Council Agenda Report

City Council Meeting
09-23-26
Item 1.A.

To: Mayor Silverstein and Honorable Members of the City Council

Prepared by: Courtney Brown, Senior Planner

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

Approved by: Joseph D. Irvin, City Manager

Date prepared: August 19, 2026 Meeting Date: September 23, 2026

Subject: Appeal of Planning Commission Resolution No. 26-02 Regarding Coastal Development Permit No. 21-045 and Variance No. 26-003 (24507 Vantage Point Terrace, APN 4458-033-006; Owner/Appellant, Meissner Family Trust)

RECOMMENDED ACTION: Either: 1) Adopt Resolution No. 26-61 (Exhibit 1) denying Appeal (AP) No. 26-017 and determining that the California Environmental Quality Act (CEQA) does not apply to a project that a public agency rejects or disapproves, and denying Coastal Development Permit (CDP) No. 21-045 and Variance (VAR) No. 26-003, to grade and construct a new 594 square foot (sf.), approximately 11 foot (ft.) 2 inch (in.) tall, detached Accessory Dwelling Unit (ADU)/Second Unit; including a variance for relief from Malibu Country Estates Overlay District (MCE Overlay) standards associated with a proposed second building pad, reduced rear yard setback, wall heights, and allowances for impermeable coverage, structure height, and grading outside the existing building pad on a parcel located in the MCE Overlay and Single Family Medium (SFM) zoning district at 24507 Vantage Point Terrace (Meissner Family Trust): 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 is an appeal of the Planning Commission's denial of CDP No. 21-045 and VAR No. 26-003 (Exhibit 2), an application to construct a detached ADU/Second Unit on a second building pad in the MCE Overlay. The appellant and

applicant, Matt Jewett, representing Keystone Strategic Planning, subsequently filed an appeal of the Planning Commission's decision to deny the project (Exhibit 3).

Project Background

As shown in Figure 1, the subject parcel is a developed, rectangular-shaped lot located on the inland side of Pacific Coast Highway (PCH) adjacent to John Tyler Drive. The parcel is situated within the MCE Overlay, which includes specific development standards in Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 3.4.1(D). The parcel is currently developed with a 3,572 sf. single-family residence that was constructed in 1988 on one building pad located on the flatter portion of the parcel accessible from Vantage Point Terrace. The existing building pad is also occupied by a swimming pool, spa, and wooden deck located immediately to the rear of the existing residence. Similar to adjacent parcels in the MCE Overlay, the rest of the subject parcel slopes downward to John Tyler Drive. The parcel is served by a centralized wastewater treatment system, which serves the entire MCE Overlay. With the exception of a vacant parcel immediately north, the subject parcel is in a neighborhood that is similarly developed, with each parcel having one building pad developed in compliance with the MCE Overlay standards.

Figure 1 – Aerial



Source: Google Earth

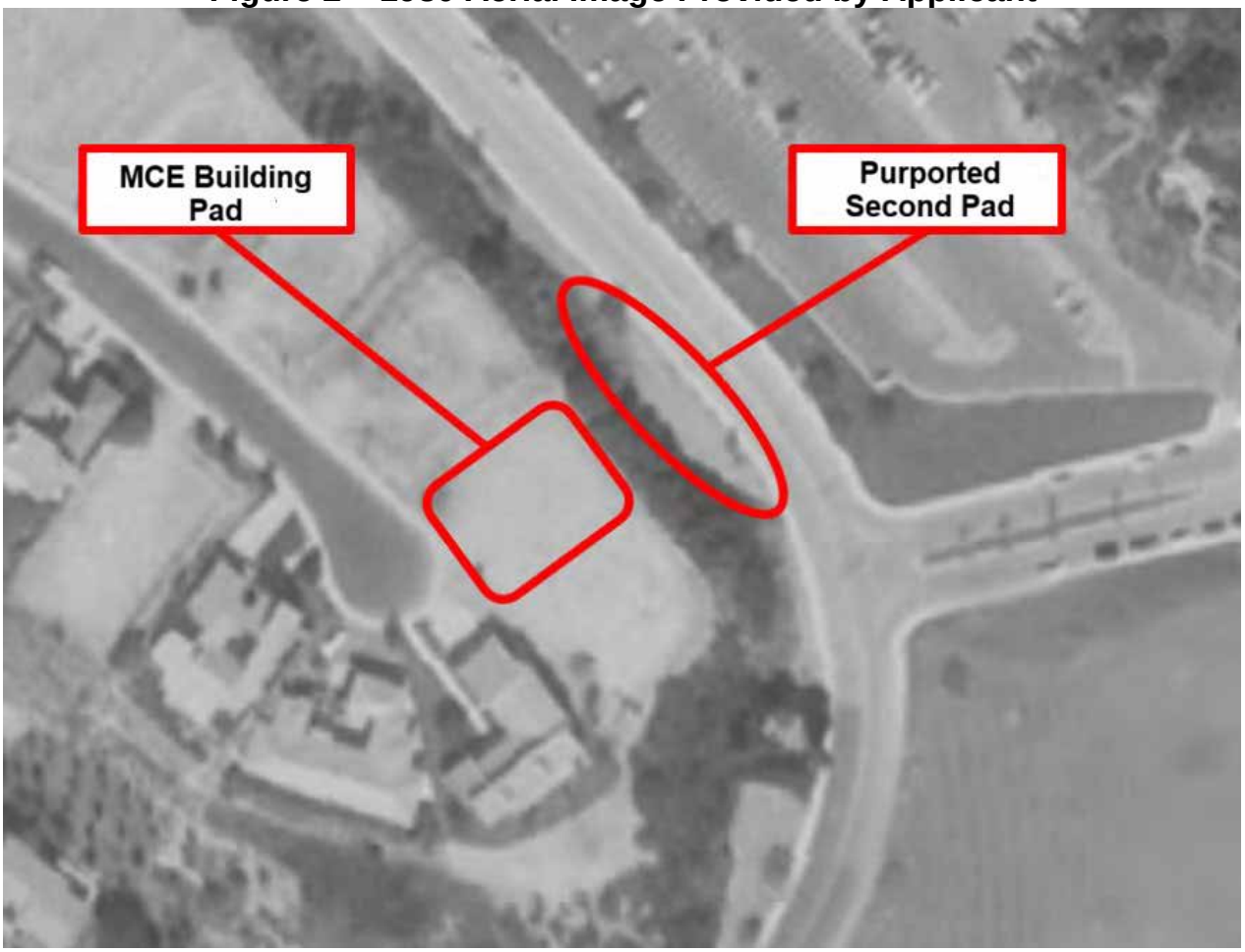
Project Overview

The original application proposed a 623 sf., prefabricated ADU/Second Unit with a height of 11 ft., 8 in. on a proposed second building pad located downhill of the existing residence near John Tyler Drive. On April 9, 2024, the applicant provided updated plans with a reduced size of 594 sf. and a height of 11 ft., 2 in. (Exhibit C, Attachment 2 – Project Plans). In both versions, the applicant has sited the prefabricated ADU/Second Unit on a proposed second building pad located downslope of the existing building pad. Remedial and re-compaction grading is proposed for the upper three feet of previously compacted fill to be removed and recompacted to a minimum of three feet beyond the proposed footprint. Despite having been informed by the Planning Division that the MCE Overlay standards limit all development to one building pad per parcel, without exception, the applicant had requested the Planning Division continue to process the project. The Planning Division had also explained to the applicant that the proposed second building pad does not meet other MCE Overlay standards including height, setbacks, and impermeable coverage. The applicant has sought relief from the MCE Overlay standards and provided written findings justifying the request for consideration by the Planning Commission. This would be more commonly done under a variance request pursuant to LIP Section 13.26; however, at the time, the applicant did not formally request a variance. On August 26, 2024, the applicant notified the Planning Division that relief through a variance would not be requested and that the City should continue to process the application as revised on April 9, 2024.

On October 9, 2025, the applicant requested the subject application be agendized for the Planning Commission. The Planning Division scheduled this item for the next available Planning Commission meeting, which was December 1, 2025. The Planning Division had recommended the project be denied due to inconsistencies with the LIP and the lack of a variance request. The applicant requested the item be continued to February 2, 2026. On January 19, 2026, the applicant's representative, Keystone Planners, submitted a rebuttal packet addressing items that were determined by the Planning Division to be inconsistent with the LIP (Exhibit C, Attachment 3). Among the items addressed in the rebuttal package were roofing materials, which have been updated from architectural shingles to Mediterranean Brava tile for consistency with the MCE Overlay standards. Additionally, the rebuttal package clarified that four trees in the proposed development area, previously unidentified, are comprised of three cedar trees and one orange tree, all of which are non-native trees not subject to the LCP's Native Tree protection policies.

The rebuttal package included a historic aerial image from 1980 shown in Figure 2.

Figure 2 – 1980 Aerial Image Provided by Applicant



Source: Provided by Applicant Representative (UCSB Historical Aerials)

The applicant representative asserted that the 1980 image proves there are two building pads on the subject parcel – one near Vantage Point Terrace and a second downslope near John Tyler Drive where the proposed ADU/Second Unit is located. Based on the Planning Division's review, the purported second building pad referenced on the 1980 image is not typical of graded building pads within the MCE Overlay and appeared to be typical vegetation clearing along a roadway and/or vehicle shoulder/turnout along the west side of John Tyler Drive. The same type of cleared area extends onto other MCE Overlay parcels along John Tyler Drive. Additional research conducted by the Planning Division demonstrated that there is no evidence of a second building pad having been graded as part of the MCE Overlay development. This was confirmed in an aerial image obtained by the Planning Division dated 1976, as shown in Figure 3, dated four years prior to the 1980 image.

Figure 3 – 1976 Aerial Image Provided by Staff



Source: Obtained by the Planning Division (UCSB Historical Aerials)

The 1976 image depicts one building pad for the subject parcel adjacent to Vantage Point Terrance, similar to other parcels in the MCE Overlay. Regardless of whether there was a legally authorized second building pad, which the evidence does not support, the MCE Overlay district requires that development be limited to one building pad. This requirement is codified in both the LCP and MMC.

The rebuttal package also described two alternate locations for the ADU/Second Unit with justifications as to why each was considered by the applicant to be infeasible. Alternative 1 utilized the existing building pad and placed the ADU/Second Unit over the existing swimming pool and extension over the slope to the rear of the residence. The Planning Division concurred with the applicant that Alternative 1 is not feasible due to design constraints and additional development that would be required. Alternative 2 utilized the existing building pad and placed the ADU/Second Unit on the southeast side yard of the parcel near the southerly side of the residence and behind the three-car garage. The applicant states that the location is not feasible because it does not accommodate a prefabricated structure. Staff found that even if a prefabricated structure would be too difficult to place in that location, a different type of ADU appears feasible to be constructed in that area. Other alternatives not considered by the applicant, but which appear to be feasible, include converting part of the existing residence and/or garage, with or without adding square footage or building an addition to the single-family residence elsewhere on the lot in flatter areas with less existing development. These alternatives would ensure an ADU is constructed on the existing building pad consistent with the MCE Overlay standards. The Planning Division encouraged the applicant to consider one of these alternatives so that the proposed ADU could meet all of the LCP required development

standards; however, the applicant declined. Planning Division staff has reiterated that an ADU is feasible on the subject parcel and would be in support of an ADU in a compliant location; however, the applicant continues to desire the ADU/Second Unit be located in an area prohibited by the LCP and MMC.

On February 2, 2026, the Planning Commission continued the item at the applicant's request. On February 5, 2026, the applicant representative submitted a variance request and confirmed that the January 19, 2026 rebuttal package sufficed for justification of the variance. However, on February 6, 2026, the applicant representative submitted an amended variance request which included two options for locating the ADU/Second Unit on the proposed second building pad (Exhibit C, Attachment 4). One option included a 4 ft. rear yard setback consistent with the proposed design, while the other option proposed a 15 ft. rear yard setback, consistent with the MCE Overlay, but required the structure to be located higher on the slope and not on the existing building pad required by the overlay.

As proposed, the ADU/Second Unit does not comply with the following LIP sections within the MCE Overlay District:

1. One building pad allowed (LIP 3.4.1(D)(6)(a)&(b));
2. No structures allowed downslope of existing pad (LIP 3.4.1(D)(6)(c));
3. Rear yard setbacks shall be 15 ft. (LIP §3.4.1(D)(2)(c));
4. All impermeable coverage surfaces shall be on the existing building pad (LIP §3.4.1(D)(7));
5. Structure height is limited to additions/remodels of existing structure (LIP §3.4.1(D)(5)(d)(i-ii));
6. No grading for purposes of extending the existing building pad (LIP §3.4.1(D)(8));
7. No walls exceeding 6 ft. in height within required rear yard (LIP 3.4.1(D)(4)(a));
8. LIP Section 8.3 (G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed Development ".

As described in Table 3 of the Planning Commission Agenda Report dated June 1, 2026 (Exhibit 4), the proposed project is inconsistent with several objective development standards in the MCE Overlay including the location of new structures, impermeable coverage, structure height, setback wall heights, grading, and an approximate 73% reduction in the required rear yard setback (from 15 ft. to 4 ft.). The proposed second building pad is also inconsistent with LIP Chapter 8 (Grading as otherwise limited pursuant to LIP Section 8.2) and LIP Chapter 11 (Archaeological Resources).

As previously mentioned, the parcel is located within the MCE Overlay, which restricts development for all properties to one building pad per parcel and prohibits the creation of a secondary building pad pursuant to LIP Section 3.4.1(D)(6)(a), (b), and (c), which states:

a. All development, excluding walls and fences, shall be limited to the existing building pad.
b. There shall be no more than one building pad per lot.
c. No structure, excluding walls and fences, shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad.

LIP Section 3.4.1(D)(d) provides the following definition of a building pad in the MCE Overlay District, which states:

d. For the purpose of this Overlay District, a building pad shall be defined as a single, continuous, graded area, not exceeding three percent in slope, designed to accommodate development.

At the April 20, 2026, meeting, the Planning Commission requested additional clarification regarding TDSF, impermeable coverage, and fire access. The MCE Overlay supersedes typical residential development standards in LIP Section 3.6 and does not set a maximum TDSF or impermeable coverage limitation. Instead, the MCE Overlay limits development to one building pad per parcel and stipulates that impermeable coverage be limited to one building pad with no maximum. The MCE Overlay also prescribes a minimum building size for development on one building pad with no maximum. As proposed, the ADU/second unit would be located on a second building pad in the MCE Overlay, which means that any additional increases in impermeable coverage or building size would be inconsistent with the allowances in the MCE Overlay pertaining to one building pad. The single building pad drives the allowable development standards for the MCE Overlay. The proposed second building pad would demonstrate noncompliance with the one building pad development standard, which would result in the other development standards exceeding what is permitted in the MCE Overlay. No other parcel within the MCE Overlay is developed with a second building pad and allowing a second building pad as requested would create a special privilege to the applicant not allowed for anyone else in the neighborhood.

As currently designed, the Planning Division was unable to recommend to the Planning Commission that the required findings per LIP 13.9 could be made in support of the CDP, including CDP Finding 1 that the project as described in the application and accompanying materials conforms with the certified LCP; and CDP Finding 3 that the project is the least environmentally damaging alternative. Additionally, the Planning Division was unable to recommend that the required variance findings in LIP 13.26 could be made as the applicant had not demonstrated that extraordinary circumstances exist or that approving the project would not create a special privilege for the applicant/appellant. As mentioned, an alternative location on the existing building pad appears feasible and could support an ADU, which the Planning Division could recommend for approval; however, the applicant has refused to select an alternate location compliant with the LCP and MMC.

On June 1, 2026, the Planning Commission considered the item. After deliberation, the Planning Commission denied the project on a 3-2 vote. The June 1, 2026, agenda report, and related correspondence are attached as Exhibit 4. Appeal No. 26-017 was filed on June 11, 2026 (Exhibit 3). The appeal was submitted by the applicant Matt Jewett, from Keystone Strategic Planning. The Planning Commission agenda report goes into greater detail regarding the project. The videos 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

APPEAL TO THE CITY COUNCIL

The appellant, Matt Jewett, provided written and oral testimony during the public hearing before the Planning Commission. In the appeal, the appellant contends that the findings are not supported by the evidence, that there was a lack of fair or impartial hearing, and that the decision was contrary to law. The specific arguments are summarized below in italics. The full text of the appeal documents can be found in Exhibit 3.

Appeal Item 1. The Planning Commission denied the project upon the erroneous assertion that the proposed project would create a second building pad.

Staff Response: The appellant claims that the existing lower building pad was established prior to the incorporation of the City of Malibu and the adoption of the MCE Overlay. The proposed location of the ADU/Second Unit would be on a portion of the parcel that is composed of approximately 20 ft. of previously graded fill. LIP Section 3.4.1(D)(6)(b) states that there shall be no more than one building pad per lot. The existing lower pad does not comply with the LIP Section 2.1 definition for the primary development pad, where "the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area." The proposed location of the ADU/Second Unit would be constructed on a second development pad where the only connection to the primary development pad would be via a graded staircase located along the northwest side yard within an existing 26 ft. water and sewer easement on the parcel. LIP Section 3.4.1(D)(6) stipulates that the site of construction for all development is limited to one single building pad and that no structures shall be sited downhill from the existing building pad. The project proposes a second building pad and has located the proposed second building pad downhill of the existing building pad. Furthermore, new development is subject to MMC Section 17.42.020(D)(7) and LIP Section 3.4.1(D)(7), which state that impermeable surfaces shall only be permitted on the existing single, continuous, graded area not exceeding three percent in slope building pad. Compared to the surrounding properties that contain a single building pad, the subject site contains a separation between the primary and secondary building pads that would not comply with the MCE Overlay development standards.

Appeal Item 2. The grading restriction and prohibition on grading are not supported.

Staff Response: The appellant claims the existing second building pad would result in non-exempt removal and recompaction of previously engineered fill. However, the proposed development is inconsistent with LIP Chapter 8 (Grading) and the MCE Overlay standards provide more strict regulations for grading of property within the MCE Overlay (LIP Section 3.4.1(D)(8)) by prohibiting grading on existing building pads except for export of 500 cubic yards (c.y.) associated with the construction of a swimming pool and spa. The MCE Overlay includes additional provisions for cut and fill grading and remedial grading subject to the approval of a site plan review (SPR). Based on the applicant's submitted materials, the proposed second building pad proposes remedial and re-compaction grading for the upper three feet of previously compacted fill to be removed and recompacted to a minimum of three feet beyond the proposed footprint. The proposed grading is for a use other than a swimming pool or spa and, therefore, does not comply with LIP Section 3.4.1(D)(8) or LIP Chapter 8 pursuant to the provision in LIP Section 8.2. Additionally, LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." The proposed grading does not meet the definition of remedial grading as it is not necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff, and the grading would also be avoidable by changing the location of the proposed development to an area within the existing building pad.

Appeal Item 3. The findings that feasible alternatives exist are not supported by substantial evidence.

Staff Response: The applicant claims constructing the ADU/Second Unit on the second building pad is the least environmentally damaging alternative. The applicant further states that constructing the structure in the location of the existing pool would result in cantilevering over descending slopes and is prohibited per LIP Section 3.4.1(D)(6)(c), where no structure shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad. Additionally, the applicant states that constructing the ADU/Second Unit in the side yard would result in the structure not maintaining the minimum six-foot distance between accessory and main building per MMC Section 17.40.050(B). Furthermore, the applicant states that converting the existing garage into a Junior Accessory Dwelling Unit (JADU) would create non-conforming parking requirements.

However, the applicant ignores that there are alternatives that would allow the property owner to construct an ADU within the existing building pad in compliance with MCE Overlay standards. The applicant represented that the proposed location is the only suitable location on the parcel due to an existing sewer and storm drain easement and steep slopes; however, the alternate locations deemed infeasible by the applicant are not

the only locations that appear feasible. As previously discussed, there are other locations within the existing building pad that may accommodate an ADU. Based on the Planning Commission's review of the parcel, existing development, and thorough analysis of the variance justifications provided, the applicant has design options adjacent to the existing residence on the side and/or front yards that could accommodate an ADU. These could be in the form of an attached structure to the residence and/or converted space associated with the residence or a portion of the three-car garage. MMC Section 17.44.090(D)(3) states that no replacement of parking is required when a garage is converted to an ADU; thus the off-street parking spaces would not be required to be replaced. An alternate design also appears feasible given that the existing building pad is sufficient in size to support other accessory uses including a swimming pool, spa, and wooden deck. All feasible options described would not require special consideration and would fall within the allowable uses of the MCE Overlay, particularly development within the existing building pad. Feasible options to build an ADU exist on the lot; the applicant is simply choosing not to move forward with a feasible option that would comply with the LCP and MMC --instead asserting that those rules should not apply as they do for everyone else in the neighborhood.

Appeal Item 4. The Planning Commission denied the requested variance on conclusions that lack evidentiary support.

Staff Response: The appellant claims that the proposed project would not constitute a special privilege and believes that staff and the Planning Commissioners did not take into consideration the existing sewer and water easement, engineered grading that created the second building pad, or the infeasibility of the alternative locations.

As described in more detail in the planning commission report, granting the variance would constitute a special privilege to the property owner because no special circumstances or exceptional characteristics exist on the subject parcel, different from other parcels in the MCE Overlay, that would require the proposed structure to be located on a second building pad downslope from the existing building pad in conflict with objective standards in the MCE Overlay. While a 26 ft. wide sewer and storm drain easement extends across the northwest side yard, alternate locations for an ADU appear feasible and would maintain consistency with the MCE Overlay standards, as well as consistency with LIP Chapters 3, 8 and 11. The alternate locations are outside of the 26 ft. wide easement area and do not appear to necessitate the extent of proposed grading to accommodate the second building pad or result in the need for relief from the MCE Overlay standards. The Planning Commission found that the evidence did not demonstrate that the proposed ADU could not make Variance Finding 1 and 3 and would create a special circumstance/characteristics that would require the proposed structure be located on a secondary building pad. The project would be detrimental to the public interest, safety, health, or welfare and would violate the established objective zoning requirements of the parcel's location and could not make Finding 2. Finding 4 and 8 could not be made since the granting of the variance request would not meet the general purpose and intent of

Chapter 13.26 since there are feasible alternate locations. The Planning Commission also found that granting the requested variance would constitute a special privilege to the applicant because no other property in the neighborhood has been allowed to exceed the MCE Overlay requirements, and specifically the requirement that development be limited to one building pad. This requirement is fundamental to the structure of the MCE Overlay Zone as it drives all other development standards in the zone.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Commission has analyzed the project. The Planning Commission found that pursuant to Sections 15270, CEQA does not apply to a project that a public agency rejects or disapproves. However, should the City Council accept the appeal and approve the project, the City Council would need to make the findings that the project is categorically exempt from CEQA.

PUBLIC CORRESPONDENCE: No correspondence has been received by staff since the appeal was filed on June 11, 2026.

PUBLIC NOTICE: On August 28, 2026, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and public notice was mailed to the owners and occupants of all properties within a radius of 500 ft. of the subject parcel (Exhibit 5).

EXHIBITS:

1. Resolution No. 26-61
2. Planning Commission Resolution No. 26-02
3. Appeal No. 25-009
4. June 1, 2026, Planning Commission Agenda Report with Attachments, including Correspondence
   Exhibits
   A. Planning Commission Resolution No. 26-02 (Denial)
   B. Planning Commission Resolution No. 26-02 (Approval)
   C. Original Commission Agenda Report, dated April 20, 2026
      1. Planning Commission Resolution No. 26-02
      2. Project Plans
      3. Applicant Rebuttal Package
      4. Applicant Variance Request
      5. Department Review Sheets
      6. Correspondence
      7. Public Hearing Notice
   D. Public Hearing Notice, mailed March 27, 2026
5. Notice of Public Hearing

RESOLUTION NO. 26-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DENYING APPEAL NO. 26-017, AND DETERMINING THAT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY TO A PROJECT THAT A PUBLIC AGENCY REJECTS OR DISAPPROVES, AND DENYING COASTAL DEVELOPMENT PERMIT NO. 21-045 AND VARIANCE NO. 26-003, TO GRADE AND CONSTRUCT A NEW 594 SQUARE-FOOT, APPROXIMATELY 11 FOOT 2-INCH TALL, DETACHED ACCESSORY DWELLING UNIT (ADU)/SECOND UNIT; INCLUDING A VARIANCE FOR RELIEF FROM MALIBU COUNTRY ESTATES OVERLAY DISTRICT STANDARDS ASSOCIATED WITH A PROPOSED SECOND BUILDING PAD, REDUCED REAR YARD SETBACK, WALL HEIGHTS, AND ALLOWANCES FOR IMPERMEABLE COVERAGE, STRUCTURE HEIGHT, AND GRADING OUTSIDE THE EXISTING BUILDING PAD ON A PARCEL LOCATED IN THE MALIBU COUNTRY ESTATES OVERLAY AND SINGLE FAMILY MEDIUM ZONING DISTRICT AT 24507 VANTAGE POINT TERRACE (MEISSNER FAMILY TRUST)

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

SECTION 1. Recitals.

A. On September 23, 2021, an application for Coastal Development Permit (CDP) No. 21-045 with Minor Modification (MM) No. 21-028 was submitted to the Planning Division by the applicant Keystone Strategic Planning, on behalf of property owner, the Meissner Family Trust. The application was routed to the City Biologist, City Public Works Department, City geotechnical consultant reviewers, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for review. The proposed development is located in the Malibu Country Estates Overlay District (MCE Overlay), included within the City's certified Local Coastal Program (LCP) Local Implementation Plan (LIP) as LIP Section 3.4.1(D).

B. On October 9, 2025, the applicant requested the subject application be agendized for the Planning Commission. The applicant was informed that the application was not deemed incomplete.

C. On October 30, 2025, the applicant posted a Notice of CDP Application sign at the subject property.

D. On November 20, 2025, 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 (ft.) radius of the project site and to all interested parties.

E. On December 1, 2025, the Planning Commission continued the item to the February 2, 2026 Regular Planning Commission meeting prior to opening the public hearing.

F. On February 2, 2026, the Planning Commission continued the item date uncertain at the applicant's request.

G. On February 5, 2026, the applicant submitted a request for Variance (VAR) No. 26-003 for relief from certain MCE Overlay standards. MM No. 21-028 was no longer considered applicable to the project as the requested rear yard setback exceeded the allowance under a MM.

H. On March 5, 2026, the applicant requested the Planning Commission hearing be continued to a date certain of April 20, 2026.

I. On March 26, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and on March 27, 2026 was mailed to all property owners and occupants within a 500 ft. radius of the project site and to all interested parties.

J. On April 20, 2026, 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. This item was continued to the June 1, 2026, Commission meeting for further discussion, to obtain clarification of certain development standards from staff, and to determine if findings in support of the CDP and VAR can be made to approve the project.

K. On June 1, 2026, 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 denied Planning Commission Resolution No. 26-02.

L. On June 11, 2026, Appeal No. 26-017 was filed by the homeowner's representative, Matt Jewett, representing Keystone Strategic Planning.

M. On August 20, 2026, a Notice of City Council Public Hearing was published in the newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 ft. radius of the subject parcel.

N. On September 23, 2026, the City Council held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the City Council has analyzed the proposed project and finds that, pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproved.

SECTION 3. Appeal of Action.

The appellant contends that the Planning Commission's decision is based on findings or conditions that are not supported by the evidence, or the decision is not supported by the findings, and the decision was contrary to law. Based on the evidence in the record, including as detailed below, in the agenda report, the materials submitted, and at the hearings on the matter, the City Council has

determined that the project does not conform to the findings required by the LCP and Malibu Municipal Code (MMC), and denies the appeal. 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.

The Council also finds the conditions proposed by the appellant lack nexus with the existing LIP and MMC standards. The appellant has not provided substantial evidence to support its claims, or that the requested conditions are legal, appropriate, or otherwise required. In addition:

1. The appellant claims that the existing lower building pad was established prior to the incorporation of the City of Malibu and the adoption of the MCE Overlay. The proposed location of the ADU/Second Unit would be on a portion of the parcel that is composed of approximately 20 ft. of previously graded fill. LIP Section 3.4.1(D)(6)(b) states that there shall be no more than one building pad per lot. The existing lower pad does not comply with the LIP Section 2.1 definition for the primary development pad, where "the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area." The proposed location of the ADU/Second Unit would be constructed on a second development pad where the only connection to the primary development pad would be via a graded staircase located along the northwest side yard within an existing 26 ft. water and sewer easement on the parcel. LIP Section 3.4.1(D)(6) stipulates that the site of construction for all development is limited to one single building pad and that no structures shall be sited downhill from the existing building pad. The project proposes a second building pad and has located the proposed second building pad downhill of the existing building pad). Furthermore, new development is subject to MMC Section 17.42.020 (D)(7) and LIP Section 3.4.1(D)(7), which state that impermeable surfaces shall only be permitted on the existing single, continuous, graded area not exceeding three percent in slope building pad. The separation between the primary and secondary building pads would not comply with the MCE Overlay development standards.

2. The appellant claims the existing second building pad would result in non-exempt removal and recompaction of previously engineered fill. However, the proposed development is inconsistent with LIP Chapter 8 (Grading) and the MCE Overlay standards provide more strict regulations for grading of property within the MCE Overlay (LIP Section 3.4.1(D)(8)) by prohibiting grading on existing building pads except for export of 500 cubic yards (c.y.) associated with the construction of a swimming pool and spa. The MCE Overlay includes additional provisions for cut and fill grading and remedial grading subject to the approval of a site plan review (SPR). Based on the applicant's submitted materials, the proposed second building pad proposes remedial and re-compaction grading for the upper three feet of previously compacted fill to be removed and recompacted to a minimum of three feet beyond the proposed footprint. The proposed grading is for a use other than a swimming pool or spa and, therefore, does not comply with LIP Section 3.4.1(D)(8) or LIP Chapter 8 pursuant to the provision in LIP Section 8.2. Additionally, LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

3. The appellant claims constructing the ADU/Second Unit on the second building pad is the least environmentally damaging alternative. The applicant further states that constructing the structure in the location of the existing pool would result in cantilevering over descending slopes and is prohibited per LIP Section 3.4.1(D)(6)(c), where no structure shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad. Additionally, the applicant states that constructing the ADU/Second Unit in the side yard would result in the structure not maintaining the minimum six-foot distance between accessory and main building per MMC Section 17.40.050(B). Furthermore, the applicant states that converting the existing garage into a Junior Accessory Dwelling Unit (JADU) would create non-conforming parking requirements.

There are alternatives that grant the property owner the opportunity for an ADU within the existing building pad in compliance with MCE Overlay standards. The applicant represented that the proposed location is the only suitable location on the parcel due to an existing sewer and storm drain easement and steep slopes; however, the alternate locations deemed unfeasible by the applicant are not the only locations that appear feasible; as previously discussed, there are other locations within the existing building pad that may accommodate an ADU. Based on the Planning Commission's review of the parcel, existing development, and thorough analysis of the variance justifications provided, the applicant has design options adjacent to the existing residence on the side and/or front yards that could accommodate an ADU. These could be in the form of an attached structure to the residence and/or converted space associated with the residence or a portion of the three-car garage. MMC Section 17.44.090(D)(3) states that no replacement of parking is required when a garage is converted to an ADU, those off-street parking spaces are not required to be replaced. An alternate design also appears feasible given that the existing building pad is sufficient in size to support other accessory uses including a swimming pool, spa, and wooden deck. All feasible options described would not require special consideration and would fall within the allowable uses of the MCE Overlay, particularly development within the existing building pad. Feasible options to build an ADU exist on the lot, the applicant is choosing not to take a feasible option that would comply with the LCP and MMC and instead is asserting that those rules should not apply as they do for everyone else in the neighborhood. The City Council finds that constructing the ADU/Second Unit on the second building pad is not the least environmentally damaging alternative.

4. The appellant claims that the proposed project would not constitute as a special privilege and believes that staff and the Planning Commissioners did not take into consideration the existing sewer and water easement, engineered grading that created the second building pad, or the infeasibility of the alternative location.

Granting the variance would constitute a special privilege to the property owner because no special circumstances or exceptional characteristics exist on the subject parcel, different from other parcels in the MCE Overlay, which would require the proposed structure to be located on a second building pad downslope of the existing building pad and in conflict with objective standards in the MCE Overlay. While a 26 ft. wide sewer and storm drain easement extends across the northwest side yard, alternate locations for development of some form of an ADU appear feasible and would maintain consistency with the MCE Overlay standards, as well as consistency with LIP Chapters 3, 8 and 11. The alternate locations are outside of the 26 ft. wide easement area and do not appear

to necessitate the extent of proposed grading to accommodate the second building pad or result in the need for relief from the MCE Overlay standards. The City Council found that the applicant did not justify the need for a second building pad and did not explore feasible alternatives within the existing building pad. The City Council also found that if granted this would create a special privilege to the applicant because nobody else in the neighborhood has been allowed to exceed the MCE Overlay requirements, specifically being able to build on more than one building pad which drives all other development standards.

SECTION 4. Coastal Development Permit Findings.

Based on the evidence contained within the record, including the analysis, findings of fact, and conclusions set forth by staff in the Council Agenda Report and Planning Commission Agenda Reports for the project and the hearings on April 20, 2026 and June 1, 2026, as well as the testimony and materials considered by the Planning Commission and City Council, and pursuant to the LIP, including Sections 13.7(B) and 13.9, and the MMC, the City Council makes the findings of fact below, and denies CDP No. 21-045 and VAR No. 26-003 to construct a 594 sf. ADU/Second Unit on a proposed second building pad on a parcel in the MCE Overlay and Single Family Medium (SFM) Zoning District located at 24507 Vantage Point Terrace (Meissner Family Trust).

The required findings of LIP Chapter 13 cannot be made by the City as enumerated below, and therefore, the project does not comply with the City's LCP and, by extension, the California Coastal Act.

A. Coastal Development Permit Findings (LIP Chapter 13)

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

The proposed location of the ADU/Second Unit is not consistent with the MCE Overlay standards in LIP Section 3.4.1(D) or residential development standards in LIP Section 3.6(N)(1) and, therefore, does not meet the requirements for LIP Chapter 3 (Zoning). Furthermore, the proposed location does not comply with LIP Chapter 8 (Grading) and compliance with LIP Chapter 11 (Archaeological/Cultural Resources) cannot be determined based on the information submitted.

The proposed project fails to meet various requirements outlined in LIP Chapter 3 including: LIP Section 3.4.1(D)(2)(c) which requires rear yard setback to be at least 15 ft. (4 ft. proposed); LIP Section 3.4.1(D)(4)(a) which stipulates that "no walls…in excess of 6 ft. shall be allowed within the required rear…yard setback areas" (wall heights associated with the proposed structure extend above 6 feet in the rear yard setback); LIP Section 3.4.1(D)(5) which limits structure height to additions/remodels of an existing structure, a new structure on a vacant parcel, or where an existing structure is replaced (no modifications to the existing structure are proposed, the site is not vacant, and the proposed structure is not associated with the replacement of the existing residence); LIP Section 3.4.1(D)(6), which stipulates that the site of construction for all development is limited to one single building pad and that no structures shall be sited downhill from the existing building pad (the project proposes a second building pad and has located the proposed second building pad downhill of the existing building pad); LIP Section 3.4.1(D)(7) which strictly limits impermeable

surfaces on the existing building pad (the proposed structure is located on a proposed second building pad); LIP Section 3.4.1(D)(8) which states grading shall only be permitted for the construction of swimming pools and spas and that no grading occur for purposes of extending the existing building pad (proposed grading associated for a use other than a swimming pool or spa and proposed for an additional building pad); and LIP Section 3.6(N)(c)(i) that requires a second residential unit be located within the required development area for the project site and clustered with the primary dwelling unit (the proposed second unit is located downhill from the existing residence, is not within the required development area as stipulated in the MCE Overlay standards, and is not clustered with the existing residence).

The proposed development is inconsistent with LIP Chapter 8 (Grading). The MCE Overlay standards provide more strict regulations for grading of property within the MCE Overlay District (LIP Section 3.4.1(D)(8)) by prohibiting grading on existing building pads except for export of 500 c.y. associated with the construction of a swimming pool and spa, with additional provisions for cut and fill grading and remedial grading subject to the approval of an SPR. Based on the applicant's submitted materials, the proposed second building pad proposes remedial and re-compaction grading for the upper three feet of previously compacted fill to be removed and recompacted to a minimum of a three feet beyond the proposed footprint. The proposed grading is for a use other than a swimming pool or spa and, therefore, does not comply with LIP Section 3.4.1(D)(8) or LIP Chapter 8 pursuant to the provision in LIP Section 8.2. Additionally, LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

Based on the information submitted by the appellant, the City Council was unable to determine if the proposed project complies with LIP Chapter 11 (Archaeological/Cultural Resources). Although the project site has been evaluated for potential impacts to archeological resources and it has been determined that due to the previous grading activities to create the existing building pad and MCE community, the project has a very low probability of disturbing archaeological resources for the construction proposed on the existing building pad. It is not clear if the location of the proposed second building pad would have potential impacts given that it is proposed downhill from the existing building pad in an undeveloped area and has not been evaluated for potential impacts during construction. The applicant has not provided information demonstrating that the proposed second building pad has been evaluated for impacts to archeological resources.

In the event there is a conflict between a provision of the LCP and a provision of the General Plan or of any other City-adopted plan, resolution, or ordinance not included in the LCP, and it is not possible for the development to comply with both the LCP and the other provision, pursuant to LIP Section 1.3.1, the LCP governs. Consequently, the development may not be approved unless it complies with the LCP provision.

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

The subject parcel is not located between the first public road and the sea. The project site is located inland and not located along the shoreline. Therefore, this finding does not apply.

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

As discussed in Finding A.1, the applicant represented that the proposed location on a proposed second building pad downhill of the existing building pad is the only suitable location due to the site's sewer and water line easements and steep slopes. However, the applicant did not adequately justify why the ADU/Second Unit could not be developed within the existing building pad in compliance with the MCE Overlay standards. Furthermore, the applicant did not demonstrate that an alternate location within the residence as part of a conversion or adjacent to the residence on a flat portion of the existing building pad was infeasible. Additionally, the applicant did not provide information indicating that the proposed second building pad has been evaluated for potential impacts to archaeological/cultural resources.

As part of the Planning Commission's review of the subject application, alternate locations for development appeared feasible and would maintain consistency with the MCE Overlay standards, as well as consistency with LIP Chapters 3, 8 and 11. The alternate locations do not appear to necessitate the extent of proposed grading to accommodate the second building pad or result in the need for relief from the MCE Overlay standards. As proposed, the second building pad location is not considered to be the least environmentally damaging alternative. After conducting their own review, the City Council concurs with the Planning Commission's determination to deny the project.

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

The LCP Environmentally Sensitive Habitat Area (ESHA) and Marine Resources Map does not identify any ESHA on the subject parcel or on any adjacent properties. The subject parcel is not in a designated ESHA or ESHA buffer and, therefore, Environmental Review Board review was not required. This finding does not apply.

B. Variance No. 26-003 from LIP Section 3.4.1(D) for Development on a Proposed Second Building Pad in the MCE Overlay District (LIP Section 13.27)

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

There are no exceptional or extraordinary circumstances/characteristics that require the proposed structure to be located on a secondary building pad in the MCE Overlay District. The proposed second building pad is situated approximately 25 ft. downhill from the existing building pad in an undeveloped area. There are alternatives that grant the property owner the opportunity for an ADU/Second Unit within the existing building pad in compliance with MCE Overlay standards.

The applicant represented that the proposed location is the only suitable location on the parcel due to sewer and storm drain easement and steep slopes; however, the alternative locations deemed unfeasible by the applicant are not the only locations available, there are other locations within the existing building pad that may accommodate an ADU/Second Unit. Based on the City Council's review of the parcel, existing development, and thorough analysis of the variance justifications provided it appears the applicant has design options adjacent to the existing residence on the side and/or front yards that could accommodate an ADU/Second Unit and/or Junior ADU (JADU). These could be in the form of an attached structure to the residence and/or converted space associated with the residence or a portion of the garage. An alternate design also appears feasible given that the existing building pad is sufficient in size to support other accessory uses including a swimming pool, spa, and wooden deck. All feasible options described would not require special consideration and would fall within the allowable uses of the MCE Overlay, particularly development within the existing building pad.

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

Granting the variance request would be detrimental to the improvements in the same SFM zone and MCE Overlay, as it would violate the established objective zoning requirements of the parcel's location. Furthermore, it would establish a precedent for disregarding the certified LCP.

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

Granting the variance would constitute a special privilege to the property owner because no special circumstances or exceptional characteristics exist on the subject parcel, different from other parcels in the MCE Overlay, which would require the proposed structure to be located on a second building pad downslope of the existing building pad and in conflict with objective standards in the MCE Overlay. While a 26 ft. wide sewer and storm drain easement extends across the northwest side yard, alternate locations for development of some form of an ADU/Second Unit appear feasible and would maintain consistency with the MCE Overlay standards, as well as consistency with LIP Chapters 3, 8, and 11. The alternate locations are outside of the 26 ft. wide easement area and do not appear to necessitate the extent of proposed grading to accommodate the second building pad or result in the need for relief from the MCE Overlay standards. As described in Finding A.3, the applicant did not justify the need for a second building pad and did not explore feasible alternatives within the existing building pad.

4. *The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.*

The granting of the variance request would not meet the general purpose and intent because alternate locations appear feasible within the existing building pad that would allow for an ADU/Second Unit to be developed on the subject parcel consistent with the objective standards of the MCE Overlay.

5. *For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible*

alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

The variance request is not for an ESHA buffer nor is the project located within an ESHA. Therefore, this finding is not applicable.

6. *For variances to stringline standards, the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.*

Stringline standards are not part of the variance request, and the subject parcel is not beachfront. Therefore, this finding is not applicable.

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

Variance requests are designed to provide relief to sites with special circumstances or exceptional characteristics that severely hinder development thus negating the opportunity to enjoy the same privileges as surrounding neighbors. As described in Findings B.1 and B.3, alternate locations appear feasible within the existing building pad that would allow for some form of an ADU/Second Unit to be developed on the subject parcel consistent with the objective standards of the MCE Overlay.

8. *The subject site is physically suitable for the proposed variance.*

Alternate locations for development of an ADU/Second Unit appear feasible on the existing building pad and would maintain consistency with the MCE Overlay standards. The proposed second building pad would necessitate a variance for relief from objective development standards in the MCE Overlay and it has not been demonstrated that the proposed location would be physically suitable for the proposed development. The applicant did not provide information indicating that the proposed second building pad has been evaluated for potential impacts to archaeological/cultural resources consistent with LIP Chapter 11. Furthermore, the proposed second building pad proposes remedial and re-compaction grading for the upper three feet of previously compacted fill to be removed and recompacted to a minimum of three feet beyond the proposed footprint. LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

9. *The variance complies with all requirements of state and local law.*

The City is entirely within the coastal zone and has a certified LCP that governs new development, including ADUs, JADUs, and Second Units. ADUs in the City must comply with state law and the LCP, as applied to implement the Coastal Act in the City. As proposed, the project does not represent the least environmentally damaging alternative as required by CDP Finding A.3 or comply with objective standards in the MCE Overlay (LIP Section 3.4.1(D)).

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

The proposed project is located within a residential community and not located in an area that provides public parking for access to the beach, public trails, or parklands. Therefore, this finding is not applicable.

SECTION 5. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council hereby denies Appeal No. 26-017, upholds the Planning Commission's decision, and denies CDP No. 21-045 and VAR No. 26-003.

SECTION 6. 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 23rd day of September 2026.

BRUCE SILVERSTEIN, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

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 PLANNING COMMISSION
RESOLUTION NO. 26-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THAT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY TO PROJECTS THAT A PUBLIC AGENCY REJECTS OR DISAPPROVES, AND DENYING COASTAL DEVELOPMENT PERMIT NO. 21-045 TO GRADE AND CONSTRUCT A NEW 594 SQUARE FOOT, 11 FOOT, 2 INCH TALL, DETACHED ACCESSORY DWELLING UNIT/SECOND UNIT; INCLUDING VARIANCE NO. 26-003 FOR RELIEF FROM MALIBU COUNTRY ESTATES OVERLAY DISTRICT STANDARDS ASSOCIATED WITH A PROPOSED SECOND BUILDING PAD, REDUCED REAR YARD SETBACK, WALL HEIGHTS, AND ALLOWANCES FOR IMPERMEABLE COVERAGE, STRUCTURE HEIGHT, AND GRADING OUTSIDE THE EXISTING BUILDING PAD ON A PARCEL LOCATED IN THE MALIBU COUNTRY ESTATES OVERLAY AND SINGLE FAMILY MEDIUM ZONING DISTRICT AT 24507 VANTAGE POINT TERRACE (MEISSNER FAMILY TRUST)

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

SECTION 1. Recitals.

A. On September 23, 2021, an application for Coastal Development Permit (CDP) No. 21-045 with Minor Modification (MM) No. 21-028 was submitted to the Planning Division by the applicant Keystone Strategic Planning, on behalf of property owner, the Meissner Family Trust. The application was routed to the City Biologist, City Public Works Department, City geotechnical consultant reviewers, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for review. The proposed development is located in the Malibu Country Estates (MCE) Overlay District, included within the City's certified Local Coastal Program (LCP) Local Implementation Plan (LIP) as LIP Section 3.4.1(D).

B. On October 9, 2025, the applicant requested the subject application be agendized for the Planning Commission. The applicant was informed that the application was not deemed incomplete.

C. On October 30, 2025, the applicant posted a Notice of CDP Application sign at the subject property.

D. On November 20, 2025, 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 project site and to all interested parties.

E. On December 1, 2025, the Planning Commission continued the item to the February 2, 2026 Regular Planning Commission meeting prior to opening the public hearing.

F. On February 2, 2026, the Planning Commission continued the item date uncertain at the applicant's request.

G. On February 5, 2026, the applicant submitted a request for Variance (VAR) No. 26-003 for

relief from certain MCE Overlay District standards. MM No. 21-028 was no longer considered applicable to the project as the requested rear yard setback exceeded the allowance under a MM.

H. On March 5, 2026, the applicant requested the Planning Commission hearing be continued to a date certain of April 20, 2026.

I. On March 26, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and on March 27, 2026 was mailed to all property owners and occupants within a 500-foot radius of the project site and to all interested parties.

J. On April 20, 2026, 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. This item was continued to the June 1, 2026 Commission meeting for further discussion, to obtain clarification of certain development standards from staff, and to determine if findings in support of the CDP and VAR can be made to approve the project.

K. On June 1, 2026, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project and finds that, pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproved.

SECTION 3. Findings for Denial.

Based on substantial evidence contained within the record, including the agenda report for the project and the hearings on April 20, 2026 and June 1, 2026, and pursuant to LIP Sections 13.7(B) and 13.9, the Planning Commission adopts the findings of fact, and denies CDP No. 21-045 and VAR No. 26-003 to construct a 594 square foot (sf.) Accessory Dwelling Unit/Second Unit (ADU/Second Unit) on a proposed second building pad on a parcel in the MCE Overlay and Single Family Medium (SFM) Zoning District located at 24507 Vantage Point Terrace (Meissner Family Trust).

The required findings of LIP Chapter 13 cannot be made by the City as enumerated below, and therefore the project does not comply with the California Coastal Act by extension of the City's LCP.

A. General Coastal Development Permit (LIP Chapter 13)

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

The proposed location of the ADU/Second Unit is not consistent with the MCE Overlay standards in LIP Section 3.4.1(D) or residential development standards in LIP Section 3.6(N)(1) and, therefore,

does not meet the requirements for LIP Chapter 3 (Zoning). Furthermore, the proposed location does not comply with LIP Chapter 8 (Grading) and compliance with LIP Chapter 11 (Archaeological/Cultural Resources) cannot be determined based on the information submitted.

The proposed project fails to meet various requirements outlined in LIP Chapter 3 including: LIP Section 3.4.1(D)(2)(c) which requires rear yard setback to be at least 15 feet (ft.) (4 ft. proposed); LIP Section 3.4.1(D)(4)(a) which stipulates that "no walls…in excess of 6 ft. shall be allowed within the required rear…yard setback areas" (wall heights associated with the proposed structure extend above 6 feet in the rear yard setback); LIP Section 3.4.1(D)(5) which limits structure height to additions/remodels of an existing structure, a new structure on a vacant parcel, or where an existing structure is replaced (no modifications to the existing structure are proposed, the site is not vacant, and the proposed structure is not associated with the replacement of the existing residence); LIP Section 3.4.1(D)(6), which stipulates that the site of construction for all development is limited to one single building pad and that no structures shall be sited downhill from the existing building pad (the project proposes a second building pad and has located the proposed second building pad downhill of the existing building pad); LIP Section 3.4.1(D)(7) which strictly limits impermeable surfaces on the existing building pad (the proposed structure is located on a proposed second building pad); LIP Section 3.4.1(D)(8) which states grading shall only be permitted for the construction of swimming pools and spas and that no grading occur for purposes of extending the existing building pad (proposed grading associated for a use other than a swimming pool or spa and proposed for an additional building pad); and LIP Section 3.6(N)(c)(i) that requires a second residential unit be located within the required development area for the project site and clustered with the primary dwelling unit (the proposed second unit is located downhill from the existing residence, is not within the required development area as stipulated in the MCE Overlay standards, and is not clustered with the existing residence).

The proposed development is inconsistent with LIP Chapter 8 (Grading). The MCE Overlay standards provide more strict regulations for grading of property within the MCE Overlay District (LIP Section 3.4.1(D)(8)) by prohibiting grading on existing building pads except for export of 500 cubic yards (c.y.) associated with the construction of a swimming pool and spa, with additional provisions for cut and fill grading and remedial grading subject to the approval of a site plan review. Based on the applicant's submitted materials, the proposed second building pad proposes remedial and re-compaction grading for the upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of a 3 ft. beyond the proposed footprint. The proposed grading is for a use other than a swimming pool or spa and, therefore, does not comply with LIP Section 3.4.1(D)(8) or LIP Chapter 8 pursuant to the provision in LIP Section 8.2. Additionally, LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

Based on the information submitted by the applicant, the Planning Commission is unable to determine if the proposed project complies with LIP Chapter 11 (Archaeological/Cultural Resources). Although the project site has been evaluated for potential impacts to archeological resources and it has been determined that due to the previous grading activities to create the existing building pad and MCE community, the project has very low probability of disturbing archaeological resources for construction

proposed on the existing building pad. It is not clear if the location of the proposed second building pad would have potential impacts given that it is proposed downhill from the existing building pad in an undeveloped area and has not been evaluated for potential impacts during construction. The applicant has not provided information demonstrating that the proposed second building pad has been evaluated for impacts to archeological resources.

In the event there is a conflict between a provision of the LCP and a provision of the General Plan or of any other City-adopted plan, resolution, or ordinance not included in the LCP, and it is not possible for the development to comply with both the LCP and the other provision, pursuant to LIP Section 1.3.1, the LCP governs. Consequently, the development may not be approved unless it complies with the LCP provision.

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

The subject parcel is not located between the first public road and the sea. The project site is located inland and not located along the shoreline. Therefore, this finding does not apply.

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

As discussed in Finding A.1, the applicant represented that the proposed location on a proposed second building pad downhill of the existing building pad is the only suitable location due to the site's sewer and water line easements and steep slopes. However, the applicant did not adequately justify why the ADU/Second Unit could not be developed within the existing building pad in compliance with the MCE Overlay standards. Furthermore, the applicant did not demonstrate that an alternate location within the residence as part of a conversion or adjacent to the residence on a flat portion of the existing building pad was infeasible. Additionally, the applicant did not provide information indicating that the proposed second building pad has been evaluated for potential impacts to archaeological/cultural resources.

As part of the Planning Commission's review of the subject application, alternate locations for development appeared feasible and would maintain consistency with the MCE Overlay standards, as well as consistency with LIP Chapters 3, 8 and 11. The alternate locations do not appear to necessitate the extent of proposed grading to accommodate the second building pad or result in the need for relief from the MCE Overlay standards. As proposed, the second building pad location is not considered to be the least environmentally damaging alternative

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

The LCP Environmentally Sensitive Habitat Area (ESHA) and Marine Resources Map does not identify any ESHA on the subject parcel or on any adjacent properties. The subject parcel is not in a

designated ESHA or ESHA buffer and, therefore, Environmental Review Board review was not required. This finding does not apply.

B. Variance No. 26-003 from LIP Section 3.4.1(D) for Development on a Proposed Second Building Pad in the MCE Overlay District (LIP Section 13.27)

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

There are no exceptional or extraordinary circumstances/characteristics that require the proposed structure be located on a secondary building pad in the MCE Overlay District. The proposed second building pad is situated approximately 25 ft. downhill from the existing building pad in an undeveloped area. There are alternatives that grant the property owner the opportunity for an ADU/Second Unit within the existing building pad in compliance with MCE Overlay standards. The applicant represented that the proposed location is the only suitable location on the parcel due to sewer and storm drain easement and steep slopes; however, the alternative locations deemed unfeasible by the applicant are not the only locations available, there are other locations within the existing building pad that may accommodate an ADU/Second Unit. Based on the Planning Commission's review of the parcel, existing development, and thorough analysis of the variance justifications provided it appears the applicant has design options adjacent to the existing residence on the side and/or front yards that could accommodate an ADU/Second Unit and/or Junior ADU (JADU). These could be in the form of an attached structure to the residence and/or converted space associated with the residence or a portion of the garage. An alternate design also appears feasible given that the existing building pad is sufficient in size to support other accessory uses including a swimming pool, spa, and wooden deck. All feasible options described would not require special consideration and would fall within the allowable uses of the MCE Overlay, particularly development within the existing building pad.

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

Granting the variance request would be detrimental to the improvements in the same SFM zone and MCE Overlay, as it would violate the established objective zoning requirements of the parcel's location. Furthermore, it would establish a precedent for disregarding the certified LCP.

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

Granting the variance would constitute a special privilege to the property owner because no special circumstances or exceptional characteristics exist on the subject parcel, different from other parcels in the MCE Overlay, that would require the proposed structure to be located on a second building pad downslope of the existing building pad and in conflict with objective standards in the MCE Overlay. While a 26 ft. wide sewer and storm drain easement extends across the northwest side yard, alternate locations for development of some form of an ADU/Second Unit appear feasible and would maintain

consistency with the MCE Overlay standards, as well as consistency with LIP Chapters 3, 8 and 11. The alternate locations are outside of the 26 ft. wide easement area and do not appear to necessitate the extent of proposed grading to accommodate the second building pad or result in the need for relief from the MCE Overlay standards. As described in Finding A.3, the applicant did not justify the need for a second building pad and did not explore feasible alternatives within the existing building pad.

4. *The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.*

The granting of the variance request would not meet the general purpose and intent because alternate locations appear feasible within the existing building pad that would allow for an ADU/Second to be developed on the subject parcel consistent with the objective standards of the MCE Overlay.

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

The variance request is not for an ESHA buffer nor is the project located within an ESHA. Therefore, this finding is not applicable.

6. *For variances to stringline standards, the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.*

Stringline standards are not part of the variance request, and the subject parcel is not beachfront. Therefore, this finding is not applicable.

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

Variance requests are designed to provide relief to sites with special circumstances or exceptional characteristics that severely hinder development thus negating the opportunity to enjoy the same privileges as surrounding neighbors. As described in Findings B.1 and B.3, alternate locations appear feasible within the existing building pad that would allow for some form of an ADU/Second Unit to be developed on the subject parcel consistent with the objective standards of the MCE Overlay.

8. *The subject site is physically suitable for the proposed variance.*

Alternate locations for development of an ADU/Second Unit appear feasible on the existing building pad and would maintain consistency with the MCE Overlay standards. The proposed second building pad would necessitate a variance for relief from objective development standards in the MCE Overlay and it has not been demonstrated that the proposed location would be physically suitable for the proposed development. The applicant did not provide information indicating that the proposed second building pad has been evaluated for potential impacts to archaeological/cultural resources consistent with LIP Chapter 11. Furthermore, the proposed second building pad proposes remedial and re-

compaction grading for the upper 3 ft. of previously compacted fill to be removed and recompacted to a minimum of 3 ft. beyond the proposed footprint. LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

9. *The variance complies with all requirements of state and local law.*

The City is entirely within the coastal zone and has a certified LCP that governs new development, including ADUs, JADUs, and Second Units. ADUs in the City must comply with state law and the LCP, as applied to implement the Coastal Act in the City. As proposed, the project does not represent the least environmentally damaging alternative as required by CDP Finding A.1 or comply with objective standards in the MCE Overlay (LIP Section 3.4.1(D)).

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

The proposed project is located within a residential community and not located in an area that provides public parking for access to the beach, public trails, or parklands. Therefore, this finding is not applicable.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby denies CDP No. 21-045 and VAR No. 26-003.

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

PASSED, DENIED AND ADOPTED this 1st day of June 2026.

SKYLAR PEAK, Planning Commission Chair

ATTEST:

Rebecca Evans

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. 26-02 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 1st day of June 2026, by the following vote:

AYES:	3	Commissioners: Mazza, Kamins, Peak
NOES:	2	Commissioners: Leonard, Riddick
ABSTAIN:	0	
ABSENT:	0	

Rebecca Evans

REBECCA EVANS, Recording Secretary

CITY OF MALIBU
RECEIVED
JUN 11 2026
PLANNING DIVISION

City of Malibu

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

COMMUNITY DEVELOPMENT 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 Community Development 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 in person at Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Rebecca Evans, Senior Management Analyst, at (310) 456-2489, extension 246.

Part I. Project Information

1. What is the file number of the Coastal Development Permit you are appealing?
   CDP No. 21-045 & VAR 26-003
2. On what date was the decision made which you are appealing?
   6/1/26
3. Who made the decision you are appealing?

   ☐ Community Development Director ■ Planning Commission

4. What is the address of the project site at issue?
   24507 Vantage Point Ter

Exhibit 3

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 indicate the applicant's name:

   _____

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 (See MMC Section 17.04.220(C) for details.):

   ■ 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.

   All three above reasons form the basis for our appeal.

   Please see the attached "20260611 Vantage Point Appeal Final" document.

Each coastal development permitting decision made by the Community Development 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.)

LIP §3.4.1(D)(2)(c) – Rear yard setback (15 feet required; 4 feet proposed)

LIP §3.4.1(D)(4)(a) – Walls exceeding 6 feet within the required rear setback

LIP §3.4.1(D)(5) – Structure height limitations

LIP §3.4.1(D)(6) – Development limited to one building pad and prohibition on structures downhill of the existing building pad

LIP §3.4.1(D)(7) – Impermeable surface limitations

LIP §3.4.1(D)(8) – Grading restrictions and prohibition on grading for an additional building pad

LIP Chapter 8 – Grading regulations, including the conclusion that remedial grading could be avoided by relocating the project

LIP Chapter 11 – Alleged inability to determine compliance with archaeological/cultural resource requirements because the lower pad has not been evaluated

and all Variance Findings. See attached "20260611 Vantage Point Appeal Final" document.

Part III. Appeal Checklist

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

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

2. ☐ Appeal Fee $750

   The currently adopted 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. ☐ Certified Mailing Data and Radius Map for Public Notice to Property Owners and Occupants

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

   *Properties zoned RR-10, RR-20, or RR-40 require a 1,000-foot radius notification.

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.

Helmut Meissner
PRINT APPELLANT'S NAME

[redacted]
TELEPHONE NUMBER

APPELLANT'S SIGNATURE

6/11/26
DATE

Appellant's mailing address: [redacted]

Appellant's email address (printed): [redacted]

OFFICE USE ONLY

Action Appealed: Denial of CDP 21-045 & VAR 26-003

Appeal Period: 6/11/26

Date Appeal Form submitted: 6/11/26 Received by: Gail Duncan

Date Grounds of Appeal Letter submitted: 6/11/26 Received by: " "

Date Mailing Data / Radius Map submitted: 6/11/26 Received by: " "

Appeal Completion Date: 6/11/26 By: Gail Duncan, Management Analyst
Name, Title

KEYSTONE
Strategic Planning

City of Malibu
City Clerk
ATTN: Rebecca Evans
23825 Stuart Ranch Rd
Malibu, CA 90265

June 11, 2026

Notice of appeal

The Meissner Family Trust hereby appeals the Planning Commission's June 1, 2026 denial of Coastal Development Permit No. 21-045 and Variance No. 26-003 for the construction of a 594-square-foot detached ADU at 24507 Vantage Point Terrace on three grounds:

1. The denial is not supported by substantial evidence
2. There was a lack of fair or impartial hearing
3. The decision is contrary to law

This appeal sets forth the specific reasons why the City Council should grant the appeal and approve this project.

I. THE DENIAL IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

The Commission's adopted resolution that the proposed project does not conform with the certified Local Coastal Program is not supported by substantial evidence in the administrative record. The finding is based upon the erroneous assertions that feasible alternative locations exist to the proposed second unit being sited on a "new" building pad. The evidence submitted by the applicant demonstrates precisely the opposite.

Proof for the lower building pad

The lower building pad meets the definition of a building pad, is comprised of well-graded artificial fill, and photographic evidence confirms its existence for decades. Historic aerial imagery establishes that the pad dates back to at least 1976, predating both the incorporation of Malibu as a City and the adoption of the Malibu Country Estates (MCE) Overlay District. Adding to the visual proof, the geotechnical report confirms that the area consists of approximately twenty feet of "well-graded" artificial fill. LIP § 3.4.1(D)(7) states, *"For the purposes of this Overlay District, a building pad shall be defined as a single, continuous, graded area, not exceeding 3 percent in slope, designed to accommodate development."* The applicant has shown that the proposed site for the second unit meets the LIP's definition of a building pad. It was graded as part of the original tract, and the photographic evidence confirms this lower building pad has been in existence since then. The resolution provides no evidence contradicting these facts. Instead, it incorrectly characterizes the area as a "proposed second building pad." A new pad is not "proposed" as a part of this application. The application seeks

to utilize the existing building pad, for which the applicant has sought a variance and provided the required findings. The project also does not propose to extend or expand the lower building pad. Instead, it proposes a modest eleven-foot-two-inch accessory structure entirely within the existing lower building pad.

The apparent conflicts with the LCP are overstated

The Planning Commission's deliberations reflect a perception that the project conflicts with numerous development standards: One building pad allowed, No structures allowed downslope of existing pad, all impermeable coverage surfaces limited to existing building pad, Structure height is limited to additions/remodels, and No grading for the purposes of extending the existing building pad. These alleged conflicts identified by staff are not independent planning concerns. Rather, they arise from a single disputed interpretation regarding placement of the second unit on the existing, historically graded lower pad. These conflicts are resolved when the facts of historical and geotechnical evidence are given their due.

Development is limited to the existing building pad and no structures downhill of the existing building pad

LIP Section 3.4.1(D)(6)(a) states *"All development, excluding walls and fences, shall be limited to the existing building pad."* Finding that the project does not comply with this section assumes that only one building pad exists. However, as discussed previously, two pads exist. The historical record demonstrates there were two pads originally graded as part of this parcel. Lot 85 (the subject property now known as 24507 Vantage Point Terrace) contained two graded pads prior to adoption of the Overlay District, and unlike numerous neighboring parcels, it was never designated with a Restricted Use Area on the original subdivision tract map. Additionally, the project fully complies with LIP Section 3.4.1(D)(6)(c) *"No structure, excluding walls and fences, shall extend beyond or be cantilevered over, any downhill slope extending from the existing building pad."* The second unit is proposed entirely within the existing lower building pad, not on a slope or cantilevered over a slope.

LIP §3.4.1(D)(5) – Structure height limitations

The resolution's characterization of the height limitation is equally unsupported by the LCP. The cited section (LIP § 3.4.1(D)(5)) establishes methods for measuring height under different development scenarios and expressly contemplates structures located where no previous structure exists. The resolution incorrectly references the LCP section pertinent to additions/remodels (LIP § 3.4.1(D)(5)(d)(i)) instead of the correct section (LIP § 3.4.1(D)(5)(d)(ii)). Under this correct section, the project complies, as the Second Unit is proposed where no structure exists. The resolution instead reads limitations into the LCP that do not appear in its text, concluding that detached structures may only occur as additions, remodels, or replacements despite no such prohibition being expressed.

LIP §3.4.1(D)(7) – Impermeable surface limitations

"Impermeable Coverage: There shall be no maximum impermeable coverage limitation. However, including any structures, impermeable surfaces shall only be permitted on the existing building pad." The assertion that the project violates impermeable coverage standards depends

entirely upon characterizing the lower pad as a new pad rather than the existing pad that it is. As discussed above, the lower building pad meets the LCP definition of a building pad, and the historical record shows the lower building pad in existence since at least 1976.

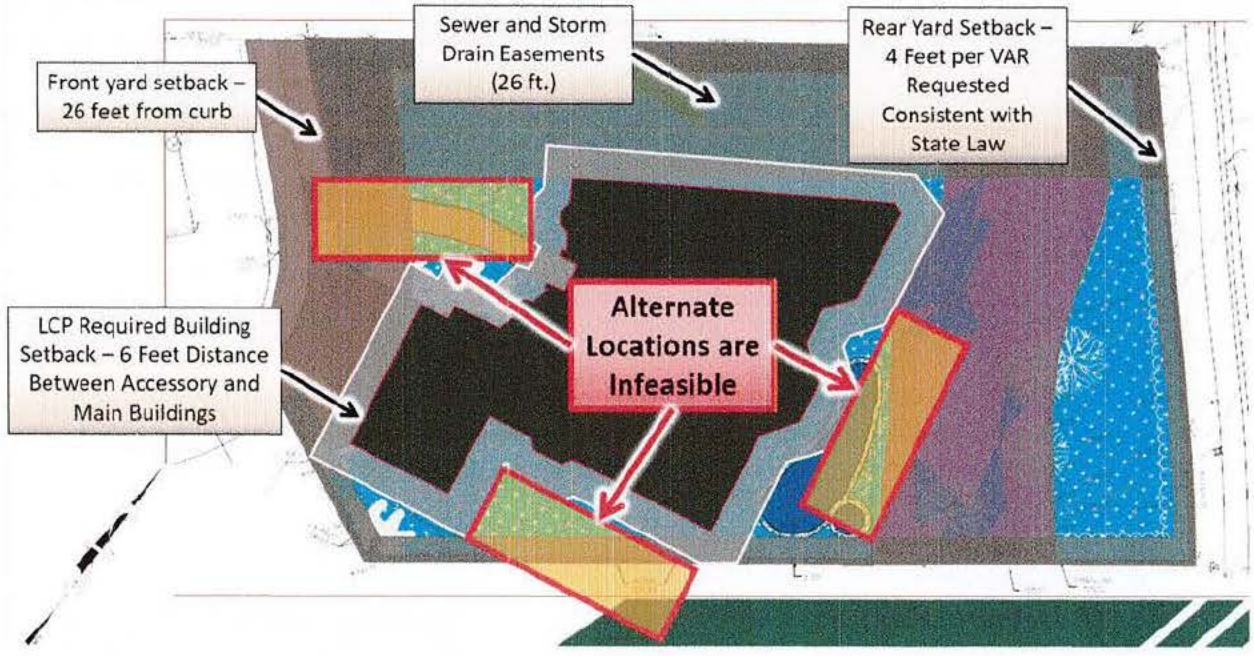
The finding that feasible alternatives exist is not supported by substantial evidence

The central premise of the denial is that the project is not the least environmentally damaging feasible alternative because development could allegedly occur elsewhere on the property. Five separate arguments are based on this assertion that "alternate locations *appear* feasible."

By contrast, the approval findings prepared by Staff for the Planning Commission's consideration (Exhibit B of Planning Commission Staff Report) contain a detailed evaluation of alternative locations and explain why they would result in greater visual impacts, increased grading, reduced setbacks, reduced neighborhood/public parking, interference with existing development, or other environmental consequences.

During deliberations, Chair Peak stated his belief that there was "another way that's viable" and "feasible." However, a personal belief that an alternative may exist is not evidence that such an alternative is actually feasible. Substantial evidence requires facts in the record, not speculation or opinion. The record contains evidence supporting the proposed location and evidence explaining why the identified alternatives are infeasible. It contains no evidence supporting a superior alternative.

There are <u>NO</u> feasible alternate locations



Proposed location is the ONLY feasible alternative



The Project Represents the Least Environmentally Damaging Alternative

The staff's conclusion that the project is not the least environmentally damaging alternative similarly lacks evidentiary support because it relies upon speculative alternatives that the applicant thoroughly evaluated and demonstrated to be infeasible.

The applicant submitted multiple design alternatives and a detailed constraints analysis showing why construction within the existing upper pad cannot reasonably accommodate the proposed second unit. The alternative over the pool would require significant cantilevering over descending slopes (which, according to the planning staff, results in structure heights that exceed the allowable maximum), removal of existing improvements, obstruction of principal windows serving the residence, and increased visual impacts while introducing greater structural complexity. Rather than reducing environmental impacts, this option would generate more.

Likewise, the proposed side-yard location simply lacks sufficient physical dimensions to accommodate a second unit. Once required setbacks, existing bay windows, and circulation are considered, the available area cannot accommodate the proposed second unit that is permitted within the Zoning classification for the subject property.

The front yard location lacks sufficient physical dimensions to accommodate the second unit, encroaching on the front yard setback and front walkway. The applicant's diagrams demonstrate this constraint graphically, yet staff dismisses the analysis without contrary evidence.

The findings in resolution A (denial) that the garage could be converted into a second unit similarly ignore other important LCP requirements. Such conversion would eliminate covered parking, forcing vehicles onto an already constrained cul-de-sac and creating greater

neighborhood impacts than the proposed detached structure. The Local Coastal Program itself encourages minimizing such impacts where possible.
By contrast, the proposed location utilizes an existing engineered pad, avoids significant grading, requires no landform alteration, preserves existing parking, minimizes visual impacts, and places the structure in the least visible portion of the parcel. The evidence supplied by the applicant supports the conclusion that the selected location is the least environmentally damaging alternative feasible.

LIP §3.4.1(D)(8) – Grading restrictions and prohibition on grading for an additional building pad

The grading findings are likewise unsupported. The project does not propose grading to create a new building pad or alter existing landforms. The proposed grading consists solely of exempt removal and recompaction of previously engineered fill, as recommended by geotechnical professionals. This is explicitly exempt grading per LCP §8.3.This would not alter the existing topography. Removal and recompaction does not create a new pad or extend the existing building pad and is not counted towards any grading limitations in the LIP. The resolution's false assertion and mischaracterization and/or misunderstanding of the project that remedial grading is even proposed, much less could be avoided, simply by relocating the structure ignores the fact that remedial grading is not the same as removal and recompaction. **No remedial grading** is proposed and the approved resolution adopted by the Planning Commission is substantially and factually in error on this finding. Only exempt removal and recompaction is proposed.

Variance Findings

Denial of the requested variance likewise rests on conclusions that lack evidentiary support. The applicable findings ask whether special circumstances exist, whether the site is physically suitable, whether the variance would create a special privilege, and whether the project remains consistent with the goals and policies of the Local Coastal Program. The record contains substantial evidence supporting each of those findings.

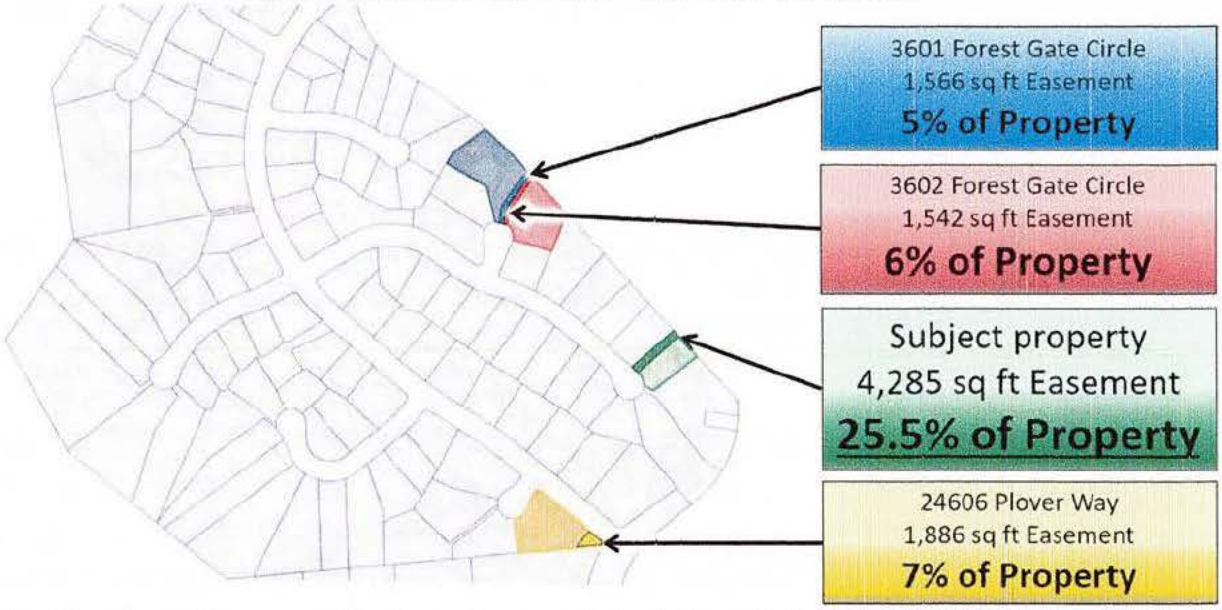
The record establishes special circumstances supporting variance relief

The resolution states that no special circumstances exist because other locations "appear feasible." This assertion is directly contradicted by the applicant's site analysis. The unusual combination of existing easements and engineered grading creates precisely the type of exceptional circumstance contemplated by the variance provisions.
The subject property is burdened by sewer and storm drain easements that substantially constrain development opportunities on the upper building pad. The staff-prepared approval findings recognized that these easements materially reduce the available building area and concluded that, absent these unusual constraints, the ADU could likely be located on the same pad as the primary residence.
These easements are uniquely large in area and percent of lot size – other lots with easements in the MCE represent 5% to 7% of the lot area; the subject property's easements represent 25.5% of the total lot area – constituting exactly the type of special circumstances contemplated by the variance provisions of the LCP. The denial findings do not dispute the

existence of these constraints; they merely speculate that another development site *may* exist elsewhere on the parcel.

Variance Finding A: Special Circumstances/Exceptional Characteristics

Largest Easement by SQ FT and % in the MCEs



Granting the variance would not confer a special privilege. Rather, it would allow reasonable utilization of an existing engineered building pad that is materially different from other parcels within the Overlay District. Denying relief, despite those unique circumstances, would deprive the applicant of opportunities available to similarly situated property owners whose lots can accommodate detached accessory structures without encountering the same physical constraints.

The finding that granting the variance would be detrimental to surrounding properties lacks evidentiary support

The proposed second unit is a permitted secondary use in the SF Zone, largely concealed from public view, and produces no demonstrated adverse impact on public safety, health, or welfare. Staff identifies no measurable injury beyond generalized concerns regarding precedent, despite the City Attorney saying repeatedly, "There is no precedent." Commissioner Mazza replied that "Technically, that's true." But then went on to say, "Practically, once you have broken the line on variances...the dam is broken." As advised by the City Attorney, the findings of fact and evidence are the standard of review under the law. It is not within the Planning Commission's purview to forego the site-specific facts and circumstances of the application presented, due to speculation about what others may or may not do in the future.

In fact, if the garage were converted into the second unit, this would be detrimental to surrounding properties in measurable ways in the form of reduced street parking in an already constrained cul-de-sac.

The finding that the variance conflicts with the purposes of the LCP is likewise unsupported
The project advances important statewide housing objectives while preserving visual resources, minimizing grading, utilizing an existing disturbed area, and avoiding unnecessary environmental impacts. Those outcomes are entirely consistent with the broader purposes of both the Coastal Act and the Local Coastal Program while promoting and adhering to the city's general plan and state housing law.

The conclusion that the site is physically unsuitable similarly ignores the evidence
The proposed foundation rests on an engineered pad specifically evaluated through geotechnical investigation, while suggested alternatives would require greater structural intervention and potentially more extensive impacts to neighborhood street parking, visual impacts, and general character. The proposed second unit is a prefabricated second unit requiring minimal disruption to neighbors. By contrast, constructing a second unit elsewhere on the property would require significantly greater construction disturbance to neighbors, in addition to increased cost and significantly more time.

Asserting that the project fails to comply with state and local law ignores critical evidence
The proposed Second Unit complies with the LCP and MMC, including provisions related to the required findings for the VAR as demonstrated above. Additionally, the proposed second unit meets state ADU law and provides additional housing units in concurrence with the State HCD Law (GOV 65580 (D)) and the Malibu certified Housing Element (7.4) which states, *"Accessory dwelling units, which are a tool in facilitating affordable housing, are permitted by-right in all residential districts in accordance with state law."*

II. LAW

State ADU Law
This project also complies with State ADU Law, which requires local governments to avoid applying development standards in a manner that effectively precludes construction of a compliant second unit. A denial based on standards that conflict with State ADU law is legally invalid. The California Coastal Commission, in its April 2026 memo, expressly encouraged local governments to use existing tools, including variances, to reconcile local standards with State ADU Law in cases like this one where local standards are not necessary to protect coastal resources.

Rear Yard Setback
The setback analysis fails to account for controlling State law. Government Code provisions governing accessory dwelling units expressly authorize four-foot side and rear setbacks notwithstanding more restrictive local requirements. Staff cites the fifteen-foot rear setback requirement while failing to reconcile that provision with State ADU law or explain why State preemption would not apply.

The single building pad requirement was not lawfully adopted
The process by which the city amended the original MCE overlay district to include a single building pad requirement was not properly followed. This restriction was not in the original tract map, nor was it in the MCE CC&Rs. This blanket application was added without proper notification to the residents, and their consent was not obtained at the time. Thus, relying on the single building pad as the chief grounds for dismissal is equally invalid.

III. THERE WAS A LACK OF FAIR OR IMPARTIAL HEARING

Denial Improperly relied on concerns over precedent, not on the merits of the proposal
The Planning Commission's deliberations indicate that the denial was influenced by concerns unrelated to the required variance findings. Commissioner Mazza stated that although each project is different, "once you've broken the line on variances ... the dam is broken." The variance process requires project-specific analysis regardless of any concerns of other, non-related, and/or speculative future application.

LIP §3.4.1(D)(4)(a) – Walls exceeding 6 feet within the required rear setback
The finding regarding wall height likewise rests upon an interpretation not supported by the LCP and misconstruction/misrepresentations of the facts surrounding the proposed project/scope of work. Walls are defined in the LCP (LIP §2.1). *"FENCES, WALLS AND HEDGES - artificially constructed barriers of any material or combination of materials erected to enclose or screen an area of land. See also OPEN FENCING."* This project proposes **no walls** as defined in the LCP. The cited six-foot limitation governs freestanding walls (along with hedges and fences) within setback areas rather than structural walls that form part of a permitted residential building. Denial based on the false grounds that a project proposes something it does not propose is not fair treatment of the application.

LIP Chapter 11 – Alleged inability to determine compliance with archaeological/cultural resource requirements because the lower pad has not been evaluated
The archaeological finding for denial states that the subdivision grading substantially disturbed the property, but nevertheless suggests that impacts cannot be evaluated because the lower pad was not separately studied. However, on the Coastal Development Permit Submittal Checklist, staff indicated an archaeological survey would not be required. It is unfair to deny a project because the applicant has failed to evaluate the lower building pad for archaeological/cultural resources based on the City's direction. Essentially, it appears that this finding for denial is predicated on the applicant not providing information that was never requested or required. This is not in accordance with proper procedure under the law.

City of Malibu

Coastal Development Permit Submittal Checklist

NOTE To submit a new application with the City of Malibu Planning Department, all required items as specified by City Staff on the Submittal Checklist, including application fees and those materials required by City Departments, must be provided at the time of submittal. **Incomplete application submittals WILL NOT be accepted.** An appointment is required for submittals. For an appointment, call 310-456-2489, ext. 485, or email mplanning@malibucity.org. See the New Application Submittal Guide for more information. For more information, visit the Planning Department website.

Staff Only - General Project Information

Date_____
Address / Location: (N) ADU
Project Description:_____

Fees: ☐ CDP Level: 1 $ 673 ☐ SPR $_____ ☐ MM $_____
☐ VAR $_____ ☐ Other $_____ ☐ Other $_____
*The City will charge a service fee for credit card transactions.

Woolsey Fire Fee Waiver: ☐ Project Eligible ☐ Project Ineligible (all fees apply)

Requires the following discretionary requests:_____

A **complete submittal** shall consist of the following City / County Department reviews, submittal documents, and fees.

Departments	Planning Review		Building Plan Check		Date	Submitted
	Req'd	Not Req'd	Req'd	Not Req'd		
Planning	✓	-	✓	-		☐
Archaeological Survey If needed, submit as separate application. Guide	☐	☒	☐	NA		☐
City Biologist	☒	☐	☐	☐		☐

Conclusion

The record demonstrates that the Planning Commission's denial rests on a single foundational error: the mischaracterization of the existing lower building pad as a "new" or "proposed" pad. That error is not a minor factual dispute—it is the premise upon which nearly every adverse finding depends. Once corrected, the asserted conflicts with the Local Coastal Program, the rejection of feasible alternatives, the grading concerns, and the variance denial all lack evidentiary and legal support.

Substantial evidence in the administrative record establishes that the lower pad is an existing, historically graded, engineered building pad that predates the City and LCP. The applicant further demonstrated that development on this pad avoids additional grading, minimizes visual and neighborhood impacts, preserves existing parking, and constitutes the least environmentally damaging feasible alternative. No contrary evidence in the record establishes the feasibility of a superior alternative location.

The record also establishes that the property is subject to unusual and disproportionate easement constraints, that the variance findings can be made, and that the project is consistent with both the LCP and applicable State ADU law. The Commission's reliance on speculation, generalized policy concerns, and misapplied standards does not satisfy the requirement for substantial evidence or a fair and impartial decision-making process.

Because the denial is unsupported by substantial evidence, contrary to law, and procedurally flawed, the City Council should grant the appeal and approve Coastal Development Permit No. 21-045 and Variance No. 26-003. In the alternative, the Council should remand the matter with direction to adopt findings consistent with the undisputed evidence in the administrative record and applicable law.

Sincerely,
Keystone Strategic Planning



Matt Jewett
Principal

Commission Agenda Report

Planning Commission Meeting
06-01-26
Item 4.A.

To: Chair Peak and Members of the Planning Commission

Prepared by: Magda Gonzalez, Contract Senior Planner

Reviewed by: Joseph Smith, AICP, Contract Principal Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: May 21, 2026 Meeting date: June 1, 2026

Subject: Coastal Development Permit No. 21-045 and Variance 26-003 – An application to construct a detached accessory dwelling unit/second unit and associated development on a second building pad (Continued from April 20, 2026)

Location: 24507 Vantage Point Terrace, partially within the appealable coastal zone
APN: 4458-033-006
Owner: Meissner Family Trust

RECOMMENDED ACTION: Either 1) adopt Planning Commission Resolution No. 26-02 (Exhibit A) determining that the California Environmental Quality Act (CEQA) does not apply to projects that a public agency rejects or disapproves, and denying Coastal Development Permit (CDP) No. 21-045 to grade and construct a new 594 square foot (sf.), approximately 11 foot (ft.) 2 inch (in.) tall, detached Accessory Dwelling Unit (ADU)/Second Unit; including Variance (VAR) No. 26-003 for relief from Malibu Country Estates Overlay (MCE Overlay) District standards associated with a proposed second building pad, reduced rear yard setback, wall heights, and allowances for impermeable coverage, structure height, and grading outside the existing building pad on a parcel located in the MCE Overlay and Single Family Medium (SFM) zoning district at 24507 Vantage Point Terrace (Meissner Family Trust); or 2) adopt Planning Commission Resolution No. 26-02 (Exhibit B) determining that the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 21-045 to grade and construct a new 594 sf., 11 ft, 2 in. tall, detached Accessory Dwelling Unit/Second Unit; including Variance No. 26-003 for relief from MCE Overlay District Standards associated with a proposed second building pad, reduced rear yard setback,

wall heights, and allowances for impermeable coverage, structure height, and grading outside the existing building pad on a parcel located in the MCE Overlay and SFM zoning district at 24507 Vantage Point Terrace (Meissner Family Trust).

DISCUSSION: On April 20, 2026, the Planning Commission reviewed the subject application. The staff report and all attachments, including the project plans, department review sheets, and the applicant's findings in support of the CDP and VAR are included as part of Exhibit C. At the meeting, the Commission continued the matter to a date certain of June 1, 2026 to continue discussion on the matter, obtain clarification of certain development standards from staff, and determine if findings in support of the CDP and VAR can be made to approve the project.

Staff have prepared a secondary resolution for the Commission's consideration as the Commission requested to review findings to support the VAR. The secondary resolution is provided as Exhibit B. As the recommended action states, the Commission may consider the original staff recommendation for denial provided in Exhibit A based on not being able to make the findings to support the project due to the project's various inconsistencies with the LCP. Alternately, the Commission may consider adoption of the resolution for approval (Exhibit B) in their deliberations or decide if other findings are necessary should they vote to approve.

Clarification of Total Development Square Footage (TDSF), Impermeable Coverage, and Fire Access

At the April 20, 2026 meeting, the Commission requested additional clarification regarding TDSF, impermeable coverage, and fire access. The MCE Overlay supersedes typical residential development standards in Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 3.6 and does not set a maximum TDSF or impermeable coverage limitation. Instead, the MCE Overlay limits development to one building pad per parcel and stipulates that impermeable coverage be limited to one building pad with no maximum. The MCE Overlay also prescribes a minimum building size for development on one building pad with no maximum. As proposed, the ADU/second unit would be located on a second building pad in the MCE Overlay, which means that any additional increases in impermeable coverage or building size would be inconsistent with the allowances in the MCE Overlay pertaining to one building pad.

As shown on the fire access plans approved by the LACFD on February 23, 2022, the ADU/second unit would be accessed from Vantage Point Terrace along the northwest side yard where the 26 ft. water and sewer easement is located. Fire access from John Tyler Drive is not indicated as the approved or required fire access route per the LACFD.

Findings in Support

At the April 20, 2026 meeting, the Commission deliberated if findings could be made in support of the CDP and VAR to approve the project. The applicant had previously submitted findings in support of the requests. Staff has revised and incorporated these findings into a second resolution for the Commission's consideration (Exhibit B).

Updated Zoning Conformance Table

Table 3 of the original Commission Agenda Report from April 20, 2026 meeting has been updated to include rows for TDSF, impermeable coverage, and parking.

Table 3 – LCP Zoning Conformance			
Development Requirement	**Allowed/ Required**	**Proposed**	**Comments**
SITE OF CONSTRUCTION	All development limited to existing building pad; one building pad per lot; no structures downhill from existing building pad	Proposed development extended to proposed second building pad; proposed second building pad on lot; proposed structure located downhill from existing building pad	Does not comply with the LIP §3.4.1(D)(6)
REAR YARD SETBACK	15 ft.	4 ft.	Does not comply with LIP §3.4.1(D)(2)(c)
IMPERMEABLE COVERAGE	No maximum; all impermeable surfaces shall be on the existing building pad	Proposed structure on proposed second building pad	Does not comply with LIP §3.4.1(D)(7)
STRUCTURE HEIGHT	Limits structure height to additions/remodels of existing structure, vacant parcels or where	No modifications to existing structure; proposed second	Does not comply with LIP §3.4.1(D)(5)(d)(i-ii)

Table 3 – LCP Zoning Conformance			
Development Requirement	**Allowed/ Required**	**Proposed**	**Comments**
	an existing structure is replaced	structure not associated with existing structure	
GRADING	Grading for swimming pools and spas; no grading for purposes of extending the existing building pad	Proposed grading associated for use other than swimming pool or spa; proposed grading for second building pad	Does not comply with LIP §3.4.1(D)(8)
WALL HEIGHT WITHIN SETBACK	No walls exceeding 6 ft. in height within required rear yard setback	Proposed walls associated with the structure extend above 6 ft. within required rear yard setback	Does not comply with LIP §3.4.1(D)(4)(a)
TDSF (MINIMUM BUILDING SIZE)	Not less than 2,000 sf.	4,195 sf. (SFR & ADU/Second Unit)	Complies
IMPERMEABLE COVERAGE	No maximum. All impermeable surfaces shall be on the existing building pad.	ADU/Second Unit on secondary pad	Does not comply with the LIP.
PARKING			
Enclosed	2 (residence) 1 (second unit)	3 existing (no new proposed)	Complies
Unenclosed	In front of garage, not exceeding garage width and not extending more than 20 ft.	3 existing on driveway (no new proposed)	Complies

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Community Development Director has analyzed the proposed project and finds that,

pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproves (Exhibit A). However, should the Commission adopt Resolution No. 26-02 (Exhibit B) to approve the project, the Commission would need to make the findings that the project is categorically exempt from CEQA. Draft findings are included in the resolution.

CORRESPONDENCE: After the April 20, 2026 agenda was published, two video correspondence items were received and provided to the Commission. As of the publication of this report, no written correspondence has been received by the Planning Division.

PUBLIC NOTICE: On March 26, 2026 staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu. On March 27, 2026 staff mailed the notice to all property owners and occupants within a 500-ft. radius of the subject property (Exhibit D). At the April 20, 2026 Commission meeting, the item was continued date certain to the June 1, 2026 Commission meeting.

SUMMARY: Staff has prepared two resolutions for the Commission's consideration based on the April 20, 2026 deliberations. Staff recommends the Commission adopt Resolution No. 26-02 (Exhibit A) denying the project on the basis that it is inconsistent with the LCP and MMC, and the required findings cannot be made in support of the CDP and VAR. However, should the Commission determine that the findings can be made in support of the CDP and VAR, the Commission should review the findings in Resolution No. 26-02 (Exhibit B), amend as relevant, and adopt the resolution approving the project.

EXHIBITS:

A. Planning Commission Resolution No. 26-02 (Denial)
B. Planning Commission Resolution No. 26-02 (Approval)
C. Original Commission Agenda Report, dated April 20, 2026
D. Public Hearing Notice, mailed March 27, 2026

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THAT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY TO PROJECTS THAT A PUBLIC AGENCY REJECTS OR DISAPPROVES, AND DENYING COASTAL DEVELOPMENT PERMIT NO. 21-045 TO GRADE AND CONSTRUCT A NEW 594 SQUARE FOOT, 11 FOOT, 2 INCH TALL, DETACHED ACCESSORY DWELLING UNIT/SECOND UNIT; INCLUDING VARIANCE NO. 26-003 FOR RELIEF FROM MALIBU COUNTRY ESTATES OVERLAY DISTRICT STANDARDS ASSOCIATED WITH A PROPOSED SECOND BUILDING PAD, REDUCED REAR YARD SETBACK, WALL HEIGHTS, AND ALLOWANCES FOR IMPERMEABLE COVERAGE, STRUCTURE HEIGHT, AND GRADING OUTSIDE THE EXISTING BUILDING PAD ON A PARCEL LOCATED IN THE MALIBU COUNTRY ESTATES OVERLAY AND SINGLE FAMILY MEDIUM ZONING DISTRICT AT 24507 VANTAGE POINT TERRACE (MEISSNER FAMILY TRUST)

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

SECTION 1. Recitals.

A. On September 23, 2021, an application for Coastal Development Permit (CDP) No. 21-045 with Minor Modification (MM) No. 21-028 was submitted to the Planning Division by the applicant Keystone Strategic Planning, on behalf of property owner, the Meissner Family Trust. The application was routed to the City Biologist, City Public Works Department, City geotechnical consultant reviewers, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for review. The proposed development is located in the Malibu Country Estates (MCE) Overlay District, located within the City's certified Local Coastal Program (LCP) Local Implementation Plan (LIP) as LIP Section 3.4.1(D).

B. On October 9, 2025, the applicant requested the subject application be agendized for the Planning Commission. The applicant was informed that the application was not deemed incomplete.

C. On October 30, 2025, the applicant posted a Notice of CDP Application sign at the subject property.

D. On November 20, 2025, 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 project site and to all interested parties.

E. On December 1, 2025, the Planning Commission continued the item to the February 2, 2026 Regular Planning Commission meeting prior to opening the public hearing.

F. On February 2, 2026, the Planning Commission continued the item date uncertain at the applicant's request.

G. On February 5, 2026, the applicant submitted a request for Variance (VAR) No. 26-003 for

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relief from certain MCE Overlay District standards. MM No. 21-028 was no longer considered applicable to the project as the requested rear yard setback exceeded the allowance under a MM.

H. On March 5, 2026, the applicant requested the Planning Commission hearing be continued to a date certain of April 20, 2026.

I. On March 26, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and on March 27, 2026 was mailed to all property owners and occupants within a 500-foot radius of the project site and to all interested parties.

J. On April 20, 2026, 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. This item was continued to the June 1, 2026 Commission meeting for further discussion, to obtain clarification of certain development standards from staff, and to determine if findings in support of the CDP and VAR can be made to approve the project.

K. On June 1, 2026, 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 and finds that, pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproved.

SECTION 3. Findings for Denial.

Based on substantial evidence contained within the record, including the agenda report for the project and the hearings on April 20, 2026 and June 1, 2026, and pursuant to LIP Sections 13.7(B) and 13.9, the Planning Commission adopts the findings of fact, and denies CDP No. 21-045 and VAR No. 26-003 to construct a 594 square foot (sf.) Accessory Dwelling Unit/Second Unit (ADU/Second Unit) on a proposed second building pad on a parcel in the MCE Overlay and Single Family Medium (SFM) Zoning District located at 24507 Vantage Point Terrace (Meissner Family Trust).

The required findings of LIP Chapter 13 cannot be made by the City as enumerated below, and therefore the project does not comply with the California Coastal Act by extension of the City's LCP.

A. General Coastal Development Permit (LIP Chapter 13)

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

The proposed location of the ADU/Second Unit is not consistent with the MCE Overlay standards in LIP Section 3.4.1(D) or residential development standards in LIP Section 3.6(N)(1) and, therefore,

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does not meet the requirements for LIP Chapter 3 (Zoning). Furthermore, the proposed location does not comply with LIP Chapter 8 (Grading) and compliance with LIP Chapter 11 (Archaeological/Cultural Resources) cannot be determined based on the information submitted.

The proposed project fails to meet various requirements outlined in LIP Chapter 3 including: LIP Section 3.4.1(D)(2)(c) which requires rear yard setback to be at least 15 feet (ft.) (4 ft. proposed); LIP Section 3.4.1(D)(4)(a) which stipulates that "no walls…in excess of 6 ft. shall be allowed within the required rear…yard setback areas" (wall heights associated with the proposed structure extend above 6 feet in the rear yard setback); LIP Section 3.4.1(D)(5) which limits structure height to additions/remodels of an existing structure, a new structure on a vacant parcel, or where an existing structure is replaced (no modifications to the existing structure are proposed, the site is not vacant, and the proposed structure is not associated with the replacement of the existing residence); LIP Section 3.4.1(D)(6), which stipulates that the site of construction for all development is limited to one single building pad and that no structures shall be sited downhill from the existing building pad (the project proposes a second building pad and has located the proposed second building pad downhill of the existing building pad); LIP Section 3.4.1(D)(7) which strictly limits impermeable surfaces on the existing building pad (the proposed structure is located on a proposed second building pad); LIP Section 3.4.1(D)(8) which states grading shall only be permitted for the construction of swimming pools and spas and that no grading occur for purposes of extending the existing building pad (proposed grading associated for a use other than a swimming pool or spa and proposed for an additional building pad); and LIP Section 3.6(N)(c)(i) that requires a second residential unit be located within the required development area for the project site and clustered with the primary dwelling unit (the proposed second unit is located downhill from the existing residence, is not within the required development area as stipulated in the MCE Overlay standards and is not clustered with the existing residence).

The proposed development is inconsistent with LIP Chapter 8 (Grading). The MCE Overlay standards provide more strict regulations for grading of property within the MCE Overlay District (LIP Section 3.4.1(D)(8)) by prohibiting grading on existing building pads except for export of 500 cubic yards (c.y.) associated with the construction of a swimming pool and spa, with additional provisions for cut and fill grading and remedial grading subject to the approval of a site plan review. Based on the applicant's submitted materials, the proposed second building pad proposes remedial and re-compaction grading for the upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of a 3 ft. beyond the proposed footprint. The proposed grading is for a use other than a swimming pool or spa and, therefore, does not comply with LIP Section 3.4.1(D)(8) or LIP Chapter 8 pursuant to the provision in LIP Section 8.2. Additionally, LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

Based on the information submitted by the applicant, the Planning Commission is unable to determine if the proposed project complies with LIP Chapter 11 (Archaeological/Cultural Resources). Although the project site has been evaluated for potential impacts to archeological resources and it has been determined that due to the previous grading activities to create the existing building pad and MCE community, the project has very low probability of disturbing archaeological resources for construction

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proposed on the existing building pad. It is not clear if the location of the proposed second building pad would have potential impacts given that it is proposed downhill from the existing building pad in an undeveloped area and has not been evaluated for potential impacts during construction. The applicant has not provided information demonstrating that the proposed second building pad has been evaluated for impacts to archeological resources.

In the event there is a conflict between a provision of the LCP and a provision of the General Plan or of any other City-adopted plan, resolution, or ordinance not included in the LCP, and it is not possible for the development to comply with both the LCP and the other provision, pursuant to LIP Section 1.3.1, the LCP governs. Consequently, the development may not be approved unless it complies with the LCP provision.

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

The subject parcel is not located between the first public road and the sea. The project site is located inland and not located along the shoreline. Therefore, this finding does not apply.

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

As discussed in Finding A.1, the applicant represented that the proposed location on a proposed second building pad downhill of the existing building pad is the only suitable location due to the site's sewer and water line easements and steep slopes. However, the applicant did not adequately justify why the ADU/Second Unit could not be developed within the existing building pad in compliance with the MCE Overlay standards. Furthermore, the applicant did not demonstrate that an alternate location within the residence as part of a conversion or adjacent to the residence on a flat portion of the existing building pad was infeasible. Additionally, the applicant did not provide information indicating that the proposed second building pad has been evaluated for potential impacts to archaeological/cultural resources.

As part of the Planning Commission's review of the subject application, alternate locations for development appeared feasible and would maintain consistency with the MCE Overlay standards, as well as consistency with LIP Chapters 3, 8 and 11. The alternate locations do not appear to necessitate the extent of proposed grading to accommodate the second building pad or result in the need for relief from the MCE Overlay standards. As proposed, the second building pad location is not considered to be the least environmentally damaging alternative

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

The LCP Environmentally Sensitive Habitat Area (ESHA) and Marine Resources Map does not identify any ESHA on the subject parcel or on any adjacent properties. The subject parcel is not in a

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designated ESHA or ESHA buffer and, therefore, Environmental Review Board review was not required. This finding does not apply.

B. Variance No. 26-003 from LIP Section 3.4.1(D) for Development on a Proposed Second Building Pad in the MCE Overlay District (LIP Section 13.27)

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

There are no exceptional or extraordinary circumstances/characteristics that require the proposed structure be located on a secondary building pad in the MCE Overlay District. The proposed second building pad is situated approximately 25 ft. downhill from the existing building pad in an undeveloped area. There are alternatives that grant the property owner the opportunity for an ADU/Second Unit within the existing building pad in compliance with MCE Overlay standards. The applicant represented that the proposed location is the only suitable location on the parcel due to sewer and storm drain easement and steep slopes; however, the alternative locations deemed infeasible by the applicant are not the only locations available, there are other locations within the existing building pad that may accommodate an ADU/Second Unit. Based on the Planning Commission's review of the parcel, existing development, and thorough analysis of the variance justifications provided it appears the applicant has design options adjacent to the existing residence on the side and/or front yards that could accommodate an ADU/Second Unit and/or Junior ADU (JADU). These could be in the form of an attached structure to the residence and/or conversion space associated with the residence or a portion of the garage. An alternate design also appears feasible given that the existing building pad is sufficient in size to support other accessory uses including a swimming pool, spa, and wooden deck. All feasible options described would not require special consideration and would fall within the allowable uses of the MCE Overlay, particularly development within the existing building pad.

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

Granting the variance request would be detrimental to the improvements in the same SFM zone and MCE Overlay, as it would violate the established objective zoning requirements of the parcel's location. Furthermore, it would establish a precedent for disregarding the certified LCP.

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

Granting the variance would constitute a special privilege to the property owner because no special circumstances or exceptional characteristics exist on the subject parcel, different from other parcels in the MCE Overlay, that would require the proposed structure to be located on a second building pad downslope of the existing building pad and in conflict with objective standards in the MCE Overlay. While a 26 ft. wide sewer and storm drain easement extends across the northwest side yard, alternate locations for development of some form of an ADU/Second Unit appear feasible and would maintain

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consistency with the MCE Overlay standards, as well as consistency with LIP Chapters 3, 8 and 11. The alternate locations are outside of the 26 ft. wide easement area and do not appear to necessitate the extent of proposed grading to accommodate the second building pad or result in the need for relief from the MCE Overlay standards. As described in Finding A.3, the applicant did not justify the need for a second building pad and did not explore feasible alternatives within the existing building pad.

4. *The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.*

The granting of the variance request would not meet the general purpose and intent because alternate locations appear feasible within the existing building pad that would allow for an ADU/Second to be developed on the subject parcel consistent with the objective standards of the MCE Overlay.

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

The variance request is not for an ESHA buffer nor is the project located within an ESHA. Therefore, this finding is not applicable.

6. *For variances to stringline standards, the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.*

Stringline standards are not part of the variance request, and the subject parcel is not beachfront. Therefore, this finding is not applicable.

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

Variance requests are designed to provide relief to sites with special circumstances or exceptional characteristics that severely hinder development thus negating the opportunity to enjoy the same privileges as surrounding neighbors. As described in Findings B.1 and B.3, alternate locations appear feasible within the existing building pad that would allow for some form of an ADU/Second Unit to be developed on the subject parcel consistent with the objective standards of the MCE Overlay.

8. *The subject site is physically suitable for the proposed variance.*

Alternate locations for development of an ADU/Second Unit appear feasible on the existing building pad and would maintain consistency with the MCE Overlay standards. The proposed second building pad would necessitate a variance for relief from objective development standards in the MCE Overlay and it has not been demonstrated that the proposed location would be physically suitable for the proposed development. The applicant did not provide information indicating that the proposed second building pad has been evaluated for potential impacts to archaeological/cultural resources consistent with LIP Chapter 11. Furthermore, the proposed second building pad proposes remedial and re-

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compaction grading for the upper 3 ft. of previously compacted fill to be removed and recompacted to a minimum of 3 ft. beyond the proposed footprint. LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

9. *The variance complies with all requirements of state and local law.*

The City is entirely within the coastal zone and has a certified LCP that governs new development, including ADUs, JADUs, and Second Units. ADUs in the City must comply with state law and the LCP, as applied to implement the Coastal Act in the City. As proposed, the project does not represent the least environmentally damaging alternative as required by CDP Finding A.1 or comply with objective standards in the MCE Overlay (LIP Section 3.4.1(D)).

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

The proposed project is located within a residential community and not located in an area that provides public parking for access to the beach, public trails, or parklands. Therefore, this finding is not applicable.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby denies CDP No. 21-045 and VAR No. 25-003.

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

PASSED, DENIED AND ADOPTED this 1st day of June 2026.

_____
SKYLAR PEAK, 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. 26-02 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 1st day of June 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

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CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 21-045 TO GRADE AND CONSTRUCT A NEW 594 SQUARE FOOT, 11 FOOT, 2 INCH TALL, DETACHED ACCESSORY DWELLING UNIT/SECOND UNIT; INCLUDING VARIANCE NO. 26-003 FOR RELIEF FROM MALIBU COUNTRY ESTATES OVERLAY DISTRICT STANDARDS ASSOCIATED WITH A PROPOSED SECOND BUILDING PAD, REDUCED REAR YARD SETBACK, WALL HEIGHTS, AND ALLOWANCES FOR IMPERMEABLE COVERAGE, STRUCTURE HEIGHT, AND GRADING OUTSIDE THE EXISTING BUILDING PAD ON A PARCEL LOCATED IN THE MALIBU COUNTRY ESTATES OVERLAY AND SINGLE FAMILY MEDIUM ZONING DISTRICT AT 24507 VANTAGE POINT TERRACE (MEISSNER FAMILY TRUST)

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

SECTION 1. Recitals.

A. On September 23, 2021, an application for Coastal Development Permit (CDP) No. 21-045 with Minor Modification (MM) No. 21-028 was submitted to the Planning Division by the applicant Keystone Strategic Planning, on behalf of property owner, the Meissner Family Trust. The application was routed to the City Biologist, City Public Works Department, City geotechnical consultant reviewers, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for review. The proposed development is located in the Malibu Country Estates (MCE) Overlay District, located within the City's certified Local Coastal Program (LCP) Local Implementation Plan (LIP) as LIP Section 3.4.1(D).

B. On October 9, 2025, the applicant requested the subject application be agendized for the Planning Commission. The applicant was informed that the application was not deemed incomplete.

C. On October 30, 2025, the applicant posted a Notice of CDP Application sign at the subject property.

D. On November 20, 2025, 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 project site and to all interested parties.

E. On December 1, 2025, the Planning Commission continued the item to the February 2, 2026 Regular Planning Commission meeting prior to opening the public hearing.

F. On February 2, 2026, the Planning Commission continued the item date uncertain at the applicant's request.

G. On February 5, 2026, the applicant submitted a request for Variance (VAR) No. 26-003 for

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relief from certain MCE Overlay District standards. MM No. 21-028 was no longer considered applicable to the project as the requested rear yard setback exceeded the allowance under a MM.

H. On March 5, 2026, the applicant requested the Planning Commission hearing be continued to a date certain of April 20, 2026.

I. On March 26, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and on March 27, 2026 was mailed to all property owners and occupants within a 500 foot (ft.) radius of the project site and to all interested parties.

J. On April 20, 2026, 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. This item was continued date certain to the June 1, 2026 Commission meeting for further discussion, to obtain clarification of certain development standards from staff, and to determine if findings in support of the CDP and VAR can be made to approve the project.

K. On June 1, 2026, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303 (a) and (e) – New Construction – and Section 15304(b) – Minor Alterations to Land. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Findings for Approval.

Based on substantial evidence contained within the record, including the agenda report for the project and the hearings on April 20, 2026 and June 1, 2026, and pursuant to LIP Sections 13.7(B) and 13.9 and the Malibu Municipal Code (MMC), the Planning Commission adopts the findings of fact, and approves CDP No. 21-045 and VAR No. 26-003 to construct a 594 square foot (sf.) Accessory Dwelling Unit/Second Unit (ADU/Second Unit) on a proposed second building pad on a parcel in the MCE Overlay and Single Family Medium (SFM) Zoning District located at 24507 Vantage Point Terrace.

The project is consistent with the LCP's zoning (LIP Chapter 3), grading (LIP Chapter 8), cultural resources (LIP Chapter 11), water quality (LIP Chapter 17), and wastewater treatment requirements (LIP Chapter 18). With the inclusion of the VAR, the project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are

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made herein. The project complies with the following five LIP chapters that do not require findings to be made. The remaining chapters of the LIP are analyzed in this resolution.

Zoning (LIP Chapter 3): The subject parcel is located in Area A of the MCE Overlay and is subject to the development and design standards set forth under LIP Sections 3.4, 3.5, and 3.6. Inclusive of the requested VAR, the project meets the development and design standards of the LIP.

Grading (LIP Chapter 8): LIP Sections 3.4 and 8.3 ensure that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of grading to no more than 500 c.y. for the construction of swimming pools and spaces and 100 c.y. total cut and fill within the MCE Overlay. Moreover, the existing building pad elevation, as documented in Ordinance No. 122 which established the MCE Overlay, must not be changed with proposed grading and the project does not propose any changes. The project conforms to the grading requirements as set forth under LIP Section 8.3, which ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to 1,000 c.y. for a residential parcel. The only grading proposed is the removal/recompaction for the foundation per the recommendations in the Geotechnical Report, which is explicitly exempted per LIP Section 8.3 "Exception. Excavation for foundations and other understructure excavation and incremental excavation for basements and safety purposes shall be excluded from grading limitations." The proposed grading will not result in a change to the existing building pad elevation. The proposed project complies with grading requirements set forth under LIP Sections 3.4 and 8.3.

Archaeological/Cultural Resources (LIP Chapter 11): LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. The subject parcel has been evaluated for potential impacts to archaeological resources per the adopted City of Malibu Cultural Resources Map and it has been determined to have a very low probability of containing cultural resources due to the grading previously completed on the subject parcel as part of Tract No. 30134 in 1971, which established the existing building pads and the led to the development that is there today. The MCE neighborhood is almost completely disturbed being one of the only major planned subdivisions in Malibu. Nevertheless, a condition of approval is included in the resolution which states that in the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources, and until the Community Development 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. Standard conditions of approval are added to the project, such as implementation of approved storm water management plans during construction activities and management of runoff from the development, including recordation of a water quality mitigation plan, and best management practices. With the implementation of these conditions, the project conforms to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18): LIP Chapter 18 addresses onsite wastewater treatment systems (OWTS). The subject parcel is located in a subdivision that is served by

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the Malibu Mesa Wastewater Treatment Plant. Therefore, this chapter does not apply.

A. General Coastal Development Permit (LIP Chapter 13)

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

The proposed project is located in the MCE Overlay and SFM residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the City Biologist, City Public Works Department, City geotechnical consultant reviewers, 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 with the inclusion of the VAR.

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

The subject parcel is not located between the first public road and the sea. The project site is located inland and not located along the shoreline. Therefore, this finding does not apply.

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

The proposed location appears to be the only feasible location for the proposed ADU/Second Unit. The ADU/Second Unit does not intrude into neighboring properties, does not cantilever over the slope nor does it require any non-exempt landform alteration/grading. The proposed location involves the least visible portion of the parcel and satisfies Coastal Act policies and applicable local standards while minimizing environmental, visual, and neighborhood impacts.

Various alternatives to site development were considered but ultimately rejected by the applicant due to the potential impacts to the parcel. One alternative proposed the ADU/Second Unit over the existing pool and over the rear descending slope. This would require the existing pool to be removed. However, there is insufficient area to support the proposed ADU/Second Unit, given that there must be a 6 ft. building setback per the LIP Section 3.6(R)(b) The east-facing living room features a prominent bay window that provides primary light, air, and view to the existing residence. Light, air, and views would all be blocked by the presence of the ADU/Second Unit, even if it were to fit. This placement, however, results in roughly half of the area of proposed structure extending beyond and cantilevered over the downhill slope, which would result in a height greater than 18 ft. and/or new site grading/landform alteration on the existing slope. Therefore, this alternative is not feasible practically, would result in greater visual impacts, and does not achieve any greater consistency with relevant policies/regulations than the proposed location.

A second alternative could be along the southeastern side, behind the garage and adjacent to the primary bathroom, there is a right triangle of area where it might be assumed that the ADU/Second Unit could be sited. This second alternate shows clearly how after accounting for the bathroom's bay window and

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the required 6 ft. building setback, there is not nearly enough space to squeeze the ADU/Second Unit between the residence and the property line, even with the benefit of a side yard setback reduction. The other half would spill into the setback and over the property line. Therefore, the second alternative was rejected by the applicant at this location as not being feasible.

The proposed location and type of development is consistent with the SFM land use and zoning designation within the MCE Overlay. Adjacent parcels to the north, east, south, and west are developed with similar residential structures. The proposed project has been reviewed and conditionally approved for compliance with the LCP by the City Biologist, City geotechnical consultant reviewers, City Public Works Department, WD29, and the LACFD. The proposed project, as conditioned, will comply with all applicable requirements of state and local law. As designed, the project complies with the requirements of the LCP inclusive of the VAR and represents the least environmentally damaging feasible alternative as no alternative provides a superior project to the one proposed.

The project is sited on the least visible portion of the parcel, does not impact public views, proposes no non-exempt grading/landform alteration, maintains existing required on-site covered parking to avoid adverse impacts to neighbors, and inclusive of the VAR conforms to applicable Coastal Act and LIP standards for coastal resource protection. Additionally, the project has no impacts to public access or Environmentally Sensitive Habitat Area (ESHA). For these reasons, the proposed location for the ADU/Second Unit is considered the least environmentally damaging alternative.

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

The LCP ESHA Overlay Map does not identify any ESHA on or adjacent to the subject parcel. The subject parcel is not in a designated ESHA or ESHA buffer. Therefore, Environmental Review Board review is not required and this finding is not applicable.

B. Variance No. 26-003 from LIP Section 3.4.1(D) for Development on a Proposed Second Building Pad in the MCE Overlay District (LIP Section 13.27)

VAR No. 26-003 is requested to allow a second building pad, reduced rear yard setback, wall heights, and allowances for impermeable coverage, structure height, and grading outside of the existing building pad on a parcel located in the MCE Overlay.

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

Regarding the second building pad, the subject parcel is uniquely constrained by two recorded utility easements (one sanitary sewer and one storm drain easement) that run the length of the northernmost portion of the parcel, occupying approximately twenty-five percent of the total lot area, including the upper building pad that contains the existing single-family residence. These unusually significant

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easement encumbrances substantially reduce the buildable area in a manner not shared by surrounding parcels. Were it not for these easements, the ADU/Second Unit could likely be sited on the same building pad as the primary residence, thus not requiring utilization of the lower building pad. The property further contains two historically graded building pads, documented in aerial photography dating back to 1980.

Regarding the rear yard setback, strict application of LIP Section 3.4.1(D)(2)(c) *"Rear yard setbacks shall be at least 15 feet"* would require siting the ADU/Second Unit not on the lower building pad, but up and/or into the slope. This would require non-exempt grading/landform alteration and the extension of the existing building pad, in conflict with LIP Section 3.4.1(D)(8)(b). As proposed, no grading or landform alteration is required, and earth movement is limited to exempt removal and recompaction for the foundation, consistent with the requirements of the LCP and the MCE Overlay requirements for no extension of existing pads. Since strict application would require non-exempt grading, the LCP encourages such setback modifications prescribed by the VAR process. The proposed siting for the ADU/Second Unit, within the identified 15 ft. rear yard setback, allows for no new landform alteration consistent with the purpose and goals of the LCP. This would also fulfill the purpose of LIP Chapter 8.

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

The project has been reviewed by multiple City departments, all of which have determined that the proposed development is safe and compliant with applicable health and safety standards. The project has been reviewed and approved by the City Public Works Department for conformance with LIP Chapter 17 water quality requirements including stormwater management and runoff control measures. The City Biologist has reviewed and approved the project, finding it consistent with the City's goals and policies for biological resource protection. The proposed development has been reviewed and approved by City geotechnical reviewing consultants confirming that the site is geologically suitable for development, meeting the threshold set in LIP Section 9.3. Based on these departmental reviews, the granting of the variance would not be detrimental to the public interest, health, safety, or welfare, nor injurious to nearby properties or improvements.

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

Second Units are Permitted Uses in the SF Zone per LIP Chapter 3 and Table B. The parcel is subject to unusual physical and legal constraints not shared by surrounding properties, including large utility easements occupying the northern quarter of the lot. A VAR would provide reasonable relief from these unique constraints and does not confer a special privilege not enjoyed by other properties in the vicinity and under the same zoning classification. The proposed ADU/Second Unit, due to its placement on the existing lower building pad and its low profile, will not obstruct scenic views or visual resources and will remain largely invisible from neighboring properties.

4. *The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.*

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The proposed development clusters construction on previously disturbed land, avoids slope disturbance, minimizes grading, reduces visual impacts and has no impact to sensitive environmental coastal resources. The project is located away from ESHA, marine resources, and sensitive visual resources. Based upon the foregoing, the proposed siting protects and maintains public access to coastal resources while balancing private property rights, consistent with the goals, objectives, and policies of the LCP with the inclusion of the VAR.

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

The subject parcel is located inland of Pacific Coast Highway in a fully developed residential neighborhood. No ESHA is located on the project site or in the immediate vicinity. No ESHA standards or buffers are implicated by the proposed development.

6. *For variances to stringline standards, the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.*

The subject parcel is a non-beachfront lot and is not subject to stringline standards applicable to beachfront parcels under Chapter 12 of the Malibu LIP. The proposed development does not limit or interfere with public access to coastal resources.

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

The subject parcel is zoned Single Family Medium residential (SFM). Pursuant to LCP Table B, second units (ADUs) are a permitted accessory use in the SFM zone. The existing single-family residence establishes the primary use and therefore, the ADU/Second Unit may be permitted as an accessory use. The surrounding neighborhood is developed with single-family residences, and the proposed ADU/Second Unit is consistent with the existing land use pattern and the intent of the SF zone to maintain medium-density residential development that respects surrounding properties and the natural environment.

8. *The subject site is physically suitable for the proposed variance.*

The proposed ADU/Second Unit site is located on a flat, historically graded pad at the toe of the slope in the rear portion of the parcel that requires no site grading to establish a new or extended pad. The site has been reviewed and approved by the project geologist and City geotechnical consultant reviewers. The requested VAR results in reduced landform alteration, avoidance of slope disturbance, and minimized environmental impacts.

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9. *The variance complies with all requirements of state and local law.*

The proposed ADU/Second Unit complies with the LCP and MMC including provisions related to the required findings for the VAR. Additionally, the proposed ADU meets state ADU law and provides additional housing units in concurrence with the Malibu certified Housing Element.

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

The subject parcel is located in a residential cul-de-sac and contains no public parking facilities. No public parking spaces are proposed to be removed or altered by the project. Accordingly, the granting of the VAR would not reduce or eliminate public parking for access to beaches, public trails, or parkland. All necessary parking can be accommodated on the subject parcel.

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

As described in Finding A.4, the LCP ESHA Overlay Map does not identify any ESHA on or adjacent to the subject parcel. The subject parcel is not in a designated ESHA or ESHA buffer. Therefore, the findings of LIP Chapter 4 are not applicable.

D. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the project site. 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, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject parcel is located inland of PCH and within an existing developed area adjacent to Pepperdine University. The project site is located downslope of an existing residence in the MCE Overlay and near John Tyler Drive, which is not designated as a scenic road in the LCP. No existing or planned trails or recreational areas are on or in vicinity of the project site as shown on the LCP Park Lands Map, such that the proposed ADU/Second Unit would be visible from identified public viewing areas or scenic roads. Therefore, the findings of LIP Chapter 6 are not applicable.

F. Transfer of Development Credit (LIP Chapter 7)

The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.

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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)(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 Division, City Biologist, City Public Works Department, City geotechnical consultant reviewers, WD29, and LACFD. The required findings are made as follows.

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 a geologic and geotechnical engineering report prepared on October 12, 2020, by GeoSoils Consultants, Inc. (GSC). This report is on file at City Hall. The report evaluates the geologic and geotechnical engineering conditions on the site and their impact on the proposed development (a new manufactured ADU/Second Unit located at the toe of the slope) and provides recommendations to address any pertinent issues. Potential hazards analyzed include regional and local geologic setting, subsurface conditions, surface water, groundwater, as well as faulting and seismicity (seismic and fault rupture, seiches and tsunamis, liquefaction, landslide). It was determined that the proposed development is feasible from a geologic and geotechnical engineering perspective, provided the recommendations contained in the report are incorporated into the final design and construction phase of the proposed site improvement. The subject parcel, as with all parcels located within the City limits, is located within an extreme fire hazard area. Based on review of the project plans and associated geotechnical reports by the City Public Works Department, City geotechnical consultant reviewers, and LACFD, these specialists determined that adverse impacts to the project site related to the proposed development are not expected. The proposed project will neither be subject to nor increase the instability from geologic, flood, or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

The project, as conditioned, will incorporate all recommendations contained in the above cited geotechnical report and conditions required by the City Public Works Department, City geotechnical consultant reviewers, and the LACFD, including foundations, and drainage. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood, or any other hazards.

Fire Hazard

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone (VHFHSZ), a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The subject parcel is currently subject to wildfire hazards. The proposed

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development is not expected to increase the subject parcel's susceptibility to wildfire or have an adverse impact on wildfire hazards. 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 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 in the resolution 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.

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 G.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, flood, or fire hazards due to project modifications, landscaping or other conditions.

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

As described in Finding A.1, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

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 Biologist, City Public Works Department, City geotechnical consultant reviewers, and LACFD. It has been determined that the proposed project does not impact site stability or structural integrity. As previously discussed in Findings A.3 and G.3, there are no feasible alternatives to development and due to site constraints, any other project alternative considered would have resulted in more grading, land disturbance, and construction on steep slopes.

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

As discussed in Findings A.3 and A.4, the proposed project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

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H. Shoreline and Bluff Development (LIP Chapter 10)

The subject parcel is not located on a beach or coastal bluff. Therefore, the findings of LIP Chapter 10 are not applicable.

I. Public Access (LIP Chapter 12)

In accordance with LIP Section 12.6.B.2, the project is exempt from providing public lateral, vertical, blufftop, trail, or recreational access for the following reasons:

A. Lateral and Vertical Access – The subject parcel is located inland from PCH and is not located on or adjacent to a shoreline.
B. Blufftop Access – The subject parcel is located inland from PCH and is not located on a coastal blufftop nor connected to an existing or planned public blufftop public accessway.
C. Trail Access – No trails are on or adjacent to the subject parcel as indicated on the LCP Park Lands Map. No condition for trail access is warranted.
D. Recreational Access – The subject parcel does not include nor is adjacent to any existing or planned public recreational areas. No condition for recreational access is warranted.

No potential project-related or cumulative impacts on public access and/or recreation are anticipated to result from the proposed project. The proposed project conforms to the public access and recreational policies in Chapter 3 of the Coastal Act. Therefore, 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)

This project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 21-045 and VAR No. 26-003, 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 project described herein. The scope of work approved includes:

Construction

a. Construction of a new 594 sf., 11 ft., 2 in. tall, detached ADU/Second Unit;
b. Path of travel from Vantage Point Terrace along 26 ft. sewer and storm drain easement to existing wood steps on the northwest side of the parcel;
c. In the area of proposed development, the upper 3 ft. of compacted fill shall be removed and recompacted; and
d. All footing subgrades should consist of compacted fill.

Discretionary Request

a. VAR No. 26-003 to allow a second building pad, reduced rear yard setback of 4 ft. (15 ft. required), wall heights of 11'-2" in setbacks (no walls … in excess of six feet in height shall be allowed within the required rear and side yard setback areas), and allowances for impermeable coverage (only allowed on the existing building pad), structure height (structure height limited to existing structure height), and removal/recompaction grading (for the upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of 5 feet beyond the proposed footprint) for foundation outside of the existing building pad on a parcel located in the MCE Overlay.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Division date stamped **April 9, 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, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Division 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

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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 Community Development Department, City Biologist, 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 all outstanding fees payable to the City prior to issuance of any building permit.

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.

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Lighting

14. 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.

21. No lighting can exceed 18 feet in height except as required by the California building code.

22. Up-lighting of landscaping is prohibited.

Fencing/Walls/Screening

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

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24. If applicable, for the portions of front fencing and gates above 42 inches, the members shall be a minimum of six inches apart and no more than one inch in diameter

Construction/Framing

25. Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.

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

27. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.

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

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

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

31. 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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Biology/Landscaping

32. No new landscaping is proposed with this project. Therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height, or change 500/2,500 sf. or more (new residence/existing residence) of the existing landscaping area, a detailed landscape plan shall be submitted for review and approval prior to any planting.

33. 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.

34. 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.

35. 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 ft. (300 ft. 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.

36. 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.

37. 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.

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Fire Department/Fuel Modification

38. The project is subject to a Fire Department Plan Review and Developer fee prior to final approval by LACFD.

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

40. The project is required to have an interior automatic sprinkler system.

Public Works

41. 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 with 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.

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

Geology

43. 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.

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44. 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.

Water Service

45. 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.

Prior to Occupancy

46. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Community Development 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.

47. The applicant shall request a final Planning Division inspection prior to final inspection by the Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Division has determined that the project complies with this CDP. 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.

48. 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.

49. Prior to 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.

50. 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.

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Site-Specific Conditions

51. The project 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.

Deed Restrictions

52. 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 staff prior to final Planning Division approval.

Fixed Conditions

53. This CDP shall run with the land and bind all future owners of the property.

54. 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 1st day of June 2026.

_____
SKYLAR PEAK, 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. 26-02 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 1st day of June 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

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Commission Agenda Report

Planning Commission Meeting
04-20-26
Item 5.C.

To: Chair Riddick and Members of the Planning Commission

Prepared by: Magda Gonzalez, Contract Senior Planner

Reviewed by: Joseph Smith, AICP, Contract Principal Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

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

Subject: Coastal Development Permit No. 21-045 and Variance 26-003 – An application to grade and construct a new 594 square-foot, approximately 11 foot 2-inch tall, detached Accessory Dwelling Unit/Second Unit, including a variance for relief from Malibu Country Estates Overlay District standards associated with a proposed second building pad, reduced rear yard setback, wall heights, and allowances for impermeable coverage, structure height, and grading outside the existing building pad

Location: 24507 Vantage Point Terrace, partially within the appealable coastal zone
APN: 4458-033-006
Owner: Meissner Family Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-02 (Attachment 1) determining that the California Environmental Quality Act (CEQA) does not apply to projects that a public agency rejects or disapproves, and denying Coastal Development Permit (CDP) No. 21-045 and Variance (VAR) No. 26-003 to grade and construct a new 594 square-foot, approximately 11 foot 2-inch tall, detached Accessory Dwelling Unit (ADU)/Second Unit; including a variance for relief from Malibu Country Estates (MCE) Overlay District standards associated with a proposed second building pad, reduced rear yard setback, wall heights, and allowances for impermeable coverage, structure height, and grading outside the existing building pad on a parcel located in the Malibu Country Estates Overlay and Single Family Medium (SFM) zoning district at 24507 Vantage Point Terrace (Meissner Family Trust).

EXHIBIT C

DISCUSSION: This agenda report provides a background and project overview, project setting and surrounding land uses, description of the proposed project, and an analysis of the project's inconsistency with applicable provisions of the Malibu Local Coastal Program (LCP). The analysis and findings contained herein demonstrate the project is not consistent with the LCP.

Background and Project Overview

As shown in Figure 1, the subject parcel is a developed, rectangular-shaped lot located on the inland side of Pacific Coast Highway (PCH) adjacent to John Tyler Drive. The parcel is situated within the MCE Overlay which includes specific development standards in LCP Local Implementation Plan (LIP) Section 3.4.1(D). The parcel is currently developed with a 3,572 square-foot single-family residence that was constructed in 1988 on one building pad located on the flatter portion of the parcel accessible from Vantage Point Terrace. The existing building pad is also occupied by a swimming pool, spa, and wooden deck located immediately to the rear of the existing residence. Similar to adjacent parcels in the MCE Overlay, the rest of the subject parcel slopes downward to John Tyler Drive. The parcel is served by a centralized wastewater treatment system, which serves the entire MCE. With exception to a vacant parcel immediately north, the subject parcel is in a neighborhood that is similarly developed with each parcel having one building pad developed in compliance with the MCE Overlay standards.

Figure 1 – Project Site



Source: Google Earth

The original application proposed a 623 square-foot, prefabricated ADU/Second Unit with height of 11 feet, 8 inches on a proposed second building pad located downhill of the existing residence near John Tyler Drive. On April 9, 2024, the applicant provided updated plans with a reduced size of 594 square feet and a height of 11 feet, 2 inches (Attachment 2). In both versions, the applicant has sited the prefabricated ADU/Second Unit on a proposed second building pad. Remedial and re-compaction grading is proposed for the upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of 3 feet beyond the proposed footprint. Despite having been informed by the Planning Division that the MCE Overlay standards limit all development to one building pad per parcel, the applicant had requested the Planning Division continue to process the project. The Planning Division had explained to the applicant that the proposed second building pad does not meet various MCE Overlay standards and requested additional details on the proposed structure which have not been provided. The applicant is seeking relief from the MCE Overlay standards and was told by staff that they would need to provide written findings justifying the request for consideration by the Planning Commission. This would be more commonly done under a variance request pursuant to LIP Section 13.26. On August 26, 2024, the applicant notified the Planning Division that relief through a variance would not be requested and that the City should continue to process the application as revised on April 9, 2024.

On October 9, 2025, the applicant requested the subject application be agendized for the Planning Commission. The Planning Division scheduled this item for the next available Planning Commission meeting, which was December 1, 2025. The Planning Division had recommended the project be denied due to inconsistencies with the LIP. The applicant requested the item be continued to February 2, 2026. On January 19, 2026, the applicant's representative, Keystone Planners, submitted a rebuttal packet addressing items that were determined by the Planning Division to be inconsistent with the LIP (Attachment 3). Among the items addressed in the rebuttal package were roofing materials, which have been updated from architectural shingles to Mediterranean Brava tile for consistency with the MCE Overlay standards. Additionally, the rebuttal package clarified that four trees in the proposed development area, previously unidentified, are comprised of three cedar trees and one orange tree, all of which are non-native trees not subject to the LCP's Native Tree protection policies.

The rebuttal package included a historic aerial image from 1980 shown in Figure 2. The applicant representative asserted that the 1980 image proves there are two building pads on the subject parcel – one near Vantage Point Terrace and a second downslope near John Tyler Drive. Based on the Planning Division's review, the purported second building pad referenced on the 1980 image is not typical of graded building pads within the MCE Overlay and appeared to be typical vegetation clearing along a roadway and/or vehicle shoulder/turnout along the west side of John Tyler Drive. The same type of cleared area extends onto other MCE Overlay parcels along John Tyler Drive. Additional research

conducted by the Planning Division demonstrated that there is no evidence of a second building pad having been graded as part of the MCE Overlay development. This was confirmed in an aerial image obtained by the Planning Division dated 1976, as shown in Figure 3, dated four years prior to the 1980 image. The 1976 image more clearly depicts one building pad for the subject parcel adjacent to Vantage Point Terrance, similar to other parcels in the MCE Overlay. Even if there was a legally authorized second building pad, which the evidence does not suggest there is, the MCE Overlay district requires that development be limited to one building pad. This requirement is codified in both the LCP and MMC.

The rebuttal package also described two alternate locations for the ADU/Second Unit with justifications as to why each was considered by the applicant to be infeasible. Alternative 1 placed the ADU/Second Unit over the existing swimming pool and extension over the slope to the rear of the residence. The Planning Division concurred with the applicant that Alternative 1 is not feasible due to design constraints and additional development that would be required. Alternative 2 placed the ADU/Second Unit on the southeast side yard of the property near the southerly side of the residence and behind the three-car garage. The applicant states that location is not feasible because it does not accommodate a modular building. A modular building would be difficult to place in that location but a different type of ADU can be constructed in these alternate areas. Other alternatives not considered by the applicant, but appear feasible, include converting part of the existing structure and/or adding square footage to the residence within other available areas on the existing building pad. The Planning Division encouraged the applicant to select one of these alternatives so that the proposed ADU met all of the LCP required development standards, but that was declined by the applicant. An ADU is feasible on this subject site, and the staff is in support of a compliant ADU location, but the applicant wants to place the ADU in an area prohibited by the LCP and MMC.

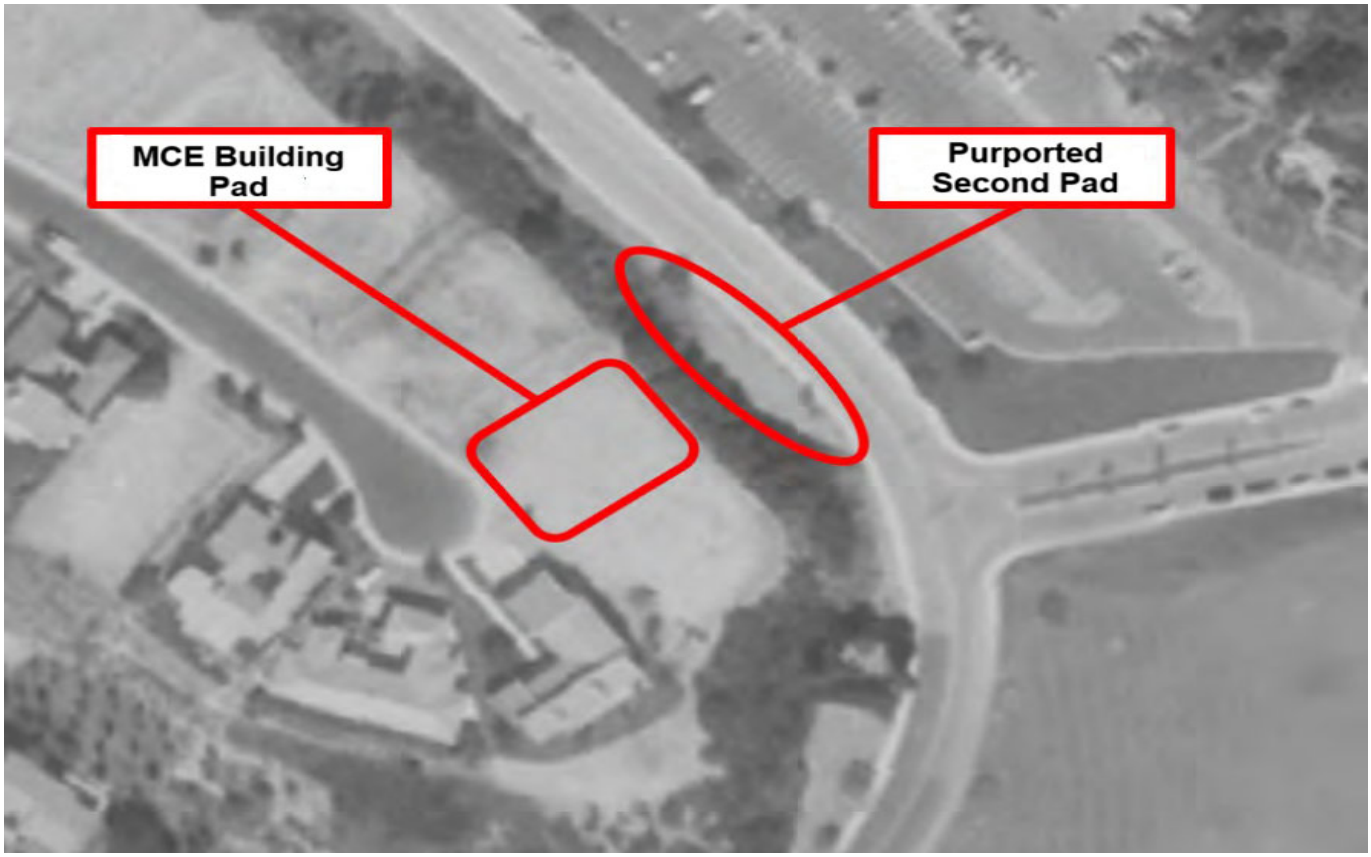
On February 2, 2026, the Planning Commission continued the item at the applicant's request. On February 5, 2026, the applicant representative submitted a variance request and confirmed that the January 19, 2026 rebuttal package sufficed for justification of the variance. However, on February 6, 2026 the applicant representative submitted an amended variance request which included two options for locating the ADU/Second Unit on the proposed second building pad (Attachment 4). One option included a 4-foot rear yard setback consistent with the proposed design, while the other option proposed a 15-foot rear yard setback, consistent with the MCE Overlay, but required the structure to be located higher on the slope.

As proposed, the ADU/Second Unit does not comply with the following LIP sections:

1. One building pad allowed (LIP 3.4.1(D)(6)(a)&(b));
2. No structures allowed downslope of existing pad (LIP 3.4.1(D)(6)(c));
3. Rear yard setbacks shall be 15 feet (LIP §3.4.1(D)(2)(c));

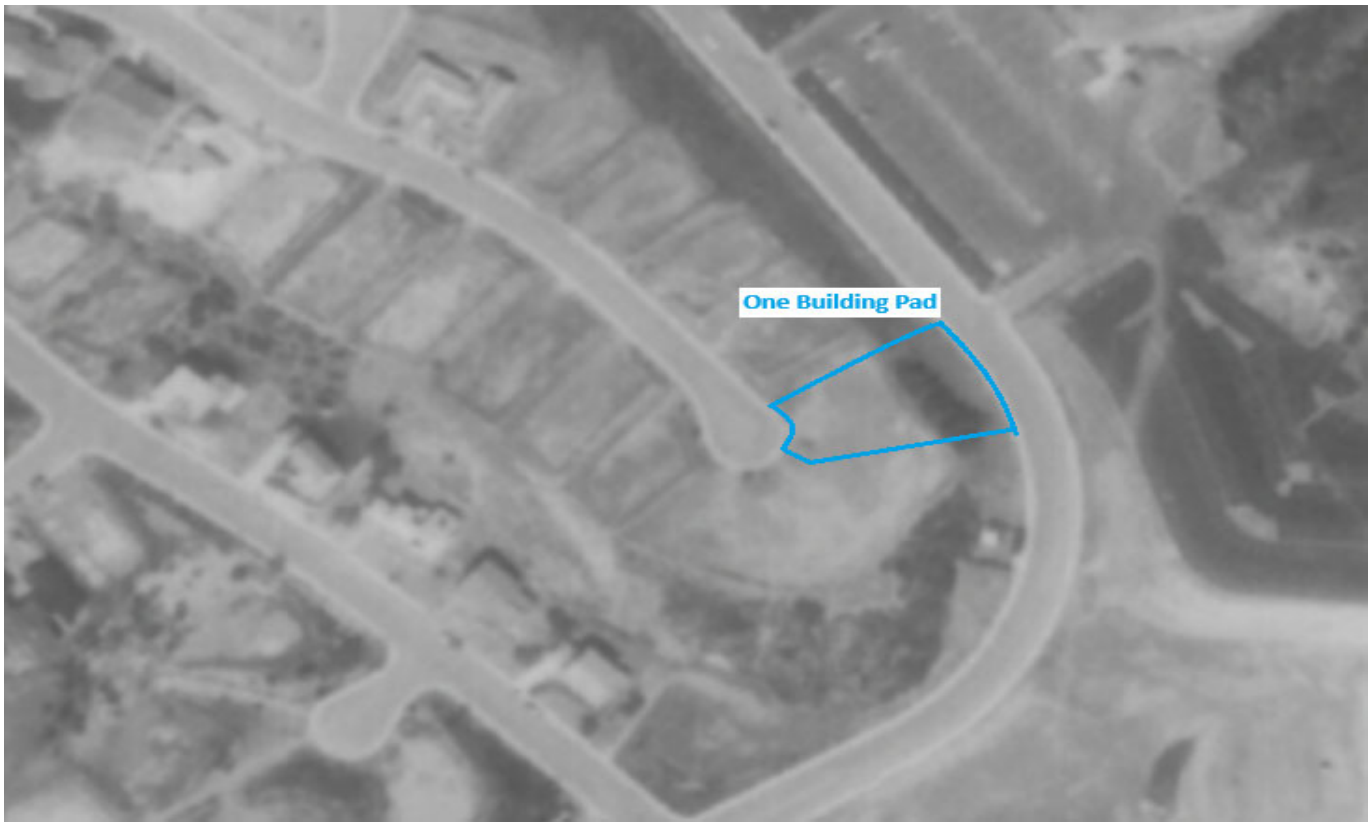
4. All impermeable coverage surfaces shall be on the existing building pad (LIP §3.4.1(D)(7));
5. Structure height is limited to additions/remodels of existing structure (LIP §3.4.1(D)(5)(d)(i-ii));
6. No grading for purposes of extending the existing building pad (LIP §3.4.1(D)(8));
7. No walls exceeding 6 ft in height within required rear yard (LIP 3.4.1(D)(4)(a));
8. LIP Section 8.3 (G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development."; and
9. LIP Chapter 11 Archaeological/Cultural Resources: It is not clear if the proposed second building pad would have potential impacts given that it is proposed downhill from the existing building pad in an undeveloped area and has not been evaluated for potential impacts during construction.

Figure 2 – Applicant 1980 Aerial Image



Source: Provided by Applicant Representative (UCSB Historical Aerials)

Figure 3 – Planning Division 1976 Aerial Image



Source: Obtained by the Planning Division (UCSB Historical Aerials)

As described in Table 3, the proposed project is inconsistent with several objective development standards in the MCE Overlay including the location of new structures, impermeable coverage, structure height, setback wall heights, grading, and an approximate 73% reduction in the required rear yard setback (from 15 feet to 4 feet). The proposed second building pad is also inconsistent with LIP Chapter 8 (Grading as otherwise limited pursuant to LIP Section 8.2) and LIP Chapter 11 (Archaeological Resources).

As previously mentioned, the parcel is located within the MCE Overlay which restricts development for all properties to one building pad per parcel and prohibits the creation of a secondary building pad pursuant to LIP Section 3.4.1(D)(6)(a), (b), and (c):

a. *All development, excluding walls and fences, shall be limited to the existing building pad.*
b. *There shall be no more than one building pad per lot.*
c. *No structure, excluding walls and fences, shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad.*

LIP Section 3.4.1(D)(d) provides the following definition of a building pad in the MCE Overlay District:

d. For the purposes of this Overlay District, a building pad shall be defined as a single, continuous, graded area, not exceeding 3 percent in slope, designed to accommodate development.

As currently designed, the Planning Division is unable to recommend that the required findings per LIP 13.9 can be made in support of the requested CDP, including CDP Finding 1 that the project as described in the application and accompanying materials conforms with the certified LCP, and CDP Finding 3 that the project is the least environmentally damaging alternative. Additionally, the Planning Division is unable to recommend that the required variance findings in LIP 13.36 can be made as the applicant has not demonstrated that extraordinary circumstances exist. As mentioned, an alternative location on this site can support an ADU, which the Planning Division could support; however, the applicant has refused to select an alternate location compliant with the LCP and MMC.

Surrounding Land Uses and Project Setting

Table 1 provides a summary of the dimensions and area of the subject parcel.

Table 1 – Property Data	
Lot Depth	160 feet
Lot Width	95 feet
Gross Lot Area	16,862 square feet (0.38 acres)
Area of Public Street Easements	1,600 square feet
Area of 1:1 Slopes	628 square feet
Net Lot Area *	14,634 square feet (0.33 acres)

*Net Lot Area = Gross Lot Area minus the area of 1 to 1 slopes and public street easements.

Pursuant to the City's Post-LCP Certification Permit and Appeal Jurisdiction Map, a downhill portion of the subject property is located within the Appeal Jurisdiction of the California Coastal Commission (CCC). However, pursuant to LIP 2.1 General Definitions for Appealable Coastal Development Permit, the proposed development is not located in an area appealable to the CCC.

The subject parcel is zoned SFM and within the MCE Overlay as are the surrounding parcels to the north, south, and west of the subject parcel. John Tyler Drive and Pepperdine University are located east of the subject parcel.

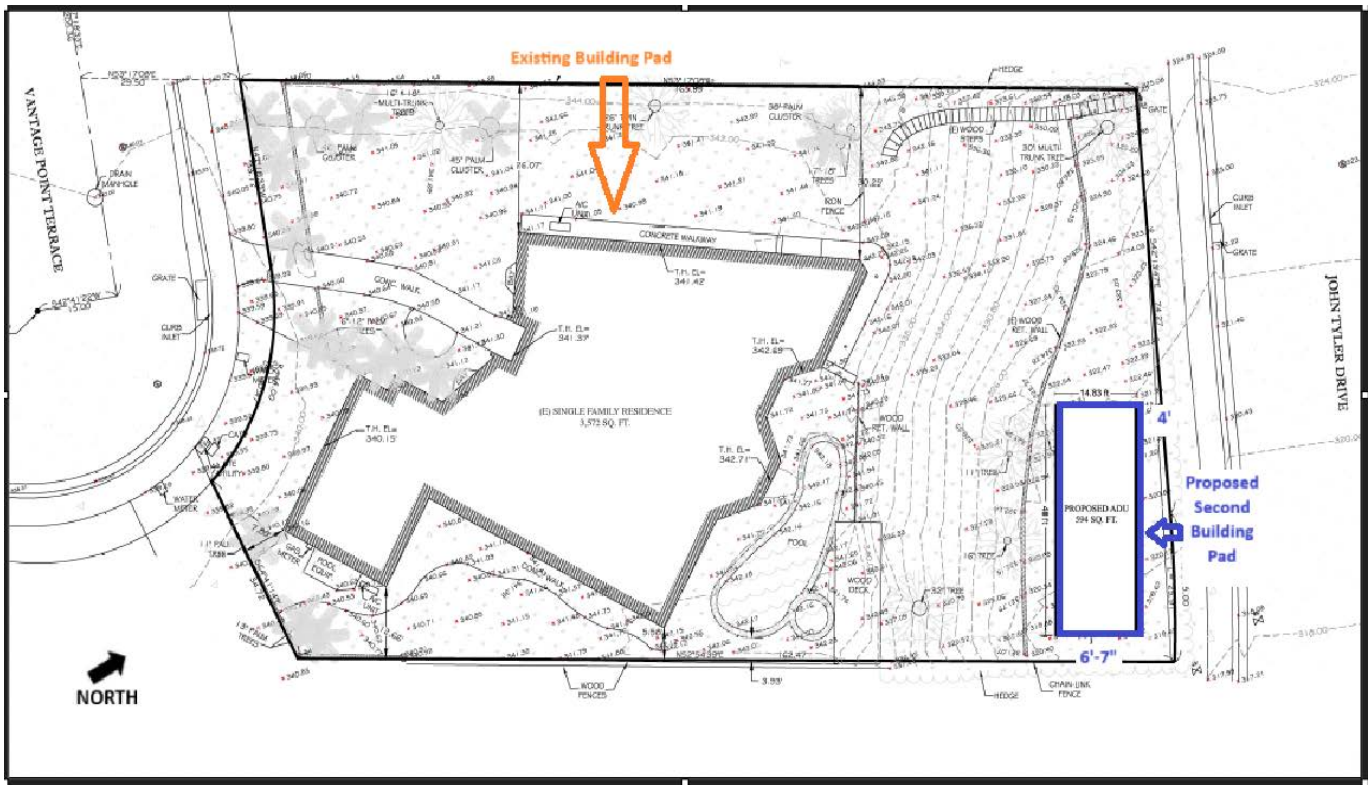
Table 2 provides a summary of the surrounding land uses:

Table 2 – Surrounding Land Uses				
Direction	**APN**	**Lot Size**	**Zoning**	**Land Use**
North	4458-033-005	16,849 SF	SFM/ MCE	Vacant
East	4458-030-042	1,234,912 SF	No Zone	John Tyler Drive / Pepperdine University
South	4458-033-031	42,495 SF	SFM/ MCE	Single-Family Residential
West	4458-033-010	13,416 SF	SFM/ MCE	Single-Family Residential

Source: Malibu CityGIS and LA County Tax Assessor

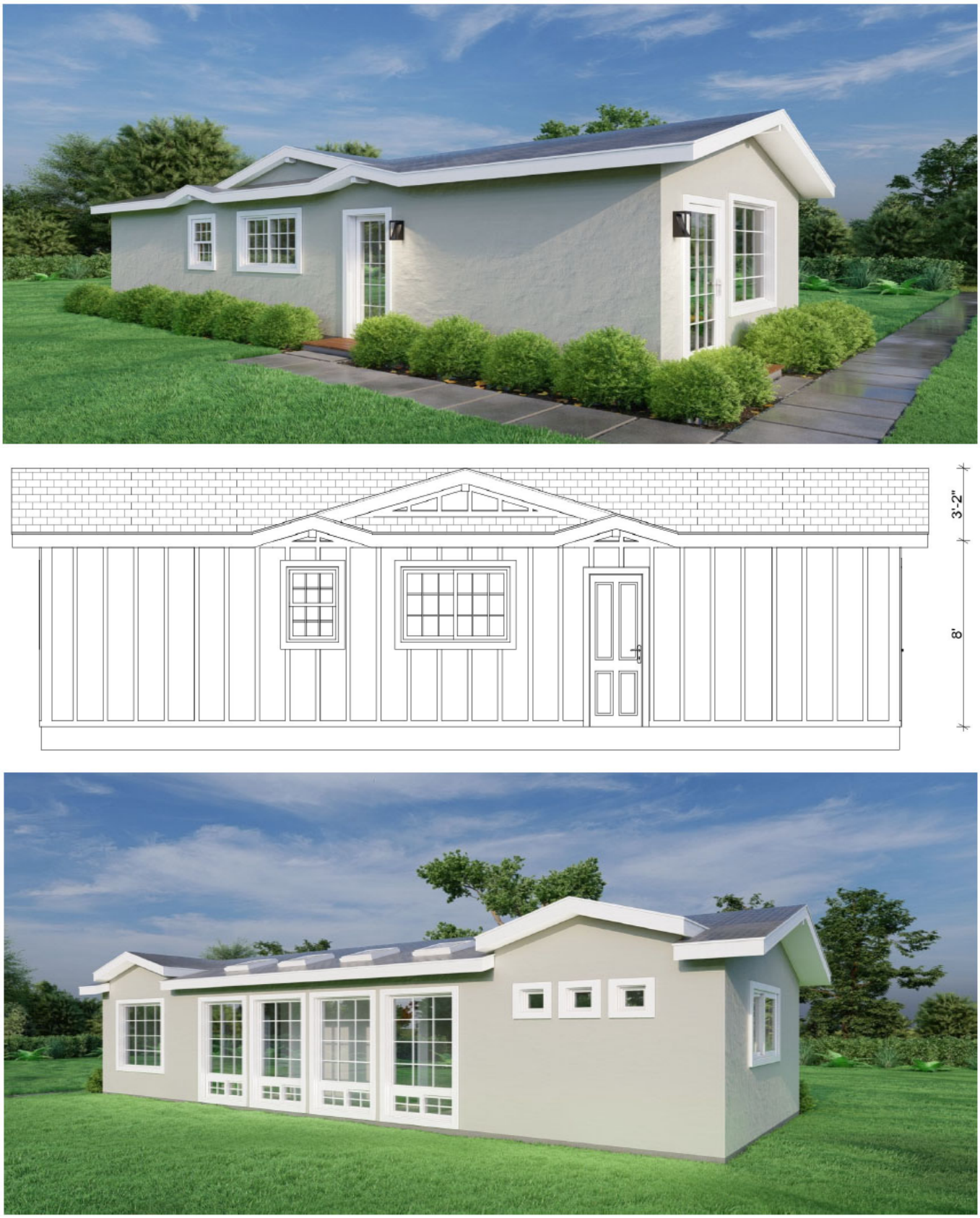
In Figure 4, the existing building pad is located at the top of the slope accessed from Vantage Point Terrace. The existing building pad includes a residence, garage, driveway, front and side yards, walkways, swimming pool, spa, and wooden deck. The proposed 14.83-foot by 40-foot prefabricated ADU/Second Unit is shown on the rear portion of the parcel downhill from the existing building pad. The ADU/Second Unit is proposed with a 4-foot rear yard setback and a 6-foot 7-inch interior yard setback.

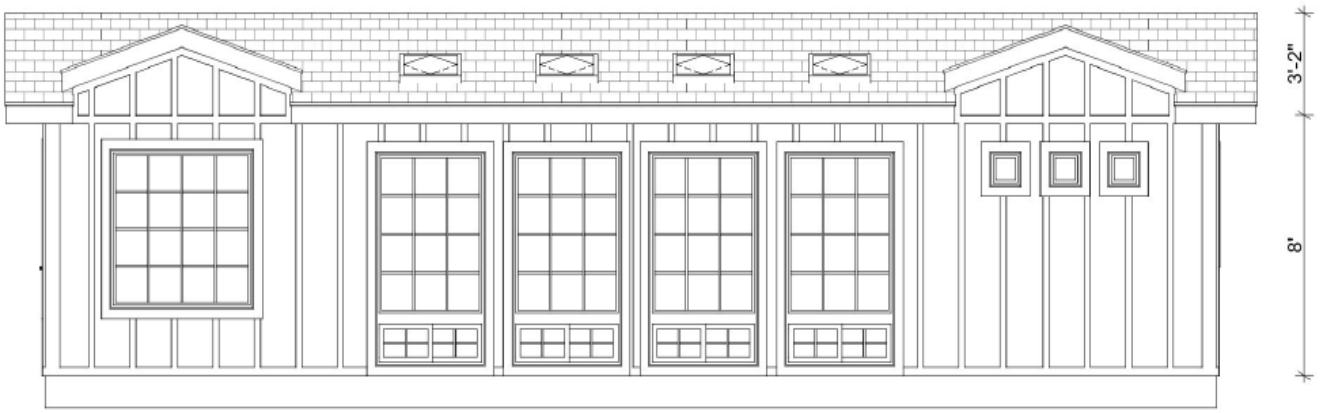
Figure 4 – Site Plan



Source: Project Plans (Attachment 2)

Figure 5 – Illustrative & Project Elevations





Source: Project Plans (2024)

Alternative Locations for the ADU

Feasible alternatives for relocation are evident on the existing building pad, including an ADU/Second Unit attached to and/or integrated into the existing residence. The applicant stated that the proposed second building pad location is the only suitable location on the parcel due to sewer and water line easements north of the residence and steep slopes east of the residence; however, the applicant had not sufficiently provided an alternate design depicting infeasibility of all potential locations on the existing building pad.

Based on the Planning Division's review of the parcel, existing development, and thorough analysis of the variance justifications provided, it appears the applicant has design options adjacent to the existing residence on the side and/or front yards that could accommodate some form of an ADU/Second Unit and/or Junior ADU (JADU). As shown in Figure 6, potential locations are in the form of an attached structure to the residence and/or converted space associated with the residence or portion of the garage. An alternate design also appears feasible given that the existing building pad is sufficient in size to support other accessory uses including a swimming pool, spa, and wooden deck.

Figure 6 – Potential Alternate Locations for an ADU/Second Unit



LCP Analysis

The LCP consists of the Land Use Plan (LUP) and the LIP. The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP contains specific policies and regulations to which every project requiring a CDP must adhere. There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) Onsite Wastewater Treatment Systems. These chapters are discussed under the *LIP Conformance Analysis* section.

The nine remaining LIP chapters contain required findings: 1) CDP; 2) Environmentally Sensitive Habitat Area; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only the following chapters and associated findings are applicable to the project: CDP including findings for the VAR. These chapters are discussed in the *LIP Findings* section of this report.

LIP Conformance Analysis

The project has been reviewed by the Planning Division, City Biologist, City Public Works Division, City geotechnical consultant reviewers, Los Angeles County Waterworks District No. 29, and the Los Angeles County Fire Department (Attachment 5 – Department Review Sheets).

Zoning (LIP Chapter 3)

The proposed project is subject to non-beachfront residential development and design standards set forth under LIP Sections 3.4.1(D) (MCE Overlay District). Table 3 provides a project conformance summary with the relevant standards of the LIP. As summarized below, the proposed project does not comply with LIP Chapter 3.

Table 3 – LCP Zoning Conformance

Development Requirement	Allowed/ Required	Proposed	Comments
SITE OF CONSTRUCTION	All development limited to existing building pad; one building pad per lot; no structures downhill from	Proposed development extended to proposed second building pad; proposed second building	Does not comply with the LIP §3.4.1(D)(6)

Table 3 – LCP Zoning Conformance			
Development Requirement	**Allowed/ Required**	**Proposed**	**Comments**
	existing building pad	pad on lot; proposed structure located downhill from existing building pad	
REAR YARD SETBACK	15 ft.	4 ft.	Does not comply with LIP §3.4.1(D)(2)(c)
IMPERMEABLE COVERAGE	No maximum; all impermeable surfaces shall be on the existing building pad	Proposed structure on proposed second building pad	Does not comply with LIP §3.4.1(D)(7)
STRUCTURE HEIGHT	Limits structure height to additions/remodels of existing structure, vacant parcels or where an existing structure is replaced	No modifications to existing structure; proposed second structure not associated with existing structure	Does not comply with LIP §3.4.1(D)(5)(d)(i-ii)
GRADING	Grading for swimming pools and spas; no grading for purposes of extending the existing building pad	Proposed grading associated for use other than swimming pool or spa; proposed grading for second building pad	Does not comply with LIP §3.4.1(D)(8)
WALL HEIGHT WITHIN SETBACK	No walls exceeding 6 ft in height within required rear yard setback	Proposed walls associated with the structure extend above 6 ft within required rear yard setback	Does not comply with LIP §3.4.1(D)(4)(a)

Grading (LIP Chapter 8)

Unless otherwise limited in the LIP pursuant to LIP Section 8.2, 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 per lot of single-family development. The MCE Overlay standards provide more strict regulations for grading of property within the MCE Overlay District (LIP Section 3.4.1(D)(8)) by prohibiting grading on existing building pads except for export of 500 cubic yards associated with the construction of a swimming pool and spa, with additional provisions for cut and fill grading and remedial grading subject to the approval of a Site Plan Review. Based on the applicant's submitted materials, the proposed second building pad proposes remedial and re-compaction grading for the upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of 3 feet beyond the proposed footprint. As noted in Table 3, the proposed grading is for a use other than a swimming pool or spa. The proposed project does not comply with LIP Section 3.4.1(D)(8) and, therefore, does not comply with LIP Chapter 8 pursuant to the provision in LIP Section 8.2. Additionally, the LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures to be followed to determine potential impacts on archeological resources. Generally, the subject parcel has been evaluated for potential impacts to archeological resources per the adopted City of Malibu Cultural Resources Map and it has been determined that due to the previous grading activities to create the existing building pad and MCE community, the project has very low probability of disturbing archaeological resources for construction proposed on the existing building pad. However, given that the location of the proposed second building pad is downhill from the existing building pad, the proposed project location has not been evaluated for potential impacts to important cultural resources that may be found in the course of construction. The applicant has not provided information that demonstrates the proposed second building pad has been evaluated for potential impacts to archaeological resources. The Planning Division is unable to determine if the proposed project complies with LIP Chapter 11.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. In the event the project was to comply with the relevant standards of the LCP for issuing CDPs, standard conditions of

approval were provided to the Planning Division. These include the implementation of storm water management plans during construction activities and management of runoff from the proposed development.

LIP Findings

Several LIP findings cannot be made including, but not limited to, the general CDP findings listed in LIP Section 13.9 and variance findings in LIP Section 13.26.5 and MMC Section 17.72.060. As stated above, the project proposed is not consistent with the LCP or MMC. The draft resolution for denial of this application includes findings for why the permit can be denied. The draft resolution is attached for the Commission's consideration.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Community Development Director has analyzed the proposed project and finds that, pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproves.

CORRESPONDENCE: After the December 1, 2025 and the February 2, 2026 agendas were published, all correspondence received to-date, including correspondence submitted after the December 1, 2025 and February 2, 2026 Planning Commission agendas, is included at Attachment 6. No additional correspondence was received.

PUBLIC NOTICE: On March 18, 2026 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 (Attachment 7).

SUMMARY: The required findings cannot be made that the project complies with the LCP and MMC. Based on the analysis contained in this report and the accompanying resolution, the Planning Division recommends denial of this project by the adoption of Planning Commission Resolution No. 26-02.

Should the Planning Commission determine that the findings can be made in support of the application, the Planning Commission will need to make findings for the following: 1) that the project is categorically exempt from CEQA; 2) that the CDP findings in LIP Sections 13.9(A through D) can be made; and 3) that the variance findings in LIP Section 13.26.5 can be made. The Planning Commission would need to direct the Planning Division to return with an approval resolution at a future public hearing.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-02
2. Project Plans
3. Applicant Rebuttal Package
4. Applicant Variance Request
5. Department Review Sheets
6. Correspondence
7. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THAT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY TO PROJECTS THAT A PUBLIC AGENCY REJECTS OR DISAPPROVES, AND DENYING COASTAL DEVELOPMENT PERMIT NO. 21-045 AND VARIANCE NO. 26-003 TO GRADE AND CONSTRUCT A NEW 594 SQUARE-FOOT, APPROXIMATELY 11 FOOT 2-INCH TALL, DETACHED ACCESSORY DWELLING UNIT/SECOND UNIT; INCLUDING A VARIANCE FOR RELIEF FROM MALIBU COUNTRY ESTATES OVERLAY DISTRICT STANDARDS ASSOCIATED WITH A PROPOSED SECOND BUILDING PAD, REDUCED REAR YARD SETBACK, WALL HEIGHTS, AND ALLOWANCES FOR IMPERMEABLE COVERAGE, STRUCTURE HEIGHT, AND GRADING OUTSIDE THE EXISTING BUILDING PAD ON A PARCEL LOCATED IN THE MALIBU COUNTRY ESTATES OVERLAY AND SINGLE FAMILY MEDIUM ZONING DISTRICT AT 24507 VANTAGE POINT TERRACE (MEISSNER FAMILY TRUST)

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

SECTION 1. Recitals.

A. On September 23, 2021, an application for Coastal Development Permit (CDP) No. 21-045 with Minor Modification (MM) No. 21-028 was submitted to the Planning Division by the applicant Keystone Strategic Planning, on behalf of property owner, the Meissner Family Trust. The application was routed to the City Biologist, City Public Works Department, City geotechnical consultant reviewers, Los Angeles County Waterworks District No. 29 (WD29), and Los Angeles County Fire Department (LACFD) for review. The proposed development is located in the Malibu Country Estates (MCE) Overlay District, included within the City's certified Local Coastal Program (LCP) Local Implementation Plan (LIP) as LIP Section 3.4.1(D).

B. On October 9, 2025, the applicant requested the subject application be agendized for the Planning Commission. The applicant was informed that the application was not deemed incomplete.

C. On October 30, 2025, the applicant posted a Notice of CDP Application sign at the subject property.

D. On November 20, 2025, 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 project site and to all interested parties.

E. On December 1, 2025, the Planning Commission continued the item to the February 2, 2026 Regular Planning Commission meeting prior to opening the public hearing.

F. On February 2, 2026, the Planning Commission continued the item date uncertain at the applicant's request.

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G. On February 5, 2026, the applicant submitted a request for Variance (VAR) No. 26-003. MM No. 21-028 was no longer considered applicable to the project as the requested rear yard setback exceeded the allowance under a MM.

H. On March 5, 2026, the applicant requested the Planning Commission hearing be continued to a date certain of April 20, 2026.

I. On March 26, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and on March 27, 2026 was mailed to all property owners and occupants within a 500-foot radius of the project site and to all interested parties.

J. On April 20, 2026, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project and finds that, pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproved.

SECTION 3. Findings for Denial.

Based on evidence contained within the record, including the agenda report for the project and the hearing on April 20, 2026, and pursuant to LIP Sections 13.7(B) and 13.9, the Planning Commission adopts the findings of fact, and denies CDP No. 21-045 and VAR No. 26-003 to construct a 594 square-foot Accessory Dwelling Unit/Second Unit (ADU/Second Unit) on a proposed second building pad on a parcel in the MCE Overlay and Single Family Medium (SFM) Zoning District located at 24507 Vantage Point Terrace (Meissner Family Trust).

The required findings of LIP Chapter 13 cannot be made by the City as enumerated below, and therefore the project does not comply with the California Coastal Act by extension of the City's LCP.

A. General Coastal Development Permit (LIP Chapter 13)

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

The proposed location of the ADU/Second Unit is not consistent with the MCE Overlay standards in LIP Section 3.4.1(D) or residential development standards in LIP Section 3.6(N)(1) and, therefore, does not meet the requirements for LIP Chapter 3 (Zoning). Furthermore, the proposed location does not comply with LIP Chapter 8 (Grading) and compliance with LIP Chapter 11 (Archaeological/Cultural Resources) cannot be determined based on the information submitted.

The proposed project fails to meet various requirements outlined in LIP Chapter 3 including: LIP Section 3.4.1(D)(2)(c) which requires rear yard setback to be at least 15 feet (4 feet proposed); LIP

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Section 3.4.1(D)(4)(a) which stipulates that "no walls…in excess of 6 feet shall be allowed within the required rear…yard setback areas" (wall heights associated with the proposed structure extend above 6 feet in the rear yard setback); LIP Section 3.4.1(D)(5) which limits structure height to additions/remodels of an existing structure, a new structure on a vacant parcel, or where an existing structure is replaced (no modifications to the existing structure are proposed, the site is not vacant, and the proposed structure is not associated with the replacement of the existing residence); LIP Section 3.4.1(D)(6), which stipulates that the site of construction for all development is limited to one single building pad and that no structures shall be sited downhill from the existing building pad (the project proposes a second building pad and has located the proposed second building pad downhill of the existing building pad); LIP Section 3.4.1(D)(7) which strictly limits impermeable surfaces on the existing building pad (the proposed structure is located on a proposed second building pad); LIP Section 3.4.1(D)(8) which states grading shall only be permitted for the construction of swimming pools and spas and that no grading occur for purposes of extending the existing building pad (proposed grading associated for a use other than a swimming pool or spa and proposed for an additional building pad); and LIP Section 3.6(N)(c)(i) that requires a second residential unit be located within the required development area for the project site and clustered with the primary dwelling unit (the proposed second unit is located downhill from the existing residence, is not within the required development area as stipulated in the MCE Overlay standards, and is not clustered with the existing residence).

The proposed development is inconsistent with LIP Chapter 8 (Grading). The MCE Overlay standards provide more strict regulations for grading of property within the MCE Overlay District (LIP Section 3.4.1(D)(8)) by prohibiting grading on existing building pads except for export of 500 cubic yards associated with the construction of a swimming pool and spa, with additional provisions for cut and fill grading and remedial grading subject to the approval of a Site Plan Review. Based on the applicant's submitted materials, the proposed second building pad proposes remedial and re-compaction grading for the upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of a 3 feet beyond the proposed footprint. The proposed grading is for a use other than a swimming pool or spa and, therefore, does not comply with LIP Section 3.4.1(D)(8) or LIP Chapter 8 pursuant to the provision in LIP Section 8.2. Additionally, LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

Based on the information submitted by the applicant, the Planning Commission is unable to determine if the proposed project complies with LIP Chapter 11 (Archaeological/Cultural Resources). Although the project site has been evaluated for potential impacts to archeological resources and it has been determined that due to the previous grading activities to create the existing building pad and MCE community, the project has very low probability of disturbing archaeological resources for construction proposed on the existing building pad. It is not clear if the location of the proposed second building pad would have potential impacts given that it is proposed downhill from the existing building pad in an undeveloped area and has not been evaluated for potential impacts during construction. The applicant has not provided information demonstrating that the proposed second building pad has been evaluated for impacts to archeological resources.

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In the event there is a conflict between a provision of the LCP and a provision of the General Plan or of any other City-adopted plan, resolution, or ordinance not included in the LCP, and it is not possible for the development to comply with both the LCP and the other provision, pursuant to LIP Section 1.3.1, the LCP governs. Consequently, the development may not be approved unless it complies with the LCP provision.

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

The subject parcel is not located between the first public road and the sea. The project site is located inland and not located along the shoreline. Therefore, this finding does not apply.

3. The project is the least environmentally damaging alternative.

As discussed in Finding 1, the applicant represented that the proposed location on a proposed second building pad downhill of the existing building pad is the only suitable location due to the site's sewer and water line easements and steep slopes. However, the applicant did not adequately justify why the ADU/Second Unit could not be developed within the existing building pad in compliance with the MCE Overlay standards. Furthermore, the applicant did not demonstrate that an alternate location within the residence as part of a conversion or adjacent to the residence on a flat portion of the existing building pad was infeasible. Additionally, the applicant did not provide information indicating that the proposed second building pad has been evaluated for potential impacts to archaeological/cultural resources.

As part of the Planning Commission's review of the subject application, alternate locations for development appeared feasible and would maintain consistency with the MCE Overlay standards, as well as consistency with LIP Chapters 3, 8 and 11. The alternate locations do not appear to necessitate the extent of proposed grading to accommodate the second building pad or result in the need for relief from the MCE Overlay standards. As proposed, the second building pad location is not considered to be the least environmentally damaging alternative

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

The LCP Environmentally Sensitive Habitat Area (ESHA) and Marine Resources Map does not identify any ESHA on the subject parcel or on any adjacent properties. The subject parcel is not in a designated ESHA or ESHA buffer and, therefore, Environmental Review Board review was not required. This finding does not apply.

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B. Variance No. 26-003 from LIP Section 3.4.1(D) for Development on a Proposed Second Building Pad in the MCE Overlay District (LIP Section 13.27)

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

There are no exceptional or extraordinary circumstances/characteristics that require the proposed structure be located on a secondary building pad in the MCE Overlay District. The proposed second building pad is situated approximately 25 feet downhill from the existing building pad in an undeveloped area. There are alternatives that grant the property owner the opportunity for an ADU/Second Unit within the existing building pad in compliance with MCE Overlay standards. The applicant represented that the proposed location is the only suitable location on the parcel due to sewer and storm drain easement and steep slopes; however, the alternative locations deemed unfeasible by the applicant are not the only locations available, there are other locations within the existing building pad that may accommodate an ADU/Second Unit. Based on the Planning Commission's review of the parcel, existing development, and thorough analysis of the variance justifications provided it appears the applicant has design options adjacent to the existing residence on the side and/or front yards that could accommodate an ADU/Second Unit and/or Junior ADU (JADU). These could be in the form of an attached structure to the residence and/or converted space associated with the residence or a portion of the garage. An alternate design also appears feasible given that the existing building pad is sufficient in size to support other accessory uses including a swimming pool, spa, and wooden deck. All feasible options described would not require special consideration and would fall within the allowable uses of the MCE Overlay, particularly development within the existing building pad.

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

Granting the variance request would be detrimental to the improvements in the same SFM zone and MCE Overlay, as it would violate the established objective zoning requirements of the parcel's location. Furthermore, it would establish a precedent for disregarding the certified LCP.

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

Granting the variance would constitute a special privilege to the property owner because no special circumstances or exceptional characteristics exist on the subject parcel, different from other parcels in the MCE Overlay, that would require the proposed structure to be located on a second building pad downslope of the existing building pad and in conflict with objective standards in the MCE Overlay. While a 26-foot wide sewer and storm drain easement extends across the northwest side yard, alternate locations for development of some form of an ADU/Second Unit appear feasible and would maintain consistency with the MCE Overlay standards, as well as consistency with LIP Chapters 3, 8 and 11. The alternate locations are outside of the 26-foot wide easement area and do not appear to necessitate the extent of proposed grading to accommodate the second building pad or result in the

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need for relief from the MCE Overlay standards. As described in Finding A.3, the applicant did not justify the need for a second building pad and did not explore feasible alternatives within the existing building pad.

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

The granting of the variance request would not meet the general purpose and intent because alternate locations appear feasible within the existing building pad that would allow for an ADU/Second to be developed on the subject parcel consistent with the objective standards of the MCE Overlay.

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

The variance request is not for an ESHA buffer nor is the project located within an ESHA. Therefore, this finding is not applicable.

6. For variances to stringline standards, the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.

Stringline standards are not part of the variance request, and the subject parcel is not beachfront. Therefore, this finding is not applicable.

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

Variance requests are designed to provide relief to sites with special circumstances or exceptional characteristics that severely hinder development thus negating the opportunity to enjoy the same privileges as surrounding neighbors. As described in Findings B.1 and B.3, alternate locations appear feasible within the existing building pad that would allow for some form of an ADU/Second Unit to be developed on the subject parcel consistent with the objective standards of the MCE Overlay.

8. The subject site is physically suitable for the proposed variance.

Alternate locations for development of an ADU/Second Unit appear feasible on the existing building pad and would maintain consistency with the MCE Overlay standards. The proposed second building pad would necessitate a variance for relief from objective development standards in the MCE Overlay and it has not been demonstrated that the proposed location would be physically suitable for the proposed development. The applicant did not provide information indicating that the proposed second building pad has been evaluated for potential impacts to archaeological/cultural resources consistent with LIP Chapter 11. Furthermore, the proposed second building pad proposes remedial and re-compaction grading for the upper 3 feet of previously compacted fill to be removed and recompacted

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to a minimum of 3 feet beyond the proposed footprint. LIP Section 8.3(G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development." Remedial grading appears to be avoidable by changing the location of the proposed development to an area within the existing building pad.

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

The City is entirely within the coastal zone and has a certified LCP that governs new development, including ADUs, JADUs, and Second Units. ADUs in the City must comply with state law and the LCP, as applied to implement the Coastal Act in the City. As proposed, the project does not represent the least environmentally damaging alternative as required by CDP Finding 1 or comply with objective standards in the MCE Overlay (LIP Section 3.4.1(D)).

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

The proposed project is located within a residential community and not located in an area that provides public parking for access to the beach, public trails, or parklands. Therefore, this finding is not applicable.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby denies CDP No. 21-045 and VAR No. 26-003.

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

PASSED, DENIED AND ADOPTED this 20th day of April 2026.

_____
ELIZABETH RIDDICK, 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. 26-02 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 20th day of April 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

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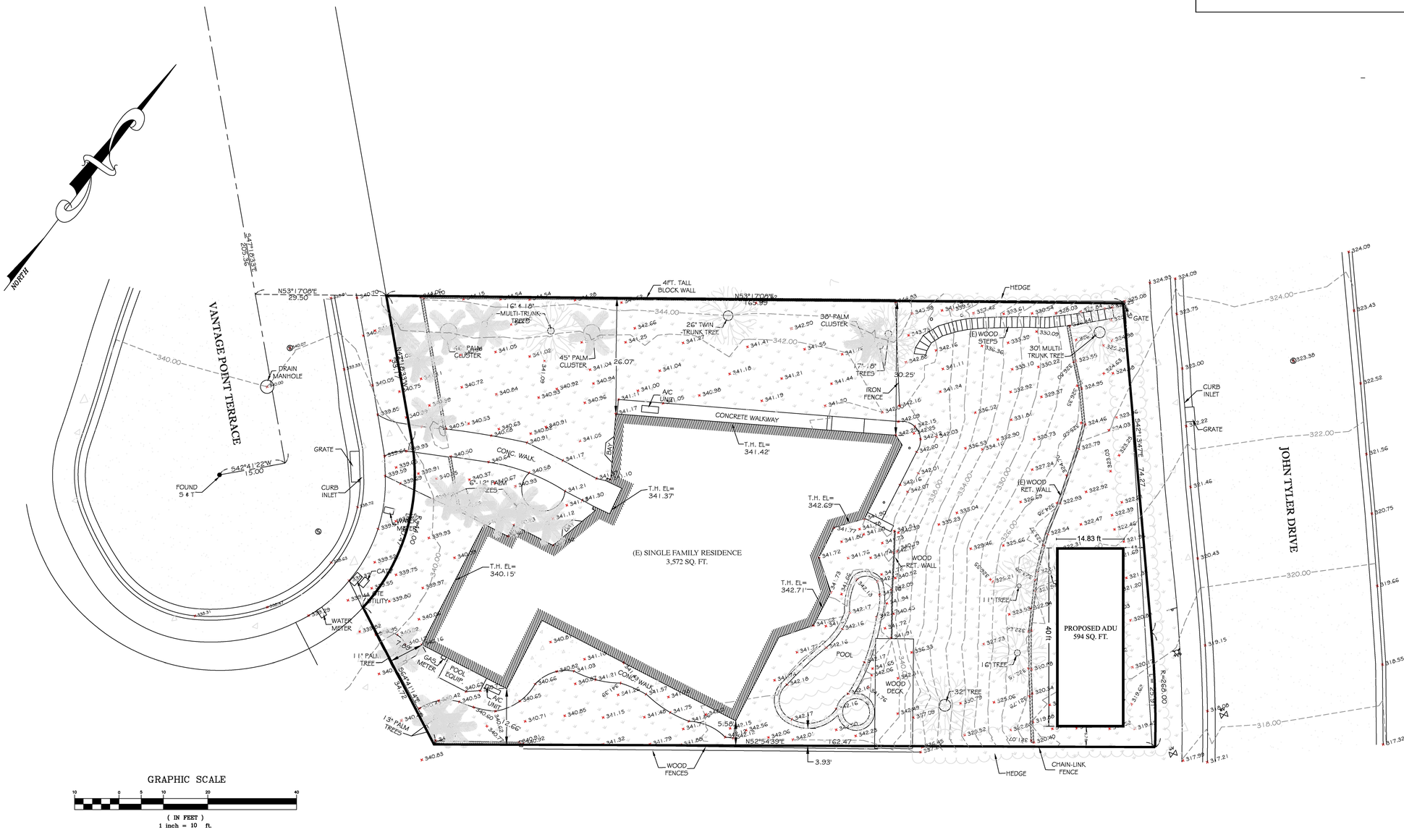
Received
4/9/24
Planning Div.

PROPERTY DATA

APN:	4468-033-066
JURISDICTION:	CITY OF MALIBU
ZONING:	SFM
LCD ZONING OVERLAY:	MALIBU COUNTRY ESTATES
LOT SIZE:	0.36 ACRES

PROJECT SCOPE OF WORK

NEW ONE-STORY 594 SQ. FT. PRE-MANUFACTURED ACCESSORY DWELLING UNIT (ADU).



4/9/2024

REVISIONS	

24507 VANTAGE POINT TERR. MALIBU, CA 90265

SITE PLAN

A1

ATTACHMENT 2

Helmut Meissner
24507 Vantage Point Ter
Malibu, CA 90265

April 9, 2024

By email to kanecap@csgengr.com

City of Malibu – Planning Department
AIn: K aneca Pompey

Re: ACDP 21-045 for proposed ADU at 24507 Vantage Point Ter

Kaneca,

I request that the ADU we seek to build be placed on the Planning Commission hearing calendar as soon as possible.

We refer to your last message dated 2/16/24, with which you sent us the following list Tyler had emailed to Erik Yesayan (Keystone Strategic Planning, in the following "KSP") back in July 2022.

The answers to each of the issues raised are set forth below, along with your ques]ons:

Plans Revisions

1. *You will have to move the ADU to the building pad, where the existing single-family residence is located. If moved, please demonstrate that the site will allow for two unenclosed and three enclosed parking spaces.*
2. *Show the proposed setbacks on the site plan.*
3. *Clearly show on the site plan, which parts of the ADU will be enclosed and which parts will be deck.*
4. *Provide the type of material used on the exterior of the ADU.*
5. *Provide a roof plan indicating the slope of the ADU's roof.*
6. *Provide additional information on the cover sheet:*
    a. *Gross and Net lot area (see separate handout for description);*
    b. *Required and proposed setbacks (LIP Section 3.4(D)(2));*
    c. *Proposed and existing Total Development Square Footage (TDSF);*
    d. *Proposed and existing unenclosed covered areas (e.g., terraces, balconies and loggias that project more than 6 feet from the building face);*
    e. *List of discretionary requests.*

Here are the responses to the above items:

1. The ADU cannot be moved to the exis]ng building pad because the en]r e northwest side of the property is subject to various easements and the southeast side is too small for an (aI ached) 600 sq. a. ADU.

   The flat area at the boI om of the slope proposed in our ini]al applic a]on is the only area suitable for an ADU. Please see below for a more detailed discussion of the Overlay

District (“OD”) rules prohibi]ng a sec ond building pad. The discussion of the other revisions requested above (#2-6) is based on the ADU being built on the area as applied for (in the following “original ADU loca]on”). Please not e the ADU will be a pre-fabricated unit that comes with all necessary permits.

2. The setback issues for the original ADU loca]on have been resolved in the discussions between Tyler and KSP.
3. The site plan for the original ADU loca]on has been submiIed by KSP . There will be no deck. Hence, the en]re area will be enclosed. The dimensions are actually smaller than the original 15’x42’. The width is 14’10” and the length is only 40’.
4. The exterior walls are WUI compliant cement hardie board. The roof will be Class “A” fire-rated architectural shingles.
5. According to the supplier, the roof line is a 4 to 12 slope. Please see the aIached package of drawings and renderings.
6. Reference is made to the informa]on supplied by KSP and their discussions with T aylor.

Single Building Pad Requirement (“SBPR”)

In the absence of a City ADU ordinance approved by the relevant authori]es, the State ADU laws apply. The SBPR is invalid for mul]p le reasons:

The SBPR is part of the Malibu Country Estates (“MCE”) OD rules and not used in any area within the jurisdic]on of the City of Malibu other than in said MCE OD .

In its leI er of 9/10/93, the City informed the MCE HOA that they can apply to the City Council for considera]on of cus tom development criteria which would allow for development in the MCE neighborhood to be consistent with exis]ng CC&Rs in-lieu of the City’s Interim Zoning Ordinance.

Subsequently, the then Board of the MCE HOA filed such applica]on. This means tha t whatever ul]ma tely became the MCE OD rules which, in turn, ended up in the LCP, was solely based on input from the MCE HOA.

Sec. 4751 of the Civil Code deals with governing documents of HOAs and says that any HOA provision … that … effec]v ely prohibits or unreasonably restricts the construc]on … of an ADU on a single-family residen]al lot, is void and unenforceable – as long as the requirements of the state ADU law are met. Which means the SBPR is not enforceable under State ADU law.

In addi]on t o that, the SBPR is actually not part and has never been part of the CC&Rs since they were declared by the developer Century Malibu, Inc. on 8/17/72. All other provisions of the MCE OD are taken from the CC&Rs, except for the SBPR. The CC&Rs always required a unanimous consent of all members for any amendment, including the introduc]on of r estric]ons lik e the SBPR. While the 71 members who approved the pe]]on t o the City might have been sufficient for the City to accept the HOA’s OD request, it s]ll r enders to OD restric]on v oid for the members of the HOA. While it never was the City’s responsibility to verify the HOA’s representa-]ons, this does not change the fact that the SBPR has never been a valid neighborhood standard – regardless of its ul]ma te inclusion in the City’s LCP.

The City's a, orneys, ci2ng Government Code Sec. 65852.2(l), keep claiming that the State ADU law is not applicable to provisions included in the LCP because the LCP is shielded by the Coastal Act. However, they ignore that this law is meant to protect, first and foremost, coastal resources, not the City's desire to prevent ADUs from being built. The proposed ADU has no impact at all on coastal resources because it is located on the land side of PCH, just 100 R. from a Pepperdine parking lot.

The focus on coastal resources is clearly expressed in the Coastal Commission's memorandum of 1/21/22 when it states that "provisions on coastal resource protec2on must be incorporated into the planning and development process, and into updated LCP J/ADU requirements, when considering J/ADUs in the coastal zone." The Coastal Commission explicitly encourages "coastal jurisdic2ons … to update their LCPs to comply with the State's new laws".

The SBPR has absolutely nothing to do with the protec2on of coastal resources, except for poten2al ocean view obstruc2on. However, the subject ADU is proposed to be built at the flat bottom of a slope lying 20 feet under the exis2ng building pad. With an overall height of 11'2", the highest point of the roof will s2ll be about 9 R. under the exis2ng building pad and cannot possibly obstruct anybody's view. The ADU will be barely visible due to exis2ng landscaping, even from the immediate neighbors' perspec2ve. They don't object to the ADU. Instead, they support it.

The only poten2al valid concern about allowing ADUs in the MCE outside the exis2ng building pad is if and when the proposed separate building pad poses a risk to the stability of a slope. This was the subject of the engineer Joseph Reichenberger's tes2mony in front of the Planning Commission and City Council 1995/96 when the OD was discussed. He stated:

> *"Enlargement of homes will also bring about a temptation to 'expand the pad'. There will be a tendency to add a small, sliver fill over an existing fill slope. Placement of these thin fill slopes is very difficult to control and cannot be adequately keyed or anchored into existing slopes and cannot be effectively compacted. These fills are subject to settlement, movement and ultimate failure."*

However, this risk is fully mi2gated by

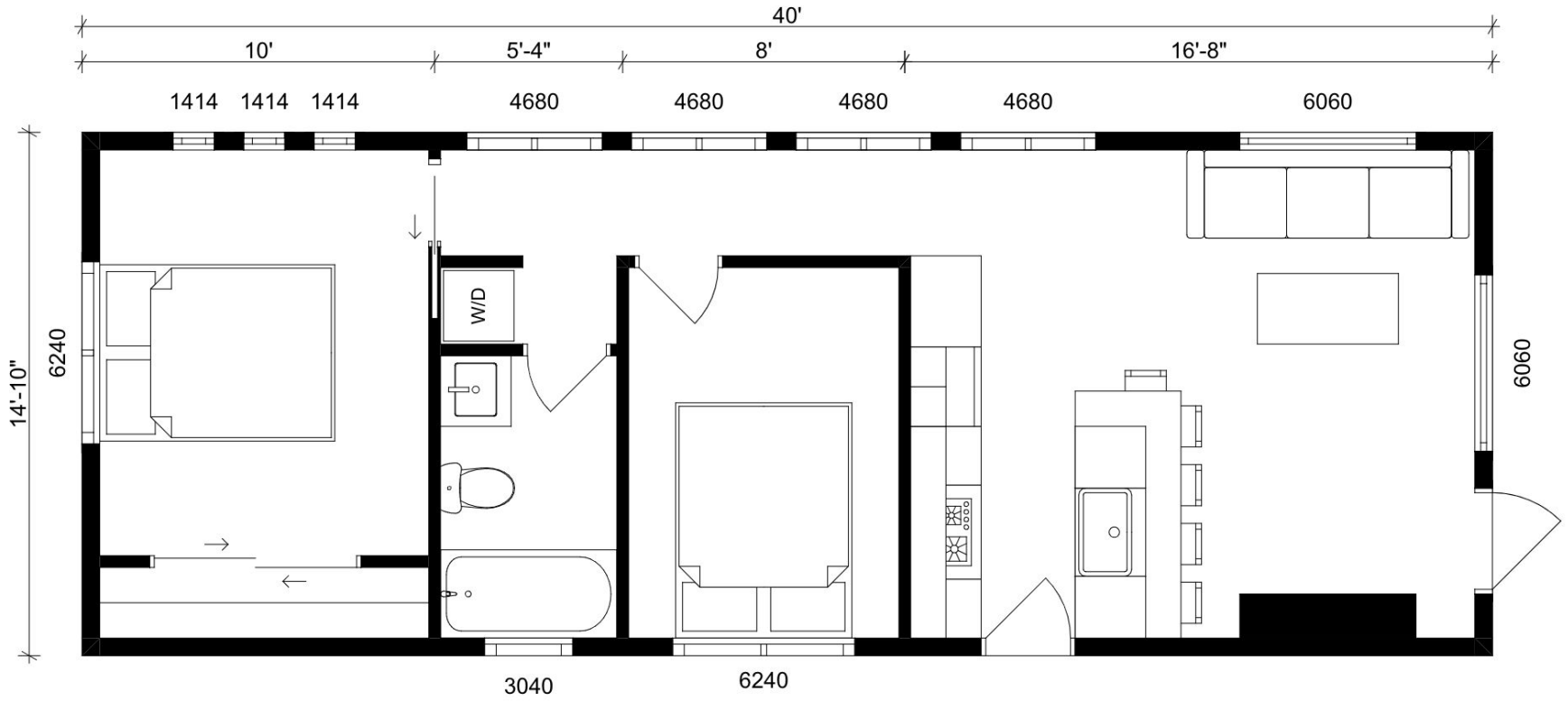
(a) The MCE OD rule that "No structure, excluding walls and fences, shall extend beyond, or be can2levered over, any downhill slope extending from the exis2ng building pad." (MMC 17.42.020(D)(6)(c));
(b) The Tract Map's designa2on of certain areas close to slopes as "Restricted Use Area"; and
(c) The City's geologist. During the 2/20/96 hearing, Planning Director Parker-Bozylinksi assured the HOA that the City geologist would apply stricter rules than those noted in the Tract Map.

The proposed ADU is not sited in a loca2on designated as Restricted Use Area and has passed the scru2ny of the geologists in charge.

Sincerely,

Helmut Meissner

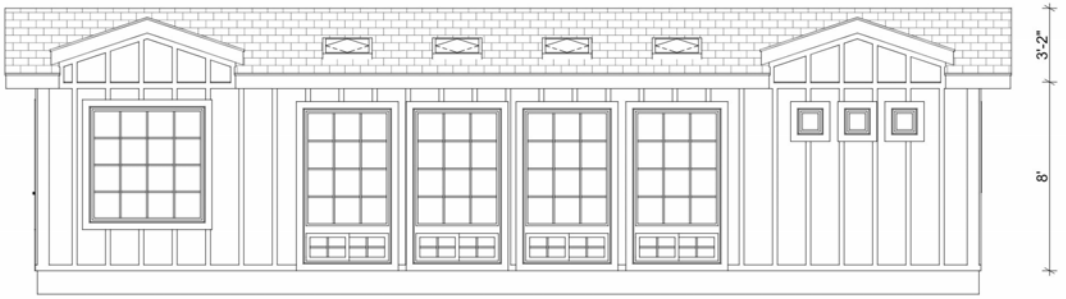


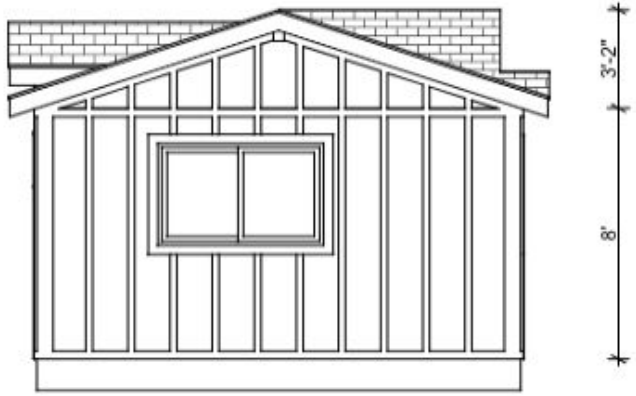

40'
10'
5'-4"
8'
16'-8"
1414
1414
1414
4680
4680
4680
4680
6060
14'-10"
6240
W/D
6060
3040
6240








3'-2"
8'


3'-2"
8'


3'-2"
8'


3'-2"
8'

From: **Andrew Tuck** atuck@keystoneplanners.com
Subject: Rebuttal to Staff Report - 24507 Vantage Point Terrace - Coastal Development Permit No. 21-045
Date: January 19, 2026 at 8:28 PM
To: Teaton@malibucity.org, MGonzalez@4leafinc.com, JSmith@malibucity.org
Cc: Matt Jewett mjewett@keystoneplanners.com, Whitney Wetherill admin@keystoneplanners.com

AT

Dear Malibu Planning Staff,

Our office was retained by the applicant of the above-referenced application to assist with addressing various questions and concerns raised leading up to the upcoming hearing. Please see attached an analysis of the questions/concerns raised in the Staff Report for Coastal Development Permit No. 21-045.

Also attached are the accompanying alternatives analysis and two updated exhibits: an updated Floor Plan and Elevations plan that reflect the use of updated roofing materials, from shingles to tiles, and a site plan identifying four previously unidentified trees. These materials are provided to ensure the record accurately reflects the project's constraints, the applicable standards, feasible options available, and responses to outstanding questions/concerns that the Staff Report indicates may not have been sufficiently addressed previously.

Thank you for your time and attention to these items, and if you need any additional information or would like clarification on any portion of the submittal, we would be happy to assist and/or discuss further at your convenience.

Sincerely,

KEYSTONE
Strategic Planning

Andrew Tuck
Keystone Strategic Planning
4859 West Slauson Avenue #753 Los Angeles, CA 90056
C: 310.912.2758 O: 310.361.9033 atuck@keystoneplanners.com www.keystonestrategicplanning.com

Vantage Point Rebuttal with Bookmarks_Final.pdf
20.8 MB



KEYSTONE
Strategic Planning

City of Malibu
Planning Department
ATTN: Tyler Eaton, Assistant Community Development Director
23825 Stuart Ranch Rd
Malibu, CA 90265

RE: CDP Application 21-045 – 24507 Vantage Point Terrace Staff Report Comments and Additional Information

Dear Mr. Eaton,

We are in receipt of the Staff Report prepared for the above-referenced application, dated November 20, 2025. The below analysis and supporting documentation are intended to correct/clarify and provide additional information pertaining to the statements/findings made within the staff report to assist in moving the application forward, consistent with applicable State and Local laws that govern the proposed development. In particular, this correspondence is intended to address and clarify unique circumstances that pertain to Accessory Dwelling Units (ADUs) and their treatment under State law, the role of the California Coastal Act, the historical record for development of the subject property/neighborhood with respect to building pad establishment, and the history, purpose and appropriate application of the local Malibu Country Estates (MCE) Overlay District to the subject application.

It appears that Staff's conclusions rest on a series of assumptions that may be inaccurate or incomplete—most notably that the MCE Overlay categorically limits all parcels within the Overlay District to a single building pad, and that such a limitation derives from or is mandated by the Coastal Act. As discussed further below, certain critical assumptions and conclusions made by Staff appear to be inconsistent with the history and facts surrounding original tract map and CC&Rs, the evolution of local regulatory controls, the physical conditions of what was then Lot 85 (now 24507 Vantage Point Terrace), and the statutory framework governing ADUs. Based upon our evaluation of the property's history and relevant governing regulations, it appears that the subject parcel contains two approved and existing building pads that predate the Coastal Act and the LCP, that the proposed ADU is sited entirely on an existing, compliant pad, and that neither the Coastal Act nor the LIP provides a lawful basis to deny the proposed project.

One Building Pad per Parcel

The principal issue raised by staff is the assertion that the Malibu Country Estates (MCE) Overlay District limits all development to one building pad per parcel. Staff relies on LIP Section

One Building Pad per Parcel

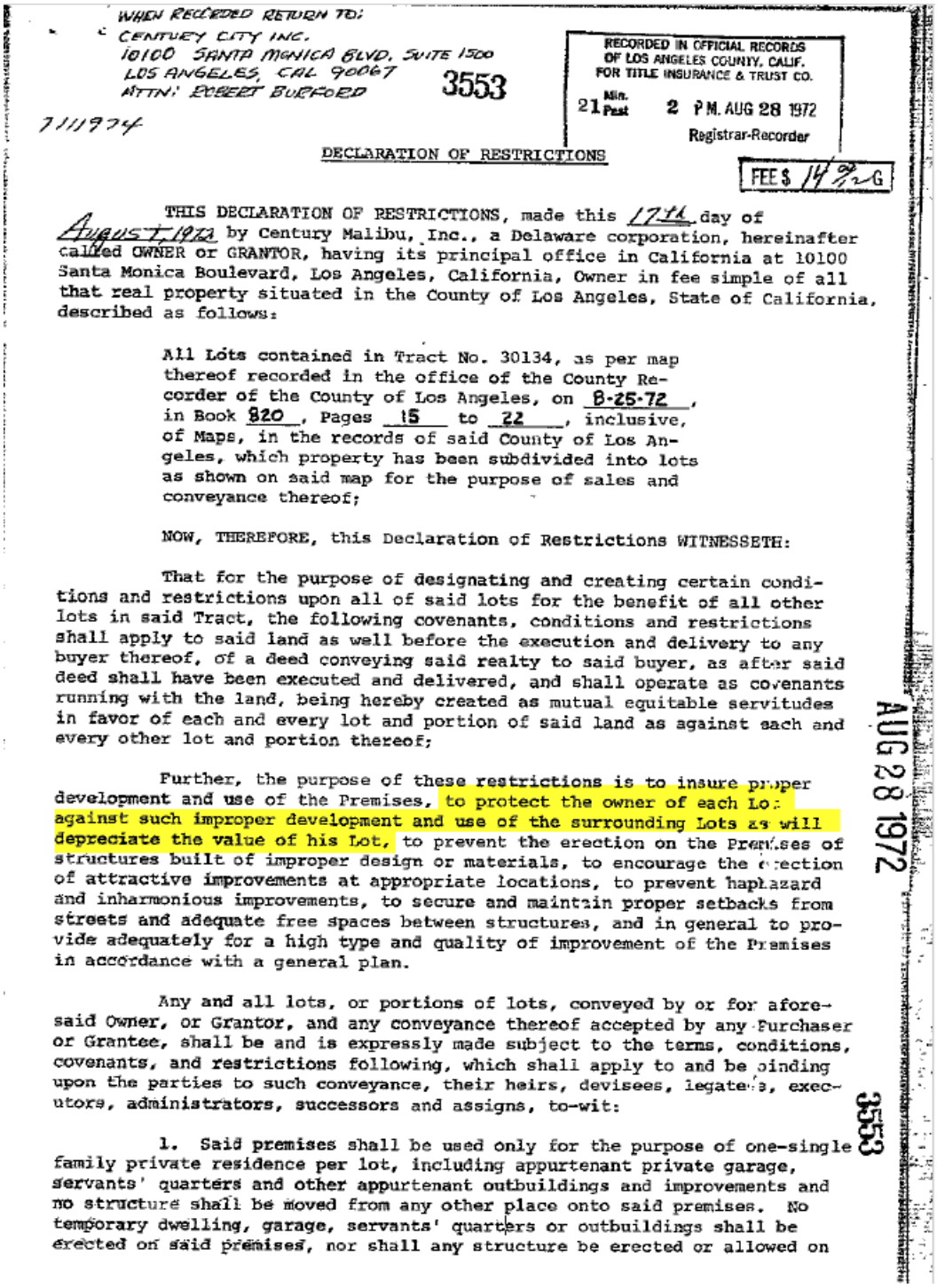
The principal issue raised by staff is the assertion that the Malibu Country Estates (MCE) Overlay District limits all development to one building pad per parcel. Staff relies on LIP Section 3.4.1(D), which provides the following standards for building pads within the MCE Overlay District:

a. All development, excluding walls and fences, shall be limited to the existing building pad.
b. There shall be no more than one building pad per lot.
c. No structure, excluding walls and fences, shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad.
d. A building pad is defined as a single, continuous, graded area, not exceeding three percent slope, designed to accommodate development.

As demonstrated below, staff's interpretation is inconsistent with the historical record, the legal framework governing ADUs, and the physical conditions of the subject parcel.

Historical Background of Malibu Country Estates

Staff claims the "*MCE Overlay District was established approximately 50 years ago.*" While the Overlay District technically was not established until the mid-nineties, the Malibu Country Estates neighborhood was originally developed in the 1970s. The original CC&Rs, recorded in 1972, expressly state their purpose was *"to protect the owner of each Lot against such improper development and use of the surrounding Lots as will depreciate the value of his Lot."* [**Attachment A**]



WHEN RECORDED RETURN TO:
CENTURY CITY INC.
10100 SANTA MONICA BLVD, SUITE 1500
LOS ANGELES, CAL 90067
ATTN: ROBERT BURFORD

3553

7111974

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.
FOR TITLE INSURANCE & TRUST CO.
21 Min. Past 2 P.M. AUG 28 1972
Registrar-Recorder

FEE $ 14.00 G

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS, made this 17th day of August, 1972 by Century Malibu, Inc., a Delaware corporation, hereinafter called OWNER or GRANTOR, having its principal office in California at 10100 Santa Monica Boulevard, Los Angeles, California, Owner in fee simple of all that real property situated in the County of Los Angeles, State of California, described as follows:

All Lots contained in Tract No. 30134, as per map thereof recorded in the office of the County Recorder of the County of Los Angeles, on 8-25-72, in Book 820, Pages 15 to 22, inclusive, of Maps, in the records of said County of Los Angeles, which property has been subdivided into lots as shown on said map for the purpose of sales and conveyance thereof;

NOW, THEREFORE, this Declaration of Restrictions WITNESSETH:

That for the purpose of designating and creating certain conditions and restrictions upon all of said lots for the benefit of all other lots in said Tract, the following covenants, conditions and restrictions shall apply to said land as well before the execution and delivery to any buyer thereof, of a deed conveying said realty to said buyer, as after said deed shall have been executed and delivered, and shall operate as covenants running with the land, being hereby created as mutual equitable servitudes in favor of each and every lot and portion of said land as against each and every other lot and portion thereof;

Further, the purpose of these restrictions is to insure proper development and use of the Premises, to protect the owner of each Lot against such improper development and use of the surrounding Lots as will depreciate the value of his Lot, to prevent the erection on the Premises of structures built of improper design or materials, to encourage the erection of attractive improvements at appropriate locations, to prevent haphazard and inharmonious improvements, to secure and maintain proper setbacks from streets and adequate free spaces between structures, and in general to provide adequately for a high type and quality of improvement of the Premises in accordance with a general plan.

Any and all lots, or portions of lots, conveyed by or for aforesaid Owner, or Grantor, and any conveyance thereof accepted by any Purchaser or Grantee, shall be and is expressly made subject to the terms, conditions, covenants, and restrictions following, which shall apply to and be binding upon the parties to such conveyance, their heirs, devisees, legatees, executors, administrators, successors and assigns, to-wit:

1. Said premises shall be used only for the purpose of one-single family private residence per lot, including appurtenant private garage, servants' quarters and other appurtenant outbuildings and improvements and no structure shall be moved from any other place onto said premises. No temporary dwelling, garage, servants' quarters or outbuildings shall be erected on said premises, nor shall any structure be erected or allowed on

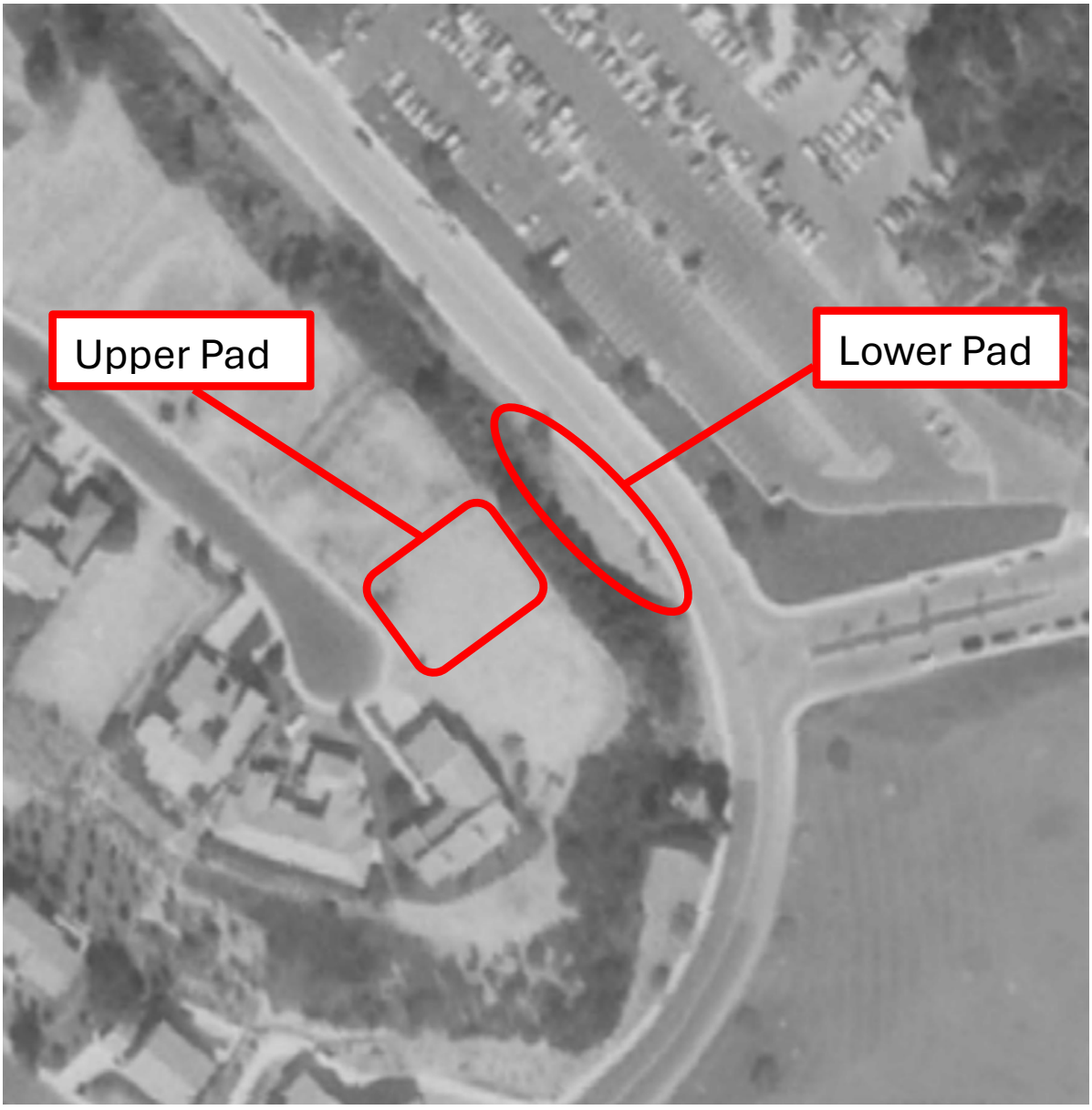
AUG 28 1972

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These original community standards restrictions were understandably intended to protect private property interests and value at the time. However, there is no intent to protect public coastal resources, as that is not the purpose of CC&Rs, and the MCE CC&Rs predate the California Coastal Act and the Malibu Local Coastal Program.

The CC&Rs specifically restricted development within areas designated as “Restricted Use Areas” on portions of lots 12, 13, 30, 31, 88, 89, 90, 91, 92, 93, 94, 100, 101, 102, 103, 104, 105, 106, and 107, as shown on Tract No. 30134 [**Attachment B**]. Lot 85 (now 24507 Vantage Point Terrace) was not among the parcels subject to Restricted Use Areas.

An aerial photograph from 1980 clearly shows that Lot 85 contained two distinct graded pads at that time—prior to the City’s incorporation and adoption of local zoning ordinances, the MCE Overlay District, and the Malibu LCP.





Evolution of Regulatory Controls

In the mid-1990s, the Malibu Country Estates HOA and the City collaborated to adopt Custom Subdivision Development Criteria, which effectively codified HOA-based development standards derived from the above-referenced 1972 CC&Rs. On September 10, 1993, then Planning Director Robert Bernard reached out to the Malibu Country Estates HOA to initiate the process of applying for Custom Development Criteria [**Attachment C**]. The Malibu City Council passed an ordinance (#122) in March 1995, thereby establishing the Malibu Country Estates Overlay District.

The Local Coastal Program (LCP/LIP) was later certified in 2002, incorporating many existing development standards and criteria derived from Malibu's existing local Zoning laws, including portions of the MCE Overlay District, which was derived from the HOA CC&Rs.

It appears that the originally limited, parcel-specific restrictions broadened to limit all development to a single building pad on every MCE parcel, regardless of the existing site conditions or the site-specific restricted use areas called out on the original tract map and CC&Rs. Given the history of the MCE Overlay District/CC&Rs, Staff's analysis appears to grant undue weight as it pertains to the primacy of this Overlay District through reference to the Coastal Act—despite originating as private view-protection measures, not public resource protections.

LCP vs. State ADU Law

The LCP consists of the Land Use Plan (LUP) and the Local Implementation Plan (LIP). The LUP establishes policies to implement the Coastal Act, while the LIP contains the regulatory provisions applicable to individual projects.

California Civil Code §4751 provides that "*Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code, is void and unenforceable.*"

Several conclusions in the Staff Report stem from the mistaken assumption that all elements included in the LCP automatically prevail over State ADU law. While Government Code § 66329 states that ADU law does not supersede the Coastal Act: "*Except as provided in subdivision (b), nothing in this article shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code)*", the 1972 CC&Rs and the MCE Overlay District standards are not referenced or alluded to in any way in the Coastal Act and do not acquire Coastal Act authority simply because certain private property restrictions for the benefit of private property owners were added to the LCP, amidst the public resource protection policies of the Coastal Act that the LCP is required to implement.

If local jurisdictions could insulate ADU-prohibitive policies merely by incorporating them into an LCP, State ADU law would be rendered toothless within the coastal zone—an outcome clearly inconsistent with the legislative intent of State ADU law to enhance housing affordability.

The MCE Overlay District is also part of the local zoning ordinance (MMC 17.42.020(D)), which predates the adoption of the LCP and contains the same requirements. State ADU law supersedes local zoning ordinances. Subdivisions (a) and (b) of § 66325 state:

"(a) *Except as provided in subdivision (b), this article shall supersede a conflicting local ordinance.*

(b) *This article does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit."*

The Coastal Act's central purpose is protection of public coastal resources, including public views—not the preservation of private views between neighboring parcels nor to maintain high property values, as stated in the CC&Rs.

Correction to Staff Project Description of Project Site

The Staff report describes the parcel as containing a single flat pad with the remainder of the site sloping downward to John Tyler Drive. Based upon the foregoing, this description appears to be inaccurate. The site clearly consists of a flat pad, a slope, and a second flat pad. The omission of the existing lower pad materially affects staff's analysis and conclusions regarding building pad limitations and slope development. Ultimately, it leads to the erroneous conclusion that findings cannot be made to recommend approval of the proposed ADU.

Building Pads and Development Area

The proposed ADU is not located on a "*proposed building pad*" as staff asserts, but on an existing building pad. As evidenced above, aerial photographs demonstrate that this pad has been in existence since at least 1980. The proposed structure is sited on a pad of less than 3 percent grade, not a slope, and does not extend beyond or cantilever over any downhill slope in accordance with the development standards of the MCE Overlay District.

The parcel contains two existing, legally established building pads. As documented in the attached geotechnical report, the manufactured slope and flat base are comprised of "*well graded*", compacted, artificial fill, which demonstrates that the existing lower pad was the result of intentional grading. The submitted Geology Report states as follows:

> *We offer the following general description of materials encountered during our subsurface explorations.*
>
> *Artificial fill (af): Approximately 20-feet of certified compacted fill blankets the site. The fill can be described as silty gravelly sand with clay binder. The fill is light grey brown to brown, slightly moist to moist at depth, well compacted, dense with abundant cobble and well graded. The lab work revealed that the upper 2 to 3 feet of material has been disturbed. All undisturbed fill materials are unsuitable for structural support. The fill materials below 3 feet are suitable for use as a base for the placement of compacted fill.* (Geotechnical Report Page 5, **Attachment D**)

And later:

> *In areas of proposed development, the upper 3 feet of compacted fill shall be removed and recompacted. Following grading, the building pad area shall be underlain by a minimum of 3 feet of compacted fill. The limits of fill shall extend a minimum of three feet beyond the building footprint. Grading within areas of proposed hardscape shall consist of removing previous fill to expose firm compacted fill and the placement of new fill to design grades. (Geotechnical Report Page 11*, **Attachment D***)*

LIP Section 3.4.1(D)(6)(d) states, "*For the purposes of this Overlay District, a building pad shall be defined as a single, continuous, graded area, not exceeding 3 percent in slope, designed to accommodate development*." The conditions present in the lower building pad meet all objective criteria for the definition of a building pad. It is a uniformly graded whole (per page 5 of the geotechnical report cited above) that does not exceed 3 percent in slope (shown on the slope map below). In summary, contrary to the assessment provided in the Staff Report, the proposed building site is an existing, legally established, graded pad. No new pad is proposed, no grading to extend a pad is proposed, and no grading to create a new pad is proposed.



Other parcels within Malibu Country Estates were subject to Restricted Use Areas under the original tract map; Lot 85 was not. Accordingly, Lot 85 cannot now be artificially limited to one pad when two pads have long existed.

Views – Public vs. Private

The MCE Overlay's building pad provisions were designed to preserve private views as demonstrated in the previously cited 1972 MCE CCRs, not public coastal views. No public views are impacted by the proposed ADU. Moreover, no private views are impacted, given an 11-foot 2-inch height for the proposed structure and an approximately 20-foot slope, which shields it from view from uphill neighbors.



(Attachment E)

Public Resources Code section 30251 states,

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

The proposed ADU siting will not impact public views, in accordance with the Coastal Act. Additionally, the proposed ADU is sited on an existing graded and manufactured pad. Therefore, no alteration of natural landforms is proposed.

Similarly, chapter 6 of the LIP directs new development to minimize adverse visual impact.

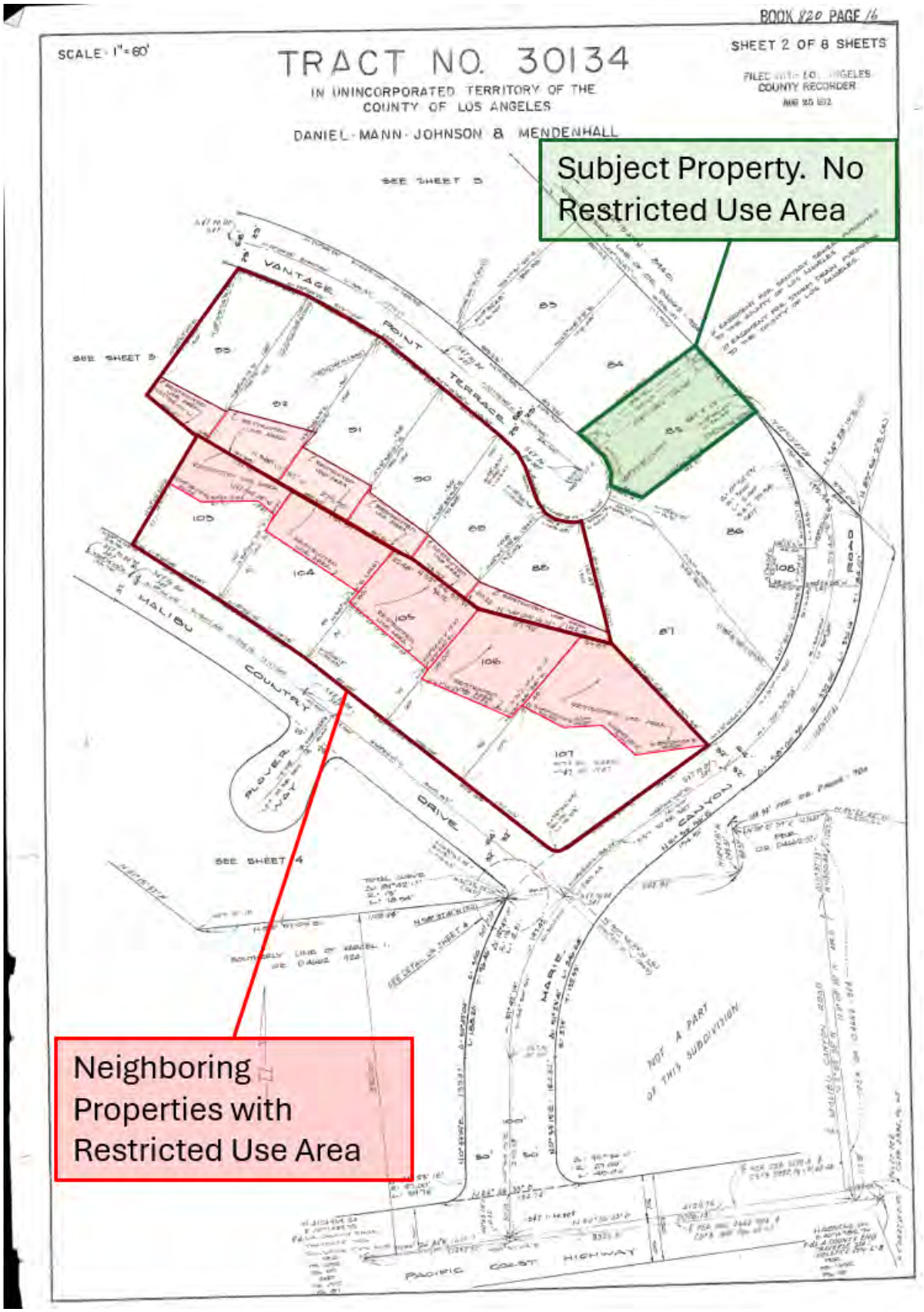
> *6.5. DEVELOPMENT STANDARDS A. Development Siting 1. New development shall be sited and designed to minimize adverse impacts on scenic areas from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas from scenic highways or public*

viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site"

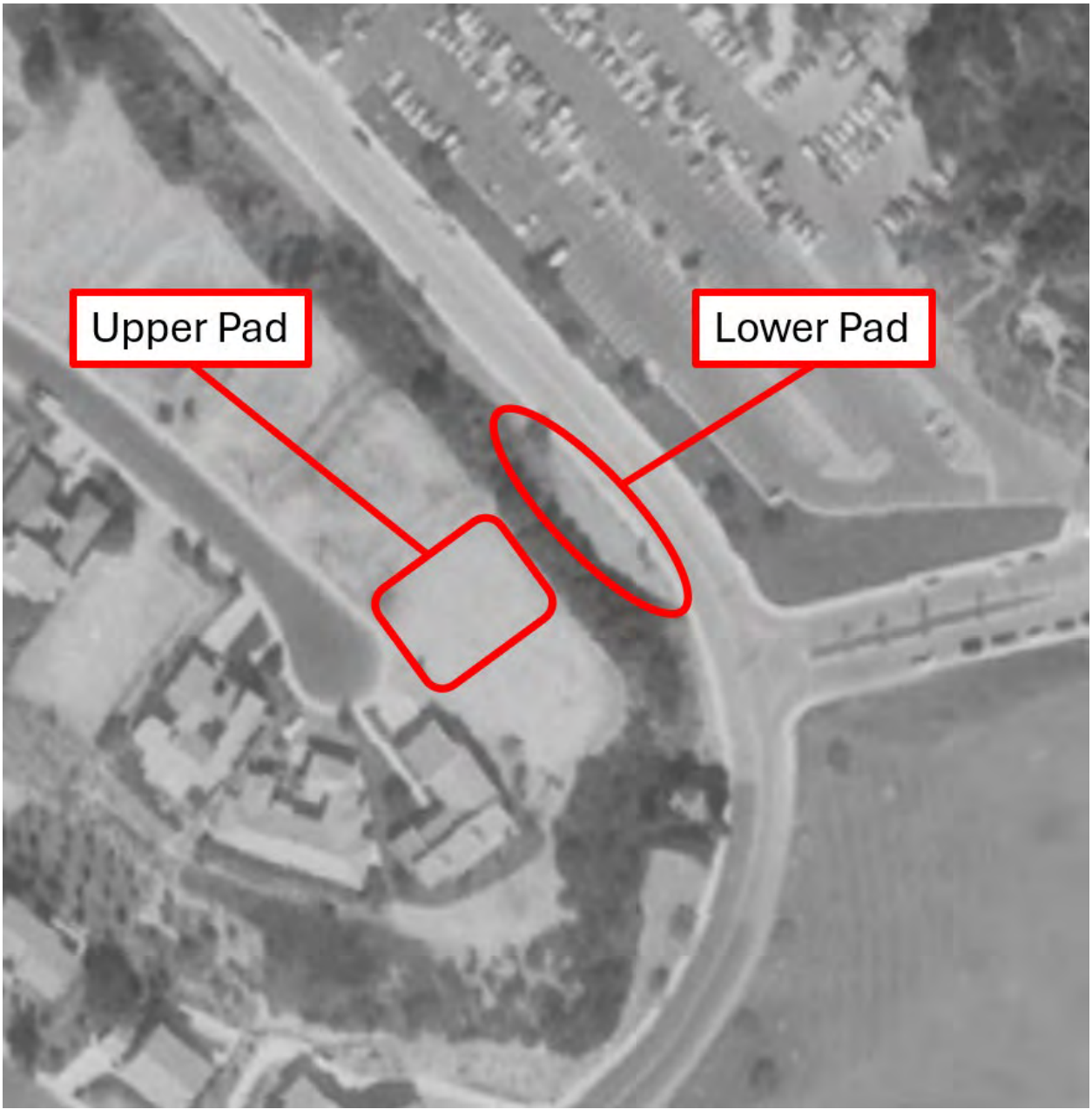
Siting the ADU on the existing lower building pad conforms with the LIP in that it is the least visible portion of the site.

Single Building Pad

In discussing LIP Chapter 6, staff asserts that each parcel was designated a single building pad at that time. This does not appear to be supported by the record. The tract map (**Attachment B**) recorded August 25, 1972, identifies Restricted Use Areas on specific parcels only, and Lot 85 was not among them.


BOOK 820 PAGE 16
SCALE 1"=60'
TRACT NO. 30134
IN UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES
DANIEL MANN JOHNSON & MENDENHALL
SHEET 2 OF 8 SHEETS
COUNTY RECORDER
SEE SHEET 5
SEE SHEET 3
SEE SHEET 4
VANTAGE POINT TERRACE
E. MALIBU COUNTRY
PLOVER WAY
DRIVE
CANYON ROAD
MARIE
NOT A PART OF THIS SUBDIVISION
PACIFIC COAST HIGHWAY
Subject Property. No Restricted Use Area
Neighboring Properties with Restricted Use Area

The 1980 aerial photograph further confirms the presence of a second lower pad on Lot 85.



(Attachment E)

MCE Overlay District Intent

Staff asserts that "*the standards of the MCE Overlay District are intended to maximize the protection of scenically impressive views from public viewing areas, including scenic roads.*" This is inconsistent with the express intent of the CC&Rs. Nowhere in the CC&Rs is there mention of protecting public views. Quite the opposite. They exist to protect the

owner of each lot. As stated in the CC&Rs, *"The purpose of these restrictions is to insure proper development and use of the Premises, to protect the owner of each Lot."*

Alternative Design Analysis

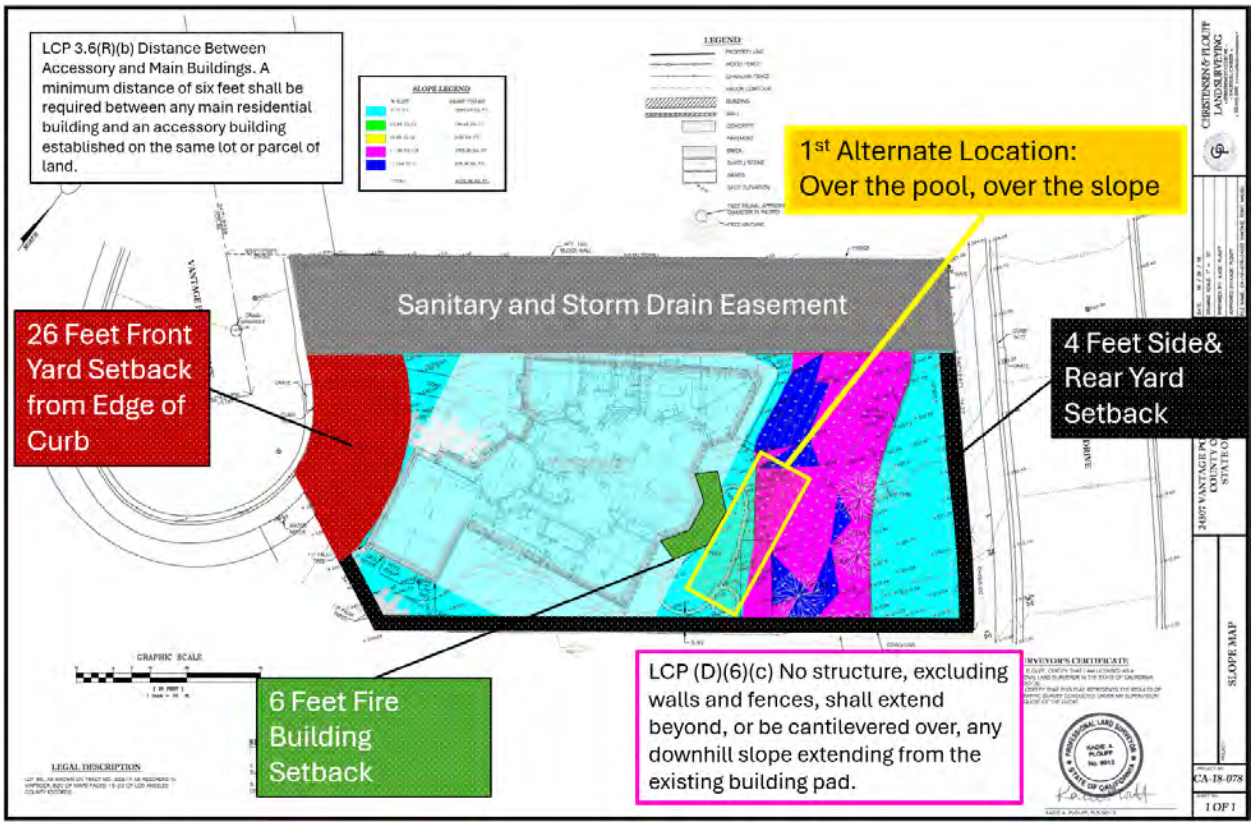
The Staff Report states that, *"the applicant has not provided an alternate design depicting existing constraints to development on the existing building pad or project feasibility/infeasibility at an alternate location."* To clarify, the applicant submitted a constraints map to City staff on September 7, 2022, which demonstrated significant constraints for development of an ADU on the upper portion of the lot. In order to further clarify the implications of these constraints, our office has included an expanded alternatives analysis, submitted with this response, that clearly depicts the impracticality and infeasibility of siting the ADU in alternative locations.

The Staff report suggests that conversion of the existing garage to an ADU might be a feasible alternative. However, this option would eliminate required on-site covered parking and require property owner vehicles to be parked on a cul-de-sac with limited street parking. This would be in opposition to one of the stated purposes of the LCP: "1.2. PURPOSE (H.) *To lessen congestion on the streets and provide for adequate off-street parking."*

It appears that converting the garage to an ADU and ignoring the on-site parking requirements would be less consistent with the requirements of the LCP than the provisions of the MCE Overlay District that are cited by Staff as a basis for denial. Unlike the siting of the proposed ADU on the lower pad, garage conversion and off-site parking would have meaningful adverse impacts to neighbors' use and enjoyment of their property, parking for guests, etc.

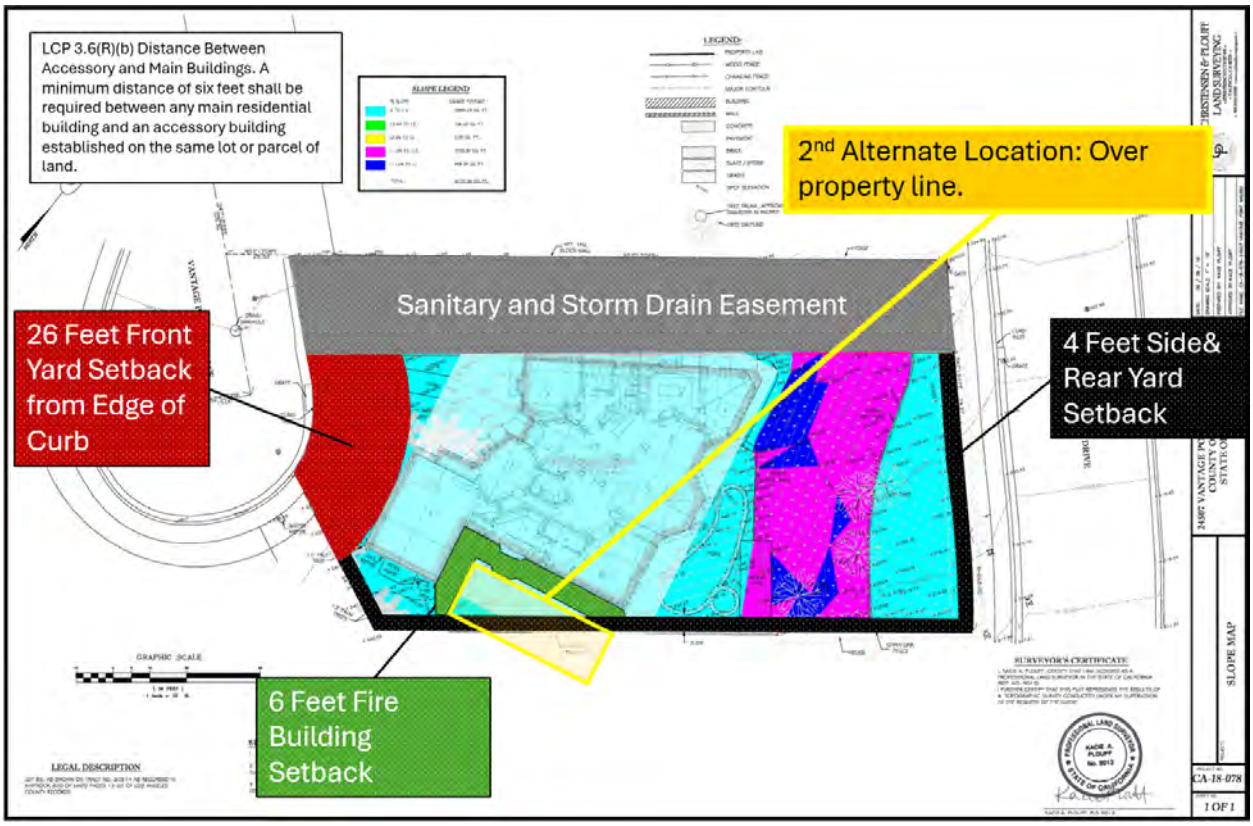
Staff asserts an *"alternate design also appears feasible given that the existing building pad is sufficient in size to support other existing uses including a pool, spa, and wooden deck."* However, the presence of recreational amenities does not demonstrate capacity for an ADU. The presence of a chimney or a bay window would not demonstrate the capacity for an ADU on a building pad any more than the presence of a pool. Capacity for one type of use is not inherently interchangeable with another. It is unclear whether Staff is proposing that the applicant remove the existing pool or deck in order to construct the ADU. However, that is not proposed, and it is not the applicant's desire to remove/trade existing development for the ADU, when the proposed development meets the requirements of State ADU law. Additionally, there are other considerations/constraints that make trading out the pool or deck for an ADU infeasible.

Even if the applicant were to remove the pool, the existing area would not support the proposed ADU. The alternatives analysis 1st Alternate Location clearly shows the infeasibility of this location for siting the ADU as it would extend over the slope beyond the building pad. Additionally, LCP Section 3.6(R)(b) requires *"A minimum distance of six feet…between any main residential building and an accessory building established on the same lot or parcel of land."* Finally, with or without the 6 ft. separation requirement, locating the ADU in the area of the pool/deck would block light/air to the living room, dining room, and primary (master) bedroom, significantly diminishing the use, enjoyment, and habitability of the existing residence.



Alternatives Analysis – 1st Alternate Location

The alternatives analysis' 2nd Alternate Location clearly shows the infeasibility of siting the ADU on the side yard, as there is not enough space between the main residence and the property line, even when utilizing the reduced setbacks afforded by State ADU Law. The proposed location is the only alternative that sufficiently meets the requirements/allowances for an ADU under State Law, the Coastal Act, and relevant local ordinances.



Alternatives Analysis – 2nd Alternate Location

Dimensional Standards: Setbacks

Staff asserts that, *"the proposed project is inconsistent with several requirements in the MCE Overlay District including an approximate 73% reduction in the required rear yard setback (from 15 feet to 4 feet)."* However, the proposed 4-foot rear yard setback and 6-foot 7-inch interior yard setback comply with State ADU law, which permits *"four-foot side and rear setbacks* [Gov. Code, § 66321, subd. (b)(3)]." Setbacks from property lines (i.e. yard setbacks) are a function of local zoning regulations, which State ADU law explicitly supersedes. The yard setbacks contained within the LCP are the same as those contained

within the City's local zoning ordinance and therefore do not fall under ADU law provisions to adhere to Coastal Resource protection policies of the Coastal Act.

Dimensional Standards: Walls

The staff report asserts: "The proposed project fails to meet various requirements outlined in LIP Chapter 3 including…LIP §3.4.1(D)(4)(a) which stipulates that, *"no walls…in excess of 6 feet shall be allowed within the required rear…yard setback areas," (wall heights associated with the proposed structure extend above 6 feet in the rear yard setback)."* Walls are defined in the LCP §2.1 as *"artificially constructed barriers…erected to enclose or screen an area of land."* This definition does not apply to the wall of a residential structure. Clearly, the exclusions listed in LIP Section 3.4.1(D)(6)(a) "*All development, excluding walls and fences, shall be limited to the existing building pad"* and (c) *"No structure, excluding walls and fences, shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad."* would make no sense if it were referring to the walls of a structure. In this case, the term "wall" is being used in the technical sense defined in the LCP rather than the more commonly used vernacular.

Regardless, Government Code §66314 (d)(7) allows "*a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure"*, and the project complies.

Dimensional Standards: Structure Height

The Staff Report asserts that the proposed ADU does "*not comply with LIP"* as it pertains to height and cites §3.4.1(D)(5)(d)(i-ii) (highlighted below and shown in context).

> *§3.4.1(D)*
> *5. Structure Height:*
> *a. No building or structure shall exceed one story and 18 feet in height to the highest point on the roof, except for chimneys, for those parcels located in Area "A" of this Overlay District as designated on the Zoning Map.*
> *b. No building or structure shall exceed two stories and 28 feet in height to the highest point on the roof, except for chimneys, for those parcels located in Area "B" of this Overlay District as designated on the Zoning Map.*
> *c. No building or structure shall exceed 18 feet in height to the highest point on the roof, except for chimneys, for the portion of the structure within 34 feet of the front property line and shall not exceed two stories and 28 feet in height to the highest point on the roof for the remaining portions of the building for those parcels located in Area "C" of this Overlay District as designated on the Zoning Map.*

d. The reference point for structure height measurements described in subsections a, b and c above shall be as follows:

i. For an addition or remodel of an existing structure, the height shall be measured from the finished first floor except that the new structure height shall not exceed that of the existing structure at its highest point on the roof, excluding chimneys.

ii. For the case where no structure exists or when an existing structure is removed to rebuild or replace, the height shall be measured from the control point set forth in the chart below.

iii. The finished first floor level of any part of any building shall not be more than 3 feet above the control point shown in the ***chart below****.*

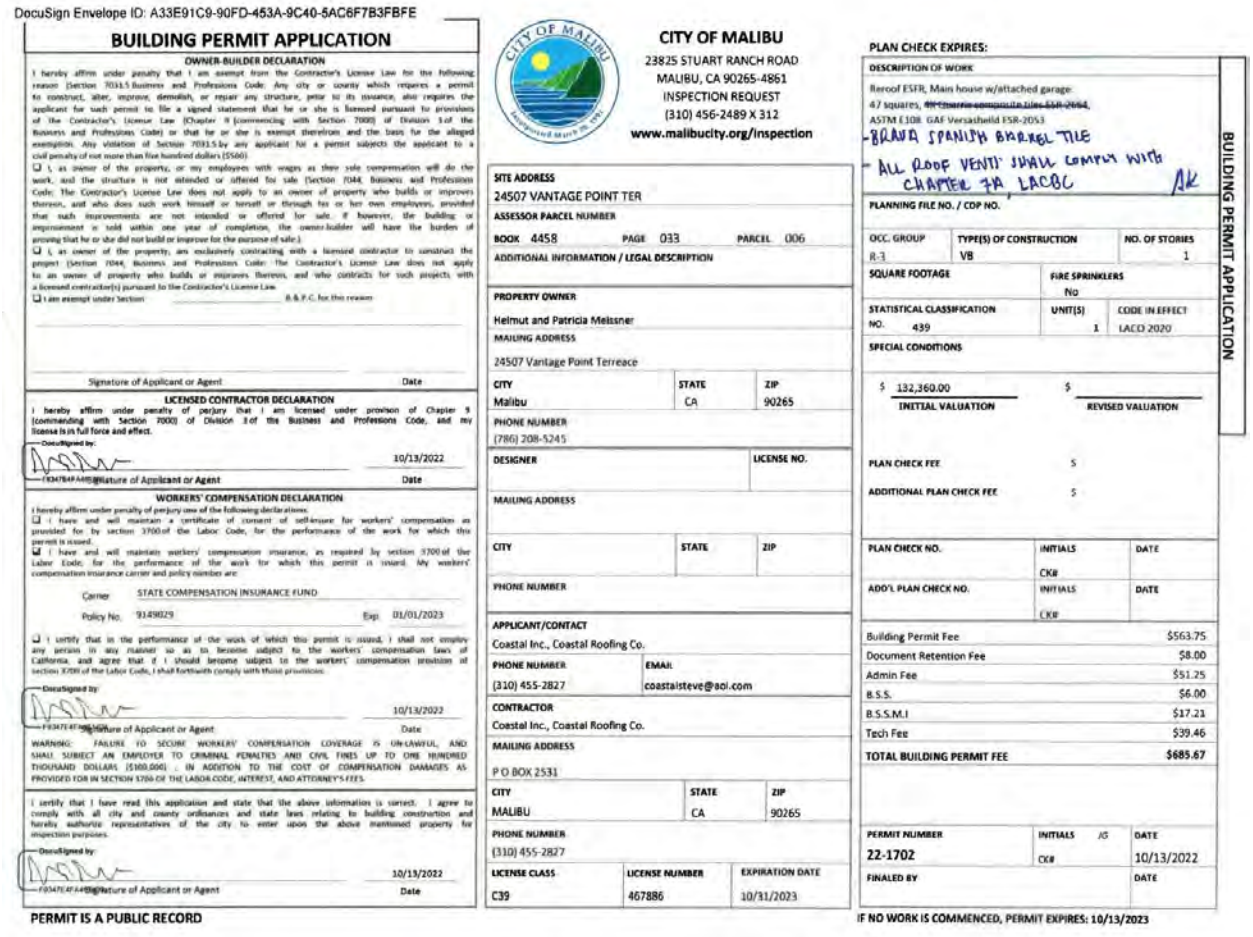
The Staff Report erroneously concludes that the above code "Limits structure height to additions/remodels of existing structure, vacant parcels or where an existing structure is replaced." This analysis does not appear to construe and apply the code correctly; the code appears instead to indicate the proper height and relative control point elevation for all construction cases. For addition or remodel of an existing structure "i" is in effect. For cases where no structure exists *or* when an existing structure is removed to rebuild or replace "ii" is in effect. The ADU is proposed to be constructed on the lower building pad where no structure exists, thus per the code "the height shall be measured from the control point set forth in the chart below."

Additionally, the "chart below" referenced in LIP Section 3.4.1(D)(5)(d)(ii and iii) does, in fact, not exist anywhere in the LIP. It appears in the local zoning ordinance (MMC 17.42.020(D)) from which the MCE Overlay standards were derived, but it was never adopted into the LCP. This omission, where the reference was copied but the referent was not, further demonstrates how MCE Overlay standards contained in the LCP derive from local zoning (in an incomplete manner), not the Coastal Act, and are superseded by State ADU law. The Staff Report conclusions and even the code itself are both incomplete and convoluted, when the proposed project's consistency with regards to height is abundantly clear and simple. The proposed ADU is consistent with the lowest maximum allowable height within the MCE Overlay District at less than 18 ft. in height, as the proposed ADU is only 11 ft. 2 inches in height.

Roofing Materials

Although enhanced requirements for certain roof aesthetics do not fall under the purview of the Coastal Act and could be construed as an undue cost imposed on an ADU under State ADU law, the applicant has agreed to revise the roofing materials from the previously proposed architectural shingles to Mediterranean Brava tile. This tile matches exactly the tiles approved for the primary residence in 2022 and is fully consistent with LIP Section 3.4.1(D) *"Roof materials shall be limited to clay tile, concrete tile or similar material."* This

modification addresses concerns with regards to LCP consistency as it pertains to roofing materials.



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BUILDING PERMIT APPLICATION

OWNER-BUILDER DECLARATION

I hereby affirm under penalty that I am exempt from the Contractor's License Law for the following reason (Section 7031.5 Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500):

☐ I, as owner of the property, or my employees with wages as their sole compensation will do the work, and the structure is not intended or offered for sale (Section 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale.).

☐ I, as owner of the property, am exclusively contracting with a licensed contractor to construct the project (Section 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a licensed contractor(s) pursuant to the Contractor's License Law.

☐ I am exempt under Section _____ B & P.C. for this reason

Signature of Applicant or Agent — Date

LICENSED CONTRACTOR DECLARATION

I hereby affirm under penalty of perjury that I am licensed under provison of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

DocuSigned by: 10/13/2022

Signature of Applicant or Agent — Date

WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:

☐ I have and will maintain a certificate of consent of self-insure for workers' compensation as provided for by section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

☑ I have and will maintain workers' compensation insurance, as required by section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: STATE COMPENSATION INSURANCE FUND

Policy No. 9149829 Exp: 01/01/2023

☐ I certify that in the performance of the work of which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provision of section 3700 of the Labor Code, I shall forthwith comply with those provisions.

DocuSigned by: 10/13/2022

Signature of Applicant or Agent — Date

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS ($100,000), IN ADDITION TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction and hereby authorize representatives of the city to enter upon the above mentioned property for inspection purposes.

DocuSigned by: 10/13/2022

Signature of Applicant or Agent — Date

PERMIT IS A PUBLIC RECORD

CITY OF MALIBU
23825 STUART RANCH ROAD
MALIBU, CA 90265-4861
INSPECTION REQUEST
(310) 456-2489 X 312
www.malibucity.org/inspection

SITE ADDRESS
24507 VANTAGE POINT TER

ASSESSOR PARCEL NUMBER
BOOK 4458 PAGE 033 PARCEL 006

ADDITIONAL INFORMATION / LEGAL DESCRIPTION

PROPERTY OWNER
Helmut and Patricia Meissner

MAILING ADDRESS
24507 Vantage Point Terreace

CITY: Malibu | STATE: CA | ZIP: 90265

PHONE NUMBER
(786) 208-5245

DESIGNER | **LICENSE NO.**

MAILING ADDRESS

CITY | STATE | ZIP

PHONE NUMBER

APPLICANT/CONTACT
Coastal Inc., Coastal Roofing Co.

PHONE NUMBER: (310) 455-2827 | **EMAIL**: coastalsteve@aol.com

CONTRACTOR
Coastal Inc., Coastal Roofing Co.

MAILING ADDRESS
P O BOX 2531

CITY: MALIBU | STATE: CA | ZIP: 90265

PHONE NUMBER
(310) 455-2827

LICENSE CLASS	LICENSE NUMBER	EXPIRATION DATE
C39	467886	10/31/2023

PLAN CHECK EXPIRES:

DESCRIPTION OF WORK
Reroof ESFR, Main house w/attached garage
47 squares, ~~BP Chemie composite tiles ESR-2654~~,
ASTM E108 GAF Versashield ESR-2053
-BRAVA SPANISH BARREL TILE
- ALL ROOF VENTS SHALL COMPLY WITH CHAPTER 7A, LACBC

PLANNING FILE NO. / CDP NO.

OCC. GROUP	TYPE(S) OF CONSTRUCTION	NO. OF STORIES
R-3	VB	1

SQUARE FOOTAGE | **FIRE SPRINKLERS**: No

STATISTICAL CLASSIFICATION NO.	UNIT(S)	CODE IN EFFECT
439	1	LACO 2020

SPECIAL CONDITIONS

$ 132,360.00 INITIAL VALUATION — $ _____ REVISED VALUATION

PLAN CHECK FEE $

ADDITIONAL PLAN CHECK FEE $

PLAN CHECK NO.	INITIALS CK#	DATE
ADD'L PLAN CHECK NO.	INITIALS CK#	DATE

Building Permit Fee	$563.75
Document Retention Fee	$8.00
Admin Fee	$51.25
B.S.S.	$6.00
B.S.S.M.I	$17.21
Tech Fee	$39.46
TOTAL BUILDING PERMIT FEE	**$685.67**

PERMIT NUMBER	INITIALS JG CK#	DATE
22-1702		10/13/2022
FINALED BY		DATE

IF NO WORK IS COMMENCED, PERMIT EXPIRES: 10/13/2023

BUILDING PERMIT APPLICATION

(Attachment F)

Archaeological Resources

The Staff Report discusses archaeological resources and seems to imply that there are potentially some questions in this regard. However, Staff did not request any information or documentation prior to issuance of the Staff Report, as confirmed by the submitted checklist pictured below wherein Staff checked the box that an Archaeology Survey would not be required. The original determination is understandable, given that the Staff Report notes the *"project site has been evaluated for potential impacts to archeological resources per the adopted City of Malibu Cultural Resources Map and it has been determined that due to the previous grading activities to create the existing building pad and MCE community,* ***the project has very low probability of disturbing archaeological resources for construction proposed on the existing building pad****."* Based upon the foregoing, it appears that appropriate Staff level review has been completed under the requirements of LIP Chapter 11 and findings should be made that the project is consistent with the LCP as

it pertains to Archaeological Resources.

City of Malibu

Coastal Development Permit Submittal Checklist

NOTE To submit a new application with the City of Malibu Planning Department, all required items as specified by City Staff on the Submittal Checklist, including application fees and those materials required by City Departments, must be provided at the time of submittal. **Incomplete application submittals WILL NOT be accepted.** An appointment is required for submittals. For an appointment, call 310-456-2489, ext. 485, or email mplanning@malibucity.org. See the New Application Submittal Guide for more information. For more information, visit the Planning Department website.

Staff Only - General Project Information

Date_____
Address / Location: (N) ADU
Project Description:_____

Fees: □ CDP Level: 1 $ 873 □ SPR $_____ □ MM $_____
□ VAR $_____ □ Other $_____ □ Other $_____
*The City will charge a service fee for credit card transactions.

Woolsey Fire Fee Waiver: □ Project Eligible □ Project Ineligible (all fees apply)

Requires the following discretionary requests:_____

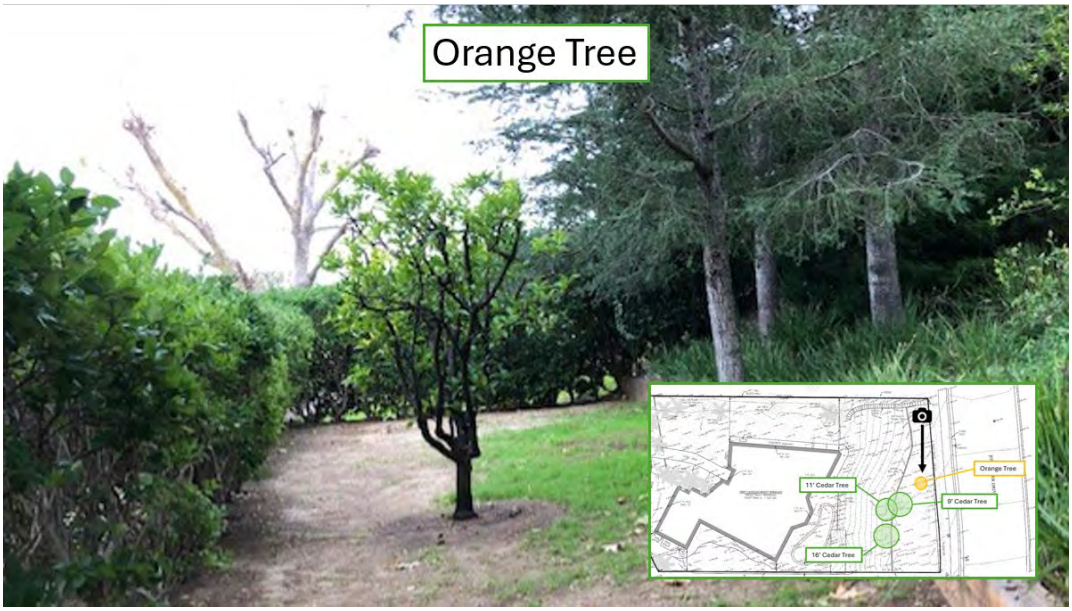
A **complete submittal** shall consist of the following City / County Department reviews, submittal documents, and fees:

Departments	Planning Review		Building Plan Check		Date	Submitted
	Req'd	Not Req'd	Req'd	Not Req'd		
Planning	✓	-	✓	-		☐
Archaeological Survey If needed, submit as separate application. Guide	☐	☒	☐	NA		☐

(Attachment G)

Trees

The Staff Report references four trees that were not explicitly identified on the site survey and allude to uncertainties about whether the project is in compliance with Native Tree protection policies of the LCP. To clarify, the identified trees consist of three cedar trees and one orange tree. These are non-native species and are not among the protected trees listed in LCP Chapter 5 (oak, walnut, sycamore, alder, and toyon).







(Attachment H)

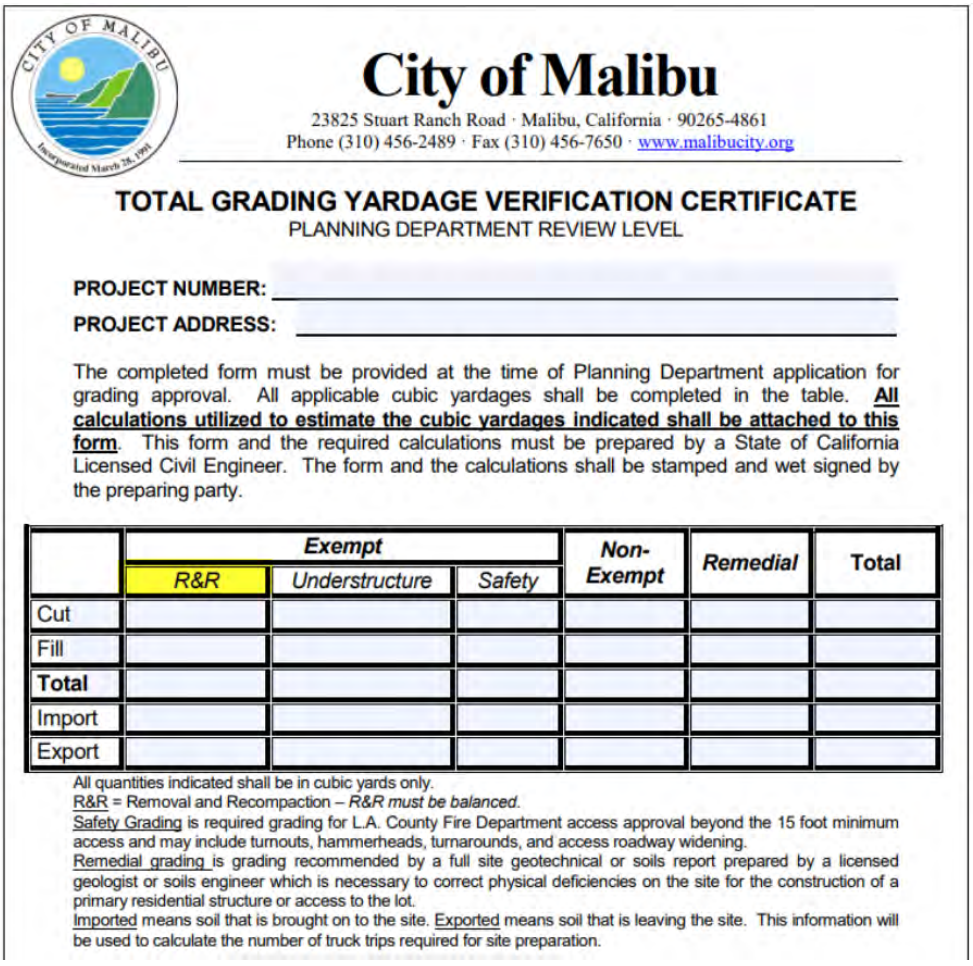
Impermeable Coverage

The Staff Report states that LIP §3.4.1(D)(7) *"strictly limits impermeable surfaces on the existing building pad (the proposed structure is located on a proposed second building pad)."* As discussed previously, the ADU is proposed to be sited on the existing lower building pad as defined in LCP Section 3.4.1(D)(6)(d). Thus, per LIP §3.4.1(D)(7) *"Impermeable Coverage: There shall be no maximum impermeable coverage limitation. However, including any structures, impermeable surfaces shall only be permitted on the existing building pad…"* Contrary to the Staff Report's assertion that there are strict limits on impermeable surfaces, the Code explicitly states that there is "no maximum impermeable coverage limitation" in the MCE Overlay, provided construction takes place on an existing building pad, which is what the applicant is proposing, as outlined above. Therefore, it is our understanding that the project complies with LCP impermeable coverage allowances/requirements.

Grading

Per the Staff Report, the *"building pad proposes remedial and re-compaction grading for the upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of 3 feet beyond the proposed footprint."* The City's Grading Verification Form

that Staff utilizes to verify compliance with the LCP has separate columns for "Remedial" and "R&R" (further defined as "Removal and Recompaction"). It is unclear which was intended in Staff's reference to "remedial and re-compaction grading".



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: _____

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						
Fill						
Total						
Import						
Export						

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.

To clarify, the only grading proposed is the removal/recompaction for the foundation per the recommendations of the Geotechnical Report, which states that:

In areas of proposed development, the upper 3 feet of compacted fill shall be removed and recompacted. Following grading, the building pad area shall be underlain by a minimum of 3 feet of compacted fill. The limits of fill shall extend a minimum of three feet beyond the building footprint. Grading within areas of proposed hardscape shall consist of removing previous fill to expose firm compacted fill and the placement of new fill to design grades. (Geotechnical Report Page 11, **Attachment D***)*

This type of grading is explicitly exempted per the LCP 8.3. DEVELOPMENT STANDARDS I. *"Exceptions. Excavation for foundations and other understructure excavation and*

incremental excavation for basements and safety purposes ***shall be excluded from grading limitations****."* This is further verified by the City's Total Grading Yardage Verification Certificate, which notes that R&R grading is exempt. Therefore, contrary to the Staff Report analysis, the proposed project complies with the LCP as it pertains to grading, as the proposed R&R grading for the foundation is excluded from LCP grading limitations.

Conclusion

In summary, the Staff Report's recommendation is premised on a misunderstanding and/or mischaracterization of the site, an overextension of the MCE Overlay District's intent and authority under ADU law, and a conflation of private, HOA-derived view protections with the Coastal Act's mandate to protect public coastal resources. The historical record confirms that Lot 85 was not originally subject to a single-pad restriction, that two graded pads have existed on the parcel for decades, and that the proposed ADU fully complies with the objective definition of a building pad under the LIP. The project is sited on the least visible portion of the site, does not impact public views, proposes no non-exempt grading/landform alteration or new pad, maintains existing required on-site covered parking to avoid adverse impacts to neighbors, conforms to applicable Coastal Act and LIP standards for Coastal resource protection, and is entitled to the protections afforded by State ADU law, which supersedes conflicting local zoning provisions. Additionally, the project has no impacts to public access or Environmentally Sensitive Habitat Areas and is compliant with all provisions/allowances/requirements of State ADU law. For these reasons, we believe that the proposed ADU should be found consistent with the LCP as applied under relevant State Law/requirements and approved accordingly.

Thank you for your time, attention, and consideration of this additional information. If there are any questions, please let us know.

Sincerely,

Keystone Strategic Planning



Matt Jewett

Principal

Attachment A

1972 Malibu Country Estates CC&Rs

WHEN RECORDED RETURN TO:
CENTURY CITY INC.
10100 SANTA MONICA BLVD. SUITE 1500
LOS ANGELES, CAL 90067
ATTN: ROBERT BURFORD

3553

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.
FOR TITLE INSURANCE & TRUST CO.
21 Min. Past 2 P.M. AUG 28 1972
Registrar-Recorder

7111974

DECLARATION OF RESTRICTIONS

FEE $ 14.00

THIS DECLARATION OF RESTRICTIONS, made this 17th day of August 1972 by Century Malibu, Inc., a Delaware corporation, hereinafter called OWNER or GRANTOR, having its principal office in California at 10100 Santa Monica Boulevard, Los Angeles, California, Owner in fee simple of all that real property situated in the County of Los Angeles, State of California, described as follows:

> All Lots contained in Tract No. 30134, as per map thereof recorded in the office of the County Recorder of the County of Los Angeles, on 8-25-72, in Book 820, Pages 15 to 22, inclusive, of Maps, in the records of said County of Los Angeles, which property has been subdivided into lots as shown on said map for the purpose of sales and conveyance thereof;

NOW, THEREFORE, this Declaration of Restrictions WITNESSETH:

That for the purpose of designating and creating certain conditions and restrictions upon all of said lots for the benefit of all other lots in said Tract, the following covenants, conditions and restrictions shall apply to said land as well before the execution and delivery to any buyer thereof, of a deed conveying said realty to said buyer, as after said deed shall have been executed and delivered, and shall operate as covenants running with the land, being hereby created as mutual equitable servitudes in favor of each and every lot and portion of said land as against each and every other lot and portion thereof;

AUG 28 1972

Further, the purpose of these restrictions is to insure proper development and use of the Premises, to protect the owner of each Lot against such improper development and use of the surrounding Lots as will depreciate the value of his Lot, to prevent the erection on the Premises of structures built of improper design or materials, to encourage the erection of attractive improvements at appropriate locations, to prevent haphazard and inharmonious improvements, to secure and maintain proper setbacks from streets and adequate free spaces between structures, and in general to provide adequately for a high type and quality of improvement of the Premises in accordance with a general plan.

Any and all lots, or portions of lots, conveyed by or for aforesaid Owner, or Grantor, and any conveyance thereof accepted by any Purchaser or Grantee, shall be and is expressly made subject to the terms, conditions, covenants, and restrictions following, which shall apply to and be binding upon the parties to such conveyance, their heirs, devisees, legatees, executors, administrators, successors and assigns, to-wit:

3553

1. Said premises shall be used only for the purpose of one-single family private residence per lot, including appurtenant private garage, servants' quarters and other appurtenant outbuildings and improvements and no structure shall be moved from any other place onto said premises. No temporary dwelling, garage, servants' quarters or outbuildings shall be erected on said premises, nor shall any structure be erected or allowed on

said premises which is not designed, built, maintained and used exclusively for private residential purposes or for making said premises more convenient for residence thereon. When the construction of any residence or structure is once begun, work thereon shall be prosecuted diligently and must be completed within a reasonable time. No shack, tent or trailer shall at any time be used on said premises as a residence, either temporarily or permanently, except that during the construction of a residence and upon written approval of the trailer to be used, and its proposed location, a trailer may be used on said premises for the purpose of construction efficiency for a period not to exceed eight months, provided the trailer and its use conform to all requirements of the County of Los Angeles.

2. All oil and mineral rights have been reserved by a former owner but with no right of surface entry. No well for the production of, or from which there is produced oil, gas or water, shall be drilled, dug or operated on said premises; nor shall any excavation be made on said premises, unless such excavation is necessary in connection with the erection of an approved structure thereon. No rubbish or debris of any kind or character shall ever be placed or permitted to accumulate upon said premises so as to render said premises unsanitary, unsightly, offensive, or detrimental to any other lot or lots in said Tract, or to the occupants thereof.

3. No building or other structure of any nature whatsoever, nor any addition to any building or other structure, shall be erected, maintained or permitted on said premises or the erection or construction thereof begun thereon, until complete Plans and Specifications prepared under the supervision of a registered architect or registered building designer shall have first been approved in writing by the Committee hereinafter provided for. Preliminary Plans must be submitted for approval prior to completion of the Final Plans and it is suggested that in order to avoid unnecessary planning and revision costs, schematic plans may be submitted before Preliminary Plans. Three sets of Final Plans and Specifications for any and all buildings, structures, walls, fences, and any alterations thereof or additions thereto, together with proposed exterior colors to be approved, shall be submitted to said Committee for approval, and all such Final Plans and Specifications shall show in detail the nature, kind, shape, height, material, color scheme and elevation of any such structure, and shall likewise show in detail the lot or building site plan indicating the location of such building or structure, and all outbuildings on any building site, and, when specifically requested, the grading plan of the building site to be built upon; said Plans and Specifications shall in every case be complete and detailed, and no structure of any kind shall be erected, maintained or permitted on said premises if the plans, elevations and specifications of such structure have not received the written approval of said Committee or which does not fully comply with such approved Plans, Specifications and Elevations, or which is not located on the building site upon which the same is to be erected according to said Plans and Specifications. One set of any such Plans and Specifications shall be retained by said Committee.

Final Plans submitted for approval, in addition to showing setbacks and other details, shall show the relation of the finished first floor level or floor levels of the house, to the highest point of the front street curb of such lot and shall include a Plot Plan showing contour lines of the existing pad and any proposed changes therein. Such plans shall also show:

AUG 28 1972

a. The total number of square feet in such house as determined in accordance with Paragraph 8 hereof.

b. The relation in terms of feet of the maximum roof height of the house, to the highest point of the front street curb of such lot, in accordance with paragraph 10 hereof.

c. The relation in terms of feet of the garage floor to the finished floor level or levels of the house in accordance with paragraph 10 hereof.

In the event that said Committee fails to approve or disapprove such plans within thirty (30) days after submission of the plans to it, then such approval will be deemed to have been given; PROVIDED, HOWEVER, that all other restrictions and conditions contained in this Declaration of Restrictions, including any Amendments thereto made with the concurrence of all the lot owners, shall remain applicable to such plans and all structures to be erected on the lot or building site to which the plans refer.

If the plans as submitted are approved by the Committee, such approval shall be limited solely to approval of the exterior architectural design of the buildings, walls, fences and other structures to be erected on the premises to which the plans refer. Approval for use on any lot of any plans or specifications shall not be deemed a waiver of the Committee's right, in its discretion, to disapprove such plans, features or elements, which are subsequently submitted for approval for use on any other lot or lots.

The owner of each respective lot in said Tract No. 30134 has the sole responsibility at all times of determining that all plans and specifications for the structures to be erected on such lot and the erection of all buildings, walls, fences and other structures on such lot conform and comply in all respects with this Declaration of Restrictions and all amendments hereto, with the covenants and recitals in the deed to such lot and with all building codes, rules, orders and regulations of the proper governmental authority, and that the exterior architectural design and color of all structures, when completed, conform with the exterior architectural design and color as approved by the Committee.

The Committee shall have the authority and right to inspect premises under construction for the purpose of determining that all construction complies with the plans, elevations and specifications as approved by it, but shall have no responsibility to take such action. Grantor may from time to time at any reasonable hour, enter and inspect any lot, structure or other property subject to these restrictions for the purpose of determining compliance herewith.

4. The Committee hereinabove referred to shall consist of not less than three (3) members. Any action by said Committee may be taken by a majority thereof, and the members of said Committee may act without a meeting. CENTURY MALIBU, INC., Grantor, shall have the right, and it shall be the duty of said Company to appoint the initial three members of such Committee; one of which may be replaced by a member to be appointed by a majority of the lot purchasers within the Tract after the first 50 lots have been sold. CENTURY MALIBU, INC., Grantor, shall have the right at any time to remove any of the three (3) members of said Committee so appointed by it, and to fill any vacancies caused by such removal or by the death,

AUG 28 1972

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resignation, or other inability to act, of said Committee members. In the event and whenever said CENTURY MALIBU, INC., Grantor, desires to be relieved of the responsibility of maintaining such Committee, it may do so by filing, in the office of the County Recorder of the County of Los Angeles, a notice to that effect, and thereafter the right of appointing and removing members of said Committee shall be vested in the persons owning lots in said Tract, who may act by a majority of such lot owners, either at a meeting of such lot owners or in writing without a meeting. In no event, however, shall CENTURY MALIBU, INC. be liable for the consequences of action or inaction by said Committee or any member or members thereof whether appointed by CENTURY MALIBU, INC., Grantor, or otherwise.

5. Roofs shall be covered with wood shingle, wood shake, clay tile, concrete tile, or such other material and color as may be approved by the Committee, provided, however, that no flat roof shall exceed 20% of the total roof area, and provided further that no composition shingle, asphalt shingle, composition sheet, rock or gravel roof shall be used on any of the roof area except the above-mentioned flat area which shall not exceed 20% of the total roof area. No simulated mansard roof shall be used and any true mansard design shall be covered with metal sheeting or wood shingles, the design, material and treatment of which shall be approved by the Committee. For the purpose of these restrictions, any roof or portion thereof having a pitch flatter than 8 feet horizontally to 1 foot vertically shall be construed to be a flat roof.

No air conditioning unit nor air conditioning vents shall be exposed above the roof of any structure, and air conditioning units and vents, pump equipment and motors for swimming pools, etc., if any, shall be enclosed in a manner in keeping with the architecture of the home structure and shall be soundproofed so as not to be a nuisance to adjacent or nearby homeowners.

Patio walls and roofs shall be of the same design and material as the main part of the house, and the roof thereof shall be subject to the same provisions as above. Roll-back or sliding canvas covers or awnings may be used over patios provided the design and colors are approved by the Committee.

6. All exterior stucco shall be painted.

7. No lot may be subdivided for any reason whatsoever, except that three or more adjacent lots may be combined and the resulting total area divided into a smaller number of lots, with the approval of the County of Los Angeles, provided each resulting lot is larger than any one of the original lots so combined.

8. No residence building shall ever be erected, maintained or permitted on said premises which building contains less than 2,000 square feet of floor area.

In determining the number of square feet contained within any residence building erected or to be erected on said premises, the space contained within covered or uncovered porches, covered or uncovered entries, balconies, garage (whether or not it is an integral part of the residence), covered or uncovered patios, basement or cellar, shall not be considered in computing the square footage contained in any such building. For the purpose of computing the "minimum required floor area", it shall be deemed to include the total floor area of the residence building, measurements to be taken for this purpose from the outer faces of exterior walls.

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9. All buildings on lots 1, 2, 5 to 14, inclusive, 16 to 30 inclusive, 35 to 38 inclusive, 41, 45 to 49 inclusive, 57 to 75 inclusive, 79 to 98 inclusive, and 107 shall not exceed one story in height above the finished first floor level.

Buildings on lots 3, 4, 15, 31 to 34 inclusive, 39, 40, 50 to 56 inclusive and 76 to 78 inclusive, shall not exceed two stories in height above the finished first floor level.

Buildings on lots 42 to 44 inclusive, and 99 to 106 inclusive, may have the rear portion of the building two stories in height, provided no portion of the building within the first 34 feet back from the front property line exceeds one story in height above the finished first floor level.

10. The highest point of the roof (chimneys excepted) of buildings on lots 1, 2, 5 to 14 inclusive, 16 to 30 inclusive, 35 to 38 inclusive, 41, 45 to 49 inclusive, 57 to 75 inclusive, 79 to 98 inclusive, and 107 shall not exceed eighteen (18) feet above the control point designated for each respective lot on the schedule hereinafter shown as Schedule 10A.

The highest point of the roof (chimneys excepted) for all buildings on lots 3, 4, 15, 31 to 34 inclusive, 39, 40, 50 to 56 inclusive and 76 to 78 inclusive, shall not exceed twenty eight (28) feet above the control point designated for each respective lot on Schedule 10A.

The highest point of the roof (chimneys excepted) of all portions of buildings limited to one story in height as per Paragraph 9 above on lots 42 to 44 inclusive and 99 to 106 inclusive, shall not exceed eighteen (18) feet above the control point designated for each respective lot on Schedule 10A. That portion of buildings limited to two stories in height on the above lots shall not exceed twenty eight (28) feet above the control point designated for each respective lot on Schedule 10A.

The finished first floor level of any part of any building shall not be more than 3 feet above the control point shown in Schedule 10A.

The finished floor level of any garage shall not be more than eight (8) feet below the height control point for each respective lot as shown in Schedule 10A, and no retaining wall adjacent to and parallel with either side of a driveway shall exceed three (3) feet in height within the front setback area of any lot.

11. No residence or any part of any residence, garage or any other building or structure, exclusive of walls and fences, shall be placed on any lot nearer than 26 feet from the front of the front curb of said lot; and front, side and rear building setback lines on each lot shall conform in all respects to requirements of the County of Los Angeles, provided that no structure, including a porch, balcony, patio or terrace, but excluding walls and fences, shall extend down or be cantilevered or otherwise constructed over or on any downhill slope beyond the front, side or rear lines of the manufactured pad; and provided further that in the case of corner lots, any driveway entering said lot from the secondary street shall have at least 26 feet of driveway between the curb on said secondary street and the entrance doors to the garage.

The right has been dedicated to the County of Los Angeles to restrict the erection of buildings or other structures within areas designated as "Restricted Use Areas" on portions of lots 12, 13, 30, 31, 88, 89, 90, 91, 92, 93, 94, 100, 101, 102, 103, 104, 105, 106 and 107 on the map of Tract No. 30134.

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SCHEDULE 10A

The following schedule has been establi hed to set a control point for each lot (which control point represents the height of the approximate center of each lot pad) from which the maximum roof height and the maximum finished first floor level shall be measured. The control point for each lot pad is above or below the highest point of the curb of each respective lot, as follows:

	Number feet above or below high point of curb		Number feet above or below high point of curb		Number feet above or below high point of curb
Lot No. 1	- 1.6	22	- 2.1	43	+ 0.8
2	+14.2	23	- 0.3	44	+ 0.7
3	+26.7	24	+ 0.2	45	-14.9
4	+20.1	25	- 1.3	46	- 5.2
5	-12.9	26	- 1.5	47	- 2.4
6	- 3.2	27	- 9.7	48	- 0.6
7	- 5.0	28	- 5.7	49	+ 0.4
8	- 5.1	29	+ 1.5	50	+ 4.3
9	- 6.6	30	+ 1.4	51	+ 4.4
10	- 6.0	31	+ 3.4	52	+ 8.3
11	- 0.6	32	+ 3.1	53	+ 3.1
12	- 1.9	33	+ 1.1	54	- 6.4
13	- 3.9	34	- 0.2	55	+ 7.0
14	- 1.2	35	+ 0.5	56	+ 6.1
15	+15.2	36	+ 1.8	57	+ 0.5
16	+11.2	37	- 3.3	58	+ 3.4
17	+12.4	38	+ 3.1	59	+ 2.2
18	+ 4.7	39	+24.8	60	+ 0.3
19	-14.4	40	+22.9	61	+ 1.0
20	+15.7	41	- 0.4	62	+ 1.2
21	+ 1.5	42	+ 2.6	63	+ 0.8

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SCHEDULE 10A (CONT.)

Lot No.	Number feet above or below high point of curb		Number feet above or below high point of curb		Number feet above or below high point of curb
64	+ 0.4	79	- 2.1	94	- 0.8
65	+ 0.9	80	-13.1	95	+ 2.4
66	+ 1.8	81	- 3.3	96	- 0.7
67	+ 2.2	82	- 4.4	97	- 0.5
68	+ 1.7	83	- 3.3	98	-14.5
69	+ 1.3	84	- 0.7	99	- 3.2
70	+ 1.4	85	+ 0.4	100	- 4.4
71	-11.6	86	+ 1.5	101	- 2.5
72	- 4.5	87	+ 1.3	102	- 6.4
73	+ 0.6	88	+ 1.0	103	- 7.6
74	+ 0.8	89	+ 0.7	104	- 2.9
75	+10.8	90	- 0.1	105	+ 0.9
76	+15.1	91	- 3.9	106	+ 4.1
77	+13.8	92	- 1.6	107	- 2.6
78	+ 1.0	93	- 0.6		

Note:

In the case of a corner lot, the highest point of the curb (from which the above measurement has been made) may be located on the primary or secondary street. In the case of Lot 56, the measurement has been made from the highest point of the curb on Malibu Country Drive.

The above control points for each lot are intended to represent the height of the approximate center of each lot pad as originally graded. If a subsequent certified survey indicates that the approximate center of any of the above lots as originally graded is different from the control point so designated, said control point to be used for the respective lot shall be adjusted to the correct control point.

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In addition to the above, no structure, wall or fence in excess of six feet in height shall be constructed on any area of the following lots which area is located more than the number of feet designated below, as measured from the front of the curb of such lot:

Lots 62 - 64 inclusive - 137 feet
Lots 90 - 93 inclusive - 137 feet
Lots 94 - 96 inclusive - 117 feet

IT IS EXPRESSLY UNDERSTOOD, however, that any eave or roof overhang extending beyond the wall of such structure or structures a distance of 48 inches or less shall not be considered a violation of these restrictions. Any garage structure not connected with the residence as an integral part thereof shall be located not nearer than the required setback for the main structure from the FRONT property line of said building site.

12. If driveway curb cut and apron are in place on a given lot, the driveway shall remain at such location, unless a different location is approved by the Committee and the existing curb cut is replaced with curb and sidewalk of design typical of Tract 30134 and using the typical concrete mixture specified below. On other lots, the driveway curb cut and apron may be at such location as may be approved by the Committee and shall be of design typical of Tract 30134 and paved with concrete having a typical formula mixture of two pounds lamp black to each cubic yard of concrete mixture. Driveways between street and garage may be of black top, concrete having typical lamp black mixture as above, or such other material as may be approved by the Committee.

The following lots shall have reciprocal easements for driveway purposes: lots 2 and 3, lots 4 and 5, lots 15 and 16, lots 39 and 40, and lots 76 and 77. These double driveways shall be improved with paving 20 feet wide. Such driveways may be of blacktop or concrete provided that, if concrete, mixture shall be two pounds lamp black to each cubic yard of concrete mixture, or such other material as may be approved by the Committee.

Single access strip-type driveways serving Lots 17 and 29 shall be improved with paving 15 feet wide and may be of blacktop or of the typical concrete mixture specified above, or such other material as may be approved by the Committee.

The 15 foot driveway adjacent to Lot 52 is not a part of Tract 30134 and is not intended to serve Lot 52. This driveway will be the access driveway for a future lot to be created to the north of Lot 52.

The fire access roadway between Marie Canyon Road and Forest Gate Circle (as shown on the Final Map for Tract 30134) is not available for parking and must be kept free of parked cars at all times.

13. All walls and fences shall be maintained in good condition and be painted or stained if of wood or iron. If standard plain cememt or slumpstone cememt blocks are used, said walls shall be constructed of block not over four inches in height and painted. If standard cement blocks are used which are more than four inches in height, the wall shall be covered with stucco and shall be painted. Pattern or custom cement blocks shall not be used unless such blocks are of unusual custom design and unless the size of the blocks, design and wall are specifically approved by the Committee. In front of the front setback line, no wall or fence shall exceed five (5) feet in height above the surface of the ground upon which it is located, nor shall a wall or fence exceed six (6) feet in height to the

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rear of said front setback line unless said wall or fence is not within the side or rear setback areas. No hedge shall be planted or maintained in front of the front setback line at a greater height than five (5) feet from the ground, nor shall any hedge exceed six (6) feet in height to the rear of said front setback line unless said hedge is not within the side or rear setback lines.

In cases where the side or rear property line of a lot is at the top of the slope adjacent to the pad level of an upper lot, the owner of the lower lot shall not build a wall or fence on the said side or rear property line or on the slope adjacent thereto which wall or fence extends more than three feet above the pad level of the adjacent upper lot unless a written agreement and approval to do so is obtained from the owner of the upper lot and duly recorded.

No tennis court shall be constructed on any lot or combination of lots without the owner thereof having first obtained and recorded the written approval of the owner of every lot in Tract 30134 which is adjacent to such lot or combination of lots.

14. Each owner of a lot in said tract shall not in any way interfere with the established drainage in or over any lot in said Tract. In the event it is necessary to change the established drainage over any lot, adequate provisions for proper drainage shall be made therefor. For the purpose hereof "Established Drainage" is defined as the drainage as the same existed at the time of the overall grading of said Tract, including the landscaping of each lot in said Tract as completed by the undersigned.

Each lot owner shall provide continuous maintenance for all planted slopes within his lot and for all drainage benches, drainage channels and/or slopes to prevent drainage from overflowing onto other property. The owner of each lot shall keep said lot free and clear of weeds, debris and rubbish and keep the premises neat and in good order. Excepting homes not yet sold by Grantor, upon completion of a residence building, the lot owner shall within ninety (90) days plant and maintain lawns or otherwise landscape the front yard, and in the case of corner lots also the side street yard. The Grantor, its successors or assigns, hereby reserves the right, in the event of default in the performance of this covenant, after notice in writing to said lot owner to cure said default and lot owner's failure to do so within thirty days thereafter, to enter upon said lot and remove all weeds, debris and rubbish in accordance with this covenant and the expense thereof shall become due and payable from said lot owner to the Grantor within thirty (30) days after written demand therefor.

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15. No aerial or antenna for T.V., radio, ham radio, or any other purpose shall be installed on any lot except as may be installed under the roof and within the attic area of the home erected thereon. Spot or flood lights, if any, used for illumination or for accent lighting of landscaping, etc., shall be directed and/or controlled in such a manner as not to be an annoyance or nuisance to adjacent or nearby homeowners.

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16. No sign shall be placed or maintained on any lot prior to, during or after the erection of a residence thereon without the prior written consent of the Grantor, its successors or assigns, or duly authorized agent other than one ordinary 18" x 24" "Open for Inspection" "For Rent", "For Sale" or "Sold" sign of design approved by the Committee; and in the event any sign or signs shall be placed or maintained upon said premises in violation of these restrictions, said Grantor, or its successors or assigns, or duly authorized agent, may and is hereby authorized to enter upon said premises and to remove any and all such unauthorized signs.

Nothing contained in these restrictions and conditions shall operate to prohibit the Grantor, its successors, assigns, or its duly authorized agent from maintaining upon any lot or lots in said Tract a real estate Tract Office, together with suitable advertising signs for the purpose of conducting the proper development, sale and management of property in said Tract.

17. No trade, business or commercial activity of any sort shall be carried on upon said premises, nor shall anything be done thereon which may be or become an annoyance or nuisance to adjacent homeowners or a detriment to the neighborhood. No auction or public sale of real or personal property shall be conducted upon said premises, nor shall said premises or any part thereof be sold or offered for sale through an auction or public sale.

18. Any trailer, travel trailer, motor home, truck, boat, or other recreational or commercial vehicle shall not be used as additional living quarters, and shall be parked at all times within the garage of the respective home, except during reasonable loading, waiting, and/or unloading periods.

19. No livestock, dog, cat or other animal breeding, raising or care of a commercial nature shall be permitted. No hogs, sheep, bee hives, goats, cows or horses shall be permitted on said premises. No poultry shall be permitted or maintained on said property.

20. Violation or breach of any restriction herein contained shall give to Grantor and every owner of property subject to these restrictions the right to enter upon the property upon or as to which said violation or breach exists and to summarily abate and remove, at the expense of the owner or lessee thereof, any structure, thing or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof, or to prosecute a proceeding at law or in equity against the person or persons who have violated or are attempting to violate any of these restrictions to enjoin or prevent them from doing so, to cause said violation to be remedied or to recover damages.

The result of every action or omission whereby any restrictions herein contained is violated in whole or in part is hereby declared to be and to constitute a nuisance, and every remedy allowed by law or equity against an owner, either public or private, shall be applicable against every such result and may be exercised by Grantor or by any owner of property subject to these restrictions.

In any legal or equitable proceeding for the enforcement or to restrain the violation of this Declaration or any provision hereof, the losing party or parties shall pay the attorney's fees and court costs of the prevailing party or parties, in such amount as may be fixed by the Court in such proceedings. All remedies provided herein or at law or in equity shall be cumulative and not exclusive.

The failure of Grantor or any property owner to enforce any restriction herein contained shall in no event be deemed to be a waiver of the right to do so thereafter nor of the right to enforce any other restriction.

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21. If at any time any of said Paragraphs 1 to 19, inclusive, or any part thereof, shall be adjudged or held to be illegal, or invalid, such illegality or invalidity shall in no way affect or render illegal or invalid any of the other terms, conditions, covenants, and restrictions of said paragraph, or of any other paragraph or part thereof, but each and all of said other terms, conditions, covenants, and restrictions, notwithstanding said illegality or invalidity, shall be and remain in full force and effect.

Each and all of the conditions herein contained shall in all respects terminate and end and be of no further effect, either legal or equitable, either on said property or any part thereof, or on the parties thereto, their heirs, successors, devisees, executors, administrators or assigns, on or after January 1, of the year 2010 unless prior to said date and effective thereon, a written instrument shall be executed by the record owners of the majority of the lots in said property and duly recorded providing for an extension of these restrictions to a later date.

This Declaration, or any provision hereof, may also be modified or amended with the written consent of 100% of the Lots by recordation of the same in the Official Records of Los Angeles County.

Notwithstanding anything herein contained to the contrary, no breach of any of the foregoing conditions or any re-entry by reason of such breach shall defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to said property or any part thereof; but said conditions shall be binding upon and effective against any owner of said property whose title thereto was acquired by foreclosure, trustee's sale, or otherwise.

The foregoing conditions and restrictions constitute the minimum conditions and restrictions applying to any lot or lots in said Tract 30134. The right is reserved by the Grantor, in the case of any unsold lot or lots, to add other conditions and restrictions, to increase the requirements thereof as to setback lines, square footage content of buildings and otherwise to increase and supplement but not to diminish, the restrictions on said property.

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IN WITNESS WHEREOF, said Century Malibu, Inc. has hereunto caused its corporate name and seal to be affixed by its Officers thereunto duly authorized, on the day and year first hereinbefore written.

(S) By R. C. Hatfield
President

(CORPORATE SEAL)

(S) By L. W. Kempf
Secretary

STATE OF CALIFORNIA)
: SS.
COUNTY OF LOS ANGELES)

ON THIS 17th day of August, before me, the undersigned, a Notary Public in and for said County and State, personally appeared R. C. Hatfield, known to me to be the President and L. W. Kempf, known to me to be the Secretary of Century Malibu, Inc., the Corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the Corporation herein named, and acknowledged to me that such Corporation executed the same

WITNESS my hand and official seal the day and year in this Certificate first above written.

OFFICIAL SEAL
JUNE L. WALKUP
NOTARY PUBLIC-CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires Dec. 2, 1974
1900 Ave. of the Stars, Ste. 1500, Los Angeles, Ca. 90067

June L. Walkup (SEAL)
Notary Public and and for said
County and State

My Commission Expires 12-2-74

Recorded _____
as instrument No. _____
in Book _____, at Page _____,
Official Records of Los Angeles County,
California

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Attachment B

Malibu Country Estates Tract Map

SCALE: 1"=60'

TRACT NO. 30134

IN UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES

BEING A SUBDIVISION OF A PORTION OF RANCHO TOPANGA MALIBU SEQUIT PER PATENT RECORDED IN BOOK 1, PAGE 407 ET. SEQ. OF PATENTS OFFICIAL RECORDS OF LOS ANGELES COUNTY, STATE OF CALIFORNIA

DANIEL · MANN · JOHNSON · & MENDENHALL

FILED
AT REQUEST OF OWNER
AUG. 25, 1972
MIN. 27 PAST 4 PM
IN BOOK 820
AT PAGE 15
OF MAP RECORDS
LOS ANGELES COUNTY, CALIF.
COUNTY RECORDER
BY
$19.00
Deputy

We hereby certify that we are the owners of, or are interested in the land included within the subdivision shown on the annexed map and we consent to the preparation and filing of said subdivision as shown within the colored border lines, and we hereby dedicate to the public use all highways, streets and other public ways shown on said map. We further certify that except as shown on a copy of this map on file in the office of the County Road Commissioner we know of no easement or structure existing within the easements hereby offered for dedication to the public, other than publicly owned water lines, sewers or storm drains. That we will grant no right or interest within the boundaries of said easements offered to the public except where such right or interest is expressly made subject to the said easements. And we hereby dedicate to the County of Los Angeles the easements for storm drain, (access) and sanitary sewer purposes and for emergency vehicular access over the strips of land so designated on said map, and all uses incident thereto including the right to make connections therewith from adjoining properties. As a dedication to public use while all of Marie Canyon Road adjacent to this subdivision remains a public highway and for such time only we hereby abandon all rights of direct ingress and egress to said highway so that the owners of lots 85 to 87 inclusive, and 107 abutting this highway during such time will have no rights of access whatever in the highway as such except the general easement of travel which belongs to the whole public. If any change of alignment or width of such highway results in the vacation of any part adjacent to this subdivision, such vacation terminates the above dedication as to the part vacated. We hereby dedicate to the County of Los Angeles the right to prohibit construction of more than one residence and related accessory buildings on lots 1, 3 to 5 inclusive, 9, 11 to 15 inclusive, 29 to 34 inclusive, 39, 40, 50, 51, 75, 76, 79, 84, 86, 87, and 107. We hereby dedicate to the County of Los Angeles the right to restrict the erection of residential buildings or other structures within those areas designated on the map as restricted use areas. We hereby grant Lot 108 in fee simple to the County of Los Angeles.

CENTURY MALIBU, INC., A DELAWARE CORPORATION
(OWNERS)
AND
(EASEMENT HOLDER)

Granted by deeds recorded in Book D-4663, Page 624 Official Records and in Book D-4663, Page 634 Official Records, said easements are blanket in nature.

By Robert C. Hatfield
President

By J.W. Kempf
Secretary

By Merritt H. Adamson
Merritt H. Adamson, Owner

By Rhoda-May Adamson Dallas
Rhoda-May Adamson Dallas, Owner

By Sylvia R.A. Neville
Sylvia R.A. Neville, Owner

IN RE TRACT NO. 30134
IT IS ORDERED THAT THE MAP OF TRACT NO. 30134 IS HEREBY APPROVED; THAT THE BOND IN THE AMOUNT OF $44,875.00 FILED WITH THIS BOARD TO INSURE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES BE APPROVED; THAT ALL STREETS, HIGHWAYS AND OTHER PUBLIC WAYS AND EASEMENTS SHOWN ON SAID MAP AND OFFERED FOR DEDICATION BE AND THE SAME ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC. *THAT THE OFFER OF THE RIGHT TO RESTRICT THE ERECTION OF BUILDINGS OR OTHER STRUCTURES BE AND THE SAME IS HEREBY ACCEPTED ON BEHALF OF THE PUBLIC. THAT THE OFFER OF THE RIGHT TO PROHIBIT THE CONSTRUCTION OF MORE THAN ONE RESIDENTIAL BUILDING BE AND THE SAME IS HEREBY ACCEPTED ON BEHALF OF THE PUBLIC. THAT THE OFFER OF DEDICATION FOR ABANDOINMENT OF THE RIGHTS OF INGRESS AND EGRESS BE AND THE SAME IS HEREBY ACCEPTED ON BEHALF OF THE PUBLIC. THAT THE GRANT OF LOT 108 IN FEE SIMPLE BE AND THE SAME IS HEREBY ACCEPTED ON BEHALF OF THE PUBLIC.*

I HEREBY CERTIFY THAT THE FOREGOING ORDER WAS ADOPTED BY THE BOARD OF SUPERVISORS AT A MEETING HELD Aug. 24 1972

JAMES S. MIKE, EXECUTIVE OFFICER -
CLERK OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY Frances M. Brenby DEPUTY

I hereby certify that I have examined this map, that it conforms substantially to the tentative map and all approved alterations thereof; that all provisions of applicable State law and local subdivision ordinances have been complied with; and that I am satisfied that this map is technically correct.

Dated: August 25, 1972

Harvey T. Brandt
COUNTY ENGINEER
By
Deputy

I hereby certify that I am a Licensed Land Surveyor of the State of California, that this map consisting of 8 sheets correctly represents a true and complete survey made under my supervision September '71 that the monuments of the character and location shown hereon are in place or will be in place within twenty four months from filing date of this map; that said monuments are sufficient to enable the survey to be readily retraced and that tie notes to all centerline monuments shown hereon as to be set by me will be on file in the office of the County Engineer within twenty four months from filing date of this map.

Licensed Land Surveyor No. 2836

Basis of Bearings:

All bearings shown on this map are based on the California State Coordinate System, Zone 7, Lambert Grid. The bearing of N84°57'05"E between Los Angeles County Engineer Traverse Stations Solstice Canyon K-9 and L-8 was used as the basis of bearings for this map.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } SS.

On JANUARY 27, 1972 before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT C. HATFIELD known to me to be the ——— President, and L.W. KEMPF ———, known to me to be ——— Secretary of CENTURY MALIBU, INC., the Corporation that executed the within Instrument, and known to me to be the persons who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within Instrument pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.

Signature June L. Walkup
JUNE L. WALKUP
Name (Typed or Printed)

STATE OF CALIFORNIA
COUNTY OF Los Angeles } SS.

On FEBRUARY 3, 1972 before me, the undersigned, a Notary Public in and for said County and State, personally appeared MERRITH. ADAMSON, RHODA-MAY ADAMSON DALLAS, & SYLVIA R.A. NEVILLE known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same

Roseann Buddy Smith
Signature of Notary

ROSEANN BUDDY SMITH
Name (Typed or Printed) of Notary

The signature of the State of California, owner of easement as disclosed in Book 20743, Page 271, Official Records of Los Angeles County, has been omitted under the provisions of Section 11587 (a) of the Subdivision Map Act, their interest is such that it cannot ripen into a fee title and said signature is not required by the governing body.

The present owners of all mineral, oil, petroleum, asphaltum, gas, coal and other mineral and hydrocarbon substances reserved in the deeds recorded May 19, 1965 in Book D-2910 Page 176 Official Records, December 31, 1968 in Book D-4239 Page 596, Official Records; March 20, 1970 in Book D-4662 Page 924, Official Records and August 14, 1970 in Book D-4803 Page 161 of Official Records, and May 3, 1971, in Book D-5045 Page 769, Official Records (of Los Angeles County), have been omitted as necessary parties to sign the map under the provisions of Section 11587 C-(1) of the Subdivision Map Act inasmuch as such ownership does not include a right of entry on the surface of the land. Certain of said rights of entry on the surface were relinquished by deed recorded March 20, 1970 in Book D4662 Page 881, Official Records, Records of Los Angeles County.

MONUMENT NOTE:
2"I.P. DENOTES A 2" IRON PIPE 30" LONG WITH CEMENT PLUG AND SEAL STAMPED L.S. 2836 AND SET FLUSH
S.&T. DENOTES A 6" BOAT SPIKE, WASHER AND TIN STAMPED L.S. 2836

BOOK 820 PAGE 16

SCALE: 1" = 60'

TRACT NO. 30134

IN UNINCORPORATED TERRITORY OF THE
COUNTY OF LOS ANGELES

DANIEL · MANN · JOHNSON & MENDENHALL

SHEET 2 OF 8 SHEETS

FILED WITH LOS ANGELES
COUNTY RECORDER
AUG 25 1972

SEE SHEET 3

SEE SHEET 3

SEE SHEET 4

VANTAGE POINT TERRACE

MALIBU COUNTRY PLOVER WAY

MALIBU COUNTRY DRIVE

MALIBU CANYON ROAD

PACIFIC COAST HIGHWAY

NORTHEASTERLY LINE OF OR. D46662 - 924

N 42° 13' 47" W - 894.01'

6' EASEMENT FOR SANITARY SEWER PURPOSES TO THE COUNTY OF LOS ANGELES

10' EASEMENT FOR STORM DRAIN PURPOSES TO THE COUNTY OF LOS ANGELES.

RESTRICTED USE AREA

92 91 90 89 88 87 86 85 84 83 93 103 104 105 106 107 108

107
0.79 AC. GROSS
0.49 AC. NET

SET 2" I.P.

N 84° 57' 05" E 1108.44'

SOUTHERLY LINE OF PARCEL 1, O.R. D46662 - 924

SEE DETAIL ON SHEET 4

TOTAL CURVE
Δ = 81° 42' 17"
R = 13'
L = 18.54'

N 51° 15' 37" W

N 51° 56' 56" E 154.51'

582.95'

188.94' PER O.R. D46662 - 924

N 83° 25' 42" W RADIAL

PER O.R. D46662-924

NOT A PART OF THIS SUBDIVISION

IDENTICAL

N 0° 33' 15" E - 139.97'

N 0° 33' 15" E - 124.84'

390.00'

209.73'

50'

50'

N 84° 56' 33" E 154.74'

N 84° 56' 33" E 1432.72'

1432.70'

N 84° 51' 05" E

3556.81'

4125.75'

2006.13'

℄ PER CSB 5022-3 & CSFB 2992, Pg's 57, 65-68

℄ PER ORD. 4662-924 & CSFB 1652 Pgs. 65-67

℄ MALIBU CANYON ROAD N 5° 02' 55" W 402.11'

PER O.R. D46662 - 924

N 5° 03' 27" W 0.55'

N 4124939.24
E 4071439.75
Fd. LA. COUNTY ENGR. TRAVERSE STA. SOLSTICE CYN. K-8 PER FB 1652 PG. 65 AND FB 1312 PG. 87

N 4125252.25
E 4074982.70
Fd L.A. COUNTY ENG. TRAVERSE STA.: SOLSTICE CYN. L-8 PER FB. 1652 PG. 67

F/L ℄ PER CSFB. 2992, PG. 65

S & T to be set

SET 2" I.P.

#2 820/17

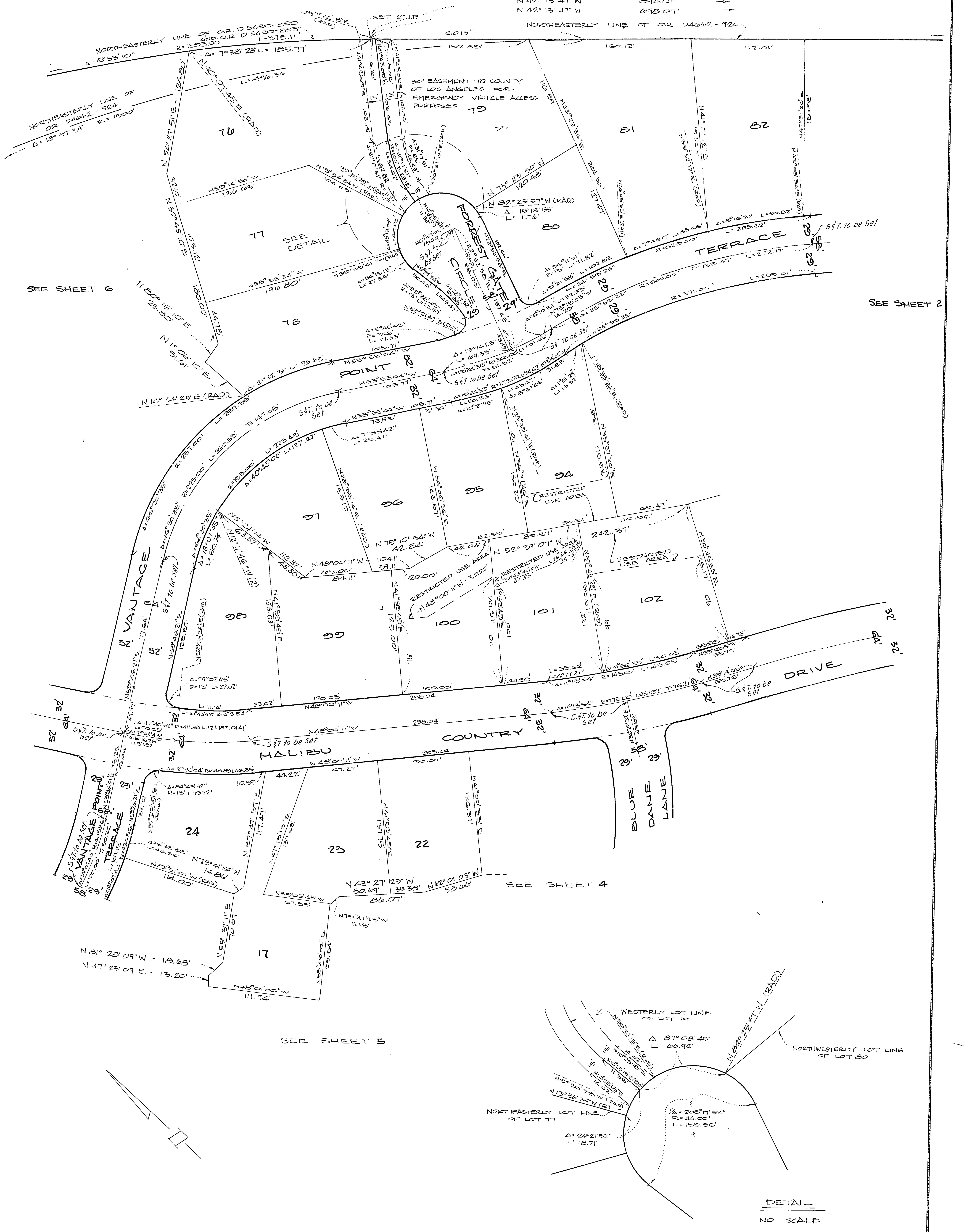
SCALE 1" = 60'

TRACT NO. 30134

IN UNINCORPORATED TERRITORY OF THE
COUNTY OF LOS ANGELES

DANIEL·MANN·JOHNSON & MENDENHALL

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BOOK 820 PAGE 18

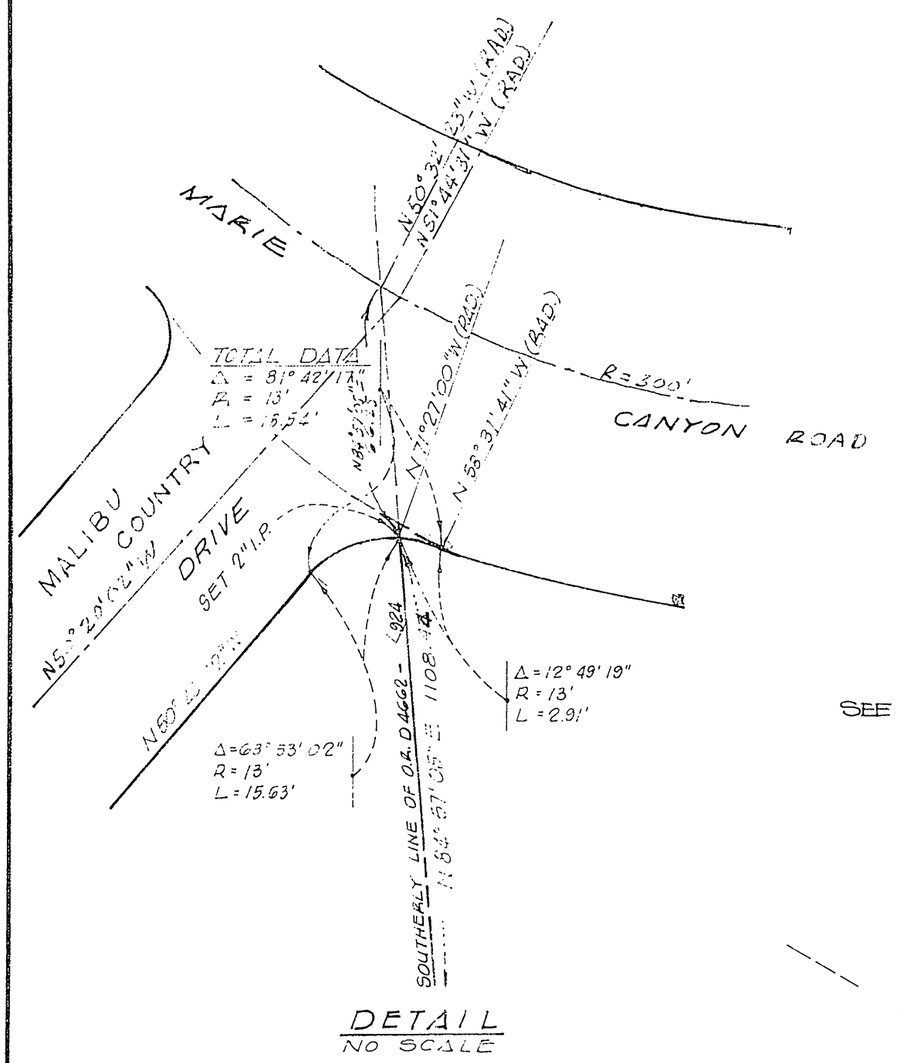
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SHEET 4 OF 8 SHEETS



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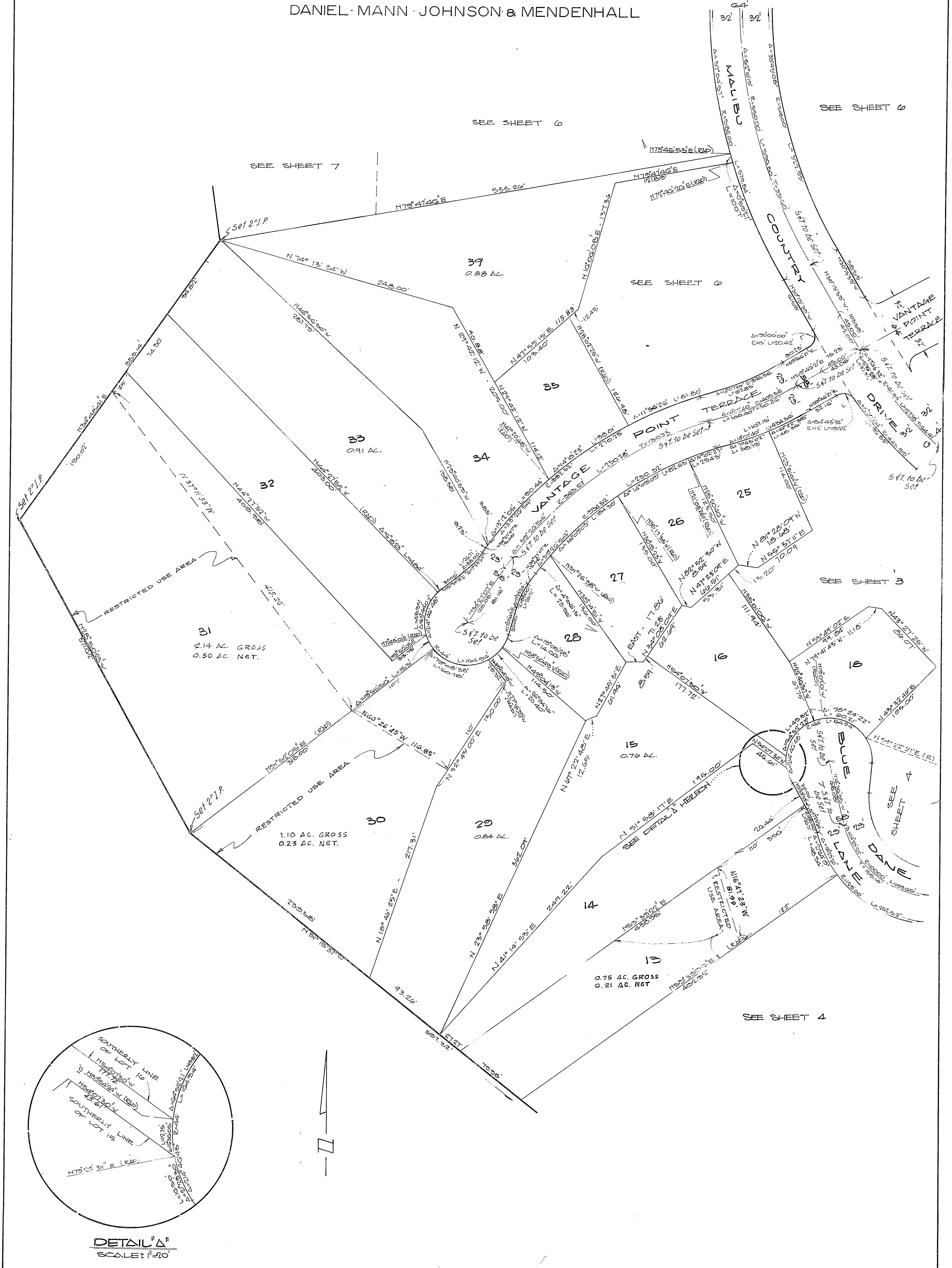
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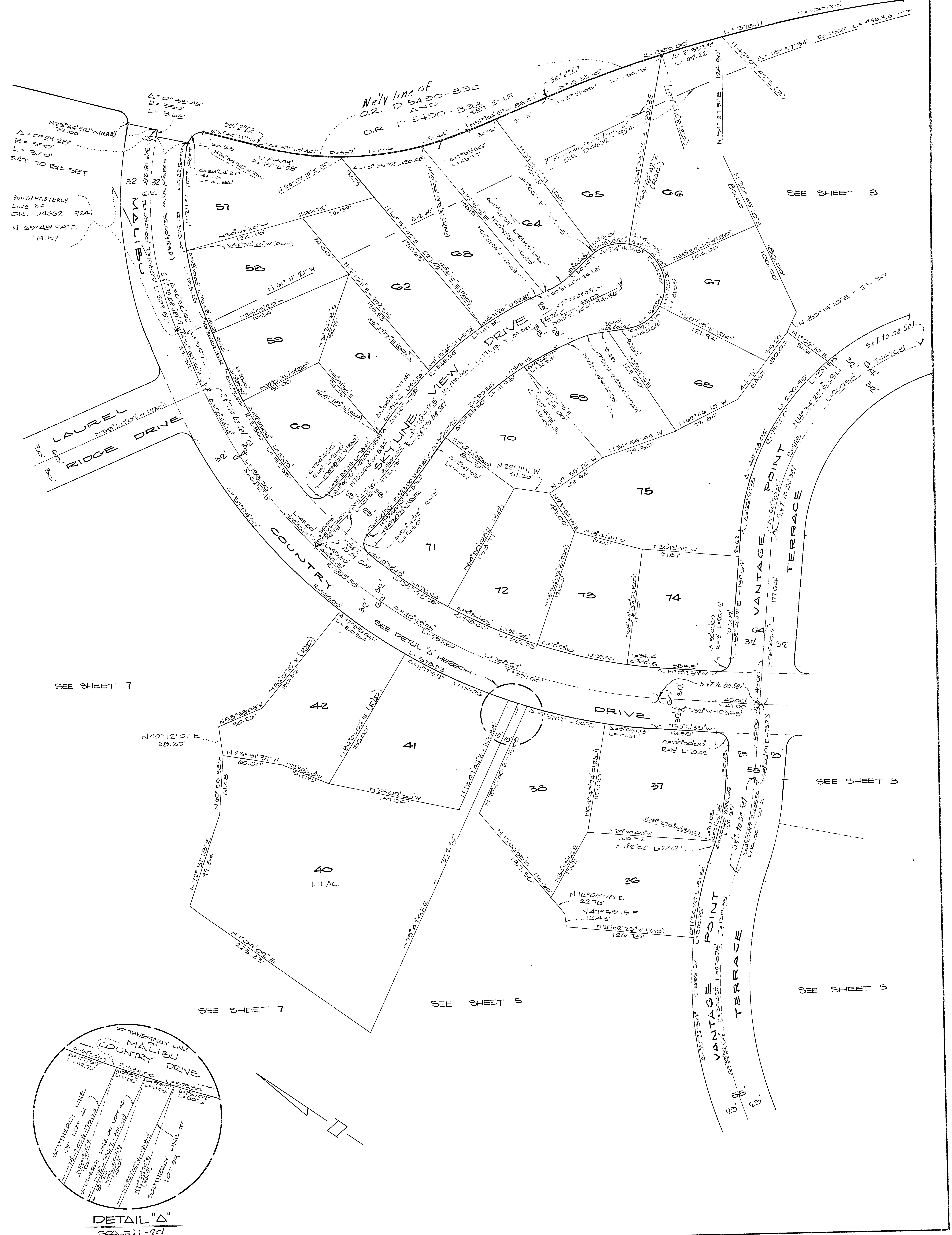
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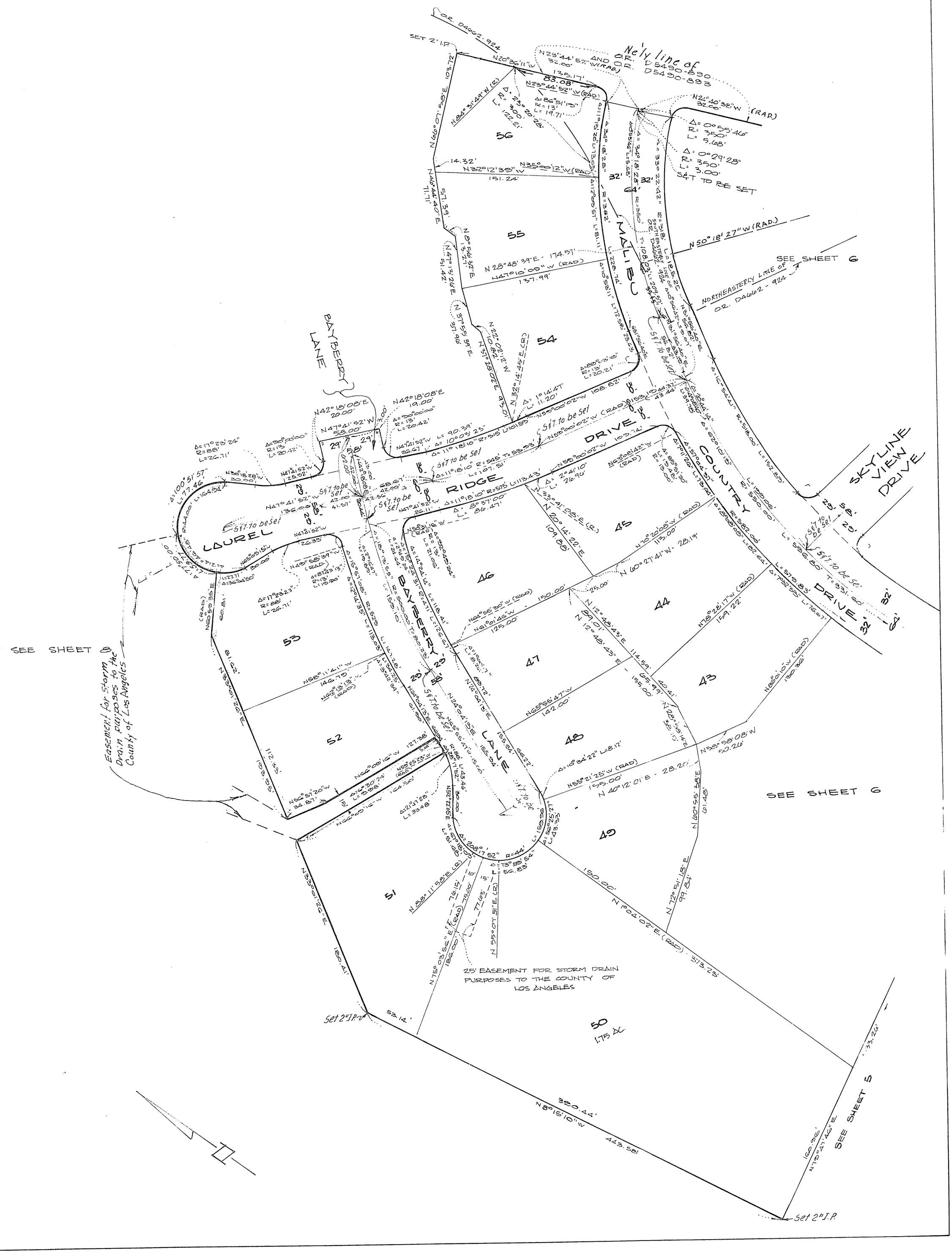
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SHEET 7 OF 8 SHEETS

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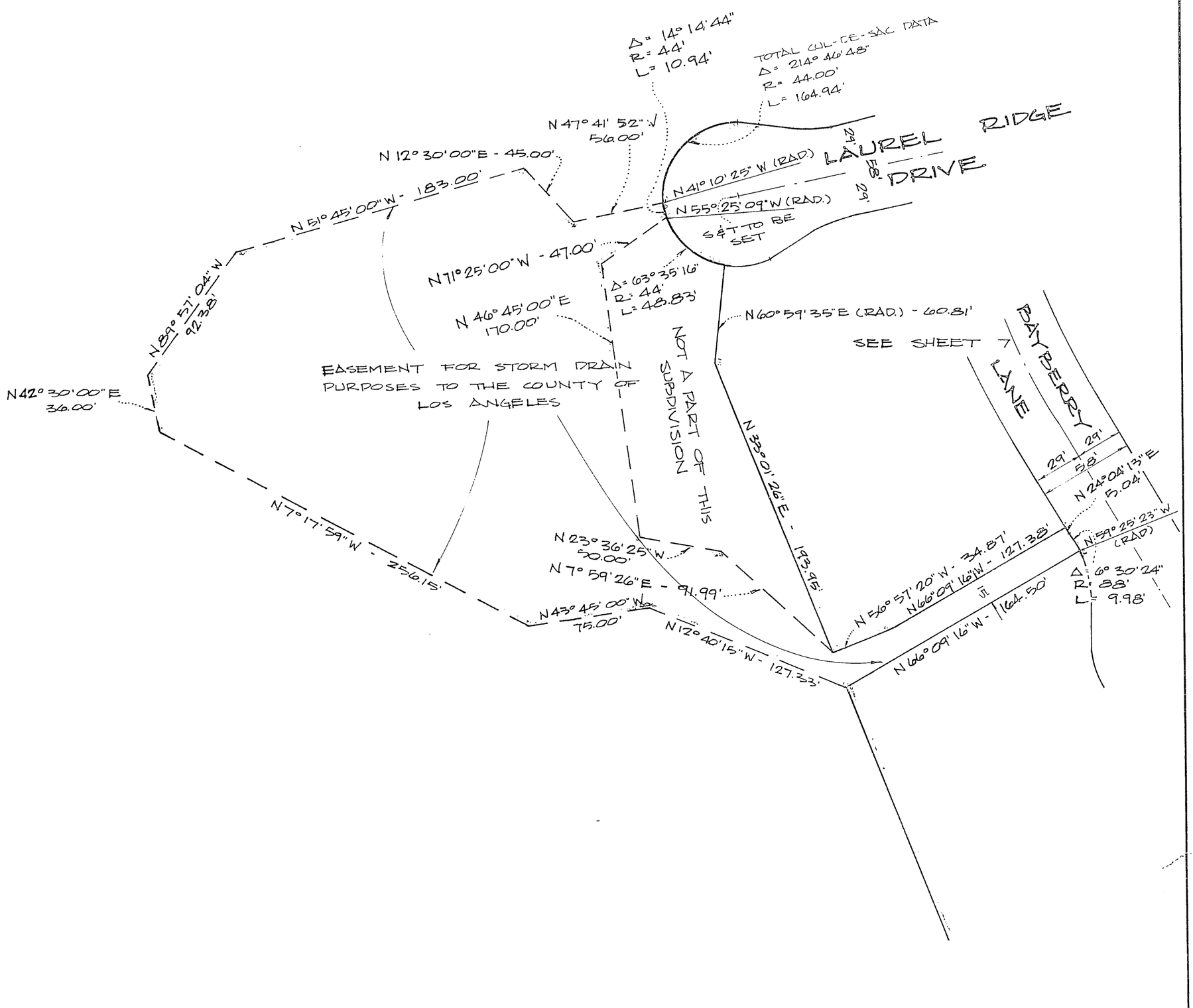
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TRACT NO. 30134

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COUNTY OF LOS ANGELES

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Attachment C

Custom Development Criteria

City of Malibu

23805 Stuart Ranch Road, Suite 245 Malibu, California 90265 (310) 456-2489 Fax (310) 456-3356

Planning Department

September 10, 1993

Malibu Country Estates HOA
c/o Marilyn Santman
24633 Vantage Point Terrace
Malibu, CA 90265

Re: Custom Development Criteria

Dear Homeowner Association:

The Interim Zoning Ordinance of the City of Malibu provides for existing Homeowner's Associations and neighborhoods to apply to the City Council for consideration of custom development criteria. Such custom development criteria would allow for development in established neighborhoods to be consistent with existing Conditions, Covenants and Restrictions (C, C & R's) or neighborhood standards in-lieu of the Property Design and Development Criteria specified in the Interim Zoning Ordinance.

Attached is Chapter 9215 of the Interim Zoning Ordinance which authorizes the creation of Custom Subdivision Development Criteria. Additionally, an information and application submittal requirements sheet is included which provides directions as to how to apply for this review. Finally, a sample form is provided which can be used to verify that the required percentage of homeowners have accepted the proposed custom development criteria.

Please call if you have any questions regarding this matter.

Sincerely,

Robert Benard
Planning Director

Attachment D

Geotechnical Report

GEOLOGIC AND GEOTECHNICAL ENGINEERING INVESTIGATION,
PROPOSED MANUFACTURED ACCESSORY DWELLING UNIT (ADU),
24507 Vantage Point Terrace,
Malibu, California 90265

for

HELMUT MEISSNER

October 12, 2020 W.O. 7508

MDN 21724

GeoSoils Consultants Inc.

GeoSoils Consultants Inc.
GEOTECHNICAL GEOLOGIC ENVIRONMENTAL

October 12, 2020
W.O. 7508

MR. HELMUT MEISSNER
24507 Vantage Point Terrace
Malibu, California 90265

Subject: **Geologic and Geotechnical Engineering Investigation, Proposed Manufactured Accessory Dwelling Unit (ADU), 24507 Vantage Point Terrace, Malibu, California 90265**

INTRODUCTION

As requested, GeoSoils Consultants, Inc. (GSC) has performed a geologic and geotechnical engineering investigation for the subject site. The purpose of this investigation was to evaluate the geologic and geotechnical engineering conditions on the site and their impact on the proposed development. Proposed development will consist of a new manufactured accessory dwelling unit located at the toe of the slope.

This report has been prepared in accordance with generally accepted geotechnical engineering practices in the City of Malibu at the time it was prepared. The report presents a brief description of the site, the geotechnical engineering characteristics of the area, the seismicity of the area, an engineering analysis of the site characteristics, conclusions, and preliminary recommendations to development the site.

Opinions presented in this report are based on an inspection of the site, geologic mapping at the site, logging of test pit excavations, a review of the regional geologic maps and seismic hazard reports, review of available geotechnical reports for the surrounding area, and our general knowledge of the geologic and soils engineering conditions in the site area. The opinions presented have been arrived at through the exercise of the generally understood standard of care for our profession and standard of engineering practice, as we understand it.

6634 Valjean Avenue, Van Nuys, California 91406 Phone: (818) 785-2158 Fax: (818) 785-1548

SCOPE OF SERVICES

This geotechnical engineering study included:

a. Research of available data from the City of Malibu online public records system. Copies of available data are presented in Appendix D.

b. Research of published geologic and seismic hazard reports.

c. Excavating, sampling, and logging of two hand dug test pits. The test pit locations are shown on the enclosed Plate 1, Geologic Map. The test pit logs (Plates TP-1 and TP-2) are provided in Appendix A along with a general description of the field operations.

d. Laboratory testing of selected samples to determine the engineering properties of the on-site soils. The results of laboratory testing are presented in Appendix B

e. Engineering analyses of the data and information obtained from our field study and laboratory testing.

f. Preparation of this report summarizing our findings, conclusions, and recommendations.

SITE DESCRIPTION

The subject site is located at the south end of the Vantage Point Terrace cul de sac (Figure 1). The existing site conditions are shown on the Geologic Map, Plate 1. The property consists of a generally level artificial fill building pad that descends down to John Tyler Drive. A descending fill slope is located to the east of the existing residence and descends down to the lower street grade. The descending slope is approximately 20 feet high at angles of approximately 2H:1V.

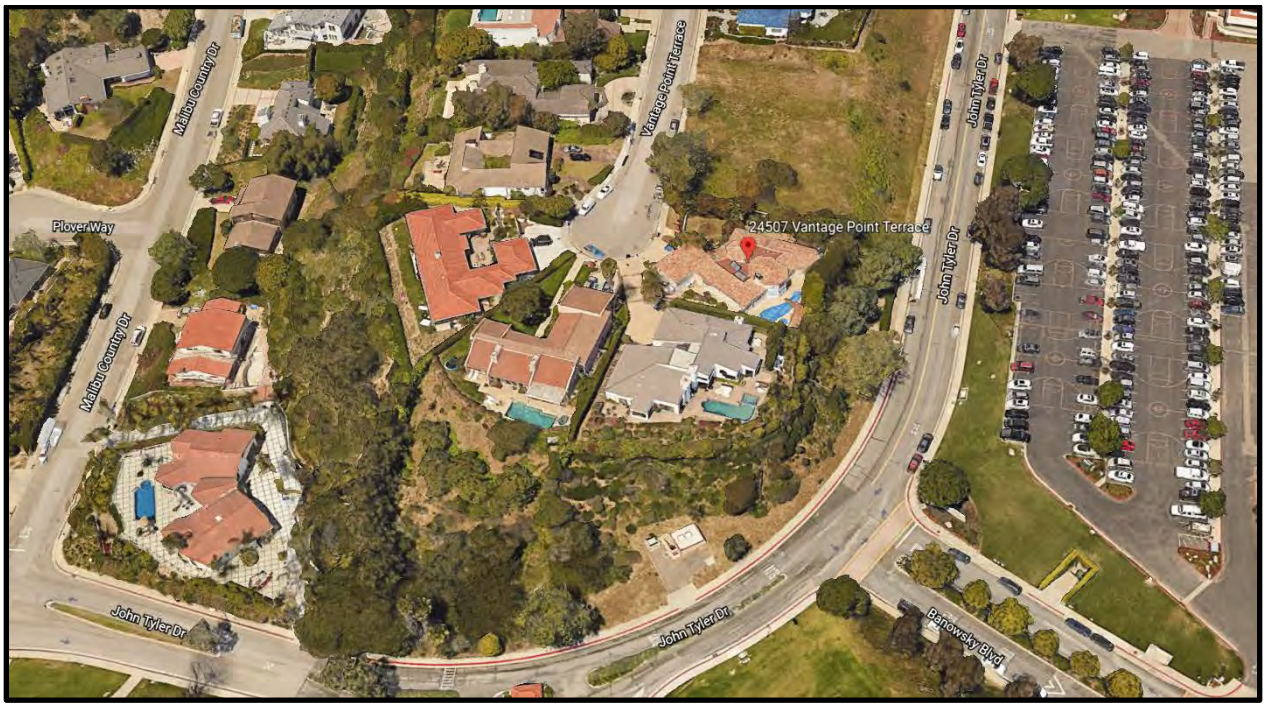


Figure 1: Site Location Map

PROPOSED DEVELOPMENT

The proposed development consists of a manufactured ADU that is located in the flat area along the toe of the slope and John Tyler Drive. Foundation plans are included as SPA-24-3F, Drawings 1 to 3. A perimeter footing will be provided around the structure and pier footings will be supported on concrete pads.

CITY RESEARCH

The City of Malibu files were researched via the OnBase Portal online public records system. For the subject site, soil reports were on file for the recently constructed pool and spa. The report and subsequent addendum were prepared circa late 2016. Per the report prepared by Schick Geotechnical, Inc. dated September 21, 2016, the lot was graded as part of Tract 30134 in the early 1970s and the home was constructed circa 1987. The original reports prepared by James E. Slosson & Associates for the graded tract were not available from the City of Malibu online public records system. However, portions of the reports were referenced in the addendum report by Schick Geotechnical, Inc. dated November 5, 2016.

GEOLOGIC CONDITIONS

Geologic conditions of the site were determined through research, field mapping, and subsurface exploration, and the results were superimposed on the Geologic Map, Plate 1. During construction, a representative from GSC should be present to confirm the geologic conditions encountered on the site are consistent with those presented herein. The following sections present our findings concerning subsurface soil conditions, groundwater conditions, and expansion potential.

Regional Geologic Setting

The subject property is located within the southwestern portion of the Transverse Ranges Geomorphic province of California. The Transverse Ranges consist of generally east-west trending mountains and valleys, which contrast with the north-northwest regional trend elsewhere in the state. The structure of the Transverse Ranges is controlled by the effects of north-south compressive deformation (crustal shortening), which is attributed to convergence between the big bend of the San Andreas fault north of the San Gabriel Mountains and the motion of the Pacific Plate. The valleys and mountains of the Transverse Ranges are typically bounded by a series of east-west trending, generally north dipping reverse faults with left-lateral oblique movement.

Local Regional Setting

The subject site is located within the Malibu Beach USGS 7.5-minute quadrangle. The site is underlain by approximately 20-feet of certified compacted fill and bedrock of the Sespe Formation. A Local Regional Setting Map is presented in Figure 2.

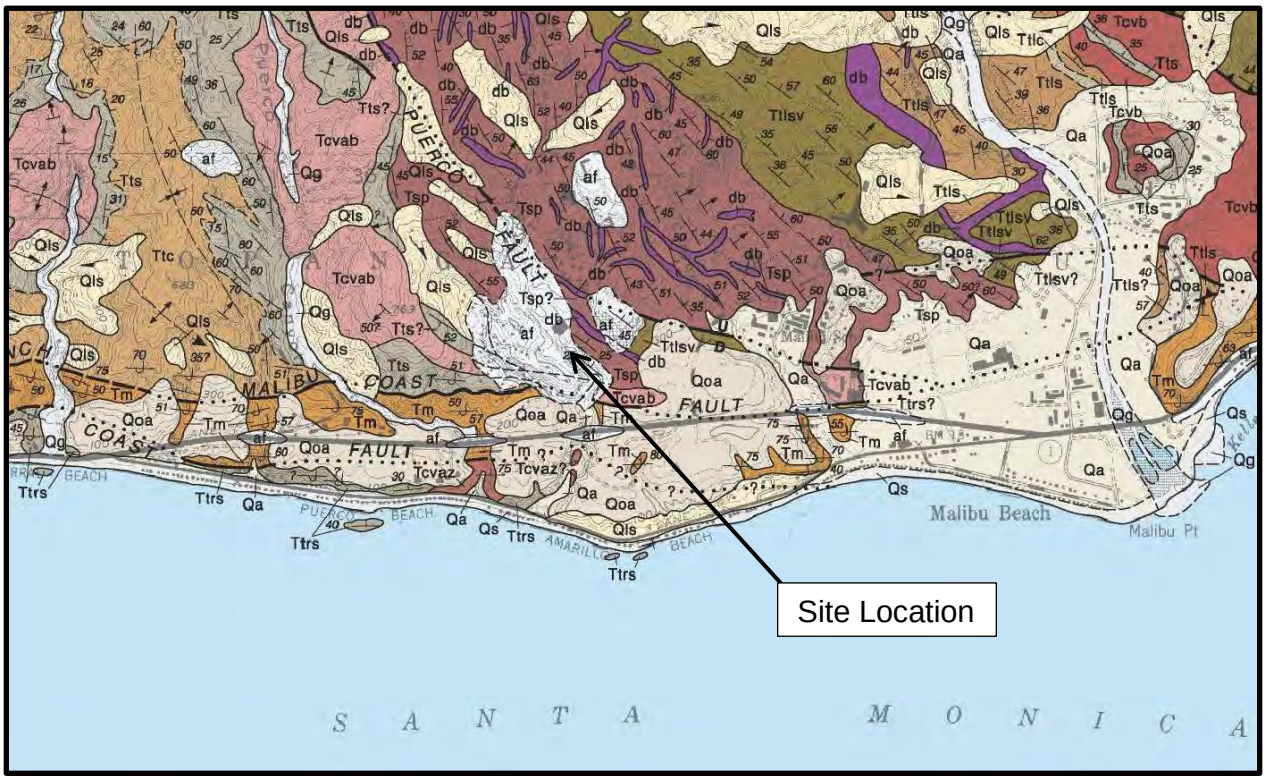


Figure 2: Local Geologic Setting

SUBSURFACE CONDITIONS

The following sections present our findings concerning subsurface soil conditions and expansion potential of surficial site soils.

We offer the following general description of materials encountered during our subsurface explorations.

Artificial fill (af): Approximately 20-feet of certified compacted fill blankets the site. The fill can be described as silty gravelly sand with clay binder. The fill is light grey brown to brown, slightly moist to moist at depth, well compacted, dense with abundant cobble and well graded. The lab work revealed that the upper 2 to 3 feet of material has been disturbed. All undisturbed fill materials are unsuitable for structural support. The fill materials below 3 feet are suitable for use as a base for the placement of compacted fill.

Bedrock, Sespe Formation (Tsp): Bedrock was observed in TP-2. The bedrock consists of claystone and sandstone. The bedrock was observed via the hand auger and sampler at 20-feet and was grey, moist, moderately hard, and dense. The bedrock is suitable for structural support.

The enclosed test pits, which are included in Appendix A, provide a detailed description of the soil strata encountered in our subsurface exploration.

Expansion Potential and Chemical Content of Surficial Site Soils

For preliminary foundation design purposes, the certified fill should be considered to have a low expansion potential with an expansion index of 34.

Chemical series was performed for the onsite soils. The results are presented in Appendix B. The material has a moderate sulfate content and is severely corrosive to ferrous metals.

WATER

Surface Water

Surface water consists of sheet flow from precipitation falling directly on the site and landscape watering.

Groundwater

No groundwater was encountered in our test pits excavated on the site to a maximum depth of 20 feet. However, perched groundwater levels typically fluctuate and may vary in response to season, precipitation patterns, on or off-site construction activities, site utilization, and other factors. Groundwater is not anticipated to pose a problem during development of this site.

FAULTING AND SEISMICITY

The project site is not within an Alquist-Priolo Earthquake Fault Zone or FER-229. A portion of the Malibu Coast Fault is mapped across the southern portion of the property. As stated in the response letter by Schick Geotechnical, Inc. dated November 5, 2016, the fault was

determined to be inactive by Leighton and Associates. As a result, fault trench is not required on the site. However, this site has experienced earthquake-induced ground shaking in the past and can be expected to experience further shaking in the future. Therefore, earthquake resistant design is recommended.

The site is not located within a zone of potential liquefaction; however, the fill slope on-site is located within a zone of potential seismic instability (Figure 3).

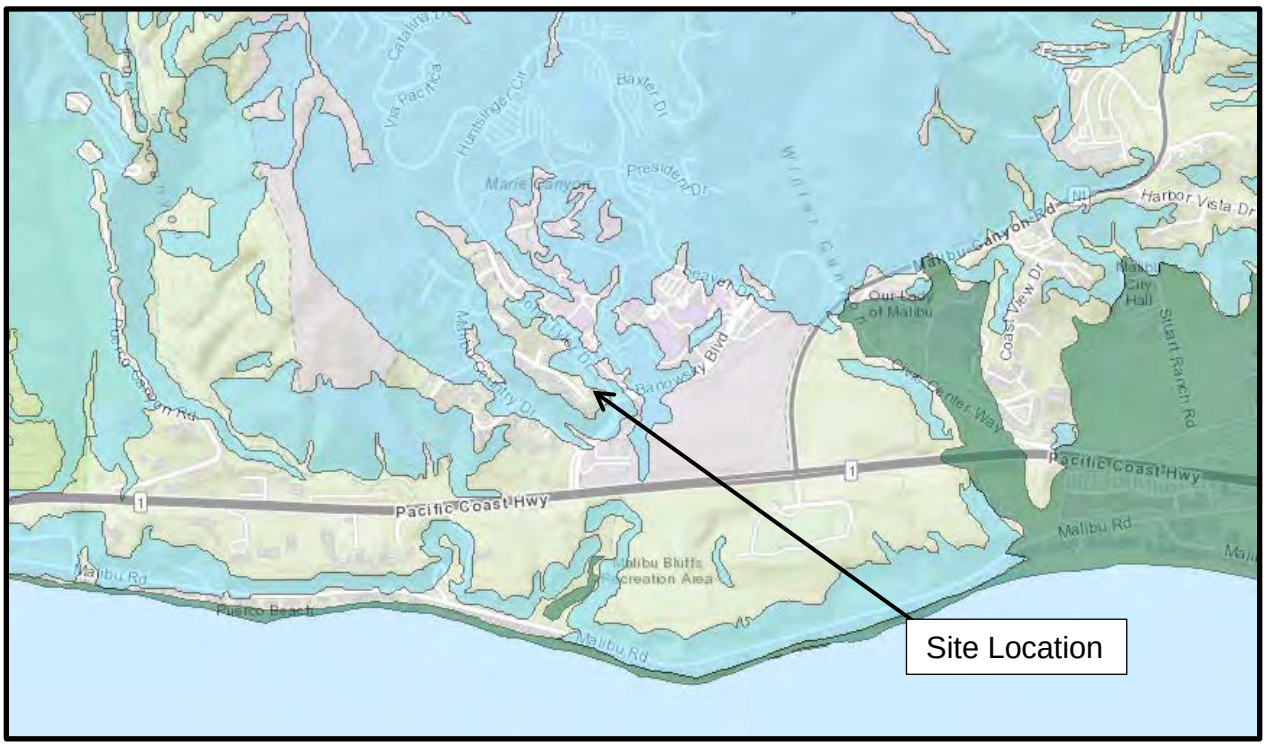


Figure 3: Seismic Hazard Zones of Required Investigation

Seismic Design Criteria

The 2019 CBC (California Building Code) seismic coefficient criteria are provided here for structural design consideration (Table 1).

Under the Earthquake Design Regulations of Chapter 16, Section 1613 of the CBC 2019, and based on the mapped values, the following coefficients and factors apply to the lateral-force design for the proposed structure at the site. The site is underlain by compacted fill and Class D is recommended.

TABLE 1 2019 CBC SECTION 1613, EARTHQUAKE LOADS	
Site Class Definition	D
Mapped Spectral Response Acceleration Parameter, S_s (Table 1613.3.1 for 0.2 second)	1.684
Mapped Spectral Response Acceleration Parameter, S_1 (Table 1613.3.1 for 1.0 second)	0.593
Site Coefficient, F_a (Table 1613.3.3(1) short period)	1.2
Site Coefficient, F_v (Table 1613.3.3(2) 1-second period)	null
Adjusted Maximum Considered Earthquake Spectral Response Acceleration Parameter S_{MS} (Eq. 16-37)	2.021
Adjusted Maximum Considered Earthquake Spectral Response Acceleration Parameter S_{M1} (Eq. 16-38)	null
Design Spectral Response Acceleration Parameter, S_{DS} (Eq. 16-39)	1.347
Design Spectral Response Acceleration Parameter, S_{D1} (Eq. 16-40)	null
Notes: Location: Longitude: -118.7093, Latitude: 34.0367 1. Site Class Designation: Class D is recommended based on subsurface condition. 2. Ss, SMs, and SDs are spectral response accelerations for the period of 0.2 second. 3. S1, SM1, and SD1 are spectral response accelerations for the period of 1.0 second.	

Conformance to the above criteria for seismic excitation does not constitute any kind of guarantee or assurance that significant structural damage or ground failure will not occur if a maximum level earthquake occurs. The primary goal of seismic design is to protect life and not to avoid all damage, since such design may be economically prohibitive. Following a major earthquake, a building may be damaged beyond repair, yet not collapse.

Secondary Earthquake Effects

Ground shaking produced during an earthquake can result in a number of potentially damaging phenomena classified as secondary earthquake effects. These secondary effects include ground rupture, landslides, lurching, seiches and tsunamis, seismically-induced settlement, and liquefaction. Descriptions of each of these phenomenons and how it could potentially affect the site are described below:

Ground Rupture

Ground surface rupture results when the movement along a fault is sufficient to cause a surface gap or rupture along the upper edge of the fault zone. Since there are no known active faults on the site, the potential for ground rupture is considered remote.

Landsliding

Landslides are slope failures that occur where the horizontal seismic forces act to induce soil and/or bedrock failures. The most common failure occurs by the reactivation or movement of a pre-existing landslide. Typically, existing slides that

are stable under static conditions (i.e., factor-of-safety at or greater than one) become unstable and move during strong ground shaking. The subject site is located in an earthquake induced landslide area as per the seismic hazard map of the Malibu Beach Quadrangle. However, the slope consists of a graded fill slope and slope stability analysis was not deemed necessary and has not been performed.

Seiches and Tsunamis

Seiches are generally caused by seismic excitation of a body of water, which causes surface oscillations that vary in period from a few minutes to several hours. Tsunamis are large sea waves produced by submarine earthquakes or volcanic eruptions. Due to the proximity of the site relative to the ocean, seiches and tsunamis are not considered a hazard to the site.

Liquefaction – General

Liquefaction describes a phenomenon where cyclic stresses, which are produced by earthquake-induced ground motion creates excess pore pressures in cohesionless soils. These soils may thereby acquire a high degree of mobility, which can lead to lateral sliding, consolidation and settlement of loose sediments, sand boils, and other damaging deformation. This phenomenon occurs only below the water table, but after liquefaction has developed, it can propagate upward into overlying, non-saturated soils as excess pore water escapes.

Liquefaction susceptibility is related to numerous factors and the following conditions must exist for liquefaction to occur: 1) sediments must be relatively young in age and must not have developed large amounts of cementation, 2) sediments must consist mainly of cohesionless sands and silts, 3) the sediments must not have a high relative density, 4) free groundwater must exist in the sediment, and 5) the site must be exposed to seismic events of a magnitude large enough to induce straining of soil particles.

This site is outside of the designated area of liquefaction potential presented on the State of California Seismic Hazard Zone map. In addition, the site is underlain by compacted fill and bedrock. Therefore, it is our opinion that liquefaction is not considered a potential hazard on this site.

Seismic Settlement Analysis

Seismically-induced settlement in unsaturated (dry) and saturated soils generally occur due to the dissipation of pore pressure.

The potential for seismically-induced settlement is greatest in loose granular soils (i.e., sands, silty sands, sandy silts), whereas cohesive soils (i.e., clays and silts) are generally not prone to settlement. It should be realized that granular soils are susceptible to settlement during a seismic event whether the soils liquefy or not.

As discussed above, compacted fill and bedrock underlies the site and will be used to support the planned improvements. Therefore, seismic settlement is not considered to be a hazard to the site provided the recommendations contained in this report are followed during design and construction.

CONCLUSIONS AND RECOMMENDATIONS

The proposed development is feasible from a geologic and geotechnical engineering perspective, provided the recommendations contained herein are incorporated into the final design and construction phase of the proposed site improvements. All structures should satisfy current slope setback requirements.

GSC anticipates that the proposed site improvements consisting of the residence will be founded into compacted fill.

The recommendations provided in this report are applicable for improvements on the lot provided yard areas have positive drainage that is maintained away from the structures. Therefore, it is important that information regarding drainage and site maintenance be passed on to future homeowners.

As in most of Southern California, the site lies within a seismically-active area, therefore earthquake resistant structural design is recommended.

Site Preparation Recommendations

In areas of proposed development, the upper 3 feet of compacted fill shall be removed and recompacted. Following grading, the building pad area shall be underlain by a minimum of 3 feet of compacted fill. The limits of fill shall extend a minimum of three feet beyond the building footprint. Grading within areas of proposed hardscape shall consist of removing previous fill to expose firm compacted fill and the placement of new fill to design grades. At this time, a grading plan is not available and should be forwarded to this office when complete. Grading guidelines are presented in Appendix C.

The following geologic and geotechnical recommendations for utility trench backfill, foundation design, and drainage should be incorporated into final design and construction. All such work and design shall be in conformance with local governmental regulations or the recommendations contained herein, whichever is more restrictive.

FOUNDATION DESIGN RECOMMENDATIONS

We offer the following site-specific recommendations and comments for purposes of footing design and construction. All structures must satisfy current slope setback requirements per the 2019 CBC Section 1808.7. The proposed improvements should be founded into compacted fill.

All footing subgrades should consist of compacted fill. Under no circumstances should footings be cast atop loose, soft, or slough, debris, existing artificial fill, topsoil, or surfaces covered by standing water. We recommend that a representative of GSC verify the condition of all subgrades before any concrete is placed. The following recommendations are suitable for the proposed manufactured ADU.

Foundation Criteria

1. An allowable soil bearing of 1,500 pounds per square foot may be used in the design of the perimeter footings founded into competent material. Perimeter footings should be continuous and should have a minimum width of 18 inches and a minimum embedment depth of 12 inches below lowest adjacent grade.

2. A coefficient of friction for concrete on competent soil of 0.3 and a lateral bearing value of 200 pounds per square foot per foot of depth may be employed to resist lateral loads. When combining passive pressure and frictional resistance, the passive pressure should be reduced by one third.

3. Seismic piers that support the raised floor should consist of adjustable jacks and be supported on a minimum 12 by 12 inch concrete pad, founded 6 inches into competent material and placed per manufacturer's guidelines.

Utility Trenching and Backfill

Utility Trenching

Open excavations and excavations that are shored shall conform to all applicable Federal, State and local regulations.

Backfill Placement

Approved on-site or imported fill material shall be evenly placed, watered, processed, and compacted in controlled horizontal layers not exceeding eight inches in loose thickness, and each layer should be thoroughly compacted with approved equipment. All fill material should be moisture conditioned, as required to obtain at least optimum moisture, but not greater than 120 percent of optimum moisture content. The fill should be placed and compacted on a horizontal plane, unless otherwise recommended by the Geotechnical Engineer.

Backfill Compaction Criteria

Each layer of utility trench backfill shall be compacted to at least 90 percent of the maximum laboratory density determined by ASTM D-1557-12. The field density shall be determined by the ASTM D-1556-07 method or equivalent. Where moisture content of the fill or density testing yields compaction results less than 90 percent, additional compaction effort and/or moisture conditioning, as necessary, shall be performed until the compaction criteria is reached.

Exterior Trenches Adjacent to Footings

Exterior trenches, paralleling a footing and extending below a 1H: 1V plane projected from the outside bottom edge of the footing should be compacted to 90 percent of the laboratory standard. Sand backfill, unless it is similar to the in-place fill, should not be allowed in these trench backfill areas. Density testing, along with probing, should be accomplished to verify the desired results.

Pipe Bedding

We recommend that a minimum of six inches of bedding material should be placed in the bottom of the utility trench. All bedding materials shall extend at least four inches above the top of utilities which require protection during subsequent trench backfilling. All trenches shall be wide enough to allow for compaction around the haunches of the pipe or materials, such as pea gravel, or controlled density fill (CDF) shall be used below the spring line of the pipes to eliminate the need for mechanical compaction in this portion of the trenches.

Construction Considerations

Erosion Control

Erosion control measures, when necessary, should be provided by the Contractor during grading and prior to the completion and construction of permanent drainage controls.

Compaction Equipment

It is also the Contractor's responsibility to have suitable and sufficient compaction equipment on the project site to handle the amount of fill being placed and the type of fill material to be compacted. If necessary, excavation equipment should be shut down to permit completion of compaction in accordance with the recommendations contained herein. Sufficient watering devices/equipment should also be provided by the Contractor to achieve optimum moisture content in the fill material.

Final Grading Considerations

Care should be taken by the Contractor during final grading to preserve any berms, drainage terraces, interceptor swales, or other devices of a permanent nature on or adjacent to the property.

On-Site Drainage

Seasonal precipitation and/or landscape water should not be allowed to pond within the site, especially next to foundations of any structures. Surface runoff should be collected and disposed of in such a manner as to prevent concentrated erosion. Roof gutters, downspouts, and yard drains should be provided in accordance with the City of Malibu requirements. We recommend that all planters proposed adjacent to structures be self-contained, provided with a subdrain system, and/or allowed to have positive drainage away from structure to drain excess landscape water.

LIMITATIONS

The findings and recommendations of this report were prepared in accordance with generally accepted professional geotechnical engineering principles and practice for the City of Malibu at this time. We make no other warranty, either express or implied.

The conclusions and recommendations contained in this report are based on site conditions disclosed in our subsurface investigation. However, soil conditions can vary significantly between test pits; therefore, further refinements of our recommendations contained herein may be necessary due to changes in the building plans or what is encountered during site grading.

The recommendations provided in this report are applicable for preliminary development planning for the referenced lot provided that surface water will be kept from infiltrating into the subgrade adjacent to the house foundation system. This may include, but not be limited to rainwater, roof water, landscape water and/or leaky plumbing. We caution against constructing open draining planters adjacent to the houses or obstructing the yard drainage in any way.

Since our investigation was based on the site conditions observed, selective laboratory testing, and engineering analysis, the conclusions and recommendations contained herein are professional opinions. Further, these opinions have been derived in accordance with standard engineering practices, and no warranty is expressed or implied.
If the conditions encountered during grading are not consistent with the findings presented in this report, or if proposed construction is moved from the location investigated, this office shall be notified immediately so that the condition or change can be evaluated and appropriate action taken.

“111” STATEMENT

Provided that the recommendations in this report are implemented, it is GSC’s opinion that the proposed development will be safe from the hazards of landslide, settlement or slippage. Furthermore, the development will not adversely affect the stability of the adjacent properties nor be adversely affected by adjacent properties.

We appreciate this opportunity to be of continued service to you. If you have any questions regarding the content of this report or any other aspects of the project, please do not hesitate to contact us.

Very truly yours,

GEOSOILS CONSULTANTS, INC.

KAREN L. MILLER
GE 2257

RUDY F. RUBERTI
CEG 1708

Encl: References
Plate 1, Geologic Map
Drawings 1 to 3, Manufactured Home Foundation System Plans SPA 24-3F
Appendix A, Field Exploration Procedures
Plates TP-1 and TP-2, Test Pit Logs
Appendix B, Laboratory Testing Procedures and Results
Plates C-1 and C-2, Consolidation Diagrams
Plate L-1, Chemical Test Results
Appendix C, Grading Guidelines
Appendix D, Outside Research

cc: (3) Addressee

MDN 21724

REFERENCES

1. Campbell, B.A., et al, undated, “Preliminary Geologic Map of the Point Dume Quadrangle, Los Angeles County, California, 70-53”

2. California Division of Mines and Geology, October 3, 1994, “Fault Evaluation Report FER 229, Malibu Coast Fault, Los Angeles County, California”

3. Department of Conservation, Division of Mines and Geology, 2001, “Seismic Hazard Report for the 7.5 Minute Malibu Beach Quadrangle, Los Angeles and Ventura Counties, California”

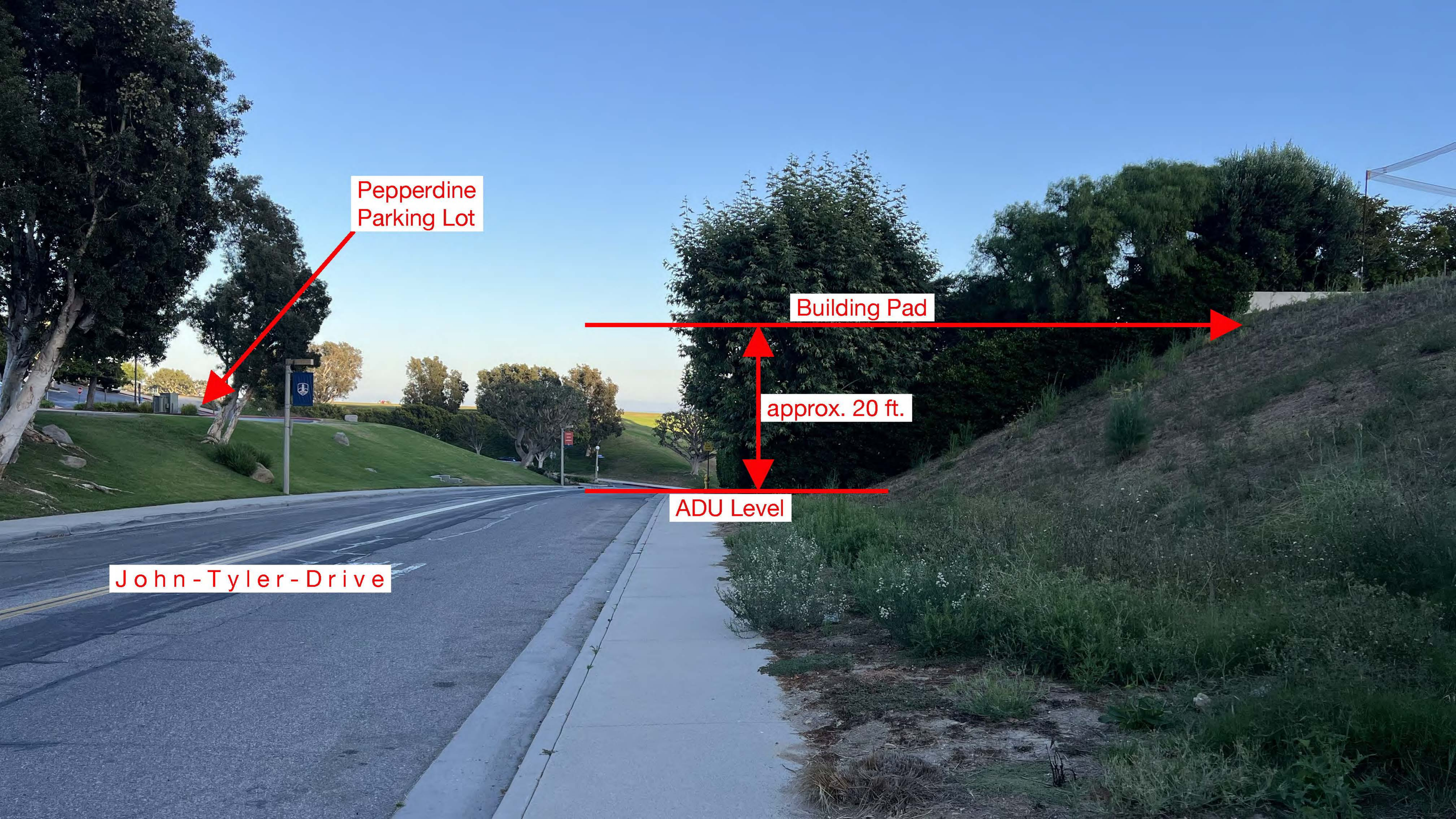
4. Dibblee, T.W., 1993, “Geologic Map of the Malibu Beach Quadrangle, Los Angeles and Ventura Counties, California”

Attachment E

Two Pads


UCSB Aerial Imagery


Upper Pad
Lower Pad


Pepperdine
Parking Lot
Building Pad
approx. 20 ft.
ADU Level
John-Tyler-Drive

Attachment F

Building Permit Application

DocuSign Envelope ID: A33E91C9-90FD-453A-9C40-5AC6F7B3FBFE

BUILDING PERMIT APPLICATION

OWNER-BUILDER DECLARATION

I hereby affirm under penalty that I am exempt from the Contractor's License Law for the following reason (Section 7031.5 Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500).

☐ I, as owner of the property, or my employees with wages as their sole compensation will do the work, and the structure is not intended or offered for sale (Section 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale.)

☐ I, as owner of the property, am exclusively contracting with a licensed contractor to construct the project (Section 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a licensed contractor(s) pursuant to the Contractor's License Law.

☐ I am exempt under Section _____ B.&.P.C. for this reason

Signature of Applicant or Agent — Date

LICENSED CONTRACTOR DECLARATION

I hereby affirm under penalty of perjury that I am licensed under provison of Chapter 9 (commending with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

DocuSigned by: F9347E4FA4[illegible] — 10/13/2022

Signature of Applicant or Agent — Date

WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:

☐ I have and will maintain a certificate of consent of self-insure for workers' compensation as provided for by section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

☑ I have and will maintain workers' compensation insurance, as required by section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: STATE COMPENSATION INSURANCE FUND

Policy No.: 9149029 Exp.: 01/01/2023

☐ I certify that in the performance of the work of which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provision of section 3700 of the Labor Code, I shall forthwith comply with those provisions.

DocuSigned by: F9347E4FA4[illegible] — 10/13/2022

Signature of Applicant or Agent — Date

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UN-LAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS ($100,000) , IN ADDITION TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction and hereby authorize representatives of the city to enter upon the above mentioned property for inspection purposes.

DocuSigned by: F9347E4FA4[illegible] — 10/13/2022

Signature of Applicant or Agent — Date

PERMIT IS A PUBLIC RECORD

CITY OF MALIBU
23825 STUART RANCH ROAD
MALIBU, CA 90265-4861
INSPECTION REQUEST
(310) 456-2489 X 312
www.malibucity.org/inspection

SITE ADDRESS
24507 VANTAGE POINT TER

ASSESSOR PARCEL NUMBER
BOOK 4458 PAGE 033 PARCEL 006

ADDITIONAL INFORMATION / LEGAL DESCRIPTION

PROPERTY OWNER
Helmut and Patricia Meissner

MAILING ADDRESS
24507 Vantage Point Terreace

CITY	STATE	ZIP
Malibu	CA	90265

PHONE NUMBER
(786) 208-5245

DESIGNER	LICENSE NO.

MAILING ADDRESS

CITY	STATE	ZIP

PHONE NUMBER

APPLICANT/CONTACT
Coastal Inc., Coastal Roofing Co.

PHONE NUMBER	EMAIL
(310) 455-2827	coastalsteve@aol.com

CONTRACTOR
Coastal Inc., Coastal Roofing Co.

MAILING ADDRESS
P O BOX 2531

CITY	STATE	ZIP
MALIBU	CA	90265

PHONE NUMBER
(310) 455-2827

LICENSE CLASS	LICENSE NUMBER	EXPIRATION DATE
C39	467886	10/31/2023

PLAN CHECK EXPIRES:

DESCRIPTION OF WORK
Reroof ESFR, Main house w/attached garage.
47 squares, ~~4K Quarrin composite tiles ESR-2664~~,
ASTM E108. GAF Versasheild ESR-2053
- BRAVA SPANISH BARREL TILE
- ALL ROOF VENTS SHALL COMPLY WITH CHAPTER 7A, LACBC AK

PLANNING FILE NO. / CDP NO.

OCC. GROUP	TYPE(S) OF CONSTRUCTION	NO. OF STORIES
R-3	VB	1

SQUARE FOOTAGE	FIRE SPRINKLERS
	No

STATISTICAL CLASSIFICATION	UNIT(S)	CODE IN EFFECT
NO. 439	1	LACO 2020

SPECIAL CONDITIONS

$ 132,360.00 — INITIAL VALUATION
$ _____ — REVISED VALUATION

PLAN CHECK FEE	$
ADDITIONAL PLAN CHECK FEE	$

PLAN CHECK NO.	INITIALS	DATE
	CK#	
ADD'L PLAN CHECK NO.	INITIALS	DATE
	CK#	

Building Permit Fee	$563.75
Document Retention Fee	$8.00
Admin Fee	$51.25
B.S.S.	$6.00
B.S.S.M.I	$17.21
Tech Fee	$39.46
TOTAL BUILDING PERMIT FEE	**$685.67**

PERMIT NUMBER	INITIALS	DATE
22-1702	JG CK#	10/13/2022
FINALED BY		DATE

IF NO WORK IS COMMENCED, PERMIT EXPIRES: 10/13/2023

BUILDING PERMIT APPLICATION

Attachment G

Development Checklist

City of Malibu

Coastal Development Permit Submittal Checklist

NOTE To submit a new application with the City of Malibu Planning Department, all required items as specified by City Staff on the Submittal Checklist, including application fees and those materials required by City Departments, must be provided at the time of submittal. **Incomplete application submittals WILL NOT be accepted.** An appointment is required for submittals. For an appointment, call 310-456-2489, ext. 485, or email mplanning@malibucity.org. See the New Application Submittal Guide for more information. For more information, visit the Planning Department website.

Staff Only - General Project Information

Date_____
Address / Location: (N) ADU
Project Description:_____

Fees: □ CDP Level: 1 $ 872 □ SPR $_____ □ MM $_____
□ VAR $_____ □ Other $_____ □ Other $_____
*The City will charge a service fee for credit card transactions.

Woolsey Fire Fee Waiver: □ Project Eligible □ Project Ineligible (all fees apply)

Requires the following discretionary requests:_____

A **complete submittal** shall consist of the following City / County Department reviews, submittal documents, and fees:

Departments	Planning Review		Building Plan Check		Date	Submitted
	Req'd	Not Req'd	Req'd	Not Req'd		
Planning	✓	-	✓	-		☐
Archaeological Survey If needed, submit as separate application. Guide	☐	☑	☐	NA		☐
City Biologist	☑	☐	☐	☐		☐
City Environmental Health	☐	☑	☐	☐		☐
City Public Works Department	☑	☐	☐	☐		☐
City Geotechnical Staff Review	☑	☐	☐	☐		☐
City Coastal Engineer Review	☐	☑	☐	☐		☐
Code Enforcement Review	☐	☑	☐	☐		☐
* Los Angeles County Fire Department	☑	☐	☐	☐		☐
* Los Angeles County Water District	☑	☐	☐	☐		☐

Standard Requirements

Item #	Description	Required	Submitted
1	Submittal Checklist	✓	☐
2	Uniform Application	✓	☐
3	Proof of Ownership	✓	☐
4	Letter of Authorization	✓	☐
5	Declaration Regarding Previously Issued Coastal Development Permits & Deed Restrictions	✓	☐
6	Grading Yardage Verification Certificate OR Letter stating none proposed	✓	☐
7	Application Fees	✓	☐
8	CD or Thumbdrive of All Documents	✓	☐
9	Hardcopy Sets of Plans See Project Plan Requirements	✓	☐

Digital Submittal

8. **A CD or thumbdrive, <u>which will not be returned</u>, of all submittal materials is required <u>with the exception of the Uniform Application and Submittal Checklist.</u>** All documents should be saved as an Adobe PDF.
-Each document shall be saved as a separate PDF. All documents should be numbered in the corresponding order of the submittal checklist, preferably titled with the same subject matter. For example:
    3. Proof of Ownership
    4. Letter of Authorization
    5. Declaration Regarding previously issued CDPS & Deed Restrictions
    5a. Coastal Commission Permit_1992
    5b. Coastal Commission Permit_1996
    6. Grading Yardage Verification
-Plans shall be grouped and named by discipline (e.g. architectural, grading, civil, etc.).

Discretionary Requests Requirements

Item #	Description	Required	Submitted
10	Written Statement(s) Justifying EACH Discretionary Request	☐	☐
		☐	☐

Biological / Landscape Requirements

Item #	Description	Required	Submitted
11	Landscape Plan, Hardscape, Fence Plan OR letter stating none proposed	✓	☐
12	Landscape Water Conservation Ordinance Documentation Package	☐	☐
	a. Cover Sheet	-	☐
	b. Water Budget Calculation Worksheet	-	☐
	c. Landscape Design Plan	-	☐
	d. Soil Report	-	☐
	e. Irrigation Design Plan	-	☐

Outdoor Lighting Submittal Requirements

Item #	Description	Required	Submitted
13	Outdoor Lighting Plan OR letter stating none proposed	✓	☐
14	Outdoor Lighting Plan shall include:	☐	☐
	a. Site Plan depicting the location of existing (e) and proposed (n) outdoor light fixtures	-	☐
	b. Manufacturer Specifications/Fixture Exhibit including details regarding the lumen counts and Kelvin for each fixture	-	☐
	d. A photometric plan	-	☐

Beachfront Lots Submittal Requirements

Item #	Description	Required	Submitted
15	Public Beach Access Locations/Information	☐	☐
16	CA State Lands Commission Determination Letter	☐	☐

Project Plan Requirements

Item #	Description	Required	Submitted
17	Project Plans	☐	☐
	a. Cover Sheet	☐	☐
	b. Site Survey	☐	☐
	c. Site Plan	☐	☐
	d. Architectural Plans	☐	☐
	e. Demolition Plan	☐	☐
	f. Preliminary Foundation Plan	☐	☐
18	Grading, Drainage, Erosion and Storm Water Management Plan **OR** Letter Stating None Propose	☐	☐
19	Color-coded Slope Analysis	☐	☐
20	Landscape Plan (see Item #11)	NA	NA
21	Irrigation Plans (see Item #12)	NA	NA

Plan Size and Quantities - In addition to a digital version, the following shall be submitted:

- Two (2) 24" x 36" size hardcopy sets dimensioned to ¼" = 1' or ⅛" = 1' scale and collated stapled and folded
- One additional set of plans per review from each department
- Coded Slope Analysis – One (1) original 24" x 36" color copy
- Landscape plan – Three (3) 24" x 36" size hardcopy sets dimensioned to ¼" = 1' or ⅛" = 1' scale and collated stapled and folded. (2 for City Biologist / 1 for Planning Staff)
- Irrigation Design Plan – Three (3) 24" x 36" size hardcopy sets dimensioned to ¼" = 1' or ⅛" = 1' scale and collated stapled and folded. (2 for City Biologist / 1 for Planning Staff)
- Requirements for each type of plan is provided for in the Submittal Document Guide.

Other Requirements

Item #	Description	Required Upon Submittal	Required Prior to Deeming Complete	Submitted
22	Will Serve Letter	☐	☐	☐
23	Visual Analysis	☐	☐	☐
24	Major Remodel Agreement	☐	☐	☐
25	Structural Plans	☐	☐	☐
26	Story Pole Plans & Certification	☐	☐	☐
27	Title Report	☐	☐	☐
28	Feasible Alternatives Report	☐	☐	☐
29	Notice of Coastal Development Permit Posting Affidavit	-	✓	-
30	Property Owner / Occupant Mailing Data & Radius Map	-	✓	☐
31	Plan Sets for Hearing	-	✓	-

Land Division

Item #	Description	Required	Submitted
32	Land Division - Set of Plans	☐	
	a. Site Survey	☐	
	b. Site Plan	☐	
	c. Tentative Parcel / Tract Map	☐	
	d. Color-Coded Slope Analysis		
33	Documents Relating to Legality of the Lots	☐	☐
	a. Assessor's Map	☐	☐
	b. Deed History	☐	☐
	c. Legal Description	☐	☐
	d. Plat Map	☐	☐
	e. Title Report (see Item #25)	☐	☐

Additional Documents

Item #	Description	Required	Submitted
34	Rebuild Option Acknowledgement Form (in lieu of a Planning Verification)	☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
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		☐	☐
		☐	☐
		☐	☐
		☐	☐

City Department Requirements

If a Department is marked as "Required" on page 1 of this form, please obtain fees and comments from each Department in the designated boxes below.

City Biologist Review

□ **Review required / No fee** ☑ **Review required / Fee required**

□ Level:____ = $ 430

Comments:

Required Documents:

Biological Report Submittal Guide & Other Landscaping Requirements

City Public Works Department Review

□ **Review required / No fee** ☑ **Review required / Fee required**

□ Public Works Review = $ 892

□ Traffic Review = $_____

□ Land Division = $_____

Comments:

Required Documents:

Public Works Project Plans and Report Requirement

+City Department Requirements

If a Department is marked as "Required" on page 1 of this form, please obtain fees and comments from each Department in the designated boxes below.

City Environmental Health Administrator Review (for staff use only) Initials:_____Date:_____

□ **Review required / No fee** □ **Review required / Fee required** □ **No Review Required**

□ **No Review required: Defer to Building Plan Check** **TOTAL:**_____

□ Non-OWTS* Review Simple $833 □ OWTS* Review-Complex $2,187
□ OWTS* Complex Commercial $7,080
□ OWTS* Complex 3rd Party Review $4000 (710 Account) □ Operating Permit Fee:_____

□ Hourly fee = $_____ Document Retention Fees □ $26 and/or □ $6
*Onsite Wastewater Treatment System (OWTS)

Comments:

Environmental Health Submittal Requirements

Item #	Description	Required Upon Submittal	Required Upon Deeming Complete	Submitted
EH.1	**Project Plans** (see Project Plans under Project Plan Requirements)	☐	☐	☐
EH.2	**Grading Plans** (see Grading, Drainage, Erosion and Storm Water Management Plan under Project Plan Requirements)	☐	☐	☐
EH.3	**Landscape/Hardscape/Irrigation Plans** (see Landscape Plan and Landscape Water Conservation Ordinance Document Package under Biological / Landscape Requirements)	☐	☐	☐
EH.4	Certified/Original Fixture Unit Worksheet	☐	☐	☐
EH.5	OWTS Plot Plan	☐	☐	☐
EH.6	Prohibition Policy Acknowledgment Form	☐	☐	☐
EH.7	OWTS Inspection Report	☐	☐	☐
EH.8	Operating Permit Required	☐	☐	☐
EH.9	Compliance Agreement	☐	☐	☐
EH.10	OWTS Design Report	☐	☐	☐
EH.11	Soils Analysis / Percolation / Infiltration Report	☐	☐	☐
EH.12	OWTS Supporting Geology / Soils Report	☐	☐	☐
EH.13	Architect/Engineer Certification for Reduction In Setbacks to Buildings or Structures	☐	☐	☐
EH.14	Geotechnical Report	☐	☐	☐
EH.15	Hydrogeological Report (Water Wells)	☐	☐	☐
EH.16	Coastal Engineer Report (Beachfront Property Only)	☐	☐	☐

City Geotechnical Staff Review (for staff use only) Initials:_____Date:_____

□ **Review required / No fee** □**Review required / Fee required** **TOTAL:** $3194

Fees
□ Level:____ $_____ □ Document Retention $26 Time & Materials + 30% = $_____

Comments:

Required Documents:

Geology Report Submittal Requirements

Item #	Description	Required Upon Submittal	Required Upon Deeming Complete	Submitted
GEO.1	**Project Plans** (see item #16 under Project Plan Requirement)	☑	☑	☐
GEO.2	**Grading Plans** (see items #17,#18 under Project Plan Requirements)	☐	☐	☐
GEO.3	**Landscape/Hardscape/Irrigation Plans** (items #19,#20 under Project Plan Requirement)	☐	☐	☐
GEO.4	OWTS Plot Plan	☐	☐	☐
GEO.5	OWTS Design Report	☐	☐	☐
GEO.6	Soils Analysis / Percolation / Infiltration Report	☐	☐	☐
GEO.7	OWTS Supporting Geology / Soils Report	☐	☐	☐
GEO.8	Architect/Engineer Certification for Reduction In Setbacks to Buildings or Structures	☐	☐	☐
GEO.9	Geotechnical Report	☑	☐	☐
GEO.10	Hydrogeological Report (Water Wells)	☐	☐	☐
GEO.11	Other items:	☐	☐	☐

City Coastal Engineer Review (Beachfront Properties) Initials:_____Date:_____

□ **Review required / No fee** □ **Review required / Fee required** **TOTAL:**_____

□ Reports required (2 copies, wet-stamped with wet-signature by a registered coastal / civil engineer, and CD and Electronic Signature Page)

□ Complex $3,236 □ Standard $1,618 □ Minor $750 □ Hourly fee =$_____
□ Document Retention $26

Comments:

Required Documents:

Coastal Engineering Report Submittal Requirements

Item #	Description	Required Upon Submittal	Required Upon Deeming Complete	Submitted
CO.1	**Project Plans** (see item #16 under Project Plan Requirement)	☐	☐	☐
CO.2	**Grading Plans** (see items #17,#18 under Project Plan Requirements)	☐	☐	☐
CO.3	**Landscape/Hardscape/Irrigation Plans** (items #19,#20 under Project Plan Requirement)	☐	☐	☐
CO.4	Coastal Engineer Report (Beachfront Property Only)	☐	☐	☐
CO.5	Geotechnical Report	☐	☐	☐
CO.6	OWTS Plot Plan	☐	☐	☐
CO.7	OWTS Design Report	☐	☐	☐
CO.8	Soils Analysis / Percolation / Infiltration Report	☐	☐	☐
CO.9	OWTS Supporting Geology / Soils Report	☐	☐	☐
CO.10	Architect/Engineer Certification for Reduction In Setbacks to Buildings or Structures	☐	☐	☐
CO.11	Other items:	☐	☐	☐

Code Enforcement Review

□ **Review required / No fee** □ **Review required / Fee required**

□ Hourly fee =$_____

Code Enforcement Officer Signature:_____ Date _____

Comments:

STAFF USE ONLY

Complete Submittal Date: _____

By: _____
(Print Name, Title)

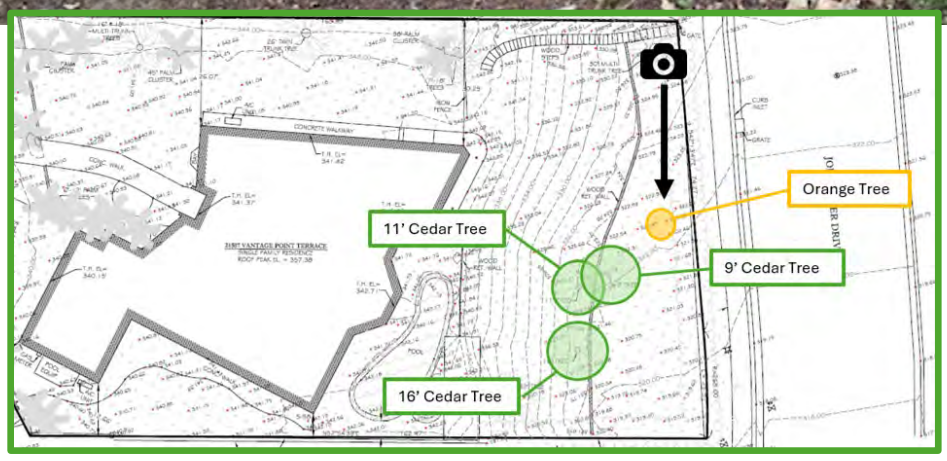
Note: A conformance review will begin after the time of submittal, and additional documentation may be requested.

Attachment H

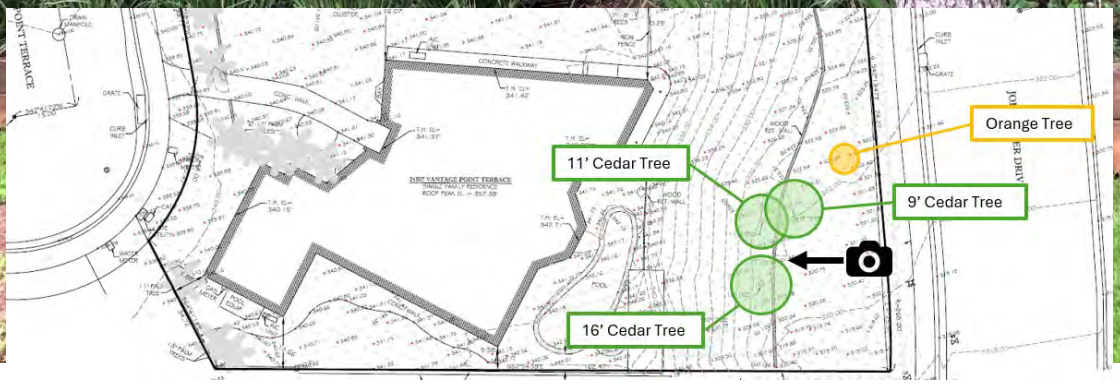
Trees

Orange Tree



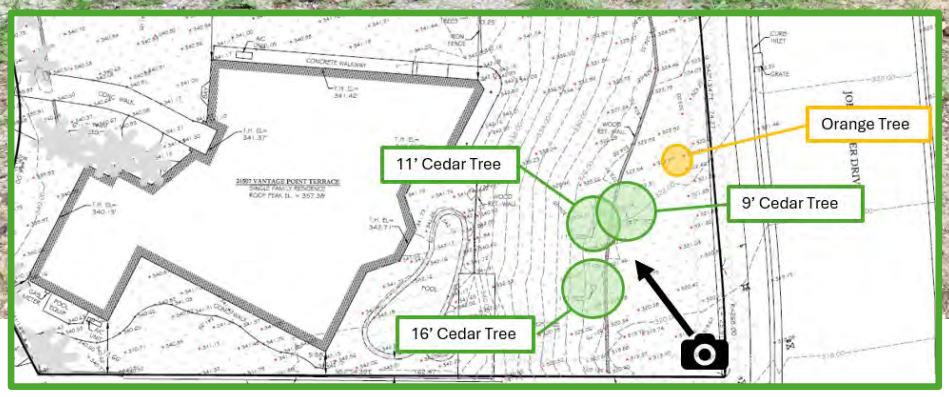


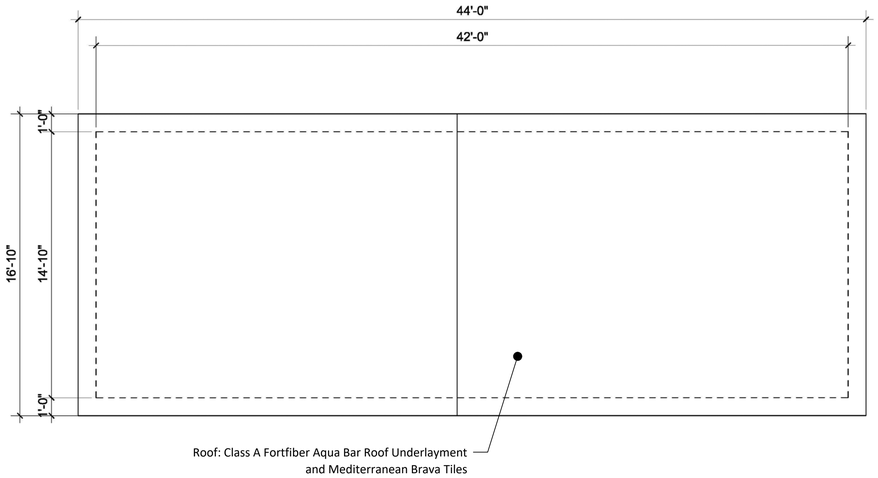
Cedar Trees



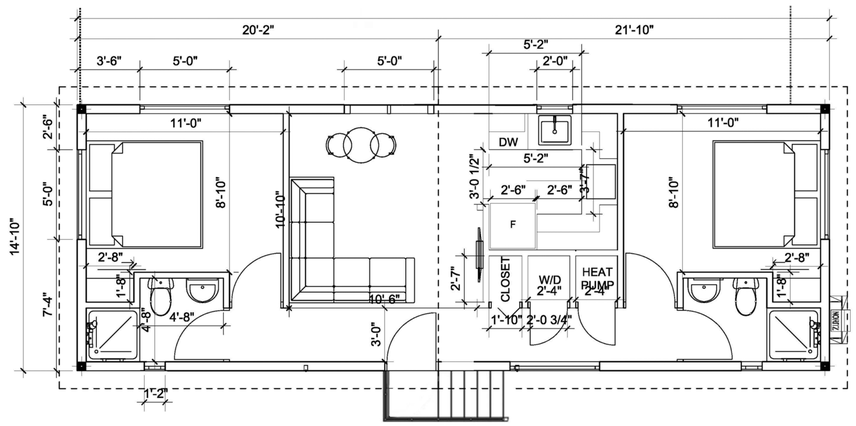
Cedar Trees

Alternate View

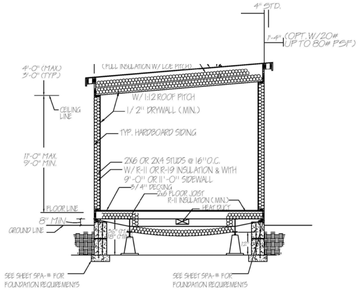




4 MARS - ROOF PLAN
SCALE: 1/4



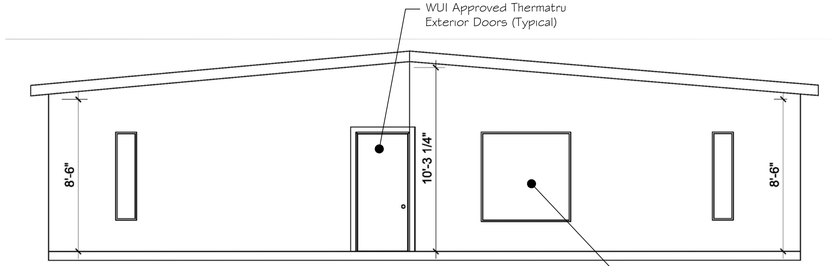
1 MARS - FLOOR PLAN
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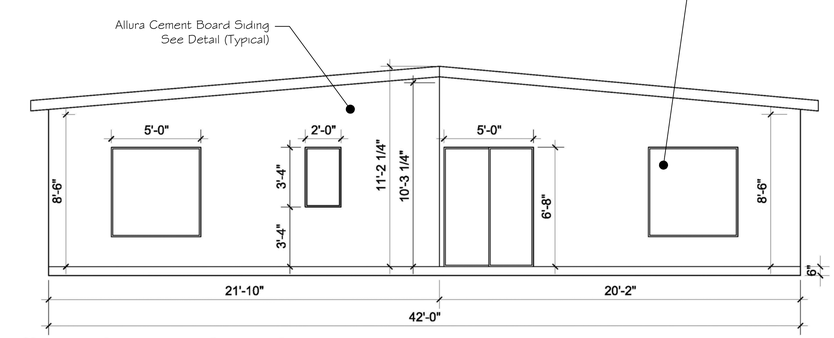
GENERAL CROSS SECTION

1. DETAILS & SPECIFICATIONS CALLED OUT ARE MINIMUM ONLY. OTHER EQUIVALENTS OR STRONGER MATERIALS MAY BE USED.
2. EXTERIOR SHALL BE VERTICAL OR HORZ. LAP PLYWOOD, COMPLANK, HARDBOARD, OR OTHER EQUIVALENT MATERIALS. (ALTERNATE EXTERIOR STUCCO USE MULTI-TEX STUCCO SYSTEM MANUFACTURED BY MULTICOAT CORP.)
3. ROOFING SHALL BE EPDM OR METAL OR OTHER APPROVED MATERIAL APPLIED PER MANUFACTURES INST.
4. NO CARPET OR PAD UNDER EXTERIOR SHEAR, OR BEARING WALLS.
5. ALL RAFTERS ARE APPROVED BY TEST OR CALCULATIONS. ALL TRUSSES ARE AN APPROVED I. STEEP ASSEMBLY.
6. ALL CEILING MATERIAL SHALL BE CLASS C RATED OR BETTER
7. APPLY VAPOR BARRIER ON WARM SIDE.
8. INTERIOR WALL & CEILING SHALL HAVE A FLAME SPEAD RATING NOT TO EXCEED 75.
9. INTERIOR WALLS & CEILING ARE SHEATHED W/ 1/ 2" GIPSUM WAL. BOARD.
10. FOR WATT-LINE LOAD REQUIREMENTS SEE SHEET SP-1/CO AND THE INSTALLATION MANUAL PAGE 17
11. ALL ROOFING, VENTS, AND EXTERIOR COVERING SHALL COMPLY WITH 2019 CBC CHAPTER 7A WHEN REQUIRED

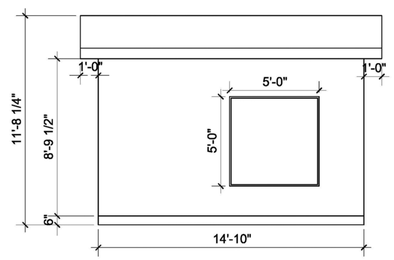
General Cross Section Detail
Scale: Not to Scale



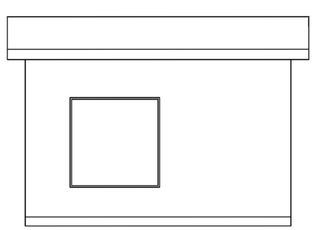
2 MARS - ELEVATION - FRONT
SCALE: 1/4



3 MARS - ELEVATION - BACK
SCALE: 1/4



5 MARS - ELEVATION - RIGHT
SCALE: 1/4



6 MARS - ELEVATION - LEFT
SCALE: 1/4

FIRE DEPARTMENT NOTES:

ROOF COVERINGS
FBU - VHFHSZ
All roof coverings shall be Class ""A"" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R902)

ROOF VALLEYS
FBU - VHFHSZ
Roof valley flashings shall be not less than 0.019-inch (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch wide underlayment consisting of one layer of No. 72 ASTM cap sheet meeting running the full length of the valley. (Residential Code R327.5.3 and Building Code 705A.3)

ROOF GUTTERS
FBU - VHFHSZ
Roof gutters shall be provided with a means to prevent the accumulation of leaves and debris in the gutter. (Residential Code R327.534 and building Code 705A.4)

BRUSH CLEARANCE
FBU - VHFHSZ
Clearance of brush and vegetative growth shall be maintained per Fire Code 325 ACTION

24507 Vantage Point
Floor and Elevations Plan

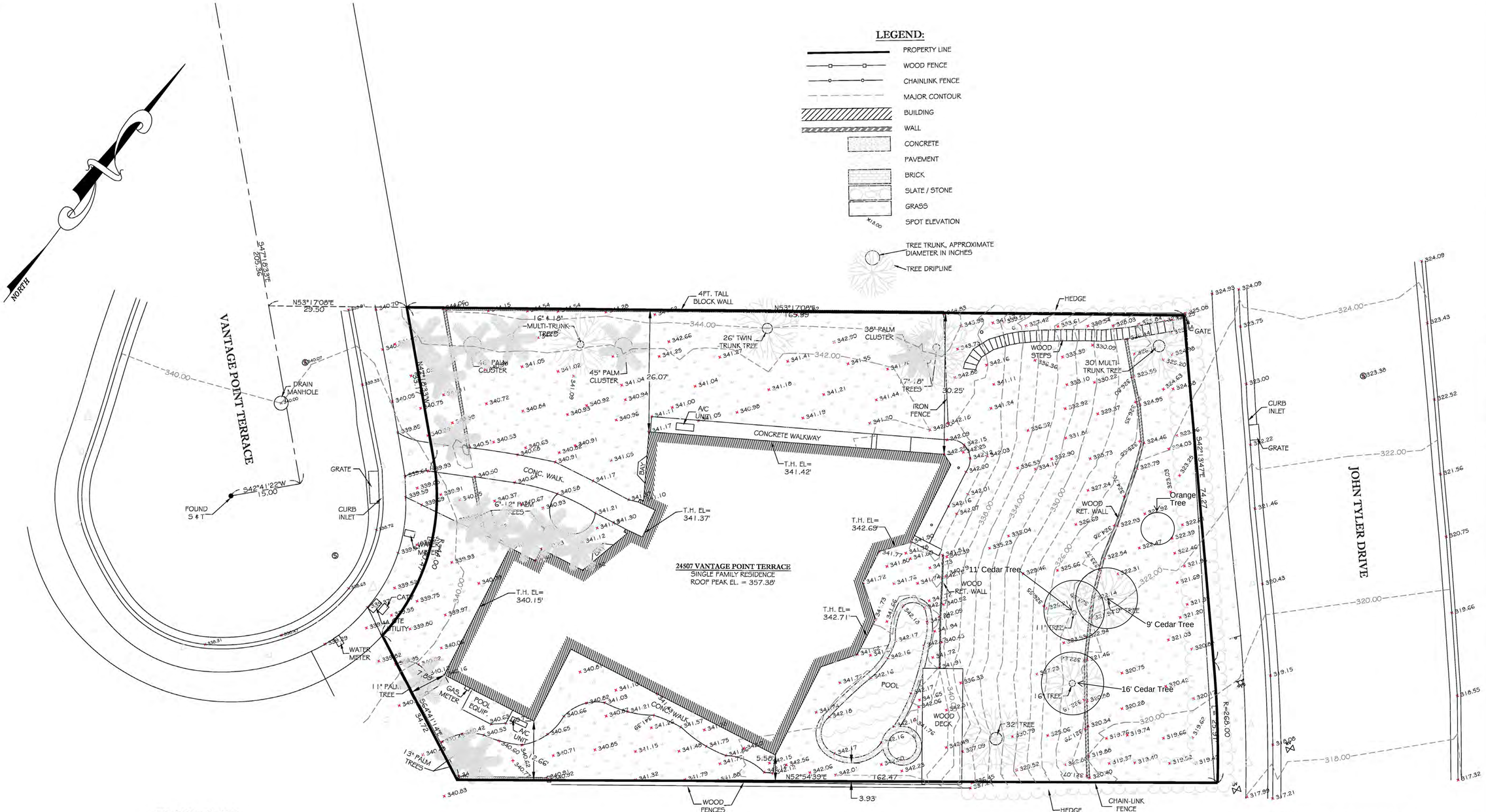
APN: 4468-033-006
Malibu, CA 90265

2025-12-29

Date:	Description:	By:

SCALE: AS SHOWN

SHEET NUMBER 2 of 2



GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft.

SURVEYOR'S NOTES

1. ELEVATIONS ARE ON ASSUMED DATUM.

2. ONLY TREES 6" AND ABOVE WERE LOCATED ON THIS SURVEY, SMALLER TREES AND SHRUBS ARE NOT SHOWN.

3. DISTANCES SHOWN HEREON AREA EXPRESSED IN FEET AND DECIMALS THEREOF.

LEGAL DESCRIPTION

LOT 85, AS SHOWN ON TRACT NO. 30314 AS RECORDED IN MAPBOOK 820 OF MAPS PAGES 15-22 OF LOS ANGELES COUNTY RECORDS.

SURVEYOR'S CERTIFICATE

I, KACIE A. PLOUFF, CERTIFY THAT I AM LICENSED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF CALIFORNIA (REF. NO. 9013)
I FURTHER CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A TOPOGRAPHIC SURVEY CONDUCTED UNDER MY SUPERVISION AT THE REQUEST OF THE CLIENT.

PROFESSIONAL LAND SURVEYOR
KACIE A. PLOUFF
No. 9013
STATE OF CALIFORNIA

KACIE A. PLOUFF, PLS 9013

CHRISTENSEN & PLOUFF
LAND SURVEYING
• 27801 FREMONT COURT #6 •
• VALENCIA, CA 91355 •
• 661-645-0300 • www.cplandsurveying.com •

DATE: 06 / 06 / 18
DRAWING SCALE: 1" = 10'
PREPARED BY: KACIE PLOUFF
APPROVED BY: KACIE PLOUFF
FILE NAME: CA-18-078-24507 VANTAGE POINT MALIBU

24507 VANTAGE POINT TERRACE, MALIBU
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

TOPOGRAPHIC SITE PLAN

PROJECT:

PROJECT NO.
CA-18-078

SHEET NO.
1 OF 1

KEYSTONE
Strategic Planning

City of Malibu
Planning Department
ATTN: Tyler Eaton, Assistant Community Development Director
23825 Stuart Ranch Rd
Malibu, CA 90265

January 19, 2026

Re: RPPL2023003558 – CDP Application 21-045 – 24507 Vantage Point Terrace Alternatives Analysis

Dear Malibu Planning Staff,

In response to questions, comments, and concerns raised in the Staff Report for the above-referenced project application, please see below/attached an updated and expanded Alternatives Analysis demonstrating the impracticality/infeasibility of constructing an ADU on the upper building pad.

Proposed Location: Existing Lower Building Pad

Here we have the applicant's proposed location on the lower building pad at the toe of the slope, in the northeast corner of the property adjacent to John Tyler Drive. Each exhibit delineates the 26-foot front yard setback (shown in red), 4-foot rear and side reduced setbacks allowed pursuant to State ADU Law (shown in black), and the sanitary and storm drain easement that dominate the North side of the property (shown in gray). A slope separates the existing upper and lower building pads. This lower building pad that has been present since at least 1980 and therefore does not involve the creation of a new pad or alteration of natural landforms. Siting the ADU here places development in the least visible portion of the property, avoiding impacts to public coastal views and private views alike, and is more consistent with Coastal Act and LIP policies favoring reduced visual impacts than any alternative location. This location represents the only feasible and compliant site, and satisfies State ADU law, Coastal Act policies, and applicable local standards while avoiding environmental, visual, and neighborhood impacts.

1st Alternate Location: Over the pool, over the slope

As implied in the staff report, the pool could theoretically be removed and the ADU sited there, *"given that the existing building pad is sufficient in size to support other existing uses including a pool, spa, and wooden deck."* However, there is insufficient area to support the proposed ADU. LCP (D)(6)(c) states, "*No structure, excluding walls and fences, shall extend beyond, or be*

cantilevered over, any downhill slope extending from the existing building pad." Given that there must be a 6-foot building setback per the LCP 3.6(R)(b) *"Distance Between Accessory and Main Buildings. A minimum distance of six feet shall be required between any main residential building and an accessory building established on the same lot or parcel of land."*
The East-facing living room features a prominent bay window that provides primary light, air, and view to the residence. Light, air, and views would all be blocked by the presence of the ADU, even if it were to fit. This placement, however, results in roughly half of the area of proposed ADU extending beyond and cantilevered over the downhill slope, which would result in a height greater than 18 ft. and/or new site grading/landform alteration on the existing slope. Therefore, this alternative is not feasible practically, would result in greater visual impacts, and does not achieve any greater consistency with relevant policies/regulations than the proposed location.

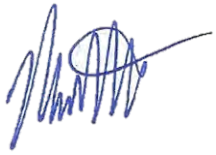
2nd Alternate Location: Over the property line

Along the southeastern side, behind the garage and adjacent to the Primary (Master) Bathroom, there is a right triangle of area where it might be assumed that an ADU could be sited. This second alternate shows clearly how after accounting for the master bath's bay window and the required 6-foot building setback, there is not nearly enough space to squeeze the ADU between the house and the property line, even with the benefit of State ADU law side yard setback reductions. The other half would spill into the setback and over the property line. Therefore, this location is not feasible.

Conclusion

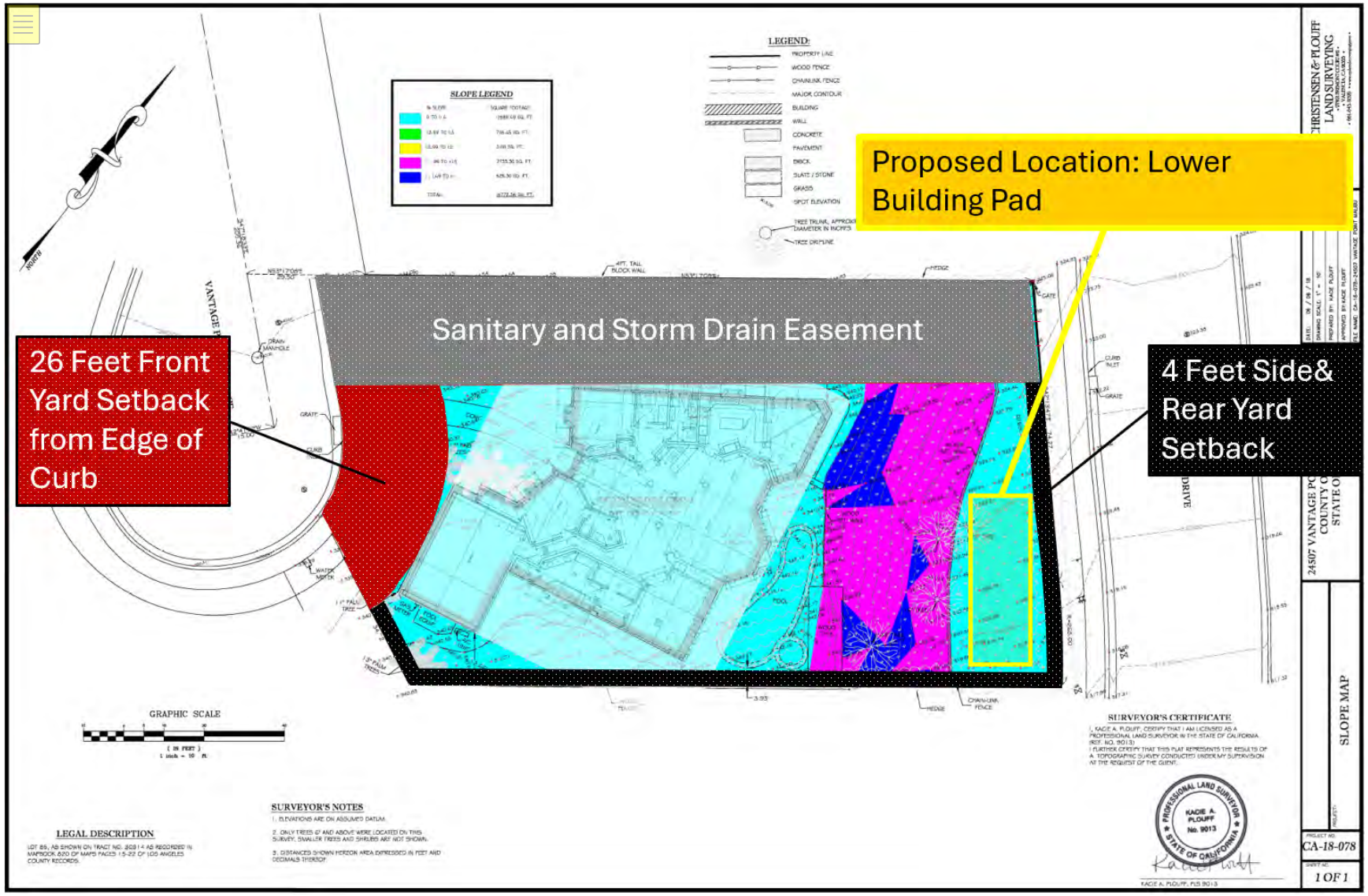
Based on the above analysis, the proposed location appears to be the only feasible location for the proposed ADU, consistent with State ADU law and relevant local ordinances. The proposed location is situated within the allowable front, rear, and side yard setbacks and easements, as required by State ADU law. It does not intrude into neighboring properties. It is not cantilevered over the slope and does not require any non-exempt landform alteration/grading. This location involves the least visible portion of the property, and satisfies State ADU law, Coastal Act policies, and applicable local standards while minimizing environmental, visual, and neighborhood impacts. Thank you for your time and attention to this application.

Sincerely,
Keystone Strategic Planning

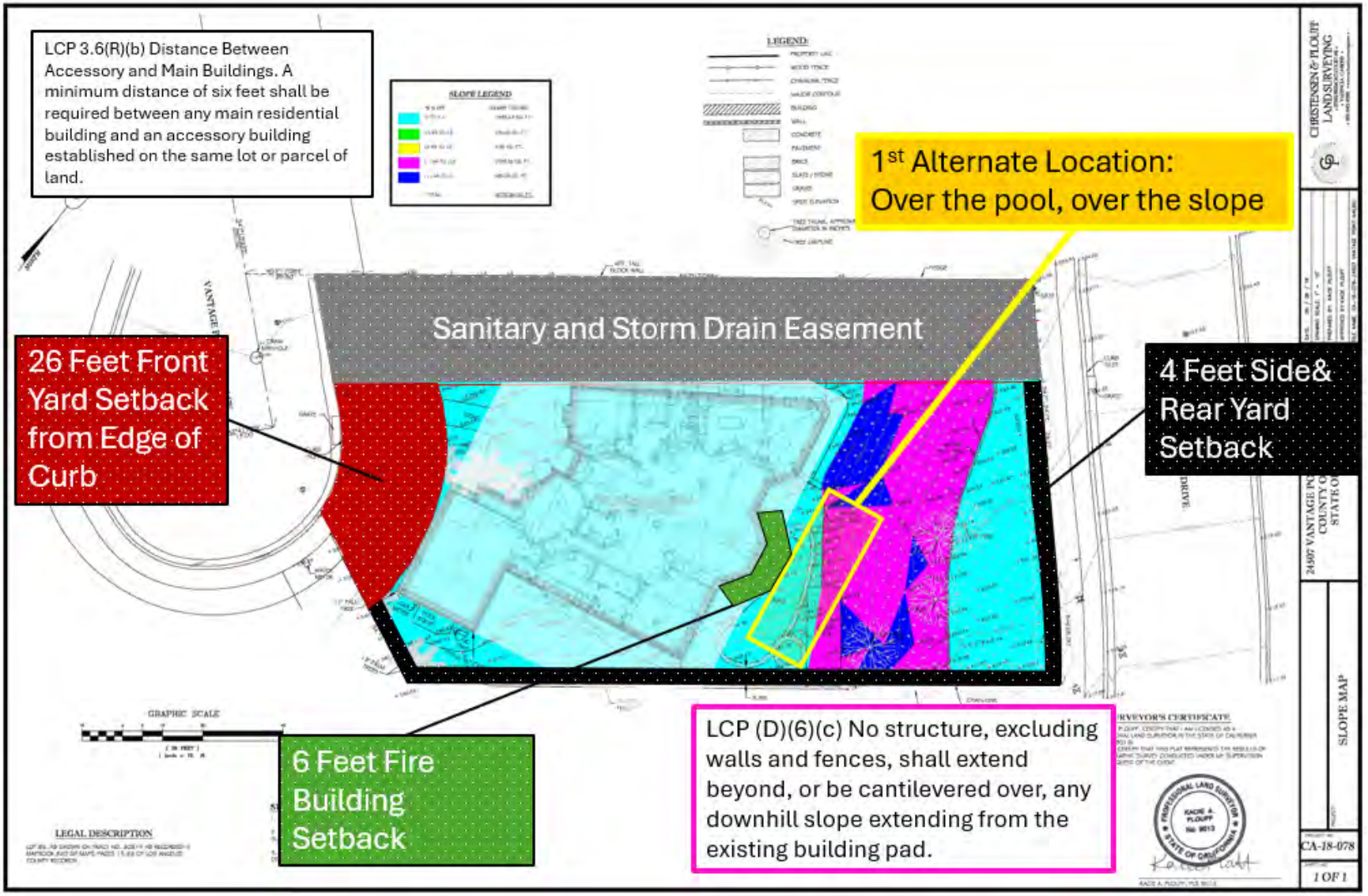


Matt Jewett
Principal

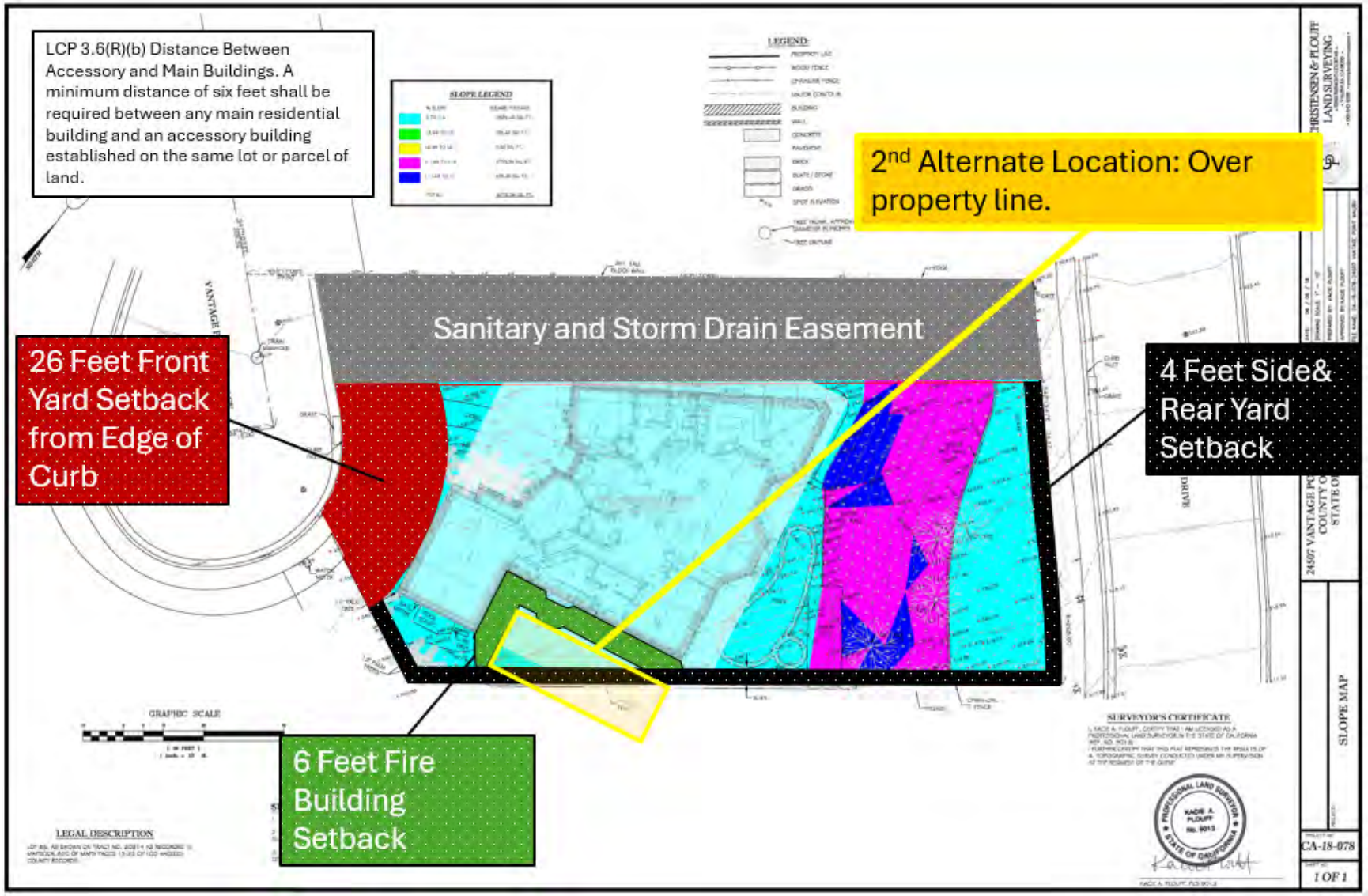
Proposed Location: Lower Building Pad



1st Alternate Location: Over the pool, over the slope



2nd Alternate Location: Over the property line



February 6, 2026

City of Malibu
Planning Department
ATTN: Magda Gonzalez, Contract Senior Planner
23825 Stuart Ranch Rd
Malibu, CA 90265

RE: CDP Application 21-045 – 24507 Vantage Point Terrace – Variance Application and Findings

Dear City Planning Staff,

As outlined in the Staff Report, the subject property is a rectangular-shaped lot located on the inland side of Pacific Coast Highway (PCH) adjacent to John Tyler Drive. The subject property is situated within the Malibu Country Estates (MCE) Overlay District. The parcel is currently developed with a 3,572 square-foot single-family residence that was constructed in 1988 on one building pad located on a flatter portion of the site. The existing building pad is also occupied by a swimming pool, spa, and wooden deck located immediately to the rear of the existing residence.

The subject application proposes a 594 square-foot, 11-foot 2-inch high ADU/Second Unit on the existing second building pad located on the southeasterly portion of the property abutting John Tyler Drive. While it remains the applicant's understanding that State ADU law would not require a Variance application to approve the proposed ADU, we believe that the necessary Variance findings can be made to approve the proposed development under the provisions of the LCP.

The MCE Overlay standards confine development to **one building pad per parcel** and require a **15-foot rear yard setback**. This Variance application requests relief from the following two (2) MCE Overlay standards and includes written findings justifying these requests:

A. There shall be no more than one building pad per lot LIP 3.4.1 (D)(6)(b).

   We seek relief to utilize an existing/legally established second building pad.

B. Rear yard setbacks shall be at least 15 feet LIP 3.4.1 (D)(2)(c).

   In order to site the ADU on the existing second building pad, we seek relief from the MCE rear yard setback of 15 feet, in compliance with LCP Variance allowances and State ADU law, to provide a rear yard setback of no less than 4 feet.

ATTACHMENT 4

Variance Findings for Development on a Second Legally Established Building Pad and Reduced Rear Yard Setbacks:

The subject application proposes a new ADU on a second legally established building pad. Siting for the ADU is constrained by an existing pair of easements located on the northern 25% of the property. Additionally, the property includes two existing flat areas that meet the MCE Overlay's definition of "building pads", which are separated by a manufactured slope. All natural slopes on the subject property were graded in conjunction with the establishment of the subdivision, which constitutes a single development area under the LCP's definition of "Development Area", which includes all graded slopes. Please see below the mandatory variance findings per LIP Section 13.26.5.

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

a. Findings for Second Building Pad:

i. The subject property is uniquely constrained by two recorded utility easements—one sanitary sewer and one storm drain easement—that run the length of the northernmost portion of the parcel, occupying approximately twenty-five percent of the total lot area, including the upper building pad that contains the existing single-family residence. These unusually significant easement encumbrances substantially reduce the buildable area in a manner not shared by surrounding parcels. Were it not for these easements, the ADU could likely be sited on the same building pad as the primary residence, thus not requiring utilization of the lower building pad.

ii. The property further contains two historically graded building pads, documented in aerial photography dating back to 1980. The lower building pad is separated from the primary pad by an existing manufactured slope and is physically suitable for development.

iii. The lower building pad meets the definition of LIP 3.4.1(D)(6)(d) *"a building pad shall be defined as a single, continuous, graded area, not exceeding 3 percent in slope, designed to accommodate development."*

b. Findings for Rear Yard Setback:

i. Strict application of LIP 3.4.1(D)(2)(c) "*Rear yard setbacks shall be at least 15 feet*" would require siting the ADU not on the lower building pad, but up

and/or into the slope. This would require non-exempt grading/landform alteration and the extension of the existing building pad, in conflict with LIP 3.4.1(D)(8)(b) "*No grading shall be permitted for the purpose of extending the existing building pad.*" As proposed, no grading or landform alteration is required, and earth movement is limited to exempt removal and recompaction for the foundation, consistent with the requirements of the LCP and the MCE Overlay District requirements for no extension of existing pads.

ii. Since strict application would require non-exempt grading, the LCP encourages such setback modifications prescribed by the Variance process. LIP 3.6 (F)(5) states, *"Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources."* The proposed siting for the ADU, within the identified 15 ft. rear yard setback, allows for no new landform alteration consistent with the purpose and goals of the LCP.

iii. This would also fulfill the purpose of CHAPTER 8. *"The purpose of the Grading Ordinance is to ensure that new development minimizes the visual and resource impacts of grading and landform alteration."*

Figure 1 below shows the proposed ADU siting with variances for setback and second building pad, allowing siting fully on the lower building pad. Figure 2 shows the infeasibility of siting the ADU on the lower building pad without rear yard setback relief.

Figure 1

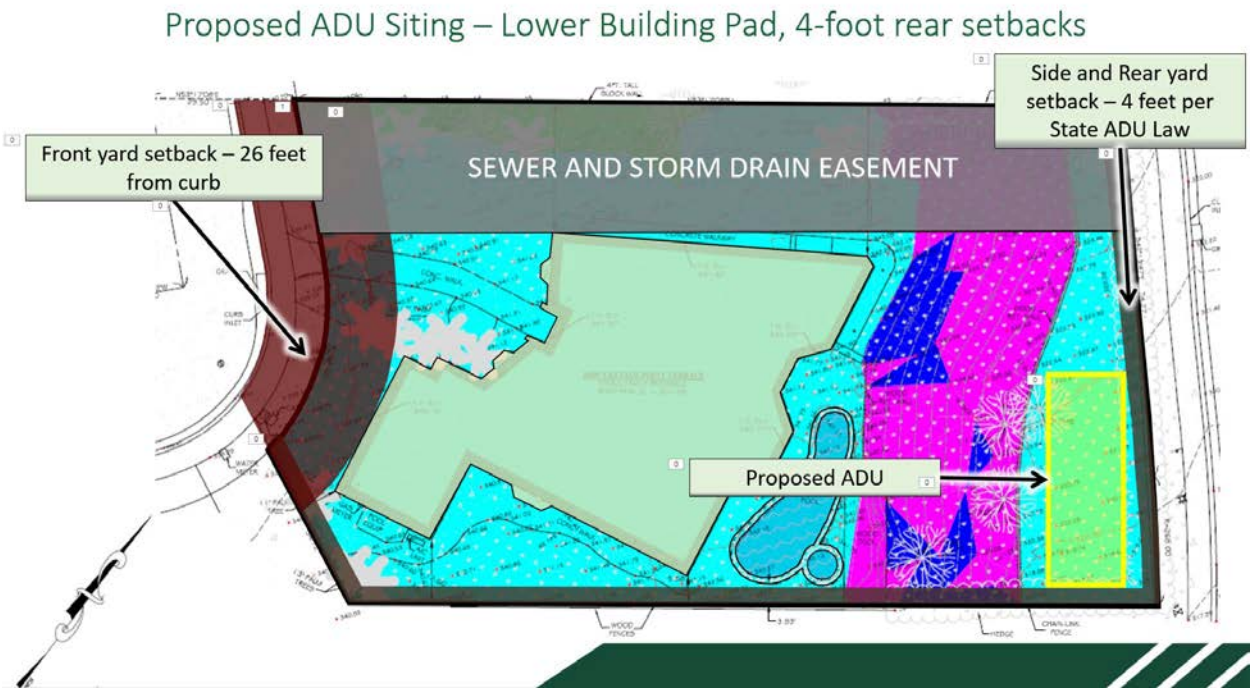
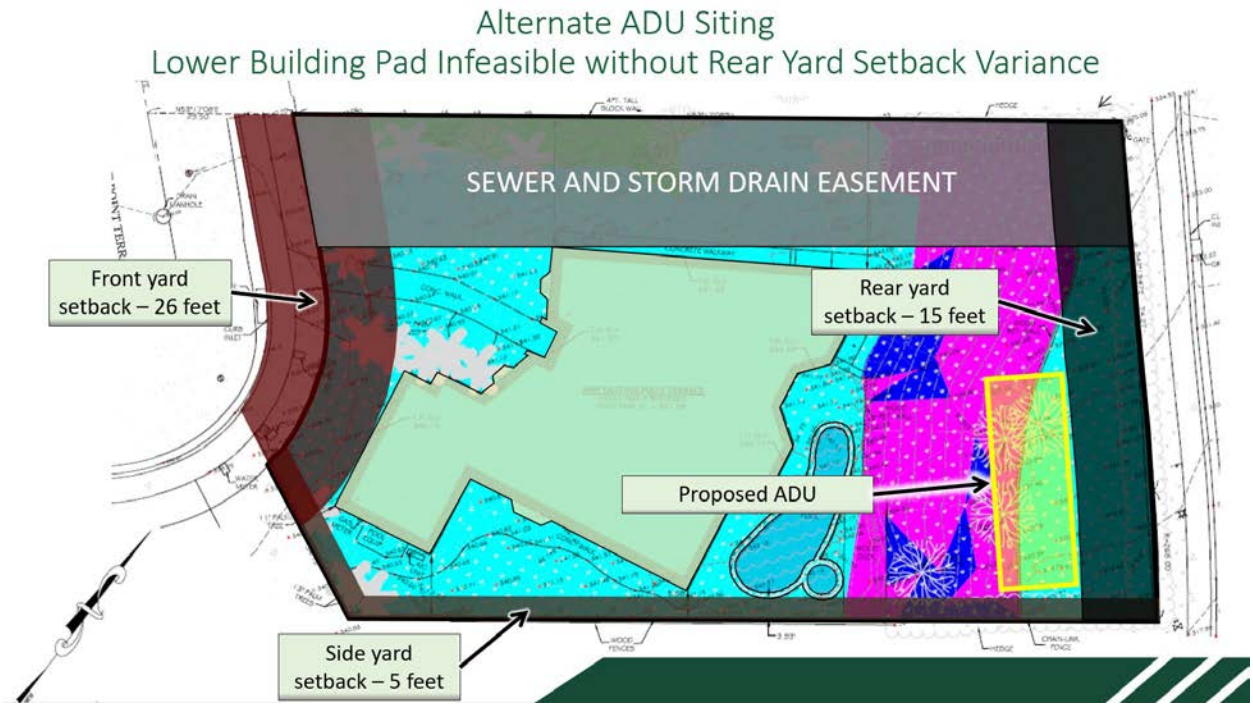


Figure 2



Based upon the foregoing, strict application of the LCP would deprive the property of reasonable development privileges enjoyed by similarly zoned parcels that do not suffer from comparable easement constraints and topographic conditions.

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

a. Second Building Pad & Rear Yard setback:

i. The project has been reviewed by multiple City departments, all of which have determined that the proposed development is safe and compliant with applicable health and safety standards.

ii. The project has been reviewed and approved by the City Public Works Department for conformance with LIP Chapter 17 water quality requirements, including stormwater management and runoff control measures.

iii. The City Biologist has reviewed and approved the project, finding it consistent with the City's goals and policies for biological resource protection.

iv. The proposed development has been reviewed and approved by City geotechnical staff, confirming that the site is geologically suitable for development, meeting the threshold set in LIP 9.3 *"A Coastal Development Permit for the proposed development shall only be granted if the City's decision making body is able to find that: 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; 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; 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative; 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity; 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."*

Based on these departmental reviews, the granting of the variance would not be detrimental to the public interest, health, safety, or welfare, nor injurious to nearby properties or improvements.

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

a. Second Building Pad & Rear Yard setback:

i. Second Units are Permitted Uses in the SF Zone (LIP Table B).

ii. The subject property is subject to unusual physical and legal constraints not shared by surrounding properties, including large utility easements occupying the northern quarter of the lot and a unique landform consisting of two legally established building pads divided by a slope within one approved development area as defined in LIP section 2.1 *"DEVELOPMENT AREA – the approved portion of a project site that is developed, including the building pad and all graded slopes, all structures, and parking areas."* These conditions significantly limit feasible building locations.

iii. A variance would provide reasonable relief from these unique constraints and does not confer a special privilege not enjoyed by other properties in the vicinity and under the same zoning classification.

iv. The proposed ADU, due to its placement on the existing lower building pad and its low profile, will not obstruct scenic views or visual resources and will remain largely invisible from neighboring properties.

D. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

a. *Second Building Pad & Rear Yard setback:*

i. The proposed development clusters construction on previously disturbed land, avoids slope disturbance, minimizes grading, reduces visual impacts and has no impact to sensitive environmental coastal resources.

ii. The project is located away from ESHA, marine resources, and sensitive visual resources.

iii. By utilizing an existing graded pad, the project protects coastal resources as demonstrated above while fulfilling the LCP's purpose. *"1.2. PURPOSE The purpose of this article is to implement the policies of the California Coastal Act of 1976, to carry out the policies of the City of Malibu Land Use Plan, and to:*

(A). Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of this City and of the State."
(b) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners."

Based upon the foregoing, the proposed siting protects and maintains public access to coastal resources while balancing social and economic needs of the people regarding affordable housing and private property rights, consistent with the goals, objectives, and policies of the Malibu Local Coastal Program.

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

a. *Second Building Pad & Rear Yard setback:*

i. The subject property is located inland of Pacific Coast Highway in a fully developed residential neighborhood. No Environmentally Sensitive Habitat Areas (ESHA) are located on the site or in the immediate vicinity. No ESHA standards or buffers are implicated by the proposed development.

F. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.

a. *Second Building Pad & Rear Yard setback:*

i. The subject property is a non-beachfront lot and is not subject to stringline standards applicable to beachfront parcels under Chapter 12 of the Malibu LIP. The proposed development does not limit or interfere with public access to coastal resources.

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

a. *Second Building Pad & Rear Yard setback:*

i. The subject property is zoned Single-Family Residential (SF). Pursuant to LCP Table B, second units (ADUs) are a permitted accessory use in the SF zone. The existing single-family residence establishes the primary use and therefore, the ADU/Second Unit may be permitted as an accessory use.

ii. The surrounding neighborhood is developed with single-family residences, and the proposed ADU is consistent with the existing land use pattern and the intent of the SF zone to maintain low-density residential development that respects surrounding properties and the natural environment.

H. The subject site is physically suitable for the proposed variance.

a. *Second Building Pad & Rear Yard setback:*

i. The proposed ADU site is located on a flat, historically graded pad at the toe of the slope in the rear portion of the property that requires no site grading to establish a new or extended pad.

ii. The site has been reviewed and approved by the project geologist and City geotechnical staff.

iii. The requested variance results in reduced landform alteration, avoidance of slope disturbance, and minimized environmental impacts.

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

a. *Second Building Pad & Rear Yard setback:*

i. The proposed ADU complies with the Malibu Local Coastal Program and Malibu Municipal Code including provisions related to the required findings for these Variances.

ii. The project is consistent with the goals and requirements of State ADU law, including the setback standards authorized by Government Code section 66321(b)(3).

iii. The project is consistent with Government Code Section 65580 as it pertains to balancing housing needs (including low-income housing objectives) and is consistent with State Housing law and the California Coastal Act.

(d) "*Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to*

make adequate provision for the housing needs of all economic segments of the community, and conservation goals within the Coastal Zone."

J. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands. (Ord. 303 § 3, 2007)

a. Second Building Pad & Rear Yard setback:

i. The subject property is located in a residential cul-de-sac and contains no public parking facilities.

ii. No public parking spaces are proposed to be removed or altered by the project.

iii. Accordingly, the granting of the requested variances would not reduce or eliminate public parking for access to beaches, public trails, or parkland.

For the reasons set forth above, the requested Variances are fully supported by the required findings and are consistent with the Malibu Local Coastal Program, Malibu Municipal Code, the California Coastal Act, and applicable state housing and ADU law. The proposed ADU is sited on an existing, historically graded, legally established building pad in a manner that minimizes environmental and visual impacts, avoids slope disturbance and unnecessary grading, protects coastal resources, preserves public access, and balances resource conservation with the reasonable use of private property.

Based upon the foregoing, it appears that with the incorporation of these Variance findings, the ADU may be approved strictly under the provisions of the Malibu LCP, without the City's reliance on State ADU law and/or questions of interpretation surrounding the implementation of State law. Therefore, we respectfully request approval of the subject CDP application.

Sincerely,
Keystone Strategic Planning



Matt Jewett
Principal

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: **24507 VANTAGE POINT TERRACE** (Address) **MALIBU** (City) **90265** (Zip Code)

APN # 4458-033-006

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 1" service connection.
☒	The property has an existing 3/4"x1" 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 and tested annually.
☒	This Will Serve Letter is for an ADU, FEPC2021-3415.

By:	William Johnson	(310) 317-1389	4/6/2022
Signature	Print Name	Phone Number	Date
	Senior Civil Engineer		

**** THIS WILL SERVE LETTER WILL EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE.***

Rev. 06/09

ATTACHMENT 5

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department

FROM: City of Malibu Planning Department **DATE:** 9/23/2021

PROJECT NUMBER:	ACDP 21-045
JOB ADDRESS:	24507 VANTAGE POINT TER
APPLICANT / CONTACT:	Matt & Martin Jewett & Rasmussen, Keystone Stra
APPLICANT ADDRESS:	4859 West Slauson Avenue Los Angeles, CA 90056
APPLICANT PHONE #:	(503)866-1249
APPLICANT FAX #:	
PROJECT DESCRIPTION:	(N) ADU with Minor Modification for rear yard setback modification.

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.

R. Gonzalez — SIGNATURE

04/26/2022 — 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

FIRE DEPARTMENT NOTES:

6 X 4 X 2 1/2 FIRE HYDRANTS
All fire hydrants shall measure 6"" x 4"" x 2-1/2"", brass or bronze, conforming to American Water Works Association Standard C503, or approved equal.

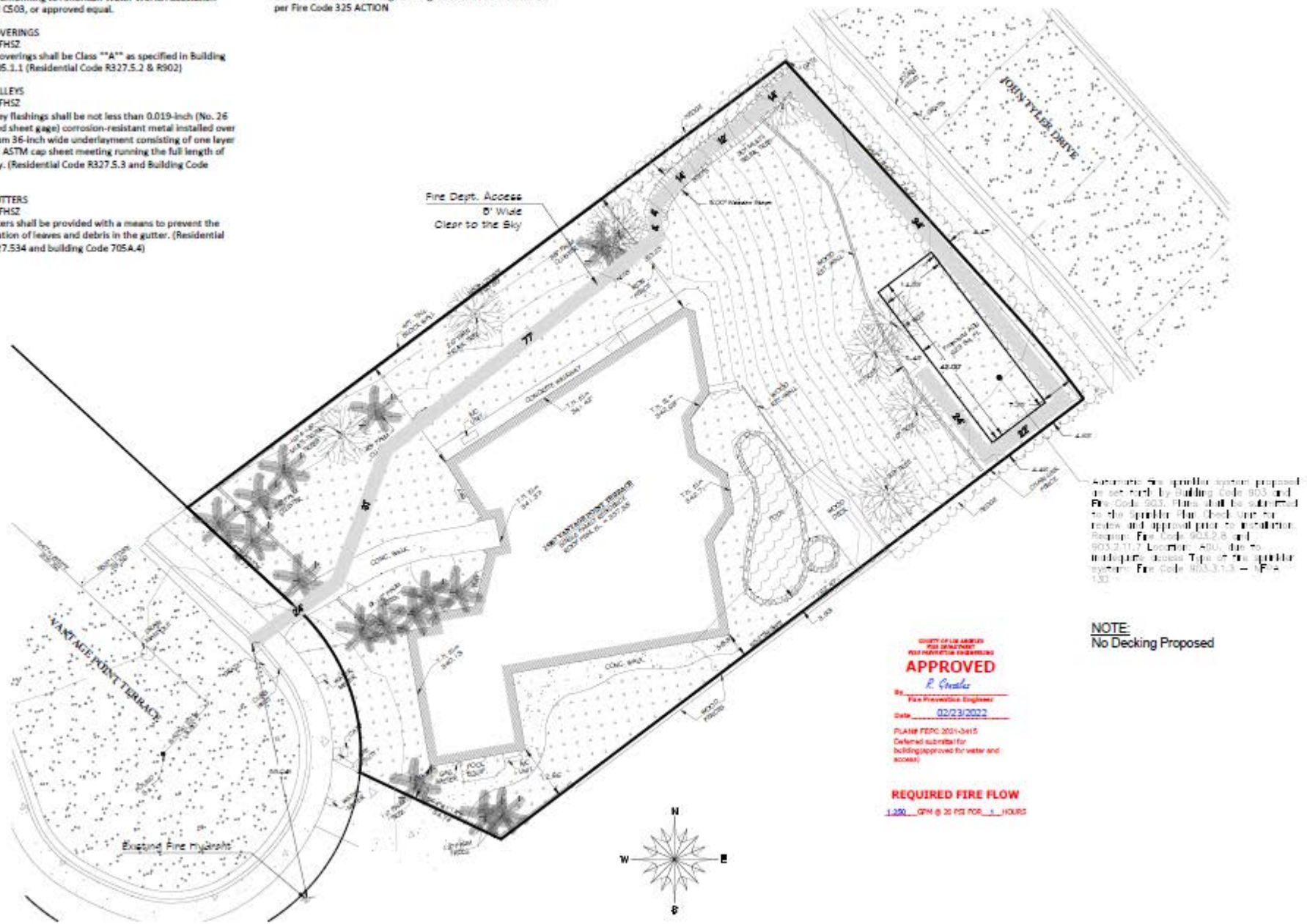
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FBU - VHFHSZ
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ROOF VALLEYS
FBU - VHFHSZ
Roof valley flashings shall be not less than 0.019-inch (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch wide underlayment consisting of one layer of No. 72 ASTM cap sheet meeting running the full length of the valley. (Residential Code R327.5.3 and Building Code 705A.3)

ROOF GUTTERS
FBU - VHFHSZ
Roof gutters shall be provided with a means to prevent the accumulation of leaves and debris in the gutter. (Residential Code R327.534 and building Code 705A.4)

FIRE DEPARTMENT NOTES (CONTINUED):

BRUSH CLEARANCE
FBU - VHFHSZ
Clearance of brush and vegetative growth shall be maintained per Fire Code 325 ACTION



Automatic fire sprinkler system proposed 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. Reference Fire Code 903.2.8 and 903.2.11.7 Location ABU, due to inadequate access Type of fire sprinkler system Fire Code 903.3.1.3 – NFPA 13D

NOTE:
No Decking Proposed

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION ENGINEERING
APPROVED
R. Gruska
By _____ Fire Prevention Engineer
Date 02/23/2022
PLAN# FDPC 2021-3415
Deferred submittal for building(approved for water and access)

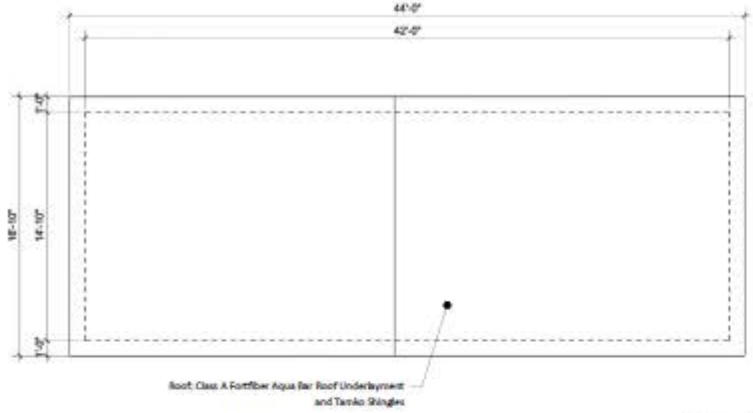
REQUIRED FIRE FLOW
1,250 GPM @ 20 PSI FOR 1 HOURS

24507 Vantage Point
Fire Access Plan
APN: 4468-033-006
Malibu, CA 90265
2022-01-21

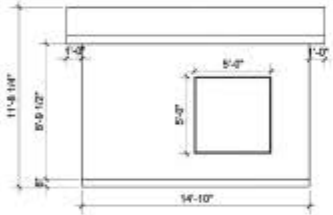
Date:	Description:	By:

SHEET NUMBER 1 of 2

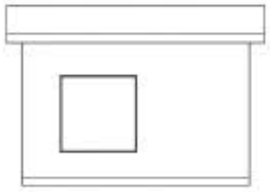
SCALE 1"=10'



4 MARS - ROOF PLAN
SCALE: 1/4



5 MARS - ELEVATION - RIGHT
SCALE: 1/4



6 MARS - ELEVATION - LEFT
SCALE: 1/4



General Cross Section Detail
Scale: Not to Scale

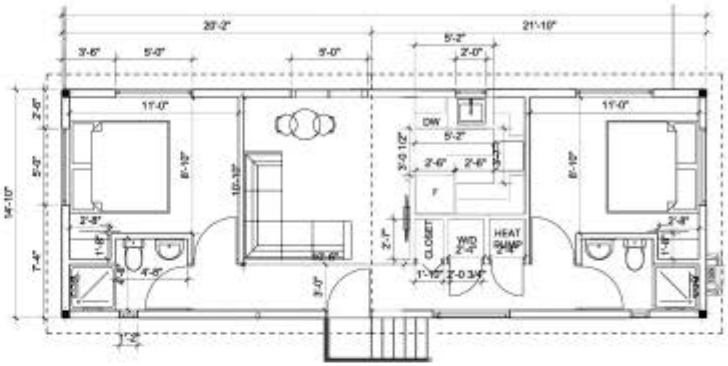
FIRE DEPARTMENT NOTES:

ROOF COVERINGS
FBU - VHFHSZ
All roof coverings shall be Class "A" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R902)

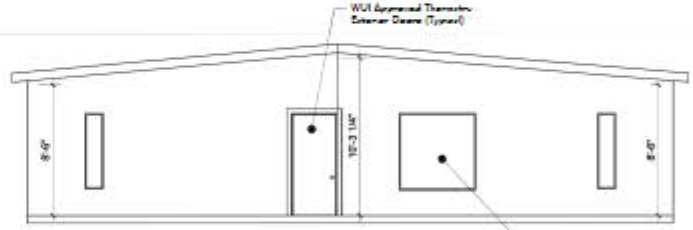
ROOF VALLEYS
FBU - VHFHSZ
Roof valley flashings shall be not less than 0.019-inch (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch wide underlayment consisting of one layer of No. 72 ASTM cap sheet meeting running the full length of the valley. (Residential Code R327.5.3 and Building Code 705A.3)

ROOF GUTTERS
FBU - VHFHSZ
Roof gutters shall be provided with a means to prevent the accumulation of leaves and debris in the gutter. (Residential Code R327.534 and building Code 705A.4)

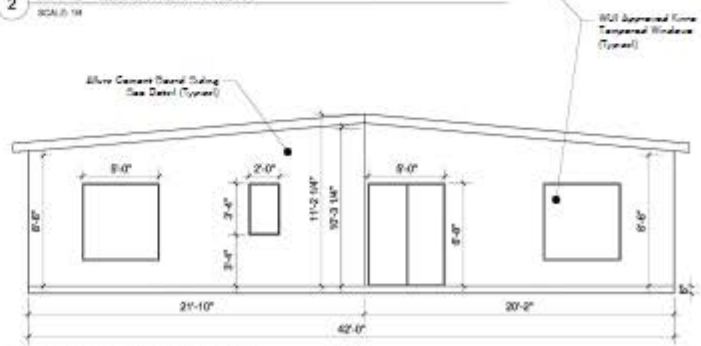
BRUSH CLEARANCE
FBU - VHFHSZ
Clearance of brush and vegetative growth shall be maintained per Fire Code 325 ACTION



1 MARS - FLOOR PLAN
SCALE: 1/4



2 MARS - ELEVATION - FRONT
SCALE: 1/4



3 MARS - ELEVATION - BACK
SCALE: 1/4

24507 Vantage Point
Floor and Elevations Plan

APN: 4468-033-006
Malibu, CA 90265

2022-01-21

Date:	Description:	By:

SCALE: AS SHOWN

SHEET NUMBER
2 of 2

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 **DATE:** 9/23/2021

PROJECT NUMBER:	ACDP 21-045
JOB ADDRESS:	24507 VANTAGE POINT TER
APPLICANT / CONTACT:	Matt Jewett, Keystone Strategic Planning
APPLICANT ADDRESS:	4859 West Slauson Avenue Los Angeles, CA 90056
APPLICANT PHONE #:	(425)753-6115
APPLICANT FAX #:	
APPLICANT EMAIL:	mjewett@keystoneplanners.com
PLANNER:	Didier Murillo
PROJECT DESCRIPTION:	(N) ADU with Minor Modification for rear yard setback modification.

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).**

Signature

10/6/21
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)	Matt Jewett, Keystone Strategic Planning mjewett@keystoneplanners.com	
Project Address:	**24507 VANTAGE POINT TER** Malibu, CA 90265	
Planning Case No.:	ACDP 21-045	
Project Description:	(N) ADU with Minor Modification for rear yard setback modification	
Date of Review:	October 6, 2021	
Reviewer:	Courtney McCammon	Signature: Courtney McCammon
Contact Information:	Phone: (310) 456-2489 ext 277	Email: biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	9/23/21
Site Survey:	9/23/21
Landscape Plan:	
Hydrozone Plan:	
Irrigation Plan:	
Fuel Modification Plan:	
Grading Plan:	
OWTS Plan:	
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	

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

RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:

   A. No new landscaping is proposed with this project. Therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height, or change 500/2,500 square feet or more (new residence/existing residence)of the existing landscaping area, a detailed landscape plan shall be submitted for review and approval prior to any planting.

   B. 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.

   C. 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.

   D. 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.

-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 Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	February 8, 2022	**Review Log #:**	**4811**
Site Address:	24507 Vantage Point Terrace		
Lot/Tract/PM #:	n/a	**Planning #:**	**ACDP 21-045**
Applicant/Contact:	Matt Jewett, mjewett@keystoneplanners.com	**BPC/GPC #**	
Contact Phone #:	425-753-6115 **Fax #:**	**Planner:**	**To be Determined**
Project Type:	New pre-manufactured accessory dwelling unit (ADU)		

Submittal Information

Consultant(s)/Report Date(s): *(Current submittal(s) in **Bold**.)*	GeoSoils Consultants, Inc. (Miller, GE 2257; Ruberti, CEG 1708): **12-15-2021 (revised 1-14-2022)**, 10-12-2020 Architectural plans prepared by Keystone Strategic Planning dated October 20, 2020. Structural plans prepared by Chapman Home Builders, Inc. dated April 30, 2020 (in geotechnical report).
Previous Reviews:	10-11-2021

Review Findings

Coastal Development Permit Review

☒ The proposed ADU is **APPROVED** from a geotechnical perspective, with the following comments to be addressed prior to building plan check stage approval.

☐ The proposed ADU 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 response geotechnical report was reviewed by the City from a geotechnical perspective. The project includes the construction of a new 623 square foot pre-manufactured ADU adjacent to John Tyler Road on the property. R & R grading is proposed.

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Review Comments:

None.

Building Plan-Check Stage Review Comments:

1. Please provide a plan check review fee of $1,016.00 for City geotechnical staff to review the plans upon Building Plan Check submittal.
2. Please submit a grading plan that implements the Project Geotechnical Consultant's recommendations for removal and re-compaction grading (upper 3 feet of previously compacted fill to be removed and recompacted to a minimum of 3 feet beyond the ADU footprint).
3. A drainage plan prepared by a licensed civil engineer is to be included as part of the plans.
4. Include the following note on all the foundation plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Engineer prior to placement of reinforcing steel.*"
5. 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, a dry density and optimum moisture maximum curve(s), a map depicting the limits of fill, locations and elevations of all density tests, locations and elevations of all removal bottoms, and the expansion index of the sandstone bedrock used for foundation embedment. 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.
6. HARD COPY PLANS: Three sets of grading and ADU 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. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**
7. ELECTRONIC PLANS: If final foundation and civil plans are digitally signed and stamped by the Project Geotechnical Consultant, as allowed under Board of Registration for Professional Engineers and Land Surveyors (2020 PE &PLS Board Rules (16 CCR §§400-476), the Plan Review Letter must contain the following:

    - Project description – Address, scope, including structures being permitted (e.g., pool, guest house etc.).
    - Plan set information – The date and preparer of the plan set reviewed; this must match the plan set that was submitted to the city for final approval.
    - Report references – All applicable geotechnical or coastal engineering reports need to be referenced.
    - Approval of specific plan sheets reviewed – List all plan sheets approved, e.g., civil (grading and drainage) as well as structural.
    - Licensed Professional signature and stamp – The letter must be signed and stamped by all licensed professionals who signed the reports.

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

Engineering Geology Review by: _____ 2-8-2022

Christopher Dean, C.E.G. #1751, Exp. 9-20-2022 Date
Engineering Geology Reviewer (408-656-3210)
Email: cdean@malibucity.org

Engineering Geology Review by: _____ 2-8-2022

Franklin Fong, GE #315, Exp. 12-31-23 Date
Geotechnical Engineering Reviewer (909-860-7515)
Email: ffong@ffongge.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 and ADU 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 Swimming pool plans.
3. Include the following note on the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel.*"
4. The Foundation Plans for the proposed swimming pool and spa shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
5. Show the onsite wastewater treatment system on the Site Plan.
6. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
7. A comprehensive Site Drainage Plan, incorporating the Project Geotechnical Consultant's recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

Grading Plans (as Applicable)

1. 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 Project 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 **DATE:** 9/23/2021

PROJECT NUMBER:	ACDP 21-045
JOB ADDRESS:	24507 VANTAGE POINT TER
APPLICANT / CONTACT:	Matt Jewett, Keystone Strategic Planning
APPLICANT ADDRESS:	4859 West Slauson Avenue Los Angeles, CA 90056
APPLICANT PHONE #:	(425)753-6115
APPLICANT FAX #:	
APPLICANT EMAIL:	mjewett@keystoneplanners.com
PROJECT DESCRIPTION:	(N) ADU with Minor Modification for rear yard setback modification.

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

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

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

SIGNATURE

10/25/21
DATE

City of Malibu
MEMORANDUM

To: Planning Department

From: Public Works Department
Danh Duong PE., Assistant Civil Engineer

Date: October 25, 2021

Re: Proposed Conditions of Approval for 24507 Vantage Point Terrace - ACDP 21-045

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.

STORMWATER

1. 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

Recycled Paper

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.

MISCELLANOUS

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

Received
11/24/25
Planning Div.

From: DOUGLAS DE LUCA
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Dec 1, 2025
Date: Friday, November 21, 2025 6:04:21 PM

Dear Planning Commissioners,
I am a homeowner in the Malibu Country Estates and live on the same street as the subject property. Homeowners in MCE should not be denied the opportunity to build an ADU as long as there is appropriate space on the lot, and the ADU does not impact the view of any neighbor. I do not have any objections, especially because there is no view impact with the ADU's roofline being lower than the building pad of the main house. Due to the property's location at the edge of our neighborhood, facing Pepperdine, none of the community's homeowners will even be able to see the proposed structure from their residences since it will be hidden behind vegetation at the bottom of a slope. Therefore, I fully support this ADU. Thank you for your consideration.

Regards,
Doug DeLuca
[redacted]
Malibu, ca 90265

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 11/24/25 Time 7:30 a.m.
Planning Commission meeting of 12/01/25
Agenda Item No. 5D
Total No. of Pages 1

ATTACHMENT 6

Received
12/1/25
Planning Div.

From: Eran Eliyahoo
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Dec 1, 2025
Date: Sunday, November 30, 2025 5:23:10 PM

Hello,

To whom it may concern, We own a property in the Malibu Country Estates that is directly next to the lot the subject ADU is planned for. The project does not pose any view impact since it is at the very bottom of the slope facing the large Pepperdine parking lot on John Tyler. There being no other concerns from our side, there is no reason for us to object and we recommend to approve the application.

Best regards,
Eran Eliyahoo

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/1/25 Time 7:30 a.m.
Planning Commission meeting of 12/1/25
Agenda Item No. 5D
Total No. of Pages 1

ATTACHMENT 6

Received
12/1/25
Planning Div.

From: emmanuel gonzalez
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Dec 1, 2025
Date: Saturday, November 29, 2025 4:15:35 PM

Dear Planning Commissioners:

Our home is immediately adjacent to the Meissners' property. We have seen the plans and feel comfortable with the project. Therefore, we may ask you to approve it.

Happy Holidays-

Emmanuel Gonzalez

Sent from my iPhone

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/1/25 Time 7:30 a.m.
Planning Commission meeting of 12/1/25
Agenda Item No. 5D
Total No. of Pages 1

Received
11/21/25
Planning Div.

From: Teresa LeGrove
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Dec 1, 2025
Date: Friday, November 21, 2025 3:01:07 PM
Attachments: AIorK4xXdTTrLyEUj2uxyaPqM07M6SN89yiQN1i-tUX1jBAUDwEln-LrYmb7Mx_eqJST5BOl_c03ffY.png
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Dear City of Malibu Planning Department,

I'm writing as both a Malibu Country Estates resident and a local Realtor who works closely with families, students, and professionals in our community. I want to express my full support for my neighbor's proposed ADU project, as well as the broader effort to encourage well-planned ADUs in Malibu.

ADUs provide meaningful benefits in a city where housing costs continue to rise. They offer flexible options for those who work or study in Malibu, but cannot afford traditional rental prices. They also give homeowners a way to support aging parents, young adults who are just launching, or long-term local employees who are essential to the fabric of our community. When a property has the space to responsibly accommodate an ADU, it becomes an opportunity to strengthen our neighborhood without changing its character.

From both a resident's and a Realtor's perspective, I've seen how thoughtfully designed ADUs increase stability, improve housing accessibility, and help maintain the economic diversity that keeps Malibu vibrant.

Thank you for your time and consideration. I fully support this project and hope you will too.

Warm regards,

Teresa LeGrove

Malibu Country Estates Resident

Realtor®, Coldwell Banker Malibu

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 11/21/25 Time 3:01 p.m.
Planning Commission meeting of 12/01/25
Agenda Item No. 5D
Total No. of Pages 1

From:	Planning Commission
To:	Magda Gonzalez
Cc:	Rebecca Evans; Gail Duncan
Subject:	FW: Support of ADU application 24507 Vantage Point Terrace, Malibu (ACDP-21-045)
Date:	Tuesday, January 13, 2026 5:20:38 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png image006.png

Received
01/07/26
Planning Div.

Hi Magda,

Please see this correspondence regarding CDP 21-045. It should be added with any other correspondence received since the agenda report was last published for this packet when this item next goes to the planning commission.

Regards,

Gail Duncan
Administrative Assistant
Community Development Department
Office: 310.456.2489, ext. 309
23825 Stuart Ranch Road | Malibu, CA 90265

From: Dana Harger [redacted]>
Sent: Wednesday, January 7, 2026 7:56 AM
To: Planning Commission <planningcommission@malibucity.org>
Subject: Support of ADU application 24507 Vantage Point Terrace, Malibu (ACDP-21-045)

Dear Commissioners,

I am writing to register my support of the above mentioned project at 24507 Vantage Point Terrace in Malibu. I am a neighbor living at [redacted] Vantage Point Terrace, only a few homes away, and I have no opposition to the project going forward.

As a senior citizen living in Malibu I have given much thought to how I might be able to remain in my home. I believe having a separate living space for a caregiver will afford me the best opportunity to stay in my home. As the planning commission surely knows, we have a lack of housing for caregivers in the community and as many in the city of Malibu are over 60 and would surely like to remain in their homes, one solution would be to allow ADU's.

Thank you for taking the time to consider my position regarding this project.

Best,
Dana Harger

BREDEFELD & ASSOCIATES, P.C.

CERTIFIED PUBLIC ACCOUNTANTS
125 MAPLE AVENUE, SUITE C
CHESTER, NEW JERSEY 07930
(732) 764-9292
FAX: (732) 764-8988

Received
01/12/26
Planning Div.

M. BREDEFELD, CPA

23805 STUART RANCH ROAD, SUITE 101
MALIBU, CALIFORNIA 90265
(310) 317-4608

January 12, 2026

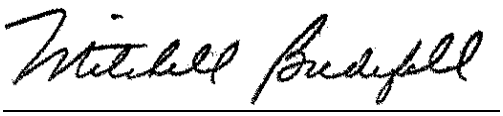
Dear Commissioners:

I am a homeowner in the Malibu Country Estates and live on the same street as the applicant. I know from personal experience about the importance of live-in caregivers when a family member needs them.

However, not all properties in our neighborhood lend themselves to a live-in situation. That's why those lots which have sufficient space in their backyard should be allowed to add a small ADU to their home. In the case of the Meissners' property, there is a building pad along John-Tyler Drive available for such purposes. Having an ADU at that location cannot possibly bother any neighbor because you can only see it when you walk through the campus. Based on the foregoing, I fully support the subject application.

Thank you for your consideration.

Sincerely yours,



Mitchell Bredefeld
MB/

Received
1/26/26
Planning Div.

From: **Buzzy Bookman** bookmanlawfirm@gmail.com
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045
Date: December 12, 2025 at 05:38
To: planningcommission@malibucity.org, Ellie Somerfield [redacted] Buzzy Bookman bookmanlawfirm@gmail.com, [redacted]

Ladies and Gentlemen,

I am the attorney for Eleanor Somerfield who resides on Vantage Point Terrace. I am also a co-trustee of the Somerfield Family Trust.

I am sending you this email on behalf of Mrs. Somerfield and myself personally, in support of the above application. I have inspected the plans for this project and it appears that the ADU causes no view obstructions and has been approved by the City geologist. In addition the unit planned for this project only occupies empty space in the backyard in a way that no neighbor could reasonably object to its presence. For these reasons I recommend that the Commission approve the application

Thank you,

Buzzy Bookman
(Mobile Tel:[redacted]

Lawrence E. Bookman, Esq.
LAWRENCE E. BOOKMAN
A PROFESSIONAL CORPORATION
16633 Ventura Boulevard,11th Floor
Encino, CA 91436-1865
Tel: (818) 907-3042; Fax: (818) 377-5433
e-mail: bookmanlawfirm@gmail.com

The information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the intended recipient. Any dissemination, distribution or copying is strictly prohibited. If you think that you have received this e-mail in error, please e-mail the sender at "bookmanlawfirm@gmail.com".

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 1/26/26 Time 7:30 a.m.
Planning Commission meeting of 2/2/26
Agenda Item No. 4A
Total No. of Pages 1

Received
1/26/26
Planning Div.

From: Scott Dudelson
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Feb 2, 2026
Date: Monday, January 26, 2026 1:06:36 PM

Dear Commissioners:

This email is in support of the Meissner family's application to build an ADU in their backyard. I am their neighbor on the Eastern cul-de-sac of Vantage Point Terrace and had a chance to see the plans. Being located at the bottom of a slope, the project does not have any view impact on my property — actually on nobody's property since the planned ADU is facing the university's Firestone Fieldhouse parking lot. Owners over 60 need a lawful approach to such development for caregivers/multi-generational living. Since the applicants have a suitable space for an ADU, I respectfully request that you grant them the permit.

Sincerely,

Scott Dudelson
[redacted] Vantage Point Terrace, Malibu CA 90265
Scott
https://www.linkedin.com/in/scottdudelson
https://www.swagbucks.com

The information contained in this e-mail message is privileged, confidential, and protected from disclosure. If you are not the intended recipient, any dissemination or copying is strictly prohibited. If you think that you have received this e-mail message in error, please e-mail the sender.

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Date Received 1/26/26 Time 1:07 p.m.
Planning Commission meeting of 2/2/26
Agenda Item No. 4A
Total No. of Pages 1

Received
1/26/26
Planning Div.

From: sarah fischbach
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Feb 2, 2026
Date: Saturday, January 24, 2026 2:11:52 PM

Dear Commissioners,

I am a homeowner in the Malibu Country Estates [[redacted] Skyline View Dr] and write in support of the subject project. When I first heard of the restriction that each lot in our subdivision can only have one building pad, I assumed this is mandated by our CC&Rs. However, our governing documents do not contain such a provision. It is my understanding that use restrictions for the properties in our neighborhood are only legitimate when mandated by the CC&Rs. So it is very questionable how the City could legislate the second building pad prohibition without the unanimous approval of all HOA members required for an amendment of this kind, especially since this rule only applies to our neighborhood and not to the rest of Malibu. Whether or not there can be a second building pad is a factual matter. Most lots in the Malibu Country Estates simply don't have a second lot. But those few along John-Tyler Drive who do cannot be reasonably deprived of using their existing second pad of their property. Therefore, I respectfully request the subject application to be approved. As a professor at Pepperdine University, I enjoy living by the community that I work in and supporting the Malibu community as well.

Thank you and if you have any questions please do not hesitate to reach out.
Thank you for your support and consideration.

Dr. Sarah Fischbach & Lt Col Aaron Fischbach
[redacted] Skyline View Dr, Malibu
[redacted]

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Recording Secretary, File

Date Received 1/26/26 Time 7:30 a.m.
Planning Commission meeting of 2/2/26
Agenda Item No. 4A
Total No. of Pages 1

Received
1/26/26
Planning Div.

From: **Tom Botz** [redacted]
Subject: Fwd: ADU Application 24507 Vantage Point Ter (ACDP 21-045)
Date: December 19, 2025 at 20:10
To: Meissner Helmut [redacted]

Begin forwarded message:

> **From:** Tom Botz [redacted]
> **Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045)**
> **Date:** December 19, 2025 at 20:01:45 PST
> **To:** "planningcommission@malibucity.org" <planningcommission@malibucity.org>
>
> Dear Sir or Madam:
>
> I have owned my house in Malibu Country Estates ([redacted] Malibu Country Drive) since 2003.
>
> I am writing in support of the application of my neighbor Helmut Meissner for a permit to build an ADU on the back portion of his lot at 24507 Vantage Point Terrace.
>
> I have reviewed the plans and renderings and believe that the proposed ADU is entirely in character with the neighborhood and will in fact add to its charms.
>
> Accordingly, I believe that Mr. Meissner's application should be granted and the permit issued.
>
> Respectfully,
>
> Tom Botz

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 1/26/26 Time 7:30 a.m.
Planning Commission meeting of 2/2/26
Agenda Item No. 4A
Total No. of Pages 1

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, April 20, 2026, at 6:30 p.m**. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA for the project identified below. Public comment can be submitted ahead of the public hearing to planningcommission@malibucity.org for inclusion in the public record. To participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

COASTAL DEVELOPMENT PERMIT NO. 21-045 AND VARIANCE NO. 26-003 - An application to grade and construct a new 594 square-foot, approximately 11 foot 2-inch tall, detached Accessory Dwelling Unit/Second Unit; including a variance for relief from Malibu Country Estates Overlay District standards associated with a proposed second building pad, reduced rear yard setback, wall heights, and allowances for impermeable coverage, structure height, and grading outside the existing building pad

LOCATION / APN / ZONING:	**24507 Vantage Point Ter** / 4458-033-006 / Single-family Medium (SFM)
APPLICANT / OWNER:	Keystone Strategic Planning / Meissner Family Trust
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15270
APPLICATION FILED:	September 23, 2021
CASE PLANNER:	Magda Gonzalez, Contract Planner, mgonzalez@malibucity.org (925) 789-7160

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.

YOLANDA BUNDY, Community Development Director Date: March 27, 2026

ATTACHMENT 7

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING

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LOCATION / APN / ZONING:	**24507 Vantage Point Ter** / 4458-033-006 / Single-family Medium (SFM)
APPLICANT / OWNER:	Keystone Strategic Planning / Meissner Family Trust
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15270
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YOLANDA BUNDY, Community Development Director Date: March 27, 2026

EXHIBIT D

Received
5/27/26
Planning Div.

From: Oona K[redacted]
Sent: Tuesday, May 26, 2026 10:04 PM
To: Tyler Eaton <teaton@malibucity.org>
Subject: Malibu Country Estates MEISSNER ADU

Hi Tyler:

I just finished watching the April 20 Planning Commission Meeting where Helmut Meissner's ADU in Malibu Country Estates was discussed in great detail.

I would like to extend my deepest gratitude to you and Kellan Martz (I don't know his email so please forward to him) for fighting AGAINST this ADU.

I am the Vice President of the HOA (Helmut is the President, as you know). As much as I adore Helmut, I am COMPLETELY OPPOSED to this ADU (he is aware of my opposition). Last November, the Board consulted an HOA attorney who basically said we'd open ourselves up to legal liability if we objected to the ADU, because of the recent California laws, etc. So we decided as a Board to not get involved.

I realize now this was a huge mistake and I will be there on Monday night at the Planning Commission Meeting to speak against the ADU.

I was incredibly impressed with the job you and Kellan did to protect MCE and am grateful that you are at the City.

Feel free to share any suggestions for me that you may have going forward, and I look forward to seeing you on Monday evening at City Hall.

Oona Khan, MD (irrelevant but kinda worked hard for the degree so there ya' go!)

Cell[redacted]

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 5/27/26 Time 7:30 a.m.
Planning Commission meeting of 6/1/26
Agenda Item No. 4A
Total No. of Pages 1

EXHIBIT E

Received
5/28/26
Planning Div.

From: Quentin Lilly
To: Planning Commission
Cc: Tyler Eaton
Subject: Malibu Country Estates: ADU Construction Application for Approval
Date: Thursday, May 28, 2026 4:42:10 PM

Dear Malibu City Planning Commission,

This correspondence relates to a proposed ADU within Malibu Country Estates ("MCE"). It is my present understanding that the Planning Commission will be meeting Monday evening (June 1) to either approve or deny the application for construction of an ADU (as submitted for review by MCE homeowner Helmut Meissner).

My wife and I have owned a home in MCE since 1998, I am a current board member of the MCE HOA, and I am submitting this correspondence to the Malibu Planning Commission solely and exclusively in my capacity as a MCE homeowner (not as a MCE Board member). I would also note that I have known the applicant (Helmut Meissner) for many years, and consider him a friend - we simply have differing views regarding the possible construction of ADUs in MCE.

In short, I oppose any potential approval and construction of ADUs in MCE. As you all know, MCE is a well-established and long-standing community in Malibu, and it has been governed by well-defined CCRs since its initial development. Homeowners' ongoing adherence to MCE's CCRs over its many years of existence is what has continued to make MCE a very well-maintained and highly desirable neighborhood within Malibu.

The MCE community was clearly designed at inception (in 1972) with modest/relatively small lots to support one-single family residence per lot. Additionally the MCE CCRs specifically state in part of paragraph #1 the following:

"Said premises shall be used solely for the purpose of one-single family private residence per lot, including appurtenant private garage, servants' quarters and other appurtenant outbuildings and improvements and no structure shall be moved from any other place onto said premises."

The spirit and intent of this very basic provision in the CCRs is very clear - there is to be one-single family private residence per lot - not one-single family private residence and a separate/additional ADU structure (which is also a one-single family private residence itself).

Garage space, and parking in our community was all originally designed with one single-family residence per lot in mind. And although it is my understanding that this ADU is being submitted for approval to facilitate "aging-in-place" for Helmut and his wife, approval of this individual ADU will undoubtedly lead to the addition of more ADUs over time in MCE - which in-turn will lead to a progressive change in and degradation of the unique and appealing residential character of MCE.

It is also my understanding that the Malibu Overlay District guidelines were designed and put in place to reflect the intention and objectives of MCE's CCRs. Given this, it seems incumbent on the Planning Commission to ensure that the Overlay District guidelines are fully enforced, and the spirit and intent of the MCE CCRs are concurrently maintained and enforced, and this means that construction of ADUs in MCE should not be allowed.

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Date Received 5/28/26 Time 4:42 P.M.
Planning Commission meeting of 6/1/26
Agenda Item No. 4A
Total No. of Pages 2

Thank you for your time and attention on this matter.

Sincerely,

Quentin Lilly

Received
5/28/26
Planning Div.

From: Andrew Tuck <atuck@keystoneplanners.com>
Sent: Thursday, May 14, 2026 4:40 PM
To: malibu planning <mplanning@malibucity.org>; Magda Gonzalez <mgonzalez@malibucity.org>; Tyler Eaton <teaton@malibucity.org>
Cc: Matt Jewett <mjewett@keystoneplanners.com>; Whitney Wetherill <admin@keystoneplanners.com>
Subject: CDP Application No. 21-045 for a new Second Unit (ADU) at 24507 Vantage Point Terrace - Submission to the Planning Commissioners

May 14, 2025

City of Malibu
Planning Commission
23825 Stuart Ranch Road
Malibu, CA 90265

Re: CDP Application No. 21-045 – 24507 Vantage Point Terrace
Summary of Attached One-Page Findings Tables and Prior Submittals

Dear Chair Peak and Members of the Planning Commission:

On behalf of the applicant, Helmut Meisner, we are submitting three one-page summary tables to assist the Commission in its review of CDP Application No. 21-045 for a new Second Unit (ADU) at 24507 Vantage Point Terrace. These documents are intended as a concise reference to the required findings and variance standards applicable to the project that were discussed at the conclusion of the April 20 hearing before the Commissioners voted to continue. These will show, at a glance, how the proposed second unit meets all standards for approval.

1. **Required Findings for Approval (One-Page Table).**
   This table lists each of the nine Local Implementation Plan (LIP) provisions cited in the Staff Report, and offers the corresponding required findings for approval, along with a brief explanation of how the project satisfies each finding. It is meant to provide a clear answer to the cited "nine points" and the evidence demonstrating compliance.

2. **Variance – Second Building Pad (One-Page Table).**
   This table summarizes the necessary LIP variance findings related to the use of the existing second building pad, including special circumstances, lack of special privilege, consistency with the LCP, and physical suitability of the site. It highlights

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Date Received 5/28/26 Time 4:55 P.M.
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the unusual combination of Los Angeles County easements and the two historically graded pads. It also explains why utilizing the existing lower pad is consistent with both State law and the Coastal Act.

3. **Variance – Rear Yard Setback (One-Page Table).**
   This table addresses the variance findings necessary to allow a reduced rear yard setback from 15 feet to no less than 4 feet. It explains how strict application of the rear yard standard would require grading that conflicts with other LIP provisions, and how the requested setback variance instead allows the second unit to remain on the existing lower building pad while minimizing environmental, visual, and geotechnical impacts.

For Commissioners who wish to review the underlying analysis in greater detail, we have previously submitted: (1) a comprehensive set of comments to the Staff Report and supporting historical and regulatory documentation, and (2) a full Variance Application. These prior submittals provide a thorough background for the project, including discussion of the Malibu Country Estates Overlay, the history and status of the two building pads, the applicable Coastal Act and LIP provisions, and the project's consistency with State law and housing laws.

The enclosed one-page summaries are intended to serve as a quick, user-friendly reference tool in accordance with the City Attorney's recommendation to make the necessary findings. We respectfully request that the Commission consider these materials, together with the previously submitted rebuttal and variance findings, in determining that the required findings can be made and that the project may be approved under the Malibu Local Coastal Program.

Thank you for your time and consideration.

Sincerely,

Andrew Tuck

Keystone Strategic Planning

KEYSTONE
Strategic Planning

4859 West Slauson Avenue #753 Los Angeles, CA 90056

C: [redacted] O: 310.361.9033 atuck@keystoneplanners.com www.keystonestrategicplanning.com

Required Findings for Approval

Staff Report	LIP Code Requirements	Findings for Approval	Conclusion
1. One building pad allowed	LIP 3.4.1(D)(6)(a)&(b) Site of Construction: There shall be no site of construction requirement, except for the following requirements: a. All development, excluding walls and fences, shall be limited to the existing building pad. b. There shall be no more than one building pad per lot.	**Variance is requested** to utilize the existing second building pad to site proposed ADU. Photographic evidence from 1976 shows the lot was originally graded with two building pads. Geotechnical report confirms historic site grading of second pad.	**With the approval of Variance, this finding can be made. ✔**
2. No structures allowed downslope of existing pad	(LIP 3.4.1(D)(6)(c) No structure, excluding walls and fences, shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad.	In compliance with LIP 3.4.1(D)(6)(c), the proposed ADU is sited on the existing second building pad, not on or cantilevered over the slope.	**Project complies as proposed. ✔**
3. Rear yard setbacks shall be 15 feet	LIP §3.4.1(D)(2)(c) Rear yard setbacks shall be at least 15 feet	**Variance is requested** from the MCE rear yard setback of 15 feet, in compliance with LCP Variance allowances and State ADU law, to provide a rear yard setback of no less than 4 feet.	**With the approval of Variance, this finding can be made. ✔**
4. All impermeable coverage surfaces shall be on the existing building pad	LIP §3.4.1(D)(7) Impermeable Coverage: There shall be no maximum impermeable coverage limitation. However, including any structures, impermeable surfaces shall only be permitted on the existing building pad…	**Variance is requested** to utilize the existing second building pad to site proposed ADU. All impermeable coverage is limited to an existing building pad.	**With the approval of Variance, this finding can be made. ✔**
5. Structure height is limited to additions/remodels of existing structure	LIP §3.4.1(D)(5)(d)(i-ii) The reference point for structure height measurements described in subsections a, b and c above shall be as follows: i. For an addition or remodel of an existing structure, the height shall be measured from the finished first floor except that the new structure height shall not exceed that of the existing structure at its highest point on the roof, excluding chimneys. ii. For the case where no structure exists or when an existing structure is removed to rebuild or replace, the height shall be measured from the control point set forth in the chart below.	§3.4.1(D)(5)(d)(ii) is guiding structure height for cases where no structure exists. On the lower/second building pad no structure exists, thus §3.4.1(D)(5)(d)(ii) applies. Structure is less than 12' tall and complies with all LCP max height requirements.	**Project complies as proposed. ✔**
6. No grading for purposes of extending the existing building pad	LIP §3.4.1(D)(8) Grading: a. Grading shall not be permitted except for the excavation for export of no more than 500 cubic yards for the construction of swimming pools and spas and as may be permitted pursuant to Section c below. b. No grading shall be permitted for the purpose of extending the existing building pad. c. The following grading may be permitted pursuant to Section 13.27 of the Malibu LIP (Site Plan Review). i. Grading not exceeding a maximum of 100 cubic yards total cut and fill. ii.Remedial grading as defined in Section 8.3 (G) of the Malibu LIP.	The proposed ADU is sited completely within the existing lower building pad; no grading is proposed for extending the existing building pad.	**Project complies as proposed. ✔**
7. No walls exceeding 6 ft in height within required rear yard	(LIP §3.4.1(D)(4)(a) Heights Within Required Setback Areas: a.No walls, fences, or hedges in excess of 6 feet in height shall be allowed within the required rear and side yard setback areas.	No walls as defined in LIP §2.1 are proposed.	**Project complies as proposed. ✔**
8. LIP Section 8.3 (G) defines remedial grading as "grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development."	LIP §8.3 (G) Remedial Grading. Notwithstanding the limitations of this subsection, the Director may permit remedial grading pursuant to Site Plan Review, Section 13.27 of the Malibu LIP. For the purposes of this Section, remedial grading is defined as grading recommended by a full site geotechnical report approved by the Director and City Geologist, except that no such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development. Remedial grading that would result in substantial landform alteration shall not be permitted where project alternatives, including but not limited to, deepened foundations, caissons, soldier piles could be utilized to provide equivalent geologic stability.	No remedial grading is proposed. The geotechnical report recommends "3 feet of compacted fill be removed and recompacted," which is exempt per LIP §8.3 (I) "Exceptions. Excavation for foundations and other understructure excavation and incremental excavation for basements and safety purposes shall be excluded from grading limitations."	**Project complies as proposed. ✔**
9. LIP Chapter 11 Archaeological/Cultural Resources: It is not clear if the proposed second building pad would have potential impacts given that it is proposed downhill from the existing building pad in an undeveloped area and has not been evaluated for potential impacts during construction.	LIP Chapter 11	Staff did not require an Archaeology Survey. Additionally, the Staff Report notes the "project site has been evaluated for potential impacts to archeological resources per the adopted City of Malibu Cultural Resources Map and it has been determined that due to the previous grading activities to create the existing building pad and MCE community, the project has very low probability of disturbing archaeological resources for construction proposed on the existing building pad." Proposed ADU sited on 20 feet of artificial fill per geotechnical report. Proposed removal and recompaction limited to 3 feet in depth. No archaeological or cultural resources located within artificial fill.	**Project complies as proposed. ✔**

Variance – Second Building Pad

LIP Requirements	Findings
A. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.	County drainage easements occupy 25% of total lot area -- more than double any other easement in the neighborhood -- significantly reducing the buildable area. The ADU could otherwise be sited on the upper building pad. The property contains two building pads (as defined by LIP 3.4.1(D)(6)(d)) suitable for development, separated by an existing manufactured slope, dating back to at least 1976.
B. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.	Environmental Health, Fire, Public Works, Biology, and Geotechnical departments determined the proposed development is safe and compliant with applicable health and safety standards.
C. The granting of the variance will not constitute a special privilege to the applicant or property owner.	Second Units are Permitted Uses in the SF Zone (LIP Table B). The subject property is uniquely constrained by two easements and a landform consisting of two building pads separated by a manufactured slope, significantly limiting feasible building locations. Variance would provide reasonable relief from unique constraints and does not confer a special privilege.
D. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.	The development clusters construction (LIP §4.4.2(A)), avoids slope disturbance, and minimizes grading (LIP §3.5(A)). It is located away from ESHA (LIP §4.4.1(A)), marine resources (LIP §3.10(A)), and sensitive visual resources (LIP §6.4(A)), and assures "orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of this City and of the State." Coastal Act PRC §30001.5(b)
E. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.	Does not apply. The subject property is located inland of PCH in a fully developed residential neighborhood. No ESHA located on the site or in the immediate vicinity.
F. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.	Does not apply. The subject property is not subject to stringline standards and does not limit public access to coastal resources.
G. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.	Second units (ADUs) are a permitted accessory use in the Single-Family Residential (SF) zone.
H. The subject site is physically suitable for the proposed variance.	The proposed ADU site is located on a flat, historically graded pad requiring no site grading to establish a new or extended pad. The site has been reviewed and approved by Public Works, the project geologist, and City geotechnical staff. The requested variance avoids landform alteration, slope disturbance, and minimizes environmental impacts.
I. The variance complies with all requirements of state and local law.	The proposed ADU complies with the Malibu LCP and MMC, including provisions related to the required findings for these Variances. The project is consistent with the goals and requirements of State ADU law, including the setback standards authorized by Government Code section 66321(b)(3). The project is consistent with Government Code Section 65580 as it pertains to balancing housing needs (including low-income housing objectives) and is consistent with State Housing law and the California Coastal Act. Further, it accords with recent direction from the California Coastal Commission which, in an April 13, 2026 memo stated, "LCPs may contain side or front yard setback requirements or other design standards that conflict with State ADU Law and that are not necessary to protect coastal resources (e.g., they are not needed to protect public access, wetlands, or public view corridors). In such cases, the Commission believes that jurisdictions should use flexibility within LCPs (e.g., variances, administrative modifications of standards, ranges) to modify the standards in order to comply with State ADU Law without lessening the effect of the Coastal Act." - Dr. Kate Huckelbridge, Executive Director, California Coastal Commission from Draft Guidance on Processing LCP Amendments for Accessory Dwelling Units in the Coastal Zone.
J. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands. (Ord. 303 § 3, 2007)	No public parking spaces are proposed to be removed or altered by the project. Granting the requested variances would not reduce or eliminate public parking for access to beaches, public trails, or parkland. Project, as proposed, maintains existing off-street parking.

Variance – Rear Yard Setback

LIP Requirements	Findings
A. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.	County drainage easements occupy 25% of total lot area -- more than double any other easement in the neighborhood -- significantly reducing the buildable area. Strict application of LIP 3.4.1(D)(2)(c) would require siting the ADU on/into the slope, require non-exempt grading/landform alteration, and the extension of the existing building pad, in conflict with LIP 3.4.1(D)(8)(b). LIP 3.6 (F)(5) "Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources."
B. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.	Environmental Health, Fire, Public Works, Biology, and Geotechnical departments determined the proposed development is safe and compliant with applicable health and safety standards.
C. The granting of the variance will not constitute a special privilege to the applicant or property owner.	Second Units are Permitted Uses in the SF Zone (LIP Table B). The subject property is uniquely constrained by two easements and a landform consisting of two building pads separated by a manufactured slope, significantly limiting feasible building locations. Variance would provide reasonable relief from unique constraints and does not confer a special privilege.
D. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.	The development clusters construction (LIP §4.4.2(A)), avoids slope disturbance, and minimizes grading (LIP §3.5(A)). It is located away from ESHA (LIP §4.4.1(A)), marine resources (LIP §3.10(A)), and sensitive visual resources (LIP §6.4(A)), and assures "orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of this City and of the State." Coastal Act PRC §30001.5(b)
E. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.	The subject property is located inland of PCH in a fully developed residential neighborhood. No ESHA located on the site or in the immediate vicinity.
F. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.	The subject property is not subject to stringline standards and does not limit public access to coastal resources.
G. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.	Second units (ADUs) are a permitted accessory use in the Single-Family Residential (SF) zone.
H. The subject site is physically suitable for the proposed variance.	The proposed ADU site is located on a flat, historically graded pad requiring no site grading to establish a new or extended pad. The site has been reviewed and approved by Public Works, the project geologist, and City geotechnical staff. The requested variance avoids landform alteration, slope disturbance, and minimizes environmental impacts.
I. The variance complies with all requirements of state and local law.	The proposed ADU complies with the Malibu LCP and MMC, including provisions related to the required findings for these Variances. The project is consistent with the goals and requirements of State ADU law, including the setback standards authorized by Government Code section 66321(b)(3). The project is consistent with Government Code Section 65580 as it pertains to balancing housing needs (including low-income housing objectives) and is consistent with State Housing law and the California Coastal Act. Further, it accords with recent direction from the California Coastal Commission which, in an April 13, 2026 memo stated, "LCPs may contain side or front yard setback requirements or other design standards that conflict with State ADU Law and that are not necessary to protect coastal resources (e.g., they are not needed to protect public access, wetlands, or public view corridors). In such cases, the Commission believes that jurisdictions should use flexibility within LCPs (e.g., variances, administrative modifications of standards, ranges) to modify the standards in order to comply with State ADU Law without lessening the effect of the Coastal Act." - Dr. Kate Huckelbridge, Executive Director, California Coastal Commission from Draft Guidance on Processing LCP Amendments for Accessory Dwelling Units in the Coastal Zone.
J. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands. (Ord. 303 § 3, 2007)	No public parking spaces are proposed to be removed or altered by the project. Granting the requested variances would not reduce or eliminate public parking for access to beaches, public trails, or parkland.

City of Malibu
Planning Commission Hearing
June 1, 2026

24507 Vantage Point Terrace, Malibu, CA 90265

CDP 21-045

VAR No. 26-003

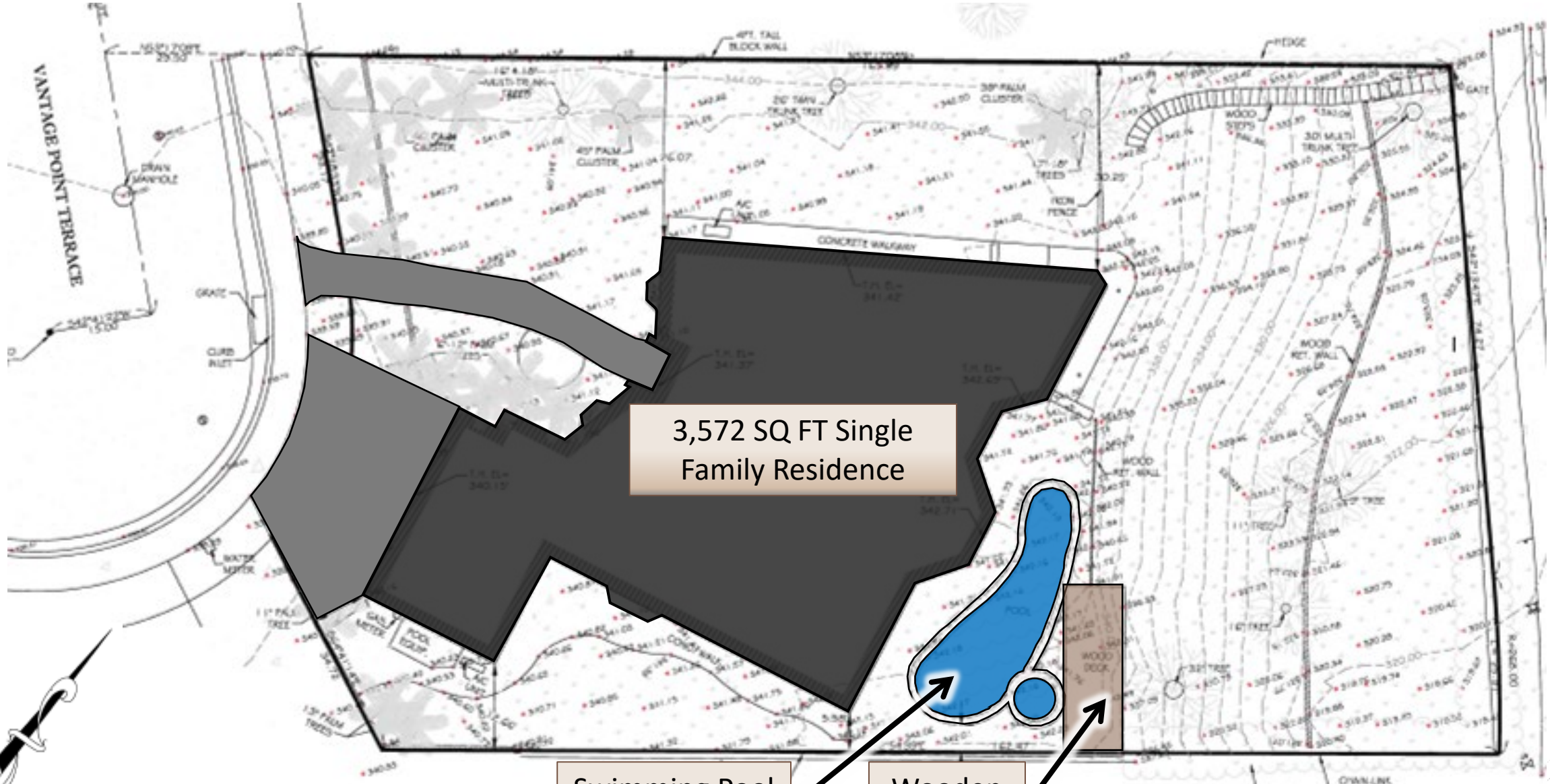
APN 4458-033-006

Prepared by Keystone Strategic Planning

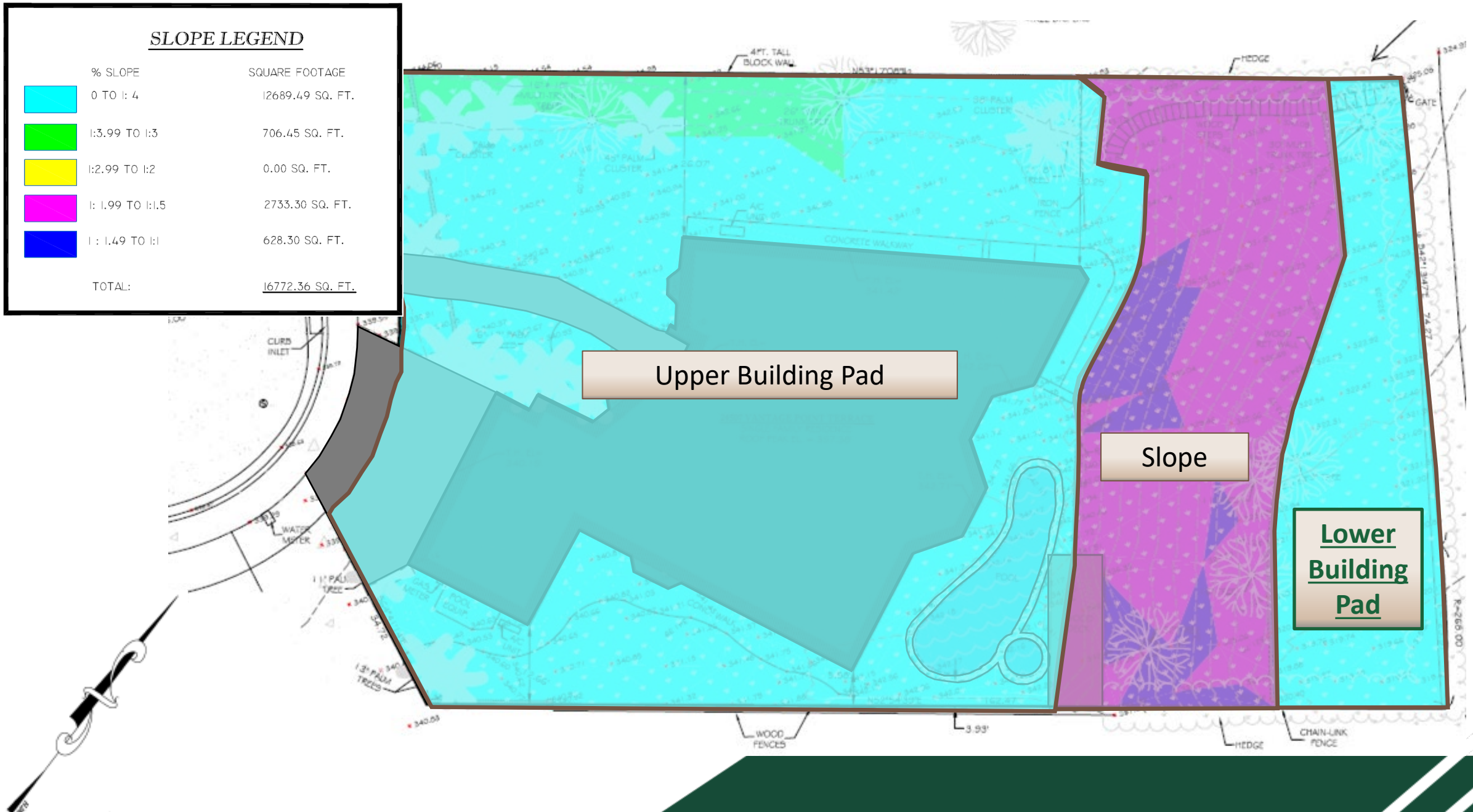
Vicinity Map



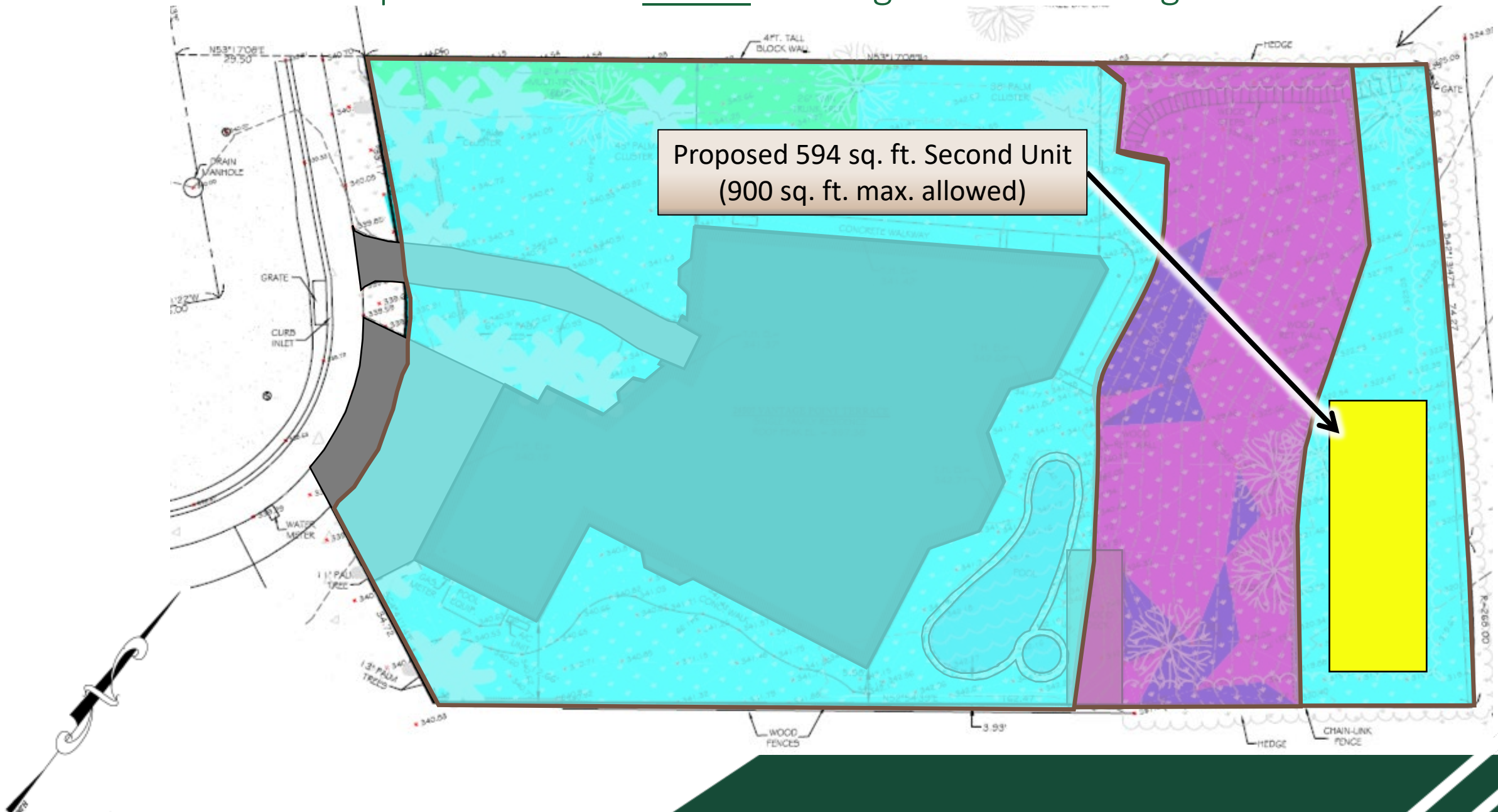
Existing Site Conditions



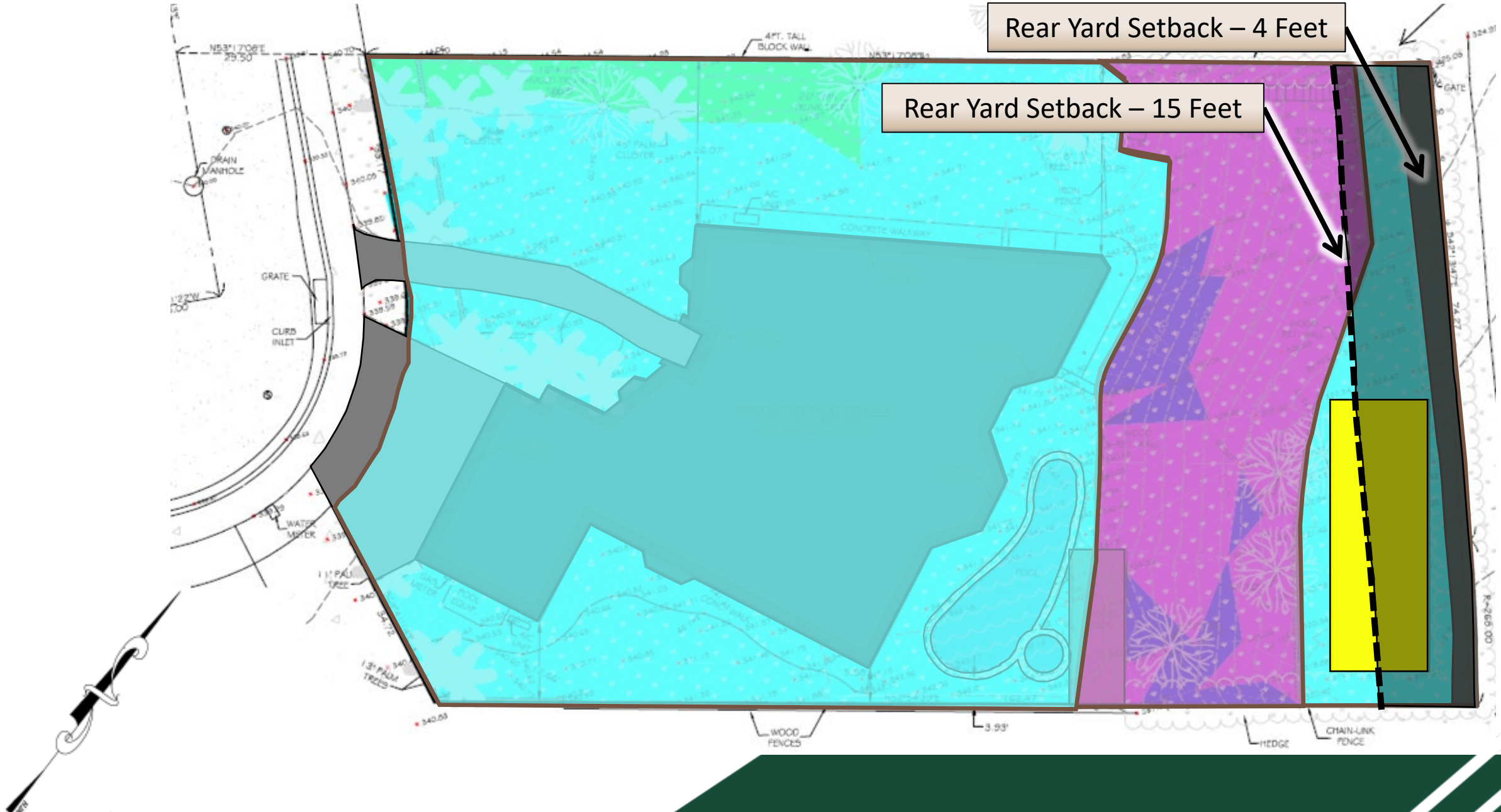
Unique Circumstances: Lot Consists of Upper Building Pad, Slope, and Lower Building Pad



Variance Request 1 - MCE Overlay District Regulations Assume One Building Pad Per Lot: Requested VAR to Utilize Existing Second Building Pad



Variance Request 2 - LCP Rear Yard Setback Standard is 15 Ft. (LIP 3.4.1(D(2)(c))
Requested VAR to Reduce Setback to 4 Ft. to Avoid Slope/Grading/Impacts in accordance with LCP



Two Resolutions Provided to Commission: **Exhibit A** Resolution Grounds Potential Denial Findings in repeated assertion that alternate locations "appear" feasible without supporting evidence

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

Granting the variance would constitute a special privilege to the property owner because no special circumstances or exceptional characteristics exist on the subject parcel, different from other parcels in the MCE Overlay, that would require the proposed structure to be located on a second building pad downslope of the existing building pad and in conflict with objective standards in the MCE Overlay. While a 26 ft. wide sewer and storm drain easement extends across the northwest side yard, alternate locations for development of some form of an ADU/Second Unit appear feasible and would maintain

4. *The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.*

The granting of the variance request would not meet the general purpose and intent because alternate locations appear feasible within th

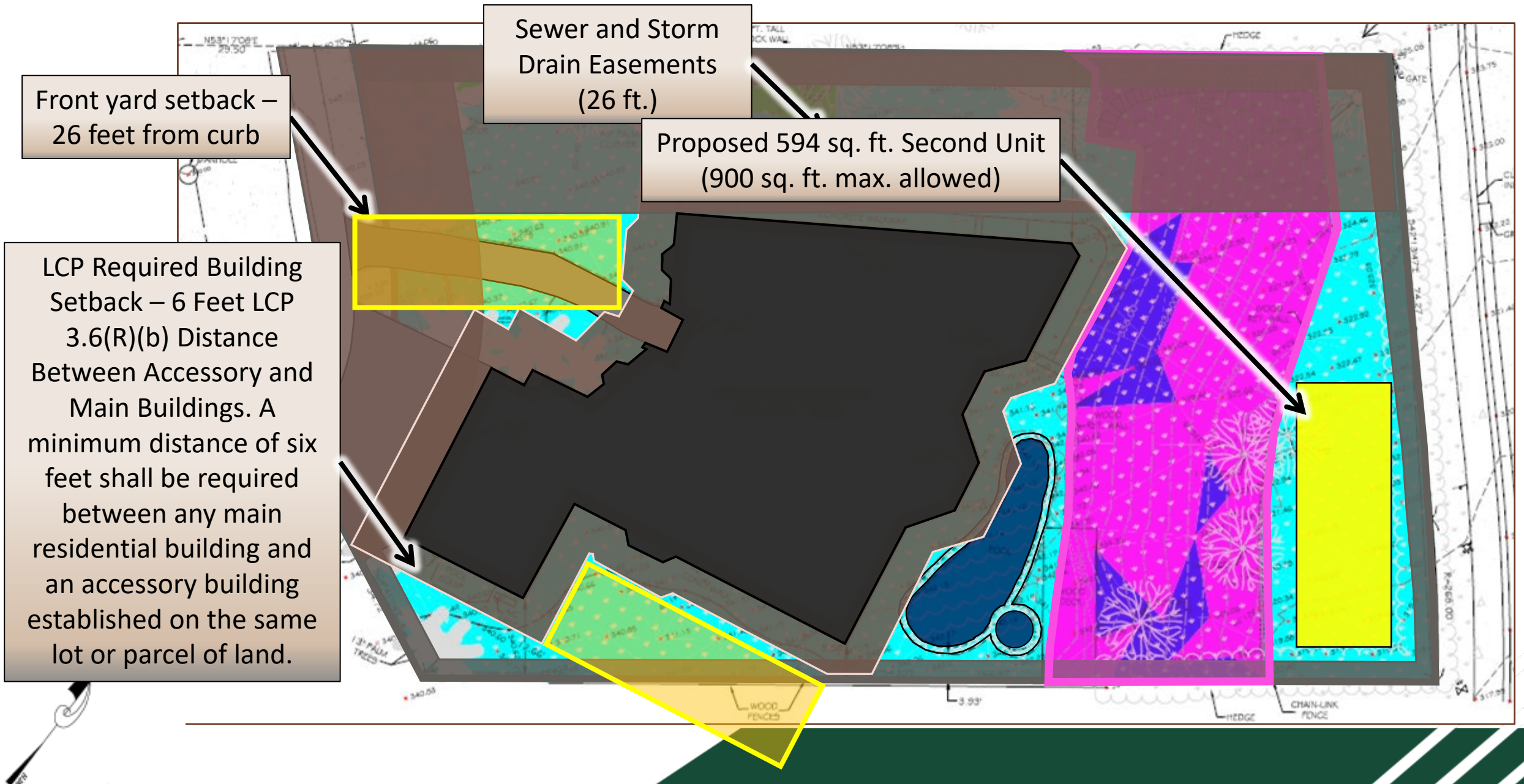
8. *The subject site is physically suitable for the proposed variance.*

Alternate locations for development of an ADU/Second Unit appear feasible on the existing building pad and would maintain consistency with the MCE Overlay standards. The proposed second building pad would necessitate a variance for relief from objective development standards in the MCE Overlay

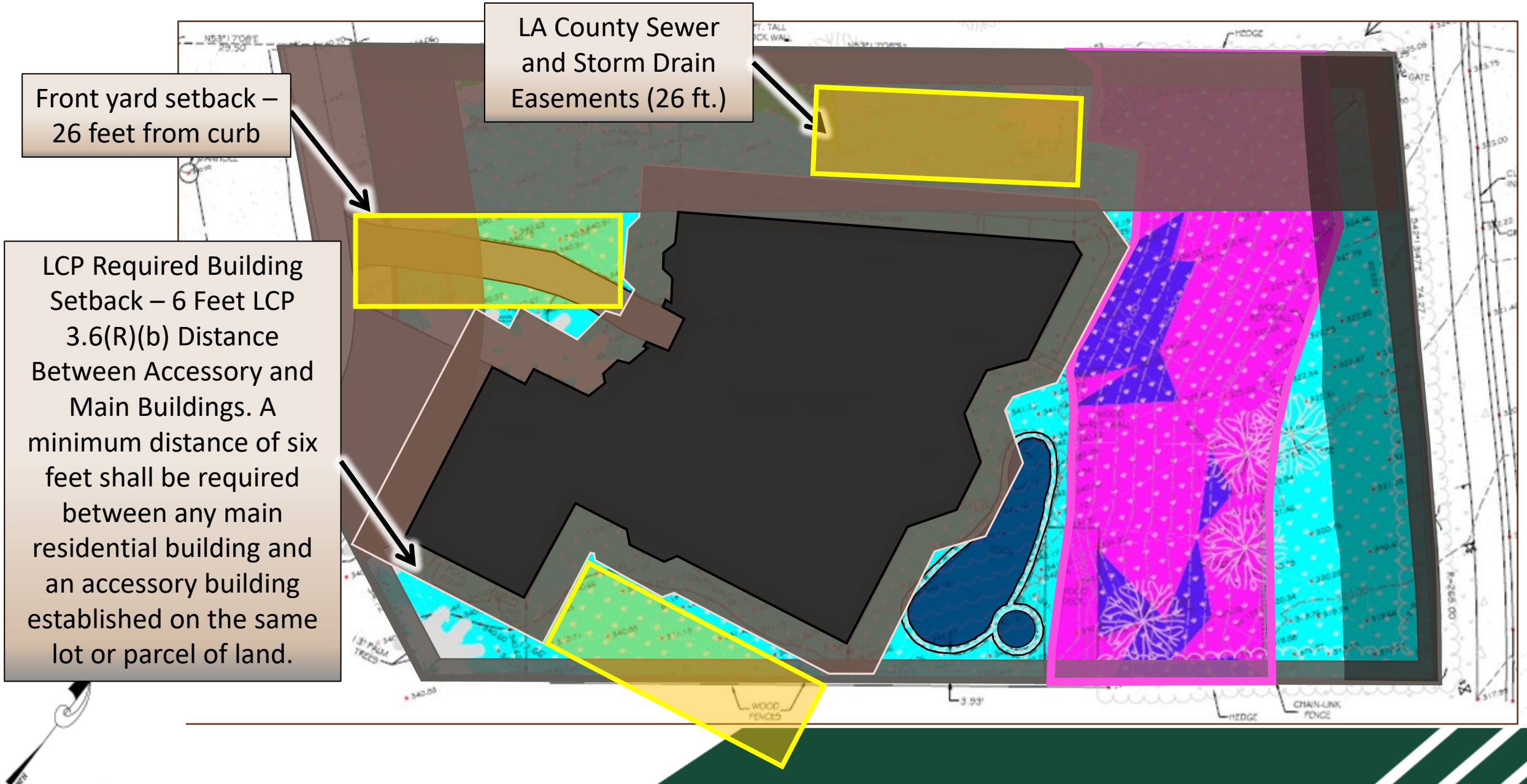
7. *The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.*

Variance requests are designed to provide relief to sites with special circumstances or exceptional characteristics that severely hinder development thus negating the opportunity to enjoy the same privileges as surrounding neighbors. As described in Findings B.1 and B.3, alternate locations appear feasible within the existing building pad that would allow for some form of an ADU/Second Unit to be developed on the subject parcel consistent with the objective standards of the MCE Overlay.

Exhibit B Resolution Analysis Confirms that Alternate Locations are NOT Feasible



Unusually Large LACO Easement Prevents Siting Second Unit along North side of Property



Lower Building Pad Only Feasible Location for Proposed Second Unit, as Identified in Exhibit B Approval Resolution

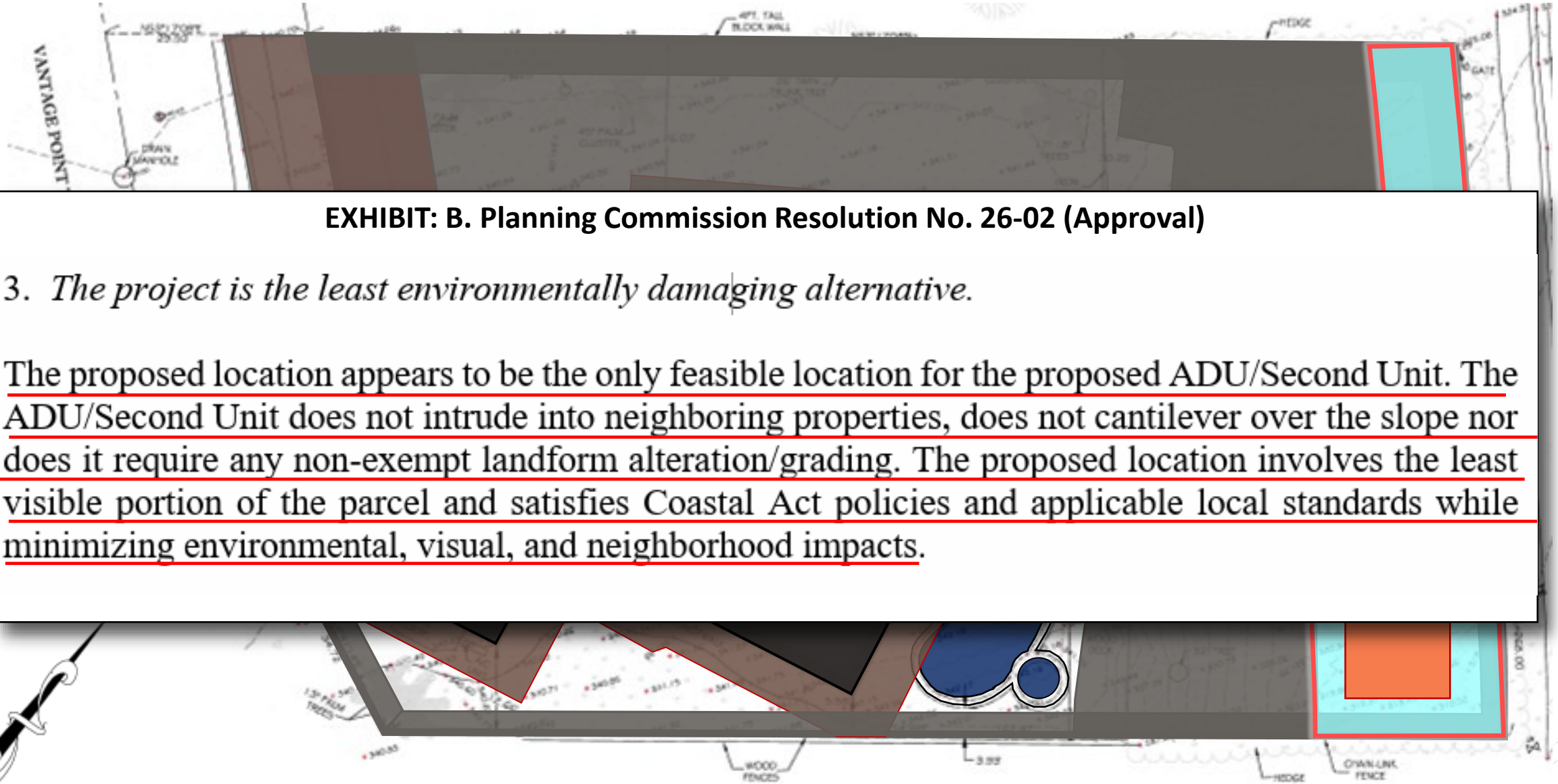


EXHIBIT: B. Planning Commission Resolution No. 26-02 (Approval)

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

The proposed location appears to be the only feasible location for the proposed ADU/Second Unit. The ADU/Second Unit does not intrude into neighboring properties, does not cantilever over the slope nor does it require any non-exempt landform alteration/grading. The proposed location involves the least visible portion of the parcel and satisfies Coastal Act policies and applicable local standards while minimizing environmental, visual, and neighborhood impacts.

Seven of Ten Variance Findings Required (No ESHA, Stringline, or Public Parking)

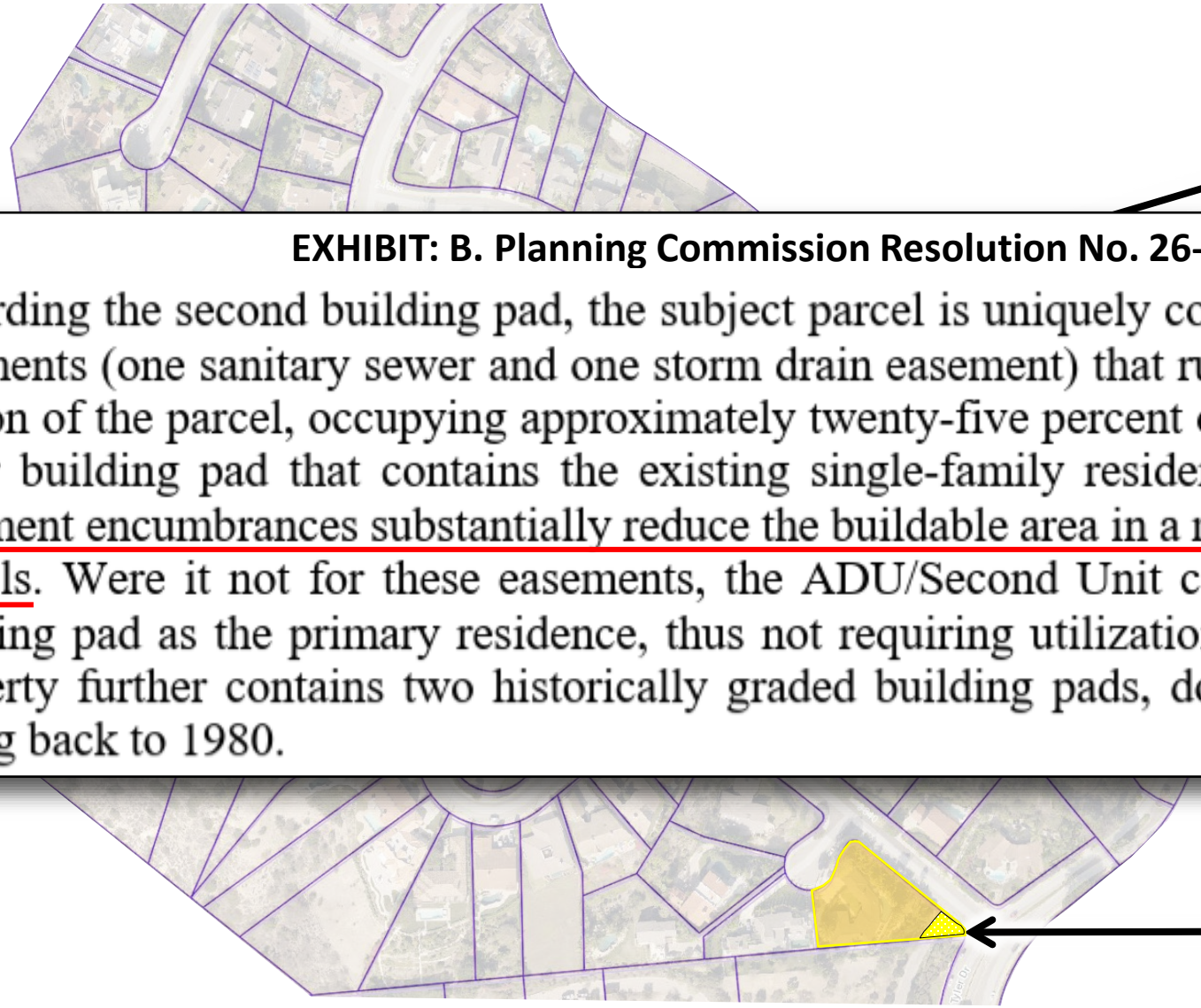
LIP Requirements	Findings	Conclusion
A. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.	• Easements occupy 25% of total lot area; > 2X any other easement in the neighborhood. • The property contains two building pads suitable for development, separated by an existing manufactured slope, dating back to 1976. • Strict application would require siting the ADU on/into the slope, require non-exempt grading/landform alteration, and the extension of the existing building pad, in conflict with LIP 3.4.1(D)(8)(b). • LIP 3.6 (F)(5) "Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources."	There are special circumstances
B. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.	• Environmental Health, Fire, Public Works, Biology, and Geotechnical departments determined that the proposed development is safe and compliant with applicable health and safety standards.	Proposed second unit deemed safe.
C. The granting of the variance will not constitute a special privilege to the applicant or property owner.	• Second Units are Permitted Uses in the SF Zone (LIP Table B). • Uniquely constrained by easements and a landform consisting of two building pads.	Variance will not constitute a special privilege.
D. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.	• Proposed development clusters construction, avoids slope disturbance, and minimizes grading. • Located away from ESHA, marine resources, and sensitive visual resources.	No conflict with LCP.
E. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.	• N/A • The subject property is located inland of PCH in a fully developed residential neighborhood. No ESHA located on the site or in the immediate vicinity.	N/A. No ESHA located on the site or in the immediate vicinity.
F. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.	• N/A • The subject property is not subject to stringline standards and does not limit public access to coastal resources.	N/A. No stringline variance.
G. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.	• Second Units are Permitted Uses in the SF Zone (LIP Table B).	ADU is consistent with intent of SF zone.
H. The subject site is physically suitable for the proposed variance.	• The proposed second unit is located on a flat, historically graded pad. • No site grading to establish a new pad or extend an existing pad. • Reviewed and approved by Public Works, the project geologist, and City geotechnical staff.	City Departments agree: the lower building pad is physically suitable.
I. The variance complies with all requirements of state and local law.	• Complies with the Malibu LCP and MMC, including provisions related to the required findings for these Variances. • Consistent with the goals and requirements of State ADU law, including the setback standards per Government Code section 66321(b)(3). • Consistent with Government Code Section 65580 as it pertains to balancing housing needs (including low-income housing objectives) and is consistent with State Housing law and the California Coastal Act.	Project complies with all state and local laws.
J. The variance does not allow reduction or elimination of required public parking for beach, trail, or park access.	• No public parking spaces are reduced or eliminated for access to beaches, public trails, or parkland.	No reduced beach or trail access or parking

Variance Finding A: Special Circumstances/Exceptional Characteristics
Two Existing/Established Building Pads when Code Only Contemplates One



Other properties have graded slopes but not two separate, flat, well graded areas that meet the LCP definition of “pad”, which makes this property unique

Variance Finding **A**: Special Circumstances/Exceptional Characteristics
Largest Easement by SQ FT and % in the MCEs



3601 Forest Gate Circle
1,566 sq ft Easement
5% of Property

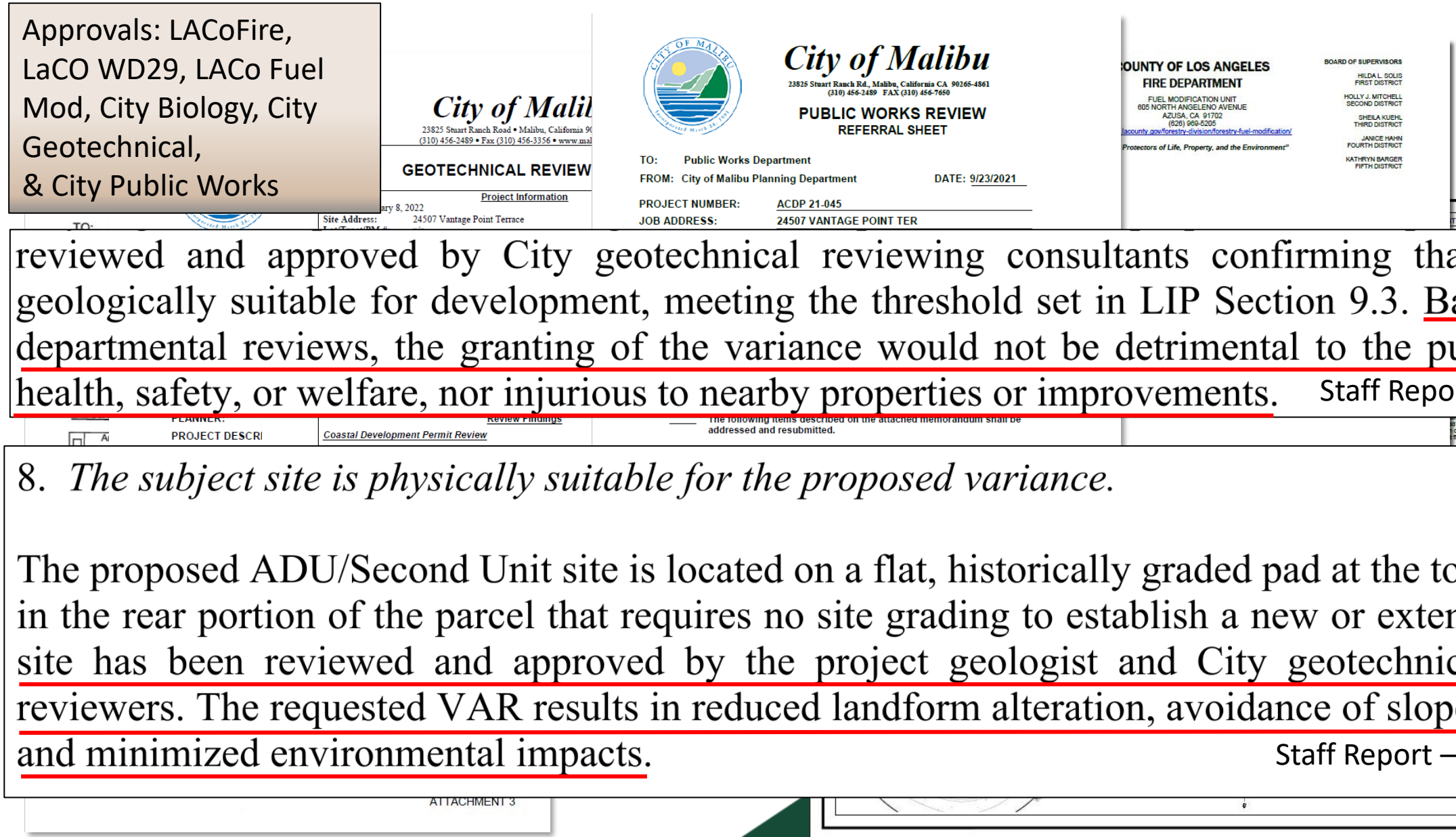
EXHIBIT: B. Planning Commission Resolution No. 26-02 (Approval)

Regarding the second building pad, the subject parcel is uniquely constrained by two recorded utility easements (one sanitary sewer and one storm drain easement) that run the length of the northernmost portion of the parcel, occupying approximately twenty-five percent of the total lot area, including the upper building pad that contains the existing single-family residence. These unusually significant easement encumbrances substantially reduce the buildable area in a manner not shared by surrounding parcels. Were it not for these easements, the ADU/Second Unit could likely be sited on the same building pad as the primary residence, thus not requiring utilization of the lower building pad. The property further contains two historically graded building pads, documented in aerial photography dating back to 1980.

24606 Plover Way
1,886 sq ft Easement
7% of Property

Variance Findings **B&H**: Not detrimental to public safety/health as confirmed by City and County Staff (Finding B) and is Physically Suitable (Finding H)

Approvals: LACoFire, LaCO WD29, LACo Fuel Mod, City Biology, City Geotechnical,
& City Public Works



reviewed and approved by City geotechnical reviewing consultants confirming that the site is geologically suitable for development, meeting the threshold set in LIP Section 9.3. Based on these departmental reviews, the granting of the variance would not be detrimental to the public interest, health, safety, or welfare, nor injurious to nearby properties or improvements. Staff Report – Resolution B

8. *The subject site is physically suitable for the proposed variance.*

The proposed ADU/Second Unit site is located on a flat, historically graded pad at the toe of the slope in the rear portion of the parcel that requires no site grading to establish a new or extended pad. The site has been reviewed and approved by the project geologist and City geotechnical consultant reviewers. The requested VAR results in reduced landform alteration, avoidance of slope disturbance, and minimized environmental impacts. Staff Report – Resolution B

Variance Findings **C** and **G**: No Special Privilege (Finding C), & Consistent with Purpose & Intent of Zone (Finding G)

TABLE B - PERMITTED USES

KEY TO TABLE (In addition to a coastal development permit, the following permits are required.)	
P	Permitted use

Per LCP Table B , Proposed Second Unit is a permitted

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

Second Units are Permitted Uses in the SF Zone per LIP Chapter 3 and Table B. The parcel is subject to unusual physical and legal constraints not shared by surrounding properties, including large utility easements occupying the northern quarter of the lot. A VAR would provide reasonable relief from these unique constraints and does not confer a special privilege not enjoyed by other properties in the vicinity and under the same zoning classification. The proposed ADU/Second Unit, due to its placement on the existing lower building pad and its low profile, will not obstruct scenic views or visual resources and will remain largely invisible from neighboring properties.

Staff Report – Resolution B

uses (including recreation

The subject parcel is zoned Single-Family Medium residential (SFM). Pursuant to LCP Table B, second units (ADUs) are a permitted accessory use in the SFM zone. The existing single-family residence establishes the primary use and therefore, the ADU/Second Unit may be permitted as an accessory use.

Variance Finding D: Not Contrary to General Intent of LCP to Minimize Impacts



- Clusters development with existing house and surrounding development
- Existing lower pad requires no grading to establish or extend a building pad.
- No landform alteration
- No ESHA impacts
- No visual impacts
- No marine resource impacts

The proposed development clusters construction on previously disturbed land, avoids slope disturbance, minimizes grading, reduces visual impacts and has no impact to sensitive environmental coastal resources. The project is located away from ESHA, marine resources, and sensitive visual resources. Based upon the foregoing, the proposed siting protects and maintains public access to coastal resources while balancing private property rights, consistent with the goals, objectives, and policies of the LCP with the inclusion of the VAR. Staff Report – Resolution B

Variance Findings I: Complies with the goals, purposes, and intent of State and Local Law

California Coastal Act

30001.5. The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:
(b) Ensure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

State HCD Law

economic segments of the community.

9. *The variance complies with all requirements of state and local law.*

Staff Report – Resolution B

The proposed ADU/Second Unit complies with the LCP and MMC including provisions related to the required findings for the VAR. Additionally, the proposed ADU meets state ADU law and provides additional housing units in concurrence with the Malibu certified Housing Element.

City of Malibu 2021-2029 Housing Element 7.4 Constraints

Zoning for Lower-Income Housing

As shown in Table 7.4-3, the LCP and MMC provide for a variety of housing types including single-family homes, multi-family (both rental and condominiums), manufactured housing and second units. Low-income housing can be accommodated in all residential districts. Accessory dwelling units, which are a tool in facilitating affordable housing, are permitted by-right in all residential districts in accordance with State law.

Based on Resolution B Analysis-All Variance Findings can be Readily Made

LIP Requirements	Findings	Conclusion
A. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.	• Easements occupy 25% of total lot area; > 2X any other easement in the neighborhood. • The property contains two building pads suitable for development, separated by an existing manufactured slope, dating back to 1976. • Strict application would require siting the ADU on/into the slope, require non-exempt grading/landform alteration, and the extension of the existing building pad, in conflict with LIP 3.4.1(D)(8)(b). • LIP 3.6 (F)(5) "Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources."	There are special circumstances
B. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.	• Environmental Health, Fire, Public Works, Biology, and Geotechnical departments determined that the proposed development is safe and compliant with applicable health and safety standards.	Proposed second unit deemed safe.
otherwise expressly authorized by the zone regulation governing the parcel of property.		
H. The subject site is physically suitable for the proposed variance.	• The proposed second unit is located on a flat, historically graded pad. • No site grading to establish a new pad or extend an existing pad. • Reviewed and approved by Public Works, the project geologist, and City geotechnical staff.	City Departments agree: the lower building pad is physically suitable.
I. The variance complies with all requirements of state and local law.	• Complies with the Malibu LCP and MMC, including provisions related to the required findings for these Variances. • Consistent with the goals and requirements of State ADU law, including the setback standards per Government Code section 66321(b)(3). • Consistent with Government Code Section 65580 as it pertains to balancing housing needs (including low-income housing objectives) and is consistent with State Housing law and the California Coastal Act.	Project complies with all state and local laws.
J. The variance does not allow reduction or elimination of required public parking for beach, trail, or park access.	• No public parking spaces are reduced or eliminated for access to beaches, public trails, or parkland.	No reduced beach or trail access or parking.

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

Staff Report – Resolution B

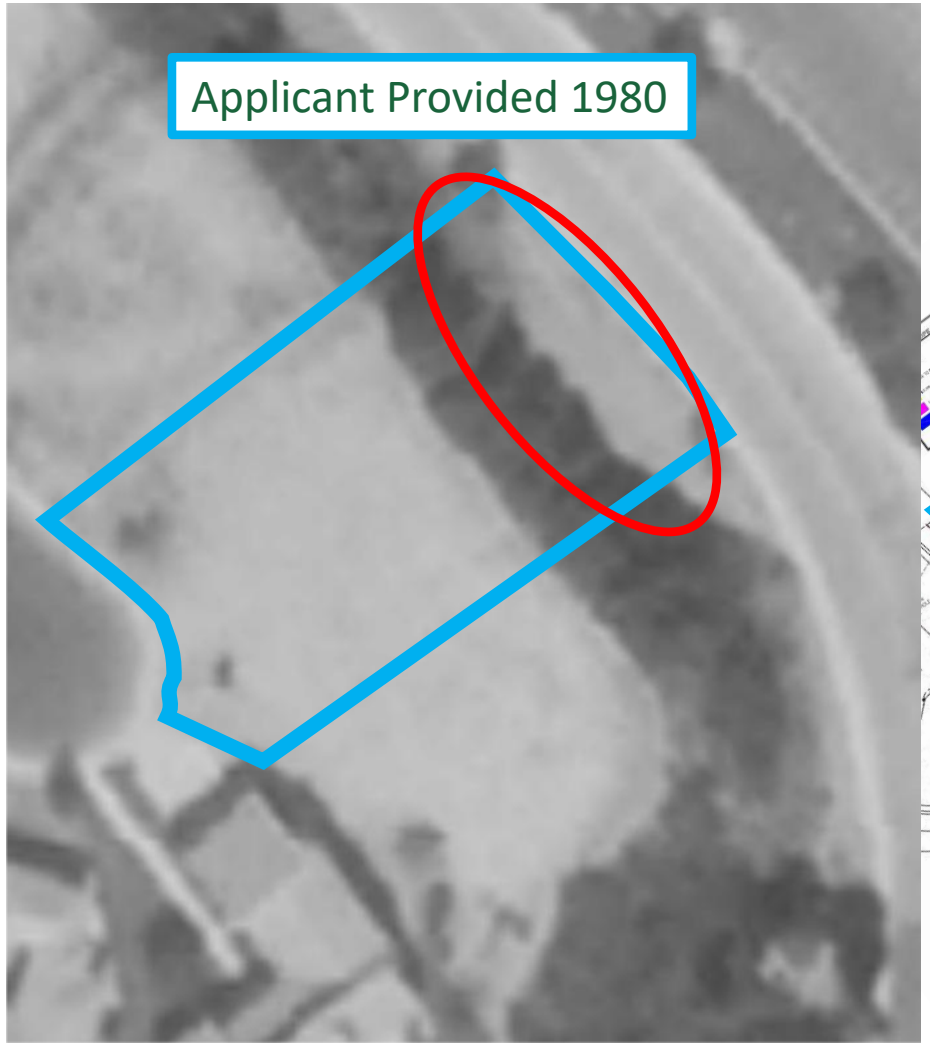
The proposed location appears to be the only feasible location for the proposed ADU/Second Unit. The ADU/Second Unit does not intrude into neighboring properties, does not cantilever over the slope nor does it require any non-exempt landform alteration/grading. The proposed location involves the least visible portion of the parcel and satisfies Coastal Act policies and applicable local standards while minimizing environmental, visual, and neighborhood impacts.

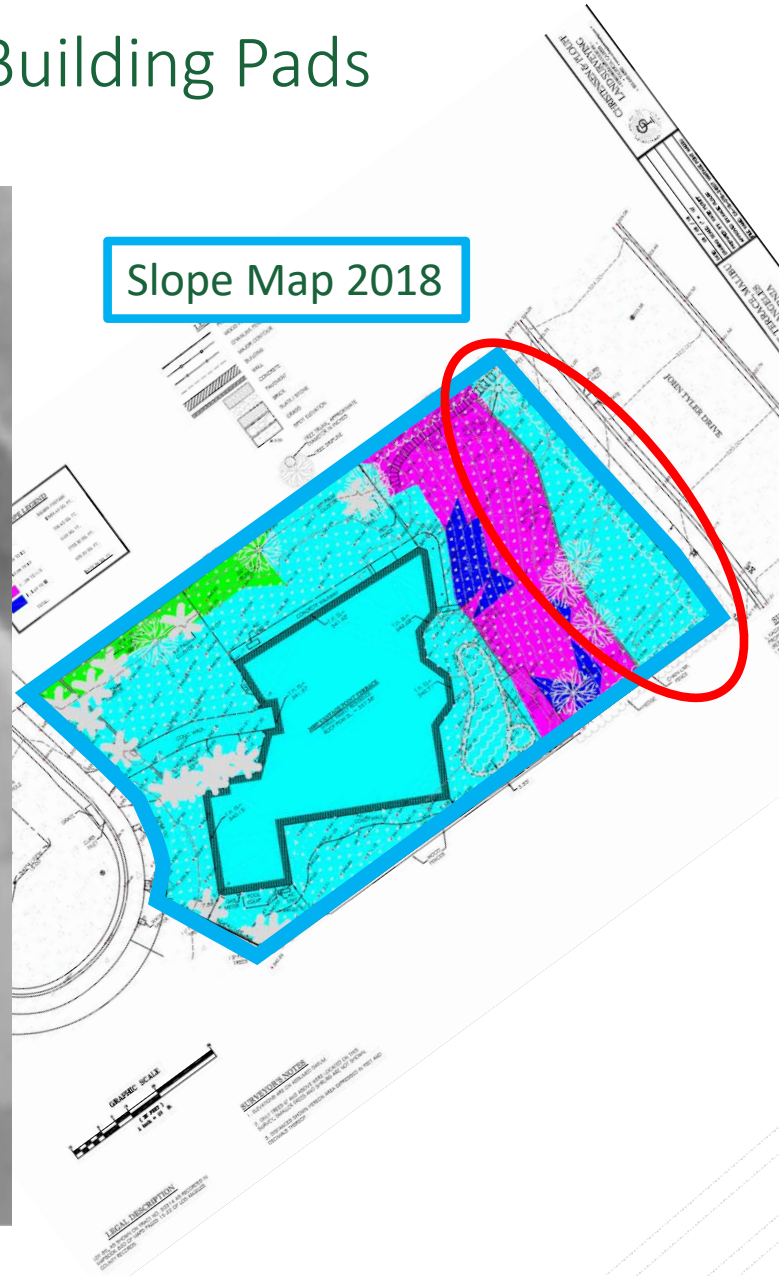
The “Nine Points” Previously Raised are Addressed with Exhibit B Resolution

Staff Report
1. One building pad allowed
2. No structures allowed downslope of existing pad
3. Rear yard setbacks shall be 15 feet
4. All impermeable coverage surfaces shall be on the existing building pad
5. Structure height is limited to additions/remodels of existing structure
6. No grading for purposes of extending the existing building pad
7. No walls exceeding 6 ft in height within required rear yard
8. LIP Section 8.3 (G) defines remedial grading as “grading necessary to mitigate an environmental hazard as recommended by a geotechnical report approved by the City Geotechnical staff. No such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development.”;
9. LIP Chapter 11 Archaeological/Cultural Resources: It is not clear if the proposed second building pad would have potential impacts given that it is proposed downhill from the existing building pad in an undeveloped area and has not been evaluated for potential impacts during construction.

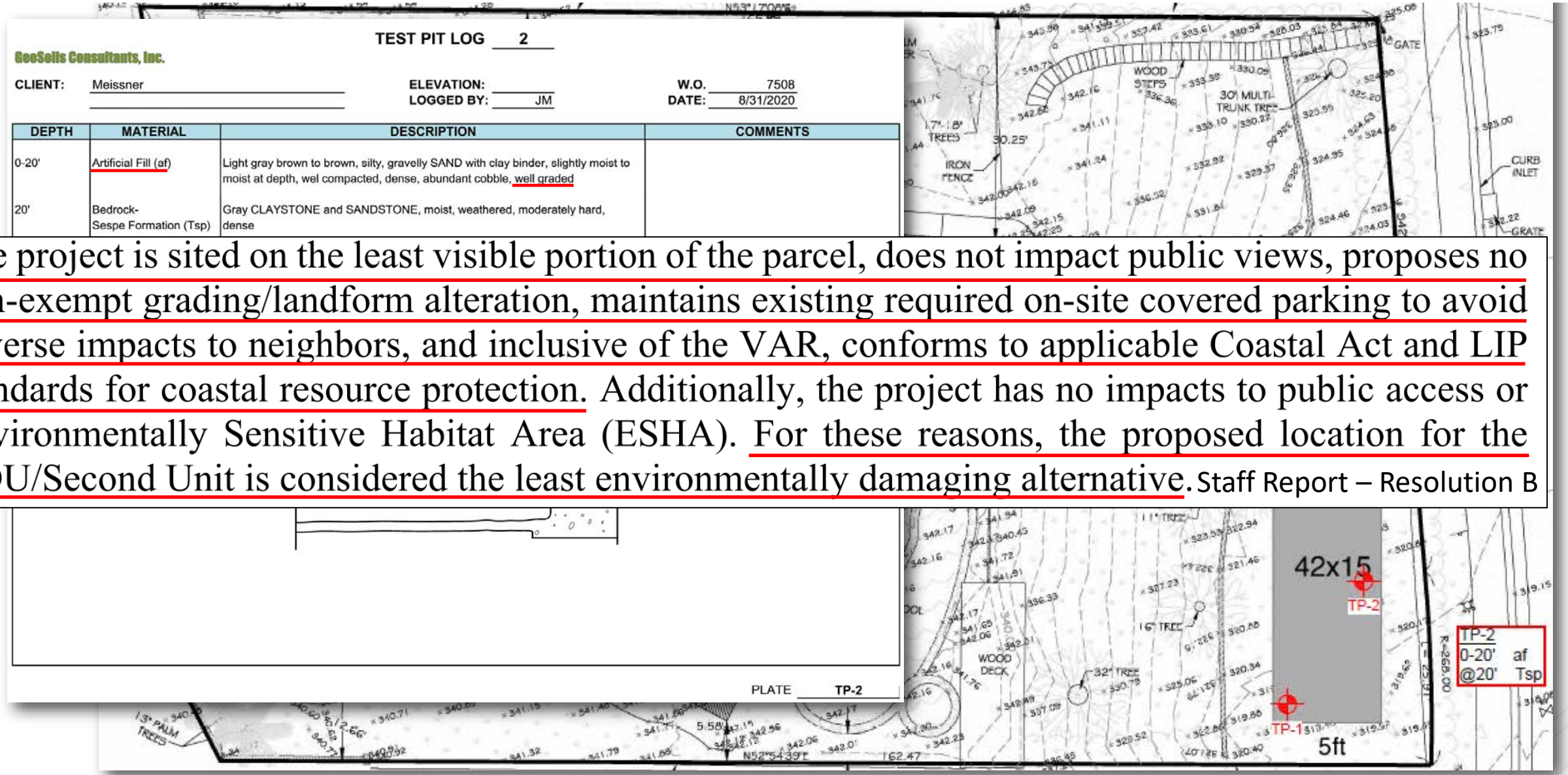
1. One Building Pad
Historical Evidence: Two Existing/Established Building Pads







1. One Building Pad: Utilizing Existing Lower Pad is Least Damaging Alternative



TEST PIT LOG 2

GeoSoils Consultants, Inc.

CLIENT: Meissner ELEVATION: W.O. 7508
LOGGED BY: JM DATE: 8/31/2020

DEPTH	MATERIAL	DESCRIPTION	COMMENTS
0-20'	Artificial Fill (af)	Light gray brown to brown, silty, gravelly SAND with clay binder, slightly moist to moist at depth, wel compacted, dense, abundant cobble, well graded	
20'	Bedrock- Sespe Formation (Tsp)	Gray CLAYSTONE and SANDSTONE, moist, weathered, moderately hard, dense	

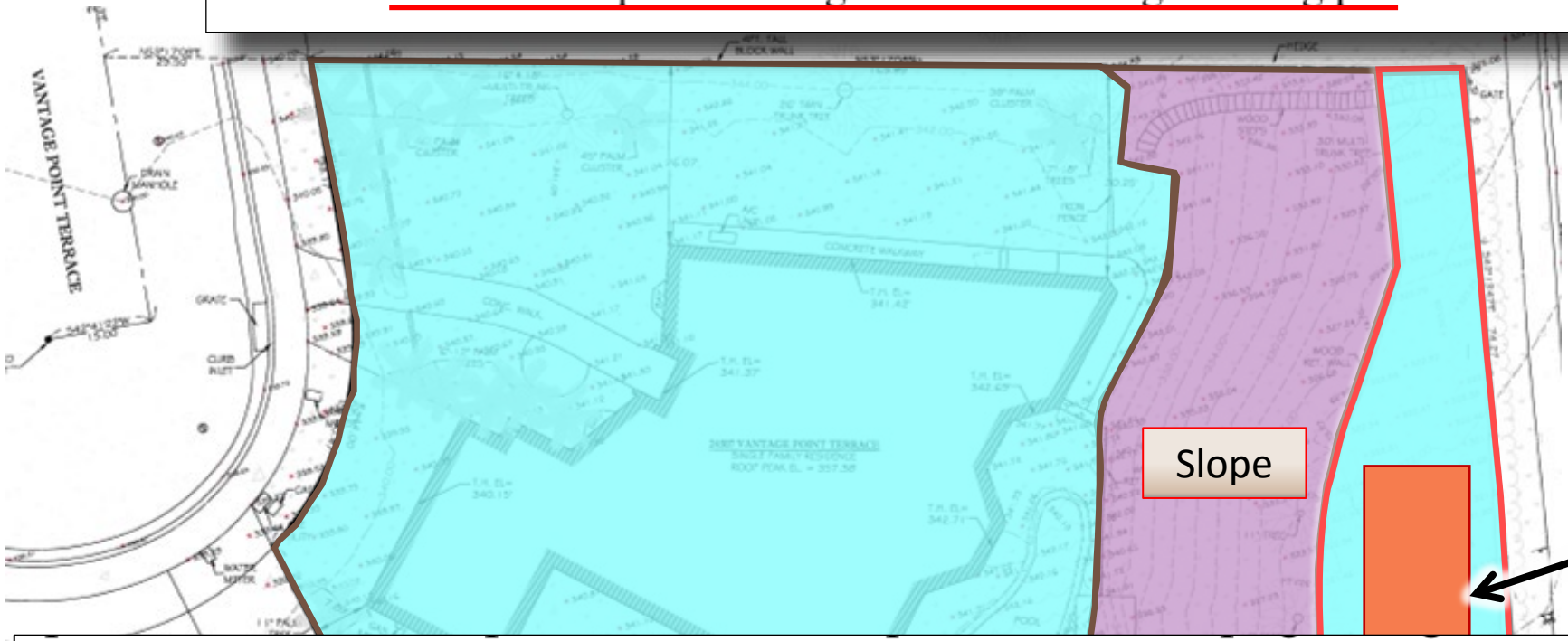
PLATE TP-2

The project is sited on the least visible portion of the parcel, does not impact public views, proposes no non-exempt grading/landform alteration, maintains existing required on-site covered parking to avoid adverse impacts to neighbors, and inclusive of the VAR, conforms to applicable Coastal Act and LIP standards for coastal resource protection. Additionally, the project has no impacts to public access or Environmentally Sensitive Habitat Area (ESHA). For these reasons, the proposed location for the ADU/Second Unit is considered the least environmentally damaging alternative. Staff Report – Resolution B

2. Siting – No Extension of Existing Pad

City of Malibu LCP Local Implementation Plan
LIP § 3.4.1(D)(6)

c. No structure, excluding walls and fences, shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad.

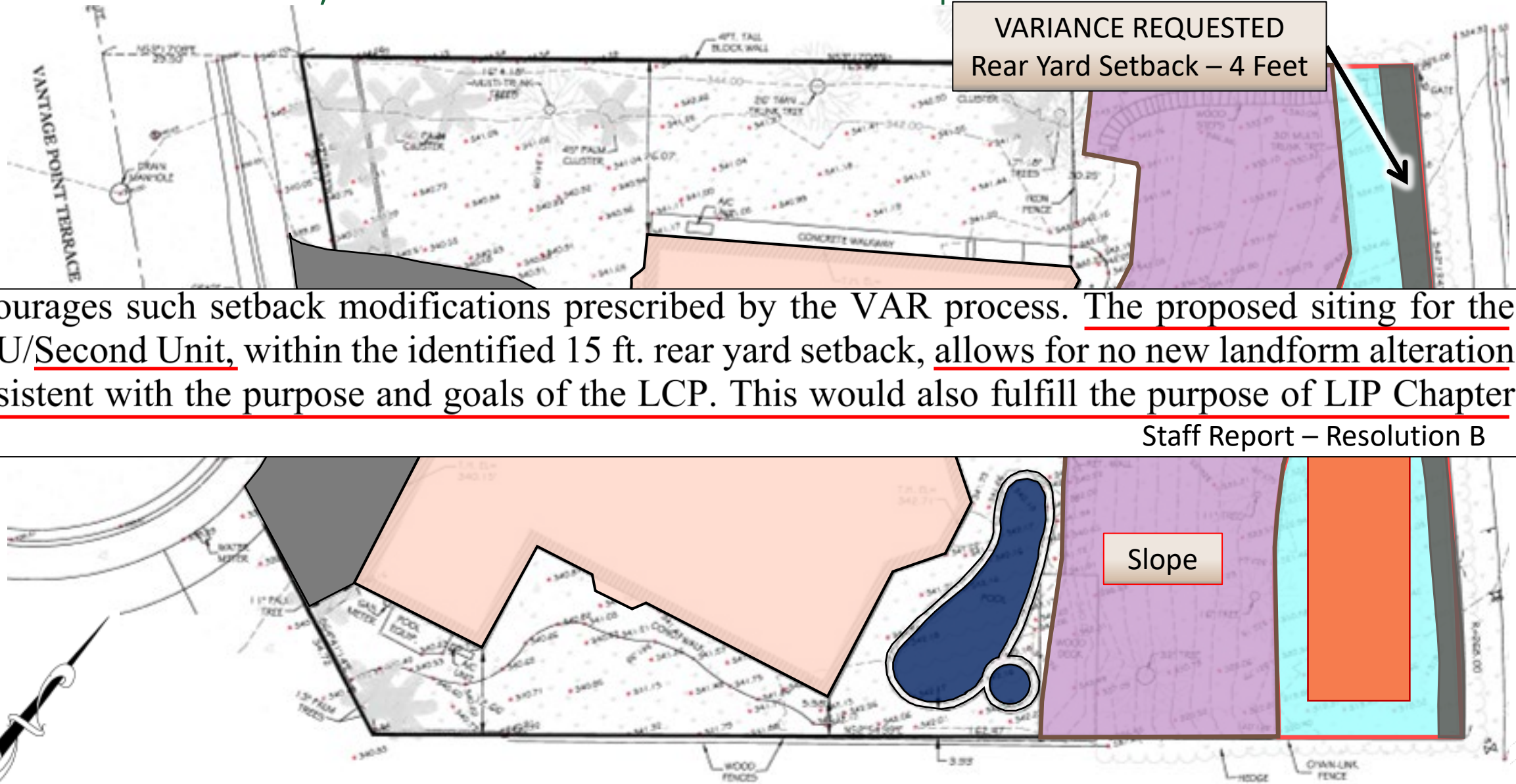


The proposed Second Unit is sited on the existing lower building pad. It is not on a slope and it is not cantilevered over the slope.

Therefore, it complies with LIP § 3.4.1(D)(6)

of the existing building pad, in conflict with LIP Section 3.4.1(D)(8)(b). As proposed, no grading or landform alteration is required, and earth movement is limited to exempt removal and recompaction for the foundation, consistent with the requirements of the LCP and the MCE Overlay requirements for no extension of existing pads. Since strict application would require non-exempt grading, the LCP

3. 15-foot rear yard setback: Variance requested to Avoid Slopes/Grading/Impacts 4-foot rear yard setback consistent with requirements of State Law

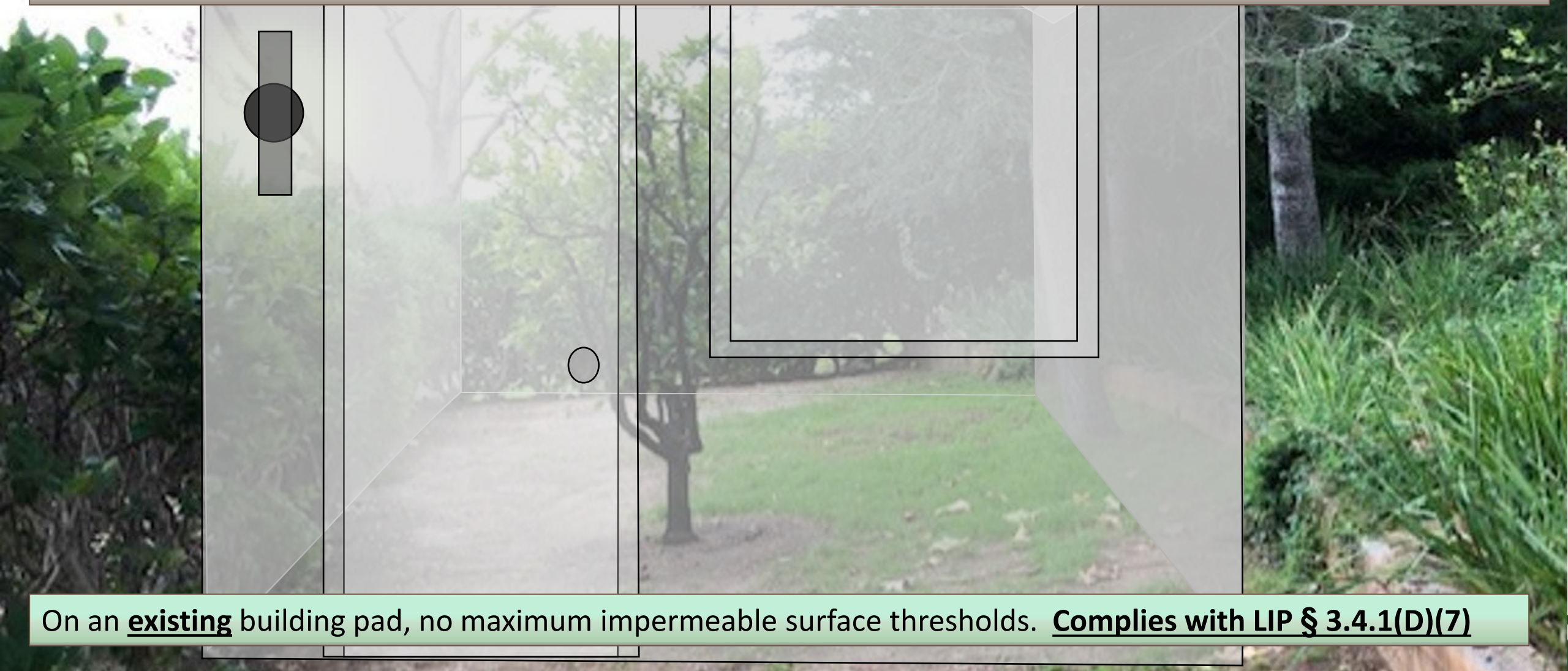


encourages such setback modifications prescribed by the VAR process. The proposed siting for the ADU/Second Unit, within the identified 15 ft. rear yard setback, allows for no new landform alteration consistent with the purpose and goals of the LCP. This would also fulfill the purpose of LIP Chapter 8.

Staff Report – Resolution B

4. All Impermeable Coverage on EXISTING building pad Consistent with LCP

Meets the definition of a building pad per LIP § 3.4.1(D)(7) *"For the purposes of this Overlay District, a building pad shall be defined as a single, continuous, graded area, not exceeding 3 percent in slope, designed to accommodate development."*



On an **existing** building pad, no maximum impermeable surface thresholds. **Complies with LIP § 3.4.1(D)(7)**

5. Structure height – 18’ Maximum, Proposed Second Unit 11’2”

City of Malibu LCP Local Implementation Plan

§3.4.1(D)

5. Structure Height:

a. No building or structure shall exceed one story and 18 feet in height to the highest point on the roof, except for chimneys, for those parcels located in Area “A” of this Overlay District as designated on the Zoning Map.

b. No building or structure shall exceed two stories and 28 feet in height to the highest point on the roof, except for chimneys, for those parcels located in Area “B” of this Overlay District as designated on the Zoning Map.

c. No building or structure shall exceed 18 feet in height to the highest point on the roof, except for chimneys, for the portion of the structure within 34 feet of the front property line and shall not exceed two stories and 28 feet in height to the highest point on the roof for the remaining portions of the building for those parcels located in Area “C” of this Overlay District as designated on the Zoning Map.

d. The reference point for structure height measurements described in subsections a, b and c above shall be as follows:

i. For an addition or remodel of an existing structure, the height shall be measured from the finished first floor except that the new structure height shall not exceed that of the existing structure at its highest point on the roof, excluding chimneys.

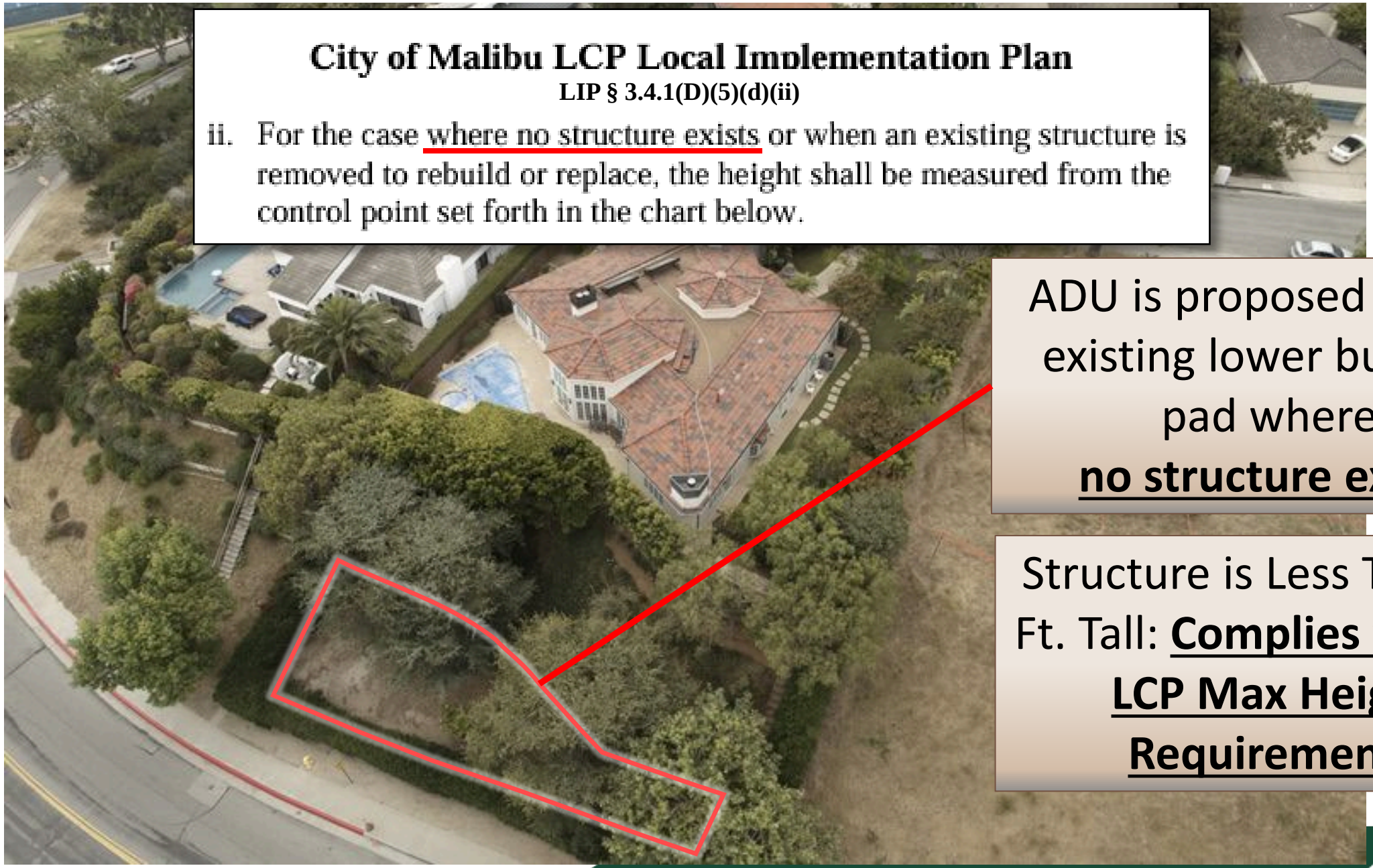
ii. For the case where no structure exists or when an existing structure is removed to rebuild or replace, the height shall be measured from the control point set forth in the chart below.

*iii. The finished first floor level of any part of any building shall not be more than 3 feet above the control point shown in the **chart below**.*

Proposed Second Unit height 11’ 2”
Significantly less than maximum 18’



5. Proposed Second Unit Height **Complies** with LCP/MCE Height Requirements



City of Malibu LCP Local Implementation Plan

LIP § 3.4.1(D)(5)(d)(ii)

ii. For the case where no structure exists or when an existing structure is removed to rebuild or replace, the height shall be measured from the control point set forth in the chart below.

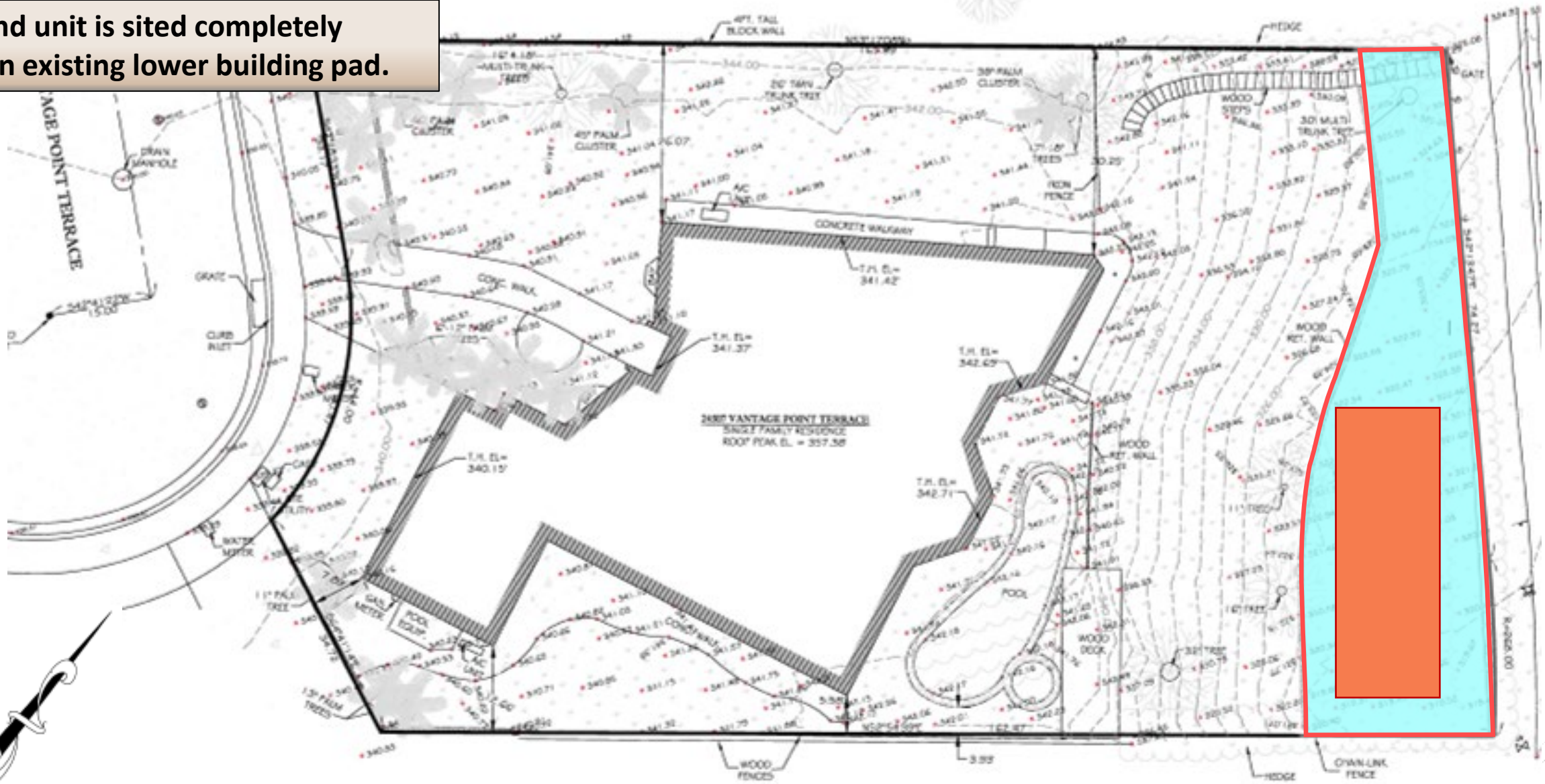
ADU is proposed on the existing lower building pad where **no structure exists**

Structure is Less Than 12 Ft. Tall: **Complies with All LCP Max Height Requirements**

6. Grading Compliance

No Pad Extension or Grading Proposed – **Project Complies**

Second unit is sited completely within existing lower building pad.



7. No walls are proposed. Project Complies

City of Malibu LCP Local Implementation Plan

FENCES, WALLS AND HEDGES - artificially constructed barriers of any material or combination of materials erected to enclose or screen an area of land. See also OPEN FENCING.



Wall
(as defined in LCP)

Side of
Building

8. Remedial Grading Not Allowed and NONE Proposed
Only Exempt R&R for Foundation Proposed per Standard GeoTech Recommendation

GEOLOGIC AND GEOTECHNICAL ENGINEERING INVESTIGATION,
PROPOSED MANUFACTURED ACCESSORY DWELLING UNIT (ADU)
GeoSoils Consultants Inc.

Site Preparation Recommendations

In areas of proposed development, the upper 3 feet of compacted fill shall be removed and recompacted. Following grading, the building pad area shall be underlain by a minimum of

City of Malibu LCP Local Implementation Plan

LIP § 8.3

i. Exceptions. Excavation for foundations and other understructure excavation and incremental excavation for basements and safety purposes shall be excluded from grading limitations.

8. Remedial Grading Not Allowed and NONE Proposed
Only Exempt R&R for Foundation Proposed per Standard GeoTech Recommendation

GEOLOGIC AND GEOTECHNICAL ENGINEERING INVESTIGATION

Staff Report – Resolution B

Grading (LIP Chapter 8): LIP Sections 3.4 and 8.3 ensure that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of grading to no more than 500 c.y. for the construction of swimming pools and spaces and 100 c.y. total cut and fill within the MCE Overlay. Moreover, the existing building pad elevation, as documented in Ordinance No. 122 which established the MCE Overlay, must not be changed with proposed grading and the project does not propose any changes. The project conforms to the grading requirements as set forth under LIP Section 8.3, which ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to 1,000 c.y. for a residential parcel. The only grading proposed is the removal/recompaction for the foundation per the recommendations in the Geotechnical Report, which is explicitly exempted per LIP Section 8.3 "Exception. Excavation for foundations and other understructure excavation and incremental excavation for basements and safety purposes shall be excluded from grading limitations." The proposed grading will not result in a change to the existing building pad elevation. The proposed project complies with grading requirements set forth under LIP Sections 3.4 and 8.3.

9. Archaeological/Cultural Resources
Only 3 Feet of Removal/Recompaction Proposed on top of vs. 20 Feet of Artificial Fill

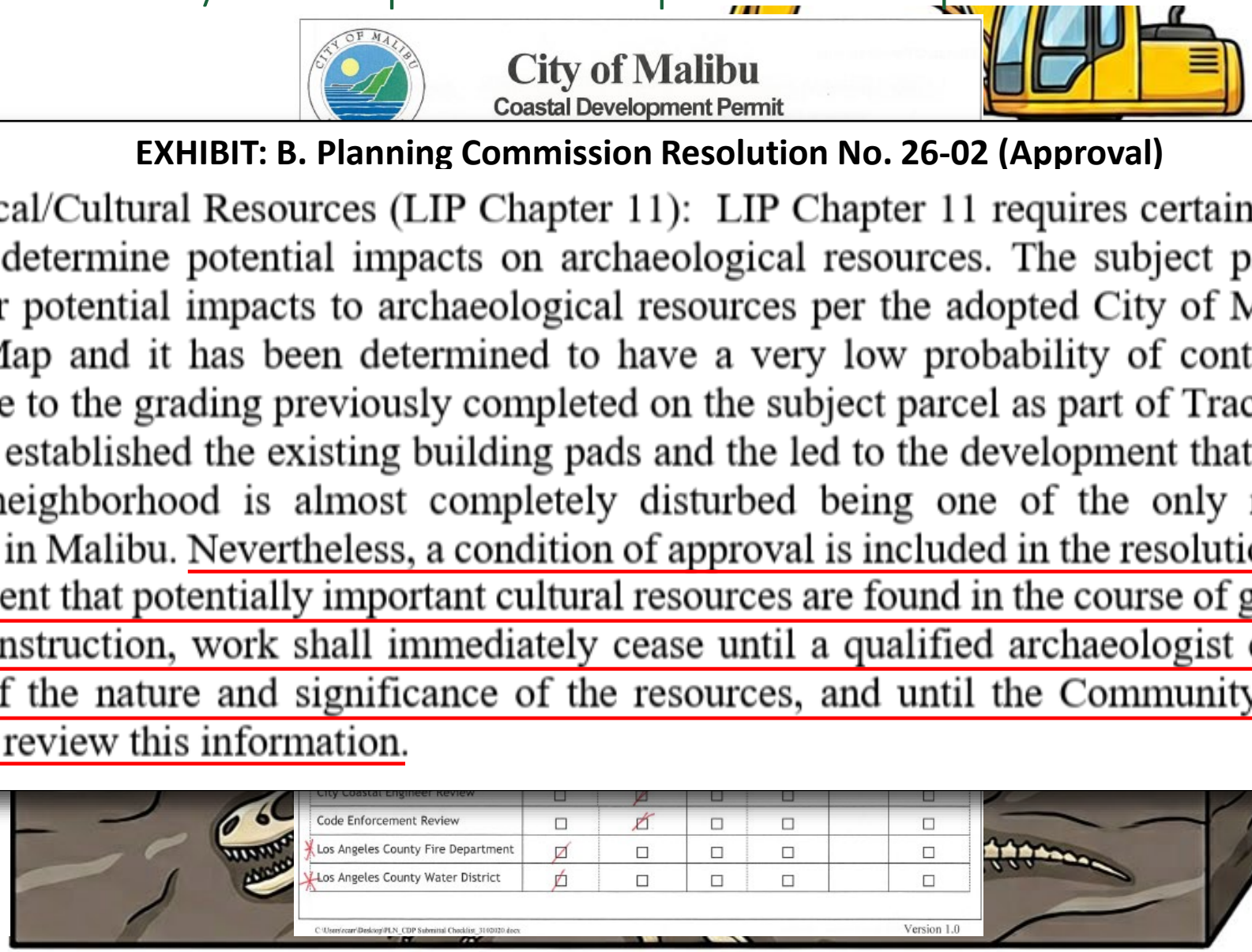


EXHIBIT: B. Planning Commission Resolution No. 26-02 (Approval)

Archaeological/Cultural Resources (LIP Chapter 11): LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. The subject parcel has been evaluated for potential impacts to archaeological resources per the adopted City of Malibu Cultural Resources Map and it has been determined to have a very low probability of containing cultural resources due to the grading previously completed on the subject parcel as part of Tract No. 30134 in 1971, which established the existing building pads and the led to the development that is there today. The MCE neighborhood is almost completely disturbed being one of the only major planned subdivisions in Malibu. Nevertheless, a condition of approval is included in the resolution which states that in the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources, and until the Community Development Director can review this information.

The "Nine Points" Have Been Addressed with Resolution B

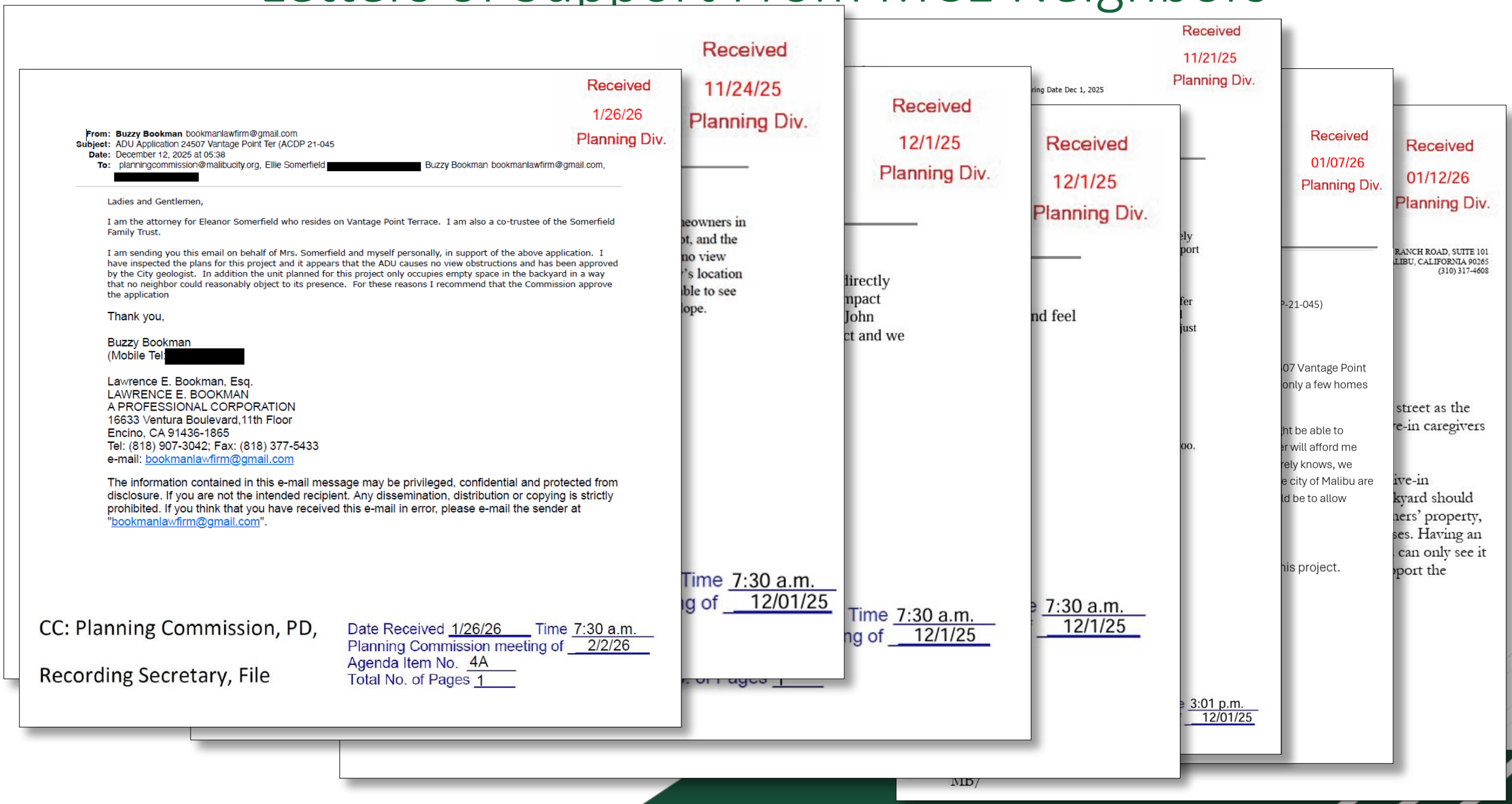
Staff Report	Findings for Approval	Conclusion
1. One building pad allowed	• **Variance is requested** • Photographs from 1976 show lot was originally graded with 2 building pads. • Geotechnical report confirms historic site grading of second pad.	With approval of Variance, this finding can be made. ✓
2. No structures allowed downslope of existing pad	• Complies with LIP 3.4.1(D)(6)(c) • ADU is not sited on or cantilevered over the slope.	Project complies as proposed. ✓
3. Rear yard setbacks shall be 15 feet	• Variance is requested	With approval of Variance
avoided by changing the position or location of the proposed development.";		
9. LIP Chapter 11 Archaeological/Cultural Resources: It is not clear if the proposed second building pad would have potential impacts given that it is proposed downhill from the existing building pad in an undeveloped area and has not been evaluated for potential impacts during construction.	• Staff did not require an Archaeology Survey. • Staff Report notes the "project site has been evaluated for potential impacts to archeological resources…and it has been determined that due to the previous grading activities to create the existing building pad and MCE community, the project has **very low probability of disturbing archaeological resources**" • Proposed ADU sited on 20 feet of artificial fill per geotechnical report. Proposed removal and recompaction limited to 3 feet in depth. No archaeological or cultural resources located within artificial fill.	Project complies as proposed. ✓

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

The proposed project is located in the MCE Overlay and SFM residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the City Biologist, City Public Works Department, City geotechnical consultant reviewers, 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 with the inclusion of the VAR.

Staff Report – Resolution B

Letters of Support From MCE Neighbors



Received
1/26/26
Planning Div.

From: **Buzzy Bookman** bookmanlawfirm@gmail.com
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045
Date: December 12, 2025 at 05:38
To: planningcommission@malibucity.org, Ellie Somerfield [redacted] Buzzy Bookman bookmanlawfirm@gmail.com, [redacted]

Ladies and Gentlemen,

I am the attorney for Eleanor Somerfield who resides on Vantage Point Terrace. I am also a co-trustee of the Somerfield Family Trust.

I am sending you this email on behalf of Mrs. Somerfield and myself personally, in support of the above application. I have inspected the plans for this project and it appears that the ADU causes no view obstructions and has been approved by the City geologist. In addition the unit planned for this project only occupies empty space in the backyard in a way that no neighbor could reasonably object to its presence. For these reasons I recommend that the Commission approve the application

Thank you,

Buzzy Bookman
(Mobile Tel: [redacted]

Lawrence E. Bookman, Esq.
LAWRENCE E. BOOKMAN
A PROFESSIONAL CORPORATION
16633 Ventura Boulevard,11th Floor
Encino, CA 91436-1865
Tel: (818) 907-3042; Fax: (818) 377-5433
e-mail: bookmanlawfirm@gmail.com

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CC: Planning Commission, PD,

Recording Secretary, File

Date Received 1/26/26 Time 7:30 a.m.
Planning Commission meeting of 2/2/26
Agenda Item No. 4A
Total No. of Pages 1

Received
11/24/25
Planning Div.

Time 7:30 a.m.
g of 12/01/25

Received
12/1/25
Planning Div.

Time 7:30 a.m.
g of 12/1/25

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7:30 a.m.
12/1/25

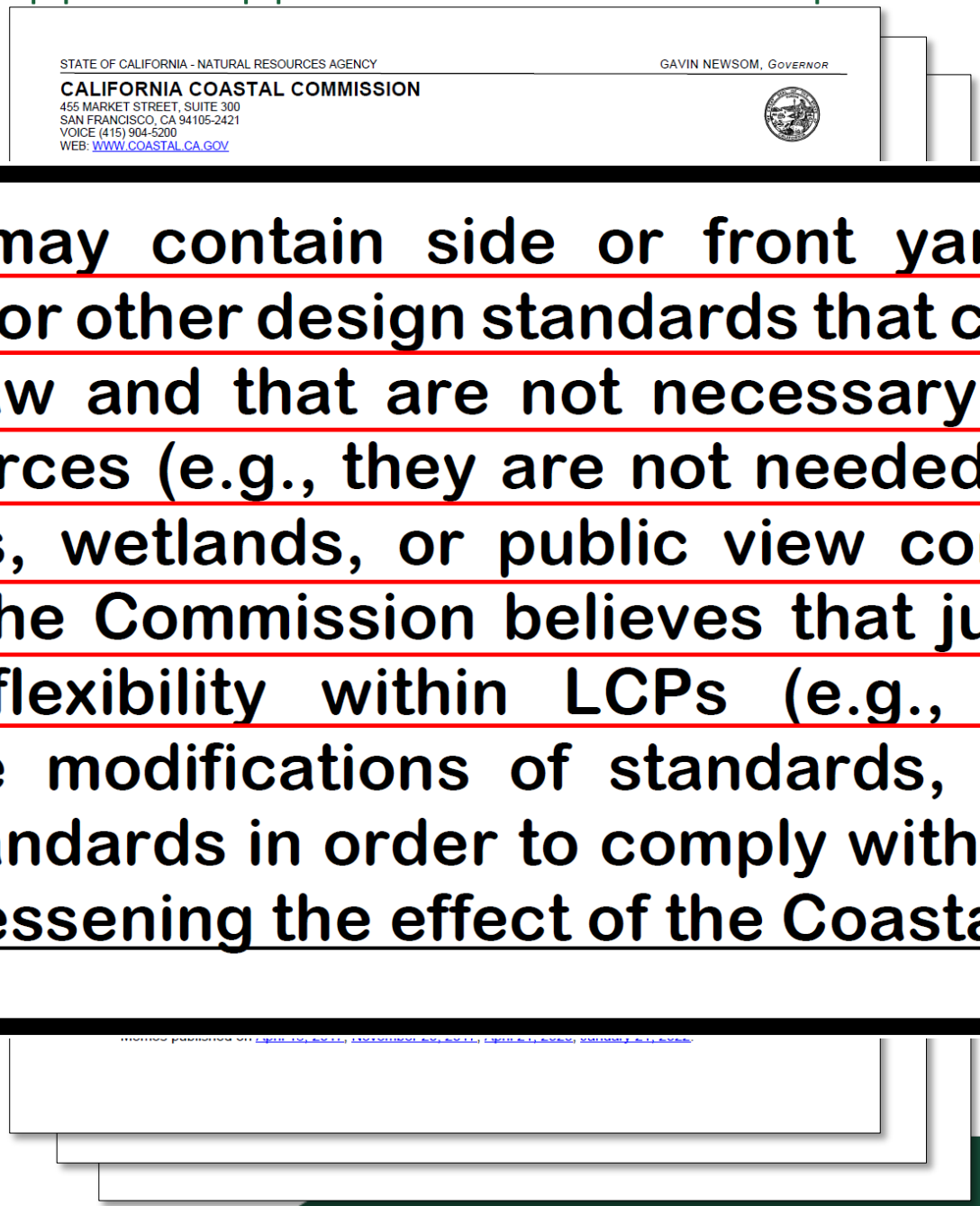
Received
11/21/25
Planning Div.

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12/01/25

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Planning Div.

April 2026 CCC Memo Supports Approval of VAR for Unique Circumstances Like This


STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY GAVIN NEWSOM, GOVERNOR

CALIFORNIA COASTAL COMMISSION
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2421
VOICE (415) 904-5200
WEB: WWW.COASTAL.CA.GOV

Some LCPs may contain side or front yard setback requirements or other design standards that conflict with State ADU Law and that are not necessary to protect coastal resources (e.g., they are not needed to protect public access, wetlands, or public view corridors). In such cases, the Commission believes that jurisdictions should use flexibility within LCPs (e.g., variances, administrative modifications of standards, ranges) to modify the standards in order to comply with State ADU Law without lessening the effect of the Coastal Act.

Conclusion

- This Second Unit for housing caregivers enables applicants to safely age in place with appropriate elder care accommodations.
- Approving Variances to utilize the lower building pad with a 4-foot setback provides relief from unique site constraints without lessening the Coastal Act.
- Property is encumbered by easements more than any other lot in the MCEs, constraints that justify the requested variances.
- Photographic evidence and geotechnical testing prove since at least 1976 this property has two artificially filled, well-graded building pads.
- No grading proposed. Only exempt removal and recompaction proposed on existing building pad.
- All coastal resources protected: No impacts to ESHA, public views, parking, or neighbors' views.
- With the inclusion of the VAR, the project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies.
- Approval is legally supported, fair to the owners, and aligned with Malibu's housing and coastal protection goals; we respectfully ask you to approve the Second Unit and Variances tonight.

Thank You

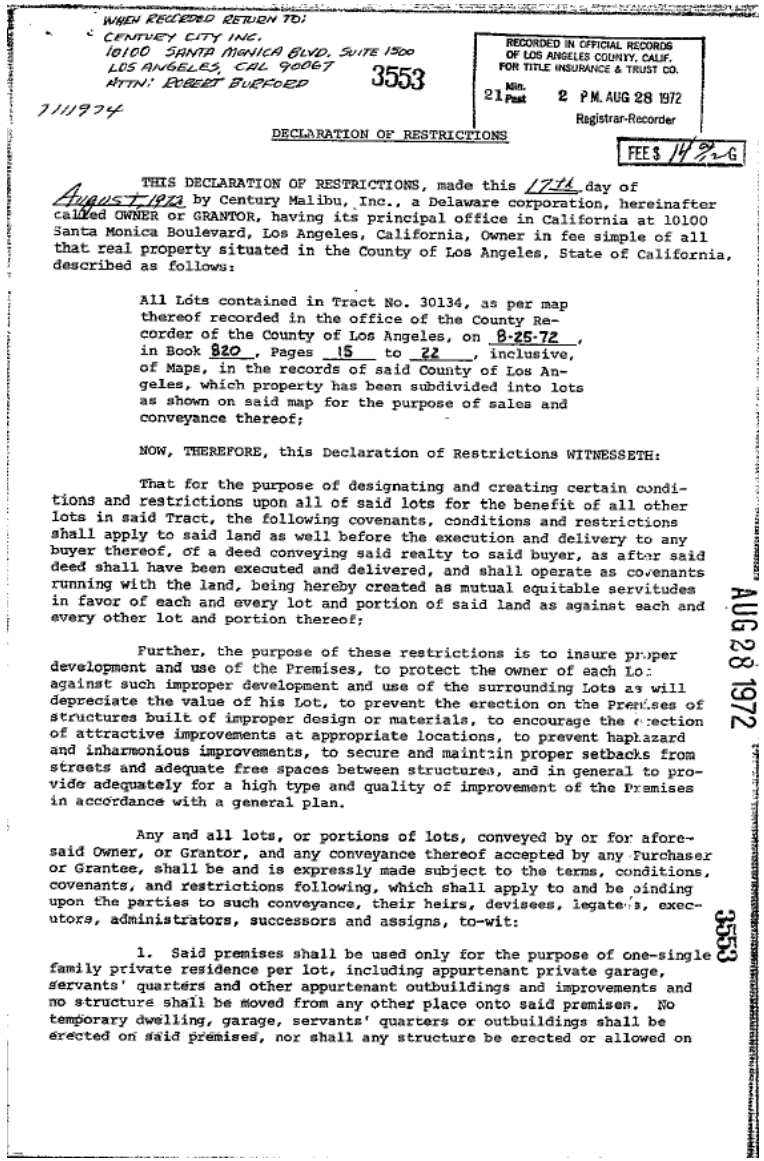
We are available to answer any questions.

CC&R’s

State ADU Law vs. CC&R's:

California Civil Code §4751 provides that "*Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code, is void and unenforceable.*"

Original CCRs



WHEN RECORDED RETURN TO:
CENTURY CITY INC.
10100 SANTA MONICA BLVD. SUITE 1500
LOS ANGELES, CAL 90067
ATTN: ROBERT BURFORD

3553

7111974

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.
FOR TITLE INSURANCE & TRUST CO.
Min. 21 Past 2 P.M. AUG 28 1972
Registrar-Recorder

DECLARATION OF RESTRICTIONS

FEE $ 14.00-G

THIS DECLARATION OF RESTRICTIONS, made this 17th day of August, 1972 by Century Malibu, Inc., a Delaware corporation, hereinafter called OWNER or GRANTOR, having its principal office in California at 10100 Santa Monica Boulevard, Los Angeles, California, Owner in fee simple of all that real property situated in the County of Los Angeles, State of California, described as follows:

All Lots contained in Tract No. 30134, as per map thereof recorded in the office of the County Recorder of the County of Los Angeles, on 8-25-72, in Book 820, Pages 15 to 22, inclusive, of Maps, in the records of said County of Los Angeles, which property has been subdivided into lots as shown on said map for the purpose of sales and conveyance thereof;

NOW, THEREFORE, this Declaration of Restrictions WITNESSETH:

That for the purpose of designating and creating certain conditions and restrictions upon all of said lots for the benefit of all other lots in said Tract, the following covenants, conditions and restrictions shall apply to said land as well before the execution and delivery to any buyer thereof, of a deed conveying said realty to said buyer, as after said deed shall have been executed and delivered, and shall operate as covenants running with the land, being hereby created as mutual equitable servitudes in favor of each and every lot and portion of said land as against each and every other lot and portion thereof;

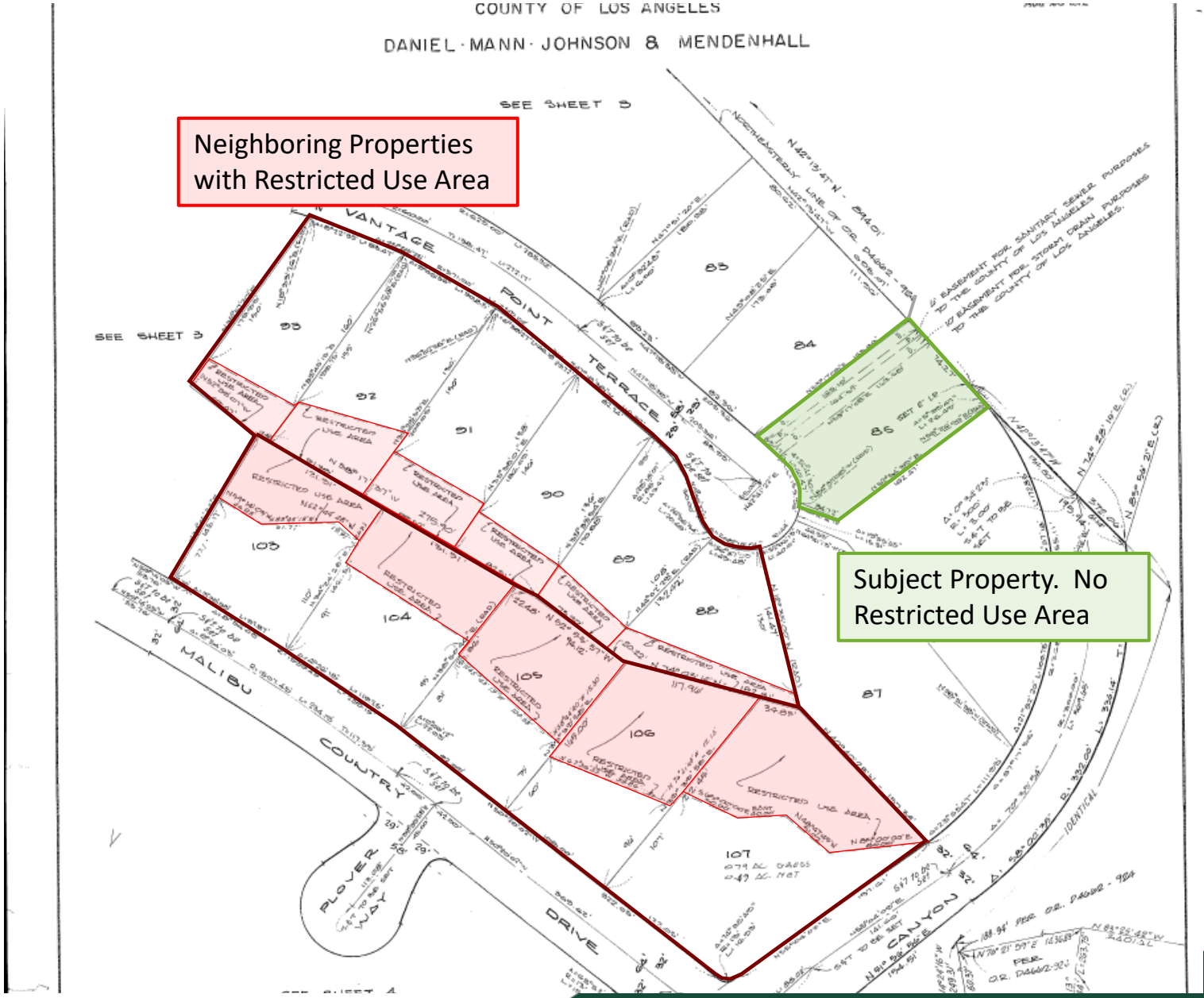
Further, the purpose of these restrictions is to insure proper development and use of the Premises, to protect the owner of each Lot against such improper development and use of the surrounding Lots as will depreciate the value of his Lot, to prevent the erection on the Premises of structures built of improper design or materials, to encourage the erection of attractive improvements at appropriate locations, to prevent haphazard and inharmonious improvements, to secure and maintain proper setbacks from streets and adequate free spaces between structures, and in general to provide adequately for a high type and quality of improvement of the Premises in accordance with a general plan.

Any and all lots, or portions of lots, conveyed by or for aforesaid Owner, or Grantor, and any conveyance thereof accepted by any Purchaser or Grantee, shall be and is expressly made subject to the terms, conditions, covenants, and restrictions following, which shall apply to and be binding upon the parties to such conveyance, their heirs, devisees, legatees, executors, administrators, successors and assigns, to-wit:

1. Said premises shall be used only for the purpose of one-single family private residence per lot, including appurtenant private garage, servants' quarters and other appurtenant outbuildings and improvements and no structure shall be moved from any other place onto said premises. No temporary dwelling, garage, servants' quarters or outbuildings shall be erected on said premises, nor shall any structure be erected or allowed on

AUG 28 1972
3553

Tract Map Restricts Some Properties. Subject Property – No Restricted Use Area



Findings

Based on Analysis All Variance Findings can be Readily Made

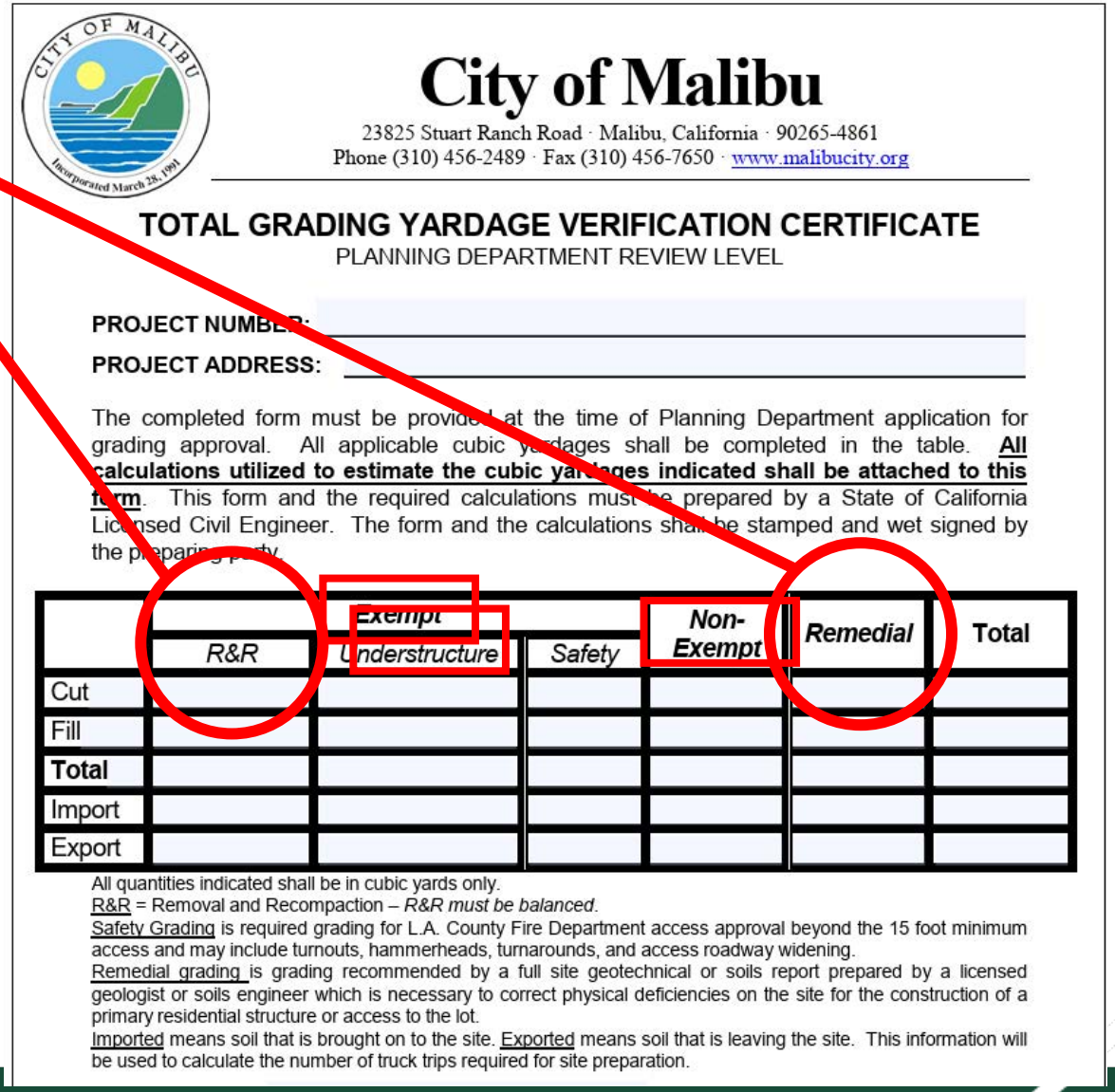
LIP Requirements	Conclusion
A. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.	Two existing building pads and unusually significant easements represent special circumstances.
B. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.	Proposed second unit deemed safe by ALL departments.
C. The granting of the variance will not constitute a special privilege to the applicant or property owner.	Due to unique landform and easements, Variance will not constitute a special privilege.
D. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.	No conflict with LCP. **NO IMPACTS.**
E. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.	N/A. No ESHA located on the site or in the immediate vicinity.
F. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.	N/A. No stringline variance.
G. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.	Second Units are consistent with the intent of the SF zone.
H. The subject site is physically suitable for the proposed variance.	The lower building pad is deemed physically suitable by ALL departments.
I. The variance complies with all requirements of state and local law.	Project complies with all state and local laws. **Including affordability requirements and goals.**
J. The variance does not allow reduction or elimination of required public parking for beach, trail, or park access.	No reduced beach or trail access or parking.

8. Project Complies with all LCP Grading Requirements: No remedial grading proposed; only removal and recompaction.

The City's Grading Yardage Certificate distinguishes Removal and Recompaction (R&R) from Remedial Grading.

Removal and Recompaction (R&R) is Exempt.
Remedial Grading is Not Exempt.

LIP 8.3(G). **Remedial Grading**. For the purposes of this Section, remedial grading is defined as grading recommended by a full site geotechnical report approved by the Director and City Geologist, except that no such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development.



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:

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.

	R&R	Exempt Understructure	Safety	Non-Exempt	Remedial	Total
Cut						
Fill						
Total						
Import						
Export						

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.

No Remedial Grading Proposed
Only Exempt Removal/Recompaction for Foundation

GEOLOGIC AND GEOTECHNICAL ENGINEERING INVESTIGATION,
PROPOSED MANUFACTURED ACCESSORY DWELLING UNIT (ADU)
GeoSoils Consultants Inc.

Site Preparation Recommendations

In areas of proposed development, the upper 3 feet of compacted fill shall be removed and recompacted. Following grading, the building pad area shall be underlain by a minimum of

City of Malibu LCP Local Implementation Plan

LIP § 8.3

i. Exceptions. Excavation for foundations and other understructure excavation and incremental excavation for basements and safety purposes shall be excluded from grading limitations.

Variance Findings: Physically Suitable

SUBSURFACE CONDITIONS

The following sections present our findings concerning subsurface soil conditions and expansion potential of surficial site soils.

We offer the following general description of materials encountered during our subsurface explorations.

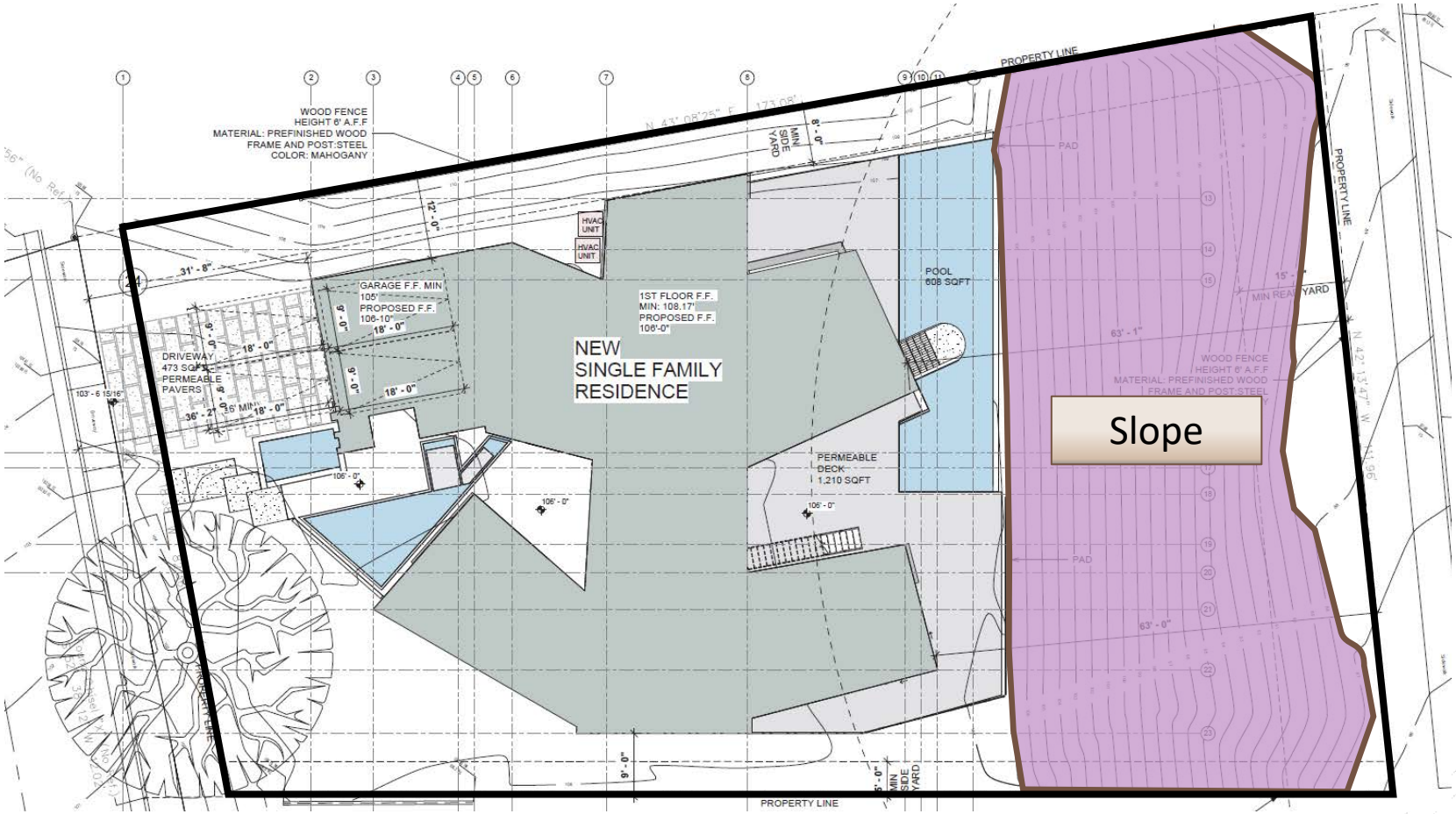
Artificial fill (af): Approximately 20-feet of certified compacted fill blankets the site. The fill can be described as silty gravelly sand with clay binder. The fill is light grey brown to brown, slightly moist to moist at depth, well compacted, dense with abundant cobble and well graded. The lab work revealed that the upper 2 to 3 feet of material has been disturbed. All undisturbed fill materials are unsuitable for structural support. The fill materials below 3 feet are suitable for use as a base for the placement of compacted fill.

MDN 21724

GeoSoils Consultants Inc.

Variance Finding C: No Special Privilege

"Granting the variance would constitute a special privilege to the property owner because no special circumstances or exceptional characteristics exist on the subject parcel, different from other parcels in the MCE Overlay, that would require the proposed structure to be located on a second building pad downslope of the existing building pad and in conflict with objective standards in the MCE Overlay." - Planning Commission Resolution No. 26-02 (Denial)



Geotechnical Conclusions

CONCLUSIONS AND RECOMMENDATIONS

The proposed development is feasible from a geologic and geotechnical engineering perspective, provided the recommendations contained herein are incorporated into the final design and construction phase of the proposed site improvements. All structures should satisfy current slope setback requirements.

GSC anticipates that the proposed site improvements consisting of the residence will be founded into compacted fill.

The recommendations provided in this report are applicable for improvements on the lot provided yard areas have positive drainage that is maintained away from the structures. Therefore, it is important that information regarding drainage and site maintenance be passed on to future homeowners.

MDN 21724

GeoSoils Consultants Inc.

Building Pad Definition

The second pad fulfills all objective definitions of the building pad

City of Malibu LCP Local Implementation Plan
Adopted by the California Coastal Commission on September 13, 2002
Page 52

6. Site of Construction: There shall be no site of construction requirement, except for the following requirements:

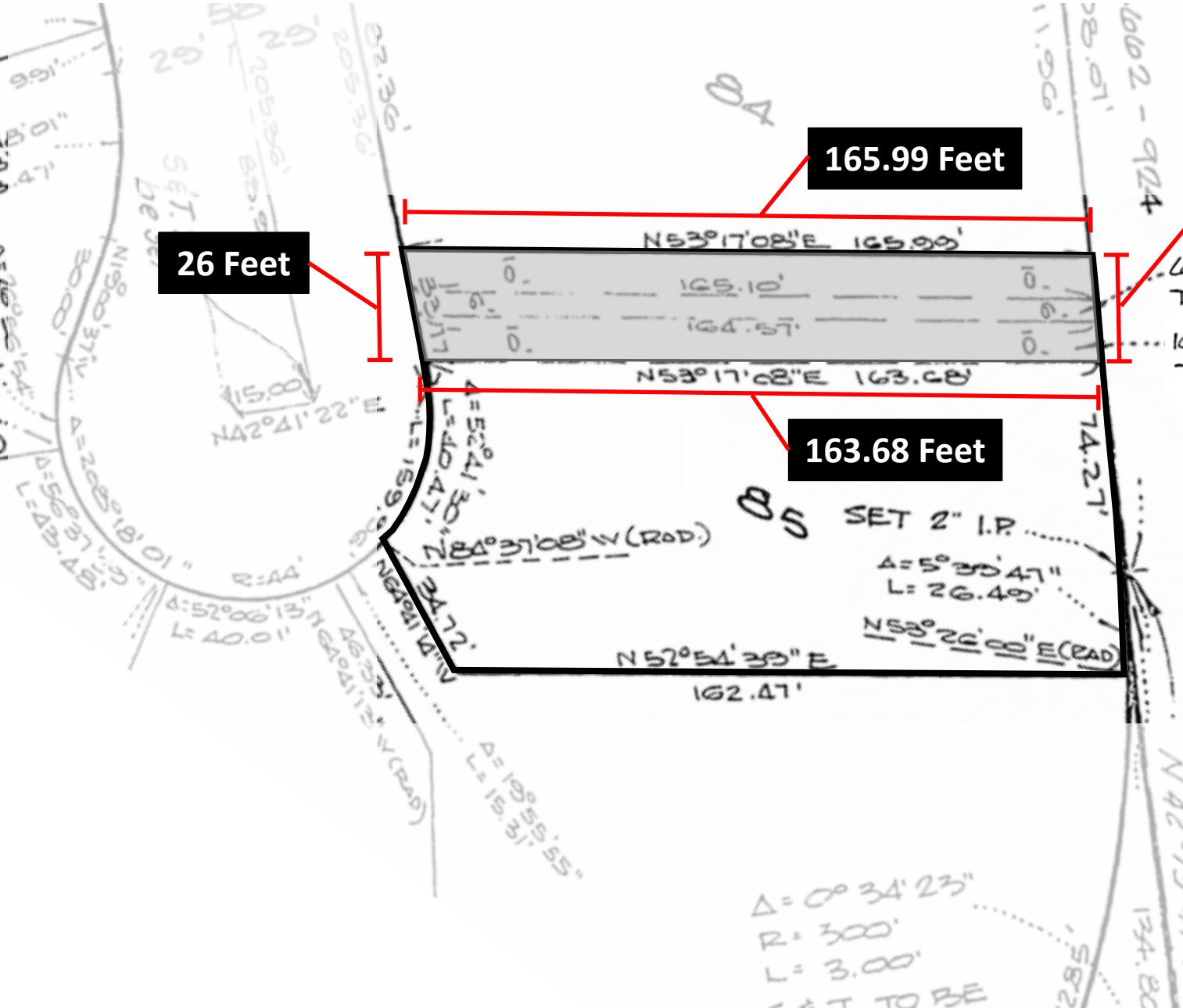
   a. All development, excluding walls and fences, shall be limited to the existing building pad.

   b. There shall be no more than one building pad per lot.

   c. No structure, excluding walls and fences, shall extend beyond, or be cantilevered over, any downhill slope extending from the existing building pad.

   d. For the purposes of this Overlay District, a building pad shall be defined as a single, continuous, graded area, not exceeding 3 percent in slope, designed to accommodate development.

Variance Findings: Special Circumstances/Exceptional Characteristics



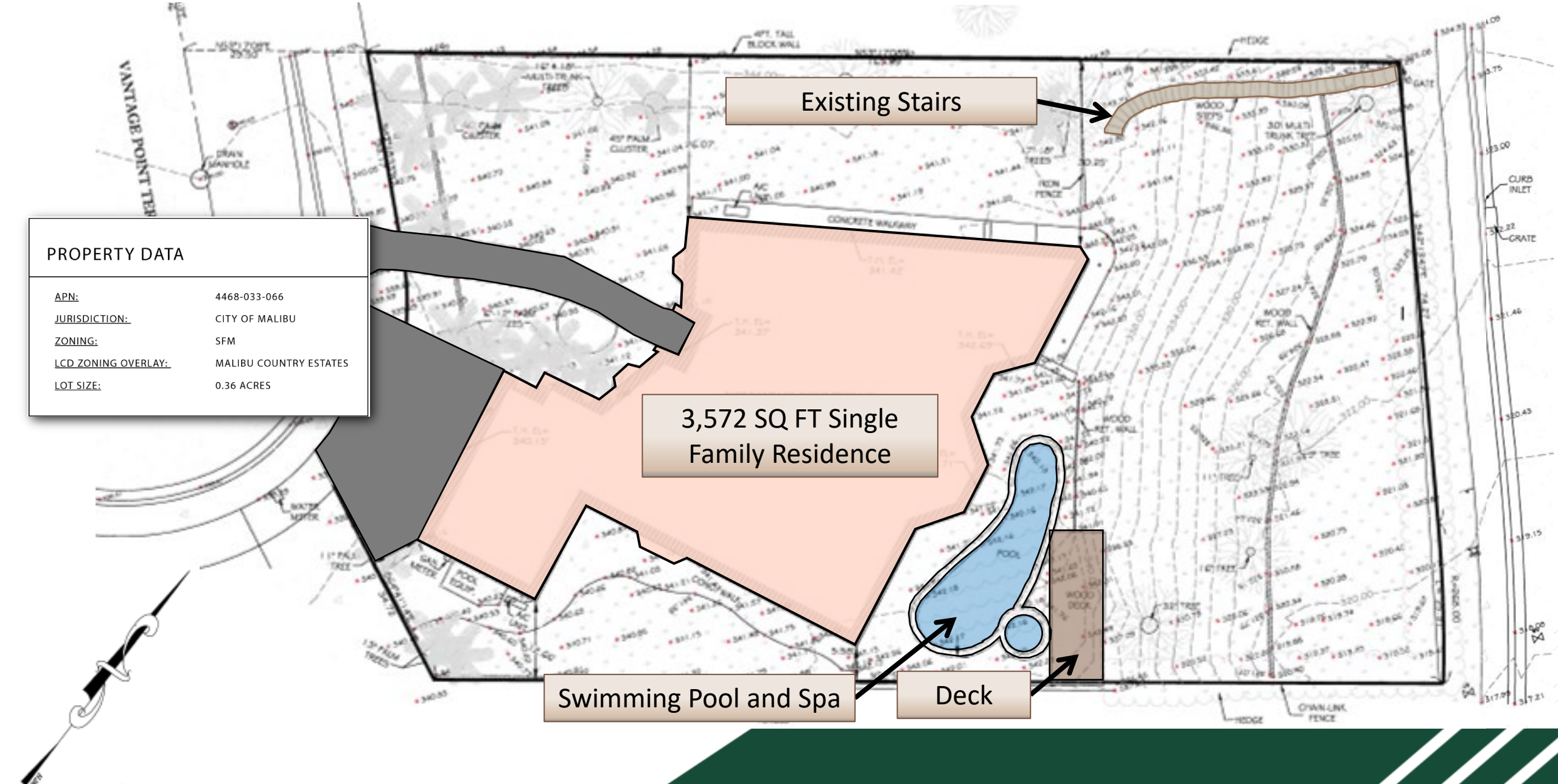
Easement Area = 4,285.71 *sq ft*

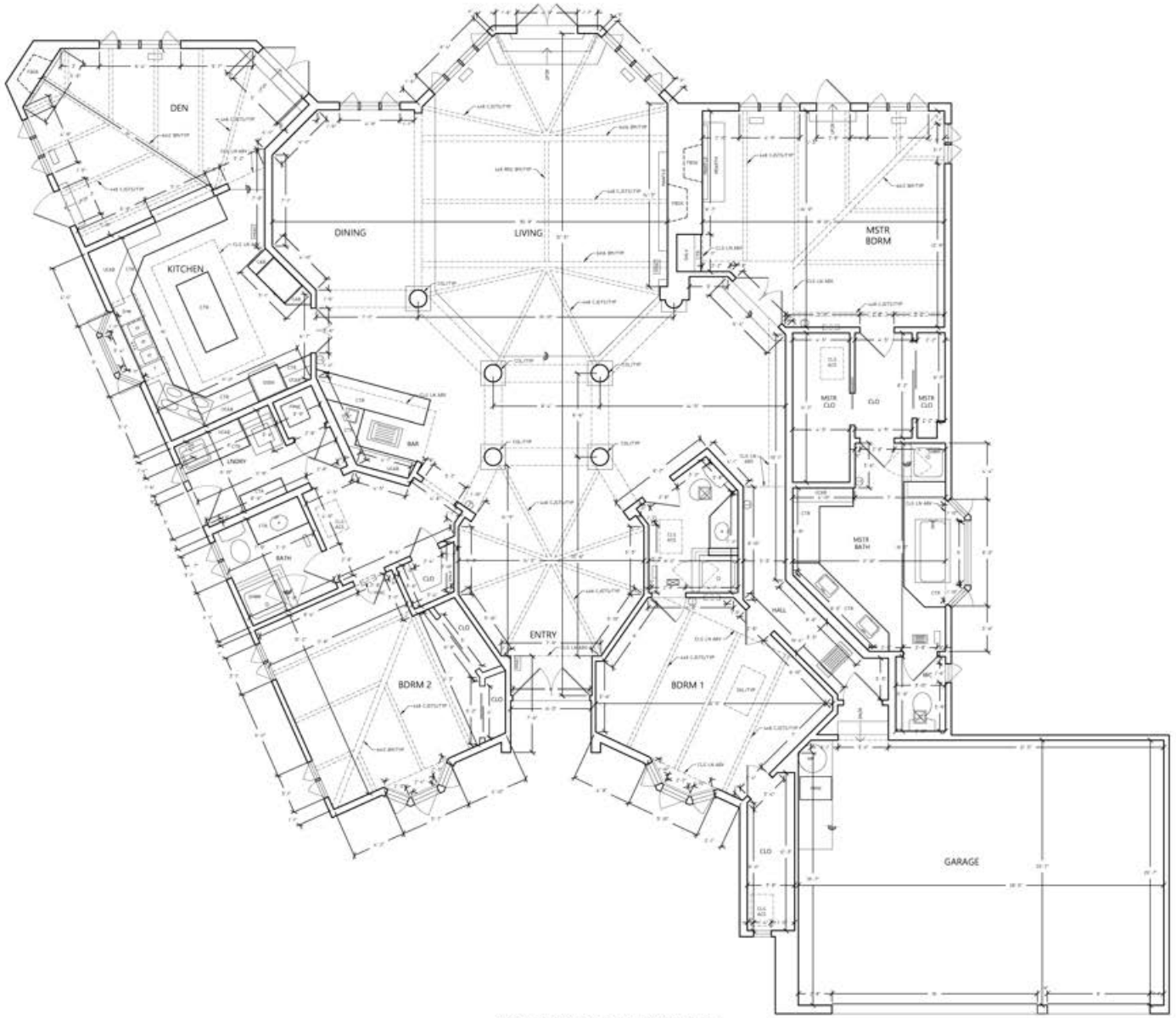
Subject Property Area = 16,772.36 sq ft

Easement renders 25.56% of Subject Property unsuitable for development

Site Plans

Existing Stairs





1 EXISTING ENTRY LEVEL FLOOR PLAN

4,035 SQFT GROSS MEASURED AREA

LEGEND	
	THERMOSTAT
	HVAC CEILING REGISTER
	FAN

NOTE C:
DUE TO DEVIATIONS IN WALL ANGLES AND SURFACES, WALL LENGTHS ARE REPRESENTED AS TYPICAL.

THESE ARE STANDARD FLOOR PLANS. NO EXTERIOR ELEMENTS SHOWN, UNLESS NOTED OTHERWISE.

24507 VANTAGE POINT TERRACE
MALIBU, CA 90265

THIS DRAWING IS A RECORD OF REAL PROPERTY THAT IS GENERALLY ACCEPTED TO BE SUITABLE FOR USE IN PLANNING, DESIGN, CADD, AND GENERAL ASSET MANAGEMENT. IT SHOULD NOT BE USED TO DETERMINE LEGAL MEASUREMENTS OF SPACES OR ARTIFACTS RECORD HEREIN FOR ANY PURPOSE.

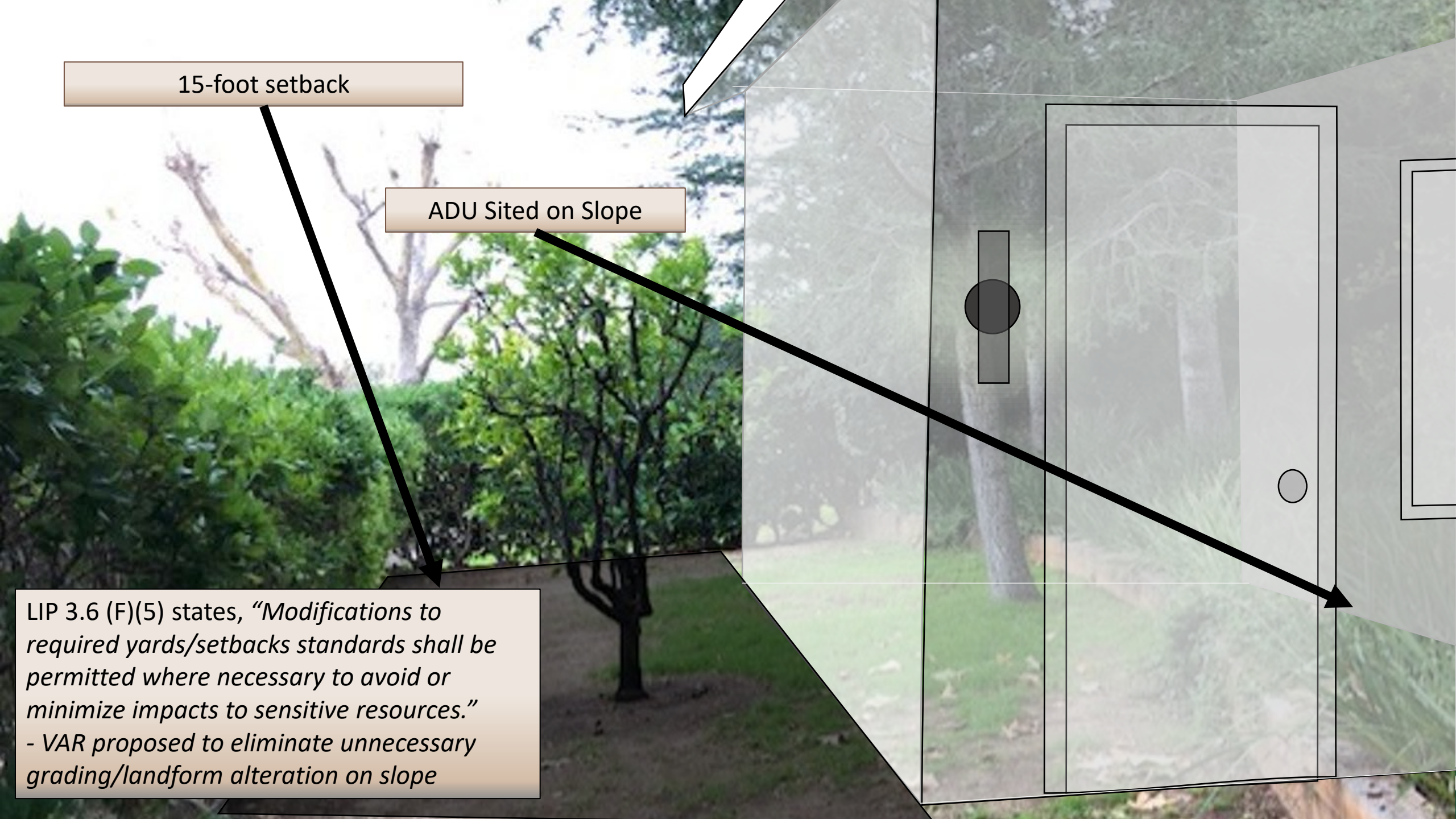
EXTERIOR ELEMENTS HAVE BEEN MEASURED AND DRAFTED FOR REFERENCE ONLY. THIS IS NOT A SURVEY.

ASBUILT SERVICES
FOR THE RECORD SINCE 1990
1-800-318-0099 ASBUILTSERVICES.COM

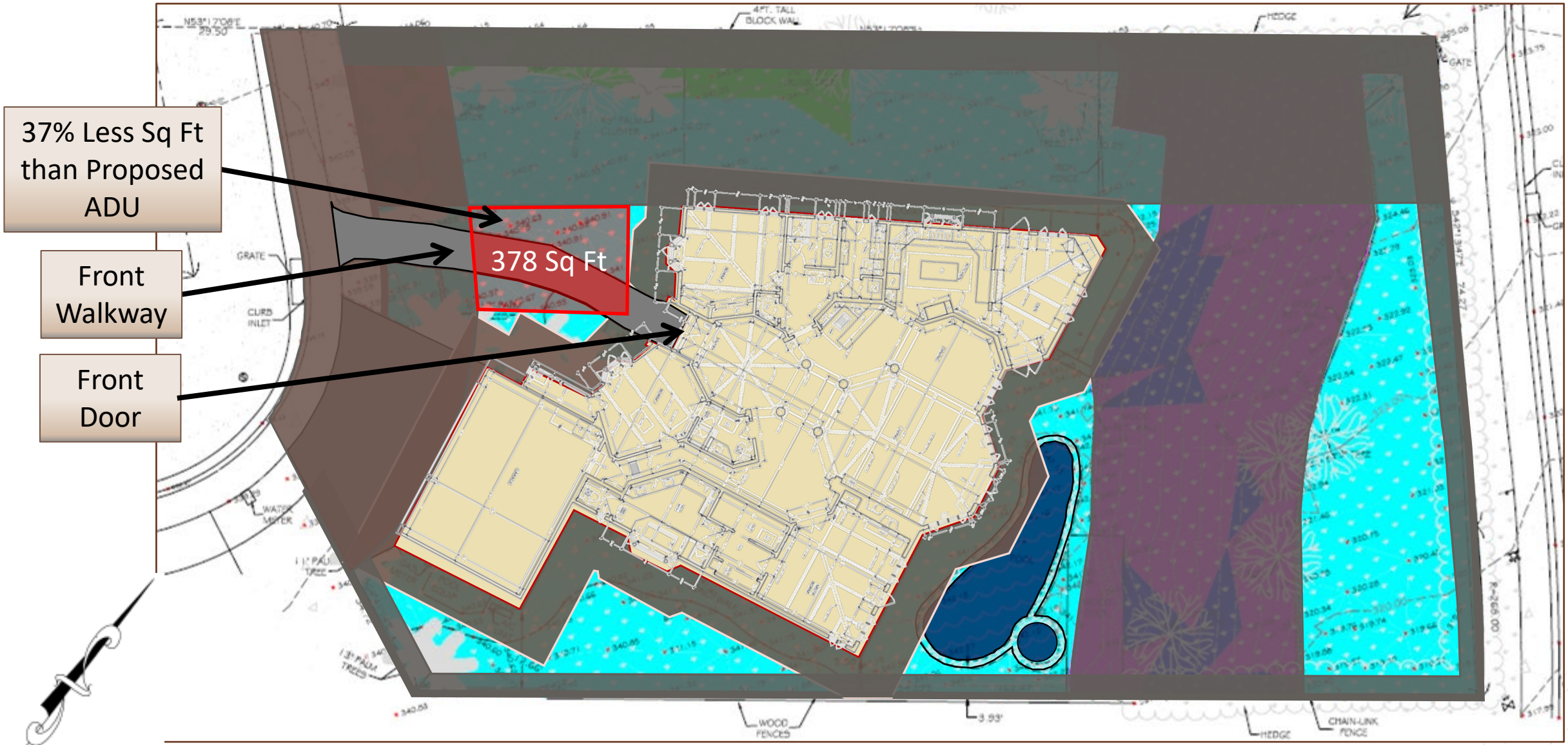
EXISTING FLOOR PLAN

REF: 24507_LA_SFD REV: 0 DRAWN BY: DJDI AUDITED BY: JK	SHEET SIZE: 24x36 SCALE: 1/4" = 1'-0" FIELD MEASURE: 09/11/2018	AX-101 1 OF 1

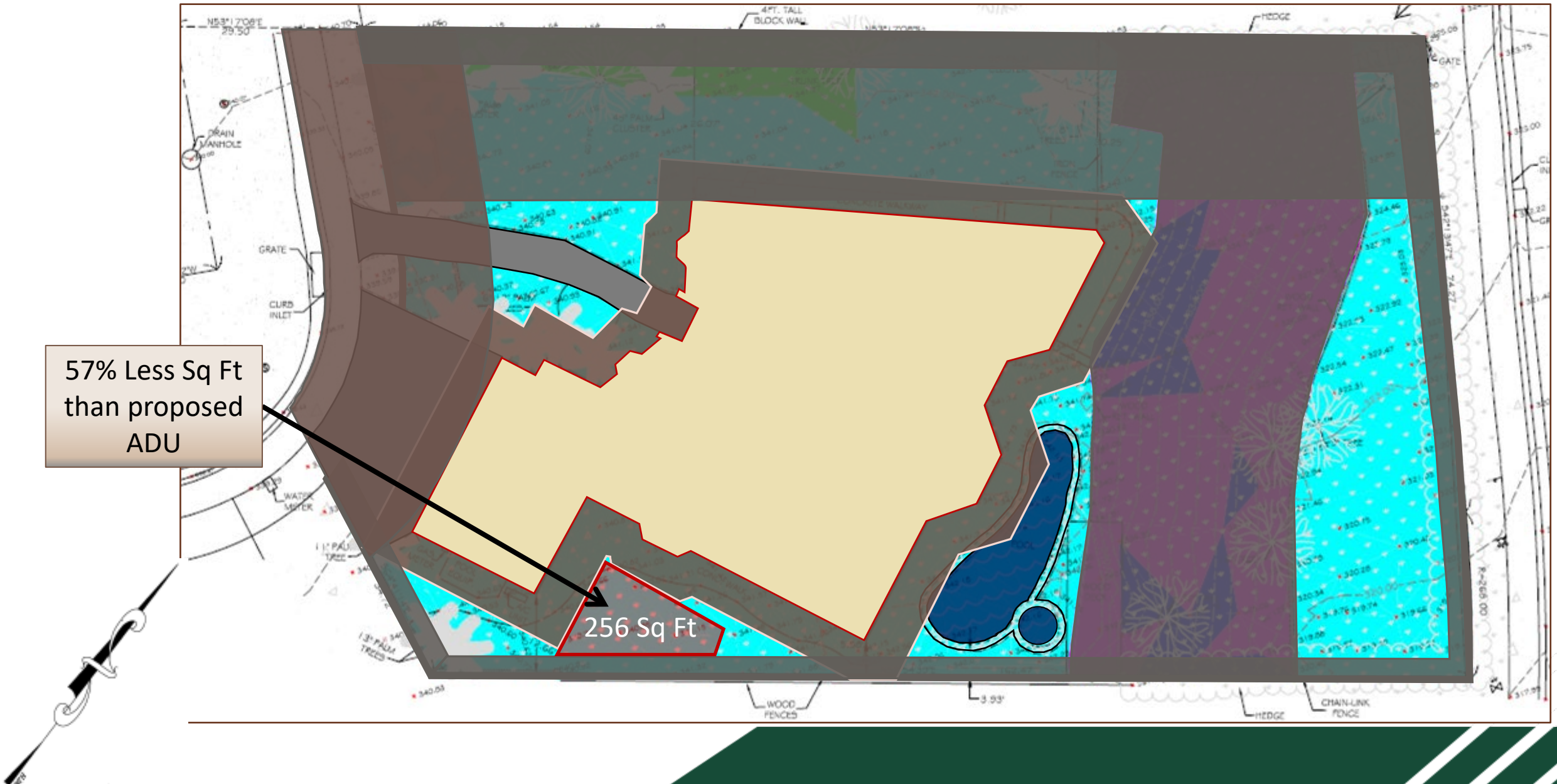
Alternate Siting


15-foot setback
ADU Sited on Slope
LIP 3.6 (F)(5) states, *"Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources."*
- VAR proposed to eliminate unnecessary grading/landform alteration on slope

Front Yard Siting Blocks Front Walkway and Front Door



Maximum Square Footage Available in Side Yard is Insufficient



Pictures

Side Yard Available Space



Side Yard Siting Blocks Light/Air to Primary Bath and Creates Privacy Concerns for Caretaker Second Unit





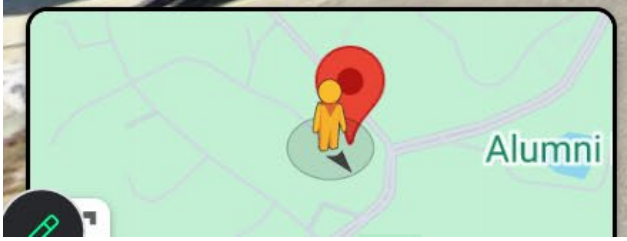
Parking

Eliminating Existing Garage Parking is Not Supported by the LCP, which promotes provision and maintenance of Off-Street Parking as Currently Provided

LUP 2.25
New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation.

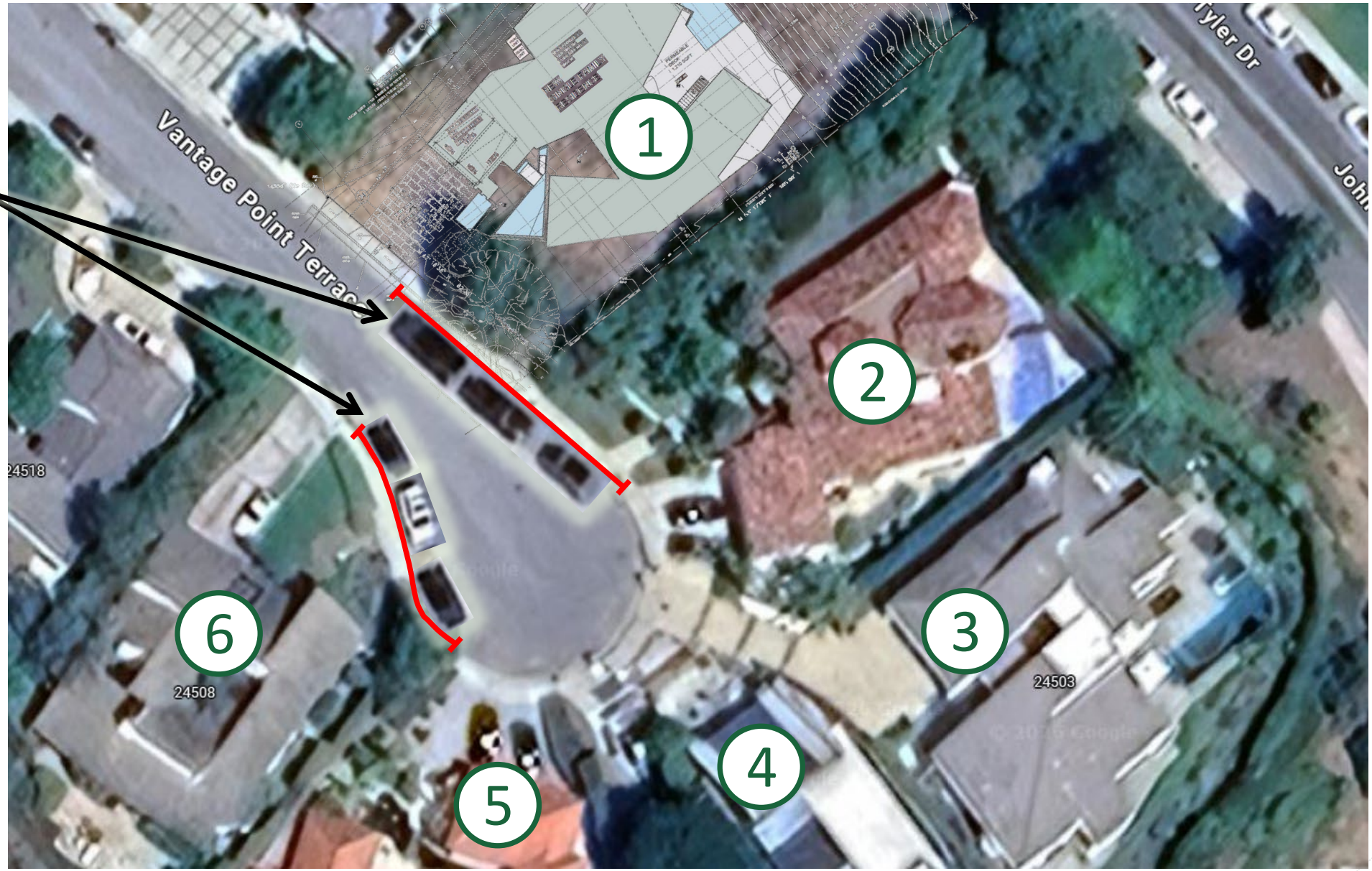
LIP 1.2 Purpose H. To lessen congestion on the streets and provide for adequate off-street parking.

Garage Conversion would exacerbate limited street parking and create adverse Impacts to neighbors and degrade Neighborhood Character in violation of goals/requirements of the LCP and City's



Site's Cul de Sac Parking is Extremely Limited for Off-Site/Guest Parking for 6 Homes

For the six houses in the cul-de-sac, there are approximately six (6) parking spaces

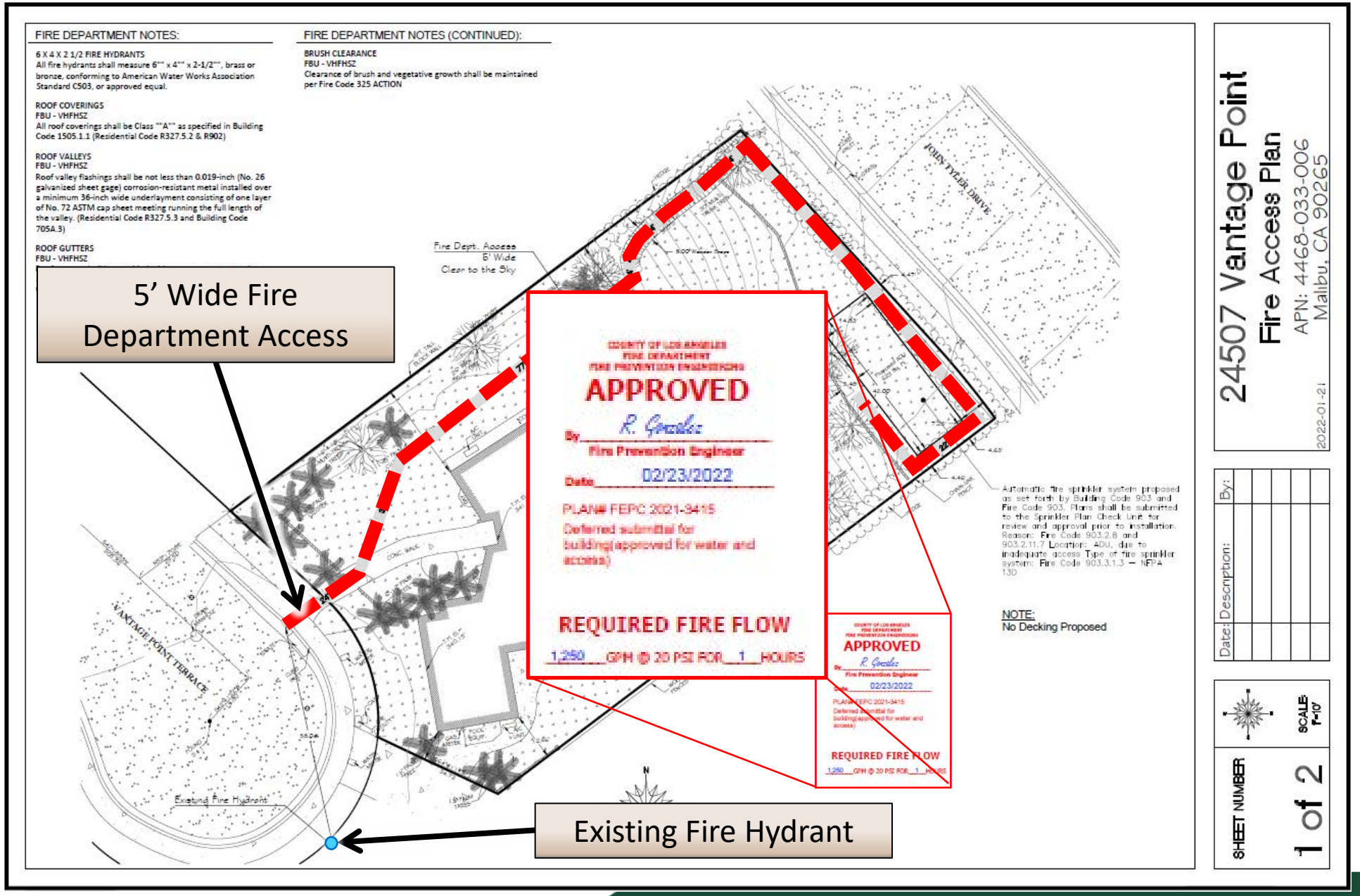


Variance Findings: No Reduced Parking or Access

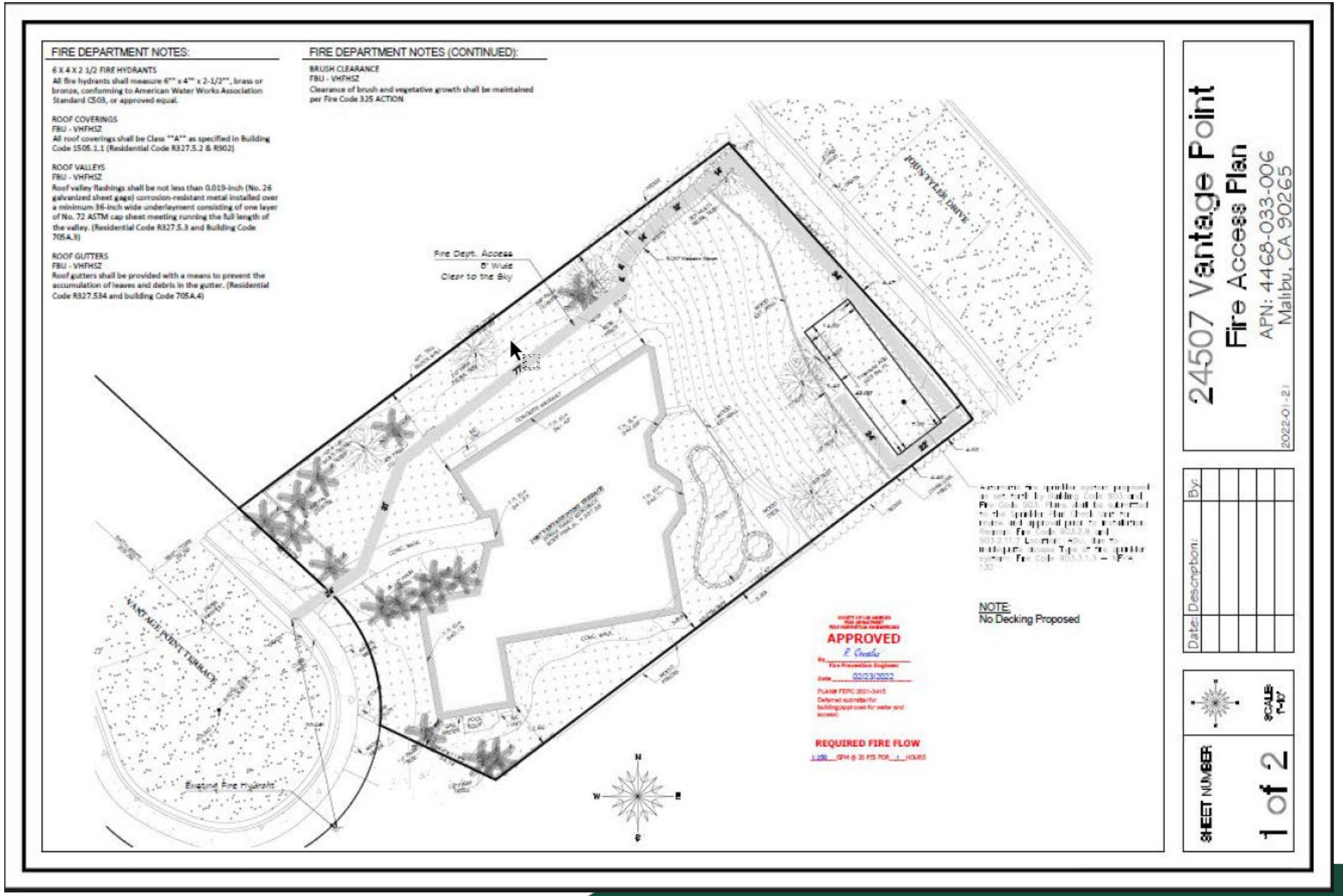


Approvals

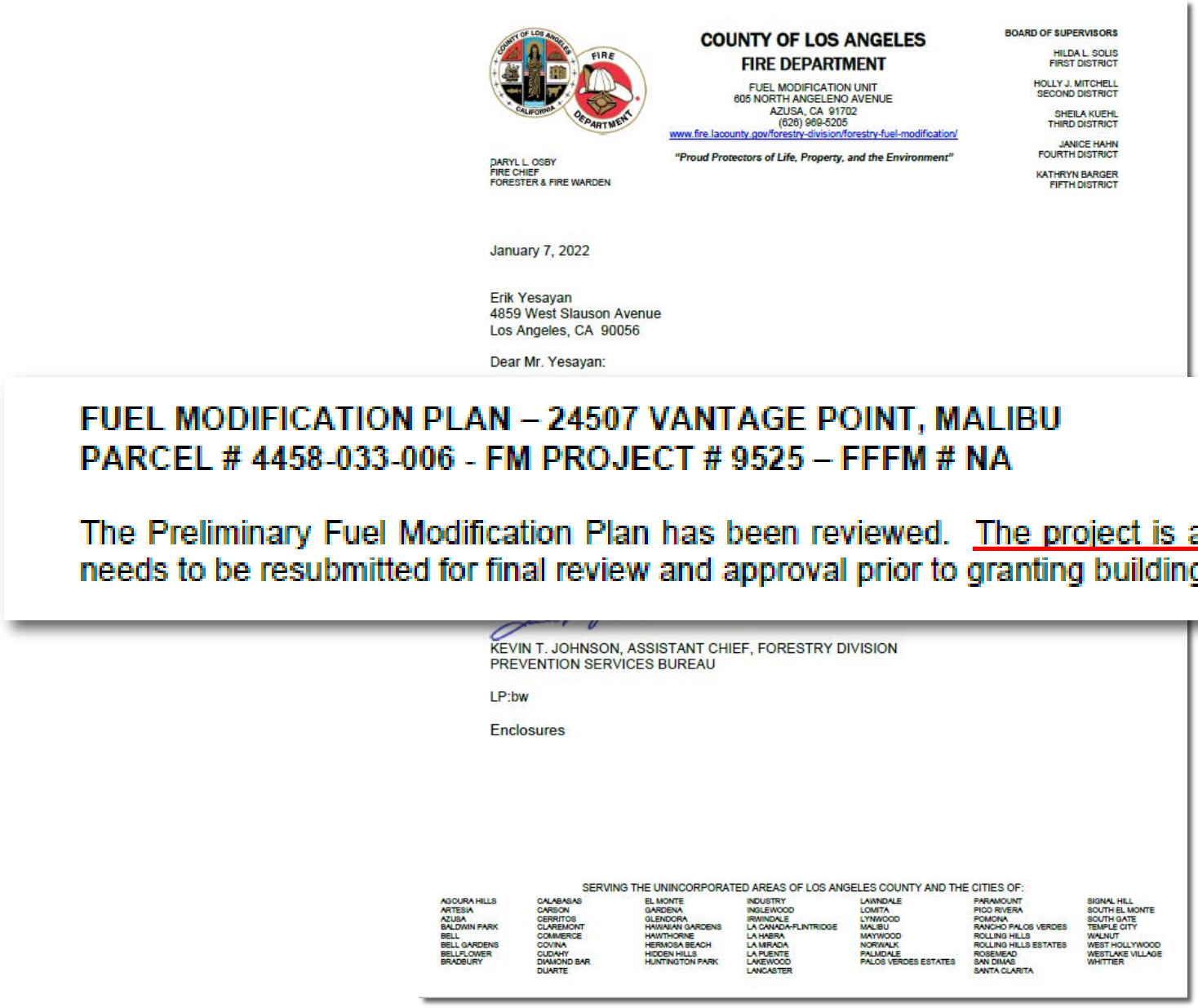
Fire Access Plan



Fire Flow Approval



Fuel Modification Approval



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

FUEL MODIFICATION UNIT
605 NORTH ANGELENO AVENUE
AZUSA, CA 91702
(626) 969-5205
www.fire.lacounty.gov/forestry-division/forestry-fuel-modification/

"Proud Protectors of Life, Property, and the Environment"

BOARD OF SUPERVISORS
HILDA L. SOLIS
FIRST DISTRICT
HOLLY J. MITCHELL
SECOND DISTRICT
SHEILA KUEHL
THIRD DISTRICT
JANICE HAHN
FOURTH DISTRICT
KATHRYN BARGER
FIFTH DISTRICT

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

January 7, 2022

Erik Yesayan
4859 West Slauson Avenue
Los Angeles, CA 90056

Dear Mr. Yesayan:

FUEL MODIFICATION PLAN – 24507 VANTAGE POINT, MALIBU
PARCEL # 4458-033-006 - FM PROJECT # 9525 – FFFM # NA

The Preliminary Fuel Modification Plan has been reviewed. The project is approved in concept and needs to be resubmitted for final review and approval prior to granting building permits.

KEVIN T. JOHNSON, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

LP:bw

Enclosures

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	CALABASAS	EL MONTE	INDUSTRY	LAWNDALE	PARAMOUNT	SIGNAL HILL
ARTESIA	CARSON	GARDENA	INGLEWOOD	LOMITA	PICO RIVERA	SOUTH EL MONTE
AZUSA	CERRITOS	GLENDORA	IRWINDALE	LYNWOOD	POMONA	SOUTH GATE
BALDWIN PARK	CLAREMONT	HAWAIIAN GARDENS	LA CANADA-FLINTRIDGE	MALIBU	RANCHO PALOS VERDES	TEMPLE CITY
BELL	COMMERCE	HAWTHORNE	LA HABRA	MAYWOOD	ROLLING HILLS	WALNUT
BELL GARDENS	COVINA	HERMOSA BEACH	LA MIRADA	NORWALK	ROLLING HILLS ESTATES	WEST HOLLYWOOD
BELLFLOWER	CUDAHY	HIDDEN HILLS	LA PUENTE	PALMDALE	ROSEMEAD	WESTLAKE VILLAGE
BRADBURY	DIAMOND BAR	HUNTINGTON PARK	LAKEWOOD	PALOS VERDES ESTATES	SAN DIMAS	WHITTIER
	DUARTE		LANCASTER		SANTA CLARITA	

Fuel Modification Approval

FUEL MODIFICATION PLAN NOTES:

Zone A – Setback Zone
- Extends 30 feet beyond the edge of any combustible structure, accessory structure, appendage or projection. Overhangs or parts of structures not accurately reflected on the plans may negate the approval of plant location on the approved plan.
- Irrigation by automatic or manual systems shall be provided to maintain healthy vegetation and fire resistance.
- Vegetation in this zone shall consist primarily of green lawns, ground covers not exceeding 6 inches in height, and adequately spaced shrubs. The overall landscape characteristics shall provide adequate defensible space in a fire environment.
- Plants in Zone A shall be inherently highly fire resistant and appropriately spaced. Species selection should reference the Fuel Modification Plant List. Other species may be used subject to approval. Plans re-submitted 6 months after the initial review will be evaluated based on the current Fuel Modification Plant List, available from the Fuel Modification Unit.
- Trees are generally not recommended, except for dwarf varieties or mature trees small in stature.
- Target species will typically not be allowed within 30 feet of combustible structures and may require removal if existing.
- Vines and climbing plants shall not be allowed on any combustible structure requiring review.

FUEL MODIFICATION PLAN NOTES (CONTINUED):

Zone B – Irrigated Zone
- Extends from the outer edge of Zone A to 100 feet from structures.
- Irrigation by automatic or manual systems shall be provided to maintain healthy vegetation and fire resistance.
- Vegetation in this zone shall primarily consist of green lawns, ground covers, and adequately spaced shrubs and trees.
- Unless otherwise approved, ground covers shall be maintained at a height not to exceed 6 inches. On slopes, 12 inches is acceptable within 50 feet of a structure, and 18 inches beyond 50 feet. The overall landscape characteristics shall provide adequate defensible space in a fire environment. Specimen native plants may be approved to remain if properly maintained for adequate defensible space. Annual grasses or weeds shall be maintained at a height not to exceed 3 inches.
- Plants shall be fire resistant and appropriately spaced. Plant selection should reference the Fuel Modification Plant List. Other plants may be used subject to approval.
- Replacement planting to meet minimum City or County slope coverage requirements or ordinances will be considered. In all cases, the overall landscape characteristics shall provide adequate defensible space in a fire environment.
- Target species may require removal within 50 feet of structures, depending on site conditions.
- All trees, unless otherwise approved, shall be planted far enough from structures and Fire
access roads, as to not overhang any structure or access at maturity.

FUEL MODIFICATION PLAN NOTES (CONTINUED):

Zone C – Native Brush Thinning Zone
- Extends from the outer edge of Zone B up to 200 feet from structures or to the property line.
- Required thinning and clearance will be determined upon inspection.
- Irrigation systems are not required.
- Vegetation may consist of modified existing native plants, adequately spaced ornamental shrubs and trees, or both. Replacement planting to meet minimum City or County slope coverage requirements or ordinances will be considered. In all cases, the overall landscape characteristics shall provide adequate defensible space in a fire environment.
- Plants shall be spaced appropriately. Existing native vegetation shall be modified by thinning and removal of plants constituting a fire risk; these include, but are not limited to: chamise, sage, sage brush, and buckwheat.
- Annual grasses and weeds shall be maintained at a height not to exceed 3 inches.
- General spacing for existing native shrubs or groups of shrubs is 15 feet between canopies. Native plants may be thinned by reduced amounts as the distance from development increases.
- General spacing for existing native trees or groups of trees is 30 feet between canopies. This distance may vary depending on the slope, arrangement of trees in relation to slope, and the tree species.

FUEL MODIFICATION PLAN NOTES (CONTINUED):

Fire Access Road Zone
- Extends a minimum of 10 feet from the edge of any public or private road used by fire-fighting resources.
- Clear and remove flammable growth for a minimum of 10 feet on each side of Fire Access Roads. (Fire Code 325.10) Additional clearance beyond 10 feet may be required upon inspection.
- Fire access roads, driveways and turnarounds shall be maintained in accordance with fire code.

Fire Access Roads shall have unobstructed vertical clearance clear to the sky for a width of 20 (Fire Code 503.2.1)
- Remaining plants shall be appropriately spaced and maintained to provide safe egress in wildland fire environments.
- All trees, unless otherwise approved, shall be planted far enough from structures and Fire
access roads, as to not overhang any structure or access at maturity.

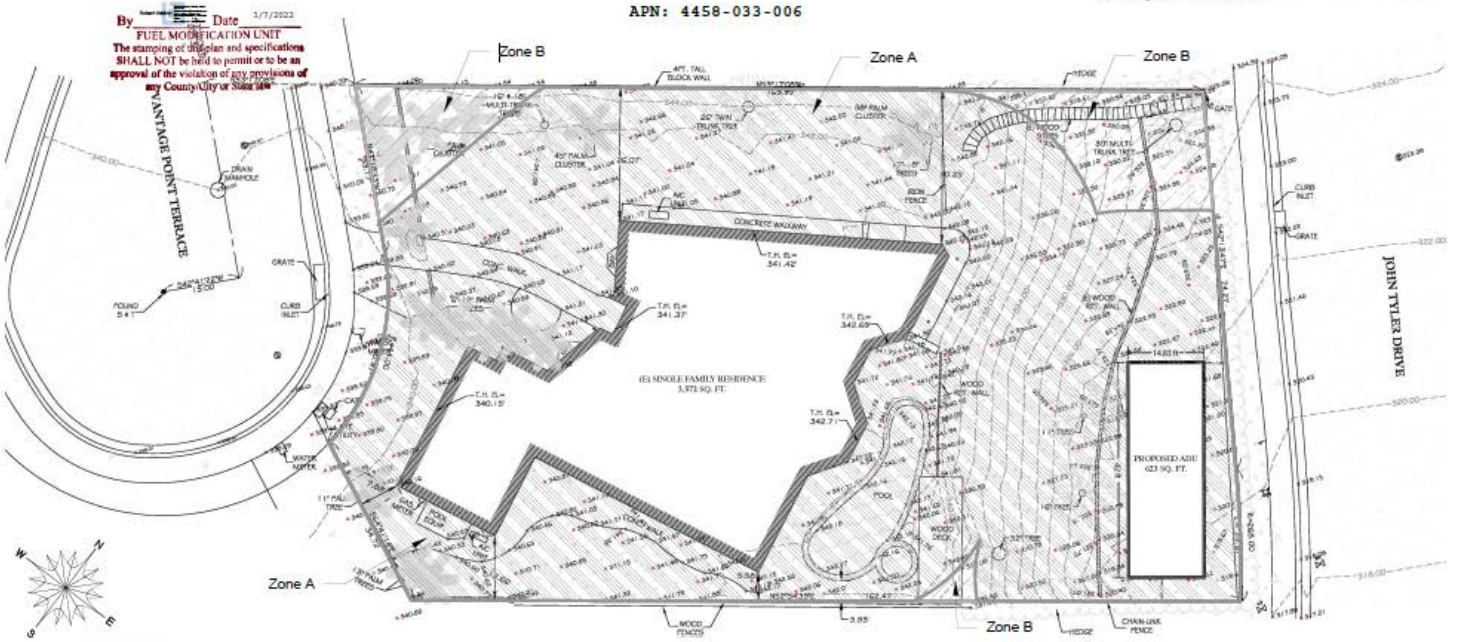
Maintenance

Routine maintenance shall be regularly performed in all zones. Requirements include items in the Fuel Modification Guidelines and those outlined below:
- Removal or thinning of undesirable combustible vegetation and removal of dead or dying plants to meet minimum brush clearance requirements.
- Pruning and thinning to reduce the overall fuel load and continuity of fuels.
- Fuel loads shall be reduced by pruning lower branches of trees and tree-form shrubs to 1/3 of their height, or 6 feet from lowest hanging branches to the ground, to help prevent fire from spreading and make maintenance easier. Trees with understory plants should be limbed up at least three times the height of the underlying vegetation or up to one third the height of the tree, whichever is less, to help prevent fire from spreading upward into the crown.

COUNTY OF LOS ANGELES
FIRE DEPARTMENT
PREVENTION SERVICES BUREAU
PRELIMINARY
FUEL MODIFICATION PLAN

By _____ Date 1/7/2022
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

APN: 4458-033-006



24507 Vantage Point
Fuel Modification Plan
Malibu, CA 90265
2022-01-06

Date:	Description:	By:

SHEET NUMBER
1 of 2

SCALE 1"=10'

Biology Approval

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 DATE: 9/23/2021

PROJECT NUMBER: ACDP 21-045

JOB ADDRESS: 24507 VANTAGE POINT TER

APPLICANT / CONTACT: Matt Jewett, Keystone Strategic Planning

APPLICANT ADDRESS: 4859 West Slauson Avenue
Los Angeles, CA 90056

APPLICANT PHONE #: (425)753-6115

(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 — 10/6/21

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

Rev 10/06/2021

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

Public Works Approval

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 DATE: 9/23/2021

PROJECT NUMBER:	ACDP 21-045
JOB ADDRESS:	24507 VANTAGE POINT TER
APPLICANT / CONTACT:	Matt Jewett, Keystone Strategic Planning
APPLICANT ADDRESS:	4859 West Slauson Avenue Los Angeles, CA 90056
APPLICANT PHONE #:	(425)753-6115

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.

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

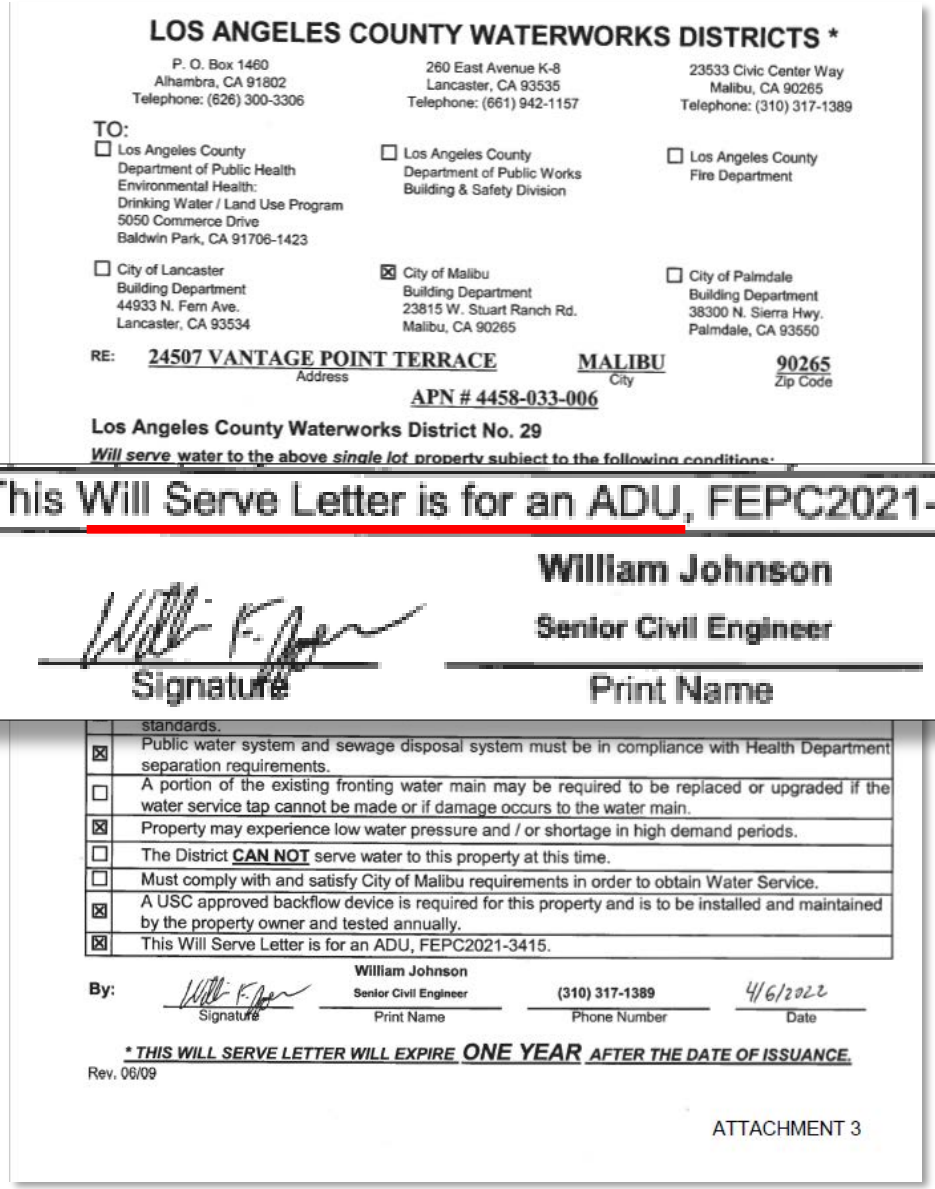
x The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the Planning process.

SIGNATURE

10/25/21
DATE

Rev 120910

Water Works Will Serve ADU



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: 24507 VANTAGE POINT TERRACE (Address) MALIBU (City) 90265 (Zip Code)

APN # 4458-033-006

Los Angeles County Waterworks District No. 29

Will serve water to the above *single lot* property subject to the following conditions:

☒ This Will Serve Letter is for an ADU, FEPC2021-3415.

By: William F. Johnson (Signature) | William Johnson (Print Name) | Senior Civil Engineer | (310 (Ph)

	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 and tested annually.
☒	This Will Serve Letter is for an ADU, FEPC2021-3415.

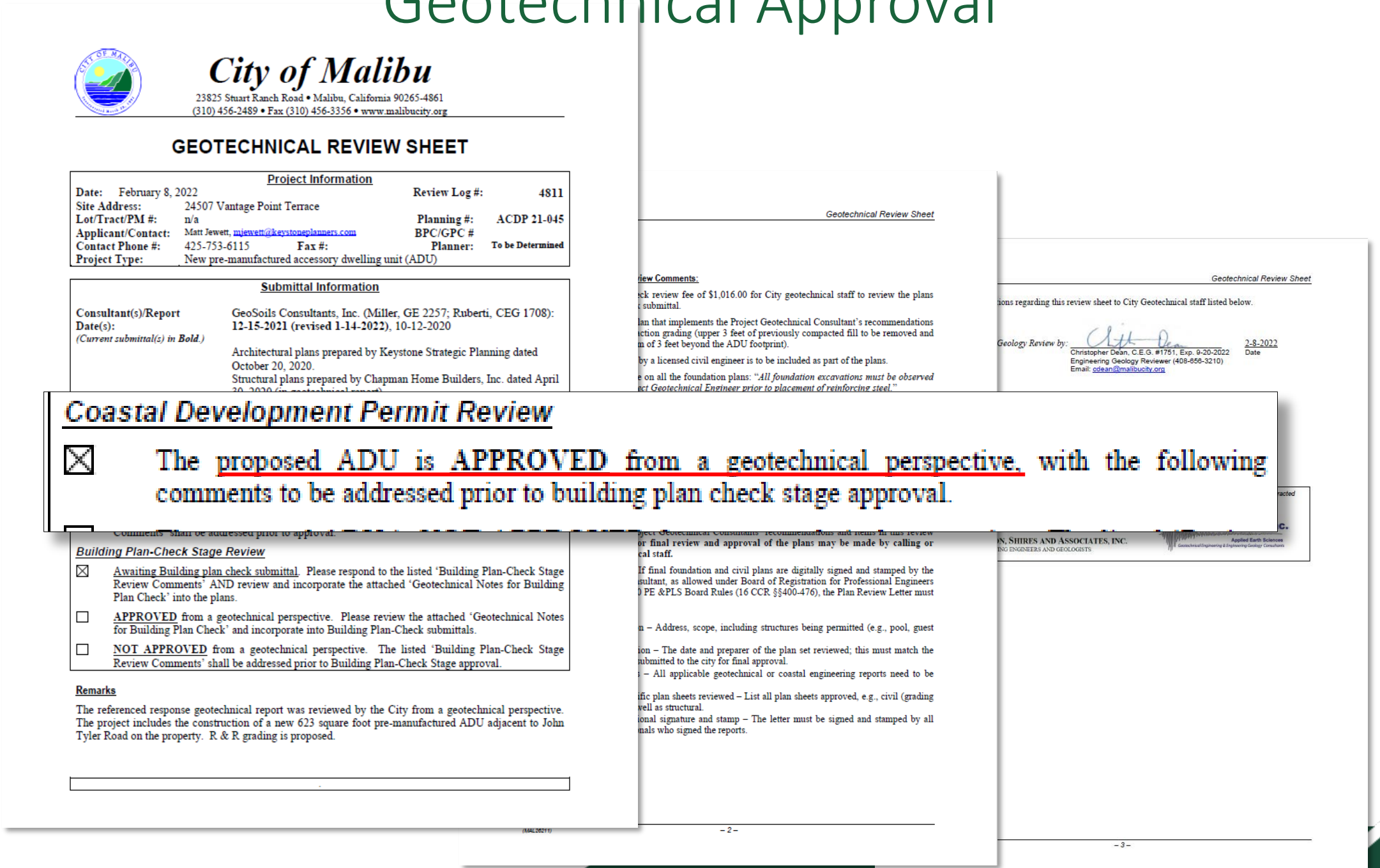
By: William F. Johnson (Signature) | William Johnson (Print Name) | Senior Civil Engineer | (310) 317-1389 (Phone Number) | 4/6/2022 (Date)

THIS WILL SERVE LETTER WILL EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE.

Rev. 06/09

ATTACHMENT 3

Geotechnical Approval



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:	February 8, 2022	**Review Log #:**	4811
Site Address:	24507 Vantage Point Terrace		
Lot/Tract/PM #:	n/a	**Planning #:**	ACDP 21-045
Applicant/Contact:	Matt Jewett, mjewett@keystoneplanners.com	**BPC/GPC #**	
Contact Phone #:	425-753-6115 **Fax #:**	**Planner:**	To be Determined
Project Type:	New pre-manufactured accessory dwelling unit (ADU)		

Submittal Information

Consultant(s)/Report Date(s): GeoSoils Consultants, Inc. (Miller, GE 2257; Ruberti, CEG 1708): **12-15-2021 (revised 1-14-2022)**, 10-12-2020
*(Current submittal(s) in **Bold**.)*

Architectural plans prepared by Keystone Strategic Planning dated October 20, 2020.
Structural plans prepared by Chapman Home Builders, Inc. dated April

Geotechnical Review Sheet

Coastal Development Permit Review

☒ The proposed ADU is APPROVED from a geotechnical perspective, with the following comments to be addressed prior to building plan check stage 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 response geotechnical report was reviewed by the City from a geotechnical perspective. The project includes the construction of a new 623 square foot pre-manufactured ADU adjacent to John Tyler Road on the property. R & R grading is proposed.

Geotechnical Review Sheet

Geology Review by: Christopher Dean, C.E.G. #1751, Exp. 9-20-2022 — 2-8-2022 Date
Engineering Geology Reviewer (408-656-3210)
Email: cdean@malibucity.org

Letters of Support

Letters of Support

BREDEFELD & ASSOCIATES, P.C.
CERTIFIED PUBLIC ACCOUNTANTS
125 MAPLE AVENUE, SUITE C
CHESTER, NEW JERSEY 07930
(732) 764-9292
FAX: (732) 764-8988

Received
01/12/26
Planning Div.

M. BREDEFELD, CPA

23805 STUART RANCH ROAD, SUITE 101
MALIBU, CALIFORNIA 90265
(310) 317-4608

January 12, 2026

Dear Commissioners:

I am a homeowner in the Malibu Country Estates and live on the same street as the applicant. I know from personal experience about the importance of live-in caregivers when a family member needs them.

However, not all properties in our neighborhood lend themselves to a live-in situation. That's why those lots which have sufficient space in their backyard should be allowed to add a small ADU to their home. In the case of the Meissners' property, there is a building pad along John-Tyler Drive available for such purposes. Having an ADU at that location cannot possibly bother any neighbor because you can only see it when you walk through the campus. Based on the foregoing, I fully support the subject application.

Thank you for your consideration.

Sincerely yours,

Mitchell Bredefeld

Mitchell Bredefeld
MB/

Letters of Support

Received
01/07/26
Planning Div.

From: Planning Commission
To: Magda Gonzalez
Cc: Rebecca Evans; Gail Duncan
Subject: FW: Support of ADU application 24507 Vantage Point Terrace, Malibu (ACDP-21-045)
Date: Tuesday, January 13, 2026 5:20:38 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png

From: Dana Harger [redacted]>
Sent: Wednesday, January 7, 2026 7:56 AM
To: Planning Commission <planningcommission@malibucity.org>
Subject: Support of ADU application 24507 Vantage Point Terrace, Malibu (ACDP-21-045)

Dear Commissioners,

I am writing to register my support of the above mentioned project at 24507 Vantage Point Terrace in Malibu. I am a neighbor living at [redacted] Vantage Point Terrace, only a few homes away, and I have no opposition to the project going forward.

As a senior citizen living in Malibu I have given much thought to how I might be able to remain in my home. I believe having a separate living space for a caregiver will afford me the best opportunity to stay in my home. As the planning commission surely knows, we have a lack of housing for caregivers in the community and as many in the city of Malibu are over 60 and would surely like to remain in their homes, one solution would be to allow ADU's.

Thank you for taking the time to consider my position regarding this project.

Best,
Dana Harger

Letters of Support

Received
11/21/25
Planning Div.

From: Teresa LeGrove
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Dec 1, 2025
Date: Friday, November 21, 2025 3:01:07 PM
Attachments: AIorK4xXdTTrLyEUj2uxyaPqM07M6SN89yiQN1i-tUX1jBAUDwEln-LrYmb7Mx_eqJST5BOl_c03ffY.png
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AIorK4z6pTulkSK7Ckg9Lc6i0jKk-ur43pG5CwsNPCYsxhm9siZcnNF0SDOvLJ8oDjV5HnnhSlRRRG0.png

Dear City of Malibu Planning Department,

I'm writing as both a Malibu Country Estates resident and a local Realtor who works closely with families, students, and professionals in our community. I want to express my full support for my neighbor's proposed ADU project, as well as the broader effort to encourage well-planned ADUs in Malibu.

ADUs provide meaningful benefits in a city where housing costs continue to rise. They offer flexible options for those who work or study in Malibu, but cannot afford traditional rental prices. They also give homeowners a way to support aging parents, young adults who are just launching, or long-term local employees who are essential to the fabric of our community. When a property has the space to responsibly accommodate an ADU, it becomes an opportunity to strengthen our neighborhood without changing its character.

From both a resident's and a Realtor's perspective, I've seen how thoughtfully designed ADUs increase stability, improve housing accessibility, and help maintain the economic diversity that keeps Malibu vibrant.

Thank you for your time and consideration. I fully support this project and hope you will too.

Warm regards,

Teresa LeGrove

Malibu Country Estates Resident

Realtor®, Coldwell Banker Malibu

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 11/21/25 Time 3:01 p.m.
Planning Commission meeting of 12/01/25
Agenda Item No. 5D
Total No. of Pages 1

Letters of Support

Received
12/1/25
Planning Div.

From: emmanuel gonzalez
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Dec 1, 2025
Date: Saturday, November 29, 2025 4:15:35 PM

Dear Planning Commissioners:

Our home is immediately adjacent to the Meissners' property. We have seen the plans and feel comfortable with the project. Therefore, we may ask you to approve it.

Happy Holidays-

Emmanuel Gonzalez

Sent from my iPhone

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/1/25 Time 7:30 a.m.
Planning Commission meeting of 12/1/25
Agenda Item No. 5D
Total No. of Pages 1

Letters of Support

Received
12/1/25
Planning Div.

From: Eran Eliyahoo
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Dec 1, 2025
Date: Sunday, November 30, 2025 5:23:10 PM

Hello,

To whom it may concern, We own a property in the Malibu Country Estates that is directly next to the lot the subject ADU is planned for. The project does not pose any view impact since it is at the very bottom of the slope facing the large Pepperdine parking lot on John Tyler. There being no other concerns from our side, there is no reason for us to object and we recommend to approve the application.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/1/25 Time 7:30 a.m.
Planning Commission meeting of 12/1/25
Agenda Item No. 5D
Total No. of Pages 1

Letters of Support

Received
11/24/25
Planning Div.

From: DOUGLAS DE LUCA
To: Planning Commission
Subject: ADU Application 24507 Vantage Point Ter (ACDP 21-045) Hearing Date Dec 1, 2025
Date: Friday, November 21, 2025 6:04:21 PM

Dear Planning Commissioners,
I am a homeowner in the Malibu Country Estates and live on the same street as the subject property. Homeowners in MCE should not be denied the opportunity to build an ADU as long as there is appropriate space on the lot, and the ADU does not impact the view of any neighbor. I do not have any objections, especially because there is no view impact with the ADU's roofline being lower than the building pad of the main house. Due to the property's location at the edge of our neighborhood, facing Pepperdine, none of the community's homeowners will even be able to see the proposed structure from their residences since it will be hidden behind vegetation at the bottom of a slope. Therefore, I fully support this ADU. Thank you for your consideration.

Regards,
Doug DeLuca
[redacted]
Malibu, ca 90265

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 11/24/25 Time 7:30 a.m.
Planning Commission meeting of 12/01/25
Agenda Item No. 5D
Total No. of Pages 1

NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL

The Malibu City Council will hold public hearings on **WEDNESDAY, September 23, 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. 26-017 - An appeal of Planning Commission Resolution No. 26-02 determining that the California Environmental Quality Act does not apply to projects that a public agency rejects or disapproves, and denying Coastal Development Permit No. 21-045 to grade and construct a new 594 square foot, 11 foot, 2 inch tall, detached accessory dwelling unit; including Variance No. 26-003 for relief from Malibu Country Estates Overlay District Standards associated with a proposed second building pad, reduced rear yard setback, wall heights, and allowances for impermeable coverage, structure height, and grading outside the existing building pad

Location:	24507 Vantage Point Terrace
APN:	4458-033-006
Zoning:	Single-Family Medium (SFM) and Malibu Country Estates Overlay District
Environmental Review:	Categorical Exemption CEQA Guidelines Section 15270
Applicant:	Keystone Strategic Planning
Owner/Appellant:	Meissner Family Trust
Application Filed:	September 23, 2021
Appeal Filed:	June 11, 2026
Case Planner:	Courtney Brown, Senior Planner (310) 456-2489, extension 268 cbrown@malibucity.org

APPEAL NO. 26-006 - Appeal of Planning Commission Resolution No 26-10 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 23-034 to construct a new new two-story, 18-foot high, 4,856 square foot single-family residence, including a 791 square foot attached garage and an 824 square foot second-story second unit, landscaping, hardscape, grading, fire department turnaround area, vehicular access gate, and the installation of a new onsite wastewater treatment system; including Minor Modification No. 25-009 for up to a 50 percent reduction of the front yard setback

Location:	33008 Pacific Coast Highway
APN:	4473-017-009
Zoning:	Rural Residential, Two-Acre (RR-2)
Environmental Review:	Categorical Exemption CEQA Guidelines Sections 15303(a) and 15303(e)
Appealable to:	California Coastal Commission
Applicant:	Schmitz and Associates, Inc.
Owner:	Bluff Top 1 LLC
Appellant:	Mark Mackey
Application Filed:	May 17, 2023
Appeal Filed:	February 26, 2026

Case Planner: Didier Murillo, Principal Planner
(310) 456-2489, extension 342
dmurillo@malibucity.org

For the project 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 September 9, 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 September 18, 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.

COASTAL COMMISSION APPEAL – For projects appealable to the Coastal Commission, an aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling 805-585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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: August 20, 2026