

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 20-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THAT THE PROPOSED AMENDMENT IS CONSISTENT WITH THE PREVIOUSLY CONSIDERED ADDENDUM NO. 2 TO THE CRUMMER SITE SUBDIVISION FINAL ENVIRONMENTAL IMPACT REPORT AND APPROVING COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 20-016 AMENDING COASTAL DEVELOPMENT PERMIT NO. 19-083 TO ALLOW FOR THE PLACEMENT OF 244 LINEAR FEET OF POTTED TREES, AS ANCILLARY DEVELOPMENT TO THE PREVIOUSLY APPROVED ABOVE-GROUND TEMPORARY SKATE PARK, LOCATED ON LOT 7 OF THE CRUMMER/CASE PROPERTY IN THE PLANNED DEVELOPMENT AND PUBLIC OPEN SPACE ZONING DISTRICTS LOCATED AT 24250 PACIFIC COAST HIGHWAY (CITY OF MALIBU)

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

SECTION 1. Recitals.

A. On February 3, 2020, the Planning Commission adopted Planning Commission Resolution No. 20-15 approving Coastal Development Permit (CDP) No. 19-083 for the installation of a 12,320-square foot above-ground temporary skate park, including construction of various skating equipment, fencing, and benches (elements) to be placed on a portion of a new 24,176-square foot asphalt lot, along with a drop-off/pick-up area including two ADA parking spaces, plus a dirt parking lot with 40 spaces and a cross-walk over Winter Mesa Drive and associated development, located on Lot 7 of the Crummer/Case property in the Planned Development (PD) and Public Open Space (OS) zoning districts located at 24250 Pacific Coast Highway (City of Malibu)

B. On February 28, 2020, an application for Coastal Development Permit Amendment (CDPA) No. 20-016 to allow for the placement of potted trees along the northern and western portion of the property to the Planning Department by the City Community Services Department. The application was routed to the City Biologist and City Public Works Department for review.

C. On May 15, 2020, a Notice of Coastal Development Permit Application was posted on the subject property.

D. On March 23, 2020, the application was deemed complete.

E. On May 21, 2020, 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 1,000-foot radius of the subject properties.

F. On June 1, 2020, the Planning Commission continued the application to the June 15, 2020.

G. On June 15, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has determined that the proposed amendment does not change any determinations made in both the Final Environmental Impact Report (EIR) for the Crummer Subdivision and the Addendum No. 2 to the Certified Final EIR which was adopted by the Planning Commission on February 3, 2020, as part of the approval of the CDP for the Temporary Skate Park.

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(b) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDPA No. 20-016 to allow for the placement of 244 linear feet of potted trees (not to exceed eight feet in height) as ancillary development to the previously approved above-ground temporary skate park, located on Lot 7 of the Crummer/Case property in the PD and POS zoning districts located at 24250 Pacific Coast Highway (City of Malibu).

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

A. General Coastal Development Permit (LIP Chapter 13)

1. The proposed amendment is located in the PD and POS zoning districts, areas designated for recreational uses. The proposed project has been reviewed for conformance with the LCP and Malibu Municipal Code (MMC) by the Planning Department, City Biologist and City Public Works Department. 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 PD/POS development standards.

2. The Planning Commission has found the subject property to be located inland and not located along the shoreline. Furthermore, there are no mapped trails on the subject property. The revision to include trees in planters to the approved project does not affect this finding and previous determinations made by the Planning Commission. Therefore, the project conforms to the public access and recreation policies of the Coastal Act of 1976.

3. The Planning Commission found in Resolution No. 20-15 that the project and associated development as proposed would not result in significant adverse effects on the environment, within the meaning of CEQA, and there are no feasible alternatives that would further reduce any impacts on the environment. The proposed amendment is for the placement of 244 linear feet of potted trees that will be eight feet in height so as not to impact blue water views over the property from surrounding scenic roads and areas. The alternative of planting of native trees in the ground was considered. However, the goal of the amendment is to provide immediate screening of the skate park from the adjacent Case Project subdivision and to be able to remove the screening upon completion of the permeant skate park. Native trees are not available in boxes at sizes that would accomplish this goal. The screening is ornamental, temporary and not required

by code. Therefore, the proposed project amendment will result in less than significant impacts and is the least environmentally damaging feasible alternative to accomplish the goals of the project.

4. The proposed amendment does not affect the determinations made in Resolution No. 20-15, in which the Planning Commission found that the subject parcel is not located in or adjacent to an ESHA or ESHA buffer and that review by the Environmental Review Board (ERB) is not required.

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

1. An analysis of the project's visual impact was conducted through site inspections and architectural plans. The potted trees will be placed at an elevation lower than PCH and the Case Project, minimizing their visibility from PCH and not blocking public ocean views. Furthermore, the potted trees will not exceed eight feet in height consistent with the Planned Development standards for Lot 7 that were approved. There is no evidence that the project will result in significant adverse scenic or visual impacts.

2. As discussed in Finding 1, the project is not expected to have significant adverse visual impacts. The project is conditioned to require a final inspection to ensure that the height of the trees complies with the standard.

3. As discussed in Section A, Finding 3, the project, as proposed or conditioned, is the least environmentally damaging alternative.

4. As discussed herein, the amendment, as designed and conditioned, is not expected to adversely affect scenic and visual resources and therefore, no feasible alternatives would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

5. As discussed in Findings 1 and 2, the project, as proposed and conditioned, will result in less than significant impacts on scenic and visual resources. The location proposed for the potted trees would result in a less than significant visual impact to public views and will not impact sensitive resources.

SECTION 5. Planning Commission Approval.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDPA No. 20-016, subject to the following conditions. All conditions from the previously approved Planning Commission Resolution No. 20-15 remain in full force and effect. The following conditions include updated and modified conditions in effect since the previous approval date.

SECTION 6. Conditions of Approval.

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

City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

2. Approval of this application is to amend the project scope as described herein. The scope of work as amended includes:
 - a. Placement of 244 linear feet of potted Carolina Cherry trees or similar approved by the City Biologist (not to exceed eight feet in height from finished grade) along the northern and western portion of the property.
 - b. Placement of up to three freestanding potted trees (not to exceed eight feet in height from finished grade) as approved by the City Biologist.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, signed by Public Works Engineering staff on May 21, 2020. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.
5. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to plan installation of the trees.

Site-Specific Conditions

6. The potted trees are permitted by this entitlement but are not required.
7. No outdoor lighting is proposed or approved with this application.
8. The potted trees shall not exceed eight feet in height from finished grade at any time.

Biology/Landscaping

9. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) shall be maintained at or below a height of eight feet.
10. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth)
11. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

Prior to Final Sign-Off

12.

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

13.

Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

Fixed Conditions

14.

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

15.

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.

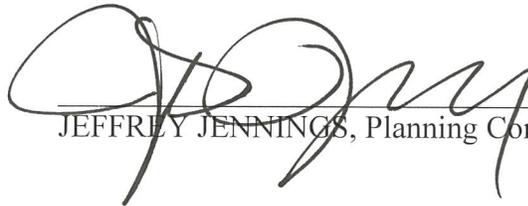
Signs

16.

No other new signage is permitted under this application; a sign permit shall be submitted and approved by the Planning Department prior to installation of any new sign.

SECTION 7. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 15th day of June 2020.



JEFFREY JENNINGS, Planning Commission Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 20-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU CONSIDERING ADDENDUM NO. 2 TO THE CRUMMER SITE SUBDIVISION PROJECT FINAL ENVIRONMENTAL IMPACT REPORT AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 19-083 TO ALLOW FOR THE INSTALLATION OF A 12,320-SQUARE FOOT ABOVE-GROUND TEMPORARY SKATE PARK, INCLUDING CONSTRUCTION OF VARIOUS SKATING EQUIPMENT, FENCING, AND BENCHES (ELEMENTS) TO BE PLACED ON A PORTION OF A NEW 24,176-SQUARE FOOT ASPHALT LOT, ALONG WITH A DROP-OFF/PICK-UP AREA INCLUDING TWO ADA PARKING SPACES, PLUS A DIRT PARKING LOT WITH 40 SPACES AND A CROSS-WALK OVER WINTER MESA DRIVE AND ASSOCIATED DEVELOPMENT, LOCATED ON LOT 7 OF THE CRUMMER/CASE PROPERTY IN THE PLANNED DEVELOPMENT AND PUBLIC OPEN SPACE ZONING DISTRICTS LOCATED AT 24250 PACIFIC COAST HIGHWAY (CITY OF MALIBU)

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

SECTION 1. Recitals.

A. On November 26, 2019, an application for a Coastal Development Permit (CDP) No. 19-083 to allow for a new temporary skate park, with minor landscaping, and associated required parking was submitted to the Planning Department by the City Public Works Department. The application was routed to the City Biologist, City geotechnical staff and City Public Works Department for review.

B. On December 18, 2019, a Notice of CDP was posted on the subject property.

C. On January 2, 2020, the application was deemed complete.

D. On January 9, 2020, 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 1,000-foot radius of the subject properties.

E. On February 3, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has exercised its independent judgment and analyzed the proposed project. The Planning Commission finds that the proposed project was adequately studied in the Crummer Site Subdivision Project Final EIR, which was certified by the City of Malibu on February 24, 2014 (SCH No. 2008091155), that it will result in less than significant impacts with mitigation, and that no further evaluation under CEQA is required.

In addition, the Planning Commission finds that the proposed 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 – New Construction, 15304 – Minor Alterations to Land, 15311 – Accessory Structures, and 15332 – Infill Development. 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).

Nevertheless, the Commission also evaluated the proposed application and determined the temporary skate park will not create any new significant impacts or increase the severity of impacts as compared to those that were identified; and that none of the conditions described in CEQA Guidelines Sections 15162 have occurred. The proposed project would not cause new significant impacts not identified in the certified Final EIR or result in a substantial increase in the severity of previously identified significant impacts. No substantial changes have occurred with respect to the circumstances under which the approved project is undertaken which would require major revisions of the Final EIR due to the involvement of new significant environmental effects or an increase in severity of identified effects. There is no new information that shows that the proposed project would cause new significant environmental impacts that were not already analyzed in the certified Final EIR. Therefore, pursuant to CEQA Guidelines Section 15164, an addendum to the Final EIR (Addendum No. 2) was prepared and no supplemental environmental review is required beyond this Addendum. The certified Final EIR, Addendum No. 2 and Categorical Exemptions were considered prior to approval of the project. Together they are determined to adequately satisfy all the requirements of CEQA.

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(b) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 19-083 to allow for the installation of a 12,320-square foot above-ground temporary skate park, including construction of various skating equipment, fencing, and benches (elements) to be placed on a portion of a new 24,176-square foot asphalt lot, along with a drop-off/pick-up area including two ADA parking spaces, plus a dirt parking lot with 40 spaces and a cross-walk over Winter Mesa Drive and associated development, located on Lot 7 of the Crummer/Case property in the Planned Development (PD) and Public Open Space (OS) zoning districts located at 24250 Pacific Coast Highway (City of Malibu).

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

A. General Coastal Development Permit (LIP Chapter 13)

1. The proposed project is located in the PD and POS zoning districts, areas designated for recreational uses. The proposed project has been reviewed for conformance with the LCP and Malibu Municipal Code (MMC) by the Planning Department, City Biologist, City Public Works Department, and City geotechnical staff. 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 PD/POS development standards.

2. Evidence in the record demonstrates that as conditioned, the project will not result in adverse biological or visual impacts and involves minimal grading to level the site. The site has already been disturbed and graded in accordance with the approved Crummer Subdivision site improvements CDP. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment as no significant effects are expected. The proposed project is the least environmentally damaging environmental feasible alternative.

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

1. The proposed project will not have significant adverse scenic or visual impacts. An analysis of the project's visual impact was conducted through site inspections, architectural plans and review of the Certified Final EIR for the Crummer Subdivision and Addendum No. 2 to the Final EIR. The temporary skate park will not have visual impacts as the development will be placed at a lower elevation than PCH and the nearby residences, will have skate features that are no higher than eight feet and will have limited visibility from public viewing areas.

2. The project has been designed to avoid any adverse or scenic impacts. The project proposes temporary skate elements situated at a lower elevation than the nearby residential structures, minor low-level landscaping and does not propose any outdoor lighting, minimizing visual impacts. Therefore, the proposed development will not result in significant adverse scenic visual impacts.

3. As discussed in Section A, the project, as proposed or conditioned, is the least environmentally damaging alternative.

4. As discussed herein, the project, as designed and conditioned, is not expected to adversely affect scenic and visual resources and therefore, no feasible alternatives would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

5. As discussed in Findings 1 and 2, the project, as proposed and conditioned, will result in less than significant impacts on scenic and visual resources. The location proposed for the temporary skate park would result in a less than significant visual impact to public views and will not impact sensitive resources.

F. Hazards (LIP Chapter 9)

1. Like the entire City of Malibu, the project is located within an extreme fire hazard zone. The proposed temporary skate park will include minor landscape and grading, neither of which will affect the structural integrity of the site. No permanent or habitable structures are proposed. The project, as conditioned, will incorporate the conditions required by the City Public Works Department, and City geotechnical staff. As such, the proposed project will not increase the instability of the site or structural integrity from geologic, flood, or any other hazards.

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

3. The project, as conditioned, is the least environmentally damaging alternative, in that the temporary skate park complies with the requirements of both the MMC and LCP, and no environmentally superior alternatives have been identified.

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by City geotechnical staff, and City Public Works Department. These specialists determined that the proposed project does not adversely impact site stability or structural integrity. There are no feasible alternatives to the proposed development that would result in less site disturbance.

5. As discussed herein, the proposed project, as designed and conditioned, will not have adverse impacts on sensitive coastal resources, as none are present on Lot 7.

SECTION 5. Planning Commission Approval.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 19-083, subject to the following conditions, including the Mitigation Measures (MM) from the Crummer Subdivision Project Final EIR (certified by City Council Resolution No. 14-11) that are applicable to the project, as noted below.

SECTION 6. Conditions of Approval.

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

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
 - a. Placement of a 24,176-square foot asphalt lot;
 - b. Construction of a 12,320-square foot temporary skate park on the west portion of the paved area, including installation of skate elements that would be anchored to the ground, but would not include foundations;
 - c. New pick-up/drop-off area (including ADA parking) on the east portion of the paved area;
 - d. 935 square feet of landscaping;
 - e. 905 linear feet of chain link, view permeable fencing (not to exceed six feet in height);
 - f. New crosswalk located at the southwest corner of the property across Winter Mesa Drive from Malibu Bluffs Park;
 - g. 40 unpaved parking spaces and 2 ADA spaces, east of the pick-up/drop-off area; and
 - h. 600 cubic yards of non-exempt grading
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, signed by Public Works Engineering staff on January 22, 2020. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.
5. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the February 3, 2020, Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.
7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City geotechnical staff, and City Public Works Department, as applicable. Notwithstanding this review, all required permits shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.

Cultural Resources

12. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.
13. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.
14. *Mitigation Measure 4-1:* For adequate coverage and the protection of potentially significant buried resources, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards (48 Federal Register 44738-39) shall be retained by the applicant to monitor all ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. The project archaeologist shall have the authority to halt any activities adversely impacting potentially significant resources. Any significant archaeological resources found shall be preserved as determined necessary by the project archaeologist and offered to the South Central Coastal Information Center at California State University, Fullerton or repository willing to accept the resource. Any resulting reports shall also be forwarded to the South Central Coastal Information Center at California State University, Fullerton.

Should paleontological soils be uncovered during grading, a paleontological monitor shall also be retained by the applicant, upon the archaeological monitor's request, to oversee ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. The paleontological monitor shall have the authority to halt any activities adversely impacting potentially significant resources. Should fossil-bearing formations be uncovered, the monitor shall professionally collect any specimens without impeding

development. Any paleontological artifacts recovered shall be preserved, as determined necessary by the project paleontologist, and offered to an accredited and permanent scientific institution for the benefit of current and future generations. This mitigation measure shall also apply to trenching for utilities, geological testing, and any other ground-disturbing activities associated with the proposed project.

15. *Mitigation Measure 4-2:* A Native American Monitor of Chumash descent shall be retained to monitor all ground disturbing activities, including but not limited to all grading, excavation, and site preparation. Any artifacts recovered shall be curated at the South Central Coastal Information Center at California State University, Fullerton, the designated repository for Los Angeles, Ventura, and Orange Counties. The extent and duration of the archaeological monitoring program shall be determined in accordance with the proposed grading or demolition plans. If human remains are uncovered, the Los Angeles Coroner, Native American Heritage Commission, local Native American representatives, and archaeological monitor shall determine the nature of further studies, as warranted and in accordance with Public Resources Code 5097.98 and the City's standard conditions of approval. This mitigation measure shall also apply to trenching for utilities, geological testing, and any other ground-disturbing activities associated with the proposed project.

Site-Specific Conditions

16. No outdoor lighting is proposed or approved with this application.

Biology/Landscaping

17. Pursuant to MMC Section 9.22.030 of City of Malibu Ordinance No. 343 (Landscape Water Conservation Ordinance), the proposed project is not subject to the Landscape Water Conservation Ordinance the newly planted area totals less than 2,500 square feet.
18. The submitted landscape plan is limited to a traffic 'island' and is also limited to a single species *Encilia farinose*. If there becomes a reason to add or change species, contact the City Biologist before planting.
19. Invasive plant species, as determined by the City of Malibu, are prohibited.
20. Up-lighting of landscaping is prohibited.

Street Improvements

21. The project proposes to construct street improvements within the City's right-of-way. Prior to the Public Works Department's approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed work within the City's right-of-way.

22. The project proposes to construct a new driveway within the City’s right-of-way. Prior to the Public Works Department approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed driveway. The driveway shall be constructed of either six inches of concrete over four-inch of aggregate base, or 4-inches of asphalt concrete over six-inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

Grading/Drainage/Hydrology (Geology/ Public Works)

23. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
- a. Is located within or adjacent to ESHA, or
 - b. Includes grading on slopes greater than 4 to 1.

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

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

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

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

25. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.

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

Construction

28. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.
29. 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.
30. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.
31. A construction management plan shall be approved by the Public Works Director to manage construction traffic, including grading truck trips, in order to minimize impacts on traffic and emergency access.
32. *Mitigation Measure 7-1 (applicable portions):* In addition to compliance with existing requirements and standards of the Los Angeles County Fire Department (LACFD), the project must comply with all applicable requirements detailed in letters dated March 16, 2012, from the LACFD, included in Appendix L of the Draft EIR that are applicable to Lot 7. Where the two letters differ, the more conservative approach shall be taken. The letters include the following requirements, among others:
 - Access shall comply with Section 503 of the Fire Code, which requires all-weather access. All-weather access may require paving.
 - Where driveways extend farther than 150 feet and are of single-access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed, and maintained to ensure their integrity for fire department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.
 - Provide water mains, fire hydrants, and fire flows as required by the County of Los Angeles Fire Department for all land shown on map which shall be recorded.
 - Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants.

- Vehicular access must be provided and maintained serviceable throughout construction.

33. *Mitigation Measure 2-1:* The construction contractor shall implement the following measures to reduce construction exhaust emissions during grading and construction activities:
- The construction contractor shall ensure that all equipment is properly serviced and maintained to the manufacturer's standards to reduce operational emissions.
 - The construction contractor shall limit nonessential idling of construction equipment to no more than five consecutive minutes.
 - Where feasible, use of haul trucks with engines that are 2010 or newer for soil import and export activities.
 - The construction contractor shall limit soil hauling activities associated with the site grading trips to a maximum of 38 trucks per day (76 one-way soil haul trips per day for haul trips).
 - The construction contractor shall use USEPA-rated Tier 3 construction engines for equipment rated at 50 horsepower or greater for general site grading activities. Tier 3 engines between 90 and 750 horsepower are available for 2006 to 2008 model years.
 - A list of construction equipment by type and model year shall be maintained by the construction contractor onsite.

Prior to Final Sign-Off

34. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.
35. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

Fixed Conditions

36. This coastal development permit shall run with the land and bind all future owners of the property.
37. 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.

Operations

38. At least forty (40) parking spaces shall be provided at all times.

Signs

39. No other new signage is permitted under this application; a sign permit shall be submitted and approved by the Planning Department prior to installation of any new sign.

SECTION 7. The Planning Commission shall certify the adoption of this resolution.

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


JEFFREY JENNINGS, Planning Commission Chair

ATTEST:


KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-15 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 3rd day of February 2020 by the following vote:

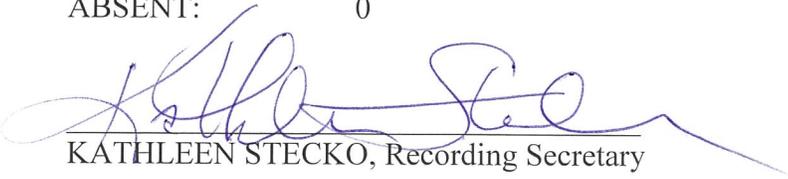
| | | | |
|----------|---|----------------|-------------------------------------|
| AYES: | 5 | Commissioners: | Hill, Marx, Uhring, Mazza, Jennings |
| NOES: | 0 | | |
| ABSTAIN: | 0 | | |
| ABSENT: | 0 | | |


KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeals shall be emailed to psalazar@malibucity.org and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Anyone unable to submit an appeal via email should contact Patricia Salazar at (310) 456-2489, extension 245, at least two business days before the appeal deadline to arrange alternative delivery of the appeal. Appeal forms may be found online at malibucity.org/planningforms, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-40 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 15th day of June 2020 by the following vote:

| | | | |
|----------|---|----------------|-------------------------------------|
| AYES: | 5 | Commissioners: | Marx, Uhring, Weil, Mazza, Jennings |
| NOES: | 0 | | |
| ABSTAIN: | 0 | | |
| ABSENT: | 0 | | |



KATHLEEN STECKO, Recording Secretary