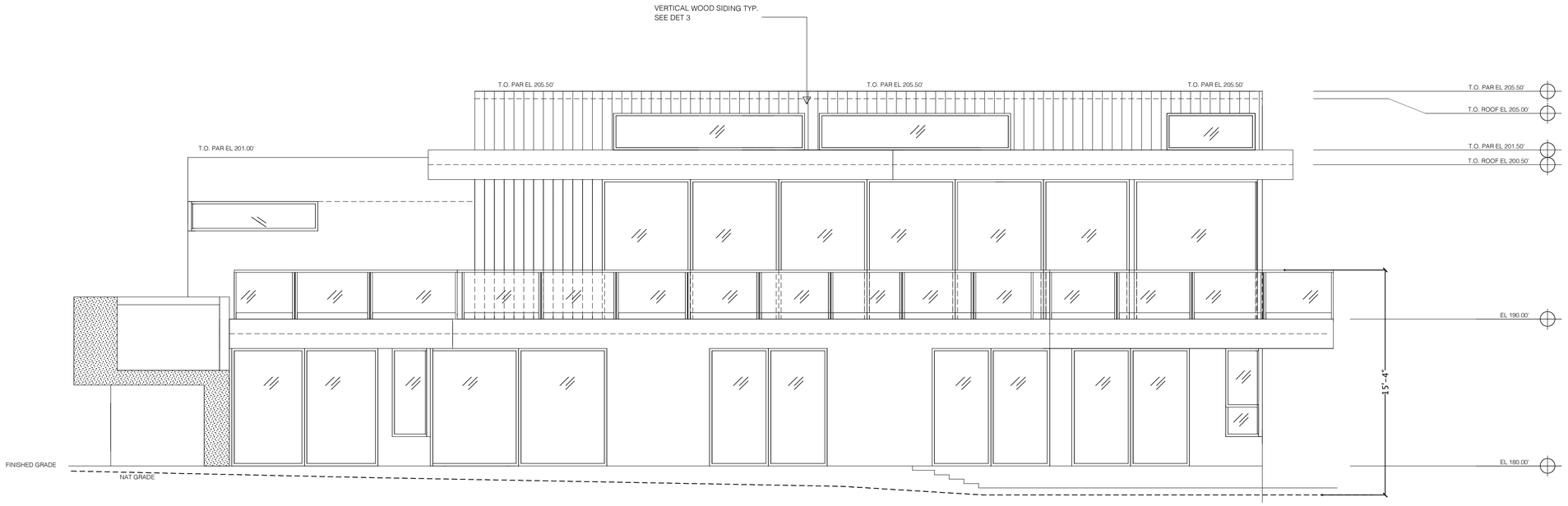
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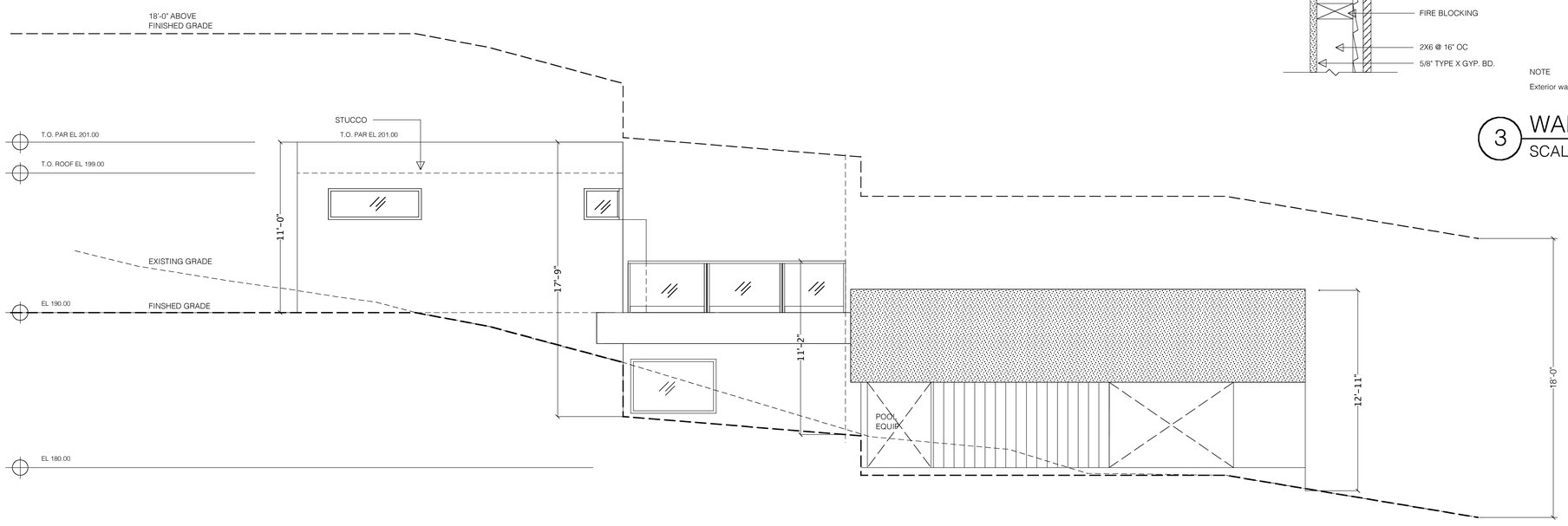
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APRIL 1, 2024

SECTIONS

A-2.2





2 EAST ELEVATION
SCALE: 1/4" = 1'-0"

NOTE

Exterior walls shall be an approved ignition resistant material.

3 WALL DET
SCALE: 1/4" = 1'-0"

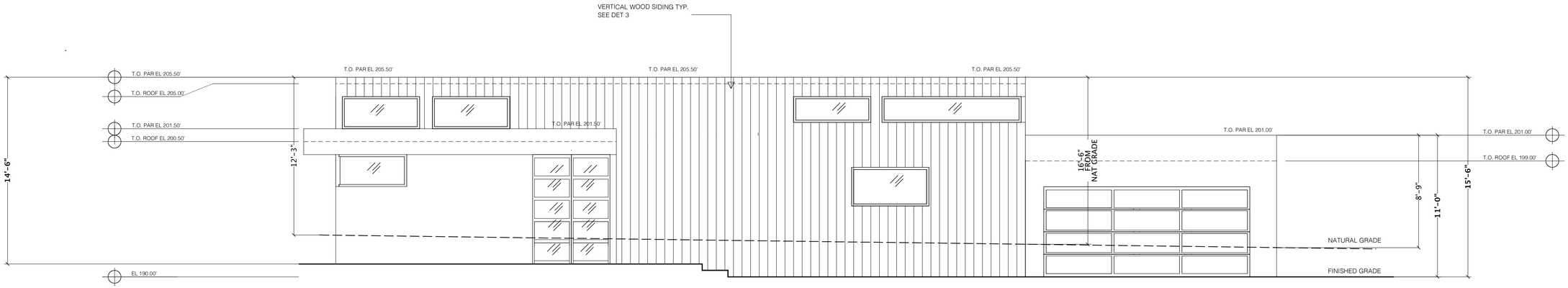
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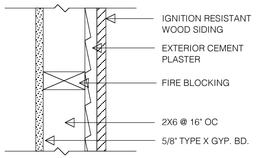
APRIL 1, 2024

ELEVATIONS

A-3.2

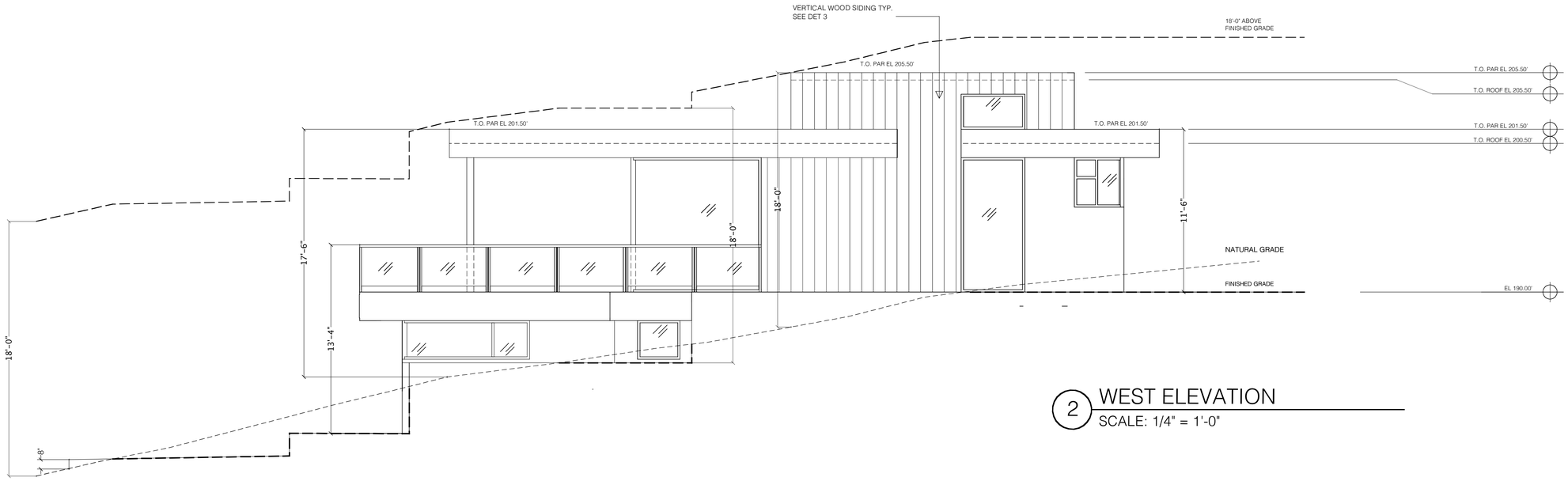


1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



NOTE
Exterior walls shall be an approved ignition resistant material.

3 WALL DET



2 WEST ELEVATION
SCALE: 1/4" = 1'-0"

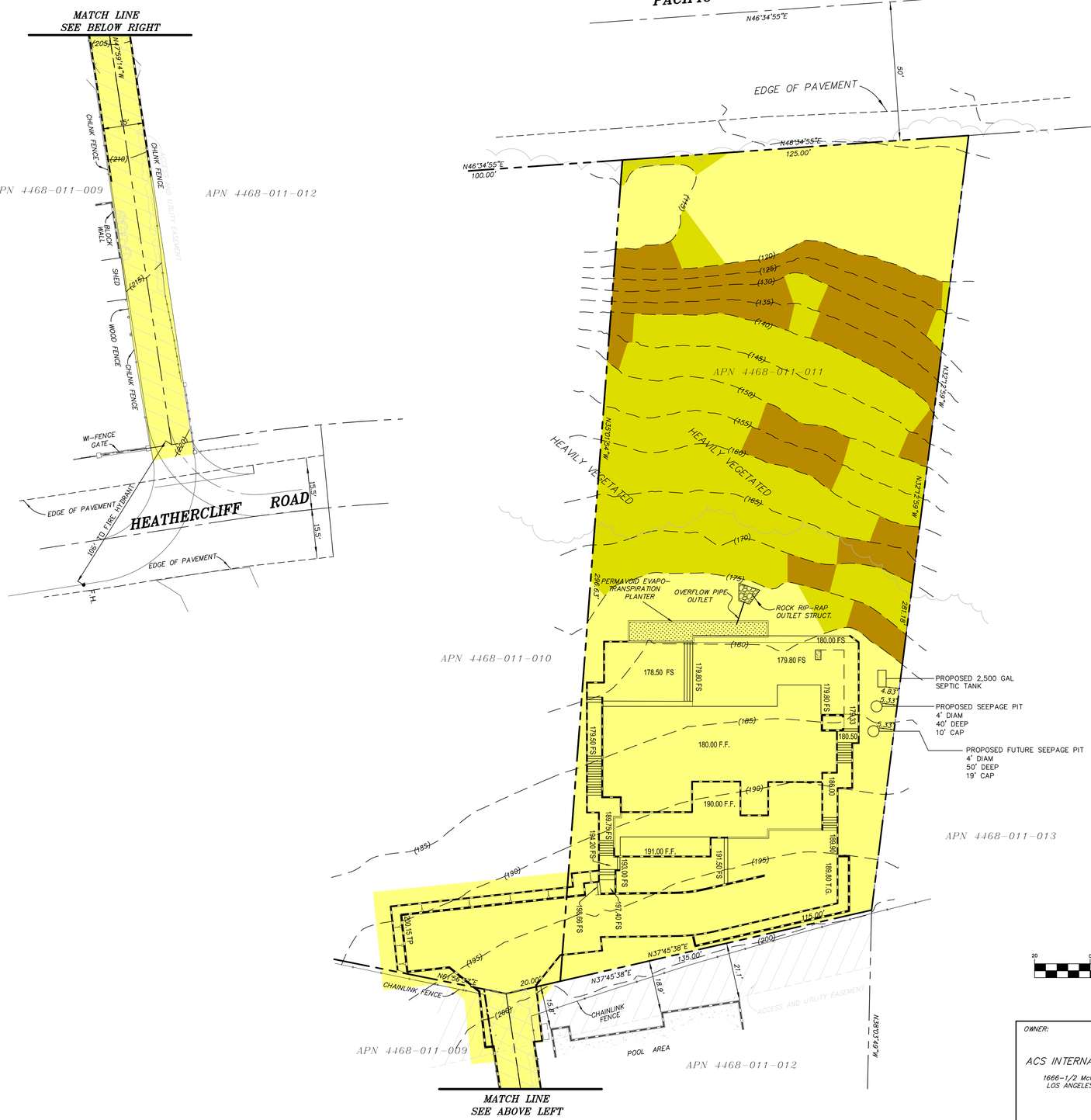
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APRIL 1, 2024

ELEVATIONS

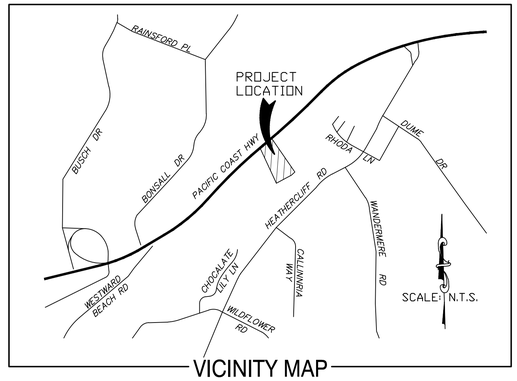
A-3.3



BENCH MARK Y11710
ELEVATION: 177.388

LACO BM TAG IN SE COR CONC FIRE HYDRANT PAD, 46' N/O C/L PACIFIC COAST HWY & 0.1 MI W/O C/L HEATHERCLIFF RD, (95' W/O GATE TO NURSERY)

MALIBU QUAD (2008 ADJ) NAVD 88



VICINITY MAP

LEGEND (WHERE APPLICABLE)

XX.XX	EXISTING SPOT ELEVATION	AP	ANGLE POINT
	TREE/TREE LINE	COR	CORNER
		FCE	CHAINLINK FENCE
		GB	GRADE BREAK
		GS	GROUND SHOT
		TOE	TOE OF SLOPE
		TOP	TOP OF SLOPE

ASSESSOR'S PARCEL NUMBERS:
4468-011-011

OWNER:
ACS INTERNATIONAL, LLC

BOUNDARY NOTE:
BOUNDARY ESTABLISHED FROM DEED CALLS, UTILIZING CENTERLINE MONUMENTATION FOUND ALONG HEATHERCLIFF ROAD AND FROM PACIFIC COAST HIGHWAY, RECORD DATA PER TRACT NO. 17808, MB 438, PGS. 43-45.

GROSS LAND AREA:
33,532 SQUARE FEET (0.77 ACRES) +/-

DATE OF SURVEY:
ORIGINAL SURVEY: 5/29/19

RE-SURVEY ACCESS EASEMENT: 10/08/24

SURVEYOR'S NOTE:
GROUND TOPOGRAPHIC SURVEY PERFORMED ON 5/29/19, AND SUPPLEMENTED WITH LA COUNTY GIS DATUM CONTOURS BELOW ELEVATION 165.00, SHOWN HEREON, DUE TO HEAVY VEGETATION AND LIMITED GROUND VISIBILITY.

RE-SURVEY OF ACCESS EASEMENT PERFORMED ON 10/08/24, AND INCORPORATED INTO THIS MAP.

Slope Table					
Number	Slope Ratio	Minimum Slope	Maximum Slope	Area	Color
1	< 4:1	0.00%	24.99%	17,609	
2	≥ 4:1 < 2:1	25.00%	49.99%	10,889	
3	≥ 2:1	50.00%	+300.00%	5,034	

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

PROFESSIONAL LAND SURVEYOR ELIAS CHAIJ L.S. 8908 STATE OF CALIFORNIA

ELIAS CHAIJ, PLS 8908
EXP.: 9/30/26

10/17/24
DATE

SLOPE BAND ANALYSIS WITH SITE PLAN OVERLAY

OWNER:
ACS INTERNATIONAL, LLC
1666-1/2 McCADDEN PLACE
LOS ANGELES, CA 90028

EXHIBIT PREPARED BY:
ELIAS CHAIJ
15627 NORTHWIND AVENUE
FONTANA, CA 92336
(909) 278-3116

SURVEY DATES: 5/29/19 AND 10/08/24 PLOT DATE: 10/17/24

DRAWN: E.C.

CHECKED: E.C.

TOPOGRAPHIC SURVEY
APN 4468-011-011
VACANT LAND – PACIFIC COAST HWY.
MALIBU, CA

SCALE: 1" = 20'

JN 1921-B

SHEET NO.
1 OF 1

PUBLIC WORKS DEPARTMENT GENERAL NOTES:

1. ALL WORK SHOWN ON THESE PLANS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (SSPWC) "GREEN BOOK."
2. CONTRACTORS SHALL COMPLY WITH ALL APPLICABLE DIVISION OF INDUSTRIAL REGULATIONS (CAL-OSHA) SAFETY STANDARDS. IF REQUESTED BY THE INSPECTOR, THE CONTRACTOR SHALL PROVIDE PROOF OF A PERMIT FROM SAID DIVISION.
3. CONTRACTOR SHALL CALL THE PUBLIC WORKS INSPECTOR AT (310) 456-2489, EXT. 235 FOR PRE-CONSTRUCTION MEETING PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR GRADING OPERATIONS. CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS INSPECTOR 48 HOURS PRIOR TO COMMENCING ANY CONSTRUCTION AND 24 HOURS IN ADVANCE OF SPECIFIC INSPECTION NEEDS DURING THE COURSE OF THE WORK.
4. STORAGE OF ANY CONSTRUCTION MATERIALS, CONSTRUCTION TRAILER, AND/OR PARKING AND ANY WORK WITHIN THE CITY PUBLIC RIGHT OF WAY SHALL REQUIRE A CITY ENCROACHMENT PERMIT. CALL THE PUBLIC WORKS INSPECTOR AT (310) 456-2489, EXT. 235 TO APPLY FOR A PERMIT.
5. STORAGE OF ANY CONSTRUCTION MATERIALS, CONSTRUCTION TRAILER, AND/OR PARKING AND ANY WORK WITHIN THE CALTRANS PUBLIC RIGHT OF WAY SHALL REQUIRE A CALTRANS ENCROACHMENT PERMIT. SUBMIT A COPY OF THE CALTRANS ENCROACHMENT PERMIT TO THE PUBLIC WORKS DEPARTMENT.
6. ALL WORK SHALL BE PERFORMED DURING CITY WORKING HOURS AND IN COMPLIANCE WITH THESE PLANS.
7. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF ANY WORK.
8. CONTRACTOR SHALL LOCATE, PROTECT, AND SAVE ANY AND ALL SURVEY MONUMENTS THAT WILL BE OR MAY BE DAMAGED OR DESTROYED BY THEIR OPERATIONS. ONCE FOUND, THE CONTRACTOR SHALL THEN NOTIFY BOTH THE DEVELOPER'S SUPERVISING CIVIL ENGINEER AND THE PUBLIC WORKS INSPECTOR. THE SUPERVISING CIVIL ENGINEER SHALL RESET ALL SAID MONUMENTS PER THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PUBLIC AND PRIVATE PROPERTY INSOFAR AS IT MAY BE AFFECTED BY THESE OPERATIONS.
10. EXISTING TRAFFIC SIGNS ARE NOT TO BE REMOVED WITHOUT PRIOR NOTIFICATION AND APPROVAL OF THE CITY ENGINEER. AS A MINIMUM, CONSTRUCTION WORK ZONE TRAFFIC SIGNS AND STRIPING SHALL BE FURNISHED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE "WORK AREA TRAFFIC CONTROL HANDBOOK" (THE "WATCH MANUAL"), PUBLISHED BY BNI BUILDING NEWS, INC. A TRAFFIC CONTROL PLAN, PREPARED BY THE DEVELOPER, MAY BE REQUIRED BY THE CITY.
11. DUST CONTROL SHALL BE MAINTAINED AT ALL TIMES.
12. EROSION CONTROL PLANS SHALL BE PROVIDED FOR ALL PROJECTS. GRADING AND CLEARING IS PROHIBITED FROM NOVEMBER 1 TO MARCH 31 FOR ALL DEVELOPMENTS WITHIN OR ADJACENT TO ESHA AND/OR INCLUDING GRADING ON SLOPES GREATER THAN 4:1.
13. ALL UNDERGROUND UTILITIES AND SERVICE LATERALS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS, AND PAVING UNLESS OTHERWISE PERMITTED BY THE CITY ENGINEER.
14. THE DEVELOPER SHALL COMPLY WITH NPDES REQUIREMENTS. THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE AVAILABLE AT THE CONSTRUCTION SITE AT ALL TIMES AND SHALL BE KEPT UPDATED.
15. ALL RECOMMENDATIONS MADE BY THE GEOTECHNICAL/SOILS ENGINEER (AND ENGINEERING GEOLOGIST, WHERE EMPLOYED), AND CONTAINED IN THE REPORTS REFERENCED HEREON, AS APPROVED OR CONDITIONED BY THE CITY, SHALL BE CONSIDERED A PART OF THE GRADING PLAN.
16. ALL STORM DRAIN PIPE WITHIN THE PUBLIC RIGHT-OF-WAY AND EASEMENTS SHALL BE REINFORCED CONCRETE PIPE (RCP).
17. TERRACE DRAINS, INTERCEPTOR DRAINS, AND DOWN DRAINS SHALL BE CONSTRUCTED OF 3" P.C.C. REINFORCED WITH 6"X6" X #10 W.W.M. AND SHALL BE EITHER SEMICIRCULAR OR TRIANGULAR CROSS SECTION. CONCRETE COLOR SHALL BE "OMAHA TAN" OR APPROVED EQUIVALENT.
18. GRADING QUANTITIES:
    CUT 1,805 CU.YD. FILL 174 CU.YD.
    EXPORT 1,631 CU.YD. IMPORT 0 CU.YD.
19. TOTAL DISTURBED AREA: 10,560 S.F. = 0.24 ACRES
    (INCLUDING GRADING, CLEARING, AND LANDSCAPING AREA)

    TOTAL EXISTING IMPERVIOUS SURFACE AREA 0 SQ. FT.
    TOTAL PROPOSED IMPERVIOUS SURFACE AREA 6,405 SQ. FT.
    FLOOD ZONE ON FIRM: D BASE FLOOD ELEVATION: N/A FT., PANEL: 06037C1518F
20. ALL SLOPES ON PRIVATE PROPERTY ADJOINING STREETS, DRAINAGE CHANNELS, OR OTHER PUBLIC FACILITIES SHALL BE GRADED NOT STEEPER THAN 2:1 FOR CUT AND FILL UNLESS SPECIFICALLY APPROVED BY THE CITY ENGINEER ON RECOMMENDATION OF THE PROJECT'S GEOTECHNICAL/SOILS CONSULTANT.
21. ALL CATCH BASINS AND DRAINAGE INLETS SHALL BE STENCILED WITH THE CITY OF MALIBU STORM DRAIN LOGO.

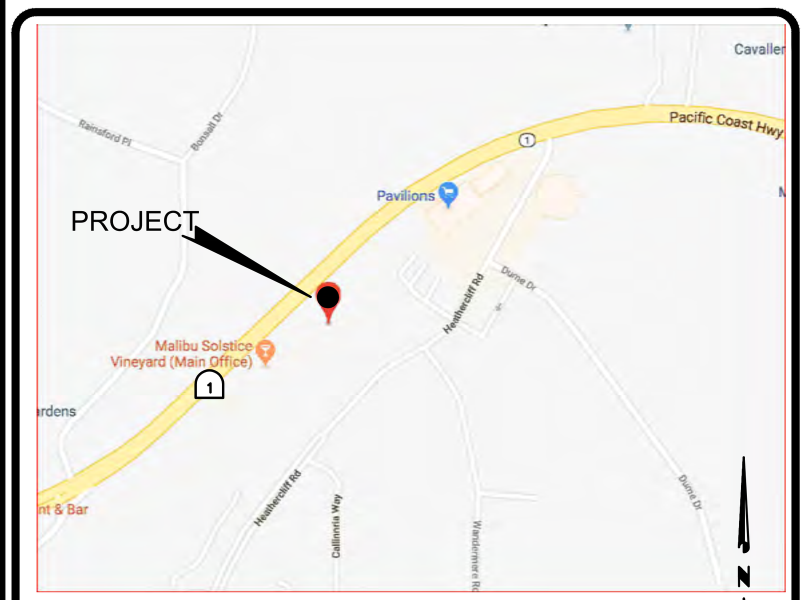
NOTES TO CONTRACTOR:

A. SEPARATE BUILDING PERMITS ARE REQUIRED FOR ALL RETAINING WALLS SHOWN ON THIS PLAN.

B. VERIFY ALL EXISTING ELEVATIONS PRIOR TO ANY HARD SURFACE CONSTRUCTION, AND ADVISE PROJECT CIVIL ENGINEER IF ANY OUT OF LIMIT CONDITION ENCOUNTERED DURING CONSTRUCTION SURVEY.

LEGEND:

C.B.	CATCH BASIN
C.F.	CURB FACE
D.F.	DEEPEN FOOTING
F.F.	FINISH FLOOR ELEVATIONS
F.G.	FINISH GRADE (EARTH)
F.H.	FIRE HYDRANT
F.L.	FLOW LINE
F.S.	FINISH SURFACE
G.B.	GRADE BREAK
H.P.	HIGH POINT
L.P.	LOW POINT
M.H.	MANHOLE
P.I.	POINT OF INTERSECTION
P.L.	PROPERTY LINE
PROP.	PROPOSED
— R. —	RIDGE LINE
S.S.	SANITARY SEWER
T.C.	TOP OF CURB
T.F.	TOP OF FOOTING
T.G.	TOP OF GRATE
T.P.	TOP OF PAVEMENT
T.W.	TOP OF WALL
—— 892 ——	FINISH CONTOUR
—— (890) ——	EXISTING CONTOUR
X 892.0	EXISTING SPOT ELEVATION
- - - - - - - - -	EASEMENT LINE
--------------	TOE OF SLOPE



VICINITY MAP

GENERAL NOTES:

1. ALL GRADING AND CONSTRUCTION SHALL CONFORM TO APPENDIX CHAPTER 33 AND CHAPTER 71 (LATEST EDITION) OF THE COUNTY OF LOS ANGELES BUILDING CODE UNLESS SPECIFICALLY NOTED ON THESE PLANS.
2. ANY MODIFICATIONS OF OR CHANGES TO APPROVED GRADING PLANS MUST BE APPROVED BY THE BUILDING OFFICIAL.
3. NO GRADING SHALL BE STARTED WITHOUT FIRST NOTIFYING THE BUILDING OFFICIAL. A PRE-GRADING MEETING AT THE SITE IS REQUIRED BEFORE THE START OF THE GRADING WITH THE FOLLOWING PEOPLE PRESENT: OWNER, GRADING CONTRACTOR, DESIGN CIVIL ENGINEER, SOILS ENGINEER, GEOLOGIST, COUNTY GRADING INSPECTOR(S) OR THEIR REPRESENTATIVES, AND WHEN REQUIRED THE ARCHEOLOGIST OR OTHER JURISDICTIONAL AGENCIES. PERMITTEE OR HIS AGENT ARE RESPONSIBLE FOR ARRANGING PRE-GRADE MEETING AND MUST NOTIFY THE BUILDING OFFICIAL AT LEAST TWO BUSINESS DAYS PRIOR TO PROPOSED PRE-GRADE MEETING.
4. APPROVAL OF THESE PLANS REFLECT SOLELY THE REVIEW OF PLANS IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES BUILDING CODE AND DOES NOT REFLECT ANY POSITION BY THE COUNTY OF LOS ANGELES OR THE DEPARTMENT OF PUBLIC WORKS REGARDING THE STATUS OF ANY TITLE ISSUES RELATING TO THE LAND ON WHICH THE IMPROVEMENTS MAY BE CONSTRUCTED. ANY DISPUTES RELATING TO TITLE ARE SOLELY A PRIVATE MATTER NOT INVOLVING THE COUNTY OF LOS ANGELES OR THE DEPARTMENT OF PUBLIC WORKS.
5. ALL GRADING AND CONSTRUCTION ACTIVITIES SHALL COMPLY WITH COUNTY OF LOS ANGELES CODE, TITLE 12, SECTION 12.12.030 THAT CONTROLS AND RESTRICTS NOISE FROM THE USE OF CONSTRUCTION AND GRADING EQUIPMENT FROM THE HOURS OF 8:00 PM TO 6:30 AM, AND ON SUNDAYS AND HOLIDAYS. (MORE RESTRICTIVE CONSTRUCTION ACTIVITY TIMES MAY GOVERN, AS REQUIRED BY THE DEPARTMENT OF REGIONAL PLANNING AND SHOULD BE SHOWN ON THE GRADING PLANS WHEN APPLICABLE.)
6. CALIFORNIA PUBLIC RESOURCES CODE (SECTION 5097.98) AND HEALTH AND SAFETY CODE (SECTION 7050.5) ADDRESS THE DISCOVERY AND DISPOSITION OF HUMAN REMAINS. IN THE EVENT OF DISCOVERY OR RECOGNITION OF ANY HUMAN REMAINS IN ANY LOCATION OTHER THAN A DEDICATED CEMETERY, THE LAW REQUIRES THAT GRADING IMMEDIATELY STOPS AND NO FURTHER EXCAVATION OR DISTURBANCE OF THE SITE, OR ANY NEARBY AREA WHERE HUMAN REMAINS MAY BE LOCATED, OCCUR UNTIL THE FOLLOWING HAS BEEN MEASURES HAVE BEEN TAKEN:
    a. THE COUNTY CORONER HAS BEEN INFORMED AND HAS DETERMINED THAT NO INVESTIGATION OF THE CAUSE OF DEATH IS REQUIRED, AND
    b. IF THE REMAINS ARE OF NATIVE AMERICAN ORIGIN, THE DESCENDANTS FROM THE DECEASED NATIVE AMERICANS HAVE MADE A RECOMMENDATION FOR THE MEANS OF TREATING OR DISPOSING, WITH APPROPRIATE DIGNITY, OF THE HUMAN REMAINS AND ANY ASSOCIATED GRAVE GOODS.
7. THE LOCATION AND PROTECTION OF ALL UTILITIES IS THE RESPONSIBILITY OF THE PERMITTEE.
8. ALL EXPORT OF MATERIAL FROM THE SITE MUST GO TO A PERMITTED SITE APPROVED BY THE BUILDING OFFICIAL OR A LEGAL DUMPSITE. RECEIPTS FOR ACCEPTANCE OF EXCESS MATERIAL BY A DUMPSITE ARE REQUIRED AND MUST BE PROVIDED TO THE BUILDING OFFICIAL UPON REQUEST.
9. A COPY OF THE GRADING PERMIT AND APPROVED GRADING PLANS MUST BE IN THE POSSESSION OF A RESPONSIBLE PERSON AND AVAILABLE AT THE SITE AT ALL TIMES.
10. SITE BOUNDARIES, EASEMENTS, DRAINAGE DEVICES, RESTRICTED USE AREAS SHALL BE LOCATED PER CONSTRUCTION STAKING BY FIELD ENGINEER OR LICENSED SURVEYOR. PRIOR TO GRADING, AS REQUESTED BY THE BUILDING OFFICIAL, ALL PROPERTY LINES, EASEMENTS, AND RESTRICTED USE AREAS SHALL BE STAKED.
11. NO GRADING OR CONSTRUCTION SHALL OCCUR WITHIN THE PROTECTED ZONE OF ANY OAK TREE AS REQUIRED PER TITLE CHAPTER 22.56 OF THE COUNTY OF LOS ANGELES ZONING CODE. THE PROTECTED ZONE SHALL MEAN THAT AREA WITHIN THE DRIP LINE OF AN OAK TREE EXTENDING THERE FROM A POINT AT LEAST FIVE FEET OUTSIDE THE DRIP LINE, OR 15 FEET FROM THE TRUNK(S) OF A TREE, WHICHEVER IS GREATER.
12. THE STANDARD RETAINING WALL DETAILS SHOWN ON THE GRADING PLANS ARE FOR REFERENCE ONLY. STANDARD RETAINING WALLS ARE NOT CHECKED, PERMITTED, OR INSPECTED PER THE GRADING PERMIT. A SEPARATE RETAINING WALL PERMIT IS REQUIRED FOR ALL STANDARD RETAINING WALLS.
    THIS NOTE ONLY APPLIES TO STANDARD RETAINING WALLS. GEOGRID FABRIC AND SEGMENTAL RETAINING WALLS DO NOT REQUIRE A SEPARATE RETAINING WAIL PERMIT. DETAILS AND CONSTRUCTION NOTES FOR ALL GEOGRID WALLS MUST BE ON THE GRADING PLAN.
13. A PREVENTIVE PROGRAM TO PROTECT THE SLOPES FROM POTENTIAL DAMAGE FROM BURROWING RODENTS IS REQUIRED PER SECTION 3307.6 OF THE COUNTY OF LOS ANGELES BUILDING CODE. OWNER IS TO INSPECT SLOPES PERIODICALLY FOR EVIDENCE OF BURROWING RODENTS AND A FIRST EVIDENCE OF THEIR EXISTENCE SHALL EMPLOY AN EXTERMINATOR FOR THEIR REMOVAL.
14. NO GRADING AUTHORIZED BY THIS PLAN THROUGH THE RAINY SEASON, NOVEMBER 1 THROUGH APRIL 15.
15. TRANSFER OF RESPONSIBILITY: IF THE CIVIL ENGINEER, THE SOILS ENGINEER, OR THE ENGINEERING GEOLOGIST OF RECORD IS CHANGED DURING GRADING, THE WORK SHALL BE STOPPED UNTIL THE REPLACEMENT HAS AGREED IN WRITING TO ACCEPT THEIR RESPONSIBILITY WITHIN THE AREA OF TECHNICAL COMPETENCE FOR APPROVAL UPON COMPLETION OF THE WORK. IT SHALL BE THE DUTY OF THE PERMITTEE TO NOTIFY THE BUILDING OFFICIAL IN WRITING OF SUCH CHANGE PRIOR TO THE RECOMMENCEMENT OF SUCH GRADING.

INSPECTION NOTES:

16. THE PERMITTEE OR HIS AGENT SHALL NOTIFY THE BUILDING OFFICIAL AT LEAST ONE WORKING DAY IN ADVANCE OF REQUIRED INSPECTIONS AT FOLLOWING STAGES OF THE WORK. (SECTION 3317 OF THE BUILDING CODE.)
    (a) **INITIAL.** WHEN THE SITE HAS BEEN CLEARED OF VEGETATION AND UNAPPROVED FILL HAS BEEN SCARIFIED, BENCHED OR OTHERWISE PREPARED FOR FILL. FILL SHALL NOT BE PLACED PRIOR TO THIS INSPECTION. NOTE: PRIOR TO ANY CONSTRUCTION ACTIVITIES, INCLUDING GRADING, ALL STORM WATER POLLUTION PREVENTION MEASURES INCLUDING EROSION CONTROL DEVICES WHICH CONTAIN SEDIMENTS MUST BE INSTALLED.
    (b) **ROUGH** WHEN APPROXIMATE FINAL ELEVATIONS HAVE BEEN ESTABLISHED; DRAINAGE TERRACES, SWALES AND BERMS INSTALLED AT THE TOP OF THE SLOPE; AND THE STATEMENTS REQUIRED IN THIS SECTION HAVE BEEN RECEIVED.
    (c) **FINAL.** WHEN GRADING HAS BEEN COMPLETED; ALL DRAINAGE DEVICES INSTALLED; SLOPE PLANTING ESTABLISHED, IRRIGATION SYSTEMS INSTALLED AND THE AS-BUILT PLANS, REQUIRED STATEMENTS, AND REPORTS HAVE BEEN SUBMITTED AND APPROVED.
17. IN ADDITION TO THE INSPECTION REQUIRED OF THE BUILDING OFFICIAL FOR REGULAR GRADING, REPORTS AND STATEMENTS SHALL BE SUBMITTED TO THE BUILDING OFFICIAL IN ACCORDANCE WITH SECTIONS 3317 AND 3318 OF THE COUNTY OF LOS ANGELES BUILDING CODE.
18. ALL GRADED SITES MUST HAVE DRAINAGE SWALES, BERMS, AND OTHER DRAINAGE DEVICES INSTALLED PRIOR TO ROUGH GRADING APPROVAL. PER SECTION 3317.6 OF THE COUNTY OF LOS ANGELES BUILDING CODE.
19. THE GRADING CONTRACTOR SHALL SUBMIT THE STATEMENT TO THE GRADING INSPECTOR AS REQUIRED BY SECTION 3318.1 OF THE COUNTY OF LOS ANGELES BUILDING CODE AT THE COMPLETION OF ROUGH GRADING.
20. FINAL GRADING MUST BE APPROVED BEFORE OCCUPANCY OF BUILDINGS WILL BE ALLOWED PER SECTION 3318 OF THE COUNTY OF LOS ANGELES BUILDING CODE.

DRAINAGE NOTES:

21. ROOF DRAINAGE MUST BE DIVERTED FROM GRADED SLOPES.
22. PROVISIONS SHALL BE MADE FOR CONTRIBUTORY DRAINAGE AT ALL TIMES.
23. ALL CONSTRUCTION AND GRADING WITHIN A STORM DRAIN EASEMENT ARE TO BE DONE PER PRIVATE DRAIN PD NO. N/A OR MISCELLANEOUS TRANSFER DRAIN MTD NO. N/A .
24. ALL STORM DRAIN WORK IS TO BE DONE UNDER CONTINUOUS INSPECTION BY THE FIELD ENGINEER. WEEKLY STATUS REPORTS SHALL BE SUBMITTED BY THE FIELD ENGINEER TO THE LOCAL BUILDING AND SAFETY DISTRICT OFFICE.

AGENCY NOTES:

25. AN ENCROACHMENT PERMIT FROM CITY OF MALIBU DEPARTMENT OF PUBLIC WORKS IS REQUIRED FOR ALL WORK WITHIN OR AFFECTING ROAD RIGHT OF WAY. ALL WORK WITHIN ROAD RIGHT OF WAY SHALL CONFORM TO THE CITY DEPARTMENT OF PUBLIC WORKS ENCROACHMENT PERMIT.
26. AN ENCROACHMENT PERMIT /CONNECTION PERMIT IS REQUIRED FROM THE COUNTY OF LOS ANGELES FLOOD CONTROL DISTRICT FOR ALL WORK WITHIN THE COUNTY OF LOS ANGELES FLOOD CONTROL DISTRICT RIGHT OF WAY. ALL WORK SHALL CONFORM WITH CONDITIONS SET BY THE PERMIT.
27. PERMISSION MUST BE OBTAINED FROM THE FIRE PREVENTION BUREAU OR THE LOCAL FIRE STATION PRIOR TO COMMENCING WORK.
28. ALL WORK WITHIN THE STREAMBED AND AREAS OUTLINED ON GRADING PLANS SHALL CONFORM TO:
    - ARMY CORP 404 PERMIT NUMBER: N/A
    - CALIFORNIA FISH & GAME PERMIT NO.: N/A

GENERAL GEOTECHNICAL NOTES:

29. ALL WORK MUST BE IN COMPLIANCE WITH THE RECOMMENDATIONS INCLUDED IN THE GEOTECHNICAL CONSULTANT'S REPORT(S) AND THE APPROVED GRADING PLANS AND SPECIFICATIONS.
30. GRADING OPERATIONS MUST BE CONDUCTED UNDER PERIODIC INSPECTIONS BY THE GEOTECHNICAL CONSULTANTS WITH MONTHLY INSPECTION REPORTS TO BE SUBMITTED TO THE GEOLOGY AND SOILS SECTION.
31. THE SOIL ENGINEER SHALL PROVIDE SUFFICIENT INSPECTIONS DURING THE PREPARATION OF THE NATURAL GROUND AND THE PLACEMENT AND COMPACTION OF THE FILL TO BE SATISFIED THAT THE WORK IS BEING PERFORMED IN ACCORDANCE WITH THE PLAN AND APPLICABLE CODE REQUIREMENTS.
32. ROUGH GRADING MUST BE APPROVED BY A FINAL ENGINEERING GEOLOGY AND SOILS ENGINEERING REPORT. AN AS-BUILT GEOLOGIC MAP MUST BE INCLUDED IN THE FINAL GEOLOGY REPORT. PROVIDE A FINAL REPORT STATEMENT THAT VERIFIES WORK WAS DONE IN ACCORDANCE WITH REPORT RECOMMENDATIONS AND CODE PROVISIONS (SECTION 3318.1 OF THE COUNTY OF LOS ANGELES BUILDING CODE). THE FINAL REPORT(S) MUST BE SUBMITTED TO THE GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION FOR REVIEW AND APPROVAL.
33. FOUNDATION, WALL AND POOL EXCAVATIONS MUST BE INSPECTED AND APPROVED BY THE CONSULTING GEOLOGIST AND SOIL ENGINEER, PRIOR TO THE PLACING OF STEEL OR CONCRETE.
34. BUILDING PADS LOCATED IN CUT/FILL TRANSITION AREAS SHALL BE OVER-EXCAVATED A MINIMUM OF THREE (3) FEET BELOW THE PROPOSED BOTTOM OF FOOTING.

FILL NOTES:

35. ALL FILL SHALL BE COMPACTED TO THE FOLLOWING MINIMUM RELATIVE COMPACTION CRITERIA:
    a. 90 PERCENT OF MAXIMUM DRY DENSITY WITHIN 40 FEET BELOW FINISH GRADE.
    b. 93 PERCENT OF MAXIMUM DRY DENSITY DEEPER THAN 40 FEET BELOW FINISH GRADE, UNLESS A LOWER RELATIVE COMPACTION (NOT LESS THAN 90 PERCENT OF MAXIMUM DRY DENSITY) IS JUSTIFIED BY THE GEOTECHNICAL ENGINEER.

    THE RELATIVE COMPACTION SHALL BE DETERMINED BY A.S.T.M. SOIL COMPACTION TEST D1557-91 WHERE APPLICABLE: WHERE NOT APPLICABLE, A TEST ACCEPTABLE TO THE BUILDING OFFICIAL SHALL BE USED. (SECTION 3313.4 OF THE COUNTY OF LOS ANGELES BUILDING CODE.)
36. FIELD DENSITY SHALL BE DETERMINED BY A METHOD ACCEPTABLE TO THE BUILDING OFFICIAL. (SECTION 3313.4 OF THE COUNTY OF LOS ANGELES BUILDING CODE.) HOWEVER, NOT LESS THAN 10% OF THE REQUIRED DENSITY TEST, UNIFORMLY DISTRIBUTED, AND SHALL BE OBTAINED BY THE SAND CONE METHOD.
37. SUFFICIENT TESTS OF THE FILL SOILS SHALL BE MADE TO DETERMINE THE RELATIVE COMPACTION OF THE FILL IN ACCORDANCE WITH THE FOLLOWING MINIMUM GUIDELINES:
    a. ONE TEST FOR EACH TWO-FOOT VERTICAL LIFT.
    b. ONE TEST FOR EACH 1,000 CUBIC YARDS OF MATERIAL PLACED.
    c. ONE TEST AT THE LOCATION OF THE FINAL FILL SLOPE FOR EACH BUILDING SITE (LOT) IN EACH FOUR-FOOT VERTICAL LIFT OR PORTION THEREOF.
    d. ONE TEST IN THE VICINITY OF EACH BUILDING PAD FOR EACH FOUR-FOOT VERTICAL LIFT OR PORTION THEREOF.
38. SUFFICIENT TESTS OF FILL SOILS SHALL BE MADE TO VERIFY THAT THE SOIL PROPERTIES COMPLY WITH THE DESIGN REQUIREMENTS, AS DETERMINED BY THE SOIL ENGINEER INCLUDING SOIL TYPES, SHEAR STRENGTHS PARAMETERS AND CORRESPONDING UNIT WEIGHTS IN ACCORDANCE WITH THE FOLLOWING GUIDELINES:
    a. PRIOR AND SUBSEQUENT TO PLACEMENT OF THE FILL, SHEAR TESTS SHALL BE TAKEN ON EACH TYPE OF SOIL OR SOIL MIXTURE TO BE USED FOR ALL FILL SLOPES STEEPER THAN THREE (3) HORIZONTAL TO ONE VERTICAL.
    b. SHEAR TEST RESULTS FOR THE PROPOSED FILL MATERIAL MUST MEET OR EXCEED THE DESIGN VALUES USED IN THE GEOTECHNICAL REPORT TO DETERMINE SLOPE STABILITY REQUIREMENTS. OTHERWISE, THE SLOPE MUST BE REEVALUATED USING THE ACTUAL SHEAR TEST VALUE OF THE FILL MATERIAL THAT IS IN PLACE.
    c. FILL SOILS SHALL BE FREE OF DELETERIOUS MATERIALS.
39. FILL SHALL NOT BE PLACED UNTIL STRIPPING OF VEGETATION, REMOVAL OF UNSUITABLE SOILS, AND INSTALLATION OF SUBDRAIN (IF ANY) HAVE BEEN INSPECTED AND APPROVED BY THE SOIL ENGINEER. THE BUILDING OFFICIAL MAY REQUIRE A "STANDARD TEST METHOD FOR MOISTURE, ASH, ORGANIC MATTER, PEAT OR OTHER ORGANIC SOILS ASTM D-2974-87 ON ANY SUSPECT MATERIAL. DETRIMENTAL AMOUNTS OF ORGANIC MATERIAL SHALL NOT BE PERMITTED IN FILLS. SOIL CONTAINING SMALL AMOUNTS OF ROOTS MAY BE ALLOWED PROVIDED THAT THE ROOTS ARE IN A QUANTITY AND DISTRIBUTED IN A MANNER THAT WILL NOT BE DETRIMENTAL TO THE FUTURE USE OF THE SITE AND THE SOILS ENGINEER APPROVES THE USE OF SUCH MATERIAL.
40. ROCK OR SIMILAR MATERIAL GREATER THAN 12 INCHES IN DIAMETER SHALL NOT BE PLACED IN THE FILL UNLESS RECOMMENDATIONS FOR SUCH PLACEMENT HAVE BEEN SUBMITTED BY THE SOIL ENGINEER AND APPROVED IN ADVANCE BY THE BUILDING OFFICIAL. LOCATION, EXTENT, AND ELEVATION OF ROCK DISPOSAL AREAS MUST BE SHOWN ON AN "AS BUILT" GRADING PLAN.
41. CONTINUOUS INSPECTION BY THE SOIL ENGINEER, OR A RESPONSIBLE REPRESENTATIVE, SHALL BE PROVIDED DURING ALL FILL PLACEMENT AND COMPACTION OPERATIONS WHERE FILLS HAVE A DEPTH GREATER THAN 30 FEET OR SLOPE SURFACE STEEPER THAN 2:1. (SECTION 3313.7 OF THE COUNTY OF LOS ANGELES BUILDING CODE)
42. CONTINUOUS INSPECTION BY THE SOIL ENGINEER, OR A RESPONSIBLE REPRESENTATIVE, SHALL BE PROVIDED DURING ALL SUBDRAIN INSTALLATION. (SECTION 3313.2 OF THE COUNTY OF LOS ANGELES BUILDING CODE)
43. ALL SUBDRAIN OUTLETS ARE TO BE SURVEYED FOR LINE AND ELEVATION. SUBDRAIN INFORMATION MUST BE SHOWN ON AN "AS BUILT" GRADING PLAN.
44. FILL SLOPES IN EXCESS OF 2:1 STEEPNESS RATIO ARE TO BE CONSTRUCTED BY THE PLACEMENT OF SOIL AT SUFFICIENT DISTANCE BEYOND THE PROPOSED FINISH SLOPE TO ALLOW COMPACTION EQUIPMENT TO BE OPERATED AT THE OUTER LIMITS OF THE FINAL SLOPE SURFACE. THE EXCESS FILL IS TO BE REMOVED PRIOR TO COMPLETION OF ROUGH GRADING. OTHER CONSTRUCTION PROCEDURES MAY BE USED WHEN IT IS DEMONSTRATED TO THE SATISFACTION OF THE BUILDING OFFICIAL THAT THE ANGLE OF SLOPE, CONSTRUCTION METHOD AND OTHER FACTORS WILL HAVE EQUIVALENT EFFECT.(SECTION 3313.4 OF THE COUNTY OF LOS ANGELES BUILDING CODE.)
45. ALL TRENCH BACKFILLS SHALL BE TESTED AND APPROVED BY THE SOIL ENGINEER.
46. ENGINEER MUST SET GRADE STAKES FOR ALL DRAINAGE DEVICES AND OBTAIN INSPECTION BEFORE POURING.
47. STOCKPILING OF EXCESS MATERIAL SHALL BE APPROVED BY THE BUILDING OFFICIAL PRIOR TO EXCAVATION.
48. THE GRADING CONTRACTOR SHALL SUBMIT THE STATEMENT TO THE GRADING INSPECTOR AS REQUIRED BY SECTION 3318.1 OF THE LOS ANGELES COUNTY BUILDING CODE AT THE COMPLETION OF ROUGH GRADING.
49. THE GRADING CONTRACTOR SHALL SUBMIT A WRITTEN STATEMENT VERIFYING THAT THE WORK DONE UNDER HIS DIRECTION WAS PERFORMED IN ACCORDANCE WITH THE APPROVED PLANS AND REQUIREMENTS OF LOS ANGELES COUNTY BUILDING CODE OR DESCRIBING ALL VARIANCES FROM THE APPROVED PLANS AND REQUIREMENTS OF THE CODE.
50. THE FIELD ENGINEER, AS A CONDITION OF ROUGH GRADE APPROVAL, SHALL PROVIDE A BLUE TOP WITH ACCOMPANYING WITNESS STAKE, SET AT THE CENTER OF EACH PAD REFLECTING THE PAD ELEVATION FOR PRECISE PERMITS AND A BLUE TOP WITH WITNESS STAKE SET AT THE DRAINAGE SWALE HIGH POINT REFLECTING THE HIGH POINT ELEVATION FOR PRELIMINARY PERMITS.
51. ANY EXCAVATIONS ADJACENT TO OTHER PROPERTY OR STRUCTURES ARE SUBJECT TO THE PROVISIONS OF CALIFORNIA CIVIL CODE, SECTION 832, AND IS THE RESPONSIBILITY OF THE PERMITTEE AND/OR OWNER.
52. ALL GRADED SITES MUST HAVE DRAINAGE SWALES, BERMS, AND OTHER DRAINAGE DEVICES INSTALLED PRIOR TO ROUGH GRADING APPROVAL. PER SECTION 3317.6 OF THE LOS ANGELES COUNTY BUILDING CODE.
53. FINAL GRADING MUST BE APPROVED BEFORE OCCUPANCY OF BUILDINGS WILL BE ALLOWED PER SECTION 3318 OF THE LOS ANGELES COUNTY BUILDING CODE.
54. EXISTING UNCERTIFIED FILL SHALL NOT BE USED FOR SUPPORT OF FOOTINGS, FLOOR SLAB, OR OTHER PROPOSED FILL.
55. FILL SHALL NOT BE PLACED UNTIL THE COUNTY INSPECTOR HAS INSPECTED AND APPROVED THE BOTTOM.
56. ALL FILLS USED TO SUPPORT THE FOUNDATIONS OF ANY BUILDING OR STRUCTURE SHALL BE PLACED UNDER THE DIRECTION OF THE GEOTECHNICAL ENGINEER, AND THE PLACEMENT OF THE FILL SHALL BE OBSERVED BY THE GEOTECHNICAL ENGINEER OR HIS QUALIFIED REPRESENTATIVE. A COMPACTION REPORT SHALL BE SUBMITTED TO THE DEPARTMENT FOR REVIEW UPON COMPLETION OF WORK (UBC APPENDIX 3317).
57. COMPACTED FILL SHALL EXTEND BEYOND THE FOOTINGS A MINIMUM DISTANCE EQUAL TO THE DEPTH OF THE FILL BELOW THE FOOTING.
58. ALL FILLS SHALL BE COMPACTED TO A MINIMUM OF 90% OF THE MAXIMUM DENSITY (UBC APPENDIX 3313.4).
59. GRADING SHALL NOT BE STARTED WITHOUT FIRST NOTIFING THE GRADING INSPECTOR. A PRE-GRADING MEETING ON THE SITE IS REQUIRED BEFORE START OF GRADING WITH THE FOLLOWING PEOPLE PRESENT: OWNER, GRADING CONTRACTOR, DESIGN CIVIL ENGINEER, SOIL ENGINEER, GEOLOGIST AND GRADING INSPECTOR. THE REQUIRED INSPECTIONS FOR GRADING WILL BE EXPLAINED AT THIS MEETING
60. THE ENGINEER SHALL SUBMIT A LETTER OF CERTIFICATION TO THE BUILDING OFFICIAL STATING THAT THE GRADING WAS DINE IN COMPLIANCE WITH THE APPROVED GRADING PLAN

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

TOTAL GRADING YARDAGE VERIFICATION CERTIFICATE

PLANNING DEPARTMENT REVIEW LEVEL

PROJECT NUMBER: ____________________

PROJECT ADDRESS: 29329 HEATHERCLIFF RD., MALIBU, 90265 (APN 4468-011-011)

All projects proposing land form alteration which involves more than 100 cubic yards of grading shall complete this form. The completed form must be provided at the time of Planning Department application for grading approval. All applicable cubic yardages shall be completed in the table. **All calculations utilized to estimate the cubic yardages indicated shall be attached to this form**. This form and the required calculations must be prepared by a State of California Licensed Civil Engineer. The form and the calculations shall be stamped and wet signed by the preparing party.

	Exempt			*Non-Exempt*	*Remedial*	**Total**
	R&R	*Understructure*	*Safety*			
Cut	115	1,015	0	675	0	1805
Fill	115	1	58	0	0	174
Total	230	1,014	58	675	0	1979
Import	0	0	0	0	0	0
Export	0	1014	0	675	0	1631

All quantities indicated shall be in cubic yards only.
R&R = Removal and Recompaction – *R&R must be balanced.*
Safety Grading is required grading for L.A. County Fire Department access approval beyond the 15 foot minimum access and may include turnouts, hammerheads, turnarounds, and access roadway widening.
Remedial grading is grading recommended by a full site geotechnical or soils report prepared by a licensed geologist or soils engineer which is necessary to correct physical deficiencies on the site for the construction of a primary residential structure or access to the lot.
Imported means soil that is brought on to the site. Exported means soil that is leaving the site. This information will be used to calculate the number of truck trips required for site preparation.

PREPARED BY: Mo Sahebi
PRINT NAME

SIGN NAME

DATE: 3/21/2024

REGISTERED PROFESSIONAL ENGINEER MO SAHEBI NO. 33508 CIVIL STATE OF CALIFORNIA

Page 1 of 1
P:\Forms\COUNTER FORMS\Planning\PLN Grading Verification Certificate 130701.doc

APPROVAL BY CONSULTANTS:

THIS PLAN HAS BEEN REVIEWED AND CONFORMS TO RECOMMENDATIONS OF GEOLOGIC AND SOILS REPORTS DATED:

PREPARED BY:

P.E. ____________

BY: ______________________
ENGINEER GEOLOGIST

PROJECT INFORMATION:

SITE ADDRESS: 29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN: 4468-011-010 & 4468-011-011
OWNER:

ARCHITECT: DAVID KALEN, AIA
2701 AIRPORT AVE., SUITE 202
SANTA MONICA, CA 90405

CIVIL ENGINEER: PLANEX ASSOCIATES, INC.
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404

EXISTING BUILDING: 0 S.F.
PROPOSED BUILDING: 4,570 S.F.

THIS PLAN CONFORMS TO THE COASTAL DEVELOPMENT PERMIT APPROVED BY THE CITY FOR SUBJECT PROJECT IN THE CITY OF MALIBU, CALIFORNIA ON ____________

PROJECT START: N/A
PROJECT COMPLETION: N/A

NO.	DATE	REVISION	BY
△			
△			
△			
△			
△			
△			
△			

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

GRADING PLAN

29329 HEATHERCLIFF RD. , MALIBU, CA 90265

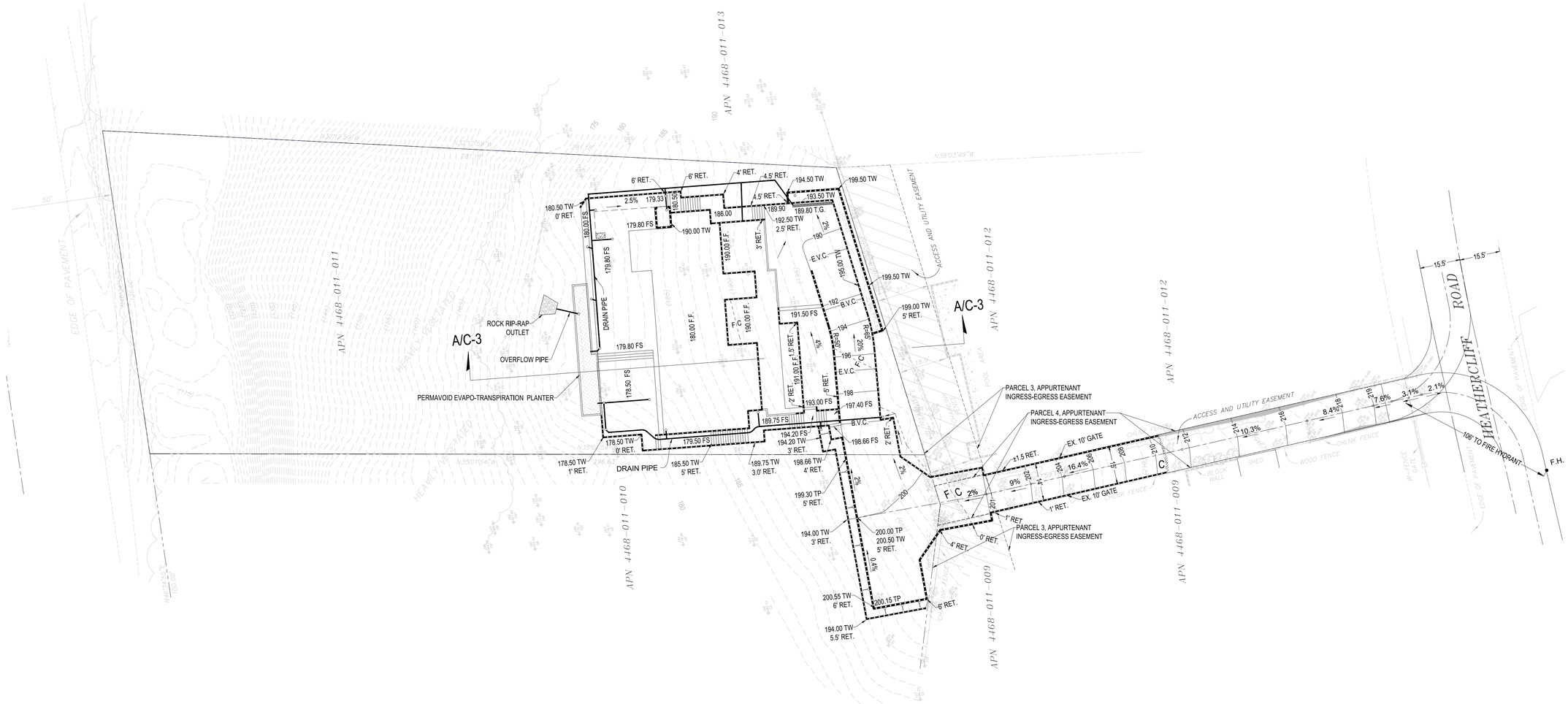
REGISTERED PROFESSIONAL ENGINEER MO SAHEBI NO. 33508 CIVIL STATE OF CALIFORNIA
SIGNED
DATE: 10/24/2024

SHEET 1 OF

PFN: 1909-495
DATE: 10/24/2024

C -1

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NOTICE TO CONTRACTOR:

A. THE GEOTECHNICAL CONSULTANT SHOULD DETERMINE THE EXPANSION POTENTIAL OF THE FINISH GRADE MATERIALS AT THE COMPLETION OF GRADING. FOUNDATION DESIGN RECOMMENDATIONS SHOULD BE REVISED IF THE EXPANSION POTENTIAL OF FINISH GRADE MATERIALS SUBSTANTIALLY DIFFERS FROM THE ASSUMED EXPANSION RANGE.

B. AT THE COMPLETION OF GRADING, SAMPLES OF THE ONSITE SOILS SHOULD BE COLLECTED AND TESTED FOR CORROSION POTENTIAL. FINAL RECOMMENDATIONS FOR MITIGATION MEASURES INCLUDING CEMENT TYPE SHOULD BE BASED ON THE CORROSION POTENTIAL OF THE FINISH GRADE MATERIALS.

C. THE GEOTECHNICAL CONSULTANT SHOULD DETERMINE AT THE COMPLETION OF GRADING THE R-VALUE OF THE FINISH GRADE MATERIALS WITHIN PARKING AND ACCESS ROAD AREAS. FINAL PAVEMENT DESIGN SHOULD BE BASED ON THE ACTUAL R-VALUE OF THE FINISH GRADE MATERIALS.

D. SUBGRADE SOILS SHALL BE TESTED FOR EXPANSION INDEX PRIOR TO POURING FOOTINGS OR SLABS; FOUNDATION PLANS SHALL BE REVIEWED AND REVISED BY THE PROJECT GEOTECHNICAL CONSULTANT, AS APPROPRIATE.

SCALE: 1" = 20'

NO.	DATE	REVISION	BY

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

PRELIMINARY GRADING PLAN

29329 HEATHERCLIFF RD., MALIBU, CA 90265

REGISTERED PROFESSIONAL ENGINEER
MO SAHEB
NO. 33508
CIVIL
STATE OF CALIFORNIA

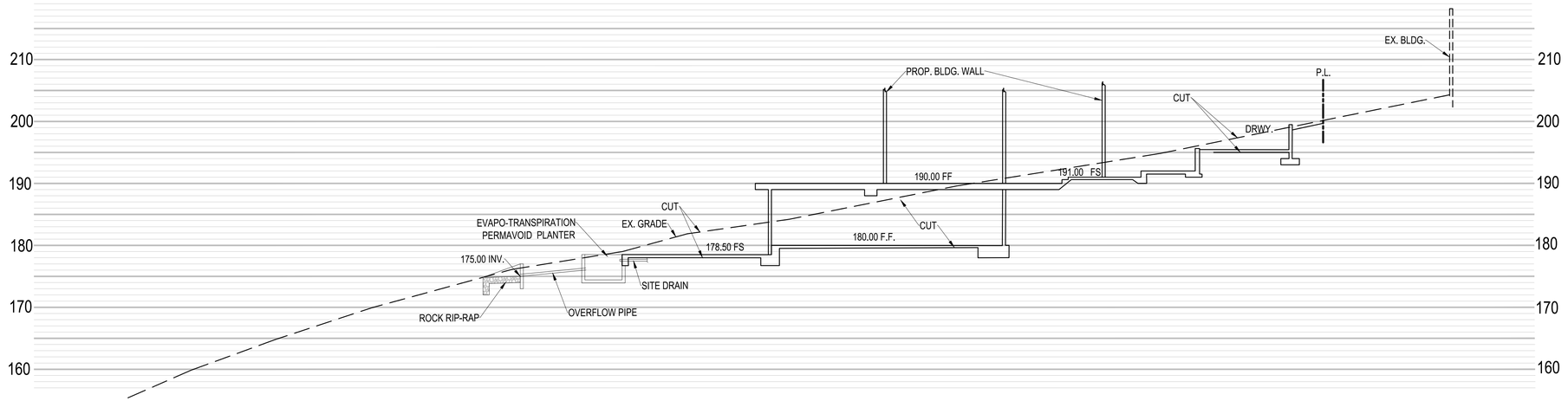
SIGNED
DATE: 10/17/2024

SHEET 2 OF

PFN: 1909-495
DATE: 10/17/2024

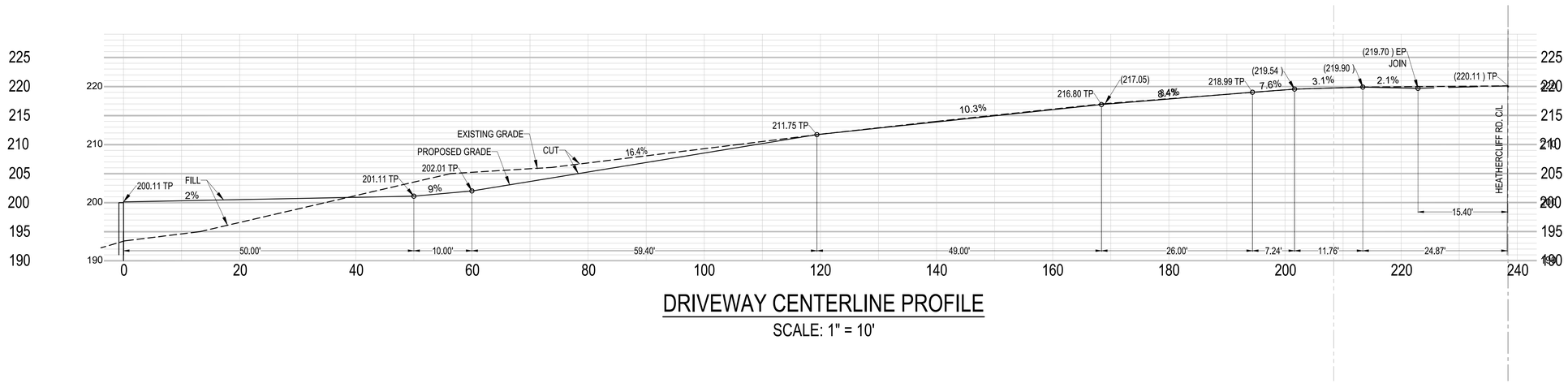
C -2

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SECTION A-A

SCALE: 1" = 10'



DRIVEWAY CENTERLINE PROFILE

SCALE: 1" = 10'

NO.	DATE	REVISION	BY

PLANEX
Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

PRELIMINARY DRAINAGE PLAN

29329 HEATHERCLIFF RD. , MALIBU, CA 90265

REGISTERED PROFESSIONAL ENGINEER
M.O. SAHEBI
NO. 33508
CIVIL
STATE OF CALIFORNIA

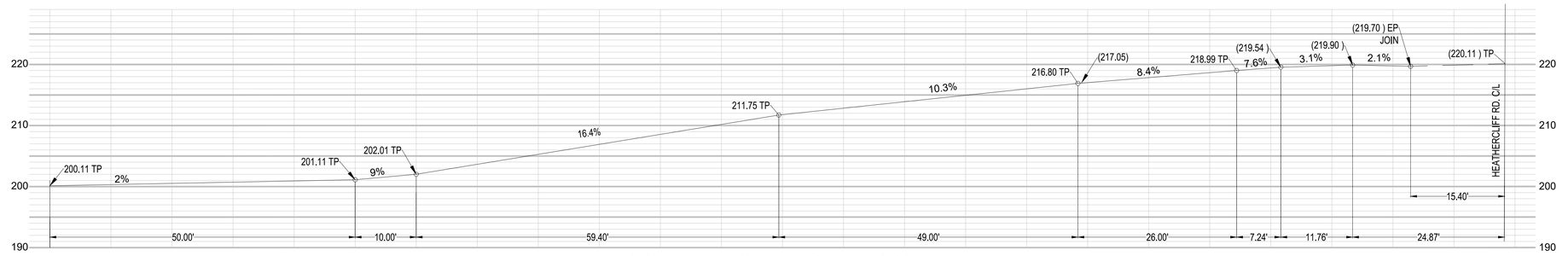
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DATE: 7/14/2023

SHEET 3 OF

PFN: 1909-495
DATE: 7/14/2023

C -3

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DRIVEWAY CENTERLINE PROFILE

SCALE: 1" = 10'

PROJECT INFORMATION:

SITE ADDRESS: 29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN: 4468-011-010 & 4468-011-011
OWNER:

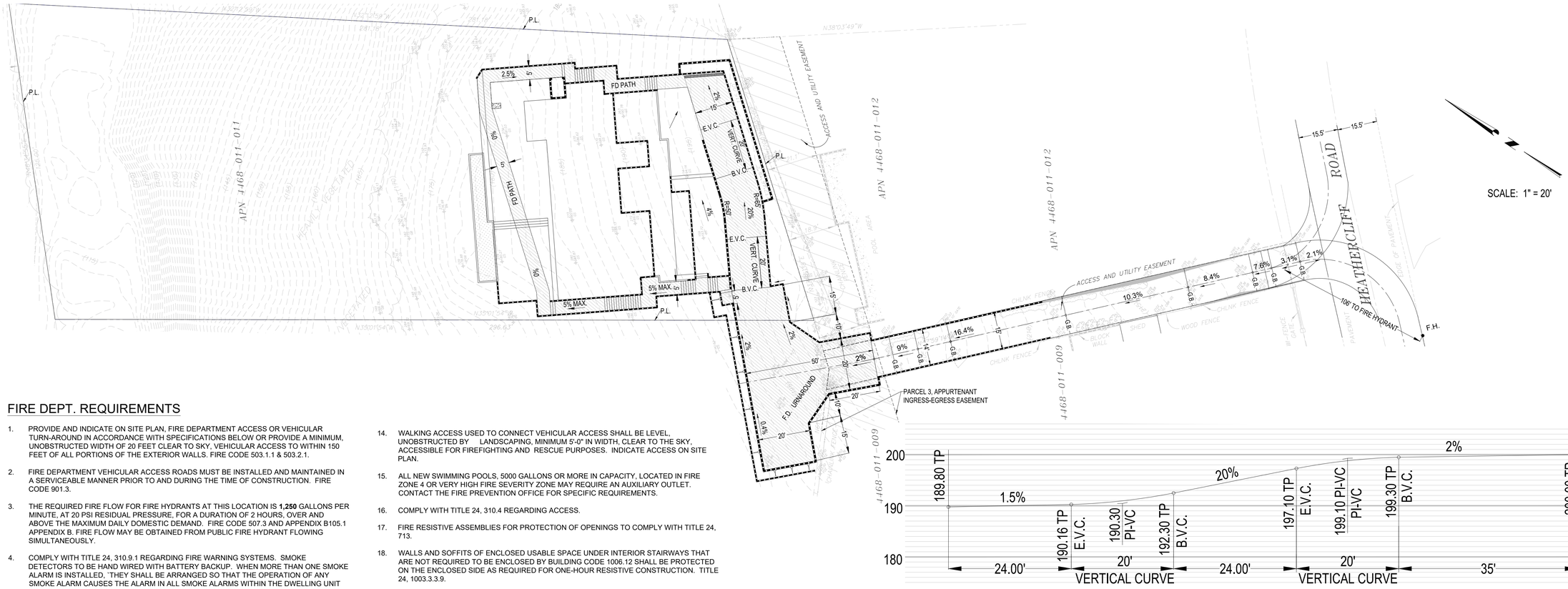
ARCHITECT: DAVID KALEN, AIA
2701 AIRPORT AVE., SUITE 202
SANTA MONICA, CA 90405

CIVIL ENGINEER: PLANEX ASSOCIATES, INC.
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404

EXISTING BUILDING: 0 S.F.
PROPOSED BUILDING: 4,570 S.F.

THIS PLAN CONFORMS TO THE COASTAL DEVELOPMENT PERMIT APPROVED BY THE CITY FOR SUBJECT PROJECT IN THE CITY OF MALIBU, CALIFORNIA ON _____

PROJECT START: N/A
PROJECT COMPLETION: N/A



SCALE: 1" = 20'

DRIVEWAY CENTERLINE PROFILE (LOWER PORTION)

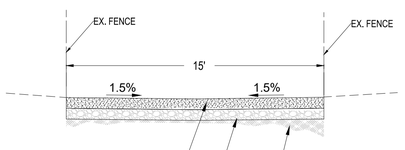
SCALE: 1" = 10'

FIRE DEPT. REQUIREMENTS

1. PROVIDE AND INDICATE ON SITE PLAN, FIRE DEPARTMENT ACCESS OR VEHICULAR TURN-AROUND IN ACCORDANCE WITH SPECIFICATIONS BELOW OR PROVIDE A MINIMUM, UNOBSTRUCTED WIDTH OF 20 FEET CLEAR TO SKY, VEHICULAR ACCESS TO WITHIN 150 FEET OF ALL PORTIONS OF THE EXTERIOR WALLS. FIRE CODE 503.1.1 & 503.2.1.
2. FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. FIRE CODE 901.3.
3. THE REQUIRED FIRE FLOW FOR FIRE HYDRANTS AT THIS LOCATION IS **1,250** GALLONS PER MINUTE, AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF 2 HOURS, OVER AND ABOVE THE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 507.3 AND APPENDIX B105.1 APPENDIX B. FIRE FLOW MAY BE OBTAINED FROM PUBLIC FIRE HYDRANT FLOWING SIMULTANEOUSLY.
4. COMPLY WITH TITLE 24, 310.9.1 REGARDING FIRE WARNING SYSTEMS. SMOKE DETECTORS TO BE HAND WIRED WITH BATTERY BACKUP. WHEN MORE THAN ONE SMOKE ALARM IS INSTALLED, `THEY SHALL BE ARRANGED SO THAT THE OPERATION OF ANY SMOKE ALARM CAUSES THE ALARM IN ALL SMOKE ALARMS WITHIN THE DWELLING UNIT TO SOUND (CALIFORNIA ALARM CODE). PROVIDE NOTE ON SITE PLAN AND INDICATE ON FLOOR PLAN.
5. PROVIDE ONE HOUR FIRE RESISTIVE OCCUPANCY SEPARATION BETWEEN THE R-3 DWELLING AND THE GARAGE. (INDICATE ON FLOOR PLAN.)
6. EXIT DOORS SHALL BE CAPABLE OF OPENING WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. BUILDING CODE 1003.3.1.8.
7. WIDTH AND HEIGHT OF REQUIRED EXIT DOORWAYS SHALL COMPLY WITH TITLE 24. (INDICATE ON DOOR SCHEDULE).
8. BUILDING ADDRESS NUMBERS TO BE PROVIDED ON FRONT OF ALL BUILDINGS AND SHALL BE VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. FIRE CODE 901.4.4.
9. PROVIDE A KEY BOX AS REQUIRED BY FIRE CODE 904.2 LOCATION AT GATE.
10. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDE THE WORDS **NO PARKING-FIRE LANE**. SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH AND HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND. SIGNS SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS, TO CLEARLY INDICATE THE ENTRANCE TO SUCH ROAD, OR PROHIBIT THE OBSTRUCTION THEREOF AND AT INTERVALS, AS REQUIRED BY THE FIRE INSPECTOR. FIRE CODE 503.3
11. PRIVATE ROADS USED FOR FIRE DEPARTMENT ACCESS SHALL BE CAPABLE OF SUPPORTING THE WEIGHT OF A 25-TON VEHICLE.
12. FIRE DEPARTMENT ACCESS ROADS LESS THAN 10% SLOPE, AND NOT PAVED TO PUBLIC WORKS STANDARDS, REQUIRE CERTIFICATION FROM A REGISTERED CIVIL ENGINEER STATING THE ROAD MEETS OR EXCEEDS ALL-WEATHER STANDARDS OF LA CO DEPARTMENT OF PUBLIC WORKS.
13. ALL FIRE DEPARTMENT ACCESS ROADS 10% OR GREATER SLOPE SHALL BE PAVED PRIOR TO CONSTRUCTION.
14. WALKING ACCESS USED TO CONNECT VEHICULAR ACCESS SHALL BE LEVEL, UNOBSTRUCTED BY LANDSCAPING, MINIMUM 5'-0" IN WIDTH, CLEAR TO THE SKY, ACCESSIBLE FOR FIREFIGHTING AND RESCUE PURPOSES. INDICATE ACCESS ON SITE PLAN.
15. ALL NEW SWIMMING POOLS, 5000 GALLONS OR MORE IN CAPACITY, LOCATED IN FIRE ZONE 4 OR VERY HIGH FIRE SEVERITY ZONE MAY REQUIRE AN AUXILIARY OUTLET. CONTACT THE FIRE PREVENTION OFFICE FOR SPECIFIC REQUIREMENTS.
16. COMPLY WITH TITLE 24, 310.4 REGARDING ACCESS.
17. FIRE RESISTIVE ASSEMBLIES FOR PROTECTION OF OPENINGS TO COMPLY WITH TITLE 24, 713.
18. WALLS AND SOFFITS OF ENCLOSED USABLE SPACE UNDER INTERIOR STAIRWAYS THAT ARE NOT REQUIRED TO BE ENCLOSED BY BUILDING CODE 1006.12 SHALL BE PROTECTED ON THE ENCLOSED SIDE AS REQUIRED FOR ONE-HOUR RESISTIVE CONSTRUCTION. TITLE 24, 1003.3.3.9.
19. ALL REQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BEGINNING CONSTRUCTION. FIRE CODE 501.4.
20. ALL FIRE HYDRANTS SHALL MEASURE 6"X4"X2-1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C503, OR APPROVED EQUAL, AND SHALL BE INSTALLED IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 8.
21. PLANS SHOWING UNDERGROUND PIPING FOR PRIVATE ON-SITE FIRE HYDRANTS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. FIRE CODE 901.2, COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 7
22. PROVIDE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM AS SET FORTH BY BUILDING CODE 903 AND FIRE CODE 903. PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. REASON: RESIDENTIAL CODE & FIRE CODE 903.1 & FIRE FLOW REDUCTION TYPE OF FIRE SPRINKLER SYSTEM: 903.3.1.1, 903.3.1.2, 903.3.1.3
23. THE SECURITY GATE SHALL MAINTAIN A MINIMUM ACCESS WIDTH OF 20 FEET. THE SECURITY GATE SHALL BE PROVIDED WITH AN APPROVED MEANS OF EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES AND REPLACED OR REPAIRED WHEN DEFECTIVE. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASTM F220. GATES SHALL BE OF THE SWINGING OR SLIDING TYPE. CONSTRUCTION OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE 503.6. THE SECURITY MANUAL GATE OPERATOR SHALL BE PROVIDED FOR EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES.

PROJECT DATA

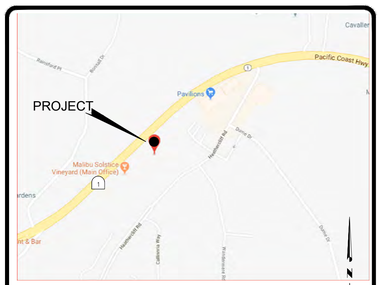
ADDRESS:	29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN:	4468-011-010 & 4468-011-011
LCP ZONING DESIGNATION:	A1-1
GROSS LOT AREA=	33532 SQ. FT. (0.77 ACRES)
LOT DEPTH=	1289'
LOT WIDTH=	115'
PROPOSED FRONT YARD SETBACK=	25.6' FROM PROPERTY LINE
PROPOSED REAR YARD SETBACK=	164'
PROPOSED SIDE YARD SETBACK=	17.4' (E), & 11.7' (W)
CONSTRUCTION TYPE:	V-B
VHFHSZ:	YES
OCCUPANCY:	SINGLE FAMILY
FIRE SPRINKLERS:	YES
FIRE FLOW BASED ON THE FIRE-FLOW CALCULATION AREA:	1750 GPM
REDUCTION FOR FIRE SPRINKLERS (MAXIMUM 50%):	500 GPM
TOTAL FIRE FLOW REQUIRED :	1250 GPM
EXISTING SQUARE FOOTAGE:	0 S.F.
PROPOSED SQUARE FOOTAGE:	
GARAGE=	390 SQ. FT.
FIRST FLOOR=	2,590 SQ. FT.
SECOND FLOOR=	1,460 SQ. FT.
OVERHANG (> 6')	320 SQ. FT.
TOTAL=	4,570 SQ. FT.



NOTE: FINAL DRIVEWAY SECTION DESIGN FOR APPARATUS WEIGHING 25 TONS TO BE DETERMINED AND APPROVED BY THE PROJECT'S SOILS ENGINEER PER FIELD TEST.

ACCESS DRIVEWAY TYPICAL SECTION

SCALE: 1" = 4'



NO.	DATE	REVISION	BY

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

FIRE ACCESS EXHIBIT

29329 HEATHERCLIFF RD. , MALIBU, CA 90265

REGISTERED PROFESSIONAL ENGINEER
MO SAHEBI
NO. 33508
CIVIL
STATE OF CALIFORNIA

SIGNED
DATE: 10/17/2024

SHEET 1 OF

PFN: 1909-495
DATE: 10/17/2024

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SINGLE FAMILY RESIDENCE

29329 HEATHERCLIFF ROAD
MALIBU CA 90265-4421
ASSESSOR'S ID No. 4468-011-011
LANDSCAPE WATER EFFICIENCY PLAN

Maintenance Schedules:

Maintenance Schedules. A regular maintenance schedule satisfying the following conditions shall be submitted as part of the landscape documentation package.

Landscape shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but not be limited to, checking, adjusting, and repairing irrigation equipment, resetting the automatic controller, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, and weeding in all landscape areas.

Whenever possible, repair of irrigation equipment shall be done with the originally specified materials or their equivalents.

A landscape irrigation audit schedule as required in chapter 20.09 of Title 20 may be recommended. The maximum period between audits shall be five years.

Irrigation Audit Schedules:

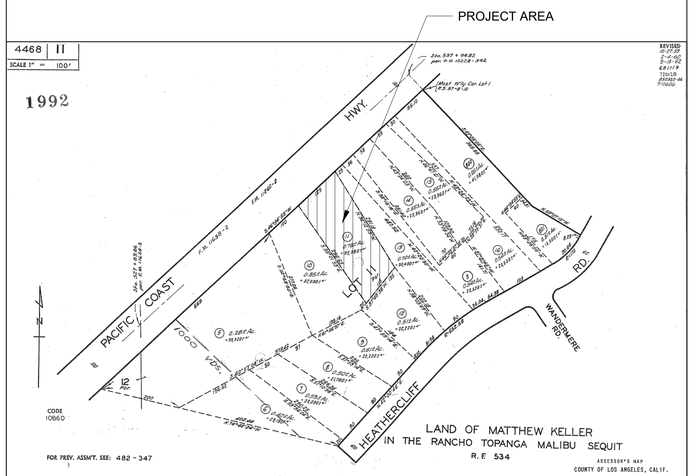
Landscape Irrigation Audit Schedules. A schedule of landscape irrigation audits of at least every five years must be established, for all but single-family residences, and other projects with a landscape area less than 1 acre (0.405 ha). As required in Chapter 20.09 of Title 20 (Utilities Codes), an audit satisfying the following conditions shall be submitted to the County as part of the landscape documentation package.

At a minimum, audits shall be in accordance with the latest State of California Landscape Water Management Program as described in the Landscape Irrigation Auditor Handbook, prepared for the California Department of Water Resources, Water Conservation Office, the entire document, which is hereby incorporated by reference.

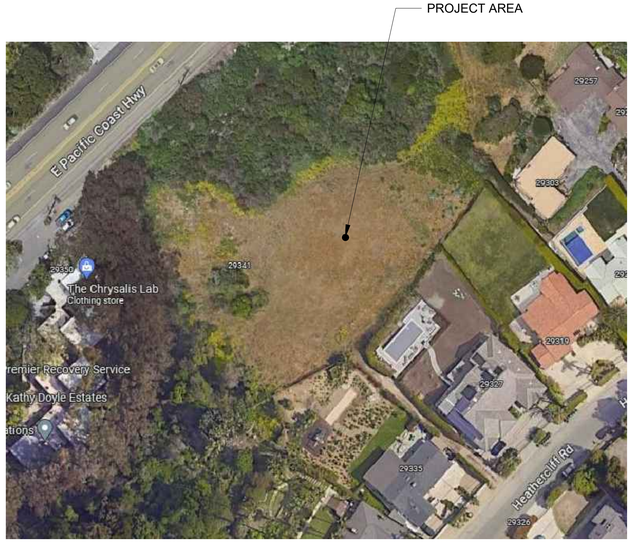
The schedule shall provide for landscape irrigation audits to be conducted by a qualified individual as determined by the Director at least once every five years in accordance with the requirements of Title 20, Division 1 of the Los Angeles County Code.

Monument Note:

CONTRACTOR TO PROTECT AND PRESERVE IN PLACE ALL EXISTING SURVEY MONUMENTS. ANY DISTURBED MONUMENTS SHALL BE RESET BY A LICENSED LAND SURVEYOR AND THE APPROPRIATE CORNER RECORD MUST BE FILED WITH LOS ANGELES COUNTY.



LA COUNTY ASSESSOR'S MAP
NTS



VICINITY MAP
NTS

WATER AUDIT NOTE

THE CONTRACTOR WILL CONDUCT AN IRRIGATION AUDIT USING A CERTIFIED IRRIGATION AUDITOR, AFTER THE FINAL FIELD OBSERVATION HAS BEEN COMPLETED AND ALL IRRIGATION COMPONENTS ARE INSTALLED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AND THE IRRIGATION SYSTEM IS ACCEPTED BY THE PROJECT LANDSCAPE ARCHITECT FOR MAINTENANCE.

THE IRRIGATION AUDIT WILL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

1. PLACE FLAGS AT EACH HEAD IN THE ZONE.
2. MEASURE SPACING AND MARK MID-POINTS BETWEEN HEADS.
3. PLACE WATER MEASURING RECEPTACLES.
4. TAKE READINGS OF WATER LEVEL IN RECEPTACLES AND RECORD RESULTS.
5. MEASURE HEAD PRESSURE IN EACH ZONE AND RECORD RESULTS.
6. AFTER COMPLETING ZONE ADVANCE TO NEXT ZONE AND REPEAT PROCEDURE.
7. SUBMIT THE RESULTS OF THE AUDIT TO THE PROJECT ARCHITECT.

THE IRRIGATION MAINTENANCE SCHEDULE TASKS LISTED BELOW ARE INTENDED AS MINIMUM STANDARDS AND MORE FREQUENT ATTENTION MAY BE REQUIRED DEPENDING ON THE PARTICULAR SITE CONDITIONS.

MAINTENANCE TASK	FREQUENCY
1. CONTROLLER CABINET - OPEN CABINET, CLEAN OUT DEBRIS, AND REPLACE BATTERY AS NECESSARY. CHECK WIRING AND REPAIR AS NEEDED. CHECK CLOCK AND RESET, IF NECESSARY.	QUARTERLY
2. IRRIGATION SCHEDULE - ADJUST SCHEDULE FOR SEASONAL VARIATIONS AND OTHER CONDITIONS WHICH MAY AFFECT THE AMOUNT OF WATER NEEDED TO MAINTAIN PLANT HEALTH. ADJUST AS NECESSARY.	MONTHLY
3. POC - VISUALLY INSPECT COMPONENTS FOR LEAKS, PRESSURE SETTINGS, SETTLEMENT OR OTHER DAMAGE AFFECTING THE OPERATION OF A COMPONENT REPAIR AS NEEDED.	QUARTERLY
4. REMOTE CONTROL VALVES, ISOLATION VALVES AND QUICK COUPLER VALVES - VISUALLY INSPECT FOR LEAKS, SETTLEMENT, WIRE CONNECTIONS AND PRESSURE SETTINGS. REPAIR OR ADJUST AS NEEDED.	QUARTERLY
5. MAINLINE AND LATERALS - VISUALLY INSPECT FOR LEAKS OR SETTLEMENT OF TRENCH.	QUARTERLY
6. SPRINKLERS - VISUALLY CHECK FOR ANY BROKEN, MISSALIGNED OR CLOGGED HEADS, HEADS WITH INCORRECT ARC, INADEQUATE COVERAGE OR OVERSPRAY AND LOW HEAD DRAINAGE. REPAIR AS NEEDED.	WEEKLY
7. FILTERS AND STRAINERS - VISUALLY CHECK FOR LEAKS AND BROKEN FITTINGS. CLEAN AND FLUSH SCREENS.	MONTHLY

AUDIT SHALL BE IN ACCORDANCE WITH THE LATEST STATE OF CALIFORNIA LANDSCAPE WATER MANAGEMENT PROGRAM AS DESCRIBED IN THE LATEST LANDSCAPE IRRIGATION AUDITOR HANDBOOK. THE LANDSCAPE IRRIGATION AUDITS TO BE CONDUCTED BY A QUALIFIED INDIVIDUAL AND THE AUDIT SCHEDULE SHALL BE CONDUCTED AT LEAST ONCE EVERY FIVE YEARS IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 20, DIVISION 1 OF THE LOS ANGELES COUNTY CODE.

NOTES:

1. TREE CANOPIES ARE SHOWN IN FULL MATURITY.
2. MATURE TREES TO REMAIN ON SITE PROTECTED IN PLACE DURING CONSTRUCTION.
3. THE TYPE OF SOIL IS SUITABLE FOR ALL THE PROPOSED PLANTS IN THIS LANDSCAPE.
4. THERE IS NO WATER FEATURE IN THIS PROJECT.
5. WATER PURVEYOR NAME:
   WEST BASIN MUNICIPAL WATER DISTRICT
   17140 SOUTH AVALON BLVD. SUITE 210
   CARSON, CA 90746-1296
   (310) 217-2411
6. STREET TREES WITHIN PUBLIC RIGHT-OF-WAY ARE TO BE PLANTED PER APPROVED STREET IMPROVEMENT PLANS.
7. ALL HARDSCAPE, RETAINING WALLS, SWIMMING POOLS, AND/OR BLOCK WALLS MUST BE REVIEWED AND APPROVED UNDER A SEPARATE PERMIT.
8. MAINTENANCE RESPONSIBILITY: ALL LANDSCAPE AREAS TO BE CONTINUOUSLY PRIVATELY MAINTAINED BY PROPERTY OWNER ON SITE & OFF SITE.

   NAME OF PERSON OR ENTITY RESPONSIBLE FOR LANDSCAPE MAINTENANCE.

PROPERTY OWNER _____ DATE _____

GREEN BUILDING COMPLIANCE

I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE.

PAUL LEWIS, LANDSCAPE ARCHITECT _____ DATE _____

PROJECT INFORMATION:

LEGAL DESCRIPTION:

GROSS LOT AREA: 33,532 SF

LOS ANGELES COUNTY DROUGHT TOLERANT PLANTING ZONE: 4

SUNSET CLIMATE ZONE: 23

AREA SUMMARY

TOTAL LOT AREA = APPROX. 33,532 SF

LANDSCAPE AREA OF PROJECT = 5,662 SF

FUEL MODIFICATION

FUEL MODIFICATION PLAN IS REQUIRED PER:

OFFICE: CALABASAS

PHONE NO. (818) 880-0341

OFFICE ADDRESS: 26600 AGOURA RD. SUITE 110
CALABASAS, CA 91302

FUEL MODIFICATION PLAN: #

FFFM:

SHEET INDEX:

L0.1 COVER SHEET
L1.0 LANDSCAPE PLAN
L1.1 LANDSCAPE NOTES + DETAILS
L1.2 FUEL MODIFICATION PLAN
L2.0 IRRIGATION PLAN
L2.1 IRRIGATION SCHEDULE & MWELO
L2.2 IRRIGATION DETAILS

LANDSCAPE COURTLAND STUDIO ARCHITECTURE
COURTLAND STUDIO, LLC
505 E Colorado Blvd. Mezz C
Pasadena CA 91101
P: 818-788-9382
F: 818-788-3217
Licensed Landscape Architect #3620

David Kellen
2701 Airport Ave., Ste 202
Santa Monica, CA 90405
310-245-3584

Client:

Project location:
29329 Heathercliff Road
Malibu, CA 90265

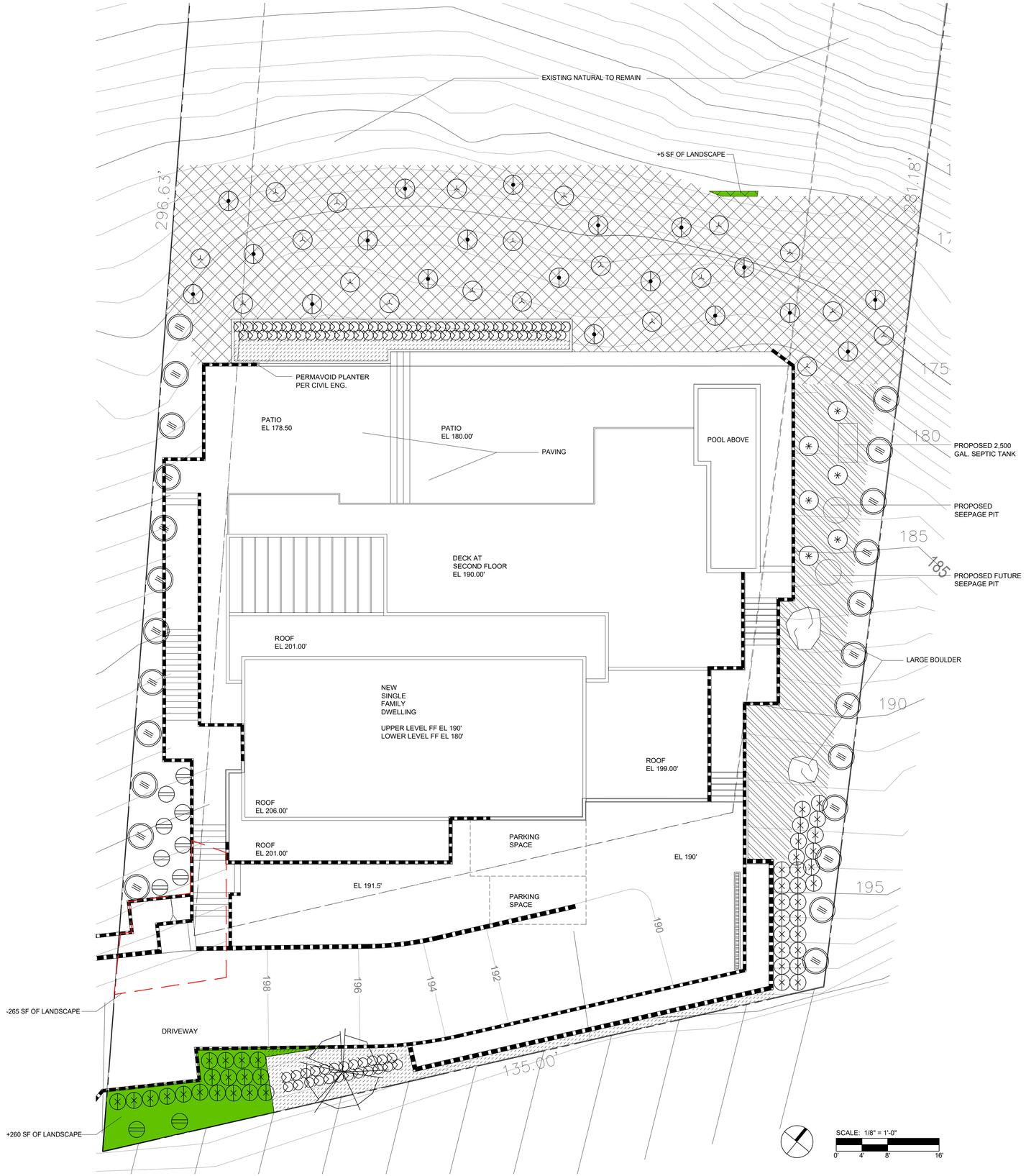
LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
Date
Exp. 2-28-25
STATE OF CALIFORNIA

TITLE SHEET

Scale:
Date: 08/15/2023

L-0.1

2024-10-22 Heathercliff CD Set



PLANTING LEGEND

Symbol	Botanical Name/Common Name	Quantity	Size	WUCOLS	Remarks
	TREES				
	Geijera parviflora / Australian willow	1	36" Box	L	
	SHRUBS				
	Agave vilmoriniana / Octopus agave spacing per plan	6	5g	L	Alt. 15g
	Calamagrostis acutiflora 'Karl Foerster' / Feather reed grass, @ 30" o.c.	44	5g	M	
	Juncus patens / California gray rush @ 18" o.c.	93	1g	L	
	Romneya coulteri / Matilija poppy @ 48" o.c.	24	5g	VL	
	Salvia leucantha / Mexican sage @ 30" o.c.	10	5g	L	
	GROUND COVER				
	Arctostaphylos 'Emerald Carpet'/ Manzanita field spaced	19	1g	L	
	Bouteloua gracilis 'Blonde Ambition' 317 sf @ 18" o.c.	140	1g	L	
	Carex divulsa / Berkeley sedge 720 sf @ 12" o.c. = 720 plants	15	flat	L	
	Ceanothus griseus horizontalis 'Yankee Point' / Yankee Point, field spaced	20	1g	L	
	Trachelospermum jasminoides / Star jasmine 160 sf @ 12" o.c. = 160 plants	4	flat	M	

HYDROSEED MIX 3,022 sf

Botanical Name/Common Name	Seed Rate (Lbs/Ac)	Remarks
Lotus scoparius (Acmispon glaber) / Deerweed	x	Stover Seed Co. PO Box 1579 9180 San Fernando Rd. Sun Valley, CA 213-626-9668 Contact: Stephen Knutson
Eschscholzia californica / California poppy	x	
Mimulus (aurauntiacus) longiflorus / Sticky Monkeyflower	x	
Lupinus perennis / Perennial Lupine	x	
Salvia apiana / White sage	x	
Asclepias fascicularis / Narrow-leaved milkweed	x	
Eriophyllum confertiflorum / Golden yarrow	x	
Pseudognaphalium californicum / California everlasting	x	
Koeleria macrantha / June grass	x	
Gilia capitata / Globe gilia	x	
TOTAL SEED RATE:	x	

LANDSCAPE
COURT
LAND
STUDIO
ARCHITECTURE
COURTLAND STUDIO, LLC
505 E Colorado Blvd. Mezz C
Pasadena CA 91101
P: 818-788-9382
F: 818-788-3217
Licensed Landscape Architect #3620

David Kellen
2701 Airport Ave., Ste 202
Santa Monica, CA 90405
310-245-3584

Client:

Project location:
29329 Heathercliff Road
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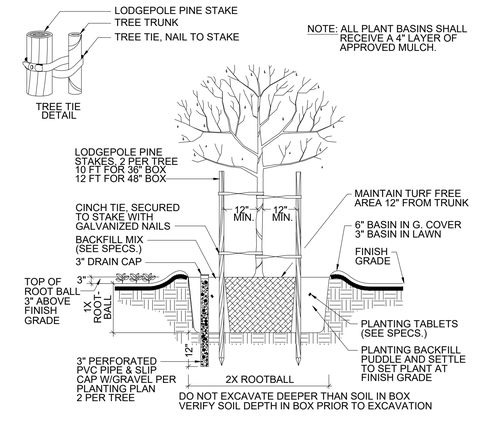
LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
date
Exp. 2-28-25
STATE OF CALIFORNIA

LANDSCAPE PLAN

Scale: 1/8" = 1'-0"
Date: 10/22/2024

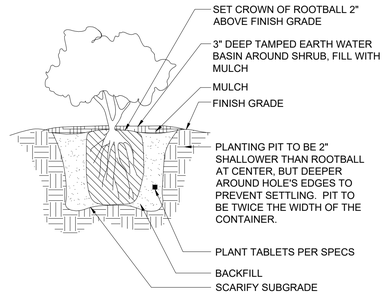
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2024-10-22 Heathercliff CD Set



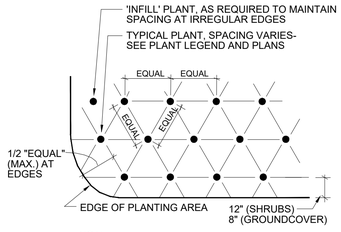
DOUBLE STAKED TREE 1

SCALE: N.T.S.



SHRUB PLANTING 2

SCALE: N.T.S.



NOTE:
ALL GROUNDCOVER SHALL BE PLANTED AT EQUAL SPACING
SEE SPECIFICATIONS FOR FURTHER INFORMATION

SHRUB AND GROUNDCOVER SPACING 3

SCALE: N.T.S.

GENERAL PLANTING NOTES

1. THE CONTRACTOR SHALL MAINTAIN A QUALIFIED SUPERVISOR ON THE SITE AT ALL TIMES DURING CONSTRUCTION THROUGH COMPLETION OF PICK-UP WORK.

2. THE CONTRACTOR SHALL VERIFY ALL PLANT MATERIAL QUANTITIES PRIOR TO INSTALLATION. PLANT MATERIAL QUANTITIES LISTED FOR CONVENIENCE OF CONTRACTOR. ACTUAL NUMBER OF SYMBOLS SHALL HAVE PRIORITY OVER QUANTITY DESIGNATED.

3. THE CONTRACTOR SHALL FURNISH AND PAY FOR ALL CONTAINER GROWN TREES, SHRUBS AND VINES, INCLUDING SEEDED AND SODDED TURF, HYDROMULCHES AND FLATTED GROUNDCOVERS. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE AND PAY FOR: PLANTING OF ALL PLANT MATERIALS; THE SPECIFIED GUARANTEE OF ALL PLANT MATERIALS; THE STAKING AND GUYING OF TREES AND THE CONTINUOUS PROTECTION OF ALL PLANT MATERIALS UPON THEIR ARRIVAL AT THE SITE.

4. ALL PLANT MATERIAL SHALL BE SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT AND OWNER PRIOR TO INSTALLATION.

5. ALL BOXED TREES IN PAVING SHALL BE SELECTED AND SPOTTED BY THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE IN CONJUNCTION WITH PAVING CONTRACTOR AND GENERAL CONTRACTOR. GENERAL CONTRACTOR TO ASSUME ALL LIABILITY FOR ACCURATE PLACEMENT OF TREES.

6. ALL VINE RUNNERS SHALL BE INSTALLED WITH THE NURSERY STAKES REMOVED AND VINE RUNNERS SHALL BE ESPALIERED TO THE ADJACENT WALL OR FENCE.

7. ALL SOIL PREPARATION SHALL BE INSTALLED AS PER THE SOIL AGRONOMY REPORT TO BE PROVIDED AND PAID FOR BY THE SUBCONTRACTOR. THE REPORT SHALL BE IMMEDIATELY FORWARDED TO THE LANDSCAPE ARCHITECT UPON COMPLETION.

8. THE SOIL AMENDMENTS SPECIFIED ARE FOR BIDDING PURPOSES ONLY. THE CONTRACTOR SHALL PROVIDE FOR A SOILS AGRONOMY REPORT FROM WALLACE SOILS LABORATORY (310) 615-0116 AND/OR ANY ADDITIONAL SPECIFICATION PROVIDED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF PLANT MATERIALS.

9. FOR BIDDING AREA TO BE LANDSCAPED, THE FOLLOWING AMENDMENTS SHALL BE USED UNTIL CONTRACTOR IS PROVIDED WITH SOILS AGRONOMY REPORT. AMENDMENTS SHALL BE UNIFORMLY BROADCAST AND THOROUGHLY INCORPORATED BY MEANS OF A ROTOTILLER OR EQUAL.

AMOUNT PER 1,000 SQUARE FEET

4 CU. YDS. NITROGEN STABILIZED ORGANIC AMENDMENT
DERIVED FROM REDWOOD SAWDUST,
FIR SAWDUST OR CEDAR SAWDUST.
15 LBS. SOIL SULFUR
15 LBS. 12-12-12 FERTILIZER

10. A MINIMUM 3" (THREE INCHES) LAYER OF SHREDDED BARK MULCH SHALL BE APPLIED ON ALL EXPOSED SOIL SURFACES OF PLANTING AREAS EXCEPT TURF AREAS, CREEPING OR ROOTING GROUNDCOVERS, OR DIRECT SEEDING APPLICATIONS WHERE MULCH IS CONTRAINDICATED. CONTRACTOR TO SUBMIT 1/2 CU. FT BAG AS SAMPLE FOR APPROVAL PRIOR TO INSTALLATION.

11. THE PLANTING PITS FOR BOXED TREES SHALL BE EXCAVATED TWICE THE DIAMETER OF THE ROOTBALL WITH A MAXIMUM OF THE HEIGHT OF THE ROOTBALL TO THE BOTTOM OF THE PLANTING PIT.

DO NOT OVER EXCAVATE!!!

THE BACKFILL MIX FOR USE AROUND THE ROOTBALL OF ALL TREES AND SHRUBS SHALL CONSIST OF THE FOLLOWING FORMULA:

6 PARTS ON-SITE SOIL
4 PARTS BY VOLUME ORGANIC AMENDMENT PER ABOVE SOIL PREPARATION
1 LB./CU YD. OF MIX 12-12-12 COMMERCIAL FERTILIZER
2 LBS./CU. YD. OF MIX IRON SULFATE
10 LBS./CU. YD. OF MIX AGRICULTURAL GYPSUM

12. THIRTY (30) DAYS AFTER INSTALLATION ALL LANDSCAPE SHALL BE FERTILIZED WITH BEST FERTILIZER COMPANY 16-6-8 OR APPROVED EQUAL, APPLIED AT THE RATE OF SIX POUNDS (6 LBS.) PER 1,000 SQUARE FEET OR PER SOIL AGRONOMY REPORT. FERTILIZER APPLICATION SHALL BE CONTINUED THEREAFTER AT MONTHLY INTERVALS.

13. FOR ALL TREES, SEE DETAIL 1, THIS SHEET

14. FOR ALL SHRUBS, SEE DETAIL 2 & 3, THIS SHEET.

15. FERTILIZER TABLETS SHALL BE AGRIFORM, 21 GRAM TABLETS (20-10-5) IN QUANTITIES AS FOLLOWS:

1 GALLON SHRUBS	1
5 GALLON SHRUBS	3
15 GALLON SHRUBS	5
BOXED TREES	1 PER 4" OF BOX SIZE

PLACE TABLETS AT HALF THE DEPTH OF THE ROOTBALL.

16. ALL EXISTING LANDSCAPE AREAS DISTURBED DURING THE CONSTRUCTION PROCESS WILL BE RECONDITIONED TO THEIR ORIGINAL STATE AT NO ADDITIONAL COST TO THE OWNER.

17. INSTALL 24" DEEP ROOT BARRIER ON ALL TREES WITHIN 4 FEET OF PAVING.

18. FOR SOILS LESS THAN 6% ORGANIC MATTER IN THE TOP 6" (SIX INCHES) OF SOIL, COMPOST AT A RATE OF A MINIMUM OF FOUR CUBIC YARDS PER 1,000 SQUARE FEET OF PERMEABLE AREA SHALL BE INCORPORATED TO A DEPTH OF SIX INCHES INTO THE SOIL.

19. RECIRCULATING WATER SYSTEMS SHALL BE USED FOR WATER FEATURES.

LANDSCAPE COURT LAND STUDIO ARCHITECTURE
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505 E Colorado Blvd. Mezz C
Pasadena CA 91101
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F: 818-788-3217
Licensed Landscape Architect #3620

David Kellen
2701 Airport Ave., Ste 202
Santa Monica, CA 90405
310-245-3584

Client:

Project location:
29329 Heathercliff Road
Malibu, CA 90265

LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
date
Exp. 2-28-25
STATE OF CALIFORNIA

NOTES & DETAILS

Scale: 1/8" = 1'-0"
Date: 05/24/2023
L-1.1

2024-10-22 Heathercliff CD Set

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

FUEL MODIFICATION UNIT
605 NORTH ANGELENO AVENUE
AZUSA, CA 91702
(626) 969-5205
Email: forestryfuelmodification@fire.lacounty.gov
Website: https://fire.lacounty.gov/forestry-fuel-modification/

"Proud Protectors of Life, Property, and the Environment"

BOARD OF SUPERVISORS
HILDA L. SOLIS
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JANICE HAHN
FOURTH DISTRICT
KATHRYN BARGER
FIFTH DISTRICT

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

Fuel Modification Plan Notes

Ember Resistant Zone

- Extends 5 feet beyond the edge of any combustible structure, accessory structure, appendage, or projection. The areas beneath eaves, overhangs or parts of structures including attached decks and pergolas shall be included in the ember resistant zone.
- This area shall be free of materials or landscaping known to be receptive to flying embers.

Zone A

- Extends 30 feet beyond the edge of any combustible structure, accessory structure, appendage, or projection. Projections such as eaves, covered entryways, attached pergolas, decks etc. shall be the point at which this distance is measured.
- Irrigation shall be provided to maintain healthy vegetation and fire resistance.
- Vegetation in this zone shall consist primarily of mowed grasses, low growing ground covers and adequately spaced shrubs. The overall density and arrangement shall provide adequate defensible space and significantly reduce fire intensity.
- Plant species selected for Zone A shall possess characteristics which increase fire resistance. Such characteristics are high moisture content, plants producing little leaf litter, slow growing plants and plants that do not require pruning to reduce their size at maturity. Species selection should reference the Fuel Modification Plant List. The list is not a pre-approved plant list. Other species may be used subject to approval after review.
- Trees are generally not recommended except for dwarf varieties or mature trees less than 25' tall and wide at maturity. Trees shall be positioned so their canopies do not extend over the roof of any structure.
- Vines and climbing plants are not allowed on any combustible structure requiring review.

Zone B

- Extends from the outer edge of Zone A an additional 70 feet for a total of 100 feet from the structure.
- Irrigation shall be provided to maintain healthy vegetation and fire resistance.
- Vegetation in this zone shall be arranged in a manner that does not create vertical or horizontal fuel ladders. Vegetation in this zone can be planted at a slightly higher density than Zone A but the overall density and arrangement shall provide adequate defensible space and significantly reduce fire intensity.
- Existing California native plants may be approved to remain if determined to be acceptable upon review and are properly spaced and maintained.
- Plant species selected for Zone B shall possess characteristics which increase fire resistance. Such characteristics are high moisture content, plants producing little leaf litter, slow growing plants and plants that do not require pruning to reduce their size at maturity. Species selection should reference the Fuel Modification Plant List. The list is not a pre-approved plant list. Other species may be used subject to approval after review.
- Trees in Zone B may be medium to large at maturity provided they are properly positioned and do not create any vertical or horizontal fuel ladders. Tree selections are subject to denial upon review.

Zone C

- Extends from the outer edge of Zone B an additional 100 feet for a total of 200 feet from the structure.
- Maintenance/modification of vegetation exceeding 100 feet but not to exceed 200 feet from structures may be determined necessary. Any required maintenance/modification is to be determined upon on-site inspection (Fire Code 325.2.2).

Fire Access Road Zone

- Extends a minimum of 10 feet from the edge of any public or private road, driveways and turnarounds used by firefighting resources.
- Clear and remove flammable vegetation on each side of access roads (Fire Code 325.10).
- Fire access roads shall have an unobstructed vertical clearance a minimum width of 20' and vertically clear to the sky (Fire Code 503.2.1).
- Additional clearance beyond 10 feet may be required upon an on-site inspection.
- All proposed plantings, unless otherwise approved, shall be positioned so they do not obstruct access at maturity. Pruning will not be considered as an alternative to plant selection.

Maintenance

Routine maintenance shall be regularly performed in all zones. Above all else, regular maintenance is paramount to the fire resistance of a well-planned fire-resistant landscape. Critical items are outlined below. Additional information may be found on our website listed in the header of this document.

- Start with the structure. Remove leaf litter and other combustible debris from roofs, eaves, rain gutters etc.
- Ensure the ember resistant zone is maintained free of any material known to be receptive to flying embers.
- Remove any plant or portion of a plant that is dead or dying throughout all zones.
- Remove downed, accumulated plant litter and dead wood throughout all zones.
- Prune to reduce the overall amount and continuity of fuels. Eliminate horizontal and vertical fuel ladders throughout all zones.
- All invasive species and their parts should be removed from the site.
- Ensure irrigation systems are functioning properly.
- Compliance with the fire code is a year-round responsibility. Enforcement will occur following inspection by the Fire Department. Annual inspections for brush clearance code requirements are conducted following the natural drying of fine fuels between the months of April and June depending on the geographic region each dwelling exists.
- Inspection for compliance with an approved fuel modification plan may occur at any time.
- All future planting shall be in accordance with the County of Los Angeles Fire Department Fuel Modification Guidelines and approved prior to installation.

Approval of this Fuel Modification Plan constitutes approval for only those Codes reviewed as part of the Fuel Modification process and does not replace the needed approval of any other office or agency with jurisdiction and review responsibility for those items which may or may not be illustrated on the plan.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

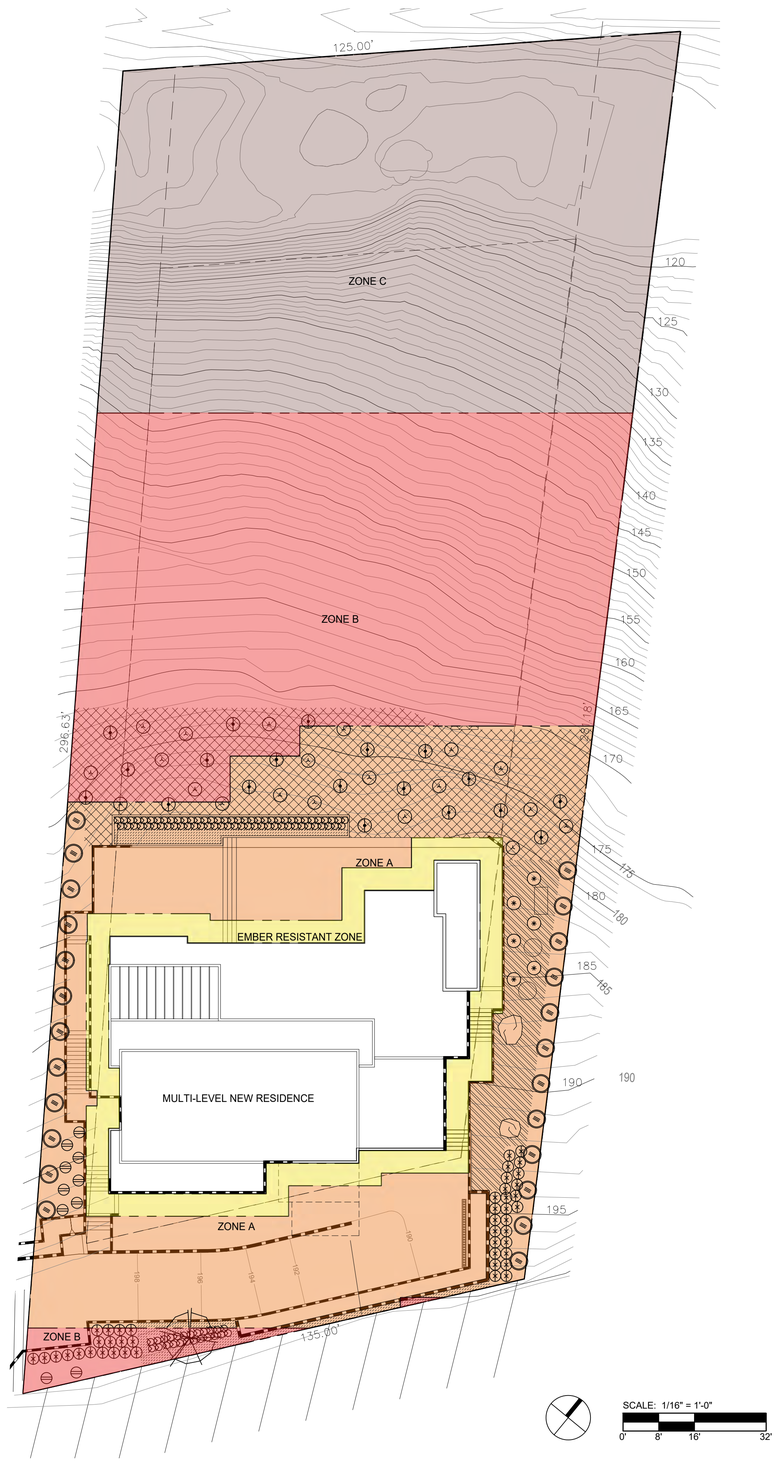
AGOURA HILLS	CARSON	EL MONTE	INGLEWOOD	LAWNDALE	PICO RIVERA	SIGNAL HILL
ARTESIA	CERRITOS	GARDENA	IRWINDALE	LOMITA	POMONA	SOUTH EL MONTE
AZUSA	CLAREMONT	GLENDORA	LA CANADA-FLINTRIDGE	LYNWOOD	RANCHO PALOS VERDES	SOUTH GATE
BALDWIN PARK	COMMERCE	HAWAIIAN GARDENS	LA HABRA	MALIBU	ROLLING HILLS	TEMPLE CITY
BELL	COVINA	HAWTHORNE	LA MIRADA	MAYWOOD	ROLLING HILLS ESTATES	VERNON
BELL GARDENS	CUDAHY	HERMOSA BEACH	LA PUENTE	NORWALK	ROSEMEAD	WALNUT
BELLFLOWER	DIAMOND BAR	HIDDEN HILLS	LAKEWOOD	PALMDALE	SAN DIMAS	WEST HOLLYWOOD
BRADBURY	DUARTE	HUNTINGTON PARK	LANCASTER	PALOS VERDES ESTATES	SANTA CLARITA	WESTLAKE VILLAGE
CALABASAS		INDUSTRY		PARAMOUNT		WHITTIER

HYDROSEED MIX 3,022 sf

Botanical Name/Common Name	Seed Rate (Lbs/Ac)	Remarks
Lotus scoparius (Acmispon glaber) / Deerweed	x	Stover Seed Co. PO Box 1579 9180 San Fernando Rd. Sun Valley, CA 213-626-9668 Contact: Stephen Knutson
Eschscholzia californica / California poppy	x	
Mimulus (auranticus) longiflorus / Sticky Monkeyflower	x	
Lupinus perennis / Perennial Lupine	x	
Salvia apiana / White sage	x	
Asclepias fascicularis / Narrow-leaved milkweed	x	
Eriophyllum confertiflorum / Golden yarrow	x	
Pseudognaphalium californicum / California everlasting	x	
Koeleria macrantha / June grass	x	
Gilia capitata / Globe gilia	x	
TOTAL SEED RATE:	x	

PLANTING LEGEND

Symbol	Botanical Name/Common Name	Quantity	Size	WUCOLS	Remarks
	TREES				
	Geijera parviflora / Australian willow	1	36" Box	L	
	SHRUBS				
	Agave vilmoriniana / Octopus agave spacing per plan	6	5g	L	Alt. 15g
	Calamagrostis acutiflora 'Karl Foerster' / Feather reed grass, @ 30" o.c.	44	5g	M	
	Juncus patens / California gray rush @ 18" o.c.	93	1g	L	
	Romneya coulteri / Matilija poppy @ 48" o.c.	24	5g	VL	
	Salvia leucantha / Mexican sage @ 30" o.c.	10	5g	L	
	GROUND COVER				
	Arctostaphylos 'Emerald Carpet'/ Manzanita field spaced	19	1g	L	
	Bouteloua gracilis 'Blonde Ambition' 317 sf @ 18" o.c.	140	1g	L	
	Carex divulsa / Berkeley sedge 720 sf @ 12" o.c. = 720 plants	15	flat	L	
	Ceanothus griseus horizontalis 'Yankee Point' / Yankee Point, field spaced	20	1g	L	
	Trachelospermum jasminoides / Star jasmine 160 sf @ 12" o.c. = 160 plants	4	flat	M	



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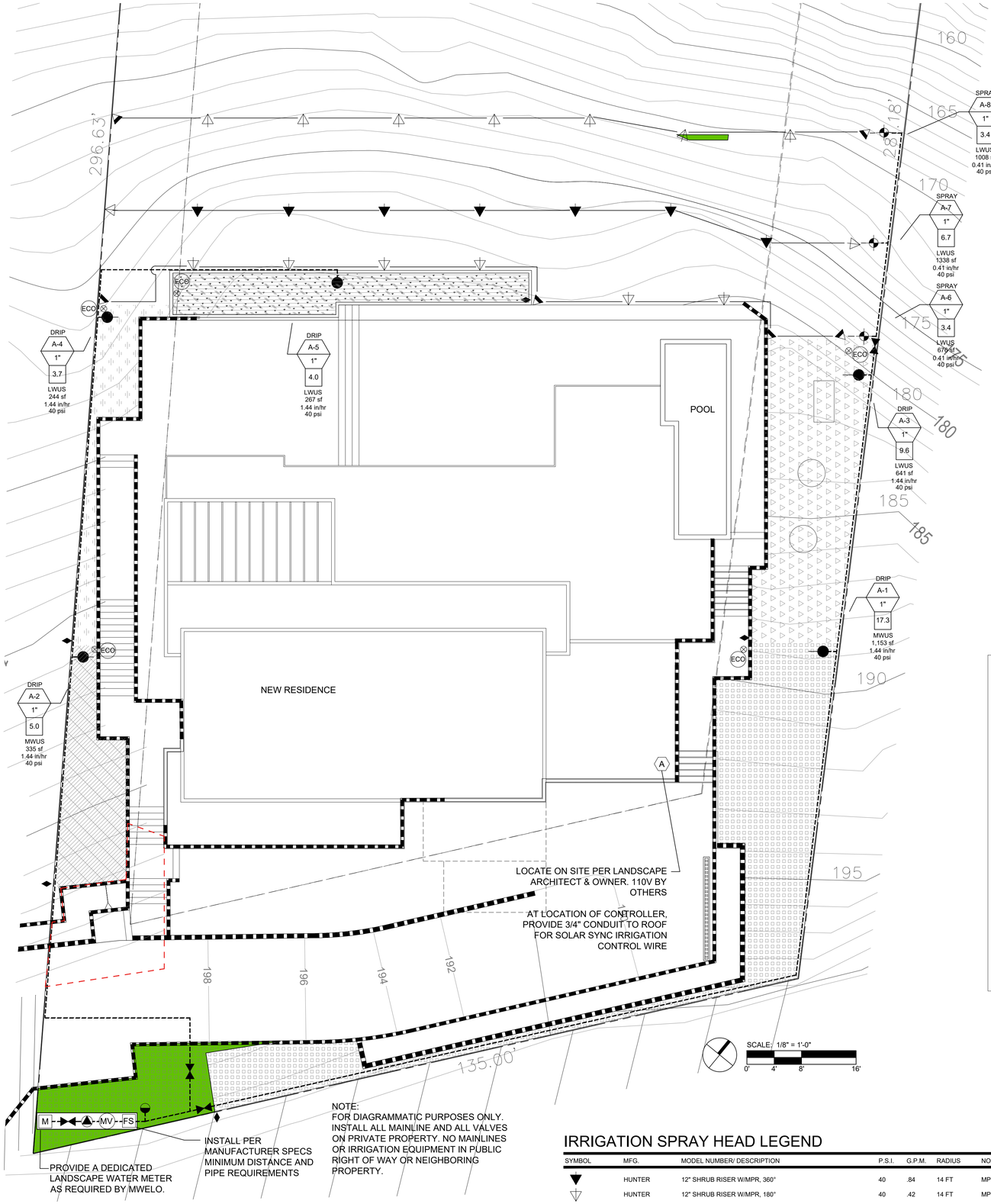
LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
Date
Exp. 2-26-25
STATE OF CALIFORNIA

FUEL MODIFICATION PLAN

Scale: 1" = 16'
Date: 10/22/2024

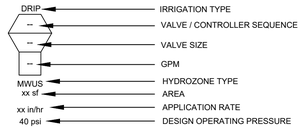
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2024-10-22 Heathercliff CD Set



IRRIGATION LEGEND

SYMBOL	MFG.	MODEL NUMBER/ DESCRIPTION	REMARKS
MV	HUNTER	ICV-101G, 1" MASTER CONTROL VALVE	SEE DETAIL A
	HUNTER	ICZ-101-40, 1" DRIP REMOTE CONTROL VALVE (1" ICV FILTER SENTRY GLOBE W/1" HY100 FILTER+REGULATOR)	SEE DETAIL B
	HUNTER	ICV-101G, 1" REMOTE CONTROL VALVE.	SEE DETAIL A
	HUNTER	HQ-33DLRC, 3/4" QUICK COUPLER.	SEE DETAIL C
	NIBCO	APPROVED BRONZE 150 PSI RATED BALL VALVE; LINE SIZE IN VALVE BOX.	SEE DETAIL C
	FEBCO	LF825-YA, 1" REDUCED PRESSURE BACKFLOW DEVICE	SEE DETAIL D
FS	HUNTER	HFS-FCT-100, 1" PVC FLOW SENSOR	SEE DETAIL E
A	HUNTER	HC-1200i, FIXED 12 STN. INDOOR WALL MOUNT WIFI CONTROLLER W/ HYDRAWISE WEATHER BASED WATER MANAGEMENT SOFTWARE; 120 VAC POWER TO THE CONTROLLER LOCATION BY OTHERS.	SEE DETAIL F
M	APPROVED	METER	
	RAINBIRD	AR VALVE KIT; 1" AIR/ VACUUM RELIEF VALVE IN VALVE BOX AT HIGH POINT.	SEE DETAIL G
	NETAFIM	TL050-MFV AUTOMATIC FLUSH VALVE IN VALVE BOX AT LOW POINT.	SEE DETAIL G
	RAINBIRD	XFD-09-12-xxx DRIPLINE W/ COPPER SHIELD EMITTERS; EMITTERS @12" O.C. & 12" ROW SPACING.	SEE DETAIL H
	APPROVED	PVC SCH. 40 LATERAL LINE; SEE PLAN FOR SIZE	SEE DETAIL I
	APPROVED	PVC SCH. 40 MAINLINE SLEEVE; 2 AT EACH LOCATION 2X THE DIA. OF PIPE TO BE SLEEVED	SEE NOTES 1, 2
	APPROVED	MAINLINE: 1) UNDER CONCRETE DECK (IN GARAGE) - TYPE L COPPER FOR SIZES 1-1/2" AND SMALLER 2) INSIDE WALLS AND BETWEEN FLOORS (DECK PENETRATIONS) - TYPE K COPPER 3) BETWEEN WATER MAIN AND BACKFLOW - TYPE K COPPER 4) DOWNSTREAM FROM BACKFLOW - SCHEDULE 40 PVC BURIED IN SOIL SIZE 1 1/2" AND SMALLER, SIZE NOTED	SEE DETAIL I
ECO	HUNTER	ECO-ID DRIP SYSTEM INDICATOR	SEE DETAIL J



HYDROZONE LEGEND

SYMBOL	DESCRIPTION
CST	COOL SEASON TURF
WST	WARM SEASON TURF
HWUS	HIGH WATER USING SHRUB/TREE
MWUS	MEDIUM WATER USING SHRUB/TREE
LWUS	LOW WATER USING SHRUB/TREE
VLWUS	VERY LOW WATER USING SHRUB/TREE

GREEN BUILDING NOTES:

1. I HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLANS.
2. PRESSURE REGULATING DEVICES ARE REQUIRED IF WATER PRESSURE IS BELOW OR EXCEEDS THE RECOMMENDED PRESSURE OF THE SPECIFIED IRRIGATION DEVICES.
3. AFTER INSTALLATION, INSTALLER TO PERFORM PRESSURE TESTING AND VERIFY WATER COVERAGE OF ENTIRE IRRIGATION SYSTEM. INSTALLER SHALL ADJUST OR REPLACE ANY DEVICES TO ENSURE EFFICIENT, COMPLETE AND PROPER WORKING OF THE SYSTEM.
4. CHECK VALVES OR ANTI-DRAIN VALVES ARE REQUIRED ON ALL SPRINKLER HEADS WHERE LOW POINT DRAINAGE COULD OCCUR.
5. A DIAGRAM OF THE IRRIGATION PLAN SHOWING HYDROZONES SHALL BE KEPT WITH THE IRRIGATION CONTROLLER FOR SUBSEQUENT MANAGEMENT PURPOSES.
6. THE CONTROLLER IS SHIPPED WITH A COMPLETE OPERATIONS MANUAL WHICH SHALL BE GIVEN TO OWNER OR KEPT ON SITE PER OWNER'S REQUEST.
7. A CERTIFICATE OF COMPLETION SHALL BE FILLED OUT AND CERTIFIED BY EITHER THE DESIGNER OF THE LANDSCAPE PLANS, IRRIGATION PLANS OR THE LICENSED LANDSCAPE CONTRACTOR FOR THE PROJECT.
8. AN IRRIGATION AUDIT REPORT SHALL BE COMPLETED AT THE TIME OF FINAL INSPECTION.

HYDROZONES

	A-1	Drip-M
	A-2	Drip-M
	A-3	Drip-M
	A-4	Drip-M
	A-5	Drip-M
	A-6	Spray-L
	A-7	Spray-L
	A-8	Spray-L
	A-9	Spray-L
	POOL/SPA	Drip-H

STATIC WATER PRESSURE @ POC

HIGH = x psi
LOW = x psi

GENERAL IRRIGATION NOTES:

1. ALL MAINLINE PIPING AND CONTROL WIRES UNDER PAVING SHALL BE INSTALLED IN SEPARATE SLEEVES. ALL SLEEVING SIZES SHALL BE AS INDICATED ON THE PLANS. ALL SLEEVES SHALL BE AT A DEPTH OF 18" MINIMUM BELOW SUB GRADE.
2. ALL LATERAL LINE PIPING UNDER PAVING SHALL BE PVC SCHEDULE 40 AND SHALL BE INSTALLED PRIOR TO PAVING. THE PIPING SHALL BE A MINIMUM OF 12" BELOW SUB GRADE.
3. PIPE SIZES SHALL CONFORM TO THOSE SHOWN ON THE DRAWINGS. NO SUBSTITUTIONS OF SMALLER PIPE SIZES SHALL BE PERMITTED BUT SUBSTITUTIONS OF LARGER SIZES MAY BE APPROVED. ALL DAMAGED AND REJECTED PIPE SHALL BE REMOVED FROM THE SITE AT THE TIME OF THE REJECTION.
4. THE 120 VAC ELECTRICAL POWER SOURCE AT THE CONTROLLER LOCATION SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR. MAKE THE FINAL CONNECTION FROM THE SOURCE TO THE CONTROLLER OR AS ALLOWED BY LOCAL CODES.
5. ALL SPRINKLER HEADS SHALL BE SET PERPENDICULAR TO FINISH GRADE UNLESS OTHERWISE SPECIFIED OR DIRECTED.
6. THIS DESIGN IS DIAGRAMMATIC. ALL PIPING, VALVES, OR OTHER SIMILAR APPURTENANCES SHOWN IN PAVED AREAS IS FOR DESIGN AND GRAPHIC CLARIFICATION AND SHALL BE INSTALLED IN IRRIGATED PLANTING AREAS. WHEREVER POSSIBLE INSTALL ALL VALVES AND BOXES IN SHRUB AREAS AND NOT IN TURF AREAS.
7. IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO FAMILIARIZE HIMSELF WITH ALL GRADE DIFFERENCES, LOCATION OF WALLS, RETAINING WALLS, STRUCTURES AND UTILITIES OF THE SITE. COORDINATE WORK WITH OTHER TRADES AND CONTRACTORS FOR THE LOCATION AND INSTALLATION OF ALL IRRIGATION EQUIPMENT. REPAIR AND/OR REPLACE ALL ITEMS DAMAGED BY WORK PERFORMED.
8. DO NOT WILLFULLY INSTALL THE IRRIGATION SYSTEM WHEN IT IS OBVIOUS THAT THE FIELD CONDITIONS VARY FROM THE DRAWINGS AND THAT UNKNOWN OBSTRUCTIONS, GRADE DIFFERENCES OR DIFFERENCES IN THE AREA DIMENSIONS EXIST THAT HAVE NOT BEEN INDICATED ON THE ENGINEERING. SUCH ITEMS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE. ASSUME FULL RESPONSIBILITY FOR ANY NECESSARY REVISIONS IN THE EVENT THAT THIS NOTIFICATION IS NOT HEEDED.
9. FLUSH AND ADJUST ALL SPRINKLER HEADS AND VALVES FOR THEIR OPTIMUM OPERATION.
10. THE IRRIGATION SYSTEM DESIGN IS BASED ON A MINIMUM OPERATING PRESSURE OF 40 PSI AND A MAXIMUM FLOW DEMAND OF 17.4 GPM. VERIFY WATER PRESSURES PRIOR TO CONSTRUCTION. REPORT ANY DIFFERENCES BETWEEN THE WATER PRESSURE SHOWN ON THE PLANS AND THE PRESSURE READING IN THE FIELD TO THE OWNER'S AUTHORIZED REPRESENTATIVE.
11. ALL IRRIGATION EQUIPMENT NOT OTHERWISE DETAILED OR SPECIFIED HEREIN SHALL BE INSTALLED PER THE MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.
12. REFER TO THE SPECIFICATIONS FOR ADDITIONAL DETAILED INFORMATION.
13. THE CONTRACTOR SHALL PROVIDE IN HIS BID FOR A ONE-YEAR (1-YEAR) MAINTENANCE PERIOD.
14. THE CONTRACTOR SHALL INSTALL ALL MAINLINES IN LANDSCAPE AREAS AND NOT UNDER PAVING UNLESS IT IS A NECESSARY CROSSING OF A STREET OR WALK. THE MAINLINE SHALL BE INSTALLED AT THE DEPTH NOTED IN THE IRRIGATION DETAILS AND AT A HORIZONTAL DISTANCE OF 12"-24" FROM THE EDGE OF ALL CURBS OR WALKS. ALL MAINLINE AND VALVES SHALL BE LOCATED BEHIND THE PROPERTY LINE.
15. AUTOMATIC LANDSCAPE IRRIGATORS SHALL BE INSTALLED IN SUCH A WAY THAT IT DOESN'T SPRAY ON THE BUILDING.

IRRIGATION SPRAY HEAD LEGEND

SYMBOL	MFG.	MODEL NUMBER/ DESCRIPTION	P.S.I.	G.P.M.	RADIUS	NOZZLE	REMARKS
	HUNTER	12" SHRUB RISER W/MPR, 360°	40	.84	14 FT	MP-1000 OLIVE	SEE DETAIL L
	HUNTER	12" SHRUB RISER W/MPR, 180°	40	.42	14 FT	MP-1000 MAROON	SEE DETAIL L
	HUNTER	12" SHRUB RISER W/MPR, 90°	40	.21	14 FT	MP-1000 MAROON	SEE DETAIL L

DIG ALERT
UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA
DIAL TOLL FREE 1-800-422-4133
AT LEAST TWO DAYS BEFORE YOU DIG
ATTENTION IS DIRECTED TO THE POSSIBLE EXISTENCE OF UNDERGROUND FACILITIES NOT KNOWN OR IN A LOCATION DIFFERENT FROM THAT WHICH IS SHOWN ON THE PLANS OR IN THE SPECIAL PROVISIONS. THE CONTRACTOR SHALL TAKE STEPS TO ASCERTAIN THE EXACT LOCATION OF ALL UNDERGROUND FACILITIES PRIOR TO DOING WORK THAT MAY DAMAGE SUCH FACILITIES OR INTERFERE WITH THEIR SERVICE. BEFORE EXCAVATING, THE CONTRACTOR SHALL VERIFY THE LOCATION OF UNDERGROUND UTILITIES BY CONTACTING UNDERGROUND SERVICE ALERT AT 1(800) 422-4133.

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date
Exp 2-28-25
STATE OF CALIFORNIA

IRRIGATION PLAN

Scale: 1/8" = 1'-0"
Date: 10/22/2024

L-2.0

2024-10-22 Heathercliff CD Set

Maximum Applied Water Allowance Calculations for New and Rehabilitated Residential Landscapes

Enter value in Pale Blue Cells

Tan Cells Show Results

Messages and Warnings

Click on the blue cell on right to Pick City Name	Santa Monica	Name of City
ET_o of City from Appendix A	44.20	ET_o (inches/year)
	3022	Overhead Landscape Area (ft^2)
	2840	Drip Landscape Area (ft^2)
		SLA (ft^2)
Total Landscape Area	5,862.00	
Results:		
(ET_o) x (0.62) x [(0.55 xLA) + (1.0 - 0.55) X SLA)]	88,340.34	Gallons
	11,809.42	Cubic Feet
	118.09	HCF
	0.27	Acre-feet
	0.09	Millions of Gallons
MAWA calculation incorporating Effective Precipitation (Optional)		
Precipitation (Optional)		
ET_o of City from Appendix A	44.20	ET_o (inches/year)
Total Landscape Area	5,862.00	LA (ft^2)
Special Landscape Area	0.00	SLA (ft^2)
		Total annual precipitation (inches/year)
Enter Effective Precipitation	0.00	Eppt (in/yr)(25% of total annual precipitation)
Results:		
MAWA = [(ET_o- Eppt) x (0.62)] x [(0.55 x LA) + ((1.0 - 0.55) x SLA)]	-	Gallons
	-	Cubic Feet
	-	HCF
	-	Acre-feet
	-	Millions of Gallons

Estimated Total Water Use

Equation: ETWU = ET_o x 0.62 x [((PF x HA)/IE) + SLA]; Considering precipitation ETWA =(ETo-Eppt) x 0.62 x [((PF x HA)/IE) +SLA]

Enter values in Pale Blue Cells

Tan Cells Show Results

Messages and Warnings

Irrigation Efficiency Default Value for overhead 0.75 and drip 0.81.

Plant Water Use Type	Plant Factor
Very Low	0 - 0.1
Low	0.2 - 0.3
Medium	0.4 - 0.6
High	0.7 - 1.0
SLA	1

Hydrozone	Select System From the Dropdown List click on cell below	Plant Water Use Type (s) (low, medium, high)	Plant Factor (PF)	Hydrozone Area (HA) (ft^2) Without SLA	Irrigation Efficiency (IE)	(PF x HA (ft^2))/IE
A-1	Drip	Medium	0.40	1,153	0.81	**569**
A-2	Drip	Medium	0.40	335	0.81	**165**
A-3	Drip	Low	0.20	641	0.81	**158**
A-4	Drip	Low	0.20	244	0.81	**60**
A-5	Drip	Medium	0.40	267	0.81	**132**
A-6	Overhead Spray	Low	0.20	676	0.75	**180**
A-7	Overhead Spray	Low	0.20	1,338	0.75	**357**
A-8	Overhead Spray	Low	0.20	1,008	0.75	**269**
POOL	Drip	High	1.00	200	0.81	**247**
						2,138
		SLA		0		**0**
		Sum		5,862		

Results

MAWA = 88,340

ETWU=	58,580	Gallons
	7,831	Cubic Feet
	78	HCF
	0	Acre-feet
	0	Millions of Gallons

ETWU complies with MAWA

LANDSCAPE COURTLAND STUDIO ARCHITECTURE

COURTLAND STUDIO, LLC
505 E Colorado Blvd. Mezz C
Pasadena CA 91101
P: 818-788-9382
F: 818-788-3217
Licensed Landscape Architect #3620

David Kellen
2701 Airport Ave., Ste 202
Santa Monica, CA 90405
310-245-3584

Client:

Project location:

29329 Heathercliff Road
Malibu, CA 90265

LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
date
Exp. 2-28-25
STATE OF CALIFORNIA

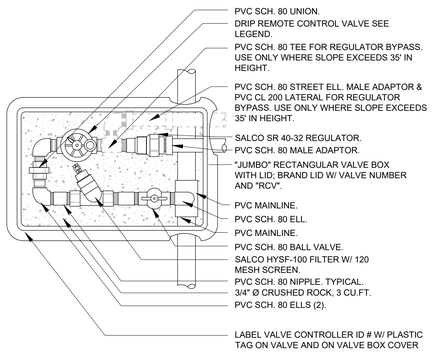
IRRIGATION SCHEDULE + MWELO

Scale: 1/8" = 1'-0"

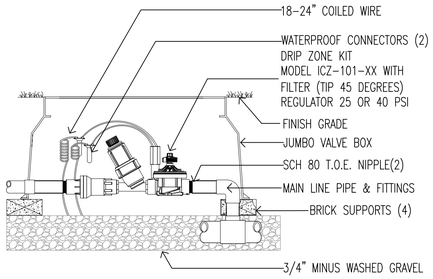
Date: 10/22/2024

L-2.1

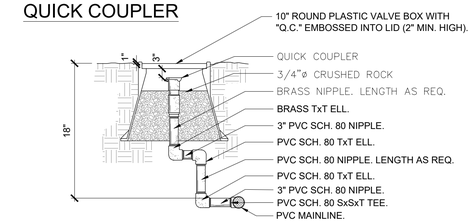
2024-10-22 Heathercliff CD Set

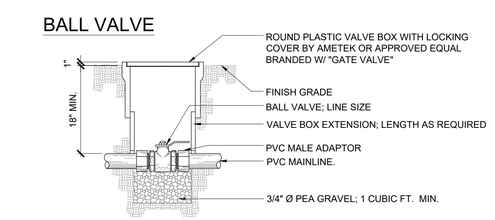


A MASTER CONTROL / SPRAY CONTROL VALVE

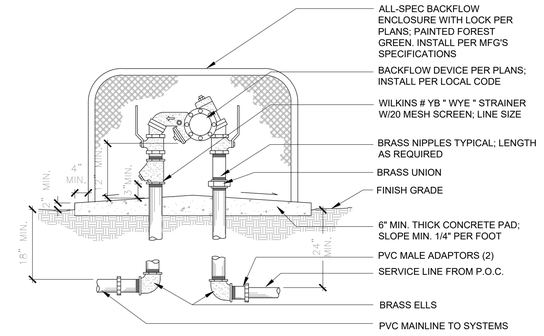


B DRIP REMOTE CONTROL VALVE

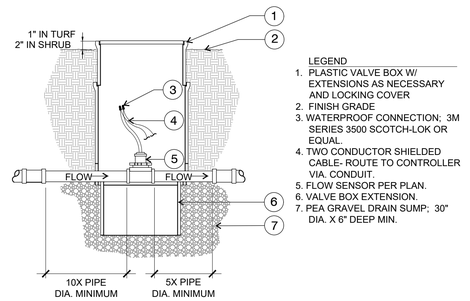




C QUICK COUPLER & BALL/GATE VALVE

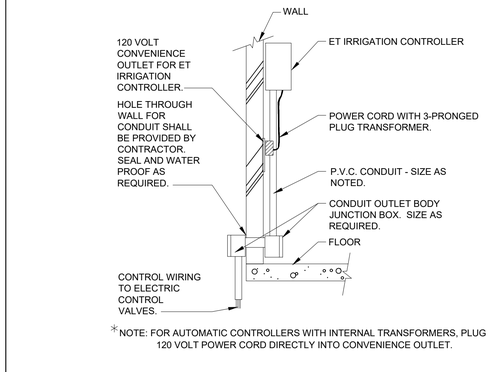


D REDUCED PRESSURE BACKFLOW DEVICE



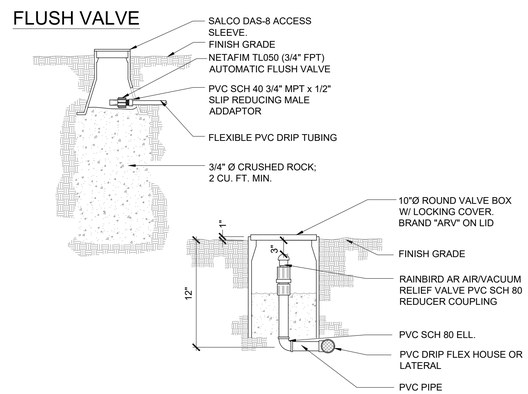
LEGEND
1. PLASTIC VALVE BOX W/ EXTENSIONS AS NECESSARY AND LOCKING COVER
2. FINISH GRADE
3. WATERPROOF CONNECTION; 3M SERIES 3500 SCOTCH-LOK OR EQUAL.
4. TWO CONDUCTOR SHIELDED CABLE- ROUTE TO CONTROLLER VIA. CONDUIT.
5. FLOW SENSOR PER PLAN.
6. VALVE BOX EXTENSION.
7. PEA GRAVEL DRAIN SUMP; 30" DIA. X 6" DEEP MIN.

E FLOW SENSOR



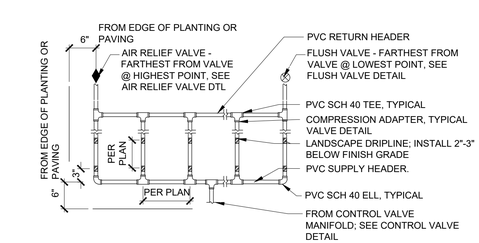
* NOTE: FOR AUTOMATIC CONTROLLERS WITH INTERNAL TRANSFORMERS, PLUG 120 VOLT POWER CORD DIRECTLY INTO CONVENIENCE OUTLET.

F WALL MOUNT CONTROLLER

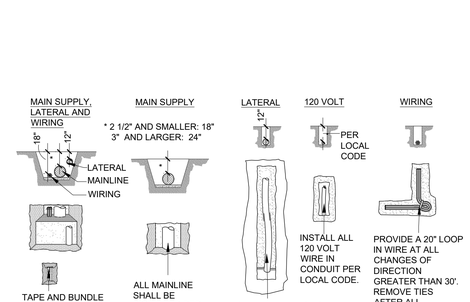


DRIP AIR-VACCUM RELIEF VALVE

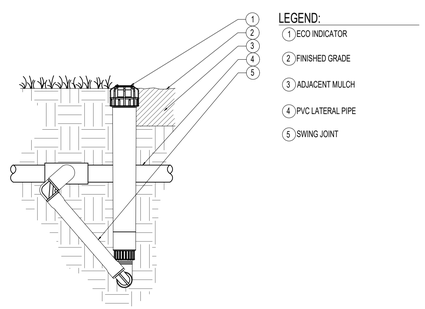
G FLUSH VALVE & AIR/VACUUM RELIEF VALVE



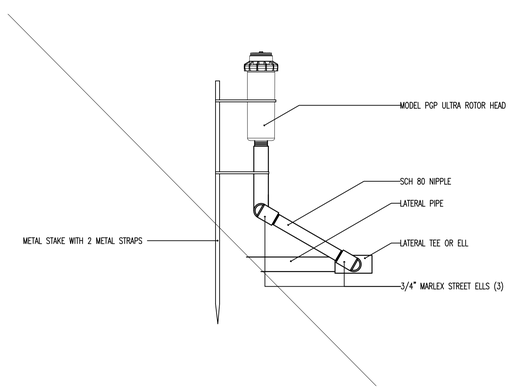
H DRIP TUBING INSTALLATION



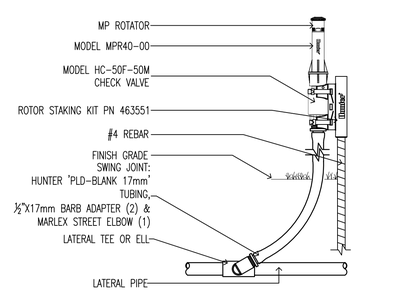
I PIPING & WIRING



J ECO-ID INDICATOR



K PGP ON SLOPE - NOT USED



L MP ROTATOR

LANDSCAPE COURT LAND STUDIO ARCHITECTURE
COURTLAND STUDIO, LLC
505 E Colorado Blvd. Mezz C
Pasadena CA 91101
P: 818-788-9382
F: 818-788-3217
Licensed Landscape Architect #3620

David Kellen
2701 Airport Ave., Ste 202
Santa Monica, CA 90405
310-245-3584

Client:

Project location:
29329 Heathercliff Road
Malibu, CA 90265

LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
date
Exp. 2-28-25
STATE OF CALIFORNIA

IRRIGATION DETAILS

Scale: 1/8" = 1'-0"
Date: 05/24/2023

L-2.2

2024-10-22 Heathercliff CD Set

City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	October 25, 2024	**Review Log #:**	**4615**
Site Address:	29329 Heathercliff Road		
Lot/Tract/PM #:	n/a	**Planning #:**	**CDP 20-003**
Applicant/Contact:	Alan Hajjar, alan@myacsinc.com	**BPC/GPC #:**	
Contact Phone #:	818-383-1800 **Fax #:**	**Planner:**	**Allison Cook**
Project Type:	New one-story single-family residence with basement, OWTS		

Submittal Information

Consultant(s) / Report Date(s): *(Current submittal(s) in **Bold**.)*	Leighton & Associates, Inc. (Geoffrey F., CEG 2512; Hennessey, R., RCE 86902): **10-23-24**, 11-30-23, 10-27-23, 9-10-23, 9-3-2020, 3-12-20, 11-27-2019 Architectural Plans by David Kellen & Associates, Inc., dated **September 21, 2023,** March 19, 2023**,** January 9, 2020**.** Preliminary Grading Plan by Planex Associates dated **March 21, 2023,** July 17, 2023, December 12, 2019. Topography Survey by Elias Chaij, Survey date: May 29, 2019.
Previous Reviews:	12-12-23, 11-16-23, 10-9-2023, 9-10-20, 8-18-2020, 1-29-2020;

Review Findings

Coastal Development Permit Review

☒ The residential development project is **APPROVED** from a geotechnical perspective.

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

Building Plan-Check Stage Review

☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.

☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ **NOT APPROVED** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

Remarks

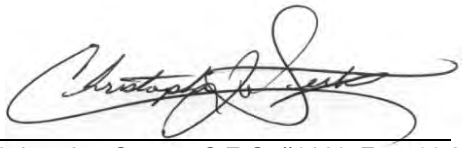
The referenced geotechnical reports and plans were reviewed by the City from a geotechnical perspective. Based on the submitted information, the project includes the construction of a new single-family residence with basement, and a new Onsite Wastewater Treatment System (OWTS). Grading consists of 230 yards of R

& R; 1015 yards of cut and one yard of fill under the structure; 58 yards of fill for safety; 675 yards of cut and zero yards of fill non- exempt; and 624 yards of export. We understand that a revised plan is currently proposed that includes minor changes relative to the previous plan. Changes include additional stairs, a landing, and a change in retaining wall alignment.

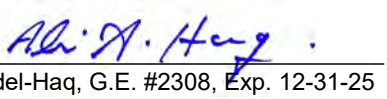
Building Plan Check Review Comments:

1. Please submit a fee of $ 1,179.00 to City geotechnical staff for building plan check review.
2. The consultant should evaluate the potential for interaction (example: lateral surcharge) between the closely located retaining walls and between the basement sidewalls and adjacent foundations/structures. Using the 1:1 criterion for lateral surcharge is not acceptable for lateral surcharge unless substantiated by analyses and/or references. Footings below a 1:1 plane behind walls could laterally surcharge the walls. Lateral surcharge behind any proposed retaining walls needs to be evaluated using an appropriate method (e.g.: 1- Spangler & Handy {1982}, Soil Engineering, fourth Edition, Harper & Row, New York; 2- Navy Design Manual NAVFAC DM-7.2, Figures 11 & 12).
3. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. The Project Geotechnical Engineer has recommended that the vapor barrier be a minimum thickness of 15 mils, conform to ASTM E1745 Class A requirements, and be installed in accordance with ASTM E1643. Building plans shall reflect the Consultant's recommendation.
4. The following notes must be added to the grading plan:
   a. The geotechnical consultant should determine the expansion potential of the finish grade materials at the completion of grading. Foundation design recommendations should be revised if the expansion potential of finish grade materials substantially differs from the assumed expansion range.
   b. At the completion of grading, samples of the onsite soils should be collected and tested for corrosion potential. Final recommendations for mitigation measures including cement type should be based on the corrosion potential of the finish grade materials.
   c. The geotechnical consultant should determine at the completion of grading the R-value of the finish grade materials within parking and access road areas. Final pavement design should be based on the actual R-value of the finish grade materials.
5. An as-built report shall be submitted to the City for review. This report prepared by the Geotechnical Consultant must include the results of all compaction tests as well as a map depicting the limits of fill, locations and elevations of all density tests, outline and elevations of all removal bottoms, keyway locations and bottom elevations, locations of all subdrains and flow line elevations, and location and elevation of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map.
6. Two sets of final Grading, Retaining Wall, Swimming Pool/Spas, Guest House, 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:  10/25/2024

Christopher Sexton, C.E.G. #1441, Exp. 11-30-24 Date
Engineering Geology Reviewer (805-496-1222)
Email: chris@geodynamics-inc.com

Geotechnical Engineering Review by:  10/25/2024

Ali Abdel-Haq, G.E. #2308, Exp. 12-31-25 Date
Geotechnical Engineering Reviewer (805-496-1222)
Email: ali@geodynamics-inc.com

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

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

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

City of Malibu

– GEOTECHNICAL –

NOTES FOR BUILDING PLAN-CHECK

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

1. One set of grading, retaining wall, swimming pool and spas, guest house, and residence plans, incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**
2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Building, Seawall, and Grading Plans.
3. Include the following note on Grading and Foundation Plans: "*Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Project Geotechnical Consultant, as appropriate.*"
4. Include the following note on the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel."*
5. The Foundation Plans for the proposed project shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
6. Show the onsite wastewater treatment system on the Site Plan.
7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
8. A comprehensive Site Drainage Plan, incorporating the Project Geotechnical Consultant's recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

Grading Plans (as Applicable)

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

Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the Geotechnical Consultant, on the Plans.
2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.

Supplemental Commission Agenda Report

Planning Commission Meeting
10-07-24
Item 5.A.

To: Chair Leonard and Members of the Planning Commission

Prepared by: Allison Cook, AICP, Contract Planner

Reviewed by: Salvador Lopez Jr., Interim Assistant Planning Director

Approved by: Maureen Tamuri, AIA, AICP, Interim Planning Director

Date prepared: October 4, 2024 Meeting date: October 7, 2024

Subject: Coastal Development Permit No. 20-003 and Minor Modification No. 20-001 – An application for a new two-story single-family residence and associated development

Location: 29329 Heathercliff Road, not within the appealable coastal zone
APN: 4468-011-011
Owner: ACS International, LLC

RECOMMENDAITON: Adopt Planning Commission Resolution No. 24-64 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-003 to construct a new 4,050 square-foot, two-story, split-level single-family residence of 18 feet tall, with an attached 390 square-foot garage, a swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system, including Minor Modification No. 20-001 for up to a 50 percent reduction in the front yard setback, located in the Rural Residential, One-Acre zoning district at 29329 Heathercliff Road (ACS International, LLC).

DISCUSSION: After the distribution of the agenda report, staff noticed that correspondence previously received by staff was inadvertently omitted from the report. As such, the correspondence is attached to this report for the Commission's consideration.

ATTACHMENT: Public Correspondence

Received
05/20/24
Planning Dept.

---------- Forwarded message ---------
From: **Mike Kasaba** <[redacted]
Date: Mon, May 20, 2024 at 1:58 PM
Subject: Re: 29329 Heathercliff Road, Case No. CDP 20-003
To: Allison Cook <capstonecityplan@gmail.com>

Hi Allison,

On this project, there are two issues of which I am aware:

1. There is a significant portion of the driveway area that is greater than 4:1.

2. There is an easement dispute related to 29327 Heathercliff Rd.

Are you aware of these issues? Are they being considered by the Planning Director as part of the approval process?

Mike Kasaba

[redacted]

On Wed, Apr 24, 2024 at 12:11 PM Allison Cook <capstonecityplan@gmail.com> wrote:

Hi - It's tentatively scheduled to be considered by the Planning Director at the end of May, and reported to the Planning Commission at the June 3 meeting.

Allison Cook, AICP

Owner, Capstone City Planning

Contract Planner to the City of Malibu

[redacted]

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 05/20/24 Time 2:12 PM
Planning Commission meeting of 06/03/24
Agenda Item No. 3B3
Total No. of Pages 5

capstonecityplan@gmail.com

On Wed, Apr 24, 2024 at 11:39 AM Mike Kasaba <[redacted]> wrote:

Ok. Thank you for letting me know. Is there a new schedule for review and approval of his plan?

Mike Kasaba

[redacted]

On Wed, Apr 24, 2024 at 11:27 AM Allison Cook <capstonecityplan@gmail.com> wrote:

Hello - Yes, he has.

Allison Cook, AICP

Owner, Capstone City Planning

Contract Planner to the City of Malibu

[redacted]

capstonecityplan@gmail.com

On Wed, Apr 24, 2024 at 11:22 AM Mike Kasaba [redacted] > wrote:

Hi Allison,

Has Alan re-submitted the plan at 18ft height?

Mike Kasaba

[redacted]

On Mon, Apr 8, 2024 at 11:16 AM Allison Cook <capstonecityplan@gmail.com> wrote:

Hi - He needs to submit revised plan sheets showing the maximum 18' height.

Please note that I will be out of the office from 4/10 through 4/15.

Allison Cook, AICP

Owner, Capstone City Planning

Contract Planner to the City of Malibu

[redacted]

capstonecityplan@gmail.com

On Mon, Apr 8, 2024 at 11:11 AM Mike Kasaba [redacted] > wrote:

Hi Allison,

Now that the SPR has been removed from this application, what are the next steps? Does Alan have to submit an updated plan or is the package ready for approval without any other submissions?

Mike Kasaba
[redacted]

On Fri, Apr 5, 2024, 9:06 AM Allison Cook <capstonecityplan@gmail.com> wrote:

You are welcome. Have a nice weekend.

Please note that I will be out of the office from 4/10 through 4/15.

Allison Cook, AICP

Owner, Capstone City Planning

Contract Planner to the City of Malibu

[redacted]

capstonecityplan@gmail.com

On Fri, Apr 5, 2024 at 9:03 AM Mike Kasaba <[redacted]> wrote:

Hi Allison,

Thank you for follow-through on this for me. I appreciate your diligence.

Mike Kasaba

[redacted]

On Fri, Apr 5, 2024 at 8:57 AM Allison Cook <capstonecityplan@gmail.com> wrote:

Hi Mike - As you requested, I'm letting you know that the applicant submitted a request to remove the SPR request from his application, as he will now not be exceeding the maximum allowed building height of 18 feet. Thank you.

Please note that I will be out of the office from 4/10 through 4/15.

Allison Cook, AICP

Owner, Capstone City Planning

Contract Planner to the City of Malibu

[redacted]

capstonecityplan@gmail.com

Received
05/07/24
Planning Dept.

From: Marc Provissiero
To: Planning Commission; Richard Mollica
Subject: 29329 Heathercliff Rd - application for Permit -
Date: Tuesday, May 7, 2024 2:15:09 PM

To: Richard Mollica, Planning Commission
RE: 29329 Heathercliff Rd - Coastal Development Permit NO 20-003 / 20-002

Hello,

I received a notice by mail yesterday as I own property within the distribution radius regarding this proposed development.

I adamantly oppose this development for two reasons:

1. Scenic beauty - As a homeowner, I am against compromising the beautiful view driving up PCH on this stretch of land. Currently it's all natural greenscape. This development would disrupt natural greenscape that benefits the many with a blighted eyesore that benefits the one, turning the natural space into an arresting hillside edifice. Let's hold the line. No development on this stretch of Heathercliff that will degrade the beauty of that natural greenscape.

2. Erosion: The hillside in this region is unstable. There was a mudslide that damaged the commercial space on PCH one property west of this proposed development just months ago. Hillside erosion endangers the condos 4 lots east of this site. That site will incur massive costs to shore up that hill. We don't need more development on this hillside. We don't want it.

Thank you for considering the comments and concerns.

Marc Provissiero
Owner
[redacted] Heathercliff

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 05/07/24 Time 2:15 PM
Planning Commission meeting of 06/03/24
Agenda Item No. 3B3
Total No. of Pages 1

Patricia Salazar

Subject: FW: 29329 Heathercliff Road - Case No. CDP 20-003 - Application Deemed Complete Letter
Attachments: 29259 Heathercliff Rd - View Obstruction.jpg

---------- Forwarded message ---------
From: **Mike Kasaba** [redacted]
Date: Wed, Mar 27, 2024 at 2:00 PM
Subject: Re: 29329 Heathercliff Road - Case No. CDP 20-003 - Application Deemed Complete Letter
To: Allison Cook <capstonecityplan@gmail.com>
Hi Allison,

Today the story poles were erected for this application CDP 20-003. The planned construction directly obstructs our views of the coastline, beach, and white water (see attached photo). This violates our Primary View Determination (PVD No 23-016) and we intend to block its approval by all lawful means. Please respond with the necessary steps we need to take to formally object in writing.

Thank you,

Mike Kasaba
[redacted]



Patricia Salazar

Subject: FW: 22-244 Neighbor Slope Study

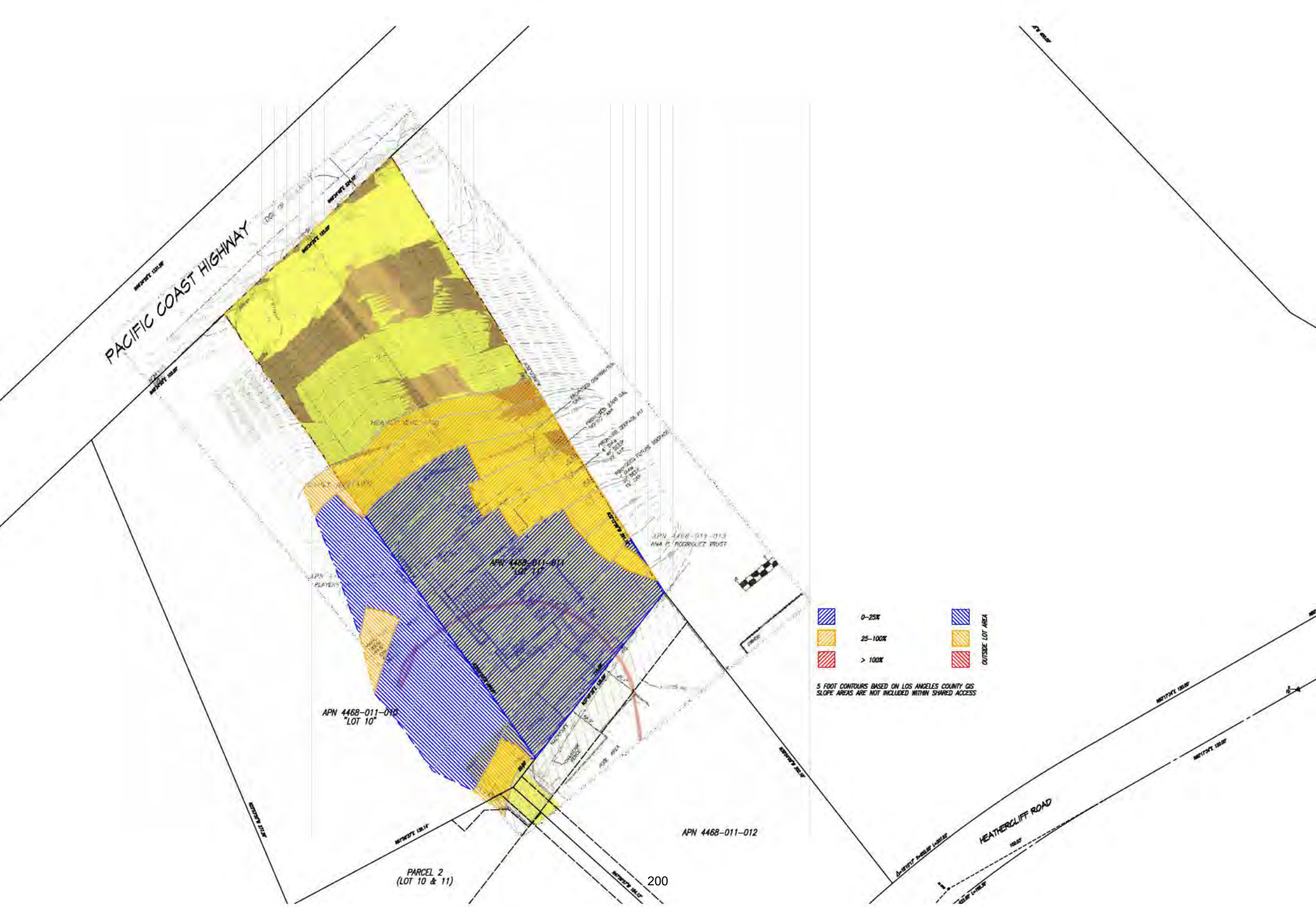
---------- Forwarded message ---------
From: **Heather Roth** [redacted]
Date: Fri, Aug 11, 2023 at 9:39 AM
Subject: Fwd: 22-244 Neighbor Slope Study
To: Allison Cook <capstonecityplan@gmail.com>, Tyler Eaton <teaton@malibucity.org>
Cc: Larry Roth [redacted]

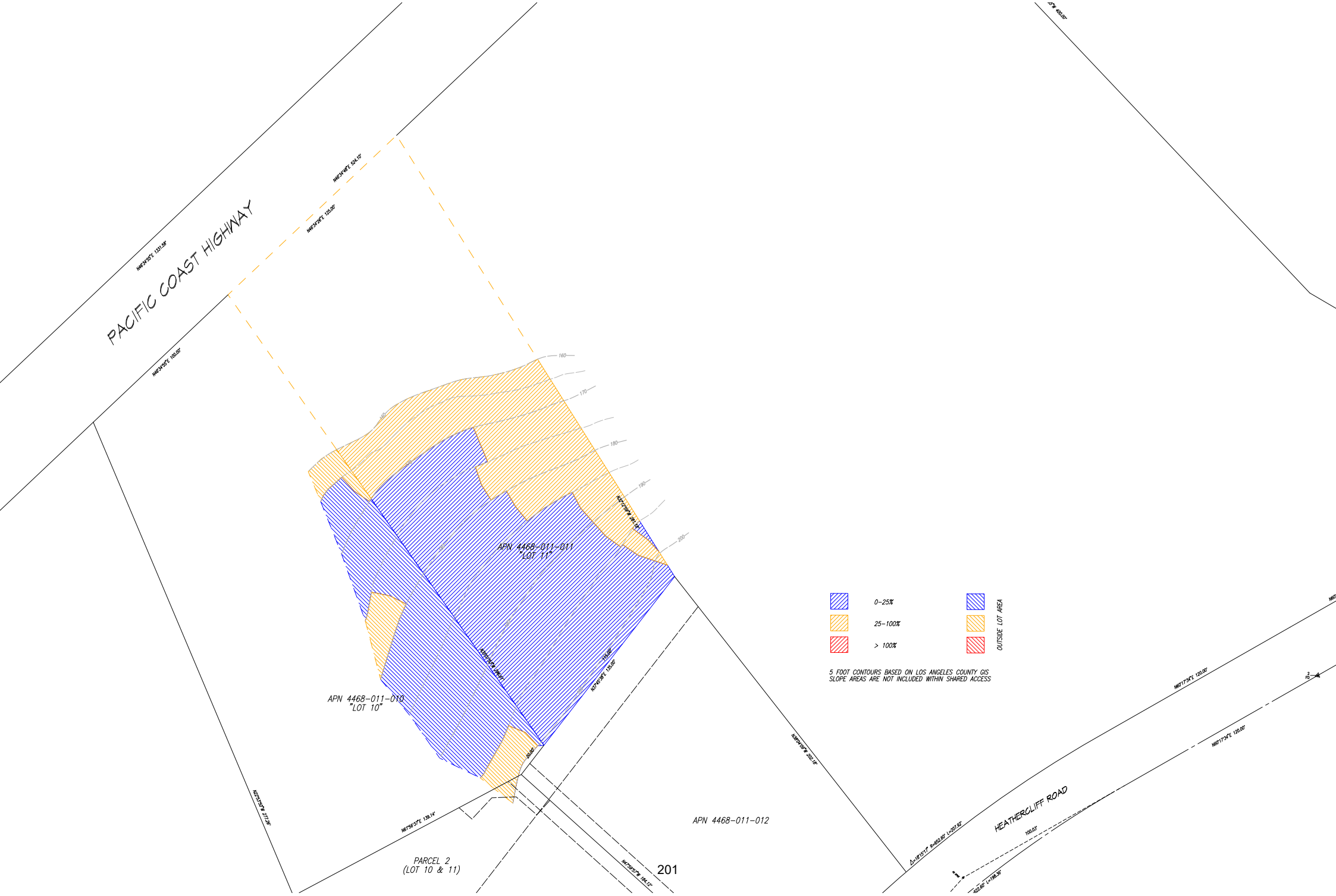
Good Morning-

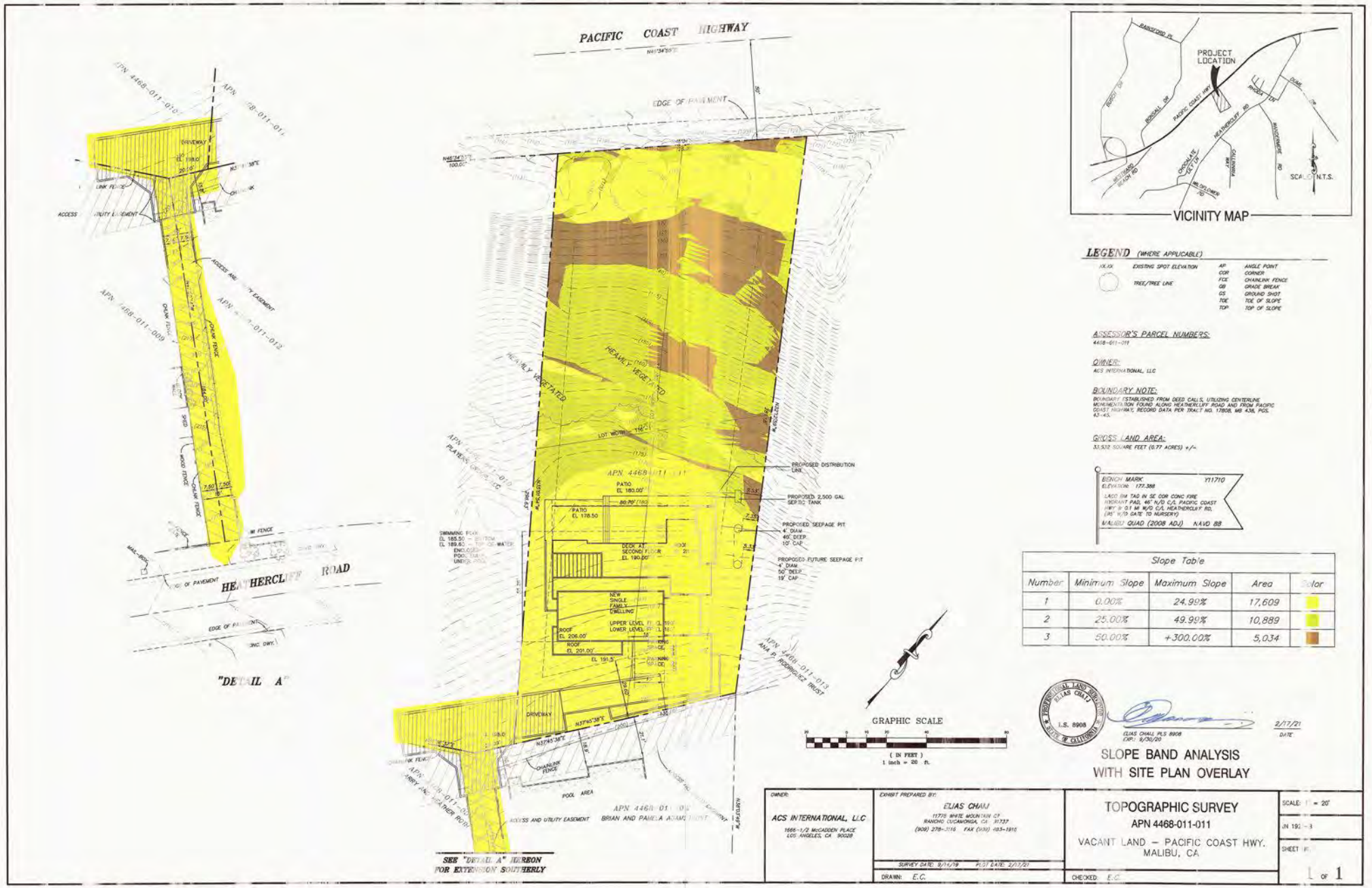
Hope you are both well. I do have one question now Allison. We had a slope study done by a local firm and the Developer's study seems to be inconsistent with what we had done. Further, it seems they are doing a lot of grading in an area that has a large slope gradient. Specifically, the slope where driveway area is. It looks like this slope is over 25% visually and according to the slope study we had done. Is this allowed?

Thanks in advance!

Best,
Heather Roth


PACIFIC COAST HIGHWAY
HEATHERCLIFF ROAD
APN 4468-011-011
"LOT 11"
APN 4468-011-010
"LOT 10"
APN 4468-011-012
APN 4468-011-013
ANA P. RODRIGUEZ TRUST
PARCEL 2
(LOT 10 & 11)
0-25%
25-100%
> 100%
OUTSIDE LOT AREA
5 FOOT CONTOURS BASED ON LOS ANGELES COUNTY GIS
SLOPE AREAS ARE NOT INCLUDED WITHIN SHARED ACCESS


PACIFIC COAST HIGHWAY
N46°34'46"E 524.10'
N46°34'29"E 125.00'
N46°34'55"E 1331.56'
N46°34'55"E 100.00'
APN 4468-011-011
"LOT 11"
APN 4468-011-010
"LOT 10"
APN 4468-011-012
PARCEL 2
(LOT 10 & 11)
N27°25'07"W 217.96'
N61°56'31"E 139.14'
N27°25'07"W 184.17'
N27°03'29"W 284.74'
N27°40'38"E 135.00'
N28°04'09"W 302.16'
160
170
180
190
200
0-25%
25-100%
> 100%
OUTSIDE LOT AREA
5 FOOT CONTOURS BASED ON LOS ANGELES COUNTY GIS
SLOPE AREAS ARE NOT INCLUDED WITHIN SHARED ACCESS
HEATHERCLIFF ROAD
N60°17'34"E 120.00'
N60°17'34"E 120.00'
100.03'
Δ=16°15'17" R=450.00' L=307.00'
R=27.00' L=198.58'



VICINITY MAP

LEGEND (WHERE APPLICABLE)

XX.XX	EXISTING SPOT ELEVATION	AP	ANGLE POINT
	TREE/TREE LINE	COR	CORNER
		FCE	CHAINLINK FENCE
		GB	GRADE BREAK
		GS	GROUND SHOT
		TOE	TOE OF SLOPE
		TOP	TOP OF SLOPE

ASSESSOR'S PARCEL NUMBERS:
4468-011-011

OWNER:
ACS INTERNATIONAL, LLC

BOUNDARY NOTE:
BOUNDARY ESTABLISHED FROM DEED CALLS, UTILIZING CENTERLINE MONUMENTATION FOUND ALONG HEATHERCLIFF ROAD AND FROM PACIFIC COAST HIGHWAY, RECORD DATA PER TRACT NO. 17808, MB 438, PGS. 43-45.

GROSS LAND AREA:
33,512 SQUARE FEET (0.77 ACRES) +/-

BENCH MARK: Y11710
ELEVATION: 177.398
LACO BM TAG IN SE COR CONC FIRE HYDRANT PAD, 46' N/O C/L PACIFIC COAST HWY & 0.1 MI. W/O C/L HEATHERCLIFF RD, (AT W/S GATE TO NURSERY)
MALIBU QUAD (2008 ADJ.) NAVD 88

Slope Table				
Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	24.99%	17,609	
2	25.00%	49.99%	10,889	
3	50.00%	+300.00%	5,034	

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

PROFESSIONAL LAND SURVEYOR ELIAS CHALI L.S. 8908 STATE OF CALIFORNIA

ELIAS CHALI PLS 8908
EXP.: 9/30/20

2/17/21
DATE

SLOPE BAND ANALYSIS
WITH SITE PLAN OVERLAY

OWNER:
ACS INTERNATIONAL, LLC
1666-1/2 McCADDEN PLACE
LOS ANGELES, CA 90028

EXHIBIT PREPARED BY:
ELIAS CHALI
11775 WHITE MOUNTAIN CT
RANCHO CUCAMONGA, CA 91737
(909) 278-7116 FAX (909) 483-1910

SURVEY DATE: 9/14/19 PLOT DATE: 2/17/21
DRAWN: E.C.

TOPOGRAPHIC SURVEY
APN 4468-011-011
VACANT LAND – PACIFIC COAST HWY.
MALIBU, CA

CHECKED: E.C.

SCALE: 1" = 20'
JN 192[illegible]-3
SHEET 1 OF 1

Patricia Salazar

Subject: FW: File appeal regarding CDP-20-003

---------- Forwarded message ---------
From: **Rebecca Evans** <revans@malibucity.org>
Date: Tue, Aug 1, 2023 at 6:08 PM
Subject: RE: File appeal regarding CDP-20-003
To: Mike Kasaba [redacted]
Cc: Allison Cook <capstonecityplan@gmail.com>, Analise Nash <anash@malibucity.org>

Mike,

Allison Cook is the case planner for this project and is the best person to direct concerns to. Staff require applicants to provide an affidavit of property posting to provide information in advance of legal noticing for a proposed development and I believe that is what you are seeing at the site. From my quick review, it does not appear that the proposed development is ready for noticing yet (postcards and/or newspaper legal notice). However, I have added you as an interested property so that you will receive an email notification in addition to the postcards delivered within the radius map when the item nears a hearing or administrative decision. I also spoke with Allison's team lead and they have discussed the importance of considering neighboring primary view determinations. Applicants requesting an SPR for height are also required to erect story poles to help neighbors visualize potential impacts prior to noticing and I don't see a story pole certification in the database yet.

Appeals cannot be filed until a decision on the project is made either by the Planning Commission (if processed as a Coastal Development Permit) or by the Planning Director (if processed as an Administrative Coastal Development Permit). Items heard by the Planning Commission have a 10-day appeal window, which begins with day 1 as the day following the meeting where the development was approved.

I am sending Allison Cook a copy of your concerns as well. The case planner has a better idea of when this may be tentatively scheduled for a hearing.

Regards,

Rebecca Evans | Sr. Administrative Analyst | Planning Department
23825 Stuart Ranch Road, Malibu CA, 90265
(310) 456-2489 extension 246

From: Mike Kasaba [redacted]
Sent: Tuesday, August 1, 2023 5:04 PM
To: Rebecca Evans <revans@malibucity.org>
Subject: File appeal regarding CDP-20-003

Hi Rebecca,

I sent an email on July 26th regarding a sign on the fence at 29329 Heathercliff Rd. I have received email responses from Allison Cook and a call from Analise. I am sending this message to you as directed by Analise (no last name given).

The public notice of this application was posted within the last month or so. I am lucky that I noticed it since the notice is obscured from public view down a narrow pathway and is set back from the street by more than 50 ft. Also, I have received no notice of this permit application in my physical mail.

The application for permit states that the application is for a structure taller than 18ft. This will severely impact our ocean view as specified in our Primary View Determination No. 22-004. According to Analise, I am supposed to contact you to file an 'Appeal'. Please let me know what steps are necessary to complete this filing so that my opposition to this permit is official. Also, please provide a current status of this application and the steps for its approval.

Sincerely,

Michael E Kasaba
Owner
[redacted] Heathercliff Rd, Malibu, CA 90265

Patricia Salazar

Subject: FW: Fw: opposition to application for permit CDP 20-003
Attachments: PVD 22-004 PRIMARY VIEW DETERMINATION.pdf

From: Mike Kasaba [redacted]
Sent: Tuesday, July 25, 2023 3:48 PM
To: malibu planning <mplanning@malibucity.org>
Subject: opposition to application for permit CDP 20-003

Hello,

Please accept this email as my opposition to permit 20-003. As per the application notice (attached), it states that the structure will exceed 18 ft. This will directly impact my view which has been registered with the city under the Primary View Determination No. 22-004 (attached).



Please confirm receipt of this email and my opposition to this permit. Please advise on what other steps I need to take in order to oppose any construction above 18ft.

Mike Kasaba
[redacted]

City of Malibu

23825 Stuart Ranch Rd. · Malibu, California · 90265-4816
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

PLANNING DEPARTMENT

PRIMARY VIEW DETERMINATION

Primary View Determination No. 22-004
29257 Heathercliff Rd, Malibu, CA 90265

On July 8, 2022, staff conducted a primary view determination (PVD) at 29257 Heathercliff Road, Malibu 90265. The property is zoned Rural Residential (RR-1) and contains a single-family residence. The site is denoted in the neighborhood map below (Exhibit 1).



Exhibit 1: Neighborhood map showing 29257 Heathercliff Road (Source: Malibu GIS)

Pursuant to Malibu Municipal Code Section 17.45.050, staff captured the primary view from an elevation of five feet, standing on a wood deck, ten feet from the residence's primary living area, verified as being a living room by staff. The following exhibits are provided to confirm that the chosen observation point complies with the municipal code section. (Exhibit 2)



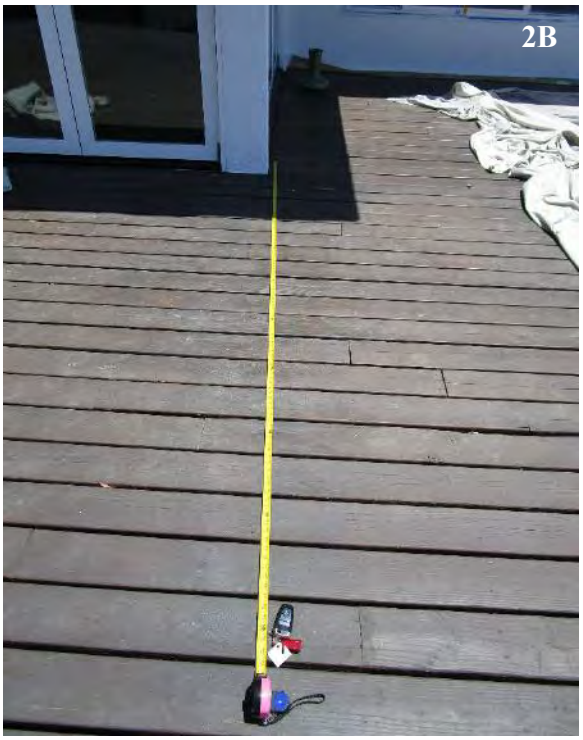




Exhibit 2A: The primary view was documented from a height of five feet from the deck surface (Source: Staff photo, 7/8/2022)

Exhibit 2B and 2C: The primary view was documented from an exterior location, ten feet from a primary living area (Source: Staff Photo, 7/8/2022)

The view location and orientation was agreed upon by the property owner. The 180-degree primary view faces predominately southwest. The nature of the primary view consists of the ocean, existing development, and the Santa Monica Mountains. The location where the primary view determination photographs were taken is denoted by a red star in the aerial below. (Exhibit 3)



Exhibit 3: Aerial view of the 180-degree circumference at 29257 Heathercliff Road (Source: Malibu GIS) *This is a general location of the view

The following photographs (Views 1 through 5) represent the property's recorded primary view.



View 1: Looking South

(Source: Staff Photo, 7/8/2022)



View 2: Looking Southwest

(Source: Staff Photo, 7/8/2022)



View 3: Looking West

(Source: Staff Photo, 7/8/2022)

View 4: Looking Northwest

(Source: Staff Photo, 7/8/2022)





View 5: Looking North

(Source: Staff Photo, 7/8/2022)

Fwd: CDP 20-003 Follow up list of concerns

1 message

Allison Cook <capstonecityplan@gmail.com> Fri, Oct 4, 2024 at 12:59 PM
To: Patricia Salazar <psalazar@malibucity.org>

Hi - Here's the 4-28-23 Larry Roth email. If you need anything else, let me know!

Allison Cook, AICP
Owner, Capstone City Planning
Contract Planner to the City of Malibu
805-415-1991
capstonecityplan@gmail.com

---------- Forwarded message ---------
From: **Larry Roth** [redacted]
Date: Fri, Apr 28, 2023 at 1:58 PM
Subject: CDP 20-003 Follow up list of concerns
To: Allison Cook <capstonecityplan@gmail.com>, Heather Roth <[redacted]>, Jaime Hamish <[redacted]>, Brian Adams <[redacted]>

Hi Allison-

Thank you so much for your time the past few days. We appreciate you listening and patiently clarifying a few things. Pursuant to our conversation, here are some of the concerns we voiced about such a massive build on an undersized, steep lot. We are also speaking on behalf of Brian and Pam Adams at [redacted] Heathercliff Rd. who share the easement as well. In addition, a few other neighbors will be at the review hearing to express concerns. Some of the items below we have already addressed, but I left them in just so we have one document to summarize our zoom meeting earlier this week.

1. **Lack of Information/Notifications/Plans**

There are 3 letters we just happened to find on OnBase that were supposed to be mailed to the Roth and the Adams Family. We have received nothing. We are respectfully requesting to be informed and notified of this project since apparently we have been named co-applicants. We understand now per our conversation that there can be significant time gaps from when things are made available, but again just want to make sure everyone within the 500ft radius map are being contacted in proper timely fashion. (I did just speak to Dana Garza at the City Office to confirm she has our correct information as well as Brian & Pam Adams)

May we see a copy of the 500ft radius map? It's our understanding many of the neighbors on the block have been kept in the dark. (We're not sure why a letter went to Ana Pincus on 28936 Grayfox?)

We have not been able to access any plans for the project on OnBase. May we please see the proper set of plans in an 8.5x11 reduction when available? *As discussed we will set an appointment with the city.*

Further, many items seem to be missing from Onbase. There are old letters from the city requesting additional information and site visits, but there are no subsequent approval letters from each department. We would like to view those approval letters please. *Again we will do this at the city.*

How is it that the developer received a letter deeming his application complete on 9/16/22 when we were still in litigation with him and did not settle and notify the city until a week later on 9/22/22?

2. **CDP vs. ACDP**

We're confused as to how such a massive project on an undersized lot could be an Administrative CDP? We are only doing a simple remodel within our same footprint and a pool and it's a CDP. *We have discussed this.*

3. **LOTS**

Have these two lots been created legally? Does the developer need (or have) a certificate of compliance? Do planning and public works require a certificate of compliance here?

4. **SLOPE MAP**

On the developers project he is using a portion of our land down below (a 145 sqft easement which is on our property). This was settled between us. He will be using a small portion of the land for a hammerhead. The weird thing about this is that on a survey I have (and is currently with the city), the slope of that land is way too steep for anything to be built on it. Yet on his plans he has manipulated the charts to make it look less steep. Someone needs to come out and look at the land. The city has commented on this in a document in OnBase. But I have not seen the developers rebuttal and the city's approval and rationale for approving. **We would like to challenge the developers slope map.** And I want to make the city aware of this. See comments on the letter from the city below.....

On August 28, 2020 we see the city sent the developer a letter with a list of concerns. Item numbers corresponding to that letter:

2) Did the staff come see the property and take pictures of the existing conditions?
3) no invitation was ever sent to the Roth's or the Adams
5) Was this done? We would like to see the revised slope analysis. See items 5a through 5e of the letter.
7) exceeding 18ft will absolutely encroach on our Primary view. Please make note of this.

5. **SEPTIC**

We were told that the septic perc test was not good down there, what is the septic plan? How can we see the numbers are accurate?

6. **DRAINAGE**

What is the drainage plan here to keep the hillside from sliding onto PCH. A lot of dirt is going to be moved that's quite a bit of construction on that hillside where trees have already started to fall from these recent heavy rains

7. **GRADING**

Massive amounts of dirt are planned to be removed, Looks like 624 Cubic yards which translates to about 80 trucks of dirt. What does that do to the integrity of the hillside and our property? Also how will this affect Adams' pool when so many trucks are running up and down the easement?

8. **ENVIRONMENTAL**

Are they protecting trees for the Red Tail Hawks in their Biology plans? The hawks are very active down there. Is the developer aware of raptor nesting periods and has this been addressed? Red Tail Hawks feed nightly on these lots.

8. **FIRE**
We realize this is not for you specifically, but the easement is only 15ft and no room for a curb, you can barely get a car down the easement now let alone a fire truck (or two). How will this home be defended in a fire? We know that a truck will never go down there to fight a fire in that house and once it catches on fire everything above it is exposed and in trouble. The home we rented in El Nido up Corral canyon was lost in the corral fire, we lost everything. No trucks were sent down in El Nido for the same reason, streets were too narrow and the Fire Department refused to risk assets and firefighter lives, everything burned. The roads were two times wider in El Nido than the 15ft easement to the developers property. This is concerning.

*Also, the easement has to be paved and it is steep, are you aware of this? With only 15ft wide how will it be pa ed? Curbs? Drainage?

9. **ELECTRICITY**

How will electricity be delivered to the property? Will the wire be underground through the 15ft easement? Or will they run power from the much closer PCH utility poles? This is a big safety issue for the Roths and the Adams as well as a view issue.

10. **FALSE INFORMATION**

Brian and Pam Adams have a fence, a pool and pool equipment that seem to be directly in the proposed hammerhead area. The developer has stated in our mediation that he has made the Adams' aware of this and they have "an agreement". This is an untrue statement made by the developer. Please note that the Adams' have not agreed to anything that would involve moving their fence, they in fact have the greatest amount of concern about this project because it affects them more. The Adams's have been dealing with health issues and they are older than the Roths. The developer seems to be misleading and taking advantage of them. They are very concerned about this project and what it will do to their new pool during grading and contruction as heavy vehicles will be running up and down the easement just a few feet from their pool.

11. **MATERIALS/WORKERS**
Where are the construction workers going to park, use the restrooms? Does the project have an offsite parking and material storage? We assume that the developer will use the other lot he owns directly below us? Will trucks that leak fuel and oil be allowed to park on the grass/dirt? Will workers be parking on the street on Heathercliff? What is the plan here?

Thanks so much Allison. Lastly, we will forward you our PVD in a follow up email. We believe his proposed plans will absolutely block our view.

As we mentioned on the zoom, our listed concerns here are being voiced not to keep the developer from building a reasonably sized home but rather make sure that the developer builds a home within neighborhood character. As of today it seems that the developer is proposing to over-build on a substandard lot. Certainly not within neighborhood character and certainly not safe.

Please let us know if there is any additional information you need from us. If you would like to visit the site just let us know a convenient time for you.

Respectfully,

Larry & Heather Roth
Brian & Pam Adams

--
Larry

Patricia Salazar

Subject: FW: 29329 Heathercliff Road - New Single Family Home Proposal

---------- Forwarded message ---------
From: **Larry Roth** [redacted]
Date: Mon, Apr 17, 2023 at 10:41 AM
Subject: Re: 29329 Heathercliff Road - New Single Family Home Proposal
To: Allison Cook <capstonecityplan@gmail.com>, Heather Roth [redacted]

Hi Allison,

Thank you so much for your quick response. My wife and I do have concerns about such a large project on the hillside below us. I am currently in the air on my way to New York for the week. I am back on Thursday evening. Can we set a time to chat early next week? Is that too late? If we need to do it sooner I can try to make it happen. If we can do it next week please let me know a day/time that works for you for a call. Thanks!

On Mon, Apr 17, 2023 at 10:23 AM Allison Cook <capstonecityplan@gmail.com> wrote:

> Good Morning Mr. Roth:
>
> I am the City of Malibu case planner on this project noted above. I understand you have some concerns, and I would like to learn more about them. Are you able to see the proposed project plans on OnBase? I am aware that you have a PVD and am reviewing how the proposed project might affect PVDs in the area. I am currently preparing the staff report for the Administrative Coastal Development Permit. The Administrative Coastal Development Permit is something that the Planning Director can approve, and interested parties and neighboring properties are provided public notice on the upcoming decision prior to the Director making a determination. The applicant will also be required to put up story poles to indicate the size and mass of the proposed building prior to the Director making a decision on the project. If you would like to set up a time to talk on the phone, I am happy to do so. Thank you.
>
> -Allison Cook
>
> -----Original Message-----
> From: Larry Roth [redacted]
> Sent: Sunday, April 16, 2023 10:25 AM
> To: Tyler Eaton <teaton@malibucity.org>; Heather Roth <[redacted] Brian Adams [redacted]
> Subject: CDP 20-003
>
> Hi Tyler
>
> Hope you had a nice weekend.
>
> I'm not sure if you are associated with CDP 20-003 but thought I would reach out to you anyway. Maybe

you can make whoever is working on this aware for me.....

This property is below our property, [redacted] Heathercliff rd and below my neighbors Brian and Pam Adams property, [redacted] Heathercliff rd

Neither of us ever receive info from the developer or the city on what he is doing. From what I see on OnBase his project is deemed complete. We would like to me made aware of any upcoming hearings on this developers project going forward as we both have some legitimate concerns.

I would also like to remind the city that we have a PVD on file for [redacted] Heathercliff which you personally did back in 2019.

Thanks in advance for your assistance.

Larry

Allison Cook, AICP
Owner, Capstone City Planning
Contract Planner to the cities of Malibu and San Marino
805-415-1991
capstonecityplan@gmail.com

Commission Agenda Report

Planning Commission Meeting
10-07-24
Item 5.A.

To: Chair Leonard and Members of the Planning Commission

Prepared by: Allison Cook, AICP, Contract Planner

Approved by: Maureen Tamuri, AIA, AICP, Interim Planning Director

Reviewed by: Salvador Lopez Jr., Interim Assistant Planning Director

Date prepared: September 26, 2024 Meeting date: October 7, 2024

Subject: Coastal Development Permit No. 20-003 and Minor Modification No. 20-001 – An application for a new two-story single-family residence and associated development

Location: 29329 Heathercliff Road, not within the appealable coastal zone
APN: 4468-011-011
Owner: ACS International, LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 24-64 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 20-003 to construct a new 4,050 square-foot, two-story, split-level single-family residence of 18 feet tall, with an attached 390 square-foot garage, a swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system (OWTS), including Minor Modification (MM) No. 20-001 for up to a 50 percent reduction in the front yard setback, located in the Rural Residential, One-Acre (RR-1) zoning district at 29329 Heathercliff Road (ACS International, LLC).

DISCUSSION: Pursuant to the Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13.1, the Planning Director may process this permit application administratively, as an administrative coastal development permit, because the scope of work is for a single-family residence and associated development, and the permit is not appealable to the California Coastal Commission (CCC). This application was originally filed as an administrative coastal development permit (ACDP). The application was approved by the Planning Director on May 28, 2024. However, after considering public comments received by the Planning Director on the ACDP, and reporting the matter to the

Planning Commission on June 3, 2024, the applicant requested that the application be processed as a regular CDP requiring a public hearing.

This agenda report provides a project overview, summary of surrounding land uses and project setting, the specific project scope of work, analysis of the project's consistency with applicable LCP and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the project is consistent with the LCP and MMC.

Project Overview

The vacant project site is 33,532 square feet in size (0.76 acre) and is a rectangularly-shaped, non-beachfront lot. The site contains vegetation with slopes that descend westerly, down to Pacific Coast Highway (PCH). An access easement connects the parcel to Heathercliff Road.

The project includes a split-level design that descends westerly with taller portions of the structure up to 18 feet in height sited on the eastern portion of the residence near Heathercliff Drive. The project faces west toward the descending slope. Hillside Residential Development standards established in MMC Sections 17.40.040(A)(20) and 17.62.070 do not apply to this project as the project is not sited on slopes steeper than 30 percent, and therefore, does not meet the definition of hillside development pursuant to MMC Section 17.02.060[1]. The project plans are included as Attachment 2, and the site plan is shown in Figure 2.

The applicant has requested MM No. 20-001 to reduce the required front yard setback from 59.4 feet to 29.6 feet, a reduction of just under 50 percent. The applicant is requesting a reduced front yard setback to allow the residential structure to be sited closer to Heathercliff Road on the east side of the property. This will avoid steeper slopes and natural vegetation on the western part of the property.

The applicant originally requested a site plan review (SPR) to increase the building height from the maximum allowed 18 feet to 21.5 feet. Story poles were installed depicting the maximum height of 21.5 feet. However, upon discussions with neighboring residents, including those with Primary View Determinations (PVDs) who were concerned about the potential for view obstructions due to the project, the applicant subsequently withdrew the request for an SPR and submitted revised plans indicating a maximum building height of 18 feet. Correspondence from one of the neighboring residents is included as Attachment 8. Photos of the story poles, including those as viewed from the PVDs of neighboring residences, are shown in Attachment 6.

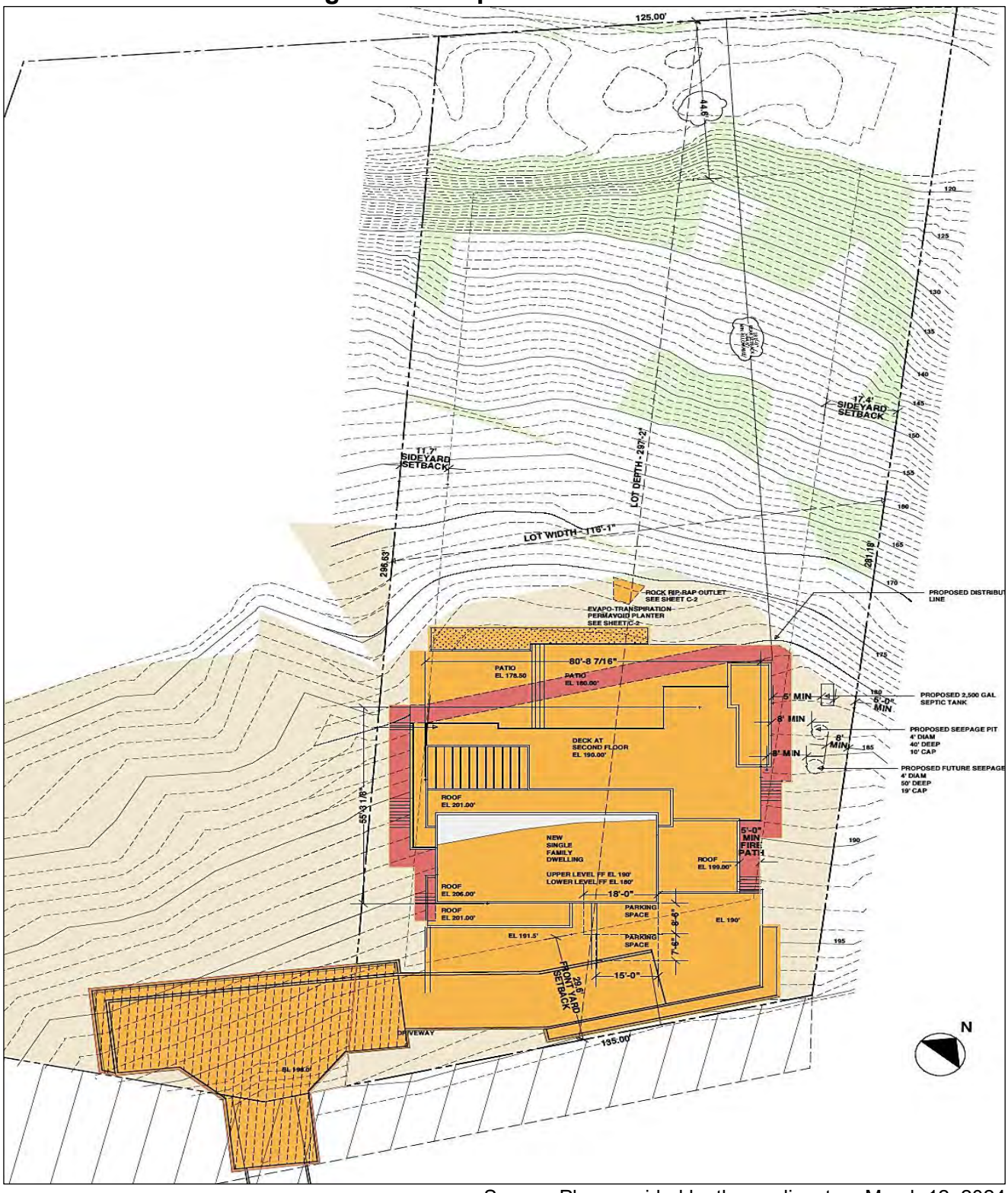
[1] Pursuant to MMC Section 17.02.060, "Hillside residential development" means a residential development occurring on a parcel of land on the inland side of Pacific Coast highway on a proposed development area located on slopes over thirty percent and which will result in grading on slopes over 30 percent.

Figure 1 –Aerial Map



Source: City GIS, 2024

Figure 2 – Proposed Site Plan



Source: Plan provided by the applicant on March 12, 2024

Below is a summary of the public correspondence received on the subject application. Public correspondence is provided as Attachment 8.

Front Yard Setback Minor Modification

An MM to reduce the required front yard setback from 59.4 feet to 29.6 feet is being requested. The applicant proposes to locate the residence on the flattest part of the site to avoid areas with slopes 4 to 1 and steeper. Shifting the building closer to the front property line and closer to other residences along Heathercliff Road is consistent with the existing pattern of development in the neighborhood. The residential structure and associated development meet the LIP's total development square feet (TDSF) allowance. LIP Section 3.6(F)(5) states that modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources. The MM will enable the project to avoid the sensitive resource of slopes steeper than 4 to 1 in the Point Dume area (Land Use Plan (LUP Policy 3.35 and LIP Section 4.6.1(A)). LIP Section 13.27.5(B) lists the required findings for a MM, which the project meets, as described in the LIP Findings section of this report.

Scenic Resources

A concern was expressed that the project disrupts the natural greenscape along PCH. A scenic resource discussion is provided in Section E of the LIP Findings section of this report. The residence would be sited in the eastern (upper) area of the parcel, adjacent to neighboring residences, with much of the site retained as open space with natural vegetation. This natural area would serve as a visual buffer between the residence and PCH. Standard conditions of approval have been included for project colors, materials, and lighting to blend in with the natural hillside area.

Side Yard Setbacks

Staff received verbal comments on whether the project meets the required side yard setback on the north side of the property. The project meets all yard setback requirements with the exception of the front yard setback for which an MM is being requested. The minimum required side yard setback is 11.6 feet, while the proposed side yard setback is 17.4 feet. On the north side yard, the septic tank will meet the required minimum setback of five feet, and the seepage pits will meet the required minimum setback of eight feet.

Obstruction of Views

There are two Primary View Determinations (PVDs) within 1,000 feet of the proposed development that would be affected by the project. The project will partially obstruct ocean views from one PVD, and partially obstruct views to the hillside area on the other side of PCH from the other PVD. Concerns have been expressed about these view obstructions by the residents at the location of each of these PVDs. The applicant originally requested

an SPR to increase the residential structure height from the 18 feet allowed by the MMC and LIP up to 21 feet. However, once the story poles were installed, and the residents of the properties with PVDs expressed concerns, the applicant withdrew the request for the SPR (see Attachment 6 for photos of the story poles from each of the two PVD locations). The proposed height is a maximum 18 feet. The story poles depict the originally requested height of 21 feet (top of the pole), as well as the 18 feet, with markings on the poles.

Site Drainage and Slope Stability

Neighbors expressed concern about a slope failure in the general vicinity of the project site and noted that the overall hillside is unstable. Another comment suggested that slope failures in this area of Point Dume are the possible result of improper stormwater drainage in the general area, and that the project site should be properly drained. As such, the project has been reviewed by the City Public Works Department and has been conditionally approved. Attachment 3 includes the Public Works Department review which contains conditions of approval, including those addressing stormwater and grading. Concept plans show the site will drain to an evapotranspiration planter with an overflow pipe to a rock rip-rap outlet downslope of the residential structure. Public Works Department staff has indicated that the project's stormwater drainage plan and grading plan will be reviewed in detail as part of Building Plan Check to ensure that the site drainage is adequate, as is standard procedure. The project was also reviewed and approved in concept by the City geotechnical review consultants, and conditions have been placed on the project to ensure site stability (see Attachment 3).

Slope Steepness

The color-coded slope analysis exhibit prepared as part of the project plans (Attachment 2) shows that the project site mostly contains slopes of less than a 4 to 1 ratio, followed by slopes of a ratio between 4 to 1 and 2 to 1, and lastly a smaller area of slopes greater than 2 to 1. The City requires the slope analysis exhibit to be prepared by a licensed land surveyor or engineer based on the site survey, measured at five-foot contour intervals. The project development would occur entirely within slopes less than a 4 to 1, consistent with the requirements for projects in the Point Dume area (LUP Policy 3.35 and LIP Section 4.6.1(A)). Commenters have expressed that the portion of the project that would serve as the Fire Department truck turnaround, just beyond the access easement, appears to have slopes steeper than 4 to 1. Staff visited the site and reviewed the color-coded slope analysis and grading plans. Staff believes that this particular location in question is steeper than the surrounding area but can reasonably be determined to be less than 4 to 1 when the five-foot contour interval is applied. Staff also reviewed historic aerial photographs of the site and determined that as far back as approximately ten years ago, the slope in this area has not substantially changed. Staff has received no other color-coded slope analysis of this site other than that provided by the applicant, nor any other exhibits showing

different slope ratios prepared by a licensed surveyor or engineer and based on a site survey.

Legal Lot

A public comment requested confirmation that the project parcel is a legal parcel. The applicant applied for a Certificate of Compliance (COC Case No. 23-007) for Assessor's Parcel Number (APN) 4468-011-011, the project parcel, to confirm it is a legal lot in compliance with the MMC and LCP LIP. The Public Works Department reviewed the required documents and determined that the parcel is legal. The COC was approved by the City and recorded by the Los Angeles County Recorder's Office on November 9, 2023.

Biology

A public comment referenced the potential for red-tailed hawks to be present on the project site. The City Biologist conceptually approved the project with conditions, including the standard bird nesting provision that grading and excavation must avoid nesting birds and any ground interruption be completed outside of the specified period of time (see Attachment 3).

Hillside Classification

Hillside Residential Development standards established in MMC Sections 17.40.040(A)(20) and 17.62.070 do not apply to this project as the project is not sited on slopes steeper than 30 percent, and therefore, does not meet the definition of hillside development pursuant to MMC Section 17.02.060[2]. Based on the color-coded slope analysis exhibit, the development is proposed in areas of less than a 4 to 1 slope, which is 25 percent.

Ridgelines

LIP Chapter 2 defines a primary ridgeline as a hill, ridge or promontory that 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 five hundred feet behind it when viewed from a public street and contains an average slope of at least 3 to 1. In addition, LIP Chapter 6 provides development standards and descriptions of how scenic resources are applied.

[2] Pursuant to MMC Section 17.02.060, "Hillside residential development" means a residential development occurring on a parcel of land on the inland side of Pacific Coast highway on a proposed development area located on slopes over thirty percent and which will result in grading on slopes over 30 percent.

LIP Interpretation No. 16 discusses the inconsistent ridgeline standard provided in LIP Chapters 2 and 6 as it relates to how to implement the protection of primary and secondary ridgelines (provided as Attachment 5 for reference). The City Council concurred with Interpretation No. 16 on October 24, 2005. In accordance with the interpretation, staff analyzed if the ridgeline standards would apply to the proposed project.

As discussed above for scenic resources and enumerated in Section E of the LCP findings (Scenic, Visual and Hillside Resource Protection), the project would not result in significant adverse impacts regarding scenic resources. LIP Section 6.3 provides that ridgeline standards do not apply if the project would not result in potentially significant adverse impacts to scenic resources.

Moreover, included as Attachment 4 is a photosimulation of the proposed project that shows the residential development would be located in a largely built out area with existing residences along Heathercliff Road located at the top of the hill. Figure 1 of this report is an aerial photo of the project site and surrounding area supporting that the area parcels are mostly built out. The subject parcel and the parcel just south of the subject parcel are the only undeveloped parcels in the neighborhood. Further south of these two parcels (not shown in Figure 1), there are additional parcels with development adjacent to the PCH. According to LUP Section 6.4, ridgeline development standards are not applied to largely developed or built out areas. LIP Interpretation No. 16 notes that if at least 65 percent of the parcels within a neighborhood are developed, an area is considered largely developed or built out. More than 65 percent of the area parcels are developed or built out. Just considering the parcels on the west side of Heathercliff Road as visible on Figure 1, ten of 12 are developed (the two undeveloped ones are the subject site and adjacent parcel), resulting in a total 83 percent.

Access Easement

Public comments reflect a neighbor dispute about easements for ingress, egress, and utility purposes. The project property owner has provided deed documents demonstrating there is a 15-foot-wide ingress, egress, and utility easement (shown as “Parcel 4” on the grant deed) running easterly and perpendicular from the project site to connect it to Heathercliff Road. A second and larger easement of variable dimensions also for ingress, egress, and utility purposes (shown as “Parcel 3” on the grant deed) runs parallel to the site on the eastern side and perpendicular to the other easement. “Parcel 3” would provide access to the site from a point beyond “Parcel 4” and provide a portion of the fire truck turnaround area. The “Parcel 4” easement is currently unimproved but is proposed to be paved as part of the project. Additionally, the applicant proposes to widen and pave a 20-foot-long portion of the “Parcel 4” easement closest to the project site to a width of 20 feet, as required by the Fire Department. The portion of the “Parcel 3” easement used for access and the fire truck turnaround would be paved. From the project plans and based on a site visit conducted by staff, it appears that there are fences and vegetation in both easements

placed by adjacent property owners, which will need to be removed to provide the full required access from Heathercliff Road to the project site.

Surrounding Land Uses and Project Setting

The property is located in an area that is developed with one- and two-story single-family residences located in the RR-1 zone. Across from PCH to the west are properties zoned Rural Residential-Five Acres (RR-5). The LCP Environmentally Sensitive Habitat Area (ESHA) and Marine Resources Map does not identify any ESHA on the subject property, or any adjacent properties. In the Point Dume area, ESHA resources are not mapped (except in one location). Rather, LCP LIP Section 4.6.1(A) requires that new development avoid slopes equal to or steeper than 4 to 1 to protect resources, such as streams. The proposed development meets this provision and there are no streams in the vicinity. There are no parks or public trails in the immediate vicinity according to the LCP Parklands Map, however, portions of the Zuma Ridge Trail are located across PCH from the site, approximately 800 feet away on the landside of PCH. Based on a site visit, existing development, project plans, and photographs taken during the site visit, it was determined that the proposed project would be visible from PCH, a scenic road, and minimally visible from the Zuma Ridge Trail.

Table 1 – Adjacent Land Uses				
	Address	**Lot Size**	**Zone**	**Existing Land Use**
North	29319 Heathercliff Road	0.7 acre	RR-1	SFR**
South	29335 Heathercliff Road	0.51 acre	RR-1	SFR
	29341 Heathercliff Road	0.85 acre	RR-1	SFR
West	29339 PCH (beyond PCH)	1.68 acre	RR-5*	SFR
	6238 Bonsall Drive (beyond PCH)	3.81 acre	RR-5	SFR
East	29327 Heathercliff Road	0.51 acre	RR1	SFR

**SFR = Single-Family Residence

Table 2 – Property Data	
Lot Depth	297 feet, 2 inches
Lot Width	116 feet, 1 inch
Gross Lot Area	33,532 square feet
Area of Easements*	0 square feet
Area of 1 to 1 Slopes	5,034 square feet
Net Lot Area**	28,498 square feet

*Easements referenced in this report are off-site.
**Net Lot Area = Gross Lot Area minus the area of access easements and 1 to 1 ratio slopes.

Project Description

The proposed scope of work is as follows:

1. Construction of:
    a. 4,050 square-foot, 18 foot-tall, two-story, single-family residence, an attached 320 square-foot roof overhang, and an attached 390 square foot garage;
    b. 5,275 square feet of impermeable surface coverage;
    c. Retaining walls not to exceed six feet in height;
    d. Swimming pool and associated pool equipment;
    e. Patios, decks and paving for vehicle and pedestrian access and a fire department turnaround area;
    f. Trellis over deck;
    g. Installation of an OWTS; and
    h. Installation of 6,840 square feet of landscaping.
2. Non-exempt grading of 675 cubic yards;

Discretionary request:

MM No. 20-001 for less than a 50 percent reduction of the front yard setback.

Proposed TDSF:

Lower Level (including the attached garage and overhang)	3,300 sq. ft.
Upper Level	1,460 sq. ft.
	Total: 4,760 sq. ft.

LCP Analysis

The LCP consists of a LUP and 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, Archaeological/Cultural Resources, Water Quality, and Wastewater Treatment System Standards, and are discussed below under the Conformance Analysis section. The nine remaining LIP sections include: 1) CDP findings; 2) Environmentally Sensitive Habitat Area (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 below. Of these, only CDP (including the MM findings); Scenic, Visual and Hillside Resource Protection; and Hazards findings apply to this project. Additionally, the project is subject to the Landscape Water Conservation Ordinance (MMC Chapter 9.22) as the project includes landscaped areas of 2,500 square feet or more. Based on the project site, the scope of work, and substantial evidence contained within the record, the ESHA, Native Tree Protection, Transfer of Development Credits, Shoreline and Bluff Development, Public Access, and Land Division findings are neither applicable nor required for the proposed 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 Public Works Department, City geotechnical review consultants, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) (see Attachment 3 – Department Review Sheets). The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals, and policies, inclusive of MM No. 20-001.

Zoning (LIP Chapter 3)

The project is subject to non-beachfront development and design standards set forth under LIP Sections 3.5 and 3.6. Table 3 provides a project summary and indicates the proposed project meets the non-beachfront development standards, inclusive of the requested MM.

Table 3 – LCP Zoning Conformance			
Development Requirement	**Allowed/ Required**	**Proposed**	**Comments**
SETBACKS (ft.)			
Front Yard	***59.4 ft. minimum***	***29.6 ft. (<50% reduction)***	***MM No. 20-001***
Rear Yard	44.57 ft. minimum	181 ft.	Complies
Side Yard (10%)	11.6 ft. minimum (29 ft. both sides cumulative.)	11.7 ft (29.1 ft. both sides cumul.)	Complies
Side Yard	11.6 ft. minimum (29 ft. both sides cumulative.)	17.4 ft. (29.1 ft. both sides cumul.)	Complies
PARKING			
Enclosed	2	2	Complies
Unenclosed	2	2	Complies
TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)	5,527 sq. ft. max.	4,760 sq. ft.	Complies

Table 3 – LCP Zoning Conformance			
Development Requirement	**Allowed/ Required**	**Proposed**	**Comments**
IMPERMEABLE COVERAGE	8,549 sq. ft. maximum	6,400 sq. ft.	Complies
HEIGHT	18 ft. maximum	18 ft.	Complies
SITE OF CONSTRUCTION	Less than 4 to 1	Less than 4 to 1	Complies
NON-EXEMPT GRADING	1,000 cubic yards max.	675 cubic yards	Complies
FENCES/WALLS/HEDGES/GATES			
Retaining Walls	6 ft. maximum	6 ft.	Complies

Grading (LIP Chapter 8)

LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel. As summarized in Table 4 and on the Total Grading Yardage Verification Certificate on the grading plan cover sheet in Attachment 2, the total amount of proposed non-exempt grading is 675 cubic yards, which is less than the maximum allowable. The project complies with grading requirements set forth under LIP Section 8.3.

Table 4 – LCP Grading Conformance						
	Exempt**			**Non-**		
	R&R*	***Understructure***	***Safety*****	**Exempt**	**Remedial**	**Total**
Cut	115	1,015	0	675	0	1,805
Fill	115	1	58	0	0	174
Total	230	1,014	58	675	0	1,979
Import	0	0	0	0	0	0
Export	0	1,014	0	675	0	1,631****

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).
****This is the result of (1,014 understructure export + 675 non-exempt export) - 58 cut to be used on-site for safety fill.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures to be followed to determine potential impacts on archaeological resources. An Initial Cultural Resources Assessment Evaluation performed in August 2019 by Principal Investigator John Gust, Ph.D., RPA states that

there is a low potential for cultural material to be found onsite, and no further cultural resources work is recommended. Nevertheless, a standard condition of approval is included that states that if potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources, and until the Planning Director can review this information.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the proposed project for conformance to LIP Chapter 17 requirements for water quality protection and requirements of the State Water Resources Control Board because the property is located in an Area of Special Biological Significance (ASBS) 28. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an ASBS as part of the California Ocean Plan. In compliance with the ASBS, a standard condition of approval for this project requires that prior to the issuance of any grading/building permit, a Local Stormwater Pollution Prevention Plan incorporating construction-phase Erosion and Sediment Control Plan and Best Management Practices must be approved by the City Public Works Department. Standard conditions of approval prior to issuance of a grading/building permit also include preparation of a Stormater Management Plan (SWMP) and Water Quality Mitigation Plan (WQMP). With the implementation of these conditions, the proposed project conforms to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. Section 18.7 of the LIP includes specific siting, design, and performance requirements. The project includes an OWTS to serve the proposed development, which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the MMC and the LCP. This new OWTS consists of a 3,634-gallon septic tank and seepage pits. The new OWTS will be located on the northern side of the residence. The proposed OWTS will meet all applicable requirements and operating permits will be required. An operation and maintenance contract and recorded covenant covering such items must comply with City of Malibu Environmental Health requirements. Conditions of approval have been included, which require continued operation, maintenance, and monitoring of onsite facilities.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

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

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

The project is located in the RR-1 residential zoning district, an area designated for residential uses, including single-family residences. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, WD29, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards, inclusive of the requested MM.

Finding 2. If the project is located between the first public road and the sea, the project is in conformity with 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 subject parcel is not located between the first public road and the sea. The project site is located inland and not along the shoreline. Therefore, this finding does not apply. Nevertheless, there are no trails on the subject property, and the site is expected to be only minimally visible from the Zuma Ridge Trail to the west across and upslope from PCH. Furthermore, the subject parcel does not support coastal recreational uses, whether directly or indirectly. Therefore, no potential project-related or cumulative impact on public access and/or recreation is anticipated to result from the proposed project. As such, the proposed project conforms to the public access and recreation policies in Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

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

The following alternative to the project was considered to determine the least environmentally damaging feasible alternative:

Alternative Project - The proposed single-family residential structure could be relocated elsewhere on the subject parcel to meet the required front yard setback. However, the residence is proposed on the flatter portion of the parcel, along the eastern side. Relocating the project further west, toward PCH, would result in development in more vegetated areas and on slopes steeper than a 4 to 1 ratio, which is prohibited in the Point

Dume area, and which would likely require more grading and earthwork. It would also place the structure closer to the PCH, a scenic road. A smaller project could be proposed on the project site with a reduced footprint to meet the front yard setback requirement. However, the project meets the maximum allowed total development area square footage. The project would have to be substantially decreased in size to avoid steep slopes and vegetation to the west and to avoid encroaching in the front yard setback to the east. Therefore, it is not anticipated that a relocated or reduced project would be a substantially environmentally superior alternative.

On March 28, 2024, story poles demonstrating the location, height, and bulk of the proposed project were placed on-site to aid in the visual analysis of private and public view impacts (Attachment 5 – Story Pole Photographs). Staff performed a site visit on April 3, 2024 to assess the visual impacts of the project as depicted by the story poles and determined that there would be no adverse effects on public views from PCH, as the structure would be uphill from the roadway and terraced into the hillside. The project would partially block views from two residences near the project site with PVDs. Shifting the proposed structure westerly on the site and downhill toward PCH may reduce the obstruction of views from these neighbors' properties, although it is not expected to completely remove the view obstruction. Moving the structure downslope would result in development of steep slopes (steeper than 4 to 1) and natural scrub vegetation, as well as place the structure nearer to PCH, which is uncharacteristic of the pattern of development in the area that is closer to the top of the hill. Due to neighbor view concerns, the applicant removed the request for an SPR for building height above 18 feet, as a maximum height of 21 feet was originally proposed. The current project proposes a maximum of 18 feet in building height. While the project would still partially block views from the two residences with PVDs, the amount of blockage is reduced with the lower building height.

Proposed Project - The proposed project consists of the construction of a new single-family residence, which is a permitted use within the RR-1 zoning designation, in an existing single-family residentially developed area. The project complies with the size, height and location requirements of the LCP, inclusive of the MM discretionary request. The MM request is to avoid slopes steeper than 4:1, a sensitive resource. The proposed residence has been sited to limit disturbance of the property, as it is located along the eastern side of the parcel, with the rest of the site, including steeper and more vegetated areas, to remain as natural open space. The project complies with the maximum allowable TDSF, impermeable coverage, setbacks, grading and height requirements of the LCP with the inclusion of the requested MM. In addition, the development does not disturb any public views, including from the PCH, given its proposed location on-site and that it is terraced into the slope. The proposed project would partially block views from two neighbors' residences, although the proposed structure height of 18 feet meets the LIP and MMC maximum allowed height standard. The selected location has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, and the LACFD,

and meets the City's residential development policies of the LCP and MMC. Therefore, the proposed project, as designed, is the least environmentally damaging alternative.

Finding 4. The project is not located in or adjacent to an environmentally sensitive habitat area (ESHA) pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay).

The subject property is not in a designated ESHA or ESHA buffer, as shown on the LCP ESHA and Marine Resources Map. Therefore, Environmental Review Board review was not required, and this finding does not apply.

B. Minor Modification for a Reduced Front Yard Setback (LIP Section 13.27.)

Pursuant to LIP Section 13.27.1(B), a minor modification may be granted for a reduction in the front yard setback by no more than 50 percent. The project proposes a 49.8 percent reduction in the required front yard setback, from the minimum required 59.4 feet to 29.6 feet. The reduced front yard setback will avoid development on slopes 4 to 1 and steeper. According to the LUP Policy 3.35, development in the Point Dume area shall be designed to avoid encroachment on slopes of 25 percent grade (4 to 1) or steeper. LIP Section 3.6(F)(5) states that modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources. The MM will enable the project to avoid the sensitive resource of slopes steeper than 4 to 1 in the Point Dume area (LUP Policy 3.35 and LIP Section 4.6.1(A). By siting the development in the easterly and flatter area of the property, the remainder of the site is retained as natural open space and provides a buffer from the residence to the PCH, a scenic road. Natural vegetation on the westerly portion of the site is also retained. The residence would be sited near neighboring residences, continuing the development pattern of houses upslope of PCH and close to Heathercliff Road. LIP Section 13.27.5(B) requires that the City make three findings in consideration and approval of a MM to reduce the required front yard setback no more than 50 percent. Based on evidence in the record, the findings in support of MM No. 20-001 are made herein.

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

As previously discussed in Section A, Finding 1, the project, with the inclusion of the requested MM, as designed and conditioned, conforms to all applicable LCP policies and provisions. A reduction in the front yard setback is needed to avoid construction on slopes 4 to 1 and steeper. The MM will avoid impacts to steep slopes (4:1) in the Point Dume area, which are considered sensitive resources (LIP Section 4.6.1(A)).

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

As previously stated in Section B, Finding 2, story poles were placed on the site to demonstrate the project's potential for view impacts to the surrounding area. The project's height and bulk will not adversely affect neighborhood character. The proposed structure

complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-1 zoning designation, with the inclusion of the MM request. The building is designed stepped into the hillside. The project is compatible with other development in the adjacent area in that the neighborhood is characterized by one- and two-story residences with similar residence placement on-site and orientation parallel to PCH. Based on conformance with development standards, inclusive of the MM, and project conditions for building, driveway, and wall materials and colors, proposed site and building design characteristics, the surrounding topography, and surrounding existing development, the project is not expected to have an adverse effect on neighborhood character.

Finding 3. The proposed project complies with all applicable requirements of state and local law.

As previously stated in Section A, Finding 1, the 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. The project has been reviewed and conditionally approved by the City Biologist, City geotechnical consultant reviewers, City Public Works Department, City Environmental Health Administrator, and the LACFD and it meets the City's residential development policies. The proposed project will comply with their respective standards through conditions of approval. The project must also be approved by the WD29 and the City of Malibu Environmental Sustainability Department, prior to issuance of City building permits.

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

As determined by the City Biologist, and pursuant to the LCP ESHA and Marine Resources Map, the subject parcel does not contain ESHA. Therefore, the supplemental findings in LIP Section 4.7.6 for a use other than those conditionally permitted in the ESHA are not applicable.

D. Native Tree Protection (LIP Chapter 5)

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

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

The Scenic, Visual, and Hillside Resource Protection Chapter governs those CDP applications concerning any parcel of land that is located along or within any scenic area, scenic road or public viewing area, or provides views to or is visible from any scenic area, scenic road or public viewing area. As discussed previously, the proposed development would be visible from PCH, a scenic road, which borders the site on the west. The project is expected to only minimally be visible from the Zuma Ridge Trail, located across PCH and upslope of the site, approximately 800 feet away. Pursuant to LIP Section 6.4, written findings of fact, analysis and conclusions addressing scenic or visual resources 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 scenic areas from or along scenic roads and public viewing areas.

The proposed development has been analyzed for impacts listed in LIP Chapter 6 by the Planning Department, and the required findings are made as follows:

Finding 1: The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

As noted for Finding 3 of Section A. General Coastal Development Permit, the story poles show that the project would not adversely affect views from the PCH, a scenic road. Additionally, the photosimulation, which is provided as Attachment 4, also demonstrates that the project would not adversely affect views from PCH. In particular, the project's retaining walls are not directly visible from PCH. Nonetheless, the project has been conditioned so that the final design of the retaining walls includes veneers, textures and colors to blend with the surrounding earth materials and landscaping. The residence would be stepped into the hillside. The residence would be sited in the eastern area of the parcel, adjacent to neighboring residences, with much of the site retained as open space with natural vegetation. This natural area would serve as a visual buffer between the residence and PCH. Therefore, the project, as proposed and conditioned, will not have significant adverse scenic or visual impacts due to project design, location or other reasons. Standard conditions of approval have been included for colors, materials, and lighting. Moreover, the project is expected to be only minimally visible from the Zuma Ridge Trail, which offers wide, expansive views to the overall developed area downslope and to the ocean. The site would be visible far off to the east, beyond the immediate development downslope.

Finding 2: The project as conditioned will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

As discussed for Finding 1 above, the project would not have any significant adverse scenic or visual impacts. A condition of approval has been added to ensure retaining walls are treated to blend in with the surrounding natural environment. The project has also been conditioned to include limitations on exterior lighting and colors of exterior finishes used to prevent any visual impacts to scenic areas. The project as conditioned will not have significant adverse scenic or visual impacts.

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

As discussed in Section A, Finding 3, the proposed project is the least damaging alternative to develop the site.

Finding 4: There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

The project, as designed and conditioned, and as discussed in Finding 1, is not expected to adversely affect scenic and visual resources and no feasible alternatives would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

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

As discussed for Finding 1, the project would not have any significant adverse scenic or visual impacts.

F. Transfer of Development Credit (LIP Chapter 7)

According to LIP Section 7.2, transfer of development credits only 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, LIP Chapter 7 does not apply.

G. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards listed in LIP Sections 9.2.A, Items 1-7 must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined

that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity.

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical review consultants, WD29, and the LACFD. The required findings are made as follows:

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

The applicant submitted civil engineering plans and geotechnical and soils engineering reports and addenda prepared by Leighton and Associates, Inc. These reports are on file are on file at City Hall. The reports evaluate site-specific conditions, and recommendations are provided to address any pertinent issues. The project site is not in a liquefaction, landslide or Alquist Priolo Earthquake Zone. Groundwater is not expected to be encountered during construction. The project plans and associated technical reports have been reviewed by City geotechnical review consultants, the LACFD, the City Public Works Department, and the City Environmental Health Administrator. These specialists determined that the project, with conditions, would not result in adverse geologic or flood impacts. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area.

Fire Hazard

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The scope of work proposed as part of this application is not expected to have an impact on wildlife hazards. The property is currently subject to wildfire, however, development of a residence and associated development on the subject property will not increase the site's susceptibility to wildfire. The proposed development may actually decrease the site's susceptibility to wildfire through compliance with fuel modification requirements and the use of appropriate building materials will be utilized during construction.

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

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

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

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

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

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

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the City Environmental Health Administrator, City geotechnical review consultants, the City Public Works Department and the LACFD. Any special conditions from these departments regarding site stability must be met prior to issuance of a building permit; any special conditions from the City Building Safety Department and the LACFD regarding structural integrity must be met prior to issuance of a building permit. Therefore, no feasible alternatives to the proposed development that would avoid or substantially lessen impacts on site stability or structural integrity are required nor available.

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

As previously discussed in Section A findings, the proposed project, as designed and conditioned, will not have adverse impacts on sensitive resources.

H. Shoreline and Bluff Development (LIP Chapter 10)

Chapter 10 of the LIP applies to land that is located on or along the shoreline, a coastal bluff or bluff top fronting the shoreline. The project site is not located on or along the shoreline, a coastal bluff or bluff top fronting the shoreline. Therefore, the findings of LIP Chapter 10 are not applicable.

I. Public Access (LIP Chapter 12)

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

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

As described herein, the subject property and the proposed project do not meet any of these criteria in that no trails are identified on the LCP Park Lands Map on or adjacent to the property, and the property is not located between the first public road and the sea, or on a bluff, and the project does not adversely impact existing public access. The requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

J. Land Division (LIP Chapter 15)

The project does not include any land division. Therefore, LIP Chapter 15 is not applicable.

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) and (e) - New Construction or Conversion of Small Structures. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

PUBLIC CORRESPONDENCE: Public comments have expressed concerns regarding view obstruction, steep slopes, setbacks from property lines, stormwater drainage, slope stability, access easements, ridgelines, scenic resources, hillside classification, sensitive biological species, and lot legality. A discussion of these items is provided above under “Project Overview.” Written public comments on the project are included as Attachment 8.

PUBLIC NOTICE: Staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property on September 26, 2024 (Attachment 7).

SUMMARY: The required findings can be made that the project complies with the LCP and MMC. Furthermore, 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. 24-64. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 24-64
2. Project Plans
3. Department Review Sheets
4. Photosimulation of Project
5. LCP Interpretation No. 16
6. Story Pole Photos
7. Public Hearing Notice
8. Public Correspondence

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 24-64

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. 20-003 TO CONSTRUCT A NEW 4,050 SQUARE-FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 390 SQUARE-FOOT GARAGE, SWIMMING POOL, LANDSCAPING, HARDSCAPE, RETAINING WALLS, GRADING, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING MINOR MODIFICATION NO. 20-001 FOR UP TO A 50 PERCENT REDUCTION IN THE FRONT YARD SETBACK, LOCATED IN THE RURAL RESIDENTIAL-ONE ACRE ZONING DISTRICT AT 29329 HEATHERCLIFF ROAD (ACS INTERNATIONAL, LLC)

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

SECTION 1. Recitals.

A. On January 9, 2020, an application for Coastal Development Permit (CDP) No. 20-003 to allow for a new single-family residence and associated development was submitted to the Planning Department by ACS International, LLC. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for review.

B. On September 29, 2022, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On December 14, 2023, the application was deemed complete for processing.

D. On March 15, 2024, Planning Department staff determined the application qualified to be processed administratively pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13.1.

E. On May 24, 2024, the Planning Director approved Administrative Coastal Development Permit (ACDP) No. 20-003, inclusive of Minor Modification (MM) No. 20-001. After considering public comments received by the Planning Director on the ACDP and prior to reporting the item to Planning Commission, the applicant requested that the application be processed as a regular CDP.

F. On September 26, 2024, 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.

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G. On October 7, 2024, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

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

SECTION 3. Coastal Development Permit Findings.

Based on evidence contained within the record and pursuant to the LCP LIP, including Sections 13.7(B) and 13.9, the Planning Commission adopts the findings of fact, and approves CDP No. 20-003 for construction of a new 4,050 square-foot, split-level, 18-foot tall, two-story single-family residence with an attached 390 square-foot garage, a swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system (OWTS), including MM No. 20-001 for up to a 50 percent reduction of the front yard setback, located in the Rural Residential–One Acre (RR-1) zoning district at 29329 Heathercliff Road.

The project, as conditioned, is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. With the inclusion of the proposed MM, the project 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 located in the RR-1 residential zoning district, an area designated for residential uses, including single-family residences. 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, WD29, and the LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards, including the size, height, and location requirements of the LCP, inclusive of the requested MM.

2. Evidence in the record, including detailed alternatives analysis provided in the agenda report, demonstrates that as conditioned, the project meets the development policies of the LCP, does not result in adverse impacts on coastal resources and has been determined to be the least environmentally damaging feasible alternative.

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B. Minor Modification Findings for Front Yard Setback (LIP Section 13.27)

1. The project proposes a 49.8 percent reduction in the required front yard setback, from the minimum required 59.4 feet to 29.6 feet. The reduced front yard setback will avoid development on slopes 4 to 1 and steeper, considered sensitive resources. By siting the development in the easterly and flatter area of the property, the remainder of the site is retained as natural open space and provides a buffer from the residence to the Pacific Coast Highway (PCH), a scenic road. Natural vegetation on the westerly portion of the site is also retained. The residence would be sited near neighboring residences, continuing the development pattern of houses upslope of PCH and close to Heathercliff Road.

2. The project's height and bulk will not adversely affect neighborhood character. The proposed structure complies with the size, height, location, grading and residential development standards of the LCP and Malibu Municipal Code (MMC), consistent with the RR-1 zoning designation, with the inclusion of the MM request. The project is compatible with other development in the adjacent area in that the neighborhood is characterized by one- and two-story residences with similar residence placement near or at the top of the hillside and orientation parallel to PCH. Based on conformance with development standards, inclusive of the MM, project conditions for building, driveway, wall materials and colors, the particular proposed site and building design characteristics, the surrounding topography, and surrounding existing development, the project is not expected to have an adverse effect on neighborhood character.

3. The 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, including those of the City Biologist, City geotechnical consultant reviewers, City Public Works Department, City Environmental Health Administrator, WD29 and the LACFD. The project must also be approved by the WD29 and the City of Malibu Building Safety/Environmental Sustainability Department prior to issuance of City building permits.

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

1. The residential structure will not adversely affect views from PCH, a scenic road. The project meets the required development standards of the MMC and LIP, including size, height and location, inclusive of the MM for front yard setback. The residential structure will be located on the flatter portion of the site, upslope from PCH, and adjacent to other residences along Heathercliff Road, leaving the southern portion of the site along the scenic road as open space with natural habitat and serving as a visual buffer from the development. The residential structure is expected to be only minimally visible from the Zuma Ridge Trail located across PCH and upslope from the project site. The residence will be stepped into the hillside. The project's retaining walls are not directly visible from PCH. Nonetheless, the project has been conditioned so that the final design of the retaining walls includes veneers, textures and colors to blend with the surrounding earth materials and landscaping. Standard conditions of approval have been included for building and pavement colors, materials, and lighting. Therefore, the project, as proposed and conditioned, will not have significant adverse scenic or visual impacts upon scenic roads and public viewing areas.

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2. The project, as designed and conditioned, will not adversely affect scenic and visual resources and no feasible alternatives will avoid or substantially lessen significant adverse impacts on scenic and visual resources. The structures will be sited on the flatter portion of the site furthest from the PCH, leaving most of the site and natural scrub vegetation preserved as a buffer between the development and the PCH. A condition of approval has been added to ensure retaining walls are treated to blend in with the surrounding natural environment. The project has also been conditioned to include limitations on exterior lighting and colors of exterior finishes used to prevent any visual impacts to scenic areas. Shifting the proposed structure westerly on the site and downhill toward the PCH may reduce the obstruction of views from neighbors' properties, although it is not expected to completely remove the view obstruction. Moving the structure downslope would result in development of steep slopes (steeper than 4 to 1) that are considered sensitive resources and natural scrub vegetation, as well as place the structure nearer to PCH, which is uncharacteristic of the pattern of development in the area that is closer to the top of the hill.

D. Hazards (LIP Chapter 9)

1. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical review consultants, WD29, and the LACFD. These specialists determined that the project, with conditions, would not result in adverse geologic or flood impacts. The project is not located in a hazard zone, except that the site is within an extreme fire hazard area, and groundwater is not expected to be encountered during construction. Any special conditions from these departments regarding site stability must be met prior to issuance of a building permit; any special conditions from the City Building Safety Department and the LACFD regarding structural integrity must be met prior to issuance of a building permit. Therefore, no feasible alternatives to the proposed development that would avoid or substantially lessen impacts on site stability or structural integrity are required nor available.

2. The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone. The property is currently subject to wildfire, however, development of a residence and associated development on the subject property will not increase the site's susceptibility to wildfire. The proposed development may actually decrease the site's susceptibility to wildfire through compliance with fuel modification requirements and the use of appropriate building materials which will be utilized during construction. The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has "mutual aid agreements" with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Conditions of approval have been included to require compliance with all LACFD development standards. As such, the proposed project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wildfire hazards.

3. The project site is not in a liquefaction, landslide or Alquist Priolo Earthquake Zone. Groundwater is not expected to be encountered during construction. The project plans and

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associated technical reports have been reviewed by City geotechnical review consultants, the LACFD, the City Public Works Department, and the City Environmental Health Administrator. These specialists determined that the project, with conditions, would not result in adverse geologic or flood impacts. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 20-003 and MM No. 20-001, 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. Construction of:
        - 4,050 square-foot, 18 foot-tall, two-story, single-family residence, an attached 320 square-foot roof overhang, and an attached 390 square foot garage;
        - 5,275 square feet of impermeable surface coverage;
        - Retaining walls not to exceed six feet in height;
        - Swimming pool and associated pool equipment;
        - Patios, decks and paving for vehicle and pedestrian access and a fire department turnaround area;
        - Trellis over deck;
        - OWTS; and
        - 6,840 square feet of landscaping.
    b. Non-exempt grading of 675 cubic yards;

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition 2 and depicted on plans on file with the Planning Department date stamped August 15, 2023 and March 21, 2024. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached

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hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs 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 digitally submit a complete set 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. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

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

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

9. 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.

10. 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.

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

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

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Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.

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

Lighting

14. No outdoor lighting is approved as part of this project. A lighting plan shall be submitted for City approval prior to Building Safety plan check, consistent with City standards, and the following:

    - Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
        - 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);
        - Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
        - Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
        - Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
        - Site perimeter lighting shall be prohibited; and
        - Outdoor decorative lighting for aesthetic purposes is prohibited.

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

    - 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.

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

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

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

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

Fencing and Walls

15. The height of 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.

16. All 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.

Construction/Framing

17. Prior to the commencement of work, the applicant shall submit a copy of the Construction Management Plan to the Planning Department. The Construction Management Plan shall include a dedicated parking location for construction workers and storage of construction material, not within the public right of way. Prior to permit issuance, the Construction Management Plan must be acceptable to the Planning Director, and, if applicable, to the Building Official and Public Works Director.

18. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.

19. 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.

20. 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.

21. 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

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volume, velocity and pollutant load of stormwater 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.

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

23. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

Colors and Materials

24. The project is visible from a scenic road, 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.

25. 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.

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Fuel Modification

26. Prior to the issuance of final building permits, the project shall receive LACFD approval of a Final Fuel Modification Plan.

Site Specific Conditions

27. The project shall comply with all requirements and conditions of the LACFD.

Biology/Landscaping

28. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

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

30. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 17.53). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.

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

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

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

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

35. No development is permitted on slopes steeper than 4 to 1.

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36. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.

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

38. Vegetation in excess of six feet in height shall not obstruct the primary view of existing residences located within a 1,000-foot radius at any given time (given consideration of its future growth).

39. Plantings required for fuel modification, except for within irrigated Zone A nearest to approved residential structures, must be native, drought-tolerant species and shall blend with the existing natural vegetation and natural habitats on the site.

40. Grading shall be scheduled only during the dry season from April 1 – October 31. 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.

41. The landscape and fuel modification plan has been conditioned to protect natural resources in accordance with the LCP. All areas shall be planted and maintained as described in the landscape and fuel modification plan. Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.

42. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, with native plant species, to the satisfaction of the Planning Director.

43. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet between large woody (≥10-foot canopy) shrubs is recommended by the LACFD. Lawns are prohibited on slopes > 5 percent.

44. Slope planting measures such as contour planting and terracing or other techniques shall be incorporated on slopes to interrupt the flow and rate of surface runoff in order to prevent surface soil erosion.

45. Grading/excavation/vegetation removal scheduled between February 1 – September 15 will require bird nesting surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than five days from proposed initiation of site preparation

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activities. Should active nests be identified, a buffer area of no less than 150 feet (300 feet for raptors). Shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within two business days of completion of surveys.

46. Construction fencing shall be placed within five feet of the limits of grading. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

47. 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. Up-lighting is prohibited.

48. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 feet from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.

Public Works – Grading and Drainage

49. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

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

51. 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

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until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.

52. 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.

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

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

55. The non-exempt grading for the project shall not exceed a total of 675 cubic yards, cut and fill.

56. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

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Public Works – Storm Water

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

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

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.

58. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
    a. Site Design Best Management Practices (BMPs):
    b. Source Control BMPs;
    c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;
    d. Drainage improvements;
    e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
    f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
    g. Measures to treat and infiltrate runoff from impervious areas;
    h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality

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measure installed during construction prior to the issuance of grading or building permits; and

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

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

60. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
    a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
    b. Prohibits the discharge of trash.
    c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
    d. Elimination of non-storm water discharges.

Geology

61. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical consultant reviewers shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final

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plans shall be reviewed and approved by the City geotechnical consultant reviewers prior to the issuance of a grading permit.

62. Final plans approved by the City geotechnical consultant reviewers 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 CD.

Swimming Pool/Spa/Water Feature

63. Onsite 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, algaecides, 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)

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

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

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

Environmental Health/OWTS

70. OWTS on Architectural and Grading Plans: The final Architectural Site Plan (Sheet A-0.1) and Grading Plans must show the OWTS, including the treatment tank(s), present/future seepage pits, and all lines of connection to the residence.

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

72. Final OWTS Design Report, Plans, and System Specifications: A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the proposed OWTS.

73. All plans and reports must be signed by a City registered OWTS Designer, and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's signature, professional registration number, and stamp (if applicable).

74. The final OWTS design submittal shall contain the following information (in addition to the items listed above).
    a. The model and capacity of the treatment tank(s) must be discussed in the final OWTS report and clearly shown on the final OWTS plans.
    b. Confirm cap depth for seepage pit at LBA-5 on OWTS plan.
    c. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.
    d. Sewage and effluent pump design calculations (as applicable).
    e. 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.
    f. 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

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the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics.

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

75. 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. The final floor plans must show all bedrooms and drainage fixtures in the proposed residence.

76. Proof of Ownership: Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

77. Operations and Maintenance Manual: An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

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

79. Advanced OWTS Covenant: Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving the subject property is an advanced method of sewage disposal pursuant to the City of Environmental Health Administrator. The applicant shall submit a certified copy issued by the City of Malibu Recorder.

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

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81. City of Malibu Public Works Approval: City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

82. City of Malibu Geologist/Geotechnical Approval: City of Malibu consulting geotechnical reviewers' final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

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

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

85. Operating Permit Application and Fee: In accordance with the MMC, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System 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.

Water Quality/Water Service

86. 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.

87. Prior to final inspection (or project sign-off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of Los Angeles County Waterworks District No. 29 have been met, including installation of a meter, if applicable.

88. A USC approved backflow device is required for this property and is to be installed and maintained by the property owner.

Deed Restrictions

89. 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.

90. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition No. 15. The

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property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

91. The garage area shall be limited to accessory use as defined by the City of Malibu LCP. The garage area cannot be converted into habitable space at any time in the future. Prior to issuance of building permits, the application is required to execute and record a deed restriction to this effect.

Prior to Occupancy

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

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

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

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

96. 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

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

98. 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.

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

PASSED, APPROVED AND ADOPTED this 7th day of October 2024.

DREW LEONARD, Planning Commission Chair

ATTEST:

REBECCA EVANS, 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. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 24-64 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 7th day of October 2024 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

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DAVID KELLEN + ASSOCIATES, INC.
2701 AIRPORT AVENUE, SUITE #202
SANTA MONICA, CA 90405

TELEPHONE 310 245-3584
E MAIL: davidkellen117@gmail.com

RESIDENCE LOCATED AT:

29329 HEATHCLIFF ROAD
MALIBU, CA 90265

ATTACHMENT 2

PROJECT OWNER

ACS INTERNATIONAL LLC

PROJECT ADDRESS

29329 HEATHERCLIFF ROAD
MALIBU, CA 90265

APN

4468-011-011

TOTAL DEVELOPMENT SQUARE FOOTAGE

FIRST FLOOR	2,590 SF
SECOND FLOOR	1,460 SF
TOTAL DWELLING	4,050 SF
FIRST FLOOR OVERHANG (>6'-0")	320 SF
TOTAL OVERHANG (>6'-0")	320 SF
GARAGE	390 SF
PROPOSED FLOOR AREA	4,760 SF (<5,527 SF ALLOWABLE)

ALLOWABLE FLOOR AREA

21,780 SF X .177 = 3,855 + 1,000 = 4,855 SF
28,498 SF (AREA OF SITE GREATER
THAN 1:1 SLOPE) - 21,780 SF
= 6,718 SF X .10 = 672 SF

4,855 SF + 672 SF = 5,527 SF

2/3 RULE CALCULATION

FIRST FLOOR	2,590 SF
FIRST FLOOR OVERHANG (>6'-0")	320 SF
TOTAL FIRST FLOOR	2810 SF
SECOND FLOOR	1,850 SF 65% (<2/3 OF FIRST FLOOR AREA)

NEW LANDSCAPE

NEW LANDSCAPE AREA	6,840 SF

IMPERMEABLE AREA

PROPOSED IMPERMEABLE AREA	5,275 SF
ALLOWABLE IMPERMEABLE AREA 30% OF 28,498 SF (NET LOT AREA)	8,549 SF (> 5,275 SF)

ROOF AREA TABULATION

TOTAL ROOF	4,210 SF
ROOF	
> 18' ABOVE GRADE	
< 20" ABOVE GRADE	480 SF (= 12% OF ROOF)
PARAPET	
> 18' ABOVE GRADE	40 SF
< 21.5" ABOVE GRADE	(= 1% OF ROOF)

SET BACK CALCULATIONS

FRONT YARD SETBACK SHAL BE AT LEAST 20% OF THE TOTAL DEPTH OF THE LOT, OR 65', WHICHEVER IS LESS

20% X 297 = 59.2'

WITH MODIFICATION - 59.2' / 2 = 29.6'

REAR YARD SETBACK SHALL BE AT LEAST 15% OF THE LOT DEPTH OR 15' WHICHEVER IS GREATER

15% X 297 = 44.6'

SIDE YARD SETBACKS SHALL BE CUMULATIVELY AT LEAST 25% OF THE TOTAL WIDTH OF THE LOT BUT, IN NO EVENT, SHALL A SINGLE SIDE YARD SETBACK BE LESS THAN 10% OF THE WIDTH OF THE LOT OR 5', WHICHEVER IS GREATER

25% X 116.1' = 29.1', 11.7' MIN + 17.4' = 29.1'

DISCRETIONARY ACTIONS

1) MODIFICATION FOR FRONT YARD SETBACK - REDUCE FRONT YARD SET BACK TO 29.6' (SEE FRONT YARD SETBACK)

SITE AREAS

GROSS SITE AREA	33,532 SF
NET SITE AREA	28,498 SF

NOTE: TDSF is the calculation of the interior space of the primary and accessory structures (including interior and exterior walls, fireplaces, vertical mechanical chases/voided spaces between walls, covered patio areas and overhangs with a depth in excess of six feet from the edge of the building or more than 60 percent enclosed by walls, and crawlspaces with a ceiling height in excess of six feet). Stairways and elevator shafts are counted once on the first floor only.

NOTE:

Clearance of brush and vegetative growth shall be maintained per Fire Code 325

NOTE:

All roof coverings shall be Class ""A"" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R902)

SET BACKS

Steps pave walkways project into a required yard up to a point not closerthan three feet to a property line. Height including railings shall not exceed six feet above the grade of the ground at the property line.

There are no balconies, decks, terraces that are at least six feet above grade with-in the side yard setbacks.

There are no open, unenclosed fire escapes and fireproof outside with-in the side yard setbacks.

There is no Ground-mounted pool equipment, air conditioners and built-in barbecues that are with-in the side yard setbacks.

Driveways, walkways, patio slabs and other areas constructed of concrete, asphalt or similarmaterials do not exceed one foot above ground level.

Decks over one foot high shall be regulated bySection 3.5.3(B)(3) of the Malibu LIP.

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	SURVEY
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DENOTES ROOF
> 18' ABOVE GRADE
< 24' ABOVE GRADE

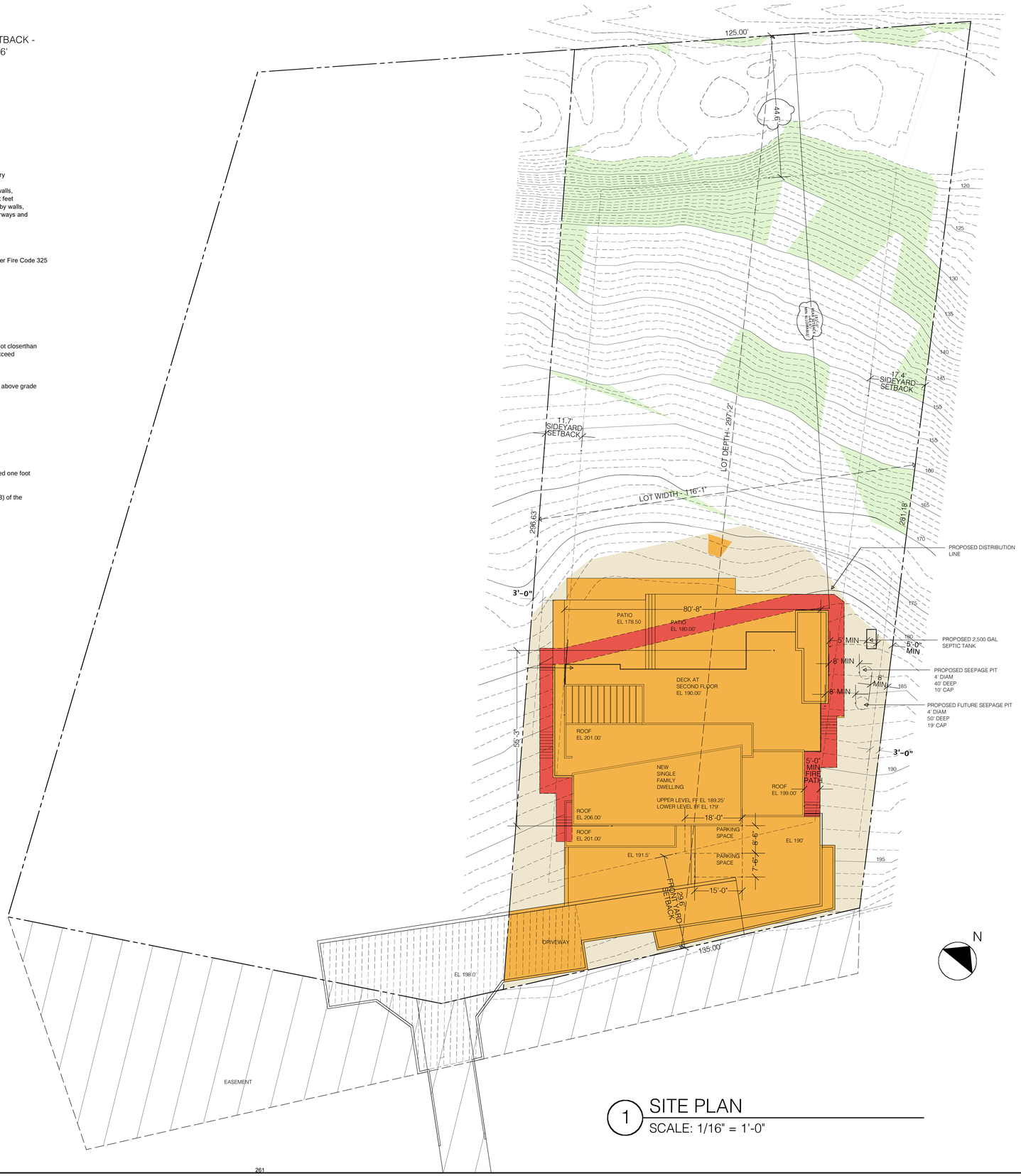
SLOPE IS
1 TO 1 SLOPE
TO
4 TO 1 SLOPE

< 4 TO 1 SLOPE
ALLOWABLE
BUILDING AREA

< 4 TO 1 SLOPE
TOTAL DISTURBED AREA:
10,231 SF

> 1 TO 1 SLOPE

DENOTES FIRE
TURN-AROUND



1 SITE PLAN
SCALE: 1/16" = 1'-0"

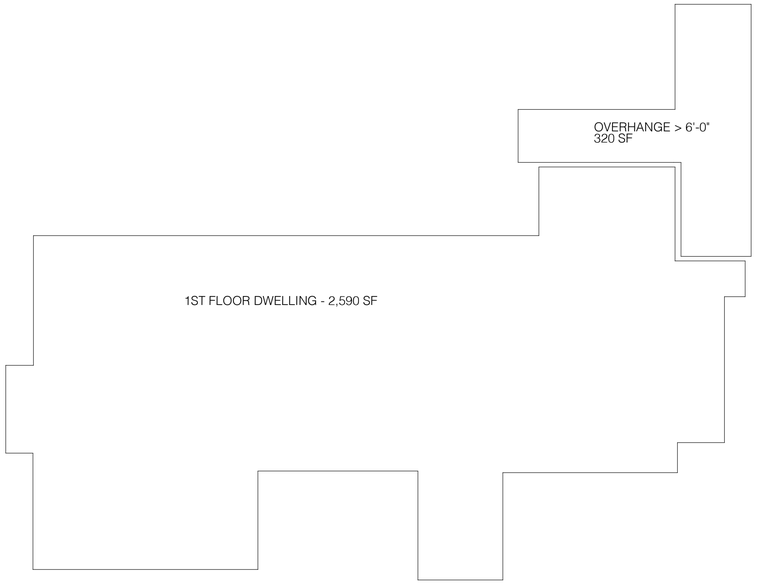
RESIDENCE LOCATED AT:
29329 HEATHCLIFF ROAD
MALIBU, CA 90265

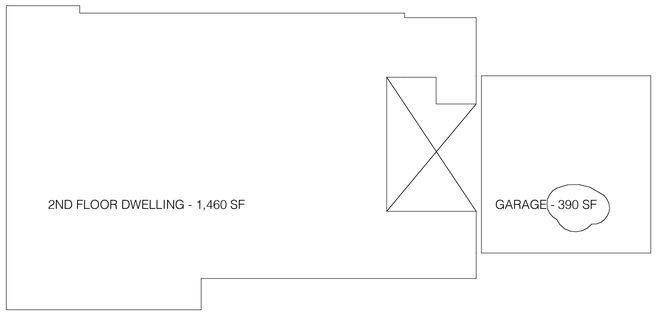
DAVID KELLEN + ASSOCIATES, INC.
2701 AIRPORT AVENUE, SUITE #202
SANTA MONICA, CA 90405
TELEPHONE 310 245-3584
E MAIL: davidkellen117@gmail.com

MAY 29, 2024

SITEPLAN

A-0.1





2 TOTAL DEVELOPMENT SQUARE FOOTAGE FIRST FLOOR

SCALE: 1/8" = 1'-0"

FIRST FLOOR	2,590 SF
OVERHANGE (>6'-0")	320 SF
TOTAL	2,910 SF

1 TOTAL DEVELOPMENT SQUARE FOOTAGE SECOND FLOOR

SCALE: 1/8" = 1'-0"

SECOND FLOOR	1,460 SF
GARAGE	390 SF

TOTAL DEVELOPMENT SQUARE FOOTAGE

FIRST FLOOR	2,590 SF
SECOND FLOOR	1,460 SF
TOTAL DWELLING	4,050 SF
FIRST FLOOR OVERHANG (>6'-0")	320 SF
TOTAL OVERHANG (>6'-0")	320 SF
GARAGE	390 SF
PROPOSED FLOOR AREA	4,760 SF (<5,487 SF ALLOWABLE)

ALLOWABLE FLOOR AREA

21,780 SF X .177 = 3,855 + 1,000 = 4,855 SF
28101 SF (AREA OF SITE GREATER THAN 1:1 SLOPE) - 21,780 SF
= 6,321 SF X .10 = 632 SF

4,855 SF + 632 SF = 5,487 SF

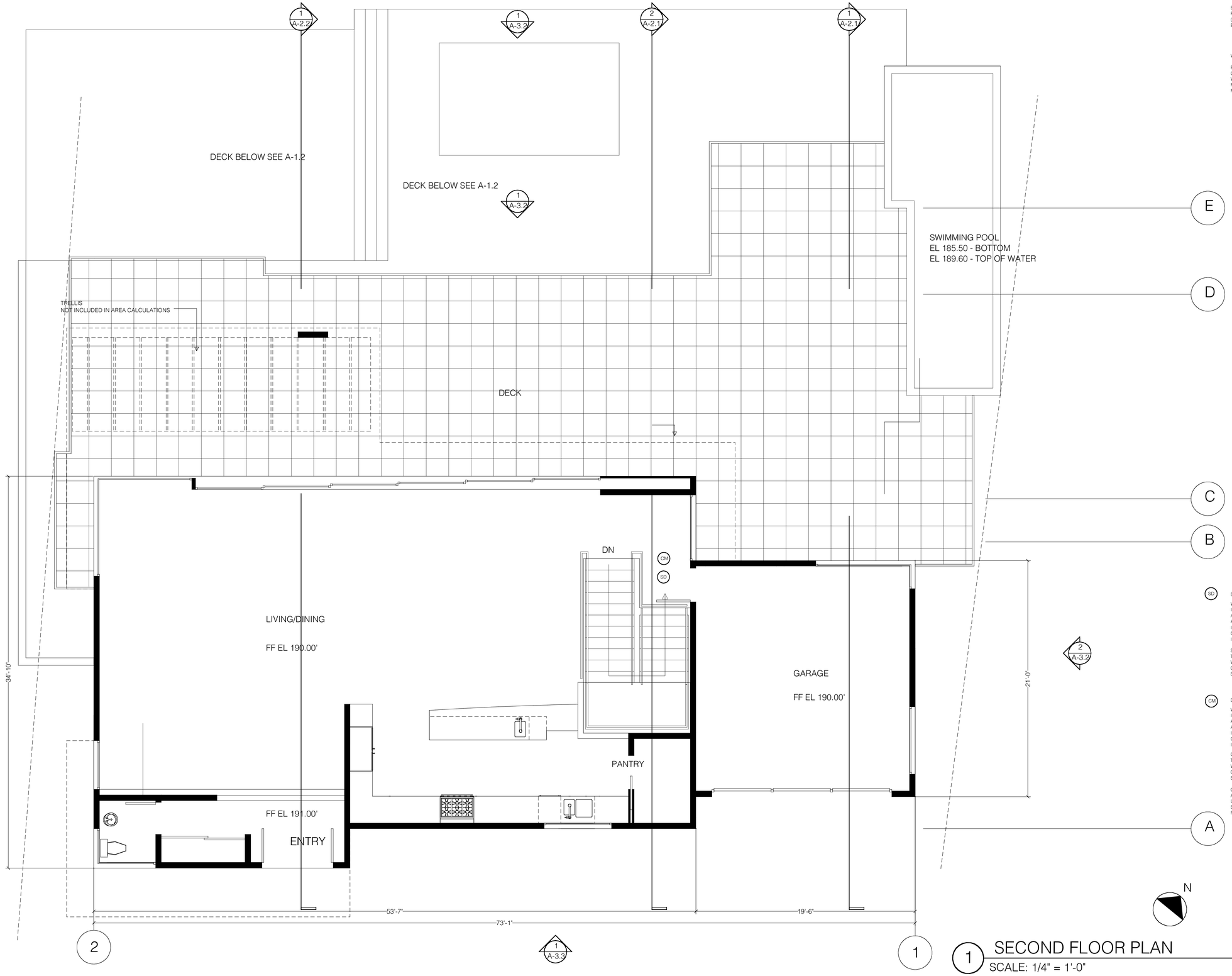
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SEPTEMBER 21, 2023

TOTAL DEVELOPMENT SQUARE FOOTAGE

A-0.2



1 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

DOOR NOTES:

EXTERIOR DOOR ASSEMBLIES SHALL CONFORM TO PERFOMANCE STANDARD SFM 12-7A-1 (RESIDENTIAL CODE R327.8.3 AND BUILDING CODE 708A.3)

WINDOW NOTES:

EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOOR AND GLAZED OPENINGS WITHIN EXTERIOR DOORS SHALL BE MULTI-PANE GLAZING UNITS WITH A MINIMUM OF ONE TEMPERED PANE

Note:

Decking, surfaces, stair treads, risers, and landings of decks, porches, and balconies where any portion of such surface is within 10 feet of the primary structure shall comply with use of approved noncombustible construction (Residential Code R327.9.1 and Building Code 709A.3)

SD DENOTES SMOKE DETECTOR

WHEN MORE THAN ONE SMOKE ALARM IS REQUIRED TO BE INSTALLED WITHIN AND INDIVIDUAL DWELLING UNIT THE ALARM DEVIES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT

SMOKE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING PROVIDED THAT SUCH WIRING IS SERVED FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH A BATTERY BACKUP

CM DENOTES CARBON MONOXIDE ALARM

WHEN MORE THAN ONE CARBON MONOXIDE ALARM IS REQUIRED TO BE INSTALLED WITHIN AND INDIVIDUAL DWELLING UNIT THE ALARM DEVIES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT

CARBON MONOXIDE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING PROVIDED THAT SUCH WIRING IS SERVED FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH A BATTERY BACKUP

CARBON MONOXIDE ALARMS SHAL BE LISTED AS COMPLYING WITH THE REQUIREMENTS OF UL 2034. CARBON MONOXIDE DETECTORS SHALL BE LISTED AS COMPLYING WITH THE REQUIREMENTS OF UL 2075

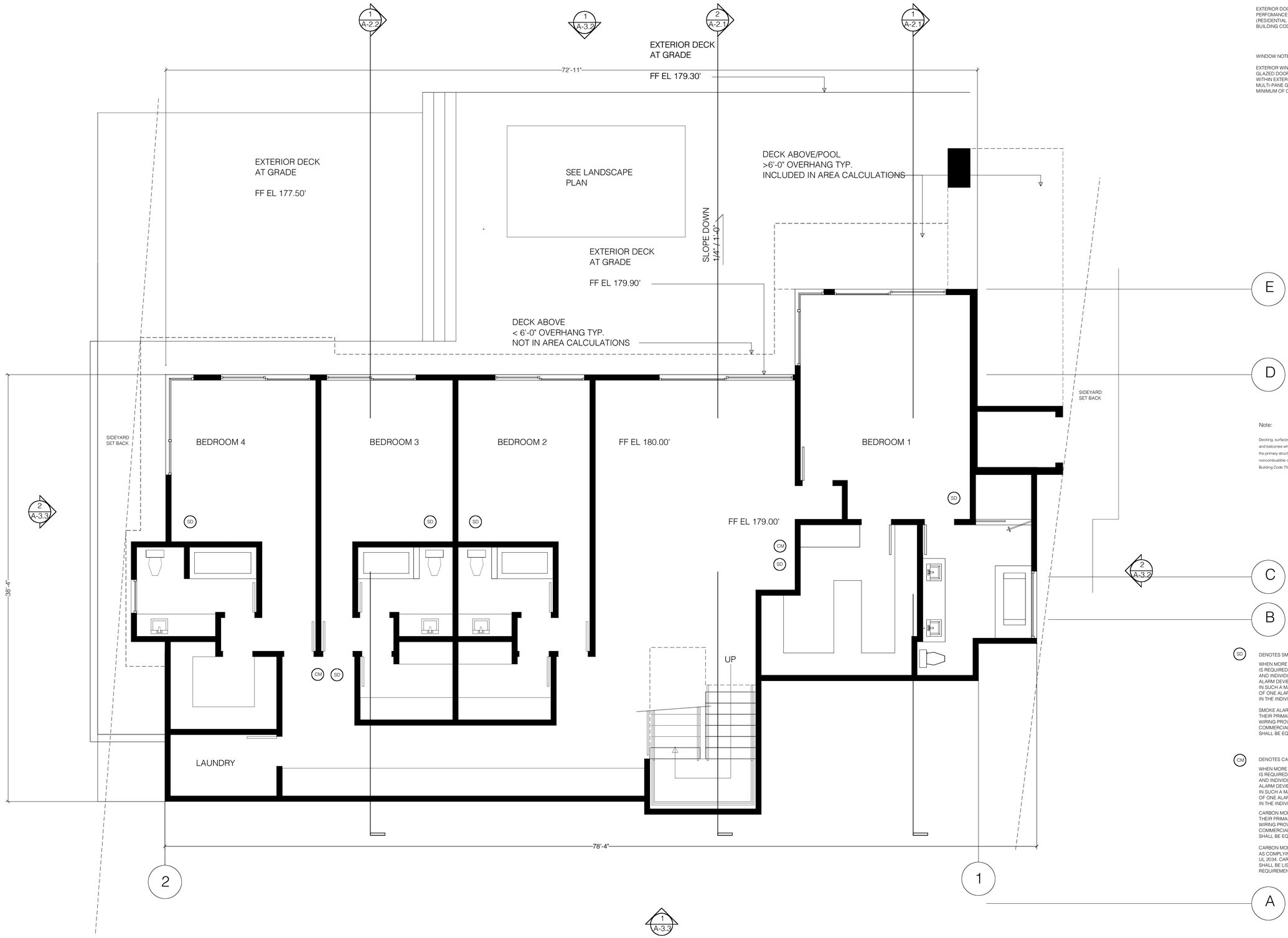
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APRIL 1, 2024

SECOND FLOOR PLAN

A-1.1



DOOR NOTES:

EXTERIOR DOOR ASSEMBLIES SHALL CONFORM TO PERFOMANCE STANDARD SFM 12-7A-1 (RESIDENTIAL CODE R327.8.3 AND BUILDING CODE 708A.3)

WINDOW NOTES:

EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOOR AND GLAZED OPENINGS WITHIN EXTERIOR DOORS SHALL BE MULTI-PANE GLAZING UNITS WITH A MINIMUM OF ONE TEMPERED PANE

Note:

Decking, surfaces, stair treads, risers, and landings of decks, porches, and balconies where any portion of such surface is within 10 feet of the primary structure shall comply with use of approved noncombustible construction (Residential Code R327.9.1 and Building Code 709A.3)

SD DENOTES SMOKE DETECTOR

WHEN MORE THAN ONE SMOKE ALARM IS REQUIRED TO BE INSTALLED WITHIN AND INDIVIDUAL DWELLING UNIT THE ALARM DEVIES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT

SMOKE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING PROVIDED THAT SUCH WIRING IS SERVED FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH A BATTERY BACKUP

CM DENOTES CARBON MONOXIDE ALARM

WHEN MORE THAN ONE CARBON MONOXIDE ALARM IS REQUIRED TO BE INSTALLED WITHIN AND INDIVIDUAL DWELLING UNIT THE ALARM DEVIES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT

CARBON MONOXIDE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING PROVIDED THAT SUCH WIRING IS SERVED FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH A BATTERY BACKUP

CARBON MONOXIDE ALARMS SHAL BE LISTED AS COMPLYING WITH THE REQUIREMENTS OF UL 2034. CARBON MONOXIDE DETECTORS SHALL BE LISTED AS COMPLYING WITH THE REQUIREMENTS OF UL 2075.

1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

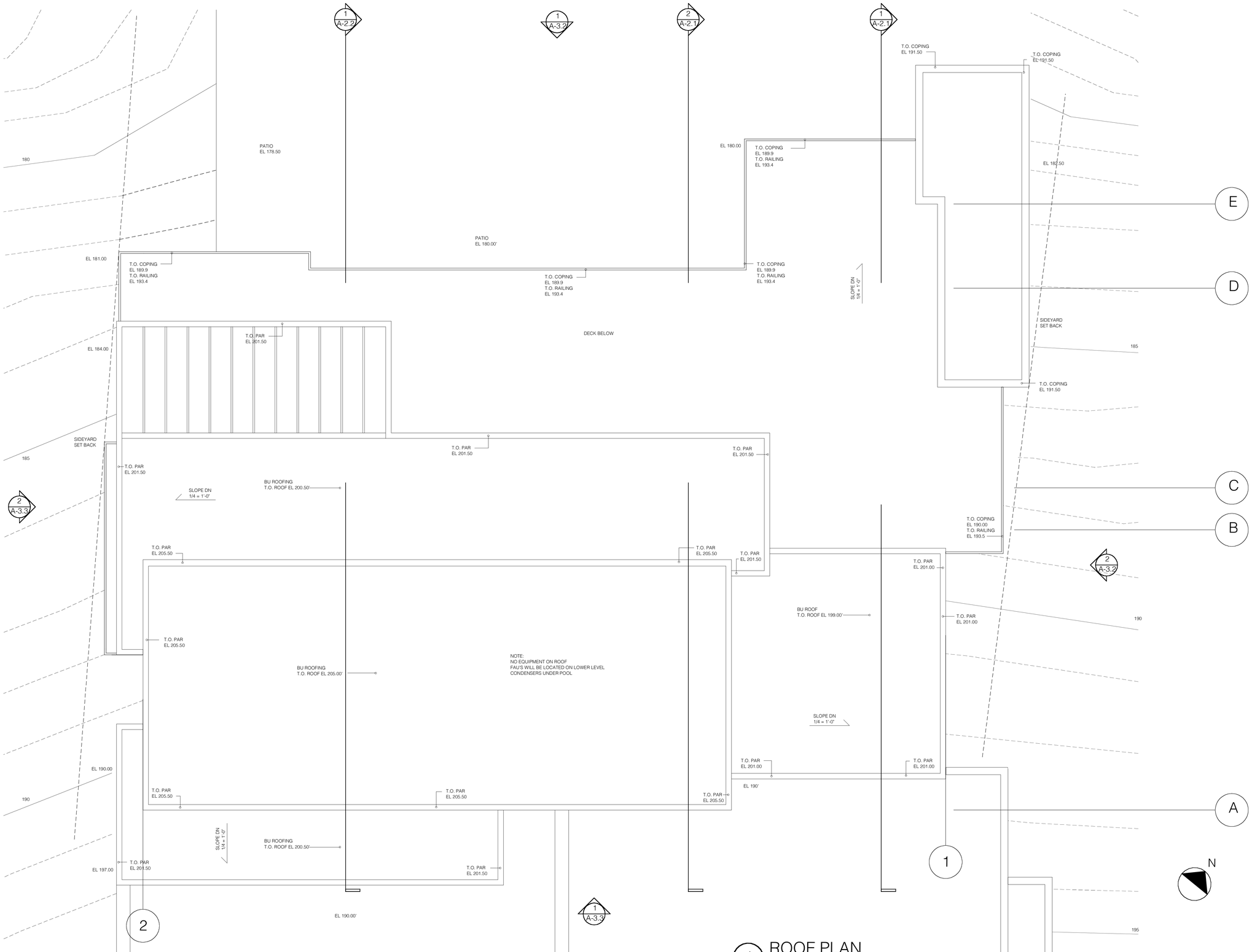
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APRIL 1, 2024

FIRST FLOOR PLAN

A-1.2



NOTE:

All roof coverings shall be Class ""A"" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R902)

NOTE:

ROOF GUTTERS SHALL BE PROVIDED WIHT A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER

1 ROOF PLAN
SCALE: 1/4" = 1'-0"

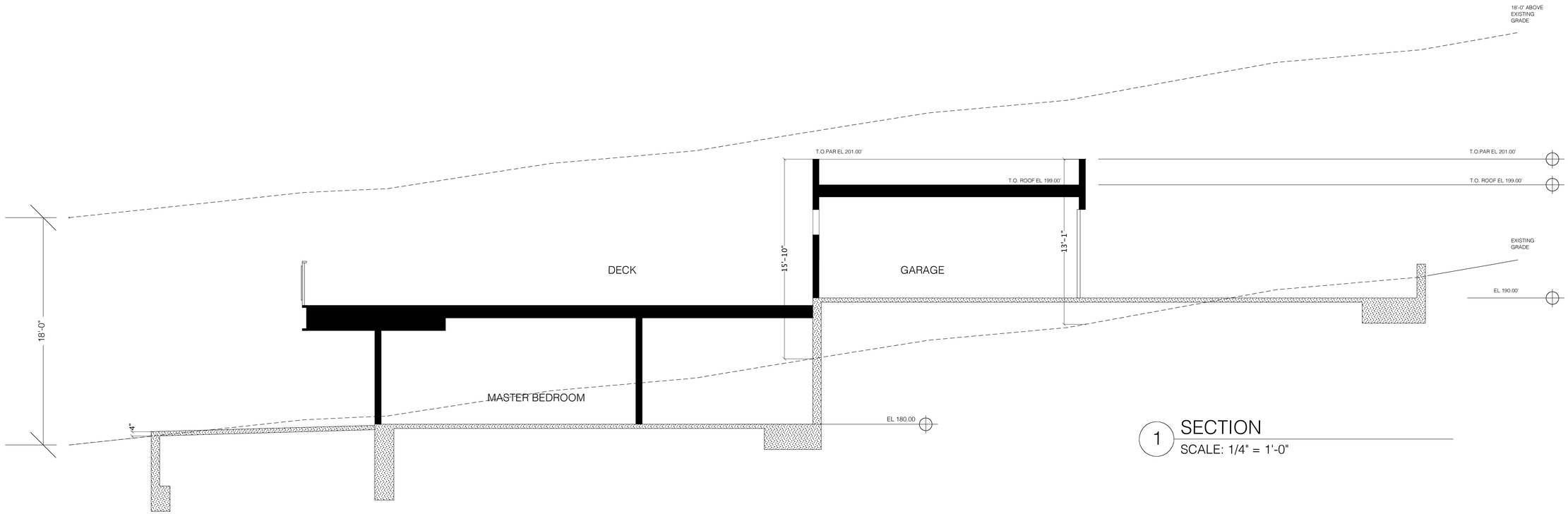
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RESIDENCE LOCATED AT:
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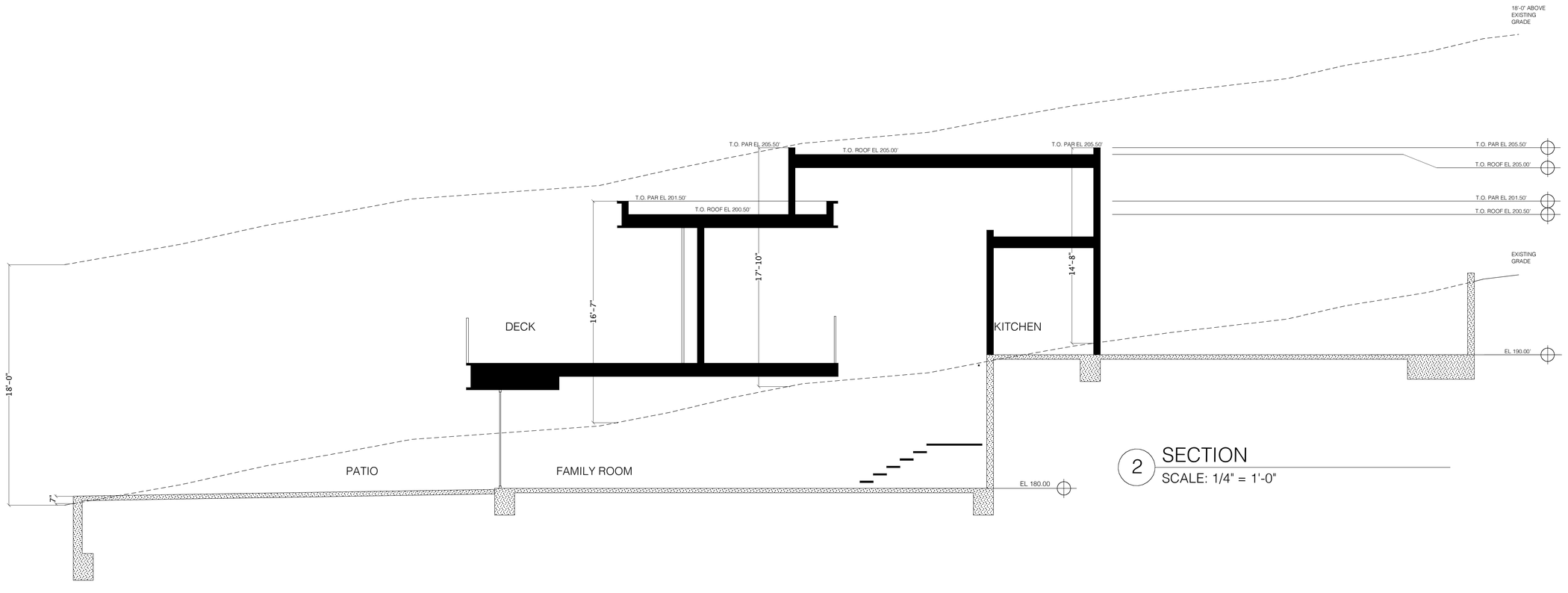
APRIL 1, 2024

ROOF PLAN

A-1.3



1 SECTION
SCALE: 1/4" = 1'-0"



2 SECTION
SCALE: 1/4" = 1'-0"

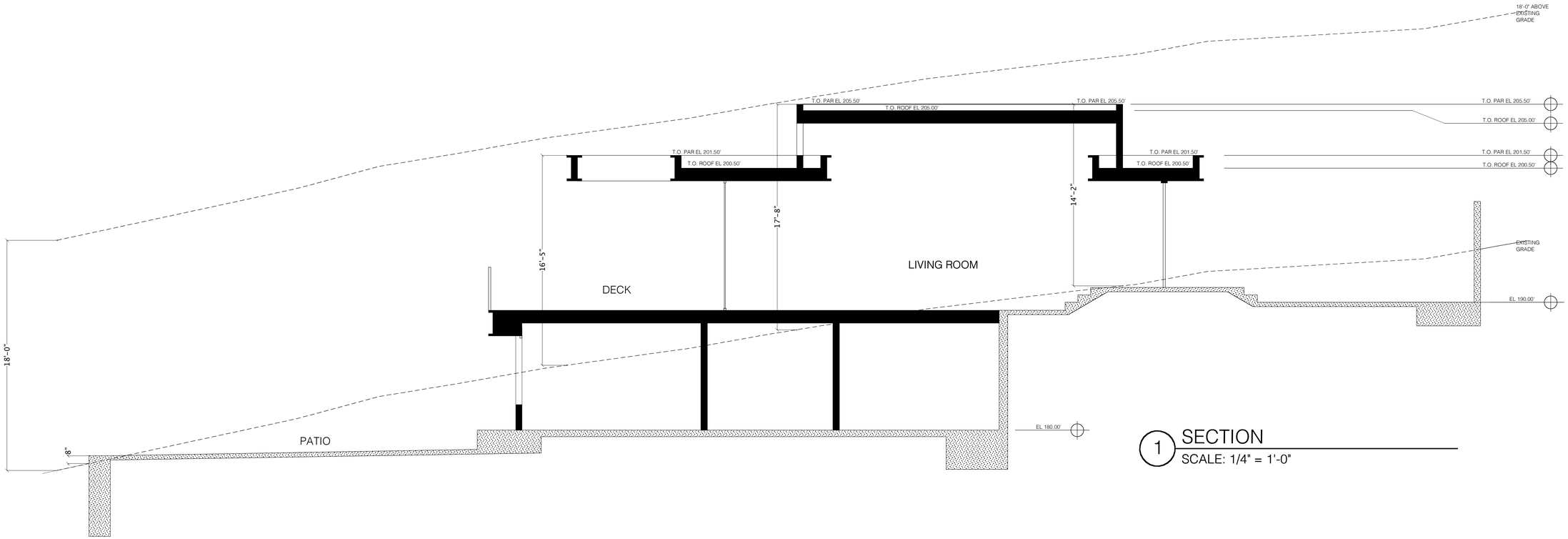
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APRIL 1, 2024

SECTIONS

A-2.1



1 SECTION
SCALE: 1/4" = 1'-0"

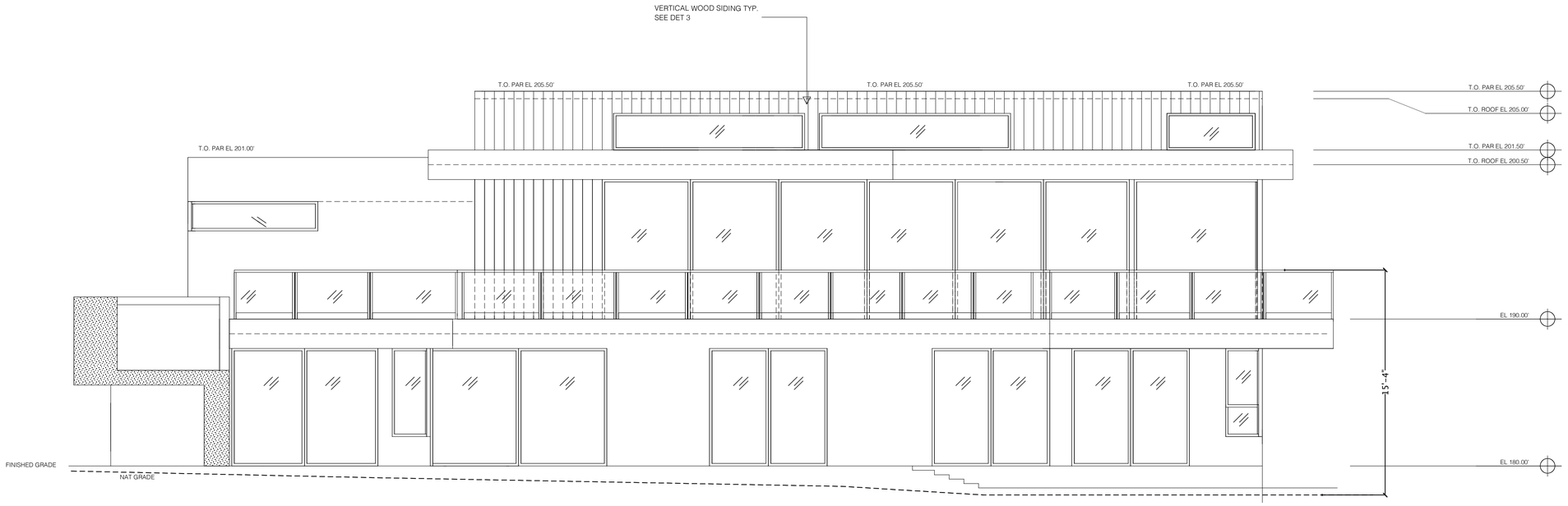
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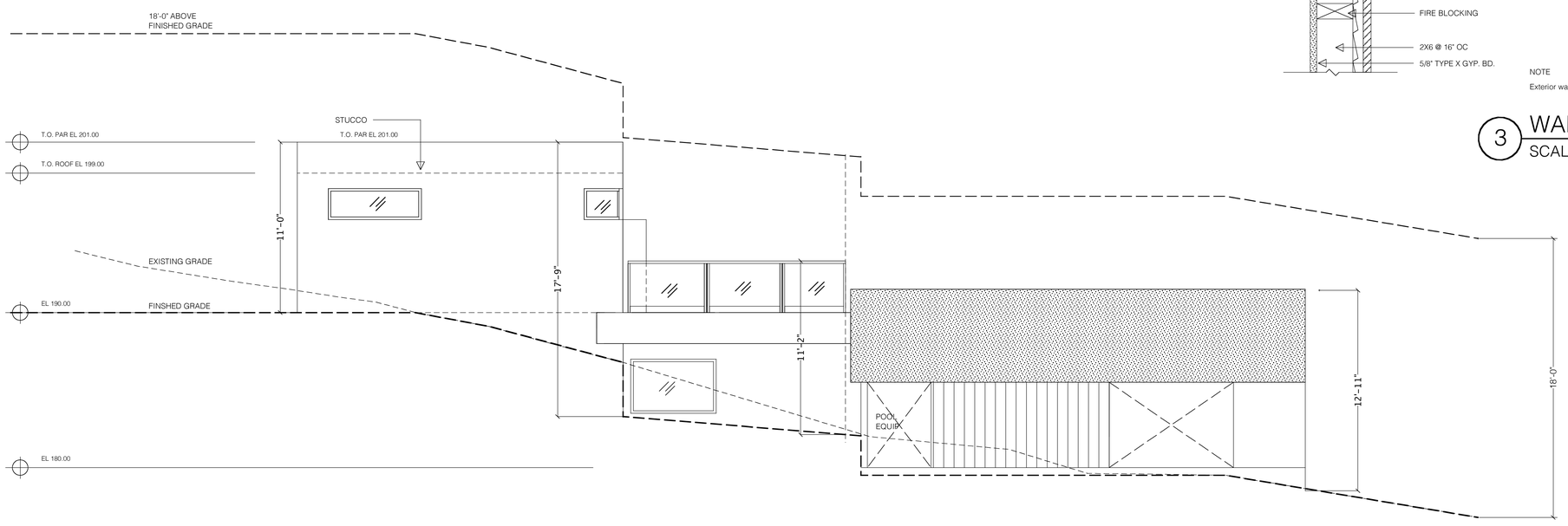
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APRIL 1, 2024

SECTIONS

A-2.2





2 EAST ELEVATION
SCALE: 1/4" = 1'-0"

NOTE

Exterior walls shall be an approved ignition resistant material.

3 WALL DET
SCALE: 1/4" = 1'-0"

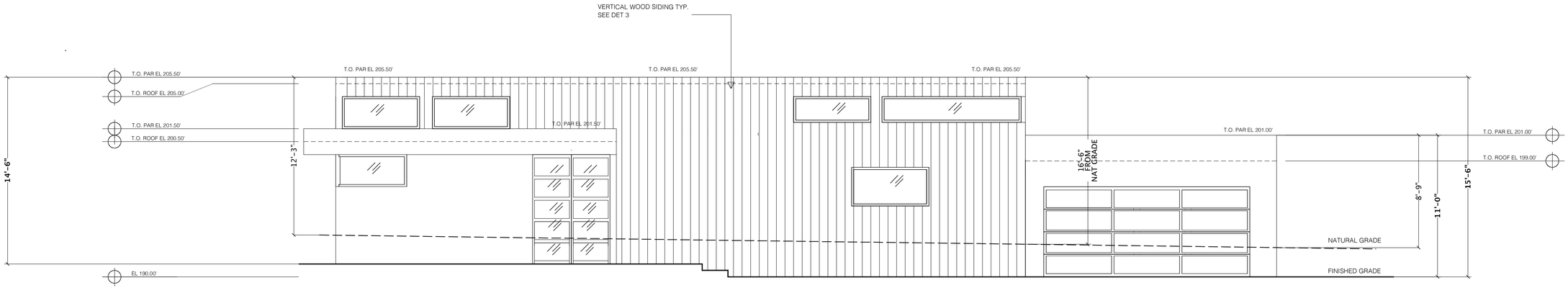
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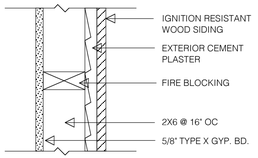
APRIL 1, 2024

ELEVATIONS

A-3.2

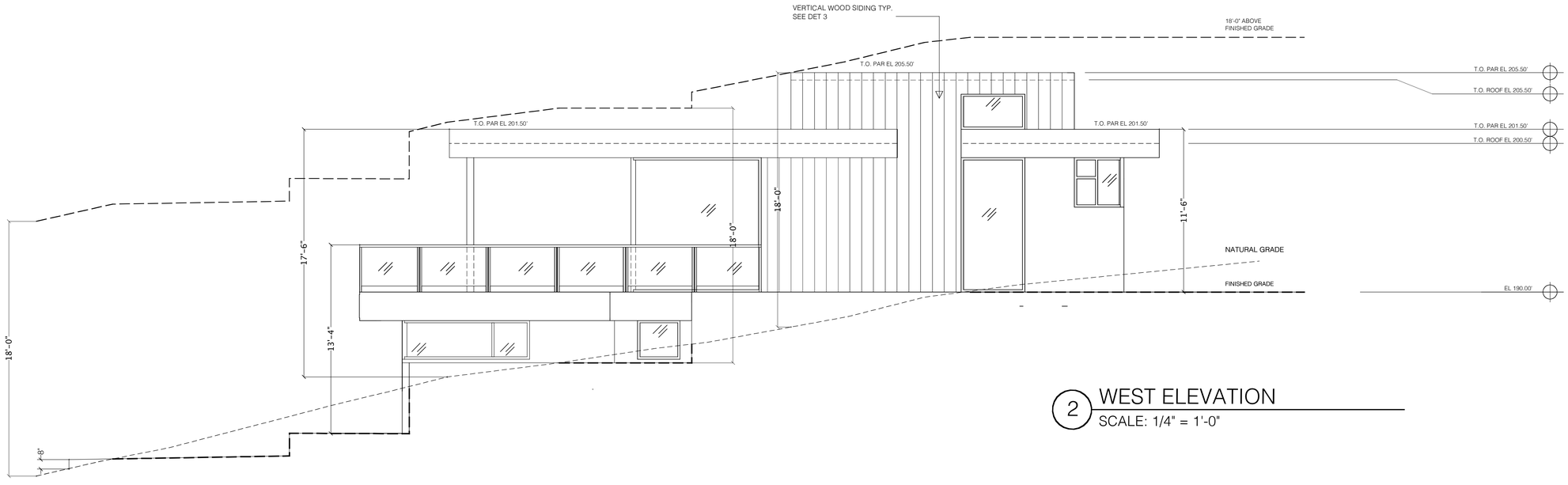


1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



NOTE
Exterior walls shall be an approved ignition resistant material.

3 WALL DET



2 WEST ELEVATION
SCALE: 1/4" = 1'-0"

RESIDENCE LOCATED AT:
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APRIL 1, 2024

ELEVATIONS

A-3.3

PUBLIC WORKS DEPARTMENT GENERAL NOTES:

1. ALL WORK SHOWN ON THESE PLANS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (SSPWC) "GREEN BOOK."
2. CONTRACTORS SHALL COMPLY WITH ALL APPLICABLE DIVISION OF INDUSTRIAL REGULATIONS (CAL-OSHA) SAFETY STANDARDS. IF REQUESTED BY THE INSPECTOR, THE CONTRACTOR SHALL PROVIDE PROOF OF A PERMIT FROM SAID DIVISION.
3. CONTRACTOR SHALL CALL THE PUBLIC WORKS INSPECTOR AT (310) 456-2489, EXT. 235 FOR PRE-CONSTRUCTION MEETING PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR GRADING OPERATIONS. CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS INSPECTOR 48 HOURS PRIOR TO COMMENCING ANY CONSTRUCTION AND 24 HOURS IN ADVANCE OF SPECIFIC INSPECTION NEEDS DURING THE COURSE OF THE WORK.
4. STORAGE OF ANY CONSTRUCTION MATERIALS, CONSTRUCTION TRAILER, AND/OR PARKING AND ANY WORK WITHIN THE CITY PUBLIC RIGHT OF WAY SHALL REQUIRE A CITY ENCROACHMENT PERMIT. CALL THE PUBLIC WORKS INSPECTOR AT (310) 456-2489, EXT. 235 TO APPLY FOR A PERMIT.
5. STORAGE OF ANY CONSTRUCTION MATERIALS, CONSTRUCTION TRAILER, AND/OR PARKING AND ANY WORK WITHIN THE CALTRANS PUBLIC RIGHT OF WAY SHALL REQUIRE A CALTRANS ENCROACHMENT PERMIT. SUBMIT A COPY OF THE CALTRANS ENCROACHMENT PERMIT TO THE PUBLIC WORKS DEPARTMENT.
6. ALL WORK SHALL BE PERFORMED DURING CITY WORKING HOURS AND IN COMPLIANCE WITH THESE PLANS.
7. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF ANY WORK.
8. CONTRACTOR SHALL LOCATE, PROTECT, AND SAVE ANY AND ALL SURVEY MONUMENTS THAT WILL BE OR MAY BE DAMAGED OR DESTROYED BY THEIR OPERATIONS. ONCE FOUND, THE CONTRACTOR SHALL THEN NOTIFY BOTH THE DEVELOPER'S SUPERVISING CIVIL ENGINEER AND THE PUBLIC WORKS INSPECTOR. THE SUPERVISING CIVIL ENGINEER SHALL RESET ALL SAID MONUMENTS PER THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PUBLIC AND PRIVATE PROPERTY INSOFAR AS IT MAY BE AFFECTED BY THESE OPERATIONS.
10. EXISTING TRAFFIC SIGNS ARE NOT TO BE REMOVED WITHOUT PRIOR NOTIFICATION AND APPROVAL OF THE CITY ENGINEER. AS A MINIMUM, CONSTRUCTION WORK ZONE TRAFFIC SIGNS AND STRIPING SHALL BE FURNISHED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE "WORK AREA TRAFFIC CONTROL HANDBOOK" (THE "WATCH MANUAL"), PUBLISHED BY BNI BUILDING NEWS, INC. A TRAFFIC CONTROL PLAN, PREPARED BY THE DEVELOPER, MAY BE REQUIRED BY THE CITY.
11. DUST CONTROL SHALL BE MAINTAINED AT ALL TIMES.
12. EROSION CONTROL PLANS SHALL BE PROVIDED FOR ALL PROJECTS. GRADING AND CLEARING IS PROHIBITED FROM NOVEMBER 1 TO MARCH 31 FOR ALL DEVELOPMENTS WITHIN OR ADJACENT TO ESHA AND/OR INCLUDING GRADING ON SLOPES GREATER THAN 4:1.
13. ALL UNDERGROUND UTILITIES AND SERVICE LATERALS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS, AND PAVING UNLESS OTHERWISE PERMITTED BY THE CITY ENGINEER.
14. THE DEVELOPER SHALL COMPLY WITH NPDES REQUIREMENTS. THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE AVAILABLE AT THE CONSTRUCTION SITE AT ALL TIMES AND SHALL BE KEPT UPDATED.
15. ALL RECOMMENDATIONS MADE BY THE GEOTECHNICAL/SOILS ENGINEER (AND ENGINEERING GEOLOGIST, WHERE EMPLOYED), AND CONTAINED IN THE REPORTS REFERENCED HEREON, AS APPROVED OR CONDITIONED BY THE CITY, SHALL BE CONSIDERED A PART OF THE GRADING PLAN.
16. ALL STORM DRAIN PIPE WITHIN THE PUBLIC RIGHT-OF-WAY AND EASEMENTS SHALL BE REINFORCED CONCRETE PIPE (RCP).
17. TERRACE DRAINS, INTERCEPTOR DRAINS, AND DOWN DRAINS SHALL BE CONSTRUCTED OF 3" P.C.C. REINFORCED WITH 6"X6" X #10 W.W.M. AND SHALL BE EITHER SEMICIRCULAR OR TRIANGULAR CROSS SECTION. CONCRETE COLOR SHALL BE "OMAHA TAN" OR APPROVED EQUIVALENT.
18. GRADING QUANTITIES:
    CUT 1,543 CU.YD. FILL 188 CU.YD.
    EXPORT 1,355 CU.YD. IMPORT 0 CU.YD.
19. TOTAL DISTURBED AREA: 10,231 S.F. = 0.23 ACRES
    (INCLUDING GRADING, CLEARING, AND LANDSCAPING AREA)

    TOTAL EXISTING IMPERVIOUS SURFACE AREA 0 SQ. FT.
    TOTAL PROPOSED IMPERVIOUS SURFACE AREA 6,400 SQ. FT.
    FLOOD ZONE ON FIRM: D BASE FLOOD ELEVATION: N/A FT., PANEL: 06037C1518F
20. ALL SLOPES ON PRIVATE PROPERTY ADJOINING STREETS, DRAINAGE CHANNELS, OR OTHER PUBLIC FACILITIES SHALL BE GRADED NOT STEEPER THAN 2:1 FOR CUT AND FILL UNLESS SPECIFICALLY APPROVED BY THE CITY ENGINEER ON RECOMMENDATION OF THE PROJECT'S GEOTECHNICAL/SOILS CONSULTANT.
21. ALL CATCH BASINS AND DRAINAGE INLETS SHALL BE STENCILED WITH THE CITY OF MALIBU STORM DRAIN LOGO.

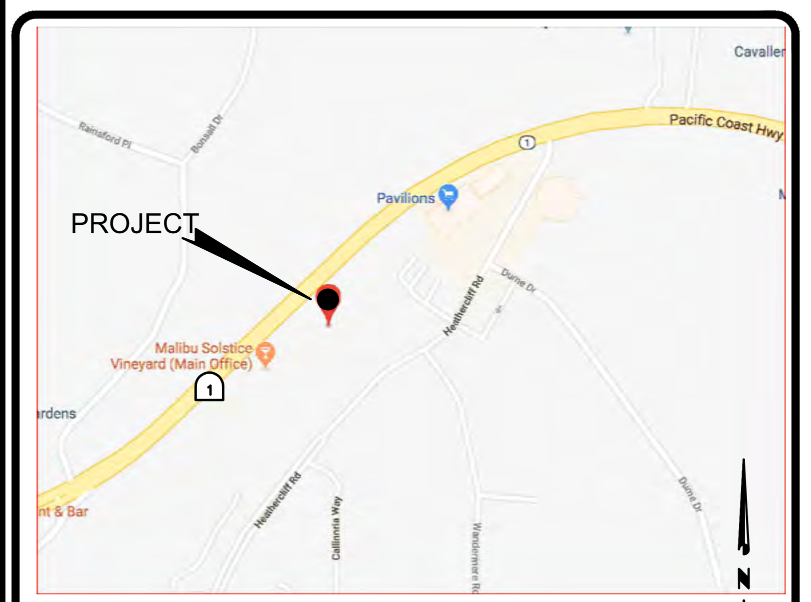
NOTES TO CONTRACTOR:

A. SEPARATE BUILDING PERMITS ARE REQUIRED FOR ALL RETAINING WALLS SHOWN ON THIS PLAN.

B. VERIFY ALL EXISTING ELEVATIONS PRIOR TO ANY HARD SURFACE CONSTRUCTION, AND ADVISE PROJECT CIVIL ENGINEER IF ANY OUT OF LIMIT CONDITION ENCOUNTERED DURING CONSTRUCTION SURVEY.

LEGEND:

C.B.	CATCH BASIN
C.F.	CURB FACE
D.F.	DEEPEN FOOTING
F.F.	FINISH FLOOR ELEVATIONS
F.G.	FINISH GRADE (EARTH)
F.H.	FIRE HYDRANT
F.L.	FLOW LINE
F.S.	FINISH SURFACE
G.B.	GRADE BREAK
H.P.	HIGH POINT
L.P.	LOW POINT
M.H.	MANHOLE
P.I.	POINT OF INTERSECTION
P.L.	PROPERTY LINE
PROP.	PROPOSED
— R. —	RIDGE LINE
S.S.	SANITARY SEWER
T.C.	TOP OF CURB
T.F.	TOP OF FOOTING
T.G.	TOP OF GRATE
T.P.	TOP OF PAVEMENT
T.W.	TOP OF WALL
—— 892 ——	FINISH CONTOUR
—— (890) ——	EXISTING CONTOUR
X 892.0	EXISTING SPOT ELEVATION
— — — — —	EASEMENT LINE
- - - - - - -	TOE OF SLOPE



VICINITY MAP

GENERAL NOTES:

1. ALL GRADING AND CONSTRUCTION SHALL CONFORM TO APPENDIX CHAPTER 33 AND CHAPTER 71 (LATEST EDITION) OF THE COUNTY OF LOS ANGELES BUILDING CODE UNLESS SPECIFICALLY NOTED ON THESE PLANS.
2. ANY MODIFICATIONS OF OR CHANGES TO APPROVED GRADING PLANS MUST BE APPROVED BY THE BUILDING OFFICIAL.
3. NO GRADING SHALL BE STARTED WITHOUT FIRST NOTIFYING THE BUILDING OFFICIAL. A PRE-GRADING MEETING AT THE SITE IS REQUIRED BEFORE THE START OF THE GRADING WITH THE FOLLOWING PEOPLE PRESENT: OWNER, GRADING CONTRACTOR, DESIGN CIVIL ENGINEER, SOILS ENGINEER, GEOLOGIST, COUNTY GRADING INSPECTOR(S) OR THEIR REPRESENTATIVES, AND WHEN REQUIRED THE ARCHEOLOGIST OR OTHER JURISDICTIONAL AGENCIES. PERMITTEE OR HIS AGENT ARE RESPONSIBLE FOR ARRANGING PRE-GRADE MEETING AND MUST NOTIFY THE BUILDING OFFICIAL AT LEAST TWO BUSINESS DAYS PRIOR TO PROPOSED PRE-GRADE MEETING.
4. APPROVAL OF THESE PLANS REFLECT SOLELY THE REVIEW OF PLANS IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES BUILDING CODE AND DOES NOT REFLECT ANY POSITION BY THE COUNTY OF LOS ANGELES OR THE DEPARTMENT OF PUBLIC WORKS REGARDING THE STATUS OF ANY TITLE ISSUES RELATING TO THE LAND ON WHICH THE IMPROVEMENTS MAY BE CONSTRUCTED. ANY DISPUTES RELATING TO TITLE ARE SOLELY A PRIVATE MATTER NOT INVOLVING THE COUNTY OF LOS ANGELES OR THE DEPARTMENT OF PUBLIC WORKS.
5. ALL GRADING AND CONSTRUCTION ACTIVITIES SHALL COMPLY WITH COUNTY OF LOS ANGELES CODE, TITLE 12, SECTION 12.12.030 THAT CONTROLS AND RESTRICTS NOISE FROM THE USE OF CONSTRUCTION AND GRADING EQUIPMENT FROM THE HOURS OF 8:00 PM TO 6:30 AM, AND ON SUNDAYS AND HOLIDAYS. (MORE RESTRICTIVE CONSTRUCTION ACTIVITY TIMES MAY GOVERN, AS REQUIRED BY THE DEPARTMENT OF REGIONAL PLANNING AND SHOULD BE SHOWN ON THE GRADING PLANS WHEN APPLICABLE.)
6. CALIFORNIA PUBLIC RESOURCES CODE (SECTION 5097.98) AND HEALTH AND SAFETY CODE (SECTION 7050.5) ADDRESS THE DISCOVERY AND DISPOSITION OF HUMAN REMAINS. IN THE EVENT OF DISCOVERY OR RECOGNITION OF ANY HUMAN REMAINS IN ANY LOCATION OTHER THAN A DEDICATED CEMETERY, THE LAW REQUIRES THAT GRADING IMMEDIATELY STOPS AND NO FURTHER EXCAVATION OR DISTURBANCE OF THE SITE, OR ANY NEARBY AREA WHERE HUMAN REMAINS MAY BE LOCATED, OCCUR UNTIL THE FOLLOWING HAS BEEN MEASURES HAVE BEEN TAKEN:
   a. THE COUNTY CORONER HAS BEEN INFORMED AND HAS DETERMINED THAT NO INVESTIGATION OF THE CAUSE OF DEATH IS REQUIRED, AND
   b. IF THE REMAINS ARE OF NATIVE AMERICAN ORIGIN, THE DESCENDANTS FROM THE DECEASED NATIVE AMERICANS HAVE MADE A RECOMMENDATION FOR THE MEANS OF TREATING OR DISPOSING, WITH APPROPRIATE DIGNITY, OF THE HUMAN REMAINS AND ANY ASSOCIATED GRAVE GOODS.
7. THE LOCATION AND PROTECTION OF ALL UTILITIES IS THE RESPONSIBILITY OF THE PERMITTEE.
8. ALL EXPORT OF MATERIAL FROM THE SITE MUST GO TO A PERMITTED SITE APPROVED BY THE BUILDING OFFICIAL OR A LEGAL DUMPSITE. RECEIPTS FOR ACCEPTANCE OF EXCESS MATERIAL BY A DUMPSITE ARE REQUIRED AND MUST BE PROVIDED TO THE BUILDING OFFICIAL UPON REQUEST.
9. A COPY OF THE GRADING PERMIT AND APPROVED GRADING PLANS MUST BE IN THE POSSESSION OF A RESPONSIBLE PERSON AND AVAILABLE AT THE SITE AT ALL TIMES.
10. SITE BOUNDARIES, EASEMENTS, DRAINAGE DEVICES, RESTRICTED USE AREAS SHALL BE LOCATED PER CONSTRUCTION STAKING BY FIELD ENGINEER OR LICENSED SURVEYOR. PRIOR TO GRADING, AS REQUESTED BY THE BUILDING OFFICIAL, ALL PROPERTY LINES, EASEMENTS, AND RESTRICTED USE AREAS SHALL BE STAKED.
11. NO GRADING OR CONSTRUCTION SHALL OCCUR WITHIN THE PROTECTED ZONE OF ANY OAK TREE AS REQUIRED PER TITLE CHAPTER 22.56 OF THE COUNTY OF LOS ANGELES ZONING CODE. THE PROTECTED ZONE SHALL MEAN THAT AREA WITHIN THE DRIP LINE OF AN OAK TREE EXTENDING THERE FROM A POINT AT LEAST FIVE FEET OUTSIDE THE DRIP LINE, OR 15 FEET FROM THE TRUNK(S) OF A TREE, WHICHEVER IS GREATER.
12. THE STANDARD RETAINING WALL DETAILS SHOWN ON THE GRADING PLANS ARE FOR REFERENCE ONLY. STANDARD RETAINING WALLS ARE NOT CHECKED, PERMITTED, OR INSPECTED PER THE GRADING PERMIT. A SEPARATE RETAINING WALL PERMIT IS REQUIRED FOR ALL STANDARD RETAINING WALLS.
    THIS NOTE ONLY APPLIES TO STANDARD RETAINING WALLS. GEOGRID FABRIC AND SEGMENTAL RETAINING WALLS DO NOT REQUIRE A SEPARATE RETAINING WAIL PERMIT. DETAILS AND CONSTRUCTION NOTES FOR ALL GEOGRID WALLS MUST BE ON THE GRADING PLAN.
13. A PREVENTIVE PROGRAM TO PROTECT THE SLOPES FROM POTENTIAL DAMAGE FROM BURROWING RODENTS IS REQUIRED PER SECTION 3307.6 OF THE COUNTY OF LOS ANGELES BUILDING CODE. OWNER IS TO INSPECT SLOPES PERIODICALLY FOR EVIDENCE OF BURROWING RODENTS AND A FIRST EVIDENCE OF THEIR EXISTENCE SHALL EMPLOY AN EXTERMINATOR FOR THEIR REMOVAL.
14. NO GRADING AUTHORIZED BY THIS PLAN THROUGH THE RAINY SEASON, NOVEMBER 1 THROUGH APRIL 15.
15. TRANSFER OF RESPONSIBILITY: IF THE CIVIL ENGINEER, THE SOILS ENGINEER, OR THE ENGINEERING GEOLOGIST OF RECORD IS CHANGED DURING GRADING, THE WORK SHALL BE STOPPED UNTIL THE REPLACEMENT HAS AGREED IN WRITING TO ACCEPT THEIR RESPONSIBILITY WITHIN THE AREA OF TECHNICAL COMPETENCE FOR APPROVAL UPON COMPLETION OF THE WORK. IT SHALL BE THE DUTY OF THE PERMITTEE TO NOTIFY THE BUILDING OFFICIAL IN WRITING OF SUCH CHANGE PRIOR TO THE RECOMMENCEMENT OF SUCH GRADING.

INSPECTION NOTES:

16. THE PERMITTEE OR HIS AGENT SHALL NOTIFY THE BUILDING OFFICIAL AT LEAST ONE WORKING DAY IN ADVANCE OF REQUIRED INSPECTIONS AT FOLLOWING STAGES OF THE WORK. (SECTION 3317 OF THE BUILDING CODE.)
    (a) **INITIAL.** WHEN THE SITE HAS BEEN CLEARED OF VEGETATION AND UNAPPROVED FILL HAS BEEN SCARIFIED, BENCHED OR OTHERWISE PREPARED FOR FILL. FILL SHALL NOT BE PLACED PRIOR TO THIS INSPECTION. NOTE: PRIOR TO ANY CONSTRUCTION ACTIVITIES, INCLUDING GRADING, ALL STORM WATER POLLUTION PREVENTION MEASURES INCLUDING EROSION CONTROL DEVICES WHICH CONTAIN SEDIMENTS MUST BE INSTALLED.
    (b) **ROUGH** WHEN APPROXIMATE FINAL ELEVATIONS HAVE BEEN ESTABLISHED; DRAINAGE TERRACES, SWALES AND BERMS INSTALLED AT THE TOP OF THE SLOPE; AND THE STATEMENTS REQUIRED IN THIS SECTION HAVE BEEN RECEIVED.
    (c) **FINAL.** WHEN GRADING HAS BEEN COMPLETED; ALL DRAINAGE DEVICES INSTALLED; SLOPE PLANTING ESTABLISHED, IRRIGATION SYSTEMS INSTALLED AND THE AS-BUILT PLANS, REQUIRED STATEMENTS, AND REPORTS HAVE BEEN SUBMITTED AND APPROVED.
17. IN ADDITION TO THE INSPECTION REQUIRED OF THE BUILDING OFFICIAL FOR REGULAR GRADING, REPORTS AND STATEMENTS SHALL BE SUBMITTED TO THE BUILDING OFFICIAL IN ACCORDANCE WITH SECTIONS 3317 AND 3318 OF THE COUNTY OF LOS ANGELES BUILDING CODE.
18. ALL GRADED SITES MUST HAVE DRAINAGE SWALES, BERMS, AND OTHER DRAINAGE DEVICES INSTALLED PRIOR TO ROUGH GRADING APPROVAL. PER SECTION 3317.6 OF THE COUNTY OF LOS ANGELES BUILDING CODE.
19. THE GRADING CONTRACTOR SHALL SUBMIT THE STATEMENT TO THE GRADING INSPECTOR AS REQUIRED BY SECTION 3318.1 OF THE COUNTY OF LOS ANGELES BUILDING CODE AT THE COMPLETION OF ROUGH GRADING.
20. FINAL GRADING MUST BE APPROVED BEFORE OCCUPANCY OF BUILDINGS WILL BE ALLOWED PER SECTION 3318 OF THE COUNTY OF LOS ANGELES BUILDING CODE.

DRAINAGE NOTES:

21. ROOF DRAINAGE MUST BE DIVERTED FROM GRADED SLOPES.
22. PROVISIONS SHALL BE MADE FOR CONTRIBUTORY DRAINAGE AT ALL TIMES.
23. ALL CONSTRUCTION AND GRADING WITHIN A STORM DRAIN EASEMENT ARE TO BE DONE PER PRIVATE DRAIN PD NO. N/A OR MISCELLANEOUS TRANSFER DRAIN MTD NO. N/A .
24. ALL STORM DRAIN WORK IS TO BE DONE UNDER CONTINUOUS INSPECTION BY THE FIELD ENGINEER. WEEKLY STATUS REPORTS SHALL BE SUBMITTED BY THE FIELD ENGINEER TO THE LOCAL BUILDING AND SAFETY DISTRICT OFFICE.

AGENCY NOTES:

25. AN ENCROACHMENT PERMIT FROM CITY OF MALIBU DEPARTMENT OF PUBLIC WORKS IS REQUIRED FOR ALL WORK WITHIN OR AFFECTING ROAD RIGHT OF WAY. ALL WORK WITHIN ROAD RIGHT OF WAY SHALL CONFORM TO THE CITY DEPARTMENT OF PUBLIC WORKS ENCROACHMENT PERMIT.
26. AN ENCROACHMENT PERMIT /CONNECTION PERMIT IS REQUIRED FROM THE COUNTY OF LOS ANGELES FLOOD CONTROL DISTRICT FOR ALL WORK WITHIN THE COUNTY OF LOS ANGELES FLOOD CONTROL DISTRICT RIGHT OF WAY. ALL WORK SHALL CONFORM WITH CONDITIONS SET BY THE PERMIT.
27. PERMISSION MUST BE OBTAINED FROM THE FIRE PREVENTION BUREAU OR THE LOCAL FIRE STATION PRIOR TO COMMENCING WORK.
28. ALL WORK WITHIN THE STREAMBED AND AREAS OUTLINED ON GRADING PLANS SHALL CONFORM TO:
    - ARMY CORP 404 PERMIT NUMBER: N/A
    - CALIFORNIA FISH & GAME PERMIT NO.: N/A

GENERAL GEOTECHNICAL NOTES:

29. ALL WORK MUST BE IN COMPLIANCE WITH THE RECOMMENDATIONS INCLUDED IN THE GEOTECHNICAL CONSULTANT'S REPORT(S) AND THE APPROVED GRADING PLANS AND SPECIFICATIONS.
30. GRADING OPERATIONS MUST BE CONDUCTED UNDER PERIODIC INSPECTIONS BY THE GEOTECHNICAL CONSULTANTS WITH MONTHLY INSPECTION REPORTS TO BE SUBMITTED TO THE GEOLOGY AND SOILS SECTION.
31. THE SOIL ENGINEER SHALL PROVIDE SUFFICIENT INSPECTIONS DURING THE PREPARATION OF THE NATURAL GROUND AND THE PLACEMENT AND COMPACTION OF THE FILL TO BE SATISFIED THAT THE WORK IS BEING PERFORMED IN ACCORDANCE WITH THE PLAN AND APPLICABLE CODE REQUIREMENTS.
32. ROUGH GRADING MUST BE APPROVED BY A FINAL ENGINEERING GEOLOGY AND SOILS ENGINEERING REPORT. AN AS-BUILT GEOLOGIC MAP MUST BE INCLUDED IN THE FINAL GEOLOGY REPORT. PROVIDE A FINAL REPORT STATEMENT THAT VERIFIES WORK WAS DONE IN ACCORDANCE WITH REPORT RECOMMENDATIONS AND CODE PROVISIONS (SECTION 3318.1 OF THE COUNTY OF LOS ANGELES BUILDING CODE). THE FINAL REPORT(S) MUST BE SUBMITTED TO THE GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION FOR REVIEW AND APPROVAL.
33. FOUNDATION, WALL AND POOL EXCAVATIONS MUST BE INSPECTED AND APPROVED BY THE CONSULTING GEOLOGIST AND SOIL ENGINEER, PRIOR TO THE PLACING OF STEEL OR CONCRETE.
34. BUILDING PADS LOCATED IN CUT/FILL TRANSITION AREAS SHALL BE OVER-EXCAVATED A MINIMUM OF THREE (3) FEET BELOW THE PROPOSED BOTTOM OF FOOTING.

FILL NOTES:

35. ALL FILL SHALL BE COMPACTED TO THE FOLLOWING MINIMUM RELATIVE COMPACTION CRITERIA:
    a. 90 PERCENT OF MAXIMUM DRY DENSITY WITHIN 40 FEET BELOW FINISH GRADE.
    b. 93 PERCENT OF MAXIMUM DRY DENSITY DEEPER THAN 40 FEET BELOW FINISH GRADE, UNLESS A LOWER RELATIVE COMPACTION (NOT LESS THAN 90 PERCENT OF MAXIMUM DRY DENSITY) IS JUSTIFIED BY THE GEOTECHNICAL ENGINEER.

    THE RELATIVE COMPACTION SHALL BE DETERMINED BY A.S.T.M. SOIL COMPACTION TEST D1557-91 WHERE APPLICABLE: WHERE NOT APPLICABLE, A TEST ACCEPTABLE TO THE BUILDING OFFICIAL SHALL BE USED. (SECTION 3313.4 OF THE COUNTY OF LOS ANGELES BUILDING CODE.)
36. FIELD DENSITY SHALL BE DETERMINED BY A METHOD ACCEPTABLE TO THE BUILDING OFFICIAL. (SECTION 3313.4 OF THE COUNTY OF LOS ANGELES BUILDING CODE.) HOWEVER, NOT LESS THAN 10% OF THE REQUIRED DENSITY TEST, UNIFORMLY DISTRIBUTED, AND SHALL BE OBTAINED BY THE SAND CONE METHOD.
37. SUFFICIENT TESTS OF THE FILL SOILS SHALL BE MADE TO DETERMINE THE RELATIVE COMPACTION OF THE FILL IN ACCORDANCE WITH THE FOLLOWING MINIMUM GUIDELINES:
    a. ONE TEST FOR EACH TWO-FOOT VERTICAL LIFT.
    b. ONE TEST FOR EACH 1,000 CUBIC YARDS OF MATERIAL PLACED.
    c. ONE TEST AT THE LOCATION OF THE FINAL FILL SLOPE FOR EACH BUILDING SITE (LOT) IN EACH FOUR-FOOT VERTICAL LIFT OR PORTION THEREOF.
    d. ONE TEST IN THE VICINITY OF EACH BUILDING PAD FOR EACH FOUR-FOOT VERTICAL LIFT OR PORTION THEREOF.
38. SUFFICIENT TESTS OF FILL SOILS SHALL BE MADE TO VERIFY THAT THE SOIL PROPERTIES COMPLY WITH THE DESIGN REQUIREMENTS, AS DETERMINED BY THE SOIL ENGINEER INCLUDING SOIL TYPES, SHEAR STRENGTHS PARAMETERS AND CORRESPONDING UNIT WEIGHTS IN ACCORDANCE WITH THE FOLLOWING GUIDELINES:
    a. PRIOR AND SUBSEQUENT TO PLACEMENT OF THE FILL, SHEAR TESTS SHALL BE TAKEN ON EACH TYPE OF SOIL OR SOIL MIXTURE TO BE USED FOR ALL FILL SLOPES STEEPER THAN THREE (3) HORIZONTAL TO ONE VERTICAL.
    b. SHEAR TEST RESULTS FOR THE PROPOSED FILL MATERIAL MUST MEET OR EXCEED THE DESIGN VALUES USED IN THE GEOTECHNICAL REPORT TO DETERMINE SLOPE STABILITY REQUIREMENTS. OTHERWISE, THE SLOPE MUST BE REEVALUATED USING THE ACTUAL SHEAR TEST VALUE OF THE FILL MATERIAL THAT IS IN PLACE.
    c. FILL SOILS SHALL BE FREE OF DELETERIOUS MATERIALS.
39. FILL SHALL NOT BE PLACED UNTIL STRIPPING OF VEGETATION, REMOVAL OF UNSUITABLE SOILS, AND INSTALLATION OF SUBDRAIN (IF ANY) HAVE BEEN INSPECTED AND APPROVED BY THE SOIL ENGINEER. THE BUILDING OFFICIAL MAY REQUIRE A "STANDARD TEST METHOD FOR MOISTURE, ASH, ORGANIC MATTER, PEAT OR OTHER ORGANIC SOILS ASTM D-2974-87 ON ANY SUSPECT MATERIAL. DETRIMENTAL AMOUNTS OF ORGANIC MATERIAL SHALL NOT BE PERMITTED IN FILLS. SOIL CONTAINING SMALL AMOUNTS OF ROOTS MAY BE ALLOWED PROVIDED THAT THE ROOTS ARE IN A QUANTITY AND DISTRIBUTED IN A MANNER THAT WILL NOT BE DETRIMENTAL TO THE FUTURE USE OF THE SITE AND THE SOILS ENGINEER APPROVES THE USE OF SUCH MATERIAL.
40. ROCK OR SIMILAR MATERIAL GREATER THAN 12 INCHES IN DIAMETER SHALL NOT BE PLACED IN THE FILL UNLESS RECOMMENDATIONS FOR SUCH PLACEMENT HAVE BEEN SUBMITTED BY THE SOIL ENGINEER AND APPROVED IN ADVANCE BY THE BUILDING OFFICIAL. LOCATION, EXTENT, AND ELEVATION OF ROCK DISPOSAL AREAS MUST BE SHOWN ON AN "AS BUILT" GRADING PLAN.
41. CONTINUOUS INSPECTION BY THE SOIL ENGINEER, OR A RESPONSIBLE REPRESENTATIVE, SHALL BE PROVIDED DURING ALL FILL PLACEMENT AND COMPACTION OPERATIONS WHERE FILLS HAVE A DEPTH GREATER THAN 30 FEET OR SLOPE SURFACE STEEPER THAN 2:1. (SECTION 3313.7 OF THE COUNTY OF LOS ANGELES BUILDING CODE)
42. CONTINUOUS INSPECTION BY THE SOIL ENGINEER, OR A RESPONSIBLE REPRESENTATIVE, SHALL BE PROVIDED DURING ALL SUBDRAIN INSTALLATION. (SECTION 3313.2 OF THE COUNTY OF LOS ANGELES BUILDING CODE)
43. ALL SUBDRAIN OUTLETS ARE TO BE SURVEYED FOR LINE AND ELEVATION. SUBDRAIN INFORMATION MUST BE SHOWN ON AN "AS BUILT" GRADING PLAN.
44. FILL SLOPES IN EXCESS OF 2:1 STEEPNESS RATIO ARE TO BE CONSTRUCTED BY THE PLACEMENT OF SOIL AT SUFFICIENT DISTANCE BEYOND THE PROPOSED FINISH SLOPE TO ALLOW COMPACTION EQUIPMENT TO BE OPERATED AT THE OUTER LIMITS OF THE FINAL SLOPE SURFACE. THE EXCESS FILL IS TO BE REMOVED PRIOR TO COMPLETION OF ROUGH GRADING. OTHER CONSTRUCTION PROCEDURES MAY BE USED WHEN IT IS DEMONSTRATED TO THE SATISFACTION OF THE BUILDING OFFICIAL THAT THE ANGLE OF SLOPE, CONSTRUCTION METHOD AND OTHER FACTORS WILL HAVE EQUIVALENT EFFECT.(SECTION 3313.4 OF THE COUNTY OF LOS ANGELES BUILDING CODE.)
45. ALL TRENCH BACKFILLS SHALL BE TESTED AND APPROVED BY THE SOIL ENGINEER.
46. ENGINEER MUST SET GRADE STAKES FOR ALL DRAINAGE DEVICES AND OBTAIN INSPECTION BEFORE POURING.
47. STOCKPILING OF EXCESS MATERIAL SHALL BE APPROVED BY THE BUILDING OFFICIAL PRIOR TO EXCAVATION.
48. THE GRADING CONTRACTOR SHALL SUBMIT THE STATEMENT TO THE GRADING INSPECTOR AS REQUIRED BY SECTION 3318.1 OF THE LOS ANGELES COUNTY BUILDING CODE AT THE COMPLETION OF ROUGH GRADING.
49. THE GRADING CONTRACTOR SHALL SUBMIT A WRITTEN STATEMENT VERIFYING THAT THE WORK DONE UNDER HIS DIRECTION WAS PERFORMED IN ACCORDANCE WITH THE APPROVED PLANS AND REQUIREMENTS OF LOS ANGELES COUNTY BUILDING CODE OR DESCRIBING ALL VARIANCES FROM THE APPROVED PLANS AND REQUIREMENTS OF THE CODE.
50. THE FIELD ENGINEER, AS A CONDITION OF ROUGH GRADE APPROVAL, SHALL PROVIDE A BLUE TOP WITH ACCOMPANYING WITNESS STAKE, SET AT THE CENTER OF EACH PAD REFLECTING THE PAD ELEVATION FOR PRECISE PERMITS AND A BLUE TOP WITH WITNESS STAKE SET AT THE DRAINAGE SWALE HIGH POINT REFLECTING THE HIGH POINT ELEVATION FOR PRELIMINARY PERMITS.
51. ANY EXCAVATIONS ADJACENT TO OTHER PROPERTY OR STRUCTURES ARE SUBJECT TO THE PROVISIONS OF CALIFORNIA CIVIL CODE, SECTION 832, AND IS THE RESPONSIBILITY OF THE PERMITTEE AND/OR OWNER.
52. ALL GRADED SITES MUST HAVE DRAINAGE SWALES, BERMS, AND OTHER DRAINAGE DEVICES INSTALLED PRIOR TO ROUGH GRADING APPROVAL. PER SECTION 3317.6 OF THE LOS ANGELES COUNTY BUILDING CODE.
53. FINAL GRADING MUST BE APPROVED BEFORE OCCUPANCY OF BUILDINGS WILL BE ALLOWED PER SECTION 3318 OF THE LOS ANGELES COUNTY BUILDING CODE.
54. EXISTING UNCERTIFIED FILL SHALL NOT BE USED FOR SUPPORT OF FOOTINGS, FLOOR SLAB, OR OTHER PROPOSED FILL.
55. FILL SHALL NOT BE PLACED UNTIL THE COUNTY INSPECTOR HAS INSPECTED AND APPROVED THE BOTTOM.
56. ALL FILLS USED TO SUPPORT THE FOUNDATIONS OF ANY BUILDING OR STRUCTURE SHALL BE PLACED UNDER THE DIRECTION OF THE GEOTECHNICAL ENGINEER, AND THE PLACEMENT OF THE FILL SHALL BE OBSERVED BY THE GEOTECHNICAL ENGINEER OR HIS QUALIFIED REPRESENTATIVE. A COMPACTION REPORT SHALL BE SUBMITTED TO THE DEPARTMENT FOR REVIEW UPON COMPLETION OF WORK (UBC APPENDIX 3317).
57. COMPACTED FILL SHALL EXTEND BEYOND THE FOOTINGS A MINIMUM DISTANCE EQUAL TO THE DEPTH OF THE FILL BELOW THE FOOTING.
58. ALL FILLS SHALL BE COMPACTED TO A MINIMUM OF 90% OF THE MAXIMUM DENSITY (UBC APPENDIX 3313.4).
59. GRADING SHALL NOT BE STARTED WITHOUT FIRST NOTIFING THE GRADING INSPECTOR. A PRE-GRADING MEETING ON THE SITE IS REQUIRED BEFORE START OF GRADING WITH THE FOLLOWING PEOPLE PRESENT: OWNER, GRADING CONTRACTOR, DESIGN CIVIL ENGINEER, SOIL ENGINEER, GEOLOGIST AND GRADING INSPECTOR. THE REQUIRED INSPECTIONS FOR GRADING WILL BE EXPLAINED AT THIS MEETING
60. THE ENGINEER SHALL SUBMIT A LETTER OF CERTIFICATION TO THE BUILDING OFFICIAL STATING THAT THE GRADING WAS DINE IN COMPLIANCE WITH THE APPROVED GRADING PLAN

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

TOTAL GRADING YARDAGE VERIFICATION CERTIFICATE

PLANNING DEPARTMENT REVIEW LEVEL

PROJECT NUMBER: ____________

PROJECT ADDRESS: 29329 HEATHERCLIFF RD., MALIBU, 90265 (APN 4468-011-011)

All projects proposing land form alteration which involves more than 100 cubic yards of grading shall complete this form. The completed form must be provided at the time of Planning Department application for grading approval. All applicable cubic yardages shall be completed in the table. **All calculations utilized to estimate the cubic yardages indicated shall be attached to this form**. This form and the required calculations must be prepared by a State of California Licensed Civil Engineer. The form and the calculations shall be stamped and wet signed by the preparing party.

	Exempt			*Non-Exempt*	*Remedial*	Total
	R&R	*Understructure*	*Safety*			
Cut	115	1,015	0	675	0	1805
Fill	115	1	58	0	0	174
Total	230	1,014	58	675	0	1979
Import	0	0	0	0	0	0
Export	0	1014	0	675	0	1631

All quantities indicated shall be in cubic yards only.
R&R = Removal and Recompaction – *R&R must be balanced.*
Safety Grading is required grading for L.A. County Fire Department access approval beyond the 15 foot minimum access and may include turnouts, hammerheads, turnarounds, and access roadway widening.
Remedial grading is grading recommended by a full site geotechnical or soils report prepared by a licensed geologist or soils engineer which is necessary to correct physical deficiencies on the site for the construction of a primary residential structure or access to the lot.
Imported means soil that is brought on to the site. Exported means soil that is leaving the site. This information will be used to calculate the number of truck trips required for site preparation.

PREPARED BY: Mo Sahebi
PRINT NAME

SIGN NAME

DATE: 3/21/2024

REGISTERED PROFESSIONAL ENGINEER MO SAHEBI NO. 33508 CIVIL STATE OF CALIFORNIA

Page 1 of 1
P:\Forms\COUNTER FORMS\Planning\PLN Grading Verification Certificate 130701.doc

APPROVAL BY CONSULTANTS:

THIS PLAN HAS BEEN REVIEWED AND CONFORMS TO RECOMMENDATIONS OF GEOLOGIC AND SOILS REPORTS DATED:

PREPARED BY:

P.E. ____________

BY: ____________
ENGINEER GEOLOGIST

PROJECT INFORMATION:

SITE ADDRESS:	29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN:	4468-011-010 & 4468-011-011
OWNER:	
ARCHITECT:	DAVID KALEN, AIA 2701 AIRPORT AVE., SUITE 202 SANTA MONICA, CA 90405
CIVIL ENGINEER:	PLANEX ASSOCIATES, INC. 1330 OLYMPIC BLVD. SANTA MONICA, CA 90404

EXISTING BUILDING: 0 S.F.
PROPOSED BUILDING: 4,570 S.F.

THIS PLAN CONFORMS TO THE COASTAL DEVELOPMENT PERMIT APPROVED BY THE CITY FOR SUBJECT PROJECT IN THE CITY OF MALIBU, CALIFORNIA ON ____________

PROJECT START: N/A
PROJECT COMPLETION: N/A

NO.	DATE	REVISION	BY
△			
△			
△			
△			
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△			

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

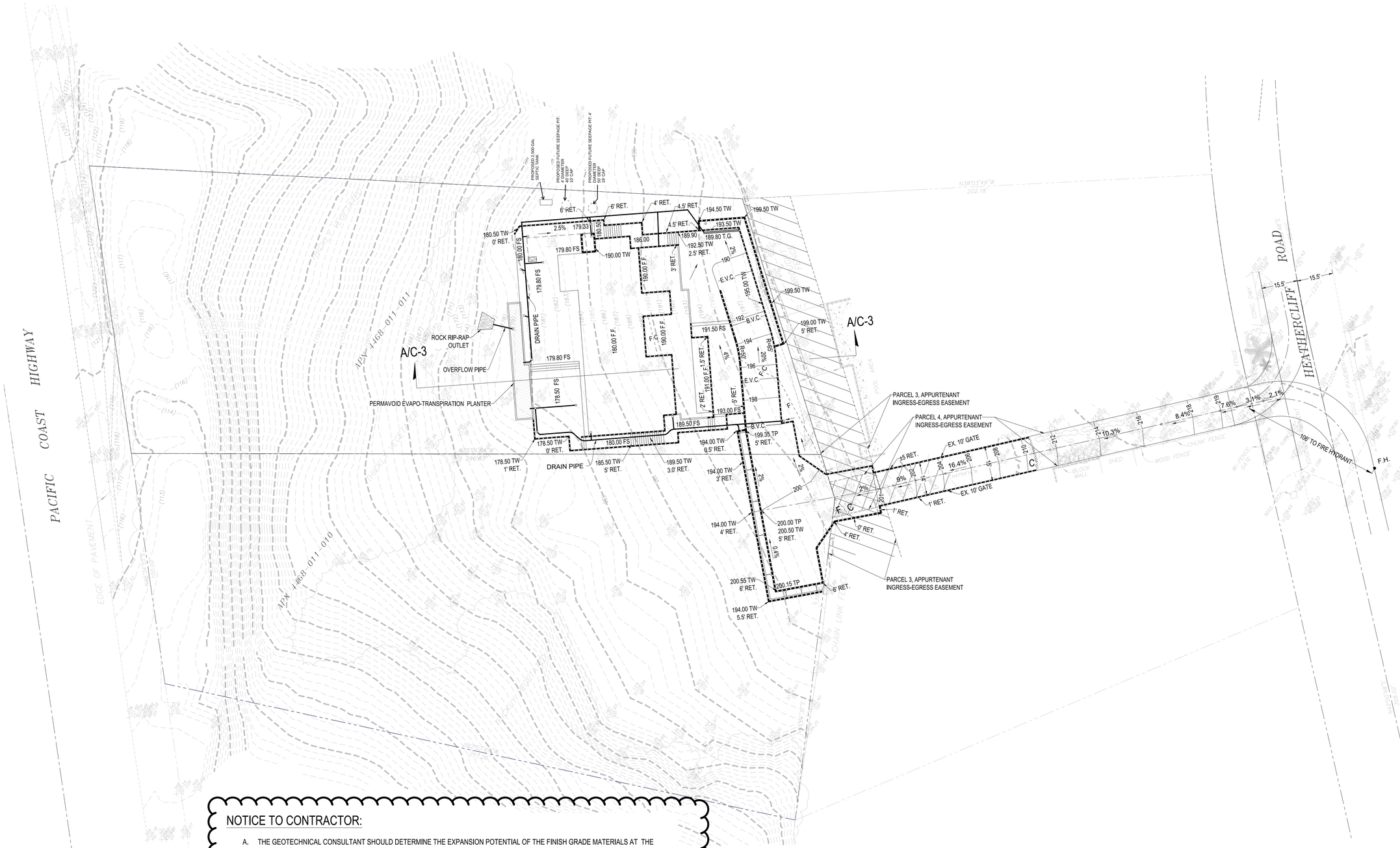
GRADING PLAN
29329 HEATHERCLIFF RD. , MALIBU, CA 90265

REGISTERED PROFESSIONAL ENGINEER MO SAHEBI NO. 33508 CIVIL STATE OF CALIFORNIA
SIGNED
DATE: 3/21/2024

SHEET 1 OF
PFN: 1909-495
DATE: 3/21/2024

C -1

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NOTICE TO CONTRACTOR:

A. THE GEOTECHNICAL CONSULTANT SHOULD DETERMINE THE EXPANSION POTENTIAL OF THE FINISH GRADE MATERIALS AT THE COMPLETION OF GRADING. FOUNDATION DESIGN RECOMMENDATIONS SHOULD BE REVISED IF THE EXPANSION POTENTIAL OF FINISH GRADE MATERIALS SUBSTANTIALLY DIFFERS FROM THE ASSUMED EXPANSION RANGE.

B. AT THE COMPLETION OF GRADING, SAMPLES OF THE ONSITE SOILS SHOULD BE COLLECTED AND TESTED FOR CORROSION POTENTIAL. FINAL RECOMMENDATIONS FOR MITIGATION MEASURES INCLUDING CEMENT TYPE SHOULD BE BASED ON THE CORROSION POTENTIAL OF THE FINISH GRADE MATERIALS.

C. THE GEOTECHNICAL CONSULTANT SHOULD DETERMINE AT THE COMPLETION OF GRADING THE R-VALUE OF THE FINISH GRADE MATERIALS WITHIN PARKING AND ACCESS ROAD AREAS. FINAL PAVEMENT DESIGN SHOULD BE BASED ON THE ACTUAL R-VALUE OF THE FINISH GRADE MATERIALS.

D. SUBGRADE SOILS SHALL BE TESTED FOR EXPANSION INDEX PRIOR TO POURING FOOTINGS OR SLABS; FOUNDATION PLANS SHALL BE REVIEWED AND REVISED BY THE PROJECT GEOTECHNICAL CONSULTANT, AS APPROPRIATE.

SCALE: 1" = 20'

NO.	DATE	REVISION	BY
1	10-30-2023		

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

PRELIMINARY GRADING PLAN

29329 HEATHERCLIFF RD., MALIBU, CA 90265

REGISTERED PROFESSIONAL ENGINEER
MO. SAHEBI
NO. 33508
CIVIL
STATE OF CALIFORNIA

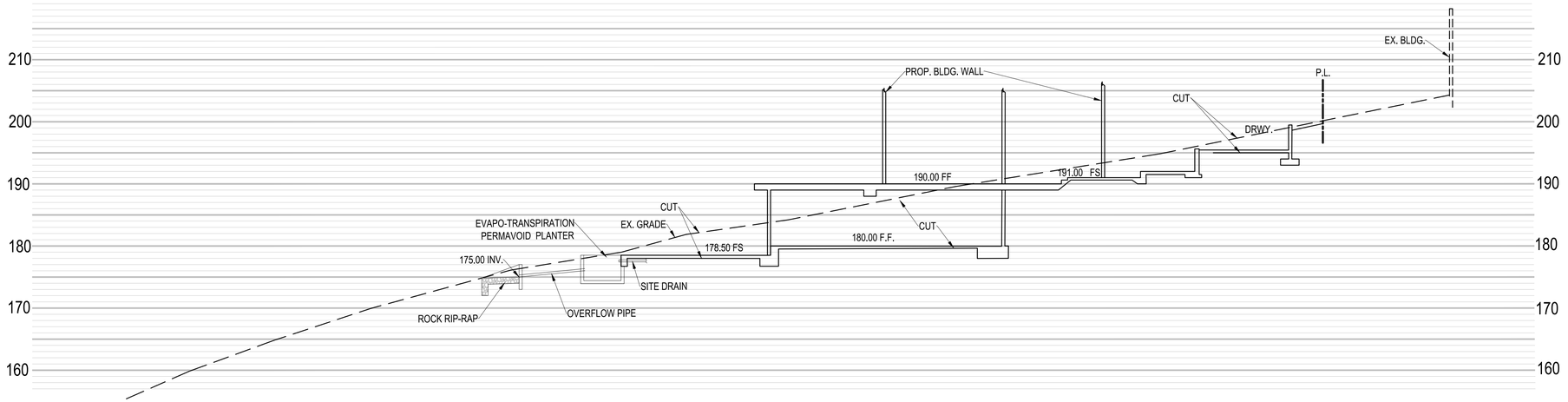
SIGNED
DATE: 10/30/2023

SHEET 2 OF

PFN: 1909-495
DATE: 03-21-2024

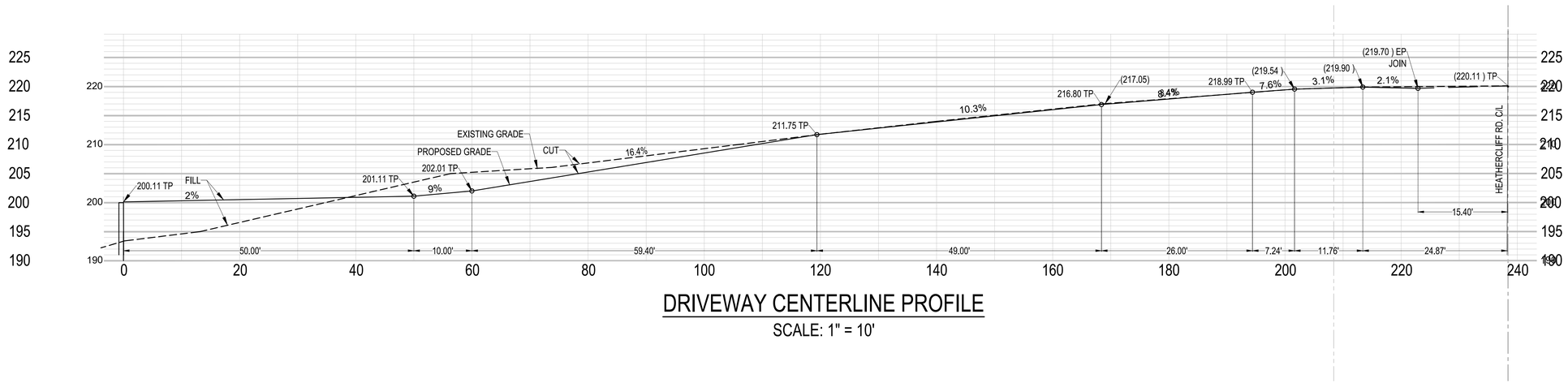
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SECTION A-A

SCALE: 1" = 10'



DRIVEWAY CENTERLINE PROFILE

SCALE: 1" = 10'

NO.	DATE	REVISION	BY

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

PRELIMINARY DRAINAGE PLAN

29329 HEATHERCLIFF RD. , MALIBU, CA 90265

REGISTERED PROFESSIONAL ENGINEER
M.O. SAHEBI
NO. 33508
CIVIL
STATE OF CALIFORNIA

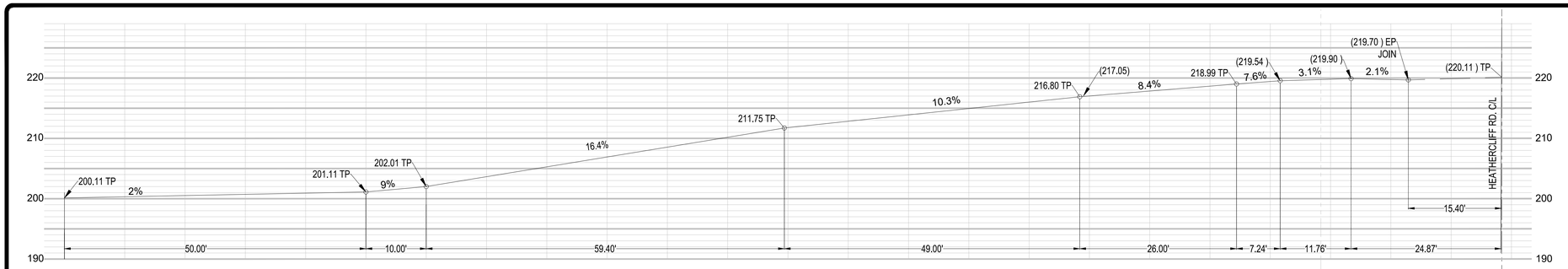
SIGNED
DATE: 7/14/2023

SHEET 3 OF

PFN: 1909-495
DATE: 7/14/2023

C -3

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DRIVEWAY CENTERLINE PROFILE

PROJECT INFORMATION:

SITE ADDRESS: 29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN: 4468-011-010 & 4468-011-011
OWNER:

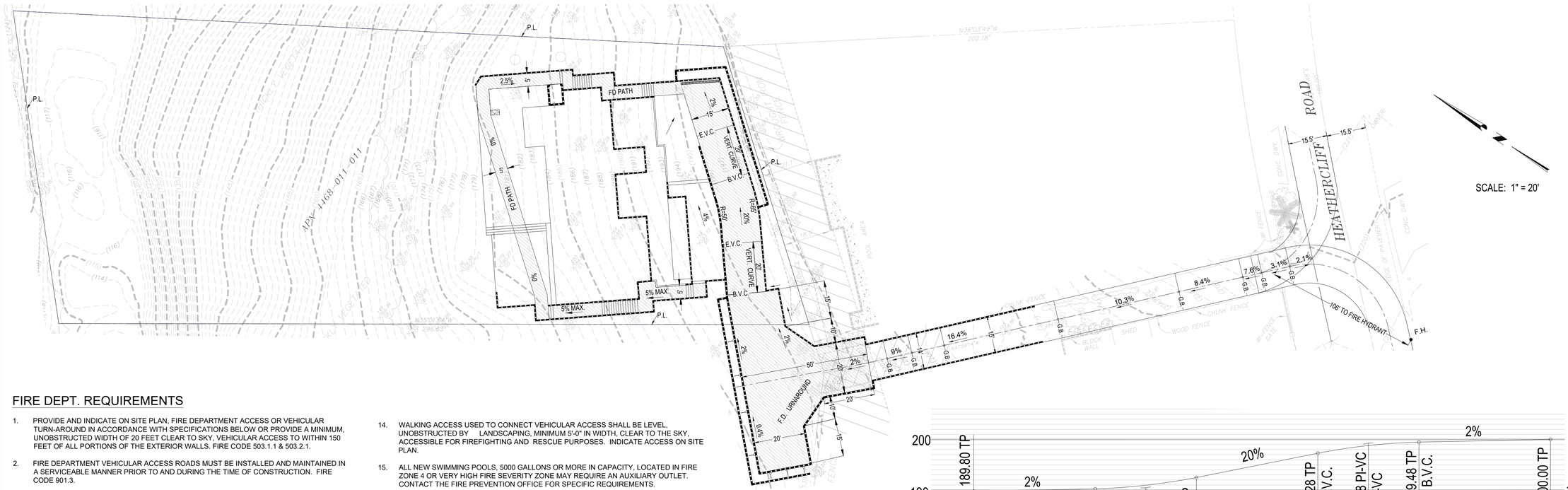
ARCHITECT: DAVID KALEN, AIA
2701 AIRPORT AVE., SUITE 202
SANTA MONICA, CA 90405

CIVIL ENGINEER: PLANEX ASSOCIATES, INC.
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404

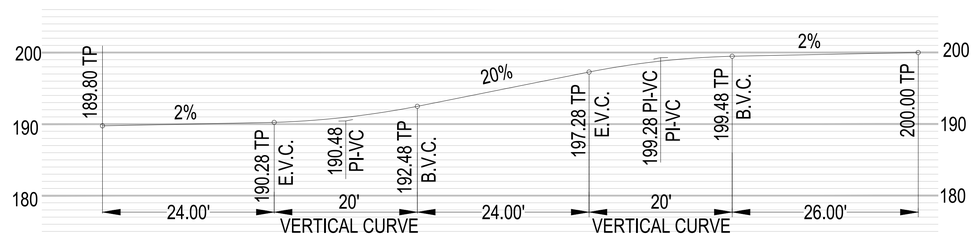
EXISTING BUILDING: 0 S.F.
PROPOSED BUILDING: 4,570 S.F.

THIS PLAN CONFORMS TO THE COASTAL DEVELOPMENT PERMIT APPROVED BY THE CITY FOR SUBJECT PROJECT IN THE CITY OF MALIBU, CALIFORNIA ON _____

PROJECT START: N/A
PROJECT COMPLETION: N/A



SCALE: 1" = 20'



DRIVEWAY CENTERLINE PROFILE (LOWER PORTION)

SCALE: 1" = 10'

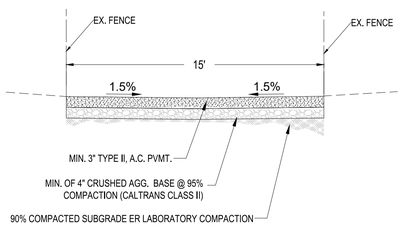
FIRE DEPT. REQUIREMENTS

1. PROVIDE AND INDICATE ON SITE PLAN, FIRE DEPARTMENT ACCESS OR VEHICULAR TURN-AROUND IN ACCORDANCE WITH SPECIFICATIONS BELOW OR PROVIDE A MINIMUM, UNOBSTRUCTED WIDTH OF 20 FEET CLEAR TO SKY, VEHICULAR ACCESS TO WITHIN 150 FEET OF ALL PORTIONS OF THE EXTERIOR WALLS. FIRE CODE 503.1.1 & 503.2.1.
2. FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. FIRE CODE 901.3.
3. THE REQUIRED FIRE FLOW FOR FIRE HYDRANTS AT THIS LOCATION IS **1,250** GALLONS PER MINUTE, AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF 2 HOURS, OVER AND ABOVE THE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 507.3 AND APPENDIX B105.1 APPENDIX B. FIRE FLOW MAY BE OBTAINED FROM PUBLIC FIRE HYDRANT FLOWING SIMULTANEOUSLY.
4. COMPLY WITH TITLE 24, 310.9.1 REGARDING FIRE WARNING SYSTEMS. SMOKE DETECTORS TO BE HAND WIRED WITH BATTERY BACKUP. WHEN MORE THAN ONE SMOKE ALARM IS INSTALLED, 'THEY SHALL BE ARRANGED SO THAT THE OPERATION OF ANY SMOKE ALARM CAUSES THE ALARM IN ALL SMOKE ALARMS WITHIN THE DWELLING UNIT TO SOUND (CALIFORNIA ALARM CODE). PROVIDE NOTE ON SITE PLAN AND INDICATE ON FLOOR PLAN.
5. PROVIDE ONE HOUR FIRE RESISTIVE OCCUPANCY SEPARATION BETWEEN THE R-3 DWELLING AND THE GARAGE. (INDICATE ON FLOOR PLAN.)
6. EXIT DOORS SHALL BE CAPABLE OF OPENING WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. BUILDING CODE 1003.3.1.8.
7. WIDTH AND HEIGHT OF REQUIRED EXIT DOORWAYS SHALL COMPLY WITH TITLE 24. (INDICATE ON DOOR SCHEDULE).
8. BUILDING ADDRESS NUMBERS TO BE PROVIDED ON FRONT OF ALL BUILDINGS AND SHALL BE VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. FIRE CODE 901.4.4.
9. PROVIDE A KEY BOX AS REQUIRED BY FIRE CODE 904.2 LOCATION AT GATE.
10. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDE THE WORDS **NO PARKING-FIRE LANE**. SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH AND HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND. SIGNS SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS, TO CLEARLY INDICATE THE ENTRANCE TO SUCH ROAD, OR PROHIBIT THE OBSTRUCTION THEREOF AND AT INTERVALS, AS REQUIRED BY THE FIRE INSPECTOR. FIRE CODE 503.3
11. PRIVATE ROADS USED FOR FIRE DEPARTMENT ACCESS SHALL BE CAPABLE OF SUPPORTING THE WEIGHT OF A 25-TON VEHICLE.
12. FIRE DEPARTMENT ACCESS ROADS LESS THAN 10% SLOPE, AND NOT PAVED TO PUBLIC WORKS STANDARDS, REQUIRE CERTIFICATION FROM A REGISTERED CIVIL ENGINEER STATING THE ROAD MEETS OR EXCEEDS ALL-WEATHER STANDARDS OF LA CO DEPARTMENT OF PUBLIC WORKS.
13. ALL FIRE DEPARTMENT ACCESS ROADS 10% OR GREATER SLOPE SHALL BE PAVED PRIOR TO CONSTRUCTION.
14. WALKING ACCESS USED TO CONNECT VEHICULAR ACCESS SHALL BE LEVEL, UNOBSTRUCTED BY LANDSCAPING, MINIMUM 5'-0" IN WIDTH, CLEAR TO THE SKY, ACCESSIBLE FOR FIREFIGHTING AND RESCUE PURPOSES. INDICATE ACCESS ON SITE PLAN.
15. ALL NEW SWIMMING POOLS, 5000 GALLONS OR MORE IN CAPACITY, LOCATED IN FIRE ZONE 4 OR VERY HIGH FIRE SEVERITY ZONE MAY REQUIRE AN AUXILIARY OUTLET. CONTACT THE FIRE PREVENTION OFFICE FOR SPECIFIC REQUIREMENTS.
16. COMPLY WITH TITLE 24, 310.4 REGARDING ACCESS.
17. FIRE RESISTIVE ASSEMBLIES FOR PROTECTION OF OPENINGS TO COMPLY WITH TITLE 24, 713.
18. WALLS AND SOFFITS OF ENCLOSED USABLE SPACE UNDER INTERIOR STAIRWAYS THAT ARE NOT REQUIRED TO BE ENCLOSED BY BUILDING CODE 1006.12 SHALL BE PROTECTED ON THE ENCLOSED SIDE AS REQUIRED FOR ONE-HOUR RESISTIVE CONSTRUCTION. TITLE 24, 1003.3.3.9.
19. ALL REQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BEGINNING CONSTRUCTION. FIRE CODE 501.4.
20. ALL FIRE HYDRANTS SHALL MEASURE 6"X4"X2-1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C503, OR APPROVED EQUAL, AND SHALL BE INSTALLED IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 8.
21. PLANS SHOWING UNDERGROUND PIPING FOR PRIVATE ON-SITE FIRE HYDRANTS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. FIRE CODE 901.2, COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 7
22. PROVIDE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM AS SET FORTH BY BUILDING CODE 903 AND FIRE CODE 903. PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. REASON: RESIDENTIAL CODE & FIRE CODE 903.1 & FIRE FLOW REDUCTION TYPE OF FIRE SPRINKLER SYSTEM: 903.3.1.1, 903.3.1.2, 903.3.1.3
23. THE SECURITY GATE SHALL MAINTAIN A MINIMUM ACCESS WIDTH OF 20 FEET. THE SECURITY GATE SHALL BE PROVIDED WITH AN APPROVED MEANS OF EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES AND REPLACED OR REPAIRED WHEN DEFECTIVE. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASTM F220. GATES SHALL BE OF THE SWINGING OR SLIDING TYPE. CONSTRUCTION OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE 503.6. THE SECURITY MANUAL GATE OPERATOR SHALL BE PROVIDED FOR EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES.

PROJECT DATA

ADDRESS:	29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN:	4468-011-010 & 4468-011-011
LCP ZONING DESIGNATION:	A1-1
GROSS LOT AREA=	33532 SQ. FT. (0.77 ACRES)
LOT DEPTH.=	1289'
LOT WIDTH=	115'
PROPOSED FRONT YARD SETBACK=	25.6' FROM PROPERTY LINE
PROPOSED REAR YARD SETBACK=	164'
PROPOSED SIDE YARD SETBACK=	17.4' (E), & 11.7' (W)
CONSTRUCTION TYPE:	V-B
VHFHSZ :	YES
OCCUPANCY:	SINGLE FAMILY
FIRE SPRINKLERS:	YES
FIRE FLOW BASED ON THE FIRE-FLOW CALCULATION AREA:	1750 GPM
REDUCTION FOR FIRE SPRINKLERS (MAXIMUM 50%):	500 GPM
TOTAL FIRE FLOW REQUIRED :	1250 GPM
EXISTING SQUARE FOOTAGE:	0 S.F.
PROPOSED SQUARE FOOTAGE:	
GARAGE=	390 SQ. FT.
FIRST FLOOR=	2,590 SQ. FT.
SECOND FLOOR=	1,460 SQ. FT.
OVERHANG (> 6')	320 SQ. FT.
TOTAL=	4,570 SQ. FT.

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NOTE: FINAL DRIVEWAY SECTION DESIGN FOR APPARATUS WEIGHING 25 TONS TO BE DETERMINED AND APPROVED BY THE PROJECT'S SOILS ENGINEER PER FIELD TEST.

ACCESS DRIVEWAY TYPICAL SECTION

SCALE: 1" = 4'



VICINITY MAP

NO.	DATE	REVISION	BY

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

FIRE ACCESS EXHIBIT

29329 HEATHERCLIFF RD., , MALIBU, CA 90265

REGISTERED PROFESSIONAL ENGINEER MO SAHEBI NO. 33508 CIVIL STATE OF CALIFORNIA

SIGNED
DATE: 12/3/2021

SHEET 1 OF

PFN: 1909-495
DATE: 12/3/2021

C -FD

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SINGLE FAMILY RESIDENCE

29329 HEATHERCLIFF ROAD
MALIBU CA 90265-4421
ASSESSOR'S ID No. 4468-011-011
LANDSCAPE WATER EFFICIENCY PLAN

Maintenance Schedules:

Maintenance Schedules. A regular maintenance schedule satisfying the following conditions shall be submitted as part of the landscape documentation package.

Landscape shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but not be limited to, checking, adjusting, and repairing irrigation equipment, resetting the automatic controller, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, and weeding in all landscape areas.

Whenever possible, repair of irrigation equipment shall be done with the originally specified materials or their equivalents.

A landscape irrigation audit schedule as required in chapter 20.09 of Title 20 may be recommended. The maximum period between audits shall be five years.

Irrigation Audit Schedules:

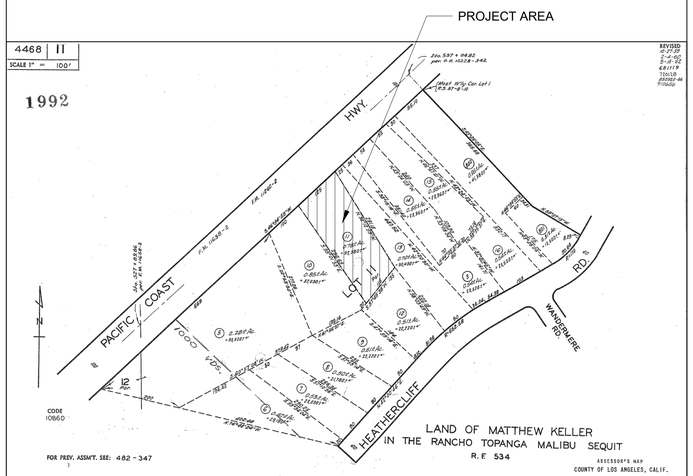
Landscape Irrigation Audit Schedules. A schedule of landscape irrigation audits of at least every five years must be established, for all but single-family residences, and other projects with a landscape area less than 1 acre (0.405 ha). As required in Chapter 20.09 of Title 20 (Utilities Codes), an audit satisfying the following conditions shall be submitted to the County as part of the landscape documentation package.

At a minimum, audits shall be in accordance with the latest State of California Landscape Water Management Program as described in the Landscape Irrigation Auditor Handbook, prepared for the California Department of Water Resources, Water Conservation Office, the entire document, which is hereby incorporated by reference.

The schedule shall provide for landscape irrigation audits to be conducted by a qualified individual as determined by the Director at least once every five years in accordance with the requirements of Title 20, Division 1 of the Los Angeles County Code.

Monument Note:

CONTRACTOR TO PROTECT AND PRESERVE IN PLACE ALL EXISTING SURVEY MONUMENTS. ANY DISTURBED MONUMENTS SHALL BE RESET BY A LICENSED LAND SURVEYOR AND THE APPROPRIATE CORNER RECORD MUST BE FILED WITH LOS ANGELES COUNTY.



LA COUNTY ASSESSOR'S MAP
NTS

WATER AUDIT NOTE

THE CONTRACTOR WILL CONDUCT AN IRRIGATION AUDIT USING A CERTIFIED IRRIGATION AUDITOR, AFTER THE FINAL FIELD OBSERVATION HAS BEEN COMPLETED AND ALL IRRIGATION COMPONENTS ARE INSTALLED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AND THE IRRIGATION SYSTEM IS ACCEPTED BY THE PROJECT LANDSCAPE ARCHITECT FOR MAINTENANCE.

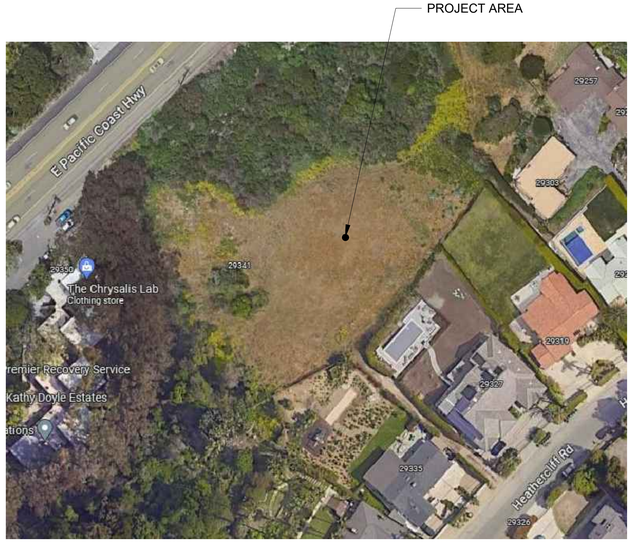
THE IRRIGATION AUDIT WILL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

1. PLACE FLAGS AT EACH HEAD IN THE ZONE.
2. MEASURE SPACING AND MARK MID-POINTS BETWEEN HEADS.
3. PLACE WATER MEASURING RECEPTACLES.
4. TAKE READINGS OF WATER LEVEL IN RECEPTACLES AND RECORD RESULTS.
5. MEASURE HEAD PRESSURE IN EACH ZONE AND RECORD RESULTS.
6. AFTER COMPLETING ZONE ADVANCE TO NEXT ZONE AND REPEAT PROCEDURE.
7. SUBMIT THE RESULTS OF THE AUDIT TO THE PROJECT ARCHITECT.

THE IRRIGATION MAINTENANCE SCHEDULE TASKS LISTED BELOW ARE INTENDED AS MINIMUM STANDARDS AND MORE FREQUENT ATTENTION MAY BE REQUIRED DEPENDING ON THE PARTICULAR SITE CONDITIONS.

MAINTENANCE TASK	FREQUENCY
1. CONTROLLER CABINET - OPEN CABINET, CLEAN OUT DEBRIS, AND REPLACE BATTERY AS NECESSARY. CHECK WIRING AND REPAIR AS NEEDED. CHECK CLOCK AND RESET, IF NECESSARY.	QUARTERLY
2. IRRIGATION SCHEDULE - ADJUST SCHEDULE FOR SEASONAL VARIATIONS AND OTHER CONDITIONS WHICH MAY AFFECT THE AMOUNT OF WATER NEEDED TO MAINTAIN PLANT HEALTH. ADJUST AS NECESSARY.	MONTHLY
3. POC - VISUALLY INSPECT COMPONENTS FOR LEAKS, PRESSURE SETTINGS, SETTLEMENT OR OTHER DAMAGE AFFECTING THE OPERATION OF A COMPONENT REPAIR AS NEEDED.	QUARTERLY
4. REMOTE CONTROL VALVES, ISOLATION VALVES AND QUICK COUPLER VALVES - VISUALLY INSPECT FOR LEAKS, SETTLEMENT, WIRE CONNECTIONS AND PRESSURE SETTINGS. REPAIR OR ADJUST AS NEEDED.	QUARTERLY
5. MAINLINE AND LATERALS - VISUALLY INSPECT FOR LEAKS OR SETTLEMENT OF TRENCH.	QUARTERLY
6. SPRINKLERS - VISUALLY CHECK FOR ANY BROKEN, MISSALIGNED OR CLOGGED HEADS, HEADS WITH INCORRECT ARC, INADEQUATE COVERAGE OR OVERSPRAY AND LOW HEAD DRAINAGE. REPAIR AS NEEDED.	WEEKLY
7. FILTERS AND STRAINERS - VISUALLY CHECK FOR LEAKS AND BROKEN FITTINGS. CLEAN AND FLUSH SCREENS.	MONTHLY

AUDIT SHALL BE IN ACCORDANCE WITH THE LATEST STATE OF CALIFORNIA LANDSCAPE WATER MANAGEMENT PROGRAM AS DESCRIBED IN THE LATEST LANDSCAPE IRRIGATION AUDITOR HANDBOOK. THE LANDSCAPE IRRIGATION AUDITS TO BE CONDUCTED BY A QUALIFIED INDIVIDUAL AND THE AUDIT SCHEDULE SHALL BE CONDUCTED AT LEAST ONCE EVERY FIVE YEARS IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 20, DIVISION 1 OF THE LOS ANGELES COUNTY CODE.



VICINITY MAP
NTS

NOTES:

1. TREE CANOPIES ARE SHOWN IN FULL MATURITY.
2. MATURE TREES TO REMAIN ON SITE PROTECTED IN PLACE DURING CONSTRUCTION.
3. THE TYPE OF SOIL IS SUITABLE FOR ALL THE PROPOSED PLANTS IN THIS LANDSCAPE.
4. THERE IS NO WATER FEATURE IN THIS PROJECT.
5. WATER PURVEYOR NAME:
   WEST BASIN MUNICIPAL WATER DISTRICT
   17140 SOUTH AVALON BLVD. SUITE 210
   CARSON, CA 90746-1296
   (310) 217-2411
6. STREET TREES WITHIN PUBLIC RIGHT-OF-WAY ARE TO BE PLANTED PER APPROVED STREET IMPROVEMENT PLANS.
7. ALL HARDSCAPE, RETAINING WALLS, SWIMMING POOLS, AND/OR BLOCK WALLS MUST BE REVIEWED AND APPROVED UNDER A SEPARATE PERMIT.
8. MAINTENANCE RESPONSIBILITY: ALL LANDSCAPE AREAS TO BE CONTINUOUSLY PRIVATELY MAINTAINED BY PROPERTY OWNER ON SITE & OFF SITE.

   NAME OF PERSON OR ENTITY RESPONSIBLE FOR LANDSCAPE MAINTENANCE.

PROPERTY OWNER _____ DATE _____

GREEN BUILDING COMPLIANCE

I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE.

PAUL LEWIS, LANDSCAPE ARCHITECT _____ DATE _____

PROJECT INFORMATION:

LEGAL DESCRIPTION:

GROSS LOT AREA: 33,532 SF

LOS ANGELES COUNTY DROUGHT TOLERANT PLANTING ZONE: 4

SUNSET CLIMATE ZONE: 23

AREA SUMMARY

TOTAL LOT AREA = APPROX. 33,532 SF

LANDSCAPE AREA OF PROJECT = 5,662 SF

FUEL MODIFICATION

FUEL MODIFICATION PLAN IS REQUIRED PER:

OFFICE: CALABASAS

PHONE NO. (818) 880-0341

OFFICE ADDRESS: 26600 AGOURA RD. SUITE 110
CALABASAS, CA 91302

FUEL MODIFICATION PLAN: #

FFFM:

SHEET INDEX:

L0.1 COVER SHEET
L1.0 LANDSCAPE PLAN
L1.1 LANDSCAPE NOTES + DETAILS
L1.2 FUEL MODIFICATION PLAN
L2.0 IRRIGATION PLAN
L2.1 IRRIGATION SCHEDULE & MWELO
L2.2 IRRIGATION DETAILS

LANDSCAPE COURT LAND STUDIO ARCHITECTURE
COURTLAND STUDIO, LLC
505 E Colorado Blvd. Mezz C
Pasadena CA 91101
P: 818-788-9382
F: 818-788-3217
Licensed Landscape Architect #3620

David Kellen
2701 Airport Ave., Ste 202
Santa Monica, CA 90405
310-245-3584

Client:

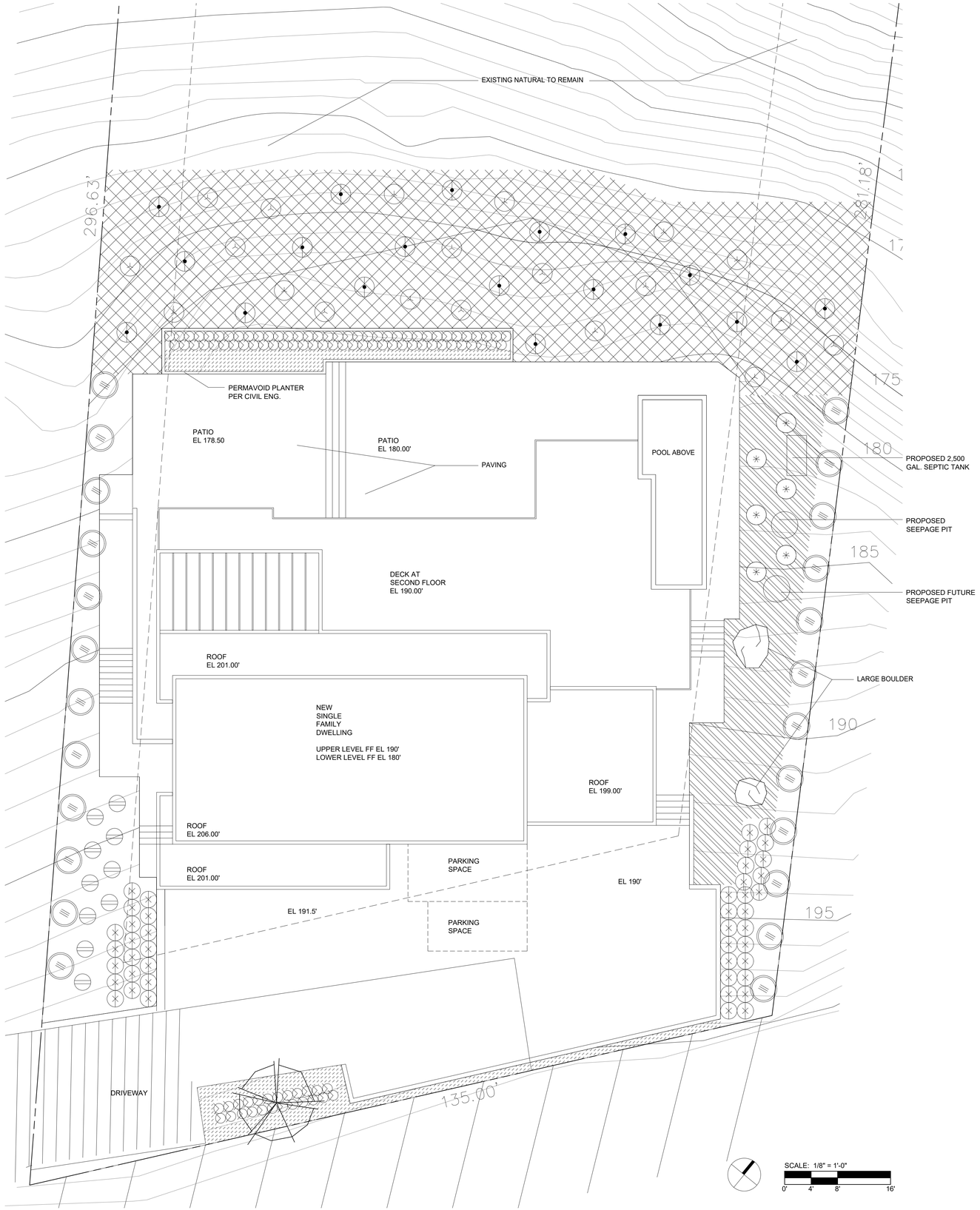
Project location:
29329 Heathercliff Road
Malibu, CA 90265

LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
Date
Exp. 2-28-25
STATE OF CALIFORNIA

TITLE SHEET

Scale:
Date: 08/15/2023

L-0.1



PLANTING LEGEND

Symbol	Botanical Name/Common Name	Quantity	Size	WUCOLS	Remarks
	TREES				
	Geijera parviflora / Australian willow	1	36" Box	L	
	SHRUBS				
	Agave vilmoriniana / Octopus agave spacing per plan	6	5g	L	Alt. 15g
	Calamagrostis acutiflora 'Karl Foerster' / Feather reed grass, @ 30" o.c.	44	5g	M	
	Juncus patens / California gray rush @ 18" o.c.	93	1g	L	
	Romneya coulteri / Matilija poppy @ 48" o.c.	24	5g	VL	
	Salvia leucantha / Mexican sage @ 30" o.c.	10	5g	L	
	GROUND COVER				
	Arctostaphylos 'Emerald Carpet'/ Manzanita field spaced	19	1g	L	
	Bouteloua gracilis 'Blonde Ambition' 317 sf @ 18" o.c.	140	1g	L	
	Carex divulsa / Berkeley sedge 720 sf @ 12" o.c. = 720 plants	15	flat	L	
	Ceanothus griseus horizontalis 'Yankee Point' / Yankee Point, field spaced	20	1g	L	
	Trachelospermum jasminoides / Star jasmine 160 sf @ 12" o.c. = 160 plants	4	flat	M	

HYDROSEED MIX 3,017 sf

Botanical Name/Common Name	Seed Rate (Lbs/Ac)	Remarks
Lotus scoparius (Acmispon glaber) / Deerweed	x	Stover Seed Co. PO Box 1579 9180 San Fernando Rd. Sun Valley, CA 213-626-9668 Contact: Stephen Knutson
Eschscholzia californica / California poppy	x	
Mimulus (aurauntiacus) longiflorus / Sticky Monkeyflower	x	
Lupinus perennis / Perennial Lupine	x	
Salvia apiana / White sage	x	
Asclepias fascicularis / Narrow-leaved milkweed	x	
Eriophyllum confertiflorum / Golden yarrow	x	
Pseudognaphalium californicum / California everlasting	x	
Koeleria macrantha / June grass	x	
Gilia capitata / Globe gilia	x	
TOTAL SEED RATE:	x	

LANDSCAPE COURTLAND STUDIO ARCHITECTURE

COURTLAND STUDIO, LLC
505 E Colorado Blvd. Mezz C
Pasadena CA 91101
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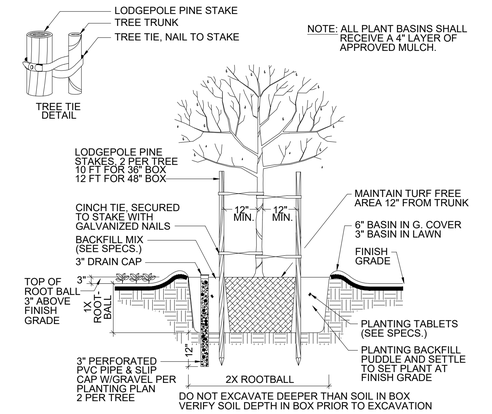
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LANDSCAPE PLAN

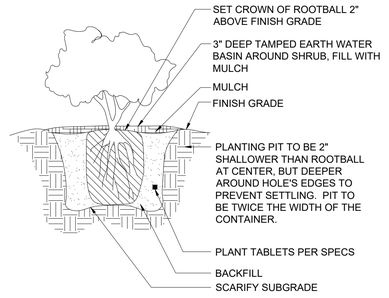
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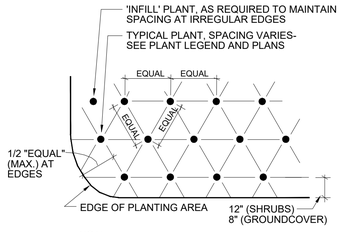
DOUBLE STAKED TREE 1

SCALE: N.T.S.



SHRUB PLANTING 2

SCALE: N.T.S.



NOTE:
ALL GROUNDCOVER SHALL BE PLANTED AT EQUAL SPACING
SEE SPECIFICATIONS FOR FURTHER INFORMATION

SHRUB AND GROUNDCOVER SPACING 3

SCALE: N.T.S.

GENERAL PLANTING NOTES

1. THE CONTRACTOR SHALL MAINTAIN A QUALIFIED SUPERVISOR ON THE SITE AT ALL TIMES DURING CONSTRUCTION THROUGH COMPLETION OF PICK-UP WORK.

2. THE CONTRACTOR SHALL VERIFY ALL PLANT MATERIAL QUANTITIES PRIOR TO INSTALLATION. PLANT MATERIAL QUANTITIES LISTED FOR CONVENIENCE OF CONTRACTOR. ACTUAL NUMBER OF SYMBOLS SHALL HAVE PRIORITY OVER QUANTITY DESIGNATED.

3. THE CONTRACTOR SHALL FURNISH AND PAY FOR ALL CONTAINER GROWN TREES, SHRUBS AND VINES, INCLUDING SEEDED AND SODDED TURF, HYDROMULCHES AND FLATTED GROUNDCOVERS. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE AND PAY FOR: PLANTING OF ALL PLANT MATERIALS; THE SPECIFIED GUARANTEE OF ALL PLANT MATERIALS; THE STAKING AND GUYING OF TREES AND THE CONTINUOUS PROTECTION OF ALL PLANT MATERIALS UPON THEIR ARRIVAL AT THE SITE.

4. ALL PLANT MATERIAL SHALL BE SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT AND OWNER PRIOR TO INSTALLATION.

5. ALL BOXED TREES IN PAVING SHALL BE SELECTED AND SPOTTED BY THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE IN CONJUNCTION WITH PAVING CONTRACTOR AND GENERAL CONTRACTOR. GENERAL CONTRACTOR TO ASSUME ALL LIABILITY FOR ACCURATE PLACEMENT OF TREES.

6. ALL VINE RUNNERS SHALL BE INSTALLED WITH THE NURSERY STAKES REMOVED AND VINE RUNNERS SHALL BE ESPALIERED TO THE ADJACENT WALL OR FENCE.

7. ALL SOIL PREPARATION SHALL BE INSTALLED AS PER THE SOIL AGRONOMY REPORT TO BE PROVIDED AND PAID FOR BY THE SUBCONTRACTOR. THE REPORT SHALL BE IMMEDIATELY FORWARDED TO THE LANDSCAPE ARCHITECT UPON COMPLETION.

8. THE SOIL AMENDMENTS SPECIFIED ARE FOR BIDDING PURPOSES ONLY. THE CONTRACTOR SHALL PROVIDE FOR A SOILS AGRONOMY REPORT FROM WALLACE SOILS LABORATORY (310) 615-0116 AND/OR ANY ADDITIONAL SPECIFICATION PROVIDED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF PLANT MATERIALS.

9. FOR BIDDING AREA TO BE LANDSCAPED, THE FOLLOWING AMENDMENTS SHALL BE USED UNTIL CONTRACTOR IS PROVIDED WITH SOILS AGRONOMY REPORT. AMENDMENTS SHALL BE UNIFORMLY BROADCAST AND THOROUGHLY INCORPORATED BY MEANS OF A ROTOTILLER OR EQUAL.

AMOUNT PER 1,000 SQUARE FEET

4 CU. YDS. NITROGEN STABILIZED ORGANIC AMENDMENT
DERIVED FROM REDWOOD SAWDUST,
FIR SAWDUST OR CEDAR SAWDUST.
15 LBS. SOIL SULFUR
15 LBS. 12-12-12 FERTILIZER

10. A MINIMUM 3" (THREE INCHES) LAYER OF SHREDDED BARK MULCH SHALL BE APPLIED ON ALL EXPOSED SOIL SURFACES OF PLANTING AREAS EXCEPT TURF AREAS, CREEPING OR ROOTING GROUNDCOVERS, OR DIRECT SEEDING APPLICATIONS WHERE MULCH IS CONTRAINDICATED. CONTRACTOR TO SUBMIT 1/2 CU. FT BAG AS SAMPLE FOR APPROVAL PRIOR TO INSTALLATION.

11. THE PLANTING PITS FOR BOXED TREES SHALL BE EXCAVATED TWICE THE DIAMETER OF THE ROOTBALL WITH A MAXIMUM OF THE HEIGHT OF THE ROOTBALL TO THE BOTTOM OF THE PLANTING PIT.

DO NOT OVER EXCAVATE!!!

THE BACKFILL MIX FOR USE AROUND THE ROOTBALL OF ALL TREES AND SHRUBS SHALL CONSIST OF THE FOLLOWING FORMULA:

6 PARTS ON-SITE SOIL
4 PARTS BY VOLUME ORGANIC AMENDMENT PER ABOVE SOIL PREPARATION
1 LB./CU YD. OF MIX 12-12-12 COMMERCIAL FERTILIZER
2 LBS./CU. YD. OF MIX IRON SULFATE
10 LBS./CU. YD. OF MIX AGRICULTURAL GYPSUM

12. THIRTY (30) DAYS AFTER INSTALLATION ALL LANDSCAPE SHALL BE FERTILIZED WITH BEST FERTILIZER COMPANY 16-6-8 OR APPROVED EQUAL, APPLIED AT THE RATE OF SIX POUNDS (6 LBS.) PER 1,000 SQUARE FEET OR PER SOIL AGRONOMY REPORT. FERTILIZER APPLICATION SHALL BE CONTINUED THEREAFTER AT MONTHLY INTERVALS.

13. FOR ALL TREES, SEE DETAIL 1, THIS SHEET

14. FOR ALL SHRUBS, SEE DETAIL 2 & 3, THIS SHEET.

15. FERTILIZER TABLETS SHALL BE AGRIFORM, 21 GRAM TABLETS (20-10-5) IN QUANTITIES AS FOLLOWS:

1 GALLON SHRUBS	1
5 GALLON SHRUBS	3
15 GALLON SHRUBS	5
BOXED TREES	1 PER 4" OF BOX SIZE

PLACE TABLETS AT HALF THE DEPTH OF THE ROOTBALL.

16. ALL EXISTING LANDSCAPE AREAS DISTURBED DURING THE CONSTRUCTION PROCESS WILL BE RECONDITIONED TO THEIR ORIGINAL STATE AT NO ADDITIONAL COST TO THE OWNER.

17. INSTALL 24" DEEP ROOT BARRIER ON ALL TREES WITHIN 4 FEET OF PAVING.

18. FOR SOILS LESS THAN 6% ORGANIC MATTER IN THE TOP 6" (SIX INCHES) OF SOIL, COMPOST AT A RATE OF A MINIMUM OF FOUR CUBIC YARDS PER 1,000 SQUARE FEET OF PERMEABLE AREA SHALL BE INCORPORATED TO A DEPTH OF SIX INCHES INTO THE SOIL.

19. RECIRCULATING WATER SYSTEMS SHALL BE USED FOR WATER FEATURES.

LANDSCAPE COURT LAND STUDIO ARCHITECTURE
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Licensed Landscape Architect #3620

David Kellen
2701 Airport Ave., Ste 202
Santa Monica, CA 90405
310-245-3584

Client:

Project location:
29329 Heathercliff Road
Malibu, CA 90265

LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
date
Exp. 2-28-25
STATE OF CALIFORNIA

NOTES & DETAILS

Scale: 1/8" = 1'-0"
Date: 05/24/2023

L-1.1

2023-08-15 Heathercliff CD Set

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

FUEL MODIFICATION UNIT
605 NORTH ANGELENO AVENUE
AZUSA, CA 91702
(626) 969-5205
Email: forestryfuelmodification@fire.lacounty.gov
Website: https://fire.lacounty.gov/forestry-fuel-modification/

"Proud Protectors of Life, Property, and the Environment"

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

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THIRD DISTRICT

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FOURTH DISTRICT

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FIFTH DISTRICT

Fuel Modification Plan Notes

Ember Resistant Zone

- Extends 5 feet beyond the edge of any combustible structure, accessory structure, appendage, or projection. The areas beneath eaves, overhangs or parts of structures including attached decks and pergolas shall be included in the ember resistant zone.
- This area shall be free of materials or landscaping known to be receptive to flying embers.

Zone A

- Extends 30 feet beyond the edge of any combustible structure, accessory structure, appendage, or projection. Projections such as eaves, covered entryways, attached pergolas, decks etc. shall be the point at which this distance is measured.
- Irrigation shall be provided to maintain healthy vegetation and fire resistance.
- Vegetation in this zone shall consist primarily of mowed grasses, low growing ground covers and adequately spaced shrubs. The overall density and arrangement shall provide adequate defensible space and significantly reduce fire intensity.
- Plant species selected for Zone A shall possess characteristics which increase fire resistance. Such characteristics are high moisture content, plants producing little leaf litter, slow growing plants and plants that do not require pruning to reduce their size at maturity. Species selection should reference the Fuel Modification Plant List. The list is not a pre-approved plant list. Other species may be used subject to approval after review.
- Trees are generally not recommended except for dwarf varieties or mature trees less than 25' tall and wide at maturity. Trees shall be positioned so their canopies do not extend over the roof of any structure.
- Vines and climbing plants are not allowed on any combustible structure requiring review.

Zone B

- Extends from the outer edge of Zone A an additional 70 feet for a total of 100 feet from the structure.
- Irrigation shall be provided to maintain healthy vegetation and fire resistance.
- Vegetation in this zone shall be arranged in a manner that does not create vertical or horizontal fuel ladders. Vegetation in this zone can be planted at a slightly higher density than Zone A but the overall density and arrangement shall provide adequate defensible space and significantly reduce fire intensity.
- Existing California native plants may be approved to remain if determined to be acceptable upon review and are properly spaced and maintained.
- Plant species selected for Zone B shall possess characteristics which increase fire resistance. Such characteristics are high moisture content, plants producing little leaf litter, slow growing plants and plants that do not require pruning to reduce their size at maturity. Species selection should reference the Fuel Modification Plant List. The list is not a pre-approved plant list. Other species may be used subject to approval after review.
- Trees in Zone B may be medium to large at maturity provided they are properly positioned and do not create any vertical or horizontal fuel ladders. Tree selections are subject to denial upon review.

Zone C

- Extends from the outer edge of Zone B an additional 100 feet for a total of 200 feet from the structure.
- Maintenance/modification of vegetation exceeding 100 feet but not to exceed 200 feet from structures may be determined necessary. Any required maintenance/modification is to be determined upon on-site inspection (Fire Code 325.2.2).

Fire Access Road Zone

- Extends a minimum of 10 feet from the edge of any public or private road, driveways and turnarounds used by firefighting resources.
- Clear and remove flammable vegetation on each side of access roads (Fire Code 325.10).
- Fire access roads shall have an unobstructed vertical clearance a minimum width of 20' and vertically clear to the sky (Fire Code 503.2.1).
- Additional clearance beyond 10 feet may be required upon an on-site inspection.
- All proposed plantings, unless otherwise approved, shall be positioned so they do not obstruct access at maturity. Pruning will not be considered as an alternative to plant selection.

Maintenance

Routine maintenance shall be regularly performed in all zones. Above all else, regular maintenance is paramount to the fire resistance of a well-planned fire-resistant landscape. Critical items are outlined below. Additional information may be found on our website listed in the header of this document.

- Start with the structure. Remove leaf litter and other combustible debris from roofs, eaves, rain gutters etc.
- Ensure the ember resistant zone is maintained free of any material known to be receptive to flying embers.
- Remove any plant or portion of a plant that is dead or dying throughout all zones.
- Remove downed, accumulated plant litter and dead wood throughout all zones.
- Prune to reduce the overall amount and continuity of fuels. Eliminate horizontal and vertical fuel ladders throughout all zones.
- All invasive species and their parts should be removed from the site.
- Ensure irrigation systems are functioning properly.
- Compliance with the fire code is a year-round responsibility. Enforcement will occur following inspection by the Fire Department. Annual inspections for brush clearance code requirements are conducted following the natural drying of fine fuels between the months of April and June depending on the geographic region each dwelling exists.
- Inspection for compliance with an approved fuel modification plan may occur at any time.
- All future planting shall be in accordance with the County of Los Angeles Fire Department Fuel Modification Guidelines and approved prior to installation.

Approval of this Fuel Modification Plan constitutes approval for only those Codes reviewed as part of the Fuel Modification process and does not replace the needed approval of any other office or agency with jurisdiction and review responsibility for those items which may or may not be illustrated on the plan.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

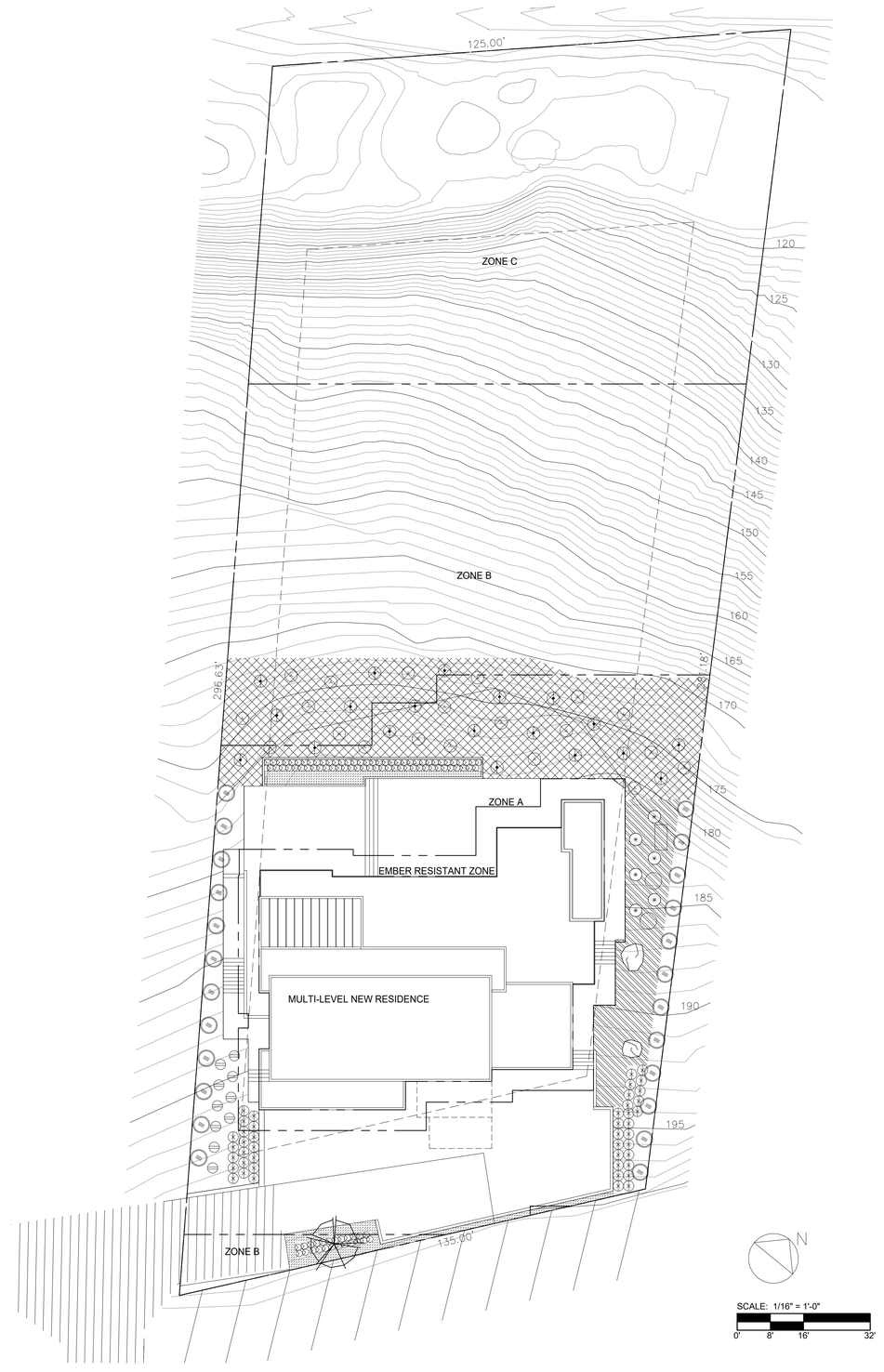
AGOURA HILLS	CARSON	EL MONTE	INGLEWOOD	LAWNDALE	PICO RIVERA	SIGNAL HILL
ARTESIA	CERRITOS	GARDENA	IRWINDALE	LOMITA	POMONA	SOUTH EL MONTE
AZUSA	CLAREMONT	GLENDORA	LA CANADA-FLINTRIDGE	LYNWOOD	RANCHO PALOS VERDES	SOUTH GATE
BALDWIN PARK	COMMERCE	HAWAIIAN GARDENS	LA HABRA	MALIBU	ROLLING HILLS	TEMPLE CITY
BELL	COVINA	HAWTHORNE	LA MIRADA	MAYWOOD	ROLLING HILLS ESTATES	VERNON
BELL GARDENS	CUDAHY	HERMOSA BEACH	LA PUENTE	NORWALK	ROSEMEAD	WALNUT
BELLFLOWER	DIAMOND BAR	HIDDEN HILLS	LAKEWOOD	PALMDALE	SAN DIMAS	WEST HOLLYWOOD
BRADBURY	DUARTE	HUNTINGTON PARK	LANCASTER	PALOS VERDES ESTATES	SANTA CLARITA	WESTLAKE VILLAGE
CALABASAS		INDUSTRY		PARAMOUNT		WHITTIER

HYDROSEED MIX 3,017 sf

Botanical Name/Common Name	Seed Rate (Lbs/Ac)	Remarks
Lotus scoparius (Acmispon glaber) / Deerweed	x	Stover Seed Co. PO Box 1579 9180 San Fernando Rd. Sun Valley, CA 213-626-9668 Contact: Stephen Knutson
Eschscholzia californica / California poppy	x	
Mimulus (aurauntiacus) longiflorus / Sticky Monkeyflower	x	
Lupinus perennis / Perennial Lupine	x	
Salvia apiana / White sage	x	
Asclepias fascicularis / Narrow-leaved milkweed	x	
Eriophyllum confertiflorum / Golden yarrow	x	
Pseudognaphalium californicum / California everlasting	x	
Koeleria macrantha / June grass	x	
Gilia capitata / Globe gilia	x	
TOTAL SEED RATE:	x	

PLANTING LEGEND

Symbol	Botanical Name/Common Name	Quantity	Size	WUCOLS	Remarks
	TREES				
	Geijera parviflora / Australian willow	1	36" Box	L	
	SHRUBS				
	Agave vilmoriniana / Octopus agave spacing per plan	6	5g	L	Alt. 15g
	Calamagrostis acutiflora 'Karl Foerster' / Feather reed grass, @ 30" o.c.	44	5g	M	
	Juncus patens / California gray rush @ 18" o.c.	93	1g	L	
	Romneya coulteri / Matilija poppy @ 48" o.c.	24	5g	VL	
	Salvia leucantha / Mexican sage @ 30" o.c.	10	5g	L	
	GROUND COVER				
	Arctostaphylos 'Emerald Carpet'/ Manzanita field spaced	19	1g	L	
	Bouteloua gracilis 'Blonde Ambition' 317 sf @ 18" o.c.	140	1g	L	
	Carex divulsa / Berkeley sedge 720 sf @ 12" o.c. = 720 plants	15	flat	L	
	Ceanothus griseus horizontalis 'Yankee Point' / Yankee Point, field spaced	20	1g	L	
	Trachelospermum jasminoides / Star jasmine 160 sf @ 12" o.c. = 160 plants	4	flat	M	



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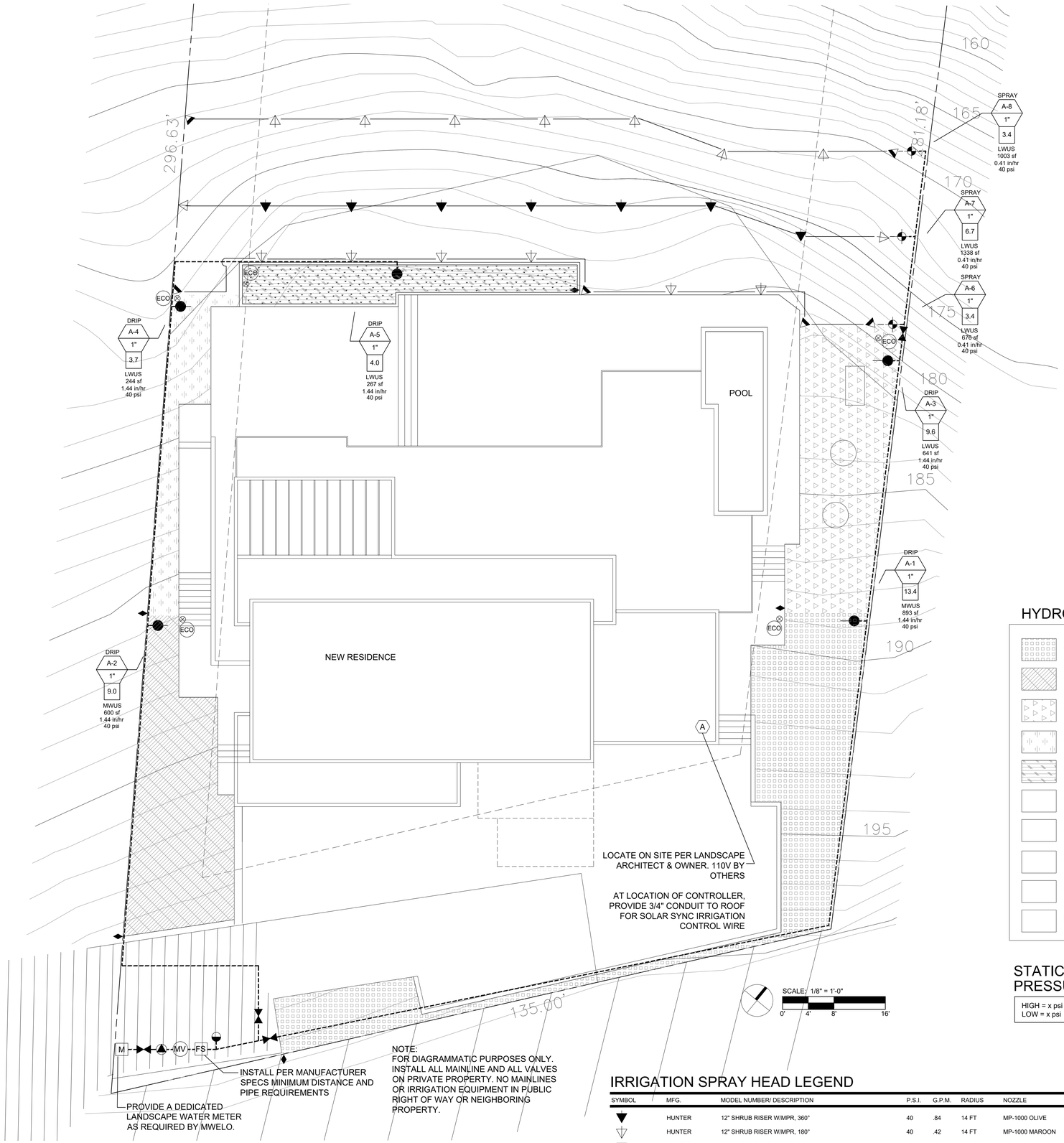
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Paul A. Lewis
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FUEL MODIFICATION PLAN

Scale: 1" = 16'
Date: 08/15/2023

L-1.2



IRRIGATION LEGEND

SYMBOL	MFG.	MODEL NUMBER/ DESCRIPTION	REMARKS
MV	HUNTER	ICV-101G, 1" MASTER CONTROL VALVE	SEE DETAIL A
	HUNTER	ICZ-101-40, 1" DRIP REMOTE CONTROL VALVE (1" ICV FILTER SENTRY GLOBE W/1" HY100 FILTER+REGULATOR)	SEE DETAIL B
	HUNTER	ICV-101G, 1" REMOTE CONTROL VALVE.	SEE DETAIL A
	HUNTER	HQ-33DLRC, 3/4" QUICK COUPLER.	SEE DETAIL C
	NIBCO	APPROVED BRONZE 150 PSI RATED BALL VALVE; LINE SIZE IN VALVE BOX.	SEE DETAIL C
	FEBCO	LF825-YA, 1" REDUCED PRESSURE BACKFLOW DEVICE	SEE DETAIL D
FS	HUNTER	HFS-FCT-100, 1" PVC FLOW SENSOR	SEE DETAIL E
A	HUNTER	HC-1200i, FIXED 12 STN. INDOOR WALL MOUNT WIFI CONTROLLER W/ HYDRAWISE WEATHER BASED WATER MANAGEMENT SOFTWARE; 120 VAC POWER TO THE CONTROLLER LOCATION BY OTHERS.	SEE DETAIL F
M	APPROVED	METER	
	RAINBIRD	AR VALVE KIT; 1" AIR/ VACUUM RELIEF VALVE IN VALVE BOX AT HIGH POINT.	SEE DETAIL G
	NETAFIM	TL050-MFV AUTOMATIC FLUSH VALVE IN VALVE BOX AT LOW POINT.	SEE DETAIL G
	RAINBIRD	XFD-09-12-xxx DRIPLINE W/ COPPER SHIELD EMITTERS; EMITTERS @12" O.C. & 12" ROW SPACING.	SEE DETAIL H
	APPROVED	PVC SCH. 40 LATERAL LINE; SEE PLAN FOR SIZE	SEE DETAIL I
	APPROVED	PVC SCH. 40 MAINLINE SLEEVE; 2 AT EACH LOCATION 2X THE DIA. OF PIPE TO BE SLEEVED	SEE NOTES 1, 2
	APPROVED	MAINLINE: 1) UNDER CONCRETE DECK (IN GARAGE) - TYPE L COPPER FOR SIZES 1-1/2" AND SMALLER 2) INSIDE WALLS AND BETWEEN FLOORS (DECK PENETRATIONS) - TYPE K COPPER 3) BETWEEN WATER MAIN AND BACKFLOW - TYPE K COPPER 4) DOWNSTREAM FROM BACKFLOW - SCHEDULE 40 PVC BURIED IN SOIL SIZE 1 1/2" AND SMALLER, SIZE NOTED	SEE DETAIL I
ECO	HUNTER	ECO-ID DRIP SYSTEM INDICATOR	SEE DETAIL J

DRIP — IRRIGATION TYPE
-- — VALVE / CONTROLLER SEQUENCE
-- — VALVE SIZE
-- — GPM
MWUS — HYDROZONE TYPE
xx sf — AREA
xx in/hr — APPLICATION RATE
40 psi — DESIGN OPERATING PRESSURE

HYDROZONE LEGEND

SYMBOL	DESCRIPTION
CST	COOL SEASON TURF
WST	WARM SEASON TURF
HWUS	HIGH WATER USING SHRUB/TREE
MWUS	MEDIUM WATER USING SHRUB/TREE
LWUS	LOW WATER USING SHRUB/TREE
VLWUS	VERY LOW WATER USING SHRUB/TREE

GREEN BUILDING NOTES:

1. I HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLANS.
2. PRESSURE REGULATING DEVICES ARE REQUIRED IF WATER PRESSURE IS BELOW OR EXCEEDS THE RECOMMENDED PRESSURE OF THE SPECIFIED IRRIGATION DEVICES.
3. AFTER INSTALLATION, INSTALLER TO PERFORM PRESSURE TESTING AND VERIFY WATER COVERAGE OF ENTIRE IRRIGATION SYSTEM. INSTALLER SHALL ADJUST OR REPLACE ANY DEVICES TO ENSURE EFFICIENT, COMPLETE AND PROPER WORKING OF THE SYSTEM.
4. CHECK VALVES OR ANTI-DRAIN VALVES ARE REQUIRED ON ALL SPRINKLER HEADS WHERE LOW POINT DRAINAGE COULD OCCUR.
5. A DIAGRAM OF THE IRRIGATION PLAN SHOWING HYDROZONES SHALL BE KEPT WITH THE IRRIGATION CONTROLLER FOR SUBSEQUENT MANAGEMENT PURPOSES.
6. THE CONTROLLER IS SHIPPED WITH A COMPLETE OPERATIONS MANUAL WHICH SHALL BE GIVEN TO OWNER OR KEPT ON SITE PER OWNER'S REQUEST.
7. A CERTIFICATE OF COMPLETION SHALL BE FILLED OUT AND CERTIFIED BY EITHER THE DESIGNER OF THE LANDSCAPE PLANS, IRRIGATION PLANS OR THE LICENSED LANDSCAPE CONTRACTOR FOR THE PROJECT.
8. AN IRRIGATION AUDIT REPORT SHALL BE COMPLETED AT THE TIME OF FINAL INSPECTION.

HYDROZONES

	A-1	Drip-M
	A-2	Drip-M
	A-3	Drip-M
	A-4	Drip-M
	A-5	Drip-M
	A-6	Spray-L
	A-7	Spray-L
	A-8	Spray-L
	A-9	Spray-L
	POOL/SPA	Drip-H

STATIC WATER PRESSURE @ POC

HIGH = x psi
LOW = x psi

GENERAL IRRIGATION NOTES:

1. ALL MAINLINE PIPING AND CONTROL WIRES UNDER PAVING SHALL BE INSTALLED IN SEPARATE SLEEVES. ALL SLEEVING SIZES SHALL BE AS INDICATED ON THE PLANS. ALL SLEEVES SHALL BE AT A DEPTH OF 18" MINIMUM BELOW SUB GRADE.
2. ALL LATERAL LINE PIPING UNDER PAVING SHALL BE PVC SCHEDULE 40 AND SHALL BE INSTALLED PRIOR TO PAVING. THE PIPING SHALL BE A MINIMUM OF 12" BELOW SUB GRADE.
3. PIPE SIZES SHALL CONFORM TO THOSE SHOWN ON THE DRAWINGS. NO SUBSTITUTIONS OF SMALLER PIPE SIZES SHALL BE PERMITTED BUT SUBSTITUTIONS OF LARGER SIZES MAY BE APPROVED. ALL DAMAGED AND REJECTED PIPE SHALL BE REMOVED FROM THE SITE AT THE TIME OF THE REJECTION.
4. THE 120 VAC ELECTRICAL POWER SOURCE AT THE CONTROLLER LOCATION SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR. MAKE THE FINAL CONNECTION FROM THE SOURCE TO THE CONTROLLER OR AS ALLOWED BY LOCAL CODES.
5. ALL SPRINKLER HEADS SHALL BE SET PERPENDICULAR TO FINISH GRADE UNLESS OTHERWISE SPECIFIED OR DIRECTED.
6. THIS DESIGN IS DIAGRAMMATIC. ALL PIPING, VALVES, OR OTHER SIMILAR APPURTENANCES SHOWN IN PAVED AREAS IS FOR DESIGN AND GRAPHIC CLARIFICATION AND SHALL BE INSTALLED IN IRRIGATED PLANTING AREAS. WHEREVER POSSIBLE INSTALL ALL VALVES AND BOXES IN SHRUB AREAS AND NOT IN TURF AREAS.
7. IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO FAMILIARIZE HIMSELF WITH ALL GRADE DIFFERENCES, LOCATION OF WALLS, RETAINING WALLS, STRUCTURES AND UTILITIES OF THE SITE. COORDINATE WORK WITH OTHER TRADES AND CONTRACTORS FOR THE LOCATION AND INSTALLATION OF ALL IRRIGATION EQUIPMENT. REPAIR AND/OR REPLACE ALL ITEMS DAMAGED BY WORK PERFORMED.
8. DO NOT WILLFULLY INSTALL THE IRRIGATION SYSTEM WHEN IT IS OBVIOUS THAT THE FIELD CONDITIONS VARY FROM THE DRAWINGS AND THAT UNKNOWN OBSTRUCTIONS, GRADE DIFFERENCES OR DIFFERENCES IN THE AREA DIMENSIONS EXIST THAT HAVE NOT BEEN INDICATED ON THE ENGINEERING. SUCH ITEMS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE. ASSUME FULL RESPONSIBILITY FOR ANY NECESSARY REVISIONS IN THE EVENT THAT THIS NOTIFICATION IS NOT HEEDED.
9. FLUSH AND ADJUST ALL SPRINKLER HEADS AND VALVES FOR THEIR OPTIMUM OPERATION.
10. THE IRRIGATION SYSTEM DESIGN IS BASED ON A MINIMUM OPERATING PRESSURE OF 40 PSI AND A MAXIMUM FLOW DEMAND OF 13.4 GPM. VERIFY WATER PRESSURES PRIOR TO CONSTRUCTION. REPORT ANY DIFFERENCES BETWEEN THE WATER PRESSURE SHOWN ON THE PLANS AND THE PRESSURE READING IN THE FIELD TO THE OWNER'S AUTHORIZED REPRESENTATIVE.
11. ALL IRRIGATION EQUIPMENT NOT OTHERWISE DETAILED OR SPECIFIED HEREIN SHALL BE INSTALLED PER THE MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.
12. REFER TO THE SPECIFICATIONS FOR ADDITIONAL DETAILED INFORMATION.
13. THE CONTRACTOR SHALL PROVIDE IN HIS BID FOR A ONE-YEAR (1-YEAR) MAINTENANCE PERIOD.
14. THE CONTRACTOR SHALL INSTALL ALL MAINLINES IN LANDSCAPE AREAS AND NOT UNDER PAVING UNLESS IT IS A NECESSARY CROSSING OF A STREET OR WALK. THE MAINLINE SHALL BE INSTALLED AT THE DEPTH NOTED IN THE IRRIGATION DETAILS AND AT A HORIZONTAL DISTANCE OF 12"-24" FROM THE EDGE OF ALL CURBS OR WALKS. ALL MAINLINE AND VALVES SHALL BE LOCATED BEHIND THE PROPERTY LINE.
15. AUTOMATIC LANDSCAPE IRRIGATORS SHALL BE INSTALLED IN SUCH A WAY THAT IT DOESN'T SPRAY ON THE BUILDING.

IRRIGATION SPRAY HEAD LEGEND

SYMBOL	MFG.	MODEL NUMBER/ DESCRIPTION	P.S.I.	G.P.M.	RADIUS	NOZZLE	REMARKS
	HUNTER	12" SHRUB RISER W/MPR, 360°	40	.84	14 FT	MP-1000 OLIVE	SEE DETAIL L
	HUNTER	12" SHRUB RISER W/MPR, 180°	40	.42	14 FT	MP-1000 MAROON	SEE DETAIL L
	HUNTER	12" SHRUB RISER W/MPR, 90°	40	.21	14 FT	MP-1000 MAROON	SEE DETAIL L

DIG ALERT
UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA
DIAL TOLL FREE 1-800-422-4133 AT LEAST TWO DAYS BEFORE YOU DIG
ATTENTION IS DIRECTED TO THE POSSIBLE EXISTENCE OF UNDERGROUND FACILITIES NOT KNOWN OR IN A LOCATION DIFFERENT FROM THAT WHICH IS SHOWN ON THE PLANS OR IN THE SPECIAL PROVISIONS. THE CONTRACTOR SHALL TAKE STEPS TO ASCERTAIN THE EXACT LOCATION OF ALL UNDERGROUND FACILITIES PRIOR TO DOING WORK THAT MAY DAMAGE SUCH FACILITIES OR INTERFERE WITH THEIR SERVICE. BEFORE EXCAVATING, THE CONTRACTOR SHALL VERIFY THE LOCATION OF UNDERGROUND UTILITIES BY CONTACTING UNDERGROUND SERVICE ALERT AT 1(800) 422-4133.

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IRRIGATION PLAN

Scale: 1/8" = 1'-0"
Date: 08/15/2023

L-2.0

Maximum Applied Water Allowance Calculations for New and Rehabilitated Residential Landscapes

Enter value in Pale Blue Cells

Tan Cells Show Results

Messages and Warnings

Click on the blue cell on right to Pick City Name	**Santa Monica**	**Name of City**
ET_o of City from Appendix A	**44.20**	**ET_o** (inches/year)
	3017	Overhead Landscape Area (ft^2)
	2845	Drip Landscape Area (ft^2)
		SLA (ft^2)
Total Landscape Area	**5,862.00**	
Results:		
(ET_o) x (0.62) x [(0.55 xLA) + (1.0 - 0.55) X SLA)]	**88,340.34**	Gallons
	11,809.42	Cubic Feet
	118.09	HCF
	0.27	Acre-feet
	0.09	Millions of Gallons
MAWA calculation incorporating Effective Precipitation (Optional)		
Precipitation (Optional)		
ET_o of City from Appendix A	**44.20**	ET_o (inches/year)
Total Landscape Area	**5,862.00**	LA (ft^2)
Special Landscape Area	**0.00**	SLA (ft^2)
		Total annual precipitation (inches/year)
Enter Effective Precipitation	**0.00**	Eppt (in/yr)(25% of total annual precipitation)
Results:		
MAWA = [$(ET_o$ - Eppt) x (0.62)] x [(0.55 x LA) + ((1.0 - 0.55) x SLA)]	-	Gallons
	-	Cubic Feet
	-	HCF
	-	Acre-feet
	-	Millions of Gallons

Estimated Total Water Use

Equation: ETWU = ET_o x 0.62 x [((PF x HA)/IE) + SLA]; Considering precipitation ETWA =(ETo-Eppt) x 0.62 x [((PF x HA)/IE) +SLA]

Enter values in Pale Blue Cells

Tan Cells Show Results

Messages and Warnings

Irrigation Efficiency Default Value for overhead 0.75 and drip 0.81.

Plant Water Use Type	**Plant Factor**
Very Low	0 - 0.1
Low	0.2 - 0.3
Medium	0.4 - 0.6
High	0.7 - 1.0
SLA	1

Hydrozone	**Select System From the Dropdown List click on cell below**	**Plant Water Use Type (s) (low, medium, high)**	**Plant Factor (PF)**	**Hydrozone Area (HA) (ft^2) Without SLA**	**Irrigation Efficiency (IE)**	**(PF x HA (ft^2))/IE**
A-1	Drip	Medium	0.40	893	0.81	**441**
A-2	Drip	Medium	0.40	600	0.81	**296**
A-3	Drip	Low	0.20	641	0.81	**158**
A-4	Drip	Low	0.20	244	0.81	**60**
A-5	Drip	Medium	0.40	267	0.81	**132**
A-6	Overhead Spray	Low	0.20	676	0.75	**180**
A-7	Overhead Spray	Low	0.20	1,338	0.75	**357**
A-8	Overhead Spray	Low	0.20	1,003	0.75	**267**
POOL	Drip	High	1.00	200	0.81	**247**
						2,139
		SLA		0		**0**
			Sum	5,862		

Results

MAWA =	88,340	ETWU=	58,611 Gallons
			7,835 Cubic Feet
			78 HCF
			0 Acre-feet
			0 Millions of Gallons

ETWU complies with MAWA

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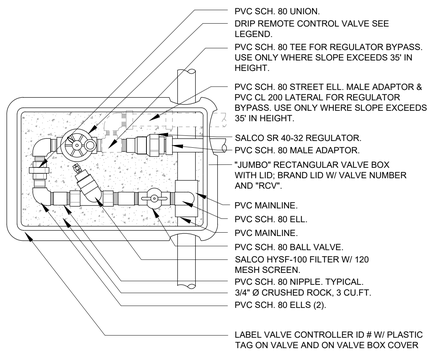
IRRIGATION SCHEDULE + MWELO

Scale: 1/8" = 1'-0"

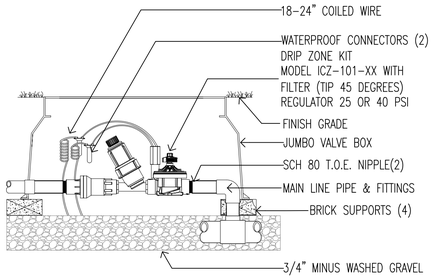
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L-2.1

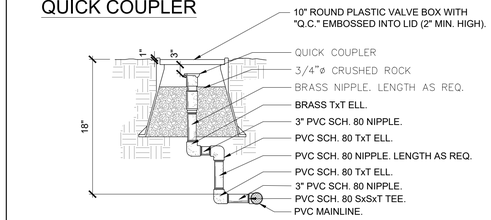
2023-08-15 Heathercliff CD Set

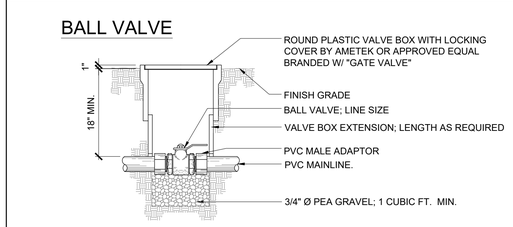


A MASTER CONTROL / SPRAY CONTROL VALVE

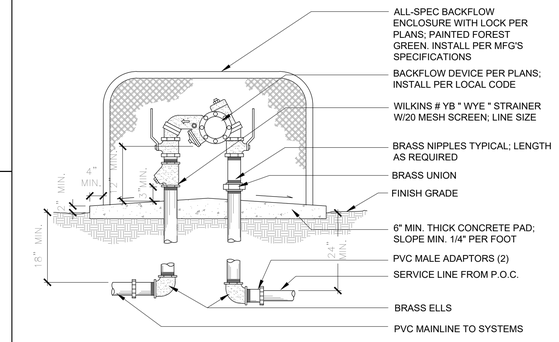


B DRIP REMOTE CONTROL VALVE

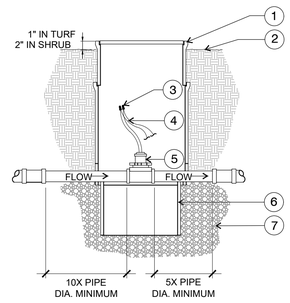




C QUICK COUPLER & BALL/GATE VALVE

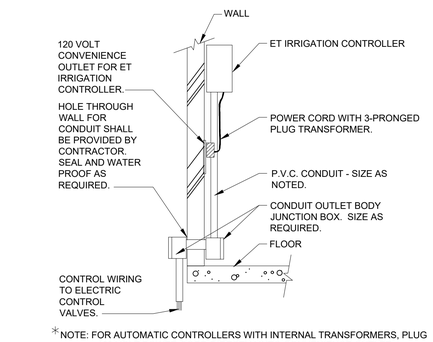


D REDUCED PRESSURE BACKFLOW DEVICE



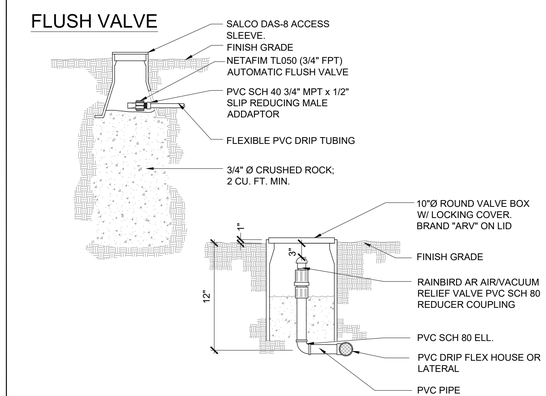
LEGEND
1. PLASTIC VALVE BOX W/ EXTENSIONS AS NECESSARY AND LOCKING COVER
2. FINISH GRADE
3. WATERPROOF CONNECTION; 3M SERIES 3500 SCOTCH-LOK OR EQUAL.
4. TWO CONDUCTOR SHIELDED CABLE- ROUTE TO CONTROLLER VIA. CONDUIT.
5. FLOW SENSOR PER PLAN.
6. VALVE BOX EXTENSION.
7. PEA GRAVEL DRAIN SUMP; 30" DIA. X 6" DEEP MIN.

E FLOW SENSOR



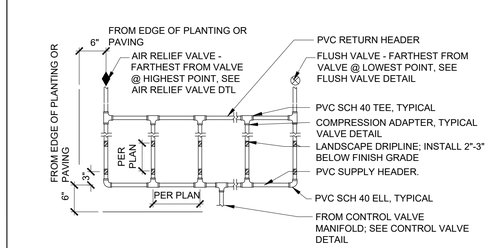
* NOTE: FOR AUTOMATIC CONTROLLERS WITH INTERNAL TRANSFORMERS, PLUG 120 VOLT POWER CORD DIRECTLY INTO CONVENIENCE OUTLET.

F WALL MOUNT CONTROLLER

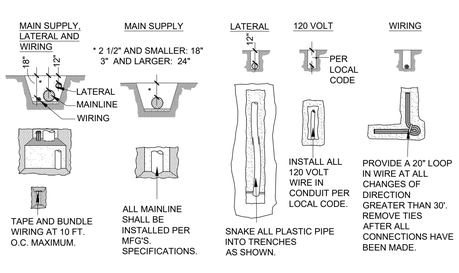


DRIP AIR-VACCUM RELIEF VALVE

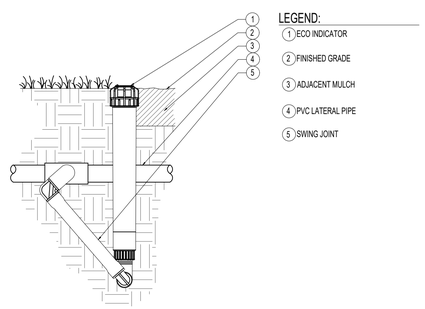
G FLUSH VALVE & AIR/VACUUM RELIEF VALVE



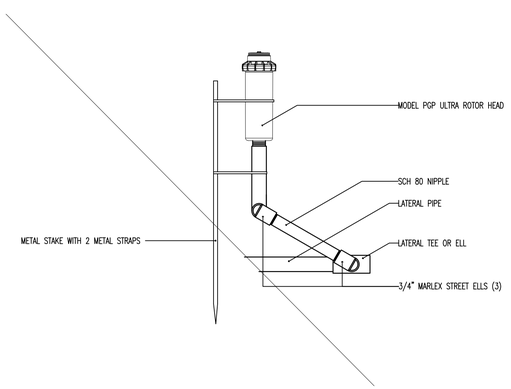
H DRIP TUBING INSTALLATION



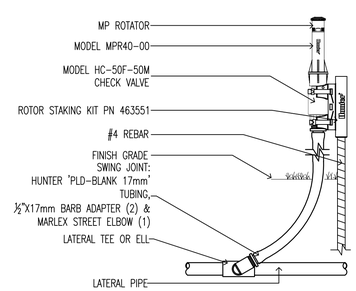
I PIPING & WIRING



J ECO-ID INDICATOR



K PGP ON SLOPE - NOT USED



L MP ROTATOR

LANDSCAPE COURT LAND STUDIO ARCHITECTURE
COURTLAND STUDIO, LLC
505 E Colorado Blvd. Mezz C
Pasadena CA 91101
P: 818-788-9382
F: 818-788-3217
Licensed Landscape Architect #3620

David Kellen
2701 Airport Ave., Ste 202
Santa Monica, CA 90405
310-245-3584

Client:

Project location:
29329 Heathercliff Road
Malibu, CA 90265

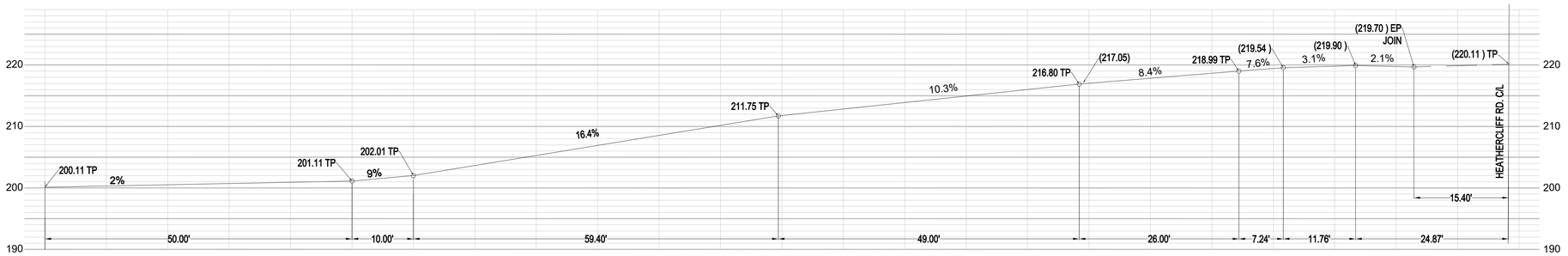
LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
Date
Exp. 2-28-25
STATE OF CALIFORNIA

IRRIGATION DETAILS

Scale: 1/8" = 1'-0"
Date: 05/24/2023

L-2.2

2023-08-15 Heathercliff CD Set



DRIVEWAY CENTERLINE PROFILE

SCALE: 1" = 10'

PROJECT INFORMATION:

SITE ADDRESS: 29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN: 4468-011-010 & 4468-011-011
OWNER:

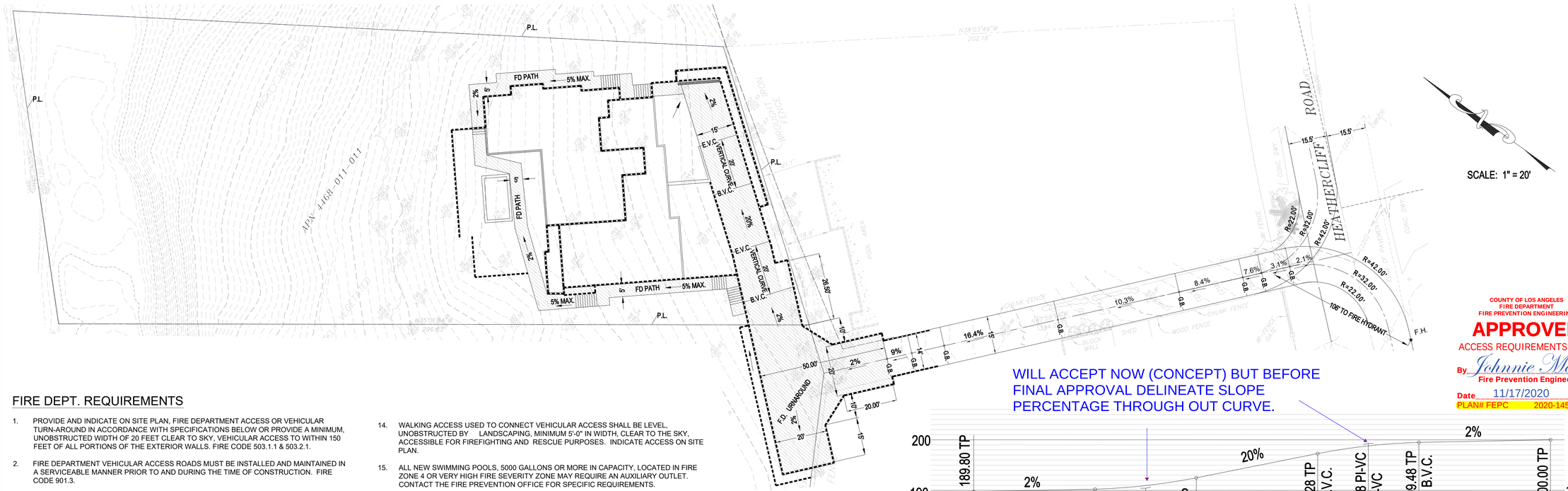
ARCHITECT: DAVID KALEN, AIA
2701 AIRPORT AVE., SUITE 202
SANTA MONICA, CA 90405

CIVIL ENGINEER: PLANEX ASSOCIATES, INC.
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404

EXISTING BUILDING: 0 S.F.
PROPOSED BUILDING: 4,570 S.F.

THIS PLAN CONFORMS TO THE COASTAL DEVELOPMENT PERMIT APPROVED BY THE CITY FOR SUBJECT PROJECT IN THE CITY OF MALIBU, CALIFORNIA ON _____

PROJECT START: N/A
PROJECT COMPLETION: N/A



SCALE: 1" = 20'

COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION ENGINEERING

APPROVED

ACCESS REQUIREMENTS ONLY

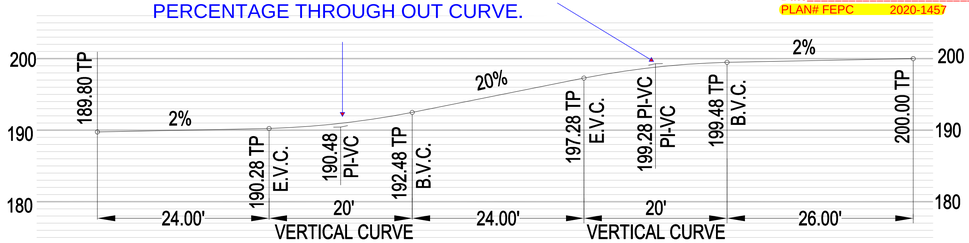
By Johnnie McGee
Fire Prevention Engineer

Date 11/17/2020
PLAN# FEPC 2020-1457

FIRE DEPT. REQUIREMENTS

1. PROVIDE AND INDICATE ON SITE PLAN, FIRE DEPARTMENT ACCESS OR VEHICULAR TURN-AROUND IN ACCORDANCE WITH SPECIFICATIONS BELOW OR PROVIDE A MINIMUM, UNOBSTRUCTED WIDTH OF 20 FEET CLEAR TO SKY, VEHICULAR ACCESS TO WITHIN 150 FEET OF ALL PORTIONS OF THE EXTERIOR WALLS. FIRE CODE 503.1.1 & 503.2.1.
2. FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. FIRE CODE 901.3.
3. THE REQUIRED FIRE FLOW FOR FIRE HYDRANTS AT THIS LOCATION IS **1,250** GALLONS PER MINUTE, AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF 2 HOURS, OVER AND ABOVE THE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 507.3 AND APPENDIX B105.1 APPENDIX B. FIRE FLOW MAY BE OBTAINED FROM PUBLIC FIRE HYDRANT FLOWING SIMULTANEOUSLY.
4. COMPLY WITH TITLE 24, 310.9.1 REGARDING FIRE WARNING SYSTEMS. SMOKE DETECTORS TO BE HAND WIRED WITH BATTERY BACKUP. WHEN MORE THAN ONE SMOKE ALARM IS INSTALLED, `THEY SHALL BE ARRANGED SO THAT THE OPERATION OF ANY SMOKE ALARM CAUSES THE ALARM IN ALL SMOKE ALARMS WITHIN THE DWELLING UNIT TO SOUND (CALIFORNIA ALARM CODE). PROVIDE NOTE ON SITE PLAN AND INDICATE ON FLOOR PLAN.
5. PROVIDE ONE HOUR FIRE RESISTIVE OCCUPANCY SEPARATION BETWEEN THE R-3 DWELLING AND THE GARAGE. (INDICATE ON FLOOR PLAN.)
6. EXIT DOORS SHALL BE CAPABLE OF OPENING WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. BUILDING CODE 1003.3.1.8.
7. WIDTH AND HEIGHT OF REQUIRED EXIT DOORWAYS SHALL COMPLY WITH TITLE 24. (INDICATE ON DOOR SCHEDULE).
8. BUILDING ADDRESS NUMBERS TO BE PROVIDED ON FRONT OF ALL BUILDINGS AND SHALL BE VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. FIRE CODE 901.4.4.
9. PROVIDE A KEY BOX AS REQUIRED BY FIRE CODE 904.2 LOCATION AT GATE.
10. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDE THE WORDS **NO PARKING-FIRE LANE**. SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH AND HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND. SIGNS SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS, TO CLEARLY INDICATE THE ENTRANCE TO SUCH ROAD, OR PROHIBIT THE OBSTRUCTION THEREOF AND AT INTERVALS, AS REQUIRED BY THE FIRE INSPECTOR. FIRE CODE 503.3
11. PRIVATE ROADS USED FOR FIRE DEPARTMENT ACCESS SHALL BE CAPABLE OF SUPPORTING THE WEIGHT OF A 25-TON VEHICLE.
12. FIRE DEPARTMENT ACCESS ROADS LESS THAN 10% SLOPE, AND NOT PAVED TO PUBLIC WORKS STANDARDS, REQUIRE CERTIFICATION FROM A REGISTERED CIVIL ENGINEER STATING THE ROAD MEETS OR EXCEEDS ALL-WEATHER STANDARDS OF LA CO DEPARTMENT OF PUBLIC WORKS.
13. ALL FIRE DEPARTMENT ACCESS ROADS 10% OR GREATER SLOPE SHALL BE PAVED PRIOR TO CONSTRUCTION.
14. WALKING ACCESS USED TO CONNECT VEHICULAR ACCESS SHALL BE LEVEL, UNOBSTRUCTED BY LANDSCAPING, MINIMUM 5'-0" IN WIDTH, CLEAR TO THE SKY, ACCESSIBLE FOR FIREFIGHTING AND RESCUE PURPOSES. INDICATE ACCESS ON SITE PLAN.
15. ALL NEW SWIMMING POOLS, 5000 GALLONS OR MORE IN CAPACITY, LOCATED IN FIRE ZONE 4 OR VERY HIGH FIRE SEVERITY ZONE MAY REQUIRE AN AUXILIARY OUTLET. CONTACT THE FIRE PREVENTION OFFICE FOR SPECIFIC REQUIREMENTS.
16. COMPLY WITH TITLE 24, 310.4 REGARDING ACCESS.
17. FIRE RESISTIVE ASSEMBLIES FOR PROTECTION OF OPENINGS TO COMPLY WITH TITLE 24, 713.
18. WALLS AND SOFFITS OF ENCLOSED USABLE SPACE UNDER INTERIOR STAIRWAYS THAT ARE NOT REQUIRED TO BE ENCLOSED BY BUILDING CODE 1006.12 SHALL BE PROTECTED ON THE ENCLOSED SIDE AS REQUIRED FOR ONE-HOUR RESISTIVE CONSTRUCTION. TITLE 24, 1003.3.3.9.
19. ALL REQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BEGINNING CONSTRUCTION. FIRE CODE 501.4.
20. ALL FIRE HYDRANTS SHALL MEASURE 6"X4"X2-1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C503, OR APPROVED EQUAL, AND SHALL BE INSTALLED IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 8.
21. PLANS SHOWING UNDERGROUND PIPING FOR PRIVATE ON-SITE FIRE HYDRANTS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. FIRE CODE 901.2, COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 7
22. PROVIDE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM AS SET FORTH BY BUILDING CODE 903 AND FIRE CODE 903. PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. REASON: RESIDENTIAL CODE & FIRE CODE 903.1 & FIRE FLOW REDUCTION TYPE OF FIRE SPRINKLER SYSTEM: 903.3.1.1, 903.3.1.2, 903.3.1.3
23. THE SECURITY GATE SHALL MAINTAIN A MINIMUM ACCESS WIDTH OF 20 FEET. THE SECURITY GATE SHALL BE PROVIDED WITH AN APPROVED MEANS OF EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES AND REPLACED OR REPAIRED WHEN DEFECTIVE. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASTM F220. GATES SHALL BE OF THE SWINGING OR SLIDING TYPE. CONSTRUCTION OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE 503.6. THE SECURITY MANUAL GATE OPERATOR SHALL BE PROVIDED FOR EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES.

WILL ACCEPT NOW (CONCEPT) BUT BEFORE FINAL APPROVAL DELINEATE SLOPE PERCENTAGE THROUGH OUT CURVE.

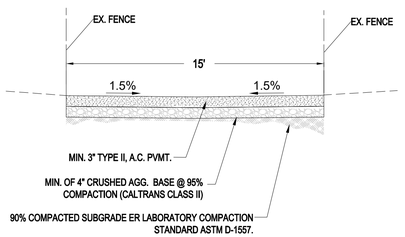


DRIVEWAY CENTERLINE PROFILE (LOWER PORTION)

SCALE: 1" = 10'

PROJECT DATA

ADDRESS:	29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN:	4468-011-010 & 4468-011-011
LCP ZONING DESIGNATION:	A1-1
GROSS LOT AREA=	33532 SQ. FT. (0.77 ACRES)
LOT DEPTH=	128'
LOT WIDTH=	115'
PROPOSED FRONT YARD SETBACK=	25.6' FROM PROPERTY LINE
PROPOSED REAR YARD SETBACK=	164'
PROPOSED SIDE YARD SETBACK=	17.4' (E), & 11.7' (W)
CONSTRUCTION TYPE:	V-B
VHFHSZ:	YES
OCCUPANCY:	SINGLE FAMILY
FIRE SPRINKLERS:	YES
FIRE FLOW BASED ON THE FIRE-FLOW CALCULATION AREA:	1750 GPM
REDUCTION FOR FIRE SPRINKLERS (MAXIMUM 50%):	500 GPM
TOTAL FIRE FLOW REQUIRED :	1250 GPM
EXISTING SQUARE FOOTAGE:	0 S.F.
PROPOSED SQUARE FOOTAGE:	
GARAGE=	390 SQ. FT.
FIRST FLOOR=	2,590 SQ. FT.
SECOND FLOOR=	1,460 SQ. FT.
OVERHANG (> 6')	320 SQ. FT.
TOTAL=	4,570 SQ. FT.



NOTE: FINAL DRIVEWAY SECTION DESIGN FOR APPARATUS WEIGHING 25 TONS TO BE DETERMINED AND APPROVED BY THE PROJECT'S SOILS ENGINEER PER FIELD TEST. CIVIL ENGINEER MIGHT BE REQUIRED

ACCESS DRIVEWAY TYPICAL SECTION

SCALE: 1" = 4'



VICINITY MAP

NO.	DATE	REVISION	BY

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

FIRE ACCESS EXHIBIT

29329 HEATHERCLIFF RD. , MALIBU, CA 90265

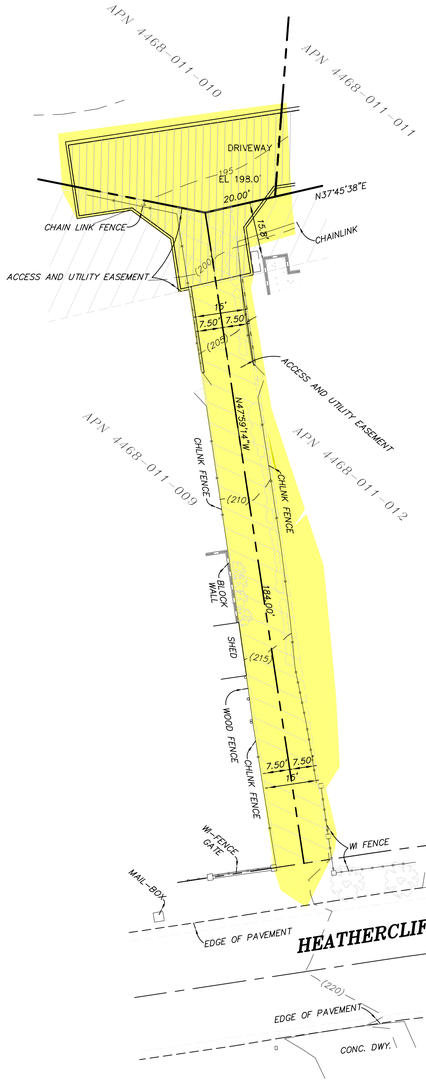
SIGNED
DATE:

SHEET 1 OF

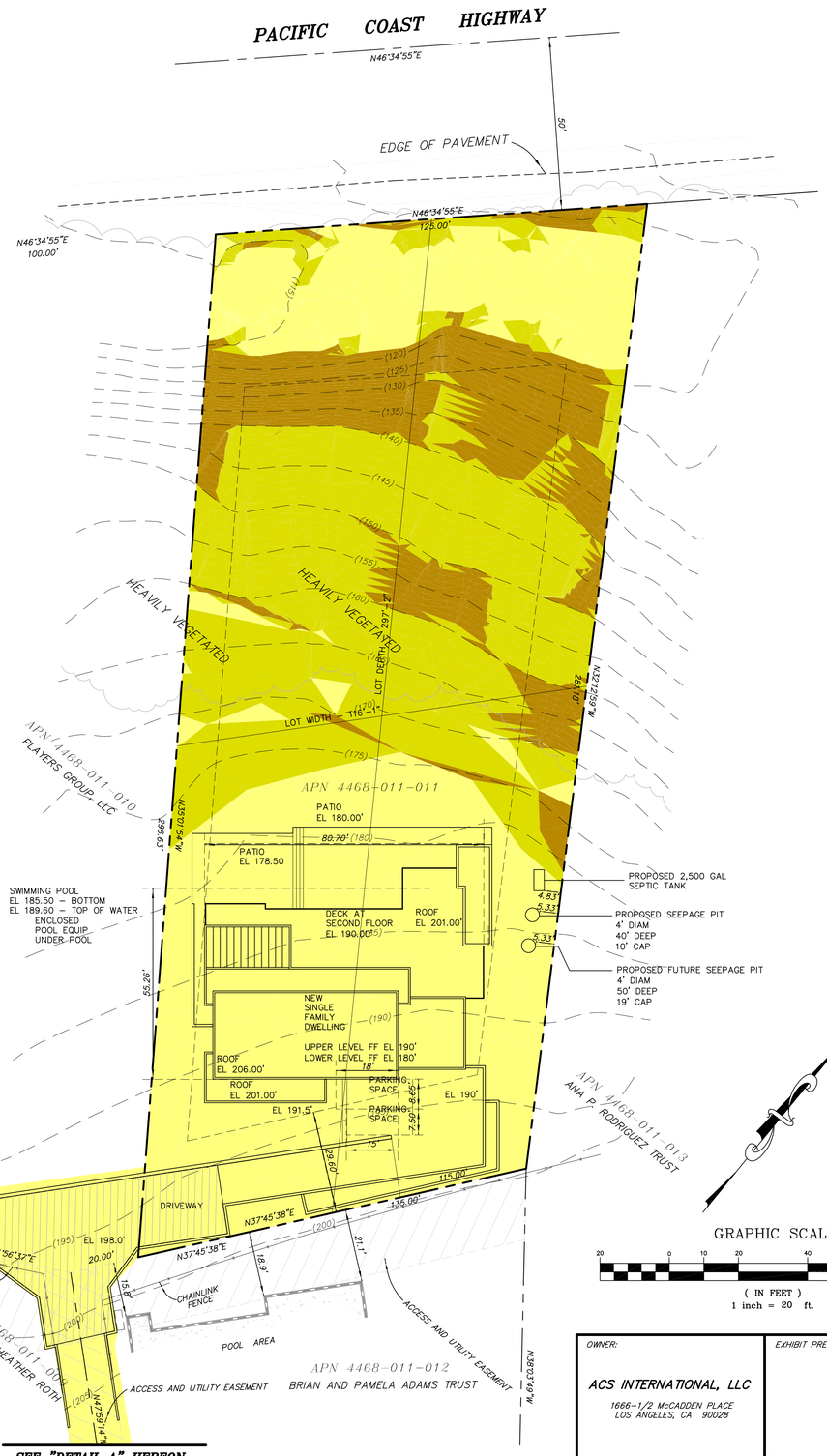
PFN: 1909-495
DATE: 11/11/2020

C -FD

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"DETAIL A"

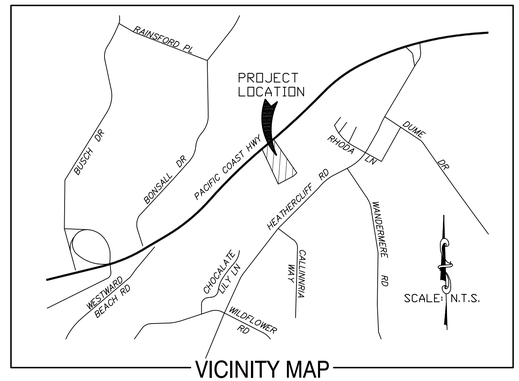


SEE "DETAIL A" HEREON FOR EXTENSION SOUTHERLY

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.



VICINITY MAP

LEGEND (WHERE APPLICABLE)

XX.XX	EXISTING SPOT ELEVATION	AP	ANGLE POINT
	TREE/TREE LINE	COR	CORNER
		FCE	CHAINLINK FENCE
		GB	GRADE BREAK
		GS	GROUND SHOT
		TOE	TOE OF SLOPE
		TOP	TOP OF SLOPE

ASSESSOR'S PARCEL NUMBERS:
4468-011-011

OWNER:
ACS INTERNATIONAL, LLC

BOUNDARY NOTE:
BOUNDARY ESTABLISHED FROM DEED CALLS, UTILIZING CENTERLINE MONUMENTATION FOUND ALONG HEATHERCLIFF ROAD AND FROM PACIFIC COAST HIGHWAY, RECORD DATA PER TRACT NO. 17608, MB 438, PGS. 43-45.

GROSS LAND AREA:
33,532 SQUARE FEET (0.77 ACRES) +/-

BENCH MARK Y11710
ELEVATION: 177.388
LACO BM TAG IN SE COR CONC FIRE HYDRANT PAD, 46' N/O C/L PACIFIC COAST HWY & 0.1 MI W/O C/L HEATHERCLIFF RD, (95' W/O GATE TO NURSERY)
MALIBU QUAD (2008 ADJ) NAVD 88

Slope Table					
Number	Slope Ratio	Minimum Slope	Maximum Slope	Area	Color
1	< 4:1	0.00%	24.99%	17,609	
2	≥ 4:1 < 2:1	25.00%	49.99%	10,889	
3	≥ 2:1	50.00%	+300.00%	5,034	

PROFESSIONAL LAND SURVEYOR
ELIAS CHAIJ
L.S. 8908
STATE OF CALIFORNIA

ELIAS CHAIJ, PLS 8908
EXP.: 9/30/24

9/20/23
DATE

SLOPE BAND ANALYSIS WITH SITE PLAN OVERLAY

OWNER:
ACS INTERNATIONAL, LLC
1666-1/2 McCADDEN PLACE
LOS ANGELES, CA 90028

EXHIBIT PREPARED BY:
ELIAS CHAIJ
11778 WHITE MOUNTAIN CT
RANCHO CUCAMONGA, CA 91737
(909) 278-3116 FAX (909) 493-1918

SURVEY DATE: 9/14/19 PLOT DATE: 9/20/23

DRAWN: E.C. CHECKED: E.C.

TOPOGRAPHIC SURVEY
APN 4468-011-011
VACANT LAND – PACIFIC COAST HWY.
MALIBU, CA

SCALE: 1" = 20'
JN 1921-B
SHEET NO. 1 OF 1

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu Biologist

FROM: City of Malibu Planning Department **REVISED DATE** 09/07/2023

PROJECT NUMBER: CDP 20-003

JOB ADDRESS: 29329 HEATHERCLIFF RD

APPLICANT / CONTACT: Alan Hajjar

APPLICANT ADDRESS: 5905 Greyrock Road
Agoura Hills, CA 91301

APPLICANT PHONE #: (818)383-1800

APPLICANT FAX #:

APPLICANT EMAIL: alan@myacsinc.com

PLANNER: Allison Cook

PROJECT DESCRIPTION: NSFR

TO: Malibu Planning Department and/or Applicant

FROM: City Biologist, Courtney McCammon

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

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

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

Courtney McCammon 9/13/23

Signature Date

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

Contact Information:
Courtney McCammon, City Biologist, biology@malibucity.org, (310) 456-2489, extension 277

City of Malibu

Biology • Planning Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email)	Alan Hajjar alan@myacsinc.com	
Project Address:	**29329 HEATHERCLIFF RD** Malibu, CA 90265	
Planning Case No.:	CDP 20-003	
Project Description:	NSFR	
Date of Review:	September 13, 2023	
Reviewer:	Courtney McCammon	Signature: Courtney McCammon
Contact Information:	Phone: (310) 456-2489 ext 277	Email: biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	7/19/23
Site Survey:	7/19/23
Landscape Plan:	9/7/23
Hydrozone Plan:	9/7/23
Irrigation Plan:	9/7/23
Fuel Modification Plan:	9/7/23
Grading Plan:	7/19/23
OWTS Plan:	7/19/23
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	1/28/20 (Incomplete), 5/3/23 (Incomplete), 6/13/23 (Incomplete), 7/7/23 (Incomplete), 8/1/23 (Incomplete)

REVIEW FINDINGS

Review Status:	☐	**INCOMPLETE**: Additional information and/or a response to the listed review comments is required.
	☒	**APPROVED**: The project has been approved with regards to biological impacts.
	☐	**CANNNOT APPROVE AS SUBMITTED**: The proposed project does not conform to the requirements of the MMC and/or LCP.
	☐	**ERB**: This project has the potential to impact ESHA and may require review by the Environmental Review Board pursuant to LIP Section 4.4.4

Recycled Paper

DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 88,340 gallons per year (gpy). The Estimated Applied Water Use (EAWU) totals 58,611 gpy. Therefore, the project meets the Landscape Water Conservation Ordinance Requirements.

RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:

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

   B. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.

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

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

      Roberto Perez Sandoval
      Address: 23533 West Civic Center Way, Malibu, CA 90265-4804
      Email: Robsandoval@dpw.lacounty.gov (Preferred)
      Phone: (310) 317-1389

      Paul Van Suchtelen
      Address: 23533 West Civic Center Way, Malibu, CA 90265-4804
      Email: Pvansuchtelen@dpw.lacounty.gov (Preferred)
      Phone: (310) 317-0209

      Please note this action may require several weeks. As such, the applicant should submit their approved landscape plans to DPW as soon as feasible in order to avoid a delay at plan check.

   E. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six 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. Three sequential

violations of this condition will result in a requirement to permanently remove the vegetation from the site.

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

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

I. No development is permitted on slopes steeper than 4:1.

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

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

L. 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. Up-lighting is prohibited.

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.

-o0o-

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

cc: Planning Project file
Planning Department

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator **DATE:** 1/9/2020

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 20-003
JOB ADDRESS:	29329 HEATHERCLIFF RD
APPLICANT / CONTACT:	Alan Hajjar
APPLICANT ADDRESS:	5905 Greyrock Road Agoura Hills, CA 91301
APPLICANT PHONE #:	(818)383-1800
APPLICANT FAX #:	
APPLICANT EMAIL:	alan@myacsinc.com
PROJECT DESCRIPTION:	New single family residence - 1 story with basement.

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

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

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

OWTS Plot Plan: ☐ NOT REQUIRED

☑ REQUIRED (attached hereto) ☐ REQUIRED (not attached)

Signature

JANUARY 29, 2020
Date

Rev 141008

City of Malibu

Environmental Health • Environmental Sustainability Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Alan Hajjar alan@myacsinc.com		
Project Address:	**29329 Heathercliff Road** Malibu, California 90265		
Planning Case No.:	CDP 20-003		
Project Description:	New single family residence - 1 story with basement.		
Date of Review:	January 29, 2020		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489 ext. 307	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	David Kellen: Plans received by Planning 1-13-2020
Grading Plans:	Planex: Plans dated 12-16-2019
OWTS Plan:	Leighton: OWTS plan dated 11-2019
OWTS Report:	Leighton: OWTS report dated 11-27-2019 (included as Appendix G in Geotechnical Exploration report)
Geology Report:	Leighton: Geotechnical Exploration report dated 11-27-2019
Miscellaneous:	
Previous Reviews:	

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	☐	**CONFORMANCE REVIEW INCOMPLETE** for the City of Malibu LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	☐	**NOT REQUIRED**
	☒	**REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code (MMC) and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Conditions of Planning Conformance Review for Building Plan Check Approval:

1) **OWTS on Architectural and Grading Plans:** The final Architectural Site Plan (Sheet A-0.1) and Grading Plans must show the OWTS, including the treatment tank(s), present/future seepage pits, and all lines of connection to the residence.

2) **Final Onsite Wastewater Treatment System (OWTS) Plot Plan:** A final plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot plan must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend.

3) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS.

   All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

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

   a. *The model and capacity of the treatment tank(s) must be discussed in the final OWTS report and clearly shown on the final OWTS plans.*

   b. *Confirm cap depth for seepage pit at LBA-5 on OWTS plan.*

   c. 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 drainage fixture units, 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.

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

e. 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.

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

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

4) **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. *The final floor plans must show all bedrooms and drainage fixtures in the proposed residence.*

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

6) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.

7) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. ***Please note only original "wet* signature" documents are acceptable**.

8) **Advanced Onsite Wastewater Treatment System (OWTS) Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the OWTS serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. ***Please submit a certified* copy issued by the City of Malibu Recorder**.

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

10) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

11) **City of Malibu Public Works Approval:** City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

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

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

14) **Operating Permit Application and Fee:** In accordance with Malibu Municipal Code, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

-o0o-

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

cc: Environmental Health file
Planning Department

29329 HEATHERCLIFF ROAD (CDP 20-003)
MALIBU, CA 90265

S.F.D.:	4 Bedroom/56 Fixture Units (N)
TREATMENT TANK:	3,634 Gallon MicroSepTec ES12 with UV Disinfection Unit (N)
ACTIVE:	1 - 4' x 29' BI w/11' Cap (N) (projected; LBA-5)
FUTURE:	1 - 4' x 31' BI w/19' Cap (F) (projected; LBA-6)
PERC RATE:	10,690 gpd/28.8 gpsf (proj; LBA-5)
	8,775 gpd/21.8 gpsf (proj; LBA-6)
DESIGNER:	Robert Hennessey, PE 86902
REFERENCE:	Leighton: Geotechnical Exploration and OWTS reports dated 11-27-2019

NOTES:

1. This conformance review is for a 4 bedroom (56 fixture units) new single family dwelling. The new advanced onsite wastewater treatment system conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).

2. This review relates only to the minimum requirements of the MMC, 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.

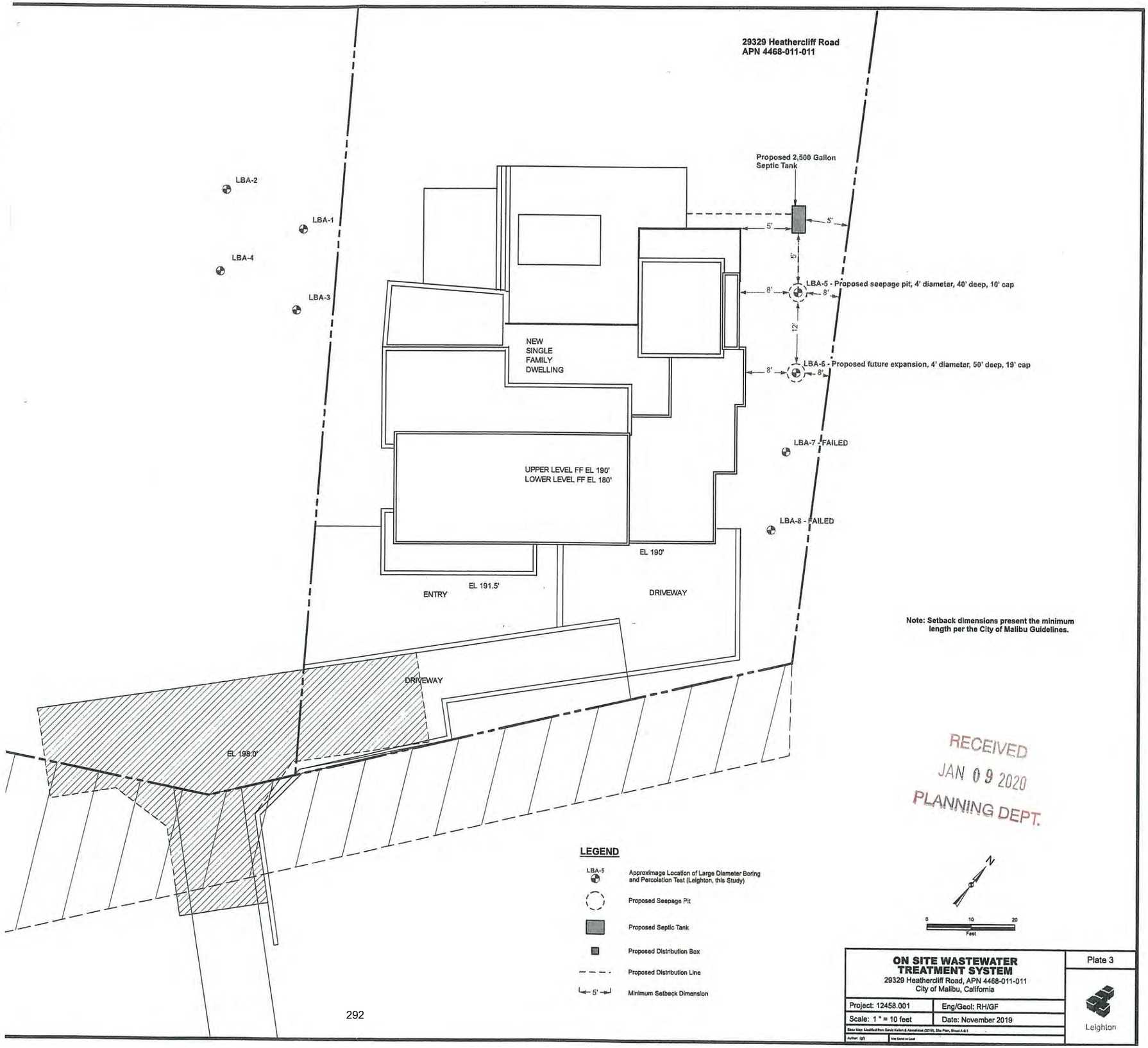
3. This review is valid for one year, or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: DATE: 1/29/2020

THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS



Note: Setback dimensions present the minimum length per the City of Malibu Guidelines.

RECEIVED
JAN 09 2020
PLANNING DEPT.

ON SITE WASTEWATER TREATMENT SYSTEM
29329 Heathercliff Road, APN 4468-011-011
City of Malibu, California

Plate 3

Project: 12458.001	Eng/Geol: RH/GF
Scale: 1 " = 10 feet	Date: November 2019

Base Map: Modified from Gould Kalkin & Associates (2018), Site Plan, Sheet A-0.1

Author: (gf) Use Saved w Local

Leighton

City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	December 12, 2023	**Review Log #:**	**4615**
Site Address:	29329 Heathercliff Road		
Lot/Tract/PM #:	n/a	**Planning #:**	**CDP 20-003**
Applicant/Contact:	Alan Hajjar, alan@myacsinc.com	**BPC/GPC #:**	
Contact Phone #:	818-383-1800 **Fax #:**	**Planner:**	
Project Type:	New one-story single-family residence with basement, OWTS		

Submittal Information

Consultant(s) / Report Date(s): *(Current submittal(s) in **Bold**.)*	Leighton & Associates, Inc. (Geoffrey F., CEG 2512; Hennessey, R., RCE 86902): **11-30-23,** 10-27-23, 9-10-23, 9-3-2020, 3-12-20, 11-27-2019 Architectural Plans by David Kellen & Associates, Inc., dated **September 21, 2023,** March 19, 2023**,** January 9, 2020**.** Preliminary Grading Plan by Planex Associates dated **July 17, 2023**, December 12, 2019. Topography Survey by Elias Chaij, Survey date: May 29, 2019.
Previous Reviews:	11-16-23, 10-9-2023, 9-10-20, 8-18-2020, 1-29-2020;

Review Findings

Coastal Development Permit Review

☒ The residential development project is **APPROVED** from a geotechnical perspective.

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

Building Plan-Check Stage Review

☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.

☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ **NOT APPROVED** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

Remarks

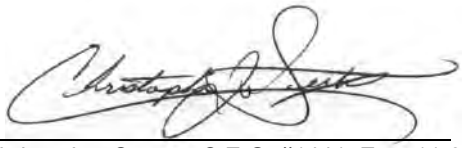
The referenced geotechnical reports and plans were reviewed by the City from a geotechnical perspective. Based on the submitted information, the project includes the construction of a new single-family residence with basement, and a new Onsite Wastewater Treatment System (OWTS). Grading consists of 960 yards of R

& R; 673 yards of cut and 102 yards of fill under the structure; 343 yards of fill for safety; 396 yards of cut and zero yards of fill non- exempt; and 624 yards of export. We understand that a revised plan is currently available that includes a change in the location of the proposed swimming pool and a first floor room addition. The pool will be above ground located immediately east of the residence.

Building Plan Check Review Comments:

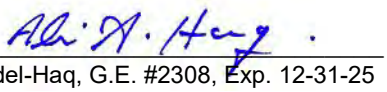
1. Please submit a fee of $ 1,179.00 to City geotechnical staff for building plan check review.
2. The consultant should evaluate the potential for interaction (example: lateral surcharge) between the closely located retaining walls and between the basement sidewalls and adjacent foundations/structures. Using the 1:1 criterion for lateral surcharge is not acceptable for lateral surcharge unless substantiated by analyses and/or references. Footings below a 1:1 plane behind walls could laterally surcharge the walls. Lateral surcharge behind any proposed retaining walls needs to be evaluated using an appropriate method (e.g.: 1- Spangler & Handy {1982}, Soil Engineering, fourth Edition, Harper & Row, New York; 2- Navy Design Manual NAVFAC DM-7.2, Figures 11 & 12).
3. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. The Project Geotechnical Engineer has recommended that the vapor barrier be a minimum thickness of 15 mils, conform to ASTM E1745 Class A requirements, and be installed in accordance with ASTM E1643. Building plans shall reflect the Consultant's recommendation.
4. The following notes must be added to the grading plan:
   a. The geotechnical consultant should determine the expansion potential of the finish grade materials at the completion of grading. Foundation design recommendations should be revised if the expansion potential of finish grade materials substantially differs from the assumed expansion range.
   b. At the completion of grading, samples of the onsite soils should be collected and tested for corrosion potential. Final recommendations for mitigation measures including cement type should be based on the corrosion potential of the finish grade materials.
   c. The geotechnical consultant should determine at the completion of grading the R-value of the finish grade materials within parking and access road areas. Final pavement design should be based on the actual R-value of the finish grade materials.
5. An as-built report shall be submitted to the City for review. This report prepared by the Geotechnical Consultant must include the results of all compaction tests as well as a map depicting the limits of fill, locations and elevations of all density tests, outline and elevations of all removal bottoms, keyway locations and bottom elevations, locations of all subdrains and flow line elevations, and location and elevation of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map.
6. Two sets of final Grading, Retaining Wall, Swimming Pool/Spas, Guest House, 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:  12/12/2023

Christopher Sexton, C.E.G. #1441, Exp. 11-30-24
Engineering Geology Reviewer (805-496-1222)
Email: chris@geodynamics-inc.com

Date

Geotechnical Engineering Review by:  12/12/2020

Ali Abdel-Haq, G.E. #2308, Exp. 12-31-25
Geotechnical Engineering Reviewer (805-496-1222)
Email: ali@geodynamics-inc.com

Date

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

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

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

City of Malibu

– GEOTECHNICAL –

NOTES FOR BUILDING PLAN-CHECK

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

1. One set of grading, retaining wall, swimming pool and spas, guest house, and residence plans, incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**
2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Building, Seawall, and Grading Plans.
3. Include the following note on Grading and Foundation Plans: "*Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Project Geotechnical Consultant, as appropriate.*"
4. Include the following note on the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel."*
5. The Foundation Plans for the proposed project shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
6. Show the onsite wastewater treatment system on the Site Plan.
7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
8. A comprehensive Site Drainage Plan, incorporating the Project Geotechnical Consultant's recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

Grading Plans (as Applicable)

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

Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the Geotechnical Consultant, on the Plans.
2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department

FROM: City of Malibu Planning Department **REVISED DATE** 07/19/2023

PROJECT NUMBER:	CDP 20-003
JOB ADDRESS:	29329 HEATHERCLIFF RD
APPLICANT / CONTACT:	Alan Hajjar
APPLICANT ADDRESS:	5905 Greyrock Road Agoura Hills, CA 91301
APPLICANT PHONE #:	(818)383-1800
APPLICANT FAX #:	
APPLICANT EMAIL:	alan@myacsinc.com
PROJECT DESCRIPTION:	NSFR

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

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

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

Nathan Mercer — SIGNATURE

8/8/2023 — DATE

Rev 120910

City of Malibu
MEMORANDUM

To: Planning Department

From: Public Works Department
Nathaniel McLean, Assistant Civil Engineer

Date: August 8, 2023

Re: Proposed Conditions of Approval for 29329 Heathercliff Rd, CDP 20-003

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 disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
- The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
- If the property contains trees that are to be protected they shall be highlighted on the grading plan.
- If the property contains rare and endangered species as identified in the resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
- Private storm drain systems shall be shown on the grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
- Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.

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

Erosion Controls	Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations

Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

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.

6. 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.

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

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

MISCELLANOUS

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

9. 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.

LOS ANGELES COUNTY WATERWORKS DISTRICTS *

P. O. Box 1460
Alhambra, CA 91802
Telephone: (626) 300-3306

260 East Avenue K-8
Lancaster, CA 93535
Telephone: (661) 942-1157

23533 Civic Center Way
Malibu, CA 90265
Telephone: (310) 317-1389

TO:

☐ Los Angeles County
Department of Public Health
Environmental Health:
Drinking Water / Land Use Program
5050 Commerce Drive
Baldwin Park, CA 91706-1423

☐ Los Angeles County
Department of Public Works
Building & Safety Division

☐ Los Angeles County
Fire Department

☐ City of Lancaster
Building Department
44933 N. Fern Ave.
Lancaster, CA 93534

☒ City of Malibu
Building Department
23815 W. Stuart Ranch Rd.
Malibu, CA 90265

☐ City of Palmdale
Building Department
38300 N. Sierra Hwy.
Palmdale, CA 93550

RE: **29329 HEATHERCLIFF ROAD** (Address) **MALIBU** (City) **90265** (Zip Code)

APN # 4468-011-011

Los Angeles County Waterworks District No. 29

***Will serve* water to the above *single lot* property subject to the following conditions:**

☐	Annexation of the property into Los Angeles County Waterworks District is required. **Water service to this property will not be issued until the annexation is completed.**
☒	The appropriate fees must be paid to the District and other related water agencies.
☐	The appropriate service connection fees have been paid to Waterworks Districts for the existing service connection.
☐	The property has an existing water meter.
☐	The appropriate connection fees have been paid to Waterworks Districts for the proposed service.
☐	Water system improvements will be required to be installed by the developer subject to the requirements set by the Fire Department and the District.
☒	Water meter serving the property must be installed in accordance with Waterworks' District standards.
☒	Public water system and sewage disposal system must be in compliance with Health Department separation requirements.
☒	A portion of the existing fronting water main may be required to be replaced or upgraded if the water service tap cannot be made or if damage occurs to the water main.
☒	Property may experience low water pressure and / or shortage in high demand periods.
☐	The District **CAN NOT** serve water to this property at this time.
☒	Must comply with and satisfy City of Malibu requirements in order to obtain Water Service.
☒	A USC approved backflow device is required for this property and is to be installed and maintained by the property owner.
☒	This Will Serve Letter is for a new 4,570 sq. ft. single-family residence.

By: _____ (Signature) | Dave Rydman (Print Name) | Senior Civil Engineer | (310) 456-6621 x238 (Phone Number) | 12/10/2020 (Date)

**** THIS WILL SERVE LETTER WILL EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE.***

Rev. 06/09

ANTHONY C. MARRONE
FIRE CHIEF
FORESTER & FIRE WARDEN

"Proud Protectors of Life, the Environment, and Property"

COUNTY OF LOS ANGELES FIRE DEPARTMENT

FUEL MODIFICATION UNIT
605 NORTH ANGELENO AVENUE
AZUSA, CA 91702
(626) 969-5205
forestryfuelmodification@fire.lacounty.gov
www.fire.lacounty.gov/forestry-division/forestry-fuel-modification/

BOARD OF SUPERVISORS
JANICE HAHN, CHAIR
FOURTH DISTRICT

HILDA L. SOLIS
FIRST DISTRICT

HOLLY J. MITCHELL
SECOND DISTRICT

LINDSEY P. HORVATH
THIRD DISTRICT

KATHRYN BARGER
FIFTH DISTRICT

July 12, 2023

Dear Applicant:

FUEL MODIFICATION PLAN – 29329 HEATHERCLIFF RD, CITY OF MALIBU
PARCEL #4468-011-011 FM PROJECT #10803 – FFFM #202300195

The Final Fuel Modification Plan has been reviewed and approved. Occupancy is subject to onsite inspection and approval of required fuel modification. Inspections are to be performed by Forestry Division personnel.

Questions regarding this response should be directed to the Fuel Modification Unit. Office hours are Monday through Thursday, from 8:00 a.m. to 4:00 p.m. Plan checkers are available 8:00 a.m. to 10:00 a.m. and by appointment. The Fuel Modification Unit may best be reached by email using our office email (forestryfuelmodification@fire.lacounty.gov).

Very truly yours,

William Romo

WILLIAM ROMO, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

WR:ls

Enclosures

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department **DATE:** 1/9/2020

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 20-003
JOB ADDRESS:	29329 HEATHERCLIFF RD
APPLICANT / CONTACT:	Alan Hajjar
APPLICANT ADDRESS:	5905 Greyrock Road Agoura Hills, CA 91301
APPLICANT PHONE #:	(818)383-1800
APPLICANT FAX #:	
PROJECT DESCRIPTION:	New single family residence - 1 story with basement.

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	Yes, Submit plans to the Calabasas Fire Prevention Office
The project DOES NOT require Fire Department Plan Review	
The required fire flow for this project is 1250 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.)	
The project is required to have an interior automatic fire sprinkler system.	Yes
Final Fuel Modification Plan Approval is required prior to Fire Department Approval	Yes

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

	App'd	N/app'd
Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project.	Submit plans to the Calabasas Fire Prevention Office for Building Plan Check Review	
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.

Wally Collins, FPEA II - Land Development Unit — SIGNATURE

September 18, 2020 — DATE

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341or at the Fire Department Counter:
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM



ATTACHMENT 4

LCP Interpretation

Number: 16

Dated: November 2, 2005

Amended: N/A

Planning Manager: CJ Amstrup

LCP Section: LIP Sections 13.13, 13.26, and 13.27

Title: Ridgelines

Issue: Primary and secondary ridgelines are defined in LIP Chapter 2. LIP Section 6.5(C)(1) regulates development on primary and secondary ridgelines. LIP Section 6.2 and LUP Section 6.4 describe how scenic resources are applied. However, these LCP sections provide inconsistent direction about how to implement protection of primary and secondary ridgelines.

Interpretation: On October 24, 2005, the City Council concurred with the following procedure regarding ridgelines.

1. First, if a ridgeline feature is present in the vicinity of the project site, staff will determine if potentially significant adverse effects on scenic resources could result from the project. According to LIP Section 6.3, ridgeline standards only apply if the ridge is visible from scenic areas, scenic roads, or public viewing areas **and** the project site is visible from scenic areas, scenic roads, or public viewing areas **and** the project could result in potentially significant adverse impacts regarding scenic resources.

2. Second, staff will determine if a project site is located within a largely developed or built out area. According to LUP Section 6.4, ridgeline development standards are not applied to largely developed or built out areas.

    - Staff will work with applicants to determine neighborhood boundaries, utilizing the criteria described in LIP Section 3.6(L) (Neighborhood Standards) to guide development of the neighborhood boundaries.
    - A percentage of the parcels within the neighborhood that are developed will be determined. In order to be considered developed, the parcel must accommodate uses normally related to human activities. All parcels with primary uses are considered developed. In addition, parcels with accessory structures (such as swimming pools, tennis courts, second residential units, etc.), parcels with structures under construction, or other parcels actively utilized on a consistent basis for human activities (such as sports fields) are considered developed.

ATTACHMENT 5

- If at least 65 percent of the parcels within a neighborhood are developed, it will be considered largely developed or built out.

Parcels in neighborhoods that are considered largely developed or built out will not be subject to ridgeline standards, unless development of the project site could result in potentially significant impacts on visual resources.

3. Third, staff will determine if the LCP's ridgeline standards apply. According to LIP Section 6.2, ridgeline development standards do not apply to existing flat, undeveloped building pads, existing flat developed sites, or other gently sloping areas (i.e., exhibiting slopes less than 20 percent) on landform features that may exhibit ridgelines qualities. In these cases, development may proceed without a variance to ridgeline standards, provided that such development could comply with all other LCP development standards, and the project site does not include any areas exceeding 20 percent in slope. The "project site" includes any areas disturbed to accommodate structures for the development. Ridgeline standards only apply to those portions of the parcel that meet the definition of ridgeline, and not the entire parcel. In order to not count holes, rocks, and other small topographic changes, applicants may be required to submit a color-coded slope analysis map based on 10-foot contour intervals.

4. Fourth, staff will determine if the ridgeline feature meets the LCP's ridgeline definitions. For project sites on ridgeline features that include areas exceeding 20 percent slope, and meet all other LCP applicability thresholds for scenic resource protection, ridgeline development standards apply. In such cases, an analysis shall be submitted by the applicant to determine if a ridgeline feature meets the LCP ridgeline definitions. If the ridgeline feature does not meet the LIP's ridgeline definitions, then development may proceed without a variance. In such cases, conditions of approval could be imposed to minimize potentially significant adverse impacts. However, if the analysis determined that a structure would be placed on a primary or secondary ridgeline, then a variance or resiting of the structure would be required. Such structures would be limited to one story in height. In these cases, conditions of approval could be imposed to minimize potentially significant adverse impacts.

Story Pole Photos

29329 Heathercliff Road

Note: The tallest story poles indicate 21 feet in height. The actual tallest height of the structure is now proposed at 18 feet.



1. View on-site from the eastern edge (at area of access easement), looking westerly toward PCH.



2. View near southern edge of site, looking northerly.



3. View at southeastern corner of site looking northwest.



4. View from southwestern area of site looking northwest.



5. View from southeastern area of site (downslope) looking northwest.



6. View from western edge of the PCH, looking easterly toward the site.



7. Neighbor's View: view from PVD at 29257 Heathercliff Road, looking southerly.



8. Neighbor’s View: view from PVD at 29327 Heathercliff Road, looking westerly.

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

PLANNING DEPARTMENT

NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, October 7, 2024, at 6:30 p.m**. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA and via teleconference, for the project identified below.

COASTAL DEVELOPMENT PERMIT NO. 20-003 AND MINOR MODIFICATION NO. 20-001 - An application to construct a new 4,050-square-foot, split-level, 18-foot tall, two-story single-family residence with an attached 390-square-foot garage, a swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system; including a minor modification for up to a 50 percent reduction of the front yard setback

LOCATION / APN / ZONING:	**29329 Heathercliff Rd** / 4468-011-011 / Rural Residential-One Acre (RR-1)
APPLICANT / OWNER:	Schmitz and Associates, Inc. / ACS International LLC
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Sections 15303(a) and 15303(e)
APPLICATION FILED:	January 9, 2020
CASE PLANNER:	Allison Cook, Contract Planner, capstonecityplan@gmail.com (805) 415-1991

A written staff report will be available at or before the hearing for the projects. All persons wishing to address the Commission regarding these matters will be afforded an opportunity in accordance with the Commission's procedures. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

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 following the date of action 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/planningforms 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.

MAUREEN TAMURI, Interim Planning Director — Date: September 26, 2024

ATTACHMENT 7

From:	Nora M. Martin-Resnick
To:	Planning Commission
Cc:	Justin R. Trujillo; Kenneth A. Ehrlich
Subject:	Administrative Coastal Development Permit No. 20-003 And Minor Modification No. 20-001
Date:	Friday, May 24, 2024 9:36:21 AM
Attachments:	image001.png 2024.05.23 LTR to Malibu Planning Director Opposing ACDP 20-003(5369575.1).pdf

Received
05/24/24
Planning Dept.

Good Morning,

Please see the attached courtesy copy of the correspondence from Mr. Ehrlich that was sent out yesterday, 5/23/24.

Thank you,

Nora M. Martin-Resnick
Assistant
NMartinresnick@elkinskalt.com
Direct Dial: (310) 746-4455 | Main: (310) 746-4400 | Fax: (310) 746-4499
Elkins Kalt Weintraub Reuben Gartside LLP
10345 W. Olympic Boulevard, Los Angeles, CA 90064
www.elkinskalt.com



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CC: Planning Commission, PD,

Recording Secretary, File

Date Received 05/24/24 Time 9:36 AM
Planning Commission meeting of 06/03/24
Agenda Item No. 3B3
Total No. of Pages 23

ATTACHMENT 8

ELKINS KALT

Kenneth A. Ehrlich
D: 310.746.4412
Direct Fax: 310.746.4462
KEhrlich@elkinskalt.com
Ref: 15651-0001

Elkins Kalt Weintraub Reuben Gartside LLP

May 23, 2024

VIA E-MAIL AND FEDEX

Mr. Richard Mollica
Planning Director
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: rmollica@malibucity.org

Re: Administrative Coastal Development Permit No. 20-003 And Minor Modification No. 20-001

Dear Director Mollica:

Our office represents Brian and Pamela Adams, the owners (collectively, "Client") of the real property located at [redacted] Heathercliff Road, Malibu, California, also identified at APN No. [redacted]. Applicant Alan Hajjar, on behalf of ACS International LLC (collectively, "Applicant"), seeks to construct a new 4,050-square-foot, split-level, 18-foot tall, two-story single-family residence with an attached 390-square-foot garage, a swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system, and requests a minor modification for up to a 50 percent reduction of the front yard setback ("Project"). The Applicant seeks to construct the Project at 29329 Heathercliff Road, Malibu, California, also identified as APN No. 4468-011-011 ("Site")

We write to express our Client's objections and concerns regarding the Project. Specifically, our Client objects to the Project and respectfully requests that the Planning Director deny Project approval on the following grounds:

1. **The City Failed to Apply the Hillside and Ridgeline Development Standards, Which Preclude the Project.** The Malibu Municipal Code ("MMC") and the City of Malibu's (the "City") Local Implementation Plan ("LIP") specify Hillside and Ridgeline Development Standards, and these standards apply to the proposed Project. The City failed to apply these standards during the Project review. As discussed below, the Project cannot comply with these standards. For these reasons alone, the Planning Director should not approve the Project.

2. **No Basis Exists for the Front Yard Setback Modification.** No proper basis exists for the Planning Director to approve the Applicant's request for up to a 50 percent reduction of the front yard setback. No evidence suggests that the proposed setback reduction is necessary to avoid or minimize impacts to sensitive resources, as the LIP requires. Instead, the Applicant seeks to reduce the setback solely to maximize the size of the Project footprint and single-family residence. Moreover, the Project depends on

T: 310.746.4400 F: 310.746.4499
10345 W. Olympic Blvd, Los Angeles, CA 90064 | elkinskalt.com

the proposed significant reduction of the front setback, and the Applicant could not construct it without it. The Planning Director should reject the Project.

3. **CDP Variance Required**. To the extent that the Project cannot comply with the LIP's standards or requirements, it requires a variance. However, the Applicant has not sought any variance associated with the Project. The Planning Director should reject the Project for this reason as well.

I. The Project Fails To Comply With Applicable Ridgeline Development Standards

A. LIP Hillside and Ridgeline Development Standards Apply to the Project

LIP chapter 6 codifies the Scenic, Visual, And Hillside Resource Protection Ordinance. LIP section 6.2 provides that chapter 6 applies as follows:

> All 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 shall be governed by the policies, standards and provisions of this chapter in addition to any other policies or standards contained elsewhere in the certified LCP which may apply. The hillside development standards of this chapter shall apply to properties where the project site includes any area of slope over 20 percent.
>
> Where applicable, Coastal Development Permits shall be conditioned to require compliance with any policy, standard or provision contained herein.

LIP § 6.2.

Here, Applicant-submitted Project documents reveal that the Project would be visible from a designated scenic road, Pacific Coast Highway. Specifically, an Applicant-submitted photo showing the view of the Site from Pacific Coast Highway, with a rendering of the Project buildings ("Project Rendering"), specifically shows visibility from PCH. We attach a true and correct copy of the Project Rendering as **Exhibit A**. The Project Rendering also demonstrate that the Project would be visible from Pacific Coast Highway, which the City's LCP Land Use Plan ("LUP") defines as a scenic road. LUP § 6.3 ("The following roads within the City are considered Scenic Roads: a. Pacific Coast Highway."). Consequently, LIP chapter 6 unambiguously applies to the Project.

Further, areas of slope over 20 percent characterize significant portions of the Site. See, e.g., Project Site Plan. Consequently, the LIP chapter 6 hillside development standards also apply to the Project.

LIP section 6.5(C) specifies hillside development standards and provides as follows:

> 1. Ridgelines
>
> a. New development shall be sited and designed to prohibit construction of structures on a primary or secondary ridgeline. Any structures shall be located a minimum of 300 feet (measured horizontally) or 100 feet (measured vertically) from the top of a primary ridgeline, and shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway.
>
> b. Where there are no feasible building site that can conform to the requirements of Section a, or where the only feasible building site would result in unavoidable adverse impacts to environmentally sensitive habitat areas, then a variance may be approved for a building site that does not conform to these standards, with design measures that minimize the visual resource impacts. Any structures approved on such a building site shall be limited to one-story in height.

LIP § 6.5(C).

LIP section 2.1 defines Primary Ridgeline and Secondary Ridgeline as follows:

> 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.

LIP § 2.1

Here, the Site meets the criteria for a Primary Ridgeline since the Site forms a distinct part of the skyline when viewed from a public street. The Project rendering illustrates that the Site constitutes part of the skyline viewable from Pacific Coast Highway, a public road. See, e.g., Exhibit A. Further, even if the Site does not constitute a Primary Ridgeline, it undoubtedly meets the criteria for a Secondary Ridgeline.

In this regard, the Site is situated upon a hill where the elevation drops more than 10 feet in 100 feet horizontally on either side of the top of the landform feature. See, e.g., Project Site Plan. Consequently, LIP section 6.5(C)(1) ridgeline development standards apply to the Project regardless of whether the Site constitutes a Primary or Secondary Ridgeline.

B. MMC Ridgeline Development Standards Apply To The Project

MMC section 17.40.040 outlines development standards applicable to all residential development and provides as follows regarding ridgeline development:

> 8. Ridgelines.
>
> 1. Primary Ridgelines.
>
> a. A primary ridgeline shall be defined as follows: 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:
>
> i. Forms a distinct part of the skyline when viewed from a public street or highway; or
>
> ii. 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.
>
> b. Structures shall be located a minimum of 100 feet (measured horizontally) from the top of a primary ridgeline, and shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway.
>
> 2. Secondary Ridgelines.
>
> a. A secondary ridgeline is defined as hills, ridges, and promontories other than primary ridgelines, but on which the elevation drops more than 10 feet in 100 feet horizontally on either side of the top of this landform feature.
>
> b. Any structures proposed on secondary ridgelines shall be subject to the planning director's review. If the structure projects above the top of the secondary ridgeline, as viewed from a public or private street, the planning

> director may impose conditions to minimize potential scenic impacts based on such factors as the prominence of the site and structure, the severity of visual impact to public view, and the existing development pattern in the surrounding area. These conditions would be based on the following secondary ridgeline development criteria:
>
> i. Proposed structures are encouraged to be maintained at a low profile to mitigate visual impacts of the secondary ridgeline.
>
> ii. The proposed design of the structure, including grading of the site should incorporate development techniques which sensitively conform to the natural terrain, including such measures as split level designs or second stores which are stepped back as viewed from the downhill side of the property, reduced building pads and roof pitches which parallel existing slopes.

MMC § 17.40.040.

Since the Project proposes a new single-family home for residential use in the Rural Residential zone, it constitutes residential development subject to MMC section 17.40.040. For the same reasons discussed in Section I. A. above, the Site constitutes either a Primary Ridgeline or a Secondary Ridgeline. Consequently, the MMC section 17.40.040 ridgeline development standards apply to the Project regardless of whether the Site constitutes a Primary Ridgeline or Secondary Ridgeline.

C. The City Failed to Apply Applicable Ridgeline Development Standards

As discussed above, the LIP and MMC's ridgeline development standards unambiguously apply to the Project. However, the City failed to apply these ridgeline standards during its review of the Project. *See*, *e.g.*, email correspondence between City staff and the Applicant attached as **Exhibit B**. Consequently, the Project received no City review for compliance with applicable ridgeline development standards, and the City failed to conduct the analysis and reach the findings required to approve a CDP application subject to LIP chapter 6.

LIP section 6.4 provides that the City must conduct an analysis and reach certain findings which address the specific project impacts relative to the applicable development standards identified in Section 6.5 of the Malibu LIP. Moreover, a Coastal Development Permit for proposed development subject to LIP chapter 6 may only be granted if the City makes certain findings specified in LIP section 6.4.

Here, correspondence between City staff and the Applicant unequivocally shows that the City failed to apply the ridgeline development standards during its review of the Project. *See* Exhibit B. Although the

City acknowledges that the ridgeline development standards arguably apply to the Project, the City, nevertheless, decided that it would "argue that the ridgeline standards do not apply." *Id.* The City's claimed grounds for its decision not to apply ridgeline standards to the Project were that "[t]he Code is ambiguous, but staff believes that it would not meet the intent of the code to apply the ridgeline standards in this already developed area of the city." *Id*. In other words, City staff unilaterally determined not to apply the ridgeline development standards in developed areas of the City.

This make no practical or legal sense. Nothing in the LIP or MMC specify that these standards only apply in "undeveloped" areas of Malibu or do not apply to "developed" areas of the City. Clearly, the City must analyze this Project under the ridgeline development standards. By failing to conduct the required analysis, the City violated the law by failing to make any of the findings required by LIP section 6.4.

Since the City failed to conduct the required analysis of the Project's compliance with applicable ridgeline standards, let alone reach the necessary findings, the Planning Director should deny the Project.

D. The Project Cannot Comply With Applicable Ridgeline Standards

The Project cannot comply with the applicable ridgeline standards.

For example, the LIP and MMC require that new development on a Primary Ridgeline "shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway." LIP § 6.5(C)(1)(a); MMC § 17.40.040(A)(8)(1)(b). Here, the Project Rendering clearly shows that the Project's roof and a significant portion of the building would be visible from Pacific Coast Highway. *See* Exhibit B. Additionally, other aspects of the Project fail to comply with applicable ridgeline standards without an appropriate variance, which Applicant has not sought here. For example, structures must be located a minimum of 300 feet (measured horizontally) or 100 feet (measured vertically) from the tope of a primary ridgeline. LIP § 6.5(C)(1)(a). Accordingly, the Project cannot comply with the applicable ridgeline development standards. Should Applicant wish to avoid these standards, it must apply for a variance. It has not done so.

Since the Project cannot comply with the applicable ridgeline development standards, the Planning Director must deny the Project.

II. <u>No Proper Basis Exists For Approval Of A Front Yard Setback Reduction</u>

A. Applicant Failed To Provide A Proper Justification For The Requested Front Setback Reduction

LIP section 3.6(F) specifies setback requirements applicable to the Property. Based on the

dimensions of the Site, the front setback for the Project would be 59.2 feet. Here, the Applicant requests approval of a front setback reduction by up to 50% -- for a front setback of 29.6 feet.

Additionally, LIP section 3.6(F)(5) provides that "[M]odifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources." Here, neither the Applicant's submitted documents nor City staff analysis reference any sensitive resources. Instead, the Applicant attempts to justify the front yard setback reduction by asserting that reducing the front setback is necessary "to be able to build this project on the area of the site where the slope is less than 4 to 1." *See* true and correct copy of the Applicant's January 6, 2020 letter to City staff, attached as **Exhibit C**.

The Applicant's justification does not constitute a proper basis for approving the requested front setback reduction. The LIP provides that the *only* adequate basis for the Planning Director to approve a front setback reduction is "to avoid or minimize impacts to sensitive resources." LIP section 3.6(F)(5). Here, the Applicant fails to even make the bare assertion that the requested front setback reduction is necessary to avoid or minimize impacts to sensitive resources, let alone provide any evidence in support. Instead, the Applicant reveals that his sole reason for requesting the front setback reduction is that he wants to build the Project significantly larger than it could be if he complied with the applicable setback requirements. Further, the Applicant's justification implies that he seeks to avoid site plan approval requirements that would be triggered if the proposed Project complied with setback requirements and built portions of the Project.

Moreover, no known or apparent sensitive resources exist in the portion of the Site subject to the front setback requirements. Granting the Applicant's requested front setback reduction would do *nothing* to avoid or minimize impacts to sensitive resources, and would ignore applicable law. Consequently, no proper basis exists for granting the requested front setback reduction, let alone any front setback reduction whatsoever. If the applicants want to reduce the front yard setback, it should apply for a variance. It has not done so.

B. The Planning Director Cannot Make The Necessary Findings

Even if Applicant properly justified the requested setback reduction, which he cannot, the Planning Director cannot make the findings necessary to approve a setback reduction for the Project.

LIP section 13.27.1(B) provides that the Planning Director may grant minor modification permits authorizing the reduction of front setbacks by no more than 50%. In approving such front setback reduction, LIP section 13.27.5(B) provides that the Planning Director **must make findings that the proposal meets all of the following: (1) that the project is consistent with the policies of the Malibu LCP; (2) that the project does not adversely affect neighborhood character; (3) the proposed project complies with all applicable requirements of state and local law.** LIP § 13.27.5(B) (emphasis added).

As discussed above, the Project does not comply with the hillside and ridgeline development standards contained in the LIP. Consequently, the Planning Director cannot find that the Project is consistent with the policies of the LCP. Further, the Project's proposed front setback reduction would drastically affect the neighborhood's character. For example, the Project would be extremely close to the existing homes and the only home on the hillside between the existing homes and Pacific Coast Highway. Therefore, the Planning Director cannot find that the Project does not adversely affect the neighborhood's character. Moreover, as discussed above, the Planning Director cannot find that the Project complies with the applicable ridgeline standards and, therefore, the Project cannot comply with all applicable state and local law requirements.

Since the Planning Director cannot make *any* of the findings required to approve the Applicant's requested front setback reduction, let alone *all* of them, the Planning Director should not grant the requested setback reduction. Since the Applicant cannot construct the Project as proposed without the requested front setback reduction, the Planning Director must deny the Project.

III. Conclusion

For the reasons discussed above, our Client respectfully requests that the Planning Director deny the Project.

Very truly yours,



KENNETH A. EHRLICH,
JUSTIN R. TRUJILLO
Elkins Kalt Weintraub Reuben Gartside LLP

KAE:jrt

Attachments: Exhibit A (Project Rendering); Exhibit B (Email Correspondence); Exhibit C (Discretionary Request Letter)

cc: John G. Mazza (via email only)

5368272.3

EXHIBIT A



EXHIBIT B

Lilly Rudolph

From: Lilly Rudolph
Sent: Wednesday, April 7, 2021 10:55 AM
To: David Kellen
Cc: Alan ACS
Subject: Re: 29329 Heathercliff review
Attachments: LCP_MMC Story Pole Policy.pdf

Hi David and Alan,
Good news. We are going to argue that the ridgeline standards do not apply. The Code is ambiguous, but staff believes that it would not meet the intent of the code to apply the ridgeline standards in this already developed area of the city.

The next step is to submit a story pole plan per the City's story pole plan policy (attached)
I located an approval from Public Works. The Water District referral is outstanding.
The Notice of application for a CDP (green sign) would need to be posted and documented.

Thank you,
Lilly

Lilly Rudolph, Contract Planner
[redacted]
lrudolph@malibucity.org

From: David Kellen <[redacted]>
Sent: Monday, April 5, 2021 8:40 AM
To: Lilly Rudolph <lrudolph@malibucity.org>
Cc: Alan ACS <alan@myacsinc.com>
Subject: Re: 29329 Heathercliff review

Hi:

I looked over the definitions and do feel that 1) our project is definitely not a Primary Ridgeline and 2) that our project should not be considered a Secondary Ridgeline.

Also, we have been working on this project for well over two years and at no time has any of the Planning Staff brought this up.

We would like to know that we have full support from the Planning Department for the project as it has been submitted.

I feels things are dragging as just when we have provided what we are asked for, something new seems to show up. This has happened more than once. We feel that if something new is being required for developments, we should only be required to provide what we were told at are early Planning Department meetings.

If this ridge line going to present any impact on our project Alan and I would like a meeting with you and a supervisor do discuss this. Also, Maybe a supervisor should talk to the Planning Commission to discuss this situation.

Both Alan and I have completed our COVID vaccinations and would be willing to meet with masks. Or a Zoom meeting would be acceptable.

Thanks,

David Kellen

From: Alan ACS <alan@myacsinc.com>
Sent: Wednesday, March 31, 2021 12:10 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Cc: David Kellen <[redacted]>
Subject: RE: 29329 Heathercliff review

Hi Lilly
This project should be treated as in progress and Not new project as we been on it for 2 years now
Hopefull that the new ridgeline rules does not affect our design
Please let us know after talking to planning staff

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
1666 1/2 Mc Cadden Pl
Hollywood, CA 90028
Tel: (818) 383-1800
Fax: (323) 463-0485

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Wednesday, March 31, 2021 11:34 AM
To: Alan ACS <alan@myacsinc.com>
Subject: Re: 29329 Heathercliff review

Hi Alan,
The revised plans address all my previous comments. I need to run a question by Planning staff regarding development on ridgelines and will follow up. Ridgeline standards have typically not been implemented by Planning staff over the years, and Planning Commissioners recently informed staff that moving forward, they will review projects to conform with ridgeline standards. The MMC and LIP have two different set of requirements. The City's policy is to apply the most restrictive of the two when the LIP and MMC conflict. I'm pasting the ridgeline language for your reference.

LIP Section 2.1
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 five hundred feet (500′) 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 ten feet (10′) in one hundred feet (100′) horizontally on either side of the top of this landform feature.

Standards:
LIP Section 6.5 (C)

1. Ridgelines

a. New development shall be sited and designed to prohibit construction of structures on a primary or secondary ridgeline. Any structures shall be located a minimum of 300 feet (measured horizontally) or 100 feet (measured vertically) from the top of a primary ridgeline, and shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway.

b. Where there are no feasible building site that can conform to the requirements of Section a, or where the only feasible building site would result in unavoidable adverse impacts to environmentally sensitive habitat areas, then a variance may be approved for a building site that does not conform to these standards, with design measures that minimize the visual resource impacts. Any structures approved on such a building site shall be limited to one-story in height.

MMC Section 17.40.040

8. Ridgelines.

1. Primary Ridgelines.

a. A primary ridgeline shall be defined as follows: 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:

i. Forms a distinct part of the skyline when viewed from a public street or highway; or

ii. Is seen as a distinct and prominent edge against a backdrop of land at least five hundred (500) feet behind it when viewed from a public street and contains an average slope of at least 3:1.

b. Structures shall be located a minimum of one hundred (100) feet (measured horizontally) from the top of a primary ridgeline, and shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway.

2. Secondary Ridgelines.

a. A secondary ridgeline is defined as hills, ridges, and promontories other than primary ridgelines, but on which the elevation drops more than ten (10) feet in one hundred (100) feet horizontally on either side of the top of this landform feature.

b. Any structures proposed on secondary ridgelines shall be subject to the planning director's review. If the structure projects above the top of the secondary ridgeline, as viewed from a public or private street, the planning director may impose conditions to minimize potential scenic impacts based on such factors as the prominence of the site and structure, the severity of visual impact to public view, and

the existing development pattern in the surrounding area. These conditions would be based on the following secondary ridgeline development criteria:

i. Proposed structures are encouraged to be maintained at a low profile to mitigate visual impacts of the secondary ridgeline.

ii. The proposed design of the structure, including grading of the site should incorporate development techniques which sensitively conform to the natural terrain, including such measures as split level designs or second stores which are stepped back as viewed from the downhill side of the property, reduced building pads and roof pitches which parallel existing slopes.

3. Grading or berms which alter the natural contours of, or change the elevation of the crest of the ridgeline in order to create a pad shall be avoided.

4. Berms, contour or landform grading, and landscaping should be used, when necessary, to soften the visual impacts to secondary ridgelines created by structures and grading.

c. Ridgetop development is particularly susceptible to wildfire hazard. In addition to the criteria to reduce visual impact, the planning director shall evaluate all ridgeline development on slopes of at least 3:1 to incorporate adequate setbacks to address potential fire hazard concerns.

Given that ridgeline applicability and standards are relatively unfamiliar to me, I will Planning staff to seek guidance and will follow up next week. I acknowledge that this is problematic given the multiple plan corrections thus far, but Planning staff is striving to ensure that projects are complete and conform with standards prior to a hearing to avoid further delays in the long run.

In addition, Public Works review and Water District review appears to be outstanding. Could you please submit review sheets for both agencies?

Thank you,
Lilly

Lilly Rudolph, Contract Planner
[redacted]
lrudolph@malibucity.org

From: Alan ACS <alan@myacsinc.com>
Sent: Tuesday, March 30, 2021 5:03 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: RE: 29329 Heathercliff review

Wow great
Thank you

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
1666 1/2 Mc Cadden Pl
Hollywood, CA 90028
Tel: (818) 383-1800
Fax: (323) 463-0485

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Tuesday, March 30, 2021 3:32 PM
To: Alan ACS <alan@myacsinc.com>
Subject: Re: 29329 Heathercliff review

Hi Alan,
I'm back and will follow up this week.
Thank you for your patience,
Lilly

Lilly Rudolph, Contract Planner
[redacted]
lrudolph@malibucity.org

From: Alan ACS <alan@myacsinc.com>
Sent: Tuesday, March 30, 2021 2:12 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: RE: 29329 Heathercliff review

Ok I guess I will wait till you return
Hopefully soon
Stay safe

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
1666 1/2 Mc Cadden Pl
Hollywood, CA 90028
Tel: (818) 383-1800
Fax: (323) 463-0485

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Tuesday, March 30, 2021 8:17 AM
To: Alan ACS <alan@myacsinc.com>
Subject: Re: 29329 Heathercliff review

Hi Alan,
Thank you for your voice message. Unfortunately, timing is unknown, but I hope to catch up as soon as I can. For now, I understand all Planning staff are very busy, and I don't think they would be able to make much progress by the time I return.

Thank you for your patience,
Lilly

Lilly Rudolph, Contract Planner
[redacted]

lrudolph@malibucity.org

From: Alan ACS <alan@myacsinc.com>
Sent: Monday, March 29, 2021 2:37 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: Re: 29329 Heathercliff review

Hi Lilly
Any update ?

Sent from my iPhone

> On Mar 18, 2021, at 8:47 AM, Lilly Rudolph <lrudolph@malibucity.org> wrote:
>
> I think I can get to it tomorrow, if not Monday.
>
> Lilly Rudolph, Contract Planner
> [redacted]
> lrudolph@malibucity.org

From: Alan ACS <alan@myacsinc.com>
Sent: Wednesday, March 17, 2021 12:07 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: RE: 29329 Heathercliff review

Morning Lilly
Any chance you will review this week Please

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
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1666 1/2 Mc Cadden Pl
Hollywood, CA 90028
Tel: (818) 383-1800
Fax: (323) 463-0485

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Tuesday, March 9, 2021 6:46 PM
To: Alan ACS <alan@myacsinc.com>
Subject: Re: 29329 Heathercliff review

I understand, Alan. I have few projects ahead of you that I need to review. But I hope all the issues have been resolved and we can move forward from here.

Lilly Rudolph, Contract Planner
[redacted]
lrudolph@malibucity.org

From: Alan ACS <alan@myacsinc.com>
Sent: Tuesday, March 9, 2021 2:54 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: RE: 29329 Heathercliff review

Hi Lilly
I know you busy , I really need you help in reviewing so we can move forward

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
1666 1/2 Mc Cadden Pl
Hollywood, CA 90028
Tel: (818) 383-1800
Fax: (323) 463-0485

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Wednesday, March 3, 2021 8:48 AM
To: Alan ACS <alan@myacsinc.com>
Subject: Re: 29329 Heathercliff review

Yes, will do, Alan. Thank you for the corrections.

Lilly Rudolph, Contract Planner
[redacted]
lrudolph@malibucity.org

From: Alan ACS <alan@myacsinc.com>
Sent: Tuesday, March 2, 2021 8:20 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: RE: 29329 Heathercliff review

Hi Lilly
Can you pleas please review and finalize , I did overlay all plans (arch , civil and topo) and they all correct
I really appreciate if you review so we move forward.
Thank you in advance

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>

USA:
1666 1/2 Mc Cadden Pl
Hollywood, CA 90028
Tel: (818) 383-1800
Fax: (323) 463-0485

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Thursday, February 25, 2021 10:18 AM
To: Alan ACS <alan@myacsinc.com>
Subject: Re: 29329 Heathercliff review

Hi Alan,
Yes, I apologize for not getting back to you sooner. I received your email and attachments.

Lilly Rudolph, Contract Planner
[redacted]
lrudolph@malibucity.org

From: Alan ACS <alan@myacsinc.com>
Sent: Thursday, February 25, 2021 7:22 AM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: FW: 29329 Heathercliff review

Morning Lilly
Can you please confirm that you received the below and attached

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
1666 1/2 Mc Cadden Pl
Hollywood, CA 90028
Tel: (818) 383-1800
Fax: (323) 463-0485

From: Alan ACS <alan@myacsinc.com>
Sent: Saturday, February 20, 2021 6:50 AM
To: 'Lilly Rudolph' <lrudolph@malibucity.org>; 'David Kellen' [redacted]>
Subject: RE: 29329 Heathercliff review

Morning Lilly
I am sorry about these inconsistency between civil and Arch
David Kellen (architect) met with Civil and they adjusted all their plans to match and we overlayed all plans and they match now ,
Attached are :

- Full set of architecture

- Full set of civil
- Earth work
- Answers to your corrections
- Topo with slope analysis and final site plan on it

Can you please review and Appreciate if we can get on a conf call via GoToMeeting if you still have any concern
Below is a link to download also in case files are too big to receive via email

https://www.dropbox.com/sh/5bmy18ohgd5ap3d/AA[redacted]

Have a good weekend

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
1666 1/2 Mc Cadden Pl
Hollywood, CA 90028
Tel: (818) 383-1800
Fax: (323) 463-0485

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Friday, February 5, 2021 4:17 PM
To: Alan ACS <alan@myacsinc.com>; David Kellen <[redacted]>
Subject: 29329 Heathercliff review

Hi Alan and David,
It appears that the same issue remains with an inconsistency between the architectural plan and civil plan and fire access plan. Please see the attached exhibits for clarification. New grading has been added to the civil plan that appears to be on steep slopes.

Please let me know if you have any questions.

Thank you,
Lilly

Lilly Rudolph, AICP
Contract Planner
City of Malibu
23825 Stuart Ranch Road
Malibu CA 90265
lrudolph@malibucity.org
[redacted]

EXHIBIT C

Received
01/09/2020
Planning Dept.

DAVID KELLEN
+ ASSOCIATES, INC.

2701 AIRPORT AVENUE – 202
SANTA MONICA, CA 90405

310 245 3584

e-mail: davidkellen117@gmail.com
www: davidkellenassociates.com

January 6, 2020

To Whom It May Concern:

Regarding 29329 Heathercliff Road, Malibu, CA, 90265:

A modification is requested for the front yard set back. The front yard set back is 20% of 297 feet (the depth of the lot), which equals 59.2 feet. The request is to reduce the front yard setback from 59.2 feet to 29.6 feet (50% of 59.2 feet). The justification is that to be able to build this project on the area of the site where the slope is less than 4 to 1, the reduction of the front yard is necessary.

A modification is requested for allowing 575 square feet of the roof (14%) to be greater than the allowable 18 feet above grade but less than 24 feet above grade. The justification is, that on this sloped lot, this minimal amount of height would reduce the amount of grading and dirt removal from the site.

Thank you for your consideration.

David Kellen, Architect



ELKINS KALT

Kenneth A. Ehrlich
D: 310.746.4412
Direct Fax: 310.746.4462
KEhrlich@elkinskalt.com
Ref: 15651-0001

Elkins Kalt Weintraub Reuben Gartside LLP

October 4, 2024

City of Malibu Planning Commission
23825 Stuart Ranch Road
Malibu, CA 90265

E-Mail: mplanning@malibucity.org

Maureen Tamuri
Interim Planning Director
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: mtamuri@malibucity.org

Re: Coastal Development Permit No. 20-003 And Minor Modification No. 20-001

Dear Chair Leonard and Members of the Planning Commission:

On behalf of our clients, Brian and Pamela Adams, we supplement our previous letter dated May 23, 2024 (attached for convenience at Exh. "1"), opposing the proposed project of Applicant Alan Hajjar, on behalf of ACS International LLC's (collectively, "Applicant") at 29329 Heathercliff Road, Malibu, California, also identified as APN No. 4468-011-011 ("Project"). In addition to the points addressed in our May 23, 2024 letter, the Adams object to the Project because it entails illegal grading and encroaches on the Adams' property.

I. Illegal Unpermitted Grading Work

Nearly immediately after the Project was calendared for hearing, a concerned neighbor informed our office of disturbing and illegal grading activity at the Project. Specifically, on September 26, 2024, we understand that a neighbor observed and documented workers utilizing a bobcat vehicle, dump truck, and other equipment to conduct grading work at the Project site. Additionally, we understand that the Applicant made blatant misrepresentations to the City of Malibu ("City"), stating this illegal grading constituted "fire prevention and weed clearance", without obtaining any required grading permits or approvals. Despite Applicant's mischaracterization of the work, the work actually resulted in significant and clearly observable changes to the existing Project existing slopes. Consequently, Applicant's unpermitted grading work violates LIP § 8.2 (grading requires permit from City).

Applicant apparently conducted this illegal unpermitted grading work prior to a City staff inspection and/or an inspection by Planning Commissioners in an effort to decrease the grades of slopes steeper than 4 to 1; slopes of 4:1 or greater could jeopardize Project approval. Therefore,

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10345 W. Olympic Blvd, Los Angeles, CA 90064 | elkinskalt.com

EXHIBIT E

not only did Applicant conduct illegal grading in violation of the LCP, but it also sought to influence City staff's opinion and improve the likelihood of Project approval.

The Planning Commission cannot condone or reward Applicant's illegal conduct. Because of the unpermitted grading work, the Planning cannot find the Project is consistent with the LCP or complies with all applicable laws and should deny the Project for these reasons alone. Rather, the Planning Commission should request City Code Enforcement to conduct a full investigation of the illegal grading work.

II. Title Dispute

Applicant seeks to utilize a portion of the northwestern corner of the Adams' property commonly known as 29327 Heathercliff, Malibu, California, also identified at APN No. 4468-011-012 ("Adams Property") as the construction location for certain components of the Project, including a fire turnaround. See, Exh. "2", Project Fire Access Exhibit. However, as discussed below, Applicant failed to come forward with any documentation of its purported legal right (whether in easement or otherwise) to utilize that corner of the Adams Property. As such, in addition to the reasons expressed in our May 23, 2024 letter and discussed above, the Planning Commission should reject the Project unless and until the Applicant can demonstrate a right to use the Adams' property.

Materials submitted by the Applicant to the City of Malibu ("City") in connection with the Project show certain portions of the proposed development, including a fire department turnaround area, which encroach over the boundary line and onto the northwestern corner of the Adams Property (the "Proposed Encroachments"). Additionally, an April 4, 2024 email correspondence from City contract planner Allison Cook to the Adams also indicates that Applicant seeks to move a portion of the existing boundary fence enclosing the Adams Property to accommodate the Proposed Encroachments. The Staff Report admits that City staff observed the Adams' fence and vegetation lie within the Easement. *See* Staff Report, pp. 8- 9. We attach true and correct copies of the Project Fire Access Exhibit showing the Proposed Encroachments as Exhibit 2 and the email as Exhibit 3.

The Adams do not consent to the construction of the Proposed Encroachments and have not granted permission to use the northwestern corner of the Adams Property in any way. Further, the Adams have not consented to any entry onto the Adams Property and have not granted permission to move their existing fence or alter any existing improvements on the Adams Property in any way. Moreover, to our knowledge, no such consent or permission was ever granted by the

Adams' predecessor(s)-in-interest as the County Registrar-Recorders' Office contains no such records.

If built, these improvements would give rise to trespass and private nuisance claims, among others. More importantly, the City has no authority to grant entitlements for development on property which the applicant neither owns nor has rights to use. Among other issues, LIP § 13.6.2 requires that "applicants must prove that they own the property which is the subject of the application or provide the City with written consent from the owner for the proposed development for the City to file the application." LIP § 13.6.2(A). Where the applicant is not the owner of a fee interest in the property on which a proposed development is to be located, then they must "demonstrate a legal right, interest, or other entitlement to use the property for the proposed development." LIP § 13.6.2(C). The municipal code similarly states that "applicants must prove that they own the property which is the subject of the application or provide the city with written consent from the owner for the city to process the application." MMC § 17.04.150. No such permission, legal right, interest, or other entitlement has been demonstrated here.

Based on Applicant's assertions in his April 4, 2024 email to City contract planner Allison Cook, we understand that Applicant claims easement rights purportedly allowing for the Proposed Encroachments. See Exhibit 2. However, we are not aware of any recorded instruments in the Adams Property's chain of title that provide Applicant with these purported easement rights. Since the applicant requested processing the Project as a CDP on June 3, 2024, the Adams have been working with Stewart Title Company to investigate this title dispute and, if necessary, assert appropriate legal claims against the Applicant. Stewart Title Company's investigation remains pending.

Because Applicant apparently has no apparent legal rights to utilize the Adams Property for the Encroaching Improvements, Applicant should bear the burden of proving otherwise. Any such evidence should be immediately provided to the Adams, and the Planning Commission should not approve the Project unless and until the Applicant can demonstrate valid legal rights to utilize the Adams Property for the Proposed Encroachments.

III. The Project is Ineligible for a Front Yard Setback Reduction

After reviewing the September 26, 2024 Staff Report for this matter ("Staff Report"), the proposed resolution, and the relevant provisions of the Malibu Local Coastal Program ("LCP"), Local Implementation Plan ("LIP"), and Land Use Plan ("LUP"), the justification for granting Minor Modification ("MM") No. 20-001 is legally and factually flawed. Written evidence cannot support the findings presented in the proposed resolution. Moreover, even if the Applicant could

properly justify the requested setback reduction, which it cannot, the Planning Director cannot make the findings necessary to approve this setback reduction for the Project. For the reasons outlined below, the approval of the MM is critical to all other findings and the broader approval of Coastal Development Permit ("CDP") No. 20-003. Without a valid basis for granting the MM, the Planning Commission cannot approve the CDP.

A. The Minor Modification Constitutes the Critical Analytical Element, and the Planning Commission Should Deny the Requested Modifications

The requested MM, which would reduce the front yard setback by nearly 50%, forms the foundation for much of the Staff Report's analysis and findings. City staff argue that this setback reduction is necessary to avoid purported "sensitive resources" on the Project site, specifically slopes steeper than 4 to 1. *See* Staff Report, pp. 5-6. However, as outlined below, City staff's classification of these slopes as sensitive resources is incorrect and unsupported by the LIP or LUP. Without legitimate grounds to approve the MM, the Planning Commission cannot approve the overall CDP in its current form, as it hinges on the front yard setback reduction.

B. Steep Slopes Do Not Constitute Sensitive Resources

Staff justifies the MM on the claimed basis that the setback reduction is necessary to avoid development on slopes steeper than 4 to 1, which City staff incorrectly classifies as "sensitive resources" under LIP § 3.6(F)(5). The LCP fails to support this analysis. The term "sensitive resources," as used in the LIP, is not explicitly defined to include steep slopes. *See* LIP § 2.1. Instead, it refers to specific environmental or habitat-related features, such as Environmentally Sensitive Habitat Areas ("ESHA"), not steep slopes without noteworthy environmental features. *See* LIP §§ 4.2, 4.3. No ESHA or other protected natural resources are located on or adjacent to the site, as confirmed by the City's ESHA maps. Staff Report, p. 9. Consequently, the steep slopes on the Project site cannot qualify as sensitive resources under LIP § 3.6(F)(5) and, therefore, cannot serve as the basis for the MM.

C. Misapplication of LUP Policy 3.35

The Staff Report cites LUP Policy 3.35, which City staff purports to prevent encroachment on slopes of 25% grade or steeper, to justify the MM. Staff Report, p. 5. However, this policy exists within the context of protecting stream habitats and applies only where such resources are present. In other words, streams are the sensitive resource. *See* LUP Policy 3.35. In this case, there are no streams or riparian habitats on the Project site, neighboring properties, or in the vicinity, as

the Staff Report itself acknowledges. Staff Report, p. 9. Therefore, LUP Policy 3.35 does not apply, and cannot be used to justify the reduction in the front yard setback.

D. Irrelevance of LIP § 4.6.1 (A)

Similarly, staff misplaces reliance on LIP § 4.6.1(A) to support the MM. This section governs buffer requirements for developments adjacent to specific habitats, such as stream/riparian areas. *See* LIP § 4.6.1(A). Since no such habitats exist on or near the Project site, no legitimate reason exists for invoking LIP 4.6.1(A). The Agenda Report concedes that no streams exist in the area, making this provision irrelevant to the project. Staff Report, p. 9. The fact that City staff still seek to apply this provision constitutes an unjustified effort to approve the MM without proper basis.

E. Evidence in the Record Does Not Support the Required Findings

Even if the Applicant properly justified the requested setback reduction, which it cannot, the Planning Director cannot make the following findings required to approve the MM under LIP § 13.27.5(B):

1. Flawed Finding 1: The Project is Consistent with the Malibu LCP

The resolution claims that the MM is necessary to avoid construction on slopes steeper than 4 to 1, which it asserts are considered sensitive resources under LUP Policy 3.35 and LIP § 4.6.1(A). Resolution No. 24-64, p. 3. As discussed above, this is incorrect. LUP Policy 3.35 and LIP 4.6.1(A) pertain to stream protection, and there are no streams on or near the Project site. Therefore, the Planning Director cannot find the Project consistent with these policies as they do not, and cannot, apply. Moreover, the classification of slopes as sensitive resources without any supporting evidence or ecological basis undermines the integrity of the LCP's resource protection provisions. Consequently, the first required finding cannot be made.

2. Flawed Finding 2: The Project Does Not Adversely Affect Neighborhood Character

The second finding relies heavily on the argument that the setback reduction will result in a building placement consistent with neighborhood character. *Id*. However, the Applicant's primary motivation for seeking this setback reduction is not to preserve neighborhood character or avoid environmental impacts, but rather to build a larger project than would otherwise be allowed under the standard setback requirements. By shifting the building closer to Heathercliff Road, the

applicant would avoid more restrictive development requirements that would apply to construction on steeper slopes. *See* MMC §§ 17.40.040(A)(20), 17.62.070. This approach does not align with the LCP's purpose, which is to balance development with environmental protection and community character. *See* LIP § 1.2. Moreover, approving the MM would allow a deviation from the standard setback without a legitimate planning or environmental justification, which could set a precedent for future applicants to circumvent the City's development standards.

3. Flawed Finding 3: The Project Complies with All Applicable Requirements of State and Local Law

The third finding asserts that the project complies with all applicable requirements of state and local law. Resolution No. 24-64, p. 3. As discussed above, the Applicant conducted illegal grading on the Project without a permit in violation of the LCP. Further, in light of the title dispute discussed above, Applicant cannot comply with LIP §§ 13.6.2(A), 13.6.2(B). The Planning Director cannot make the required finding for this reason alone.

Further, this finding assumes that the MM can be lawfully granted, which, as explained above, it cannot. The improper application of LUP Policy 3.35 and LIP § 4.6.1(A) invalidates the legal basis for the setback reduction. Without the MM, the Planning Commission cannot approve the Project in its current form as it would not meet the required front yard setback. *See* LIP § 3.6(F). Additionally, the Applicant's desire to avoid additional regulatory scrutiny drives the Project's design -- rather than the need to balance the Project with the concept of protecting sensitive environmental resources. *See*, *e.g.*, *See* MMC §§ 17.40.040(A)(20), 17.62.070. This undermines the Project's compliance with the spirit of the LCP and state coastal laws, which prioritize resource protection and thoughtful development. *See* LIP § 1.2.

IV. Conclusion

For the reasons discussed above, the Planning Commission cannot approve the Project in its current form. The Applicant has engaged in illegal unpermitted grading, which violates both the LCP and MMC, and undermine the legitimacy of the Project's approval. Additionally, an unresolved title dispute exists concerning the encroachments onto the Adams property, for which no valid legal rights have been demonstrated. Further, the justification for the Minor Modification, essential for CDP approval, remains factually and legally unsupported. City staff's misclassification of steep slopes as "sensitive resources" and the inappropriate reliance on LUP Policy 3.35 and LIP § 4.6.1(A) cannot serve as a basis for granting the setback reduction. Without a valid Minor Modification, the Planning Commission cannot make the necessary findings required to approve the CDP.

Accordingly, we respectfully urge the Planning Commission to deny the Project as currently formulated and request that City Code Enforcement thoroughly investigate the illegal grading work.

Very truly yours,



KENNETH A. EHRLICH,
a Professional Corporation of
Elkins Kalt Weintraub Reuben Gartside LLP

KAE:jrt

Enclosures: Exhibit 1; Exhibit 2; Exhibit 3

5480420

EXHIBIT 1

Kenneth A. Ehrlich
D: 310.746.4412
Direct Fax: 310.746.4462
KEhrlich@elkinskalt.com
Ref: 15651-0001

Elkins Kalt Weintraub Reuben Garrside LLP

May 23, 2024

VIA E-MAIL AND FEDEX

Mr. Richard Mollica
Planning Director
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: rmollica@malibucity.org

Re: Administrative Coastal Development Permit No. 20-003 And Minor Modification No. 20-001

Dear Director Mollica:

Our office represents Brian and Pamela Adams, the owners (collectively, "Client") of the real property located at 29327 Heathercliff Road, Malibu, California, also identified at APN No. 4468-011-012. Applicant Alan Hajjar, on behalf of ACS International LLC (collectively, "Applicant"), seeks to construct a new 4,050-square-foot, split-level, 18-foot tall, two-story single-family residence with an attached 390-square-foot garage, a swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system, and requests a minor modification for up to a 50 percent reduction of the front yard setback ("Project"). The Applicant seeks to construct the Project at 29329 Heathercliff Road, Malibu, California, also identified as APN No. 4468-011-011 ("Site")

We write to express our Client's objections and concerns regarding the Project. Specifically, our Client objects to the Project and respectfully requests that the Planning Director deny Project approval on the following grounds:

1. **The City Failed to Apply the Hillside and Ridgeline Development Standards, Which Preclude the Project.** The Malibu Municipal Code ("MMC") and the City of Malibu's (the "City") Local Implementation Plan ("LIP") specify Hillside and Ridgeline Development Standards, and these standards apply to the proposed Project. The City failed to apply these standards during the Project review. As discussed below, the Project cannot comply with these standards. For these reasons alone, the Planning Director should not approve the Project.

2. **No Basis Exists for the Front Yard Setback Modification.** No proper basis exists for the Planning Director to approve the Applicant's request for up to a 50 percent reduction of the front yard setback. No evidence suggests that the proposed setback reduction is necessary to avoid or minimize impacts to sensitive resources, as the LIP requires. Instead, the Applicant seeks to reduce the setback solely to maximize the size of the Project footprint and single-family residence. Moreover, the Project depends on

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the proposed significant reduction of the front setback, and the Applicant could not construct it without it. The Planning Director should reject the Project.

3. **CDP Variance Required**. To the extent that the Project cannot comply with the LIP's standards or requirements, it requires a variance. However, the Applicant has not sought any variance associated with the Project. The Planning Director should reject the Project for this reason as well.

I. The Project Fails To Comply With Applicable Ridgeline Development Standards

A. LIP Hillside and Ridgeline Development Standards Apply to the Project

LIP chapter 6 codifies the Scenic, Visual, And Hillside Resource Protection Ordinance. LIP section 6.2 provides that chapter 6 applies as follows:

> All 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 shall be governed by the policies, standards and provisions of this chapter in addition to any other policies or standards contained elsewhere in the certified LCP which may apply. The hillside development standards of this chapter shall apply to properties where the project site includes any area of slope over 20 percent.
>
> Where applicable, Coastal Development Permits shall be conditioned to require compliance with any policy, standard or provision contained herein.

LIP § 6.2.

Here, Applicant-submitted Project documents reveal that the Project would be visible from a designated scenic road, Pacific Coast Highway. Specifically, an Applicant-submitted photo showing the view of the Site from Pacific Coast Highway, with a rendering of the Project buildings ("Project Rendering"), specifically shows visibility from PCH. We attach a true and correct copy of the Project Rendering as **Exhibit A**. The Project Rendering also demonstrate that the Project would be visible from Pacific Coast Highway, which the City's LCP Land Use Plan ("LUP") defines as a scenic road. LUP § 6.3 ("The following roads within the City are considered Scenic Roads: a. Pacific Coast Highway."). Consequently, LIP chapter 6 unambiguously applies to the Project.

Further, areas of slope over 20 percent characterize significant portions of the Site. See, e.g., Project Site Plan. Consequently, the LIP chapter 6 hillside development standards also apply to the Project.

LIP section 6.5(C) specifies hillside development standards and provides as follows:

> 1. Ridgelines
>
> a. New development shall be sited and designed to prohibit construction of structures on a primary or secondary ridgeline. Any structures shall be located a minimum of 300 feet (measured horizontally) or 100 feet (measured vertically) from the top of a primary ridgeline, and shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway.
>
> b. Where there are no feasible building site that can conform to the requirements of Section a, or where the only feasible building site would result in unavoidable adverse impacts to environmentally sensitive habitat areas, then a variance may be approved for a building site that does not conform to these standards, with design measures that minimize the visual resource impacts. Any structures approved on such a building site shall be limited to one-story in height.

LIP § 6.5(C).

LIP section 2.1 defines Primary Ridgeline and Secondary Ridgeline as follows:

> 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.

LIP § 2.1

Here, the Site meets the criteria for a Primary Ridgeline since the Site forms a distinct part of the skyline when viewed from a public street. The Project rendering illustrates that the Site constitutes part of the skyline viewable from Pacific Coast Highway, a public road. See, e.g., Exhibit A. Further, even if the Site does not constitute a Primary Ridgeline, it undoubtedly meets the criteria for a Secondary Ridgeline.

In this regard, the Site is situated upon a hill where the elevation drops more than 10 feet in 100 feet horizontally on either side of the top of the landform feature. See, e.g., Project Site Plan. Consequently, LIP section 6.5(C)(1) ridgeline development standards apply to the Project regardless of whether the Site constitutes a Primary or Secondary Ridgeline.

B. MMC Ridgeline Development Standards Apply To The Project

MMC section 17.40.040 outlines development standards applicable to all residential development and provides as follows regarding ridgeline development:

> 8. Ridgelines.
>
> 1. Primary Ridgelines.
>
> a. A primary ridgeline shall be defined as follows: 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:
>
> i. Forms a distinct part of the skyline when viewed from a public street or highway; or
>
> ii. 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.
>
> b. Structures shall be located a minimum of 100 feet (measured horizontally) from the top of a primary ridgeline, and shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway.
>
> 2. Secondary Ridgelines.
>
> a. A secondary ridgeline is defined as hills, ridges, and promontories other than primary ridgelines, but on which the elevation drops more than 10 feet in 100 feet horizontally on either side of the top of this landform feature.
>
> b. Any structures proposed on secondary ridgelines shall be subject to the planning director's review. If the structure projects above the top of the secondary ridgeline, as viewed from a public or private street, the planning

> director may impose conditions to minimize potential scenic impacts based on such factors as the prominence of the site and structure, the severity of visual impact to public view, and the existing development pattern in the surrounding area. These conditions would be based on the following secondary ridgeline development criteria:
>
> i. Proposed structures are encouraged to be maintained at a low profile to mitigate visual impacts of the secondary ridgeline.
>
> ii. The proposed design of the structure, including grading of the site should incorporate development techniques which sensitively conform to the natural terrain, including such measures as split level designs or second stores which are stepped back as viewed from the downhill side of the property, reduced building pads and roof pitches which parallel existing slopes.

MMC § 17.40.040.

Since the Project proposes a new single-family home for residential use in the Rural Residential zone, it constitutes residential development subject to MMC section 17.40.040. For the same reasons discussed in Section I. A. above, the Site constitutes either a Primary Ridgeline or a Secondary Ridgeline. Consequently, the MMC section 17.40.040 ridgeline development standards apply to the Project regardless of whether the Site constitutes a Primary Ridgeline or Secondary Ridgeline.

C. The City Failed to Apply Applicable Ridgeline Development Standards

As discussed above, the LIP and MMC's ridgeline development standards unambiguously apply to the Project. However, the City failed to apply these ridgeline standards during its review of the Project. *See*, *e.g.*, email correspondence between City staff and the Applicant attached as **Exhibit B**. Consequently, the Project received no City review for compliance with applicable ridgeline development standards, and the City failed to conduct the analysis and reach the findings required to approve a CDP application subject to LIP chapter 6.

LIP section 6.4 provides that the City must conduct an analysis and reach certain findings which address the specific project impacts relative to the applicable development standards identified in Section 6.5 of the Malibu LIP. Moreover, a Coastal Development Permit for proposed development subject to LIP chapter 6 may only be granted if the City makes certain findings specified in LIP section 6.4.

Here, correspondence between City staff and the Applicant unequivocally shows that the City failed to apply the ridgeline development standards during its review of the Project. *See* Exhibit B. Although the

City acknowledges that the ridgeline development standards arguably apply to the Project, the City, nevertheless, decided that it would "argue that the ridgeline standards do not apply." *Id.* The City's claimed grounds for its decision not to apply ridgeline standards to the Project were that "[t]he Code is ambiguous, but staff believes that it would not meet the intent of the code to apply the ridgeline standards in this already developed area of the city." *Id*. In other words, City staff unilaterally determined not to apply the ridgeline development standards in developed areas of the City.

This make no practical or legal sense. Nothing in the LIP or MMC specify that these standards only apply in "undeveloped" areas of Malibu or do not apply to "developed" areas of the City. Clearly, the City must analyze this Project under the ridgeline development standards. By failing to conduct the required analysis, the City violated the law by failing to make any of the findings required by LIP section 6.4.

Since the City failed to conduct the required analysis of the Project's compliance with applicable ridgeline standards, let alone reach the necessary findings, the Planning Director should deny the Project.

D. The Project Cannot Comply With Applicable Ridgeline Standards

The Project cannot comply with the applicable ridgeline standards.

For example, the LIP and MMC require that new development on a Primary Ridgeline "shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway." LIP § 6.5(C)(1)(a); MMC § 17.40.040(A)(8)(1)(b). Here, the Project Rendering clearly shows that the Project's roof and a significant portion of the building would be visible from Pacific Coast Highway. *See* Exhibit B. Additionally, other aspects of the Project fail to comply with applicable ridgeline standards without an appropriate variance, which Applicant has not sought here. For example, structures must be located a minimum of 300 feet (measured horizontally) or 100 feet (measured vertically) from the tope of a primary ridgeline. LIP § 6.5(C)(1)(a). Accordingly, the Project cannot comply with the applicable ridgeline development standards. Should Applicant wish to avoid these standards, it must apply for a variance. It has not done so.

Since the Project cannot comply with the applicable ridgeline development standards, the Planning Director must deny the Project.

II. <u>No Proper Basis Exists For Approval Of A Front Yard Setback Reduction</u>

A. Applicant Failed To Provide A Proper Justification For The Requested Front Setback Reduction

LIP section 3.6(F) specifies setback requirements applicable to the Property. Based on the

dimensions of the Site, the front setback for the Project would be 59.2 feet. Here, the Applicant requests approval of a front setback reduction by up to 50% -- for a front setback of 29.6 feet.

Additionally, LIP section 3.6(F)(5) provides that "[M]odifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources." Here, neither the Applicant's submitted documents nor City staff analysis reference any sensitive resources. Instead, the Applicant attempts to justify the front yard setback reduction by asserting that reducing the front setback is necessary "to be able to build this project on the area of the site where the slope is less than 4 to 1." *See* true and correct copy of the Applicant's January 6, 2020 letter to City staff, attached as **Exhibit C**.

The Applicant's justification does not constitute a proper basis for approving the requested front setback reduction. The LIP provides that the *only* adequate basis for the Planning Director to approve a front setback reduction is "to avoid or minimize impacts to sensitive resources." LIP section 3.6(F)(5). Here, the Applicant fails to even make the bare assertion that the requested front setback reduction is necessary to avoid or minimize impacts to sensitive resources, let alone provide any evidence in support. Instead, the Applicant reveals that his sole reason for requesting the front setback reduction is that he wants to build the Project significantly larger than it could be if he complied with the applicable setback requirements. Further, the Applicant's justification implies that he seeks to avoid site plan approval requirements that would be triggered if the proposed Project complied with setback requirements and built portions of the Project.

Moreover, no known or apparent sensitive resources exist in the portion of the Site subject to the front setback requirements. Granting the Applicant's requested front setback reduction would do *nothing* to avoid or minimize impacts to sensitive resources, and would ignore applicable law. Consequently, no proper basis exists for granting the requested front setback reduction, let alone any front setback reduction whatsoever. If the applicants want to reduce the front yard setback, it should apply for a variance. It has not done so.

B. The Planning Director Cannot Make The Necessary Findings

Even if Applicant properly justified the requested setback reduction, which he cannot, the Planning Director cannot make the findings necessary to approve a setback reduction for the Project.

LIP section 13.27.1(B) provides that the Planning Director may grant minor modification permits authorizing the reduction of front setbacks by no more than 50%. In approving such front setback reduction, LIP section 13.27.5(B) provides that the Planning Director **must make findings that the proposal meets all of the following: (1) that the project is consistent with the policies of the Malibu LCP; (2) that the project does not adversely affect neighborhood character; (3) the proposed project complies with all applicable requirements of state and local law.** LIP § 13.27.5(B) (emphasis added).

As discussed above, the Project does not comply with the hillside and ridgeline development standards contained in the LIP. Consequently, the Planning Director cannot find that the Project is consistent with the policies of the LCP. Further, the Project's proposed front setback reduction would drastically affect the neighborhood's character. For example, the Project would be extremely close to the existing homes and the only home on the hillside between the existing homes and Pacific Coast Highway. Therefore, the Planning Director cannot find that the Project does not adversely affect the neighborhood's character. Moreover, as discussed above, the Planning Director cannot find that the Project complies with the applicable ridgeline standards and, therefore, the Project cannot comply with all applicable state and local law requirements.

Since the Planning Director cannot make *any* of the findings required to approve the Applicant's requested front setback reduction, let alone *all* of them, the Planning Director should not grant the requested setback reduction. Since the Applicant cannot construct the Project as proposed without the requested front setback reduction, the Planning Director must deny the Project.

III. Conclusion

For the reasons discussed above, our Client respectfully requests that the Planning Director deny the Project.

Very truly yours,



KENNETH A. EHRLICH,
JUSTIN R. TRUJILLO
Elkins Kalt Weintraub Reuben Gartside LLP

KAE:jrt

Attachments: Exhibit A (Project Rendering); Exhibit B (Email Correspondence); Exhibit C (Discretionary Request Letter)

cc: John G. Mazza (via email only)

5368272.3

EXHIBIT A



EXHIBIT B

Lilly Rudolph

From: Lilly Rudolph
Sent: Wednesday, April 7, 2021 10:55 AM
To: David Kellen
Cc: Alan ACS
Subject: Re: 29329 Heathercliff review
Attachments: LCP_MMC Story Pole Policy.pdf

Hi David and Alan,
Good news. We are going to argue that the ridgeline standards do not apply. The Code is ambiguous, but staff believes that it would not meet the intent of the code to apply the ridgeline standards in this already developed area of the city.

The next step is to submit a story pole plan per the City's story pole plan policy (attached)
I located an approval from Public Works. The Water District referral is outstanding.
The Notice of application for a CDP (green sign) would need to be posted and documented.

Thank you,
Lilly

Lilly Rudolph, Contract Planner
805-947-4828
lrudolph@malibucity.org

From: David Kellen <[redacted]>
Sent: Monday, April 5, 2021 8:40 AM
To: Lilly Rudolph <lrudolph@malibucity.org>
Cc: Alan ACS <[redacted]>
Subject: Re: 29329 Heathercliff review

Hi:

I looked over the definitions and do feel that 1) our project is definitely not a Primary Ridgeline and 2) that our project should not be considered a Secondary Ridgeline.

Also, we have been working on this project for well over two years and at no time has any of the Planning Staff brought this up.

We would like to know that we have full support from the Planning Department for the project as it has been submitted.

I feels things are dragging as just when we have provided what we are asked for, something new seems to show up. This has happened more than once. We feel that if something new is being required for developments, we should only be required to provide what we were told at are early Planning Department meetings.

If this ridge line going to present any impact on our project Alan and I would like a meeting with you and a supervisor do discuss this. Also, Maybe a supervisor should talk to the Planning Commission to discuss this situation.

Both Alan and I have completed our COVID vaccinations and would be willing to meet with masks. Or a Zoom meeting would be acceptable.

Thanks,

David Kellen

From: Alan ACS [redacted]>
Sent: Wednesday, March 31, 2021 12:10 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Cc: David Kellen <[redacted]>
Subject: RE: 29329 Heathercliff review

Hi Lilly
This project should be treated as in progress and Not new project as we been on it for 2 years now
Hopefull that the new ridgeline rules does not affect our design
Please let us know after talking to planning staff

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
[redacted]

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Wednesday, March 31, 2021 11:34 AM
To: Alan ACS <[redacted]>
Subject: Re: 29329 Heathercliff review

Hi Alan,
The revised plans address all my previous comments. I need to run a question by Planning staff regarding development on ridgelines and will follow up. Ridgeline standards have typically not been implemented by Planning staff over the years, and Planning Commissioners recently informed staff that moving forward, they will review projects to conform with ridgeline standards. The MMC and LIP have two different set of requirements. The City's policy is to apply the most restrictive of the two when the LIP and MMC conflict. I'm pasting the ridgeline language for your reference.

LIP Section 2.1
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 five hundred feet (500′) 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 ten feet (10′) in one hundred feet (100′) horizontally on either side of the top of this landform feature.

Standards:
LIP Section 6.5 (C)

1. Ridgelines

a. New development shall be sited and designed to prohibit construction of structures on a primary or secondary ridgeline. Any structures shall be located a minimum of 300 feet (measured horizontally) or 100 feet (measured vertically) from the top of a primary ridgeline, and shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway.

b. Where there are no feasible building site that can conform to the requirements of Section a, or where the only feasible building site would result in unavoidable adverse impacts to environmentally sensitive habitat areas, then a variance may be approved for a building site that does not conform to these standards, with design measures that minimize the visual resource impacts. Any structures approved on such a building site shall be limited to one-story in height.

MMC Section 17.40.040

8. Ridgelines.

1. Primary Ridgelines.

a. A primary ridgeline shall be defined as follows: 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:

i. Forms a distinct part of the skyline when viewed from a public street or highway; or

ii. Is seen as a distinct and prominent edge against a backdrop of land at least five hundred (500) feet behind it when viewed from a public street and contains an average slope of at least 3:1.

b. Structures shall be located a minimum of one hundred (100) feet (measured horizontally) from the top of a primary ridgeline, and shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway.

2. Secondary Ridgelines.

a. A secondary ridgeline is defined as hills, ridges, and promontories other than primary ridgelines, but on which the elevation drops more than ten (10) feet in one hundred (100) feet horizontally on either side of the top of this landform feature.

b. Any structures proposed on secondary ridgelines shall be subject to the planning director's review. If the structure projects above the top of the secondary ridgeline, as viewed from a public or private street, the planning director may impose conditions to minimize potential scenic impacts based on such factors as the prominence of the site and structure, the severity of visual impact to public view, and

the existing development pattern in the surrounding area. These conditions would be based on the following secondary ridgeline development criteria:

i. Proposed structures are encouraged to be maintained at a low profile to mitigate visual impacts of the secondary ridgeline.

ii. The proposed design of the structure, including grading of the site should incorporate development techniques which sensitively conform to the natural terrain, including such measures as split level designs or second stores which are stepped back as viewed from the downhill side of the property, reduced building pads and roof pitches which parallel existing slopes.

3. Grading or berms which alter the natural contours of, or change the elevation of the crest of the ridgeline in order to create a pad shall be avoided.

4. Berms, contour or landform grading, and landscaping should be used, when necessary, to soften the visual impacts to secondary ridgelines created by structures and grading.

c. Ridgetop development is particularly susceptible to wildfire hazard. In addition to the criteria to reduce visual impact, the planning director shall evaluate all ridgeline development on slopes of at least 3:1 to incorporate adequate setbacks to address potential fire hazard concerns.

Given that ridgeline applicability and standards are relatively unfamiliar to me, I will Planning staff to seek guidance and will follow up next week. I acknowledge that this is problematic given the multiple plan corrections thus far, but Planning staff is striving to ensure that projects are complete and conform with standards prior to a hearing to avoid further delays in the long run.

In addition, Public Works review and Water District review appears to be outstanding. Could you please submit review sheets for both agencies?

Thank you,
Lilly

Lilly Rudolph, Contract Planner
805-947-4828
lrudolph@malibucity.org

From: Alan ACS <[redacted]>
Sent: Tuesday, March 30, 2021 5:03 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: RE: 29329 Heathercliff review

Wow great
Thank you

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
[redacted]

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Tuesday, March 30, 2021 3:32 PM
To: Alan ACS <[redacted]>
Subject: Re: 29329 Heathercliff review

Hi Alan,
I'm back and will follow up this week.
Thank you for your patience,
Lilly

Lilly Rudolph, Contract Planner
805-947-4828
lrudolph@malibucity.org

From: Alan ACS <[redacted]
Sent: Tuesday, March 30, 2021 2:12 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: RE: 29329 Heathercliff review

Ok I guess I will wait till you return
Hopefully soon
Stay safe

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
[redacted]

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Tuesday, March 30, 2021 8:17 AM
To: Alan ACS <[redacted]>
Subject: Re: 29329 Heathercliff review

Hi Alan,
Thank you for your voice message. Unfortunately, timing is unknown, but I hope to catch up as soon as I can. For now, I understand all Planning staff are very busy, and I don't think they would be able to make much progress by the time I return.

Thank you for your patience,
Lilly

Lilly Rudolph, Contract Planner
805-947-4828

lrudolph@malibucity.org

From: Alan ACS <[redacted]>
Sent: Monday, March 29, 2021 2:37 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: Re: 29329 Heathercliff review

Hi Lilly
Any update ?

Sent from my iPhone

> On Mar 18, 2021, at 8:47 AM, Lilly Rudolph <lrudolph@malibucity.org> wrote:
>
> I think I can get to it tomorrow, if not Monday.
>
> Lilly Rudolph, Contract Planner
> 805-947-4828
> lrudolph@malibucity.org

From: Alan ACS <[redacted]>
Sent: Wednesday, March 17, 2021 12:07 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: RE: 29329 Heathercliff review

Morning Lilly
Any chance you will review this week Please

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
[redacted]

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Tuesday, March 9, 2021 6:46 PM
To: Alan ACS <[redacted]>
Subject: Re: 29329 Heathercliff review

I understand, Alan. I have few projects ahead of you that I need to review. But I hope all the issues have been resolved and we can move forward from here.

Lilly Rudolph, Contract Planner
805-947-4828
lrudolph@malibucity.org

From: Alan ACS <[redacted]com>
Sent: Tuesday, March 9, 2021 2:54 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: RE: 29329 Heathercliff review

Hi Lilly
I know you busy , I really need you help in reviewing so we can move forward

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
[redacted]

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Wednesday, March 3, 2021 8:48 AM
To: Alan ACS <[redacted]
Subject: Re: 29329 Heathercliff review

Yes, will do, Alan. Thank you for the corrections.

Lilly Rudolph, Contract Planner
805-947-4828
lrudolph@malibucity.org

From: Alan ACS <[redacted]
Sent: Tuesday, March 2, 2021 8:20 PM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: RE: 29329 Heathercliff review

Hi Lilly
Can you pleas please review and finalize , I did overlay all plans (arch , civil and topo) and they all correct
I really appreciate if you review so we move forward.
Thank you in advance

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>

USA:
[redacted]

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Thursday, February 25, 2021 10:18 AM
To: Alan ACS [redacted]
Subject: Re: 29329 Heathercliff review

Hi Alan,
Yes, I apologize for not getting back to you sooner. I received your email and attachments.

Lilly Rudolph, Contract Planner
805-947-4828
lrudolph@malibucity.org

From: Alan ACS [redacted]
Sent: Thursday, February 25, 2021 7:22 AM
To: Lilly Rudolph <lrudolph@malibucity.org>
Subject: FW: 29329 Heathercliff review

Morning Lilly
Can you please confirm that you received the below and attached

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
[redacted]

From: Alan ACS <[redacted]
Sent: Saturday, February 20, 2021 6:50 AM
To: 'Lilly Rudolph' <lrudolph@malibucity.org>; 'David Kellen'
[redacted]
Subject: RE: 29329 Heathercliff review

Morning Lilly
I am sorry about these inconsistency between civil and Arch
David Kellen (architect) met with Civil and they adjusted all their plans to match and we overlayed all plans and they match now ,
Attached are :

- Full set of architecture

- Full set of civil
- Earth work
- Answers to your corrections
- Topo with slope analysis and final site plan on it

Can you please review and Appreciate if we can get on a conf call via GoToMeeting if you still have any concern
Below is a link to download also in case files are too big to receive via email

[redacted]

Have a good weekend

Alan Hajjar, MSCE
www.myacsinc.com
<image001.png>
USA:
[redacted]

From: Lilly Rudolph <lrudolph@malibucity.org>
Sent: Friday, February 5, 2021 4:17 PM
To: Alan ACS [redacted]; David Kellen [redacted]
Subject: 29329 Heathercliff review

Hi Alan and David,
It appears that the same issue remains with an inconsistency between the architectural plan and civil plan and fire access plan. Please see the attached exhibits for clarification. New grading has been added to the civil plan that appears to be on steep slopes.

Please let me know if you have any questions.

Thank you,
Lilly

Lilly Rudolph, AICP
Contract Planner
City of Malibu
23825 Stuart Ranch Road
Malibu CA 90265
lrudolph@malibucity.org
805-947-4828

EXHIBIT C

DAVID KELLEN
+ ASSOCIATES, INC.

2701 AIRPORT AVENUE – 202
SANTA MONICA, CA 90405

310 245 3584

e-mail: davidkellen117@gmail.com
www: davidkellenassociates.com

January 6, 2020

To Whom It May Concern:

Regarding 29329 Heathercliff Road, Malibu, CA, 90265:

A modification is requested for the front yard set back. The front yard set back is 20% of 297 feet (the depth of the lot), which equals 59.2 feet. The request is to reduce the front yard setback from 59.2 feet to 29.6 feet (50% of 59.2 feet). The justification is that to be able to build this project on the area of the site where the slope is less than 4 to 1, the reduction of the front yard is necessary.

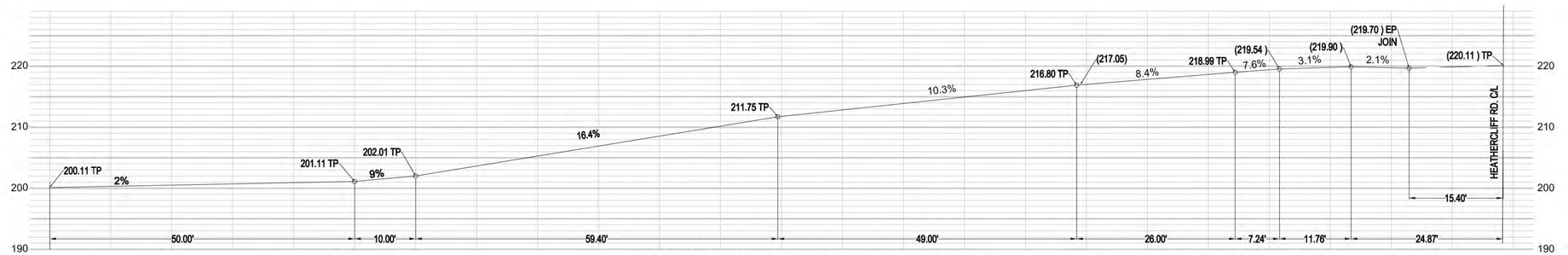
A modification is requested for allowing 575 square feet of the roof (14%) to be greater than the allowable 18 feet above grade but less than 24 feet above grade. The justification is, that on this sloped lot, this minimal amount of height would reduce the amount of grading and dirt removal from the site.

Thank you for your consideration.

David Kellen, Architect



EXHIBIT 2



DRIVEWAY CENTERLINE PROFILE

SCALE: 1" = 10'

PROJECT INFORMATION:

SITE ADDRESS: 29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN: 4468-011-010 & 4468-011-011
OWNER:

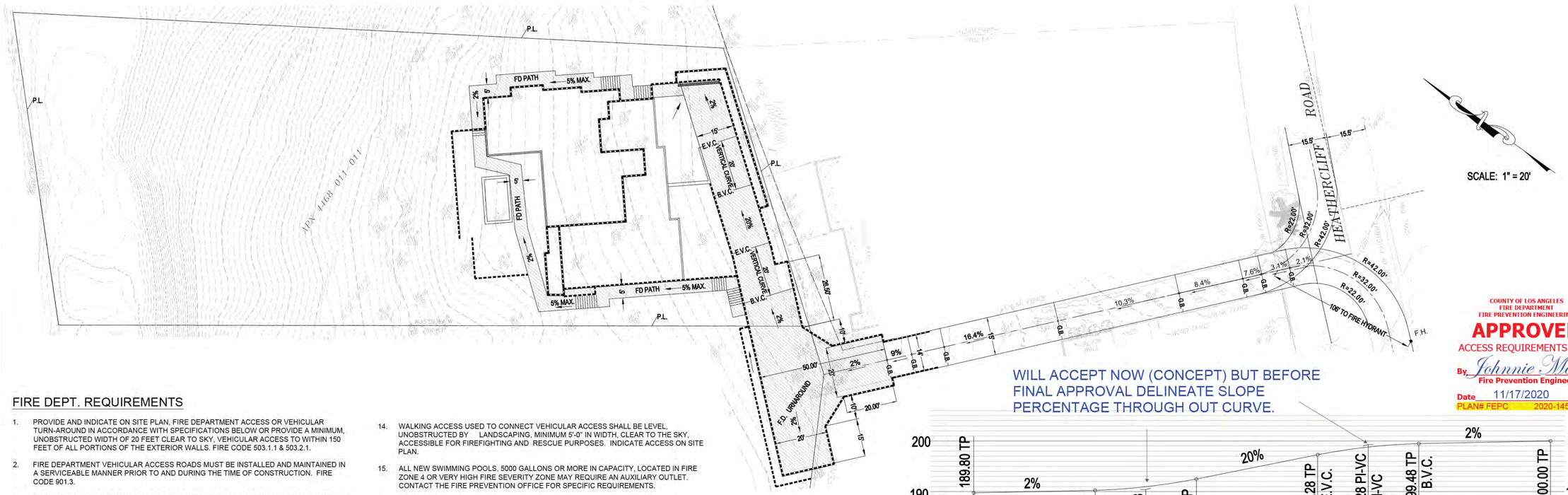
ARCHITECT: DAVID KALEN, AIA
2701 AIRPORT AVE., SUITE 202
SANTA MONICA, CA 90405

CIVIL ENGINEER: PLANEX ASSOCIATES, INC.
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404

EXISTING BUILDING: 0 S.F.
PROPOSED BUILDING: 4,570 S.F.

THIS PLAN CONFORMS TO THE COASTAL DEVELOPMENT PERMIT APPROVED BY THE CITY FOR SUBJECT PROJECT IN THE CITY OF MALIBU, CALIFORNIA ON _____

PROJECT START: N/A
PROJECT COMPLETION: N/A



SCALE: 1" = 20'

WILL ACCEPT NOW (CONCEPT) BUT BEFORE FINAL APPROVAL DELINEATE SLOPE PERCENTAGE THROUGH OUT CURVE.

DRIVEWAY CENTERLINE PROFILE (LOWER PORTION)

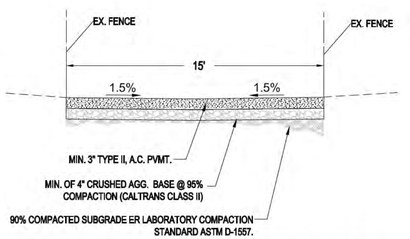
SCALE: 1" = 10'

FIRE DEPT. REQUIREMENTS

1. PROVIDE AND INDICATE ON SITE PLAN, FIRE DEPARTMENT ACCESS OR VEHICULAR TURN-AROUND IN ACCORDANCE WITH SPECIFICATIONS BELOW OR PROVIDE A MINIMUM, UNOBSTRUCTED WIDTH OF 20 FEET CLEAR TO SKY, VEHICULAR ACCESS TO WITHIN 150 FEET OF ALL PORTIONS OF THE EXTERIOR WALLS. FIRE CODE 503.1.1 & 503.2.1.
2. FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. FIRE CODE 901.3.
3. THE REQUIRED FIRE FLOW FOR FIRE HYDRANTS AT THIS LOCATION IS **1,250** GALLONS PER MINUTE, AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF 2 HOURS, OVER AND ABOVE THE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 507.3 AND APPENDIX B105.1 APPENDIX B. FIRE FLOW MAY BE OBTAINED FROM PUBLIC FIRE HYDRANT FLOWING SIMULTANEOUSLY.
4. COMPLY WITH TITLE 24, 310.9.1 REGARDING FIRE WARNING SYSTEMS. SMOKE DETECTORS TO BE HAND WIRED WITH BATTERY BACKUP. WHEN MORE THAN ONE SMOKE ALARM IS INSTALLED, THEY SHALL BE ARRANGED SO THAT THE OPERATION OF ANY SMOKE ALARM CAUSES THE ALARM IN ALL SMOKE ALARMS WITHIN THE DWELLING UNIT TO SOUND (CALIFORNIA ALARM CODE). PROVIDE NOTE ON SITE PLAN AND INDICATE ON FLOOR PLAN.
5. PROVIDE ONE HOUR FIRE RESISTIVE OCCUPANCY SEPARATION BETWEEN THE R-3 DWELLING AND THE GARAGE. (INDICATE ON FLOOR PLAN.)
6. EXIT DOORS SHALL BE CAPABLE OF OPENING WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. BUILDING CODE 1003.3.1.8.
7. WIDTH AND HEIGHT OF REQUIRED EXIT DOORWAYS SHALL COMPLY WITH TITLE 24. (INDICATE ON DOOR SCHEDULE).
8. BUILDING ADDRESS NUMBERS TO BE PROVIDED ON FRONT OF ALL BUILDINGS AND SHALL BE VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. FIRE CODE 901.4.4.
9. PROVIDE A KEY BOX AS REQUIRED BY FIRE CODE 904.2 LOCATION AT GATE.
10. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDE THE WORDS **NO PARKING-FIRE LANE**. SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH AND HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND. SIGNS SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS, TO CLEARLY INDICATE THE ENTRANCE TO SUCH ROAD, OR PROHIBIT THE OBSTRUCTION THEREOF AND AT INTERVALS, AS REQUIRED BY THE FIRE INSPECTOR. FIRE CODE 503.3
11. PRIVATE ROADS USED FOR FIRE DEPARTMENT ACCESS SHALL BE CAPABLE OF SUPPORTING THE WEIGHT OF A 25-TON VEHICLE.
12. FIRE DEPARTMENT ACCESS ROADS LESS THAN 10% SLOPE, AND NOT PAVED TO PUBLIC WORKS STANDARDS, REQUIRE CERTIFICATION FROM A REGISTERED CIVIL ENGINEER STATING THE ROAD MEETS OR EXCEEDS ALL-WEATHER STANDARDS OF LA CO DEPARTMENT OF PUBLIC WORKS.
13. ALL FIRE DEPARTMENT ACCESS ROADS 10% OR GREATER SLOPE SHALL BE PAVED PRIOR TO CONSTRUCTION.
14. WALKING ACCESS USED TO CONNECT VEHICULAR ACCESS SHALL BE LEVEL, UNOBSTRUCTED BY LANDSCAPING, MINIMUM 5'-0" IN WIDTH, CLEAR TO THE SKY, ACCESSIBLE FOR FIREFIGHTING AND RESCUE PURPOSES. INDICATE ACCESS ON SITE PLAN.
15. ALL NEW SWIMMING POOLS, 5000 GALLONS OR MORE IN CAPACITY, LOCATED IN FIRE ZONE 4 OR VERY HIGH FIRE SEVERITY ZONE MAY REQUIRE AN AUXILIARY OUTLET. CONTACT THE FIRE PREVENTION OFFICE FOR SPECIFIC REQUIREMENTS.
16. COMPLY WITH TITLE 24, 310.4 REGARDING ACCESS.
17. FIRE RESISTIVE ASSEMBLIES FOR PROTECTION OF OPENINGS TO COMPLY WITH TITLE 24, 713.
18. WALLS AND SOFFITS OF ENCLOSED USABLE SPACE UNDER INTERIOR STAIRWAYS THAT ARE NOT REQUIRED TO BE ENCLOSED BY BUILDING CODE 1006.12 SHALL BE PROTECTED ON THE ENCLOSED SIDE AS REQUIRED FOR ONE-HOUR RESISTIVE CONSTRUCTION. TITLE 24, 1003.3.3.9.
19. ALL REQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BEGINNING CONSTRUCTION. FIRE CODE 501.4.
20. ALL FIRE HYDRANTS SHALL MEASURE 6"X4"X2-1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C503, OR APPROVED EQUAL, AND SHALL BE INSTALLED IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 8.
21. PLANS SHOWING UNDERGROUND PIPING FOR PRIVATE ON-SITE FIRE HYDRANTS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. FIRE CODE 901.2, COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 7
22. PROVIDE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM AS SET FORTH BY BUILDING CODE 903 AND FIRE CODE 903. PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. REASON: RESIDENTIAL CODE & FIRE CODE 903.1 & FIRE FLOW REDUCTION TYPE OF FIRE SPRINKLER SYSTEM: 903.3.1.1, 903.3.1.2, 903.3.1.3
23. THE SECURITY GATE SHALL MAINTAIN A MINIMUM ACCESS WIDTH OF 20 FEET. THE SECURITY GATE SHALL BE PROVIDED WITH AN APPROVED MEANS OF EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES AND REPLACED OR REPAIRED WHEN DEFECTIVE. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASTM F220. GATES SHALL BE OF THE SWINGING OR SLIDING TYPE. CONSTRUCTION OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE 503.6. THE SECURITY MANUAL GATE OPERATOR SHALL BE PROVIDED FOR EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES.

PROJECT DATA

ADDRESS:	29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN:	4468-011-010 & 4468-011-011
LCP ZONING DESIGNATION:	A1-1
GROSS LOT AREA=	33532 SQ. FT. (0.77 ACRES)
LOT DEPTH:=	1289'
LOT WIDTH=	115'
PROPOSED FRONT YARD SETBACK=	25.6' FROM PROPERTY LINE
PROPOSED REAR YARD SETBACK=	164'
PROPOSED SIDE YARD SETBACK=	17.4' (E), & 11.7' (W)
CONSTRUCTION TYPE:	V-B
VHFHSZ :	YES
OCCUPANCY:	SINGLE FAMILY
FIRE SPRINKLERS:	YES
FIRE FLOW BASED ON THE FIRE-FLOW CALCULATION AREA:	1750 GPM
REDUCTION FOR FIRE SPRINKLERS (MAXIMUM 50%):	500 GPM
TOTAL FIRE FLOW REQUIRED :	1250 GPM
EXISTING SQUARE FOOTAGE:	0 S.F.
PROPOSED SQUARE FOOTAGE:	
GARAGE=	390 SQ. FT.
FIRST FLOOR=	2,590 SQ. FT.
SECOND FLOOR=	1,460 SQ. FT.
OVERHANG (> 6')	320 SQ. FT.
TOTAL=	4,570 SQ. FT.



NOTE: FINAL DRIVEWAY SECTION DESIGN FOR APPARATUS WEIGHING 25 TONS TO BE DETERMINED AND APPROVED BY THE PROJECT'S SOILS ENGINEER PER FIELD TEST. CIVIL ENGINEER MIGHT BE REQUIRED

ACCESS DRIVEWAY TYPICAL SECTION

SCALE: 1" = 4'

COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION ENGINEERING

APPROVED

ACCESS REQUIREMENTS ONLY

By Johnnie McGee
Fire Prevention Engineer

Date 11/17/2020

PLAN# FEPC 2020-1457



VICINITY MAP

NO.	DATE	REVISION	BY

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

FIRE ACCESS EXHIBIT

29329 HEATHERCLIFF RD., MALIBU, CA 90265

SIGNED
DATE:

SHEET 1 OF

PFN: 1909-495
DATE: 11/11/2020

C -FD

These drawings are instruments of service and are the property of Planex Associates. All designs and other information on the drawings are for use on the specific project and shall not be used otherwise without written permission of Planex Associates ©

EXHIBIT 2

From: Allison Cook <capstonecityplan@gmail.com>
Date: April 4, 2024 at 11:15:32 AM PDT
To: Brian Adams [redacted]>
Subject: Fwd: Site Visit - 29329 Heathercliff

Hi Brian - I spoke with Alan further. Please see his email below. One correction from my last email is that Alan will need to move a part of your fence that is in the ingress/egress easement he has for his property in order to widen the driveway to the 20 feet at the project site. Feel free to call him to coordinate this item, since it is a matter between you and him. Thanks.

Please note that I will be out of the office from 4/10 through 4/15.

Allison Cook, AICP
Owner, Capstone City Planning
Contract Planner to the City of Malibu
805-415-1991
capstonecityplan@gmail.com

---------- Forwarded message ---------
From: **Alan ACS** [redacted]>
Date: Thu, Apr 4, 2024 at 11:06 AM
Subject: RE: Site Visit - 29329 Heathercliff
To: Allison Cook <capstonecityplan@gmail.com>

Morning

Per our conversation this morning

See attached

- Page 9 of deed shows easement parcel 4 the road and parcel 3 both easement toward Adams and toward Roth
- Site topo : that you should have. if you zoom in to the corner between road and adams property (see below also) you clearly will see the chain link fence and hammerhead and you can see that I need to push the fence only 3ft to the east on a length of 10 ft and that in this area there is no structure , you can also see that the fence encloses part of the easement which I am ok with that as I told the Adams

Alan Hajjar, MSCE

www.myacsinc.com

USA:

[redacted]

From: Allison Cook <capstonecityplan@gmail.com>
Sent: Wednesday, April 3, 2024 2:31 PM
To: Alan ACS <[redacted]>
Subject: Site Visit - 29329 Heathercliff

Hi Alan - Thanks for meeting me at the site today. When you send me the revised plans lowering the building to 18 feet, please also note that you would like to cancel your SPR request for additional height. Thanks.

Please note that I will be out of the office from 4/10 through 4/15.

Allison Cook, AICP

Owner, Capstone City Planning

Contract Planner to the City of Malibu

805-415-1991

capstonecityplan@gmail.com

--
Larry

October 4th, 2024

City of Malibu
23815 Stuart Ranch Rd.
Malibu, CA 90265

RE: Coastal Development Permit No. 20-003 – Item 5A – Planning Commission Hearing
October 7th, 2024

Dear Chair Leonard and Planning Commissioners,

I am writing to express my support for the approval for Item 5A on Monday's agenda, for the proposed single-family residence for the property located at 29329 Heathercliff Road.

The proposed design is complementary to the Point Dume neighborhood on Heathercliff Road and it is imperative for homeowners to be given the right to develop to build their dream home as long as they abide by the City of Malibu's LCP and Regulations.

The proposed design is consistent with majority of the single-family residences surrounding this property on Heathercliff Road. The design is conscientious of the height limits for the City of Malibu and is designed consistently with the mission and culture of Malibu.

Additionally, the proposed design is a modest sized home for Malibu. I support this project and recommend approval.

Sincerely Yours,

Elie Braidi

Elie Braidi
20296 pacific coast Hwy
Malibu , Ca 90265

October 6th, 2024

City of Malibu

RE: Item 5A

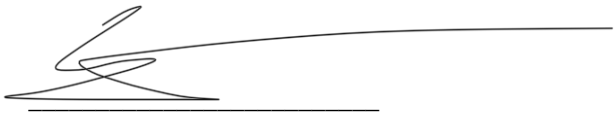
Dear Planning Commissioners,

I am writing to express that the project located at 29329 Heathercliff Road should be approved.

The proposed design is a "dream" home for the property owner and I know they have worked very hard to come this far to build it. The design is good and the size is modest for a malibu home. The project is consistent with other single-family residences in the surrounding area on Heathercliff Road.

I support this project and recommend approval.

Sincerely Yours,



Elie Samaha
20288 pacific coast Hwy
Malibu, CA 90265

From: **Larry Roth** [redacted]
Subject: Re: Story Poles - 29329 Heathercliff Project
Date: April 3, 2024 at 5:02 PM
To: Allison Cook capstonecityplan@gmail.com
Cc: Heather Roth [redacted]

LR

Hi Allison. Saturday morning is fine. What time were u thinking?

I'm more concerned about the steepness of the slope on parts of the development. Seems like some parts are steeper than 4-1. Particularly parts of the easement we share.

Please let me know what time works for you. Earlier is better. Thanks!

Larry

> On Apr 3, 2024, at 4:41 PM, Allison Cook <capstonecityplan@gmail.com> wrote:
>
> Hi - when might I be able to come by to check the views to the story poles from your PVD location? If you aren't home during the weekdays I can come by this Saturday AM? Thanks.
>
> ***Please note that I will be out of the office from 4/10 through 4/15.***
>
> **Allison Cook, AICP**
> Owner, Capstone City Planning
> *Contract Planner to the City of Malibu*
> 805-415-1991
> capstonecityplan@gmail.com
>
> ---------- Forwarded message ---------
> From: **Allison Cook** <capstonecityplan@gmail.com>
> Date: Wed, Apr 3, 2024 at 2:34 PM
> Subject: Story Poles - 29329 Heathercliff Project
> To: Heather Roth [redacted], Larry Roth [redacted]
>
> Good Afternoon - I am in your area this afternoon taking photos of the story poles for the project at 29329 Heathercliff. I saw wondering if you are around this afternoon and if I could see the view of the story poles from your PVD? Thank you!
>
> ***Please note that I will be out of the office from 4/10 through 4/15.***
>
> **Allison Cook, AICP**
> Owner, Capstone City Planning
> *Contract Planner to the City of Malibu*
> 805-415-1991
> capstonecityplan@gmail.com

Received
10/04/24
Planning Dept.

---------- Forwarded message ---------
From: **Allison Cook** [redacted]>
Date: Fri, Oct 4, 2024 at 1:47 PM
Subject: Re: 29329 Heathercliff Rd / CDP 20-003 - Planning Commission Notice of Public Hearing - October 7, 2024
To: Larry Roth <[redacted]>
Cc: Heather Roth <[redacted]>, Pam Adams [redacted]>, Brian Adams <[redacted]>

Hi Larry - Thanks for bringing this to my attention. Your e-mail has been forwarded to Planning Department staff, including Code Enforcement.

Allison Cook, AICP
Owner, Capstone City Planning
Contract Planner to the City of Malibu
[redacted]

On Fri, Oct 4, 2024 at 1:02 PM Larry Roth <[redacted]> wrote:

> Allison we are so upset. I just walked down to Alan's property edge, in the easement. He has done significant grading to the easement. Remember when that hill was so steep you needed my help to get up it? Well, it's a smooth dirt driveway now.
>
> This is appalling. I have video of the trucks on the property that day. I also have video of the before and after. Remember we both took videos the day you visited the site with me back in April.
>
> The developer used the excuse of fire prevention weed clearance to do grading before the planning committee site visits. Weed clearance can be done with a weed whacker. He brought a dump truck and a bobcat.
>
> This is not a coincidence. He's owned the property for years and never did fire prevention, now, just weeks before his hearing he does? This is appalling. We will be

Date Received 10/04/24 Time 1:47PM
Planning Commission meeting of 10/07/24
Agenda Item No. 5A
Total No. of Pages 4

CC: Planning Commission, PD,
Recording Secretary, File

following up with the city.

Larry

> On Sep 26, 2024, at 11:22 AM, Allison Cook <[redacted]> wrote:
>
> They are doing weed clearing for fire prevention.
> *Please note that I will be out of the office on October 1st and 2nd. I will return your message when I'm back in the office on October 3rd. Thank you.*
>
> **Allison Cook, AICP**
> Owner, Capstone City Planning
> *Contract Planner to the City of Malibu*
> [redacted]
>
> On Thu, Sep 26, 2024 at 11:21 AM Larry Roth [redacted] > wrote:
>
> > Allison there is a bobcat vehicle moving dirt right now on this lot. Does Alan have a grading permit? He's moving dirt right now.
> >
> > Larry
> >
> > > On Sep 26, 2024, at 10:59 AM, Allison Cook [redacted] wrote:
> > >
> > > Hi - I'm cc'ing Gail Duncan in the Planning Dept. Can you please confirm Larry and Heather Roth are on the email list? They are interested parties in the Development Database for the case. Thanks.
> > >
> > > *Please note that I will be out of the office on October 1st and 2nd. I will return your message when I'm back in the office on October 3rd. Thank you.*

Allison Cook, AICP
Owner, Capstone City Planning
Contract Planner to the City of Malibu
[redacted]

On Thu, Sep 26, 2024 at 10:37 AM Larry Roth <[redacted]> wrote:

> Hi Allison
>
> I'm curious why we are not receiving these notices. Heath did you receive
>
> What's going on? Thanks
>
> Larry
>
> Begin forwarded message:
>
> **From:** Mike Kasaba <[redacted]>
> **Date:** September 26, 2024 at 10:02:26 AM PDT
> **To:** Larry Roth [redacted]>
> **Subject: Fwd: 29329 Heathercliff Rd / CDP 20-003 - Planning Commission Notice of Public Hearing - October 7, 2024**
>
> Hi Larry,
>
> Did you receive this?
>
> Mike Kasaba
> [redacted]
>
> ---------- Forwarded message ---------

From: **Gail Duncan**
<gduncan@malibucity.org>
Date: Thu, Sep 26, 2024 at 9:38 AM
Subject: 29329 Heathercliff Rd / CDP 20-003 - Planning Commission Notice of Public Hearing - October 7, 2024
To:

You have received this email because you are on file with the City of Malibu Planning Department as an interested party for a project to be considered at the October 7, 2024 Planning Commission meeting.

Please refer to the attached public hearing notice for further project details.

Should you have any questions, please contact the case planner listed on the notice.

Sign up for the City of Malibu's e-notifications to stay up-to-date on emergency and traffic alerts, public meetings and City events at www.malibucity.org/news.

Regards,

October 6, 2024

Planning Director
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Planningcommission@malibucity.org
Maureen Tamuri MTamuri@malibucity.org
Rebecca Evans REvans@malibucity.org
Gale Duncan GDuncan@malibucity.org
Drew Leonard [redacted]
John Mazza [redacted]
Skylar Peak [redacted]
Kraig Hill [redacted]
Dennis Smith [redacted]
Doug Cleavenger DCleavenger@malibucity.org
Allison Cook Capstonecityplan@gmail.com

SUBJECT: Administrative Coastal Development Permit No. 20-003 And Minor Modification No. 20-001

We are opposing this project for the following reasons.

1) **Unpermitted offsite grading on adjacent parcels without apparent consent.**
    a. On 9/26/2024 we noticed grading activity on 29329 Heathercliff Rd. We reached out to the developer (owner) and he said he was just "cleaning site shrubs for fire dept". He had a bobcat and a dump truck on the property and was moving dirt.
    b. It is important to note that this grading was done months after the story poles were erected so the argument that less than 50 cubic yards can be graded in allow for story pole installation is invalid. The story poles have been up since April.
    c. Doug Cleavenger and Allison Cook were notified immediately and again on 10/4, both responded. We reached out to the city to file and enforcement code and told the neighbor to stop grading. Shortly after the developer was warned, the vehicles left the property.
    d. Site work seems to have been done prior to permits to get site conditions closer to the alternate topography noted in Exhibit A and Exhibit A Closeup, which is PDF page 57 of 124 in the staff report. In the exhibits, note the area marked "existing grade" and "proposed grade". This is the area affected. The amount of grading is significant, there are visible scars in the ground.
    e. Ahead of this hearing, and site visits, the developer may have graded the easement knowing it was too steep using the cover of fire prevention.

f. Developer has owned this property for years and has never done fire abatement like this in the past. He has only used weed whackers and each time he has done this, we were notified in advance.
g. Maybe these plans should be considered in more detail before taking the time of the planning committee and everyone else involved. The grading has been well documented. The new altered site conditions have been verified by several members of the planning commission.
h. We have video of the equipment in action, we have a text chain where the owner/developer admits to equipment being on the property, and we have before and after pictures of the site.

Exhibit A

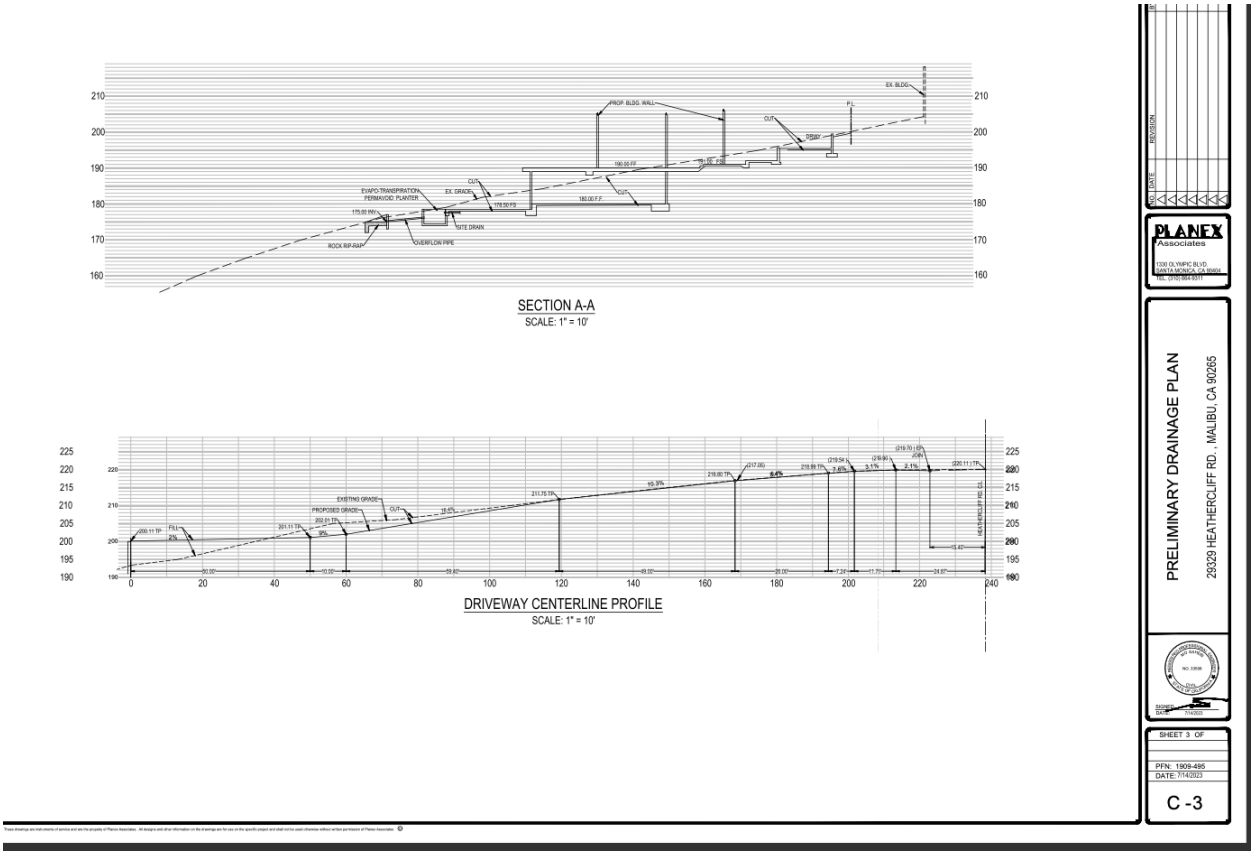
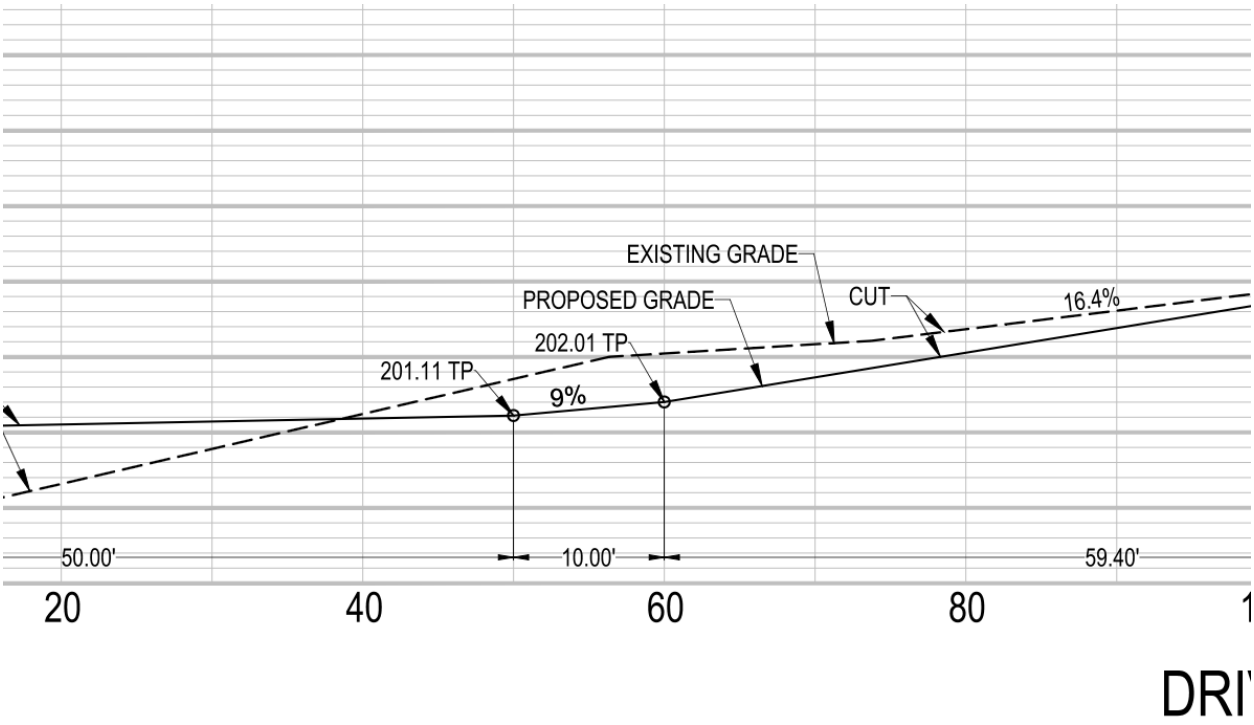


Exhibit A Closeup



2) **Inconsistent data to supply sufficient slope study in area of hammerhead (emergency vehicle turn around)**
    a. Note all data referenced is sourced from the city staff report prepared by Allison Cook AICP, Contract Planner on 9/26/2024 and available on OnBase. They were created by the developer and his team and provided to the city, hence on record. They are stamped by professionals.
    b. In reviewing the staff report we noticed horizontal and spatial discrepancies in the actual location of the hammerhead from page to page. Please consider reviewing the differences in hammerhead location between page 58 of 124 on the staff report PDF and page 66 of 124 of the Staff report PDF. One shows the hammerhead lower down the hillside, one shows the hammerhead up higher on the hillside. A close review of these inconsistencies would be appreciated.
        i. Note Exhibit 1(and Exhibit 1closeup) “Fire Access Exhibit” which is page 66 of 124 of the Staff Report PDF. This is dated 11/11/2020 and was submitted to LA County fire for approval. Also note on this page 2 notes in blue
            1. “WILL ACCEPT NOW (CONCEPT) BUT BEFORE FINAL APPROVAL DELINEATE SLOPE PERCENTAGE THOUGOUT CURVE”.
            2. “CIVIL ENGINEER MIGHT BE REQUIRED”

Exhibit 1

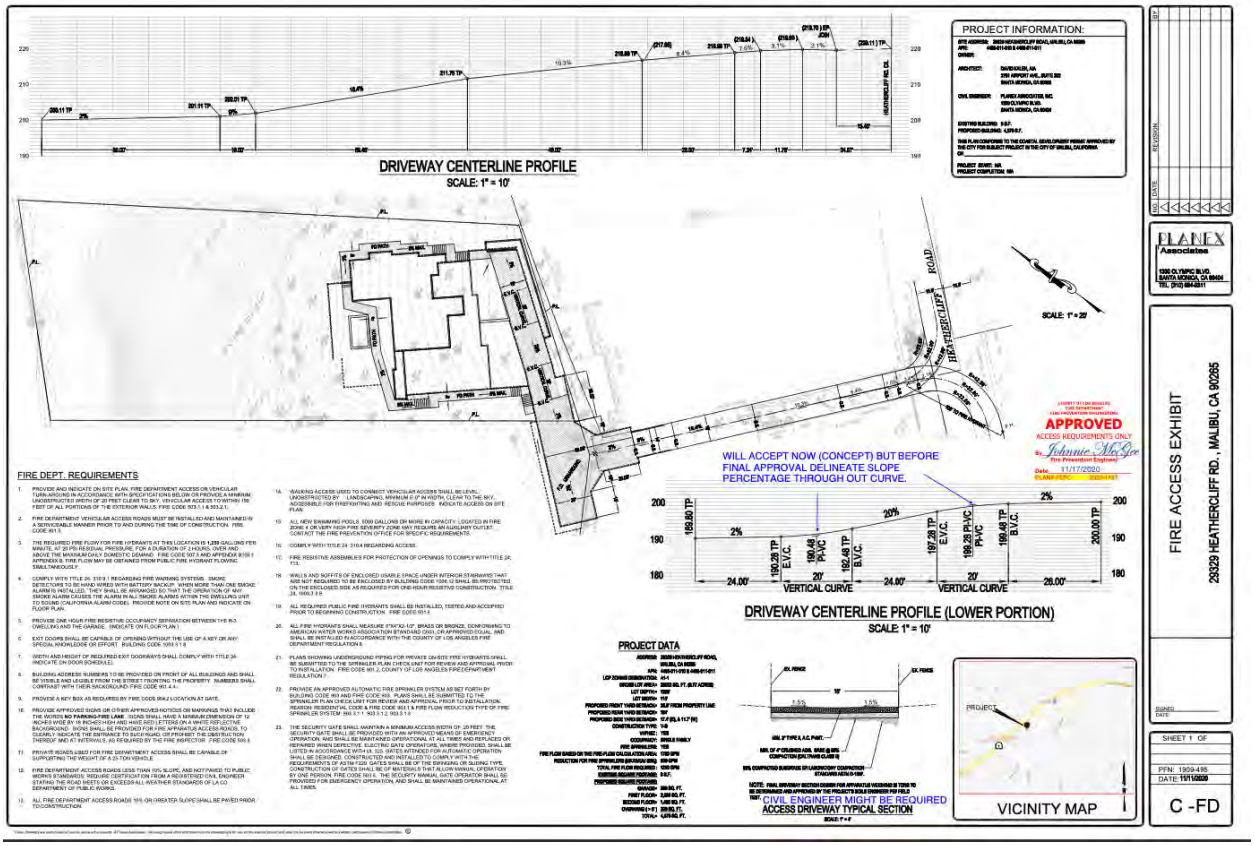
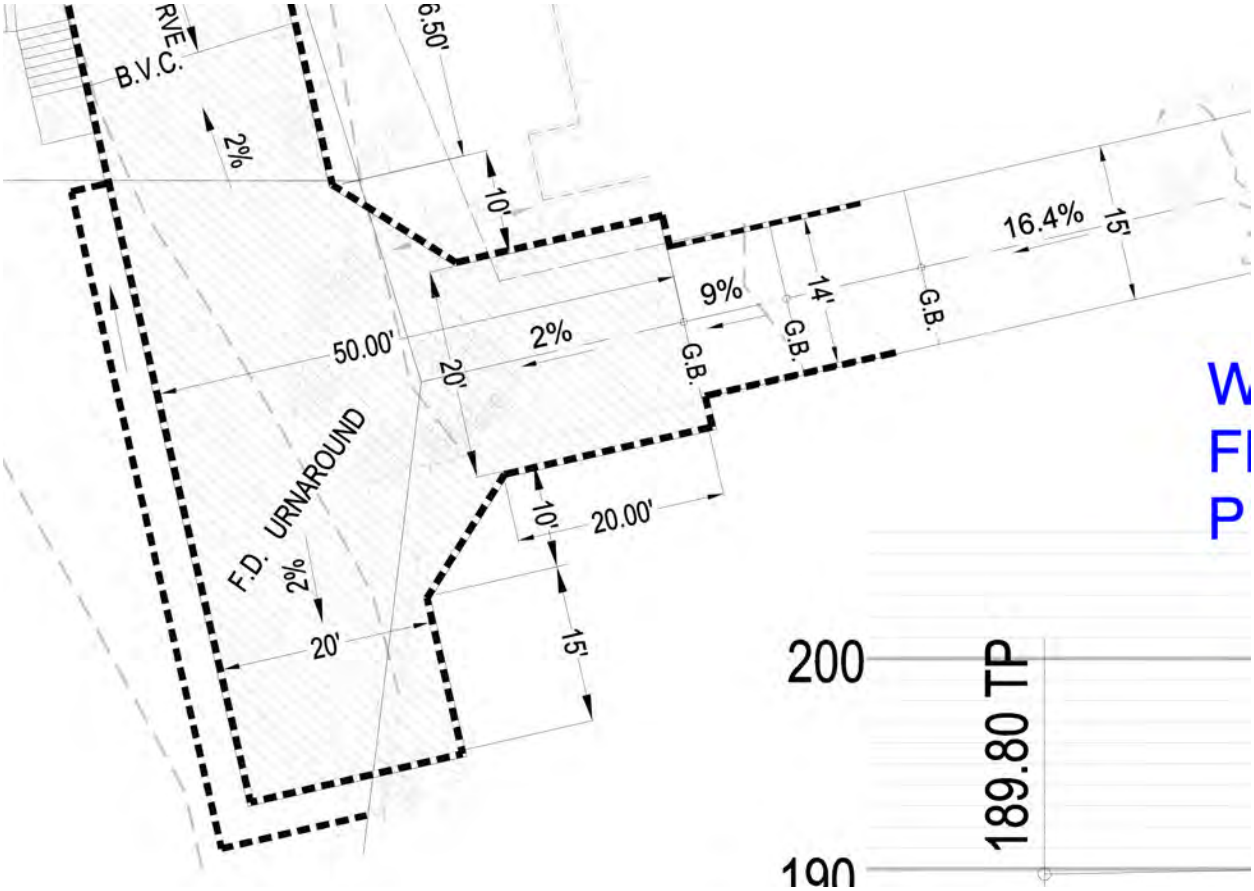

DRIVEWAY CENTERLINE PROFILE
SCALE: 1" = 10'
PROJECT INFORMATION:
SCALE: 1" = 20'
APPROVED
ACCESS REQUIREMENTS ONLY
Date 11/17/2020
WILL ACCEPT NOW (CONCEPT) BUT BEFORE FINAL APPROVAL DELINEATE SLOPE PERCENTAGE THROUGH OUT CURVE.
DRIVEWAY CENTERLINE PROFILE (LOWER PORTION)
SCALE: 1" = 10'
VERTICAL CURVE
VERTICAL CURVE
FIRE DEPT. REQUIREMENTS
PROJECT DATA
CIVIL ENGINEER MIGHT BE REQUIRED
ACCESS DRIVEWAY TYPICAL SECTION
VICINITY MAP
PLANEX Associates
1990 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL: (310) 664-0311
FIRE ACCESS EXHIBIT
29329 HEATHERCLIFF RD., MALIBU, CA 90265
SHEET 1 OF
PFN: 1959-485
DATE: 11/11/2020
C -FD

Exhibit 1 Closeup



ii. Note Exhibit 2 (and Exhibit 2 closeup)“Fire Access Exhibit” which is page 58 of 124 of the Staff Report PDF. This was created on 12/3/21. On this page the hammerhead is presented to be further down the hill thus making the slope of the easement look flatter.

Exhibit 2

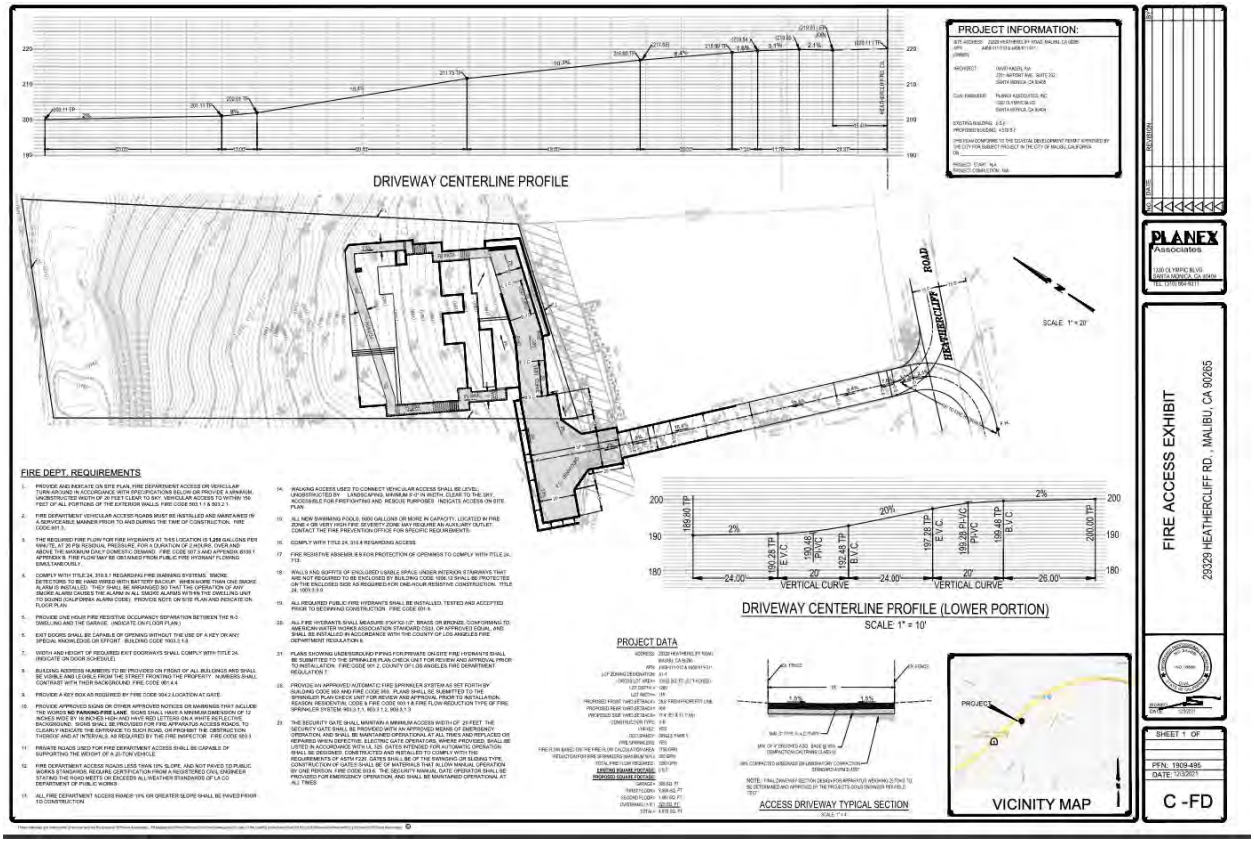
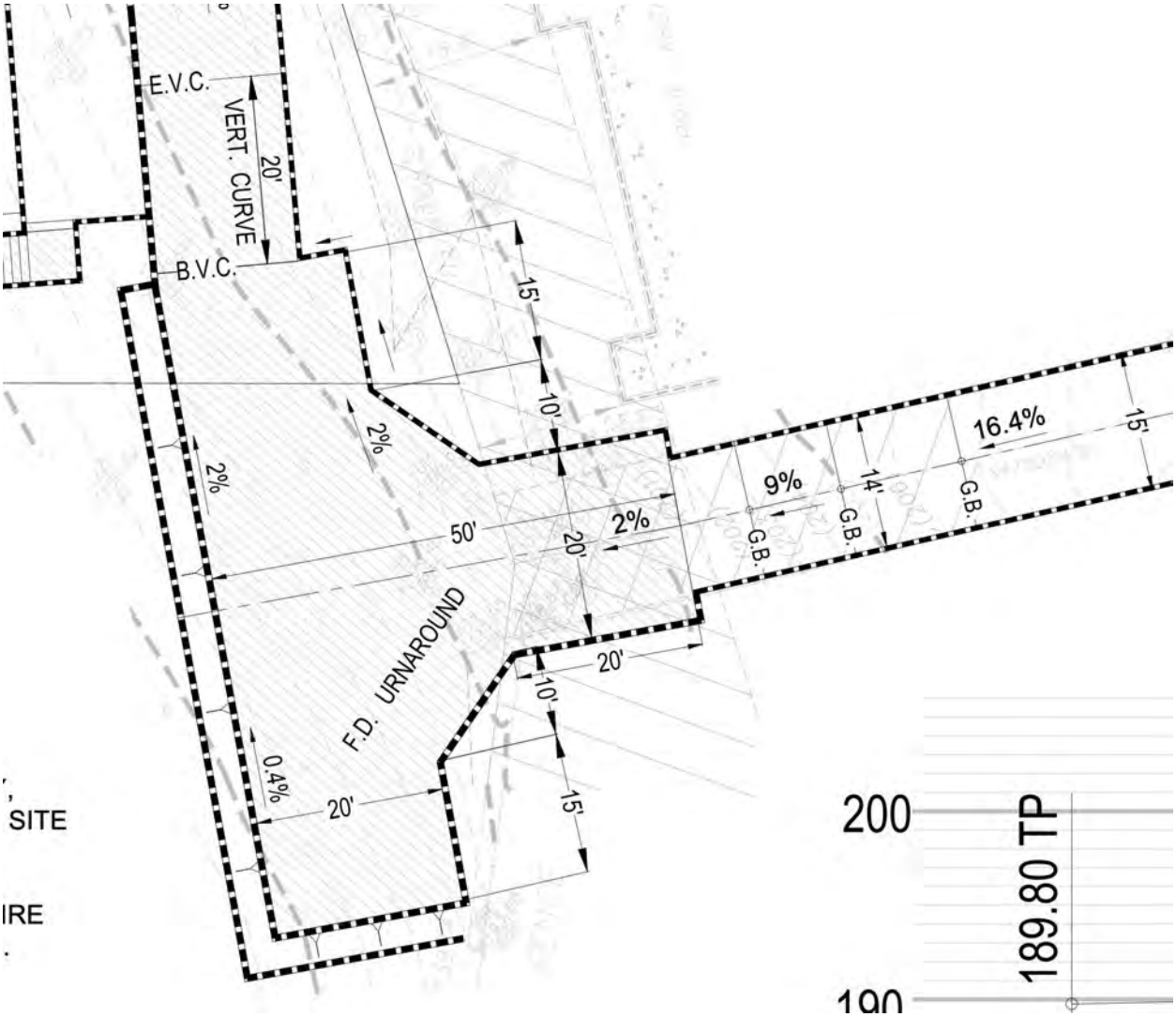


Exhibit 2 Closeup



c. It appears that sometime after the first conditional fire approval on 11/17/2020 the design team of the developer manipulated the fire access exhibit shown on PDF page 66 of 124 into the access exhibit shown on PDF page 58 of 124. It seems clear that the hammerhead is in a different place on p58 than it is on p66. The hammerhead location difference should be enough of a reason to not approve this project at this hearing. These inconsistencies need to be clarified and corrected in the plans. We are talking about fire approval and emergency access here.

d. Exhibit 3 (and Exhibit 3 closeup) items to note: “Topographic Survey” dated 9/14/19 and plotted 9/20/23 which is on page 67 of 124 in the staff report. Note the 200ft elevation marker on the chart in the area of the yellow easement.
e. Also note in the closeup where the hammerhead is placed in relation to the chain like fence, it is back higher up the slope.

Exhibit 3

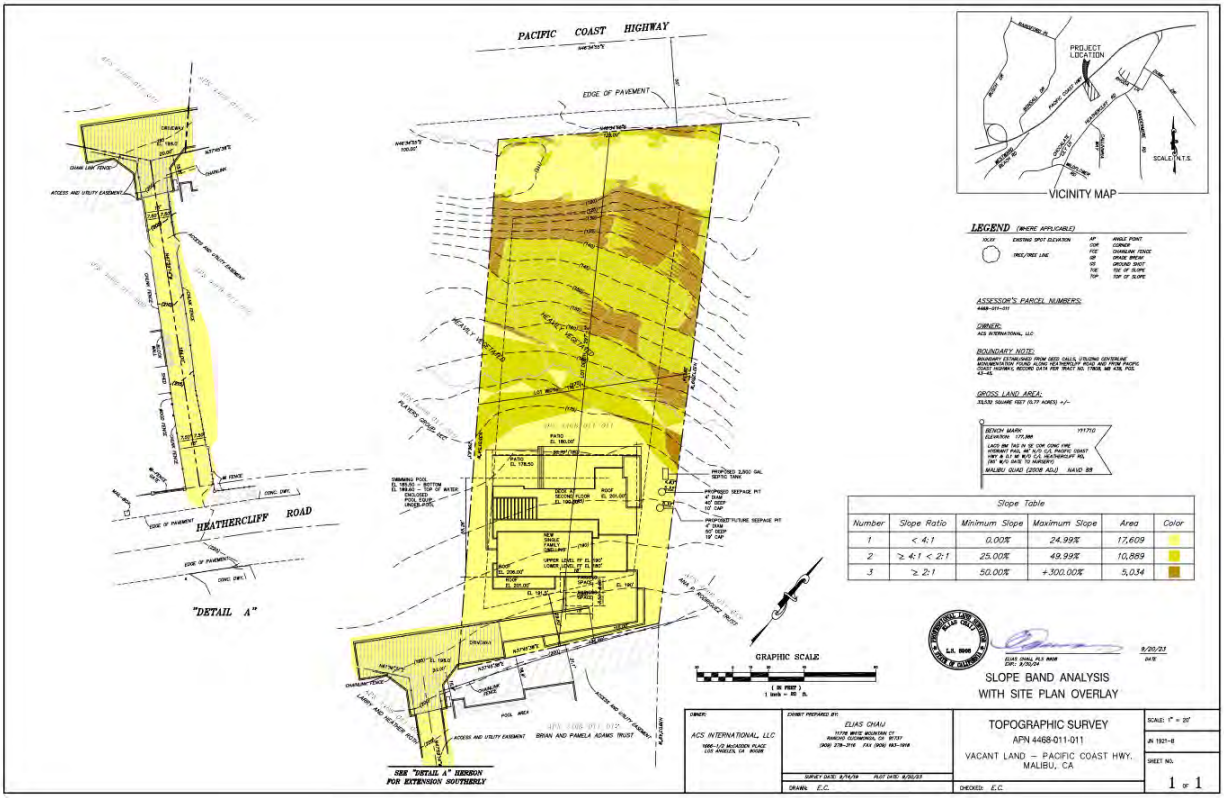
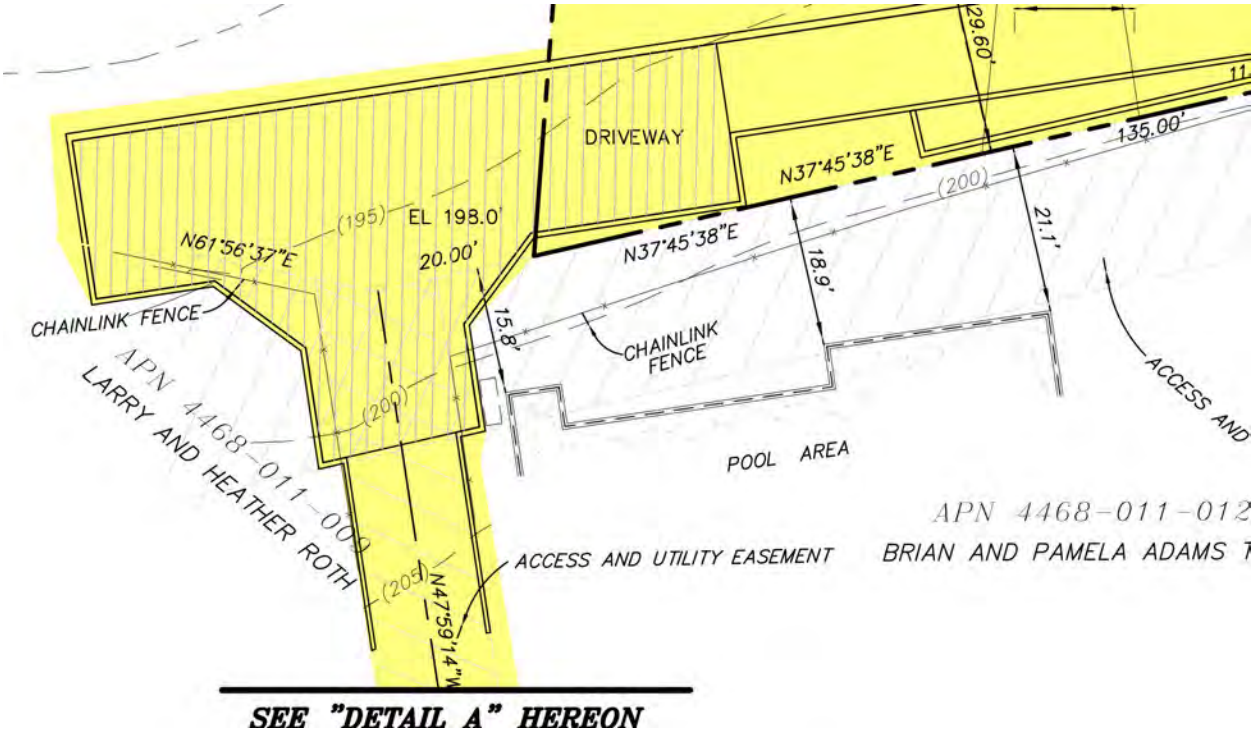
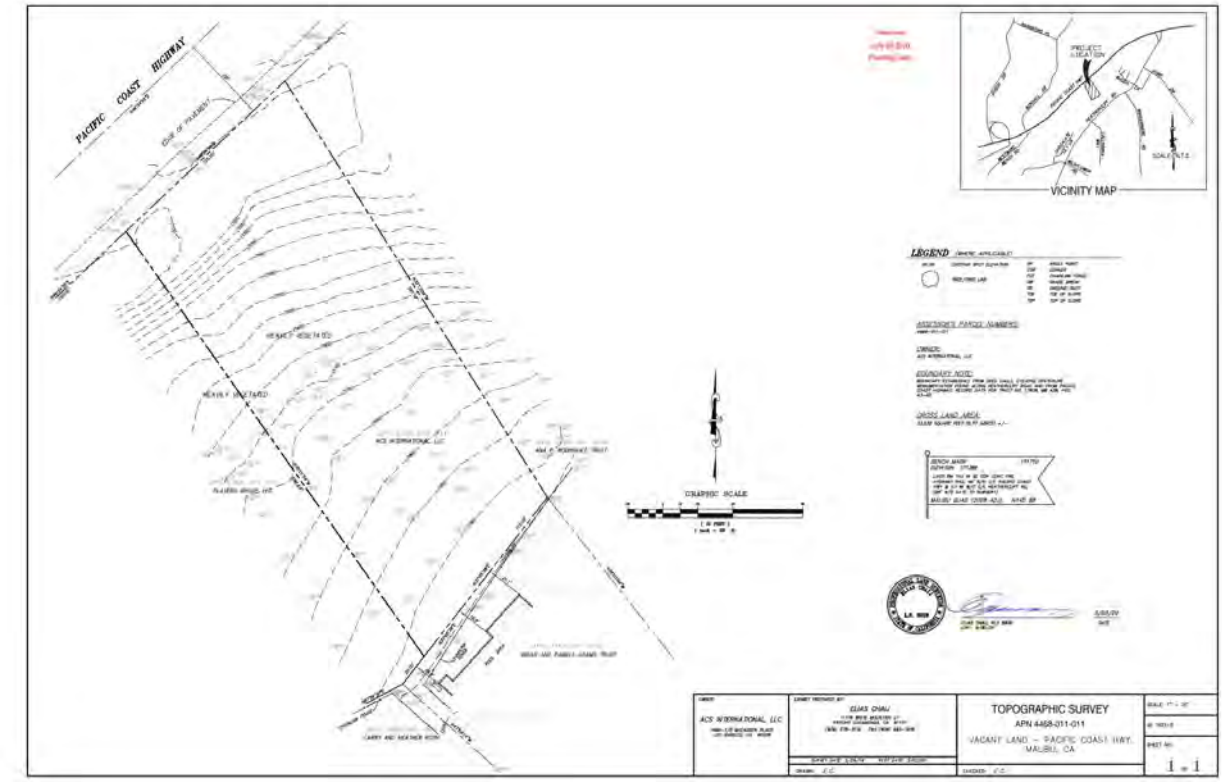


Exhibit 3 Closeup



f. Exhibit 4 item to note: “Topographic Survey” dated 5/29/19 and plotted 3/03/20. This was pulled from OnBase for the property. Note again the 200ft elevation marker on the chart and the dashed line that runs through the easement area marking the 200ft elevation.

Exhibit 4



g. In Exhibit 5 (and Exhibit 5 closeup) we have provided an overlay to show apparent presentation of information that is different than the actual conditions.
    i. Using specific data points matching on each report, we have overlayed the Topographic Survey in Attachment 3 (on page 67 of 124 dated 9/14/19 and plotted 9/20/23) over the Topographic Survey pulled from OnBase in Attachment 4 dated 5/29/19 and plotted 3/3/20. It can be seen in this overlay that the 200ft contours do not line up as they should. Both reports are stamped by the same professional land surveyor (Elias Chaij 11778 White Mountain CT Rancho Cucamonga, CA 91737. Phone 909-278-3116). These contours should line up as they are used for the same alleged design, but in fact, they do not line up. See the red markings on Exhibit 5 closeup showing the 200ft contours not lining up and appearing to be in two different places.

Exhibit 5

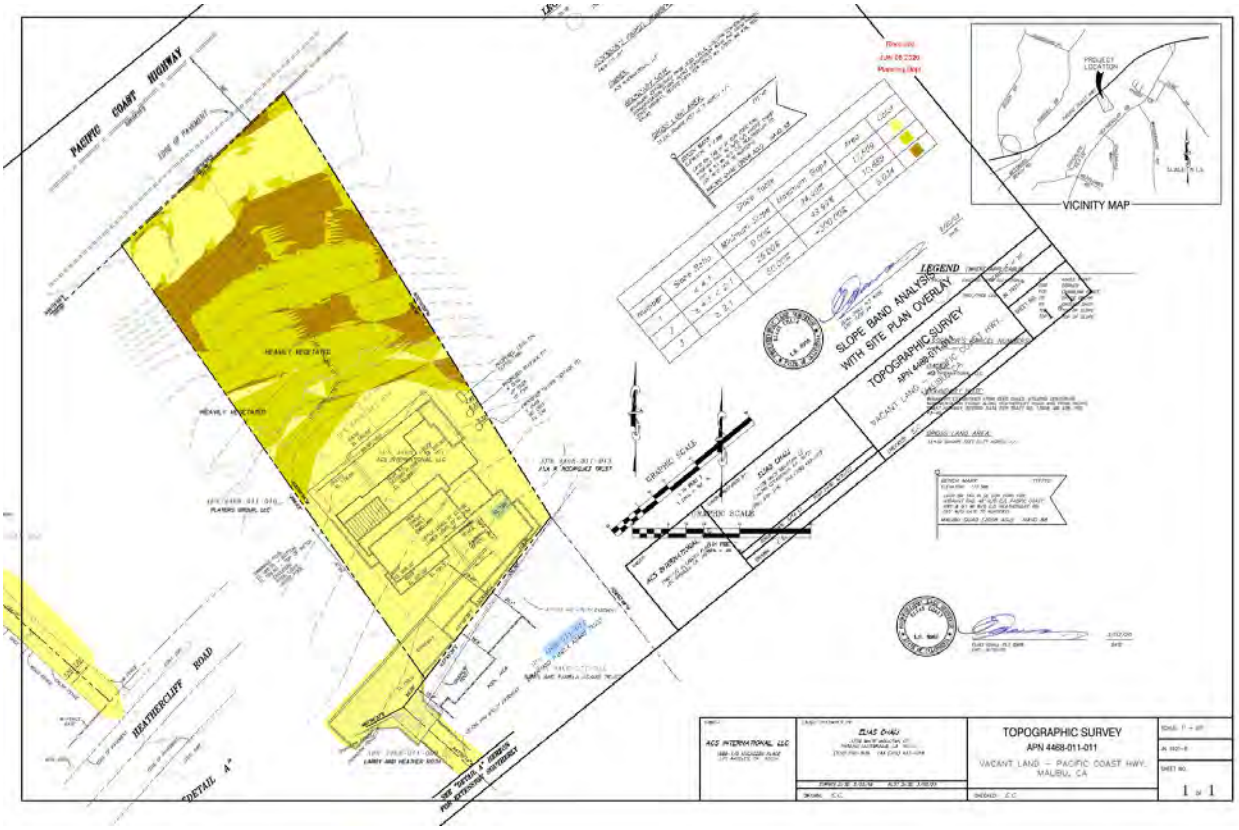
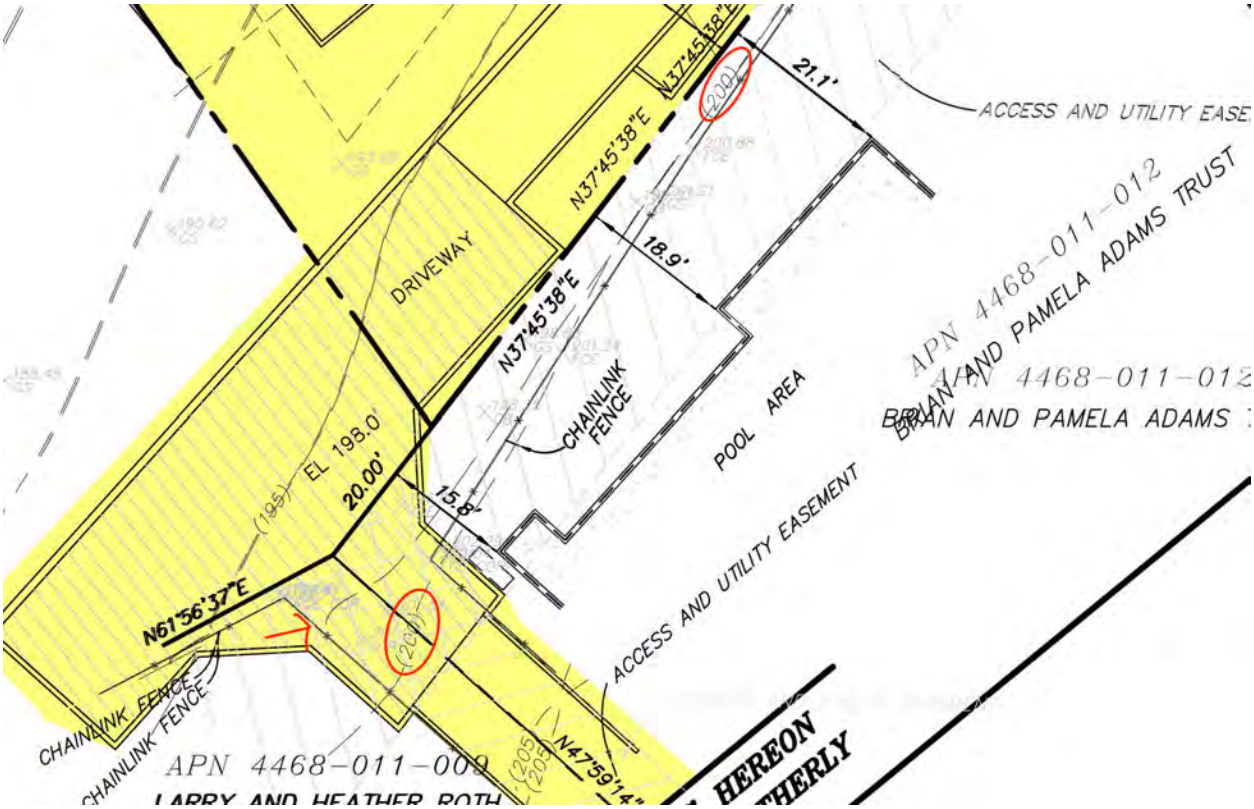


Exhibit 5 Closeup



h. It seems that this apparent presentation of information being different than the actual conditions is a way the developer and his design team may be attempting to get around the fire prevention engineering note on 11/17/2020 and/or any of the clear concerns stated previously that the area within the easement is too steep. The developer presented the information in a way to make the slope look more gradual. It is clear to the naked eye that the hammerhead is in two different places in the report. The recent and unpermitted grading may have been intended to justify the differences in the design.

i. The fire department has intent to review these inconsistencies and is aware of these potential issues, we are waiting for their response. Please note, all of this data is sourced from the staff report and is public record.

3) General inconsistency of respective improvements across the entire plan set.

a. Given the information presented by the design team and owner/developer, this report should not be considered as a valid representation of fact of what is proposed and what will actually happen as part of approval for this project.

4) **The adjacent lots that the developer is taking for his hammerhead are significant.**
    a. We and others strongly ask that the city consider to review the facts presented to all parties involved to get this right as these plans do not tell a truthful story of the project.
    b. Off-site improvements to the neighboring lots have not been considered, requested nor included reports for approvals.
    c. The stakeholders involved have not been involved in the true aspects of this project including the city. These serious questions need to be explored and answered.
    d. The planning committee needs to make the developer explain what's really going on here. This plan should not be approved as it is presented, there are too many unanswered questions.

Based on the facts above, we respectfully request that this project be reconsidered and reviewed critically. A clear consistent plan set is needed so we can understand what will actually be built on this slope, especially given we know slopes that are greater than 4-1 are impacted. We feel there is a need to allow time for the fire department to complete their review. Significant safety issues with fire access are a grave concern with the community. As residents who have lost one home and everything we owned to a wildfire up Corral Canyon and had damage from The Woolsey Fire we feel these concerns are valid. Wildfires aside, accuracy of these plans should be required even in case of a normal house fire as the developer here is asking for a reduction in front yard setback placing his home closer to neighboring structures.

Thank you to all involved in the planning department and planning commission for taking the time to read this report and for all your do for our city.

October 7th, 2024

City of Malibu
23815 Stuart Ranch Rd.
Malibu, CA 90265

RE: Coastal Development Permit No. 20-003 regarding Item 5A.

Dear Planning Commissioners,

I would like to write this letter of support for approval for the property located at 29329 Heathercliff Road.

The proposed design is compatible with the surrounding neighborhood and it is important that we approve this project for the right to build a dream home. The house is small in house compared to other residences nearby and complients the Pont Dume neighborhood.

I support this project and supporttheCity'srecommendation for approval.

Sincerely Yours,

Paul Azzi

Paul Azzi
6385 Zuma Mesa Drive
Malibu, CA 90265

Received
10/9/24
Planning Dept.

Planning Commission

From: Larry Roth <[redacted]>
Sent: Wednesday, October 9, 2024 5:08 PM
To: Planning Commission; Maureen Tamuri; Rebecca Evans; Gail Duncan; [redacted]; Skylar Peak; Kraig Hill; [redacted]; Douglas Cleavenger; Allison Cook; Parker Davis; Yolanda Bundy; Building & Safety Recovery; Drew Leonard
Subject: Re: Administrative Coastal Development Permit No. 20-003 And Minor Modification No. 20-001

Chair Leonard, Interim Director Tamuri, members of the Planning Commision, and members of Building and Safety,

As I indicated in my last letter to the city I reached out to the County of Los Angeles Fire Department Fire Prevention Division. Today I was able to speak with Patricia Zapeda who is the Supervising Fire Prevention Engineering Assistant for the County of Los Angeles Fire Department Fire Prevention Division.

Ms. Zapeda informed me that she reviewed this project per my request and confirmed that this project in fact DOES NOT have fire approval currently. She has now marked the project expired in her department due to it being four years old, the original reviewer (Johnnie McGee) is no longer with the department and his successor on this project is also no longer in their office. There hasn't been anyone working on this plan since 2020. She told me that the applicant would have to start over with fire approval on this project. This is all public information.

She informed me that the project never had fire approval and was unsure how this project was able to get on the Planning Commision agenda. Remember, per the staff report this project was originally approved by Richard Mollica as an ACDP. This is quite concerning to us. Again, this is all public information.

I would also like to get it on record that due to the easement's narrow width, 15ft wide and not the required 20ft, two homes should never be approved on this site per Fire Department rules. Again this is public information provided by Ms Zapeda.

Lastly, she mentioned that due to the length of the easement, and it being only 15ft wide, they would have a difficult time with fire approval due to the increased risk and safety concerns. We will leave this part up to the planning process when they start over.

We have reported the unpermitted grading done on the property as well.

Based on this recent information and the recent behavior of the developer and his planning team (Unpermitted onsite grading on adjacent parcels without apparent consent), we feel that this project needs to be reviewed closely for other misstatements and errors. We suggest that this project be removed from the 11/18/24 Planning Commision agenda and sent back to the planning department. This is a matter of public safety.

Thank you all for your attention to this matter. We trust that the hard working members of the Planning Committee, Planning Department, and Building and Safety will take a close look at what has happened here.

Respectfully,

Larry & Heather Roth (and concerned neighbors on Heathercliff, Point Dume)

On Sun, Oct 6, 2024 at 4:07 PM Larry Roth <[redacted]> wrote:
>
> Chair Leonard, Interim Director Tamuri and members of the Planning Commision.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 10/9/24 Time 5:08
Planning Commission meeting of 10/21/24
Agenda Item No. 2A
Total No. of Pages 2

>
> Attached please find correspondence and additional attachments
> regarding the project at 29329 Heathercliff. Planning Commision
> Meeting 10-07-2024. Item 5.A.
>
> Mr. Davis, Can you please have the additional 9 attached documents
> labeled "Exhibit..." loaded on the system so we can project them
> tomorrow night. I will also be following up directly with additional
> media to upload.
>
> Thank you.
>
>
> --
> Larry

--
Larry

October 4th, 2024

City of Malibu
23815 Stuart Ranch Rd.
Malibu, CA 90265

RE: Item 5A – Planning Commission Hearing October 7th, 2024

Dear Chair Leonard and Planning Commissioners,

I would like to express my support for the approval of Item 5A on Monday's agenda, for the proposed project located at 29329 Heathercliff Road.

The proposed design is a great example to be celebrated in the Point Dume neighborhood, especially if one complies to the City of Malibu's Code. Alot of them don't, and yet they get approved. On what basis is this project not good for approval?

the proposed design is a modest sized home for Malibu. I support this project.

Sincerely Yours,

Tony Azzi

Tony Azzi
3775 Puerco Canyon Road
Malibu, CA 90265

October 4th, 2024

City of Malibu
Planning Commission

RE: Coastal Development Permit No. 20-003 – Item 5A for October 7th, 2024 Planning Commission Hearing

Dear Planning Commissioners,

I am in support of the approval for Item 5A on the Commission Agenda on Monday, October 7th.

I am a resident on Heathercliff Road for many years and I feel that people should be able to develop their home. The proposed design looks consistent with the City's Municipal regulations and I like that the project complies with the intent of neighborhood standards and its character.

I also see that the design is conscientious of the height limits for the City of Malibu and consistent with the mission and culture of other houses on Heathercliff Road.

This project garners my support and good luck to the homeowners in building their dream home.

Sincerely Yours,

Ed D'Andrea

Schmitz & Associates, Inc.
28230 Agoura Road, Suite 100
Agoura Hills, CA 91301

October 3rd, 2024

Attn: Rebecca Evans
Recording Secretary
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Cc: Allison Cook, Contract Planner & Raneika Brooks, Senior Planner

RE: Response to Elkins Kalt letter for project case number ACDP No. 20-003 and Minor Modification (MM) No. 20-001 for the property located at 29329 Heathercliff Road, Malibu, CA 90265 (APN: 4468-011-011).

Dear Ms. Rebecca Evans,

Our office represents the project Applicant, Mr. Alan Hajjar, Trustee of ACS International, for CDP No. 20-003 and Minor Modification (MM) No. 20-001 located at 29329 Heathercliff Road, Malibu, CA 90265. The project is scheduled for the Planning Commission hearing on October 7th, 2024.

We received a letter from one of the neighbor's representatives, Mr. Kenneth A. Ehrlich, of Elkins Kalt Weintraub Reuben & Gartside LLP, on May 24th, 2024, objecting to our client's proposed project design on several grounds. This neighbor resides immediately to the Southeast at 29329 Heathercliff Rd. **(see Figure 1 below for location).**

The following are our responses, point by point, to the neighbor's comments.

1. **Neighbor Comment:** The City Failed to Apply the Hillside and Ridgeline Development Standards, Which Preclude the Project.

Applicant Response 1: *The hillside and Ridgeline development standards do not apply to the project because the City Council Adopted Interpretation No. 16 provides that these standards do not apply in largely built out areas.*

Pursuant to the City Council's adopted LCP Interpretation No. 16 (attached hereto), the ridgeline development standards would not apply because the property is located within a *largely built out area.* The Interpretation provides in pertinent part as follows:

"…staff will determine if a project site is located within a largely developed or built out area. According to LUP Section 6.4, ridgeline development standards are not applied to largely developed or built out areas."

The Council Interpretation defines '*largely developed or built out area'* as an area where, "*…at least 65% of the parcels within a neighborhood are developed…"*

The property is located within such an area [Point Dume], and there are 23 parcels located along Heathercliff Rd., within 500' of the subject property, and all but 2 of those 23 parcels are developed; therefore, the ridgeline standards do not apply to the project **(See below Figure 2 showing 21/23 parcels developed within 500' – *91% built out).***

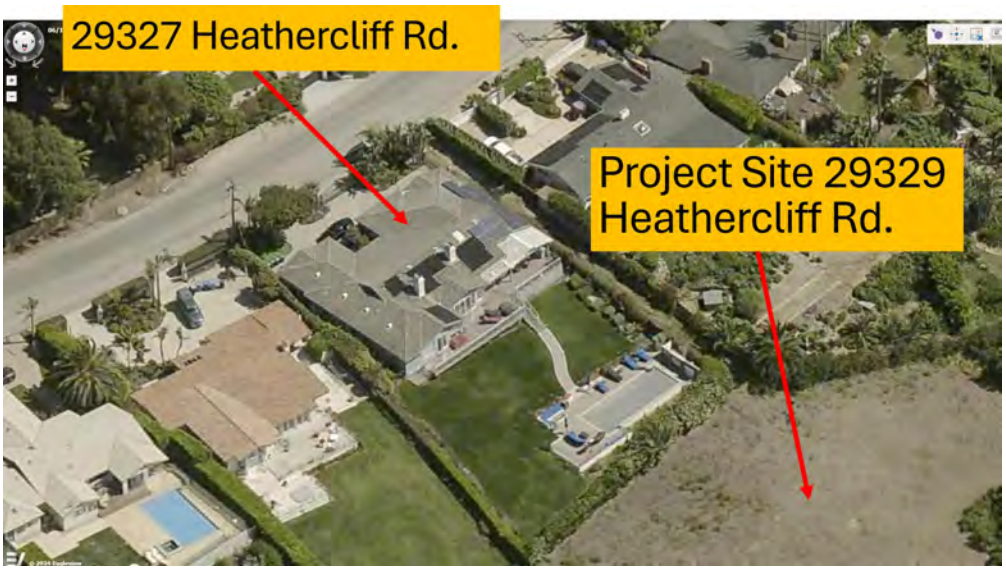


Figure 1: Vicinity Map of the Project Site and Complaining Neighbor's Residence

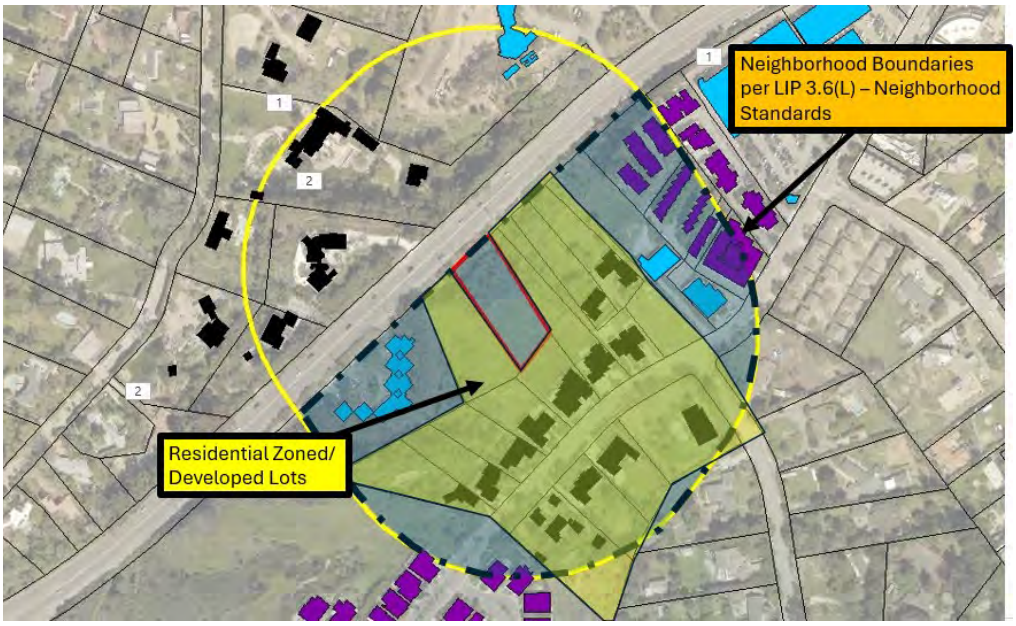


Figure 2: 21/23 Properties Developed Within 500' of the Property, along Heathercliff Rd. (91%)

Neighbor Comment #2: No Proper Basis Exists For Approval of a Front Yard Setback Reduction

Applicant Response #2: *The Neighbor's Arguments Misinterpret the Code and rest on Faulty Logic.*

First, Mr. Erlich argues that to approve a Minor Modification Request, ANY Minor Modification Request, the applicant must prove that the request is strictly necessary to protect scenic views or environmentally sensitive habitat area (ESHA). He cites 3.6(F) of the LIP for this authority. This section provides as follows:

*"Modifications to required yards/setbacks standards **shall** be permitted where necessary to avoid or minimize impacts to sensitive resources."*

LIP 3.6(F) states that where necessary to protect Environmentally Sensitive Habitat Area (ESHA) a Minor Modification request SHALL be permitted. This provision does not state that impacts to ESHA are requisite to approving the Minor Mod request (i.e., 'may' be permitted); rather, it states that where ESHA impacts may be reduced by reducing yard setbacks, such a request shall be approved.

The reasoning for LIP 3.6(F) is derived from Sections 30200(b) and 30007.5 of the Coastal Act (immediately below), which require that ESHA development Standards take precedence over all other development standards and policies in the Coastal Act and certified Local Coastal Programs. This is precisely why any discretionary request seeking relief from *non*-ESHA development standards (e.g., yard setbacks) must be approved where these requests are more protective of ESHA. That is the logic and the basis for LIP 3.6(F). This provision clearly does not *require* ESHA impact reduction to approve the minor modification request. For Mr. Erlich's argument to be accurate, the language of this section would need to read *"…shall be permitted **only** where necessary to avoid or minimize impacts to sensitive resources."* The code does not use that language.

Coastal Act Section 30200(b) states as follows:

*"(b) Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, **Section 30007.5** shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts."*

Coastal Act Section 30007.5 states in pertinent part as follows:

"The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources."

LIP 3.6(F) only applies to situations where a Minor Modification request is needed to avoid or minimize impacts to ESHA or Scenic Resources. This provision mandates approval under these circumstances; it does not preclude approval where ESHA or scenic resources are not present. Clearly, the City has approved hundreds if not thousands of Minor Modification requests throughout Malibu in instances where there are no ESHA or Scenic View Impacts. Mr. Erlich's argument is based upon false logic, an improper reading of the plain language of the code and, his position ignores decades of precedent and practice.

Minor Modification requests are allowed to provide minor allowances and reductions to the following development Standards:

LIP 13.27.1(B) states as follows:

The planning manager may grant minor modification permits authorizing the following:

1.

Reduce setback and open space requirement by no more than 20%, except that front yard setbacks may be reduced by no more than 50% and side setbacks shall not be reduced where part of a required view corridor.

2.

Approve alternative to water saving fixture requirements upon the recommendation of the Building Official.

3.

Approve a stringline modification request authorizing the use of an alternative stringline where the application of the stringline rule results in a stringline substantially inconsistent with adjacent development. The modification can result in selecting a different stringline end point than the nearest adjacent corner on the closest upcoast or downcoast property, or selecting the stringline end point on the next upcoast or downcoast property, which the Planning Manager has determined appropriate. (LIP 13.27.1(B)(1).

Clearly, granting a minor modification to allow for deviation from the low flow plumbing fixture requirements is not related to ESHA or Scenic Views. The same can be said, about stringline modifications, granting the applicant ***greater*** development area (not less) in situations where fairness warrants these grants.

What LIP 13.27 requires is two-fold: 1. Other than the Minor Mod request, the project must conform to all other LCP requirements and 2. The yard reduction request requires that the setback reduction to be consistent with the neighborhood character. The latter requires the City to evaluate yard setbacks in the neighborhood (within 500' of the applicant's property), to determine if the applicant's proposed reduced setback is consistent with the average setbacks of nearby Properties (Neighborhood Character).

In this part of Point Dume, the front yard setbacks are significantly less than the required Front Yard setback of 59.2 feet. In fact, the average front yard setback of nearby homes on Heathercliff is less than what is proposed by the applicant *with a 50% reduction* **(See Below Figure 3).** The complaining neighbor's front yard setback is approximately 22.5' from their front property line, whereas the applicant is proposing a 29.6' front yard setback.

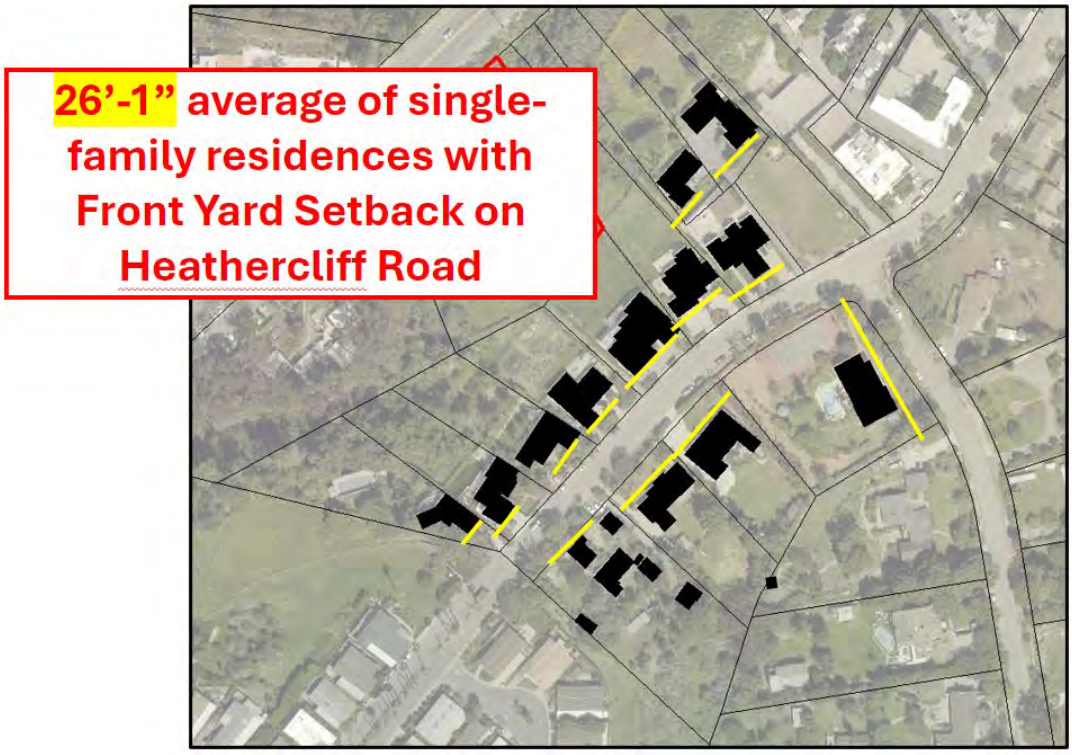


Figure 3: Showing existing Yard setbacks along Heathercliff (Averaging Calculations attached)

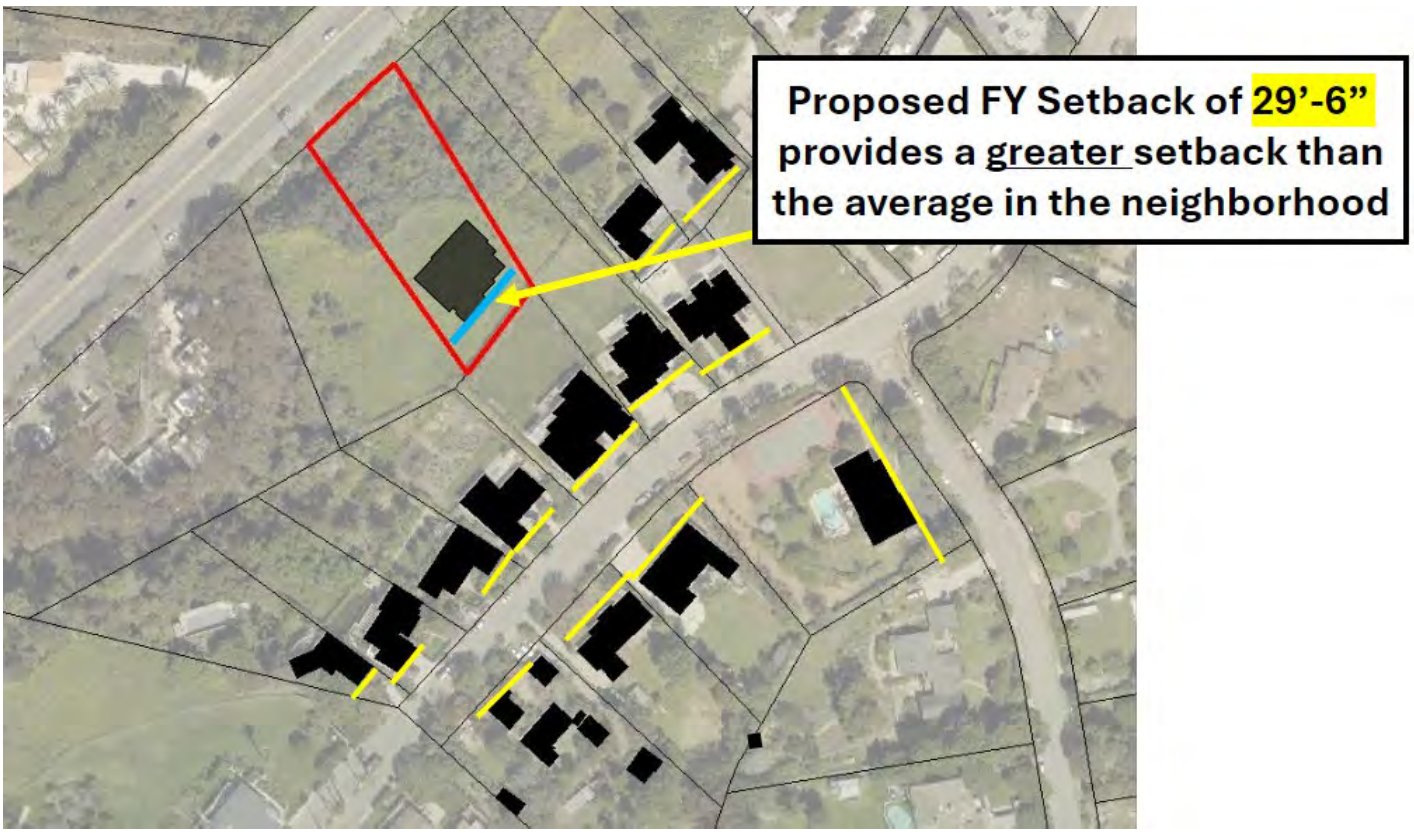


Figure 4: yard setback for Project Compared to Neighborhood (Neighborhood Character)

In Conclusion, the neighbor's comments do not have any merit. The Project is not located on a Primary or Secondary ridgeline, the Ridgeline standards do not apply to the project and the Minor Modification Findings for approval can be made.

The project height has been kept at the code required 18' and no site plan review has been requested. The project conforms to all other provisions of the LCP and should be approved.

Best,
Schmitz and Associates, Inc.

Christopher M. Deleau, JD, AICP
Special Projects Manager

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department

FROM: City of Malibu Planning Department **REVISED DATE** 12/04/2024

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 1,250 gallons per minute at 20 pounds per square inch for a 1 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.

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

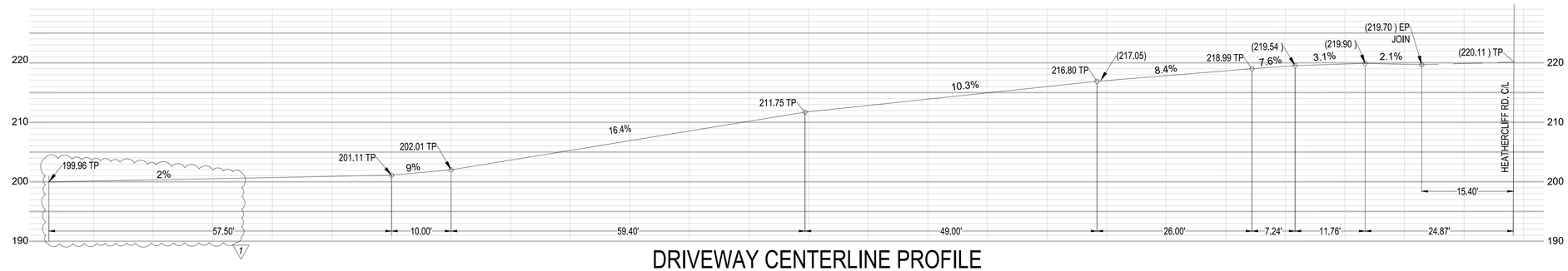
*County of Los Angeles Fire Department Approval Expires with City Planning permits expiration, revisions to the County of Los Angeles Fire Code or revisions to Fire Department regulations and standards.

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

SIGNATURE _____ DATE 12/19/2024

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341or at the Fire Department Counter:
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM
Rev 04/21/10 mr

ATTACHMENT D



DRIVEWAY CENTERLINE PROFILE

SCALE: 1" = 10'

PROJECT INFORMATION:

SITE ADDRESS: 29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN: 4468-011-010 & 4468-011-011
OWNER:

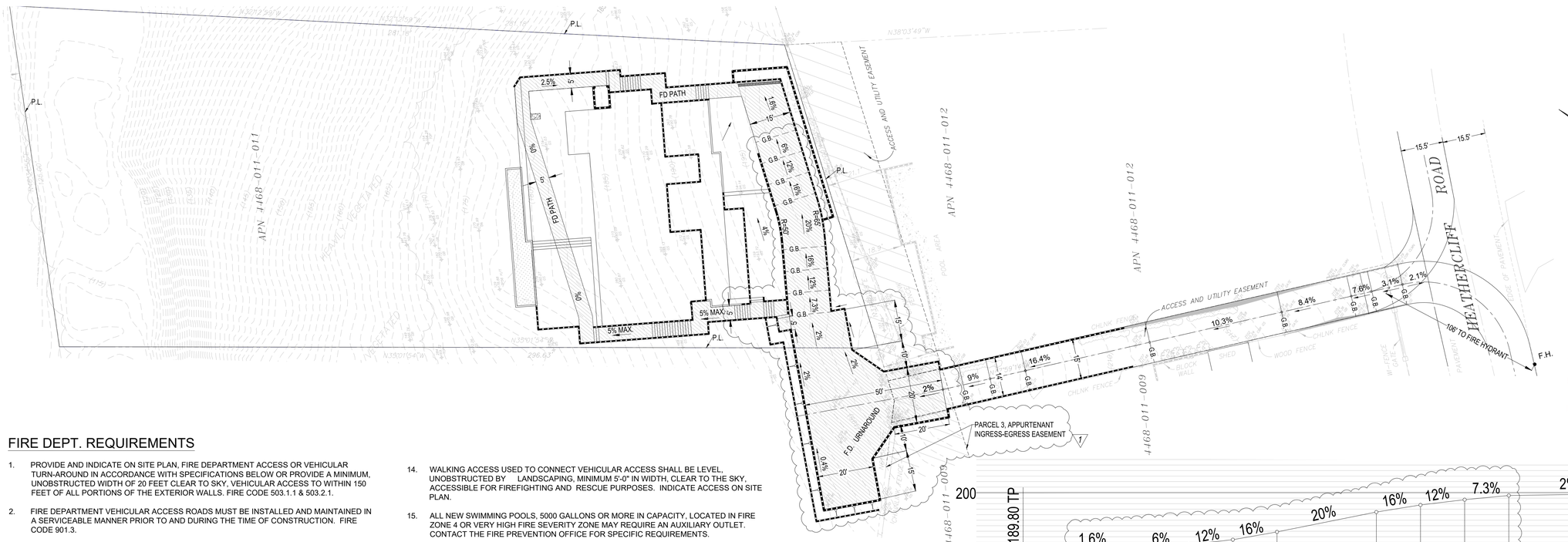
ARCHITECT: DAVID KALEN, AIA
2701 AIRPORT AVE., SUITE 202
SANTA MONICA, CA 90405

CIVIL ENGINEER: PLANEX ASSOCIATES, INC.
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404

EXISTING BUILDING: 0 S.F.
PROPOSED BUILDING: 4,570 S.F.

THIS PLAN CONFORMS TO THE COASTAL DEVELOPMENT PERMIT APPROVED BY THE CITY FOR SUBJECT PROJECT IN THE CITY OF MALIBU, CALIFORNIA ON _____

PROJECT START: N/A
PROJECT COMPLETION: N/A



COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION ENGINEERING

APPROVED

ACCESS REQUIREMENTS ONLY

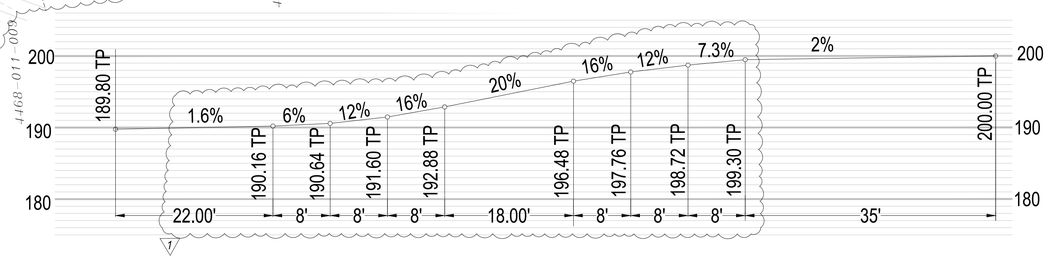
By _____
Fire Prevention Engineer

Date 12/19/2024

FEPC2024-3140

FIRE DEPT. REQUIREMENTS

1. PROVIDE AND INDICATE ON SITE PLAN, FIRE DEPARTMENT ACCESS OR VEHICULAR TURN-AROUND IN ACCORDANCE WITH SPECIFICATIONS BELOW OR PROVIDE A MINIMUM, UNOBSTRUCTED WIDTH OF 20 FEET CLEAR TO SKY, VEHICULAR ACCESS TO WITHIN 150 FEET OF ALL PORTIONS OF THE EXTERIOR WALLS. FIRE CODE 503.1.1 & 503.2.1.
2. FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. FIRE CODE 901.3.
3. THE REQUIRED FIRE FLOW FOR FIRE HYDRANTS AT THIS LOCATION IS **1,250** GALLONS PER MINUTE, AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF 2 HOURS, OVER AND ABOVE THE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 507.3 AND APPENDIX B105.1 APPENDIX B. FIRE FLOW MAY BE OBTAINED FROM PUBLIC FIRE HYDRANT FLOWING SIMULTANEOUSLY.
4. COMPLY WITH TITLE 24, 310.9.1 REGARDING FIRE WARNING SYSTEMS. SMOKE DETECTORS TO BE HAND WIRED WITH BATTERY BACKUP. WHEN MORE THAN ONE SMOKE ALARM IS INSTALLED, "THEY SHALL BE ARRANGED SO THAT THE OPERATION OF ANY SMOKE ALARM CAUSES THE ALARM IN ALL SMOKE ALARMS WITHIN THE DWELLING UNIT TO SOUND (CALIFORNIA ALARM CODE). PROVIDE NOTE ON SITE PLAN AND INDICATE ON FLOOR PLAN.
5. PROVIDE ONE HOUR FIRE RESISTIVE OCCUPANCY SEPARATION BETWEEN THE R-3 DWELLING AND THE GARAGE. (INDICATE ON FLOOR PLAN.)
6. EXIT DOORS SHALL BE CAPABLE OF OPENING WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. BUILDING CODE 1003.3.1.8.
7. WIDTH AND HEIGHT OF REQUIRED EXIT DOORWAYS SHALL COMPLY WITH TITLE 24. (INDICATE ON DOOR SCHEDULE).
8. BUILDING ADDRESS NUMBERS TO BE PROVIDED ON FRONT OF ALL BUILDINGS AND SHALL BE VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. FIRE CODE 901.4.4.
9. PROVIDE A KEY BOX AS REQUIRED BY FIRE CODE 904.2 LOCATION AT GATE.
10. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDE THE WORDS **NO PARKING-FIRE LANE**. SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH AND HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND. SIGNS SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS, TO CLEARLY INDICATE THE ENTRANCE TO SUCH ROAD, OR PROHIBIT THE OBSTRUCTION THEREOF AND AT INTERVALS, AS REQUIRED BY THE FIRE INSPECTOR. FIRE CODE 503.3
11. PRIVATE ROADS USED FOR FIRE DEPARTMENT ACCESS SHALL BE CAPABLE OF SUPPORTING THE WEIGHT OF A 25-TON VEHICLE.
12. FIRE DEPARTMENT ACCESS ROADS LESS THAN 10% SLOPE, AND NOT PAVED TO PUBLIC WORKS STANDARDS, REQUIRE CERTIFICATION FROM A REGISTERED CIVIL ENGINEER STATING THE ROAD MEETS OR EXCEEDS ALL-WEATHER STANDARDS OF LA CO DEPARTMENT OF PUBLIC WORKS.
13. ALL FIRE DEPARTMENT ACCESS ROADS 10% OR GREATER SLOPE SHALL BE PAVED PRIOR TO CONSTRUCTION.
14. WALKING ACCESS USED TO CONNECT VEHICULAR ACCESS SHALL BE LEVEL, UNOBSTRUCTED BY LANDSCAPING, MINIMUM 5'-0" IN WIDTH, CLEAR TO THE SKY, ACCESSIBLE FOR FIREFIGHTING AND RESCUE PURPOSES. INDICATE ACCESS ON SITE PLAN.
15. ALL NEW SWIMMING POOLS, 5000 GALLONS OR MORE IN CAPACITY, LOCATED IN FIRE ZONE 4 OR VERY HIGH FIRE SEVERITY ZONE MAY REQUIRE AN AUXILIARY OUTLET. CONTACT THE FIRE PREVENTION OFFICE FOR SPECIFIC REQUIREMENTS.
16. COMPLY WITH TITLE 24, 310.4 REGARDING ACCESS.
17. FIRE RESISTIVE ASSEMBLIES FOR PROTECTION OF OPENINGS TO COMPLY WITH TITLE 24, 713.
18. WALLS AND SOFFITS OF ENCLOSED USABLE SPACE UNDER INTERIOR STAIRWAYS THAT ARE NOT REQUIRED TO BE ENCLOSED BY BUILDING CODE 1006.12 SHALL BE PROTECTED ON THE ENCLOSED SIDE AS REQUIRED FOR ONE-HOUR RESISTIVE CONSTRUCTION. TITLE 24, 1003.3.3.9.
19. ALL REQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BEGINNING CONSTRUCTION. FIRE CODE 501.4.
20. ALL FIRE HYDRANTS SHALL MEASURE 6"X4"X2-1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C503, OR APPROVED EQUAL, AND SHALL BE INSTALLED IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 8.
21. PLANS SHOWING UNDERGROUND PIPING FOR PRIVATE ON-SITE FIRE HYDRANTS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. FIRE CODE 901.2, COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 7
22. PROVIDE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM AS SET FORTH BY BUILDING CODE 903 AND FIRE CODE 903. PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. REASON: RESIDENTIAL CODE & FIRE CODE 903.1 & FIRE FLOW REDUCTION TYPE OF FIRE SPRINKLER SYSTEM: 903.3.1.1, 903.3.1.2, 903.3.1.3
23. THE SECURITY GATE SHALL MAINTAIN A MINIMUM ACCESS WIDTH OF 20 FEET. THE SECURITY GATE SHALL BE PROVIDED WITH AN APPROVED MEANS OF EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES AND REPLACED OR REPAIRED WHEN DEFECTIVE. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASTM F220. GATES SHALL BE OF THE SWINGING OR SLIDING TYPE. CONSTRUCTION OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE 503.6. THE SECURITY MANUAL GATE OPERATOR SHALL BE PROVIDED FOR EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES.

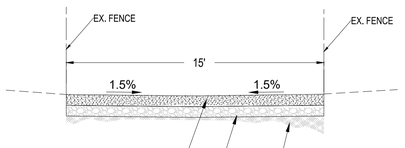


DRIVEWAY CENTERLINE PROFILE (LOWER PORTION)

SCALE: 1" = 10'

PROJECT DATA

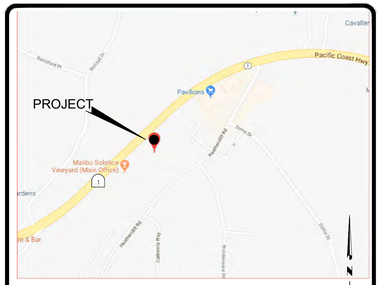
ADDRESS:	29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN:	4468-011-010 & 4468-011-011
LCP ZONING DESIGNATION:	A1-1
GROSS LOT AREA=	33532 SQ. FT. (0.77 ACRES)
LOT DEPTH.=	1289'
LOT WIDTH=	115'
PROPOSED FRONT YARD SETBACK=	25.6' FROM PROPERTY LINE
PROPOSED REAR YARD SETBACK=	164'
PROPOSED SIDE YARD SETBACK=	17.4' (E), & 11.7' (W)
CONSTRUCTION TYPE:	V-B
VHFHSZ.:	YES
OCCUPANCY:	SINGLE FAMILY
FIRE SPRINKLERS:	YES
FIRE FLOW BASED ON THE FIRE-FLOW CALCULATION AREA:	1750 GPM
REDUCTION FOR FIRE SPRINKLERS (MAXIMUM 50%):	500 GPM
TOTAL FIRE FLOW REQUIRED :	1250 GPM
EXISTING SQUARE FOOTAGE:	0 S.F.
PROPOSED SQUARE FOOTAGE:	
GARAGE=	390 SQ. FT.
FIRST FLOOR=	2,590 SQ. FT.
SECOND FLOOR=	1,460 SQ. FT.
OVERHANG (> 6')	320 SQ. FT.
TOTAL=	4,570 SQ. FT.



NOTE: FINAL DRIVEWAY SECTION DESIGN FOR APPARATUS WEIGHING 25 TONS TO BE DETERMINED AND APPROVED BY THE PROJECT'S SOILS ENGINEER PER FIELD TEST.

ACCESS DRIVEWAY TYPICAL SECTION

SCALE: 1" = 4'



VICINITY MAP

NO.	DATE	REVISION	BY
1	11-27-24	MOVED F.D. TURN AROUND W/LY TO INSIDE EASEMENT, REPLACED V.C. WITH GRADE B REAKS, CONNECTED F.D. WALK TO F.D. TURN AROUND.	M.S.

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

FIRE ACCESS EXHIBIT

29329 HEATHERCLIFF RD., MALIBU, CA 90265

REGISTERED PROFESSIONAL ENGINEER
MO SAHEB
NO. 33508
CIVIL
STATE OF CALIFORNIA

SIGNED
DATE: 11/27/2024

SHEET 1 OF

PFN: 1909-495
DATE: 11/27/2024

C -FD

These drawings are instruments of service and are the property of Planex Associates. All designs and other information on the drawings are for use on the specific project and shall not be used otherwise without written permission of Planex Associates ©

Received
11/18/24
Planning Dept.

From: Jo Drummond
To: Planning Commission; Rebecca Evans; John Mazza; Kraig Hill
Cc: Patt Healy; Bill Sampson; Dru Ann Jacobson; Ann Doneen; Colin Drummond
Subject: Fw: 29329 Heathercliff Rd - final opposition
Date: Monday, November 18, 2024 11:21:30 AM
Attachments: Video_2.mov
Video_1.mov
Video 2.mov
Screen Shot 2024-11-16 at 8.40.35 PM.png
Screen Shot 2024-11-16 at 9.19.42 PM.png
Screen Shot 2024-11-17 at 12.54.03 AM.png
Screen Shot 2024-11-17 at 12.35.54 AM.png
Screen Shot 2024-11-17 at 12.57.07 AM.png
slopecalculation.png
firehydrantdistance.png
proposedhammerheadsecondlot.png
ridgelinemockview.png
p 36 of staff report.pdf
MTCopposition29329Heathercliff.pdf

Honorable Planning Commissioners,

The Malibu Township Council requests that the item tonight NOT be heard and needs to be sent back to planning or withdrawn for the following reasons:

1. There is a current legal dispute of the property easement that is required by the applicant in order to build. His deed claims they have entitlement to an egress easement right on the neighbors' property at 29327 Heathercliff Road, The Adams, who have lived there for almost 25 years and have recently had a pool approved and built through the City within this alleged “easement” that is not on their own deed where all is shown as their property. The applicant would attempt to build a fire lane driveway on the Adams land and move the fence on their existing property line and cut into their pool and pool equipment and leave no setback between their home and the driveway which is absolutely IMPOSSIBLE. The Adams have owned the property for over 5 years (25 years total) and paid property taxes on the entire lot this entire time therefore, have possession of the entire lot. Even the aerial view on p 89 of the staff report (attached) shows the proper boundaries of the proposed build lots and the adjacent lots. The City has no authority to grant entitlements for development on property which the applicant neither owns nor has rights to use.

2. The majority of the hammerhead driveway is being proposed on a second lot and there exists NO application for this grading, building and developing on this second lot. (see attached p 90 of staff report)

If you decide to hear this application, then please deny it for the following additional reasons:

1. The current extended driveway is less than 15 feet wide (see attached from p 36 of the staff report) where the fire department requires 20 feet and the applicant currently has a legal dispute with the property owners of 29327 Heathercliff Road over where the applicant wishes to extend into “their property.” Regardless the entire length of the driveway would need to be 20 feet wide and the applicant does not have any easement for the entire length of the current 14 foot wide driveway. At 14 feet wide

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 11/18/24 Time 11:30 AM
Planning Commission meeting of 11/18/24
Agenda Item No. 4A
Total No. of Pages 13

ATTACHMENT E

no fire truck would EVER come down that lane to put out any fires on the lot behind the homes along Heathercliff Road.

2. The fire hydrant is over 400 feet away from the new home with only a 14 ft. wide driveway (attached page 49 of staff report). This is certainly increasing the fire risk to the other homes in the area. The fire department **cannot** approve access down a long driveway – the fire code states that "The minimum width for a fire lane in California is 26 feet, with some exceptions:

Hydrants: The minimum width is 26 feet where a fire hydrant is located
Dead ends: The minimum width is 20 feet for dead ends up to 150 feet long. For dead ends longer than 150 feet, the width and turnaround provisions depend on the length of the dead end
Turning radius: The fire code official determines the minimum turning radius
Grade: The maximum grade is 10%, unless the fire chief approves a steeper grade
Gates: Fire apparatus access road gates must be manually operated by one person, or have a means for emergency access by fire department personnel

Other requirements for fire apparatus access roads in California include:
Vertical clearance of at least 13 feet 6 inches
Access routes must be within 15–30 feet of a building, and parallel to one side of the building. 2

The current access road (fire lane) is only 14 feet wide maximum and therefore CANNOT legally access the property which is at least 150 feet from Heathercliff Road. Again, the applicant DOES NOT OWN ANY of the easement of the upper portion of the driveway and therefore cannot legally widen the entire driveway to the 20 feet required.

3. The site for the new construction is within an ESHA buffer zone. Julie Clark, a renowned biologist of the local chapter of the National Plant Society, inspected the property on Nov 9 last week and found several species of native plants that had been recently bulldozed up to the edge of the build site. Native Plants and trees discovered are oak, Evergreen Cherry, Laurel sumac, coyote brush plus a rare form of coyote brush that requires extra protection. There are many different bird species living and breeding on the property including hawks, warblers, sparrows, wrens, flycatchers, etc. Thus, the project would require another variance to build within the protected ESHA buffer.

4. The applicant completed illegal grading (see attached videos) to lower the upper grade of the property without any excavation permit. They removed approximately 1-2 feet from the top of the slope at both the neighbors' fence lines. They also removed MANY rare and native plants in the process. They also completed grading on the section of the driveway owned by the adjacent neighbors, risking breaking the law in order to reduce the grade to get as close to the 10% required for the fire lane access.

5. The attached GIS-NET county map from 2016 and slope calculation shows the elevations of the lot in 2ft increments and indicates a 3.33:1 or 30% slope NOT

greater than 4:1 or 25% as the applicant's current survey states. On page 5 of the staff report it states clearly, "Chapter 4 of the LIP addresses Environmentally Sensitive Habitat Area (ESHA). Section 4.6.1(A) of the LIP states, "However, **in the Point Dume area, new development shall be designed to avoid encroachment on slopes of 25 percent grade or steeper.**"

On page 6 of the Responses to the City's Geotechnical Review Sheet – Jan. 29, 2020 (in google drive link below), it states under "site description - The site topography slopes gently down grade from Heathercliff Road to the north. At about the midpoint of the site the topography increases in downslope gradient to approximately 2H:1V (horizontal: vertical) or slightly steeper toward PCH and the commercial development to the north and west. Yet the plans for the home shows a much less steep grade which is not correct as seen in these photos attached from the staff report (p 48,138-139) and the geotechnical report of Nov 27, 2019 from p. 40. (also in google drive link)

6. The plans apparently encompass a "cantilevered pool" (see p 35 & 228 of staff report attached) and would require retaining walls in the unstable ESHA cliffside and is also encroaching on the ridgeline as well as the neighbor's property. On page 12 of the geotechnical report dated Nov 27, 2019, it states."3.13 Erosion The project site is subject to erosion, runoff, and sedimentation due to the granular nature of the site soil…. Native vegetation should remain in place on these slopes upon completion of the construction to prevent erosion." There have been landslides in the vicinity in the recent past above the commercial property to the north. Due to the ESHA native vegetation present a 100 ft setback is required and the erosion needs to be taken into consideration. Also in all the geotechnical reports it states that a "basement" is being built – however the plans in the staff report show the first level of the proposed house digging into the grade with necessary retaining walls.

LIP 4.7.2 Fencing or walls shall be prohibited within the following ESHA types: riparian, bluff, canyons in Point Dume or coastal dunes, except where necessary for public safety or habitat protection or restoration."

7. On page 28 of the same geotechnical report dated Nov. 27, 2019 it states, "Building foundations constructed on or near a descending slope should be set back or deepened to provide a minimum footing setback equal to the total height of the slope (H) divided by three (H/3). **The footing setback** should be a minimum of 5 feet for slopes up to 15 feet in height and vary **up to 40 feet for slopes up to 120 feet in height.**" This slope is well over 120 ft high at 2:1 slope ratio and needs a much further setback from the ridgeline.

8. This proposed build is on a ridgeline that is EXTREMELY viewable from PCH. The other homes behind this property are barely visible therefore have no scenic impacts however, this is the only (proposed) home in the area that can be seen fully from the highway and built ON the ridgeline (see attached photo from p 184 of the staff report and two photos taken Saturday afternoon from PCH plus mockup version) therefore another variance is required. The other homes have been properly set back at least 300 ft from the ridgeline. This cannot be ignored.

LIP Chapter 2 – Definitions:
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 five hundred feet (500′) 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 ten feet (10′) in one hundred feet (100′) horizontally on either side of the top of this landform feature.

6.5 C. Hillside Development
1.Ridgelines
a. New development shall be sited and designed to prohibit construction of structures on a primary or secondary ridgeline. Any structures shall be located a minimum of 300 feet (measured horizontally) or 100feet (measured vertically) from the top of a primary ridgeline and shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway.
b. Where there is no feasible building site that can conform to the requirements of Section a, or where the only feasible building site would result in unavoidable adverse impacts to environmentally sensitive habitat areas, then a variance may be approved for a building site that does not conform to these standards, with design measures that minimize the visual resource impacts. Any structures approved on such a building site shall be limited to one-story in height.

So at the very least the home should be reduced to one story and reduced in height by at least 3 feet AND apply for another variance. LCP Interpretation 16 states, “Parcels in neighborhoods that are considered largely developed or built out will not be subject to ridgeline standards, **unless development of the project site could result in potentially significant impacts on visual resources.”** As you can see in the attached photos they DO IMPACT visual resources immensely. It also states, “For project sites on ridgeline features that include areas exceeding 20 percent slope, and meet all other LCP applicability thresholds for scenic resource protection, ridgeline development standards apply.”

The City's policy is to apply the most restrictive of the codes when there's a conflict.

9. No Basis Exists for the Front Yard Setback Modification. The slope above 4:1 is not a valid reason for a setback reduction of 50%. All the other homes in the area are ALONG Heathercliff Rd and have proper access to fire trucks, exit to PCH, etc. and cannot be compared to these two lone junk lots in a high fire hazard zone behind these homes. If the ESHA is recognized than this can be the basis for the reduced setback but it must be REDUCED in size and height and limited to one build on BOTH lots.

The least environmentally damaging project that can be built on that lot must be a small one-story home no more than 15 ft high that does not alter the landform with

unnatural grading into the hillside. This will require several variances. Also, there should be a restriction of building only one home on the two lots below due to 1. The narrow egress lane will not allow fire trucks to come down 2. So the hammerhead driveway can be moved OFF the neighbors' property further back onto the second lot. 3. An accessible fire hydrant should be placed on the lot. Otherwise, I'm sure all the neighbors impacted would be willing to buy the land off the applicant to preserve the environmentally sensitive habitat area.

Thank you for considering ALL these facts. Please realize that the City Council majority is NOW a preservationist majority and do NOT want their time and the City's money wasted with egregious, illegal projects.

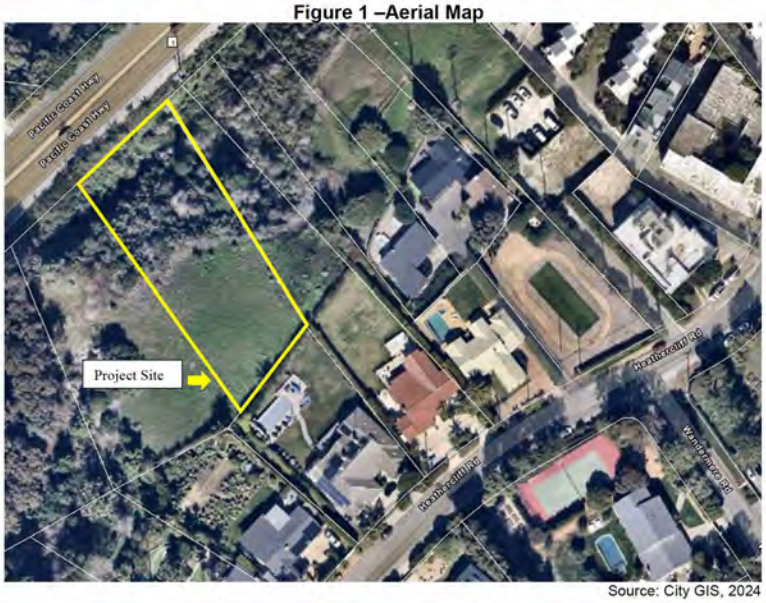
Jo Drummond Malibu Township Council President

https://acrobat.adobe.com/id/urn:aaid:sc:US:0fa62a69-af7a-47f6-a5b4-ad9a5e11d3a9

29339 heathercliff - Google Drive

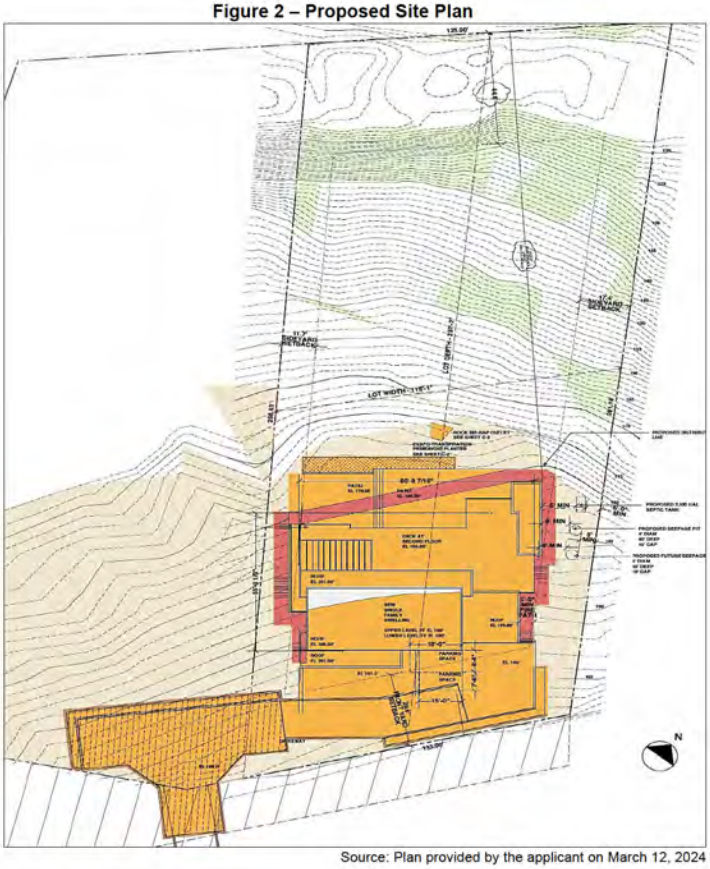
29339 heathercliff - Google Drive

Figure 1 –Aerial Map



Source: City GIS, 2024

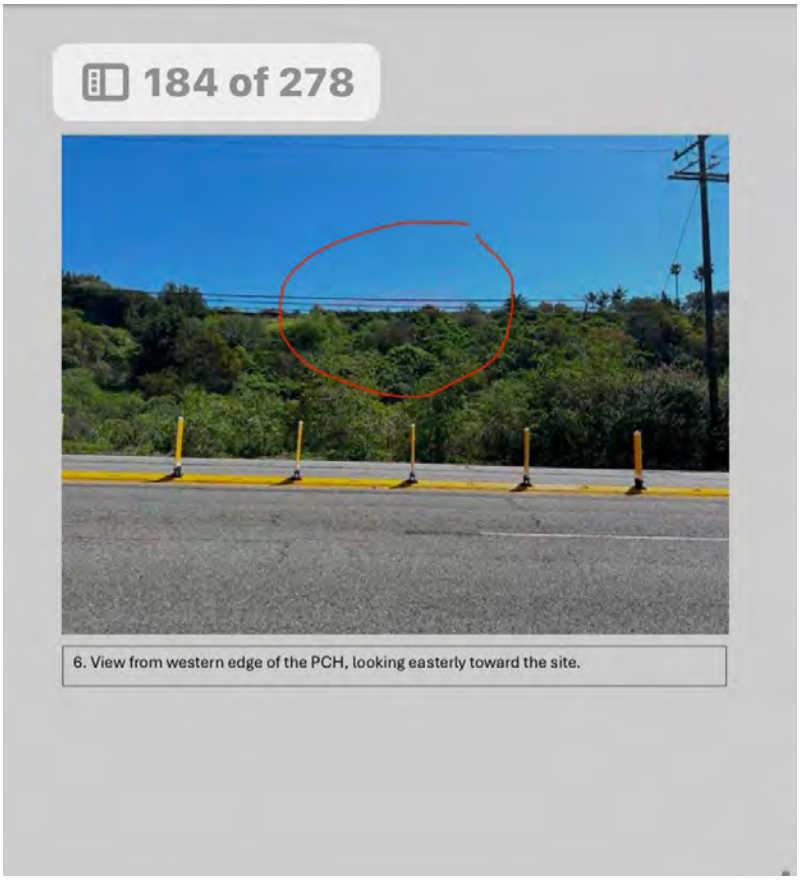
Figure 2 – Proposed Site Plan



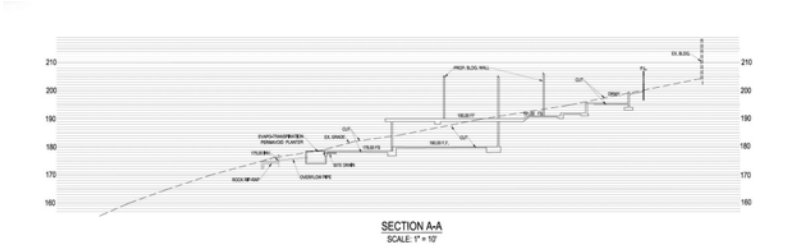
Source: Plan provided by the applicant on March 12, 2024

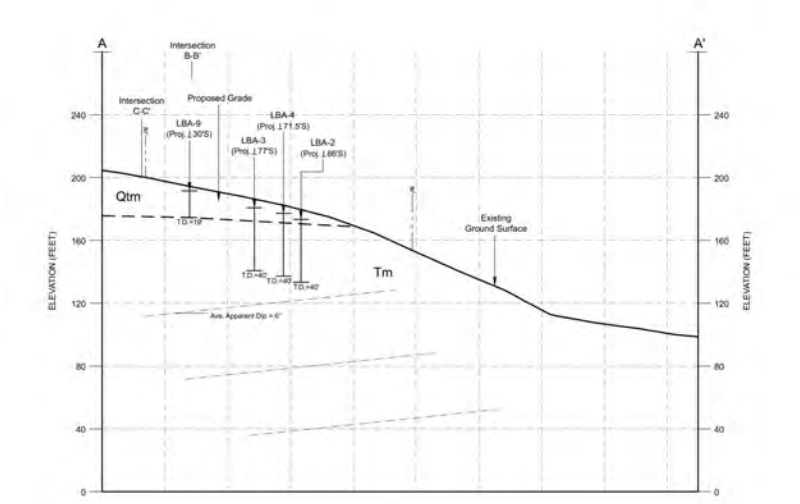


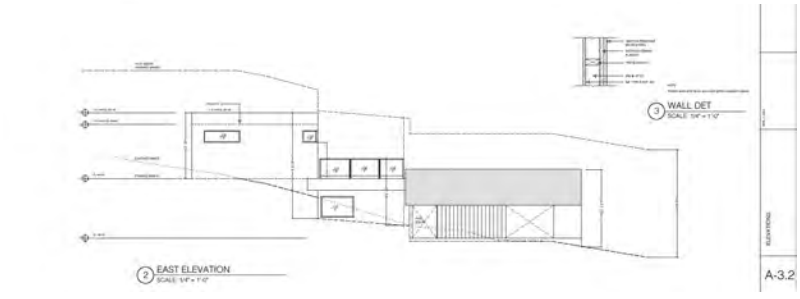


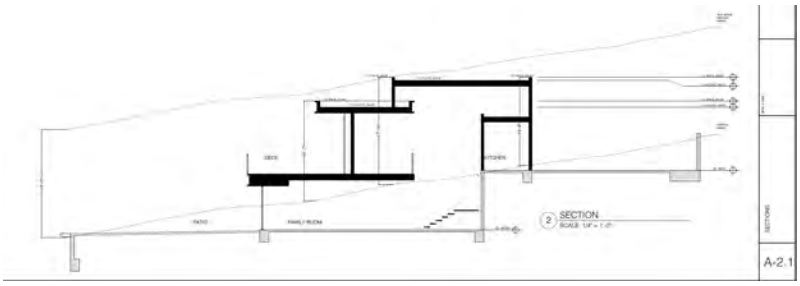

184 of 278
6. View from western edge of the PCH, looking easterly toward the site.

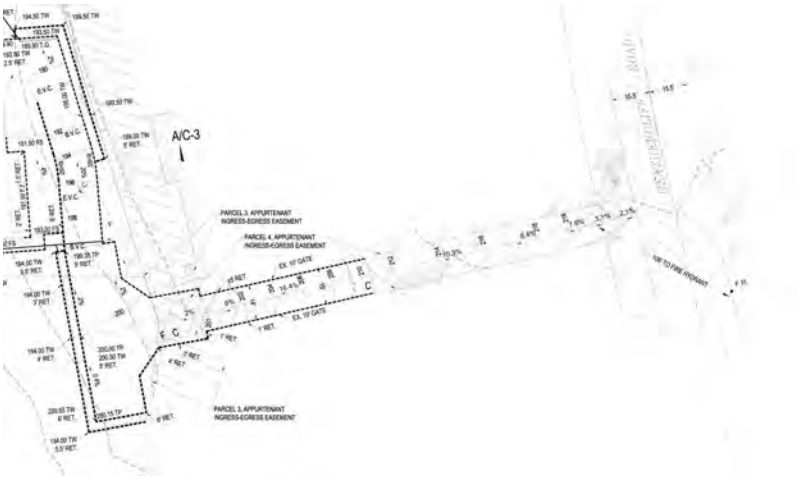



SECTION A-A
SCALE: 1" = 10'


A
A'
Intersection B-B'
Intersection C-C'
Proposed Grade
LBA-9 (Proj. ⊥30'S)
LBA-4 (Proj. ⊥171.5'S)
LBA-3 (Proj. ⊥77'S)
LBA-2 (Proj. ⊥66'S)
Qtm
Tm
Existing Ground Surface
Ave. Apparent Dip = 6°
ELEVATION (FEET)
240
200
160
120
80
40
0

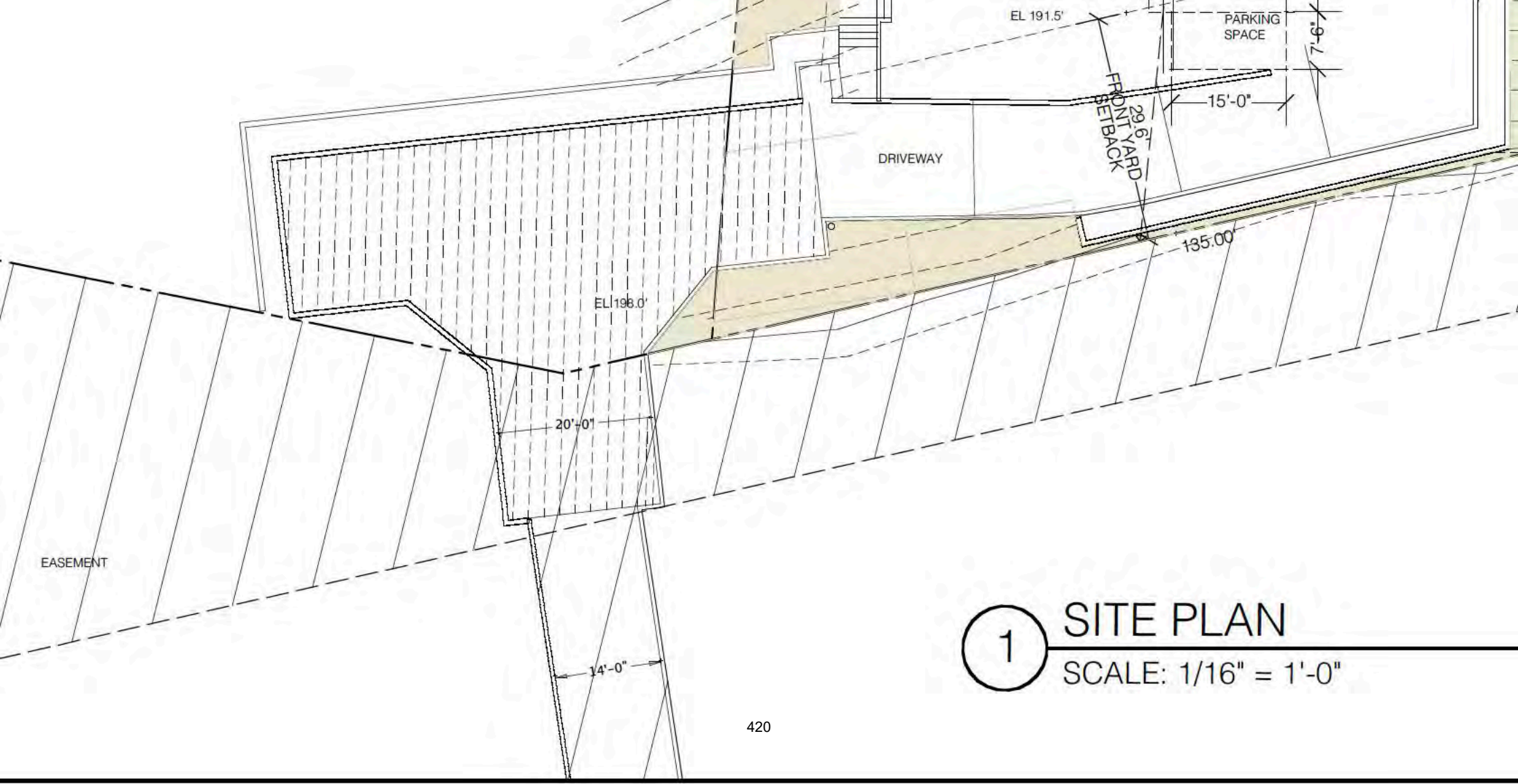

3 WALL DET
SCALE: 1/4" = 1'-0"
2 EAST ELEVATION
SCALE: 1/4" = 1'-0"
A-3.2


2 SECTION
A-2.1


A/C-3
PARCEL 3 APPURTENANT
INGRESS-EGRESS EASEMENT
PARCEL 4 APPURTENANT
INGRESS-EGRESS EASEMENT
EX. 10' GATE
EX. 10' GATE
PARCEL 3 APPURTENANT
INGRESS-EGRESS EASEMENT

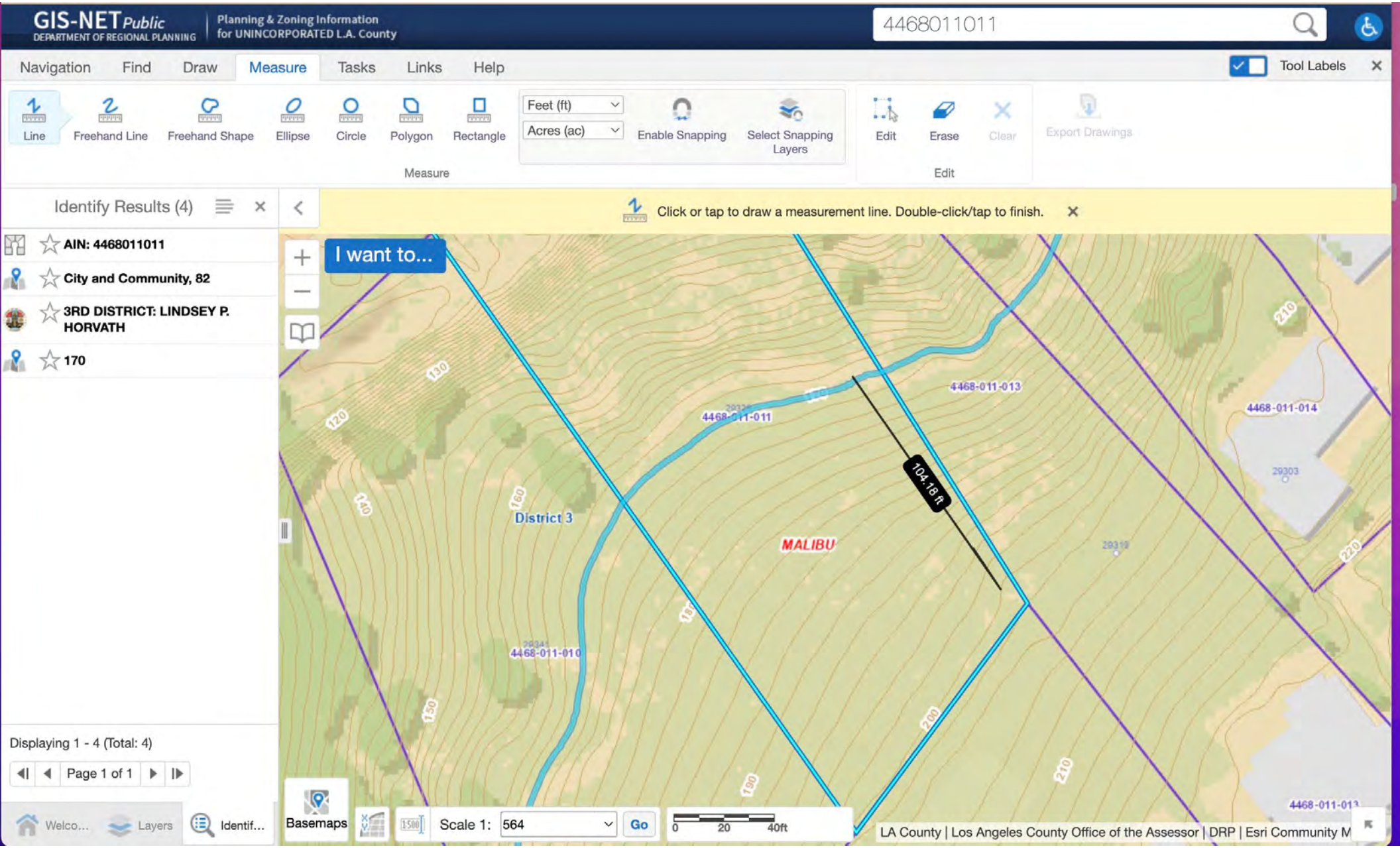






1 SITE PLAN

SCALE: 1/16" = 1'-0"


GIS-NET Public
DEPARTMENT OF REGIONAL PLANNING
Planning & Zoning Information
for UNINCORPORATED L.A. County
4468011011
Navigation
Find
Draw
Measure
Tasks
Links
Help
Tool Labels
Line
Freehand Line
Freehand Shape
Ellipse
Circle
Polygon
Rectangle
Feet (ft)
Acres (ac)
Enable Snapping
Select Snapping Layers
Measure
Edit
Erase
Clear
Export Drawings
Edit
Identify Results (4)
AIN: 4468011011
City and Community, 82
3RD DISTRICT: LINDSEY P. HORVATH
170
Click or tap to draw a measurement line. Double-click/tap to finish.
I want to...
4468-011-011
4468-011-013
4468-011-014
4468-011-010
104.18 ft
District 3
MALIBU
29303
29319
Displaying 1 - 4 (Total: 4)
Page 1 of 1
Welco...
Layers
Identif...
Basemaps
Scale 1:
564
Go
0
20
40ft
LA County | Los Angeles County Office of the Assessor | DRP | Esri Community M

Vertical distance ("rise")

30 ft

Horizontal distance ("run")

100 ft

Grade

0.3

Grade in percentage

30 %

Angle of elevation

0.29146 rad

You might also see this elevation grade expressed in the ratio of **1 in 3.33.** 🙂

ELKINS KALT

Kenneth A. Ehrlich
D: 310.746.4412
Direct Fax: 310.746.4462
KEhrlich@elkinskalt.com
Ref: 15651-0001

Elkins Kalt Weintraub Reuben Gartside LLP

November 14, 2024

VIA E-MAIL

City of Malibu Planning Commission
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: Planningcommission@malibucity.org

Maureen Tamuri
Interim Planning Director
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: mtamuri@malibucity.org

Re: Coastal Development Permit No. 20-003 and Minor Modification No. 20-001

Dear Chair Leonard and Members of the Planning Commission:

On behalf of our clients, Brian and Pamela Adams, owners of the property located at 29327 Heathercliff Road, Malibu, California (the "Adams Property"), we submit this letter to underscore their opposition to ACS International LLC's ("Applicant") proposed development at 29329 Heathercliff Road, Malibu, California (the "Project").

In addition to the numerous objections outlined in our prior submissions, the Adams emphasize their most substantial concerns:

- The Project necessitates the removal of the Adams' existing fence, pool, and pool equipment and requires substantial encroachment upon the Adams Property to accommodate the required fire access.

- The Adams do not consent to the construction of the Project's proposed encroachments and have not granted permission to use the any portion of the Adams Property in any way.

- The Adams have not consented to any entry onto the Adams Property and have not granted permission to move their existing fence or alter any existing improvements on the Adams Property in any way.

- Any encroachment onto the Adams Property is unacceptable and constitutes a significant and insurmountable issue for the Adams.

T: 310.746.4400 F: 310.746.4499
10345 W. Olympic Blvd, Los Angeles, CA 90064 | elkinskalt.com

The Adams' have communicated repeatedly their objections, including to City staff and in public comments. Nonetheless, this core issue remains unresolved. The proposed encroachments and property modifications the Applicant requires to facilitate the Project's proposed fire lane demonstrate a lack of respect for the Adams' property rights and constitute a substantial intrusion into their private space and amenities. If built, the Project would create trespass and private nuisance claims, among other claims, between these parties. The Adams will defend their property rights and assert all appropriate legal claims against the Applicant if necessary.

Given the critical nature of the Project's proposed encroachments and the impact it would have on the Adams' property and use of such property we urge the Planning Commission to consider the points above, and the Adams' previously specified legal claims, and deny the Project as currently formulated. The Adams are resolute in their opposition to the Project and any development requiring removal or alterations to their fence, pool, and related improvements, all of which lie within the Adams Property boundaries.

Thank you for your attention to this matter. Please contact our offices with any questions.

Very truly yours,



KENNETH A. EHRLICH,
JUSTIN R. TRUJILLO
Elkins Kalt Weintraub Reuben Gartside LLP

KAE:jrt

cc: Allison Cook (capstonecityplan@gmail.com);
Rebecca Evans (revans@malibucity.org)

5506537.2

From:	Native Conservation
To:	Rebecca Evans
Cc:	John Mazza; Planning Commission; Kraig Hill
Subject:	Resend to REvans of CDP-20-003
Date:	Monday, November 18, 2024 7:59:17 AM
Attachments:	29329 Healthercliff Rd CDP-20-003.pdf

Received
11/18/24
Planning Dept.

Good morning,

Please see attached our letter originally sent to this group, with a bounce and subsequent resend to you.

Sincerely,

--
Julie Clark
Conservation Co-Chair
Los Angeles/Santa Monica Mountains Chapter
California Native Plant Society

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 11/18/24 Time 7:59 AM
Planning Commission meeting of 11/18/24
Agenda Item No. 4A
Total No. of Pages 3

CALIFORNIA
NATIVE PLANT SOCIETY

Los Angeles /Santa Monica Mountains Chapter
15811 Leadwell Street
Van Nuys, California 91406-3113

November 17, 2024

VIA EMAIL: planningcommission@malibucity.org

RE: 29329 HEATHERCLIFF ROAD, CDP-20-003

Honorable Malibu Planning Commission;

California Native Plant Society is a 60-year old statewide organization with over 12,000 members in 35 chapters throughout the state. We are a science-based organization that advocates for horticultural use of California native plants and conservation of the state's native habitat. The Los Angeles/Santa Monica Mountains Chapter has a long history of collaborating with governance, planners, policymakers, communities, and schools. We have been leaders in restoration, education, land use, and advocacy in the Malibu area for over 50 years.

One of our experts recently visited the proposed development site located at 29329 Heathercliff Road – CDP-20-003, with the following findings:

The site appears to have been relatively undisturbed from anthropogenic activity until recently. A few introduced plant species volunteering (establishing without being planted) from nearby homesites are on the property. Otherwise, native plants local to the Malibu area and specifically coastal bluffs dominate the existing vegetation. The prevailing plants comprise a rare habitat alliance (plant community that has limited establishment in the state): *Baccharis/Prunus illicifolia/Leymus triticoides* (Coyote bush/holly-leafed cherry/giant wild rye). This alliance can be associated with coastal bluffs.[1] The intact plant community at the site is indicative of being an Environmentally Sensitive Habitat Area (ESHA) as defined in the California Coastal Act.

Other native species were identified on the parcel including and not limited to laurel sumac and oak. Most plants found were perennials for two reasons: 1) Late season (autumn) timing of site inspection, with annual species having completed their life cycle earlier in springtime; 2) The parcel appeared to have been recently disked deep into the soil by heavy equipment, with all vegetative residual material removed in the process. It is highly probable the ESHA extended throughout much of the parcel prior to grading due to soil texture, slope gradient, and lack of prior development on the site.

[1] JOSawyer, Keeler-Wolf T, Evens, JM. A Manual of California Vegetation. Pg. 421.

CNPS identified one native species on the property that is being examined by one of our rare plant botanists to determine if it is a special endemic of Malibu. A subsequent letter will be shared with the City, should the disposition of the plant be one of concern.

Based on existing story poles at the site, it is evident that construction of the edifice will require considerable ground disturbance and engineering due to bluff soil and steep slope. It is therefore highly likely there will be take of additional native habitat than what was destroyed earlier this year in the process.

As ever, CNPS is available to cooperate with the City on this and other proposed developments in the area to help ensure both environmental protections and smart development under the Local Coastal Plan.

Sincerely,



Julie Clark, Conservation Co-chair
Los Angeles/Santa Monica Mountains Chapter
California Native Plant Society

Cc: revans@malibucity.org, John Mazza - res02igz@gte.net, Kraig Hill - kraig.malibu@gmail.com

Received
11/18/24
Planning Dept.

From: [redacted]
To: Planning Commission
Subject: Fw: item 4A 11-18-24 29329 Heathercliff
Date: Friday, November 15, 2024 6:26:28 PM
Attachments: PC-29329 HEATHERCLIFF 11-18-23.pdf

> Commissioners, attached are MCSG's comments on the above mentioned project.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 11/18/24 Time 7:30 AM
Planning Commission meeting of 11/18/24
Agenda Item No. 4A
Total No. of Pages 3

To: Planning Commission
From: Malibu Coalition for Slow Growth by Patt Healy
Re: item 4A 29329 Heathercliff
Date 11-18-24

Honorable Commissioners,

The Malibu Coalition for Slow Growth opposes this project for the following reasons:

1. **It is premature to hear this project since there is an existing title dispute that has yet to be resolved between the applicant and the Owners of 29327 Heathercliff. Until this is resolved this project can't proceed.**

However, this project as designed should be denied if you decide to hear this project because:

2. **It is not set back the required 100 ft. from the ESHA slope which is covered with native habitat.**
3. **It can't meet the required frontyard setback.**
4. **This project is on a primary ridgeline that is visible from PCH, a scenic highway. Other visible structures are on this ridge but they were constructed prior to cityhood. Moreover , the Shopping Center and the Mobile Home Park's homes which are on the ridge are not in the same neighborhood as the applicant's project . The neighborhood where the proposed project would be built has no homes visible from PCH. All the existing residences in this neigborhood are all setback from the ridge and are not visible from PCH.**
5. **It blocks the ocean view of the neighbor at 29257 Heathercliff as shown in the photo on page 187 of 287 in the online staff report.**

If the second story were removed it appears from the photo this ocean view wouldn't be blocked.

6. **The staff report states it is a 2 story residence but the geologic review sheet on page 165 0f 278 of the online report states they reviewed a single story structure. Therefore, the geotectonically review haS to be redone before this project can move forward.**
7. **The fire department requires a 20 ft. wide driveway entrance and this driveway is only 15 ft wide and there is no way a fire truck can access this property.**
8. **The proposed hammerhead is located not only the applicants lot but a portion of it is on is on the adjacent lot.**
9. **in conclusion, a CDP can't be granted for this project since the finding can't be made that this project is not the least damaging environmental damaging alternative.**

SINGLE FAMILY RESIDENCE

29329 HEATHERCLIFF ROAD
MALIBU CA 90265-4421
ASSESSOR'S ID No. 4468-011-011
LANDSCAPE WATER EFFICIENCY PLAN

LANDSCAPE COURT LAND STUDIO ARCHITECTURE
COURTLAND STUDIO, LLC
505 E Colorado Blvd. Mezz C
Pasadena CA 91101
P: 818-788-9382
F: 818-788-3217
Licensed Landscape Architect #3620

Maintenance Schedules:

Maintenance Schedules. A regular maintenance schedule satisfying the following conditions shall be submitted as part of the landscape documentation package.

Landscape shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but not be limited to, checking, adjusting, and repairing irrigation equipment, resetting the automatic controller, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, and weeding in all landscape areas.

Whenever possible, repair of irrigation equipment shall be done with the originally specified materials or their equivalents.

A landscape irrigation audit schedule as required in chapter 20.09 of Title 20 may be recommended. The maximum period between audits shall be five years.

Irrigation Audit Schedules:

Landscape Irrigation Audit Schedules. A schedule of landscape irrigation audits of at least every five years must be established, for all but single-family residences, and other projects with a landscape area less than 1 acre (0.405 ha). As required in Chapter 20.09 of Title 20 (Utilities Codes), an audit satisfying the following conditions shall be submitted to the County as part of the landscape documentation package.

At a minimum, audits shall be in accordance with the latest State of California Landscape Water Management Program as described in the Landscape Irrigation Auditor Handbook, prepared for the California Department of Water Resources, Water Conservation Office, the entire document, which is hereby incorporated by reference.

The schedule shall provide for landscape irrigation audits to be conducted by a qualified individual as determined by the Director at least once every five years in accordance with the requirements of Title 20, Division 1 ofthe Los Angeles County Code.

Monument Note:

CONTRACTOR TO PROTECT AND PRESERVE IN PLACE ALL EXISTING SURVEY MONUMENTS. ANY DISTURBED MONUMENTS SHALL BE RESET BY A LICENSED LAND SURVEYOR AND THE APPROPRIATE CORNER RECORD MUST BE FILED WITH LOS ANGELES COUNTY.

WATER AUDIT NOTE

THE CONTRACTOR WILL CONDUCT AN IRRIGATION AUDIT USING A CERTIFIED IRRIGATION AUDITOR, AFTER THE FINAL FIELD OBSERVATION HAS BEEN COMPLETED AND ALL IRRIGATION COMPONENTS ARE INSTALLED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AND THE IRRIGATION SYSTEM IS ACCEPTED BY THE PROJECT LANDSCAPE ARCHITECT FOR MAINTENANCE.

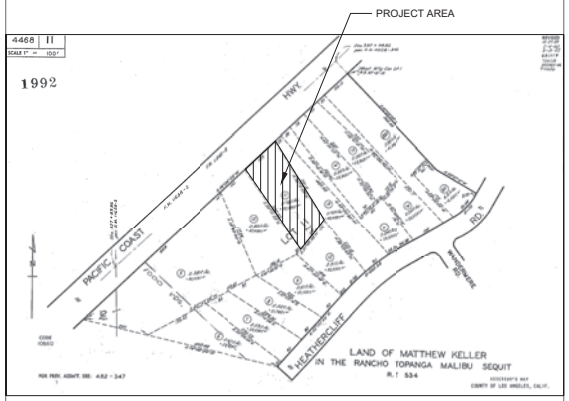
THE IRRIGATION AUDIT WILL BE CONDUCTED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

1. PLACE FLAGS AT EACH HEAD IN THE ZONE.
2. MEASURE SPACING AND MARK MID-PONTS BETWEEN HEADS.
3. PLACE WATER MEASURING RECEPTACIES.
4. TAKE READINGS OF WATER LEVEL IN RECEPTACLES AND RECORD RESULTS.
5. MEASURE HEAD PRESSURE IN EACH ZONE AND RECORD RESULTS.
6. AFTER COMPLETING ZONE ADVANCE TO NEXT ZONE AND REPEAT PROCEDURE.
7. SUBMIT THE RESULTS OF THE AUDIT TO THE PROJECT ARCHITECT.

THE IRRIGATION MAINTENANCE SCHEDULE TASKS LISTED BELOW ARE INTENDED AS MINIMUM STANDARDS AND MORE FREQUENT ATTEIOTION MAY BE REQUIRED DEPENDING ON THE PARTICULAR SITE CONDITIONS.

MAINTENANCE TASK	FREQUENCY
1. CONTROLLER CABINET - OPEN CABINET, CLEAN OUT DEBRIS, AND REPLACE BATTERY AS NECESSARY. CHECK WIRING AND REPAIR AS NEEDED. CHECK CLOCK AND RESET, IF NECESSARY.	QUARTERLY
2. IRRIGATION SCHEDULE - ADJUST SCHEDULE FOR SEASONAL VARIATIONS AND OTHER CONDITIONS WHICH MAY AFFECT THE AMOUNT OF WATER NEEDED TO MAINTAIN PLANT HEALTH. ADJUST AS NECESSARY.	MONTHLY
3. POC - VISUALLY INSPECT COMPONENTS FOR LEAKS, PRESSURE SETTINGS, SETTLEMENT OR OTHER DAMAGE AFFECTING THE OPERATION OF A COMPONENT REPAIR AS NEEDED.	QUARTERLY
4. REMOTE CONTROL VALVES, ISOLATION VALVES AND QUICK COUPLER VALVES - VISUALLY INSPECT FOR LEAKS, SETTLEMENT, WIRE CONNECTIONS AND PRESSURE SETTINGS. REPAIR OR ADJUST AS NEEDED.	QUARTERLY
5. MAINLINE AND LATERALS - VISUALLY INSPECT FOR LEAKS OR SETTLEMENT OF TRENCH.	QUARTERLY
6. SPRINKLERS - VISUALLY CHECK FOR ANY BROKEN, MISALIGNED OR CLOGGED HEADS, HEADS WITH INCORRECT ARC, INADEQUATE COVERAGE OR OVERSPRAY AND LOW HEAD DRAINAGE. REPAIR AS NEEDED.	WEEKLY
7. FILTERS AND STRAINERS - VISUALLY CHECK FOR LEAKS AND BROKEN FITTINGS. CLEAN AND FLUSH SCREENS.	MONTHLY

AUDIT SHALL BE IN ACCORDANCE WITH THE LATEST STATE OF CALIFORNIA LANDSCAPE WATER MANAGEMENT PROGRAM AS DESCRIBED IN THE LATEST LANDSCAPE IRRIGATION AUDITOR HANDBOOK. THE LANDSCAPE IRRIGATION AUDITS TO BE CONDUCTED BY A QUALIFIED INDIVIDUAL AND THE AUDIT SCHEDULE SHALL BE CONDUCTED AT LEAST ONCE EVERY FIVE YEARS IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 20, DIVISION 1 OF THE LOS ANGELES COUNTY CODE.



LA COUNTY ASSESSOR'S MAP
NTS



VICINITY MAP
NTS

NOTES:

1. TREE CANOPIES ARE SHOWN IN FULL MATURITY.
2. MATURE TREES TO REMAIN ON SITE PROTECTED IN PLACE DURING CONSTRUCTION.
3. THE TYPE OF SOIL IS SUITABLE FOR ALL THE PROPOSED PLANTS IN THIS LANDSCAPE.
4. THERE IS NO WATER FEATURE IN THIS PROJECT.
5. WATER PURVEYOR NAME:
   WEST BASIN MUNICIPAL WATER DISTRICT
   17140 SOUTH AVALON BLVD. SUITE 210
   CARSON, CA 90746-1296
   (310) 217-2411
6. STREET TREES WITHIN PUBLIC RIGHT-OF-WAY ARE TO BE PLANTED PER APPROVED STREET IMPROVEMENT PLANS.
7. ALL HARDSCAPE, RETAINING WALLS, SWIMMING POOLS, AND/OR BLOCK WALLS MUST BE REVIEWED AND APPROVED UNDER A SEPARATE PERMIT.
8. MAINTENANCE RESPONSIBILITY: ALL LANDSCAPE AREAS TO BE CONTINUOUSLY PRIVATELY MAINTAINED BY PROPERTY OWNER ON SITE & OFF SITE.

   NAME OF PERSON OR ENTITY RESPONSIBLE FOR LANDSCAPE MAINTENANCE.

PROPERTY OWNER _____ DATE _____

GREEN BUILDING COMPLIANCE

I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE.

PAUL LEWIS, LANDSCAPE ARCHITECT _____ DATE _____

PROJECT INFORMATION:

LEGAL DESCRIPTION:

GROSS LOT AREA: 33,532 SF

LOS ANGELES COUNTY DROUGHT TOLERANT PLANTING ZONE: 4

SUNSET CLIMATE ZONE: 23

AREA SUMMARY

TOTAL LOT AREA = APPROX. 33,532 SF

LANDSCAPE AREA OF PROJECT = 7,119 SF

FUEL MODIFICATION

FUEL MODIFICATION PLAN IS REQUIRED PER:

OFFICE: CALABASAS

PHONE NO. (818) 880-0341

OFFICE ADDRESS: 26600 AGOURA RD. SUITE 110
CALABASAS, CA 91302

FUEL MODIFICATION PLAN: #

FFFM:

SHEET INDEX:

L0.1 COVER SHEET
L1.0 LANDSCAPE PLAN
L1.1 LANDSCAPE NOTES + DETAILS
L1.2 FUEL MODIFICATION PLAN
L2.0 IRRIGATION PLAN
L2.1 IRRIGATION SCHEDULE & MWELO
L2.2 IRRIGATION DETAILS

David Kellen
2701 Airport Ave., Ste 202
Santa Monica, CA 90405
310-245-3584

Client:

Project location:
29329 Heathercliff Road
Malibu, CA 90265

LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
STATE OF CALIFORNIA

TITLE SHEET

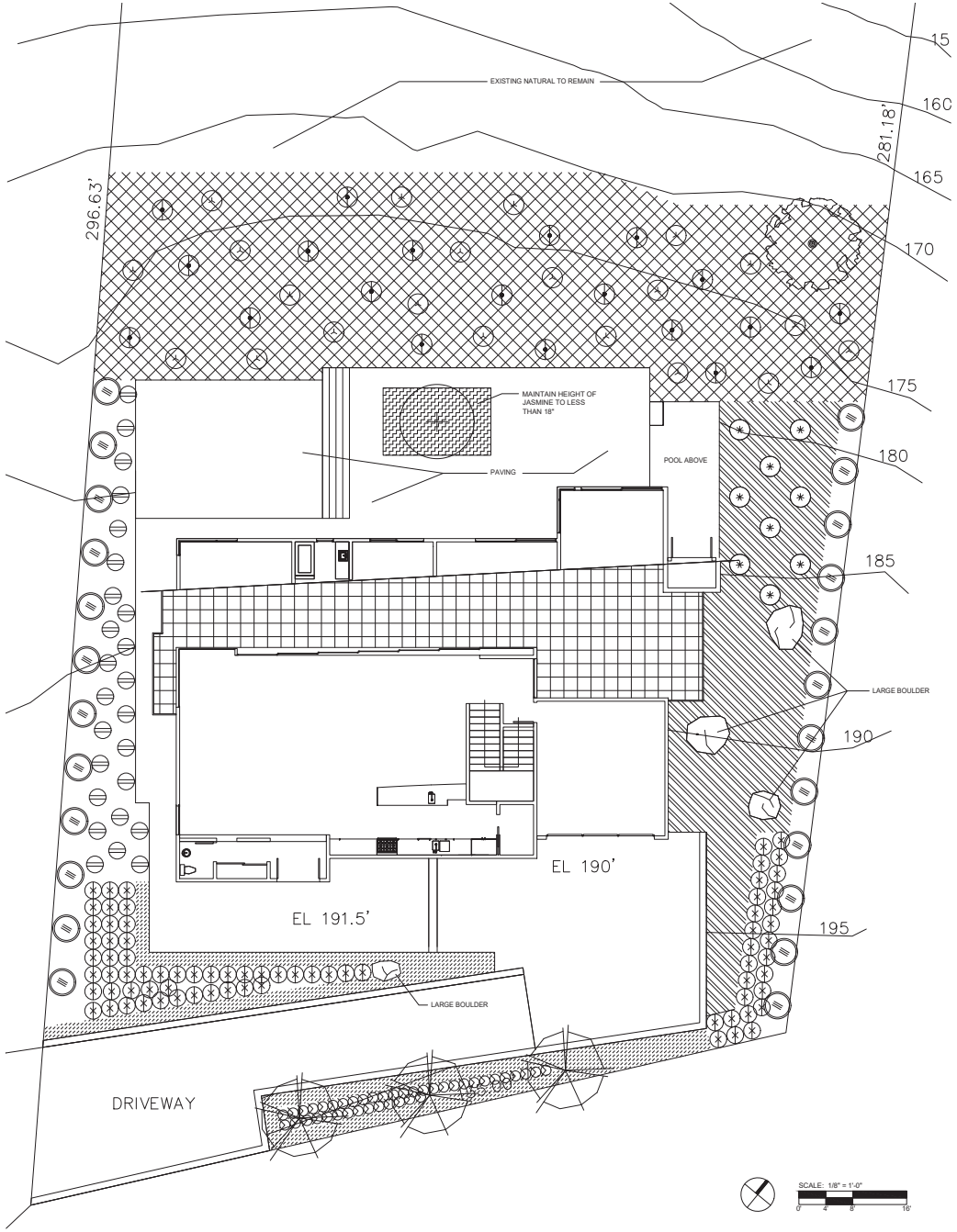
Scale:

Date: 05/23/2023

L-0.1

2023-07-07 Heathercliff CD Set

ATTACHMENT F



PLANTING LEGEND

Symbol	Botanical Name/Common Name	Quantity	Size	WUCOLS	Remarks
	TREES				
	Cercidium 'Desert Museum' / Thornless Palo Verde	1	36" Box	VL	multi-trunk
	Geijera parviflora / Australian willow	3	36" Box	L	
	Platanus racemosa / California Sycamore	1	36" Box	M	
	SHRUBS				
	Agave vilmoriniana / Octopus agave spacing per plan	9	5g	L	Alt. 15g
	Calamagrostis acutiflora 'Karl Foerster' / Feather reed grass, @ 30" o.c.	75	5g	M	
	Juncus patens / California gray rush @ 18" o.c.	41	1g	L	
	Romneya coulteri / Matilija poppy @ 48" o.c.	24	5g	VL	
	Salvia leucantha / Mexican sage @ 30" o.c.	25	5g	L	
	GROUND COVER				
	Arctostaphylos 'Emerald Carpet'/ Manzanita field spaced	20	1g	L	
	Bouteloua gracilis 'Blonde Ambition' 536 sf @ 18" o.c.	236	1g	L	
	Carex divulsa / Berkeley sedge 1,110 sf @ 12" o.c. = 1,110 plants	24	flat	L	
	Ceanothus griseus horizontalis 'Yankee Point' / Yankee Point, field spaced	21	1g	L	
	Trachelospermum jasminoides / Star jasmine 160 sf @ 12" o.c. = 160 plants	4	flat	M	

HYDROSEED MIX 3,400 sf

Botanical Name/Common Name	Seed Rate (Lbs/Ac)	Remarks
Lotus scoparius (Acmispon glaber) / Deerweed	x	Stover Seed Co. PO Box 1579 9180 San Fernando Rd. Sun Valley, CA 213-626-9668 Contact: Stephen Knutson
Eschscholzia californica / California poppy	x	
Mimulus (aurauntiacus) longiflorus / Sticky Monkeyflower	x	
Lupinus perennis / Perennial Lupine	x	
Salvia apiana / White sage	x	
Asclepias fascicularis / Narrow-leaved milkweed	x	
Eriophyllum confertiflorum / Golden yarrow	x	
Pseudognaphalium californicum / California everlasting	x	
Koeleria macrantha / June grass	x	
Gilia capitata / Globe gilia	x	
TOTAL SEED RATE:	x	

10803
COUNTY OF LOS ANGELES
FIRE DEPARTMENT
PREVENTION SERVICES BUREAU
FINAL
FUEL MODIFICATION PLAN
APPROVED
By _____ Date _____
FUEL MODIFICATION UNIT
The stamping of this plan and specifications SHALL NOT be held to permit or to be an approval of the violation of any provisions of any County/City or State law

2023-07-07 Heathercliff CD Set

LANDSCAPE
COURT LAND STUDIO
ARCHITECTURE
COURTLAND STUDIO, LLC
505 E Colorado Blvd. Mezz C
Pasadena CA 91101
P: 818-788-9382
F: 818-788-3217
Licensed Landscape Architect #3620

David Kellen
2701 Airport Ave., Ste 202
Santa Monica, CA 90405
310-245-3584

Client:

Project location:
29329 Heathercliff Road
Malibu, CA 90265

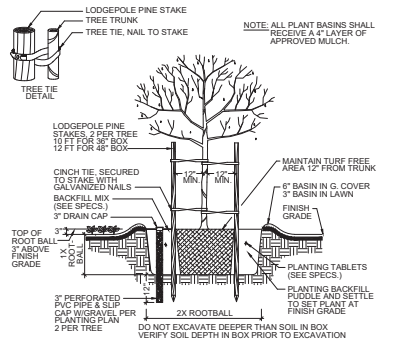
LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
Exp. 2/28/25
STATE OF CALIFORNIA

LANDSCAPE PLAN

Scale: 1/8" = 1'-0"
Date: 07/07/2023

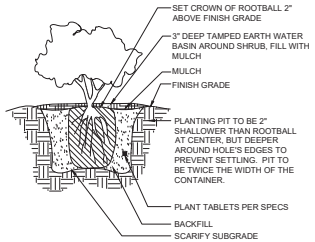
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2023-07-07 Heathercliff CD Set



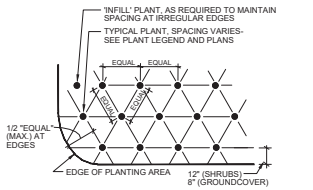
DOUBLE STAKED TREE 1

SCALE: N.T.S.



SHRUB PLANTING 2

SCALE: N.T.S.



NOTE:
ALL GROUNDCOVER SHALL BE PLANTED AT EQUAL SPACING
SEE SPECIFICATIONS FOR FURTHER INFORMATION

SHRUB AND GROUNDCOVER SPACING 3

SCALE: N.T.S.

GENERAL PLANTING NOTES

1. THE CONTRACTOR SHALL MAINTAIN A QUALIFIED SUPERVISOR ON THE SITE AT ALL TIMES DURING CONSTRUCTION THROUGH COMPLETION OF PICK-UP WORK.

2. THE CONTRACTOR SHALL VERIFY ALL PLANT MATERIAL QUANTITIES PRIOR TO INSTALLATION. PLANT MATERIAL QUANTITIES LISTED FOR CONVENIENCE OF CONTRACTOR. ACTUAL NUMBER OF SYMBOLS SHALL HAVE PRIORITY OVER QUANTITY DESIGNATED.

3. THE CONTRACTOR SHALL FURNISH AND PAY FOR ALL CONTAINER GROWN TREES, SHRUBS AND VINES, INCLUDING SEEDED AND SODDED TURF, HYDROMULCHES AND FLATTED GROUNDCOVERS. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE AND PAY FOR: PLANTING OF ALL PLANT MATERIALS; THE SPECIFIED GUARANTEE OF ALL PLANT MATERIALS; THE STAKING AND GUYING OF TREES AND THE CONTINUOUS PROTECTION OF ALL PLANT MATERIALS UPON THEIR ARRIVAL AT THE SITE.

4. ALL PLANT MATERIAL SHALL BE SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT AND OWNER PRIOR TO INSTALLATION.

5. ALL BOXED TREES IN PAVING SHALL BE SELECTED AND SPOTTED BY THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE IN CONJUNCTION WITH PAVING CONTRACTOR AND GENERAL CONTRACTOR. GENERAL CONTRACTOR TO ASSUME ALL LIABILITY FOR ACCURATE PLACEMENT OF TREES.

6. ALL VINE RUNNERS SHALL BE INSTALLED WITH THE NURSERY STAKES REMOVED AND VINE RUNNERS SHALL BE ESPALIERED TO THE ADJACENT WALL OR FENCE.

7. ALL SOIL PREPARATION SHALL BE INSTALLED AS PER THE SOIL AGRONOMY REPORT TO BE PROVIDED AND PAID FOR BY THE SUBCONTRACTOR. THE REPORT SHALL BE IMMEDIATELY FORWARDED TO THE LANDSCAPE ARCHITECT UPON COMPLETION.

8. THE SOIL AMENDMENTS SPECIFIED ARE FOR BIDDING PURPOSES ONLY. THE CONTRACTOR SHALL PROVIDE FOR A SOILS AGRONOMY REPORT FROM WALLACE SOILS LABORATORY (310) 615-0116 AND/OR ANY ADDITIONAL SPECIFICATION PROVIDED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF PLANT MATERIALS.

9. FOR BIDDING AREA TO BE LANDSCAPED, THE FOLLOWING AMENDMENTS SHALL BE USED UNTIL CONTRACTOR IS PROVIDED WITH SOILS AGRONOMY REPORT. AMENDMENTS SHALL BE UNIFORMLY BROADCAST AND THOROUGHLY INCORPORATED BY MEANS OF A ROTOTILLER OR EQUAL.

AMOUNT PER 1,000 SQUARE FEET

4 CU. YDS. NITROGEN STABILIZED ORGANIC AMENDMENT
DERIVED FROM REDWOOD SAWDUST,
FIR SAWDUST OR CEDAR SAWDUST.
15 LBS. SOIL SULFUR
15 LBS. 12-12-12 FERTILIZER

10. A MINIMUM 3" (THREE INCHES) LAYER OF SHREDDED BARK MULCH SHALL BE APPLIED ON ALL EXPOSED SOIL SURFACES OF PLANTING AREAS EXCEPT TURF AREAS, CREEPING OR ROOTING GROUNDCOVERS, OR DIRECT SEEDING APPLICATIONS WHERE MULCH IS CONTRAINDICATED. CONTRACTOR TO SUBMIT 1/2 CU. FT BAG AS SAMPLE FOR APPROVAL PRIOR TO INSTALLATION.

11. THE PLANTING PITS FOR BOXED TREES SHALL BE EXCAVATED TWICE THE DIAMETER OF THE ROOTBALL WITH A MAXIMUM OF THE HEIGHT OF THE ROOTBALL TO THE BOTTOM OF THE PLANTING PIT.

DO NOT OVER EXCAVATE!!!

THE BACKFILL MIX FOR USE AROUND THE ROOTBALL OF ALL TREES AND SHRUBS SHALL CONSIST OF THE FOLLOWING FORMULA:

6 PARTS ON-SITE SOIL
4 PARTS BY VOLUME ORGANIC AMENDMENT PER ABOVE SOIL PREPARATION
1 LB./CU.YD. OF MIX 12-12-12 COMMERCIAL FERTILIZER
2 LBS./CU. YD. OF MIX IRON SULFATE
10 LBS./CU. YD. OF MIX AGRICULTURAL GYPSUM

12. THIRTY (30) DAYS AFTER INSTALLATION ALL LANDSCAPE SHALL BE FERTILIZED WITH BEST FERTILIZER COMPANY 16-6-8 OR APPROVED EQUAL, APPLIED AT THE RATE OF SIX POUNDS (6 LBS.) PER 1,000 SQUARE FEET OR PER SOIL AGRONOMY REPORT. FERTILIZER APPLICATION SHALL BE CONTINUED THEREAFTER AT MONTHLY INTERVALS.

13. FOR ALL TREES, SEE DETAIL 1, THIS SHEET

14. FOR ALL SHRUBS, SEE DETAIL 2 & 3, THIS SHEET.

15. FERTILIZER TABLETS SHALL BE AGRIFORM, 21 GRAM TABLETS (20-10-5) IN QUANTITIES AS FOLLOWS:

1 GALLON SHRUBS	1
5 GALLON SHRUBS	3
15 GALLON SHRUBS	5
BOXED TREES	1 PER 4" OF BOX SIZE

PLACE TABLETS AT HALF THE DEPTH OF THE ROOTBALL.

16. ALL EXISTING LANDSCAPE AREAS DISTURBED DURING THE CONSTRUCTION PROCESS WILL BE RECONDITIONED TO THEIR ORIGINAL STATE AT NO ADDITIONAL COST TO THE OWNER.

17. INSTALL 24" DEEP ROOT BARRIER ON ALL TREES WITHIN 4 FEET OF PAVING.

18. FOR SOILS LESS THAN 6% ORGANIC MATTER IN THE TOP 6" (SIX INCHES) OF SOIL, COMPOST AT A RATE OF A MINIMUM OF FOUR CUBIC YARDS PER 1,000 SQUARE FEET OF PERMEABLE AREA SHALL BE INCORPORATED TO A DEPTH OF SIX INCHES INTO THE SOIL.

19. RECIRCULATING WATER SYSTEMS SHALL BE USED FOR WATER FEATURES.

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Pasadena CA 91101
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Licensed Landscape Architect #3620

David Kellen
2701 Airport Ave., Ste 202
Santa Monica, CA 90405
310-245-3584

Client:

Project location:
29329 Heathercliff Road
Malibu, CA 90265

LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
Exp. 2/28/25
STATE OF CALIFORNIA

NOTES & DETAILS

Scale: 1/8" = 1'-0"
Date: 05/24/2023

L-1.1

2023-07-07 Heathercliff CD Set

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

FUEL MODIFICATION UNIT
605 NORTH ANGELENO AVENUE
AZUSA, CA 91702
(626) 969-5205
Email: fuelmodplans@fire.lacounty.gov
Website: http://fire.lacounty.gov/forestry/fuel-modification/

"Proud Protectors of Life, Property, and the Environment"

BOARD OF SUPERVISORS
HILDA L. SOLIS
1ST DISTRICT
HOLLY J. MITCHELL
2ND DISTRICT
SHEILA KUEHL
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JANICE HAHN
4TH DISTRICT
KATHRYN BARGER
5TH DISTRICT

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

Fuel Modification Plan Notes

Ember Resistant Zone

- Extends 5 feet beyond the edge of any combustible structure, accessory structure, appendage, or projection. The areas beneath eaves, overhangs or parts of structures including attached decks and pergolas shall be included in the ember resistant zone.
- This area shall be free of materials or landscaping known to be receptive to flying embers.

Zone A

- Extends 30 feet beyond the edge of any combustible structure, accessory structure, appendage, or projection. Projections such as eaves, covered entryways, attached pergolas, decks etc. shall be the point at which this distance is measured.
- Irrigation shall be provided to maintain healthy vegetation and fire resistance.
- Vegetation in this zone shall consist primarily of mowed grasses, low growing ground covers and adequately spaced shrubs. The overall density and arrangement shall provide adequate defensible space and significantly reduce fire intensity.
- Plant species selected for Zone A shall possess characteristics which increase fire resistance. Such characteristics are high moisture content, plants producing little leaf litter, slow growing plants and plants that do not require pruning to reduce their size at maturity. Species selection should reference the Fuel Modification Plant List. The list is not a pre-approved plant list. Other species may be used subject to approval after review.
- Trees are generally not recommended except for dwarf varieties or mature trees less than 25' tall and wide at maturity. Trees shall be positioned so their canopies do not extend over the roof of any structure.
- Vines and climbing plants are not allowed on any combustible structure requiring review.

Zone B

- Extends from the outer edge of Zone A an additional 70 feet for a total of 100 feet from the structure.
- Irrigation shall be provided to maintain healthy vegetation and fire resistance.
- Vegetation in this zone shall be arranged in a manner that does not create vertical or horizontal fuel ladders. Vegetation in this zone can be planted at a slightly higher density than Zone A but the overall density and arrangement shall provide adequate defensible space and significantly reduce fire intensity.
- Existing California native plants may be approved to remain if determined to be acceptable upon review and are properly spaced and maintained.
- Plant species selected for Zone B shall possess characteristics which increase fire resistance. Such characteristics are high moisture content, plants producing little leaf litter, slow growing plants and plants that do not require pruning to reduce their size at maturity. Species selection should reference the Fuel Modification Plant List. The list is not a pre-approved plant list. Other species may be used subject to approval after review.
- Trees in Zone B may be medium to large at maturity provided they are properly positioned and do not create any vertical or horizontal fuel ladders. Tree selections are subject to denial upon review.

Zone C

- Extends from the outer edge of Zone B an additional 100 feet for a total of 200 feet from the structure.
- Maintenance/modification of vegetation exceeding 100 feet but not to exceed 200 feet from structures may be determined necessary. Any required maintenance/modification is to be determined upon on-site inspection (Fire Code 325.2.2).

Fire Access Road Zone

- Extends a minimum of 10 feet from the edge of any public or private road, driveways and turnarounds used by firefighting resources.
- Clear and remove flammable vegetation on each side of access roads (Fire Code 325.10).
- Fire access roads shall have an unobstructed vertical clearance a minimum width of 20' and vertically clear to the sky (Fire Code 503.2.1).
- Additional clearance beyond 10 feet may be required upon an on-site inspection.
- All proposed plantings, unless otherwise approved, shall be positioned so they do not obstruct access at maturity. Pruning will not be considered as an alternative to plant selection.

Maintenance

Routine maintenance shall be regularly performed in all zones. Above all else, regular maintenance is paramount to the fire resistance of a well-planned fire-resistant landscape. Critical items are outlined below. Additional information may be found on our website listed in the header of this document.

- Start with the structure. Remove leaf litter and other combustible debris from roofs, eaves, rain gutters etc.
- Ensure the ember resistant zone is maintained free of any material known to be receptive to flying embers.
- Remove any plant or portion of a plant that is dead or dying throughout all zones.
- Remove downed, accumulated plant litter and dead wood throughout all zones.
- Prune to reduce the overall amount and continuity of fuels. Eliminate horizontal and vertical fuel ladders throughout all zones.
- All invasive species and their parts should be removed from the site.
- Ensure irrigation systems are functioning properly.
- Compliance with the fire code is a year-round responsibility. Enforcement will occur following inspection by the Fire Department. Annual inspections for brush clearance code requirements are conducted following the natural drying of fine fuels between the months of April and June depending on the geographic region each dwelling exists.
- Inspection for compliance with an approved fuel modification plan may occur at any time.
- All future planting shall be in accordance with the County of Los Angeles Fire Department Fuel Modification Guidelines and approved prior to installation.

Approval of this Fuel Modification Plan constitutes approval for only those Codes reviewed as part of the Fuel Modification process and does not replace the needed approval of any other office or agency with jurisdiction and review responsibility for those items which may or may not be illustrated on the plan.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

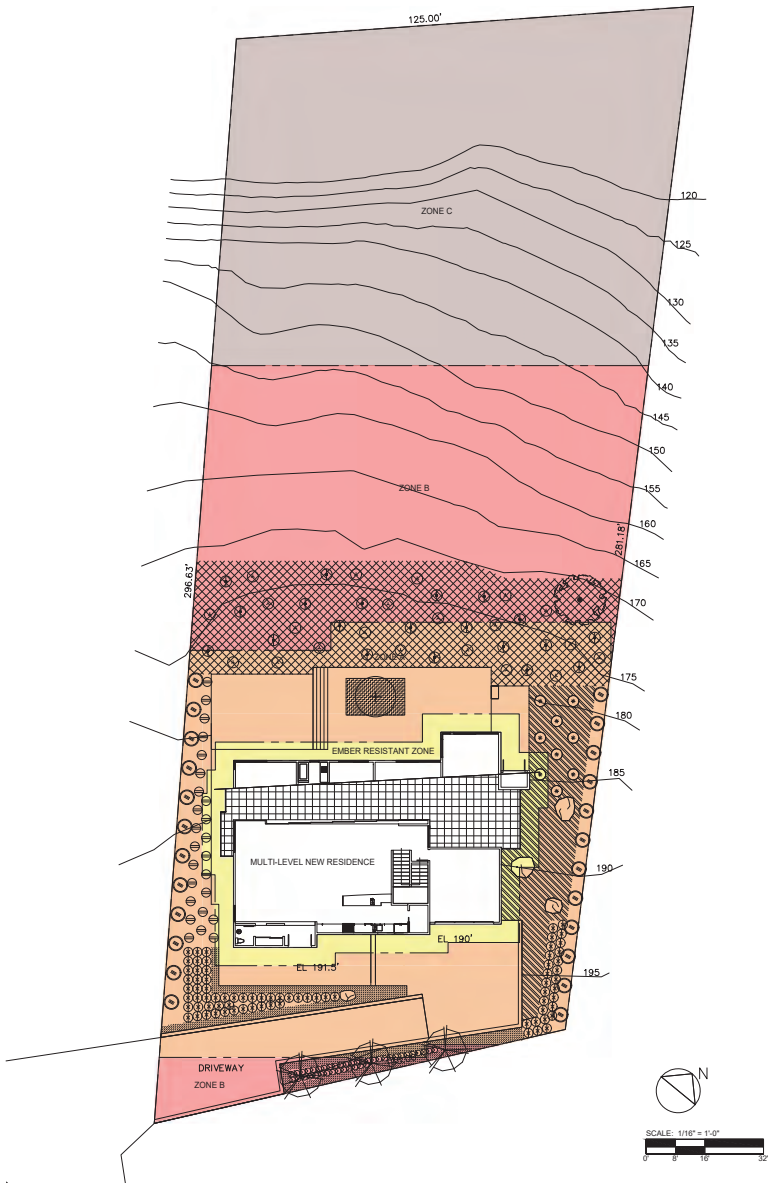
AGOURA HILLS, ARTESIA, AVALON, BALDWIN PARK, BELL, BELL GARDENS, BELLFLOWER, BRADBURY, CALABASAS, CARSON, CERRITOS, CLAREMONT, COMMERCE, COVINA, CUDAHY, DIAMOND BAR, DUARTE, EL MONTE, GARDENA, GLENDORA, HAWAIIAN GARDENS, HAWTHORNE, HERMOSA BEACH, HIDDEN HILLS, HUNTINGTON PARK, INDUSTRY, INGLEWOOD, IRWINDALE, LA CANADA FLINTRIDGE, LA HABRA, LA MIRADA, LA PUENTE, LAKEWOOD, LANCASTER, LAWNDALE, LOMITA, LYNWOOD, MALIBU, MAYWOOD, NORWALK, PALMDALE, PALOS VERDES ESTATES, PARAMOUNT, PICO RIVERA, POMONA, RANCHO PALOS VERDES, ROLLING HILLS, ROLLING HILLS ESTATES, ROSEMEAD, SAN DIMAS, SANTA CLARITA, SIGNAL HILL, SOUTH EL MONTE, SOUTH GATE, TEMPLE CITY, VERNON, WALNUT, WEST HOLLYWOOD, WESTLAKE VILLAGE, WHITTIER

HYDROSEED MIX ☒ 3,400 sf

Botanical Name/Common Name	Seed Rate (Lbs/Ac)	Remarks
Lotus scoparius (Acmispon glaber) / Deerweed	x	Stover Seed Co. PO Box 1579 9180 San Fernando Rd. Sun Valley, CA 213-626-9668 Contact: Stephen Knutson
Eschscholzia californica / California poppy	x	
Mimulus (aurauntiacus) longiflorus / Sticky Monkeyflower	x	
Lupinus perennis / Perennial Lupine	x	
Salvia apiana / White sage	x	
Asclepias fascicularis / Narrow-leaved milkweed	x	
Eriophyllum confertiflorum / Golden yarrow	x	
Pseudognaphalium californicum / California everlasting	x	
Koeleria macrantha / June grass	x	
Gilia capitata / Globe gilia	x	
TOTAL SEED RATE:	x	

PLANTING LEGEND

Symbol	Botanical Name/Common Name	Quantity	Size	WUCOLS	Remarks
	TREES				
+	Cercidium 'Desert Museum' / Thornless Palo Verde	1	36" Box	VL	multi-trunk
	Geijera parviflora / Australian willow	3	36" Box	L	
	Platanus racemosa / California Sycamore	1	36" Box	M	
	SHRUBS				
*	Agave vilmoriniana / Octopus agave spacing per plan	9	5g	L	Alt. 15g
	Calamagrostis acutiflora 'Karl Foerster' / Feather reed grass, @ 30" o.c.	75	5g	M	
	Juncus patens / California gray rush @ 18" o.c.	41	1g	L	
	Romneya coulteri / Matilija poppy @ 48" o.c.	24	5g	VL	
	Salvia leucantha / Mexican sage @ 30" o.c.	25	5g	L	
	GROUND COVER				
	Arctostaphylos 'Emerald Carpet'/ Manzanita field spaced	20	1g	L	
	Bouteloua gracilis 'Blonde Ambition' 536 sf @ 18" o.c.	236	1g	L	
	Carex divulsa / Berkeley sedge 1,110 sf @ 12" o.c. = 1,110 plants	24	flat	L	
	Ceanothus griseus horizontalis 'Yankee Point' / Yankee Point, field spaced	21	1g	L	
	Trachelospermum jasminoides / Star jasmine 160 sf @ 12" o.c. = 160 plants	4	flat	M	



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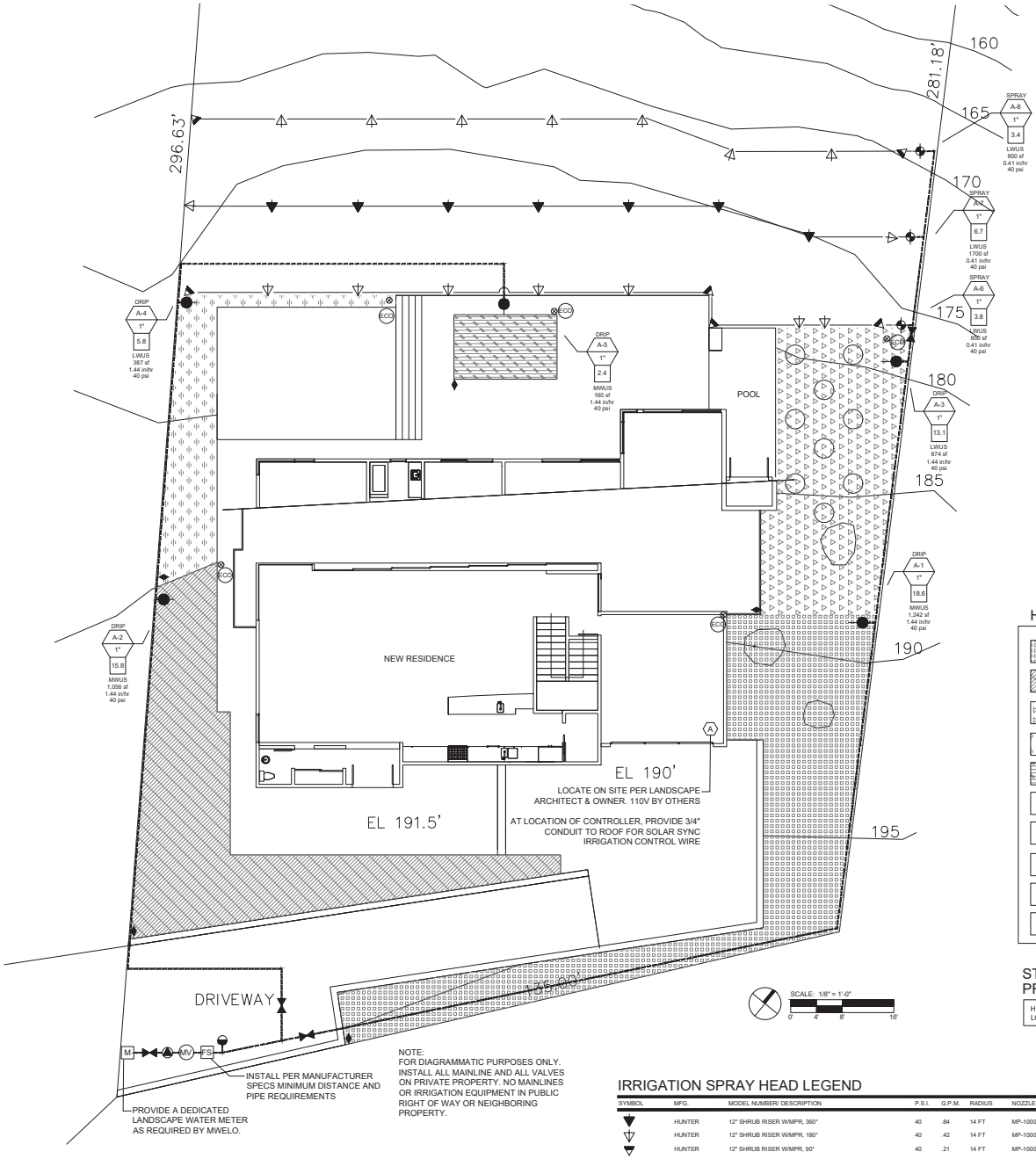
LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
Exp. 2-28-25
STATE OF CALIFORNIA

FUEL MODIFICATION PLAN

Scale: 1" = 16'
Date: 07/07/2023

L-1.2

2023-07-07 Heathercliff CD Set



IRRIGATION LEGEND

SYMBOL	MFG.	MODEL NUMBER/ DESCRIPTION	REMARKS
MV	HUNTER	ICV-101G, 1" MASTER CONTROL VALVE	SEE DETAIL A
	HUNTER	ICZ-101-40, 1" DRIP REMOTE CONTROL VALVE (1" ICV FILTER SENTRY GLOBE W/1" HY100 FILTER+REGULATOR)	SEE DETAIL B
	HUNTER	ICV-101G, 1" REMOTE CONTROL VALVE.	SEE DETAIL A
	HUNTER	HQ-33DLRC, 3/4" QUICK COUPLER.	SEE DETAIL C
	NIBCO	APPROVED BRONZE 150 PSI RATED BALL VALVE; LINE SIZE IN VALVE BOX.	SEE DETAIL C
	FEBCO	LF825-YA, 1" REDUCED PRESSURE BACKFLOW DEVICE	SEE DETAIL D
FS	HUNTER	HFS-FCT-100, 1" PVC FLOW SENSOR	SEE DETAIL E
A	HUNTER	HC-1200i, FIXED 12 STN. INDOOR WALL MOUNT WIFI CONTROLLER W/ HYDRAWISE WEATHER BASED WATER MANAGEMENT SOFTWARE; 120 VAC POWER TO THE CONTROLLER LOCATION BY OTHERS.	SEE DETAIL F
M	APPROVED	METER	
	RAINBIRD	AR VALVE KIT; 1" AIR/ VACUUM RELIEF VALVE IN VALVE BOX AT HIGH POINT.	SEE DETAIL G
	NETAFIM	TL050-MFV AUTOMATIC FLUSH VALVE IN VALVE BOX AT LOW POINT.	SEE DETAIL G
	RAINBIRD	XFD-09-12-xxx DRIPLINE W/ COPPER SHIELD EMITTERS; EMITTERS @12" O.C. & 12" ROW SPACING.	SEE DETAIL H
	APPROVED	PVC SCH. 40 LATERAL LINE; SEE PLAN FOR SIZE	SEE DETAIL I
	APPROVED	PVC SCH. 40 MAINLINE SLEEVE; 2 AT EACH LOCATION 2X THE DIA. OF PIPE TO BE SLEEVED	SEE NOTES 1, 2
	APPROVED	MAINLINE: 1) UNDER CONCRETE DECK (IN GARAGE) - TYPE L COPPER FOR SIZES 1-1/2" AND SMALLER 2) INSIDE WALLS AND BETWEEN FLOORS (DECK PENETRATIONS) - TYPE K COPPER 3) BETWEEN WATER MAIN AND BACKFLOW - TYPE K COPPER 4) DOWNSTREAM FROM BACKFLOW - SCHEDULE 40 PVC BURIED IN SOIL SIZE 1 1/2" AND SMALLER, SIZE NOTED	SEE DETAIL I
ECO	HUNTER	ECO-ID DRIP SYSTEM INDICATOR	SEE DETAIL J

DRIP — IRRIGATION TYPE
A-4 — VALVE / CONTROLLER SEQUENCE
1" — VALVE SIZE
5.8 — GPM
MWUS — HYDROZONE TYPE
367 sf — AREA
xx in/hr — APPLICATION RATE
40 psi — DESIGN OPERATING PRESSURE

HYDROZONE LEGEND

SYMBOL	DESCRIPTION
CST	COOL SEASON TURF
WST	WARM SEASON TURF
HWUS	HIGH WATER USING SHRUB/TREE
MWUS	MEDIUM WATER USING SHRUB/TREE
LWUS	LOW WATER USING SHRUB/TREE
VLWUS	VERY LOW WATER USING SHRUB/TREE

GREEN BUILDING NOTES:

1. I HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLANS.
2. PRESSURE REGULATING DEVICES ARE REQUIRED IF WATER PRESSURE IS BELOW OR EXCEEDS THE RECOMMENDED PRESSURE OF THE SPECIFIED IRRIGATION DEVICES.
3. AFTER INSTALLATION, INSTALLER TO PERFORM PRESSURE TESTING AND VERIFY WATER COVERAGE OF ENTIRE IRRIGATION SYSTEM. INSTALLER SHALL ADJUST OR REPLACE ANY DEVICES TO ENSURE EFFICIENT, COMPLETE AND PROPER WORKING OF THE SYSTEM.
4. CHECK VALVES OR ANTI-DRAIN VALVES ARE REQUIRED ON ALL SPRINKLER HEADS WHERE LOW POINT DRAINAGE COULD OCCUR.
5. A DIAGRAM OF THE IRRIGATION PLAN SHOWING HYDROZONES SHALL BE KEPT WITH THE IRRIGATION CONTROLLER FOR SUBSEQUENT MANAGEMENT PURPOSES.
6. THE CONTROLLER IS SHIPPED WITH A COMPLETE OPERATIONS MANUAL WHICH SHALL BE GIVEN TO OWNER OR KEPT ON SITE PER OWNER'S REQUEST.
7. A CERTIFICATE OF COMPLETION SHALL BE FILLED OUT AND CERTIFIED BY EITHER THE DESIGNER OF THE LANDSCAPE PLANS, IRRIGATION PLANS OR THE LICENSED LANDSCAPE CONTRACTOR FOR THE PROJECT.
8. AN IRRIGATION AUDIT REPORT SHALL BE COMPLETED AT THE TIME OF FINAL INSPECTION.

HYDROZONES

	A-1	Drip-M
	A-2	Drip-M
	A-3	Drip-M
	A-4	Drip-M
	A-5	Drip-M
	A-6	Spray-L
	A-7	Spray-L
	A-8	Spray-L
	A-9	Spray-L
	POOL/SPA	Drip-H

STATIC WATER PRESSURE @ POC

HIGH = x psi
LOW = x psi

GENERAL IRRIGATION NOTES:

1. ALL MAINLINE PIPING AND CONTROL WIRES UNDER PAVING SHALL BE INSTALLED IN SEPARATE SLEEVES. ALL SLEEVING SIZES SHALL BE AS INDICATED ON THE PLANS. ALL SLEEVES SHALL BE AT A DEPTH OF 18" MINIMUM BELOW SUB GRADE.
2. ALL LATERAL LINE PIPING UNDER PAVING SHALL BE PVC SCHEDULE 40 AND SHALL BE INSTALLED PRIOR TO PAVING. THE PIPING SHALL BE A MINIMUM OF 12" BELOW SUB GRADE.
3. PIPE SIZES SHALL CONFORM TO THOSE SHOWN ON THE DRAWINGS. NO SUBSTITUTIONS OF SMALLER PIPE SIZES SHALL BE PERMITTED BUT SUBSTITUTIONS OF LARGER SIZES MAY BE APPROVED. ALL DAMAGED AND REJECTED PIPE SHALL BE REMOVED FROM THE SITE AT THE TIME OF THE REJECTION.
4. THE 120 VAC ELECTRICAL POWER SOURCE AT THE CONTROLLER LOCATION SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR. MAKE THE FINAL CONNECTION FROM THE SOURCE TO THE CONTROLLER OR AS ALLOWED BY LOCAL CODES.
5. ALL SPRINKLER HEADS SHALL BE SET PERPENDICULAR TO FINISH GRADE UNLESS OTHERWISE SPECIFIED OR DIRECTED.
6. THIS DESIGN IS DIAGRAMMATIC. ALL PIPING, VALVES, OR OTHER SIMILAR APPURTENANCES SHOWN IN PAVED AREAS IS FOR DESIGN AND GRAPHIC CLARIFICATION AND SHALL BE INSTALLED IN IRRIGATED PLANTING AREAS. WHEREVER POSSIBLE INSTALL ALL VALVES AND BOXES IN SHRUB AREAS AND NOT IN TURF AREAS.
7. IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO FAMILIARIZE HIMSELF WITH ALL GRADE DIFFERENCES, LOCATION OF WALLS, RETAINING WALLS, STRUCTURES AND UTILITIES OF THE SITE. COORDINATE WORK WITH OTHER TRADES AND CONTRACTORS FOR THE LOCATION AND INSTALLATION OF ALL IRRIGATION EQUIPMENT. REPAIR AND/OR REPLACE ALL ITEMS DAMAGED BY WORK PERFORMED.
8. DO NOT WILLFULLY INSTALL THE IRRIGATION SYSTEM WHEN IT IS OBVIOUS THAT THE FIELD CONDITIONS VARY FROM THE DRAWINGS AND THAT UNKNOWN OBSTRUCTIONS, GRADE DIFFERENCES OR DIFFERENCES IN THE AREA DIMENSIONS EXIST THAT HAVE NOT BEEN INDICATED ON THE ENGINEERING. SUCH ITEMS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE. ASSUME FULL RESPONSIBILITY FOR ANY NECESSARY REVISIONS IN THE EVENT THAT THIS NOTIFICATION IS NOT HEEDED.
9. FLUSH AND ADJUST ALL SPRINKLER HEADS AND VALVES FOR THEIR OPTIMUM OPERATION.
10. THE IRRIGATION SYSTEM DESIGN IS BASED ON A MINIMUM OPERATING PRESSURE OF 40 PSI AND A MAXIMUM FLOW DEMAND OF 18.6 GPM. VERIFY WATER PRESSURES PRIOR TO CONSTRUCTION. REPORT ANY DIFFERENCES BETWEEN THE WATER PRESSURE SHOWN ON THE PLANS AND THE PRESSURE READING IN THE FIELD TO THE OWNER'S AUTHORIZED REPRESENTATIVE.
11. ALL IRRIGATION EQUIPMENT NOT OTHERWISE DETAILED OR SPECIFIED HEREIN SHALL BE INSTALLED PER THE MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.
12. REFER TO THE SPECIFICATIONS FOR ADDITIONAL DETAILED INFORMATION.
13. THE CONTRACTOR SHALL PROVIDE IN HIS BID FOR A ONE-YEAR (1-YEAR) MAINTENANCE PERIOD.
14. THE CONTRACTOR SHALL INSTALL ALL MAINLINES IN LANDSCAPE AREAS AND NOT UNDER PAVING UNLESS IT IS A NECESSARY CROSSING OF A STREET OR WALK. THE MAINLINE SHALL BE INSTALLED AT THE DEPTH NOTED IN THE IRRIGATION DETAILS AND AT A HORIZONTAL DISTANCE OF 12"-24" FROM THE EDGE OF ALL CURBS OR WALKS. ALL MAINLINE AND VALVES SHALL BE LOCATED BEHIND THE PROPERTY LINE.
15. AUTOMATIC LANDSCAPE IRRIGATORS SHALL BE INSTALLED IN SUCH A WAY THAT IT DOESN'T SPRAY ON THE BUILDING.

IRRIGATION SPRAY HEAD LEGEND

SYMBOL	MFG.	MODEL NUMBER/ DESCRIPTION	P.S.I.	G.P.M.	RADIUS	NOZZLE	REMARKS
	HUNTER	12" SHRUB RISER W/MPR, 360°	40	.84	14 FT	MP-1000 OLIVE	SEE DETAIL L
	HUNTER	12" SHRUB RISER W/MPR, 180°	40	.42	14 FT	MP-1000 MAROON	SEE DETAIL L
	HUNTER	12" SHRUB RISER W/MPR, 90°	40	.21	14 FT	MP-1000 MAROON	SEE DETAIL L

DIG ALERT
CALL TOLL FREE: 1-800-422-4133 AT LEAST TWO DAYS BEFORE YOU DIG

UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

ATTENTION IS DIRECTED TO THE POSSIBLE EXISTENCE OF UNDERGROUND FACILITIES NOT KNOWN OR IN A LOCATION DIFFERENT FROM THAT WHICH IS SHOWN ON THE PLANS OR IN THE SPECIAL PROVISIONS. THE CONTRACTOR SHALL TAKE STEPS TO ASCERTAIN THE EXACT LOCATION OF ALL UNDERGROUND FACILITIES PRIOR TO DOING WORK THAT MAY DAMAGE SUCH FACILITIES OR INTERFERE WITH THEIR SERVICE. BEFORE EXCAVATING, THE CONTRACTOR SHALL VERIFY THE LOCATION OF UNDERGROUND UTILITIES BY CONTACTING UNDERGROUND SERVICE ALERT AT 1(800) 422-4133.

LANDSCAPE
COURT LAND STUDIO
ARCHITECTURE
COURTLAND STUDIO, LLC
505 E Colorado Blvd. Mezz C
Pasadena CA 91101
P: 818-788-9382
F: 818-788-3217
Licensed Landscape Architect #3620

David Kellen
2701 Airport Ave., Ste 202
Santa Monica, CA 90405
310-245-3584

Client:

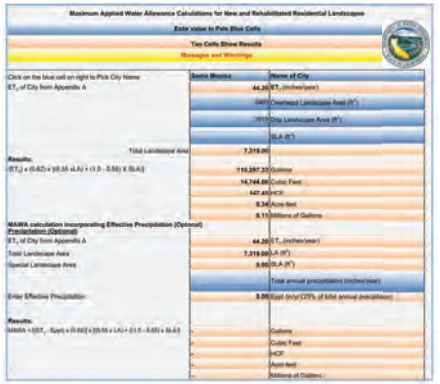
Project location:
29329 Heathercliff Road
Malibu, CA 90265

LICENSED LANDSCAPE ARCHITECT
Paul A. Lewis
No. 3620
Date
Exp. 2-28-25
STATE OF CALIFORNIA

IRRIGATION PLAN

Scale: 1/8" = 1'-0"
Date: 07/07/2023

L-2.0



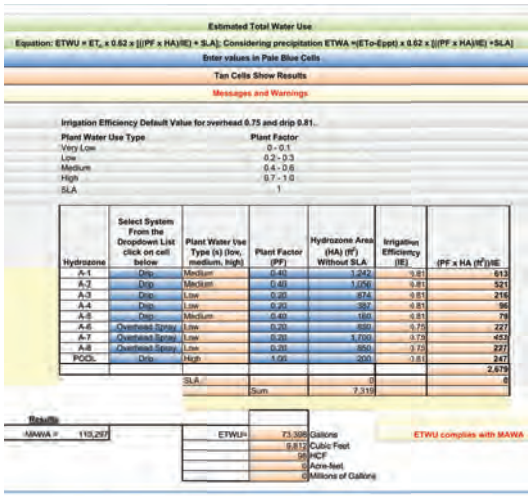
Maximum Applied Water Allowance Calculations for New and Rehabilitated Residential Landscapes

Enter value in Pale Blue Cells

Tan Cells Show Results

Messages and Warnings

	Santa Monica	Name of City
Click on the blue cell on right to Pick City Name		
ET_o of City from Appendix A	44.20	ET_o (inches/year)
	5405	Overhead Landscape Area (ft^2)
	3914	Drip Landscape Area (ft^2)
		SLA (ft^2)
Total Landscape Area	7,319.00	
Results:		
$(ET_o) \times (0.62) \times ((0.55 \times LA) + ((1.0 - 0.55) \times SLA))$	110,297.33	Gallons
	14,744.66	Cubic Feet
	147.45	HCF
	0.34	Acre-feet
	0.11	Millions of Gallons
MAWA calculation Incorporating Effective Precipitation (Optional Precipitation (Optional)		
ET_o of City from Appendix A	44.20	ET_o (inches/year)
Total Landscape Area	7,319.00	LA (ft^2)
Special Landscape Area	0.00	SLA (ft^2)
		Total annual precipitation (inches/year)
Enter Effective Precipitation	3.00	Eppt (in/yr)(75% of total annual precipitation)
Results:		
MAWA = $((ET_o - Eppt) \times (0.62) \times ((0.55 \times LA) + ((1.0 - 0.55) \times SLA))$	-	Gallons
	-	Cubic Feet
	-	HCF
	-	Acre-feet
	-	Millions of Gallons



Estimated Total Water Use

Equation: ETWU = $ET_o \times 0.62 \times [((PF \times HA)/IE) + SLA]$; Considering precipitation ETWA =$(ETo-Eppt) \times 0.62 \times [((PF \times HA)/IE) + SLA]$

Enter values in Pale Blue Cells

Tan Cells Show Results

Messages and Warnings

Irrigation Efficiency Default Value for overhead 0.75 and drip 0.81.

Plant Water Use Type	Plant Factor
Very Low	0 - 0.1
Low	0.2 - 0.3
Medium	0.4 - 0.6
High	0.7 - 1.0
SLA	1

Hydrozone	Select System From the Dropdown List click on cell below	Plant Water Use Type (s) (low, medium, high)	Plant Factor (PF)	Hydrozone Area (HA) (ft^2) Without SLA	Irrigation Efficiency (IE)	(PF x HA (ft^2))/IE
A-1	Drip	Medium	0.40	1,242	0.81	613
A-2	Drip	Medium	0.40	1,056	0.81	521
A-3	Drip	Low	0.20	874	0.81	216
A-4	Drip	Low	0.20	397	0.81	98
A-5	Drip	Medium	0.40	160	0.81	79
A-6	Overhead Spray	Low	0.20	839	0.75	227
A-7	Overhead Spray	Low	0.20	1,700	0.75	453
A-8	Overhead Spray	Low	0.20	850	0.75	227
POOL	Drip	High	1.00	200	0.81	247
						2,679
		SLA		0		0
		Sum		7,319		

Results

MAWA = 115,297	ETWU=	73,306	Gallons
		9,812	Cubic Feet
		98	HCF
		0	Acre-feet
		0	Millions of Gallons

ETWU complies with MAWA

LANDSCAPE COURT LAND STUDIO ARCHITECTURE
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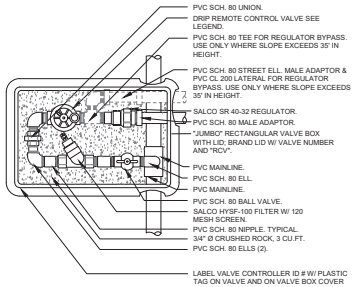


IRRIGATION SCHEDULE + MWELO

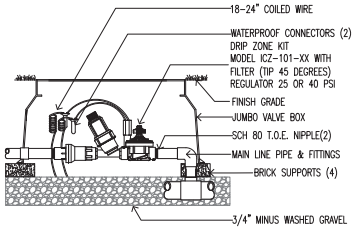
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Date: 05/24/2023

L-2.1

2023-07-07 Heathercliff CD Set

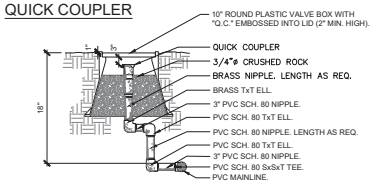


A MASTER CONTROL / SPRAY CONTROL VALVE

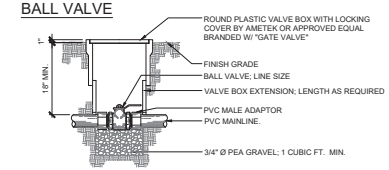


B DRIP REMOTE CONTROL VALVE

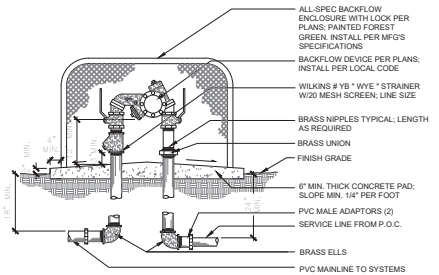
QUICK COUPLER



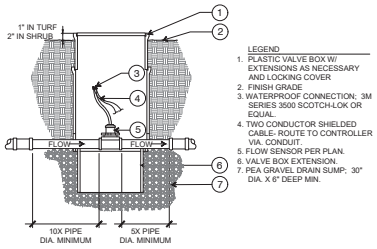
BALL VALVE



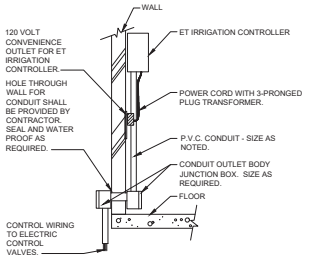
C QUICK COUPLER & BALL/GATE VALVE



D REDUCED PRESSURE BACKFLOW DEVICE



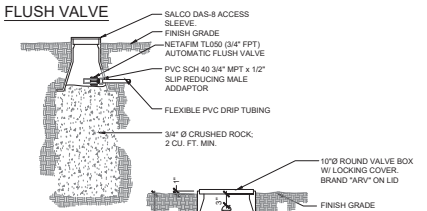
E FLOW SENSOR



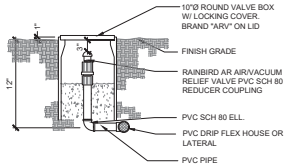
*NOTE: FOR AUTOMATIC CONTROLLERS WITH INTERNAL TRANSFORMERS, PLUG 120 VOLT POWER CORD DIRECTLY INTO CONVENIENCE OUTLET.

F WALL MOUNT CONTROLLER

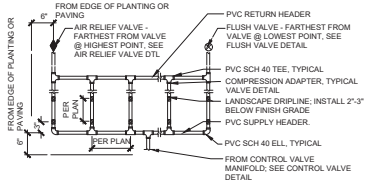
FLUSH VALVE



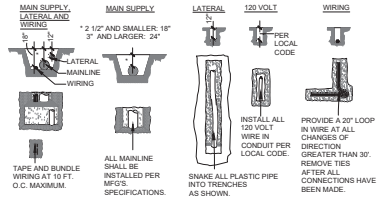
DRIP AIR-VACCUM RELIEF VALVE



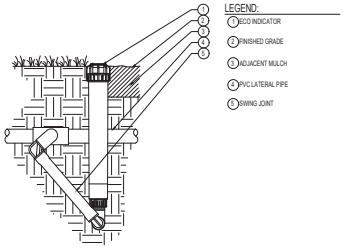
G FLUSH VALVE & AIR/VACUUM RELIEF VALVE



H DRIP TUBING INSTALLATION

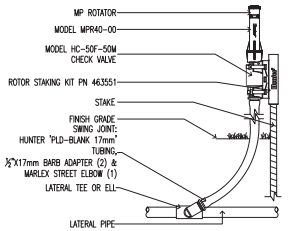


I PIPING & WIRING



J ECO-ID INDICATOR

K



L MP ROTATOR

2023-07-07 Heathercliff CD Set

LANDSCAPE COURT LAND STUDIO ARCHITECTURE

COURTLAND STUDIO, LLC
505 E Colorado Blvd. Mezz C
Pasadena CA 91101
P: 818-788-9382
F: 818-788-3217
Licensed Landscape Architect #3620

David Kellen
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Santa Monica, CA 90405
310-245-3584

Client:

Project location:
29329 Heathcliff Road
Malibu, CA 90265

LICENSED LANDSCAPE ARCHITECT Paul A. Lewis No. 3620 STATE OF CALIFORNIA

IRRIGATION DETAILS

Scale: 1/8" = 1'-0"
Date: 05/24/2023

L-2.2

2023-07-07 Heathercliff CD Set

November 18, 2024

Project No. 12458.001

ACS International LLC
5905 Gray Rock Road
Agoura Hills, California 91301

Attention: Mr. Alan Hajjar

Subject: Response to Planning Commission Comment
Parcel 11 of Lot 11, Rancho Topanga Malibu Sequit,
29329 Heathercliff Road (APN 4468-011-011),
City of Malibu, Los Angeles County, California

At your request, Leighton and Associates, Inc. (Leighton) is providing this letter to respond to the planning commission comments regarding the proposed residential development at 29329 Heathercliff Road in Malibu, California. Our previous geotechnical reports approved by the City of Malibu are listed in the reference list provided on this letter.

Our approved geotechnical and geologic reports for the subject site considered our subsurface exploration within the property and geologic information of the surrounding properties as summarized in our September 3, 2020 report. Utilizing both the onsite and offsite geologic information we evaluated deep global slope stability and surficial slope stability within and extending beyond the property limits. The results of the slope stability analysis as presented in our previously approved reports indicated factor of safety in excess of City of Malibu requirements for global and surficial stability. The results of slope stability analysis indicate that the proposed development will not increase a hazard for slope instability within or beyond the property limits.

We appreciate this opportunity to be of continued service to ACS International, Inc.. If you have any questions regarding this letter, please contact us at your convenience.



Respectfully submitted,

LEIGHTON AND ASSOCIATES, INC.

Robert Hennessey, PE 86902
Associate Engineer
rhennessey@leightongroup.com

References

City of Malibu, 2020, Geotechnical Review Sheet, Dated August 18, 2020.

Leighton and Associates, Inc. (Leighton), 2019, Geotechnical Exploration for Proposed Residential Development, Parcel 11 of Lot 11, Rancho Topanga Malibu Sequit, 29329 Heathercliff Road (APN 4468-011-011) City of Malibu, Los Angeles County, California, Project No. 12458.001, dated November 27, 2019.

_____, 2020a, Responses to City of Malibu Geotechnical Review Sheet, Dated January 29, 2020 Regarding Leighton and Associates Inc.'s Geotechnical Exploration for Proposed Residential Development, Parcel 11 of Lot 11, Rancho Topanga Malibu Sequit, 29329 Heathercliff Road (APN 4468-011-011) City of Malibu, Los Angeles County, California, Project No. 12458.001, dated March 12, 2020.

_____, 2020b, Responses to City of Malibu Geotechnical Review Sheet, Dated August 18, 2020 Regarding Leighton and Associates Inc.'s Geotechnical Exploration for Proposed Residential Development, Parcel 11 of Lot 11, Rancho Topanga Malibu Sequit, 29329 Heathercliff Road (APN 4468-011-011) City of Malibu, Los Angeles County, California, Project No. 12458.001, dated September 3, 2020.

City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	December 12, 2024	**Review Log #:**	**4615**
Site Address:	29329 Heathercliff Road		
Lot/Tract/PM #:	n/a	**Planning #:**	**CDP 20-003**
Applicant/Contact:	Alan Hajjar, alan@myacsinc.com	**BPC/GPC #:**	
Contact Phone #:	818-383-1800 **Fax #:**	**Planner:**	**Allison Cook**
Project Type:	New split-level single-family residence with pool and OWTS		

Submittal Information

Consultant(s) / Report Date(s): *(Current submittal(s) in **Bold**.)*	Leighton & Associates, Inc. (Geoffrey F., CEG 2512; Hennessey, R., RCE 86902): **10-23-24**, 11-30-23, 10-27-23, 9-10-23, 9-3-2020, 3-12-20, 11-27-2019 Architectural Plans by David Kellen & Associates, Inc., dated **September 21, 2023,** March 19, 2023**,** January 9, 2020**.** Preliminary Grading Plan by Planex Associates dated **March 21, 2023,** July 17, 2023, December 12, 2019. Topography Survey by Elias Chaij, Survey date: May 29, 2019.
Previous Reviews:	12-12-23, 11-16-23, 10-9-2023, 9-10-20, 8-18-2020, 1-29-2020;

Review Findings

Coastal Development Permit Review

☒ The residential development project is **APPROVED** from a geotechnical perspective.

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

Building Plan-Check Stage Review

☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.

☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ **NOT APPROVED** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

Remarks

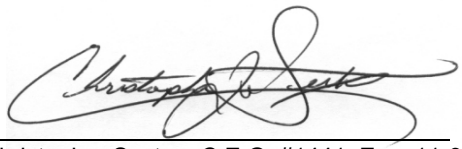
The referenced geotechnical reports and plans were reviewed by the City from a geotechnical perspective. Based on the submitted information, the project includes the construction of a new 4,050 ft^2 split-level, 18-foot tall, two-story single-family residence with an attached garage, swimming pool, and a new Onsite

Wastewater Treatment System (OWTS). Other ancillary improvements include retaining walls, landscaping and exterior hardscape. Grading consists of 230 yards of R & R; 1015 yards of cut and one yard of fill under the structure; 58 yards of fill for safety; 675 yards of cut and zero yards of fill non- exempt; and 624 yards of export. We understand that a revised plan is currently proposed that includes minor changes relative to the previous plan. Changes include additional stairs, a landing, and a change in retaining wall alignment.

Building Plan Check Review Comments:

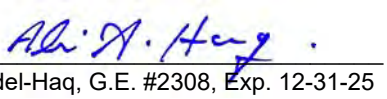
1. Please submit a fee of $ 1,179.00 to City geotechnical staff for building plan check review.
2. The consultant should evaluate the potential for interaction (example: lateral surcharge) between the closely located retaining walls and between the basement sidewalls and adjacent foundations/structures. Using the 1:1 criterion for lateral surcharge is not acceptable for lateral surcharge unless substantiated by analyses and/or references. Footings below a 1:1 plane behind walls could laterally surcharge the walls. Lateral surcharge behind any proposed retaining walls needs to be evaluated using an appropriate method (e.g.: 1- Spangler & Handy {1982}, Soil Engineering, fourth Edition, Harper & Row, New York; 2- Navy Design Manual NAVFAC DM-7.2, Figures 11 & 12).
3. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. The Project Geotechnical Engineer has recommended that the vapor barrier be a minimum thickness of 15 mils, conform to ASTM E1745 Class A requirements, and be installed in accordance with ASTM E1643. Building plans shall reflect the Consultant's recommendation.
4. The following notes must be added to the grading plan:
   a. The geotechnical consultant should determine the expansion potential of the finish grade materials at the completion of grading. Foundation design recommendations should be revised if the expansion potential of finish grade materials substantially differs from the assumed expansion range.
   b. At the completion of grading, samples of the onsite soils should be collected and tested for corrosion potential. Final recommendations for mitigation measures including cement type should be based on the corrosion potential of the finish grade materials.
   c. The geotechnical consultant should determine at the completion of grading the R-value of the finish grade materials within parking and access road areas. Final pavement design should be based on the actual R-value of the finish grade materials.
5. An as-built report shall be submitted to the City for review. This report prepared by the Geotechnical Consultant must include the results of all compaction tests as well as a map depicting the limits of fill, locations and elevations of all density tests, outline and elevations of all removal bottoms, keyway locations and bottom elevations, locations of all subdrains and flow line elevations, and location and elevation of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map.
6. Two sets of final Grading, Retaining Wall, Swimming Pool/Spas, Guest House, 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:  12/12/2024

Christopher Sexton, C.E.G. #1441, Exp. 11-30-26
Engineering Geology Reviewer (805-496-1222)
Email: chris@geodynamics-inc.com

Date

Geotechnical Engineering Review by:  12/12/2024

Ali Abdel-Haq, G.E. #2308, Exp. 12-31-25
Geotechnical Engineering Reviewer (805-496-1222)
Email: ali@geodynamics-inc.com

Date

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

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

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

City of Malibu

– GEOTECHNICAL –

NOTES FOR BUILDING PLAN-CHECK

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

1. One set of grading, retaining wall, swimming pool and spas, guest house, and residence plans, incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**
2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Building, Seawall, and Grading Plans.
3. Include the following note on Grading and Foundation Plans: "*Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Project Geotechnical Consultant, as appropriate.*"
4. Include the following note on the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel."*
5. The Foundation Plans for the proposed project shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
6. Show the onsite wastewater treatment system on the Site Plan.
7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
8. A comprehensive Site Drainage Plan, incorporating the Project Geotechnical Consultant's recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

Grading Plans (as Applicable)

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

Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the Geotechnical Consultant, on the Plans.
2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.

City of Malibu
MEMORANDUM

To: Raneika Brooks, City of Malibu Planning

From: Courtney McCammon; Contract City Biologist

Date: December 31, 2024

Re: 29329 Heathercliff Road; CDP 20-003, Biology Review

The purpose of this memo is to provide an independent review of the biological resources on the project site, 29329 Heathercliff Road, following a site visit as requested by the Planning Department.

The Contract City Biologist was asked to visit the aforementioned project site. The site visit was conducted on the morning of Tuesday, December 31st, 2024, by Contract City Biologist, Courtney McCammon. The purpose of the site visit was to assess the property at 29329 Heathercliff Road where the biologically controversial area exists. Some caveats about this site visit include: no formal jurisdictional delineation was requested nor conducted; no formal biological assessment was requested nor conducted; no formal tree survey was requested nor conducted (i.e. tree DBH was not taken).

ESHA Determination

The Planning Department has received several letters regarding the project site and the vegetation being classified as ESHA. The nearest mapped ESHA is approximately 1,180-feet away and is associated with Zuma Creek. Per Malibu LIP Chapter 2, ESHA is defined as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments". Based on the site visit conducted at the 29329 Heathercliff Road project site, there does not appear to be ESHA present on the project site. The area where the single-family residence is being proposed (Figure 1) is comprised of non-native and ornamental vegetation including but not limited to: Bermuda buttercup (*Oxalis pes-caprae*), black mustard (*Brassica nigra*), artichoke thistle (*Cynara cardunculus*), and curly dock (*Rumex crispus*). Downslope from the area where the residence is proposed, there is native vegetation including but not limited to: coyote bush (*Baccharis pilularis*), California cudweed (*Pseudognaphalium californicum*), laurel sumac (*Malosma laurina*), and blue elderberry (*Sambucus mexicana*). Immediately adjacent to the project site (Figure 2) on another property is a stand of holly leaf cherry (*Prunus ilicifolia*) and laurel sumac (*Malosma laurina*). None of the above-mentioned plants are especially rare or valuable within the Malibu area especially considering the site has been previously disturbed and is mostly dominated by non-native vegetation. The City Biologist did not identify any rare or threatened plants on the project site. The City Biologist did not observe any native protected trees including coast live oak trees.



Figure 1. Non-native vegetation where the single-family residence is being proposed.

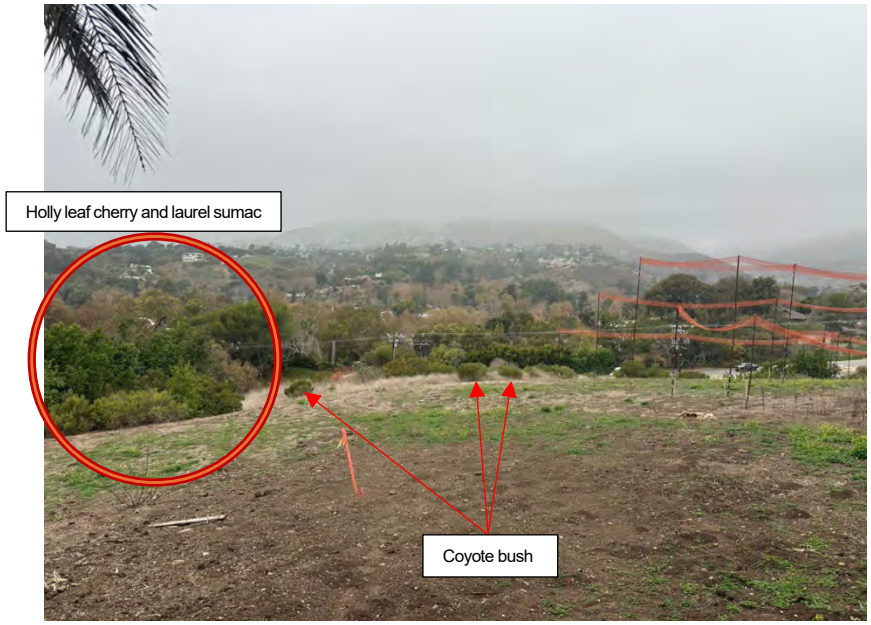
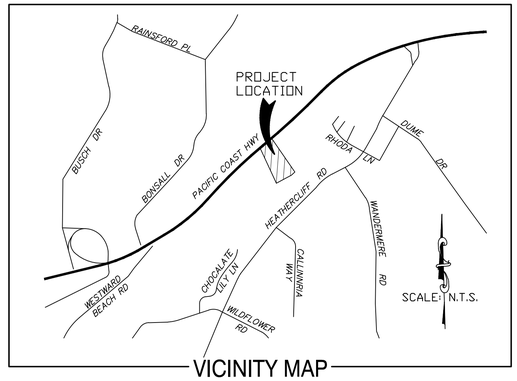


Figure 2. Area of single-family residence and stand of holly leaf cherry with laurel sumac.

Recycled Paper





VICINITY MAP

LEGEND (WHERE APPLICABLE)

XX.XX	EXISTING SPOT ELEVATION	AP	ANGLE POINT
	TREE/TREE LINE	COR	CORNER
		FCE	CHAINLINK FENCE
		GB	GRADE BREAK
		GS	GROUND SHOT
		TOE	TOE OF SLOPE
		TOP	TOP OF SLOPE

BENCH MARK Y11710
ELEVATION: 177.388

LACO BM TAG IN SE COR CONC FIRE HYDRANT PAD, 46' N/O C/L PACIFIC COAST HWY & 0.1 MI W/O C/L HEATHERCLIFF RD, (95' W/O GATE TO NURSERY)

MALIBU QUAD (2008 ADJ) NAVD 88

ASSESSOR'S PARCEL NUMBERS:
4468-011-011

OWNER:
ACS INTERNATIONAL, LLC

BOUNDARY NOTE:
BOUNDARY ESTABLISHED FROM DEED CALLS, UTILIZING CENTERLINE MONUMENTATION FOUND ALONG HEATHERCLIFF ROAD AND FROM PACIFIC COAST HIGHWAY, RECORD DATA PER TRACT NO. 17808, MB 438, PGS. 43-45.

GROSS LAND AREA:
33,532 SQUARE FEET (0.77 ACRES) +/-

DATE OF SURVEY:
ORIGINAL SURVEY: 5/29/19

RE-SURVEY ACCESS EASEMENT: 10/08/24

SURVEYOR'S NOTE:
GROUND TOPOGRAPHIC SURVEY PERFORMED ON 5/29/19, AND SUPPLEMENTED WITH LA COUNTY GIS DATUM CONTOURS BELOW ELEVATION 165.00, SHOWN HEREON, DUE TO HEAVY VEGETATION AND LIMITED GROUND VISIBILITY.

RE-SURVEY OF ACCESS EASEMENT PERFORMED ON 10/08/24, AND INCORPORATED INTO THIS MAP.

Slope Table					
Number	Slope Ratio	Minimum Slope	Maximum Slope	Area	Color
1	< 4:1	0.00%	24.99%	17,609	
2	≥ 4:1 < 2:1	25.00%	49.99%	10,889	
3	≥ 2:1	50.00%	+300.00%	5,034	

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

PROFESSIONAL LAND SURVEYOR ELIAS CHAIJ L.S. 8908 STATE OF CALIFORNIA

ELIAS CHAIJ, PLS 8908
EXP.: 9/30/26

10/16/24
DATE

SLOPE BAND ANALYSIS WITH SITE PLAN OVERLAY

OWNER:
ACS INTERNATIONAL, LLC
1666-1/2 McCADDEN PLACE
LOS ANGELES, CA 90028

EXHIBIT PREPARED BY:
ELIAS CHAIJ
15627 NORTHWIND AVENUE
FONTANA, CA 92336
(909) 278-3116

SURVEY DATES: 5/29/19 AND 10/08/24 PLOT DATE: 10/16/24

DRAWN: E.C.

CHECKED: E.C.

TOPOGRAPHIC SURVEY
APN 4468-011-011
VACANT LAND – PACIFIC COAST HWY.
MALIBU, CA

SCALE: 1" = 20'

JN 1921-B

SHEET NO. 1 OF 1

EXHIBIT 3

EXHIBIT 4

AREA NEEDED.
PINK FENCE IS THE
NEW PROPOSED
FENCE

EXHIBIT 5

EXISTING FENCE

FENCED MOVED

EXISTING FENCE

Planning Commission

From: Jo Drummond [redacted]
Sent: Monday, February 10, 2025 11:08 PM
To: Yolanda Bundy; Trevor Rusin; Planning Commission; Maureen Tamuri; Allison Cook
Cc: Larry Roth; Heather Roth; Pam Adams; Brian Adams; Justin R. Trujillo; Patt Healy
Subject: Letter missing in staff report etc

Follow Up Flag: Follow up
Flag Status: Flagged

Received
2/11/25
Planning Dept.

Hello Maureen, Trevor & Alison,

After looking through the staff report I request that p 60 be checked - it looks like Justin Trujillo's letter of October 5, 2024 is missing.

Also why is there no close up photo or image of the property lines that the applicant is planning on "taking" of the Adams property at 29327 Heathercliff Rd? It looks like it might be right up against the pool equipment and encroaching into the home's necessary setback area.

This is an ACTIVE dispute between the existing homeowner and the applicant so how can this item even be heard when this is still not settled?

The City, in fact, just approved the pool, equipment, etc on the Adams lot only a few years ago so MUST have proof that it's the Adams property. What proof has been given that shows this is actually the applicant's easement? Until a court can settle this, this item cannot be heard.

Pls advise.

Thanks very much, Jo Drummond

[redacted]

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 2/11/25 Time 10:30 AM
Planning Commission meeting of 2/18/25
Agenda Item No. 4A
Total No. of Pages 1

EXHIBIT 6

From:	Jo Drummond
To:	Planning Commission; John Mazza; Elizabeth Riddick; Kraig Hill; Rebecca Evans; Trevor Rusin; Doug Stewart; Drew Leonard
Cc:	Patt Healy; Bill Sampson; Mariela Guastavino; Dru Ann Jacobson; Ann Doneen; Rosemarie Ihde; Jo Drummond; Justin R. Trujillo; Malibutownshipcouncil Info; Brian Adams; Pam Adams; Heather Roth; Larry Roth
Subject:	Item 4A - 29329 Heathercliff Rd - MTC opposition
Date:	Tuesday, February 18, 2025 3:02:08 AM
Attachments:	Video_2.mov Video_1.mov Video 2.mov Screen Shot 2024-11-16 at 8.40.35 PM.png Screen Shot 2024-11-16 at 9.19.42 PM.png Screen Shot 2024-11-17 at 12.54.03 AM.png Screen Shot 2024-11-17 at 12.57.07 AM.png slopecalculation.png firehydrantdistance.png proposedhammerheadsecondlot.png ridgelinemockview.png MTCopposition29329Heathercliff_final.pdf

Received
2/18/25
Planning Dept.

Honorable Planning Commissioners,

The Malibu Township Council requests that this item not be heard tonight and needs to be sent back to planning or withdrawn for the following reasons:

1. In the aftermath of the hugest disaster in all of Malibu's history it is ABSURD that this application is being heard, with it's almost 400-page staff report, ahead of all the planning that should be diverted to rebuild the over 700 homes that were burned down to the ground in Eastern Malibu. There is a current lawsuit filed by the adjacent neighbor disputing the property easement that is required by the applicant to build. The applicant's deed supposedly claims to have entitlement to an egress easement right on the neighbors' property at [redacted] Heathercliff Road, The Adams, who have lived there for almost 25 years have recently had a pool approved and built through the City within this alleged "easement" that is not on their own deed where all is shown as their property. The applicant would attempt to build a fire lane driveway on the Adams' land and move the fence on their existing property line and cut into their pool and pool equipment and leave no setback between their home and the driveway which is IMPOSSIBLE. Regardless, the Adams have owned the property for over 5 years and paid property taxes on the entire lot, therefore, under California law, have possession of the entire lot through a "prescriptive/irrevocable easement". The City has NO authority to grant entitlements for development on property which the applicant neither owns nor has rights to use.

2. The majority of the hammerhead driveway is being proposed on a second lot and there exists NO application for this grading, building and developing on this second lot.

If you decide to hear this application, then please deny it for the following additional reasons:

1. The current extended driveway is less than 15 feet wide (see attached from p 77 of the staff report) where the fire dept requires 20 feet and the applicant currently has a legal dispute with the property owners of [redacted] Heathercliff Road over where the applicant wishes to extend into "their property." Regardless the entire length of the driveway would need to be 20 feet and the applicant does not have any easement for the entire length of the current 14 foot driveway. At 14 feet wide no fire truck would EVER come down that lane to put out any fires on the lot to defend all the homes along Heathercliff Road. The fire department will likely never be able to protect us so we at the very least expect the City to protect us by denying this project on this basis alone.

2. The fire hydrant is over 400 feet away from the new home with only a 14 ft. wide driveway.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 2/18/25 Time 7:30 AM
Planning Commission meeting of 2/18/25
Agenda Item No. 4A
Total No. of Pages 11

This is certainly increasing the fire risk to the other homes in the area. The fire department does not approve access down a long driveway – the fire code states that "The minimum width for a fire lane in California is 26 feet, with some exceptions:
Hydrants: The minimum width is 26 feet where a fire hydrant is located
Dead ends: The minimum width **is 20 feet** for dead ends up to 150 feet long. For dead ends longer than 150 feet, the width and turnaround provisions depend on the length of the dead end
Turning radius: The fire code official determines the minimum turning radius
Grade: **The maximum grade is 10%,** unless the fire chief approves a steeper grade
Gates: Fire apparatus access road gates must be manually operated by one person, or have a means for emergency access by fire department personnel

The current access road (fire lane) is only 14 feet wide maximum and therefore CANNOT legally access the property which is at least 150 feet from Heathercliff Road. Again, the applicant DOES NOT OWN ANY of the easement of the upper portion of the driveway and therefore cannot legally widen the entire driveway to the 20 feet required.

3. The site for the new construction is within an ESHA buffer zone. Julie Clark, a renowned biologist of the local chapter of the National Plant Society, inspected the property with the neighbors and found several species of native plants that had been recently bulldozed up to the edge of the build site. Native Plants and trees discovered are oak, Evergreen Cherry, Laurel sumac, and coyote brush. There are many different bird species living and breeding on the property including hawks, warblers, sparrows, wrens, flycatchers, etc. Thus, the project would require another variance to build within the ESHA buffer.

4. The applicant completed illegal grading (see attached videos) to lower the upper grade of the property without any excavation permit. They removed approximately 1-2 feet from the top of the slope at both the neighbors' fence lines. They also removed MANY native plants in the process. They also completed grading on the section of the driveway owned by the adjacent neighbors, risking breaking the law to reduce the grade to get as close to the 10% required for the fire lane access.

5. The attached GIS-NET map from 2016 and slope calculation shows the elevations of the lot in 2 ft increments and indicates a 3.33:1 or 30% slope NOT greater than 4:1 or 25% as the applicant's current survey states. On page 34 of the staff report it states clearly, "*Chapter 4 of the LIP addresses Environmentally Sensitive Habitat Area (ESHA). Section 4.6.1(A) of the LIP states, "However, in the Point Dume area, new development shall be designed to avoid encroachment on slopes of 25 percent grade or steeper."*

On page 6 of the Responses to the City's Geotechnical Review Sheet – Jan. 29, 2020 (in google drive link below), it states under "site description - The site topography slopes gently down grade from Heathercliff road to the north. At about the midpoint of the site the topography increases in downslope gradient to approximately 2H:1V (horizontal: vertical) or slightly steeper toward PCH and the commercial development to the north and west. Yet the plans for the home shows a much less steep grade which is not correct as seen in these photos attached from the staff report (p71-74) and the geotechnical report of Nov 27, 2019 from p. 40 which actually shows a 40% grade - MUCH STEEPER than 25%.

6. The plans apparently include a "cantilevered pool" (see p 65 & 206 of staff report) and would require retaining walls in the unstable ESHA cliffside and is also encroaching on the ridgeline. On page 12 of the geotechnical report dated Nov 27, 2019, it states."3.13 Erosion The project site is subject to erosion, runoff, and sedimentation due to the granular nature of the site soil…. Native

vegetation should remain in place on these slopes upon completion of the construction to prevent erosion." There have been landslides in the nearby vicinity in the recent past above the commercial property to the north. Due to the ESHA native vegetation present a 100 ft setback is required and the erosion needs to be taken into consideration. And with massive rains and illegal grading occurring on the lot the threat of erosion and mudslides is certain.

LIP 4.7.2 **Fencing or walls shall be prohibited** within the following ESHA types: riparian, bluff, canyons in Point Dume or coastal dunes, except where necessary for public safety or habitat protection or restoration." The pool cantilevered walls therefore are prohibited.

7. On page 28 of the same geotechnical report dated Nov. 27, 2019 it states, "Building foundations constructed on or near a descending slope should be set back or deepened to provide a minimum footing setback equal to the total height of the slope (H) divided by three (H/3). The footing setback should be a minimum of 5 feet for slopes up to 15 feet in height and vary **up to 40 feet for slopes up to 120 feet in height.**" This slope is well over 120 ft high at 2:1 slope ratio and needs a much further setback from the ridgeline.

8. This proposed build is on a ridgeline that is EXTREMELY viewable from PCH. The other homes behind this property are barely visible therefore have no scenic impacts however, this is the **only** (proposed) home in the area that can be seen fully from the highway and built ON the ridgeline (see attached photo from p 184 of the staff report and two photos taken Saturday afternoon from PCH) therefore another variance is required. The other homes have been properly set back at least 300 ft from the ridgeline. They also were all there before city hood. This cannot be ignored.

LIP Chapter 2 – Definitions:
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 five hundred feet (500′) 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 ten feet (10′) in one hundred feet (100′) horizontally on either side of the top of this landform feature.

6.5 C. Hillside Development
1. Ridgelines
a. New development shall be sited and designed to prohibit construction of structures on a primary or secondary ridgeline. **Any structures shall be located a minimum of 300 feet** (measured horizontally) or 100 feet (measured vertically) from the top of a primary ridgeline and shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway.
b. Where there is no feasible building site that can conform to the requirements of Section a, or where the only feasible building site would result in unavoidable adverse impacts to environmentally sensitive habitat areas, then a variance may be approved for a building site that does not conform to these standards, with design measures that minimize the visual resource impacts. Any structures approved on such a building site **shall be limited to one-story in height.**

So at the very least the home should be reduced to one story and reduced in height by at least 3 feet AND apply for another variance. LCP Interpretation 16 states, "*Parcels in neighborhoods that are considered largely developed or built out will not be subject to ridgeline standards,* ***unless development of the project site could result in potentially significant impacts on visual***

resources." As you can see in the attached photos they DO IMPACT visual resources immensely. It also states, "*For project sites on ridgeline features that include areas exceeding 20 percent slope and meet all other LCP applicability thresholds for scenic resource protection, ridgeline development standards apply."*

The City's policy is to apply the most restrictive of the two when the LIP and MMC conflict. An even with a variance the findings could not be made as the other homes are set back 300 ft from the ridgeline and this one would receive special privilege for being right at the edge.

9. No Basis Exists for the Front Yard Setback Modification. The slope above 4:1 is not a valid reason for a 50% setback reduction. All the other homes in the area are ALONG Heathercliff Rd and have proper access to fire trucks, exit to PCH, etc. and cannot be compared to these two lone junk lots in a high fire hazard zone behind these homes.

The least environmentally damaging project that can be built on that lot must be a small one-story home no more than 15 ft high that does not alter the landform with unnatural grading into the hillside with the pool. Also, there should be a restriction of building only one home on the two lots below due to 1. The narrow egress lane will not encourage fire trucks to come down and 2. So the hammerhead driveway can be moved OFF the neighbors' property. Otherwise, I'm sure all the neighbors impacted would be willing to buy the land off the applicant to preserve the environmentally sensitive habitat area and wildlife back there.

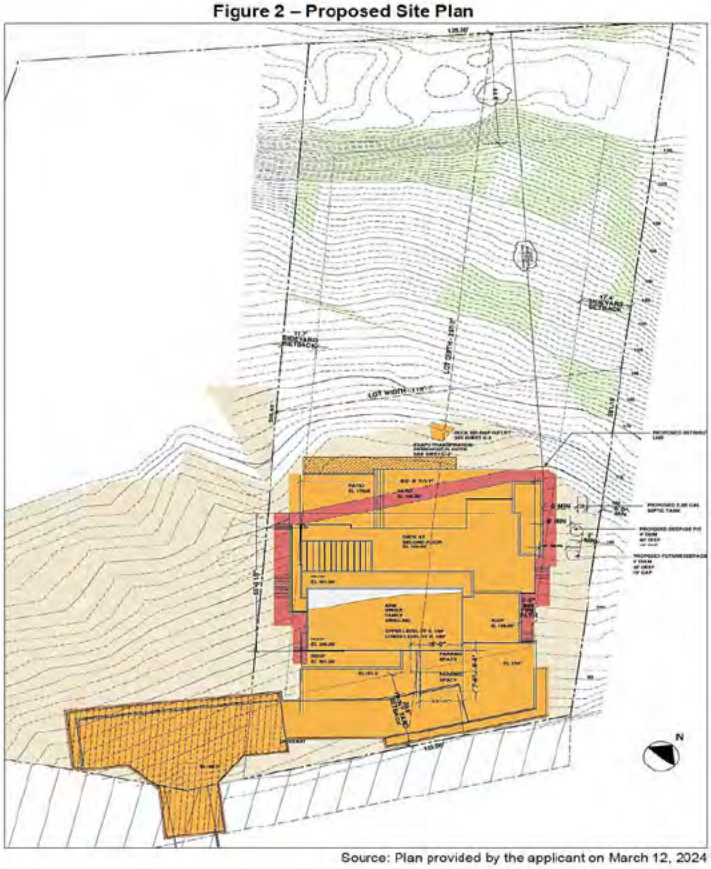
Thank you for considering ALL these facts. Please realize that the City Council majority is NOW a preservationist majority and do NOT want their time and the City's money wasted with egregious, illegal projects and NEED to focus on our fire rebuilds.

Jo Drummond
Malibu Township Council

29339 heathercliff - Google Drive

29339 heathercliff - Google Drive

Figure 2 – Proposed Site Plan

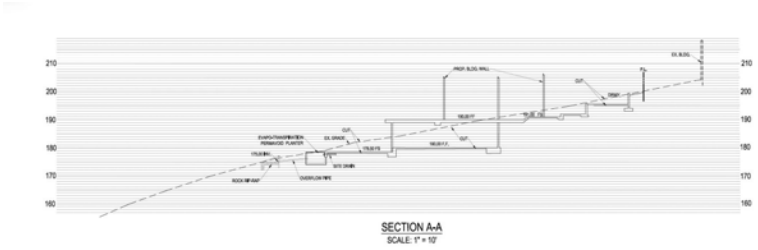


Source: Plan provided by the applicant on March 12, 2024



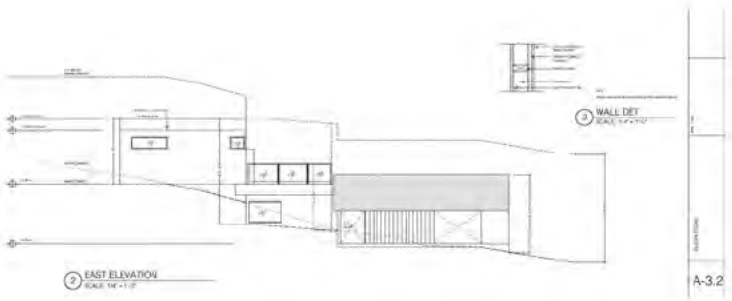


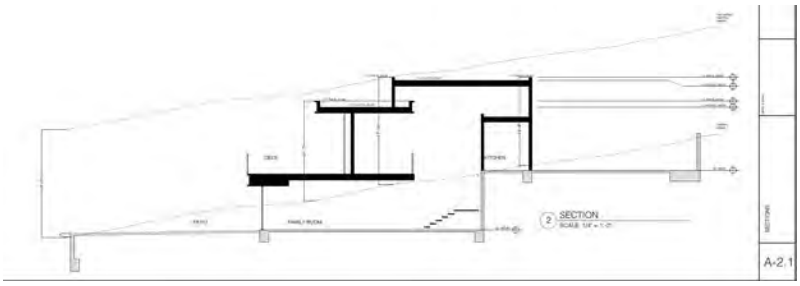


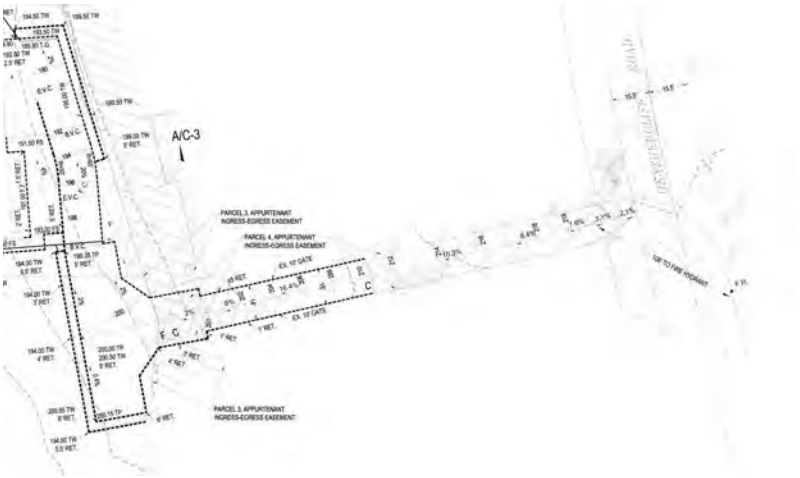


SECTION A-A
SCALE: 1" = 10'

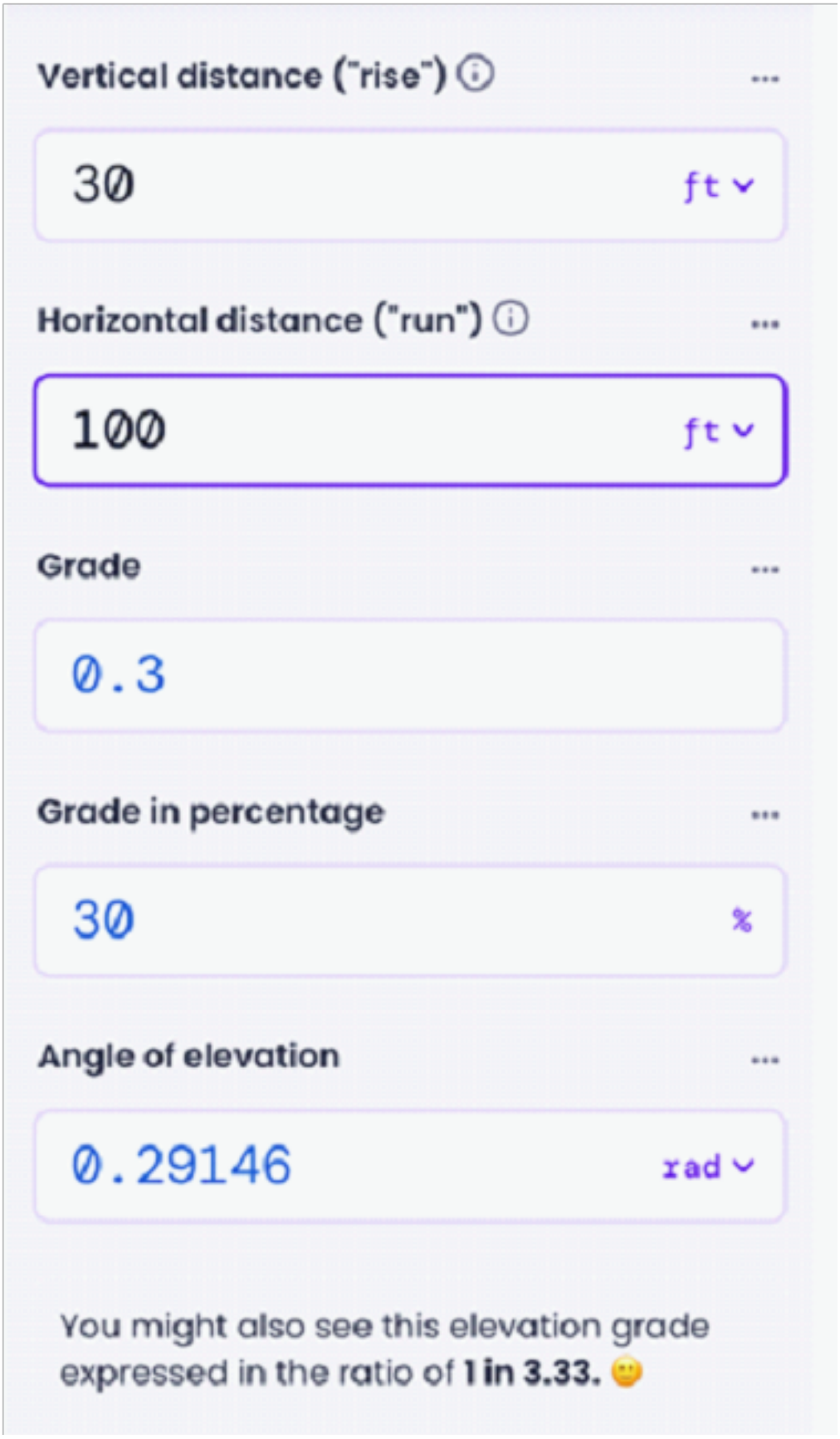
Inline image

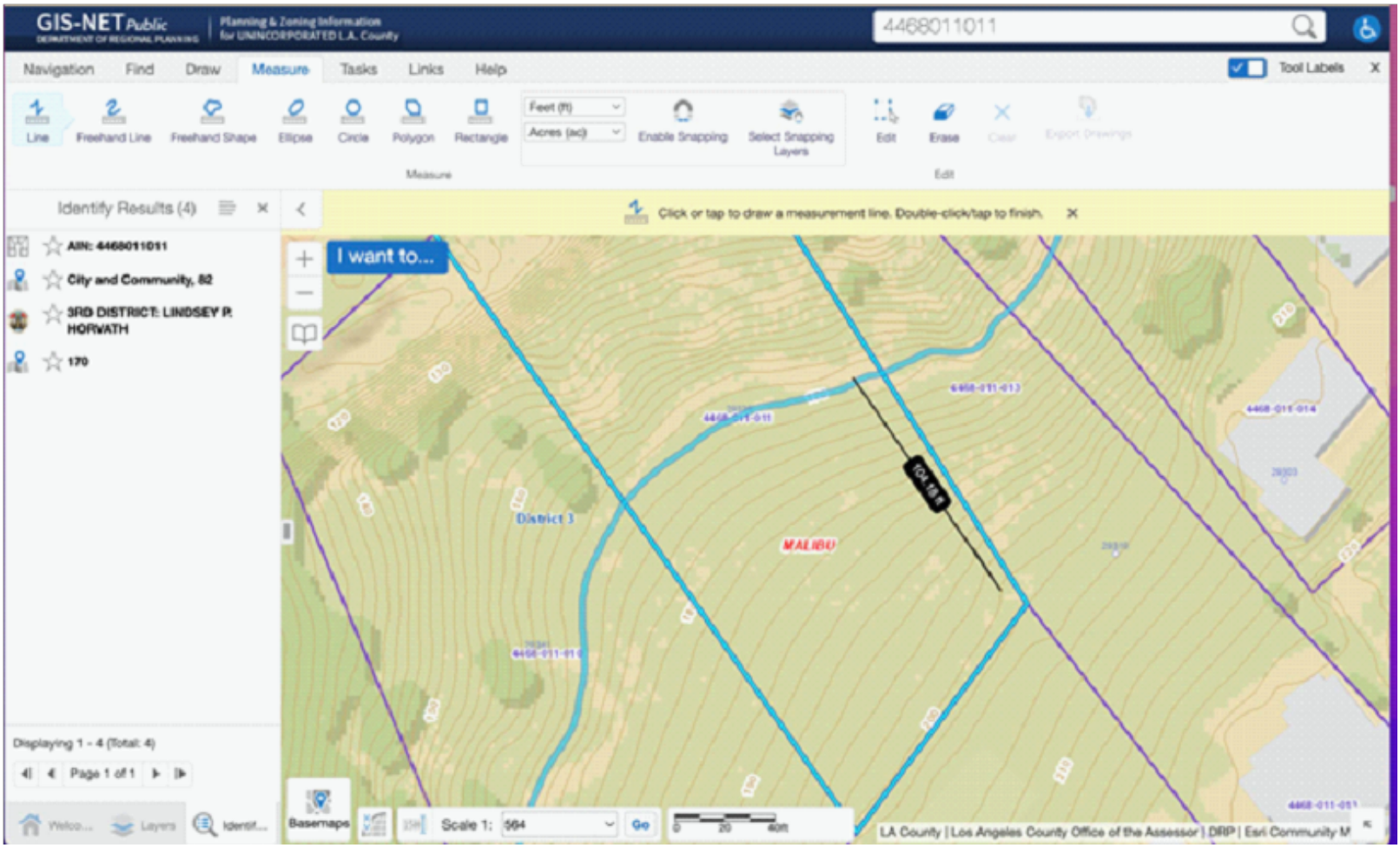



2 SECTION
A-2.1


A/C-3
PARCEL 3 APPURTENANT
INGRESS-EGRESS EASEMENT
PARCEL 4 APPURTENANT
INGRESS-EGRESS EASEMENT
EX. 12' GATE
EX. 12' GATE
PARCEL 3 APPURTENANT
INGRESS-EGRESS EASEMENT




Vertical distance ("rise")
30
ft
Horizontal distance ("run")
100
ft
Grade
0.3
Grade in percentage
30
%
Angle of elevation
0.29146
rad
You might also see this elevation grade expressed in the ratio of 1 in 3.33.


GIS-NET Public
Planning & Zoning Information for UNINCORPORATED L.A. County
4468011011
Navigation
Find
Draw
Measure
Tasks
Links
Help
Tool Labels
Line
Freehand Line
Freehand Shape
Ellipse
Circle
Polygon
Rectangle
Feet (ft)
Acres (ac)
Enable Snapping
Select Snapping Layers
Measure
Edit
Erase
Clear
Export Drawings
Edit
Identify Results (4)
Click or tap to draw a measurement line. Double-click/tap to finish.
AIN: 4468011011
City and Community, 82
3RD DISTRICT: LINDSEY P. HORVATH
170
I want to...
District 3
MALIBU
Displaying 1 - 4 (Total: 4)
Page 1 of 1
Basemaps
Scale 1: 564
Go
0 20 40m
LA County | Los Angeles County Office of the Assessor | DRP | Esri Community M

Received
02/18/25
Planning Dept.

From: [redacted]
To: Planning Commission
Subject: Iitem 4A 2-18 25 29329 Heathercliff
Date: Saturday, February 15, 2025 2:19:08 PM
Attachments: PC- 29329 Heathercliff 2-18-25 F(f) (2).pdf

Commissioners attached are Slow Growths updated comments on the above mentioned projec.t

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 02/18/25 Time 7:30 AM
Planning Commission meeting of 02/18/25
Agenda Item No. 4A
Total No. of Pages 3

To: Planning Commission
From: Malibu Coalition for Slow Growth by Patt Healy
Re: item: 4A 29329 Heathercliff
Date: 2-18-25

Honorable Commissioners,

The Malibu Coalition for Slow Growth opposes this project for the following reasons:

1. **It is premature to hear this project since there is an existing title dispute that has yet to be resolved between the Applicant and the Owners of 29327 Heathercliff. Until this is resolved this project shouldn't be heard and can't proceed.**

However, this project as designed should be denied if you decide to hear this project because:

2. **It is not set back the required 100 ft. from the ESHA slope which is covered with native habitat.**
3. **It can't meet the required front yard setback.**
4. **This project is on a primary ridgeline that is visible from PCH, a scenic highway. Other visible structures are on this ridge but they were constructed prior to cityhood. It is the city's obligation to preserve its scenic recourses not to desecrate them. Moreover, the Shopping Center and the Mobile Home Park's homes which are on the ridge are not in the same neighborhood as the applicant's project . The neighborhood where the proposed project would be built has no homes visible from PCH. All the existing residences in this Heathercliff neighborhood are all**

setback from the ridge and are not visible from PCH. Therefore, this project fails to meet the neighborhood character.

5. **It blocks the ocean view of the neighbor at 29257 Heathercliff as shown in the photo on page 187 of 287 in the online November,2024 staff report. If the second story were removed it appears from the photo this ocean view wouldn't be blocked.**
6. **The staff report states it is a 2 story residence but the geologic review sheet on page 165 0f 278 of the online report states they reviewed a single story structure. Therefore, the geotectonically review has to be redone before this project can move forward.**
7. **The fire department requires a 20 ft. wide driveway entrance and this driveway is only 15 ft wide and there is no way a fire truck can access this property because it is wedged between 2 developed lots. And the property owners of these 2 to lots are unwilling to grant the applicant the needed square footage to meet the 20 foot requirement.**
8. **The proposed hammerhead is required to be on the Applicant's lot but a portion of it is on is on the adjacent lot.**

In conclusion, for all the reasons stated above a CDP can't be granted for this project since the necessary findings can't be made including the finding that this project is not the least damaging environmental damaging alternative.

Thank you for considering our comments.

Received
2/12/25
Planning Dept.

February 10th, 2025

City of Malibu
23815 Stuart Ranch Rd.
Malibu, CA 90265

RE: Coastal Development Permit No. 20-003 – Item #4A Planning Commission Hearing February 18th, 2024

Dear Planning Commissioners,

I am writing to express my support for the approval for Item 4A on Tuesday's agenda, for the proposed single-family residence for the property located at 29329 Heathercliff Road.

The proposed design is complementary to the Point Dume neighborhood on Heathercliff Road. Project's such as these should be given the right to develop to build their dream home. The proposed design is consistent with the City of Malibu's LCP and many other single-family residences are similar to that of this property on Heathercliff Road.

While reviewing the project plans, the design is conscientious of the height limits, style, and comparable in TDSF of other properties nearby.

I support this project and recommend approval.

Sincerely Yours,

Ken Adelberg
[redacted]
Malibu, CA 90265

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 2/12/25 Time 11:15 AM
Planning Commission meeting of 2/18/25
Agenda Item No. 4A
Total No. of Pages 1

ELKINS KALT

Justin R. Trujillo
JTrujillo@elkinskalt.com
Ref: 15651-0001

Elkins Kalt Weintraub Reuben Gartside LLP

Received
2/12/25
Planning Dept.

February 11, 2025

Alan Hajjar
ACS International, LLC
[redacted]

Re: 29329 Heathercliff Rd., Malibu, CA 90265 (APN 4468-011-011)
Coastal Development Permit No. 20-003
Minor Modification No. 20-001

Dear Mr. Hajjar:

Our office represents your neighbors, Brian and Pamela Adams ("Clients"), who own the property at [redacted] Heathercliff, Malibu, California, also identified at APN No. [redacted] ("Adams Property"). We understand you own the neighboring property at 29329 Heathercliff, Malibu, California, also identified at APN No. 4468-011-011 ("Hajjar Property").

Introduction and Adams' Perspective

You have a pending development application with the City of Malibu ("City") seeking entitlements to construct, among other things, a new 4,050-square-foot, split-level, 18-foot tall, two-story single-family residence on the Hajjar Property ("Project"). Materials we obtained from the City (submitted by you or your team in connection with the Project) reveal that certain portions of the proposed development, including a fire department turnaround area, encroach over the boundary line and onto the Adams Property (the "Proposed Encroachments"). Further, email correspondence from City contract planner Allison Cook to our Clients dated April 4, 2024 also indicates that you seek to move a portion of the existing Adams Property fence to accommodate the Proposed Encroachments. We enclose copies of the Project Fire Access Exhibit showing the Proposed Encroachments and the referenced email.

Our Clients have not consented to the construction of the Proposed Encroachments and have not granted permission to use the Adams Property in any way. Further, our Clients have not consented to any entry onto the Adams Property and have not granted permission to move the existing fence or alter any existing improvements on the Adams Property in any way. Moreover,

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 2/12/25 Time 8:00 AM
Planning Commission meeting of 2/18/25
Agenda Item No. 4A
Total No. of Pages 7

T: 310.746.4400 F: 310.746.4499
10345 W. Olympic Blvd, Los Angeles, CA 90064 | elkinskalt.com

to our knowledge, no such consent or permission was ever granted by any of our Clients' predecessor(s)-in-interest.

Legal Analysis of Hajjar Rights to Adams Property

Your April 4, 2024 email to City contract planner Allison Cook outlines your claim of easement rights purportedly allowing for the Proposed Encroachments. The claim to such easement rights over the Adams Property appears based primarily on the Grant Deed recorded on April 3, 2019 as Instrument No. 20190291198 ("Hajjar Deed") in the Official Records of Los Angeles County. Through this deed, you acquired the Hajjar Property, which includes a description of "AN EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES [...]" purportedly burdening a portion of the Adams Property (the "Purported Easement").

We agree that the Hajjar Deed includes the Purported Easement. However, all rights pertaining to the Adams Property have terminated and are no longer enforceable. Since October 2000, when the Adams acquired the Adams Property, the entire parcel, a fence along the property line ("Adams Fence") has divided the two parcels and wholly enclosed the Purported Easement area on the Adams side of the Adams Fence. For over twenty-four (24) years, the Adams Fence has prevented you and your predecessor(s)-in-interest from accessing or using the Purported Easement. Throughout the Adams' ownership, the Adams Fence's location has constituted actual occupation of the Purported Easement, both preventing access by you and your predecessor(s)-in-interest and providing reasonable notice of the Adams' hostile claim to the property.

Further, the Adams' use and occupation of the Purported Easement satisfies all elements required for adverse possession under California law, including payment of all property taxes levied for a continuous and uninterrupted period exceeding five (5) years. *Vieira Enterprises, Inc. v. McCoy*, 8 Cal. App. 5th 1057, 1075 (2017). As a result, all rights to the Purported Easement have been extinguished. *Id.* ("[A] recorded easement may be extinguished if the use of the servient tenement, the property burdened by the easement [Citation], amounts to adverse possession of the easement, and nonuse by the dominant tenement may be a factor in determining whether possession has been adverse.").

Even if the Adams' adverse possession has not extinguished your easement rights (which we highly doubt), the Proposed Encroachments constitute an exclusive use and impermissible overburdening of the Purported Easement. These encroachments exceed the scope of rights explicitly granted in the Hajjar Deed for "INGRESS, EGRESS AND UTILITY PURPOSES." *Dolnikov v. Ekizian*, 222 Cal. App. 4th 419, 429, (2013) (An easement owner may not increase the

burden on, or unreasonably interfere with, the use of the servient tenement by the owner of the underlying fee.).

If constructed, the Proposed Encroachments would interfere with our Clients' use and enjoyment of the Adams Property and would therefore constitute both a trespass and nuisance with respect to the Adams Property. *Hirschfield v. Schwartz* (2001) 91 Cal.App.4th 754 (An encroachment may be actionable as a trespass or a nuisance.). Moreover, you have no right to seek, nor can the City grant, any entitlements for development on real property you do not own or have rights to use. LIP §§ 13.6.2(A) ("applicants must prove that they own the property which is the subject of the application or provide the City with written consent from the owner for the proposed development"); 13.6.2(C) (where the applicant is not the owner of a fee interest in the property on which a proposed development is to be located, then they must "demonstrate a legal right, interest, or other entitlement to use the property for the proposed development."); *see* also MMC § 17.04.150. The Adams have granted no such rights, and you have shown no such permission, legal right, interest, or other entitlement to the disputed area.

Consequently, our Clients demand that you immediately withdraw your Project entitlements applications and ensure that any proposed future development on the Hajjar Property will not encroach onto the Adams Property.

We request your prompt response indicating your intentions regarding withdrawal of the application for the Project entitlements (Administrative Coastal Development Permit 20-003 and Minor Modification 20-001). Failure to respond by 5:00 p.m., February 14, 2025 will compel our Clients to take all appropriate legal action to: 1) prevent you from obtaining entitlements for development on the Adams Property, and 2) enforce their rights to the Adams Property.

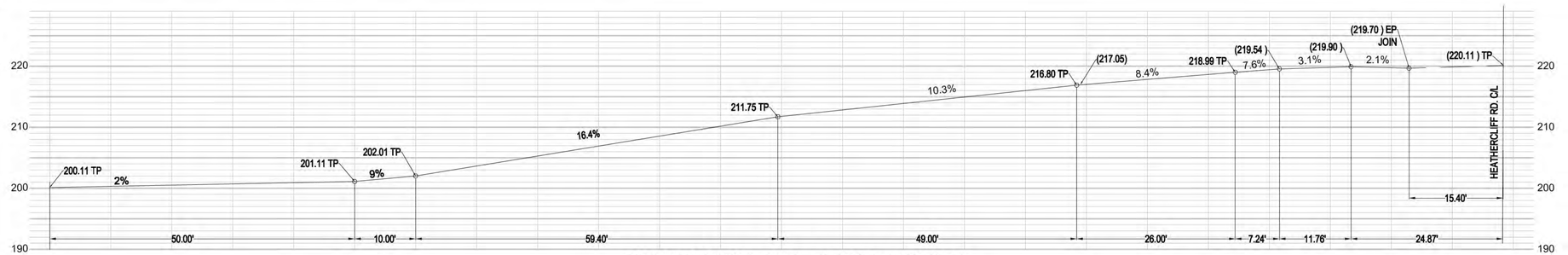
Very truly yours,



JUSTIN R. TRUJILLO
Elkins Kalt Weintraub Reuben Gartside LLP

Enclosures: Project Fire Access Exhibit;
Email dated April 4, 2024

5369971



DRIVEWAY CENTERLINE PROFILE

SCALE: 1" = 10'

PROJECT INFORMATION:

SITE ADDRESS: 29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN: 4468-011-010 & 4468-011-011
OWNER:

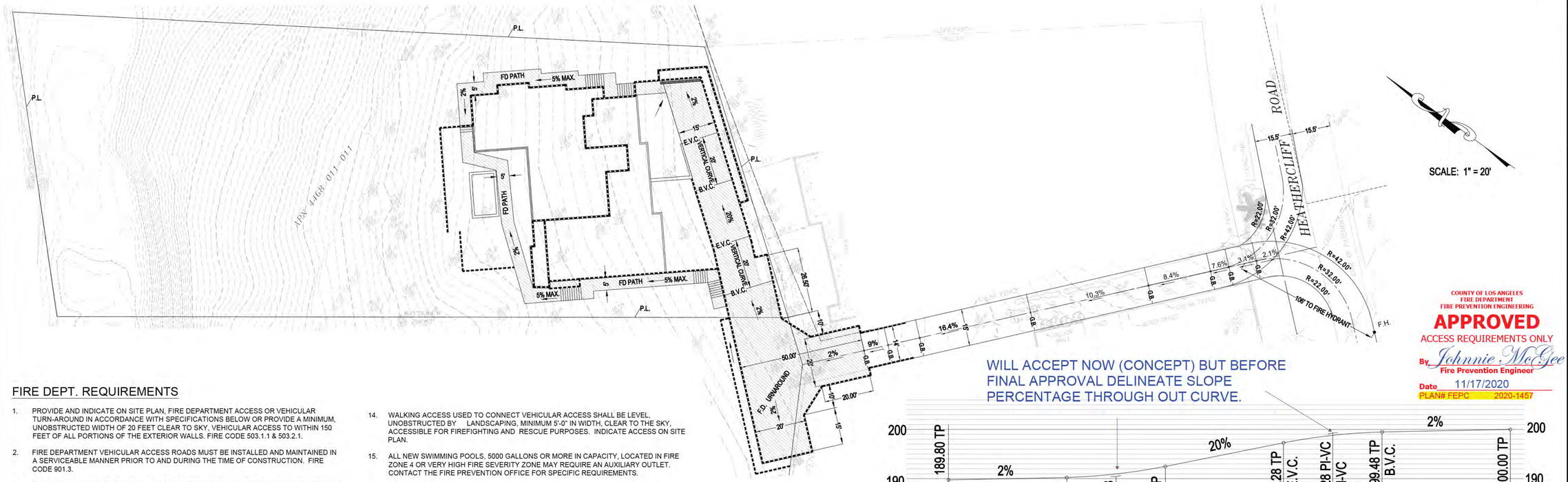
ARCHITECT: DAVID KALEN, AIA
2701 AIRPORT AVE., SUITE 202
SANTA MONICA, CA 90405

CIVIL ENGINEER: PLANEX ASSOCIATES, INC.
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404

EXISTING BUILDING: 0 S.F.
PROPOSED BUILDING: 4,570 S.F.

THIS PLAN CONFORMS TO THE COASTAL DEVELOPMENT PERMIT APPROVED BY THE CITY FOR SUBJECT PROJECT IN THE CITY OF MALIBU, CALIFORNIA ON _____

PROJECT START: N/A
PROJECT COMPLETION: N/A



SCALE: 1" = 20'

WILL ACCEPT NOW (CONCEPT) BUT BEFORE FINAL APPROVAL DELINEATE SLOPE PERCENTAGE THROUGH OUT CURVE.

DRIVEWAY CENTERLINE PROFILE (LOWER PORTION)

SCALE: 1" = 10'

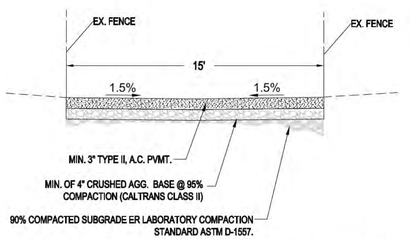
COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION ENGINEERING
APPROVED
ACCESS REQUIREMENTS ONLY
By Johnnie McGee
Fire Prevention Engineer
Date 11/17/2020
PLAN# FEPC 2020-1457

FIRE DEPT. REQUIREMENTS

1. PROVIDE AND INDICATE ON SITE PLAN, FIRE DEPARTMENT ACCESS OR VEHICULAR TURN-AROUND IN ACCORDANCE WITH SPECIFICATIONS BELOW OR PROVIDE A MINIMUM, UNOBSTRUCTED WIDTH OF 20 FEET CLEAR TO SKY, VEHICULAR ACCESS TO WITHIN 150 FEET OF ALL PORTIONS OF THE EXTERIOR WALLS. FIRE CODE 503.1.1 & 503.2.1.
2. FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. FIRE CODE 901.3.
3. THE REQUIRED FIRE FLOW FOR FIRE HYDRANTS AT THIS LOCATION IS **1,250** GALLONS PER MINUTE, AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF 2 HOURS, OVER AND ABOVE THE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 507.3 AND APPENDIX B105.1 APPENDIX B. FIRE FLOW MAY BE OBTAINED FROM PUBLIC FIRE HYDRANT FLOWING SIMULTANEOUSLY.
4. COMPLY WITH TITLE 24, 310.9.1 REGARDING FIRE WARNING SYSTEMS. SMOKE DETECTORS TO BE HAND WIRED WITH BATTERY BACKUP. WHEN MORE THAN ONE SMOKE ALARM IS INSTALLED, THEY SHALL BE ARRANGED SO THAT THE OPERATION OF ANY SMOKE ALARM CAUSES THE ALARM IN ALL SMOKE ALARMS WITHIN THE DWELLING UNIT TO SOUND (CALIFORNIA ALARM CODE). PROVIDE NOTE ON SITE PLAN AND INDICATE ON FLOOR PLAN.
5. PROVIDE ONE HOUR FIRE RESISTIVE OCCUPANCY SEPARATION BETWEEN THE R-3 DWELLING AND THE GARAGE. (INDICATE ON FLOOR PLAN.)
6. EXIT DOORS SHALL BE CAPABLE OF OPENING WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. BUILDING CODE 1003.3.1.8.
7. WIDTH AND HEIGHT OF REQUIRED EXIT DOORWAYS SHALL COMPLY WITH TITLE 24. (INDICATE ON DOOR SCHEDULE).
8. BUILDING ADDRESS NUMBERS TO BE PROVIDED ON FRONT OF ALL BUILDINGS AND SHALL BE VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. FIRE CODE 901.4.4.
9. PROVIDE A KEY BOX AS REQUIRED BY FIRE CODE 904.2 LOCATION AT GATE.
10. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDE THE WORDS **NO PARKING-FIRE LANE**. SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH AND HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND. SIGNS SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS, TO CLEARLY INDICATE THE ENTRANCE TO SUCH ROAD, OR PROHIBIT THE OBSTRUCTION THEREOF AND AT INTERVALS, AS REQUIRED BY THE FIRE INSPECTOR. FIRE CODE 503.3
11. PRIVATE ROADS USED FOR FIRE DEPARTMENT ACCESS SHALL BE CAPABLE OF SUPPORTING THE WEIGHT OF A 25-TON VEHICLE.
12. FIRE DEPARTMENT ACCESS ROADS LESS THAN 10% SLOPE, AND NOT PAVED TO PUBLIC WORKS STANDARDS, REQUIRE CERTIFICATION FROM A REGISTERED CIVIL ENGINEER STATING THE ROAD MEETS OR EXCEEDS ALL-WEATHER STANDARDS OF LA CO DEPARTMENT OF PUBLIC WORKS.
13. ALL FIRE DEPARTMENT ACCESS ROADS 10% OR GREATER SLOPE SHALL BE PAVED PRIOR TO CONSTRUCTION.
14. WALKING ACCESS USED TO CONNECT VEHICULAR ACCESS SHALL BE LEVEL, UNOBSTRUCTED BY LANDSCAPING, MINIMUM 5'-0" IN WIDTH, CLEAR TO THE SKY, ACCESSIBLE FOR FIREFIGHTING AND RESCUE PURPOSES. INDICATE ACCESS ON SITE PLAN.
15. ALL NEW SWIMMING POOLS, 5000 GALLONS OR MORE IN CAPACITY, LOCATED IN FIRE ZONE 4 OR VERY HIGH FIRE SEVERITY ZONE MAY REQUIRE AN AUXILIARY OUTLET. CONTACT THE FIRE PREVENTION OFFICE FOR SPECIFIC REQUIREMENTS.
16. COMPLY WITH TITLE 24, 310.4 REGARDING ACCESS.
17. FIRE RESISTIVE ASSEMBLIES FOR PROTECTION OF OPENINGS TO COMPLY WITH TITLE 24, 713.
18. WALLS AND SOFFITS OF ENCLOSED USABLE SPACE UNDER INTERIOR STAIRWAYS THAT ARE NOT REQUIRED TO BE ENCLOSED BY BUILDING CODE 1006.12 SHALL BE PROTECTED ON THE ENCLOSED SIDE AS REQUIRED FOR ONE-HOUR RESISTIVE CONSTRUCTION. TITLE 24, 1003.3.3.9.
19. ALL REQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BEGINNING CONSTRUCTION. FIRE CODE 501.4.
20. ALL FIRE HYDRANTS SHALL MEASURE 6"X4"X2-1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C503, OR APPROVED EQUAL, AND SHALL BE INSTALLED IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 8.
21. PLANS SHOWING UNDERGROUND PIPING FOR PRIVATE ON-SITE FIRE HYDRANTS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. FIRE CODE 901.2, COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 7
22. PROVIDE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM AS SET FORTH BY BUILDING CODE 903 AND FIRE CODE 903. PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. REASON: RESIDENTIAL CODE & FIRE CODE 903.1 & FIRE FLOW REDUCTION TYPE OF FIRE SPRINKLER SYSTEM: 903.3.1.1, 903.3.1.2, 903.3.1.3
23. THE SECURITY GATE SHALL MAINTAIN A MINIMUM ACCESS WIDTH OF 20 FEET. THE SECURITY GATE SHALL BE PROVIDED WITH AN APPROVED MEANS OF EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES AND REPLACED OR REPAIRED WHEN DEFECTIVE. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASTM F220. GATES SHALL BE OF THE SWINGING OR SLIDING TYPE. CONSTRUCTION OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE 503.6. THE SECURITY MANUAL GATE OPERATOR SHALL BE PROVIDED FOR EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES.

PROJECT DATA

ADDRESS:	29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN:	4468-011-010 & 4468-011-011
LCP ZONING DESIGNATION:	A1-1
GROSS LOT AREA=	33532 SQ. FT. (0.77 ACRES)
LOT DEPTH:=	1289'
LOT WIDTH=	115'
PROPOSED FRONT YARD SETBACK=	25.6' FROM PROPERTY LINE
PROPOSED REAR YARD SETBACK=	164'
PROPOSED SIDE YARD SETBACK=	17.4' (E), & 11.7' (W)
CONSTRUCTION TYPE:	V-B
VHFHSZ :	YES
OCCUPANCY:	SINGLE FAMILY
FIRE SPRINKLERS:	YES
FIRE FLOW BASED ON THE FIRE-FLOW CALCULATION AREA:	1750 GPM
REDUCTION FOR FIRE SPRINKLERS (MAXIMUM 50%):	500 GPM
TOTAL FIRE FLOW REQUIRED :	1250 GPM
EXISTING SQUARE FOOTAGE:	0 S.F.
PROPOSED SQUARE FOOTAGE:	
GARAGE=	390 SQ. FT.
FIRST FLOOR=	2,590 SQ. FT.
SECOND FLOOR=	1,460 SQ. FT.
OVERHANG (> 6')	320 SQ. FT.
TOTAL=	4,570 SQ. FT.



NOTE: FINAL DRIVEWAY SECTION DESIGN FOR APPARATUS WEIGHING 25 TONS TO BE DETERMINED AND APPROVED BY THE PROJECT'S SOILS ENGINEER PER FIELD TEST. CIVIL ENGINEER MIGHT BE REQUIRED

ACCESS DRIVEWAY TYPICAL SECTION

SCALE: 1" = 4'



VICINITY MAP

NO.	DATE	REVISION	BY

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

FIRE ACCESS EXHIBIT

29329 HEATHERCLIFF RD., MALIBU, CA 90265

SIGNED
DATE:

SHEET 1 OF

PFN: 1909-495
DATE: 11/11/2020

C -FD

These drawings are instruments of service and are the property of Planex Associates. All designs and other information on the drawings are for use on the specific project and shall not be used otherwise without written permission of Planex Associates ©

From: Allison Cook <capstonecityplan@gmail.com>
Date: April 4, 2024 at 11:15:32 AM PDT
To: Brian Adams [redacted]
Subject: Fwd: Site Visit - 29329 Heathercliff

Hi Brian - I spoke with Alan further. Please see his email below. One correction from my last email is that Alan will need to move a part of your fence that is in the ingress/egress easement he has for his property in order to widen the driveway to the 20 feet at the project site. Feel free to call him to coordinate this item, since it is a matter between you and him. Thanks.

Please note that I will be out of the office from 4/10 through 4/15.

Allison Cook, AICP
Owner, Capstone City Planning
Contract Planner to the City of Malibu
805-415-1991
capstonecityplan@gmail.com

---------- Forwarded message ---------
From: **Alan ACS** [redacted]
Date: Thu, Apr 4, 2024 at 11:06 AM
Subject: RE: Site Visit - 29329 Heathercliff
To: Allison Cook <capstonecityplan@gmail.com>

Morning

Per our conversation this morning

See attached

- Page 9 of deed shows easement parcel 4 the road and parcel 3 both easement toward Adams and toward Roth
- Site topo : that you should have. if you zoom in to the corner between road and adams property (see below also) you clearly will see the chain link fence and hammerhead and you can see that I need to push the fence only 3ft to the east on a length of 10 ft and that in this area there is no structure , you can also see that the fence encloses part of the easement which I am ok with that as I told the Adams

Alan Hajjar, MSCE

[redacted]

USA:

[redacted]

[redacted]

Tel: [redacted]

Fax: [redacted]

From: Allison Cook <capstonecityplan@gmail.com>
Sent: Wednesday, April 3, 2024 2:31 PM
To: Alan ACS [redacted]
Subject: Site Visit - 29329 Heathercliff

Hi Alan - Thanks for meeting me at the site today. When you send me the revised plans lowering the building to 18 feet, please also note that you would like to cancel your SPR request for additional height. Thanks.

Please note that I will be out of the office from 4/10 through 4/15.

Allison Cook, AICP

Owner, Capstone City Planning

Contract Planner to the City of Malibu

805-415-1991

capstonecityplan@gmail.com

--
Larry

Received
02/14/25
Planning Dept.

February 13, 2025

City of Malibu Planning Commission Hearing for Item 4A

Dear Members of the Planning Commission,

I am writing to express my support for the approval for item 4A on Tuesday's agenda, for the proposed single family residence located at 29329 Heathercliff Road. I am a resident of Malibu and I support the project that is going before the Planning Commission on Tuesday.

I find no fault with the project design. I welcome such design to the City.

Sincerely Yours,

Brad Folb
[redacted]Porterdale Drive
Malibu, CA 90265

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 02/14/25 Time 4:59 PM
Planning Commission meeting of 02/18/25
Agenda Item No. 4A
Total No. of Pages 1

Received
02/14/25
Planning Dept.

From: Chris Deleau
To: Rebecca Evans; Patricia Salazar
Cc: Allison Cook; Planning Commission; Don Schmitz; Alan ACS; Hinks, Matt; Scott Hoeft; AK Munaim
Subject: 2025.2.14 29329 Heathercliff Rd - 2025.2.18 PC Item 4.A. 2025.2.14 Applicant Response Letter to I October Letter CD
Date: Friday, February 14, 2025 10:19:48 AM
Attachments: 2025.2.14 - PC Hearing Item 4.A. - Applicant Response to 2024.10.4 Erlich Ltr. EXHIBITS ONLY.pdf
2025.2.14 29329 Heathercliff Rd - 2025.2.18 PC Item 4.A. 2025.2.14 Applicant Response Letter to Erlich October Ltr CD.pdf
Importance: High

Rebecca,

Please find attached hereto a copy of Schmitz' response to Ken Erlich's letter from October of 2024, submitted on behalf of the applicant ACS International.

Attached you will find the applicant's response letter and the referenced Attachments under separate cover.

If you could please distribute this to the Planning Commissioners for their review of Item 4.A. (2025.2.18 Commission Hearing), it would be greatly appreciated.

Best,

Chris Deleau, JD, AICP
Special Projects Manager, Schmitz and Associates

747.494.7293
schmitzandassociates.com
cdeleau@schmitzandassociates.net
28230 Agoura Rd. Suite 200, Agoura Hills, CA 91301

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 02/14/25 Time 10:19 AM
Planning Commission meeting of 02/18/25
Agenda Item No. 4A
Total No. of Pages 18

Schmitz & Associates, Inc.
28230 Agoura Road, Suite 100
Agoura Hills, CA 91301

February 14, 2025

Attn: Rebecca Evans, Senior Mgt. Analyst
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Cc: Planning Commission Chair Leonard and Commissioners
Allison Cook, Contract Planner
Patrica Salazar, Development & Operations Mgr.

RE: Response to Elkins Kalt letter, dated October 4, 2024, for project case number CDP No. 20-003 and Minor Modification (MM) No. 20-001, for the property located at 29329 Heathercliff Road, Malibu, CA 90265 (APN: 4468-011-011).

Dear Ms. Evans,

I am writing regarding CDP No. 20-003 and Minor Modification (MM) No. 20-001 located at 29329 Heathercliff Road, Malibu, CA 90265. The project is scheduled for the Planning Commission hearing on February 18, 2024 (Item 4.A.). Schmitz & Associates, Inc. represents the property owner, ACS International (Mr. Alan Hajjar, Trustee). We received a second letter from one of the neighbor's representatives, Mr. Kenneth A. Ehrlich, of Elkins Kalt Weintraub Reuben & Gartside LLP, on October 4, 2024, which objects to our client's proposed project design on several grounds, all of which, are again, entirely without merit.

The following correspondence summarizes the issues raised by Mr. Erlich, on behalf of the neighbor Brian Adams, and provides the Applicant's responses thereto:

Neighbor Issue #1: The Adams' Assert that the Applicant Does Not Have an Easement for Access Across any Portion of the Adams' Property; Therefore, the Project Should Be Denied for This Reason Alone.

Applicant Response to Neighbor Comment 1: Mr. Erlich objects to the construction of a portion of the driveway that is located on his client's property. They claim that the Applicant does not have an easement that would allow them to construct and use this portion of the neighbor's lot. He provides exhibit #2 to his letter depicting the applicant's plan for driveway and site construction and circles the area of contention.

First, Mr. Erlich's Exhibit #2 is an antiquated plan (5 years old) that does not correctly reflect the current driveway and hammerhead turnaround location. Some time ago, the applicant shifted the hammerhead turnaround further away from the Adams property towards PCH so that it would occupy less of the

adjacent Adams and Roth properties (within the applicant's easement - **See Attached Exhibit 1 for the current Civil Plan showing the driveway, hammerhead location and easement boundaries**). This shift in driveway location also allowed for the hammerhead turnaround to be sited closer to PCH so that it is now located almost entirely outside the northernmost portion of the Adams property near the pool and pool equipment. Mr. Erlich's comments are based off an incorrect plan dated 11.11.2020 (four years old).

Second, our client does have two separate easements for purposes of ingress, egress, and utilities **(See Attached Exhibit 2)**. These two easements allow him to construct, use, and maintain his driveway in the area where it is proposed. These easements, which were reserved in a single grant deed, were created and recorded in July of 1959. The project survey/ grading plan **(See Attached Exhibit 3)** reflects and calls out the two access easements as Parcel 3 and Parcel 4. Further, our client's Title Report **(See Attached Exhibit 4)** also refers to these easements as Parcels 3 & 4. The applicant's survey when listing the easement parcels corresponds to the parcel numbers in the title report.

In sum, our client has the legal right to construct and use his proposed driveway within this easement area. Thus, there are no proposed 'encroachments.' Mr. Erlich states that his clients have never received copies of these easements; however, had he reviewed the applicant's title report and survey (both of which are in the City permit files), he would have found this information. The recorded easement documents have also been provided to the City **(Exhibit 2)** and are attached to this letter to address that concern.

Neighbor Comment #2A: No Proper Basis Exists for Approval of the Front Yard Setback Reduction

A. The Project is not located in an ESHA, 4:1 slopes are not ESHA, and therefore the Minor Modification findings in LIP 13.27.5 cannot be made:

Applicant Response to Comment #2A:

We responded to this argument by Mr. Erlich in our last correspondence. To properly frame the issue, the code requires that no development on Point Dume be located on slopes steeper than 4:1. If development is proposed on slopes 4:1 or steeper, a Variance must be sought.

It is perfectly appropriate for the City to *supplement or augment* its findings for approval of the Minor Modification, based upon the fact that the granting of the Minor Modification will avoid a Variance for development on steep slopes. Although *such facts are not necessary* to make the required findings of approval found in LIP Sec. 13.27.5(B), these facts provide support for the notion that the project is consistent with the LCP.

The findings for approval of a Minor Modification request do not turn on the presence or absence of Environmentally Sensitive Habitat Area ("ESHA"), nor avoidance of a Variance for ESHA/ESHA Buffers. Most of the arguments made by Mr. Erlich as to why the Minor Modification findings cannot be made are premised upon the project not being near or in ESHA. As discussed in our prior response letter, the proximity of a proposed home to ESHA or other "Sensitive resources" is not requisite to making the findings of Minor Modification approval. For the City to approve a Minor Modification request, the applicant need only demonstrate that the findings in LIP 13.27.5(B) can be made, and these findings mention nothing about ESHA or 4:1 slopes.

The City staff has appropriately made the findings required by 13.27.5(B) in past reports and in their current report and resolution. Those findings were properly premised upon neighborhood character, and the average front yard setback of nearby homes. Again, those findings do not *rely* upon the project's proximity to streams, ESHA, or steep slopes.

Neighbor Comment #2B: The Applicant Failed To Provide Proper Justification for the Requested Front Setback Reduction

Applicant Response to Comment 2B:

No significant justification is needed for the approval of a Minor Modification request as is required for a Variance[1]; rather more lenient factual findings need only be made to support approval of the request. Among the three findings needed in the LCP to approve a Minor Modification request, the most significant is consistency with neighborhood character. When looking at a yard reduction request, the City looks to the character of the neighborhood as it relates to yard setbacks of other nearby homes.

The applicant has undertaken a study that lists the existing front yard setbacks for all homes within five hundred feet (500') of the property, located along Heathercliff Rd. **(See Below Figure 1).** This study utilized City records including permits, staff reports, plans, and surveys to determine average setbacks for the neighborhood. Where such information was not available in City records, the applicant used GIS to measure the neighboring front yard setbacks.

The applicant's study demonstrates that the applicant is providing a "greater" setback than its surrounding neighbors; hence, he is not asking for a lesser setback than is enjoyed by his neighbors. The average front yard setback for surrounding homes is 26'1," and the applicant is proposing 29'6". The applicant's study demonstrates that the proposed front yard setback is consistent with the average setback and the neighborhood character. The reduced setback also allows for the home to be further setback from Pacific Coast Highway, a designated scenic highway, to minimize any potential for visual impacts **(See Exhibit 5 Showing Setback from PCH).** The graphic exhibit below visually depicts the front yard setbacks for nearby residences along Heathercliff **(See Below Figure 2).**

Ironically, the Adams Property has one of the narrowest front yard setbacks on the street at 22'6". Much narrower than the 29'6" that the applicant is requesting. Moreover, the neighbor has complained about possible development proposed on the applicant's property on slopes steeper than 4:1; however, the applicant has demonstrated, using both 2' and 5' contour interval slope maps, that no development is proposed on slopes steeper than 4:1. The same cannot be said for Mr. Adams. After obtaining his pool approval in 2017 and finishing construction in 2019, Mr. Adams constructed a walkway down a steep slope (steeper than 4:1), <u>without the benefit of permits and in violation of his permit conditions</u>. Which is to say that while Mr. Adams has made assertions of code violations and raised zoning code compliance assertions in relation to the applicant's project, apparently, he seems to believe that those rules do not apply to him. When considering the validity of testimony, we should consider the source.

[1] Variances require that the Applicant demonstrate that it is <u>infeasible</u> for a project to comply with code and that the request not provide the Applicant a special benefit not enjoyed by neighbors similarly situated.

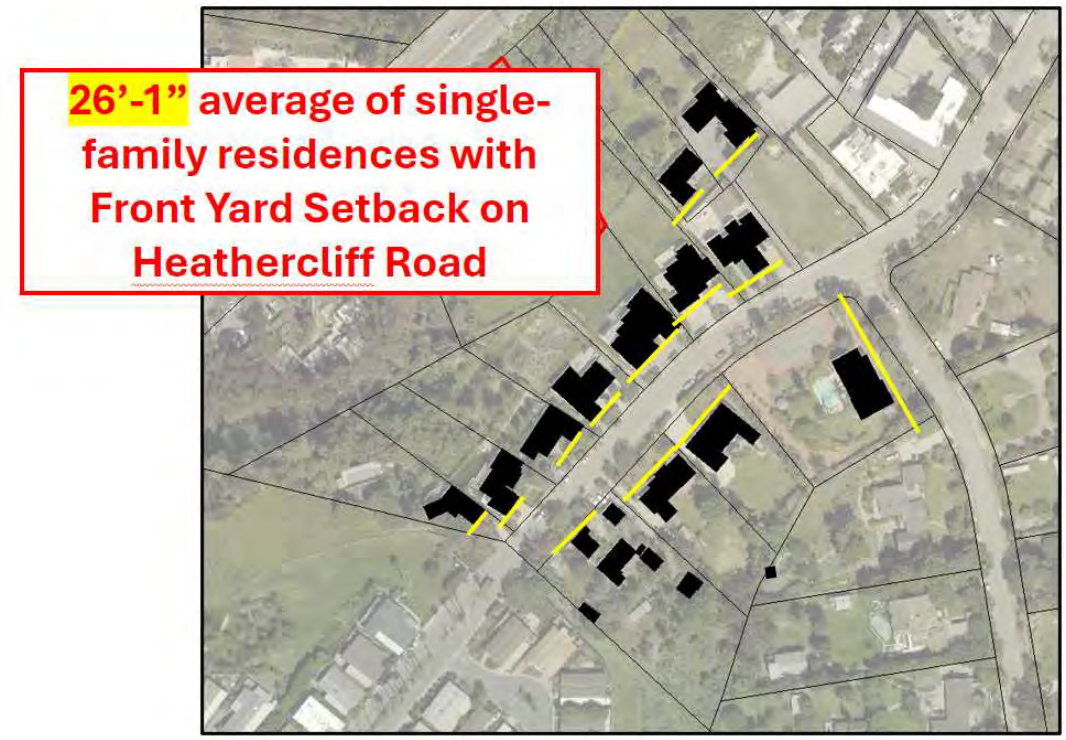


Figure 1: Showing existing Yard setbacks along Heathercliff (Averaging Calculations attached)

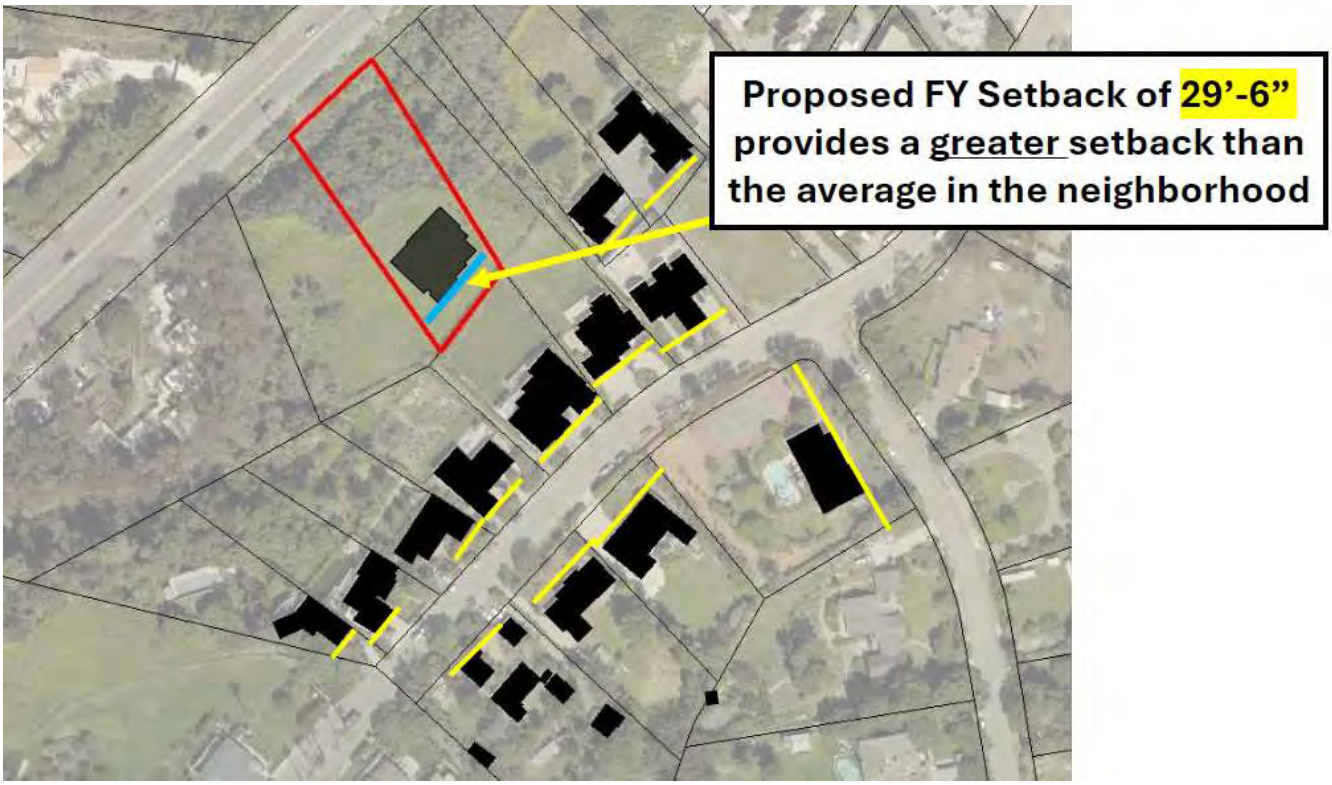


Figure 2: Yard setback for Project (Blue line) Compared to the Neighborhood (Yellow Lines)

Conclusion

The applicant and the City staff have provided both the facts and relevant information needed to make the necessary findings to approve the Minor Modification request for the front yard setback reduction. These findings are not reliant or solely premised upon the avoidance of a Variance for development on steep slopes nor are the findings reliant on avoiding ESHA impacts. In the staff report findings, staff notes that the reduced front yard setback for the project is consistent with other setbacks on the surrounding properties. The applicant has supplemented this finding with data and exhibits that are enclosed with this correspondence.

A Minor Modification request is just that, a request for a "minor" deviation from yard setback requirements. Mr. Erlich's letter likens this discretionary request to that of a Variance, but such is not the case. The project is consistent with the neighborhood character and complies with the LCP and state law. The findings in 13.27.5(B) can and should be made.

Mr. Erlich's arguments relating to legal access rights and encroachments on the Adams property have no merit. The applicant's property is benefitted by two separate easements across the Adams property, allowing him to use those portions of the Adams property for road and utility purposes.

Additionally, Mr. Erlich asserts that the applicant's proposed plans show the road and hammerhead encroaching into his client's property and atop of portions of the Adams' pool and pool equipment shed. This is not the case. In fact, the applicant's plans show that he is proposing only 27 sq. ft of his hammerhead turnaround within his northerly easement that lies on the Adams property **(see attached Exhibit 1).**

Information on the applicant's easement rights has previously been submitted to the City. Those records were available to the Adams and their legal counsel well before the penning of Mr. Erlich's comment letters; however, the applicant now resubmits documents previously provided as well as additional documents, for the Adams' convenience and review.

Having addressed the comments and the arguments in Mr. Erlich's letter, the applicant requests that the Planning Commission approve the project as designed.

Sincerely,

Chris Deleau, JD, AICP
Special Projects Manager, Schmitz & Associates, Inc.

747.494.7293
schmitzandassociates.com
cdeleau@schmitzandassociates.net
28230 Agoura Rd. Suite 200, Agoura Hills, CA 91301

EXHIBIT 1

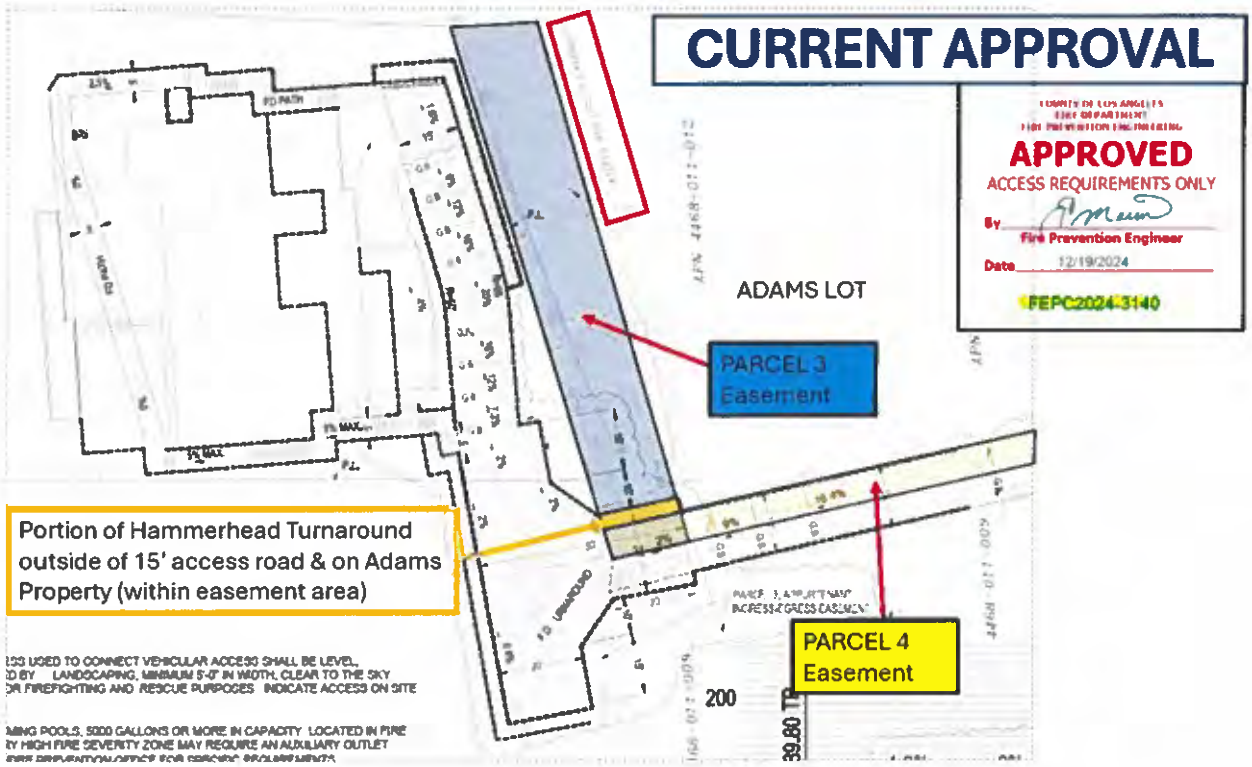

CURRENT APPROVAL
APPROVED
ACCESS REQUIREMENTS ONLY
By
Fire Prevention Engineer
Date 12/19/2024
FEPC2024-3140
ADAMS LOT
PARCEL 3
Easement
Portion of Hammerhead Turnaround outside of 15' access road & on Adams Property (within easement area)
PARCEL 4
Easement
200
39.80 TP

EXHIBIT 2

1645

Bank of America
NATIONAL TRUST AND SAVINGS ASSOCIATION

TITLE ORDER NO

ESCROW NO 5-2-311

AFFIX
INTERNAL REVENUE STAMPS
HERE

I.R.S $ 0.40

WHEN RECORDED PLEASE RETURN TO

S. Carl Deneen
P. O. Box 57
Malibu, California.

FEE
$2.80
2M

Grant Deed

INDIVIDUAL

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CARLA H. HOROWITZ, a married woman

does hereby GRANT to

S. CARL DENEEN, a married man

all that real property situated in the County of Los Angeles,
State of California, described as follows: as per legal description attached hereto and made a part hereof:

PARCEL 1:

That portion of the Rancho Topanga Malibu Sequit, in the county of Los Angeles, state of California, as confirmed to Matthew Keller by patent recorded in book 1, pages 407 et seq., of Patents, in the office of the county recorderof said county, described as follows:

Beginning at a point in the southeasterly line of Pacific Coast Highway 100 feet wide as described in the deed to the State of California, recorded on March 18, 1944 as Instrument No. 919 in book 20716 page 385, Official Records, in the office of the county recorder of said county distant thereon South 46° 34' 55" West 299.10 feet from the most westerly corner of lot 1 as shown on the Record of Survey filed in book 57, page 9 of Record of Surveys, in the office of said recorder; thence South 32° 12' 59" East 281.18 feet; thence South 37° 45' 38" West 135.00 feet to the true point of beginning, South 61° 56' 37" West 139.14 feet; thence South 57° 59' 14" East 235.00 feet to a point in the northwesterly line of Heathercliff Road 60 feet wide as shown on the map of Tract No. 17808, in said county and state, recorded in book 438, page 43 of Maps, records of said county, distant thereon North 42° 00' 46" East 200.00 feet from the most westerly corner of said Tract No. 17808; thence along said northwesterly line North 42° 00' 46" East 90.00 feet; thence North 47° 59' 14" West 184.00 feet to the true point of beginning.

RESERVING therefrom an easement for ingress, egress and utility purposes over that portion of said land lying northwesterly of a line parallel with the course and prolongation thereof hereinbefore described having a bearing and length of South 37° 45' 38" West 135.00 feet that passes through a point in thenortheasterly line of said land distant thereon South 47° 59' 14" East 20.00 feet from the most northerly corner of said land.

ALSO RESERVING therefrom an easement for ingress, egress and utility purposes over that portion of said land included within the hereinafter described Parcel No. 2.

PARCEL 2:

An easement for ingress, egress and utility purposes over that portion of the Rancho Topanga Malibu Sequit, in the county of Los Angeles, state of California, as confirmed to Matthew Keller by patent recorded in book 1, pages 407 et seq., of Patents in the office of the county recorder of said county, described as follows:

A strip,of land 15 feet wide lying 7½ feet on each side of the following described center line:

Beginning at a point in the southeasterly line of Pacific Coast Highway 100 feet wide as described in the deed to the State of California recordedon March 18, 1944 as Instrument No. 919 in book 20716 page 385 of Official Records, in the office of the county recorder of said county, distant thereon South 46° 34' 55" West 299.10 feet from the most westerly corner of lot 1 as shown on the Record of Survey filed in book 57 page 9 of Record of Surveys, in the office of the said recorder; thence South 32° 12' 59" East 281.18 feet; thence South 37° 45' 38" West 135.00 feet to the true point of beginning; thence South 47° 59' 14" West 184.00 feet to the northwesterly line of heathercliff Road 60 feet wide as shown on the map of Tract No. 17808, in said county and state, recorded in book 438, page 43 of Maps, records of said county.

SUBJECT TO:

1. All general and special taxes for the fiscal year 1959-60.

2. Covenants, conditions, restrictions, reservations, rights, rights of way and easements of record.

DATED: July 14, 1959

Carla H. Horowitz
Carla H. Horowitz

STATE OF ~~CALIFORNIA~~ California
~~New York~~
COUNTY OF Los Angeles } ss

On August 3, 19 59, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Carla H. Horowitz

known to me to be the person whose name is subscribed to the within instrument and acknowledge to me that she executed the same.

WITNESS my hand and official seal

Louis T. Busch

Notary Public in and for said County and State.

My Commission expires LOUIS T. BUSCH MY COMMISSION EXPIRES APRIL 9, 1962

(NOTARIAL SEAL)

(FOR COUNTY RECORDER'S USE ONLY)

RECORDED IN OFFICIAL RECORDS OF LOS ANGELES COUNTY, CALIF. FOR TITLE INSURANCE & TRUST CO.
AUG 24 1959 AT 8 A.M.
RAY E. LEE, County Recorder

TRU-201 6-59

EXHIBIT 3

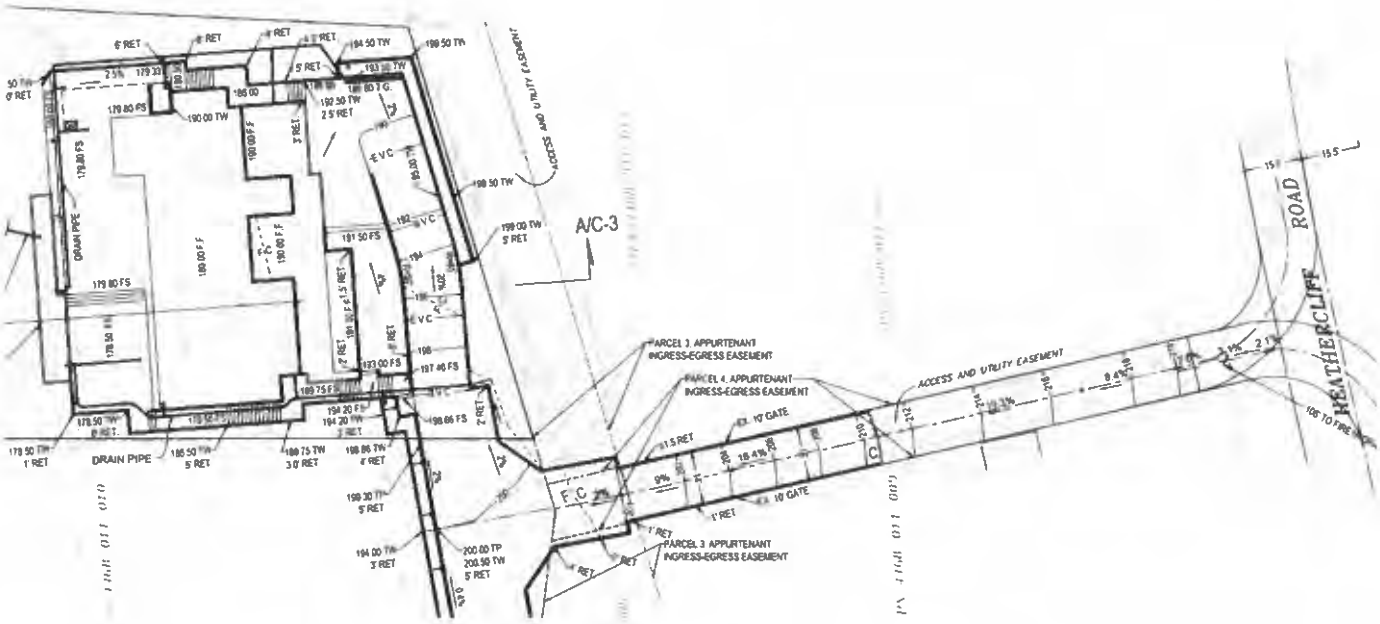

A/C-3
ACCESS AND UTILITY EASEMENT
PARCEL 3 APPURTENANT INGRESS-EGRESS EASEMENT
PARCEL 4 APPURTENANT INGRESS-EGRESS EASEMENT
ACCESS AND UTILITY EASEMENT
10' GATE
10' GATE
PARCEL 3 APPURTENANT INGRESS-EGRESS EASEMENT
DRAIN PIPE
DRAIN PIPE
HEATHERCLIFF ROAD

EXHIBIT 4

516 Burchett St.
Glendale, CA 91203
Title Officer: Eddie LasMarias
Title Phone: (818) 662-6733
Title Email: unit33@pct.com
Title Order No.: 10113711-GLT-U33

Issuing Policies of Commonwealth Land Title Insurance Company

ORDER NO: **10113711--**

Keller Williams Realty
23975 Park Sorrento, Suite 110
Calabasas, CA 91302
Attn.: Phillip Terry

Your Reference No.:

Proposed Lender:

Proposed Loan Amount:
Loan No.:

PROPERTY: **0 Vacant land, Malibu, CA 90265**

UPDATED PRELIMINARY REPORT AMENDMENT NO. 2

In response to the application for a policy of title insurance referenced herein, Pacific Coast Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Commonwealth Land Title Insurance Company, a Nebraska Corporation.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Pacific Coast Title Company
Countersigned:

By: _____
Authorized Officer or Agent

Commonwealth Land Title Insurance Company

BY _____ President
Randy Quirk

ATTEST _____ Secretary
Michael Gravelle

PACIFIC COAST TITLE COMPANY

UPDATED PRELIMINARY REPORT AMENDMENT NO. 2

EFFECTIVE DATE: **May 11, 2023 at 7:30 a.m.**

The form of policy or policies of title insurance contemplated by this report is:

CLTA Standard Coverage Policy

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

   A FEE AS TO PARCEL(S) 1 AND 2

   EASEMENT(S) MORE FULLY DESCRIBED BELOW AS TO PARCEL(S) 3, 4 AND 5

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS **VESTED IN**:

   ACS INTERNATIONAL LLC AS TO PARCEL 1 AND PLAYERS GROUP LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AS TO PARCEL 2, SUBJECT TO ITEM NOS. 13, 16, 17

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

   SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

LEGAL DESCRIPTION

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT, RECORDED I BOOK 1 PAGE 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385, OFFICIAL RECORDS, IN THE OFFICE OF THE SAID RECORDER, DISTANT THEREON SOUTH 46° 34' 55" WEST 299.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF SAID RECORDER; THENCE ALONG SAID SOUTHEASTERLY LINE, SOUTH 46° 34' 55" WEST 125.00 FEET; THENCE SOUTH 35° 01' 53" EAST 296.63 FEET; THENCE NORTH 37° 45' 38" EAST 115.00 FEET; THENCE NORTH 32° 12' 59" WEST 281.18 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL RIGHT, TITLE AND INTEREST IN AND TO ALL MINERALS, GAS AND ETHER HYDROCARBON SUBSTANCES IN SAID LAND, BUT WITHOUT RIGHT OF ENTRY ON THE SURFACE OF SAID LAND, AS GRANTED TO R. R. ADAMSON IN DEED RECORDED OCTOBER 5, 1953 IN BOOK 42846 PAGE 432, OFFICIAL RECORDS

PARCEL 2:

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT, RECORDED IN BOOK 1 PAGE 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DISTANT THEREON SOUTH 46° 34' 55" WEST 424.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID SOUTHEASTERLY LINE SOUTH 46° 34' 55" WEST 100.00 FEET; THENCE SOUTH 22° 53' 50" EAST 277.26 FEET; THENCE NORTH 61° 56' 37" EAST 139.14 FEET; THENCE NORTH 37° 45' 38" EAST 20.00 FEET; THENCE NORTH 35° 01' 53" WEST 296.63 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL RIGHT, TITLE AND INTEREST IN AND TO ALL MINERALS, GAS AND OTHER HYDROCARBON SUBSTANCES IN SAID LAND, BUT WITHOUT RIGHT OF ENTRY ON THE SURFACE OF SAID LAND, AS GRANTED TO R. R. ADAMSON IN DEED RECORDED OCTOBER 5, 1953 IN BOOK 42846 PAGE 432, OFFICIAL RECORDS.

PARCEL 3:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES OVER THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE COUNTY OF LOS ANGELES STATE OF CALIFORNIA, AS CONFIRMED TO

MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE 407 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385, OFFICIAL RECORDS, IN THE OFFICE OF THE SAID RECORDER, DISTANT THEREON SOUTH 46° 34' 55" WEST 299.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 32° 12' 59" EAST 281.18 FEET; THENCE SOUTH 38° 03' 49" EAST 20.57 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 38° 03' 49" WEST 20.57 FEET; THENCE SOUTH 37° 45' 38" WEST 135.00 FEET: THENCE SOUTH 61° 56' 37" WEST 139.41 FEET; THENCE SOUTH 57° 59' 14" EAST TO A LINE BEARING SOUTH 37° 45' 38" WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 37° 45' 38" EAST TO THE TRUE POINT OF BEGINNING.

PARCEL 4:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES OVER THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE 407 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN A STRIP OF LAND 15 FEET WIDE, LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

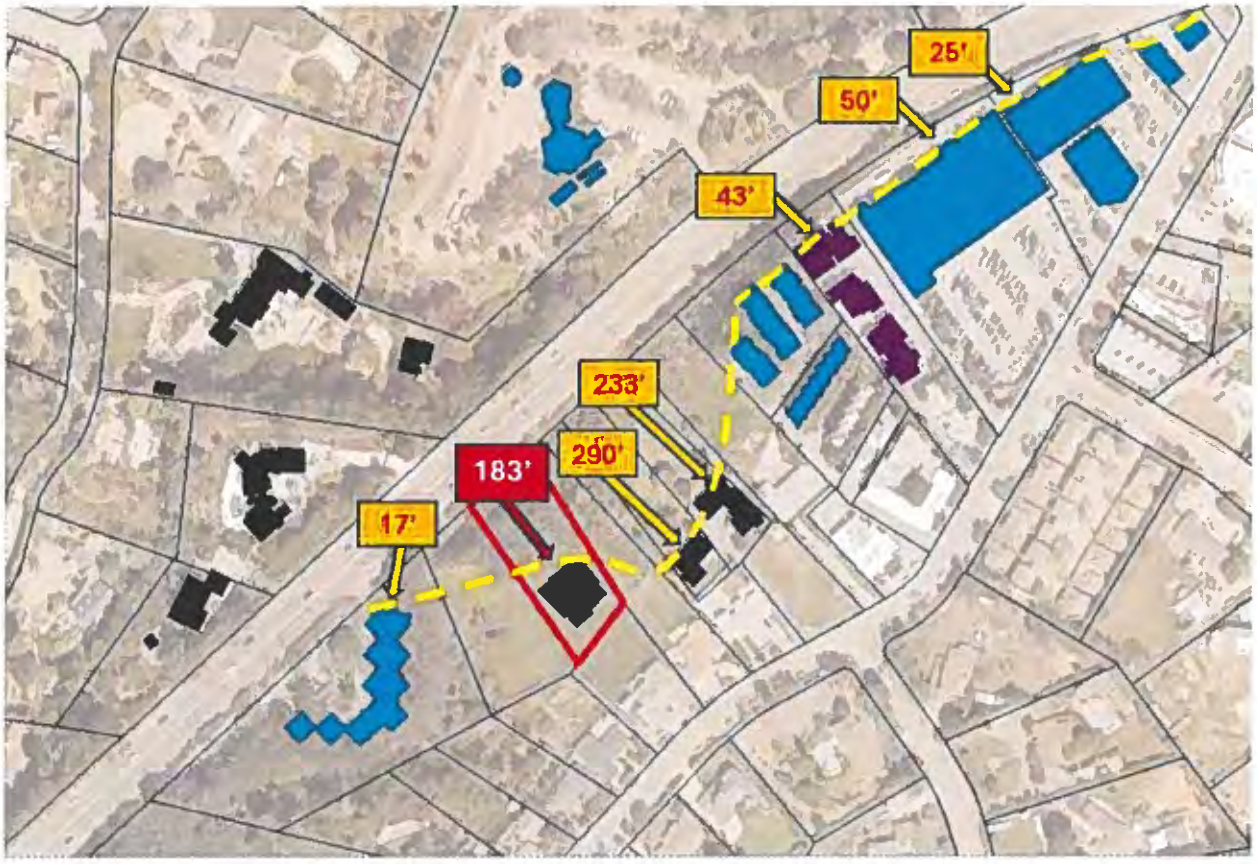
BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385 OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DISTANT THEREON SOUTH 46° 34' 55" WEST 299.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTH 32° 12' 59" EAST 281.18 FEET; THENCE SOUTH 37° 45' 38" WEST 135.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 47° 59' 14" EAST 184.00 FEET TO THE NORTHWESTERLY LINE OF HEATHERCLIFF ROAD, 60 FEET WIDE, AS SHOWN ON THE MAP OF TRACT 17808, IN SAID COUNTY AND STATE, RECORDED IN BOOK 438 PAGE 43 OF MAPS, RECORDS OF SAID COUNTY.

PARCEL 5:

THE STREETS KNOWN AS HEATHERCLIFF ROAD, DUME DRIVE, GRAYFOX STREET, CLIFFSIDE DRIVE, BISON COURT, WHICH ARE RIGHTS OF WAY DESCRIBED IN THAT CERTAIN "DECLARATION OF ASEMENTS BY MARBLEHEAD LAND COMPANY" RECORDED APRIL 11, 1946 AS INSTRUMENT NO. 693 IN BOOK 23095 PAGE 1 OF OFFICIAL RECORDS, WHICH ARE SHOWN IN SAID DOCUMENT AS EASEMENTS 1 THROUGH 7 INCLUSIVE, TOGETHER WITH AN ADDITIONAL STRIP OF LAND 40 FEET IN WIDTH TO A POINT IN THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN. THE STREETS ARE NOW PUBLICLY DEEDED ROADS AS DESCRIBED IN THAT CERTAIN ROAD DEED RECORDED SEPTEMBER 16, 1947 AS INSTRUMENT NO. 3678 OF OFFICIAL RECORDS.

APN: 4468-011-011, 4468-011-010

EXHIBIT 5



From:	Patricia Salazar
To:	Planning Commission
Subject:	FW: Fw: Coastal Development Permit No. 20-003; Minor Modification No. 20-001
Date:	Saturday, February 15, 2025 5:11:48 PM
Attachments:	Outlook-An image o.png Outlook-An image o.png Outlook-Logo image001.png Outlook-An image o.png Outlook-An image o.png Outlook-An image o.png 2025-02-14 - M Hinks to Planning Commission.pdf

Received
02/14/25
Planning Dept.

Patricia Salazar
Development and Operations Manager | Planning Department
Office: (310) 456-2489 ext. 245
23825 Stuart Ranch Road | Malibu, CA 90265

From: Allison Cook <capstonecityplan@gmail.com>
Sent: Friday, February 14, 2025 4:13 PM
To: Patricia Salazar <psalazar@malibucity.org>
Subject: Fwd: Fw: Coastal Development Permit No. 20-003; Minor Modification No. 20-001

Hi Patricia - I understand Rebecca is out of the office. Please see below correspondence for Item 4A for the Commission. Thanks!

Allison Cook, AICP
Owner, Capstone City Planning
Contract Planner to the City of Malibu
805-415-1991
capstonecityplan@gmail.com

---------- Forwarded message ---------
From: **Allison Cook** <capstonecityplan@gmail.com>
Date: Fri, Feb 14, 2025 at 4:06 PM
Subject: Fwd: Fw: Coastal Development Permit No. 20-003; Minor Modification No. 20-001
CC: Planning Commission, PD,

Recording Secretary, File

Date Received 02/14/25 Time 10:56 AM
Planning Commission meeting of 02/18/25
Agenda Item No. 4A
Total No. of Pages 17

To: Rebecca Evans <revans@malibucity.org>, Gail Duncan <gduncan@malibucity.org>
Cc: Maureen Tamuri <mtamuri@malibucity.org>, Raneika Brooks <rbrooks@malibucity.org>

Hi Rebecca and Gail - In case you haven't already, can you please provide this letter and attachments to the Commission for Item 4A? Thanks!

Allison Cook, AICP
Owner, Capstone City Planning
Contract Planner to the City of Malibu
805-415-1991
capstonecityplan@gmail.com

---------- Forwarded message ---------
From: **malibu planning** <mplanning@malibucity.org>
Date: Fri, Feb 14, 2025 at 3:40 PM
Subject: Fw: Coastal Development Permit No. 20-003; Minor Modification No. 20-001
To: Allison Cook <capstonecityplan@gmail.com>

Hi Allison,

I see that this is your project, and I wanted to loop you in.

Latrice

Planning Department

Office: 310.456.2489, ext. 485

23825 Stuart Ranch Road | Malibu, CA 90265

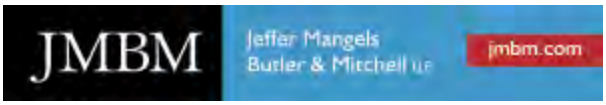
From: Claire Thompson <CThompson@jmbm.com>
Sent: Friday, February 14, 2025 10:56 AM
To: malibu planning <mplanning@malibucity.org>; Maureen Tamuri <mtamuri@malibucity.org>
Cc: Matt Hinks <MH2@JMBM.com>; Don Schmitz <dons@schmitzandassociates.net>; Chris Deleau <cdeleau@schmitzandassociates.net>
Subject: Coastal Development Permit No. 20-003; Minor Modification No. 20-001

Good morning,

Please see the attached correspondence from Matthew Hinks regarding the above-mentioned matter.

Thank you,

Claire Thompson | Legal Secretary
Jeffer Mangels Butler & Mitchell LLP | JMBM
1900 Avenue of the Stars, 7th Floor, Los Angeles, California 90067
D: (310) 712-6845 **| C:** (206) 643-4415 **| F:** (310) 203-0567 **| E:** CThompson@JMBM.com



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Matthew D. Hinks
mhinks@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

February 14, 2025

VIA E-MAIL

City of Malibu Planning Commission
23825 Stuart Ranch Road
Malibu, California 90265
E-Mail: mplanning@malibucity.org

Maureen Tamuri
Interim Planning Director
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, California 90265
E-Mail: mtamuri@malibucity.org

Re: Coastal Development Permit No. 20-003; Minor Modification No. 20-001

Dear Chair Leonard and Members of the Planning Commission:

We are legal counsel for ACS International, the owner of the property located at 29329 Heathercliff Road, Malibu, and the applicant for the above-described entitlements. The project application is scheduled for hearing before you on February 18, 2024.

I write this letter to respond to false information being spread by counsel for Brian and Pamela Adams, Ken Ehrlich and Justin Trujillo of the Elkins Kalt Weintraub Reuben Gartside LLP law firm, claiming that my client does own the rights to develop the project contemplated by the development application and that there is some purported "title dispute." **These claims are untrue**.

For example, Mr. Ehrlich claimed in his letter of October 4, 2024, to this Commission that there is a "title dispute" in that the development would use a portion of the Adams' property for certain components of the project, including a fire turnaround, and that there is no "documentation of [my client's] legal right (whether in easement or otherwise) to utilize that corner of the Adams Property."

On November 14, 2024, Mr. Trujillo wrote to you and claimed that the project will require "the removal of the Adams' existing fence, pool, and pool equipment," that the Adams have not granted permission to use any portion of their property, and that, if built, the project "would create trespass and private claims."

These statements are all false. Here are the facts:

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My client's property is benefitted by two separate written and recorded easements both burdening the Adams' property for "ingress, egress, and utility purposes." My client's development plans call for the use of only a 27 sq. ft. corner of the easement area for driveway purposes and would not touch the pool or pool equipment. That small corner of property is located within my client's ingress and egress easement as its easements specially allow. Documents proving the existence of the easements and the rest of these facts are included with Mr. Chris Deleau's letter to this Commission dated February 13, 2025.

Just this past week on February 11, 2025, my client received a letter directly from Mr. Trujillo. Contrary to Mr. Ehrlich's contention that there is no documented easement, Mr. Trujillo acknowledged that my client's grant deed includes an easement benefitting its property, that the easement burdens the Adams' property, and that the easement permits my client to use the Adams' property for ingress, egress, and utility purposes. ***Thus, contrary to Mr. Ehrich's and Mr. Trujillo's prior statements, Mr. Trujillo admitted all of the facts necessary to establish my client's right to use the Adams' property for ingress and egress exactly as called for by the development application pending before you.***

Mr. Trujillo's February 11, 2025, letter had a new theory. He claimed, not that no easement existed as he and Mr. Ehrlich claimed in the past, but that the easement has terminated by adverse possession due to alleged nonuse. But Mr. Trujillo's new contention is wrong too for many reasons, including the fact that an easement created by a recorded deed such as my client's cannot be lost by mere nonuse no matter how long. *Tract Development Services, Inc. v. Kepler*, 199 Cal. App. 3d 1374, 1384 (1988); Civil Code § 811. What's more, the access easements are plainly existing and even visible through aerial and street view images just as they have existed for years. There is no adverse possession.

Copies of Mr. Trujillo's and my letter are attached.

In short, there are no grounds to claim the easements do not exist or have terminated. Mr. Trujillo's new contentions are nothing more than theater being made for the purposes of this hearing to generate opposition. His new letter raises nothing but an unproven contention which the Adams would bear the burden of proving in court. As matters stand, my client owns easements for ingress and egress over the Adams' property and they are entitled to make use of it consistent with its terms.

There is thus no basis for Mr. Ehrlich or Mr. Trujillo to contend that the Adams do not and have not consented to the use of their property. Yes they have. They "consented" to the use when they purchased their property subject to easements benefitting my client's property for ingress and egress purposes. Indeed, instead of objecting to the current project, they should be celebrating it since it makes use of only a very small portion of a much larger easement.

JMBM Jeffer Mangels Butler & Mitchell LLP
jmbm.com

In any event, no further "consent" by the Adams is needed. Easements are, by definition, the right to the use the land of another. Easements give the holder "those interests expressed in the grant and those necessarily incident thereto." *Dolnikov v. Ekizian*, 222 Cal. App. 4th 419, 428 (2013). Every easement includes "secondary easements"—*i.e.*, "the right to do such things as are necessary for the full enjoyment of the easement itself." *Id.* Those secondary easements include the right "to do such things as are necessary to the exercise of the right," including the right to make "repairs, renewals and replacements on the property that is servient to the easement." *Id.* A right-of-way to pass over the land of another carries with it "the implied right ... to make such changes in the surface of the land as are necessary to make it available for travel in a convenient manner." *Ballard v. Titus*, 157 Cal. 673, 681 (1910). The easements my client owns plainly give it the right to use the easement area for driveway purposes. Any contention to the contrary is spurious.

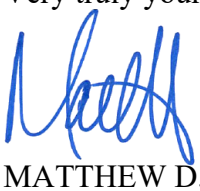
LIP § 13-6-2 is very clear. It states:

> Where the applicant for a Coastal Development Permit is not the owner of a fee interest in the property on which a proposed development is to be located, ***but can demonstrate a legal right, interest, or other entitlement to use the property*** for the proposed development, the City shall not require the holder or owner of any superior interest in the property to join as a co-applicant.

My client owns the fee interest in its property and "a legal right, interest, or other entitlement to use" the Adams property, *i.e.*, the easements. The evidence of the existing easements is before this Commission. In these circumstances, the City "shall not require" anything more of the Adams other than notice of the application, which they have.

Thank you for your attention to these matters.

Very truly yours,



MATTHEW D. HINKS of
Jeffer Mangels Butler & Mitchell LLP

MDH:mdh

cc: Don Schmitz, Chris Deleau (via email)

JMBM Jeffer Mangels Butler & Mitchell LLP
jmbm.com

ATTACHMENTS

ELKINS KALT

Justin R. Trujillo
JTrujillo@elkinskalt.com
Ref: 15651-0001

Elkins Kalt Weintraub Reuben Gartside LLP

February 11, 2025

Alan Hajjar
ACS International, LLC
[redacted]
Los Angeles, CA 90028
[redacted]

Re: 29329 Heathercliff Rd., Malibu, CA 90265 (APN 4468-011-011)
Coastal Development Permit No. 20-003
Minor Modification No. 20-001

Dear Mr. Hajjar:

Our office represents your neighbors, Brian and Pamela Adams ("Clients"), who own the property at [redacted] Heathercliff, Malibu, California, also identified at APN No. 4468-011-012 ("Adams Property"). We understand you own the neighboring property at 29329 Heathercliff, Malibu, California, also identified at APN No. 4468-011-011 ("Hajjar Property").

Introduction and Adams' Perspective

You have a pending development application with the City of Malibu ("City") seeking entitlements to construct, among other things, a new 4,050-square-foot, split-level, 18-foot tall, two-story single-family residence on the Hajjar Property ("Project"). Materials we obtained from the City (submitted by you or your team in connection with the Project) reveal that certain portions of the proposed development, including a fire department turnaround area, encroach over the boundary line and onto the Adams Property (the "Proposed Encroachments"). Further, email correspondence from City contract planner Allison Cook to our Clients dated April 4, 2024 also indicates that you seek to move a portion of the existing Adams Property fence to accommodate the Proposed Encroachments. We enclose copies of the Project Fire Access Exhibit showing the Proposed Encroachments and the referenced email.

Our Clients have not consented to the construction of the Proposed Encroachments and have not granted permission to use the Adams Property in any way. Further, our Clients have not consented to any entry onto the Adams Property and have not granted permission to move the existing fence or alter any existing improvements on the Adams Property in any way. Moreover,

T: 310.746.4400 F: 310.746.4499
10345 W. Olympic Blvd, Los Angeles, CA 90064 | elkinskalt.com

to our knowledge, no such consent or permission was ever granted by any of our Clients' predecessor(s)-in-interest.

Legal Analysis of Hajjar Rights to Adams Property

Your April 4, 2024 email to City contract planner Allison Cook outlines your claim of easement rights purportedly allowing for the Proposed Encroachments. The claim to such easement rights over the Adams Property appears based primarily on the Grant Deed recorded on April 3, 2019 as Instrument No. 20190291198 ("Hajjar Deed") in the Official Records of Los Angeles County. Through this deed, you acquired the Hajjar Property, which includes a description of "AN EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES [...]" purportedly burdening a portion of the Adams Property (the "Purported Easement").

We agree that the Hajjar Deed includes the Purported Easement. However, all rights pertaining to the Adams Property have terminated and are no longer enforceable. Since October 2000, when the Adams acquired the Adams Property, the entire parcel, a fence along the property line ("Adams Fence") has divided the two parcels and wholly enclosed the Purported Easement area on the Adams side of the Adams Fence. For over twenty-four (24) years, the Adams Fence has prevented you and your predecessor(s)-in-interest from accessing or using the Purported Easement. Throughout the Adams' ownership, the Adams Fence's location has constituted actual occupation of the Purported Easement, both preventing access by you and your predecessor(s)-in-interest and providing reasonable notice of the Adams' hostile claim to the property.

Further, the Adams' use and occupation of the Purported Easement satisfies all elements required for adverse possession under California law, including payment of all property taxes levied for a continuous and uninterrupted period exceeding five (5) years. *Vieira Enterprises, Inc. v. McCoy*, 8 Cal. App. 5th 1057, 1075 (2017). As a result, all rights to the Purported Easement have been extinguished. *Id.* ("[A] recorded easement may be extinguished if the use of the servient tenement, the property burdened by the easement [Citation], amounts to adverse possession of the easement, and nonuse by the dominant tenement may be a factor in determining whether possession has been adverse.").

Even if the Adams' adverse possession has not extinguished your easement rights (which we highly doubt), the Proposed Encroachments constitute an exclusive use and impermissible overburdening of the Purported Easement. These encroachments exceed the scope of rights explicitly granted in the Hajjar Deed for "INGRESS, EGRESS AND UTILITY PURPOSES." *Dolnikov v. Ekizian*, 222 Cal. App. 4th 419, 429, (2013) (An easement owner may not increase the

burden on, or unreasonably interfere with, the use of the servient tenement by the owner of the underlying fee.).

If constructed, the Proposed Encroachments would interfere with our Clients' use and enjoyment of the Adams Property and would therefore constitute both a trespass and nuisance with respect to the Adams Property. *Hirschfield v. Schwartz* (2001) 91 Cal.App.4th 754 (An encroachment may be actionable as a trespass or a nuisance.). Moreover, you have no right to seek, nor can the City grant, any entitlements for development on real property you do not own or have rights to use. LIP §§ 13.6.2(A) ("applicants must prove that they own the property which is the subject of the application or provide the City with written consent from the owner for the proposed development"); 13.6.2(C) (where the applicant is not the owner of a fee interest in the property on which a proposed development is to be located, then they must "demonstrate a legal right, interest, or other entitlement to use the property for the proposed development."); *see* also MMC § 17.04.150. The Adams have granted no such rights, and you have shown no such permission, legal right, interest, or other entitlement to the disputed area.

Consequently, our Clients demand that you immediately withdraw your Project entitlements applications and ensure that any proposed future development on the Hajjar Property will not encroach onto the Adams Property.

We request your prompt response indicating your intentions regarding withdrawal of the application for the Project entitlements (Administrative Coastal Development Permit 20-003 and Minor Modification 20-001). Failure to respond by 5:00 p.m., February 14, 2025 will compel our Clients to take all appropriate legal action to: 1) prevent you from obtaining entitlements for development on the Adams Property, and 2) enforce their rights to the Adams Property.

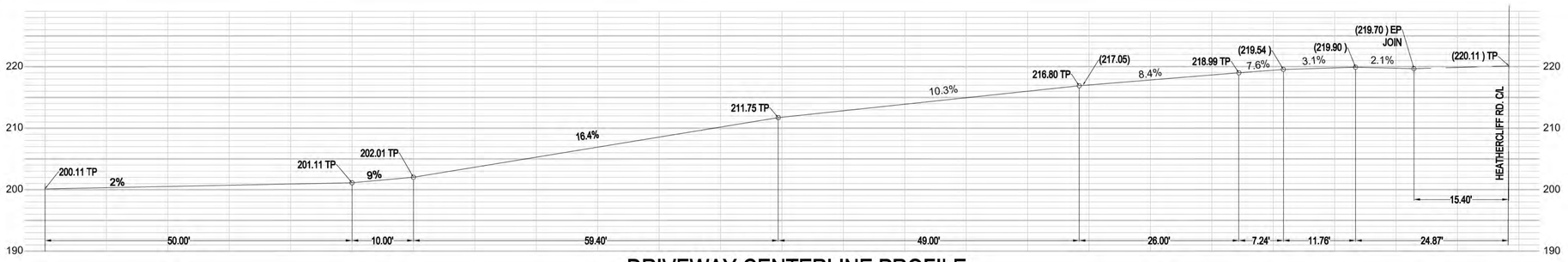
Very truly yours,



JUSTIN R. TRUJILLO
Elkins Kalt Weintraub Reuben Gartside LLP

Enclosures: Project Fire Access Exhibit;
Email dated April 4, 2024

5369971



DRIVEWAY CENTERLINE PROFILE

SCALE: 1" = 10'

PROJECT INFORMATION:

SITE ADDRESS: 29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN: 4468-011-010 & 4468-011-011
OWNER:

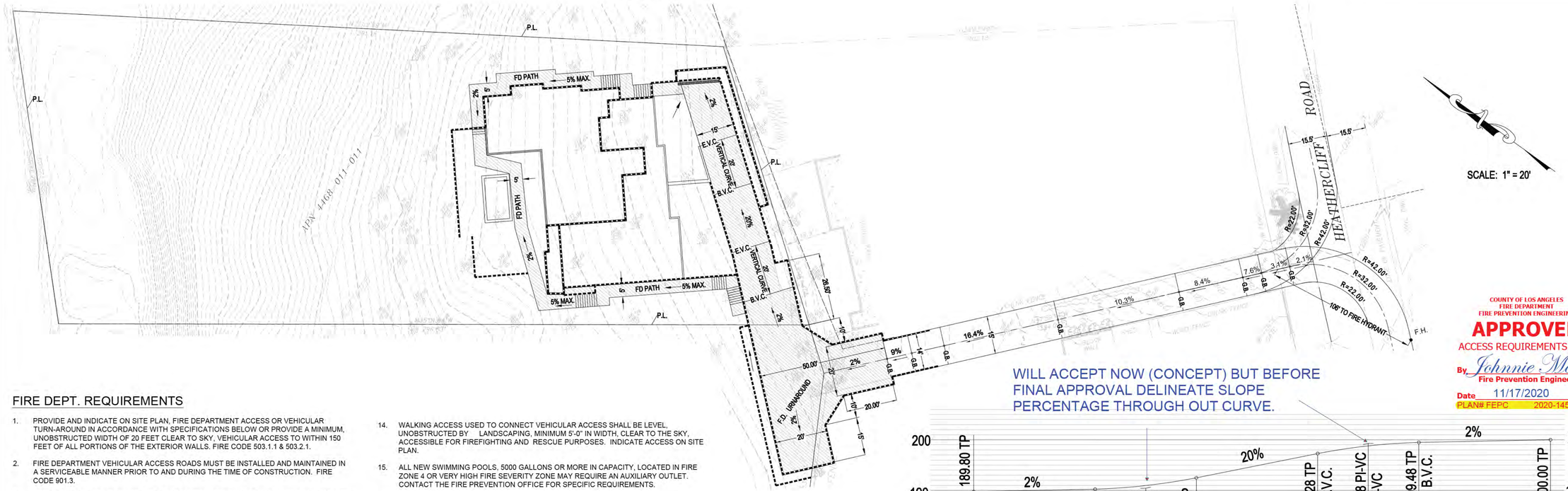
ARCHITECT: DAVID KALEN, AIA
2701 AIRPORT AVE., SUITE 202
SANTA MONICA, CA 90405

CIVIL ENGINEER: PLANEX ASSOCIATES, INC.
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404

EXISTING BUILDING: 0 S.F.
PROPOSED BUILDING: 4,570 S.F.

THIS PLAN CONFORMS TO THE COASTAL DEVELOPMENT PERMIT APPROVED BY THE CITY FOR SUBJECT PROJECT IN THE CITY OF MALIBU, CALIFORNIA ON _____

PROJECT START: N/A
PROJECT COMPLETION: N/A



COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION ENGINEERING
APPROVED
ACCESS REQUIREMENTS ONLY
By Johnnie McGee
Fire Prevention Engineer
Date 11/17/2020
PLAN# FEPC 2020-1457

WILL ACCEPT NOW (CONCEPT) BUT BEFORE FINAL APPROVAL DELINEATE SLOPE PERCENTAGE THROUGH OUT CURVE.

DRIVEWAY CENTERLINE PROFILE (LOWER PORTION)

SCALE: 1" = 10'

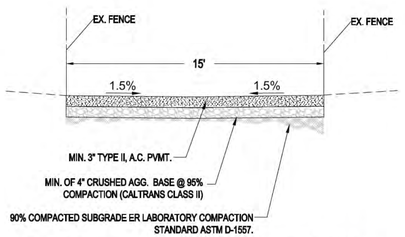
FIRE DEPT. REQUIREMENTS

1. PROVIDE AND INDICATE ON SITE PLAN, FIRE DEPARTMENT ACCESS OR VEHICULAR TURN-AROUND IN ACCORDANCE WITH SPECIFICATIONS BELOW OR PROVIDE A MINIMUM, UNOBSTRUCTED WIDTH OF 20 FEET CLEAR TO SKY, VEHICULAR ACCESS TO WITHIN 150 FEET OF ALL PORTIONS OF THE EXTERIOR WALLS. FIRE CODE 503.1.1 & 503.2.1.
2. FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. FIRE CODE 901.3.
3. THE REQUIRED FIRE FLOW FOR FIRE HYDRANTS AT THIS LOCATION IS **1,250** GALLONS PER MINUTE, AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF 2 HOURS, OVER AND ABOVE THE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 507.3 AND APPENDIX B105.1 APPENDIX B. FIRE FLOW MAY BE OBTAINED FROM PUBLIC FIRE HYDRANT FLOWING SIMULTANEOUSLY.
4. COMPLY WITH TITLE 24, 310.9.1 REGARDING FIRE WARNING SYSTEMS. SMOKE DETECTORS TO BE HAND WIRED WITH BATTERY BACKUP. WHEN MORE THAN ONE SMOKE ALARM IS INSTALLED, 'THEY SHALL BE ARRANGED SO THAT THE OPERATION OF ANY SMOKE ALARM CAUSES THE ALARM IN ALL SMOKE ALARMS WITHIN THE DWELLING UNIT TO SOUND (CALIFORNIA ALARM CODE). PROVIDE NOTE ON SITE PLAN AND INDICATE ON FLOOR PLAN.
5. PROVIDE ONE HOUR FIRE RESISTIVE OCCUPANCY SEPARATION BETWEEN THE R-3 DWELLING AND THE GARAGE. (INDICATE ON FLOOR PLAN.)
6. EXIT DOORS SHALL BE CAPABLE OF OPENING WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. BUILDING CODE 1003.3.1.8.
7. WIDTH AND HEIGHT OF REQUIRED EXIT DOORWAYS SHALL COMPLY WITH TITLE 24. (INDICATE ON DOOR SCHEDULE).
8. BUILDING ADDRESS NUMBERS TO BE PROVIDED ON FRONT OF ALL BUILDINGS AND SHALL BE VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. FIRE CODE 901.4.4.
9. PROVIDE A KEY BOX AS REQUIRED BY FIRE CODE 904.2 LOCATION AT GATE.
10. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDE THE WORDS **NO PARKING-FIRE LANE**. SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH AND HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND. SIGNS SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS, TO CLEARLY INDICATE THE ENTRANCE TO SUCH ROAD, OR PROHIBIT THE OBSTRUCTION THEREOF AND AT INTERVALS, AS REQUIRED BY THE FIRE INSPECTOR. FIRE CODE 503.3
11. PRIVATE ROADS USED FOR FIRE DEPARTMENT ACCESS SHALL BE CAPABLE OF SUPPORTING THE WEIGHT OF A 25-TON VEHICLE.
12. FIRE DEPARTMENT ACCESS ROADS LESS THAN 10% SLOPE, AND NOT PAVED TO PUBLIC WORKS STANDARDS, REQUIRE CERTIFICATION FROM A REGISTERED CIVIL ENGINEER STATING THE ROAD MEETS OR EXCEEDS ALL-WEATHER STANDARDS OF LA CO DEPARTMENT OF PUBLIC WORKS.
13. ALL FIRE DEPARTMENT ACCESS ROADS 10% OR GREATER SLOPE SHALL BE PAVED PRIOR TO CONSTRUCTION.
14. WALKING ACCESS USED TO CONNECT VEHICULAR ACCESS SHALL BE LEVEL, UNOBSTRUCTED BY LANDSCAPING, MINIMUM 5'-0" IN WIDTH, CLEAR TO THE SKY, ACCESSIBLE FOR FIREFIGHTING AND RESCUE PURPOSES. INDICATE ACCESS ON SITE PLAN.
15. ALL NEW SWIMMING POOLS, 5000 GALLONS OR MORE IN CAPACITY, LOCATED IN FIRE ZONE 4 OR VERY HIGH FIRE SEVERITY ZONE MAY REQUIRE AN AUXILIARY OUTLET. CONTACT THE FIRE PREVENTION OFFICE FOR SPECIFIC REQUIREMENTS.
16. COMPLY WITH TITLE 24, 310.4 REGARDING ACCESS.
17. FIRE RESISTIVE ASSEMBLIES FOR PROTECTION OF OPENINGS TO COMPLY WITH TITLE 24, 713.
18. WALLS AND SOFFITS OF ENCLOSED USABLE SPACE UNDER INTERIOR STAIRWAYS THAT ARE NOT REQUIRED TO BE ENCLOSED BY BUILDING CODE 1006.12 SHALL BE PROTECTED ON THE ENCLOSED SIDE AS REQUIRED FOR ONE-HOUR RESISTIVE CONSTRUCTION. TITLE 24, 1003.3.3.9.
19. ALL REQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BEGINNING CONSTRUCTION. FIRE CODE 501.4.
20. ALL FIRE HYDRANTS SHALL MEASURE 6"X4"X2-1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C503, OR APPROVED EQUAL, AND SHALL BE INSTALLED IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 8.
21. PLANS SHOWING UNDERGROUND PIPING FOR PRIVATE ON-SITE FIRE HYDRANTS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. FIRE CODE 901.2, COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 7
22. PROVIDE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM AS SET FORTH BY BUILDING CODE 903 AND FIRE CODE 903. PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. REASON: RESIDENTIAL CODE & FIRE CODE 903.1 & FIRE FLOW REDUCTION TYPE OF FIRE SPRINKLER SYSTEM: 903.3.1.1, 903.3.1.2, 903.3.1.3
23. THE SECURITY GATE SHALL MAINTAIN A MINIMUM ACCESS WIDTH OF 20 FEET. THE SECURITY GATE SHALL BE PROVIDED WITH AN APPROVED MEANS OF EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES AND REPLACED OR REPAIRED WHEN DEFECTIVE. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASTM F220. GATES SHALL BE OF THE SWINGING OR SLIDING TYPE. CONSTRUCTION OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE 503.6. THE SECURITY MANUAL GATE OPERATOR SHALL BE PROVIDED FOR EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES.

PROJECT DATA

ADDRESS:	29329 HEATHERCLIFF ROAD, MALIBU, CA 90265
APN:	4468-011-010 & 4468-011-011
LCP ZONING DESIGNATION:	A1-1
GROSS LOT AREA=	33532 SQ. FT. (0.77 ACRES)
LOT DEPTH=	1289'
LOT WIDTH=	115'
PROPOSED FRONT YARD SETBACK=	25.8' FROM PROPERTY LINE
PROPOSED REAR YARD SETBACK=	164'
PROPOSED SIDE YARD SETBACK=	17.4' (E), & 11.7' (W)
CONSTRUCTION TYPE:	V-B
VHFHSZ :	YES
OCCUPANCY:	SINGLE FAMILY
FIRE SPRINKLERS:	YES
FIRE FLOW BASED ON THE FIRE-FLOW CALCULATION AREA:	1750 GPM
REDUCTION FOR FIRE SPRINKLERS (MAXIMUM 50%):	500 GPM
TOTAL FIRE FLOW REQUIRED :	1250 GPM
EXISTING SQUARE FOOTAGE:	0 S.F.
PROPOSED SQUARE FOOTAGE:	
GARAGE=	390 SQ. FT.
FIRST FLOOR=	2,590 SQ. FT.
SECOND FLOOR=	1,460 SQ. FT.
OVERHANG (> 6')	320 SQ. FT.
TOTAL=	4,570 SQ. FT.

501



NOTE: FINAL DRIVEWAY SECTION DESIGN FOR APPARATUS WEIGHING 25 TONS TO BE DETERMINED AND APPROVED BY THE PROJECT'S SOILS ENGINEER PER FIELD TEST. CIVIL ENGINEER MIGHT BE REQUIRED

ACCESS DRIVEWAY TYPICAL SECTION

SCALE: 1" = 4'



VICINITY MAP

REVISION	DATE	BY
NO.		

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

FIRE ACCESS EXHIBIT

29329 HEATHERCLIFF RD. , MALIBU, CA 90265

SIGNED
DATE:

SHEET 1 OF

PFN: 1909-495
DATE: 11/11/2020

C -FD

These drawings are instruments of service and are the property of Planex Associates. All designs and other information on the drawings are for use on the specific project and shall not be used otherwise without written permission of Planex Associates ©

From: Allison Cook <capstonecityplan@gmail.com>
Date: April 4, 2024 at 11:15:32 AM PDT
To: Brian Adams [redacted]
Subject: Fwd: Site Visit - 29329 Heathercliff

Hi Brian - I spoke with Alan further. Please see his email below. One correction from my last email is that Alan will need to move a part of your fence that is in the ingress/egress easement he has for his property in order to widen the driveway to the 20 feet at the project site. Feel free to call him to coordinate this item, since it is a matter between you and him. Thanks.

Please note that I will be out of the office from 4/10 through 4/15.

Allison Cook, AICP
Owner, Capstone City Planning
Contract Planner to the City of Malibu
805-415-1991
capstonecityplan@gmail.com

---------- Forwarded message ---------
From: **Alan ACS** <[redacted]
Date: Thu, Apr 4, 2024 at 11:06 AM
Subject: RE: Site Visit - 29329 Heathercliff
To: Allison Cook <capstonecityplan@gmail.com>

Morning

Per our conversation this morning

See attached

- Page 9 of deed shows easement parcel 4 the road and parcel 3 both easement toward Adams and toward Roth
- Site topo : that you should have. if you zoom in to the corner between road and adams property (see below also) you clearly will see the chain link fence and hammerhead and you can see that I need to push the fence only 3ft to the east on a length of 10 ft and that in this area there is no structure , you can also see that the fence encloses part of the easement which I am ok with that as I told the Adams

Alan Hajjar, MSCE

[redacted]

USA:

[redacted]

Hollywood, CA 90028

Tel: (818) 383-1800

Fax: (323) 463-0485

From: Allison Cook <capstonecityplan@gmail.com>
Sent: Wednesday, April 3, 2024 2:31 PM
To: Alan ACS [redacted]
Subject: Site Visit - 29329 Heathercliff

Hi Alan - Thanks for meeting me at the site today. When you send me the revised plans lowering the building to 18 feet, please also note that you would like to cancel your SPR request for additional height. Thanks.

Please note that I will be out of the office from 4/10 through 4/15.

Allison Cook, AICP

Owner, Capstone City Planning

Contract Planner to the City of Malibu

805-415-1991

capstonecityplan@gmail.com

--
Larry

Matthew D. Hinks
mhinks@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

February 13, 2025

VIA E-MAIL

Justin R. Trujillo
Elkins Kalt Weintraub Reuben Gartside LLP
10345 W. Olympic Blvd.
Los Angeles, California 90064
E-Mail: jtrujillo@elkinskalt.com

Re: 29329 Heathercliff Rd., Malibu; Coastal Development Permit No. 20-003; Minor Modification No. 20-001

Dear Mr. Trujillo:

We represent ACS International, LLC and Alan Hajjar in connection with their development project located at 29329 Heathercliff Road in Malibu. I am in receipt of your letter of February 11, 2025, to Mr. Hajjar. Please direct all further communications regarding this matter to my attention.

In your letter, you acknowledge that my clients' grant deed includes an easement benefitting their property, that the easement burdens your clients' property, and that the easement permits my clients to use it for ingress, egress, and utility purposes (the "Easement"). **You have thus admitted all of the facts necessary to establish my clients' right to use the Easement for ingress and egress exactly as called for by their development application**.

You, however, claim that the Easement has terminated by adverse possession. But, as you know, that is just an unproven contention which your clients would bear the burden of proving in court. As matters stand, my clients own an Easement for ingress and egress over your clients' property and they are entitled to use it consistent with its terms.

You argue that the Easement has purportedly terminated due to nonuse. But it has long been settled that an easement or servitude created by grant cannot be lost by mere nonuse no matter how long. *Tract Development Services, Inc. v. Kepler*, 199 Cal. App. 3d 1374, 1384 (1988); Civil Code § 811. You cite *Viera Enters., Inc. v. McCoy*, 8 Cal. App. 5th 193 (2017), for the proposition that a recorded easement may be extinguished through adverse possession, but even that case found that the easement in question had not been lost. Here, the access Easement is plainly existing and even visible through aerial and street view images just as it has existed for years. There is no adverse possession of the Easement.

A Limited Liability Law Partnership Including Corporations / Los Angeles • San Francisco • Orange County

Your additional contentions are also wrong. While the Easement is much larger, my clients' plans require the use of only a 27 sq. ft. corner and would not touch the pool or pool equipment.[1] That small area would be used only for driveway purposes as the Easement specifically permits. To claim on these facts that my clients' development would "overburden" the Easement is nonsensical. Nor would it constitute an exclusive use since your clients would remain free to use the Easement area in a manner not inconsistent with my clients' rights.

Finally, your contention that my clients' use of the Easement consistent with the grant would somehow amount to a trespass and nuisance is spurious. The Easement gives my clients both "those interests expressed in the grant and those necessarily incident thereto." *Dolnikov v. Ekizian*, 222 Cal. App. 4th 419, 428 (2013). Every easement includes "secondary easements"—*i.e.*, "the right to do such things as are necessary for the full enjoyment of the easement itself." *Id.* Those secondary easements include the right "to do such things as are necessary to the exercise of the right," including the right to make "repairs, renewals and replacements on the property that is servient to the easement." *Id.*

What's more, an unreasonable interference with an easement by the owners of the servient estate is actionable and may subject them to damages. The *Dolnikov* court affirmed a judgment dismissing the servient owners' trespass, negligence, and nuisance claims and awarding the dominant owner over $700,000 in damages for interference with her easement. *Id* at 426-27. The court held that "conduct can constitute actionable interference with the use and enjoyment of an easement even when the conduct does not physically obstruct the servitude." *Id.* at 422. In that case, the jury found an unreasonable interference with the easement where the servient owner refused to sign a covenant for a community driveway and a retaining wall permit, made statements that plaintiff lost her rights by "burdening the easement," and demanded money in exchange for granting plaintiff rights she already possessed in the easement. All of that was done to interfere with the dominant owner's efforts to exercise ingress and egress easement rights in connection with the development of single-family homes. *Id.* at 427.

For these reasons, my clients will not be withdrawing their development application. They will also take all legal actions at their disposal to exercise their Easement rights, and will not hesitate to seek legal remedies if your clients continue to interfere with their Easement.

[1] Your clients installed that pool and pool equipment with knowledge of my clients' easement rights. As I am sure you are aware, an obstruction that unreasonably interferes with the use of an easement for ingress and egress can be ordered removed "for the protection and preservation" of the easement. *See, e.g.*, *Applegate v. Ota*, 146 Cal. App. 3d 702, 712 (1983). My clients reserve their rights to require that the pool and pool equipment be removed should it become necessary, for example, as part of a revised project should the present one not be approved.

JMBM Jeffer Mangels Butler & Mitchell LLP
jmbm.com

Very truly yours,



MATTHEW D. HINKS of
Jeffer Mangels Butler & Mitchell LLP

MDH:mdh

JMBM Jeffer Mangels Butler & Mitchell LLP
jmbm.com

Received
02/18/25
Planning Dept.

From: Chris Deleau
To: Elizabeth Riddick
Cc: Planning Commission; Rebecca Evans; Don Schmitz; Scott Hoeft; AK Munaim; Alan ACS
Subject: 29329 Heathercliff Rd. Item 4.A. Tomorrow Night"s Planning Commission Hearing
Date: Monday, February 17, 2025 10:42:55 PM
Attachments: 29329 Heathercliff House Design Changes Exhibits.pdf
easement malibu hamhead-recorded.pdf

Commissioner Riddick,

Thank you for taking the time today to meet Don and I at the property. During our visit earlier today, you had inquired as to whether the applicant had an easement across the neighboring property for his hammerhead turnaround. Don had properly noted that our client did have an easement for the turnaround; however, I mistakenly noted that we did not. Apologies for the confusion.

The applicant does in fact have an easement for the hammerhead. Attached you will find a copy of that easement.

Additionally, please find attached some additional slides that depict the house at 21' (Prior design) and 18' (current). The reduction in height and mass was undertaken to preserve the private views of the neighbor, Mike Kasaba, who lives a couple of doors down.

If you should have any questions regarding the project, please feel free to contact us.

Best,

Chris Deleau, JD, AICP
Special Projects Manager, Schmitz and Associates

747.494.7293
schmitzandassociates.com
cdeleau@schmitzandassociates.net
28230 Agoura Rd. Suite 200, Agoura Hills, CA 91301

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CC: Planning Commission, PD,

Recording Secretary, File

Date Received 02/18/25 Time 7:30 AM
Planning Commission meeting of 02/18/25
Agenda Item No. 4A
Total No. of Pages 13

From: AK Munaim <amunaim@schmitzandassociates.net>
Sent: Monday, February 17, 2025 10:02 PM
To: Chris Deleau <cdeleau@schmitzandassociates.net>
Subject: HAJJAR

Hi Elizabeth,

I hope you are doing well.

Arfakhashad (AK) Munaim
Special Projects Manager, Schmitz and Associates

747.444.6144
schmitzandassociates.com
amunaim@schmitzandassociates.net
28230 Agoura Rd. Suite 200, Agoura Hills, CA 91301

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20240544544

Pages: 0007

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County, California

08/14/24 AT 08:57AM

FEES:	32.00
TAXES:	0.00
OTHER:	0.00
SB2:	75.00
PAID:	107.00

LEADSHEET

202408141910003

00024705924

014839927

SEQ:
01

DAR - Counter (Upfront Scan)

THIS FORM IS NOT TO BE DUPLICATED

E682947

RECORDING REQUESTED BY:

ALAIN HAJJAR

When Recorded Mail Document To:
ALAIN HAJJAR OR ASSIGNEE
ACS INTERNATIONAL LLC

1666 ½ MCCADDEN PLACE

HOLLYWOOD, CA 90028

08/14/2024

"20240544544"

APN: 3209-001-020

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

GRANT OF EASEMENT FOR FIRE TRUCK TURN-AROUND AND INGRESS AND EGRESS PURPOSES

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

DOCUMENTARY TRANSFER TAX IS: NO CONSIDERATION

____ Computed on full value of property conveyed, or

____ Computed on full value less liens and encumbrances remaining at time of sale

____ Unincorporated Area ____ City of Malibu

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, PLAYERS GROUP, LLC, a California Limited Liability Company, Owner of A.P.N. 4468-011-010 (hereinafter referred to as "Grantor"), hereby GRANTS to ACS INTERNATIONAL, LLC, a California Limited Liability Company, Owner of A.P.N. 4468-011-011, (hereinafter referred to as "Grantee"); details of said Consideration as shown in Exhibit "A" through Exhibit "D" attached hereto and incorporated herein.

A Non-Exclusive Easement for Fire Truck Turn-Around, Ingress and Egress and Incidental Purposes over the following described real property ("Servient Tenement") in the City of Malibu, County of Los Angeles, State of California;
As shown in Exhibit "A" attached hereto and incorporated herein. A.P.N. 4468-011-010.

Said Non-Exclusive Easement is appurtenant to and for the benefit of the GRANTEE's described property ("Dominant Tenement") in the City of Malibu, County of Los Angeles, State of California;
As shown in Exhibit "B" attached hereto and incorporated herein. A.P.N. 4468-011-011.

This appurtenant Non-Exclusive Easement is described as a portion of the Servient Tenement and more specifically described in Exhibit "C" and "D" attached hereto and incorporated herein.

This appurtenant Non-Exclusive Easement shall run with the lands described and for the sole benefit of the Dominant Tenement and shall bind the heirs, successors and assigns of the above-named Grantor(s) and Grantee(s), and the County Recorder is hereby instructed to index this Easement Deed for Ingress and Egress in the grantor/grantee index under the names of the respective parties.

DATE: 08-09-2024

GRANTOR

PLAYERS CLUB, LLC, a California
Limited Liability Company, Owner

Alain Hajjar, Managing Partner

GRANTEE

ACS INTERNATIONAL, LLC, a California
Limited Liability Company, Owner

Alain Hajjar, Managing Partner

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

On August 09, 2024 before me America Fierro, Notary Public, Notary Public, personally appeared Alain Hajjar. who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

AMERICA FIERRO
Notary Public - California
Los Angeles County
Commission # 2429688
My Comm. Expires Dec 8, 2026

EXHIBIT "A"

LEGAL DESCRIPTION
(SERVIENT TENEMENT)

APN 4468-011-010

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT, RECORDED IN BOOK 1, PAGE 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DISTANT THEREON SOUTH 46° 34' 55" WEST 424.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID SOUTHEASTERLY LINE SOUTH 46° 34' 55" WEST 100.00 FEET; THENCE SOUTH 22° 53' 50" EAST 277.26 FEET; THENCE NORTH 61° 56' 37" EAST 139.14 FEET; THENCE NORTH 37° 45' 38" EAST 20.00 FEET; THENCE NORTH 35° 01' 53" WEST 296.63 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL RIGHT, TITLE AND INTEREST IN AND TO ALL MINERALS, GAS AND OTHER HYDROCARBON SUBSTANCES IN SAID LAND, BUT WITHOUT RIGHT OF ENTRY ON THE SURFACE OF SAID LAND, AS GRANTED TO R. R. ADAMSON IN DEED RECORDED OCTOBER 5, 1953 IN BOOK 42846 PAGE 432, OFFICIAL RECORDS.

ELIAS CHAIJ P.L.S. 8908
EXP. 09/30/2024

JULY 22, 2024
DATE



EXHIBIT "B"

LEGAL DESCRIPTION
(DOMINANT TENEMENT)

APN 4468-011-011

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT, RECORDED IN BOOK 1, PAGE 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY, 100 FEET WIDE, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON MARCH 18, 1944, AS INSTRUMENT NO. 919, IN BOOK 20716, PAGE 385, OFFICIAL RECORDS, IN THE OFFICE OF THE SAID RECORDER, DISTANT THEREON SOUTH 46° 34' 55" WEST 299.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF SAID RECORDER;
THENCE ALONG SAID SOUTHEASTERLY LINE, SOUTH 46° 34' 55" WEST, 125.00 FEET;
THENCE SOUTH 35° 01' 53" EAST, 296.63 FEET;
THENCE NORTH 37° 45' 38" EAST, 115.00 FEET;
THENCE NORTH 32° 12' 59" WEST, 281.18 FEET TO THE **POINT OF BEGINNING**.

EXCEPT ALL RIGHT, TITLE AND INTEREST IN AND TO ALL MINERALS, GAS AND OTHER HYDROCARBON SUBSTANCES IN SAID LAND, BUT WITHOUT RIGHT OF ENTRY ON THE SURFACE OF SAID LAND, AS GRANTED TO R. R. ADAMSON IN DEED RECORDED OCTOBER 5, 1953 IN BOOK 42846 PAGE 432, OFFICIAL RECORDS.

ELIAS CHAIJ P.L.S. 8908
EXP. 09/30/2024

JULY 22, 2024
DATE



EXHIBIT "C"

LEGAL DESCRIPTION
FIRE TRUCK TURN-AROUND
INGRESS AND EGRESS EASEMENT

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT, RECORDED IN BOOK 1, PAGE 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED MARCH 18, 1944 AS INSTRUMENT NO. 919, IN BOOK 20716, PAGE 385, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DISTANT THEREON SOUTH 46° 34' 55" WEST, 424.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57, PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE SOUTH 35° 01' 53" EAST 296.63 FEET TO THE **POINT OF BEGINNING**;
THENCE NORTH 35° 01' 53" WEST 25.35 FEET;
THENCE SOUTH 41° 16' 31" WEST 61.53 FEET;
THENCE SOUTH 48° 43' 29" EAST 12.43 FEET;
THENCE NORTH 61° 56' 37" EAST 38.02 FEET;
THENCE NORTH 37° 45' 38" EAST 20.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE LAND DESCRIBED CONTAINS 1,259 SQUARE FEET, MORE OR LESS.

REFERENCE IS HEREBY MADE TO EXHIBIT "D" ATTACHED HERETO FOR ILLUSTRATION PURPOSES OF THE FORGOING DESCRIPTION.

THIS DOCUMENT IS PREPARED BY ME, ELIAS CHAIJ, PLS 8908.

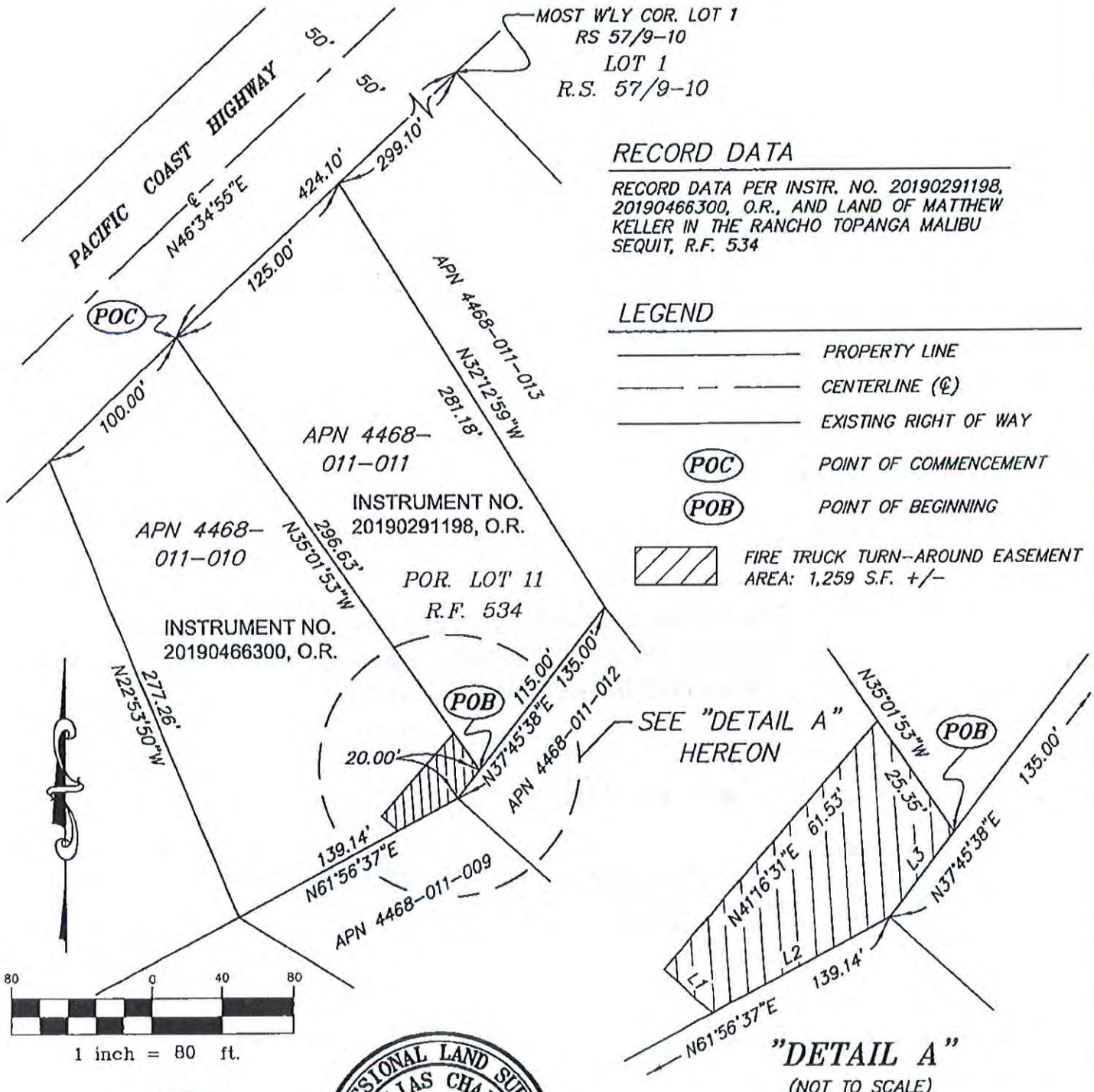
ELIAS CHAIJ P.L.S. 8908
EXP. 09/30/24

JULY 22, 2024
DATE

PROFESSIONAL LAND SURVEYOR
ELIAS CHAIJ
L.S. 8908
STATE OF CALIFORNIA

EXHIBIT D

PORTION OF RANCHO TOPANGA MALIBU SEQUIT
MATHEW KELLER PATENT, BOOK 1, PAGE 407 ET SEQ.
IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES
STATE OF CALIFORNIA



RECORD DATA

RECORD DATA PER INSTR. NO. 20190291198, 20190466300, O.R., AND LAND OF MATTHEW KELLER IN THE RANCHO TOPANGA MALIBU SEQUIT, R.F. 534

LEGEND

- PROPERTY LINE
- CENTERLINE (℄)
- EXISTING RIGHT OF WAY
- (POC) POINT OF COMMENCEMENT
- (POB) POINT OF BEGINNING
- FIRE TRUCK TURN-AROUND EASEMENT AREA: 1,259 S.F. +/-

"DETAIL A"

(NOT TO SCALE)

LINE TABLE		
LINE	LENGTH	BEARING
L1	12.43'	N48°43'29"W
L2	38.02'	N61°56'37"E
L3	20.00'	N37°45'38"E

PROFESSIONAL LAND SURVEYOR
ELIAS CHAIJ
L.S. 8908
STATE OF CALIFORNIA

ELIAS CHAIJ, PLS 8908
EXP: 9/30/2024

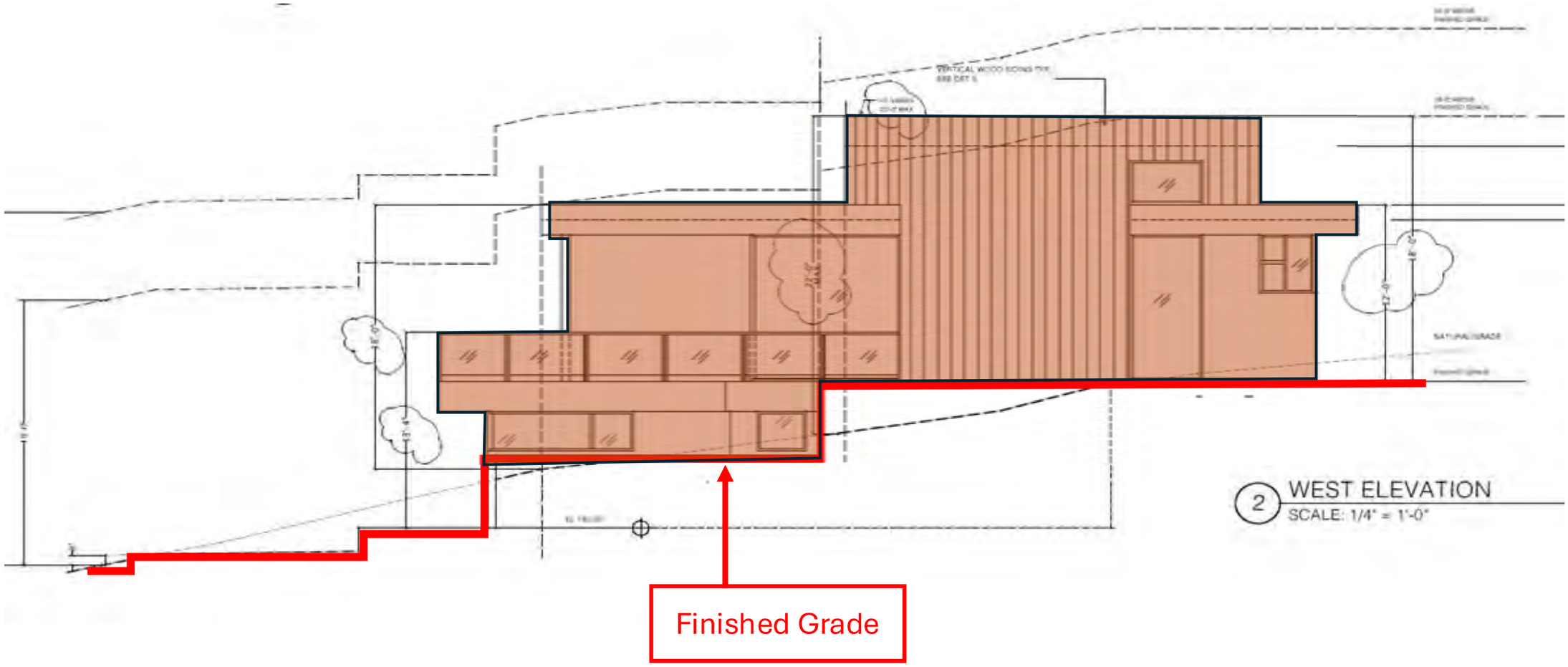
7/22/24
DATE

This is a true and certified copy of the record
if it bears the seal, imprinted in purple ink,
of the Registrar-Recorder/County Clerk

AUG 14 2024

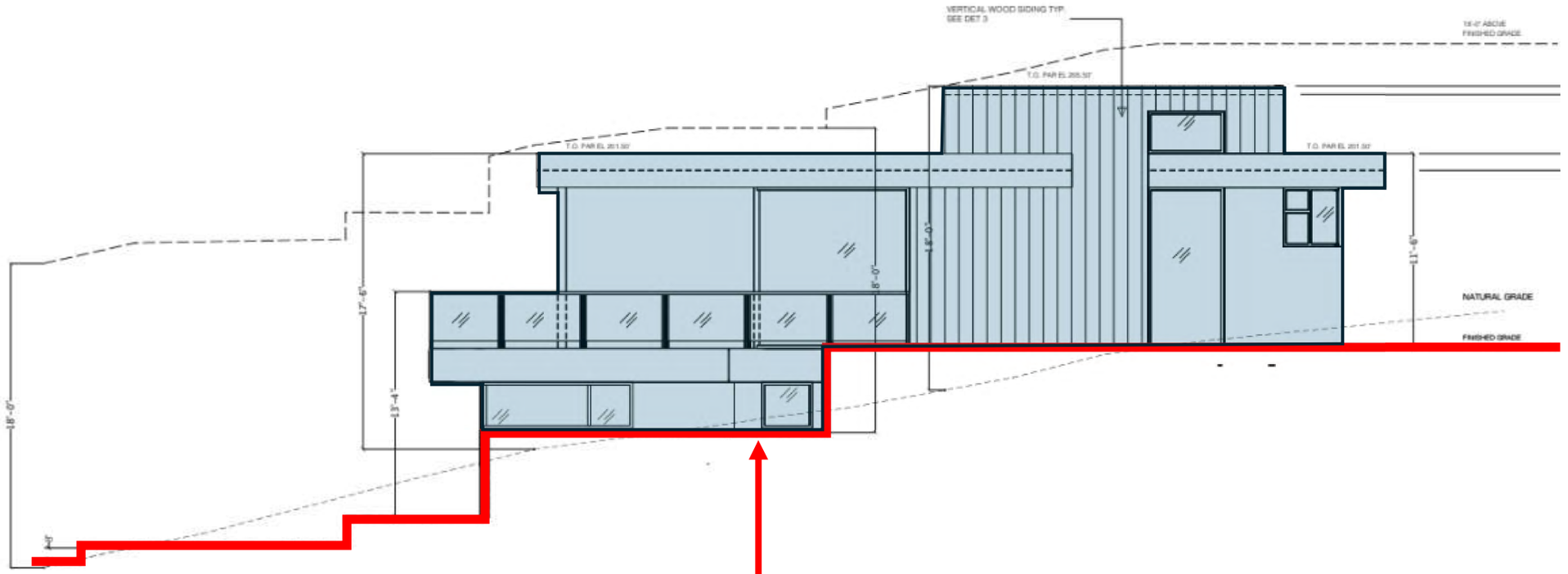
Dean C. Logan
REGISTRAR-RECORDER/COUNTY CLERK
LOS ANGELES COUNTY, CALIFORNIA

Original Design – 21 ft



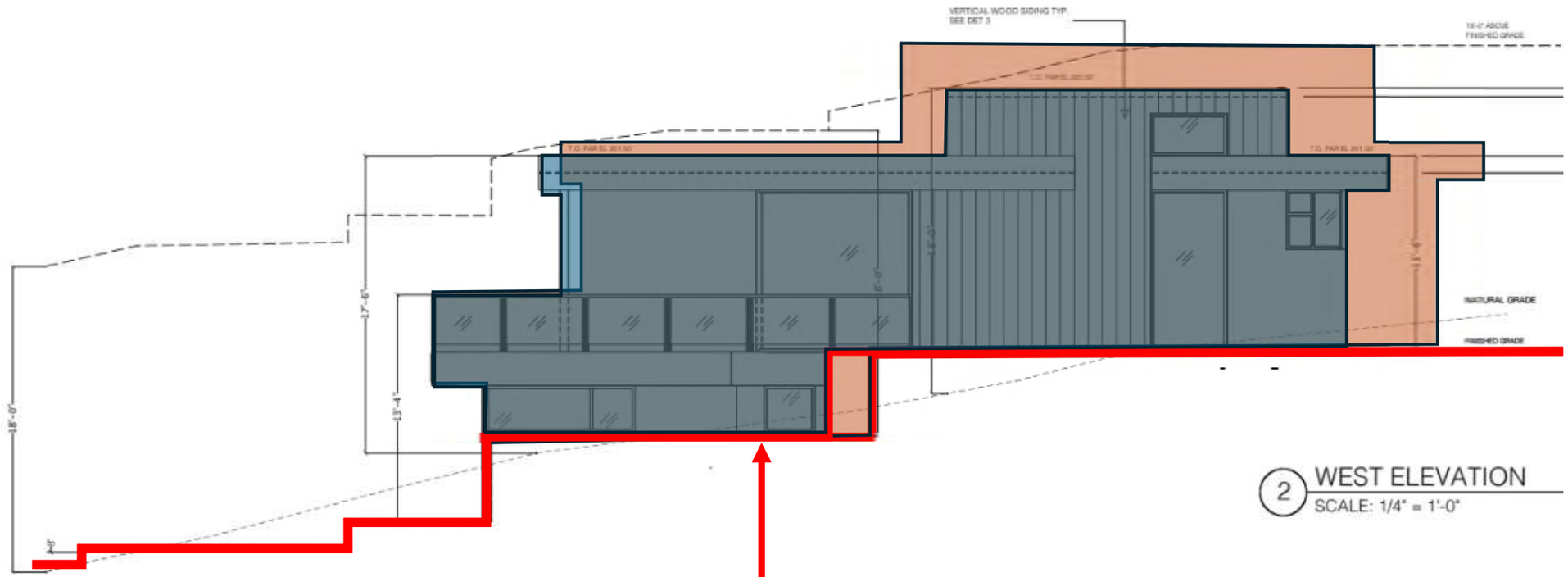
West Elevation

Current Design – 18 ft



West Elevation

Original (21-ft) vs. Current Design (18 ft)



Finished Grade

Schmitz & Associates, Inc.
28230 Agoura Road, Suite 100
Agoura Hills, CA 91301

April 29, 2025

Attn: Kelsey Pettijohn, City Clerk
23825 Stuart Ranch Road
Malibu, CA 90265

Cc: Honorable Mayor Stewart and Councilmembers
Allison Cook, Contract Planner
Patrica Salazar, Development & Operations Mgr.

RE: Applicant (ACS International) response to the appeal from Larry Roth, dated March 26, 2025, for project case number CDP No. 20-003 and Minor Modification (MM) No. 20-001, for the property located at 29329 Heathercliff Road, Malibu, CA 90265 (APN: 4468-011-011).

Honorable Mayor Stewart and Councilmembers,

We write regarding CDP No. 20-003 and Minor Modification (MM) No. 20-001 located at 29329 Heathercliff Road, Malibu, CA 90265. The permit was heard and approved by the Planning Commission on March 17, 2025. It was subsequently appealed to the City Council by Mr. Larry Roth, the next-door neighbor[1], on March 26, 2025. Schmitz & Associates, Inc. represents the property owner/applicant, ACS International (Mr. Alan Hajjar, Trustee).

The following correspondence summarizes the appeal arguments made by the appellant, Larry Roth, and provides the applicant's responses thereto:

Appeal Argument A: Mr. Roth asserts that the applicant does not own the land where its driveway is proposed and does not have an easement for access across any portion of the Adams' property located at 29327 Heathercliff rd.; therefore, the project should be denied for this reason alone.

Applicant Response to Appellant Argument A: Mr. Roth objects to the construction of a portion of the applicant's driveway that is located on his neighbor, Bryan Adams,' property. He acknowledges that half of the applicant's easement does burden his property but then argues that the other half of the easement that burdens Adams' property is not valid (it is the same easement). Roth claims that the applicant does not have an easement that would allow them to construct their driveway and use this portion of the neighbor's lot and for this reason alone, the project should be denied. He specifically argues that *"The City has no authority to grant entitlements for development on property which the applicant neither owns nor has rights to use."* He argues that the applicant does not have an easement because there is no

[1] The project was also appealed by Neighbor Brian Adams whose arguments are nearly identical.

easement listed in his neighbor's title report, and that any easement the applicant may have had was lost by adverse possession.

Mr. Roth's arguments poorly recap the arguments made by Legal Counsel for the Neighbor/other appellant, Bryan Adams, which prior arguments were not legally valid to begin with. We have, on several past occasions, responded to these arguments as has the applicant's legal counsel, Matt Hinks of JMBM. These responses are in the public record and included in the Planning Department's staff reports. Mr. Roth's arguments are chalked full of misunderstanding of fact and the law and do not have any merit.

The Applicant has Express Easements that Give him the Right to Construct and Use the Driveway on the Appellants' lands.

The Applicant has two separate easements for purposes of ingress, egress, and utilities **(See Attached Exhibit 1)**. These two easements allow him to construct, use, and maintain his driveway in the area proposed. These easements, which were reserved in a single grant deed, were created and recorded in July of 1959. The project survey/ grading plan **(See Attached Exhibit 2)** reflects and calls out the two access easements as Parcel 3 and Parcel 4. Further, our client's Title Report **(See Attached Exhibit 3)** also refers to these easements as Parcels 3 & 4. The applicant's survey when listing the easement parcels corresponds to the parcel numbers in the title report.

The City's codes require only that the Applicant show evidence of either ownership or a right of access (see below LIP Sec. 13.6.2(C).) This entails providing the City with a title report/survey reflecting the easement in Scheule A of that report and providing a copy of the executed easement document, if requested. The Code does not require that the Applicant litigate any access or legal dispute before the City can process and approve a permit. The City Attorney confirmed this during the Planning Commission hearing, acknowledging that the applicant had shown, in an executed and recorded legal document (easement), that he had easement rights across both the Adams and Roth properties and that the applicant had provided sufficient documentation to meet the application requirements of LIP 13.6.2.

Mr. Roth also references his prior easement litigation against the applicant and maintains that the applicant was previously forced to stop processing this permit until the litigation between Roth and the applicant was settled. This is not correct. The Applicant *voluntarily* paused permit processing to work on a settlement with Mr. Roth, and that settlement was reached. *The City did not require* the applicant to hold on permit processing until the litigation was resolved.

Mr. Roth also references the "Breitman" CDP on Seaboard Rd. as precedent for requiring an applicant to litigate and conclusively resolve an easement dispute *in a court of law* before processing or continuing to process a permit application. This is also not correct. Our firm represents Mr. Breitman's project located at 21100 Seaboard Rd. (CDP No. 04-051). While it is true that a specific planner in the Planning Department attempted to place a processing hold on that project until the applicant litigated and proved conclusively that he had access rights, the City quickly changed course when they were advised by the City Attorney's office that Planning must accept at face value the easement rights referenced in the applicant's survey and title report. The City Planning Department withdrew its hold and recommenced project processing with haste. That project is ongoing and active and is not 'on hold' in any sense of the word.

LIP Section 13.6.2 States as follows:

Where the applicant for a Coastal Development Permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the City shall not require the holder or owner of any superior interest in the property to join as a co-applicant. All holders or owners of any other interest of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.

As noted, the LCP does not require an applicant to prove in a court of law that they have an easement or legal right to use the property of another, it simply requires that the applicant provide prima facie evidence of its property rights, which the applicant has done.

Mr. Roth also argues that because Mr. Adams was granted a permit to build a pool on his property, that the applicant's permit cannot be issued on the same property, within the applicant's easement. This argument is puzzling as to its logic and reasoning and is incorrect.

In sum, our client has the legal right to construct and use his proposed driveway within his easement area. The applicant's easement is a **property right** that runs with the land, benefits the applicant, and burdens both Mr. Roth and Mr. Adams' properties. The appellants' legal assertions attacking the continued validity of the applicant's easement are properly heard in a court of law, not adjudicated by the City Council as part of a permit application.

Appellant Argument B: Mr. Roth Asserts that the project does not meet fire code requirements, that the project plans were not 'officially approved,' and that the Fire Department will never use the driveway because it is unsafe.

Applicant Response to Appellant Argument B: The Project has received approval from the Fire Department two separate times, first on November 17, 2020, and most recently on December 4, 2024 **(see below approvals referenced in figures 1-3).**

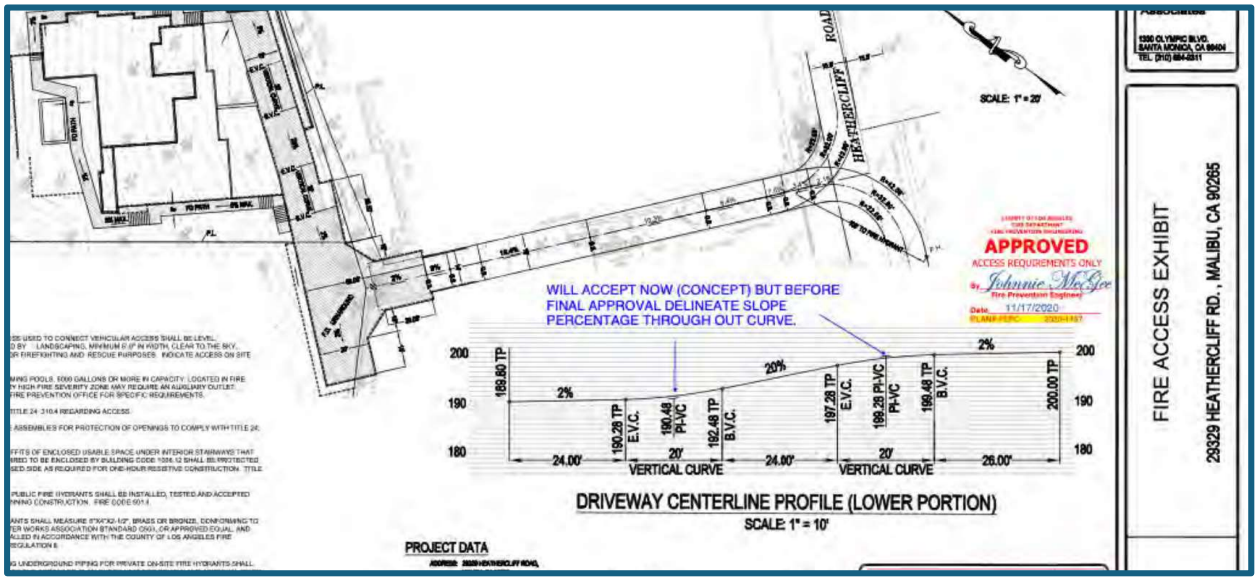


Figure 1: The Applicant's First Fire Department Approval (2020)

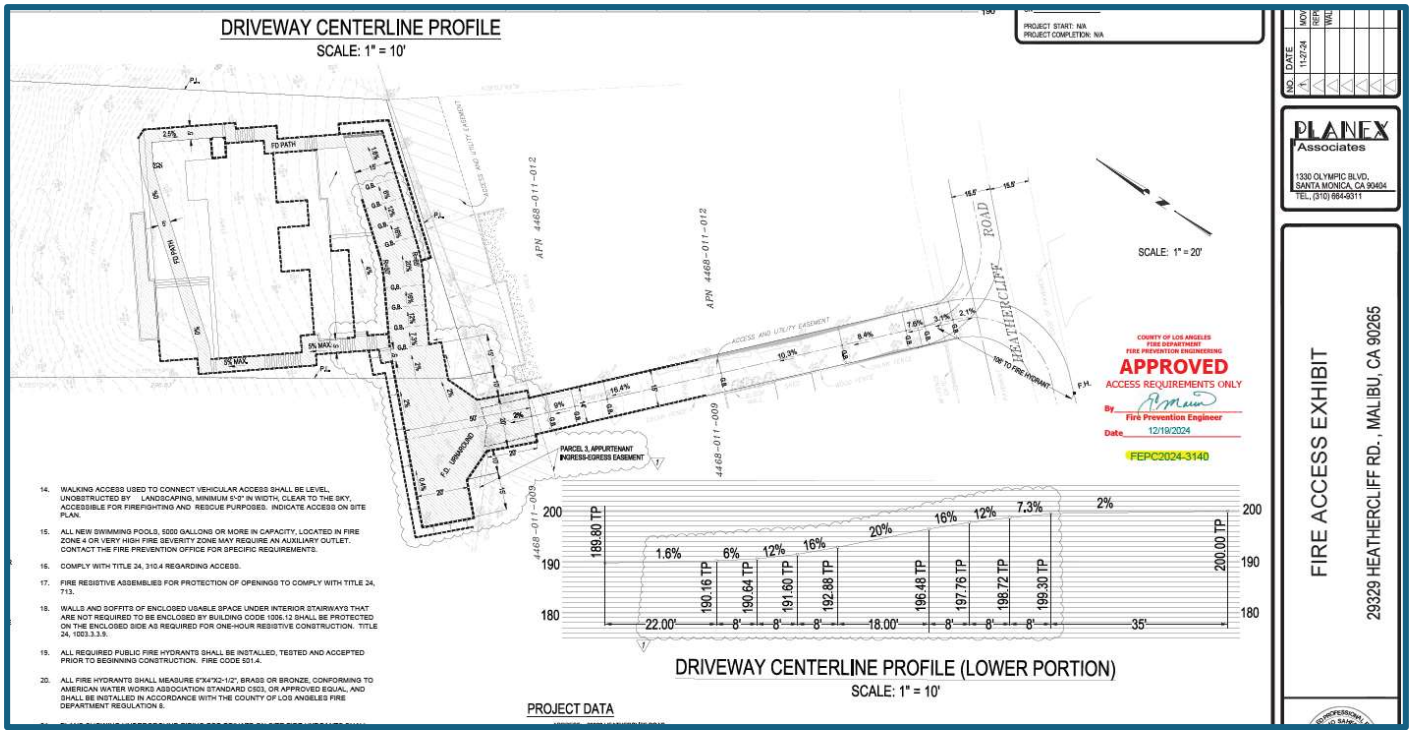


Figure 2: The Applicant's Second and Final Fire Department Approval (12/2024)

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department

FROM: City of Malibu Planning Department **REVISED DATE** 12/04/2024

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 1,250 gallons per minute at 20 pounds per square inch for a 1 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.

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

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

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

SIGNATURE DATE 12/19/2024

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341or at the Fire Department Counter:
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM

Rev 04/21/10 mr

ATTACHMENT D

Figure 3: The Fire Department Referral Sheet Noting Approval (12/2024)

It appears that the appellant was not aware of the most recent and updated Fire Department Approval. This approval and the stamped approved access plan were included in the Planning Commission staff report/ staff presentation and were part of the applicant's PowerPoint presentation at hearing.

The Fire Department has approved the project. The access road does meet Fire Department access and engineering standards, as approved by the LACO Fire Department.

Appeal Argument C: The appellant claims the project is in or adjacent to stream ESHA, does not meet the 100' stream ESHA setback, and will impact ESHA.

Applicant's Response to Appellant's Argument C: Chapter 4 of the LCP (ESHA) states that there is no ESHA on Point Dume except for the stream on lower Birdview Ave that empties to Westward Beach[2], and which is shown on the City's LCP ESHA Map. LCP Interpretation No. 17, approved by ZORACES on November 14, 2006, reiterates and further emphasizes this.

Notwithstanding the fact that the LCP precludes any ESHA determination on Point Dume, the City Biologist has visited the property and confirmed that there was no sensitive vegetation found on site. The City Biologist evaluated the comments and claims made by the Native Plant Society[3] (NPS) and found that no protected native trees or rare/especially valuable plants existed on site.

The Appellant's ESHA arguments are inaccurate and have no basis.

Appeal Argument D: Development on Steep Slopes: The appellant claims that the project is located on slopes steeper than 4:1 in violation of code and that the applicant engaged in unpermitted grading.

Applicant Response to Appeal Argument D: Neither of the appellant's arguments have any merit. The project survey and slope map clearly show that the proposed residence is not being proposed on slopes steeper than 4:1. The applicant's Surveyor has prepared two separate slope maps at both 5' and 2' slope band intervals. Both maps show that the house is not proposed on slopes steeper than 4:1 (25%).

Regarding the allegation of a grading violation, none has occurred, and this has been verified by Ryan Cerny, Deputy Building Official, City Code Enforcement, and the Planning Department. The applicant's representative, Chris Deleau of Schmitz & Associates, Inc., attended a site visit to the property with the aforementioned City officials and it was confirmed that the applicant had not done any 'grading.' The applicant had recently conducted routine annual brush clearance, as had been done for many years prior, to keep the Roth and Adams properties safe (fire department required); however, the applicant did not do any *grading*.

Additionally, Mr. Cerny, the City's Deputy Building Official, upon reviewing the access road condition, saw heavy machinery tracks along the driveway leading into Mr. Roth's backyard. Mr. Roth's property is currently under construction, and it was evident that the road was being maintained by his General Contractor. A substantial amount of gravel had been placed on the roadbed by his general contractor to

[2] The City's LCP was Amended by the City and the Coastal Commission in 2006 to eliminate all mapped ESHA on Point Dume except for the Birdview Stream. LIP 4.6.1 was also modified to further clarify this. This is discussed in the City's staff report.

[3] The appellant references a letter submitted to the City from the NPS which is part of the record and included in the City's staff report. This letter alleges the presence of ESHA on the property.

avoid erosion during the wet season. There were cat tracks from heavy equipment leading down the driveway, over the gravel and into Mr. Roth's backyard. Mr. Roth had previously claimed that the applicant had undertaken this work; however, that most certainly is not the case.

Past Grading by Roth and Adams & its Implications for the Appellant's Arguments

Review of historical aerials from Google Earth shows that substantial grading has occurred on both Mr. Roth's property and Mr. Adams (the Appellants). These aerials **(Exhibit 4)** show that, in 2013 Mr. Roth graded two pads on the rear portion of his lot without permits, one for an outdoor seating area and one for a bocce ball court. Google Earth Aerials from 2013 **(see Exhibit 4)** show that some of the spoils from this grading (Roth's unpermitted grading) were dumped at the bottom of the driveway on the applicant's property, *in the exact location* where Mr. Roth alleges the applicant graded the driveway. The aerials also show that Roth did more grading to create a pad for a spa (also unpermitted) and that retaining walls were installed to support the spa (also unpermitted).

From these aerial photos **(Exhibit 4)** we know that Mr. Roth conducted substantial unpermitted grading on his property and that he dumped spoils from that grading on the Applicant's property. Mr. Roth now claims that the applicant did this; however, the evidence provided herein refutes that allegation. (**See Exhibit 5** *Showing a Complete Permit Record for the Roth Property and Demonstrating that Mr. Roth did all this Work Without Permits*).

Site photos taken by the applicant also show that Mr. Roth's contractor recently placed a large amount of gravel on the driveway to prevent erosion and damage to the driveway while the contractor was in the process of constructing his pool and exporting dirt. Mr. Roth also accused the applicant of placing that gravel on the driveway, either knowing that it was his [Roth's] contractor that did this, or in ignorance of the true and obvious facts on the ground. The gravel blanket leads down the driveway from Heathercliff and ends precisely where the entry to Mr. Roth's property is in his side yard next to the driveway (it does not extend near or onto the applicant's property.) See attached photos **(Exhibit 6).**

In conclusion, there has been a lot of grading and construction work done on both appellants'[4] properties, mostly without permits in the case of the Roth property, and aerial photos show that dirt from some of these projects was dumped on the applicant's property without permission and within the driveway easement. **What is clear is that appellant Roth engaged in the very grading violation that he now asserts the applicant carried out.** It should be noted that the applicant did not acquire the property until 2019, long after the grading was done by Roth on the applicant's property.

City officials from building safety, code enforcement and planning cleared the applicant of the appellant's claim, specifically finding that no recent grading had occurred. Additionally, evidence provided herein shows that Roth did engage in a grading violation in this area. The appellant's arguments have been offered in bad faith and have no merit.

Appeal Argument E – The appellant claims that the project is located on a significant ridgeline and does not comply with Ridgeline standards.

Applicant's Response to Appellant's Argument E: First, the hillside in question does not meet the

[4] Appellant Adams recently constructed a pool in his back yard (with permits) and used the driveway to facilitate construction. Excavation spoils appear to have been stored at least temporarily in the driveway.

definition of a “Ridgeline.” The LCP defines a ridgeline as,

“a hill, ridge, or promontory other than a primary ridgeline, but on which the elevation drops more than ten feet (10’) in one hundred feet (100’) horizontally on either side of the top of this landform feature.”

The Top of this landform feature is the middle of Heathercliff rd. (Highest Point). To begin with it would be silly to consider Heathercliff rd. to be a protected ridgeline given that it is no longer a natural landform feature, and it is fully developed. However, even if one were to consider assessing whether it meets the slope requirements for a ridgeline, it would not meet the definition above as the feature does not drop vertically 10’ feet over 100 feet horizontal (not more than a 10 percent slope).



Figure 4: Showing a less than 10’ vertical drop over 100’ from the top of the landform feature – does not meet the definition of a ridgeline.

Second, LUP section 6.4 states that ridgeline standards shall not apply to areas that are ‘built out.’ LCP Policy 16 elaborates on this provision, provisions in the LIP, and states the same, that where more than 65% of all properties within the ‘neighborhood’ are developed, then the ridgeline standards do not apply. The applicant’s project is in a neighborhood that is over 90% built out, therefore the ridgeline standards do not apply to the applicant’s project.

Third, both appellants Adams and Roth have recently received permit approvals and constructed pools in the rear yards of their properties. The city found, in approving these pool permits, that this landform feature did not constitute a ridgeline and that the ridgeline standards did not apply. After receiving their permits, the appellants now claim that this landform feature is a ridgeline, after benefitting from the City’s determination that it was not one.

The appellants' arguments are disingenuous and have no merit. The applicant's project is not located on a ridgeline and is not subject to ridgeline standards.

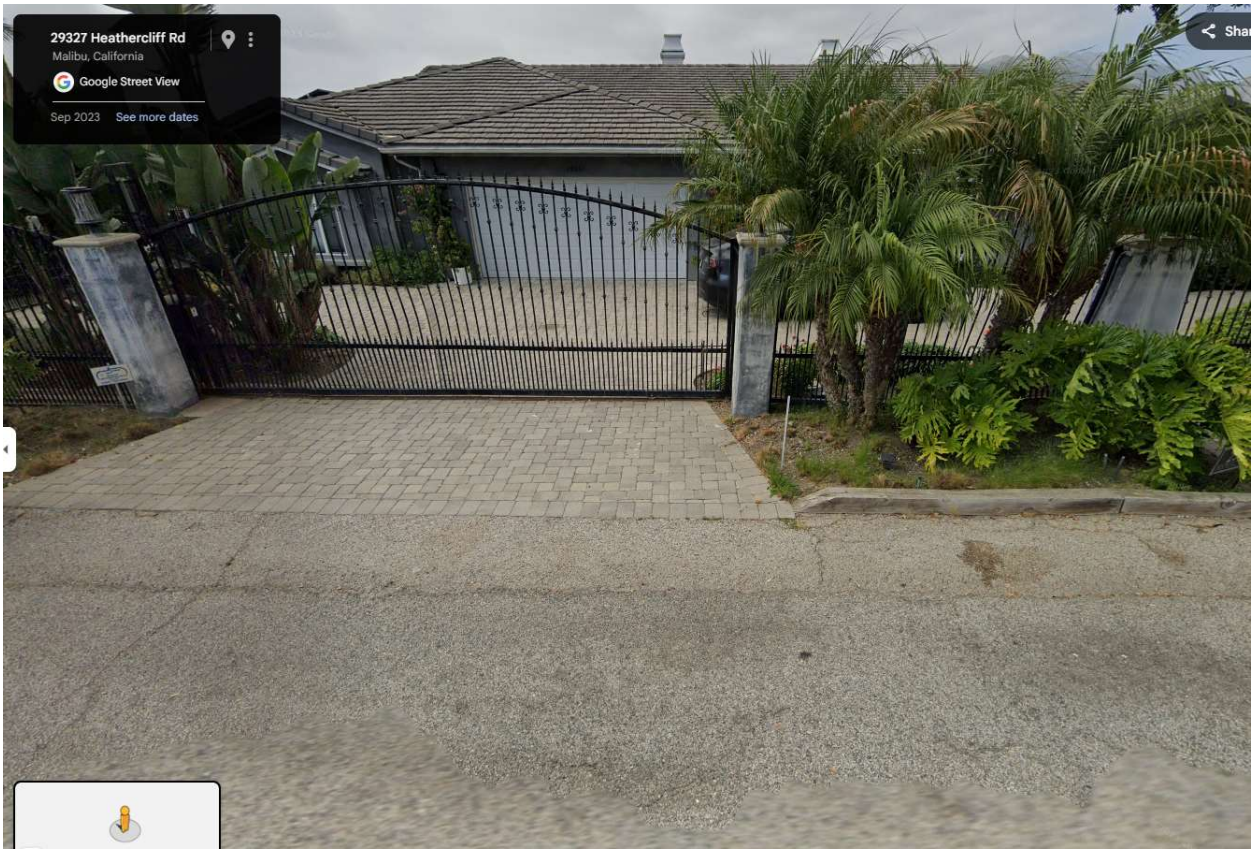


Figure 5: View of "Ridgeline" alleged to be protected by both appellants (Roth & Adams)

In sum, the feature does not meet the definition of a ridgeline and is not subject to the ridgeline setback rules.

Appellant Argument F: The appellant claims that there is no basis to approve the applicant's minor modification request to reduce the front yard setback.

Applicant's response to appellant's argument F: A minor modification (MM) request does not need an adequate 'basis' to be proposed or approved. The City is not required to find a 'reason', nor is the applicant required to provide one to approve a MM request. While a MM request is a discretionary request, the only findings that are required to approve the request are as follows:

The Planning Manager may approve a minor modification application only if the Planning Manager affirmatively finds that the proposal meets all of the following:

1. *That the project is consistent with the policies of the Malibu LCP.*
2. That the project does not adversely affect neighborhood character. [bold and italic emphasis added]
3. *The proposed project complies with all applicable requirements of state and local law.* ***[LIP 13.27.5 (B)***

The staff report presented at the Planning Commission hearing made these findings and provided substantial evidence in support thereof. The appellant seems to emphasize the quality of the lot; a "junk lot' as he remarks in his appeal. He also emphasizes that the MM should not be approved because of fire safety. These issues have been addressed previously in the applicant's responses to the appeal and are not relevant to the findings needed to be made to approve the MM request.

Moreover, the City's Local Coastal Program prioritizes public view protection over all other development standards, except for ESHA. Section 6.5(A)(4) of the LIP, states,

"*New development, including a building pad, if provided,* ***shall be sited on the flattest area of the project site****, except where there is an alternative location that would be more protective of visual resources or ESHA."*

This section in the visual resources section of the LIP *requires* that all new development be sited on the flattest portion of the site. The code only allows homes to be sited on steeper slopes if doing so would be more protective of visual resources (E.g., PCH – A scenic highway). Here, the house is proposed on the flattest portion of the site and that location also happens to be the most protective of views from PCH. Locating the residence as far from PCH as possible ensures that the house will be the least visible. The applicant has designed the house in accordance with the public view protection provisions of the code and has complied with all other development standards.

The applicant's minor modification request seeks a yard setback reduction to 29'6". The average setback of existing homes along Heathercliff rd. is 26'1". Ironically, the Adams and Roth Properties (Appellant's properties) have the narrowest front yard setbacks on the street at 22'6", yet they argue that the applicant's proposed front yard setback must be almost 3 times greater than theirs at 59.4'.

In sum, the code requires that the house be sited where it is proposed, it is consistent with the neighborhood character, and the minor mod findings can and should be made.

Concluding Remarks

In conclusion, the appellants (Roth and Adams) arguments are disingenuous and are offered with the sole intent of attempting to block any development on the applicant's property. Mr. Roth makes this clear when he refers to the applicant's property as a "junk lot." What is plain to see is that that the appellants want to continue to treat the applicant's property as if it were their own property, their own 'open space' buffer. They refuse to acknowledge that the applicant has a right to develop its property and that they will do and say just about anything to deny the applicant of his right to use and enjoy his land. The appellants' arguments are plainly not offered in good faith and do not have the slightest inkling of legitimacy. Instead, these appeals are offered as a filibuster to leverage the applicant to either sell this property to them or to otherwise diminish the applicant's rights.

Mr. Roth's appeal is particularly egregious given that Mr. Roth previously settled litigation with the applicant and withdrew all his objections to the project in a letter to the City **(Exhibit 7).** After having resolved his dispute with the applicant amicably, he now reinvigorates his prior objections after having reached an accord with the applicant. Since the time of the settlement the project has been reduced in size and extent. There have been no changes to the project that would give Mr. Roth cause to object after having withdrawn his prior objections.

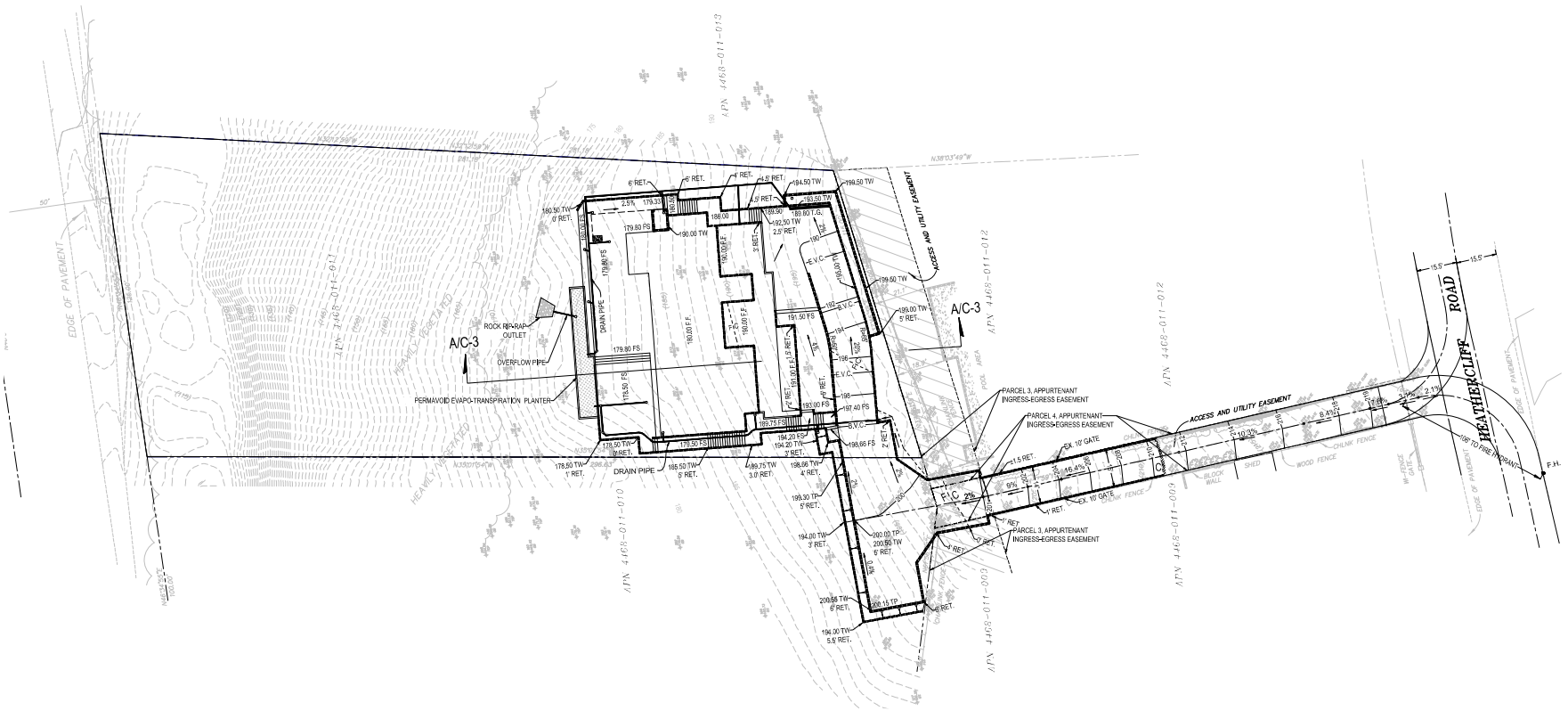
Lastly, Mr. Roth has committed numerous development violations (no permits) on his property. One of the violations he accuses the applicant of, he himself committed. His credibility is poor, and his arguments are invalid.

We ask that the Council see this appeal for what it is, disingenuous, and a gross abuse of process.

Sincerely,

Chris Deleau, JD, AICP
Special Projects Manager, Schmitz & Associates, Inc.

747.494.7293
schmitzandassociates.com
cdeleau@schmitzandassociates.net
28230 Agoura Rd. Suite 200, Agoura Hills, CA 91301



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NOTICE TO CONTRACTOR:

A. THE GEOTECHNICAL CONSULTANT SHOULD DETERMINE THE EXPANSION POTENTIAL OF THE FINISH GRADE MATERIALS AT THE COMPLETION OF GRADING. FOUNDATION DESIGN RECOMMENDATIONS SHOULD BE REVISED IF THE EXPANSION POTENTIAL OF FINISH GRADE MATERIALS SUBSTANTIALLY DIFFERS FROM THE ASSUMED EXPANSION RANGE.

B. AT THE COMPLETION OF GRADING, SAMPLES OF THE ONSITE SOILS SHOULD BE COLLECTED AND TESTED FOR CORROSION POTENTIAL. FINAL RECOMMENDATIONS FOR MITIGATION MEASURES INCLUDING CEMENT TYPE SHOULD BE BASED ON THE CORROSION POTENTIAL OF THE FINISH GRADE MATERIALS.

C. THE GEOTECHNICAL CONSULTANT SHOULD DETERMINE AT THE COMPLETION OF GRADING THE R-VALUE OF THE FINISH GRADE MATERIALS WITHIN PARKING AND ACCESS ROAD AREAS. FINAL PAVEMENT DESIGN SHOULD BE BASED ON THE ACTUAL R-VALUE OF THE FINISH GRADE MATERIALS.

D. SUBGRADE SOILS SHALL BE TESTED FOR EXPANSION INDEX PRIOR TO POURING FOOTINGS OR SLABS; FOUNDATION PLANS SHALL BE REVIEWED AND REVISED BY THE PROJECT GEOTECHNICAL CONSULTANT, AS APPROPRIATE.

SCALE: 1" = 20'

NO.	DATE	REVISION	BY

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

PRELIMINARY GRADING PLAN

29329 HEATHERCLIFF RD., , MALIBU, CA 90265

REGISTERED PROFESSIONAL ENGINEER
MO SAHER
NO. 33508
CIVIL
STATE OF CALIFORNIA

SIGNED:
DATE: 10/17/2024

SHEET 2 OF

PFN: 1909-495
DATE: 10/17/2024

C -2

These drawings are instruments of service and are the property of Planex Associates. All designs and other information on the drawings are for use on the specific project and shall not be used otherwise without written permission of Planex Associates ©

516 Burchett St.
Glendale, CA 91203
Title Officer: Eddie LasMarias
Title Phone: (818) 662-6733
Title Email: unit33@pct.com
Title Order No.: 10113711-GLT-U33

Issuing Policies of Commonwealth Land Title Insurance Company

ORDER NO: **10113711--**

Keller Williams Realty
23975 Park Sorrento, Suite 110
Calabasas, CA 91302
Attn.: Phillip Terry

Your Reference No.:

Proposed Lender:

Proposed Loan Amount:
Loan No.:

PROPERTY: **0 Vacant land, Malibu, CA 90265**

UPDATED PRELIMINARY REPORT AMENDMENT NO. 2

In response to the application for a policy of title insurance referenced herein, Pacific Coast Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Commonwealth Land Title Insurance Company, a Nebraska Corporation.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Pacific Coast Title Company
Countersigned:

By: _____
Authorized Officer or Agent

Commonwealth Land Title Insurance Company

COMMONWEALTH LAND TITLE INSURANCE COMPANY NEBRASKA SEAL

BY _____ President
Randy Quirk

ATTEST _____ Secretary
Michael Gravelle

UPDATED PRELIMINARY REPORT AMENDMENT NO. 2

EFFECTIVE DATE: **May 11, 2023 at 7:30 a.m.**

The form of policy or policies of title insurance contemplated by this report is:

CLTA Standard Coverage Policy

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

   A FEE AS TO PARCEL(S) 1 AND 2

   EASEMENT(S) MORE FULLY DESCRIBED BELOW AS TO PARCEL(S) 3, 4 AND 5

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS **VESTED IN**:

   ACS INTERNATIONAL LLC AS TO PARCEL 1 AND PLAYERS GROUP LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AS TO PARCEL 2, SUBJECT TO ITEM NOS. 13, 16, 17

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

   SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

LEGAL DESCRIPTION

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT, RECORDED I BOOK 1 PAGE 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385, OFFICIAL RECORDS, IN THE OFFICE OF THE SAID RECORDER, DISTANT THEREON SOUTH 46° 34' 55" WEST 299.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF SAID RECORDER; THENCE ALONG SAID SOUTHEASTERLY LINE, SOUTH 46° 34’ 55" WEST 125.00 FEET; THENCE SOUTH 35° 01' 53" EAST 296.63 FEET; THENCE NORTH 37° 45' 38" EAST 115.00 FEET; THENCE NORTH 32° 12' 59" WEST 281.18 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL RIGHT, TITLE AND INTEREST IN AND TO ALL MINERALS, GAS AND ETHER HYDROCARBON SUBSTANCES IN SAID LAND, BUT WITHOUT RIGHT OF ENTRY ON THE SURFACE OF SAID LAND, AS GRANTED TO R. R. ADAMSON IN DEED RECORDED OCTOBER 5, 1953 IN BOOK 42846 PAGE 432, OFFICIAL RECORDS

PARCEL 2:

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT, RECORDED IN BOOK 1 PAGE 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DISTANT THEREON SOUTH 46° 34' 55" WEST 424.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID SOUTHEASTERLY LINE SOUTH 46° 34' 55" WEST 100.00 FEET; THENCE SOUTH 22° 53' 50‟ EAST 277.26 FEET; THENCE NORTH 61° 56' 37" EAST 139.14 FEET; THENCE NORTH 37° 45' 38" EAST 20.00 FEET; THENCE NORTH 35° 01' 53" WEST 296.63 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL RIGHT, TITLE AND INTEREST IN AND TO ALL MINERALS, GAS AND OTHER HYDROCARBON SUBSTANCES IN SAID LAND, BUT WITHOUT RIGHT OF ENTRY ON THE SURFACE OF SAID LAND, AS GRANTED TO R. R. ADAMSON IN DEED RECORDED OCTOBER 5, 1953 IN BOOK 42846 PAGE 432, OFFICIAL RECORDS.

PARCEL 3:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES OVER THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE COUNTY OF LOS ANGELES STATE OF CALIFORNIA, AS CONFIRMED TO

MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE 407 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385, OFFICIAL RECORDS, IN THE OFFICE OF THE SAID RECORDER, DISTANT THEREON SOUTH 46° 34' 55" WEST 299.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 32° 12' 59" EAST 281.18 FEET; THENCE SOUTH 38° 03' 49" EAST 20.57 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 38° 03' 49" WEST 20.57 FEET; THENCE SOUTH 37° 45' 38‟ WEST 135.00 FEET: THENCE SOUTH 61° 56’ 37” WEST 139.41 FEET; THENCE SOUTH 57° 59' 14” EAST TO A LINE BEARING SOUTH 37° 45’ 38‟ WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 37° 45' 38‟ EAST TO THE TRUE POINT OF BEGINNING.

PARCEL 4:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES OVER THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE 407 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN A STRIP OF LAND 15 FEET WIDE, LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385 OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DISTANT THEREON SOUTH 46° 34' 55" WEST 299.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTH 32° 12’ 59‟ EAST 281.18 FEET; THENCE SOUTH 37° 45' 38" WEST 135.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 47° 59’ 14" EAST 184.00 FEET TO THE NORTHWESTERLY LINE OF HEATHERCLIFF ROAD, 60 FEET WIDE, AS SHOWN ON THE MAP OF TRACT 17808, IN SAID COUNTY AND STATE, RECORDED IN BOOK 438 PAGE 43 OF MAPS, RECORDS OF SAID COUNTY.

PARCEL 5:

THE STREETS KNOWN AS HEATHERCLIFF ROAD, DUME DRIVE, GRAYFOX STREET, CLIFFSIDE DRIVE, BISON COURT, WHICH ARE RIGHTS OF WAY DESCRIBED IN THAT CERTAIN “DECLARATION OF ASEMENTS BY MARBLEHEAD LAND COMPANY” RECORDED APRIL 11, 1946 AS INSTRUMENT NO. 693 IN BOOK 23095 PAGE 1 OF OFFICIAL RECORDS, WHICH ARE SHOWN IN SAID DOCUMENT AS EASEMENTS 1 THROUGH 7 INCLUSIVE, TOGETHER WITH AN ADDITIONAL STRIP OF LAND 40 FEET IN WIDTH TO A POINT IN THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN. THE STREETS ARE NOW PUBLICLY DEEDED ROADS AS DESCRIBED IN THAT CERTAIN ROAD DEED RECORDED SEPTEMBER 16, 1947 AS INSTRUMENT NO. 3678 OF OFFICIAL RECORDS.

APN: 4468-011-011, 4468-011-010

AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2023-2024.

2. Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:

   Tax Identification No.: 4468-011-010
   Fiscal Year: 2022-2023
   1st Installment: $3,935.67
   2nd Installment: $3,935.67
   Exemption: $0.00
   Land: $630,706.00
   Improvements: $0.00
   Personal Property: $0.00
   Code Area: 10860

   Affects: Parcel 2

3. Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:

   Tax Identification No.: 4468-011-011
   Fiscal Year: 2022-2023
   1st Installment: $3,510.46
   2nd Installment: $3,510.46
   Exemption: $0.00
   Land: $557,124.00
   Improvements: $0.00
   Personal Property: $0.00
   Code Area: 10860

   Affects: Parcel 1

4. Any liens or other assessments, bonds, or special district liens including without limitation, Community Facility Districts, that arise by reason of any local, City, Municipal or County Project or Special District.

5. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation Code of the State of California.

6. Water rights, claims or title to water, whether or not disclosed by the public records.

7. An easement for the purpose shown below and rights incidental thereto as set forth in a document

   Purpose: PUBLIC UTILITIES
   Recording no.: BOOK 17146 PAGE 339, Official Records

   Affects: SAID LAND, THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD

   No representation is made as to the present ownership of said easement.

8. Matters contained in that certain document

   Entitled: WAIVER OF DAMAGES INDEMNIFICATION AGREEMENT AND RIGHT OF INGRESS AND EGRESS COVENANT TO RUN WITH THE LAND
   Recording Date: March 18, 1944
   Recording No.: BOOK 20716 PAGE 385, Official Records

   Reference is hereby made to said document for full particulars.

9. An easement for the purpose shown below and rights incidental thereto as set forth in a document

   Purpose: PUBLIC UTILITIES
   Recorded: MAY 17, 1957
   Recording no.: 931, Official Records

   Affects: SAID LAND

   No representation is made as to the present ownership of said easement.

10. Covenants, Conditions and Restrictions as set forth in the document referred to in the numbered item last above shown, but omitting, except to the extent that said covenant or restriction is controlled or permitted by any applicable federal or state law, any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, medical condition, national origin, source of income, or ancestry.

11. An easement for the purpose shown below and rights incidental thereto as set forth in a document

   Purpose: PUBLIC UTILITIES
   Recorded: MARCH 21, 1962
   Recording no.: 1373, Official Records

   Affects: SAID LAND

   No representation is made as to the present ownership of said easement.

12. Matters contained in that certain document

   Entitled: Modification of Easement Agreement
   Dated: August 17, 2022
   Executed by: Larry Roth, individually and as Trustee of the Roth Living Trust dated June 1, 2012; Heather Roth, individually and as Trustee of the Roth Living Trust dated June 1, 2012; Players Group LLC, a California limited liability company
   Recording Date: October 13, 2022
   Recording No.: 20220986651, Official Records

   Reference is hereby made to said document for full particulars.

13. A Deed:
From: ACS International LLC, a California limited liability company
To: Players Group LLC, a California limited liability company

Dated: May 9, 2019
Recording Date: May 22, 2019
Recording No.: 20190466300, Official Records
For insurance purposes, the Company is not willing to divest the interest of the following party(s):
Party(s): ACS International LLC

The Company will require an affidavit signed by the seller/mortgagor certifying that there are no matters that could give rise to any defects, liens, encumbrances, adverse claims or other matters that would attach to the Land between the effective date of the report and the recording of the instruments creating the estate to be insured.

Affects: Parcel 2

14. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.

15. Our examination of the record title to the herein described land does not disclose any existing loans. We therefore request a copy of the owners' disclosure statement with reference to existing encumbrances to reconfirm our findings.

16. The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance from the entity named below:

Limited Liability Company: ACS INTERNATIONAL LLC

a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member

b) If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendments thereto with the appropriate filing stamps

c) If the Limited Liability Company is member-managed, a full and complete current list of members certified by the appropriate manager or member

d) If the Limited Liability Company was formed in a foreign jurisdiction, evidence, satisfactory to the Company, that it was validly formed, is in good standing and authorized to do business in the state of origin

e) If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

17. The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance from the entity named below:

    Limited Liability Company: Players Group, LLC, a California Limited Liability Company

    a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member

    b) If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendments thereto with the appropriate filing stamps

    c) If the Limited Liability Company is member-managed, a full and complete current list of members certified by the appropriate manager or member

    d) If the Limited Liability Company was formed in a foreign jurisdiction, evidence, satisfactory to the Company, that it was validly formed, is in good standing and authorized to do business in the state of origin

    e) If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

    The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

18. Matters which may be disclosed by an inspection and/or by a correct ALTA/ACSM Land Title Survey of said Land that is satisfactory to the Company, and/or by inquiry of the parties in possession thereof.

19. An inspection of said Land has been ordered; upon its completion the Company reserves the right to except additional items and/or make additional requirements.

20. In order to complete this report, the Company requires a Statement of Information to be completed by the following party(s),
    Party(s): All Parties

    The Company reserves the right to add additional items or make further requirements after review of the requested Statement of Information.

    NOTE: The Statement of Information is necessary to complete the search and examination of title under this order. Any title search includes matters that are indexed by name only, and having a completed Statement of Information assists the Company in the elimination of certain matters which appear to involve the parties but in fact affect another party with the same or similar name. Be assured that the Statement of Information is essential and will be kept strictly confidential to this file.

END OF ITEMS

NOTES

1. Note: None of the items shown in this report will cause the Company to decline to attach CLTA Endorsement Form 100 to an Extended Coverage Loan Policy, when issued.

2. Note: The Company is not aware of any matters which would cause it to decline to attach CLTA Endorsement Form 116 indicating that there is located on said Land Vacant Land, known as 0 Vacant land, Malibu, CA 90265 to an Extended Coverage Loan Policy.

3. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

4. Note: The policy of title insurance will include an arbitration provision. The Company or the insured may demand arbitration. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. Please ask your escrow or title officer for a sample copy of the policy to be issued if you wish to review the arbitration provisions and any other provisions pertaining to your Title Insurance coverage.

5. Note: Amended Civil Code Section 2941, which becomes effective on January 1, 2002, sets the fee for the processing and recordation of the reconveyance of each Deed of Trust being paid off through this transaction at $45.00. The reconveyance fee **must** be clearly set forth in the Beneficiary's Payoff Demand Statement (''Demand''). In addition, an assignment or authorized release of that fee, from the Beneficiary to the Trustee of record, must be included. An example of the required language is as follows:

   ''The Beneficiary identified above hereby assigns, releases or transfers to the Trustee of record, the sum of $45.00, included herein as 'Reconveyance Fees', for the processing and recordation of the Reconveyance of the Deed of Trust securing the indebtedness covered hereby, and the escrow company or title company processing this pay-off is authorized to deduct the Reconveyance Fee from this Demand and forward said fee to the Trustee of record or the successor Trustee under the Trust Deed to be paid off in full.''

   In the event that the reconveyance fee and the assignment, release or transfer thereof are **not** included within the demand statement, then Pacific Coast Title Company may decline to process the reconveyance and will be forced to return all documentation directly to the Beneficiary for compliance with the requirements of the revised statute.

6. If a county recorder, title insurance company, escrow company, real estate broker, real estate agent or association provides a copy of a declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold face type and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.

7. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

WIRE INSTRUCTIONS

When funds are wired to Pacific Coast Title Company, please use the instructions below:

Nano Banc, 7755 Irvine Center Drive, Suite 300, Irvine, CA 92618	ABA (Routing) Number: 122245251 Account Number: 6100101033 Account Name: Pacific Coast Title Company Credit: Pacific Coast Title Company - GLT Reference: 10113711

The policy(s) of title insurance to be issued hereunder will be policy(s) of Commonwealth Land Title Insurance Company, a Nebraska corporation.

Funds received by this Company via wire transfer may be disbursed upon receipt. Funds received by this company via cashier's check or tellers check may be disbursed on the next business day after the day of deposit. **If escrow funds (including shortage checks) are disbursed to this company other than by wire transfer, cashier's check or teller's check, disbursement and/or closing will be delayed 3 to 7 business days.** Questions concerning deposit and/or disbursement of escrow and sub-escrow funds and recording should be directed to your title officer, escrow officer or loan payoff officer.

Outgoing wire transfers will not be authorized until we have confirmation of our recording and one (1) of the following:

A We have received confirmation of the respective incoming wire.
B. Collection of a deposited check.

PAYOFF INFORMATION

NOTE: This Company **DOES** require current beneficiary demands prior to closing. If the demand is expired and a current demand cannot be obtained, our requirements will be as follows:

If this Company accepts a verbal update on the demand, we may hold an amount equal to one monthly mortgage payment. This hold will be over and above the verbal hold the lender may have stipulated.

If this Company cannot obtain a verbal update on the demand, we will either pay off of the expired demand, or wait for the amended demand, at the discretion of the escrow.

NOTE: **to avoid delays at the time of closing, if the above deed of trust is an** Equity Line/Line of Credit**, it will be necessary that all checks, passbooks, credit cards together with instructions to close the account be submitted to the Company prior to the close of this transaction.**

In order to expedite compliance with the above, please do the following:

Borrower(s):

a) Sign and return the Equity Line/Credit Line Affidavit provided with the report,
b) Request that the account be frozen.

Settlement:

a) Obtain a statement from the lender that no advances have been made after the issuance of the demand for payoff, and
b) Upon delivery of the payoff check, a full reconveyance must be obtained.

Please be advised that the difference between the principal balance on an issued demand and the maximum principal allowed may be held for up to 10 working days if the above requirements are not met.

END OF NOTES

Eddie LasMarias / ELM

PACIFIC COAST TITLE COMPANY
PRIVACY NOTICE

Pacific Coast Title Company, ("PCT") respect and are committed to protecting your privacy. This Privacy Notice lets you know how and for what purposes your Personal Information (as defined herein) is being collected, processed and used by PCT. We pledge that we will take reasonable steps to ensure that your Personal Information will only be used in ways that are in compliance with this Privacy Notice. The provision of this Privacy Notice to you does not create any express or implied relationship, or create any express or implied duty or other obligation, between Pacific Coast Title Company and you. See also **No Representations or Warranties** below.

This Privacy Notice is only in effect for any generic information and Personal Information collected and/or owned by PCT, including collection through any PCT website and any online features, services and/or programs offered by PCT (collectively, the "Website"). This Privacy Notice is not applicable to any other web pages, mobile applications, social media sites, email lists, generic information or Personal Information collected and/or owned by any entity other than PCT.

How Information is Collected

The types of personal information PCT collects may include, among other things (collectively, "Personal Information"): (1) contact information (*e.g.*, name, address, phone number, email address); (2) demographic information (*e.g.*, date of birth, gender marital status); (3) Internet protocol (or IP) address or device ID/UDID; (4) social security number (SSN), student ID (SIN), driver's license, passport, and other government ID numbers; (5) financial account information; and (6) information related to offenses or criminal convictions.

In the course of our business, we may collect Personal Information about you from the following sources:

- Applications or other forms we receive from you or your authorized representative;
- Information we receive from you through the Website;
- Information about your transactions with or services performed by us, our affiliates, or others; and
- From consumer or other reporting agencies and public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others.

Additional Ways Information is Collected Through the Website

Browser Log Files. Our servers automatically log each visitor to the Website and collect and record certain information about each visitor. This information may include IP address, browser language, browser type, operating system, domain names, browsing history (including time spent at a domain, time and date of your visit), referring/exit web pages and URLs, and number of clicks. The domain name and IP address reveal nothing personal about the user other than the IP address from which the user has accessed the Website.

Cookies. From time to time, PCT or other third parties may send a "cookie" to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive and that can be re-sent to the serving website on subsequent visits. A cookie, by itself, cannot read other data from your hard disk or read other cookie files already on your computer. A cookie, by itself, does not damage your system. We, our advertisers and other third parties may use cookies to identify and keep track of, among other things, those areas of the Website and third party websites that you have visited in the past in order to enhance your next visit to the Website. You can choose whether or not to accept cookies by changing the settings of your Internet browser, but some functionality of the Website may be impaired or not function as intended. See the Third Party Opt Out section below.

Web Beacons. Some of our web pages and electronic communications may contain images, which may or may not be visible to you, known as Web Beacons (sometimes referred to as "clear gifs"). Web Beacons collect only limited information that includes a cookie number; time and date of a page view; and a description of the page on which the Web Beacon resides. We may also carry Web Beacons placed by third party advertisers. These Web Beacons do not carry any Personal Information and are only used to track usage of the Website and activities associated with the Website. See the Third Party Opt Out section below.

Unique Identifier. We may assign you a unique internal identifier to help keep track of your future visits. We may use this information to gather aggregate demographic information about our visitors, and we may use it to personalize the information you see on the Website and some of the electronic communications you receive from us. We keep this information for our internal use, and this information is not shared with others.

Third Party Opt Out. Although we do not presently, in the future we may allow third-party companies to serve advertisements and/or collect certain anonymous information when you visit the Website. These companies may use non-personally identifiable information (*e.g.*, click stream information, browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Website in order to provide advertisements about products and services likely to be of greater interest to you. These companies typically use a cookie or third party Web Beacon to collect this information, as further described above. Through these technologies, the third party may have access to and use non-personalized information about your online usage activity.

You can opt-out of certain online behavioral services through any one of the ways described below. After you opt-out, you may continue to receive advertisements, but those advertisements will no longer be as relevant to you.

- You can opt-out via the Network Advertising Initiative industry opt-out at http://www.networkadvertising.org/.
- You can opt-out via the Consumer Choice Page at www.aboutads.info.
- For those in the U.K., you can opt-out via the IAB UK's industry opt-out at www.youronlinechoices.com.
- You can configure your web browser (Chrome, Firefox, Internet Explorer, Safari, etc.) to delete and/or control the use of cookies.

More information can be found in the Help system of your browser. Note: If you opt-out as described above, you should not delete your cookies. If you delete your cookies, you will need to opt-out again.

Use of Personal Information

Information collected by PCT is used for three main purposes:

- To provide products and services to you or one or more third party service providers (collectively, "Third Parties") who are obtaining services on your behalf or in connection with a transaction involving you.
- To improve our products and services that we perform for you or for Third Parties.
- To communicate with you and to inform you about PCT's, PCT's affiliates and third parties' products and services.

When Information Is Disclosed By PCT

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To agents, brokers, representatives, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers who

provide services or perform marketing services or other functions on our behalf;
- To law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

In addition to the other times when we might disclose information about you, we might also disclose information when required by law or in the good-faith belief that such disclosure is necessary to: (1) comply with a legal process or applicable laws; (2) enforce this Privacy Notice; (3) respond to claims that any materials, documents, images, graphics, logos, designs, audio, video and any other information provided by you violates the rights of third parties; or (4) protect the rights, property or personal safety of PCT, its users or the public.

We maintain reasonable safeguards to keep the Personal Information that is disclosed to us secure. We provide Personal Information and non-Personal Information to our subsidiaries, affiliated companies, and other businesses or persons for the purposes of processing such information on our behalf and promoting the services of our trusted business partners, some or all of which may store your information on servers outside of the United States. We require that these parties agree to process such information in compliance with our Privacy Notice or in a similar, industry-standard manner, and we use reasonable efforts to limit their use of such information and to use other appropriate confidentiality and security measures. The use of your information by one of our trusted business partners may be subject to that party's own Privacy Notice. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

We also reserve the right to disclose Personal Information and/or non-Personal Information to take precautions against liability, investigate and defend against any third-party claims or allegations, assist government enforcement agencies, protect the security or integrity of the Website, and protect the rights, property, or personal safety of PCT, our users or others.

We reserve the right to transfer your Personal Information, as well as any other information, in connection with the sale or other disposition of all or part of the PCT business and/or assets. We also cannot make any representations regarding the use or transfer of your Personal Information or other information that we may have in the event of our bankruptcy, reorganization, insolvency, receivership or an assignment for the benefit of creditors, and you expressly agree and consent to the use and/or transfer of your Personal Information or other information in connection with a sale or transfer of some or all of our assets in any of the above described proceedings. Furthermore, we cannot and will not be responsible for any breach of security by any third parties or for any actions of any third parties that receive any of the information that is disclosed to us.

Information From Children

We do not collect Personal Information from any person that we know to be under the age of thirteen (13). Specifically, the Website is not intended or designed to attract children under the age of thirteen (13). You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in this Privacy Notice, and to abide by and comply with this Privacy Notice. In any case, you affirm that you are over the age of 13, as **THE WEBSITE IS NOT INTENDED FOR CHILDREN UNDER 13 THAT ARE UNACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN**.

Parents should be aware that PCT's Privacy Notice will govern our use of Personal Information, but also that information that is voluntarily given by children – or others – in email exchanges, bulletin boards or the like may be used by other parties to generate unsolicited communications. PCT encourages all parents to instruct their children in the safe and responsible use of their Personal Information while using the Internet.

Privacy Outside the Website

The Website may contain various links to other websites, including links to various third party service providers. PCT is not and cannot be responsible for the privacy practices or the content of any of those other websites. Other than under agreements with certain reputable organizations and companies, and except for third party service providers whose services either we use or you voluntarily elect to utilize, we do not share any of the Personal Information that you provide to us with any of the websites to which the Website links, although we may share aggregate, non-Personal Information with those other third parties. Please check with those websites in order to determine their privacy policies and your rights under them.

European Union Users

If you are a citizen of the European Union, please note that we may transfer your Personal Information outside the European Union for use for any of the purposes described in this Privacy Notice. By providing PCT with your Personal Information, you consent to both our collection and such transfer of your Personal Information in accordance with this Privacy Notice.

Choices With Your Personal Information

Whether you submit Personal Information to PCT is entirely up to you. You may decide not to submit Personal Information, in which case PCT may not be able to provide certain services or products to you.

You may choose to prevent PCT from disclosing or using your Personal Information under certain circumstances ("opt out"). You may opt out of any disclosure or use of your Personal Information for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization by notifying us by one of the methods at the end of this Privacy Notice. Furthermore, even where your Personal Information is to be disclosed and used in accordance with the stated purposes in this Privacy Notice, you may elect to opt out of such disclosure to and use by a third party that is not acting as an agent of PCT. As described above, there are some uses from which you cannot opt-out.

Please note that opting out of the disclosure and use of your Personal Information as a prospective employee may prevent you from being hired as an employee by PCT to the extent that provision of your Personal Information is required to apply for an open position.

If PCT collects Personal Information from you, such information will not be disclosed or used by PCT for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization unless you affirmatively consent to such disclosure and use.

You may opt out of online behavioral advertising by following the instructions set forth above under the above section "Additional Ways That Information Is Collected Through the Website," subsection "Third Party Opt Out."

Access and Correction

To access your Personal Information in the possession of PCT and correct inaccuracies of that information in our records, please contact us in the manner specified at the end of this Privacy Notice. We ask individuals to identify themselves and the information requested to be accessed and amended before processing such requests, and we may decline to process requests in limited circumstances as permitted by applicable privacy legislation.

Your California Privacy Rights

Under California's "Shine the Light" law, California residents who provide certain personally identifiable information in connection with obtaining products or services for personal, family or household use are entitled to request and obtain from us once a calendar year information about the customer information we shared, if any, with other businesses for their own direct marketing uses. If applicable, this information would include the

categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (*e.g.*, requests made in 2015 will receive information regarding 2014 sharing activities).

To obtain this information on behalf of PCT, please send an email message to info@PCT.com with "Request for California Privacy Information" in the subject line and in the body of your message. We will provide the requested information to you at your email address in response.

Please be aware that not all information sharing is covered by the "Shine the Light" requirements and only information on covered sharing will be included in our response.

Additionally, because we may collect your Personal Information from time to time, California's Online Privacy Protection Act requires us to disclose how we respond to "do not track" requests and other similar mechanisms. Currently, our policy is that we do not recognize "do not track" requests from Internet browsers and similar devices.

PCT Compliance with California Online Privacy Protection Act

For some websites which PCT or one of its companies owns, such as the Customer CareNet ("CCN"), PCT is acting as a third party service provider to a mortgage loan servicer. In those instances, we may collect certain information on behalf of that mortgage loan servicer for fulfilling a service to that mortgage loan servicer. For example, you may access CCN to complete a transaction with your mortgage loan servicer. During this transaction, the information which we may collect on behalf of the mortgage loan servicer is as follows:

- First and Last Name
- Property Address
- User Name
- Password
- Loan Number
- Social Security Number - masked upon entry
- Email Address
- Three Security Questions and Answers
- IP Address

The information you submit is then transferred to your mortgage loan servicer by way of CCN.

The mortgage loan servicer is responsible for taking action or making changes to any consumer information submitted through this website. For example, if you believe that your payment or user information is incorrect, you must contact your mortgage loan servicer.

CCN does not share consumer information with third parties, other than those with which the mortgage loan servicer has contracted to interface with the CCN application.

All sections of the PCT Privacy Notice apply to your interaction with CCN, except for the sections titled Choices with Your Personal Information and Access and Correction. If you have questions regarding the choices you have with regard to your personal information or how to access or correct your personal information, you should contact your mortgage loan servicer.

No Representations or Warranties

By providing this Privacy Notice, Pacific Coast Title Company does not make any representations or warranties whatsoever concerning any products or services provided to you by its majority-owned subsidiaries. In addition, you also expressly agree that your use of the Website is at your own risk. Any services provided to you by Pacific Coast Title Company and/or the Website are provided "as is" and "as available" for your use, without representations or warranties of any kind, either express or implied, unless such warranties are legally incapable of exclusion. Pacific Coast Title Company makes no representations or warranties that any services provided to you by it or the Website, or any services offered in connection with the Website are or will remain uninterrupted or error-free, that defects will be corrected, or that the web pages on or accessed through the Website, or the servers used in connection with the Website, are or will remain free from any viruses, worms, time bombs, drop dead devices, Trojan horses or other harmful components. Any liability of Pacific Coast Title Companyand your exclusive remedy with respect to the use of any product or service provided by Pacific Coast Title Company including on or accessed through the Website, will be the re-performance of such service found to be inadequate.

Your Consent To This Privacy Notice

By submitting Personal Information to PCT, you consent to the collection and use of information by us as specified above or as we otherwise see fit, in compliance with this Privacy Notice, unless you inform us otherwise by means of the procedure identified below. If we decide to change this Privacy Notice, we will make an effort to post those changes on the Website. Each time we collect information from you following any amendment of this Privacy Notice will signify your assent to and acceptance of its revised terms for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you may submit in any manner that we may choose without notice or compensation to you.

If you have additional questions or comments, please let us know by sending your comments or requests to:

Pacific Coast Title Company
1111 East Katella Avenue, #120
Orange, CA 92620
Attn.: Executive Vice President
info@PCT.com

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EFFECTIVE AS OF: MAY 1, 2015

Notice of Available Discounts

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer's right to be charged the filed rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for such discount. These discounts only apply to transactions involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

Not all discounts are offered by every FNF Company. The discount will only be applicable to the FNF Company as indicated by the named discount.

FNF Underwritten Title Companies
CTC – Chicago Title Company
CLTC – Commonwealth Land Title Company
FNTC – Fidelity National Title Company
FNTCCA – Fidelity National Title Company of California
TICOR – Ticor Title Company of California
LTC – Lawyer's Title Company

Underwritten by FNF Underwriters
CTIC – Chicago Title Insurance Company
CLTIC – Commonwealth Land Title Insurance Company
FNTIC – Fidelity National Title Insurance Company
FNTIC – Fidelity National Title Insurance Company
CTIC – Chicago Title Insurance Company
CLTIC – Commonwealth Land Title Insurance Company

DISASTER LOANS (CTIC)
The charge for a Lender's Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within twenty-four (24) months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be fifty percent (50%) of the appropriate title insurance rate.

CHURCHES OR CHARITABLE NON-PROFITABLE ORGANIZATIONS (CTIC, FNTIC)
On properties used as a church or for charitable purposes within the scope of the normal activities of such entities, provided said charge is normally the church's obligation the charge for an owner's policy shall be fifty percent (50%) to seventy percent (70%) of the appropriate title insurance rate, depending on the type of coverage selected. The charge for a lender's policy shall be thirty-two percent (32%) to fifty percent (50%) of the appropriate title insurance rate, depending on the type of coverage selected.

ATTACHMENT ONE

CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY – 1990

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
   (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant;
   (d) attaching or created subsequent to Date of Policy; or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13)
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
   a. building;
   b. zoning;
   c. land use;
   d. improvements on the Land;
   e. land division; and
   f. environmental protection.

   This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
   a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
   b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
   c. that result in no loss to You; or
   d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
   a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
   b. in streets, alleys, or waterways that touch the Land.

   This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:	1% of Policy Amount Shown in Schedule A or $2,500.00 (whichever is less)	$10,000.00
Covered Risk 18:	1% of Policy Amount Shown in Schedule A or $5,000.00 (whichever is less)	$25,000.00
Covered Risk 19:	1% of Policy Amount Shown in Schedule A or $5,000.00 (whichever is less)	$25,000.00
Covered Risk 21:	1% of Policy Amount Shown in Schedule A or $2,500.00 (whichever is less)	$5,000.00

2006 ALTA LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13 or 14); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

Except as provided in Schedule B - Part II, this policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

PART I

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

2006 ALTA OWNER'S POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

ATTACHMENT ONE
(CONTINUED)

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (12-02-13)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
10. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
11. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances

STATEMENT OF INFORMATION
CONFIDENTIAL INFORMATION FOR YOUR PROTECTION

Completion of this statement expedites your application for title insurance, as it assists in establishing identity, eliminating matters affecting persons with similar names and avoiding the use of fraudulent or forged documents. Complete all blanks (please print) or indicate "none" or "N/A." If more space is needed for any item(s), use the reverse side of the form. Each party (and spouse/domestic partner, if applicable) to the transaction should personally sign this form.

ORDER NO: 10113711 **TITLE NO.: 10113711-GLT-U33**

NAME AND PERSONAL INFORMATION

_____ Date of Birth: _____
First Name Middle Name (if none, indicate) Last Name Maiden Name

Home Phone _____ Business Phone _____ Birthplace _____

Social Security No. _____ Driver's License No. _____

List any other name you have used or been known by _____

State of residence _____ I have lived continuously in the U.S.A. since _____

Are you currently married? _____ If yes, complete the following:

Date and place of marriage _____

Spouse: _____ Date of Birth: _____
First Name Middle Name (if none, indicate) Last Name Maiden Name

Home Phone _____ Business Phone _____ Birthplace _____

Social Security No. _____ Driver's License No. _____

List any other name you have used or been known by _____

State of residence _____ I have lived continuously in the U.S.A. since _____

Are you currently a registered domestic partner? _____ If yes, complete the following:

Domestic Partner: _____ Date of Birth: _____
First Name Middle Name (if none, indicate) Last Name Maiden Name

Home Phone _____ Business Phone _____ Birthplace _____

Social Security No. _____ Driver's License No. _____

List any other name you have used or been known by _____

State of residence _____ I have lived continuously in the U.S.A. since _____

CHILDREN

Child Name: _____ Date of Birth: _____ Child Name: _____ Date of Birth: _____

Child Name: _____ Date of Birth: _____ Child Name: _____ Date of Birth: _____

(If more space is required, use reverse side of form)

RESIDENCES (LAST 10 YEARS)

Number & Street, City, State, Zip From (date) to (date)

Number & Street, City, State, Zip From (date) to (date)

(If more space is required, use reverse side of form)

OCCUPATIONS/BUSINESSES (LAST 10 YEARS)

Firm or Business name Address From (date) to (date)

Firm or Business name Address From (date) to (date)

(If more space is required, use reverse side of form)

STATEMENT OF INFORMATION (Continued)

ORDER NO: 10113711 **TITLE NO.: 10113711-GLT-U33**

SPOUSE'S/DOMESTIC PARTNER'S OCCUPATIONS/BUSINESSES (LAST 10 YEARS)

Firm or Business name	Address	From (date) to (date)
Firm or Business name	Address	From (date) to (date)

(If more space is required, use reverse side of form)

PRIOR MARRIAGE(S)

Any prior marriages for either spouse? _____ If yes, complete the following:

Prior spouse's (Party A) name: _____ Prior Spouse of Party A: _____

Marriage ended by: Death _____ Divorce _____ Date of Death/Divorce _____

Prior spouse's (Party B) name: _____ Prior Spouse of Party B: _____ Spouse _____

Marriage ended by: Death _____ Divorce _____ Date of Death/Divorce _____

(If more space is required, use reverse side of form)

PRIOR DOMESTIC PARTNERSHIP(S)

Any prior domestic partnerships for either person? _____ If yes, complete the following:

Prior partner's name: _____ Prior Partner: _____

Partnership ended by: Death _____ Dissolution _____ Nullification _____ Termination _____ Date of Death/Dissolution/etc. _____

Prior partner's name: _____ Prior Partner: _____

Partnership ended by: Death _____ Dissolution _____ Nullification _____ Termination _____ Date of Death/Dissolution/etc._____

(If more space is required, use reverse side of form)

INFORMATION ABOUT THE PROPERTY

Buyer intends to reside on the property in this transaction: Yes ____ No ____

Owner to complete the following items

Street Address of Property in this transaction: 0 Vacant land, Malibu, CA 90265

The land is unimproved ____; or improved with a structure of the following type: A Single or 1-4 Family ____ Condo Unit ____ Other ____

Improvements, remodeling or repairs to this property have been made within the past six months: Yes _____ No _____

If yes, have all costs for labor and materials arising in connection therewith been paid in full? Yes _____ No _____

Any current loans on property? _____ If yes, complete the following:

Lender _____ Loan Amount _____ Loan Account # _____

Lender _____ Loan Amount _____ Loan Account # _____

****

The undersigned declare, under penalty of perjury, that the foregoing is true and correct.

Executed on _____, _____ at _____

Signature _____ Signature _____

(Note: If applicable, both spouses/domestic partners must sign.)

THANK YOU

Order: 10113711
Doc: CALOSA-MASS 4468-00011

Public Record

Page 1 of 1

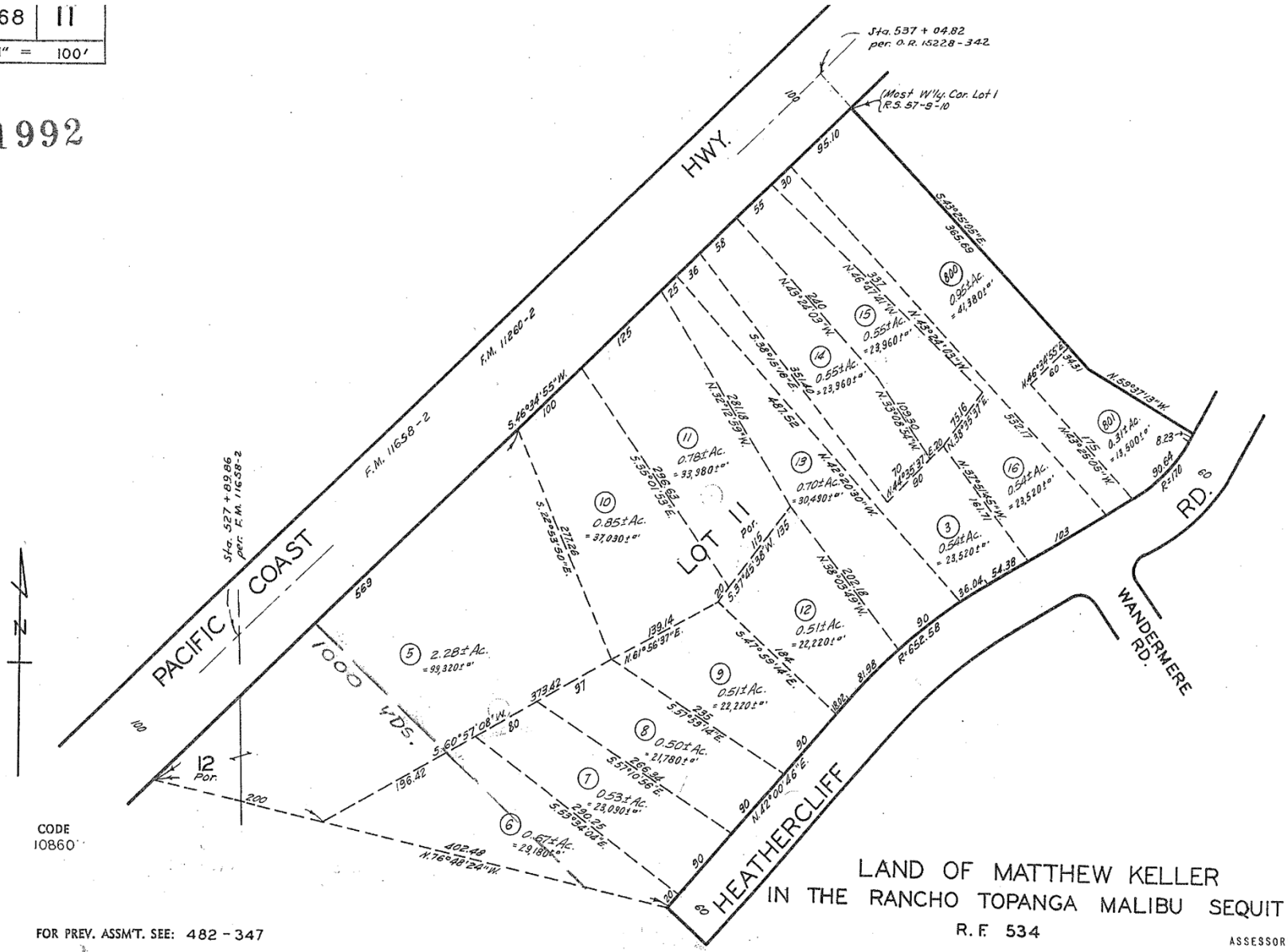
Requested By: savantpct3, Printed: 6/14/2019 12:54 PM

4468 | 11

SCALE 1" = 100'

1992

REVISED
10-27-59
2-4-60
9-16-62
681119
720128
850920-86
910606



FOR PREV. ASSM'T. SEE: 482 - 347

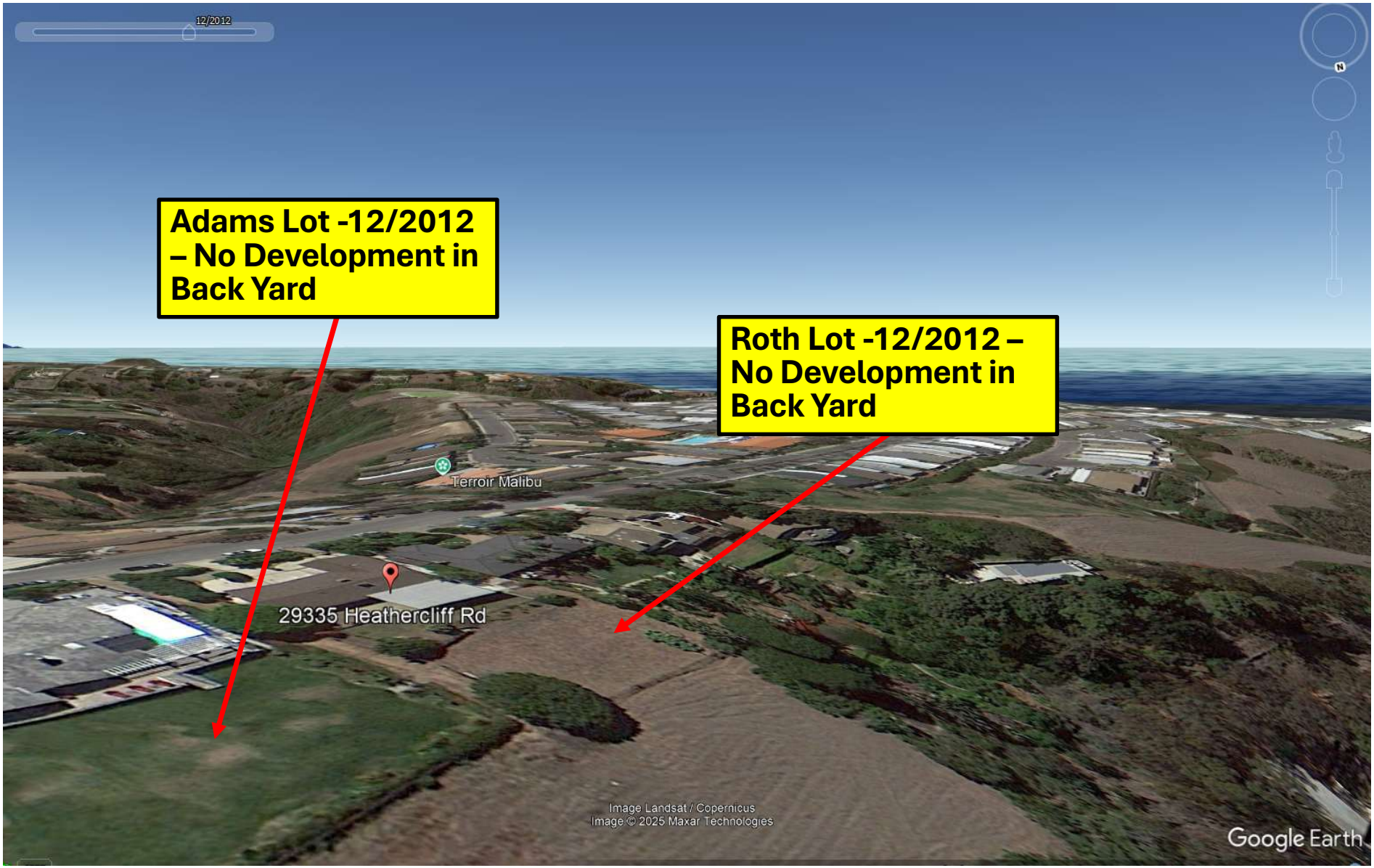
LAND OF MATTHEW KELLER
IN THE RANCHO TOPANGA MALIBU SEQUIT
R. F. 534

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

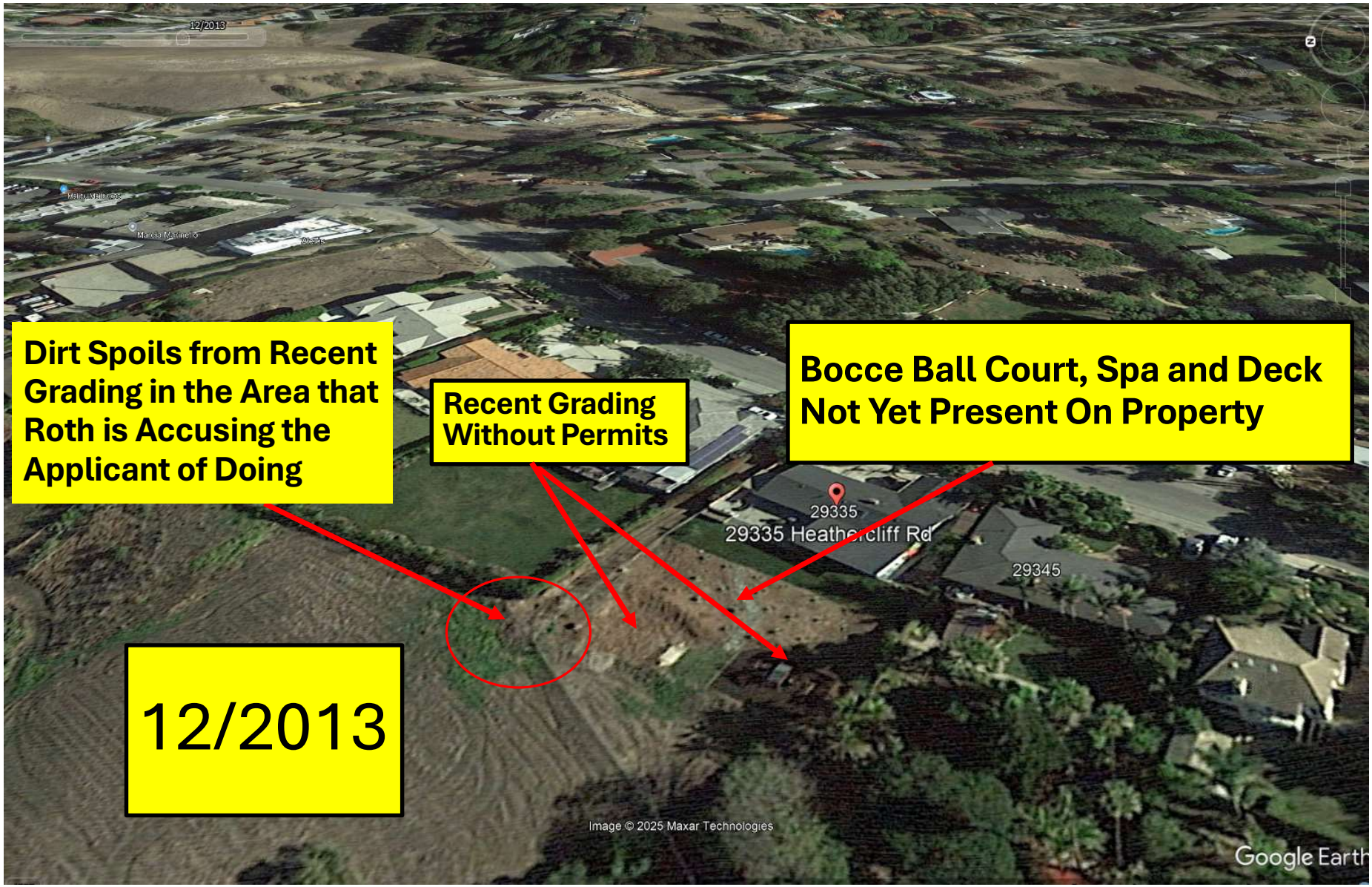
Timeline of Development on Appellants' Properties Chronicling Unpermitted Grading & Development Activities

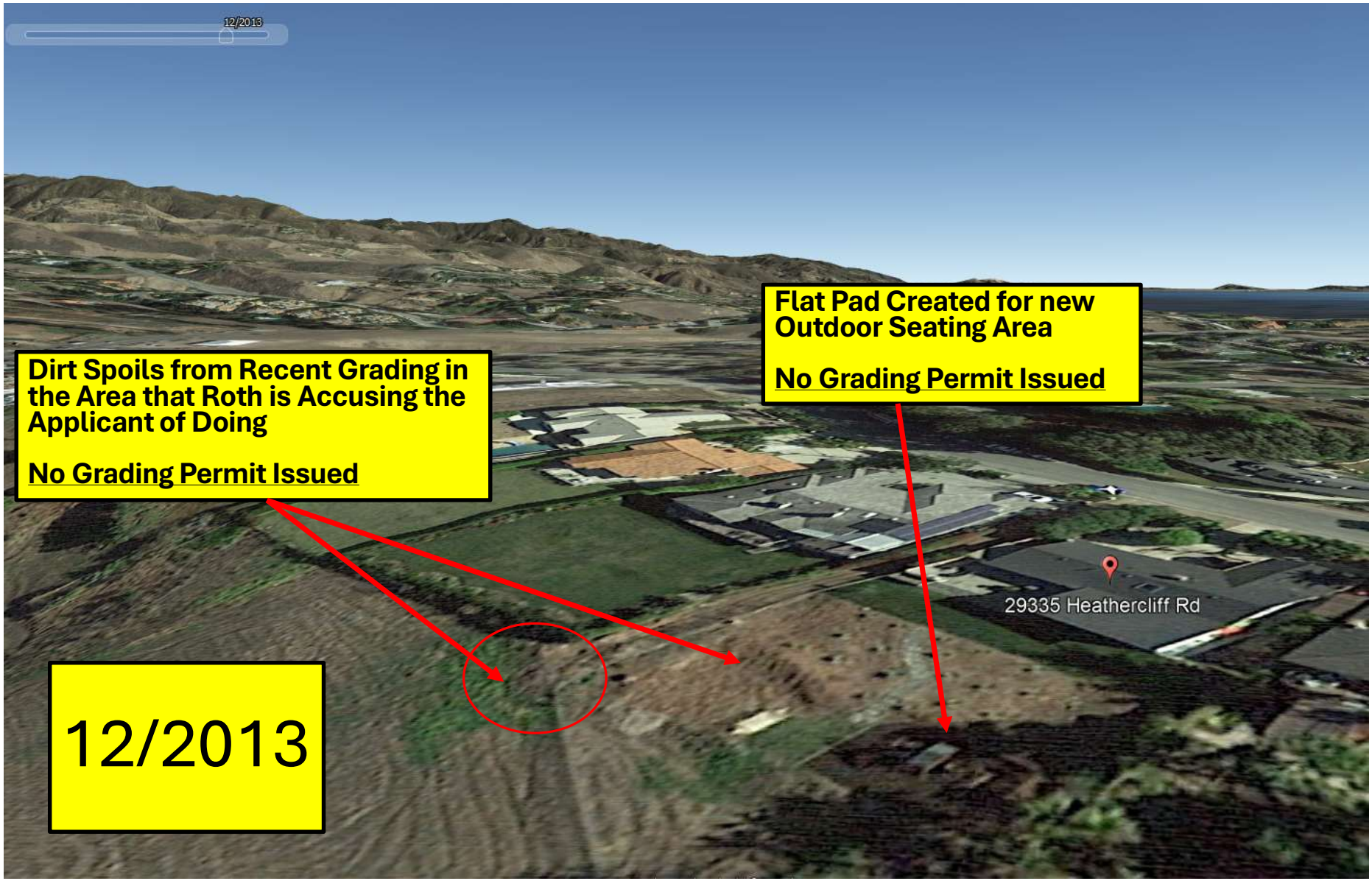


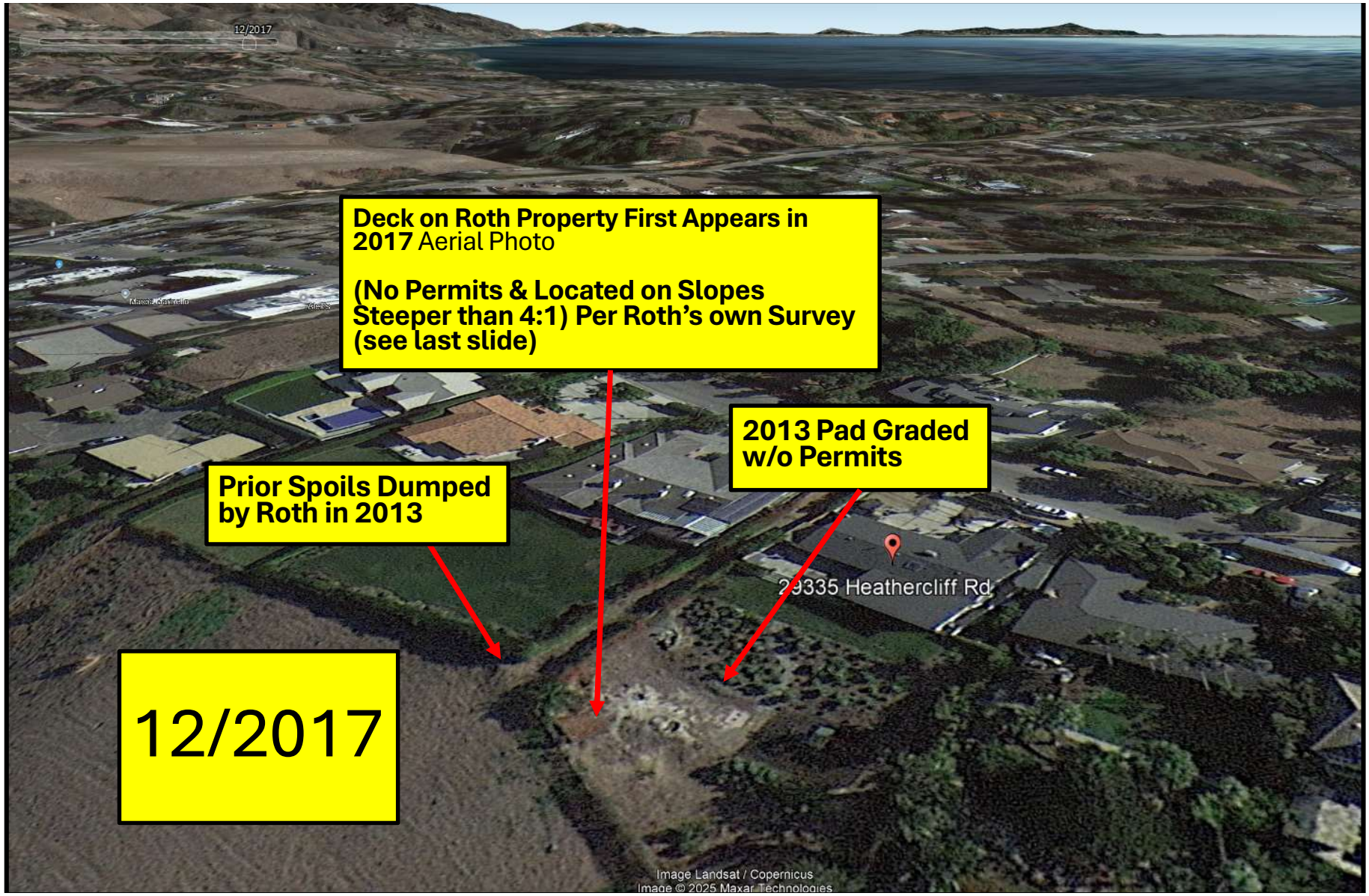

9/2022
Appellant Bryan Adams Property
Appellant Larry Roth Property
29327
29335
29345
Applicant's Property
Driveway/ Access Rd.


12/2012
Adams Lot -12/2012 – No Development in Back Yard
Roth Lot -12/2012 – No Development in Back Yard
Terroir Malibu
29335 Heathercliff Rd
Image Landsat / Copernicus
Image © 2025 Maxar Technologies
Google Earth

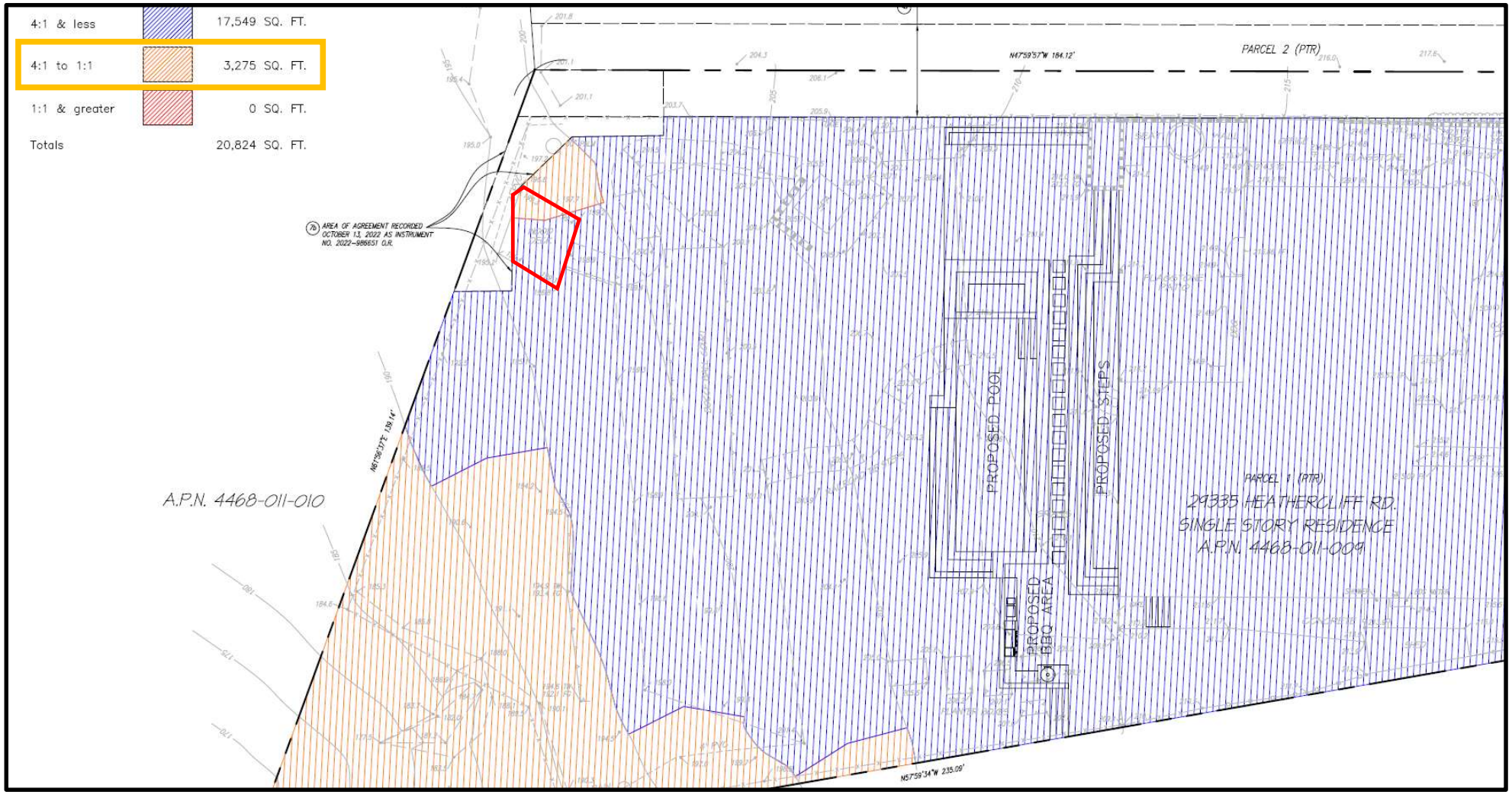

12/2012
Roth Lot -12/2012 – No Development in Back Yard
29335 Heathercliff Rd
Image Landsat / Copernicus
Image © 2025 Maxar Technologies
Google Earth

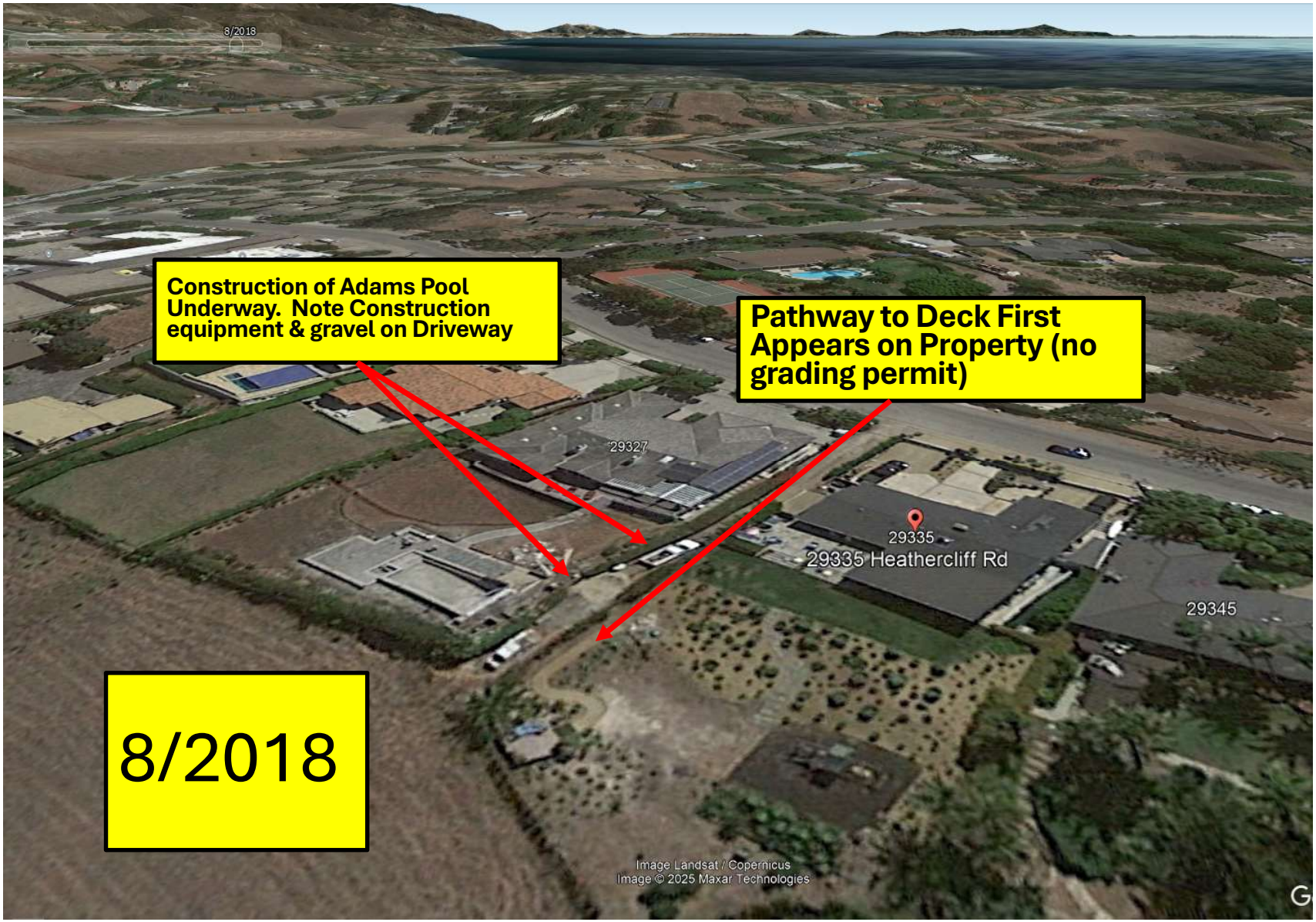

12/2013
Dirt Spoils from Recent Grading in the Area that Roth is Accusing the Applicant of Doing
Recent Grading Without Permits
Bocce Ball Court, Spa and Deck Not Yet Present On Property
29335
29335 Heathercliff Rd
29345
12/2013
Image © 2025 Maxar Technologies
Google Earth


12/2013
Dirt Spoils from Recent Grading in the Area that Roth is Accusing the Applicant of Doing
No Grading Permit Issued
Flat Pad Created for new Outdoor Seating Area
No Grading Permit Issued
29335 Heathercliff Rd
12/2013


12/2017
Deck on Roth Property First Appears in 2017 Aerial Photo
(No Permits & Located on Slopes Steeper than 4:1) Per Roth's own Survey (see last slide)
2013 Pad Graded w/o Permits
Prior Spoils Dumped by Roth in 2013
29335 Heathercliff Rd
12/2017
Image Landsat / Copernicus
Image © 2025 Maxar Technologies

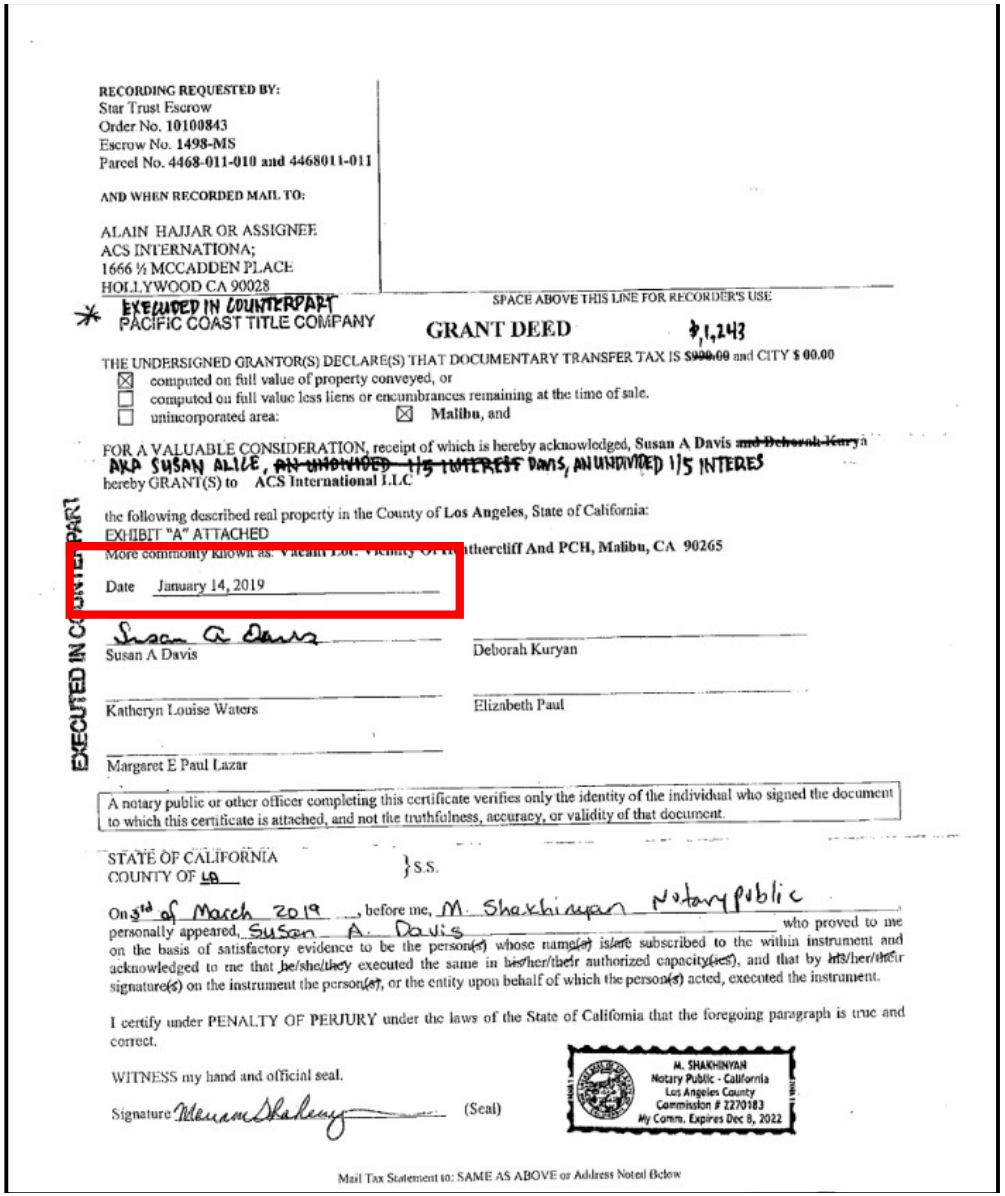
Roth Slope Map Showing Deck Constructed on Steep Slopes Without a Permit




8/2018
Construction of Adams Pool Underway. Note Construction equipment & gravel on Driveway
Pathway to Deck First Appears on Property (no grading permit)
29327
29335
29335 Heathercliff Rd
29345
8/2018
Image Landsat / Copernicus
Image © 2025 Maxar Technologies

Lot Purchased By the Applicant on January 14, 2019 –

Clearly Done After the Driveway Grading was Undertaken by Roth



RECORDING REQUESTED BY:
Star Trust Escrow
Order No. 10100843
Escrow No. 1498-MS
Parcel No. 4468-011-010 and 4468011-011

AND WHEN RECORDED MAIL TO:

ALAIN HAJJAR OR ASSIGNEE
ACS INTERNATIONA;
1666 ½ MCCADDEN PLACE
HOLLYWOOD CA 90028

EXCLUDED IN COUNTERPART
PACIFIC COAST TITLE COMPANY

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

$1,243

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS ~~$900.00~~ and CITY $ 00.00
- ☒ computed on full value of property conveyed, or
- ☐ computed on full value less liens or encumbrances remaining at the time of sale.
- ☐ unincorporated area: ☒ Malibu, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Susan A Davis ~~and Deborah Kury~~a AKA SUSAN ALILE, ~~AN UNDIVIDED 1/5 INTEREST~~ DAVIS, AN UNDIVIDED 1/5 INTERES hereby GRANT(S) to ACS International LLC

the following described real property in the County of Los Angeles, State of California:
EXHIBIT "A" ATTACHED
More commonly known as: Vacant Lot/ Vicinity Of [illegible]utherclift And PCH, Malibu, CA 90265

Date January 14, 2019

EXECUTED IN COUNTERPART

Susan A Davis

Susan A Davis — Deborah Kuryan

Katheryn Louise Waters — Elizabeth Paul

Margaret E Paul Lazar

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF LA } S.S.

On 3rd of March 2019, before me, M. Shakhinyan Notary Public personally appeared, Susan A. Davis who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

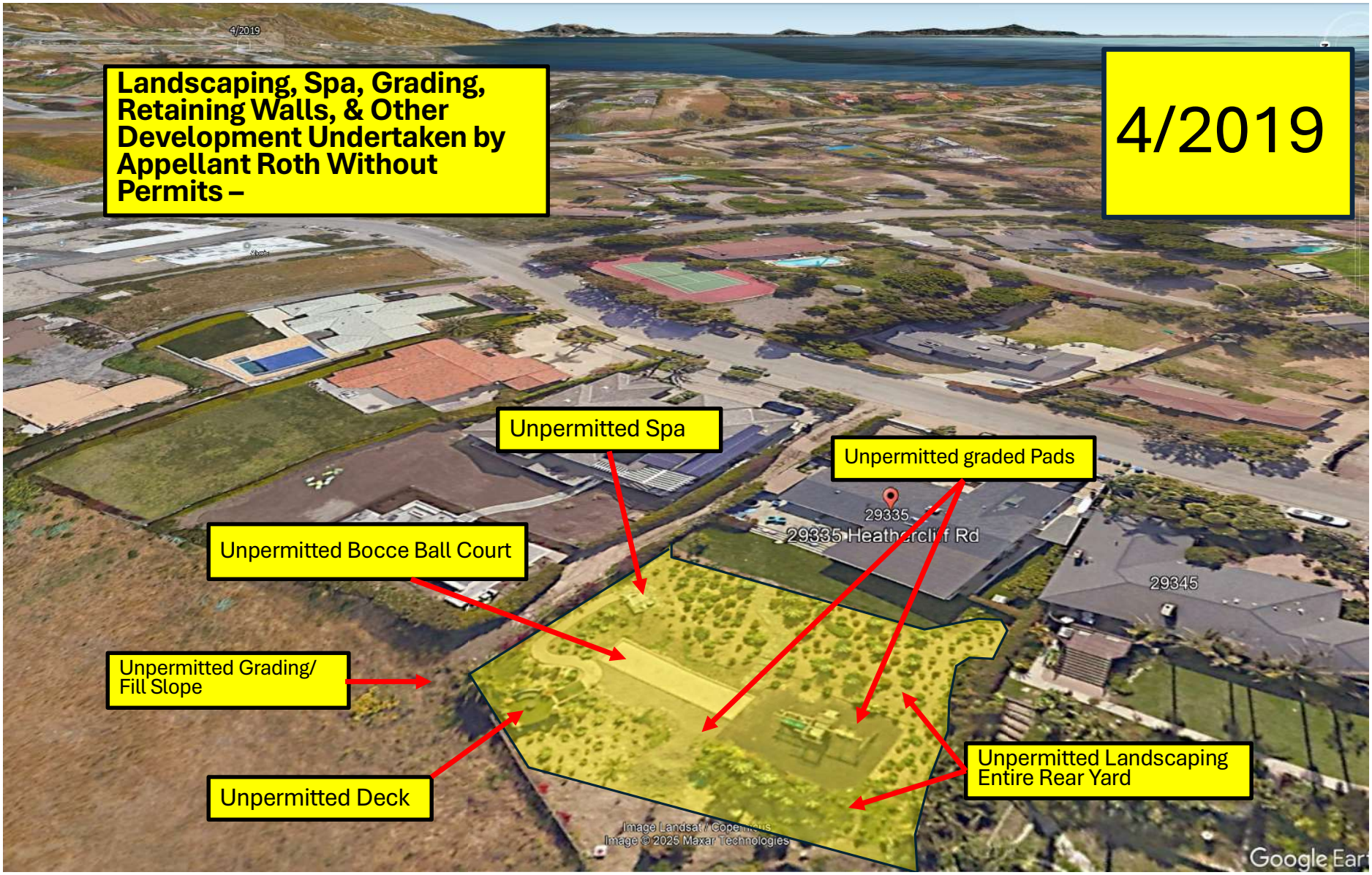
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Meriam Shakhinyan (Seal)

M. SHAKHINYAN
Notary Public - California
Los Angeles County
Commission # 2270183
My Comm. Expires Dec 8, 2022

Mail Tax Statement to: SAME AS ABOVE or Address Noted Below


Landscaping, Spa, Grading, Retaining Walls, & Other Development Undertaken by Appellant Roth Without Permits –
4/2019
Unpermitted Spa
Unpermitted graded Pads
Unpermitted Bocce Ball Court
Unpermitted Grading/ Fill Slope
Unpermitted Deck
Unpermitted Landscaping Entire Rear Yard
29335
29345
Image © 2025 Maxar Technologies

Development Undertaken Without Permits By Brian & Pam Adams (Appellants)



ORIGINAL

CITY OF MALIBU

23825 STUART RANCH ROAD
MALIBU, CA 90265-4861
INSPECTION REQUEST
(310) 456-2489 X 312
www.malibucity.org/inspection

PLAN CHECK EXPIRES:

DESCRIPTION OF WORK

Convert freestanding wall to retaining wall 4' high at 21 Lft. around pool equipment

SITE ADDRESS
29327 HEATHERCLIFF RD

ASSESSOR PARCEL NUMBER

BOOK 4468 PAGE 011 PARCEL 012

ADDITIONAL INFORMATION / LEGAL DESCRIPTION

PROPERTY OWNER
Brian & Pam Adams

MAILING ADDRESS
29327 Heathercliff Rd.

CITY	STATE	ZIP
Malibu	CA	90265

PHONE NUMBER

PLANNING FILE NO. / CDP NO.
OC 18-119

OCC. GROUP	TYPE(S) OF CONSTRUCTION	NO. OF STORIES

SQUARE FOOTAGE	FIRE SPRINKLERS
	No

STATISTICAL CLASSIFICATION	UNIT(S)	CODE IN EFFECT
NO. 325		LACO 2017

SPECIAL CONDITIONS

$ 6,000.00 — **INITIAL VALUATION**

$ _____ — **REVISED VALUATION**

BUILDING PERMIT APPLICATION


Adams Property – 29327 Heathercliff Rd.
Unpermitted 8' tall freestanding wall in the Side Yard Next to Pool Equipment (**not a 4' retaining wall as was permitted**)

29335 HEATHERCLIFF: PERMIT INVENTORY
April 25, 2025

California Coastal Commission (CCC)

- No records on file

Planning

- Jun. 3, 2016: Determination Letter issued for ARC 16-011 indicating concurrence with the findings of Archaeologist Robert Wlodarski where the study concluded that the project area yielded no archeological resources.
- May 20, 2019: PVD 19-007 issued for subject property oriented NW towards PCH and the Santa Monica Mountains.
- Mar. 18, 2024: Planning Commission approval of CDP 16-003 for a second-floor addition to and remodel of an existing single-family residence, onsite wastewater treatment system, swimming pool and spa; including SPR 16-003 for height in excess of 18 feet, up to 28 feet for a pitched roof

Building & Safety

- Ca. 1959 (illegible dates): LAC Sewer-Septic Permit for a septic tank, a seepage pit, and a house-sewer connection to the OWTS. Permit finaled on unspecified date (illegible.). See Page 7 of the Comingled Permits.
- Mar. 6, 1969: LAC Building Permit for a new 1-story SFR. No area reported on permit. Permit expired Nov. 10, 1959. See page 9 of the comingled permits.
- Oct. 13, 1959: LAC Building Permit for a new 1,905 sq. Ft. SFR and attached garage. Permit finaled Mar. 20, 1960. See Page 5 of the comingled permits.
- Oct. 26, 1959: LAC Plumbing Permit for 2 water closets, a bath tub, a shower, 2 lavatories, a sink, a dishwasher, a clotheswasher, a water heater and a gas system. Permit finaled Mar. 30, 1960. See Page 6 of the comingled permits.
- Nov. 5, 1959: LAC Plumbing Permit for a shower pan. Permit finaled Jan. 3, 1960. See Page 2 of the comingled permits.
- Nov. 17, 1959: LAC Electric Permit for 53 outlets, 9 lighting fixtures, 3 appliances, 2 motors and a service under 601 V. Permit finaled Mar. 30, 1960. See page 8 of the comingled permits.
- Jun. 2, 1971: LAC Building Permit for a 692 sq. Ft. Addition to the SFR to serve as a playroom. Permit finaled May 4, 1972. See Pg. 3 of the comingled permits.
- Nov. 17, 1971: LAC Electrical Permit for 8 outlets. Permits finaled May 4, 1972. See Pg. 4, of the comingled permits.
- Nov. 20, 2012: Building Permit 21-1887 for tear off of existing composition shingles and reroof with “6 AF timberline 30-year class A fiberglass composition shingle. Scope

encompassed 4,000 sq. Ft. Planning declared no review required. Permit finaled Dec. 5, 2012.

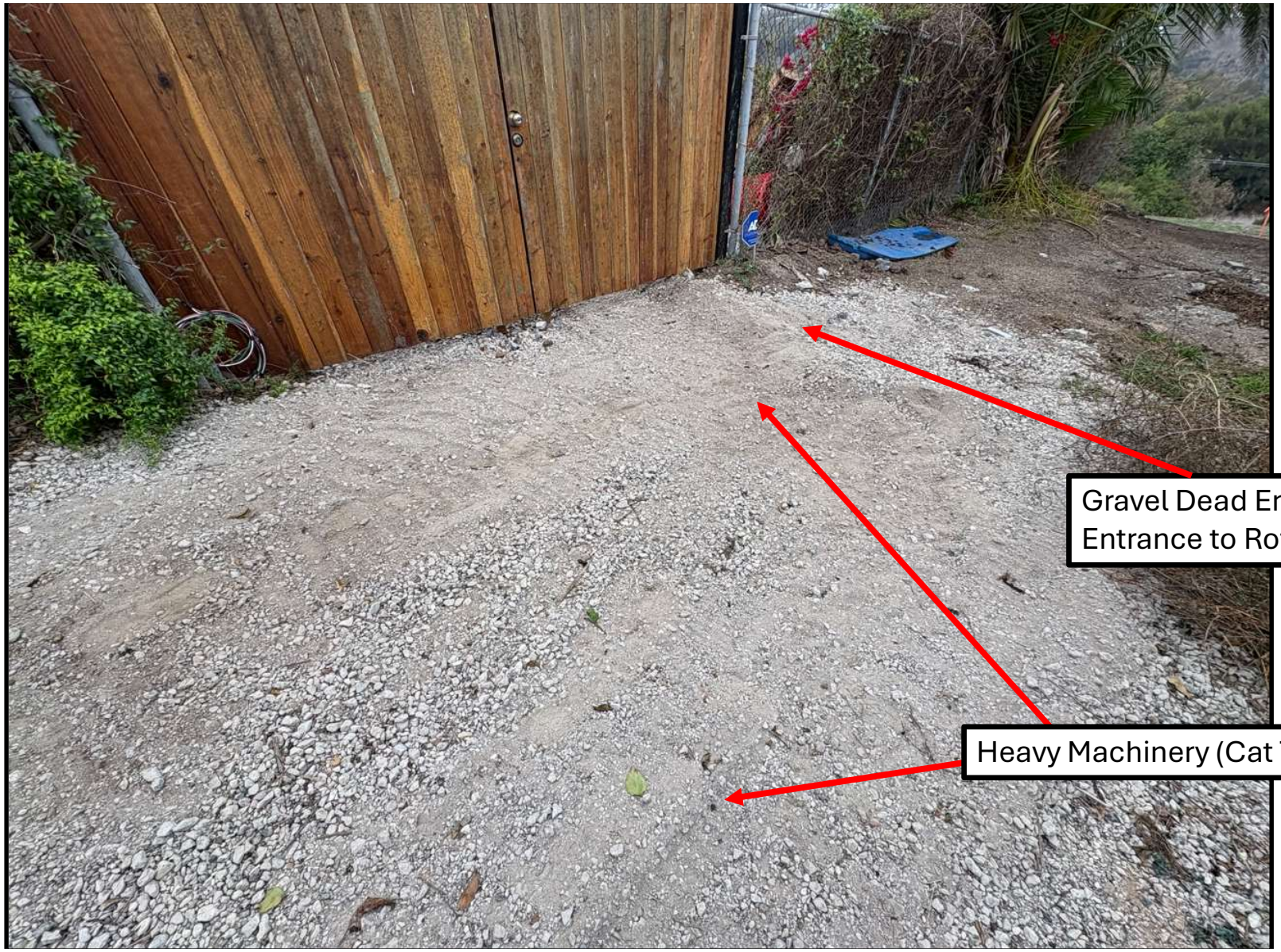
- May 6, 2015: Excavation Permit 15-0663 for excavation/drilling initiated by Mark barrett, GeoConcepts. No indication if permit was finaled or expired.
- Jul. 29, 2019: Building Permit 19-1488 for voluntary foundation bolting for an ESFR. No Planning review on permit. Permit finaled Dec. 31, 2019.
- Dec. 11, 2019: Building Permit 19-2470 for a roof-mounted photovoltaic system with 1 Tesla power wall battery backup. Tied to OC 19-316. Permit finaled Dec. 31, 2019.
- Dec. 11, 2019: Electrical Permit 19-2471 for a roof-mounted photovoltaic system with 1 Tesla power wall battery backup. Permit finaled Dec. 31, 2019.
- Oct. 2, 2024: Building Permit 24-1815 for an Interior First Floor Remodel, Second Floor Addition, Exterior Alterations SFR/Att. Garage. Square footage reported on permit as 1,130 sq. Ft. Tied to CDP 16-003. Permit still open in April 2025.
- Oct. 2, 2024: Building Permit 24-1816 for foundation underpinning for the proposed SFR/Garage. Tied to CDP 16-003. Permit still open in April 2025.
- Oct. 2, 2024: Grading Permit 24-1817 for Grading, Drainage and Erosion Control with SUSMP Filtration System for Remodel/Addition of SFR/Att. Garage, New Pool/Spa. Quantities reported included 0 CY Import, 345 CY Export, 1,502 CY Cut, and 1,157 CY Fill. Permit still open in April 2025.
- Oct. 2, 2024: Pool/Spa Permit 24-1818 for a New Pool and Spa/Jacuzzi 51' x 16' (friction piles). New Pool Equipment and BBQ area. Tied to CDP 16-003. Permit still open in April 2025.
- Oct. 2, 2024: Building Permit 24-1819 for a New Pool with Jacuzzi Foundation - 8 Piles at 24" diameter. Tied to CDP 16-003. Permit still open in April 2025.
- Oct. 2, 2024: Building Permit 24-1820 for 4 new site retaining walls with the following dimensions: Wall 1- 89 LF. 4.5' - 6' high max (planter); Wall 2- 30 LF at 6' high max; Wall 3- 34 LF at 6' high max and Wall 4- 23 LF at 6' high max. Tied to CDP 16-003. Permit still open as of April 2025.
- Oct. 2, 2024: Electrical Permit 24-1821 for “Electrical- ESFR/Att. Garage Remodel/Add 1 - 200 amp mains service panel, 1-50 amp sub-panel. EV ready only, # 4 wire with a Nema 14-50 receptable, a 2 pole 50-amp breaker.” Tied to CDP 16-003. Permit open as of April 2025.
- Oct. 2, 2024: Mechanical Permit 24-1822 for “Mechanical- ESFR/Att. Garage Remodel/Addition.” Tied to CDP 16-003. Permit still open as of April 2025.
- Oct. 2, 2024: Plumbing Permit 24-1823 for “Plumbing- ESFR/Att. Garage Remodel/Addition.” Scope included a backflow prevention device, a “disposal,” a gas system with 5 outlets or less, a hose bib, 11 plumbing fixtures, a water heater, and a yard gas & yard water service, less than 301 feet. Permit still open as of April 2025.

- Feb. 11, 2025: Building Permit in Plan Check only for Delta 2 revisions for additional pads and continuous footings. Tied to CDP 16-003. Permit still open as of April 2025.
- Mar. 14, 2025: Electrical Permit 25-0395 for removal of existing Roof-mounted Photovoltaic Modules (system size 11.34 kW) where the existing Tesla energy storage system, with (1) back-up battery will remain installed. No planning review indicated. Permit still open as of April 2025.
- Apr. 14, 2025: Building Permit in Plan Check Only for a Delta 3 revision for New floor framing, foundation underpinning for the SFR. Tied to CDP 16-003 and BP 24-1816. Permit still open as of April 2025.

Environmental Health

- Sep. 21, 1959: LAC EH Approval of a septic tank and a seepage pit for a 3-bedroom SFR. See Page 1 of the Comingled Permits.
- Nov. 22, 1989: LAC EH Approval of a remodel of a 4-bedroom SFR with a new 1,500 gallon septic tank, 1 proposed seepage pit and 1 future seepage pit. The existing OWTS is to be abandoned in favor of the proposed seepage pit.
- Feb. 23, 2016: EH Approval of CDP 16-003 for a remodel of an SFR from 3-bedrooms, 27 fixture units to 4 bedrooms, 61 fixture units. New pool and spa included in approval. OWTS Scope includes a 3,634 gallon septic tank, 2 active seepage pits and 2 future seepage pits.
- May 30, 2024: LAC EH Approval of CDP 16-003 for a 3-bedroom SFR with fixture unit increase from 27 to 57 fixture units. New pool and spa included in approval. OWTS Scope includes a 3,634 gallon septic tank, 2 active seepage pits and 2 future seepage pits.


Gravel Placed on Access Rd. By
Roth's General Contractor


Gravel Dead Ends at
Entrance to Roth Back Yard
Heavy Machinery (Cat Tracks)



Roth's Rear Yard Under Construction


Roth's General Contractor Truck

Received
9/26/2022
Planning Dept.

Larry and Heather Roth
29335 Heathercliff Road
Malibu, CA 90265

Raneika K. Brooks
Associate Planner | City of Malibu | Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Re: Withdrawal of Complaint Per Settlement of Lawsuit, LASC Case No. 21SMCV00924
Development on Heathercliff by ACS International LLC/Players Group, LLC
Assessor's Parcel No. 4468-011-010
Assessor's Parcel No. 4468-011-011

Dear Ms. Brooks:

This letter is to inform you that the easement issue we had with Mr Alan Hajjar, Players Group LLC and ACS International LLC and related to the development of Parcel 4468-011-010 and 4468-011-011 has been resolved and settled. The lawsuit related to the easement issue referenced above is being dismissed and removed and the objection we previously made to Mr Hajjar's Application for the proposed single family residence Application # CDP 20-003 located at 29329 Heathercliff Rd. Malibu, CA is hereby withdrawn. Please consider this letter as our formal withdrawal of our prior complaint that we have made or filed with the City of Malibu in regard to above project.

Sincerely,

Dated: SEP 22, 2022

Larry Roth,
Individually and as Trustee of the Roth Living Trust dated June 1, 2012

Dated: 9.22, 2022

Heather Roth,
Individually and as Trustee of the Roth Living Trust dated June 1, 2012

Schmitz & Associates, Inc.
28230 Agoura Road, Suite 100
Agoura Hills, CA 91301

May 30, 2025

Attn: Kelsey Pettijohn, City Clerk
23825 Stuart Ranch Road
Malibu, CA 90265

Cc: Honorable Mayor Riggins and Councilmembers
Allison Cook, Contract Planner
Patrica Salazar, Planning Department
Development & Operations Mgr.

RE: Applicant's (ACS International) response to the appeal from Brian Adams, dated March 26, 2025, for project case number CDP No. 20-003 and Minor Modification (MM) No. 20-001, for the property located at 29329 Heathercliff Road, Malibu, CA 90265 (APN: 4468-011-011).

Honorable Mayor Stewart and Councilmembers,

We write regarding CDP No. 20-003 and Minor Modification (MM) No. 20-001 located at 29329 Heathercliff Road, Malibu, CA 90265. The permit was heard and approved by the Planning Commission on March 17, 2025. It was subsequently appealed to the City Council by Mr. Brian Adams, the next-door neighbor[1], on March 26, 2025. Schmitz & Associates, Inc. represents the property owner/applicant, ACS International (Mr. Alan Hajjar, Trustee). The following correspondence details the appellant's arguments and the applicant's responses.

I. Meetings & Coordination with the Appellant to Address his Concerns. The applicant has worked diligently with the appellant both prior to and after the project received approval from the Planning Commission. The applicant spent thousands of dollars negotiating and crafting an agreement settling this appeal and the lawsuit filed by the appellant. The applicant and the appellant reached agreement on this settlement; however, prior to signing the agreement the appellant balked.

The use of litigation tactics, requesting money from the applicant to settle disputes ($25,000), and the leveraging of the Planning/permit process, all demonstrate the appellant's bad faith dealings and his attempt to weaponize the permit process to extract financial and other gain. We ask that the council not reward the appellant's abuse of process and consider the credibility of his testimony in light thereof.

II. Summary of Appellant's Arguments & the Applicant's Responses: The appellant makes only two arguments in his appeal.

[1] The project was also appealed by Neighbor Larry Roth whose arguments are nearly identical.

The first argument is that the applicant does not have legal access over the appellant's property and therefore, the City may not even consider the application.

The Second argument is that the Minor Modification request should not have been approved. With respect to this second argument, the appellant asserts that a minor modification request cannot be approved unless approval of the minor modification request *helps avoid or less an impact to a sensitive [coastal] resource*. These arguments are invalid and have no merit.

Summary of the Applicants Responses: First, **w**here a permit application proposes development on or across the property of another, **t**he LCP, and the common law, require only that the applicant' provide evidence that demonstrates, on its face, that it has the right to do so **(See LIP 13.6.2).** Providing the City with a copy of a recorded easement, a title report reflecting that easement and a survey also showing the easement, is ample evidence and is all that is needed to satisfy the requirements of the LCP. A more detailed response to this argument is provided under separate cover by the applicant's attorney, Matt Hinks.

Second, the appellant's contention that a minor mod may only be granted where necessary to avoid impacts to sensitive resources is an incorrect legal argument. The findings in LIP 13.27.5 do not mention sensitive resources (only LIP 3.6(F)(5) does and that section also does not 'require' that sensitive resources be involved to approve a minor mod request. Even assuming that the appellant is correct, and steep slopes on Point Dume are not 'sensitive resources,' this would only demonstrate that the project has one less development standard to meet (Buffer required in LIP 4.6.1). The appellant cites the wrong code section (LIP 3.6(F)(5) in support of his argument (this is the only section that mentions "Sensitive resources." This section has to do only with "Mandatory" approval of a Minor Mod Request where impacts to Sensitive resources can be avoided. The appellant's argument is based on false logic and is not supported by the code.

III. Appeal Arguments & Applicant Responses

The following correspondence states the appeal arguments made by the appellant, Adams, and provides the applicant's detailed responses thereto:

Appeal Argument A (1-5): *Mr. Adams objects to the City's continued processing of the application because there is an ongoing legal dispute regarding the continuing validity of the applicant's easement across the appellant's property.*

Applicant Response to Appellant Argument A: This is a purely legal argument and is addressed in greater detail under separate cover by the applicant's attorney.

Appellant Argument B*: *Improper Findings for Minor Modification of Front Yard Setback

Applicant's Response to Appellant's Argument B: The appellant argues that the findings found in LIP sec. 13.27.5 (Minor Modifications] cannot be made; therefore, the project must be denied. This section reads as follows:

The Planning Manager may approve a minor modification application only if the Planning Manager affirmatively finds that the proposal meets all of the following:

1. That the project is consistent with the policies of the Malibu LCP.
2. That the project does not adversely affect neighborhood character.
3. The proposed project complies with all applicable requirements of state and local law. [bold and italic emphasis added]

The appellant does not challenge the adequacy of the second finding involving neighborhood character[2]; rather, the appellant only challenges findings 1 and 3 of the Planning Commission resolution of approval, which two findings require consistency with the City's Local Coastal Program and other state and local law. Thus, the appellant's core arguments against the granting of the minor modification are arguments that the project is not consistent with one or more of the development standards in the LCP. The appellant's arguments and the applicant's responses to those arguments regarding LCP consistency are discussed below.

Appellant's Argument B.1. *The Commission improperly characterized slopes steeper than 4: 1 as "sensitive resources" requiring protection under LIP § 3 .6(F)(5).*

Applicant's Response to Appellant's Argument B.1.

LIP Section 3.6(F)(5) states as follows:

Non-Beachfront Yards/Setbacks. The following yard/setback requirements apply to all lots, except beachfront lots:
1.
Front yard setbacks shall be at least 20% of the total depth of the lot, or 65 feet, whichever is less.
2.
Side yard setbacks shall be cumulatively at least 25% of the total width of the lot but, in no event, shall a single side yard setback be less than 10% of the width of the lot or 5 feet, whichever is greater.
3.
Rear yard setbacks shall be at least 15% of the lot depth or 15 feet whichever is greater.
4.
For the purpose of calculating yards, slopes equal to or greater than 1:1 shall not be included in the lot dimensions.
5.
Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources.

Subsection (F)(5) above is not a "required" finding to approve a minor modification request; rather, it states that **if** sensitive resources are impacted and could otherwise be minimized or avoided by reducing a yard setback(s), **then** the City **shall approve** the minor modification request. This section **mandates** the approval of a minor modification request where sensitive resources are involved. The appellant argues that 'because' the staff allegedly mischaracterizes steep slopes on Point Dume as a sensitive resource, then the City must deny the Minor Mod request, which is incorrect and false logic.

[2] 17.04.020 of the City's Municipal Code precludes the Council's consideration of arguments not raised by the appellant; however, the applicant, in addition to the evidence already in the administrative record, addresses the second required finding related to neighborhood character, in its response herein.

Even if the slopes were mischaracterized in the resolution of approval as a "sensitive resource," that would only mean that the Minor Mod request 'may' be approved instead of *requiring* approval. There is no requirement that sensitive resource areas must be present to approve a minor modification request (the appellant's position); rather, if the granting of the minor modification would minimize or avoid impacts to sensitive resources, then the Minor Mod 'Shall' be approved.

Notwithstanding the appellant's arguments, the applicant maintains that the slopes adjacent to PCH are subject to the protections of 3.6(F)(5) as a sensitive resource because scenic highways are protected as sensitive resources.

Staff have long characterized steep slopes on Point Dume as "Sensitive Resources." The term 'Sensitive Resource' is not defined in the LCP; however, it is not to be confused with the term "Environmentally Sensitive Habitat Area." The appellant conflates the two terms, and they are not the same[3]. The term "sensitive resource" refers to many different types of coastal resources, including ESHA, **sensitive visual resources**, recreational resources, cultural and archeological resources, areas where coastal access could be impacted, etc. **(See EXHIBIT A Coastal Act. Section 30116 which provides the definition of "Sensitive Coastal Resource Areas.")** While the LCP may be silent on the definition of "Sensitive Resources," the Coastal Act includes "Highly Scenic Areas" in the definition of "Sensitive Coastal Resource Areas." The Coastal Act considers a protected Scenic Highway and its adjacent environs, including steep slopes adjacent to the highway, to be a "Sensitive Resource," meriting protection under the Coastal Act and LIP 3.6(F)(5). Hence, the characterization of the hillside and steep slopes adjacent to PCH as a "sensitive resource area" is supported by the code.

The Planning Commission found that the house was being sited in the flattest portion of the site which also happens to be the pad location farthest from **PCH, a sensitive visual resource**. Properly applying LIP *Section 3.6(F)(5)* to the set of facts here, approval of the house in its proposed location is most protective of visual (sensitive) resources, and on that basis alone, should be approved, as is *required* per LIP 3.6(F)(5).

The City's Local Coastal Program prioritizes public view protection over all other development standards, except for ESHA. Section 6.5(A)(4) of the LIP, states,

"*New development, including a building pad, if provided, **shall be sited on the flattest area of the project site, except where there is an alternative location that would be more protective of visual resources** or ESHA."*

This section in the visual resources section of the LIP *requires* that all new development be sited on the flattest portion of the site. The code only allows homes to be sited on steeper slopes if doing so would be more protective of visually sensitive resource areas (E.g., PCH – A scenic highway). Here, the house is proposed on the flattest portion of the site and that location also happens to be the most protective of views from PCH, a designated scenic highway in the LCP. Locating the residence as far from PCH as possible ensures that the house will be the least visible. In fact, staff findings indicate that were the house to be moved closer to PCH, that there might be adverse visual impacts to PCH; though such impacts will not occur if the house is sited where proposed by the applicant. The granting of the minor modification will allow for the avoidance of adverse scenic impacts; therefore, LIP 3.6(F)(5) and LIP 6.5(A)(4) warrant the approval of the minor modification request. Whether or not the slopes are

[3] While a "stream" or ESHA is a "Sensitive Resource," not all Sensitive Resources are ESHAs.

characterized as a sensitive resource **under 4.6.1** is irrelevant, as those slopes meet the definition of a sensitive resource under 30116 of the Coastal Act and LIP 3.6(F)(5), thus warranting approval of the minor modification request.

Neighborhood Character: Lastly, the applicant's minor modification request seeks a yard setback reduction to 29'6". **The average setback of existing homes along Heathercliff rd. is 26'1".** Ironically, the Adams and Roth Properties (Appellant's properties) have the narrowest front yard setbacks on the street at only 22'6", yet they argue that the applicant's proposed front yard setback must be almost 3 times greater than theirs at 59.4'. The house is proposed in the ideal location, a location which is the least visible from a scenic road, and which is consistent with the average setback in the existing neighborhood and is therefore consistent with the neighborhood character (Finding No. 2).

Perhaps most importantly, the house will not be visible from Heathercliff road and therefore will not have any impact on neighborhood character. Additionally, there are other adjacent homes that are located on flag lots and are situated behind homes with frontage on Heathercliff. The applicant's proposed home is consistent with these homes.

In sum, the code requires that the house be located where it is proposed, it is consistent with the neighborhood character and all other LCP provisions and development standards, and the minor mod findings can and should be made.

Appellant's Argument B.2. *Neither the LIP nor the LUP defines steep slopes as "sensitive resources" in the absence of ESHA or other protected habitat.*

Applicant's Response to Appellant's Argument B.2. See the Applicant's response above in B.1. The Coastal Act considers all highly scenic resources to be protected, including slopes and areas adjacent to the scenic resource as is the case here. The Coastal Act is clear that the protections of 3.6(F)(5) apply to various types of Sensitive Coastal Resource Areas, including visual resource areas.

Appellant's Argument B.3. *The Commission misapplied LUP Policy 3.35 and LIP§ 4.6.l(A), which only apply to stream habitat protection. Resolution No. 25-03 itself acknowledges that "no streams or riparian habitats are located on or adjacent to the site" (p. 9), making these provisions entirely inapplicable.*

Applicant's Response to Appellant's Argument B.3. The City has historically considered slopes steeper than 4:1 on Point Dume not to be "ESHA," but nonetheless a ***sensitive resource*** that is required to be protected on Point Dume. The appellant argues that the 4:1 slope prohibition does not apply because LIP 4.6.1 only applies to projects near streams. The Planning Commission disagreed. That said, whether the appellant's argument is correct or not is ultimately of no relevance or consequence.

If we assume that the appellant's argument is correct, and that LIP 4.6.1 does not apply, the project would still be consistent with the LCP. The staff report and resolution make findings that the project is consistent with all development standards in the LCP. The appellant's argument that the inapplicability of one development standard to the project somehow makes the project inconsistent with the LCP, is spurious. This argument utilizes blatantly false logic. The appellant, in arguing the inapplicability of LIP 4.6.1 only helps support the Planning Commission's findings of project consistency with code. I.e., if a development standard is not applicable to a project, then it follows that project need not comply with

that standard. In advancing this argument, the appellant only undermines his own arguments and demonstrates LCP consistency.

What is most important here is to recognize that the Planning Commission appropriately made the first finding required by 13.27.5 (Minor Mod Finding that a project must be consistent with the LCP). This finding was premised upon ***the project being completely consistent*** with **all** provisions in the City's LCP. The Commission's findings on page 2 of Commission Resolution 25-03, recite the project's consistency with the visual resource policies and explain how locating the house in the flattest area, furthest from PCH, is consistent with the LCP. The resolution goes on to make the remaining required findings on pages 2-5 of the resolution. The presence or absence of 'sensitive resources' is only relevant to the question of **whether the City 'may' or 'must'** approve the minor modification request.

Appellant's Argument B.4. *Without proper justification, the Planning Commission cannot legally make the findings for the Minor Modification under LIP§ 13.27.5(B), particularly that the project is consistent with the LCP.*

Applicant's Response to Appellant's Argument B.4. This argument is effectively an introduction to the appellant's arguments in Section C of its appeal. As discussed above, the project is consistent with the LCP development standards and provisions and these findings have been made (see pages 2-5 of Planning Commission Resolution No. 25-003.) Also, the appellant notes that approval of the Minor Mod request must have "proper justification.' It should be noted that the findings required for approval, while involving some level of discretion, do not require any *justification* to approve the request. See the discussion below of the appellant's LCP consistency arguments and the applicant's responses.

Apellant's arguments C.1. – C.3. *The Planning Commission's findings required under the LCP are legally and factually erroneous, particularly:*

Section 3.A.1 of Resolution No. 25-03 finds that "the proposed project, as conditioned, conforms to the LCP," but this finding is legally flawed given the unresolved property rights dispute and the mischaracterization of slopes as "sensitive resources."

2. Section 3.B.1 of Resolution No. 25-03 finds that "the reduced front yard setback will avoid development on slopes 4 to 1 and steeper, considered sensitive resources," but this finding lacks any legal or factual basis since steep slopes in isolation do not constitute "sensitive resources" under the LCP.

3. Section 3.B.3 of Resolution No. 25-03 finds that "the project will comply with all applicable requirements of State and local law," but this finding is legally improper in light of the unresolved property dispute currently in litigation.

Applicant's Response to Appellant's Argument C.1- C.3. The property rights dispute will be addressed in detail by the applicant's legal counsel. This argument has no merit as discussed above. The argument regarding sensitive resources was addressed by the applicant in its response to the appellant's argument B.3. above.

Apellant's arguments C.4. *Section 3.A.2 of Resolution No. 25-03 finds that the project "has been determined to be the least environmentally damaging feasible alternative," but this finding lacks substantial evidence given the project's reliance on an improper setback reduction and encroachment onto disputed property.*

Applicant's Response to Appellant's Argument C.4. The LCP requirement that the project be the least environmentally damaging alternative has nothing to do with any legal dispute over access. Legal access is not an "environmental concern" regulated by the Coastal Act or CEQA for that matter. A thorough alternatives analysis was completed by the applicant and submitted to the City. This analysis was considered as evidence by staff and the Commission during its review and deliberations. Notably absent from the appellant's arguments is any example of what he might consider to be a superior environmental alternative.

With respect to the minor mod findings argument, the resolution is supported by substantial evidence that the project has been designed in the best location on the property, a location that is located farthest from the scenic highway (PCH), which requires the least amount of grading and clearance of native vegetation, which maximizes open space and limits site disturbance, and which has been limited in height with design features to maximize public and private view protection. The resolution provides ample factual support for its finding that the project has been sited and designed to be the least environmentally damaging alternative.

In conclusion, the appellant's arguments are without merit. The applicant has listened carefully to Mr. Adams' concerns. He has modified his house and access road design to accommodate Mr. Adams and several of his neighbors. He has limited the house to 18' in height and clustered his development to a small development area. He has done all that he can within reason to accommodate the appellant and address his concerns. He has been in regular [Good faith] communication with the appellant and his legal counsel to resolve the appeal, notwithstanding that the appeal is without merit.

The applicant requests that the City Council deny the appeal and uphold the decision of the Planning Commission, approving the residence.

Sincerely,

Chris Deleau, JD, AICP
Special Projects Manager, Schmitz & Associates, Inc.

747.494.7293
schmitzandassociates.com
cdeleau@schmitzandassociates.net
28230 Agoura Rd. Suite 200, Agoura Hills, CA 91301

Schmitz & Associates, Inc.
28230 Agoura Road, Suite 100
Agoura Hills, CA 91301

May 31, 2025

Attn: Kelsey Pettijohn, City Clerk
23825 Stuart Ranch Road
Malibu, CA 90265

Cc: Honorable Mayor Stewart and Councilmembers
Allison Cook, Contract Planner
Patrica Salazar, Development & Operations Mgr.

RE: Applicant (ACS International) response to the appeal from Larry Roth, dated March 26, 2025, for project case number CDP No. 20-003 and Minor Modification (MM) No. 20-001, for the property located at 29329 Heathercliff Road, Malibu, CA 90265 (APN: 4468-011-011).

Honorable Mayor Stewart and Councilmembers,

We write regarding CDP No. 20-003 and Minor Modification (MM) No. 20-001 located at 29329 Heathercliff Road, Malibu, CA 90265. The permit was heard and approved by the Planning Commission on March 17, 2025. It was subsequently appealed to the City Council by Mr. Larry Roth, the next-door neighbor[1], on March 26, 2025. Schmitz & Associates, Inc. represents the property owner/applicant, ACS International (Mr. Alan Hajjar, Trustee).

The following correspondence summarizes the appeal arguments made by the appellant, Larry Roth, and provides the applicant's responses thereto:

Appeal Argument A: Mr. Roth asserts that the applicant does not own the land where its driveway is proposed and does not have an easement for access across any portion of the Adams' property located at 29327 Heathercliff rd.; therefore, the project should be denied for this reason alone.

Applicant Response to Appellant Argument A: Mr. Roth objects to the construction of a portion of the applicant's driveway that is located on his neighbor, Bryan Adams,' property. He acknowledges that half of the applicant's easement does burden his property but then argues that the other half of the easement that burdens Adams' property is not valid (it is the same easement). Roth claims that the applicant does not have an easement that would allow it to construct its driveway and use this portion of the neighbor's lot and for this reason alone, the project should be denied. He specifically argues that *"The City has no authority to grant entitlements for development on property which the applicant neither owns nor has rights to use."* He argues that the applicant does not have an easement because there is no easement

[1] The project was also appealed by Neighbor Brian Adams whose arguments are nearly identical.

listed in his neighbor's title report, and that any easement the applicant may have had was lost by adverse possession.

Mr. Roth's arguments are not even consistent with the arguments made by Legal Counsel for the Neighbor/other appellant, Bryan Adams, whose arguments are baseless to begin with. We have, on several past occasions, responded to these arguments as has the applicant's legal counsel, Matt Hinks of JMBM. These responses are in the public record and included in the Planning Department's staff reports. Mr. Roth's arguments are chalked full of misunderstanding of fact and the law and do not have any merit.

The Applicant has Express Easements that Give him the Right to Construct and Use the Driveway on the Appellants' lands.

The Applicant has two separate easements for purposes of ingress, egress, and utilities **(See Attached Exhibit 1)**. These two easements allow him to construct, use, and maintain his driveway in the area proposed. These easements, which were reserved in a single grant deed, were created and recorded in July of 1959. The project survey/ grading plan **(See Attached Exhibit 2)** reflects and calls out the two access easements as Parcel 3 and Parcel 4. Further, our client's Title Report **(See Attached Exhibit 3)** also refers to these easements as Parcels 3 & 4. The applicant's survey when listing the easement parcels corresponds to the parcel numbers in the title report.

The City's codes require only that the Applicant show evidence of either ownership or a right of access (see below LIP Sec. 13.6.2(C).) This entails providing the City with a document or documents that substantiate on their face that the property right (easement here) exists. This evidence is usually required by the City in the form of one or more of the following: A title report, a survey prepared by a licensed surveyor reflecting the easement in Scheule A of that report, or by providing a copy of the executed easement document, if requested. Here the applicant has provided all these documents to the satisfaction of city staff. The Code does not require that the Applicant litigate any access or legal dispute before the City can process and approve a permit. In fact, such a requirement would be unlawful. The City Attorney confirmed this during the Planning Commission hearing, acknowledging that the applicant had shown proof of his easement rights across both the Adams and Roth properties, that the applicant had provided sufficient documentation to meet the application requirements of LIP 13.6.2, and that the proper remedy for any dispute regarding the validity of a portion of the easement is property left to the courts.

Mr. Roth also references his prior easement litigation against the applicant and maintains that the applicant was previously forced to stop processing this permit until the litigation between Roth and the applicant was settled. This is not correct. The Applicant *voluntarily* paused permit processing to work on a settlement with Mr. Roth, and that settlement was reached. *The City did not require* the applicant to hold on permit processing until the litigation was resolved.

Mr. Roth also references the "Breitman" CDP on Seaboard Rd. as precedent for requiring an applicant to litigate and conclusively resolve an easement dispute *in a court of law* before processing or continuing to process a permit application. This is also not correct. Our firm represents Mr. Breitman's project located at 21100 Seaboard Rd. (CDP No. 04-051). There was an attempt to place a processing hold on that project until the applicant litigated and proved conclusively that he had access rights, but the hold was immediately rejected given the City Attorney's advice that Planning must accept at face value the easement rights referenced in the applicant's survey and title report. The City Planning Department

withdrew its hold and recommenced project processing with haste. That project is ongoing and active and is not 'on hold' in any sense of the word.

LIP Section 13.6.2 States as follows:

Where the applicant for a Coastal Development Permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the City shall not require the holder or owner of any superior interest in the property to join as a co-applicant. All holders or owners of any other interest of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.

As Mr. Hinks observes in his letter, Adams admits the existence of the easement and does not dispute that the easement on its face gives the applicant the right to use the easement for ingress and egress purposes. Further, as noted above, the LCP does not require an applicant to disprove in court a project objector's speculative legal theories, it simply requires that the applicant provide prima facie evidence of its property rights, which the applicant has done.

Mr. Roth also argues that because Mr. Adams was granted a permit to build a pool on his property, that the applicant's permit cannot be issued on the same property, within the applicant's easement. As Mr. Hinks explains, this argument is puzzling as to its logic and reasoning and is incorrect.

In sum, our client has the legal right to construct and use his proposed driveway within his easement area. The applicant's easement is a **property right** that runs with the land, benefits the applicant, and burdens both Mr. Roth and Mr. Adams' properties. The appellants' legal assertions attacking the continued validity of the applicant's easement are properly heard in a court of law, not adjudicated by the City Council as part of a permit application.

Appellant Argument B: Mr. Roth Asserts that the project does not meet fire code requirements, that the project plans were not 'officially approved,' and that the Fire Department will never use the driveway because it is unsafe.

Applicant Response to Appellant Argument B: The Project has received approval from the Fire Department two separate times, first on November 17, 2020, and most recently on December 4, 2024 **(see below approvals referenced in figures 1-3).**

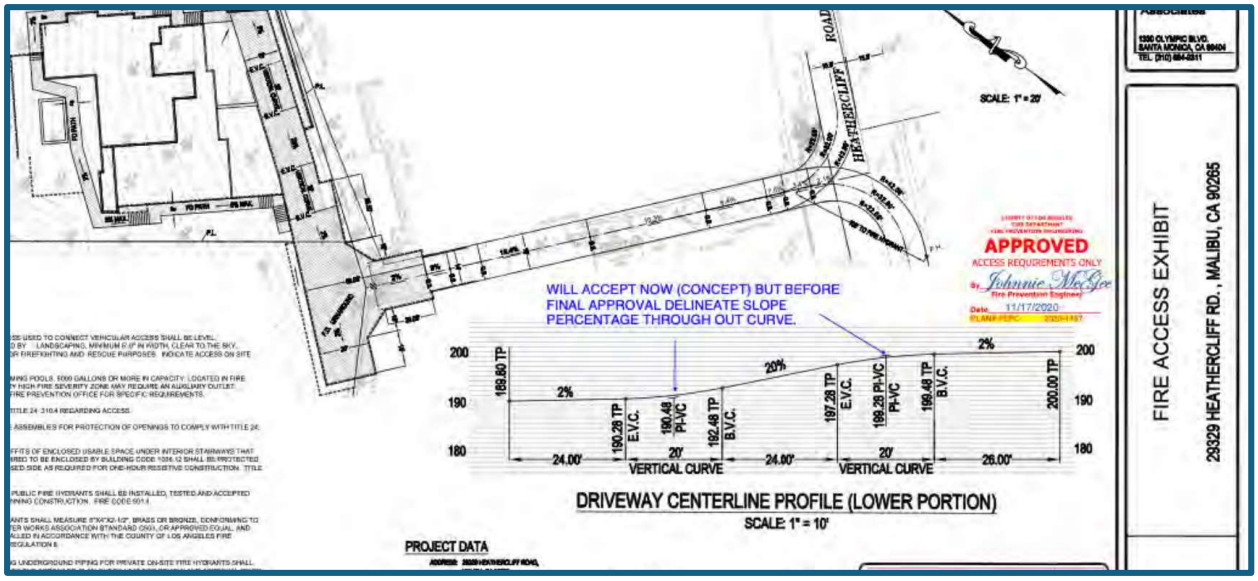


Figure 1: The Applicant's First Fire Department Approval (2020)

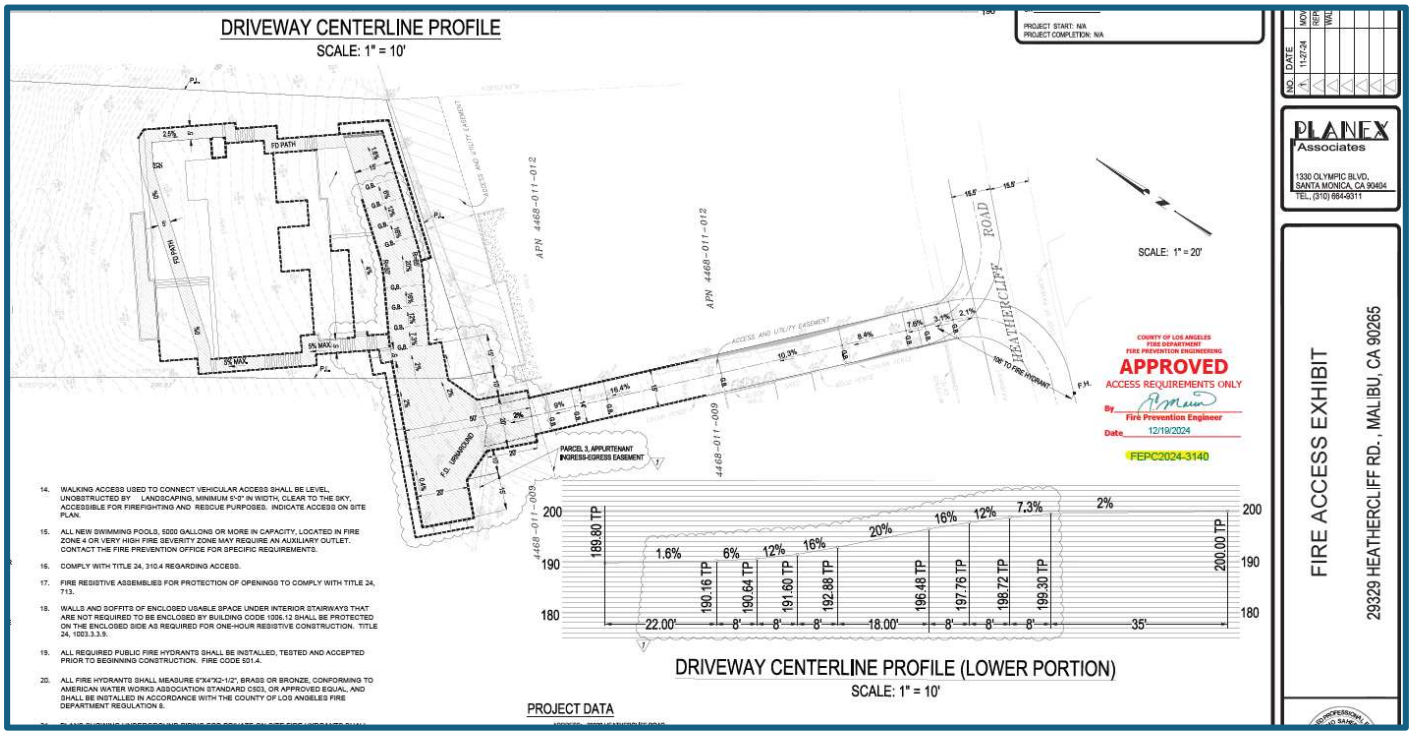
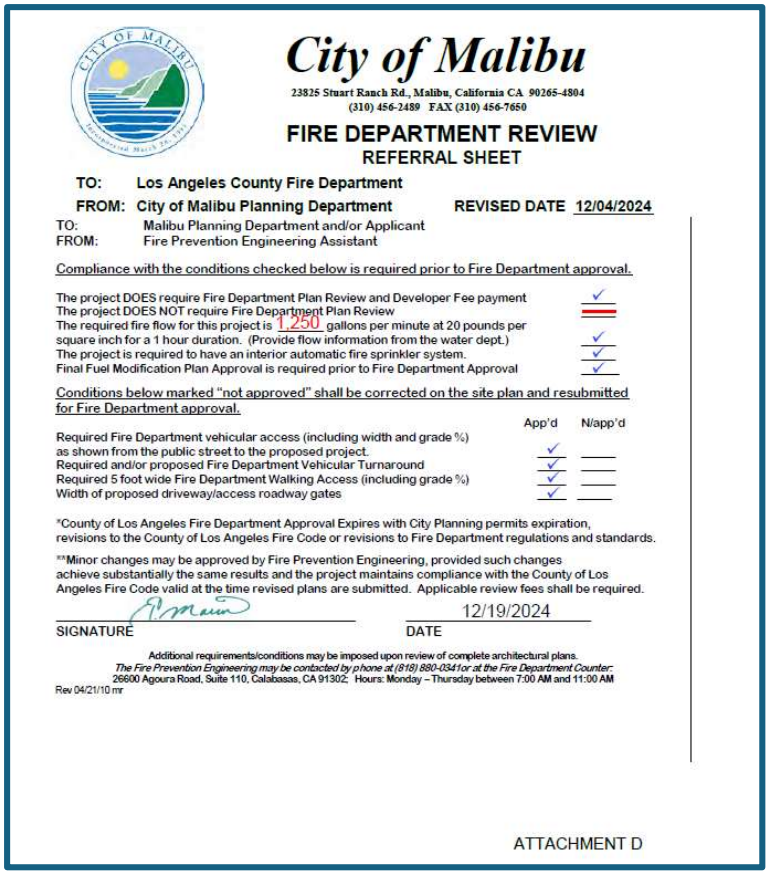


Figure 2: The Applicant's Second and Final Fire Department Approval (12/2024)



City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department
FROM: City of Malibu Planning Department REVISED DATE 12/04/2024
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 1,250 gallons per minute at 20 pounds per square inch for a 1 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.

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

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

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

SIGNATURE 12/19/2024 DATE

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341or at the Fire Department Counter:
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM
Rev 04/21/10 mr

ATTACHMENT D

Figure 3: The Fire Department Referral Sheet Noting Approval (12/2024)

It appears that the appellant was not aware of the most recent and updated Fire Department Approval. This approval and the stamped approved access plan were included in the Planning Commission staff report/ staff presentation and were part of the applicant's PowerPoint presentation at hearing.

The Fire Department has approved the project. The access road does meet Fire Department access and engineering standards, as approved by the LACO Fire Department.

Appeal Argument C: The appellant claims the project is in or adjacent to stream ESHA, does not meet the 100' stream ESHA setback, and will impact ESHA.

Applicant's Response to Appellant's Argument C: Chapter 4 of the LCP (ESHA) states that there is no ESHA on Point Dume except for the stream on lower Birdview Ave that empties to Westward Beach[2], and which is shown on the City's LCP ESHA Map. LCP Interpretation No. 17, approved by ZORACES on November 14, 2006, reiterates and further emphasizes this.

Notwithstanding the fact that the LCP precludes any ESHA determination on Point Dume, the City Biologist has visited the property and confirmed that there was no sensitive vegetation found on site. The City

[2] The City's LCP was Amended by the City and the Coastal Commission in 2006 to eliminate all mapped ESHA on Point Dume except for the Birdview Stream. LIP 4.6.1 was also modified to further clarify this. This is discussed in the City's staff report.

Biologist evaluated the comments and claims made by the Native Plant Society[3] (NPS) and found that no protected native trees or rare/especially valuable plants existed on site.

The Appellant's ESHA arguments are inaccurate and have no basis.

Appeal Argument D: Development on Steep Slopes: The appellant claims that the project is located on slopes steeper than 4:1 in violation of code and that the applicant engaged in unpermitted grading.

Applicant Response to Appeal Argument D: Neither of the appellant's arguments have merit. The project survey and slope map clearly show that the proposed residence is not being proposed on slopes steeper than 4:1. The applicant's Surveyor has prepared two separate slope maps at both 5' and 2' slope band intervals. Both maps show that the house is not proposed on slopes steeper than 4:1 (25%).

Regarding the allegation of a grading violation, none has occurred, and this has been verified by Ryan Cerny, Deputy Building Official, City Code Enforcement, and the Planning Department. The applicant's representative, Chris Deleau of Schmitz & Associates, Inc., attended a site visit to the property with the aforementioned City officials who confirmed that the applicant had not done any 'grading.' The applicant had recently conducted routine annual brush clearance, as had been done for many years prior, to keep the Roth and Adams properties safe (fire department required); however, the applicant did not do any *grading*.

Additionally, Mr. Cerny, the City's Deputy Building Official, upon reviewing the condition of the access road, saw heavy machinery tracks along the driveway leading into Mr. Roth's backyard. Mr. Roth's property is currently under construction, and it was evident that the road was being maintained by his General Contractor. A substantial amount of gravel had been placed on the roadbed by his general contractor to avoid erosion during the wet season. There were cat tracks from heavy equipment leading down the driveway, over the gravel and into Mr. Roth's backyard. Mr. Roth had previously claimed that the applicant had undertaken this work; however, that most certainly is not the case.

<u>Past Grading by Roth and Adams & its Implications for the Appellant's Arguments</u>

Review of historical aerials from Google Earth shows that substantial grading has occurred on both Mr. Roth's property and Mr. Adams (the Appellants). These aerials **(Exhibit 4)** show that, in 2013 Mr. Roth graded two pads on the rear portion of his lot without permits, one for an outdoor seating area and one for a bocce ball court. Google Earth Aerials from 2013 **(see Exhibit 4)** show that some of the spoils from this grading (Roth's unpermitted grading) were dumped at the bottom of the driveway on the applicant's property, *in the exact location* where Mr. Roth alleges the applicant graded the driveway. The aerials also show that Roth did more grading to create a pad for a spa (also unpermitted) and that retaining walls were installed to support the spa (also unpermitted).

From these aerial photos **(Exhibit 4)** we know that Mr. Roth conducted substantial unpermitted grading on his property and that he dumped spoils from that grading on the Applicant's property. Mr. Roth now

[3] The appellant references a letter submitted to the City from the NPS. This letter alleges the presence of ESHA on the property. The NPS letter was based upon a site visit to the applicant's property where the NPS trespassed on the applicant's property to conduct field review. The applicant requests that the letter not be considered by the Council and not be included in the administrative record as it was a result of the illegal activity by the NPS.

claims that the applicant did this; however, the evidence provided herein refutes that allegation. (**See Exhibit 5** *Showing a Complete Permit Record for the Roth Property and Demonstrating that Mr. Roth did all this Work Without Permits*).

Site photos taken by the applicant also show that Mr. Roth's contractor recently placed a large amount of gravel on the driveway to prevent erosion and damage to the driveway while the contractor was in the process of constructing his pool and exporting dirt. Mr. Roth also accused the applicant of placing that gravel on the driveway, either knowing that it was his [Roth's] contractor that did this, or in ignorance of the true and obvious facts on the ground. The gravel blanket leads down the driveway from Heathercliff and ends precisely where the entry to Mr. Roth's property is in his side yard next to the driveway (it does not extend near or onto the applicant's property.) See attached photos **(Exhibit 6).**

In conclusion, there has been a lot of grading and construction work done on both appellants'[4] properties, mostly without permits in the case of the Roth property, and aerial photos show that dirt from some of these projects was dumped on the applicant's property without permission and within the driveway easement. **What is clear is that appellant Roth engaged in the very grading violation that he now falsely asserts the applicant carried out.** It should be noted that the applicant did not acquire the property until 2019, long after the grading was done by Roth on the applicant's property.

City officials from building safety, code enforcement and planning cleared the applicant of the appellant's claim, specifically finding that no recent grading had occurred. Additionally, evidence provided herein shows that Roth did engage in a grading violation in this area. The appellant's arguments have been offered in bad faith and have no merit.

Appeal Argument E – The appellant claims that the project is located on a significant ridgeline and does not comply with Ridgeline standards.

Applicant's Response to Appellant's Argument E: First, the hillside in question does not meet the definition of a "Ridgeline." The LCP defines a ridgeline as,

"a hill, ridge, or promontory other than a primary ridgeline, but on which the elevation drops more than ten feet (10') in one hundred feet (100') horizontally on either side of the top of this landform feature."

The Top of this landform feature is the middle of Heathercliff Rd. (Highest Point). To begin with, it would be silly to consider Heathercliff Rd. to be a protected ridgeline given that it is no longer a natural landform feature, and it is fully developed. However, even if one were to consider assessing whether it meets the slope requirements for a ridgeline, it would not meet the definition above as the feature does not drop vertically 10' feet over 100 feet horizontal (not more than a 10 percent slope).

[4] Appellant Adams recently constructed a pool in his back yard (with permits) and used the driveway to facilitate construction. Excavation spoils appear to have been stored at least temporarily in the driveway.



Figure 4: Showing a less than 10' vertical drop over 100' from the top of the landform feature – does not meet the definition of a ridgeline.

Second, LUP section 6.4 states that ridgeline standards shall not apply to areas that are 'built out.' LCP Policy 16 elaborates on this provision, provisions in the LIP, and states the same, that where more than 65% of all properties within the 'neighborhood' are developed, then the ridgeline standards do not apply. The applicant's project is in a neighborhood that is over 90% built out, therefore the ridgeline standards do not apply to the applicant's project.

Third, both appellants Adams and Roth have recently received permit approvals and constructed pools in the rear yards of their properties. The city found, in approving these pool permits, that this landform feature did not constitute a ridgeline and that the ridgeline standards did not apply. After receiving their permits, the appellants now claim that this landform feature is a ridgeline, after benefitting from the City's determination that it was not one.

The appellants' arguments are disingenuous and have no merit. The applicant's project is not located on a ridgeline and is not subject to ridgeline standards.

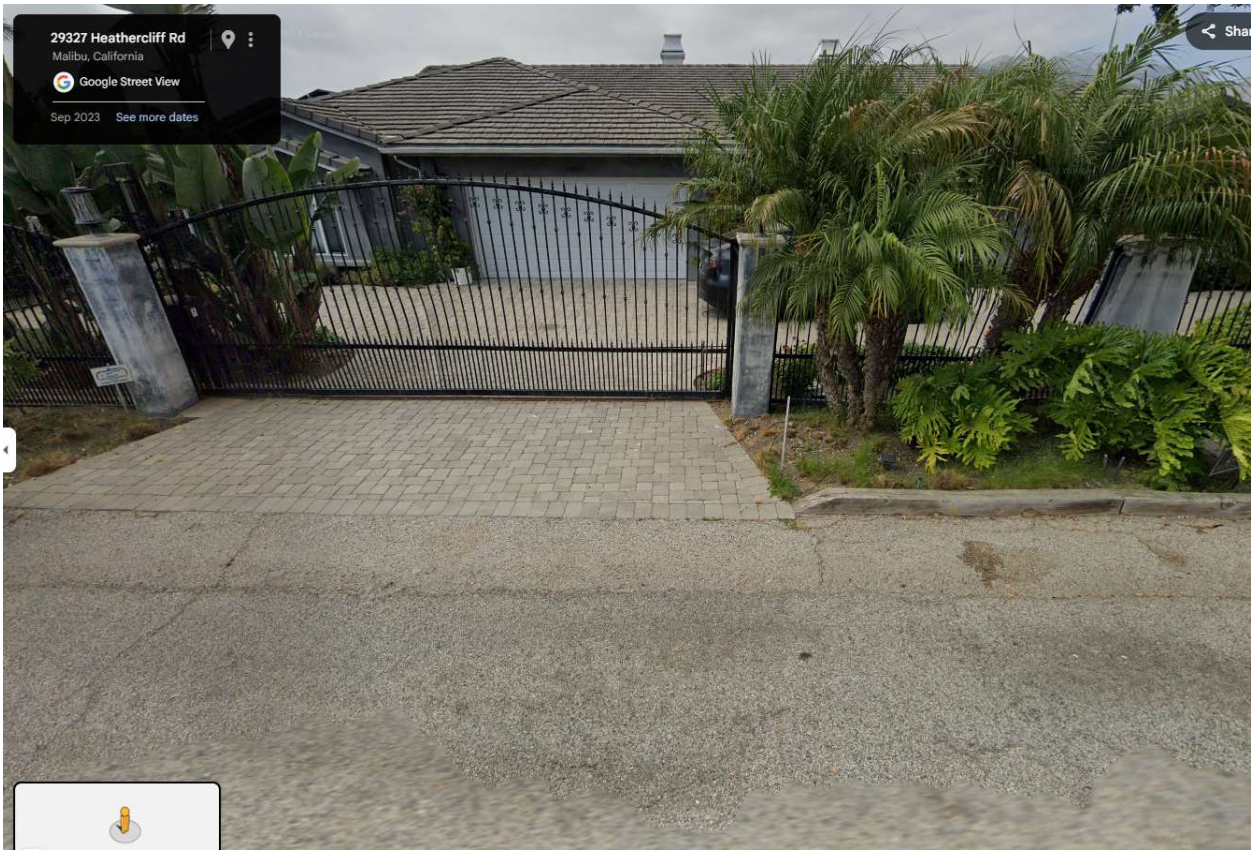


Figure 5: View of "Ridgeline" alleged to be protected by both appellants (Roth & Adams)

In sum, the feature does not meet the definition of a ridgeline and is not subject to the ridgeline setback rules.

Appellant Argument F: The appellant claims that there is no basis to approve the applicant's minor modification request to reduce the front yard setback.

Applicant's response to appellant's argument F: A minor modification (MM) request does not need an adequate 'basis' to be proposed or approved. The City is not required to find a 'reason,' nor is the applicant required to provide one to approve a MM request. While a MM request is a discretionary request, the only findings that are required to approve the request are as follows:

The Planning Manager may approve a minor modification application only if the Planning Manager affirmatively finds that the proposal meets all of the following:

1. *That the project is consistent with the policies of the Malibu LCP.*
2. That the project does not adversely affect neighborhood character. [bold and italic emphasis added]
3. *The proposed project complies with all applicable requirements of state and local law.* ***[LIP 13.27.5 (B)***

The staff report presented at the Planning Commission hearing made these findings and provided substantial evidence in support thereof. The appellant emphasizes the quality of the lot; a "junk lot' as he remarks in his appeal. He also emphasizes that the MM should not be approved because of fire

safety. These issues have been addressed previously in the applicant's responses to the appeal and are not relevant to the findings needed to be made to approve the MM request.

Moreover, the City's Local Coastal Program prioritizes public view protection over all other development standards, except for ESHA. Section 6.5(A)(4) of the LIP, states,

"*New development, including a building pad, if provided,* ***shall be sited on the flattest area of the project site****, except where there is an alternative location that would be more protective of visual resources or ESHA."*

This section in the visual resources section of the LIP *requires* that all new development be sited on the flattest portion of the site. The code only allows homes to be sited on steeper slopes if doing so would be more protective of visual resources (E.g., PCH – A scenic highway). Here, the house is proposed on the flattest portion of the site and that location also happens to be the most protective of views from PCH. Locating the residence as far from PCH as possible ensures that the house will be the least visible. The applicant has designed the house in accordance with the public view protection provisions of the code and has complied with all other development standards.

The applicant's minor modification request seeks a yard setback reduction to 29'6". The average setback of existing homes along Heathercliff Rd. is 26'1". Ironically, the Adams and Roth Properties (Appellant's properties) have the narrowest front yard setbacks on the street at 22'6", yet they argue that the applicant's proposed front yard setback must be almost 3 times greater than theirs at 59.4'.

In sum, the code requires that the house be sited where it is proposed, it is consistent with the neighborhood character, and the minor mod findings can and should be made.

Concluding Remarks

In conclusion, the appellants' (Roth and Adams) arguments are disingenuous and are offered with the sole intent of attempting to block any development on the applicant's property. Mr. Roth makes this clear when he refers to the applicant's property as a "junk lot." What is plain to see is that that the appellants want to continue to treat the applicant's property as if it were their own property, their own 'open space' buffer. They refuse to acknowledge that the applicant has a right to develop its property and that they will do and say just about anything to deny the applicant of his right to use and enjoy his land. The appellants' arguments are plainly not offered in good faith and do not have the slightest inkling of legitimacy. Instead, these appeals are offered as a filibuster to leverage the applicant to either sell this property to them or to otherwise diminish the applicant's rights.

Mr. Roth's appeal is particularly egregious given that Mr. Roth previously settled litigation with the applicant and withdrew all his objections to the project in a letter to the City **(Exhibit 7).** After having resolved his dispute with the applicant amicably, he now repeats his prior objections after having reached an accord with the applicant. Since the time of the settlement the project has been reduced in size and extent. There have been no changes to the project that would give Mr. Roth cause to object after having withdrawn his prior objections.

Lastly, Mr. Roth has committed numerous development violations (no permits) on his property. One of the violations he accuses the applicant of, he himself committed. His credibility is poor, and his arguments are invalid.

We ask that the Council see this appeal for what it is, disingenuous, and a gross abuse of process.

Sincerely,

Chris Deleau, JD, AICP
Special Projects Manager, Schmitz & Associates, Inc.

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May 31, 2025

VIA E-MAIL

Hon. Marianne Riggins, Mayor
Hon. Bruce Silverstein, Mayor Pro Tem
Hon. Haylynn Conrad, Councilmember
Hon. Doug Stewart, Councilmember
Hon. Steve Uhring, Councilmember
City of Malibu
23825 Stuart Ranch Road
Malibu, California 90265
citycouncil@malibucity.org

Re: Appeal filed by Brian Adams, dated March 25, 2025, Case Nos. CDP No. 20-003 and Minor Modification (MM) No. 20-001

Address: 29329 Heathercliff Road, Malibu, CA 90265 (APN: 4468-011-011)

Applicant: ACS International, LLC

Dear Mayor Riggins, Mayor Pro Tem Silverstein, and Councilmembers Conrad, Stewart, and Uhring:

We are legal counsel for ACS International, LLC ("ACS" or the "Applicant") the owner of the property located at 29329 Heathercliff Road, Malibu, and the applicant for the above-described entitlements. The Planning Commission approved the project on March 17, 2025. The Planning Commission's action was appealed by two neighbors—Brian Adams and Larry Roth. This letter is sent to address Mr. Adams' and Mr. Roth's contentions about ACS's easement rights and the project's fire access plans. As shown below, Mr. Adams' and Mr. Roth's arguments are unfounded and legally baseless. Their claims, which are centered around the project's lawful use of long-established easements, are not only meritless but, worse, represent a misuse of the City's appeals process to obstruct lawful development in bad faith and extract private gain.

A Limited Liability Law Partnership Including Corporations / Los Angeles • San Francisco • Orange County

Background

The Applicant's property is benefitted by two separate written and recorded easements originally recorded in 1959 burdening Mr. Adams' and Mr. Roth's property for "ingress, egress, and utility purposes." ACS's development plans call for the use of only very small portions of the original easement area.

Roth originally objected to ACS's development plans and the use of the easement over his property. He sued ACS in Superior Court alleging that ACS's easements had been "adversely possessed, extinguished, or otherwise abandoned." To resolve that case, Roth and ACS entered into a settlement agreement on August 30, 2022. ACS agreed to modify and substantially reduce the easement area burdening Roth's property. ACS also paid Roth $20,000. In return, Roth dismissed his lawsuit with prejudice and submitted a letter to the City stating that "the objection we previously made to [ACS's] Application for the proposed single family residence Application # CDP 20-003 located at 29329 Heathercliff Rd. Malibu, CA is hereby withdrawn." Roth also acknowledged in the settlement agreement that easements burdening the Adams property "remain in full force and effect."

In the case of Mr. Adams' property, the Project would make use of a small corner —around 27 sq. ft.—of a much larger easement for driveway purposes. It will not touch Mr. Adams' pool or pool equipment as he and his lawyers have falsely contended in the past. The small corner of property is located within ACS's ingress and egress easement area as its easements specially allow. Documents proving the existence of the easements and the rest of these facts are before you in the record.

I am attaching to this letter an exhibit depicting the boundaries of the easements (as modified by the Roth settlement agreement) and the proposed access road with fire department turnaround.

ACS's development application was originally scheduled to be heard by the Planning Commission on February 18, 2025. On that same day, Adams, like Roth had done years before, filed a lawsuit alleging that the easements had been "adversely possessed" and are therefore "extinguished."

Prior to the item being heard by the Planning Commission on February 18, at the request of ACS, the item was continued to allow ACS to work with counsel for Adams, to resolve his opposition to the project. In the following weeks, ACS provided Adams' lawyers with documents showing the project would use only a tiny portion of the large easement and would entirely avoid any impact on Adams' pool and pool equipment (even though the pool and pool equipment were built within the easement area in violation of the Applicant's rights). On Friday, March 14, 2025, ACS and Adams agreed to all terms of a written settlement agreement.

JMBM Jeffer Mangels Butler & Mitchell LLP
jmbm.com

Among other things, ACS agreed to Adams' monetary demand that he be paid $25,000[1] and agreed to make only limited use of the easement area, and Adams agreed to dismiss his lawsuit and not oppose the project. Sadly, within minutes of the parties making final changes to the written settlement agreement, Mr. Adams backed out and refused to sign the deal.

To say the least, we were stunned and disappointed.

Nevertheless, as we relayed to the Planning Commission, despite ACS's frustration, ACS is still willing to live up to its end of the bargain in that: (1) ACS is limiting the project to using only the small, approximately 27 square-foot easement area described on the project plans; (2) ACS is agreeing to move and replace the chain link fence on the Adams property at no cost to him using as good or better materials than what exists currently; (3) the project will avoid any impact to Adams' pool and pool equipment; and (4) ACS is agreeing to repair or relocate Adams' pool equipment at no cost to him in the unlikely and unexpected event that it becomes necessary.

Adams' complaint over the project's use of the easement area is baseless.

Adams argues in his appeal that the Project "improperly includes development on disputed property." In particular, Adams complains that a portion of the fire department turnaround makes use of a portion of his property for which he has not given his consent. Adams' complaint is without merit.

Notably, Mr. Adams does not deny the existence of the easements. He does not deny that the easements permit ACS to use the easement area for ingress and egress purposes. Nor does he deny that the project proposes to use only a very small portion of the easement area for ingress and egress—just as the easements permit. Adams also does not make any of those contentions in the lawsuit he regrettably filed. Instead, he argues in his lawsuit that the Court should enter a judgment declaring a portion of the easement to be extinguished under a doctrine known as adverse possession.

Mr. Adams' lawsuit is totally baseless for many reasons. "Extinguishment of an easement is an extreme and powerful remedy which is utilized only when use of the easement has been rendered essentially *impossible.*" *Reichardt v. Hoffman*, 52 Cal. App. 4th 754, 767 (1997) (emphasis in original). An easement is extinguished "only where the easement owner performs or authorizes an act which *permanently prevents* use of the easement." *Id.* (emphasis in original). ACS performed or authorized no act and there is nothing that permanently prevents ACS from using the easements. All that Adams argues is that he erected a fence around a portion of the easement area that ACS has not used in the past. Not only is the fence easily moveable and

[1] Both Roth's and Adams' monetary demands are out and out extortion. Neither has nor had any claim to money damages against ACS. ACS only agreed to the demands to avoid their baseless lawsuits.

JMBM Jeffer Mangels Butler & Mitchell LLP
jmbm.com

does not permanently preclude use of the easements, an easement created by a recorded deed cannot be lost by mere nonuse no matter how long. *Tract Development Services, Inc. v. Kepler*, 199 Cal. App. 3d 1374, 1384 (1988); Civil Code § 811. The access easements are plainly existing and even visible through aerial and street view images just as they have existed for years. There is no adverse possession and there are no grounds to claim the easements do not exist or have terminated.

Mr. Adams' lawsuit is just theater being made for the purposes of these administrative proceedings to generate opposition and give himself a basis to oppose the project and extract improper benefits. It is no coincidence that he filed it on the same day the project was originally scheduled to be heard by the Planning Commission.[2] And all his lawsuit does is make unproven contentions. As matters stand, my client owns easements for ingress and egress over Mr. Adams' property and is entitled to make use of them consistent with their terms.

Further, there is no basis for Mr. Adams to contend that he has not "consented" to the use of his property. In fact, Mr. Adams "consented" to the use when he purchased his property subject to the easements.

No further "consent" is needed. Easements are, by definition, the right to the use the land of another. Easements give the holder "those interests expressed in the grant and those necessarily incident thereto." *Dolnikov v. Ekizian*, 222 Cal. App. 4th 419, 428 (2013). Every easement includes "secondary easements"—*i.e.*, "the right to do such things as are necessary for the full enjoyment of the easement itself." *Id.* Those secondary easements include the right "to do such things as are necessary to the exercise of the right," including the right to make "repairs, renewals and replacements on the property that is servient to the easement." *Id.* A right-of-way to pass over the land of another carries with it "the implied right ... to make such changes in the surface of the land as are necessary to make it available for travel in a convenient manner." *Ballard v. Titus*, 157 Cal. 673, 681 (1910). The easements my client owns plainly give it the right to use the easement area for driveway purposes. Any contention to the contrary is spurious.

Indeed, instead of objecting to the current project, he should be celebrating it since it makes use of only a very small portion of a much larger easement and my client is not requiring the removal of improvements Mr. Adams unlawfully erected in the easement area.

In addition, LIP § 13-6-2 is very clear. It states:

[2] If Adams genuinely believed he had a real claim, there was nothing stopping him from joining in the lawsuit filed by Roth in 2021. Instead, he waited four years and filed it on the day of the Planning Commission hearing and now tries to leverage its filing years later to argue for a delay in these proceedings. This calculated timing underscores that Mr. Adams is not pursuing a legitimate legal claim, but rather engaging in tactical gamesmanship to delay the project in bad faith.

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> Where the applicant for a Coastal Development Permit is not the owner of a fee interest in the property on which a proposed development is to be located, ***but can demonstrate a legal right, interest, or other entitlement to use the property*** for the proposed development, the City shall not require the holder or owner of any superior interest in the property to join as a co-applicant.

ACS owns the fee interest in its property and "a legal right, interest, or other entitlement to use" the Adams property, *i.e.*, the easements. The evidence of the existing easements is before the City Council. In these circumstances, the City "shall not require" anything more of Mr. Adams.

In his appeal, Adams cites two cases—*Cave Landing, LLC v. California Coastal Comm'n*, 94 Cal. App. 5th 654 (2023) and *JCCrandall, LLC v. County of Santa Barbara*, 328 Cal. Rptr. 828 (2025)[3]—to argue that the City cannot as part of its consideration of the Applicant's project ignore "third party legal claims," by which he means the unfounded and unproven allegation he makes in his lawsuit that a portion of the easement over his property has terminated.

But neither case supports anything Adams is saying because, in both, the easements at issue **prohibited** the project being applied for and here, the easements **permit** the project. The holdings of both cases indicated that it was proper for the agencies to consider the easements and apply them according to their terms. Both *Cave Landing* and *JCCrandall* thus support ACS's position, not Adams'. The easements in question here benefitting ACS's property and burdening Adams' property **on their face permit ACS to use Adams' property for ingress and egress purposes and are thus fully consistent with the project**.

Further, California law does not permit this Council to deny a coastal development permit based on its speculation over the potential resolution of third party legal claims. *LT-WR, L.L.C. v. California Coastal Com.*, 152 Cal. App. 4th 770, 806 (2007). In *LT-WR*, the Coastal Commission had denied a coastal development permit ("CDP") for gates and no trespassing signs given potential third-party easement claims. The Court of Appeal held that the Commission overstepped its bounds ruling that a permitting body is "not vested with the authority" to adjudicate easement disputes as part of its consideration of a CDP application.

In short, *Cave Landing* and *JCCrandall* instructs the City Council to implement the express terms of existing easements, while *LT-WR* prohibits the Council from rejecting entitlement applications based on speculation over how a court may ultimately rule regarding the validity of those easements. Adams' contentions to the contrary are meritless.

---

[3] The *JCCrandall* case is not even published and therefore is not precedent. *See* California Rule of Court 8.1115(a) ("an opinion of a California Court of Appeal or superior court appellate division that is not certified for publication or ordered published must not be cited or relied on by a court or a party in any other action").

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Roth's contentions over the project's use of the easement area are also baseless.

Roth is prohibited by his settlement agreement with ACS from opposing the project based on its use of the portion of the easements burdening *his* property. So, in the ultimate show of bad faith, after cashing ACS's $20,000 check and withdrawing his objections to the project, he now opposes it based on its use of the portion of the easements burdening *Adams'* property.

His arguments fare no better than Adams.'

Roth appears to first contend that Adams has a prescriptive or irrevocable easement over his own property. Besides that being a legal impossibility (one cannot possess an easement over land he owns fee title to), Adams does not even make that claim. To the extent Roth is trying to argue that ACS's easements have terminated due to adverse possession, as noted above, that is just an unproven contention and gives the City no basis to reject the project. *LT-WR, L.L.C*, 152 Cal. App. 4th at 806. Currently, the easements exist, they are enforceable, they are in the record, and they give ACS the right to develop the project. Thus, Roth's contention that ACS "has [no] rights to use" the area in question is demonstrably untrue.

Roth also contends incorrectly that ACS cannot demonstrate a right to use the easement area because the City previously issued Adams a building permit for a pool. That Adams applied for and received a building permit in the past is entirely irrelevant and has nothing to do with whether ACS has the right to use the small portion of Adams' property within the easement area, especially considering that the proposed fire department turnaround would not even come close to Adams' pool.

Lastly, Roth wrongly contends that there is precedent for the City requiring the resolution of a "court action to clear title" before a project can proceed. The City Attorney at the Planning Commission hearing entirely debunked that claim. In any event, there is no need to "clear title." The easements give ACS the right make use of the subject area for ingress and egress purposes, and unless and until Adams obtains a court order or judgment otherwise, there is no basis for the City to do anything other than recognize their existence and enforceability.

Conclusion

In sum, the appellants' objections to the project are not grounded in law or fact—they are strategic, meritless attempts to obstruct a lawful and thoughtfully designed project that minimizes the use of a much larger easement area and impacts to their property. Their objections based on the easements are not good-faith legal disputes, but manufactured controversies intended to delay development and extract further concessions.

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To give credence to these baseless appeals would not only disregard ACS's easement rights and applicable law, but would also set a troubling precedent: one in which speculative or bad-faith legal threats and lawsuits are rewarded with delay or leverage. That outcome would incentivize litigiousness, embolden obstructionism, and ultimately deter property owners from seeking fair and lawful entitlements. The City Council should not allow this tactic to succeed.

Very truly yours,

MATTHEW D. HINKS of
Jeffer Mangels Butler & Mitchell LLP

Attachment

MDH:mdh

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jmbm.com

Applicant Response to Adams Appeal - EXHIBIT A

30116. “Sensitive coastal resource areas” means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. “Sensitive coastal resource areas” include the following:

(a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.

(b) Areas possessing significant recreational value.

(c) Highly scenic areas.

(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

(e) Special communities or neighborhoods which are significant visitor destination areas.

(f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.

(g) Areas where divisions of land could substantially impair or restrict coastal access.

(Added by Stats. 1976, Ch. 1330.)

1645

Bank of America
NATIONAL TRUST AND SAVINGS ASSOCIATION

TITLE ORDER NO

ESCROW NO 582-311

AFFIX
INTERNAL REVENUE STAMPS
HERE

I.R.S. $ 2.80

WHEN RECORDED PLEASE RETURN TO

S. Carl Deneen
P. O. Box 57
Malibu, California.

FEE $2.80 2 M

Grant Deed

INDIVIDUAL

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
CARLA H. HOROWITZ, a married woman

do S. hereby GRANT to
S. CARL DENEEN, a married man

all that real property situated in the County of Los Angeles,
State of California, described as follows: as per legal description attached hereto and made a part hereof:

PARCEL 1:

That portion of the Rancho Topanga Malibu Sequit, in the county of Los Angeles, state of California, as confirmed to Matthew Keller by patent recorded in book 1, pages 407 et seq., of Patents, in the office of the county recorderof said county, described as follows:

Beginning at a point in the southeasterly line of Pacific Coast Highway 100 feet wide as described in the deed to the State of California, recorded on March 18, 1944 as Instrument No. 919 in book 20716 page 385, Official Records, in the office of the county recorder of said county distant thereon South 46° 34' 55" West 299.10 feet from the most westerly corner of lot 1 as shown on the Record of Survey filed in book 57, page 9 of Record of Surveys, in the office of said recorder; thence South 32° 12' 59" East 281.18 feet; thence South 37° 45' 38" West 135.00 feet to the true point of beginning, South 61° 56' 37" West 139.14 feet; thence South 57° 59' 14" East 235.00 feet to a point in the northwesterly line of Heathercliff Road 60 feet wide as shown on the map of Tract No. 17808, in said county and state, recorded in book 438, page 43 of Maps, records of said county, distant thereon North 42° 00' 46" East 200.00 feet from the most westerly corner of said Tract No. 17808; thence along said northwesterly line North 42° 00' 46" East 90.00 feet; thence North 47° 59' 14" West 184.00 feet to the true point of beginning.

RESERVING therefrom an easement for ingress, egress and utility purposes over that portion of said land lying northwesterly of a line parallel with the course and prolongation thereof hereinbefore described having a bearing and length of South 37° 45' 38" West 135.00 feet that passes through a point in thenortheasterly line of said land distant thereon South 47° 59' 14" East 20.00 feet from the most northerly corner of said land.

ALSO RESERVING therefrom an easement for ingress, egress and utility purposes over that portion of said land included within the hereinafter described Parcel No. 2.

PARCEL 2:

An easement for ingress, egress and utility purposes over that portion of the Rancho Topanga Malibu Sequit, in the county of Los Angeles, state of California, as confirmed to Matthew Keller by patent recorded in book 1, pages 407 et seq., of Patents in the office of the county recorder of said county, described as follows:

A strip,of land 15 feet wide lying 7½ feet on each side of the following described center line:

Beginning at a point in the southeasterly line of Pacific Coast Highway 100 feet wide as described in the deed to the State of California recordedon March 18, 1944 as Instrument No. 919 in book 20716 page 385 of Official Records, in the office of the county recorder of said county, distant thereon South 46° 34' 55" West 299.10 feet from the most westerly corner of lot 1 as shown on the Record of Survey filed in book 57 page 9 of Record of Surveys, in the office of the said recorder; thence South 32° 12' 59" East 281.18 feet; thence South 37° 45' 38" West 135.00 feet to the true point of beginning; thence South 47° 59' 14" East 184.00 feet to the northwesterly line of heathercliff Road 60 feet wide as shown on the map of Tract No. 17808, in said county and state, recorded in book 438, page 43 of Maps, records of said county.

SUBJECT TO:

1. All general and special taxes for the fiscal year 1959-60.

2. Covenants, conditions, restrictions, reservations, rights, rights of way and easements of record.

DATED: July 14, 1959

Carla H. Horowitz
Carla H. Horowitz

STATE OF ~~CALIFORNIA~~ California
~~New York~~
COUNTY OF Los Angeles } ss

On August 5, 19 59, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Carla H. Horowitz

known to me to be the person whose name is subscribed to the within instrument and acknowledge to me that She executed the same.

WITNESS my hand and offic

Louis T. Busch

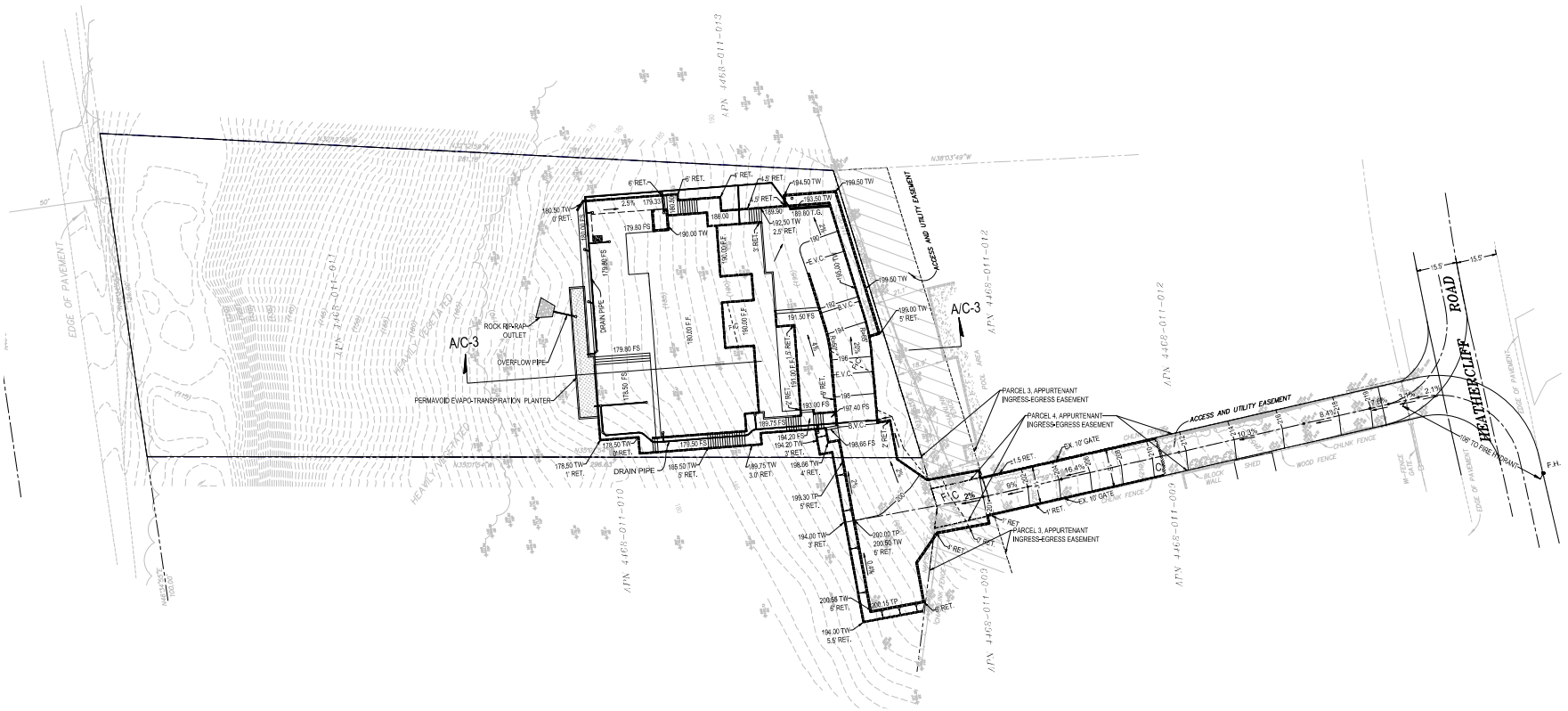
Notary Public in and for said County and State.
LOUIS T. BUSCH
My Commission expires MY COMMISSION EXPIRES APRIL 6, 1963

(NOTARIAL SEAL)

(FOR COUNTY RECORDER'S USE ONLY)

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.
FOR TITLE INSURANCE & TRUST CO.
AUG 24 1959 AT 8 A.M.
RAY E. LEE, County Recorder

TRU-361 6-56



NOTICE TO CONTRACTOR:

A. THE GEOTECHNICAL CONSULTANT SHOULD DETERMINE THE EXPANSION POTENTIAL OF THE FINISH GRADE MATERIALS AT THE COMPLETION OF GRADING. FOUNDATION DESIGN RECOMMENDATIONS SHOULD BE REVISED IF THE EXPANSION POTENTIAL OF FINISH GRADE MATERIALS SUBSTANTIALLY DIFFERS FROM THE ASSUMED EXPANSION RANGE.

B. AT THE COMPLETION OF GRADING, SAMPLES OF THE ONSITE SOILS SHOULD BE COLLECTED AND TESTED FOR CORROSION POTENTIAL. FINAL RECOMMENDATIONS FOR MITIGATION MEASURES INCLUDING CEMENT TYPE SHOULD BE BASED ON THE CORROSION POTENTIAL OF THE FINISH GRADE MATERIALS.

C. THE GEOTECHNICAL CONSULTANT SHOULD DETERMINE AT THE COMPLETION OF GRADING THE R-VALUE OF THE FINISH GRADE MATERIALS WITHIN PARKING AND ACCESS ROAD AREAS. FINAL PAVEMENT DESIGN SHOULD BE BASED ON THE ACTUAL R-VALUE OF THE FINISH GRADE MATERIALS.

D. SUBGRADE SOILS SHALL BE TESTED FOR EXPANSION INDEX PRIOR TO POURING FOOTINGS OR SLABS; FOUNDATION PLANS SHALL BE REVIEWED AND REVISED BY THE PROJECT GEOTECHNICAL CONSULTANT, AS APPROPRIATE.

SCALE: 1" = 20'

NO.	DATE	REVISION	BY

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

PRELIMINARY GRADING PLAN

29329 HEATHERCLIFF RD., MALIBU, CA 90265

REGISTERED PROFESSIONAL ENGINEER
MO SAHER
NO. 33508
CIVIL
STATE OF CALIFORNIA

SIGNED:
DATE: 10/17/2024

SHEET 2 OF

PFN: 1909-495
DATE: 10/17/2024

C -2

These drawings are instruments of service and are the property of Planex Associates. All designs and other information on the drawings are for use on the specific project and shall not be used otherwise without written permission of Planex Associates ©

516 Burchett St.
Glendale, CA 91203
Title Officer: Eddie LasMarias
Title Phone: (818) 662-6733
Title Email: unit33@pct.com
Title Order No.: 10113711-GLT-U33

Issuing Policies of Commonwealth Land Title Insurance Company

ORDER NO: **10113711--**

Keller Williams Realty
23975 Park Sorrento, Suite 110
Calabasas, CA 91302
Attn.: Phillip Terry

Your Reference No.:

Proposed Lender:

Proposed Loan Amount:
Loan No.:

PROPERTY: **0 Vacant land, Malibu, CA 90265**

UPDATED PRELIMINARY REPORT AMENDMENT NO. 2

In response to the application for a policy of title insurance referenced herein, Pacific Coast Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Commonwealth Land Title Insurance Company, a Nebraska Corporation.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Pacific Coast Title Company
Countersigned:

By: _____
Authorized Officer or Agent

Commonwealth Land Title Insurance Company

SEAL

BY _____ President
Randy Quirk

ATTEST _____ Secretary
Michael Gravelle

UPDATED PRELIMINARY REPORT AMENDMENT NO. 2

EFFECTIVE DATE: **May 11, 2023 at 7:30 a.m.**

The form of policy or policies of title insurance contemplated by this report is:

CLTA Standard Coverage Policy

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

   A FEE AS TO PARCEL(S) 1 AND 2

   EASEMENT(S) MORE FULLY DESCRIBED BELOW AS TO PARCEL(S) 3, 4 AND 5

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS **VESTED IN**:

   ACS INTERNATIONAL LLC AS TO PARCEL 1 AND PLAYERS GROUP LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AS TO PARCEL 2, SUBJECT TO ITEM NOS. 13, 16, 17

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

   SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

LEGAL DESCRIPTION

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT, RECORDED I BOOK 1 PAGE 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385, OFFICIAL RECORDS, IN THE OFFICE OF THE SAID RECORDER, DISTANT THEREON SOUTH 46° 34' 55" WEST 299.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF SAID RECORDER; THENCE ALONG SAID SOUTHEASTERLY LINE, SOUTH 46° 34’ 55" WEST 125.00 FEET; THENCE SOUTH 35° 01' 53" EAST 296.63 FEET; THENCE NORTH 37° 45' 38" EAST 115.00 FEET; THENCE NORTH 32° 12' 59" WEST 281.18 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL RIGHT, TITLE AND INTEREST IN AND TO ALL MINERALS, GAS AND ETHER HYDROCARBON SUBSTANCES IN SAID LAND, BUT WITHOUT RIGHT OF ENTRY ON THE SURFACE OF SAID LAND, AS GRANTED TO R. R. ADAMSON IN DEED RECORDED OCTOBER 5, 1953 IN BOOK 42846 PAGE 432, OFFICIAL RECORDS

PARCEL 2:

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT, RECORDED IN BOOK 1 PAGE 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DISTANT THEREON SOUTH 46° 34' 55" WEST 424.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID SOUTHEASTERLY LINE SOUTH 46° 34' 55" WEST 100.00 FEET; THENCE SOUTH 22° 53' 50‟ EAST 277.26 FEET; THENCE NORTH 61° 56' 37" EAST 139.14 FEET; THENCE NORTH 37° 45' 38" EAST 20.00 FEET; THENCE NORTH 35° 01' 53" WEST 296.63 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL RIGHT, TITLE AND INTEREST IN AND TO ALL MINERALS, GAS AND OTHER HYDROCARBON SUBSTANCES IN SAID LAND, BUT WITHOUT RIGHT OF ENTRY ON THE SURFACE OF SAID LAND, AS GRANTED TO R. R. ADAMSON IN DEED RECORDED OCTOBER 5, 1953 IN BOOK 42846 PAGE 432, OFFICIAL RECORDS.

PARCEL 3:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES OVER THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE COUNTY OF LOS ANGELES STATE OF CALIFORNIA, AS CONFIRMED TO

MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE 407 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385, OFFICIAL RECORDS, IN THE OFFICE OF THE SAID RECORDER, DISTANT THEREON SOUTH 46° 34' 55" WEST 299.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 32° 12' 59" EAST 281.18 FEET; THENCE SOUTH 38° 03' 49" EAST 20.57 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 38° 03' 49" WEST 20.57 FEET; THENCE SOUTH 37° 45' 38‟ WEST 135.00 FEET: THENCE SOUTH 61° 56’ 37” WEST 139.41 FEET; THENCE SOUTH 57° 59' 14” EAST TO A LINE BEARING SOUTH 37° 45’ 38‟ WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 37° 45' 38‟ EAST TO THE TRUE POINT OF BEGINNING.

PARCEL 4:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES OVER THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE 407 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN A STRIP OF LAND 15 FEET WIDE, LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF PACIFIC COAST HIGHWAY 100 FEET WIDE, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON MARCH 18, 1944 AS INSTRUMENT NO. 919 IN BOOK 20716 PAGE 385 OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DISTANT THEREON SOUTH 46° 34' 55" WEST 299.10 FEET FROM THE MOST WESTERLY CORNER OF LOT 1 AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 57 PAGE 9 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTH 32° 12’ 59‟ EAST 281.18 FEET; THENCE SOUTH 37° 45' 38" WEST 135.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 47° 59’ 14" EAST 184.00 FEET TO THE NORTHWESTERLY LINE OF HEATHERCLIFF ROAD, 60 FEET WIDE, AS SHOWN ON THE MAP OF TRACT 17808, IN SAID COUNTY AND STATE, RECORDED IN BOOK 438 PAGE 43 OF MAPS, RECORDS OF SAID COUNTY.

PARCEL 5:

THE STREETS KNOWN AS HEATHERCLIFF ROAD, DUME DRIVE, GRAYFOX STREET, CLIFFSIDE DRIVE, BISON COURT, WHICH ARE RIGHTS OF WAY DESCRIBED IN THAT CERTAIN “DECLARATION OF ASEMENTS BY MARBLEHEAD LAND COMPANY” RECORDED APRIL 11, 1946 AS INSTRUMENT NO. 693 IN BOOK 23095 PAGE 1 OF OFFICIAL RECORDS, WHICH ARE SHOWN IN SAID DOCUMENT AS EASEMENTS 1 THROUGH 7 INCLUSIVE, TOGETHER WITH AN ADDITIONAL STRIP OF LAND 40 FEET IN WIDTH TO A POINT IN THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN. THE STREETS ARE NOW PUBLICLY DEEDED ROADS AS DESCRIBED IN THAT CERTAIN ROAD DEED RECORDED SEPTEMBER 16, 1947 AS INSTRUMENT NO. 3678 OF OFFICIAL RECORDS.

APN: 4468-011-011, 4468-011-010

AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2023-2024.

2. Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:

   Tax Identification No.: 4468-011-010
   Fiscal Year: 2022-2023
   1st Installment: $3,935.67
   2nd Installment: $3,935.67
   Exemption: $0.00
   Land: $630,706.00
   Improvements: $0.00
   Personal Property: $0.00
   Code Area: 10860

   Affects: Parcel 2

3. Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:

   Tax Identification No.: 4468-011-011
   Fiscal Year: 2022-2023
   1st Installment: $3,510.46
   2nd Installment: $3,510.46
   Exemption: $0.00
   Land: $557,124.00
   Improvements: $0.00
   Personal Property: $0.00
   Code Area: 10860

   Affects: Parcel 1

4. Any liens or other assessments, bonds, or special district liens including without limitation, Community Facility Districts, that arise by reason of any local, City, Municipal or County Project or Special District.

5. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation Code of the State of California.

6. Water rights, claims or title to water, whether or not disclosed by the public records.

7. An easement for the purpose shown below and rights incidental thereto as set forth in a document

   Purpose: PUBLIC UTILITIES
   Recording no.: BOOK 17146 PAGE 339, Official Records

   Affects: SAID LAND, THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD

   No representation is made as to the present ownership of said easement.

8. Matters contained in that certain document

   Entitled: WAIVER OF DAMAGES INDEMNIFICATION AGREEMENT AND RIGHT OF INGRESS AND EGRESS COVENANT TO RUN WITH THE LAND
   Recording Date: March 18, 1944
   Recording No.: BOOK 20716 PAGE 385, Official Records

   Reference is hereby made to said document for full particulars.

9. An easement for the purpose shown below and rights incidental thereto as set forth in a document

   Purpose: PUBLIC UTILITIES
   Recorded: MAY 17, 1957
   Recording no.: 931, Official Records

   Affects: SAID LAND

   No representation is made as to the present ownership of said easement.

10. Covenants, Conditions and Restrictions as set forth in the document referred to in the numbered item last above shown, but omitting, except to the extent that said covenant or restriction is controlled or permitted by any applicable federal or state law, any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, medical condition, national origin, source of income, or ancestry.

11. An easement for the purpose shown below and rights incidental thereto as set forth in a document

    Purpose: PUBLIC UTILITIES
    Recorded: MARCH 21, 1962
    Recording no.: 1373, Official Records

    Affects: SAID LAND

    No representation is made as to the present ownership of said easement.

12. Matters contained in that certain document

    Entitled: Modification of Easement Agreement
    Dated: August 17, 2022
    Executed by: Larry Roth, individually and as Trustee of the Roth Living Trust dated June 1, 2012; Heather Roth, individually and as Trustee of the Roth Living Trust dated June 1, 2012; Players Group LLC, a California limited liability company
    Recording Date: October 13, 2022
    Recording No.: 20220986651, Official Records

    Reference is hereby made to said document for full particulars.

13. A Deed:
From: ACS International LLC, a California limited liability company
To: Players Group LLC, a California limited liability company

Dated: May 9, 2019
Recording Date: May 22, 2019
Recording No.: 20190466300, Official Records
For insurance purposes, the Company is not willing to divest the interest of the following party(s):
Party(s): ACS International LLC

The Company will require an affidavit signed by the seller/mortgagor certifying that there are no matters that could give rise to any defects, liens, encumbrances, adverse claims or other matters that would attach to the Land between the effective date of the report and the recording of the instruments creating the estate to be insured.

Affects: Parcel 2

14. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.

15. Our examination of the record title to the herein described land does not disclose any existing loans. We therefore request a copy of the owners' disclosure statement with reference to existing encumbrances to reconfirm our findings.

16. The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance from the entity named below:

Limited Liability Company: ACS INTERNATIONAL LLC

a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member

b) If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendments thereto with the appropriate filing stamps

c) If the Limited Liability Company is member-managed, a full and complete current list of members certified by the appropriate manager or member

d) If the Limited Liability Company was formed in a foreign jurisdiction, evidence, satisfactory to the Company, that it was validly formed, is in good standing and authorized to do business in the state of origin

e) If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

17. The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance from the entity named below:

    Limited Liability Company: Players Group, LLC, a California Limited Liability Company

    a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member

    b) If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendments thereto with the appropriate filing stamps

    c) If the Limited Liability Company is member-managed, a full and complete current list of members certified by the appropriate manager or member

    d) If the Limited Liability Company was formed in a foreign jurisdiction, evidence, satisfactory to the Company, that it was validly formed, is in good standing and authorized to do business in the state of origin

    e) If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

    The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

18. Matters which may be disclosed by an inspection and/or by a correct ALTA/ACSM Land Title Survey of said Land that is satisfactory to the Company, and/or by inquiry of the parties in possession thereof.

19. An inspection of said Land has been ordered; upon its completion the Company reserves the right to except additional items and/or make additional requirements.

20. In order to complete this report, the Company requires a Statement of Information to be completed by the following party(s),
    Party(s): All Parties

    The Company reserves the right to add additional items or make further requirements after review of the requested Statement of Information.

    NOTE: The Statement of Information is necessary to complete the search and examination of title under this order. Any title search includes matters that are indexed by name only, and having a completed Statement of Information assists the Company in the elimination of certain matters which appear to involve the parties but in fact affect another party with the same or similar name. Be assured that the Statement of Information is essential and will be kept strictly confidential to this file.

END OF ITEMS

NOTES

1. Note: None of the items shown in this report will cause the Company to decline to attach CLTA Endorsement Form 100 to an Extended Coverage Loan Policy, when issued.

2. Note: The Company is not aware of any matters which would cause it to decline to attach CLTA Endorsement Form 116 indicating that there is located on said Land Vacant Land, known as 0 Vacant land, Malibu, CA 90265 to an Extended Coverage Loan Policy.

3. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

4. Note: The policy of title insurance will include an arbitration provision. The Company or the insured may demand arbitration. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. Please ask your escrow or title officer for a sample copy of the policy to be issued if you wish to review the arbitration provisions and any other provisions pertaining to your Title Insurance coverage.

5. Note: Amended Civil Code Section 2941, which becomes effective on January 1, 2002, sets the fee for the processing and recordation of the reconveyance of each Deed of Trust being paid off through this transaction at $45.00. The reconveyance fee **must** be clearly set forth in the Beneficiary's Payoff Demand Statement (''Demand''). In addition, an assignment or authorized release of that fee, from the Beneficiary to the Trustee of record, must be included. An example of the required language is as follows:

   ''The Beneficiary identified above hereby assigns, releases or transfers to the Trustee of record, the sum of $45.00, included herein as 'Reconveyance Fees', for the processing and recordation of the Reconveyance of the Deed of Trust securing the indebtedness covered hereby, and the escrow company or title company processing this pay-off is authorized to deduct the Reconveyance Fee from this Demand and forward said fee to the Trustee of record or the successor Trustee under the Trust Deed to be paid off in full.''

   In the event that the reconveyance fee and the assignment, release or transfer thereof are **not** included within the demand statement, then Pacific Coast Title Company may decline to process the reconveyance and will be forced to return all documentation directly to the Beneficiary for compliance with the requirements of the revised statute.

6. If a county recorder, title insurance company, escrow company, real estate broker, real estate agent or association provides a copy of a declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold face type and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.

7. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

WIRE INSTRUCTIONS

When funds are wired to Pacific Coast Title Company, please use the instructions below:

Nano Banc, 7755 Irvine Center Drive, Suite 300, Irvine, CA 92618	ABA (Routing) Number: 122245251 Account Number: 6100101033 Account Name: Pacific Coast Title Company Credit: Pacific Coast Title Company - GLT Reference: 10113711

The policy(s) of title insurance to be issued hereunder will be policy(s) of Commonwealth Land Title Insurance Company, a Nebraska corporation.

Funds received by this Company via wire transfer may be disbursed upon receipt. Funds received by this company via cashier's check or tellers check may be disbursed on the next business day after the day of deposit. **If escrow funds (including shortage checks) are disbursed to this company other than by wire transfer, cashier's check or teller's check, disbursement and/or closing will be delayed 3 to 7 business days.** Questions concerning deposit and/or disbursement of escrow and sub-escrow funds and recording should be directed to your title officer, escrow officer or loan payoff officer.

Outgoing wire transfers will not be authorized until we have confirmation of our recording and one (1) of the following:

A We have received confirmation of the respective incoming wire.
B. Collection of a deposited check.

PAYOFF INFORMATION

NOTE: This Company **DOES** require current beneficiary demands prior to closing. If the demand is expired and a current demand cannot be obtained, our requirements will be as follows:

If this Company accepts a verbal update on the demand, we may hold an amount equal to one monthly mortgage payment. This hold will be over and above the verbal hold the lender may have stipulated.

If this Company cannot obtain a verbal update on the demand, we will either pay off of the expired demand, or wait for the amended demand, at the discretion of the escrow.

NOTE: **to avoid delays at the time of closing, if the above deed of trust is an** Equity Line/Line of Credit**, it will be necessary that all checks, passbooks, credit cards together with instructions to close the account be submitted to the Company prior to the close of this transaction.**

In order to expedite compliance with the above, please do the following:

Borrower(s):

a) Sign and return the Equity Line/Credit Line Affidavit provided with the report,
b) Request that the account be frozen.

Settlement:

a) Obtain a statement from the lender that no advances have been made after the issuance of the demand for payoff, and
b) Upon delivery of the payoff check, a full reconveyance must be obtained.

Please be advised that the difference between the principal balance on an issued demand and the maximum principal allowed may be held for up to 10 working days if the above requirements are not met.

END OF NOTES

Eddie LasMarias / ELM

PACIFIC COAST TITLE COMPANY
PRIVACY NOTICE

Pacific Coast Title Company, ("PCT") respect and are committed to protecting your privacy. This Privacy Notice lets you know how and for what purposes your Personal Information (as defined herein) is being collected, processed and used by PCT. We pledge that we will take reasonable steps to ensure that your Personal Information will only be used in ways that are in compliance with this Privacy Notice. The provision of this Privacy Notice to you does not create any express or implied relationship, or create any express or implied duty or other obligation, between Pacific Coast Title Company and you. See also **No Representations or Warranties** below.

This Privacy Notice is only in effect for any generic information and Personal Information collected and/or owned by PCT, including collection through any PCT website and any online features, services and/or programs offered by PCT (collectively, the "Website"). This Privacy Notice is not applicable to any other web pages, mobile applications, social media sites, email lists, generic information or Personal Information collected and/or owned by any entity other than PCT.

How Information is Collected

The types of personal information PCT collects may include, among other things (collectively, "Personal Information"): (1) contact information (*e.g.*, name, address, phone number, email address); (2) demographic information (*e.g.*, date of birth, gender marital status); (3) Internet protocol (or IP) address or device ID/UDID; (4) social security number (SSN), student ID (SIN), driver's license, passport, and other government ID numbers; (5) financial account information; and (6) information related to offenses or criminal convictions.

In the course of our business, we may collect Personal Information about you from the following sources:

- Applications or other forms we receive from you or your authorized representative;
- Information we receive from you through the Website;
- Information about your transactions with or services performed by us, our affiliates, or others; and
- From consumer or other reporting agencies and public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others.

Additional Ways Information is Collected Through the Website

Browser Log Files. Our servers automatically log each visitor to the Website and collect and record certain information about each visitor. This information may include IP address, browser language, browser type, operating system, domain names, browsing history (including time spent at a domain, time and date of your visit), referring/exit web pages and URLs, and number of clicks. The domain name and IP address reveal nothing personal about the user other than the IP address from which the user has accessed the Website.

Cookies. From time to time, PCT or other third parties may send a "cookie" to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive and that can be re-sent to the serving website on subsequent visits. A cookie, by itself, cannot read other data from your hard disk or read other cookie files already on your computer. A cookie, by itself, does not damage your system. We, our advertisers and other third parties may use cookies to identify and keep track of, among other things, those areas of the Website and third party websites that you have visited in the past in order to enhance your next visit to the Website. You can choose whether or not to accept cookies by changing the settings of your Internet browser, but some functionality of the Website may be impaired or not function as intended. See the Third Party Opt Out section below.

Web Beacons. Some of our web pages and electronic communications may contain images, which may or may not be visible to you, known as Web Beacons (sometimes referred to as "clear gifs"). Web Beacons collect only limited information that includes a cookie number; time and date of a page view; and a description of the page on which the Web Beacon resides. We may also carry Web Beacons placed by third party advertisers. These Web Beacons do not carry any Personal Information and are only used to track usage of the Website and activities associated with the Website. See the Third Party Opt Out section below.

Unique Identifier. We may assign you a unique internal identifier to help keep track of your future visits. We may use this information to gather aggregate demographic information about our visitors, and we may use it to personalize the information you see on the Website and some of the electronic communications you receive from us. We keep this information for our internal use, and this information is not shared with others.

Third Party Opt Out. Although we do not presently, in the future we may allow third-party companies to serve advertisements and/or collect certain anonymous information when you visit the Website. These companies may use non-personally identifiable information (*e.g.*, click stream information, browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Website in order to provide advertisements about products and services likely to be of greater interest to you. These companies typically use a cookie or third party Web Beacon to collect this information, as further described above. Through these technologies, the third party may have access to and use non-personalized information about your online usage activity.

You can opt-out of certain online behavioral services through any one of the ways described below. After you opt-out, you may continue to receive advertisements, but those advertisements will no longer be as relevant to you.

- You can opt-out via the Network Advertising Initiative industry opt-out at http://www.networkadvertising.org/.
- You can opt-out via the Consumer Choice Page at www.aboutads.info.
- For those in the U.K., you can opt-out via the IAB UK's industry opt-out at www.youronlinechoices.com.
- You can configure your web browser (Chrome, Firefox, Internet Explorer, Safari, etc.) to delete and/or control the use of cookies.

More information can be found in the Help system of your browser. Note: If you opt-out as described above, you should not delete your cookies. If you delete your cookies, you will need to opt-out again.

Use of Personal Information

Information collected by PCT is used for three main purposes:

- To provide products and services to you or one or more third party service providers (collectively, "Third Parties") who are obtaining services on your behalf or in connection with a transaction involving you.
- To improve our products and services that we perform for you or for Third Parties.
- To communicate with you and to inform you about PCT's, PCT's affiliates and third parties' products and services.

When Information Is Disclosed By PCT

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To agents, brokers, representatives, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers who

provide services or perform marketing services or other functions on our behalf;
- To law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

In addition to the other times when we might disclose information about you, we might also disclose information when required by law or in the good-faith belief that such disclosure is necessary to: (1) comply with a legal process or applicable laws; (2) enforce this Privacy Notice; (3) respond to claims that any materials, documents, images, graphics, logos, designs, audio, video and any other information provided by you violates the rights of third parties; or (4) protect the rights, property or personal safety of PCT, its users or the public.

We maintain reasonable safeguards to keep the Personal Information that is disclosed to us secure. We provide Personal Information and non-Personal Information to our subsidiaries, affiliated companies, and other businesses or persons for the purposes of processing such information on our behalf and promoting the services of our trusted business partners, some or all of which may store your information on servers outside of the United States. We require that these parties agree to process such information in compliance with our Privacy Notice or in a similar, industry-standard manner, and we use reasonable efforts to limit their use of such information and to use other appropriate confidentiality and security measures. The use of your information by one of our trusted business partners may be subject to that party's own Privacy Notice. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

We also reserve the right to disclose Personal Information and/or non-Personal Information to take precautions against liability, investigate and defend against any third-party claims or allegations, assist government enforcement agencies, protect the security or integrity of the Website, and protect the rights, property, or personal safety of PCT, our users or others.

We reserve the right to transfer your Personal Information, as well as any other information, in connection with the sale or other disposition of all or part of the PCT business and/or assets. We also cannot make any representations regarding the use or transfer of your Personal Information or other information that we may have in the event of our bankruptcy, reorganization, insolvency, receivership or an assignment for the benefit of creditors, and you expressly agree and consent to the use and/or transfer of your Personal Information or other information in connection with a sale or transfer of some or all of our assets in any of the above described proceedings. Furthermore, we cannot and will not be responsible for any breach of security by any third parties or for any actions of any third parties that receive any of the information that is disclosed to us.

Information From Children

We do not collect Personal Information from any person that we know to be under the age of thirteen (13). Specifically, the Website is not intended or designed to attract children under the age of thirteen (13). You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in this Privacy Notice, and to abide by and comply with this Privacy Notice. In any case, you affirm that you are over the age of 13, as **THE WEBSITE IS NOT INTENDED FOR CHILDREN UNDER 13 THAT ARE UNACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN**.

Parents should be aware that PCT's Privacy Notice will govern our use of Personal Information, but also that information that is voluntarily given by children – or others – in email exchanges, bulletin boards or the like may be used by other parties to generate unsolicited communications. PCT encourages all parents to instruct their children in the safe and responsible use of their Personal Information while using the Internet.

Privacy Outside the Website

The Website may contain various links to other websites, including links to various third party service providers. PCT is not and cannot be responsible for the privacy practices or the content of any of those other websites. Other than under agreements with certain reputable organizations and companies, and except for third party service providers whose services either we use or you voluntarily elect to utilize, we do not share any of the Personal Information that you provide to us with any of the websites to which the Website links, although we may share aggregate, non-Personal Information with those other third parties. Please check with those websites in order to determine their privacy policies and your rights under them.

European Union Users

If you are a citizen of the European Union, please note that we may transfer your Personal Information outside the European Union for use for any of the purposes described in this Privacy Notice. By providing PCT with your Personal Information, you consent to both our collection and such transfer of your Personal Information in accordance with this Privacy Notice.

Choices With Your Personal Information

Whether you submit Personal Information to PCT is entirely up to you. You may decide not to submit Personal Information, in which case PCT may not be able to provide certain services or products to you.

You may choose to prevent PCT from disclosing or using your Personal Information under certain circumstances ("opt out"). You may opt out of any disclosure or use of your Personal Information for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization by notifying us by one of the methods at the end of this Privacy Notice. Furthermore, even where your Personal Information is to be disclosed and used in accordance with the stated purposes in this Privacy Notice, you may elect to opt out of such disclosure to and use by a third party that is not acting as an agent of PCT. As described above, there are some uses from which you cannot opt-out.

Please note that opting out of the disclosure and use of your Personal Information as a prospective employee may prevent you from being hired as an employee by PCT to the extent that provision of your Personal Information is required to apply for an open position.

If PCT collects Personal Information from you, such information will not be disclosed or used by PCT for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization unless you affirmatively consent to such disclosure and use.

You may opt out of online behavioral advertising by following the instructions set forth above under the above section "Additional Ways That Information Is Collected Through the Website," subsection "Third Party Opt Out."

Access and Correction

To access your Personal Information in the possession of PCT and correct inaccuracies of that information in our records, please contact us in the manner specified at the end of this Privacy Notice. We ask individuals to identify themselves and the information requested to be accessed and amended before processing such requests, and we may decline to process requests in limited circumstances as permitted by applicable privacy legislation.

Your California Privacy Rights

Under California's "Shine the Light" law, California residents who provide certain personally identifiable information in connection with obtaining products or services for personal, family or household use are entitled to request and obtain from us once a calendar year information about the customer information we shared, if any, with other businesses for their own direct marketing uses. If applicable, this information would include the

categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (*e.g.*, requests made in 2015 will receive information regarding 2014 sharing activities).

To obtain this information on behalf of PCT, please send an email message to info@PCT.com with "Request for California Privacy Information" in the subject line and in the body of your message. We will provide the requested information to you at your email address in response.

Please be aware that not all information sharing is covered by the "Shine the Light" requirements and only information on covered sharing will be included in our response.

Additionally, because we may collect your Personal Information from time to time, California's Online Privacy Protection Act requires us to disclose how we respond to "do not track" requests and other similar mechanisms. Currently, our policy is that we do not recognize "do not track" requests from Internet browsers and similar devices.

PCT Compliance with California Online Privacy Protection Act

For some websites which PCT or one of its companies owns, such as the Customer CareNet ("CCN"), PCT is acting as a third party service provider to a mortgage loan servicer. In those instances, we may collect certain information on behalf of that mortgage loan servicer for fulfilling a service to that mortgage loan servicer. For example, you may access CCN to complete a transaction with your mortgage loan servicer. During this transaction, the information which we may collect on behalf of the mortgage loan servicer is as follows:

- First and Last Name
- Property Address
- User Name
- Password
- Loan Number
- Social Security Number - masked upon entry
- Email Address
- Three Security Questions and Answers
- IP Address

The information you submit is then transferred to your mortgage loan servicer by way of CCN.

The mortgage loan servicer is responsible for taking action or making changes to any consumer information submitted through this website. For example, if you believe that your payment or user information is incorrect, you must contact your mortgage loan servicer.

CCN does not share consumer information with third parties, other than those with which the mortgage loan servicer has contracted to interface with the CCN application.

All sections of the PCT Privacy Notice apply to your interaction with CCN, except for the sections titled Choices with Your Personal Information and Access and Correction. If you have questions regarding the choices you have with regard to your personal information or how to access or correct your personal information, you should contact your mortgage loan servicer.

No Representations or Warranties

By providing this Privacy Notice, Pacific Coast Title Company does not make any representations or warranties whatsoever concerning any products or services provided to you by its majority-owned subsidiaries. In addition, you also expressly agree that your use of the Website is at your own risk. Any services provided to you by Pacific Coast Title Company and/or the Website are provided "as is" and "as available" for your use, without representations or warranties of any kind, either express or implied, unless such warranties are legally incapable of exclusion. Pacific Coast Title Company makes no representations or warranties that any services provided to you by it or the Website, or any services offered in connection with the Website are or will remain uninterrupted or error-free, that defects will be corrected, or that the web pages on or accessed through the Website, or the servers used in connection with the Website, are or will remain free from any viruses, worms, time bombs, drop dead devices, Trojan horses or other harmful components. Any liability of Pacific Coast Title Companyand your exclusive remedy with respect to the use of any product or service provided by Pacific Coast Title Company including on or accessed through the Website, will be the re-performance of such service found to be inadequate.

Your Consent To This Privacy Notice

By submitting Personal Information to PCT, you consent to the collection and use of information by us as specified above or as we otherwise see fit, in compliance with this Privacy Notice, unless you inform us otherwise by means of the procedure identified below. If we decide to change this Privacy Notice, we will make an effort to post those changes on the Website. Each time we collect information from you following any amendment of this Privacy Notice will signify your assent to and acceptance of its revised terms for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you may submit in any manner that we may choose without notice or compensation to you.

If you have additional questions or comments, please let us know by sending your comments or requests to:

Pacific Coast Title Company
1111 East Katella Avenue, #120
Orange, CA 92620
Attn.: Executive Vice President
info@PCT.com

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EFFECTIVE AS OF: MAY 1, 2015

Notice of Available Discounts

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer's right to be charged the filed rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for such discount. These discounts only apply to transactions involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

Not all discounts are offered by every FNF Company. The discount will only be applicable to the FNF Company as indicated by the named discount.

FNF Underwritten Title Companies
CTC – Chicago Title Company
CLTC – Commonwealth Land Title Company
FNTC – Fidelity National Title Company
FNTCCA – Fidelity National Title Company of California
TICOR – Ticor Title Company of California
LTC – Lawyer's Title Company

Underwritten by FNF Underwriters
CTIC – Chicago Title Insurance Company
CLTIC – Commonwealth Land Title Insurance Company
FNTIC – Fidelity National Title Insurance Company
FNTIC – Fidelity National Title Insurance Company
CTIC – Chicago Title Insurance Company
CLTIC – Commonwealth Land Title Insurance Company

DISASTER LOANS (CTIC)
The charge for a Lender's Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within twenty-four (24) months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be fifty percent (50%) of the appropriate title insurance rate.

CHURCHES OR CHARITABLE NON-PROFITABLE ORGANIZATIONS (CTIC, FNTIC)
On properties used as a church or for charitable purposes within the scope of the normal activities of such entities, provided said charge is normally the church's obligation the charge for an owner's policy shall be fifty percent (50%) to seventy percent (70%) of the appropriate title insurance rate, depending on the type of coverage selected. The charge for a lender's policy shall be thirty-two percent (32%) to fifty percent (50%) of the appropriate title insurance rate, depending on the type of coverage selected.

ATTACHMENT ONE

CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY – 1990

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
   (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant;
   (d) attaching or created subsequent to Date of Policy; or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13)
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
   a. building;
   b. zoning;
   c. land use;
   d. improvements on the Land;
   e. land division; and
   f. environmental protection.

   This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
   a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
   b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
   c. that result in no loss to You; or
   d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
   a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
   b. in streets, alleys, or waterways that touch the Land.

   This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:	1% of Policy Amount Shown in Schedule A or $2,500.00 (whichever is less)	$10,000.00
Covered Risk 18:	1% of Policy Amount Shown in Schedule A or $5,000.00 (whichever is less)	$25,000.00
Covered Risk 19:	1% of Policy Amount Shown in Schedule A or $5,000.00 (whichever is less)	$25,000.00
Covered Risk 21:	1% of Policy Amount Shown in Schedule A or $2,500.00 (whichever is less)	$5,000.00

2006 ALTA LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13 or 14); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

Except as provided in Schedule B - Part II, this policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

PART I

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

2006 ALTA OWNER'S POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown in the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

ATTACHMENT ONE
(CONTINUED)

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (12-02-13)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
10. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
11. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances

STATEMENT OF INFORMATION
CONFIDENTIAL INFORMATION FOR YOUR PROTECTION

Completion of this statement expedites your application for title insurance, as it assists in establishing identity, eliminating matters affecting persons with similar names and avoiding the use of fraudulent or forged documents. Complete all blanks (please print) or indicate "none" or "N/A." If more space is needed for any item(s), use the reverse side of the form. Each party (and spouse/domestic partner, if applicable) to the transaction should personally sign this form.

ORDER NO: 10113711 **TITLE NO.: 10113711-GLT-U33**

NAME AND PERSONAL INFORMATION

_____ Date of Birth: _____
First Name Middle Name (if none, indicate) Last Name Maiden Name

Home Phone _____ Business Phone _____ Birthplace _____

Social Security No. _____ Driver's License No. _____

List any other name you have used or been known by _____

State of residence _____ I have lived continuously in the U.S.A. since _____

Are you currently married? _____ If yes, complete the following:

Date and place of marriage _____

Spouse: _____ Date of Birth: _____
First Name Middle Name (if none, indicate) Last Name Maiden Name

Home Phone _____ Business Phone _____ Birthplace _____

Social Security No. _____ Driver's License No. _____

List any other name you have used or been known by _____

State of residence _____ I have lived continuously in the U.S.A. since _____

Are you currently a registered domestic partner? _____ If yes, complete the following:

Domestic Partner: _____ Date of Birth: _____
First Name Middle Name (if none, indicate) Last Name Maiden Name

Home Phone _____ Business Phone _____ Birthplace _____

Social Security No. _____ Driver's License No. _____

List any other name you have used or been known by _____

State of residence _____ I have lived continuously in the U.S.A. since _____

CHILDREN

Child Name: _____ Date of Birth: _____ Child Name: _____ Date of Birth: _____

Child Name: _____ Date of Birth: _____ Child Name: _____ Date of Birth: _____

(If more space is required, use reverse side of form)

RESIDENCES (LAST 10 YEARS)

Number & Street, City, State, Zip From (date) to (date)

Number & Street, City, State, Zip From (date) to (date)

(If more space is required, use reverse side of form)

OCCUPATIONS/BUSINESSES (LAST 10 YEARS)

Firm or Business name Address From (date) to (date)

Firm or Business name Address From (date) to (date)

(If more space is required, use reverse side of form)

STATEMENT OF INFORMATION (Continued)

ORDER NO: 10113711 **TITLE NO.: 10113711-GLT-U33**

SPOUSE'S/DOMESTIC PARTNER'S OCCUPATIONS/BUSINESSES (LAST 10 YEARS)

Firm or Business name	Address	From (date) to (date)
Firm or Business name	Address	From (date) to (date)

(If more space is required, use reverse side of form)

PRIOR MARRIAGE(S)

Any prior marriages for either spouse? _____ If yes, complete the following:

Prior spouse's (Party A) name: _____ Prior Spouse of Party A: _____

Marriage ended by: Death _____ Divorce _____ Date of Death/Divorce _____

Prior spouse's (Party B) name: _____ Prior Spouse of Party B: _____ Spouse _____

Marriage ended by: Death _____ Divorce _____ Date of Death/Divorce _____

(If more space is required, use reverse side of form)

PRIOR DOMESTIC PARTNERSHIP(S)

Any prior domestic partnerships for either person? _____ If yes, complete the following:

Prior partner's name: _____ Prior Partner: _____

Partnership ended by: Death _____ Dissolution _____ Nullification _____ Termination _____ Date of Death/Dissolution/etc. _____

Prior partner's name: _____ Prior Partner: _____

Partnership ended by: Death _____ Dissolution _____ Nullification _____ Termination _____ Date of Death/Dissolution/etc._____

(If more space is required, use reverse side of form)

INFORMATION ABOUT THE PROPERTY

Buyer intends to reside on the property in this transaction: Yes ____ No ____

Owner to complete the following items

Street Address of Property in this transaction: 0 Vacant land, Malibu, CA 90265

The land is unimproved ____; or improved with a structure of the following type: A Single or 1-4 Family ____ Condo Unit ____ Other ____

Improvements, remodeling or repairs to this property have been made within the past six months: Yes _____ No _____

If yes, have all costs for labor and materials arising in connection therewith been paid in full? Yes _____ No _____

Any current loans on property? _____ If yes, complete the following:

Lender _____ Loan Amount _____ Loan Account # _____

Lender _____ Loan Amount _____ Loan Account # _____

****

The undersigned declare, under penalty of perjury, that the foregoing is true and correct.

Executed on _____, _____ at _____

Signature _____ Signature _____

(Note: If applicable, both spouses/domestic partners must sign.)

THANK YOU

Order: 10113711
Doc: CALOSA-MASS 4468-00011

Public Record

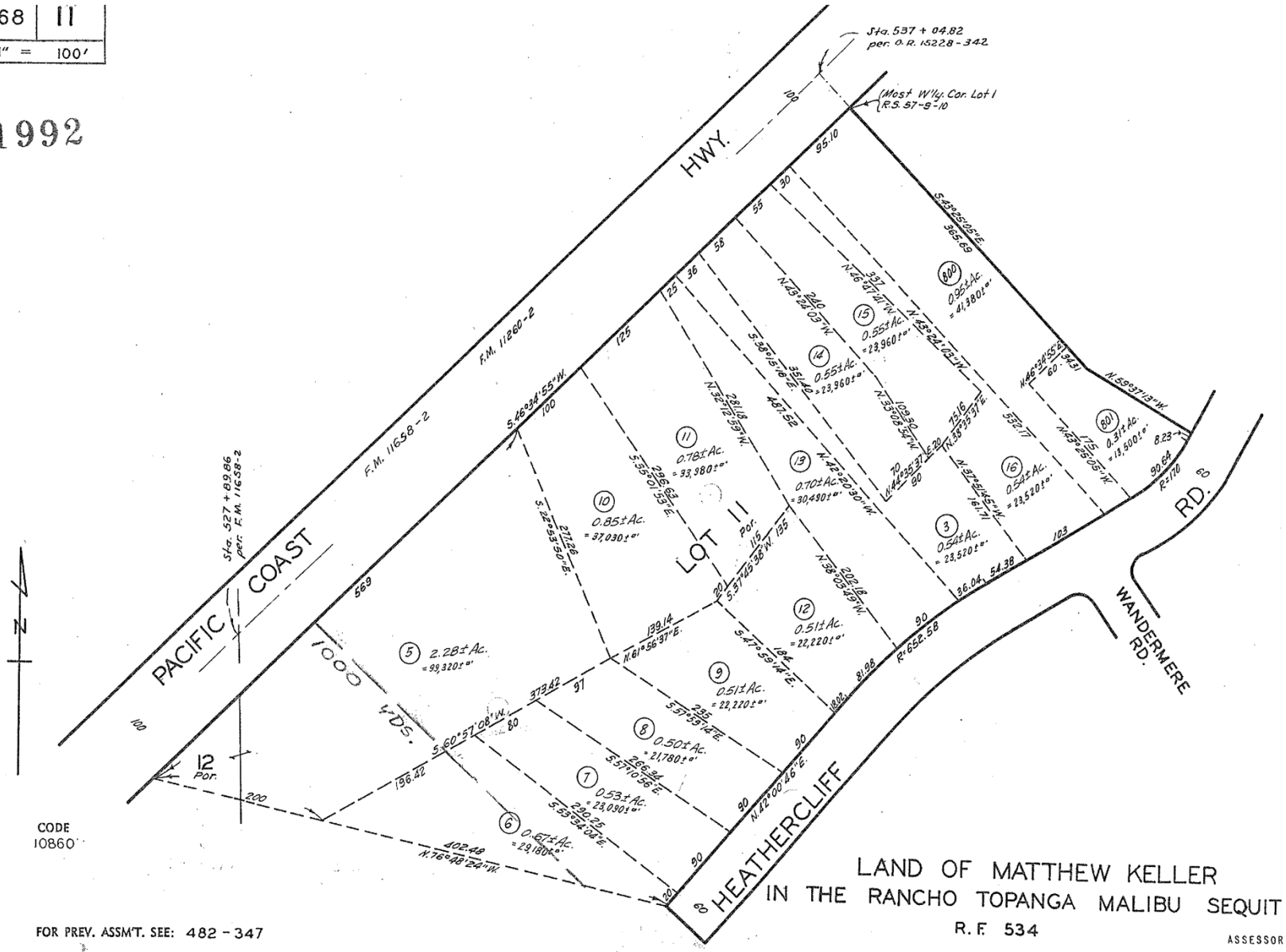
Page 1 of 1

Requested By: savantpct3, Printed: 6/14/2019 12:54 PM

4468 | 11

SCALE 1" = 100'

1992



CODE
10860

FOR PREV. ASSM'T. SEE: 482 - 347

LAND OF MATTHEW KELLER
IN THE RANCHO TOPANGA MALIBU SEQUIT
R. F. 534

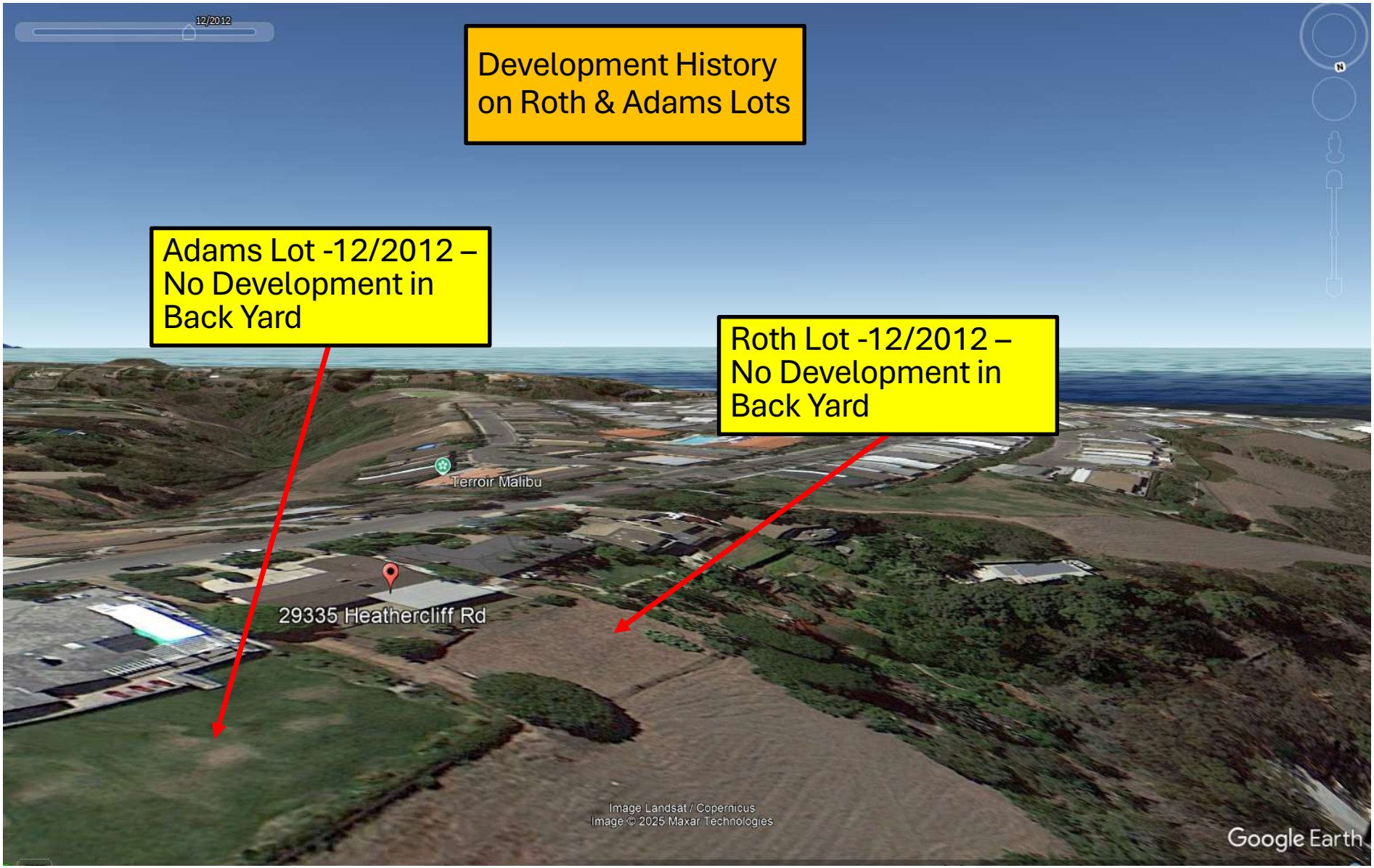
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

REVISED
10-27-59
2-4-60
9-16-62
681119
720128
850920-86
910606

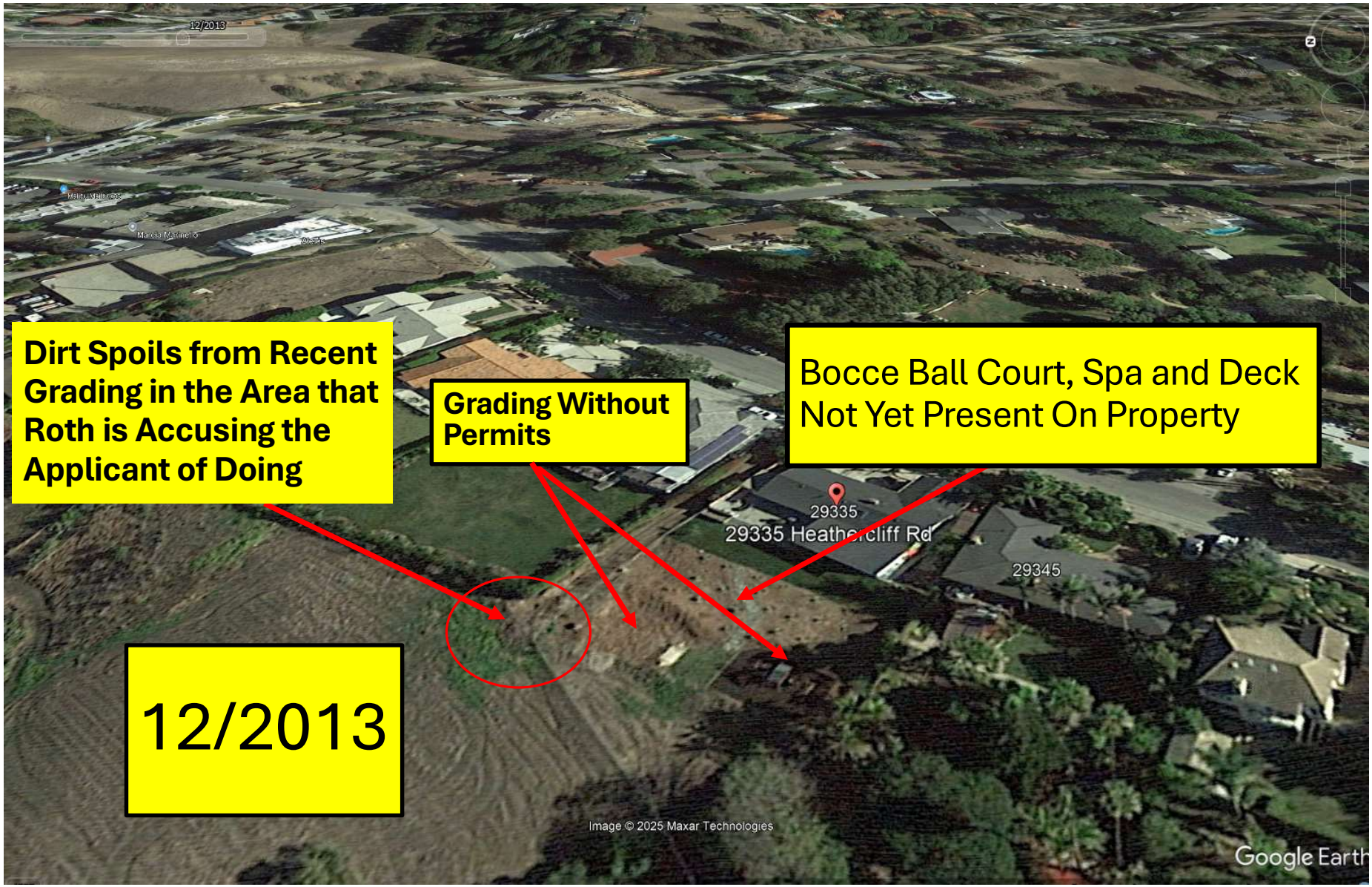
Timeline of Development on Appellants' Properties Chronicling Unpermitted Grading & Development Activities

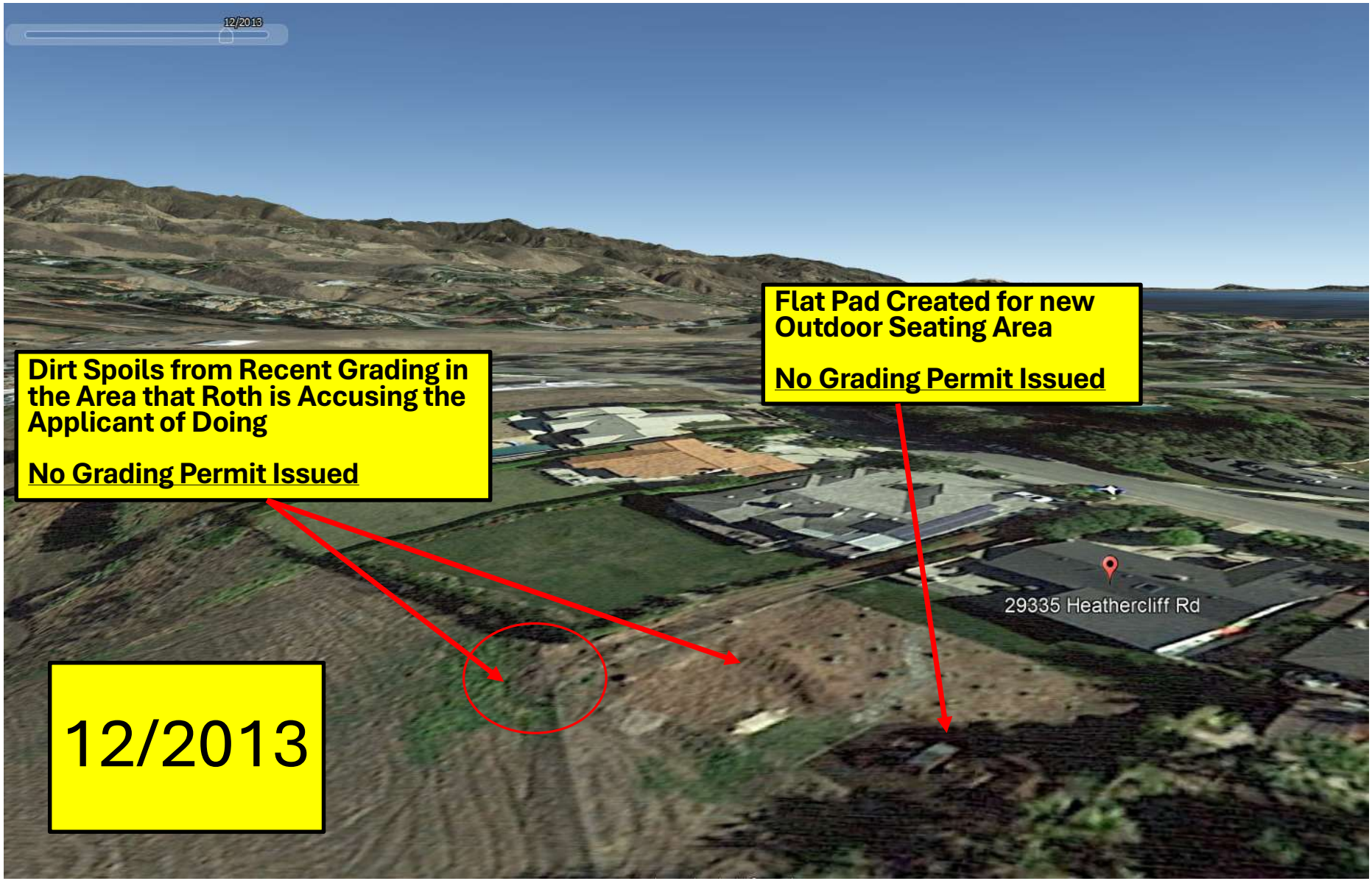


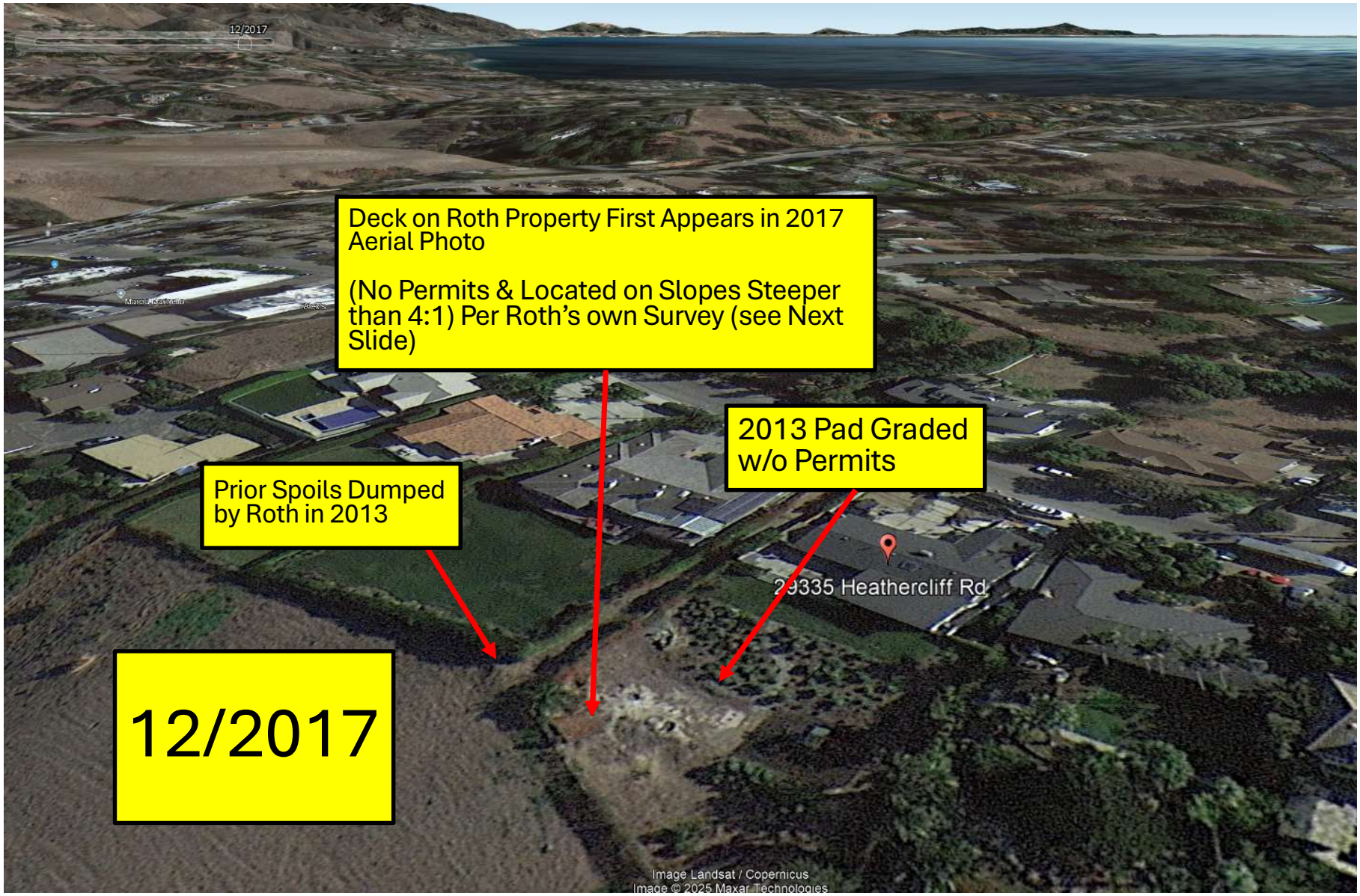

9/2022
Apellant Bryan Adams Property
Apellant Larry Roth Property
29327
29335
29345

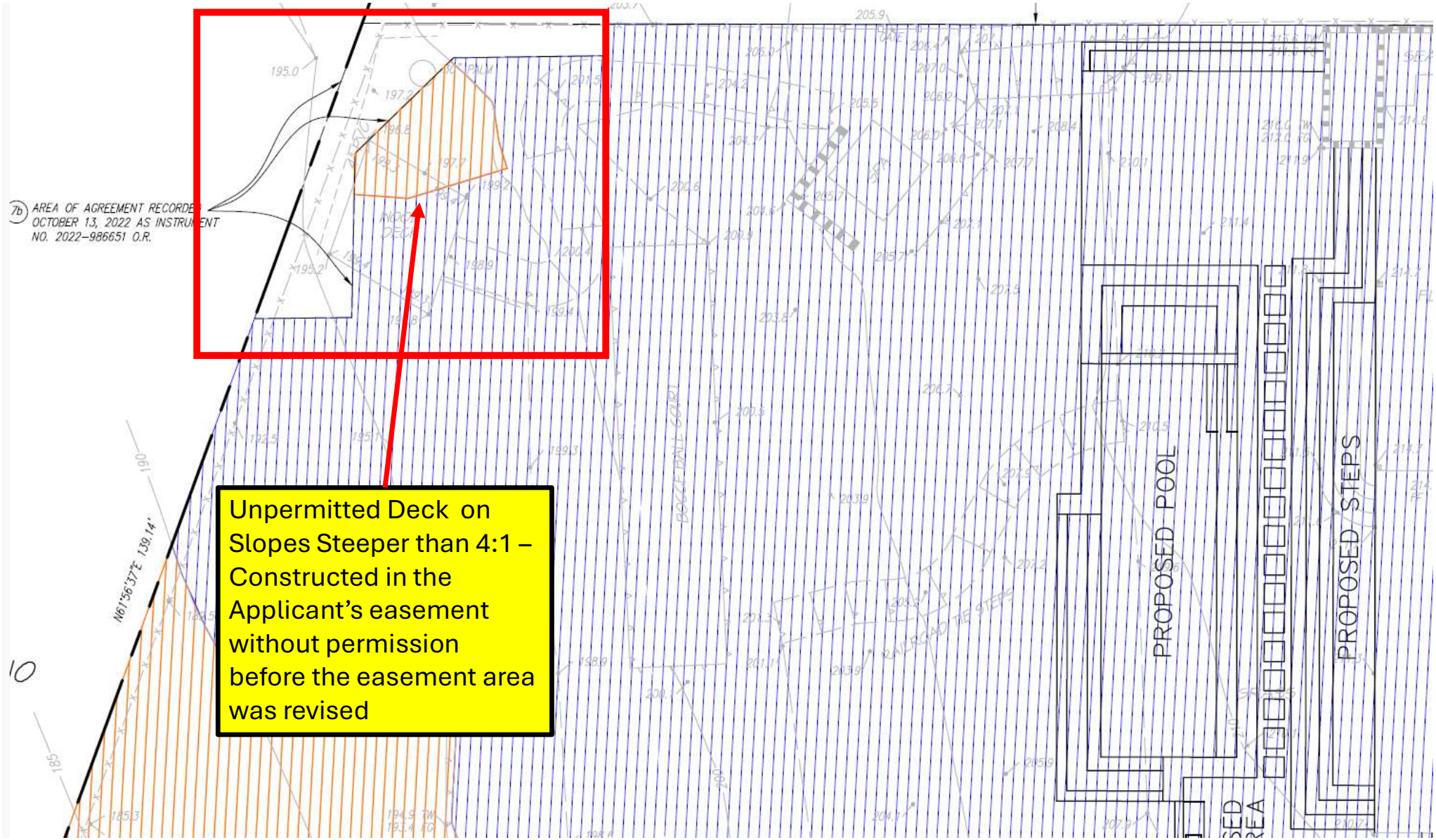

12/2012
Development History on Roth & Adams Lots
Adams Lot -12/2012 – No Development in Back Yard
Roth Lot -12/2012 – No Development in Back Yard
Terroir Malibu
29335 Heathercliff Rd
Image Landsat / Copernicus
Image © 2025 Maxar Technologies
Google Earth

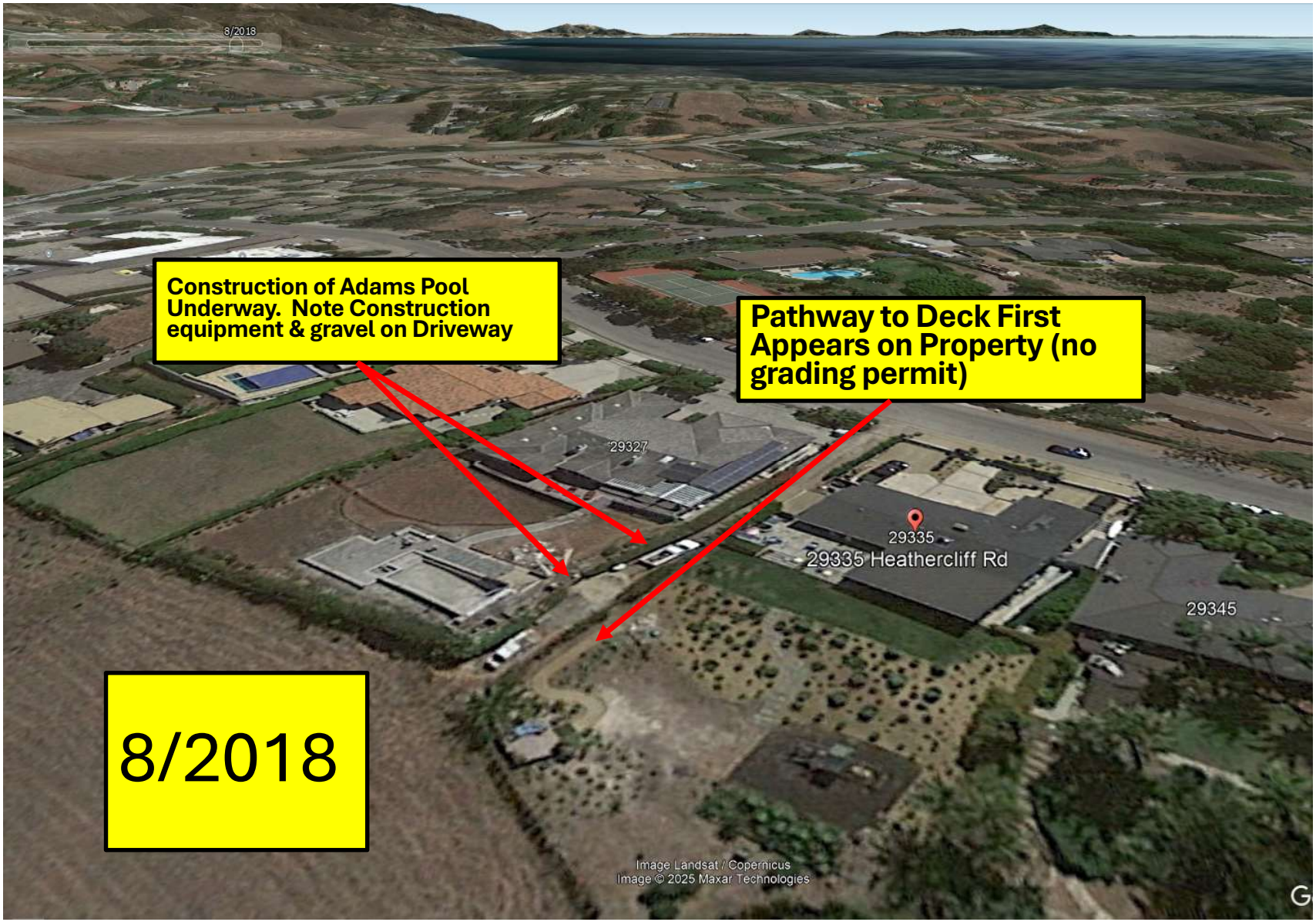

12/2012
Roth Lot -12/2012 – No Development in Back Yard
29335 Heathercliff Rd
Image Landsat / Copernicus
Image © 2025 Maxar Technologies
Google Earth


12/2013
Dirt Spoils from Recent Grading in the Area that Roth is Accusing the Applicant of Doing
Grading Without Permits
Bocce Ball Court, Spa and Deck Not Yet Present On Property
29335
29335 Heathercliff Rd
29345
12/2013
Image © 2025 Maxar Technologies
Google Earth


12/2013
Dirt Spoils from Recent Grading in the Area that Roth is Accusing the Applicant of Doing
No Grading Permit Issued
Flat Pad Created for new Outdoor Seating Area
No Grading Permit Issued
29335 Heathercliff Rd
12/2013


12/2017
Deck on Roth Property First Appears in 2017 Aerial Photo
(No Permits & Located on Slopes Steeper than 4:1) Per Roth's own Survey (see Next Slide)
2013 Pad Graded w/o Permits
Prior Spoils Dumped by Roth in 2013
29335 Heathercliff Rd
12/2017
Image Landsat / Copernicus
Image © 2025 Maxar Technologies


7b AREA OF AGREEMENT RECORDED OCTOBER 13, 2022 AS INSTRUMENT NO. 2022-986651 O.R.
Unpermitted Deck on Slopes Steeper than 4:1 – Constructed in the Applicant's easement without permission before the easement area was revised
PROPOSED POOL
PROPOSED STEPS
N61°56'37"E 139.14'


8/2018
Construction of Adams Pool Underway. Note Construction equipment & gravel on Driveway
Pathway to Deck First Appears on Property (no grading permit)
29327
29335
29335 Heathercliff Rd
29345
8/2018
Image Landsat / Copernicus
Image © 2025 Maxar Technologies

Lot Purchased By the Applicant on January 14, 2019 –

Clearly After the Driveway Grading was Undertaken by Roth & Possibly Adams

RECORDING REQUESTED BY:
Star Trust Escrow
Order No. 10100843
Escrow No. 1498-MS
Parcel No. 4468-011-010 and 4468011-011

AND WHEN RECORDED MAIL TO:

ALAIN HAJJAR OR ASSIGNEE
ACS INTERNATIONA;
1666 ½ MCCADDEN PLACE
HOLLYWOOD CA 90028

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXECUTED IN COUNTERPART
PACIFIC COAST TITLE COMPANY

GRANT DEED

$1,243

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS ~~$900.00~~ and CITY $ 00.00

- ☒ computed on full value of property conveyed, or
- ☐ computed on full value less liens or encumbrances remaining at the time of sale.
- ☐ unincorporated area: ☒ Malibu, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Susan A Davis ~~and Deborah Kuryan~~ AKA SUSAN ALICE, ~~AN UNDIVIDED 1/5 INTEREST~~ DAVIS, AN UNDIVIDED 1/5 INTERES hereby GRANT(S) to ACS International LLC

the following described real property in the County of Los Angeles, State of California:
EXHIBIT "A" ATTACHED
More commonly known as: Vacant Lot/ Vicinity Of Autherclift And PCH, Malibu, CA 90265

EXECUTED IN COUNTERPART

Date January 14, 2019

Susan A Davis

Susan A Davis

Deborah Kuryan

Katheryn Louise Waters

Elizabeth Paul

Margaret E Paul Lazar

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF LA } S.S.

On 3rd of March 2019, before me, M. Shakhinyan Notary Public personally appeared, Susan A. Davis who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

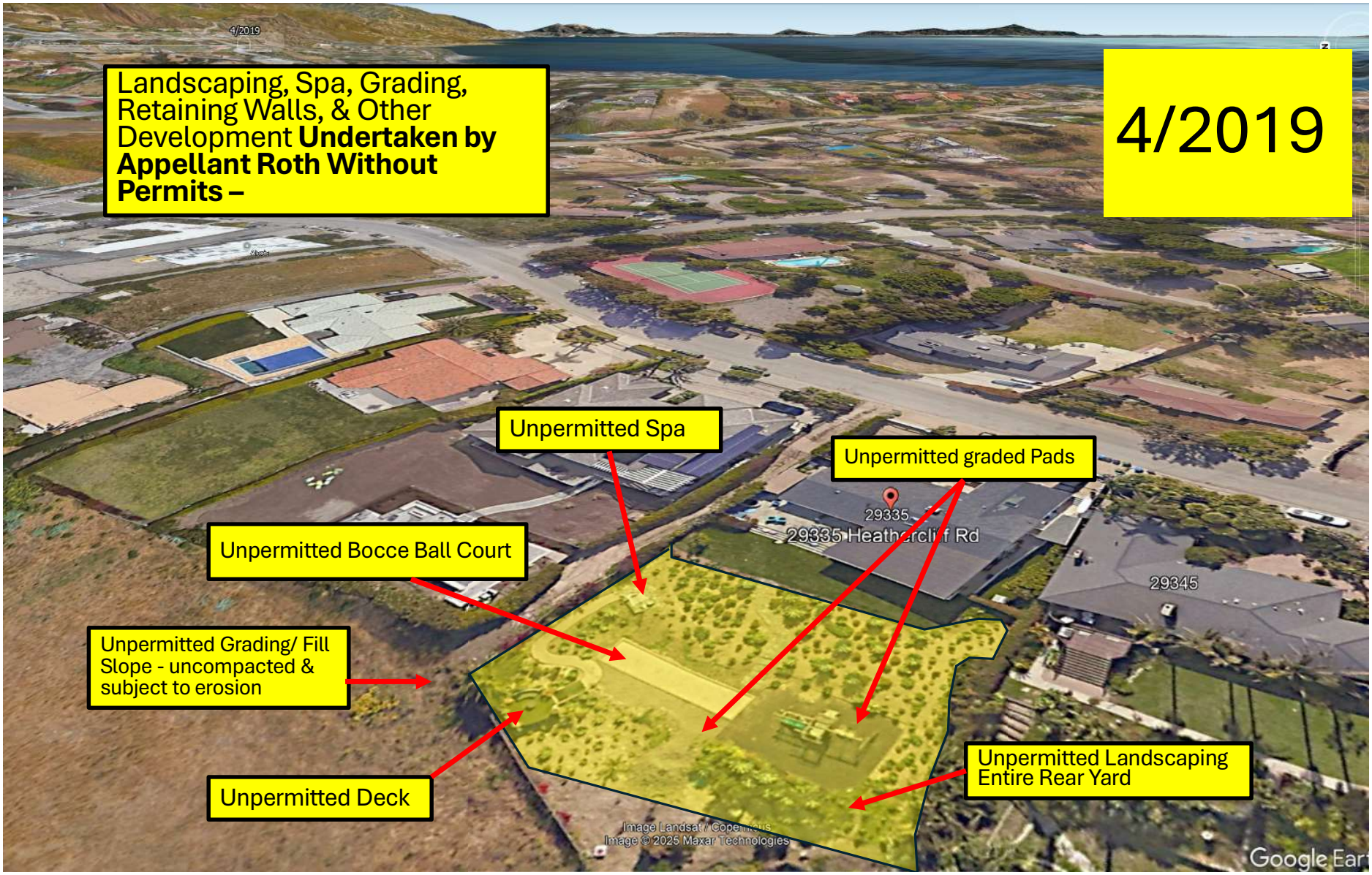
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Meriam Shakhinyan (Seal)

M. SHAKHINYAN
Notary Public - California
Los Angeles County
Commission # 2270183
My Comm. Expires Dec 8, 2022

Mail Tax Statement to: SAME AS ABOVE or Address Noted Below


Landscaping, Spa, Grading, Retaining Walls, & Other Development **Undertaken by Appellant Roth Without Permits –**
4/2019
Unpermitted Spa
Unpermitted graded Pads
Unpermitted Bocce Ball Court
Unpermitted Grading/ Fill Slope - uncompacted & subject to erosion
Unpermitted Deck
Unpermitted Landscaping Entire Rear Yard
29335
29335 Heathercliff Rd
29345
Image Landsat / Copernicus
Image © 2025 Maxar Technologies
Google Earth

Development Undertaken Without Permits By Brian & Pam Adams



ORIGINAL

CITY OF MALIBU

23825 STUART RANCH ROAD
MALIBU, CA 90265-4861
INSPECTION REQUEST
(310) 456-2489 X 312
www.malibucity.org/inspection

PLAN CHECK EXPIRES:

DESCRIPTION OF WORK

Convert freestanding wall to retaining wall 4' high at 21 Lft. around pool equipment

BUILDING PERMIT APPLICATION

SITE ADDRESS
29327 HEATHERCLIFF RD

ASSESSOR PARCEL NUMBER

BOOK 4468 PAGE 011 PARCEL 012

ADDITIONAL INFORMATION / LEGAL DESCRIPTION

PROPERTY OWNER
Brian & Pam Adams

MAILING ADDRESS
29327 Heathercliff Rd.

CITY	STATE	ZIP
Malibu	CA	90265

PHONE NUMBER

PLANNING FILE NO. / CDP NO.
OC 18-119

OCC. GROUP	TYPE(S) OF CONSTRUCTION	NO. OF STORIES

SQUARE FOOTAGE	FIRE SPRINKLERS
	No

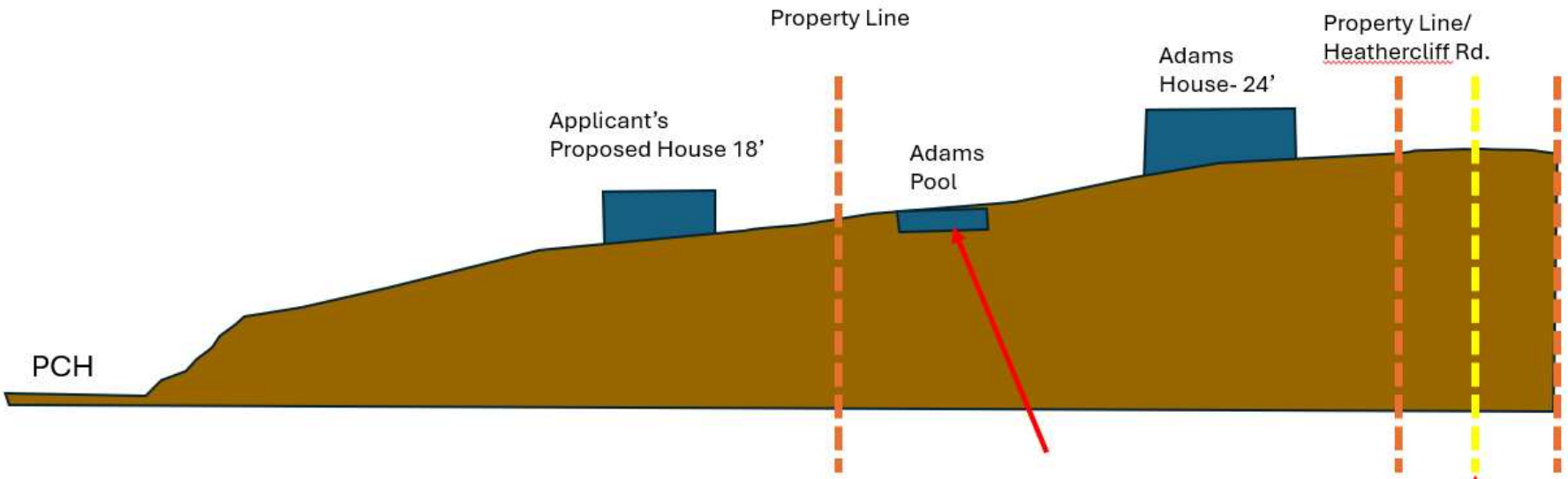
STATISTICAL CLASSIFICATION	UNIT(S)	CODE IN EFFECT
NO. 325		LACO 2017

SPECIAL CONDITIONS

$ 6,000.00 — **INITIAL VALUATION**

$ _____ — **REVISED VALUATION**


Adams Property – 29327 Heathercliff Rd.
Unpermitted 8' tall freestanding wall in the Side Yard Next to Pool Equipment (note a 4' retaining wall was permitted – not an 8' wall)



CROSS SECTION OF ALLEGED RIDGELINE

Adams Pool Approved (APR No. 17-010) & Roth's Pool Approved (ACDP No. 16-003)

- The City determined the hillside was not a Ridgeline for BOTH Applications . Both Appellants now Claims that it is a Ridgeline.

29335 HEATHERCLIFF: PERMIT INVENTORY
April 25, 2025

California Coastal Commission (CCC)

- No records on file

Planning

- Jun. 3, 2016: Determination Letter issued for ARC 16-011 indicating concurrence with the findings of Archaeologist Robert Wlodarski where the study concluded that the project area yielded no archeological resources.
- May 20, 2019: PVD 19-007 issued for subject property oriented NW towards PCH and the Santa Monica Mountains.
- Mar. 18, 2024: Planning Commission approval of CDP 16-003 for a second-floor addition to and remodel of an existing single-family residence, onsite wastewater treatment system, swimming pool and spa; including SPR 16-003 for height in excess of 18 feet, up to 28 feet for a pitched roof

Building & Safety

- Ca. 1959 (illegible dates): LAC Sewer-Septic Permit for a septic tank, a seepage pit, and a house-sewer connection to the OWTS. Permit finaled on unspecified date (illegible.). See Page 7 of the Comingled Permits.
- Mar. 6, 1969: LAC Building Permit for a new 1-story SFR. No area reported on permit. Permit expired Nov. 10, 1959. See page 9 of the comingled permits.
- Oct. 13, 1959: LAC Building Permit for a new 1,905 sq. Ft. SFR and attached garage. Permit finaled Mar. 20, 1960. See Page 5 of the comingled permits.
- Oct. 26, 1959: LAC Plumbing Permit for 2 water closets, a bath tub, a shower, 2 lavatories, a sink, a dishwasher, a clotheswasher, a water heater and a gas system. Permit finaled Mar. 30, 1960. See Page 6 of the comingled permits.
- Nov. 5, 1959: LAC Plumbing Permit for a shower pan. Permit finaled Jan. 3, 1960. See Page 2 of the comingled permits.
- Nov. 17, 1959: LAC Electric Permit for 53 outlets, 9 lighting fixtures, 3 appliances, 2 motors and a service under 601 V. Permit finaled Mar. 30, 1960. See page 8 of the comingled permits.
- Jun. 2, 1971: LAC Building Permit for a 692 sq. Ft. Addition to the SFR to serve as a playroom. Permit finaled May 4, 1972. See Pg. 3 of the comingled permits.
- Nov. 17, 1971: LAC Electrical Permit for 8 outlets. Permits finaled May 4, 1972. See Pg. 4, of the comingled permits.
- Nov. 20, 2012: Building Permit 21-1887 for tear off of existing composition shingles and reroof with “6 AF timberline 30-year class A fiberglass composition shingle. Scope

encompassed 4,000 sq. Ft. Planning declared no review required. Permit finaled Dec. 5, 2012.

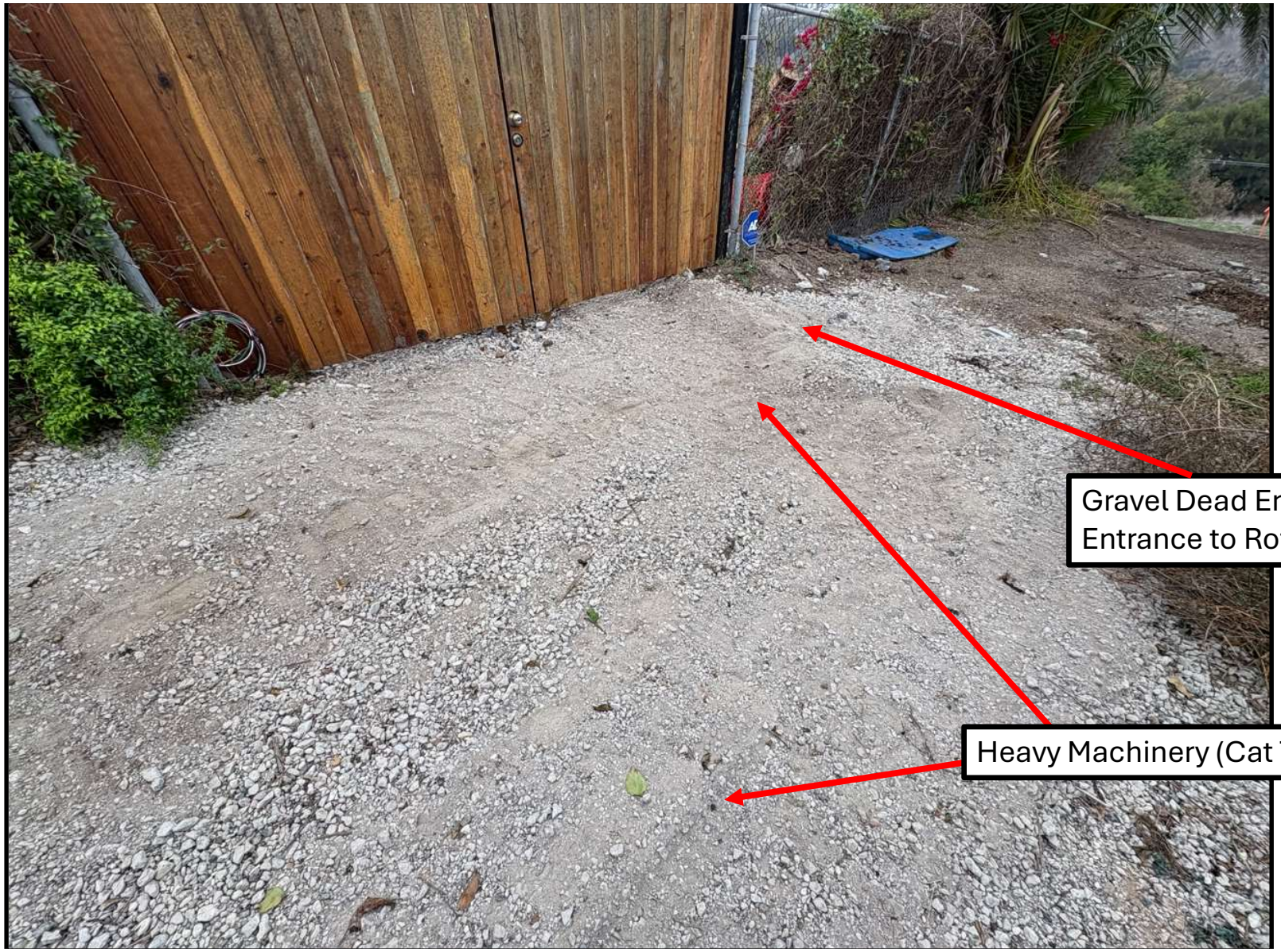
- May 6, 2015: Excavation Permit 15-0663 for excavation/drilling initiated by Mark barrett, GeoConcepts. No indication if permit was finaled or expired.
- Jul. 29, 2019: Building Permit 19-1488 for voluntary foundation bolting for an ESFR. No Planning review on permit. Permit finaled Dec. 31, 2019.
- Dec. 11, 2019: Building Permit 19-2470 for a roof-mounted photovoltaic system with 1 Tesla power wall battery backup. Tied to OC 19-316. Permit finaled Dec. 31, 2019.
- Dec. 11, 2019: Electrical Permit 19-2471 for a roof-mounted photovoltaic system with 1 Tesla power wall battery backup. Permit finaled Dec. 31, 2019.
- Oct. 2, 2024: Building Permit 24-1815 for an Interior First Floor Remodel, Second Floor Addition, Exterior Alterations SFR/Att. Garage. Square footage reported on permit as 1,130 sq. Ft. Tied to CDP 16-003. Permit still open in April 2025.
- Oct. 2, 2024: Building Permit 24-1816 for foundation underpinning for the proposed SFR/Garage. Tied to CDP 16-003. Permit still open in April 2025.
- Oct. 2, 2024: Grading Permit 24-1817 for Grading, Drainage and Erosion Control with SUSMP Filtration System for Remodel/Addition of SFR/Att. Garage, New Pool/Spa. Quantities reported included 0 CY Import, 345 CY Export, 1,502 CY Cut, and 1,157 CY Fill. Permit still open in April 2025.
- Oct. 2, 2024: Pool/Spa Permit 24-1818 for a New Pool and Spa/Jacuzzi 51' x 16' (friction piles). New Pool Equipment and BBQ area. Tied to CDP 16-003. Permit still open in April 2025.
- Oct. 2, 2024: Building Permit 24-1819 for a New Pool with Jacuzzi Foundation - 8 Piles at 24" diameter. Tied to CDP 16-003. Permit still open in April 2025.
- Oct. 2, 2024: Building Permit 24-1820 for 4 new site retaining walls with the following dimensions: Wall 1- 89 LF. 4.5' - 6' high max (planter); Wall 2- 30 LF at 6' high max; Wall 3- 34 LF at 6' high max and Wall 4- 23 LF at 6' high max. Tied to CDP 16-003. Permit still open as of April 2025.
- Oct. 2, 2024: Electrical Permit 24-1821 for “Electrical- ESFR/Att. Garage Remodel/Add 1 - 200 amp mains service panel, 1-50 amp sub-panel. EV ready only, # 4 wire with a Nema 14-50 receptable, a 2 pole 50-amp breaker.” Tied to CDP 16-003. Permit open as of April 2025.
- Oct. 2, 2024: Mechanical Permit 24-1822 for “Mechanical- ESFR/Att. Garage Remodel/Addition.” Tied to CDP 16-003. Permit still open as of April 2025.
- Oct. 2, 2024: Plumbing Permit 24-1823 for “Plumbing- ESFR/Att. Garage Remodel/Addition.” Scope included a backflow prevention device, a “disposal,” a gas system with 5 outlets or less, a hose bib, 11 plumbing fixtures, a water heater, and a yard gas & yard water service, less than 301 feet. Permit still open as of April 2025.

- Feb. 11, 2025: Building Permit in Plan Check only for Delta 2 revisions for additional pads and continuous footings. Tied to CDP 16-003. Permit still open as of April 2025.
- Mar. 14, 2025: Electrical Permit 25-0395 for removal of existing Roof-mounted Photovoltaic Modules (system size 11.34 kW) where the existing Tesla energy storage system, with (1) back-up battery will remain installed. No planning review indicated. Permit still open as of April 2025.
- Apr. 14, 2025: Building Permit in Plan Check Only for a Delta 3 revision for New floor framing, foundation underpinning for the SFR. Tied to CDP 16-003 and BP 24-1816. Permit still open as of April 2025.

Environmental Health

- Sep. 21, 1959: LAC EH Approval of a septic tank and a seepage pit for a 3-bedroom SFR. See Page 1 of the Comingled Permits.
- Nov. 22, 1989: LAC EH Approval of a remodel of a 4-bedroom SFR with a new 1,500 gallon septic tank, 1 proposed seepage pit and 1 future seepage pit. The existing OWTS is to be abandoned in favor of the proposed seepage pit.
- Feb. 23, 2016: EH Approval of CDP 16-003 for a remodel of an SFR from 3-bedrooms, 27 fixture units to 4 bedrooms, 61 fixture units. New pool and spa included in approval. OWTS Scope includes a 3,634 gallon septic tank, 2 active seepage pits and 2 future seepage pits.
- May 30, 2024: LAC EH Approval of CDP 16-003 for a 3-bedroom SFR with fixture unit increase from 27 to 57 fixture units. New pool and spa included in approval. OWTS Scope includes a 3,634 gallon septic tank, 2 active seepage pits and 2 future seepage pits.


Gravel Placed on Access Rd. By
Roth's General Contractor


Gravel Dead Ends at
Entrance to Roth Back Yard
Heavy Machinery (Cat Tracks)



Roth's Rear Yard Under Construction


Roth's General Contractor Truck

Received
9/26/2022
Planning Dept.

Larry and Heather Roth
29335 Heathercliff Road
Malibu, CA 90265

Raneika K. Brooks
Associate Planner | City of Malibu | Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Re: Withdrawal of Complaint Per Settlement of Lawsuit, LASC Case No. 21SMCV00924
Development on Heathercliff by ACS International LLC/Players Group, LLC
Assessor's Parcel No. 4468-011-010
Assessor's Parcel No. 4468-011-011

Dear Ms. Brooks:

This letter is to inform you that the easement issue we had with Mr Alan Hajjar, Players Group LLC and ACS International LLC and related to the development of Parcel 4468-011-010 and 4468-011-011 has been resolved and settled. The lawsuit related to the easement issue referenced above is being dismissed and removed and the objection we previously made to Mr Hajjar's Application for the proposed single family residence Application # CDP 20-003 located at 29329 Heathercliff Rd. Malibu, CA is hereby withdrawn. Please consider this letter as our formal withdrawal of our prior complaint that we have made or filed with the City of Malibu in regard to above project.

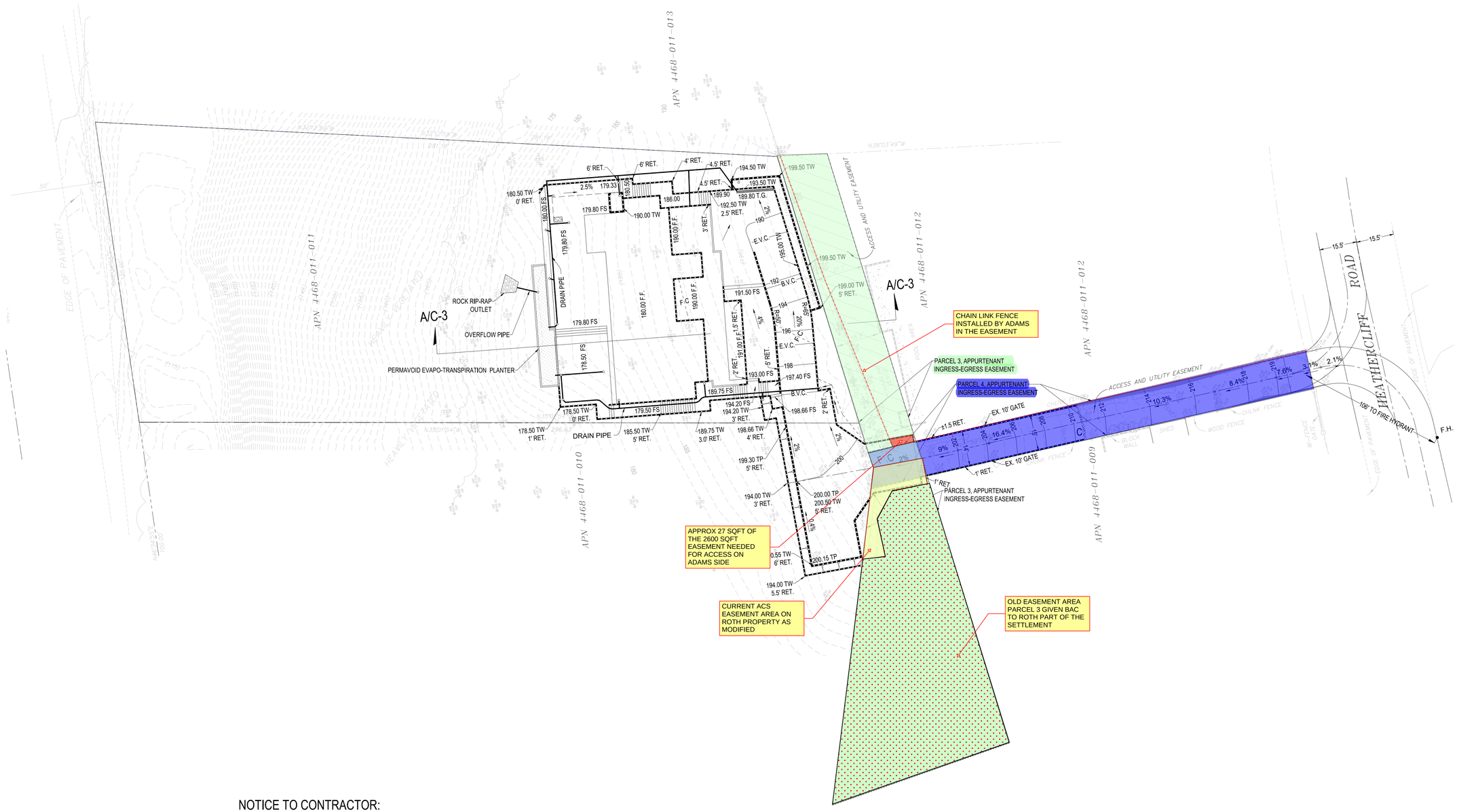
Sincerely,

Dated: SEP 22, 2022

Larry Roth,
Individually and as Trustee of the Roth Living Trust dated June 1, 2012

Dated: 9.22, 2022

Heather Roth,
Individually and as Trustee of the Roth Living Trust dated June 1, 2012



NOTICE TO CONTRACTOR:

A. THE GEOTECHNICAL CONSULTANT SHOULD DETERMINE THE EXPANSION POTENTIAL OF THE FINISH GRADE MATERIALS AT THE COMPLETION OF GRADING. FOUNDATION DESIGN RECOMMENDATIONS SHOULD BE REVISED IF THE EXPANSION POTENTIAL OF FINISH GRADE MATERIALS SUBSTANTIALLY DIFFERS FROM THE ASSUMED EXPANSION RANGE.

B. AT THE COMPLETION OF GRADING, SAMPLES OF THE ONSITE SOILS SHOULD BE COLLECTED AND TESTED FOR CORROSION POTENTIAL. FINAL RECOMMENDATIONS FOR MITIGATION MEASURES INCLUDING CEMENT TYPE SHOULD BE BASED ON THE CORROSION POTENTIAL OF THE FINISH GRADE MATERIALS.

C. THE GEOTECHNICAL CONSULTANT SHOULD DETERMINE AT THE COMPLETION OF GRADING THE R-VALUE OF THE FINISH GRADE MATERIALS WITHIN PARKING AND ACCESS ROAD AREAS. FINAL PAVEMENT DESIGN SHOULD BE BASED ON THE ACTUAL R-VALUE OF THE FINISH GRADE MATERIALS.

D. SUBGRADE SOILS SHALL BE TESTED FOR EXPANSION INDEX PRIOR TO POURING FOOTINGS OR SLABS; FOUNDATION PLANS SHALL BE REVIEWED AND REVISED BY THE PROJECT GEOTECHNICAL CONSULTANT, AS APPROPRIATE.

SCALE: 1" = 20'

NO.	DATE	REVISION	BY

PLANEX Associates
1330 OLYMPIC BLVD.
SANTA MONICA, CA 90404
TEL. (310) 664-9311

PRELIMINARY GRADING PLAN

29329 HEATHERCLIFF RD., MALIBU, CA 90265

REGISTERED PROFESSIONAL ENGINEER
MO SAHEBI
NO. 33508
CIVIL
STATE OF CALIFORNIA

SIGNED
DATE: 10/17/2024

SHEET 2 OF

PFN: 1909-495
DATE: 10/17/2024

C -2

These drawings are instruments of service and are the property of Planex Associates. All designs and other information on the drawings are for use on the specific project and shall not be used otherwise without written permission of Planex Associates ©

Schmitz & Associates, Inc.
28230 Agoura Road, Suite 100
Agoura Hills, CA 91301

Received
03/17/25
Planning Dept.

March 14, 2025

Attn: Rebecca Evans, Senior Mgt. Analyst
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Cc: Planning Commission Chair Leonard and Commissioners
Allison Cook, Contract Planner
Patrica Salazar, Development & Operations Mgr.

RE: Response to Joe Drummond letters, dated November 18, 2024, and a letter dated February 18, 2025, for CDP No. 20-003 and Minor Modification (MM) No. 20-001, for the property located at 29329 Heathercliff Road, Malibu, CA 90265 (APN: 4468-011-011).

Honorable Chair Leonard and Commissioners,

Please find our below the Applicant's responses to the letters submitted by Ms. Joe Drummond, which are referenced above.

1. **Legal Access to Property:** The Applicant has express easements that burden the Adams Property. These easements are shown on the applicant's survey and title report. The Adamses have put forth arguments that that this easement has been lost or abandoned. These arguments have no merit and have been addressed by the Applicant's legal counsel in separate correspondence to the Commission, which are included in the staff report. The Applicant has been working constructively with the Adamses, in the same manner that he did with his other neighbor, the Roths, to amicably and fairly resolve this dispute; however, this is not a Planning issue, this is a civil matter. The applicant has demonstrated that he has legal access and unless and until a court issues a judgement stating otherwise, this remains the case. That said, the Applicant is cautiously optimistic that this matter can be resolved amicably.

2. **Grading on Adjacent Property for Hammerhead/Driveway:** The applicant has an easement across the neighboring property to the north of the Roth property (the

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 03/17/25 Time 7:30 AM
Planning Commission meeting of 03/17/251
Agenda Item No. 4A
652Total No. of Pages 6

"Players" property). This easement was granted specifically to allow the applicant to construct a portion of the access road and fire department turnaround. This easement was also submitted to the City of Malibu and is in the public record. The "development" of this portion of the hammerhead and driveway IS part of the applicant's defined project and has been accounted for in determining compliance with all development standards.

3. **Compliance with Fire Department Access Standards:** Ms. Drummond makes several arguments in this category which are:

- **That the on-property portion of the access road is 15' and is not compliant with Fire Code.** This is simply not correct. First the County Fire code allows for road widths narrower than 20' in the discretion of the Fire Marshall. Here the Fire Marshal has approved an access road narrower than 20'. The Fire Department has TWICE approved this road design, the latter in recent months.

- **That the driveway is currently only 14' wide.** This is not correct either. Cross sections in the grading plans show that the paved surface of the access road is 15' wide. The curb cut on each side of the driveway was eliminated some time ago so that the entire driveway paved surface is 15' wide. It's worth noting that the 15' wide driveway is perfectly straight, and the line of sight is clear and unobstructed. In instances such as this, the Fire Department *routinely* approves narrower road widths. There are too many instances in Malibu to list where the Fire Department has approved access roads of less than 20' in width. Ms. Drummond's comments in this regard are simply incorrect.

- **That the residence is over 400' from the nearest hydrant and this is not consistent with Fire Code.** The Fire Code requires that the residence be no farther than 750' from a fire hydrant. 400' is more than sufficient. Again, the Fire Department has approved the hydrant location and hose pull.

- **That the standard minimum access road width must be 26.'** This is also not correct. For larger new neighborhoods/ subdivisions, new private 'roads' [not driveways] must be 26' in width unless a narrower width is approved. Once again, she misstates the code.

- She then goes on to reference a series of Fire Code rules, e.g., vertical clearance, access route locations, etc., which the project complies with. It is unclear why she references these standards provided that the project clearly complies with all of these standards, and she does not refute that.

4. **ESHA:** The LCP Is clear, there is no ESHA in point Dume, except for two streams that are not located near the property. Point Dume used to be a "Calvo Exemption Area," wherein NO coastal development permit was required. In adopting the LCP, the Coastal Commission modified the standards so that a CDP was required, while noting that the area would not be considered ESHA and not subject to ESHA development standards in Chapter 4 which apply to ESHA properties only; instead, the Coastal Commission prohibited development on slopes steeper than 25%. This development standard was adopted to prevent water quality impacts in drainages at the bottom of various canyons/ drainage courses in the area.

   The Coyote bush and vegetation on the property has been assessed by the City Biologist, following the Native Plant Society letter. The City Biologist has determined that the site has been historically cleared and denuded to provide fire protection for the Adams and Roth properties to the South. Other areas of brush on site contain native plants mixed with non-natives and these vegetated areas are predominantly non-native. Even if the LCP did not state that there is no ESHA on Point Dume other than the two streams, the habitat on site does not meet the definition of ESHA in Chapter 2 (Definitions) and does not meet the criteria for Coastal Sage Scrub/ Chapparal ESHA in the 2002 Memo from John Dixon, Coastal Commission Biologist, upon which such ESHA determinations are based.

5. **Alleged Illegal Grading:** The applicant utilized a bobcat to undertake its annual required brush clearance. This is no more intrusive than disking the property for brush clearance. Annual clearance of vegetation is required by the Fire Code and is not a "Violation." The photos and videos taken by the neighbors, some of which were clearly taken from our client's property while they were trespassing) show blade marks from where the clearance was undertaken as well as a very minor amount of side cast material that resulted from the clearance and road maintenance. The Deputy Building Inspector, Code Enforcement and Planning Department all inspected the property and determined that there was no 'grading' that occurred, only brush clearance and road maintenance work as stated. None of this work required a permit and it did not constitute 'grading.'

6. **Slope Steepness and LCP Consistency**: Ms. Drummond alleges that slopes on site are steeper than those shown in the applicant's slope map. This is baseless and inaccurate. The property has been surveyed twice, and slope maps have been prepared at both 2' and 5' contour intervals. She also questions the accuracy of the Geologist's description of the slopes which notes that the property "slopes gently down from Heathercliff." The two slope maps were prepared by a professional surveyor who is properly qualified to prepare such maps. Ms. Drummond, on the other hand, is not qualified to prepare or interpret slope maps. She relies instead upon a "USGS topo map" to assess the slope steepness. USGS Maps are prepared based on 25' and 50' contour intervals. These maps are not the result of proper surveys, are very old, and are not intended to be used for development purposes.

   Relying on a USGS map is about as accurate as relying on a Dibblee Geology Map. These resources are not nearly as accurate as a land surveyor geology and soils report and are not intended to be utilized for design or zoning compliance purposes.

7. **Pool & Site Stability:** Ms. Drummond states that there are retaining walls in ESHA adjacent to the pool. As noted above, there is no ESHA on the property. She also references a comment in the applicant's geology report that addresses the potential for erosion, recommending that native vegetation remain on site until construction is completed. This is a standard recommendation from a project geologist for new construction. The City's Geology and Public Works department have reviewed and approved the plans and geologist's recommendations.

   Ms. Drummond also makes general reference to "landslides" that have occurred on adjacent properties. She provides no references, reports or other information to support this comment. The project geologist and city geologist have reviewed the site's stability and potential for hazards such as landslides on the subject property and nearby properties to assure that the site will remain stable and free from geologic hazards. The project geologist has directly responded to this comment in a letter dated 11-18-24. This letter is attached to the City's staff report.

   There is no basement proposed. This reference is antiquated, and the Geo department approval has been updated to reflect his.

8. **Fencing in ESHA**: There is no ESHA; therefore, no conditions or restrictions on fencing related to ESHA apply.

9. **Geotechnical slope setback:** Ms. Drummond mischaracterizes the code requirements for a geo setback. The H/3 setback requirement is met by using deepened foundations. The house itself does not need to be setback from any downslope.

10. **Ridgeline Standards:** The gentle slope that the house is proposed on does not meet the definition of a ridgeline. The LUP and LIP Policy 16 both provide that ridgeline standards do not apply to new homes proposed in well developed areas such as Point Dume. If more than 65% of the neighborhood is "built out" then the hillside development and ridgeline standards do not apply.

11. **Minor Modification for Front Yard Setback:** The applicant has previously responded to public comments on this issue. The applicant is proposing a front yard setback that is well within the neighborhood average of front yard setbacks. In fact, the applicant is proposing materially more of a setback than the average home in the neighborhood. The project will not negatively impact neighborhood character since the house and property are not visible from Heathercliff Rd. Lastly, the applicant has located the house as far as feasible from PCH thereby avoiding any potential for public view impacts and has limited the house to 18 in height.

12. **Project Rendering:** Ms. Drummond provides a rendering of the applicant's proposed house. This rendering is completely inaccurate and disingenuous. She has cropped the house image from the applicant's rendering, expanded it in size and applied it over a separate photo (different location) than the applicant's architect. This image is clearly photoshopped and doctored to make the house look significantly larger than it is. The rendering that Ms. Drummond prepared, or that was prepared for her, was clearly not prepared by a licensed architect or professional; moreover, by taking the work product of an architect and manipulating it to misrepresent the design, she violated the architect's copyright and impugned her own credibility. The rendering provided by Ms. Drummond was clearly not prepared accurately or in good faith. Her actions is this regard were unethical and highly objectionable.

Thank you for your time and consideration of the applicant's responses.

Sincerely,

Chris Deleau, JD, AICP

Special Projects Manager, Schmitz and Associates

747.494.7293

schmitzandassociates.com

cdeleau@schmitzandassociates.net

28230 Agoura Rd. Suite 200, Agoura Hills, CA 91301

Received
03/14/25
Planning Dept.

From: Jo Drummond
To: Maureen Tamuri; Planning Commission; John Mazza; Kraig Hill; Drew Leonard; Elizabeth Riddick; Doug Stewart; Rebecca Evans; Kellan Martz
Cc: Patt Healy; Bill Sampson; info@malibutownshipcouncil.org; Larry Roth; Mariela Guastavino; Dru Ann Jacobson; Heather Roth; Brian Adams; Trevor Rusin; Pam Adams; Justin R. Trujillo; Hayley Mattson; Kenneth A. Ehrlich; Judy Abel; Barbara Burke
Subject: 29329 Heathercliff Rd - Item 4A
Date: Friday, March 14, 2025 1:24:13 PM
Attachments: Brian Lawsuit 2025-02-18 Complaint (filed)(5577416.1).pdf

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Dear Kellan, Mayor Stewart and Planning Commission,

This project, with an existing legal dispute over the property that is in question, is still in planning and just confirmed STILL scheduled with the Planning Commission for this Monday, March 17, Item 4A. Although it will likely be heard last as Mr. Leonard will be recusing himself causing us all to wait til the bitter end for this item.

Please read the cause of action in the law suit attached that includes the following:

"For an injunction requiring Defendants to withdraw its entitlement applications for the Project;"

Therefore, this item CANNOT be heard on Monday and the application must be withdrawn.

Property that the build is proposed on DOES NOT even BELONG to the applicant yet the City still considering the application is a TRAVESTY given the disaster that has just flooded the City and planning dept with countless hours of time and energy.

This has been reported multiple times by the neighbors and Malibu Township Council to the planning department and the assistant City Attorney yet an almost 500 page staff report (attached link) taking up precious time and money for all of us has been produced.

As a fire victim I am appalled that this is still on this week's planning commission's agenda.

Please have this item removed from the agenda and/or respond to this request as soon as able. The staff's and public's time should not continually be wasted as it was with the Malibu Inn Hotel. The City does NOT need further bad press on this. I am quite sure Trevor Rusin and Mayor Stewart would prefer this be removed from any hearing until this dispute is resolved. I have discussed this project with both of them privately over the last few months.

This is literally one of two junk lots on a ridgeline full of ESHA purchased recently by an opportunistic developer trying to abuse his over 24-year neighbor's property rights right off the bat that cannot be built on due to multiple reasons on top of it NOT being his property.

NOT very neighborly btw.

Thank you,

Jo Drummond

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 03/14/25 Time 1:23 PM
Planning Commission meeting of 03/17/25
Agenda Item No. 4A
Total No. of Pages 10

ELKINS KALT WEINTRAUB REUBEN GARTSIDE LLP
KENNETH A. EHRLICH, State Bar No. 150570
kehrlich@elkinskalt.com
JUSTIN R. TRUJILLO, State Bar No. 331402
jtrujillo@elkinskalt.com
10345 W. Olympic Blvd.
Los Angeles, California 90064
Telephone: 310.746.4412
Facsimile: 310.746.4462

Attorneys for Plaintiffs Brian R, Adams and Pamela Adams, individually and as Trustees of The Community Property Trust Created Under The Brian R. Adams And Pamela Adams Trust Agreement Dated 3/11/04

Electronically FILED by Superior Court of California, County of Los Angeles 2/18/2025 1:08 PM David W. Slayton, Executive Officer/Clerk of Court, By C. Coleman, Deputy Clerk

ELKINS KALT WEINTRAUB REUBEN GARTSIDE LLP
10345 W. Olympic Blvd.
Los Angeles, California 90064
Telephone: 310.746.4400 • Facsimile: 310.746.4499

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, WEST DISTRICT

BRIAN R. ADAMS, an individual; BRIAN R. ADAMS, as TRUSTEE of THE COMMUNITY PROPERTY TRUST CREATED UNDER THE BRIAN R. ADAMS AND PAMELA ADAMS TRUST AGREEMENT DATED 3/11/04; PAMELA ADAMS, an individual; and PAMELA ADAMS, as TRUSTEE of THE COMMUNITY PROPERTY TRUST CREATED UNDER THE BRIAN R. ADAMS AND PAMELA ADAMS TRUST AGREEMENT DATED 3/11/04,

Plaintiffs,

v.

ALAIN HAJJAR, an individual: ACS INTERNATIONAL LLC, a California limited liability company: and DOES 1 through 20, inclusive,

Defendants.

CASE No. 25SMCV00832

VERIFIED COMPLAINT FOR:

(1) QUIET TITLE;
(2) DECLARATORY RELIEF

/ / /

/ / /

Plaintiffs Brian R. Adams and Pamela Adams, individually and as Trustees of The Community Property Trust Created Under The Brian R. Adams And Pamela Adams Trust Agreement Dated 3/11/04 (collectively, "Plaintiffs"), through this Verified Complaint for (1) Quiet Title and (2) Declaratory Relief ("Complaint"), allege as follows:

I. PARTIES

1. Plaintiffs own the real property located in the County of Los Angeles, California, commonly known as [redacted] Heathercliff Road, Malibu, California, and further identified as Los Angeles County Assessor's Parcel No. 4468-011-012 (the "Adams Property").

2. Defendant ACS International, LLC owns the real property located in the County of Los Angeles, California, commonly known as 29329 and 29341 Heathercliff Road, Malibu, California, and further identified as Los Angeles County Assessor's Parcel Nos. 4468-011-011 and -010, respectively (collectively, the "ACS Property"). The ACS Property is immediately next door to the west and northwest of the Adams Property.

3. Plaintiffs allege on information and belief that Defendant Alain Hajjar is an individual who, at all relevant times in this Complaint, is and was a resident of the city of Agoura Hills in the County of Los Angeles, California.

4. The true names and capacities of defendants DOES 1 through 20, inclusive (the "Unknown Defendants"), whether individual, corporate, associate or otherwise, are unknown to Plaintiffs at this time, and therefore are sued and named by such fictitious names. Plaintiffs will seek leave to amend this Complaint to show the Unknown Defendants' true names and capacities when they have been ascertained. For purposes of this Complaint, Plaintiffs will refer to Defendant ACS International, LLC, Defendant Alain Hajjar, and the Unknown Defendants collectively as "Defendants".

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Telephone: 310.746.4400 • Facsimile: 310.746.4499

II. FACTUAL ALLEGATIONS

5. Plaintiffs allege on information and belief that Defendants claim an easement for ingress, egress and utility purposes (the "Purported Easement") over portions of the Adams Property pursuant to that certain Grant Deed recorded on April 3, 2019, as Instrument No. 20190291198 in the Official Records of Los Angeles County.

6. Since October 2000, when Plaintiffs acquired the Adams Property, Plaintiffs have maintained a fence along the property line between the Adams Property and Defendants' property (the "Adams Fence") that wholly encloses portions of the Purported Easement area on Plaintiffs' side of the fence (the "Extinguished Easement Area").

7. For over twenty-four (24) years, the Adams Fence has prevented Defendants and their predecessor(s)-in-interest from accessing or using the Extinguished Easement Area.

8. Throughout Plaintiffs' ownership, the Adams Fence's location has constituted actual occupation of the Extinguished Easement Area, both preventing access by Defendants and their predecessor(s)-in-interest and providing reasonable notice of Plaintiffs' hostile claim to the subject real property.

9. Throughout Plaintiffs' ownership, Plaintiffs have paid all taxes levied on the Adams Property, including the Extinguished Easement Area.

10. Plaintiffs allege on information and believe that they have satisfied all elements required under California law to perfect a claim for adverse possession, extinguishing all Defendants' rights in and to the Extinguished Easement Area. *McLear-Gary v. Scott*, 25 Cal. App. 5th 145, 152 (2018) ("It is well settled that an easement, regardless of whether it was created by grant or use, may be extinguished by the owner of the servient tenement upon which the easement is a burden, by adverse possession thereof by the servient tenement owner for the required statutory period. The elements necessary to establish title by adverse possession are tax

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payment and open and notorious use or possession that is continuous and uninterrupted, hostile to the true owner and under a claim of title, for five years." (internal citations and quotations omitted)).

11. In or about 2017, Plaintiffs constructed permanent improvements in the Extinguished Easement Area, including concrete pool decking, pool equipment, fencing, a concrete wall, and glass panel enclosure (the "Existing Improvements").

12. Plaintiffs adverse possession has extinguished Defendants' rights under the Purported Easement in the Extinguished Easement Area only—in other words, the portion of the Purported Easement on Plaintiffs' side of the Adams Fence. Plaintiffs have not interfered, nor do they intend to interfere, with Defendants' easement rights in any other portions of the Purported Easement.

13. In or about January 2020, Defendants submitted applications to the city of Malibu ("City") seeking entitlements identified as Coastal Development Permit No. 20-003 and Minor Modification No. 20-001 to construct a new single-family residence on the ACS Property (the "Project").

14. Plaintiffs allege on information and belief that the Project, as proposed, includes development that would encroach over the boundary line and onto the Adams Property in the Extinguished Easement Area, including but not limited to a fire department emergency access and turnaround area, and require removal of the Adams Fence and the Existing Improvements (the "Proposed Encroachments").

15. Plaintiffs allege on information and belief that Defendants claim the right to construct the Proposed Encroachments based in significant part on the Purported Easement.

16. Plaintiffs allege on information and belief that the Proposed Encroachments and other development in the Extinguished Easement Area required for the Project (e.g., grading, paving, fencing, etc.) would, among other things, constitute unreasonable use, cause impermissible changes to the surface and character that exceed the scope of rights granted in the Purported Easement for

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"ingress, egress and utility purposes," and materially increase the burden on the Adams Property. *Dolnikov v. Ekizian*, 222 Cal. App. 4th 419, 429 (2013) ("The easement owner does not have the right to so change the surface of the land as seriously to damage the usefulness of the servient estate. It is well settled that the owner of an easement cannot change its character, or materially increase the burden upon the servient estate, or injuriously affect the rights of other persons, but within the limits named he may make repairs, improvements, or changes that do not affect its substance." (internal quotations and citations omitted)).

17. Plaintiffs have not consented, and do not consent, to the construction of the Proposed Encroachments and have not granted, and do not grant, Defendants permission to use the Adams Property, Purported Easement area, or Extinguished Easement Area in any way.

FIRST CAUSE OF ACTION

(Quiet Title – Against All Defendants)

18. Plaintiffs re-allege and incorporate by reference all the allegations contained in the preceding paragraphs of this Complaint as if fully specified here.

19. An actual controversy exists between Plaintiffs and Defendants concerning their respective rights and interests in the Adams Property.

20. Plaintiffs contend that:

(a) Any rights under the Purported Easement in and to the Extinguished Easement Area have been extinguished through Plaintiffs' adverse possession of the Extinguished Easement Area for more than twenty-four (24) years and payment of all taxes levied on the property;

(b) Even if the Purported Easement remains valid as to the Extinguished Easement Area, the Proposed Encroachments would constitute an impermissible overburdening of the Purported Easement and Adams Property;

(c) Defendants have no right to remove, relocate, or make any

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changes to the Adams Fence or Existing Improvements; and

(d) Defendants have no right to construct the Proposed Encroachments on the Adams Property.

21. Plaintiffs allege on information and belief that Defendants dispute these contentions.

22. Plaintiffs seek to quiet title against any claims by Defendants to construct the Proposed Encroachments or otherwise use the Adams Property in a manner exceeding the scope of the Purported Easement.

SECOND CAUSE OF ACTION

(Declaratory Relief – Against All Defendants)

23. Plaintiffs re-allege and incorporate by reference all the allegations contained in the preceding paragraphs of this Complaint as if fully specified here.

24. An actual controversy has arisen and now exists regarding Plaintiffs' rights and interests and Defendants' rights and interests with respect to the Adams Property, as specified in this Complaint.

25. Plaintiffs seek a judicial determination of their rights and duties, and a declaration as to:

(a) Whether the Purported Easement has been extinguished through Plaintiffs' adverse possession of the Extinguished Easement Area;

(b) Whether the Proposed Encroachments would constitute an impermissible overburdening of any valid easement rights;

(c) The parties' respective rights and obligations concerning use of the Adams Property; and

(d) Plaintiffs' rights to an injunction requiring Defendants to withdraw all entitlement applications from all jurisdictional authorities in connection with the Extinguished Easement Area and the Project.

Such a declaration is necessary and appropriate at this time under the circumstances so that Plaintiffs may ascertain their rights and duties.

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26. Despite demand, Defendants have refused to acknowledge their obligations and liabilities. On information and belief, Defendants deny their obligations and liabilities alleged in this Complaint and specifically contend they have legal rights to the Extinguished Easement Area.

27. Accordingly, an actual controversy exists between Plaintiffs and Defendants regarding their respective rights, obligations, and duties concerning the Extinguished Easement Area and the Adams Property and the expenses incurred and to be incurred by Plaintiffs in connection with the Extinguished Easement Area and protecting the Adams Property.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request judgment against Defendants, and each of them, as follows:

1. For judgment establishing that any rights under the Purported Easement in the Extinguished Easement Area have been extinguished through adverse possession;
2. For judgment quieting title to the Extinguished Easement Area in Plaintiffs' favor;
3. For judgment that Defendants have no right to construct the Proposed Encroachments or otherwise use the Adams Property in a manner exceeding any valid easement rights;
4. For an injunction requiring Defendants to withdraw its entitlement applications for the Project;
5. For a declaratory judgment declaring the respective rights, duties, and responsibilities of the parties, as specified above;
6. For costs of suit; and
7. For such other and further relief as the court deems just and proper.

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DATED: February 18, 2025

ELKINS KALT WEINTRAUB REUBEN GARTSIDE LLP

By: 

JUSTIN R. TRUJILLO
Attorneys for Plaintiffs Brian R. Adams and Pamela J. Adams

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For judgment that Defendants have no right to construct the Proposed Encroachments or otherwise use the Adams Property in a manner exceeding any valid easement rights;

For an injunction requiring Defendants to withdraw its entitlement applications for the Project;

For a declaratory judgment declaring the respective rights, duties, and responsibilities of the parties, as specified above;

For costs of suit; and

For such other and further relief as the court deems just and proper.

DATED: February 14, 2025 ELKINS KALT WEINTRAUB REUBEN GARTSIDE LLP

By: _____
JUSTIN R. TRUJILLO
Attorneys for Plaintiffs Brian R. Adams and Pamela J. Adams

VERIFICATION

I have read the foregoing COMPLAINT FOR: (1) QUIET TITLE; (2) DECLARATORY RELIEF and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 14, 2025, at Los Angeles, California.

BRIAN R. ADAMS _____
Print Name of Signatory Signature

Received
3/17/25
Planning Dept.

From: Jo Drummond
To: Maureen Tamuri; Planning Commission; John Mazza; Kraig Hill; Drew Leonard; Elizabeth Riddick; Doug Stewart; Rebecca Evans; Kellan Martz
Cc: Patt Healy; Bill Sampson; [redacted]; Larry Roth; Mariela Guastavino; Dru Ann Jacobson; Heather Roth; Brian Adams; Trevor Rusin; Pam Adams; Justin R. Trujillo; Hayley Mattson; Kenneth A. Ehrlich; Judy Abel; Barbara Burke
Subject: Re: 29329 Heathercliff Rd - Item 4A
Date: Monday, March 17, 2025 3:31:12 PM

I have just heard that NO AGREEMENT has been made between the applicant and the Adams neighbors immediately adjacent whose property the applicant has now proposed to illegally remove the Adams' fence and try building on despite multiple failed attempts at settling. The DISPUTE over the property and application that the applicant does not apparently have ANY rights over CANNOT move forward. Please inform us if this item can even be heard tonight given the same situation reported to you last Thursday by our organization.

It should be withdrawn immediately until the easement issue is resolved.

If the applicant was INDEED a good neighbor he would change his plans and reduce the size of the proposed home to accommodate the driveway required within his OWN property and STOP trying to force the easement claim that he CLEARLY has no rights to after the Adams have had entitlement to this land for over 24 years. Or even better he would give up spending all this time and $, and relieve his neighbors of the same, given all the environmental and code restricting requirements on this narrow piece of land and sell it to the adjacent owners who would make it the natural parkland/open space that it was always meant to be.

Thank you,

Jo Drummond
Malibu Township Council

On Mar 14, 2025, at 1:23 PM, Jo Drummond <[redacted]> wrote:

Dear Kellan, Mayor Stewart and Planning Commission,

This project, with an existing legal dispute over the property that is in question, is still in planning and just confirmed STILL scheduled with the Planning Commission for this Monday, March 17, Item 4A. Although it will likely be heard last as Mr. Leonard will be recusing himself causing us all to wait til the bitter end for this item.

Please read the cause of action in the law suit attached that includes the following:

"For an injunction requiring Defendants to withdraw its entitlement applications for the Project;"

Therefore, this item CANNOT be heard on Monday and the application must be withdrawn.

Property that the build is proposed on DOES NOT even BELONG to the applicant yet the City still considering the application is a TRAVESTY given the disaster that has just flooded the City and planning dept with countless hours of time and energy.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 3/17/25 Time 3:31 PM
Planning Commission meeting of 3/17/25
Agenda Item No. 4A
Total No. of Pages 2

This has been reported multiple times by the neighbors and Malibu Township Council to the planning department and the assistant City Attorney yet an almost 500 page staff report (attached link) taking up precious time and money for all of us has been produced.

As a fire victim I am appalled that this is still on this week's planning commission's agenda.

Please have this item removed from the agenda and/or respond to this request as soon as able. The staff's and public's time should not continually be wasted as it was with the Malibu Inn Hotel. The City does NOT need further bad press on this. I am quite sure Trevor Rusin and Mayor Stewart would prefer this be removed from any hearing until this dispute is resolved. I have discussed this project with both of them privately over the last few months.

This is literally one of two junk lots on a ridgeline full of ESHA purchased recently by an opportunistic developer trying to abuse his over 24-year neighbor's property rights right off the bat that cannot be built on due to multiple reasons on top of it NOT being his property.

NOT very neighborly btw.

Thank you,

Jo Drummond

malibucity.org 

<Brian Lawsuit 2025-02-18 Complaint (filed)(5577416.1).pdf>

Malibu Township Council

Opposition to:

29329 Heathercliff Road proposal

Figure 1 –Aerial Map

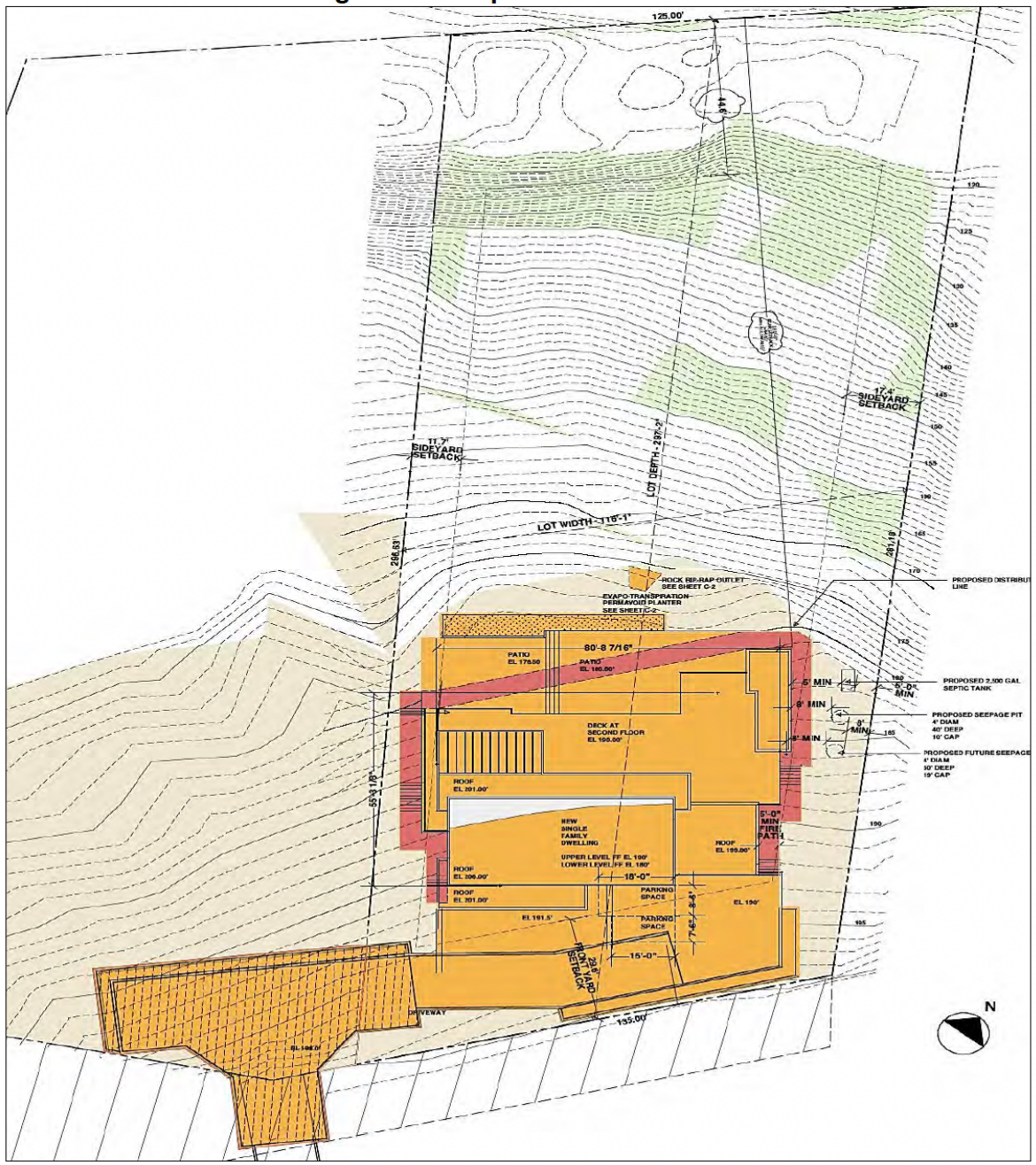


Source: City GIS, 2024

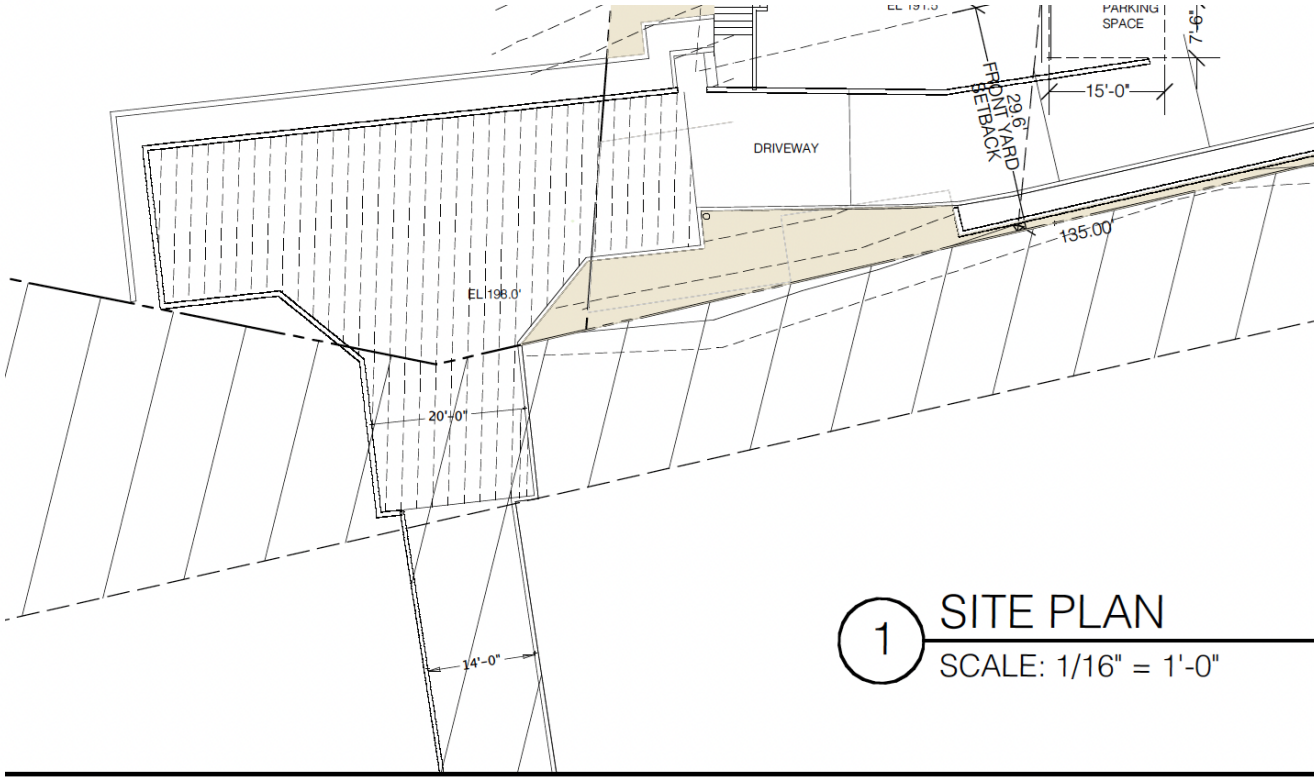
Depending on state court decisions, irrevocable easements in the nature of a public right of way may be created by long-term public use (adverse possession), such as may occur with access to a river or lake. The time period is determined by state statute and may range from 5 to 25 years, depending upon the state. Ten years is a common time. If one does not want an individual crossing one's land to later claim an absolute legal right to do so, it is important to obtain a signed document in which the individual acknowledges that she is receiving from the owner a limited revocable license to make this use, claims no ownership rights, and acknowledges that the use many be terminated at any time, for any reason, without prior notice from the owner. Consult an experienced

clta.org

Figure 2 – Proposed Site Plan



Source: Plan provided by the applicant on March 12, 2024



1 SITE PLAN
SCALE: 1/16" = 1'-0"

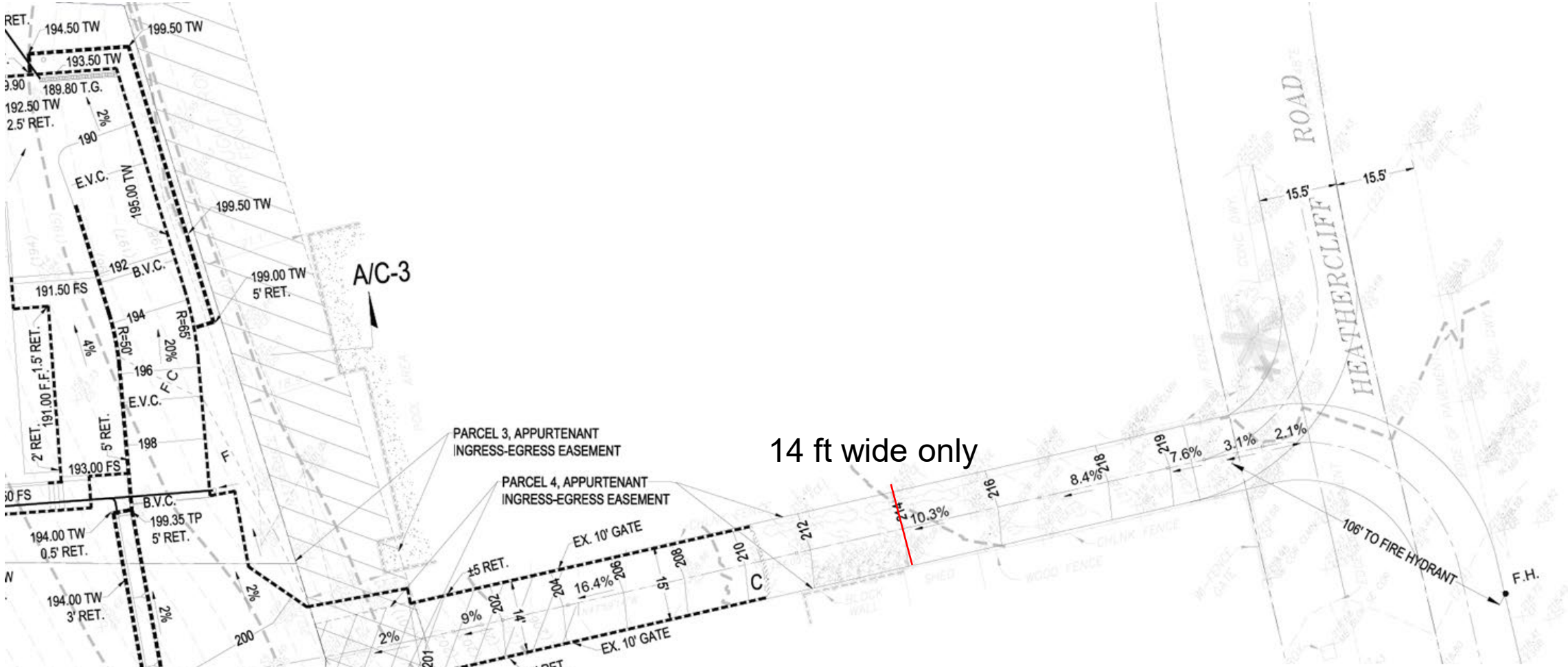


TABLE D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0–150	20	None required
151–500	20	120-foot Hammerhead, 60-foot “Y” or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501–750	26	120-foot Hammerhead, 60-foot “Y” or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750	673	Special approval required

For SI: 1 foot = 304.8 mm.







ESHA plants - Evergreen Cherry, Laurel sumac, and coyote brush



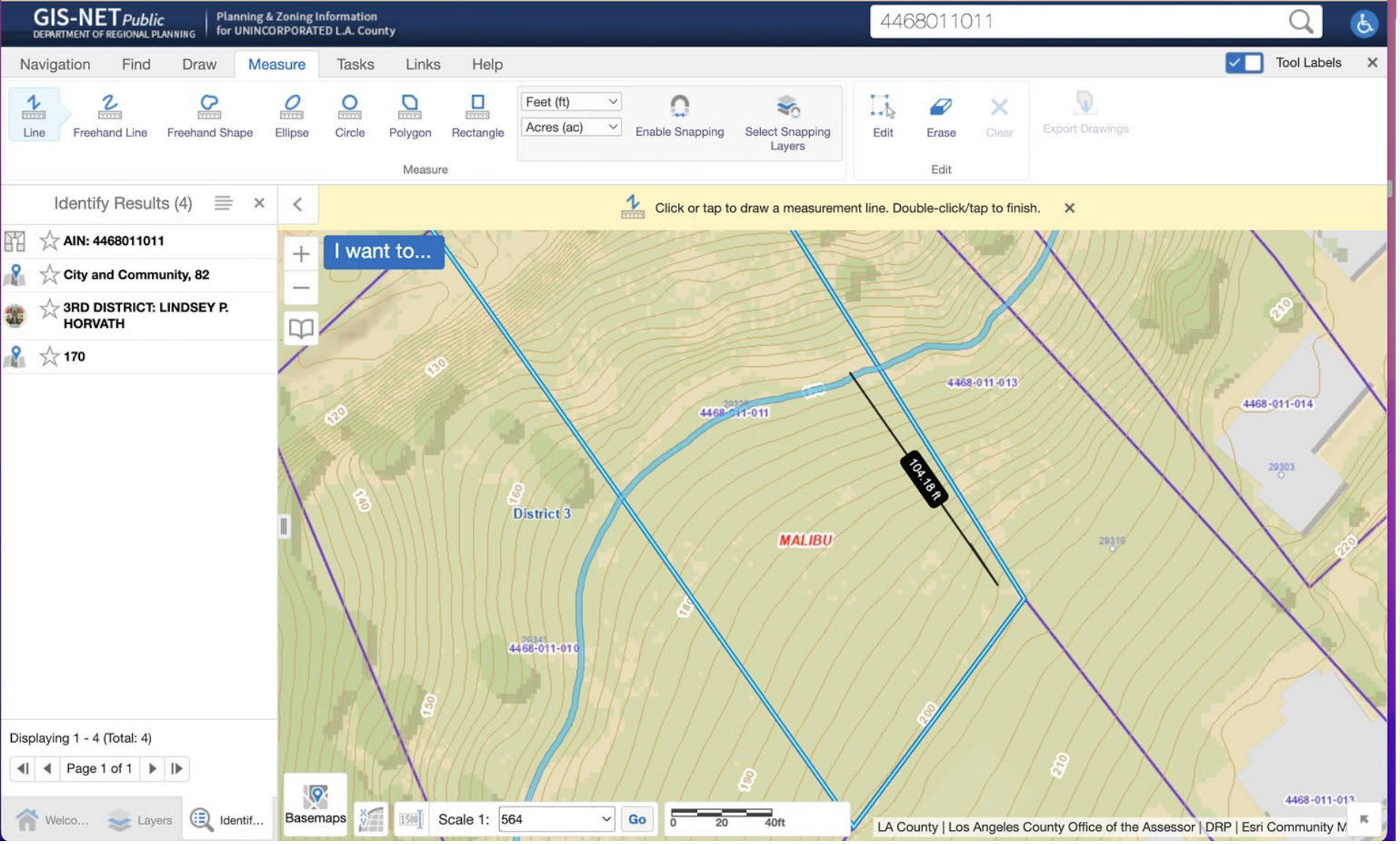




Red tailed hawks and orange crowned warblers on the site







Vertical distance ("rise") 9

30 ft

Horizontal distance ("run")

100 ft

Grade

0.3

Grade in percentage

30 %

Angle of elevation

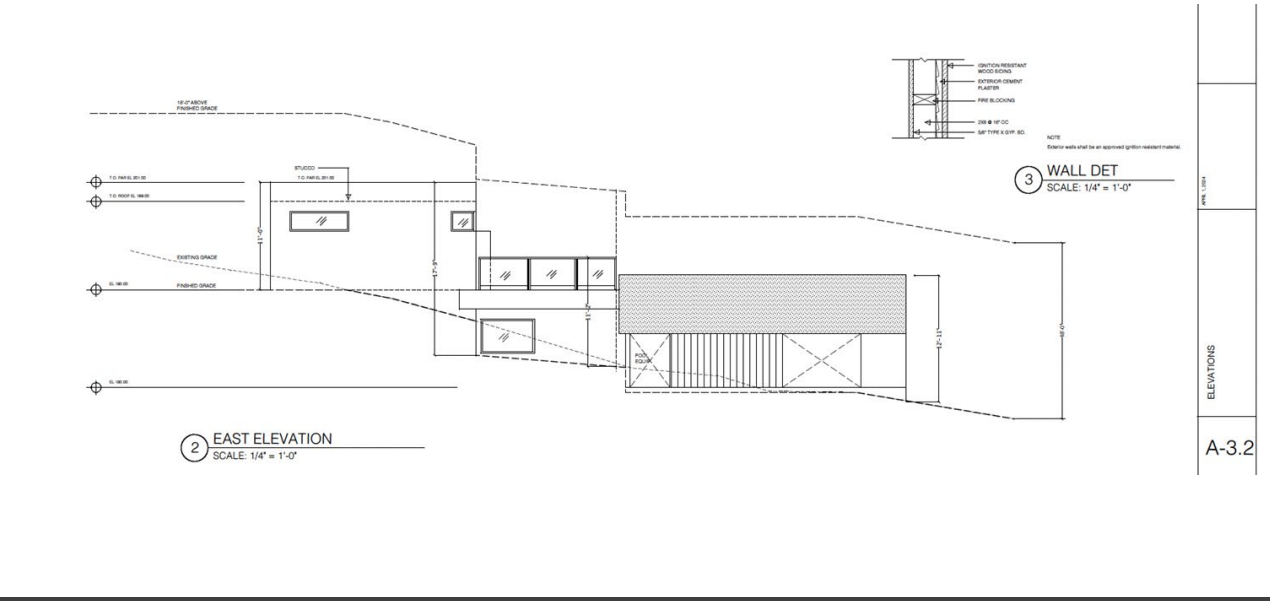
0.29146 rad

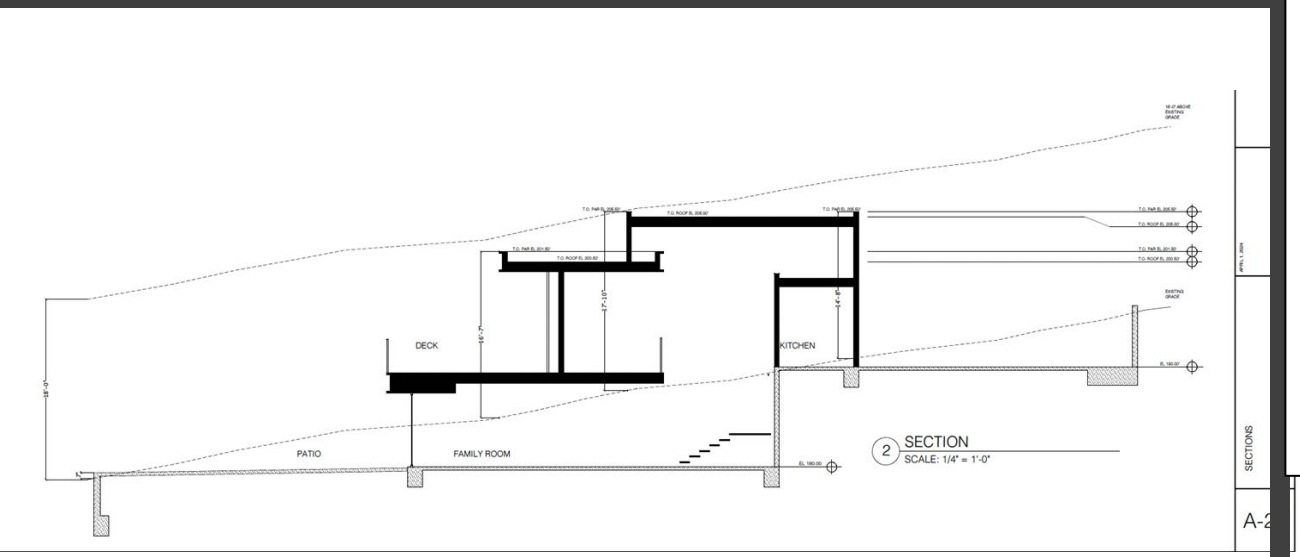
You might also see this elevation grade expressed in the ratio of **1 in 3.33.** 🙂

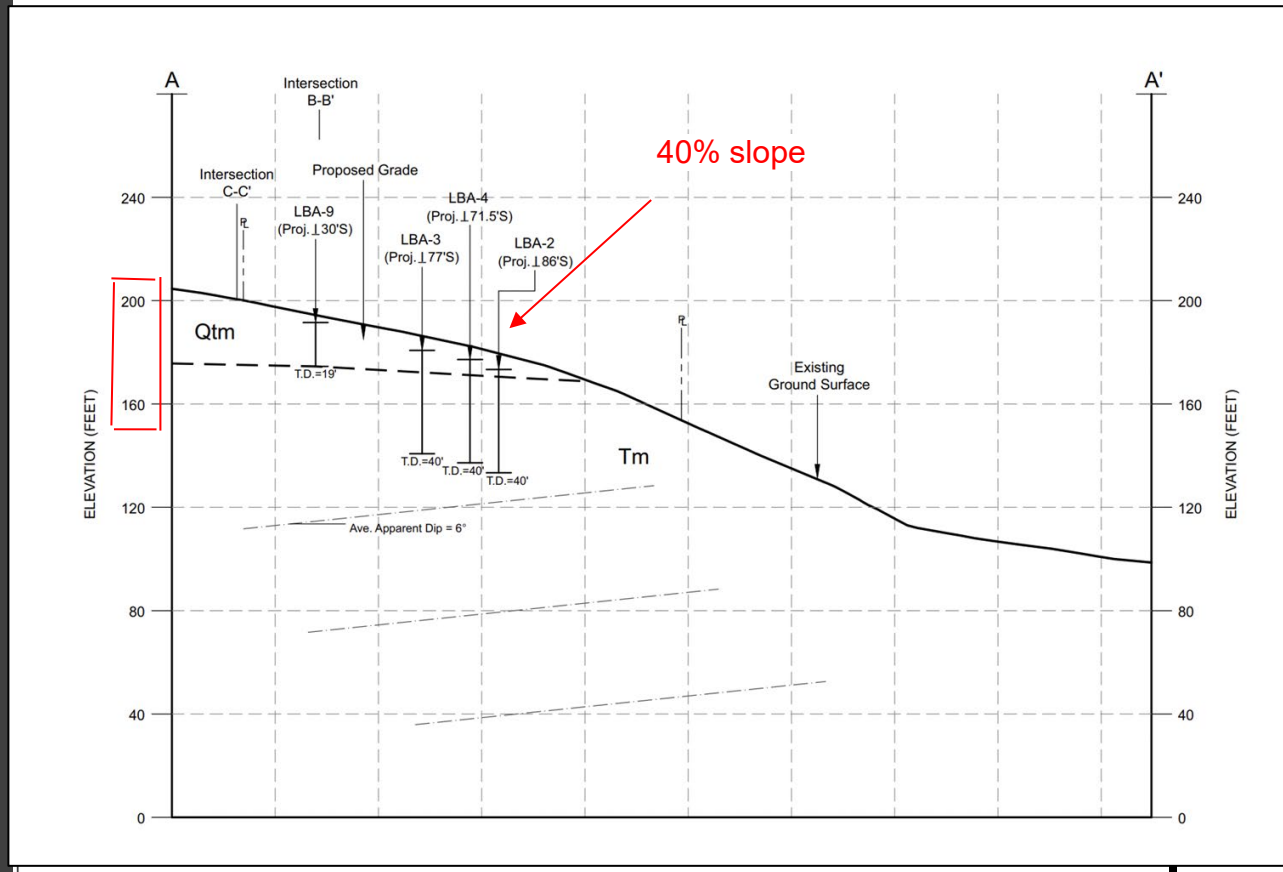
Response to Comment No. 6

A more detailed site description and description of the proposed development is included here:

- **Site Description:** The site consist of a vacant lot setback approximately 200 feet northwest of Heathercliff Road. The site is bound by residential homes to the south and east, a commercial property to the west and Pacific Coast Highway (PCH) to the north. The site is covered in grass, weeds and small shrubs on the southerly portion of the site and thicker shrubs and small trees to the north. The site topography slopes gently down grade from Heathercliff road to the north. At about the midpoint of the site the topography increases in downslope gradient to approximately 2H:1V (horizontal:vertical) or slightly steeper toward PCH and the commercial development to the north and west. There are no structures or pavements currently at the site.


3 WALL DET
SCALE: 1/4" = 1'-0"
2 EAST ELEVATION
SCALE: 1/4" = 1'-0"
ELEVATIONS
A-3.2


DECK
KITCHEN
PATIO
FAMILY ROOM
2 SECTION
SCALE: 1/4" = 1'-0"
SECTIONS


A
A'
Intersection B-B'
Intersection C-C'
Proposed Grade
40% slope
LBA-9 (Proj.⊥30'S)
LBA-4 (Proj.⊥71.5'S)
LBA-3 (Proj.⊥77'S)
LBA-2 (Proj.⊥86'S)
Qtm
Tm
T.D.=19'
T.D.=40'
T.D.=40'
T.D.=40'
Existing Ground Surface
Ave. Apparent Dip = 6°
ELEVATION (FEET)
240
200
160
120
80
40
0

LIP **4.7.2** **Fencing or walls shall be prohibited** within the following ESHA types: riparian, bluff, canyons in Point Dume or coastal dunes, except where necessary for public safety or habitat protection or restoration."





follow the natural topography. Driveways that are visible from a scenic highway, a beach, a public viewing area, or public hiking trail shall be a neutral color that blends with the surrounding landforms and vegetation.

3. Retaining walls visible from scenic highways, public viewing areas, trails, parks, and beaches should incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape.

4. Fences, walls, and landscaping shall not block views of scenic areas from scenic roads, parks, beaches, and other public view areas.

5. New development in scenic areas visible from scenic roads or public viewing areas shall incorporate colors and exterior materials that are compatible with the surrounding landscape.

C. Hillside Development

1. Ridgeline

a. New development shall be sited and designed to prohibit construction of structures on a primary or secondary ridgeline. Any structures shall be located a minimum of 300 feet (measured horizontally) or 100 feet (measured vertically) from the top of a primary ridgeline, and shall maintain the roof or top of structure below a primary ridgeline when viewed from a public street or highway.

b. Where there are no feasible building site that can conform to the requirements of Section a, or where the only feasible building site would result in unavoidable adverse impacts to environmentally sensitive habitat areas, then a variance may be approved for a building site that does not conform to these standards, with design

LCP Interpretation

Number: 16

Dated: November 2, 2005

Amended: N/A

Planning Manager: CJ Amstrup

LCP Section: LIP Sections 13.13, 13.26, and 13.27

Title: Ridgelines

Issue: Primary and secondary ridgelines are defined in LIP Chapter 2. LIP Section 6.5(C)(1) regulates development on primary and secondary ridgelines. LIP Section 6.2 and LUP Section 6.4 describe how scenic resources are applied. However, these LCP sections provide inconsistent direction about how to implement protection of primary and secondary ridgelines.

Interpretation: On October 24, 2005, the City Council concurred with the following procedure regarding ridgelines.

1. First, if a ridgeline feature is present in the vicinity of the project site, staff will determine if potentially significant adverse effects on scenic resources could result from the project. According to LIP Section 6.3, ridgeline standards only apply if the ridge is visible from scenic areas, scenic roads, or public viewing areas **and** the project site is visible from scenic areas, scenic roads, or public viewing areas **and** the project could result in potentially significant adverse impacts regarding scenic resources.

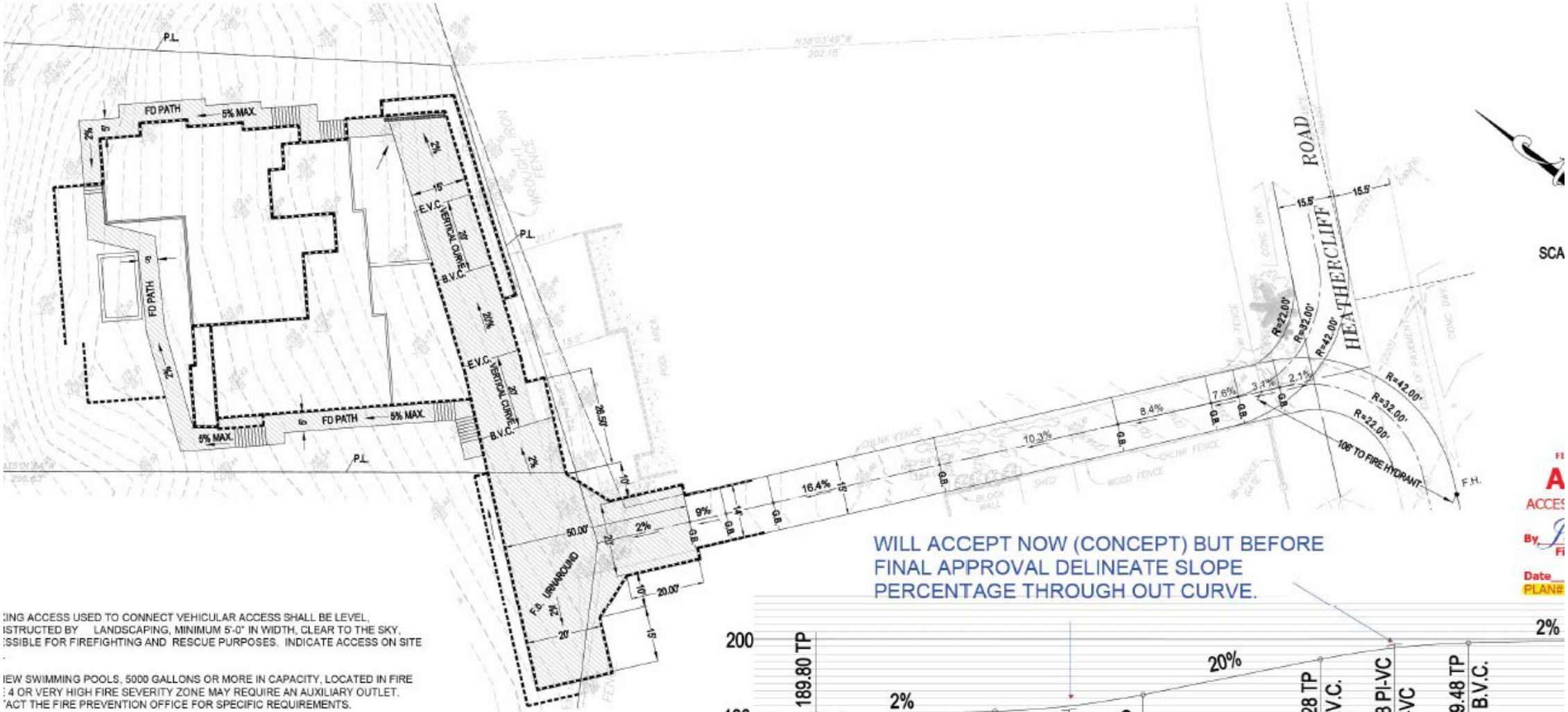
2. Second, staff will determine if a project site is located within a largely developed or built out area. According to LUP Section 6.4, ridgeline development standards are not applied to largely developed or built out areas.

   - Staff will work with applicants to determine neighborhood boundaries, utilizing the criteria described in LIP Section 3.6(L) (Neighborhood Standards) to guide development of the neighborhood boundaries.
   - A percentage of the parcels within the neighborhood that are developed will be determined. In order to be considered developed, the parcel must accommodate uses normally related to human activities. All parcels with primary uses are considered developed. In addition, parcels with accessory structures (such as swimming pools, tennis courts, second residential units, etc.), parcels with structures under construction, or other parcels actively utilized on a consistent basis for human activities (such as sports fields) are considered developed.



DRIVEWAY CENTERLINE PROFILE

SCALE: 1" = 10'



WILL ACCEPT NOW (CONCEPT) BUT BEFORE FINAL APPROVAL DELINEATE SLOPE PERCENTAGE THROUGH OUT CURVE.

DRIVEWAY CENTERLINE PROFILE (LOWER PORTION)

ING ACCESS USED TO CONNECT VEHICULAR ACCESS SHALL BE LEVEL, STRUCTED BY LANDSCAPING, MINIMUM 5'-0" IN WIDTH, CLEAR TO THE SKY, SSIBLE FOR FIREFIGHTING AND RESCUE PURPOSES. INDICATE ACCESS ON SITE

EW SWIMMING POOLS, 5000 GALLONS OR MORE IN CAPACITY, LOCATED IN FIRE 4 OR VERY HIGH FIRE SEVERITY ZONE MAY REQUIRE AN AUXILIARY OUTLET. ACT THE FIRE PREVENTION OFFICE FOR SPECIFIC REQUIREMENTS.

LY WITH TITLE 24, 310.4 REGARDING ACCESS.

RESISTIVE ASSEMBLIES FOR PROTECTION OF OPENINGS TO COMPLY WITH TITLE 24,

S AND SOFFITS OF ENCLOSED USABLE SPACE UNDER INTERIOR STAIRWAYS THAT NOT REQUIRED TO BE ENCLOSED BY BUILDING CODE 1006.12 SHALL BE PROTECTED HE ENCLOSED SIDE AS REQUIRED FOR ONE-HOUR RESISTIVE CONSTRUCTION. TITLE 03.3.3.9.

EQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED R TO BEGINNING CONSTRUCTION. FIRE CODE 501.4.

IRE HYDRANTS SHALL MEASURE 6"X4"X2-1/2" BRASS OR BRONZE, CONFORMING TO

PROJECT START: N/A
PROJECT COMPLETION: N/A

17

686



Received
03/14/25
Planning Dept.

City of Malibu
Attn: Planning Commission
23815 Stuart Ranch Rd.
Malibu, CA 90265

Dear Planning Commissioners,

My name is Jason Rouse, and I am in full support of the proposed project at 29329 Heathercliff Road, item 4A on the Agenda for the March 17th Hearing.

After going through the process myself that is required to build a new home in the neighborhood, I am in complete support of another Malibu resident being allowed to build their home. From my own experience, I am familiar with the City Building Requirements as well as those laid out by the Coastal Commission, and this proposed project aligns with those regulations.

The home has been carefully designed to account for building height and has been adapted to address the neighbors' concerns regarding issues such as the hammerhead and driveway placement. It also accounts for appropriate setback requirements and has a design consistent with many other homes in the area.

Respectfully,



Jason Rouse
[redacted] Zumirez Dr.
Malibu, CA 90265

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 03/14/25 Time 7:30 AM
Planning Commission meeting of 03/17/25
Agenda Item No. 4A
Total No. of Pages 1

Malibu LIP § 4.6.1(A)

Steep slopes in isolation do not constitute "sensitive resources" necessary for approving the front setback reduction.

4.5.4 Environmentally Sensitive Habitat Buffers

A. Public accessways and trails, including directional signs

B. Interpretive signage designed to provide information about the value and protection of the resources

C. Restoration projects where the primary purpose is restoration of the habitat.

D. Invasive plant eradication projects if they are designed to protect and enhance habitat values.

4.6. DEVELOPMENT STANDARDS

4.6.1. Buffers

New development adjacent to the following habitats shall provide native vegetation buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the habitat they are designed to protect. Vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted within buffers except as provided in Section 4.6.1 (E) or (F) of the Malibu LIP. The following buffer standards shall apply:

A. Stream/Riparian

These development standards only apply to Stream/Riparian habitats. No such habitats exist on or near Project Site.

New development shall provide a buffer of no less than 100 feet in width from the outer edge of the canopy of riparian vegetation. Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream.

However, in the Point Dume area, new development shall be designed to avoid encroachment on slopes of 25 percent grade or steeper.

B. Wetlands

New development shall provide a buffer of no less than 100 feet in width from the upland limit of the wetland.

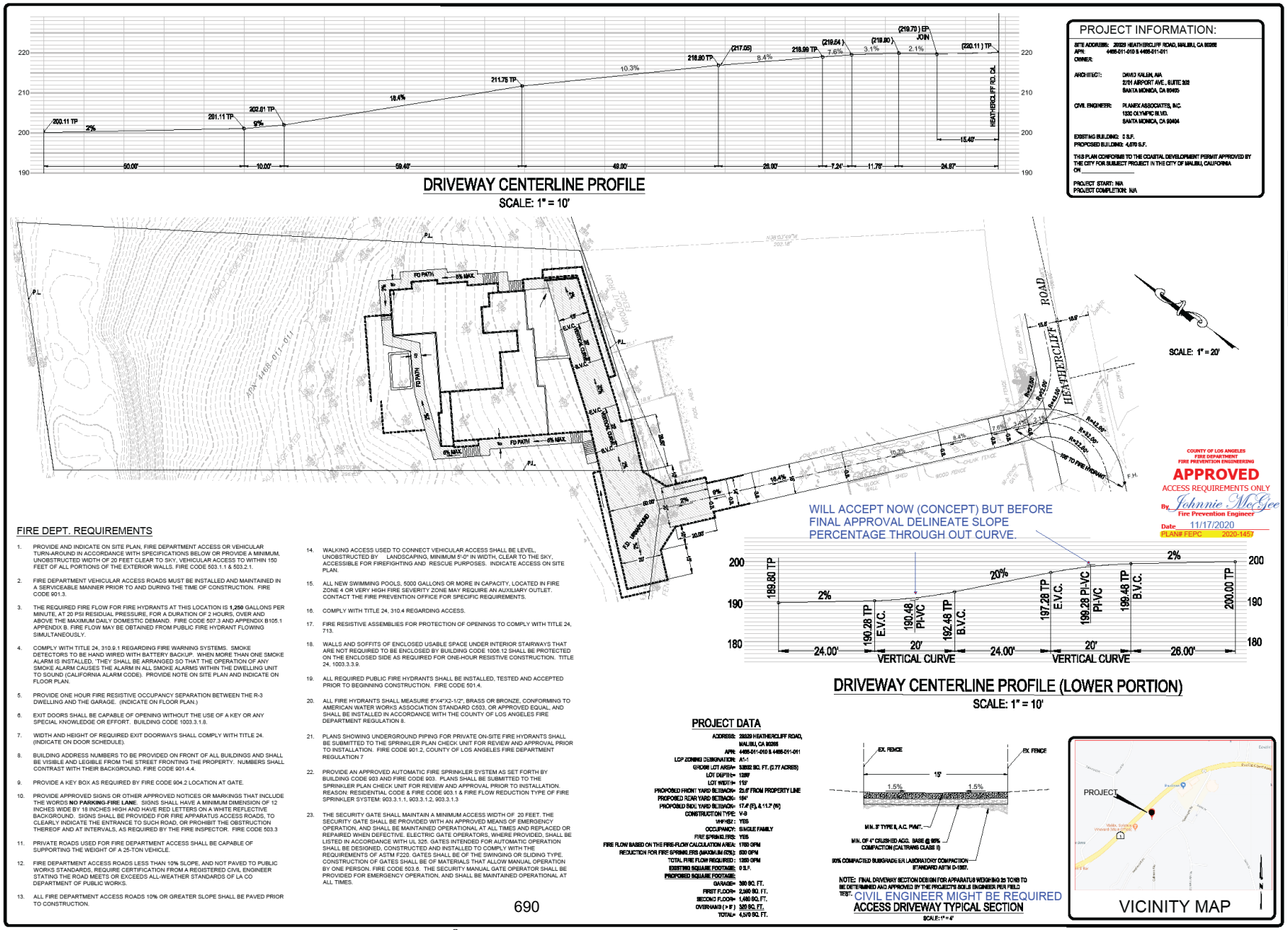
C. Woodland ESHA

New development shall provide a buffer of no less than 100 feet in width from the outer edge of the tree canopy for oak or other native woodland

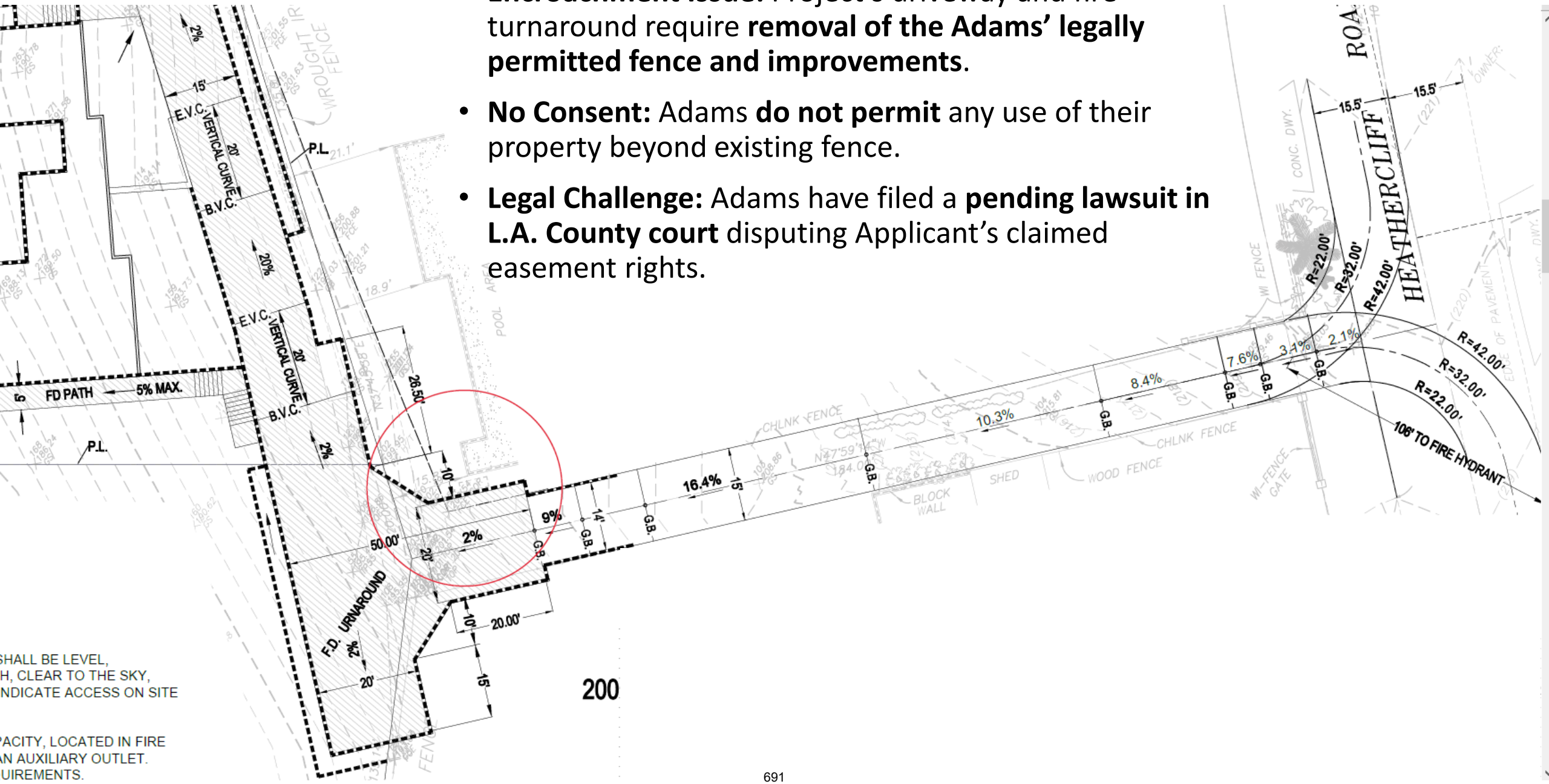
This should be properly interpreted ONLY as an exception to development standard applicable to **Stream/Riparian Habitats**. Not applicable for this Project. Does not provide proper basis for requested setback reduction approval.

Project Fire Access Exhibit

- Project includes unauthorized development on neighboring Adams Property to accommodate proposed fire access.



- **Encroachment Issue:** Project's driveway and fire turnaround require **removal of the Adams' legally permitted fence and improvements**.
- **No Consent:** Adams **do not permit** any use of their property beyond existing fence.
- **Legal Challenge:** Adams have filed a **pending lawsuit in L.A. County court** disputing Applicant's claimed easement rights.



SHALL BE LEVEL,
H, CLEAR TO THE SKY,
NDICATE ACCESS ON SITE

PACITY, LOCATED IN FIRE
AN AUXILIARY OUTLET.
UIREMENTS.

Existing Improvements on Adams Property



692

Existing Improvement on Adams Property



Existing Improvement on Adams Property



694

From: malibu planning
To: Planning Commission
Subject: FW: 29329 Heathercliff Road; Coastal Development Permit No. 20-0003; Minor Modification No. 20-001
Date: Monday, March 17, 2025 10:06:08 AM
Attachments: image001.png
2025-03-17 - M Hinks to Planning Commission re Adams Opposition.pdf
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png

Received
3/17/25
Planning Dept.

Hi,

This a correspondence for 29329 Heathercliff Road; Coastal Development Permit No. 20-0003; Minor Modification No. 20-001.

Best,

Michelle Santiago
Assistant Planner | Planning
Office: (310) 456-2489 ext. 382
23825 Stuart Ranch Road | Malibu, CA 90265

From: Claire Thompson <CThompson@jmbm.com>
Sent: Monday, March 17, 2025 9:49 AM
To: malibu planning <mplanning@malibucity.org>
Cc: Matt Hinks <MH2@JMBM.com>
Subject: 29329 Heathercliff Road; Coastal Development Permit No. 20-0003; Minor Modification No. 20-001

Good morning,

Please see the attached correspondence from Matthew Hinks regarding the above-mentioned matter.

Thank you,

Claire Thompson | Legal Secretary
Jeffer Mangels Butler & Mitchell LLP | JMBM
1900 Avenue of the Stars, 7th Floor, Los Angeles, California 90067
D: (310) 712-6845 **| C:** (206) 643-4415 **| F:** (310) 203-0567 **| E:** CThompson@JMBM.com

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CC: Planning Commission, PD,

Recording Secretary, File

Date Received 3/17/25 Time 10:06 AM
Planning Commission meeting of 3/17/25
Agenda Item No. 4A
Total No. of Pages 4

JMBM immediately by telephone or by e-mail, and permanently delete the original, and destroy all copies, of this message and all attachments. For further information, please visit JMBM.com.

Matthew D. Hinks
mhinks@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

March 17, 2025

VIA ELECTRONIC MAIL

City of Malibu Planning Commission
23825 Stuart Ranch Road
Malibu, California 90265
E-Mail: mplanning@malibucity.org

Re: 29329 Heathercliff Road; Coastal Development Permit No. 20-0003; Minor Modification No. 20-001

Dear Honorable Members of the Malibu Planning Commission:

We are legal counsel to ACS International, the owner of the property located at 29329 Heathercliff Road, Malibu, and the applicant for the above-described entitlements.

The Commission might recall that this matter was last scheduled for a hearing on February 18, 2025. Prior to the item being heard, and at the request of the applicant, the item was continued to allow the applicant to work with counsel for the neighbors, Brian and Pamela Adams, to try and address their concerns and resolve their opposition to the Project.

For the last four weeks, we did just that. We provided the Adams' lawyers with documents showing the Project would use only a tiny portion of the large easement over the Adams' property benefitting the applicant's property and would entirely avoid any impact on the Adams pool and pool equipment even though they were built within the easement area in violation of the applicant's rights. Although our initial attempts to communicate with the Adams' counsel largely went ignored, we finally heard from them last week with terms for a resolution. The applicant agreed to all of those terms and the parties negotiated a written settlement agreement on Friday, March 14, 2025.

However, though the applicant had agreed to all of the terms the Adams themselves proposed, within a half hour of agreeing to the final language of the settlement agreement, we heard from counsel for the Adams that they would not sign it. To say the least, we were stunned and disappointed.

Despite my client's frustration, my client is still willing to live up to its end of the bargain to the extent that: (1) the applicant is limiting the Project to using only the small, approximately 27 square-foot easement area described on the Project plans; (2) the applicant will

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move and replace the current fence at no cost to the Adams using as good or better materials than what exists currently ; (3) the Project will avoid any impact to the Adams' pool and pool equipment; and (4) the applicant is agreeing to repair or relocate the Adams' pool equipment at no cost to the Adams in the unlikely and unexpected event that becomes necessary.

Thank you for your attention to these matters.

Very truly yours,



MATTHEW D. HINKS of
Jeffer Mangels Butler & Mitchell LLP

MDH:mdh

JMBM Jeffer Mangels Butler & Mitchell LLP
jmbm.com

Coastal Development Permit No. CDP 20-003 MM No. 20-001

29329 Heathercliff Road

March 17, 2025
Planning Commission Meeting
Item No. 4A

Changes Since 10-7-2024

- Resurveyed driveway/hammerhead area.
- Corrected color slope exhibit (development still <4:1)
- Adjustments to stairs, landing, & retaining walls at SE corner.
- Photosimulation – retainining wall only at S. elevation corner.
- Conceptual fire access plan re-approved.
- Updated landscaping and impermeable area square feet.

- (City Contract Biologist site visit).

Vicinity Map




Project Site
Pacific Coast Hwy
Pacific Coast Hwy
1
Project Site
Heathercliff Rd
Heathercliff Rd
Wandermere Rd
702

Site Characteristics

- Vacant 33,532 SF site
- Zoned RR-1
- Non appealable jurisdiction of Coastal Commission
- Access easement from Heathercliff Road
- Borders PCH
- Slopes from <4:1 to 1:1 (development on slopes <4:1)

Site Photo – access easement looking west to site




Site Photo – from eastern edge of site looking SW

Site Photo – from south edge of site looking north



Site Photos - from south property edge looking north, further upslope



Site Photo – looking east from PCH



Project Description

- 4,050 SF 2-story single-family residence (max. 18’ height)
- Attached 320 SF overhang
- Attached 390 SF garage
- Swimming pool
- Decks, patios with trellis
- Retaining walls
- OWTS
- Landscaping
- TDSF 4,760 SF
- Non-exempt grading 675 CY (max. 1,000 allowed)

709

Project Rendering

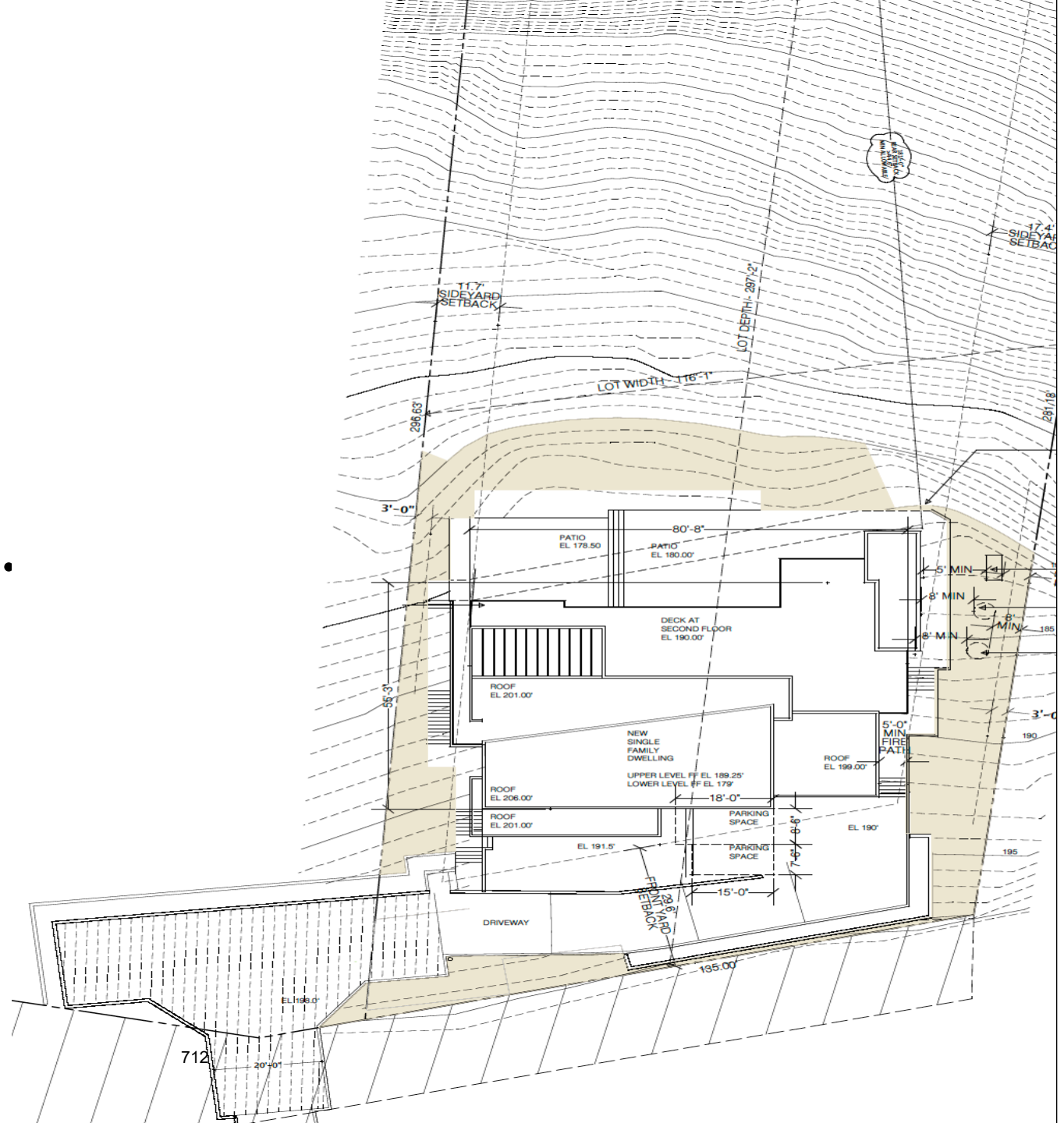


Photosimulation

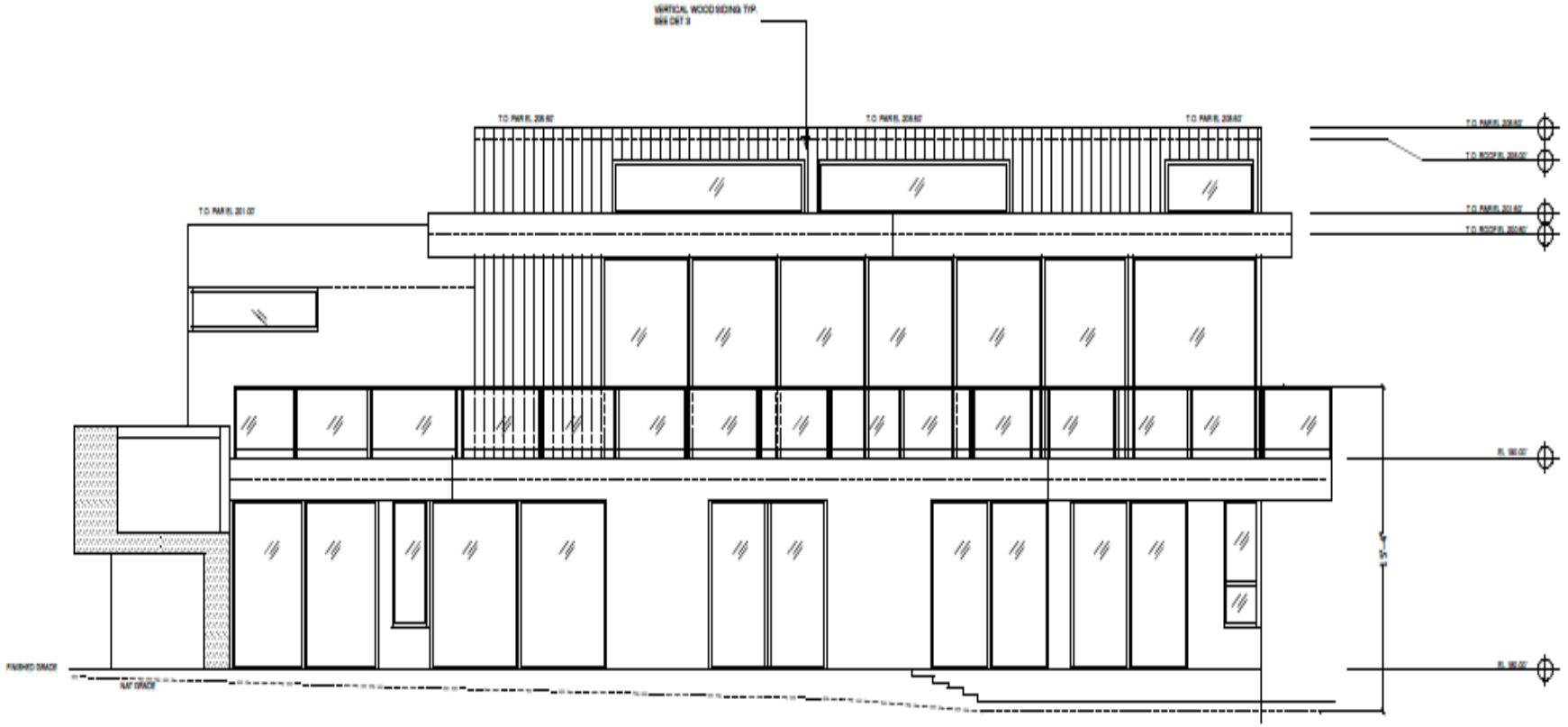


Site Plan

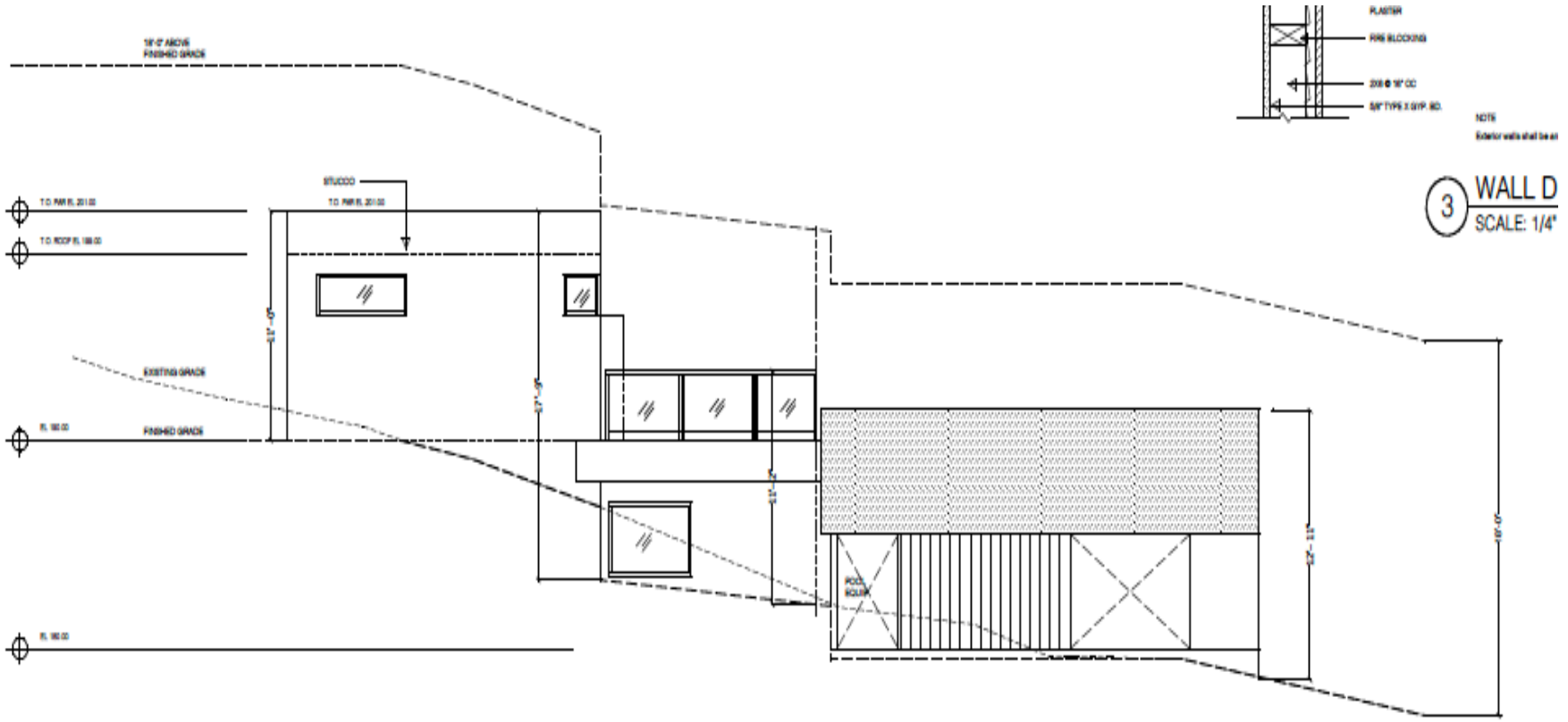
- Bi-level design
- Flattest area
- Adjacent to develop.
- Furthest from PCH



West Elevation (facing PCH)

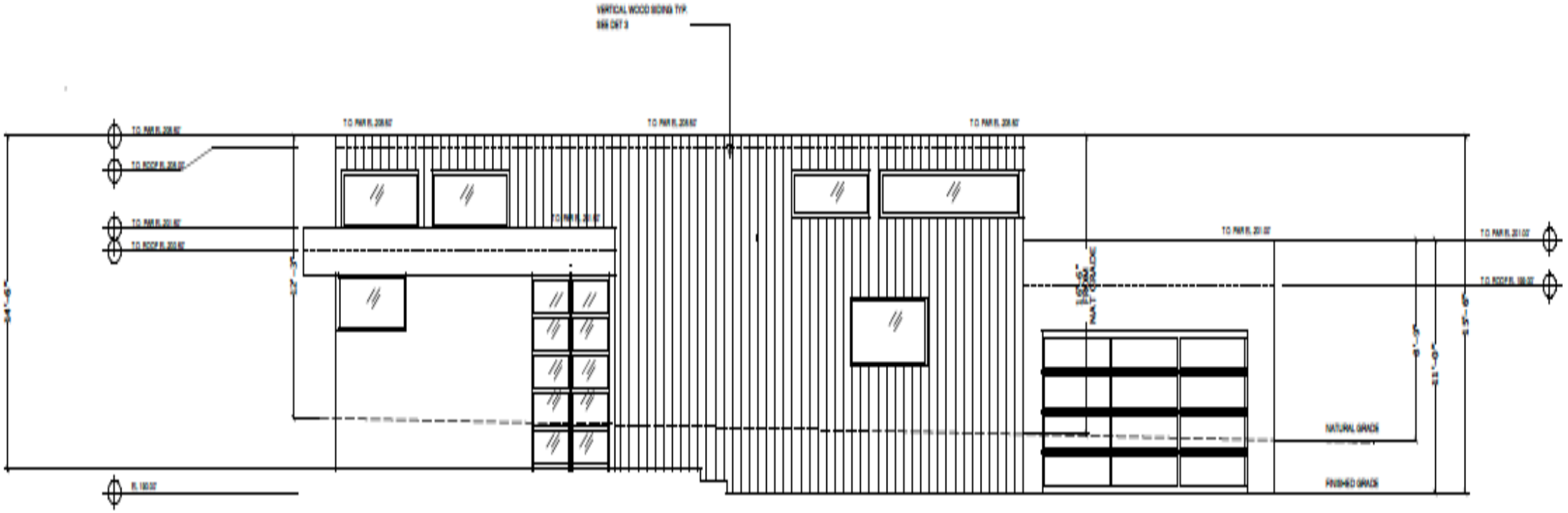


North Elevation (facing mountains)

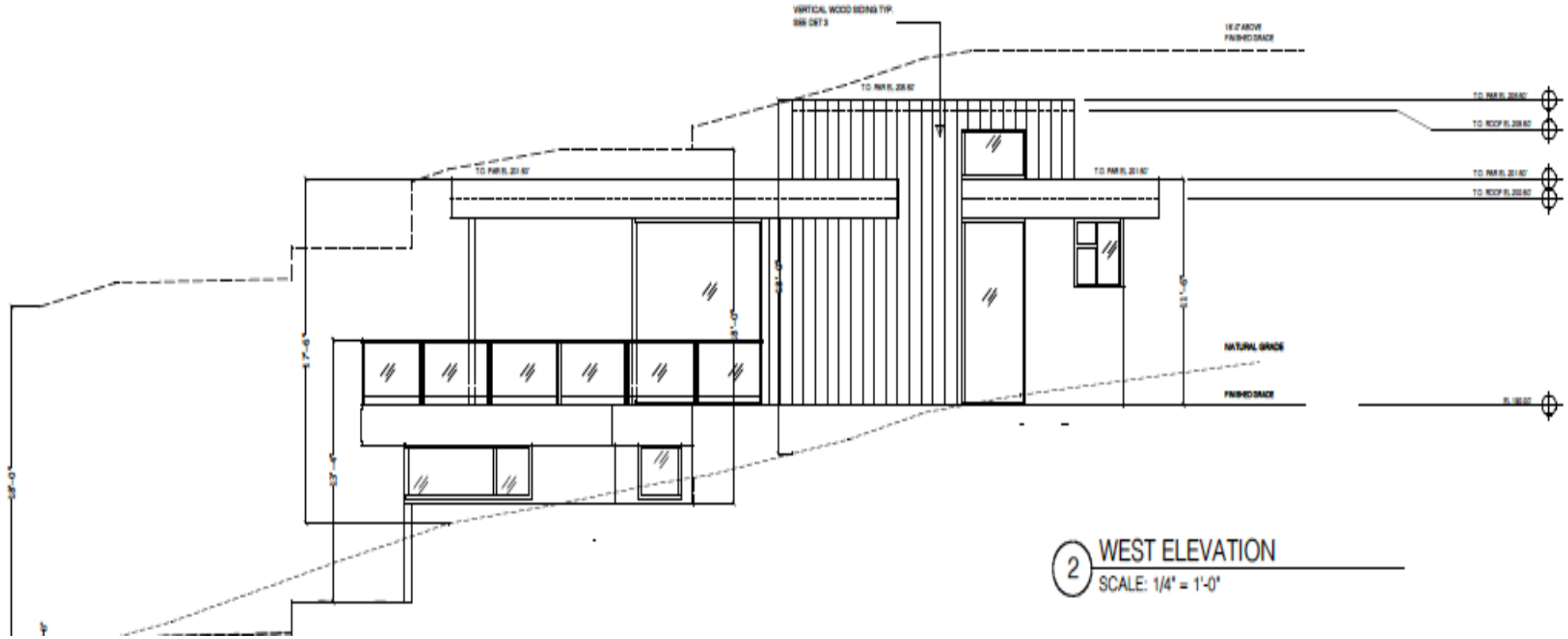


714

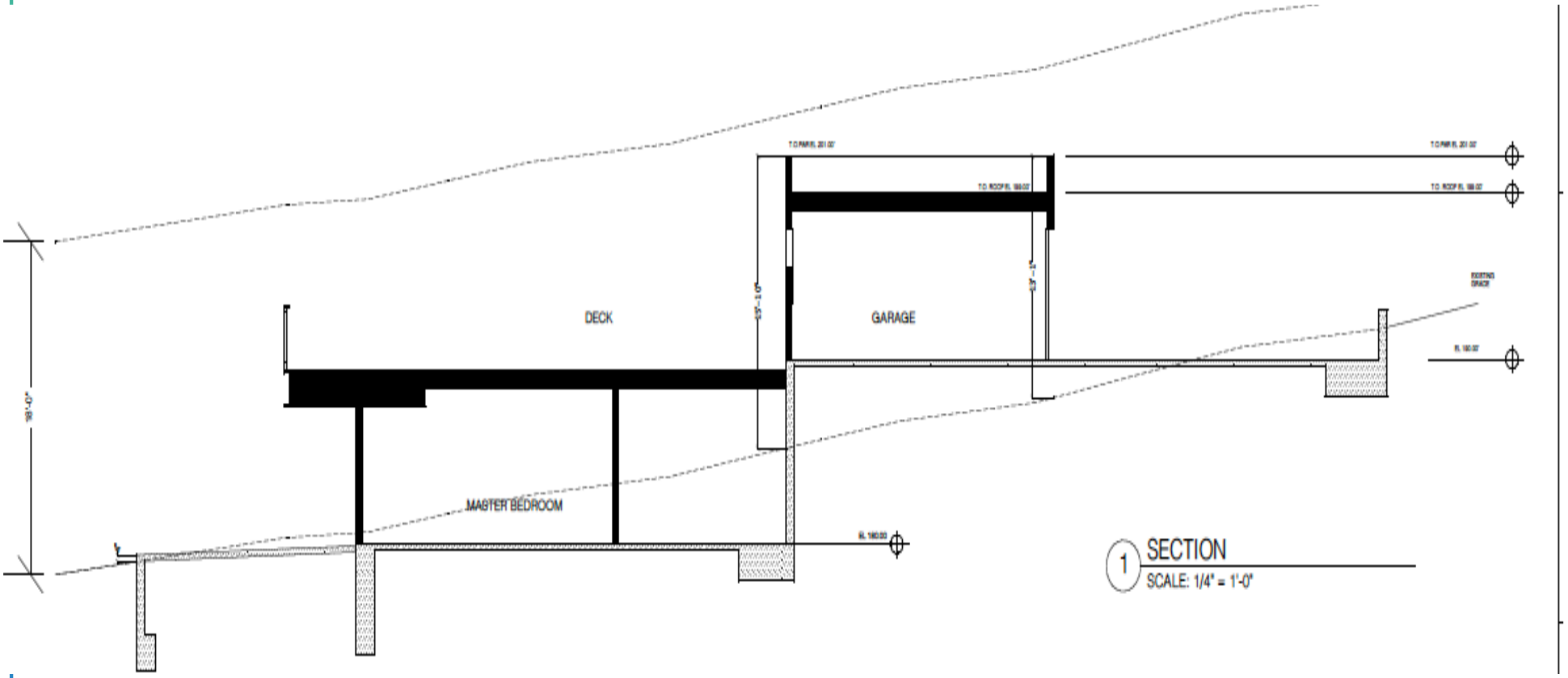
East Elevation (facing Heathercliff Rd.)



South Elevation (facing ocean)



Site Section

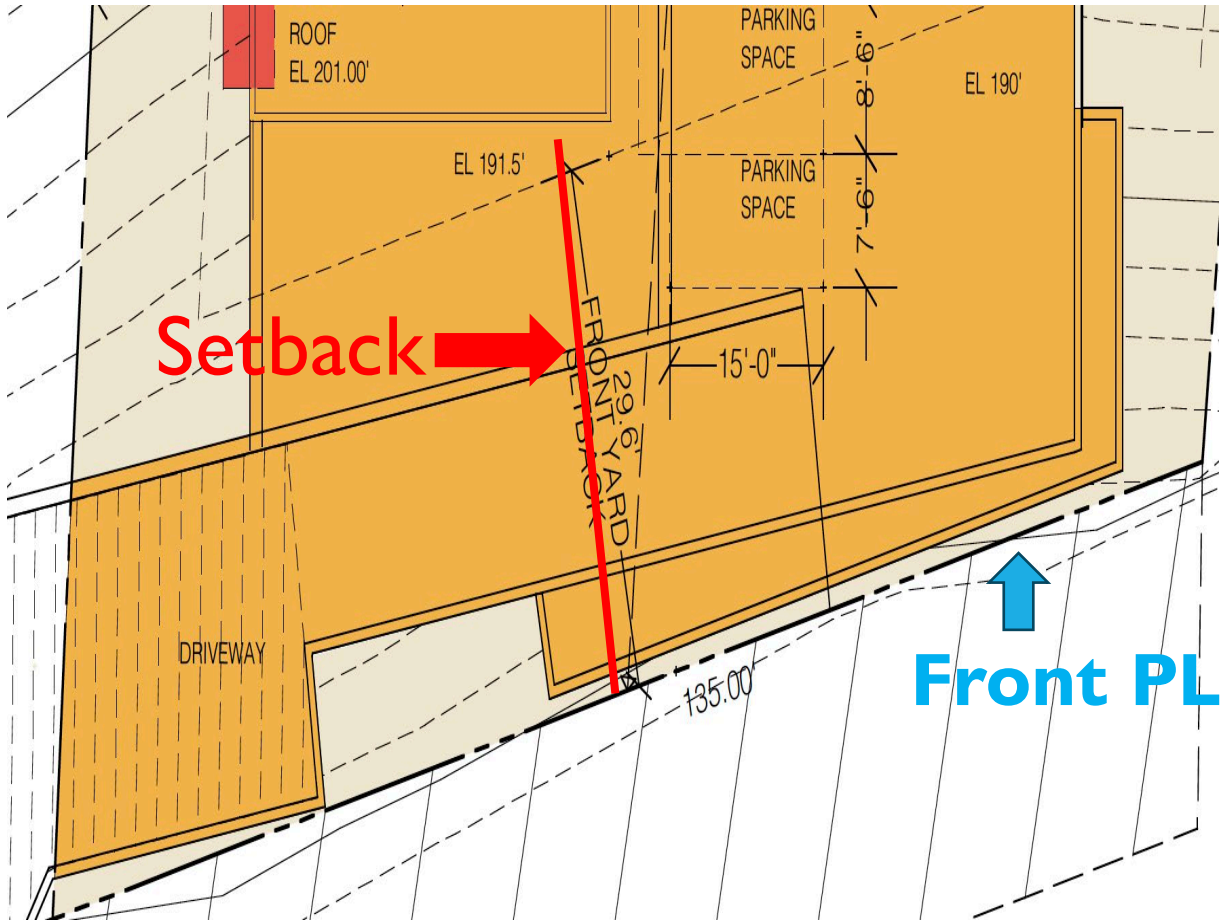


MM – Front Yard

59.4 ft. required

29.6’ proposed (just under 50% reduction)

Avoids steep slopes and natural vegetation downslope



718

Scenic Resources

- Adjacent to PCH on west side of lot (scenic road)
- Development on east side of lot, away from PCH, adjacent to existing residences
- Steep slopes and natural scrub vegetation separate development from PCH
- Conditions for colors and materials (building, walls, paving)

On south edge of site looking north



From furthest edge of PCH looking east



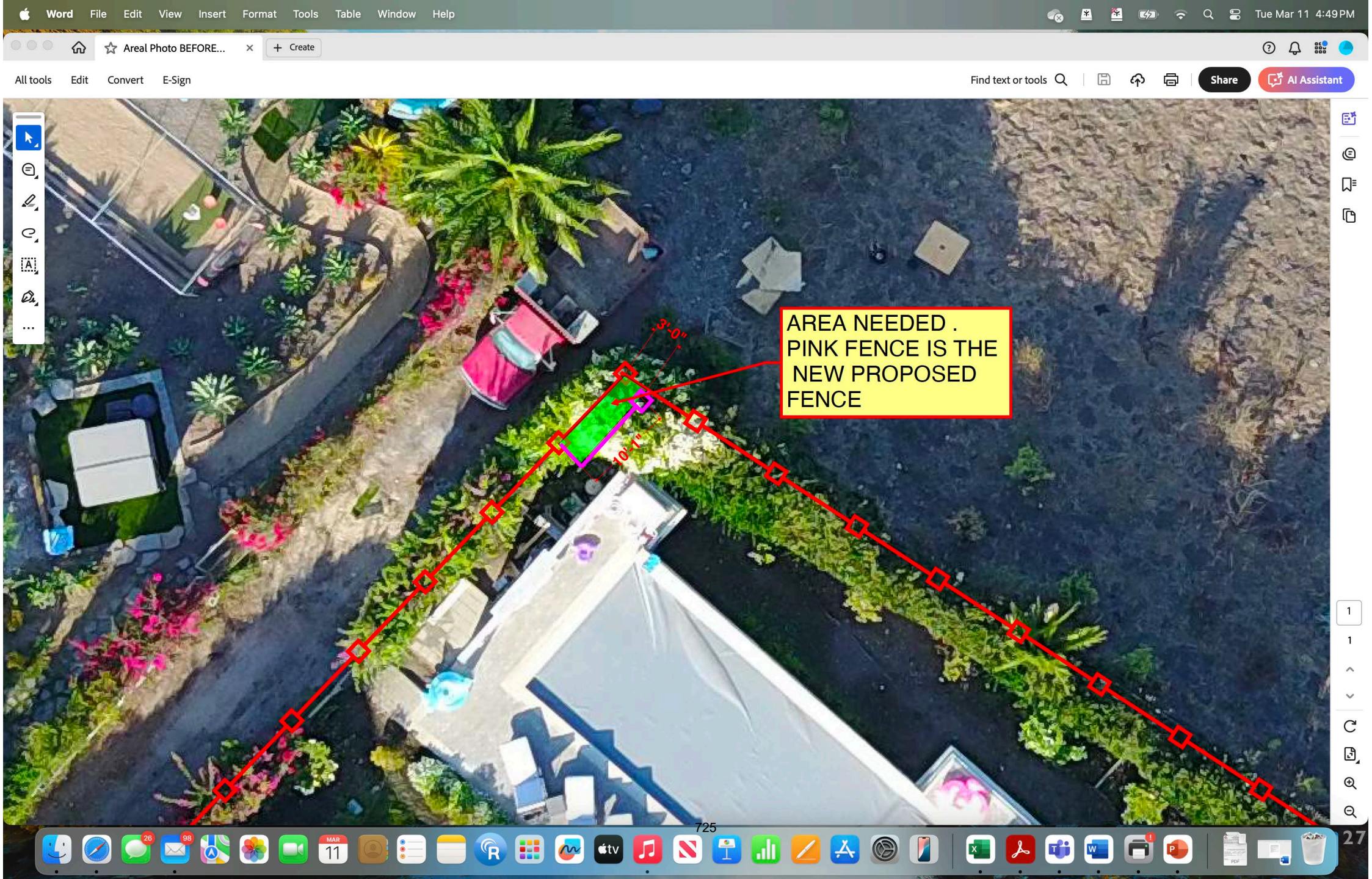
From south edge of site looking NE




From east edge of site at access easement, looking NW

Correspondence

- Setbacks
- Scenic resources/view impact
- Slope of site/slope stability
- Hillside/ridgeline
- Easements
- Habitat


AREA NEEDED .
PINK FENCE IS THE
NEW PROPOSED
FENCE
3'-0"
10'-1"

Consistency with Standards & Findings

- The project is consistent with all LIP and MMC development standards, except for the front yard setback (MM).
- All of the required findings for the CDP and MM can be made.
- Exempt from CEQA (15303 – new construction)

Recommendation

Staff recommends approval of CDP No. 20-003 and MM No. 20-001 subject to the conditions of approval contained in the Resolution.

NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL

The Malibu City Council will hold public hearings on **WEDNESDAY, May 20, 2026, at 2:00 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA on the projects identified below.

APPEAL NO. 25-001 - An appeal of Planning Commission Resolution No. 25-02 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 22-009 to construct a new one-story, 3,963 square foot single-family residence, including an attached 414 square foot garage, new driveway, swimming pool and spa, roof deck, and associated development; including Site Plan Review No. 24-013 for 3,032 cubic yards of remedial grading

Location:	24515 Vantage Point Terrace
APN:	4458-033-005
Zoning:	Single-Family Medium (SFM) and Malibu Country Estates Overlay District
Environmental Review:	Categorical Exemption CEQA Guidelines Sections 15303(a) and 15303(e)
Applicant:	Amit Apel Design Inc.
Owner:	24515 Vantage Point Syndication LLC
Appellant:	Alistair Saeghi
Application Filed:	March 8, 2022
Appeal Filed:	March 12, 2025
Case Planner:	Fletcher Allen, Senior Planner (310) 456-2489, extension 233 fallen@malibucity.org

APPEAL NOS. 25-002 and 25-003 - Appeals of Planning Commission Resolution No 25-03 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-003 to construct a new 4,050 square-foot, two-story, single-family residence with an attached 390 square-foot garage, swimming pool, landscaping, hardscape, retaining walls, grading, and installation of a new onsite wastewater treatment system, including Minor Modification No. 20-001 for up to a 50 percent reduction in the front yard setback

Location:	29329 Heathercliff Road
APN:	4468-011-011
Zoning:	Rural Residential, One-Acre (RR-1)
Environmental Review:	Categorical Exemption CEQA Guidelines Sections 15303(a) and 15303(e)
Applicant:	Schmitz and Associates, Inc.
Owner:	ACS International LLC
Appellants:	Brian Adams and Larry Roth
Application Filed:	January 9, 2020
Appeals Filed:	March 26, 2025
Case Planner:	Allison Cook, Contract Planner (805) 415-1991 acook@malibucity.org

For the projects identified above with a categorical exemption for environmental review,pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Director has analyzed these proposed projects and found that they are listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the projects are categorically exempt from the provisions of CEQA. The Community Development Director has further determined that none of the six exceptions to the use of a categorical exemption apply to these projects (CEQA Guidelines Section 15300.2).

PROCEDURE: A written staff report will be available 30 days prior to the hearing for the projects. Any written comments or audiovisual materials from the applicants, appellants, and/or their representatives, including any that they intend to present at the hearing, must be submitted ten (10) business days in advance, by 5:00 p.m. on May 6, 2026. Any written comments or audiovisual materials from members of the public, including any that they intend to present at the hearing, must be submitted three (3) business days in advance, by 4:00 p.m. on May 15, 2026. No additional materials from any party or the public will be accepted after these deadlines. All materials should be emailed to citycouncil@malibucity.org

To view and participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation. All persons wishing to address the Council regarding this matter will be afforded an opportunity in accordance with the Council's procedures.

Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours.

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

If there are any questions regarding this notice, please contact the assigned case planner.

Yolanda Bundy, Community Development Director

Publish Date: April 16, 2026