

July 18, 2016 Regular Meeting

1. Agenda

Documents:

[PC160718\\_AGENDA AMENDED \(LINKS\).PDF](#)

2. Item 3B1 - Administrative Coastal Development Permit No. 16-035 And Temporary Use Permit No. 16-010 / 23575 Civic Center Way

Documents:

[PC160718\\_ITEM3B1.PDF](#)

3. Item 3B2 - Extension Of Coastal Development Permit No. 08-084 / 5877 Trancas Canyon Road

Documents:

[PC160718\\_ITEM3B2.PDF](#)

4. Item 3B3 - Extension Of Coastal Development Permit No. 05-190 / 5744 Trancas Canyon Road

Documents:

[PC160718\\_ITEM3B3.PDF](#)

5. Item 3B4 - Extension Of Coastal Development Permit No. 08-008 / 5900 Ramirez Canyon Road

Documents:

[PC160718\\_ITEM3B4.PDF](#)

6. Item 3B5 - Extension Of Coastal Development Permit No. 08-055 / 22729 Pacific Coast Highway

Documents:

[PC160718\\_ITEM3B5.PDF](#)

7. Item 3B6 - Extension Of Coastal Development Permit No. 06-084 / 23652 Malibu Colony Drive

Documents:

[PC160718\\_ITEM3B6.PDF](#)

8. Item 3B7 - Extension Of Coastal Development Permit No. 05-136 / 30732 Pacific Coast Highway

Documents:

[PC160718\\_ITEM3B7.PDF](#)

9. Item 3B8 - Approval Of Minutes

Documents:

[PC160718\\_ITEM3B8.PDF](#)

10. Item 4A - Coastal Development Permit No. 14-054 / 21106 Pacific Coast Highway

Documents:

[PC160718\\_ITEM4A.PDF](#)

11. Item 4B - Wireless Telecommunications Facility No. 16-001 / 29970.5 Harvester Road

Documents:

[PC160718\\_ITEM4B\\_SUPPLEMENTAL.PDF](#)

12. Item 5A - Coastal Development Permit No. 11-046 / 6050 Murphy Way

Documents:

[PC160718\\_ITEM5A.PDF](#)

13. Item 5B - Coastal Development Permit Amendment No. 15-003 / 25160 Malibu Road

Documents:

[PC160718\\_ITEM5B.PDF](#)

14. Item 5C - Coastal Development Permit No. 15-059 / 31276 Bailard Road

Documents:

[PC160718\\_ITEM5C.PDF](#)

**Amended<sup>1</sup> Malibu Planning Commission**  
**Regular Meeting Agenda**

**Monday, July 18, 2016**

**6:30 p.m.**

**City Hall – Council Chambers  
23825 Stuart Ranch Road**

Call to Order – Chair

Roll Call – Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – July 8, 2016; Amended Agenda posted on July 15, 2016

**1. Ceremonials / Presentations**

None.

**2. Written and Oral Communication from the Public**

A. Communications from the Public concerning matters which are not on the agenda but for which the Planning Commission has subject jurisdiction. The Planning Commission may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

B. Planning Commission and staff comments and inquiries

**3. Consent Calendar**

A. Previously Discussed Items

None.

B. New Items

1. [Administrative Coastal Development Permit No. 16-035 and Temporary Use Permit No. 16-010 — An application for the Annual Kiwanis Club Chili Cook-Off and Carnival proposed to take place on September 2, 2016 through September 5, 2016](#)

Location: 23575 Civic Center Way, not within the appealable coastal zone  
APN: 4458-022-011  
Owner: Malibu Bay Company  
Case Planner: Assistant Planner Magaña, 456-2489 ext. 353

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<sup>1</sup> See New Recommended Action on Item 4.B.

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 16-035 and Temporary Use Permit No. 16-010.

2. [Extension of Coastal Development Permit No. 08-084, Variance Nos. 08-055 and 10-008, and Site Plan Review No. 08-059 – A request to extend the Planning Commission's previous approval of an application for the construction of a new single-family residence and associated development](#)

Location: 5877 Trancas Canyon Road  
APN: 4470-004-006  
Owner: Trancas Partners, LLC  
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 16-60 granting a one-year extension of Coastal Development Permit No. 08-084, Variance Nos. 08-055 and 10-008, and Site Plan Review No. 08-059, an application for the construction of a new single-family residence and associated development in the Rural Residential-Five Acre zoning district located at 5877 Trancas Canyon Road (Trancas Partners, LLC).

3. [Extension of Coastal Development Permit No. 05-190, Variance No. 08-010, and Site Plan Review No. 08-005 – A request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development](#)

Location: 5744 Trancas Canyon Road  
APN: 4469-046-002  
Owner: Robert Huizenga  
Case Planner: Associate Planner Colvard, 456-2489 ext. 234

Recommended Action: Adopt Planning Commission Resolution No. 16-61 granting a one-year extension of Coastal Development Permit No. No. 05-190, Variance No. 08-010, and Site Plan Review No. 08-005, an application for the construction of a new single-family residence and associated development in the Rural Residential-Five Acre zoning district located at 5744 Trancas Canyon Road (Huizenga).

4. [Extension of Coastal Development Permit No. 08-008, Variance Nos. 08-002 and 08-003, and Coastal Development Permit Amendment No. 08-003 – A request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development](#)

Location: 5900 Ramirez Canyon Road  
APN: 4467-003-024  
Owner: Matthias Emcke  
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 16-62, granting a two-year extension of Coastal Development Permit No. 08-008, Variance Nos. 08-002 and 08-003, and Coastal Development Permit Amendment No. 08-003 for the construction of a new single-family residence and associated development in the

Rural Residential-Five Acre zoning district located at 5900 Ramirez Canyon Road (Emcke).

5. [Extension of Coastal Development Permit No. 08-055, Variance Nos. 10-005 and 10-006, Conditional Use Permit No. 10-003, Demolition Permit No. 08-014, and Site Plan Review No. 10-012 – A request to extend the Planning Commission’s previous approval for demolition of an existing gas station, construction of a new commercial building, and associated development](#)

Location: 22729 Pacific Coast Highway  
APN: 4452-022-010  
Owner: WFS Seastar Co., LLC  
Case Planner: Senior Planner Hawner, 456-2489 ext. 276

Recommended Action: Planning Commission Resolution No. 16-63 granting a one-year extension of Coastal Development Permit No. 08-055, Variance Nos. 10-005 and 10-006, Conditional Use Permit No. 10-003, Demolition Permit No. 08-014, and Site Plan Review No. 10-012, an application for demolition of an existing gas station, construction of a new commercial building, and associated development in the Community Commercial zoning district located at 22729 Pacific Coast Highway (WFS Seastar Co., LLC).

6. [Extension of Coastal Development Permit No. 06-084, Demolition Permit No. 06-015, Coastal Development Permit Amendment No. 12-005, and Minor Modification No. 12-009 – A request to extend the Planning Commission’s approval of an application for the demolition and construction of a new single-family residence and associated development](#)

Location: 23652 Malibu Colony Drive  
APN: 4458-005-030  
Owner: 45 Malibu Colony, LLC  
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 16-64 granting a one-year extension of Coastal Development Permit No. 06-084, Demolition Permit No. 06-015, Coastal Development Permit Amendment No. 12-005, and Minor Modification No. 12-009, an application for the demolition and construction of a new single-family residence and associated development in the Single-Family Medium zoning district located at 23652 Malibu Colony Drive (45 Malibu Colony, LLC).

7. [Extension of Coastal Development Permit No. 05-136, Initial Study No. 06-002, Revised Mitigated Negative Declaration No. 06-004, and Tentative Parcel Map No. 99-002 - A request to extend the City Council’s previous approval to allow the subdivision of one lot into four lots, demolition of an existing residence, and associated development](#)

Location: 30732 Pacific Coast Highway  
APN: 4469-026-005  
Owner: Malibu Bay Company  
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 16-65 granting a one-year extension of the adoption of Revised Mitigated Negative Declaration No. 06-004, Initial Study No. 06-002 and approving Coastal Development Permit No. 05-136 for vesting Tentative Parcel Map (TPM) No. 99-002 (County reference: TPM No. 24070) to subdivide the subject property into four 47- to 51-foot lots in the Single-Family Medium zoning district located at 30732 Pacific Coast Highway (Malibu Bay Company).

8. [Approval of Minutes](#)

Recommended Action: Approve the minutes for the June 6, 2016 and June 20, 2016 Regular Planning Commission meetings.

Staff contact: Planning Director Blue, 456-2489 ext. 258

4. **Continued Public Hearings**

A. [Coastal Development Permit No. 14-054, Variance No. 15-001, Demolition Permit No. 16-016, and Offer to Dedicate 16-003 – An application for demolition and construction of a new single-family beachfront residence and associated development \(Continued from June 20, 2016\)](#)

Location: 21106 Pacific Coast Highway, within the appealable coastal zone  
APN: 4450-010-023  
Owner: Doerken 2003 Charitable Remainder Unitrust  
Case Planner: Senior Planner Hawner, 456-2489 ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 16-28 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-054, to demolish the remains of a previously existing single-family beachfront residence, onsite wastewater treatment system, existing bulkhead and retaining walls, and construct a new 1,746 square foot, two-story, single-family beachfront residence, including rear decks, a rooftop deck with a fireplace, barbeque and spa, and attached two-car garage, a new bulkhead, and installation of a new alternative onsite wastewater treatment system, including Variance No. 15-001 to eliminate the two required unenclosed parking spaces, Demolition Permit No. 16-016 and Offer to Dedicate No. 16-003 for a lateral public access easement, located in the Multi-Family Beachfront zoning district at 21106 Pacific Coast Highway (Doerken 2003 Charitable Remainder Unitrust).

- B. [Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 – An application for the installation of a new wireless telecommunications facility within the public right-of-way \(Continued from June 20, 2016\)](#)

Location: 29970.5 Harvester Road  
Nearest APN: 4469-013-021  
Owner: City of Malibu Public Right-of-Way  
Applicant: Carver Chiu of Crown Castle NG West, Inc.  
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

*Recommended Action: Continue the item to the August 15, 2016 Regular Planning Commission meeting.*

## 5. New Public Hearings

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

Location: 6050 Murphy Way, not located within the appealable coastal zone  
APN: 4467-004-028  
Owner: C.A. Rasmussen Co. LLC  
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

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

- B. [Coastal Development Permit Amendment No. 15-003 - An application to amend Coastal Development Permit No. 09-007 to allow for the after-the-fact construction of a new seawall](#)

Location: 25160 Malibu Road, within the appealable coastal zone  
APN: 4459-015-011  
Owners: Todd and Kasey Lemkin  
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

*Recommended Action: Adopt Planning Commission Resolution No. 16-66 approving Coastal Development Permit Amendment No. 15-003 to amend Coastal Development Permit No. 09-007 to allow for the replacement, rather than the repair of the seawall and associated return walls at a previously approved beachfront residence in the Single-Family Medium Density zoning district located at 25160 Malibu Road (Lemkin).*

C. [Coastal Development Permit No. 15-059 - An application for a remodel and addition to an existing single-family residence and associated development](#)

Location: 31276 Bailard Road, located within the appealable coastal zone  
APN: 4470-002-023  
Owner: Kaswan Family Trust  
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Continue this item to the August 1, 2016 Regular Planning Commission meeting.

6. **Old Business**

None.

7. **New Business**

None.

8. **Planning Commission Items**

None.

**Adjournment**

**Future Planning Commission Meetings**

Monday, August 1, 2016	6:30 p.m.	Regular Planning Commission Meeting	City Hall Council Chambers
Monday, August 15, 2016	6:30 p.m.	Regular Planning Commission Meeting	City Hall Council Chambers
Tuesday, September 6, 2016	6:30 p.m.	Regular Planning Commission Meeting	City Hall Council Chambers
Monday, September 19, 2016	6:30 p.m.	Regular Planning Commission Meeting	City Hall Council Chambers

**Guide to Planning Commission Proceedings**

**The Oral Communication** portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the Planning Commission. No action may be taken under, except to direct staff, unless the Commission, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Commission and staff will follow up at an appropriate time on those items needing response. Each speaker is limited to three (3) minutes. Time may be surrendered by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Chair (forms are available outside the Council Chambers). Speakers are taken in the order slips are submitted.

**Items in Consent Calendar Section A** have already been considered by the Commission at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

**Items in Consent Calendar Section B** have not been discussed previously by the Commission. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Commissioners may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Commission following the action on the Consent Calendar. The Commission first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Oral Communication.

**For Public Hearings** involving zoning matters, the appellant and applicant will be given 15 minutes each to present their position to the Planning Commission, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication.

**Old Business** items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

**Items in New Business** are items which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

**Planning Commission Items** are items which individual members of the Planning Commission may bring up for action, to propose future agenda items, or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the Commission.

*Planning Commission meetings are aired live and replayed on City of Malibu Government Access Channel 3 and on the City's website at [www.malibucity.org](http://www.malibucity.org).*

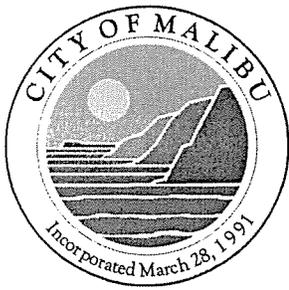
*Copies of the staff reports or other written documentation relating to each item of business described above are on file in the Planning Department, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours which are 7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday. Written materials distributed to the Planning Commission within 72 hours of the Planning Commission meeting are available for public inspection immediately upon distribution in the Planning Department at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5(b)(2)). Copies of staff reports and written materials may be purchased for \$0.10 per page. Pursuant to state law, this agenda was posted at least 72 hours prior to the meeting.*

*The City Hall telephone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Craig George at (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]. Requests for use of audio or video equipment during a Commission meeting should be directed to Alex Montano at (310) 456-2489 ext. 227 or [amontano@malibucity.org](mailto:amontano@malibucity.org) before 12:00 p.m. on the day of the meeting.*

*I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 15<sup>th</sup> day of July, 2016.*



Patricia Salazar, Senior Administrative Analyst



# Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Brenda Magaña, Assistant Planner

Approved by: Bonnie Blue, Planning Director 

Date prepared: July 7, 2016

Meeting date: July 18, 2016

Subject: Administrative Coastal Development Permit No. 16-035 and Temporary Use Permit No. 16-010 — An application for the Annual Kiwanis Club Chili Cook-Off and Carnival proposed to take place on September 2, 2016 through September 5, 2016

Location: 23575 Civic Center Way, not within the appealable coastal zone

APN: 4458-022-011

Owner: Malibu Bay Company

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**RECOMMENDED ACTION:** Receive Planning Director's report on Administrative Coastal Development Permit No. 16-035 and Temporary Use Permit No. 16-010.

**DISCUSSION:** This agenda item is for informational and reporting purposes only. Pursuant to Malibu Local Coastal Program Local Implementation Plan (LIP) Section 13.13, the Planning Director shall report in writing to the Planning Commission any administrative coastal development permits that have been issued by the City of Malibu. If the majority of the appointed membership of the Planning Commission so request, the issuance of an administrative coastal development permit shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a regular coastal development permit application under LIP Section 13.6, subject to the provisions for hearing and appeal set forth in LIP Sections 13.11 and 13.12.

On July 12, 2016, the Planning Director will issue the administrative coastal development permit thus beginning the 10-day appeal period, which will end on July 22, 2016.

Local Implementation Plan Sections 13.13 and 13.29 (Administrative Permits Applicability)

The Planning Director may process administrative permits if: 1) the proposed project is not appealable as defined in LIP Chapter 2; 2) the proposed project is not within the California Coastal Commission's continuing jurisdiction as defined in Chapter 2 of the LIP; 3) the project is for any of the uses specified (a) improvements to any existing structure, (b) any single-family dwelling, (c) lot mergers, (d) any development of four dwelling units or less that does not require demolition and any other developments not in excess of \$100,000.00, other than any division of land; 4) water wells; or 5) onsite wastewater treatment systems (OWTS).

The project is more specifically described in the Planning Director's decision attached hereto.

PUBLIC NOTICE: A Notice of Application and Notice of Decision was mailed to property owners and occupants within a 500-foot radius of the subject property.

ATTACHMENT: Administrative Coastal Development Permit No. 16-035



# City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861  
Phone (310) 456-2489 · Fax (310) 456-7650 · [www.malibucity.org](http://www.malibucity.org)

## **ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT**

**Administrative Coastal Development Permit No. 16-035**  
Temporary Use Permit No. 16-010  
**23575 Civic Center Way**  
APN 4458-022-011

**NOTICE IS HEREBY GIVEN** that the City of Malibu has **APPROVED** an application from Nick Ficklin, on behalf of the Malibu Kiwanis Club, for an Administrative Coastal Development Permit (ACDP) and Temporary Use Permit (TUP) to hold the 35<sup>th</sup> Annual Kiwanis Club Chili Cook-Off and Carnival on September 2, 2016 through September 5, 2016 (Labor Day Weekend). The event will be held at 23575 Civic Center Way, a parcel zoned Community Commercial (CC), within the Civic Center area.

### **DISCUSSION**

#### ***Event Description***

The project proposes the temporary use of the site located at 23575 Civic Center Way for the 35<sup>th</sup> Chili Cook-Off and Carnival, an annual four-day event sponsored by the Malibu Kiwanis Club. The event will take place on a vacant parcel owned by the Malibu Bay Company. The event will be held during Labor Day Weekend. The event and its parking will take place on parcels outside the Appealable Jurisdiction of the California Coastal Commission (CCC) as depicted in the Post-Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map of the City of Malibu and which contain no mapped Environmentally Sensitive Habitat Area (ESHA). Staff is only permitting the event as scheduled below, which is consistent with last year's event.

**Table 1 – Event Schedule**

<b>Date</b>	<b>Activity</b>	<b>Time</b>
Monday, August 15, 2016 to Monday, September 12, 2016 [excluding Sundays per MMC Section 4.2.04(G)]	Event Set-Up	8:00 a.m. to 6:00 p.m.
Friday, September 2, 2016	Carnival	4:00 p.m. to 10:00 p.m.
Saturday, September 3, 2016	Chili Cook-Off and Carnival	10:00 a.m. to 10:00 p.m.
Sunday, September 4, 2016	Chili Cook-Off and Carnival	10:00 a.m. to 10:00 p.m.
Monday, September 5, 2016	Carnival	10:00 a.m. to 8:00 p.m.
Tuesday, September 6, 2016 to Monday, September 12, 2016 [excluding Sundays per MMC Section 4.2.04(G)]	Event Break-Down	8:00 a.m. to 6:00 p.m.

Historically, the Chili Cook-Off and Carnival was held where Legacy Park currently is located. Since 2010,

the event has taken place on the parcel located at 23575 Civic Center Way. The event will include a carnival with amusement rides, a chili cook-off competition, live music entertainment, and various booths that will be occupied by merchandise, food, and public service groups.

The applicant estimates that the event will include approximately 45 to 65 vendors and an estimated 1,500 to 2,000 guests per day. Event vendors will erect temporary tents, booths, or canopies. Between 10 and 20 booths will be placed by the Kiwanis Club for community groups at no charge. These community groups will be allowed to sell a variety of items to earn funds for their organizations. The event location will be fenced with temporary fencing to control access to the event (Attachment 1 – Site Plan). Event attendees will be required to pay a \$10.00 admission fee, with toddlers admitted for free.

**Figure 1 – Aerial Site Plan**



***Parking and Circulation***

As demonstrated in Figure 1, parking will take place on three parcels in the surrounding area: 1) at 23825 Stuart Ranch Road (City Hall property); 2) at 23525 Civic Center Way (Los Angeles County property); and 3) at 23801 Stuart Ranch Road (Surfrider Partners, LLC vacant property) (Attachment 2 – Parking Plans). Parking for staff, including Los Angeles County Sheriff’s Department vehicles, will be located at 23825 Stuart Ranch Road (Malibu City Hall). A total of 339 parking spaces will be available at these three locations for event guests and participants, as between 200 to 300 vehicles at any given time are expected to bring attendees on each day of the event. Vehicles will be directed from Pacific Coast Highway (PCH) and

Civic Center Way into the parking areas by signs and volunteers. Vehicles will exit the parking areas onto PCH. Event volunteers will work with the event security staff, from Secural Security Coportion, to implement the conditions of approval that pertain to parking: 1) no parking is permitted on Stuart Ranch Road; 2) patrons of the Malibu Library shall be allowed to park for free in specifically designated parking spaces while utilizing library services; and 3) parking will remain available for Legacy Park visitors along Civic Center Way. Event staff will be required to be stationed along Stuart Ranch Road to ensure that no vehicles are parked along the road or on private property where parking has not been approved. Portable light stands will be provided on the evenings of Friday, Saturday and Sunday during the event to provide visibility for attendees walking along Stuart Ranch Road to one of the approved parking lots, as well as at the parking area of 23801 Stuart Ranch Road. As a condition of approval, all lighting is required to be directed towards PCH, away from the neighborhood and residential properties to the north, and at an angle as to not impair drivers visibility.

### ***Amplified Music***

The applicant has requested there to be performances from live bands, variety acts and other entertainment on the event stage in the middle of the site with amplified sound from 4:00 p.m. to 9:00 p.m. on Friday, 11:00 a.m. to 6:00 p.m. on Saturday and Sunday. Staff is approving this request to allow amplified sound until 9:00 p.m. on Friday and 6:00 p.m. on Saturday and Sunday but recorded music for the carnival rides only until 10:00 p.m., in compliance with MMC Chapter 8.24. Last year, live bands, with amplified sound was allowed from 11:00 a.m. to 6 p.m. on Saturday and Sunday. Recorded music and a public address system may also be amplified from 10:00 a.m. to 10:00 p.m. on Saturday and Sunday.

### ***Event Layout***

Access to the event will be by pedestrian gates along Civic Center Way, in which participants and event goers will walk from the parking locations. The Carnival portion of the event will include 20 to 24 carnival rides and games, with 10-15 large rides. Carnival related vehicles, including motorhomes and trailers, will be parked on the northern portion of the event site. Beer and wine will be sold at the event in booths located on the southwest side of the property along Civic Center Way. The event stage will be located along the western side of the property, with all sound speakers to be pointed towards Civic Center Way and PCH, away from the neighborhoods to the north and east. There will be an opening in the fence along Stuart Ranch Road that specifically allows for equipment drop off and pick up to the stage area, but will not be open to public parking. The security controlling this access point will also make sure that cars do not park along Stuart Ranch Road, and are directed to one of the three approved parking locations.

### ***Event Background***

- Application Submittal Date: May 10, 2016
- Posting of Property: June 30, 2016
- Notice of Application: June 23, 2016
- Notice of Decision: July 7, 2016
- Date of Issuance: July 12, 2016
- Planning Commission Reporting: July 18, 2016

### ***California Environmental Quality Act***

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposal as described above. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is exempt from the provisions of CEQA. Pursuant to CEQA Guidelines Section 15304(e) – Minor Alterations to Land. This exemption is for minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals. The Planning Director has further determined that the six exceptions for the use of a categorical exemption do not apply to this project (CEQA Guidelines Section 15300.2).

### ***Local Implementation Plan Sections 13.13 and 13.29 (Administrative Permits Applicability)***

The Planning Director can process administrative permits if: 1) the proposed project is not appealable as defined in Local Implementation Plan (LIP) Chapter 2; 2) the proposed project is not within the California Coastal Commission (CCC) continuing jurisdiction as defined in Chapter 2 of the LIP; 3) the project is for any of the uses specified (a) improvements to any existing structure, (b) any single-family dwelling, (c) lot mergers, (d) any development of four dwelling units or less that does not require demolition and any other developments not in excess of \$100,000.00, other than any division of land; 4) Onsite Wastewater Treatment Systems (OWTS); and 5) water wells. This project consists of a temporary use that will be four days in duration, on a parcel not located within the Appeal Jurisdiction of the CCC as depicted in the Post-LCP Certification, Permit and Appeal Jurisdiction Map of the City of Malibu. Therefore, staff determined the project to be administrative.

Temporary events, generally, do not require coastal development permits (CDP); however, since this is a multiple day event during the summer months, an ACDP is required pursuant to LIP Section 13.4.9 to evaluate the proposed event's potential to impact access to coastal resources.

### **LOCAL COASTAL PROGRAM CONFORMANCE**

The LCP consists of a Land Use Plan (LUP) and an LIP. The LIP contains programs and policies to implement the California Coastal Act in Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulation to which every project requiring a CDP must adhere to.

There are 14 sections within the LIP that potentially require specific findings to be made, depending on the nature and location of the proposed project. Of these 14, five are for conformance review only and require no findings. These sections include: 1) Zoning; 2) Grading; 3) Archaeological / Cultural Resources; 4) Water Quality; and 5) OWTS.

There are nine remaining sections that potentially require specific findings to be made. These findings are found in the following LIP sections: 1) General CDP; 2) Environmentally Sensitive Habitat Area (ESHA); 3) Native Tree Protection; 4) Scenic, Visual and Hillside Protection; 5) Transfer Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. Of these nine, for

the reasons discussed below, only two (General CDP and Scenic Visual and Hillside Protection) apply and warrant further discussion.

The proposed project has been reviewed by City Planning Department staff, City Public Works Department, Los Angeles County Fire Department, and the Los Angeles County Sheriff's Department (Attachment 3 – Department Review Sheets). The Los Angeles County Health Department is currently reviewing the application and is anticipated to approve the project prior to the event. The project as proposed and conditioned has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The following analysis describes how this determination was made. Correspondence from the referring agencies is attached hereto and the required LCP findings are made in the following section.

### ***Conformance Analysis***

The proposed project complies with all applicable LCP policies standards. The project proposes the approval of a temporary event that will be held during Labor Day Weekend, September 2, 2016 through September 5, 2016. The event will include a carnival with amusement rides, a chili cook-off competition, a beer and wine garden, and various booths that will be occupied by merchandise, food, and public service groups. The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals and policies. The following analysis describes how this determination was made. Correspondence from the referring agencies is attached hereto (Attachment 1).

### ***Zoning (LIP Chapter 3)***

LIP Chapter 3 requires conformance to zoning standards. This project is for a four-day temporary use event, the 35<sup>th</sup> Annual Kiwanis Club Chili Cook-Off and Carnival. There will be no permanent structures or development constructed on the event site or parking locations. The event will utilize the site for a total of 25 days, consisting of 14 days of setup, four days for the event, and seven days for cleanup and carnival equipment removal.

### ***Grading (LIP Chapter 8)***

There is no grading proposed for this event. Therefore, this LIP chapter does not apply.

### ***Archaeological / Cultural Resources (LIP Chapter 11)***

There are no earth-moving or disturbing activities proposed for this event; therefore, LIP Chapter 11 is not applicable.

### ***Water Quality (LIP Chapter 17)***

This event does not include any new development as defined in LIP Chapter 17. As proposed and conditioned, none of the proposed activities has the potential to adversely impact water quality. Conditions of approval will be imposed to require the applicant to contain and properly dispose of water collected from food vendors and hand washing stations.

***Onsite Wastewater Treatment System Standards (LIP Chapter 18)***

This event will not impact an existing onsite wastewater treatment system. The applicant will be required to provide at minimum 36 portable bathrooms for all event vendors and participants with 13 hand-washing stations.

***Environmentally Sensitive Habitat Area (LIP Chapter 4)***

The project site is not designated as ESHA, nor is it adjacent to ESHA, pursuant to the LCP ESHA Overlay Map. Therefore, this LIP chapter does not apply.

***Native Tree Protection (LIP Chapter 5)***

As the event is sited on the southern portion of the property where there are no existing trees, this event does not include any structures or development that will impact protected trees at the subject site.

***Scenic, Visual, and Hill side Resource Protection (LIP Chapter 6)***

The applicant is not proposing any permanent structures or development. However, the site is visible from an LCP-designated scenic road; therefore, the findings in LIP Chapter 6 are made later in this report.

***Transfer of Development Credits (LIP Chapter 7)***

According to LIP Section 7.2, transfer of development credit only applies to land divisions and multi-family development in specified zones. The application is for the four-day Chili Cook-Off and Carnival event, and does not include a land division or multifamily development. Therefore, this LIP chapter does not apply.

***Hazards (LIP Chapter 9)***

There are no permanent structures or other development proposed for this event. Therefore, this LIP chapter does not apply.

***Shoreline and Bluff Development (LIP Chapter 10)***

The proposed event is not located on or along the shoreline, a coastal bluff or blufftop fronting the shoreline. Therefore, this LIP chapter does not apply.

***Public Access (LIP Chapter 12)***

LIP Chapter 12 requires public access for lateral, bluff-top, and vertical access near the ocean, trail access, and recreational access. Since the event is not located near the shore, there are no impacts or requirements to provide lateral, bluff-top, or vertical access. In addition, there are no public trails or recreational areas located within the event site that are delineated on the LCP Park Lands Map. However, the Malibu Pacific Trail (formally the Local Coastal Slope Trail) and the Legacy Park Trail are mapped on the pending LCP

Parklands and Trail System Map. The Malibu Pacific Trail is planned along the general alignment of Civic Center Way; the Legacy Park Trail is a loop trail within Legacy Park that connects to the Malibu Pacific Trail. The proposed public event has been conditioned not to block access along Civic Center Way. Based on these factors, the project conforms to LIP Chapter 12 and the findings do not apply.

***Land Division (LIP Chapter 15)***

The project does not include any division of land. Therefore, this LIP Chapter does not apply.

**ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT FINDINGS**

As discussed previously, the Planning Director has determined that the proposed event conforms to the property development and design standards found within the LCP.

Based on substantial evidence contained within the record and pursuant to LIP Section 13.13, the Planning Director hereby makes the following findings of fact.

**A. General CDP Findings (LIP Section 13.9)**

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

The proposed event meets all the requirements as set forth in the LCP based on staff review, agency approvals, and the specific findings herein. As discussed herein, the event conforms to LCP zoning, scenic resources, and other policies.

*Finding A2. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).*

The event is not located between the first public road and the sea and there are no recreational opportunities within the event site as described on the LCP Park Lands Map. Parking for event attendees will be located at three separate properties located adjacent or within short walking distance of the event site. The event is near Legacy Park and several trails mapped on the City trails Master Plan Map. However the event has been conditioned to not block access to the Park or any public trails, as access along Civic Center Way will be open to traffic. The project will not impact the public's access to coastal resources. Therefore, 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).

*Finding A3. The project is the least environmentally damaging alternative.*

Pursuant to CEQA Section 15034(e), this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and is categorically exempt from CEQA. The proposed project would not result in significant adverse effects on the environment, within the meaning of CEQA, as it involves the minor temporary use of land having negligible or no permanent effect

on the environment. The applicant will be required to clean and restore the site to its pre-event condition. The event will not result in potentially significant impacts on the physical environment.

*Finding A4. The project is not located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay).*

The subject parcel is not located in an ESHA or ESHA buffer as designated on the LCP ESHA Marine Resources Map. Accordingly, no review by the Environmental Review Board (ERB) is required.

#### **B. Scenic, Visual, and Hillside Resource Protection Findings (LIP Section 6.4)**

Since the event will be visible from Pacific Coast Highway, an LCP-designated scenic road, the required findings are made as follows:

*Finding B1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.*

The project is a four-day temporary event which will not include any permanent structures or development. The event location will be returned to its original condition following cleanup of all event activities. With the exception of the carnival rides, all tents, booths, and canopies will be below 12 feet in height and will not have a significant adverse impact on scenic or visual resources visible from PCH. The event includes temporary security and amusement lighting, and a small amount of carnival rides that exceed 18 feet in height. The tallest of the rides are approximately 50 feet in height. The carnival rides will be visible from PCH, a scenic corridor. Lighting from the amusement rides and tents will also be visible during permitted night-time event hours, until 10:00 p.m. However, due to the temporary nature of the event and that no permanent structures or lighting will remain on site subsequent to the event, significant adverse scenic or visual impacts visible from PCH are not anticipated.

*Finding B2. The project, as proposed, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.*

The project is for a four-day event which will not include any permanent structures or development. Conditions of approval will require that upon completion of the event, the site shall be returned to its pre-event condition. In addition, lighting associated with the event will be directed towards the event area and not the hillside behind. As discussed previously, the temporary structures will not have a significant adverse impact on scenic or visual resources.

*Finding B3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

Due to the temporary nature of the event and its proposed location within the Civic Center area, it is anticipated that the event will not result in potentially significant impacts on the physical environment. This project does not propose any permanent structures or landform alterations and the event location will be returned to its original condition following clean-up of all event activities.

*Finding B4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.*

The project is for a four-day event which will not include any permanent structures or development constructed on site. Upon completion of the event, the site will be returned to its original condition. As proposed and with the incorporated conditions of approval, the temporary structures and event activities are not anticipated to have significant adverse impacts on scenic or visual resources visible from PCH.

*Finding B5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.*

The project is for a four-day event which will not include any permanent structures or development constructed on site. As conditioned, the temporary structures will not have a significant adverse impact on scenic or visual resources.

## **MALIBU MUNICIPAL CODE (MMC) CONFORMANCE**

Pursuant to MMC Section 17.68.010, a TUP is intended to allow for the short-term placement of activities, many of which would be prohibited as permanent placements, in temporary facilities, public or private buildings or open spaces, or outside of buildings. The Planning Director hereby makes the following findings of fact in support of TUP No. 16-010.

### **C. Temporary Use Permit Findings (MMC Section 17.68.060)**

*Finding C1. The operation of the requested use at the location proposed and within the time period specified is compatible with the surrounding neighborhood uses.*

The event parcel is located on a non-residential street located in the CC zoning district. The parcels have been used in the past for parking for special events and filming and for prior Chili Cook-Off and Carnival events. Nevertheless, the event will be conditioned so that the applicant shall abide with the City's Noise Ordinance pursuant to MMC Chapter 8.24. Therefore, the proposed event is compatible with the uses surrounding the site.

*Finding C2. The proposed site is adequate in size and shape to accommodate the temporary use.*

The event will take place on a parcel of land that is vacant. In the past, the event site has proved to be adequate for the event as proposed and as conditioned. The parking locations consist of a County Services parcel, the City Hall parking lot, and a vacant, undeveloped lot just north of the event site. As conditioned, each site shall provide the parking needed for the event dates and not impede any use of the Library, as 20 parking spaces will be designated on the County Services parcel specifically for use of library patrons.

*Finding C3. The proposed site is adequately served by the streets or highways, having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.*

The parcel will be accessed from Civic Center Way, a public street with direct access to PCH, Webb Way and Malibu Canyon Road. Traffic from the parking locations will be routed to exit onto PCH. Adequate conditions, including an agreement with the Los Angeles County Sheriff Department for use of deputies to direct traffic during the event, will be imposed to assure that traffic does not become congested.

*Finding C4. Adequate temporary parking will be available to accommodate vehicular traffic to be generated by such use.*

Parking will take place on three parcels in the surrounding area: 1) at 23825 Stuart Ranch Road (City Hall property); 2) at 23525 Civic Center Way (Los Angeles County property); and 3) at 23801 Stuart Ranch Road (Surfrider Partners, LLC vacant property). Parking for staff, including Los Angeles County Sheriff's Department vehicles, will be located at 23825 Stuart Ranch Road (Malibu City Hall). Approximately 339 parking spaces will be available at these three locations for event guests and participants. Staff has reviewed the parking numbers and finds that this is sufficient parking to accommodate traffic during the event. Conditions will be imposed to mitigate any possible dust caused by vehicles on the vacant lot.

*Finding C5. The proposed use will not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.*

This event has been reviewed by the Los Angeles County Fire Department, Los Angeles County Sheriff's Department, and the City Public Works Department, and is currently being reviewed by the Los Angeles County Health Department. Appropriate conditions have been imposed to mitigate any health or safety issues.

*Finding C6. The event shall not exceed a total of 14 calendar days and the proposed site has not been used for permitted temporary uses for more than 60 days within any one calendar year.*

The event will be held over a four-day period from September 2, 2016 to September 5, 2016. Setup will start on Friday, August 15, 2016 and cleanup will be complete by Monday, September 12, 2016. City records indicate that the site has not been used for permitted temporary uses for more than 60 days this year.

*Finding C7. No complaints have been filed against the current property owner with the Los Angeles County district attorney's office during the twenty-four months preceding the date of this application submittal.*

No available information contradicts this finding.

**APPROVAL OF ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 16-035  
AND TEMPORARY USE PERMIT NO. 16-010**

Based on the foregoing findings and evidence contained within the record, the Planning Director hereby approves ACDP No. 16-035 and TUP No. 16-010 subject to the following conditions of approval listed below.

**Standard Conditions**

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

<b>Table 2</b>		
<b>Date</b>	<b>Activity</b>	<b>Time</b>
Monday, August 15, 2016 to Monday, September 2, 2016 [excluding Sundays per MMC Section 4.2.04(G)]	Event Set-Up	8:00 a.m. to 6:00 p.m.
Friday, September 2, 2016	Carnival	4:00 p.m. to 10:00 p.m.
Saturday, September 3, 2016	Chili Cook-Off and Carnival	10:00 a.m. to 10:00 p.m.
Sunday, September 4, 2016	Chili Cook-Off and Carnival	10:00 a.m. to 10:00 p.m.
Monday, September 5, 2016	Carnival	10:00 a.m. to 8:00 p.m.
Tuesday, September 6, 2016 to Monday, September 12, 2016 [excluding Sundays per MMC Section 4.2.04(G)]	Event Break-Down	8:00 a.m. to 6:00 p.m.

3. Live bands, with amplified sound, may perform from 4:00 p.m. to 9:00 p.m. on Friday, from 11:00 a.m. to 6:00 p.m. on Saturday and Sunday. Recorded music and a public address system may also be amplified from 10:00 a.m. to 10:00 p.m. on Saturday and Sunday. On each day of the event, amplified music shall be limited to carnival rides only during the event times as noted in Table 2, and no other amplified music is allowed. All speakers shall face south toward PCH. All noise shall be subject to the provisions of MMC Chapter 8.24 (Noise). Violation of the noise ordinance shall be cause for revocation of this permit and may result in denial of permits in the future. Applicant shall comply with any request by any agent of the City of Malibu or Sheriff's Department to reduce the volume of the music or public address system.
4. Subsequent submittals for this project shall be in substantial compliance with the event plans date-stamped received by the Planning Department on **May 10, 2016**. The project shall comply with all conditions of approval stipulated in the department referral sheets attached to the agenda report for this project. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
5. 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 prior to the issuance of any event permits.

6. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
7. All temporary development shall conform to the requirements of the City of Malibu Public Works Department, Los Angeles County Fire Department, Los Angeles County Health Department, and Los Angeles County Sheriff's Department. Notwithstanding this review, all required permits shall be secured, with copies of permit approvals submitted to the City before the first day of the event.
8. 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 LCP. An application with all required materials and fees shall be required.
9. Pursuant to LIP Section 13.20, event setup and operation pursuant to an approved ACDP shall not commence until the ACDP is effective. The ACDP is not effective until all appeals have been exhausted.

***Required Submittals Prior to Event***

10. This permit shall not be effective until the following additional documentation is provided to City Planning Department staff:
  - a. Affidavit of Acceptance of Conditions, signed by an officer or director of the Kiwanis Club of Malibu (attached);
  - b. Copy of permit issued by the California Department of Alcoholic Beverage Control; and
  - c. Copy of the approval from the Los Angeles County Mountain and Rural Sanitation Department.
11. Prior to the start of the event the applicant shall provide copies of the agency approvals to the Planning Department and any conditions of approval from the following agencies shall apply to this permit:
  - a. Los Angeles County Fire Department;
  - b. Los Angeles County Health Department;
  - c. Los Angeles County Sheriff's Department; and
  - d. City of Malibu Public Works Department.
12. The Applicant, Nicholas Ficklin, shall be available by telephone at (818) 588-4767 for the duration of the event, onsite during the event, and available to take calls and respond to concerns 24 hours a day.

***Parking and Circulation***

13. Event attendees, vendors, and staff shall park at one of three approved locations: 1) 23825 Stuart

Ranch Road (Malibu City Hall); 2) 23525 Civic Center Way (Los Angeles County Building); and 3) 23801 Stuart Ranch Road (Surfrider Partners, LLC property). Sufficient event staff will be provided at the event location to direct vehicles to these locations. Sufficient event signs will be placed to direct vehicles to the above mentioned areas for parking. Applicant will allow persons with disabled person placards to park at the event location.

14. The event parking area on the City Hall property shall only utilize the spaces indicated for City Hall use and no parking is approved at 23805 Stuart Ranch Road (Miramar Property), unless prior approval is obtained from the property owner. Sufficient event staff shall be provided along Stuart Ranch Road to direct vehicles away from parking at 23805 Stuart Ranch Road and onto one of the approved parking locations.
15. The parking lot of 23525 Civic Center Way (Los Angeles County Building) shall remain open and accessible to the public and library users, with 20 parking spaces nearest to the library designated specifically for use by library patrons. Patrons of the Malibu Library shall be allowed to park for free while utilizing library services, and event staff shall make sure library patrons have access to the 20 designated parking spaces.
16. The applicant shall mitigate dust by wetting the parcel located at 23801 Stuart Ranch Road in advance of the event and shall comply with all provisions in the use agreement with the property owner.
17. Any portable lighting used for the event during the evenings of September 2, 2016 through September 4, 2016 must be directed towards Pacific Coast Highway, away from residential properties, and at an angle as to not impair cars driving along Stuart Ranch Road.
18. The applicant shall make a deposit of \$5,315.42 with the City of Malibu for two Los Angeles County Sheriff's Deputies for crowd control, traffic and permit enforcement on Friday, September 2, 2016, Saturday, September 4, 2016, and Sunday, September 4, 2016. The applicant shall be billed for any additional charges they may accrue at the current hourly rate of \$86.01 per hour, and agree to pay those added charges within seven days of the date billed. Unused funds will be refunded to the applicant.
19. The applicant and private security company will be required to provide the following items for traffic control; the Los Angeles County Sheriff's Department shall make the final determination:
  - a. Thirty (30) traffic cones available to be used as needed during the event;
  - b. Reflective professional signs depicting "Entrance Only" and "Exit Only" for parking and event areas;
  - c. "Event Parking Ahead" or "Chili Cook-Off Event Ahead" signs and "Event Ahead" or "Chili Cook-Off Event Ahead" signs to be placed on Civic Center Way, one at the east end and one at the west end of Civic Center Way at least 15-200 yards from entrance;
  - d. "No Parking, loading / unloading only" signs shall be placed on the north-side curb line of Civic Center Way directly in front of the venue from Stuart Ranch Road east of the driveway entrance to the Malibu Tow lot; and

- e. At least two additional security guards to be assigned to handle parking and pedestrian control in the front of the event venue on Civic Center Way.
20. The applicant shall provide changeable message boards at PCH and Cross Creek Road and at Malibu Canyon Road and Civic Center Way that read "SPECIAL EVENT AHEAD SEPT 2 – SEPT 5." The applicant shall have directional message signs directing the public to park at one of the three approved parking locations, where parking will be controlled by the applicant.
21. No signs shall be placed in the Caltrans (California Department of Transportation) right of way unless all required encroachment permits are first obtained from Caltrans. No signs shall be placed in the public right of way without required City of Malibu encroachment permits.
22. Sufficient event staff shall be provided to assure that traffic does not back up onto PCH, Civic Center Way, Cross Creek Road or any public street and to assure the sound level is maintained at a level that does not disturb the peace of residents or tenants in the surrounding area.
23. Emergency vehicle access to all sites shall be maintained at all times. A fire lane shall be maintained along the west side of the property connecting the driveway along Civic Center Way to the gate at the top of Stuart Ranch Road. The safety zones around the rides shall not reduce the width of the fire lane below the width required by the Fire Marshal.
24. Sufficient event staff shall be provided to assure that event attendees do not park on Stuart Ranch Road. Applicant shall place "NO EVENT PARKING ON STUART RANCH ROAD" signs at the intersection of Civic Center Way and Stuart Ranch Road, with event staff placed along the road to direct traffic to approved parking locations and discourage people from parking along Stuart Ranch Road.
25. There shall be no lane closures, obstruction of public streets, parking restrictions or other encroachments into the public right of way without the prior approval and permits from the City of Malibu Public Works Department or Caltrans. Any issued Public Works permits shall be maintained on site and presented on request of a City employee or agent.
26. Any signs posted in conjunction with this event must be removed by 10:00 p.m. on Monday, September 5, 2016.
27. The applicant shall comply with all traffic control requirements imposed by the City's Public Works Department and the Los Angeles County Sheriff's Department. The applicant shall contact the Public Works Department to determine traffic control requirements 14 days prior to the start of the event.

***Fire***

28. Tents exceeding 200 square feet and canopies exceeding 400 square feet will require a separate permit from the Los Angeles County Fire Prevention Division.

***Operation of the Event***

29. All event attendees shall be offsite by 11:00 p.m. each night during the event.
30. The property shall be restored to its original condition by no later than 6:30 p.m. on Monday, September 12, 2016.
31. Event breakdown is limited to the hours outlined in condition number 2 and shall be prohibited after Monday, September 12, 2016.

***Food and Beverage Service***

32. All potentially hazardous food items shall be maintained at proper temperatures. Hot food shall be maintained at 135 degrees Fahrenheit or above; cold food shall be maintained at 41 degrees Fahrenheit or below. Adequate hand washing facilities shall be provided and food handlers shall frequently wash hands with hot water and soap.
33. Los Angeles County Health Department permits shall be obtained by all for-profit food booths and shall be maintained on site at each booth.
34. Alcohol (beer and wine only) may only be served on Saturday, September 3, 2016 and Sunday, September 4, 2016. The applicant must be in possession of a valid permit from the California Department of Alcoholic Beverage Control in order to serve beer. Event staff shall assure that alcohol is not sold to nor consumed by any underage person.
35. Event staff shall not serve alcohol to any obviously intoxicated person and shall remove any guest who is intoxicated. Any guest removed due to intoxication shall be removed to a safe location, as predetermined by the onsite Los Angeles County Sheriff's Deputy. Alcohol shall not be served after 6:00 p.m.
36. Applicant is to comply with the terms of the license issued by the California Department of Alcoholic Beverage Control.
37. Event attendees shall not be allowed to take alcohol outside of the designated serving area.
38. Any wastewater generated by food vendors or by portable hand washing stations shall be contained and properly disposed of.

***Restrooms***

39. Temporary bathroom facilities shall be provided to accommodate all event guests, vendors and staff. One portable toilet shall be provided for each 150 persons, for a minimum of 36 portable toilets. Hand washing facilities shall be provided as well. Temporary bathroom facilities shall be pumped and removed by Tuesday, September 7, 2016 at 5:00 p.m.

40. Temporary bathroom facilities shall have secondary containment, and be sited and maintained to prevent any spills to the environment. Temporary bathroom facilities shall be properly maintained in a sanitary condition and shall be serviced regularly.

### ***Lighting***

41. All amusement and site lighting shall be directed away from the Malibu Knolls neighborhood, located immediately to the north, and shall not illuminate areas beyond the event and parking site. In addition, all carnival lighting shall be turned off as soon as possible after 10:00 p.m.

### ***Resources Management***

42. Pursuant to the State of California, all large venues (events with more than 1,000 attendees) shall report to the City of Malibu the tonnage of total waste material generated and the tonnage of material recycled. The goal of the State of California is to reduce quantity of materials disposed at landfills by 50% or more. The applicant and all event contractors are required to meet or exceed this goal. The applicant shall report to the City of Malibu, in an approved format within ten (10) days of the conclusion of the event, the total tons of material recycled and disposed from the event. The report shall include copies of detailed hauling receipts and related documentation. The applicant shall present any recycling and debris facility receipts on request of any City employee or agent.
43. The applicant and all event contractors shall only contract with waste haulers permitted by the City to provide solid waste and recycling services within the City limits.
44. Sufficient waste receptacles should be placed on the event site, along the pedestrian route and throughout the parking lots to provide participants with the opportunity to legally dispose of their trash as well as separate the recyclable portion of the waste. The event organizers should police the area to ensure that the waste that does not find its way into the trash receptacles will not distract from the appearance of the City.
45. Applicant is required to properly manage and dispose of recyclables, trash and associated litter generated during the event by providing an adequate number of recycling and trash containers. There shall be a minimum of one container for collection of recyclables located next to each trash container through the event.
46. Containers for collection of recyclables (including metal, glass, plastic, and paper) shall be clearly delineated and labeled to assure that all recyclable materials are properly processed.
47. All recyclables and trash shall be kept in leak-proof, animal-proof containers with tight fitting covers. Recyclables and trash shall be kept overnight in animal-proof containers with tightly closed lids. An adequate number of such containers shall be provided and the contents shall be placed for regular pickup by an authorized solid waste hauler.
48. All material, including solids and liquids, are prohibited from entering the storm drain system. Applicant shall employ methods to prevent the discharge of materials to the storm drain system.

which may include screens or other equivalent methods to limit the deposit of litter or other materials.

49. The event grounds including parking areas shall be left clean and free of litter and debris. The premises shall be returned to their pre-event condition. All event generated recyclables, trash and associated litter must be picked up and removed at the conclusion of the event.
50. The use or distribution of expanded polystyrene foam packaging, also known as "Styrofoam," is prohibited. Applicant and all event contractors shall not use expanded polystyrene foam packaging for any aspect of their event including food preparation/distribution. Applicant shall comply with Chapter 9.24 of the Malibu Municipal Code (Ordinance No. 286). The applicant shall be responsible for informing vendors of this ban.
51. The use or distribution of plastic shopping bags (compostable and non-compostable) is prohibited. Applicant and all event contractors shall not use plastic bags for any aspect of their event including food distribution, nor for any distribution of items or goods to the participants and/or attendees except as stated in Chapter 9.28 of the Malibu Municipal Code (Ordinance No. 286). Applicant shall comply with Chapter 9.28 of the Malibu Municipal Code and shall be responsible for informing vendors of this ban.
52. Applicant will provide cigarette receptacles and post designated smoking sections to assure that smokers do not dispose of cigarettes on the ground, in the public roadway, on the beach, or in brush areas. Applicant shall comply with Section 12.08.035 of the Malibu Municipal Code.

### ***Fixed Conditions***

53. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights thereunder.
48. A copy of this permit shall be kept onsite and shall be produced on request of any agent of the City of Malibu, Fire Department or Sheriff's Department.

### **LOCAL APPEAL AND REPORTING**

Local Appeal – Pursuant to LIP Section 13.20.1 (Local Appeals), a decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. The appeal period expires on **July 22, 2016 at 4:30 p.m.** An appeal shall be filed with the City Clerk and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Within seven days of termination of the local appeal period, a Notice of Final Action will be transmitted to the offices of the South Central Coast District of the California Coastal Commission. Appeal forms may be found online at [www.malibucity.org](http://www.malibucity.org) or in person at City Hall, or by calling (310) 456-2489, extension 245.

Reporting – This permit shall be reported to the Planning Commission pursuant to LIP Section 13.13.6. This

23575 Civic Center Way, Malibu, CA 90265  
ACDP No. 16-035 and TUP No. 16-010  
July 12, 2016

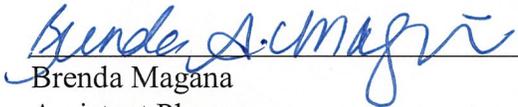
permit is tentatively scheduled to be reported to the Planning Commission on **July 18, 2016**. Copies of the report will be available at the meeting and to all those wishing to receive such notification by contacting the project planner.

Please contact Brenda Magaña, Assistant Planner, at (310) 456-2489, extension 353, for further information. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours.

Date: July 12, 2016

Prepared by:

Approved by:

  
Brenda Magaña  
Assistant Planner

  
Bonnie Blue  
Planning Director

Attachments:

1. Event Site plan
2. Parking Plans
3. Department Review Sheets
4. Notices

23575 Civic Center Way, Malibu, CA 90265  
ACDP No. 16-035 and TUP No. 16-010  
July 12, 2016

### ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned property owner(s) acknowledges receipt of the City of Malibu Planning Director's decision of approval and agrees to abide by all terms and conditions of Administrative Coastal Development Permit No. 16-035 and Temporary Use Permit No. 16-010 dated July 12, 2016 for an event to be held at 23575 Civic Center Way, from September 2, 2016 to September 5, 2016. The permit and rights conferred in this approval shall not be effective until the property owner(s) signs and returns this notarized affidavit to the City of Malibu Planning Department within 30 days of the decision.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Print Property Owner's Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Print Property Owner's Name

---

---

### ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA  
County of \_\_\_\_\_

On \_\_\_\_\_ before me \_\_\_\_\_,  
(insert name and title of the officer)

personally appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

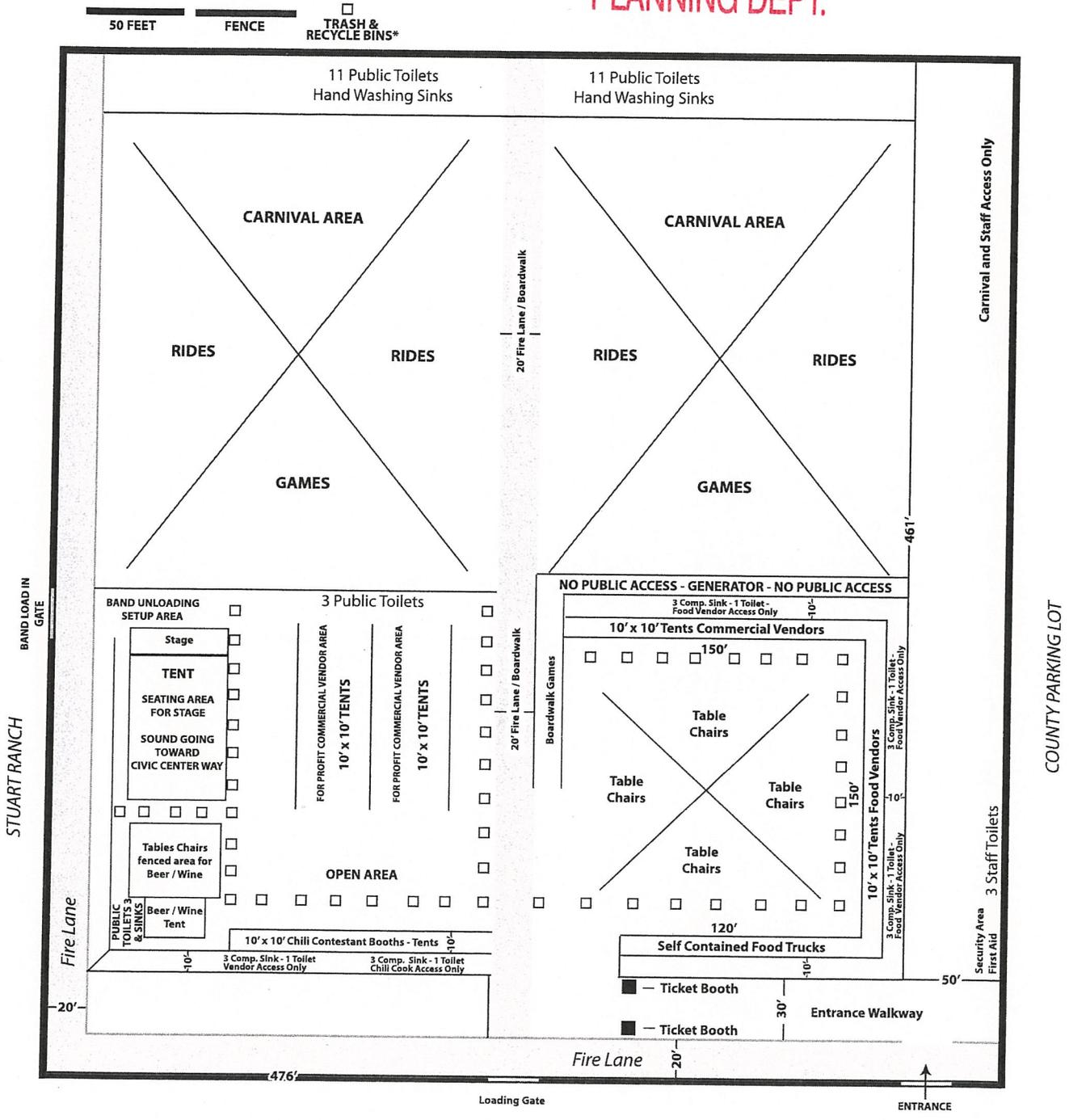
\_\_\_\_\_  
(Notary Public's signature in and for said County and State)

(Seal)

RECEIVED

MAY 10 2016

PLANNING DEPT.



CIVIC CENTER

\*TRASH & RECYCLE BINS WILL BE PLACED EVERY TWENTY FEET

ATTACHMENT 1

23805 Stuart Ranch Road

Old City Hall

11 No City Hall Parking

7  
12 No City Hall Parking

19  
No City Hall Parking

Stairs

37  
39 No City Hall Parking

No City Hall Parking

Stairs

35 City Hall Parking

No City Hall Parking

25 City Hall Parking

City Hall Parking

D  
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y

Malibu City Hall

23825 Stuart Ranch Road

Malibu, CA 90265

<http://www.malibucity.org>

13

City Hall Parking

22

City Hall Parking

20

19  
15 City Hall Parking

13

City Hall Parking

11

City Hall Parking 6

City Hall Parking 8

Mountain Side

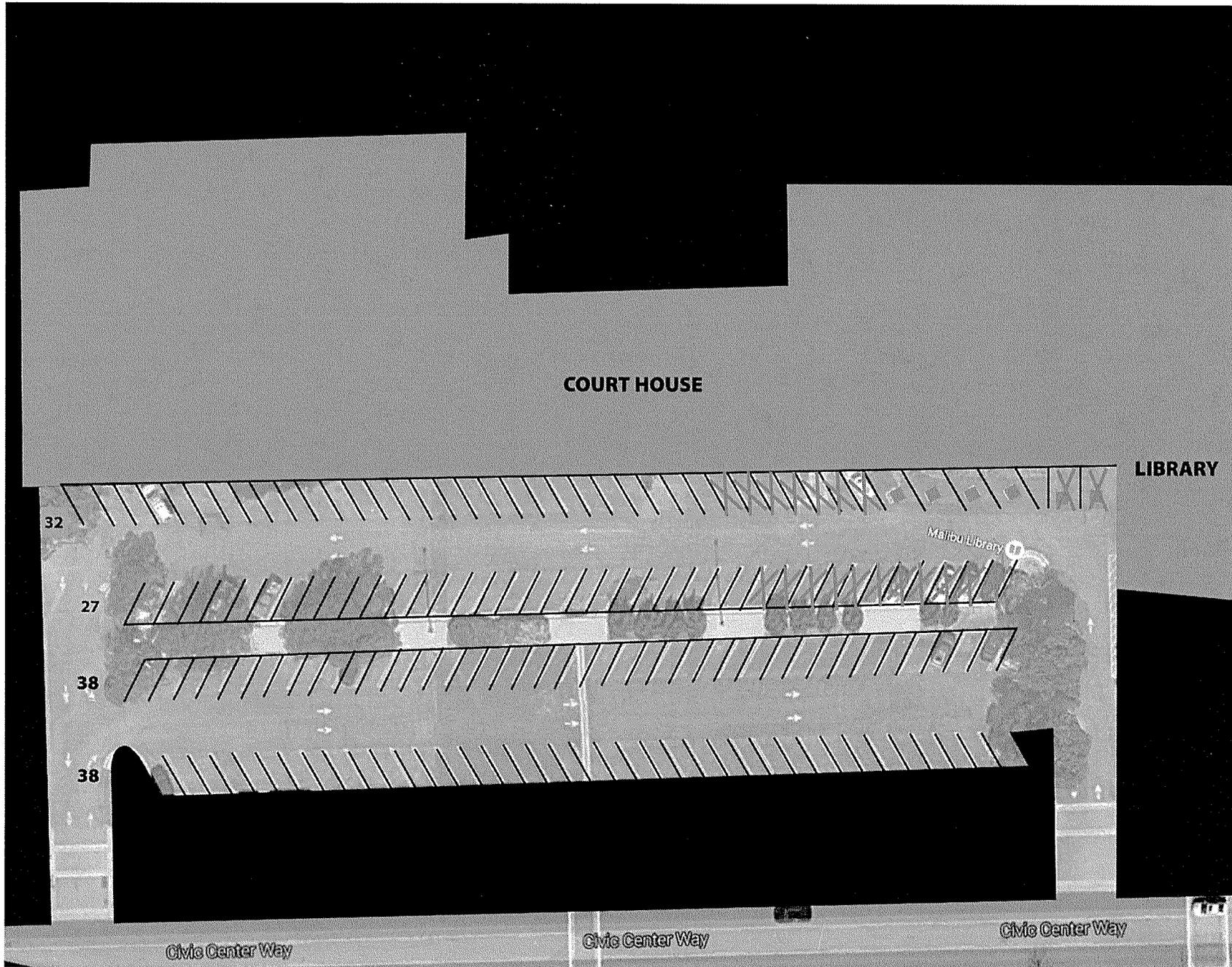
**City Lot**  
**171 Total Minus 25 Spots**  
**For City Vehicles / Trailers**  
**Per Katie Gallo's Note**  
**Equals 146 Spots**  
**For Chili Cook-off use.**



23575 Civic Center Way, Malibu, Ca 90265

EVENT

**135 Total  
Parking Spots**



Civic Center Way

Civic Center Way

Civic Center Way



# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-7650

## TEMPORARY USE PERMIT AGENCY APPROVAL

TUP 16-010

City of Malibu Public Works Department

Event Location: 23575 CIVIC CENTER WAY

Event Start Date/Time: 9/2/14

Event End Date/Time: 9/5/14

Event Description: Kiwanis Annual Chili Cook-off and Carnival

Applicant/Contact: Nicholas Ficklin

Applicant Phone #: (818)588-4767

Applicant Fax #: \_\_\_\_\_

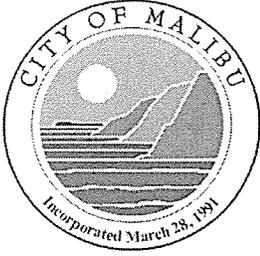
Approved  Denied Conditions Imposed:  No  Yes (see below)

Notes/Comments/Conditions:

SEE ATTACHED CONDITIONS OF APPROVAL

Name Jorge Ruzkava Date 6/23/16

Signature [Signature] Title ASSIST. CIVIL ENGINEER



# City of Malibu

## MEMORANDUM

To: Planning Department

From: Jorge Rubalcava, Assist. Civil Engineer *JR*

Date: June 23, 2016

Re: 23575 Civic Center Way, TUP 16-010 (Chili Cook-Off)

---

The Public Works Department has reviewed the plans submitted for this event. Public Works can recommend approval subject to the following conditions:

1. Because there will be a large crowd visiting the event during the Labor Day Weekend it is imperative that the applicant incorporate recycling into his waste management program. Sufficient waste receptacles should be placed on the event site, along the pedestrian route and throughout the parking lot to provide participants with the opportunity to legally dispose of their trash as well as separate the recyclable portion of the waste. The event organizers should police the area to ensure that the waste that does not find its way into the trash receptacles will not distract from the appearance of the City.
2. Applicant is required to properly manage and dispose of recyclables, trash, and associated litter generated during the event by providing an adequate number of recycling and trash containers. There shall be a minimum of one container for collection of recyclables located next to each trash container throughout the event.
3. Containers for collection of recyclables (including metal, glass, plastic, and paper) shall be clearly delineated and labeled to assure that all recyclable materials are properly processed.
4. All recyclables and trash shall be kept in leak-proof containers. Recyclables and trash shall be kept overnight in animal-proof containers with tightly closed lids. An adequate number of such containers shall be provided and the contents disposed of in a sanitary and appropriate manner.
5. Applicant and all event contractors shall only contract with haulers permitted by the City to provide solid waste and recycling services within the City limits.
6. Pursuant to the State of California regulations, all large venues (over 1000 people) shall report to the City of Malibu the tonnage of total waste material generated and the tonnage of material recycled. The goal of the State of California is to reduce quantity of materials disposed at landfills

by 50% or more. The Applicant and all event contractors are required to meet or exceed this goal. The Applicant shall report to the City of Malibu, in an approved format within ten (10) days of the conclusion of the event, the total tons of material recycled and disposed from the event. The report shall include copies of detailed hauling receipts and related documentation. Applicant shall present any recycling and debris facility receipts on request of any City employee or agent.

7. All material, including solids and liquids, are prohibited from entering the storm drain system. Applicant shall employ methods to prevent the discharge of materials to the storm drain system which may include screens or other equivalent methods to limit the deposit of litter or other materials.
8. The event grounds including parking areas shall be left clean and free of litter and debris. The premises shall be returned to their pre-event condition. All event generated recyclables, trash, and associated litter must be picked up and removed at the conclusion of the event.
9. The use or distribution of expanded polystyrene foam packaging, also known as "Styrofoam", is prohibited. Applicant and all event contractors shall not use expanded polystyrene foam packaging for any aspect of their event including food preparation/distribution. Applicant shall comply with Chapter 9.24 of the Malibu Municipal Code (Ordinance No. 286). The applicant shall be responsible for informing vendors of this ban.
10. The use or distribution of plastic shopping bags (compostable and non-compostable) is prohibited. Applicant and all event contractors shall not use plastic bags for any aspect of their event including food distribution, nor for any distribution of items or goods to the participants and/or attendees except as stated in Chapter 9.28 of the Malibu Municipal Code (Ordinance No. 286). Applicant shall comply with Chapter 9.28 of the Malibu Municipal Code and shall be responsible for informing vendors of this ban.
11. Temporary bathroom facilities shall have secondary containment, and be sited and maintained to prevent any spills to the environment.
12. Applicant will provide cigarette receptacles and post designated smoking sections to assure that smokers do not dispose of cigarettes on the ground, in the public roadway, on the beach, or in brush areas. Applicant shall comply with Chapter 12.08.035 of the Malibu Municipal Code.
13. The applicant shall provide changeable message boards at PCH and Cross Creek Road and at Malibu Canyon Road and Civic Center Way that read "SPECIAL EVENT AHEAD SEPT 2 – SEP 5". The applicant shall have directional message signs directing the public to park at Malibu City Hall, Los Angeles County Parking Lot, and at 23801 Stuart Ranch Road (Miramar Building), where parking will be controlled by the applicant.
14. A fire lane shall be maintained along the west side of the subject property connecting the driveway along Civic Center Way to the gate at the top of Stuart Ranch Road. The safety zones around the rides shall not reduce the width of the fire lane below the width required by the Fire Marshal.
15. There shall be no lane closures, obstruction of public streets, parking restrictions or other encroachments into the public right of way without required prior approval and permits from the



City of Malibu Public Works Department. Any issued Public Works permits shall be maintained on site and presented on request of any City employee or agent.

16. No signs shall be placed in the Caltrans right of way unless all required encroachment permits are first obtained from Caltrans. No signs shall be placed in the public right of way without required City of Malibu encroachment permits.
17. All signs placed in conjunction with this event shall be removed by no later than 10:00 p.m. on September 6, 2016.
18. Guests will be directed to park at the Los Angeles County Parking Lot (23525 Civic Center Way), Malibu City Hall (23825 Stuart Ranch Road), and at the Miramar Building (23801 Stuart Ranch Road). Sufficient event staff will be provided at the event location to direct vehicles to these locations. Sufficient event signs will be placed to direct vehicles to the above mentioned areas for parking. Applicant will allow persons with disabled person placards to park at the event location.
19. The applicant shall mitigate dust by wetting the parcel located at 23801 Stuart Ranch Road in advance of the event and shall comply with all provisions in the use agreement with the property owner.
20. Sufficient event staff shall be provided to assure that traffic does not back up onto PCH, Civic Center Way, Cross Creek Road or any public street and to assure the traffic sound level is maintained at a level that does not disturb the peace of residents or tenants in the surrounding area.





# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-7650

## TEMPORARY USE PERMIT AGENCY APPROVAL

TUP 16-010

Los Angeles County Fire Prevention Division

Event Location: 23575 CIVIC CENTER WAY

Event Start Date/Time: \_\_\_\_\_

Event End Date/Time: \_\_\_\_\_

Event Description: Kiwanis Annual Chili Cook-off and Carnival

Applicant/Contact: Nicholas Ficklin

Applicant Phone #: (818)588-4767

Applicant Fax #: \_\_\_\_\_

Submit this Approval form, with attached site map and event description, to:

Fire Prevention Office – Inspector Dave Weiss  
26600 Agoura Road, Suite 110 Calabasas CA 91302  
818-880-0341 fax 818-880-0345  
Hours: Monday – Thursday 7:00 a.m. – 11:00 a.m.

Separate applications and fees may be required. A TUP will not be issued until this form, signed by an authorized member of this agency, has been returned to the City of Malibu. Any conditions imposed by this agency will be included in the TUP.

Approved  Denied Conditions Imposed:  No  Yes (see below)

Notes/Comments/Conditions:

PERMIT ISSUED &  
FIRE SAFETY OFFICER ASSIGNED.

Dave Weiss 6-20-16  
Name Date  
[Signature] INSPECTOR  
Signature Title

Notice Continued...

**PUBLIC COMMENT PERIOD** — Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Department at any time prior to the issuance of a decision. Anyone with concerns or questions about the application is urged to contact the case planner prior to the decision date. Contact Brenda Magaña at bmagana@malibucity.org, by phone at (310) 456-2489 extension 353, or by mail as indicated on the front of this notice.

**NOTICE OF DECISION** — On or after **July 12, 2016**, the Planning Director may issue a decision on the permit application. A Notice of Decision will be mailed to owners and residents within 500 feet of the perimeter of the subject property and to those who request such notification in writing prior to issuance of the decision.

**LOCAL APPEAL** — Pursuant to Local Coastal Program Local Implementation Plan Section 13.20.1 (Local Appeals), a decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. Should a decision be issued on **July 12, 2016, the appeal period would expire on Friday, July 22, 2016 at 4:30 p.m.** An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms), in person at City Hall, or by calling (310) 456-2489, ext. 245.

**REPORTING** – The Planning Director's decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on **July 18, 2016**. Copies of the agenda report, including the approved or denied permit, will be available at the meeting and also provided to all those persons wishing to receive such notification. An approved permit shall not become effective until completion of the Planning Commission reporting.

If there are any questions regarding this notice, please contact Brenda Magaña, Assistant Planner, at (310) 456-2489, extension 353.

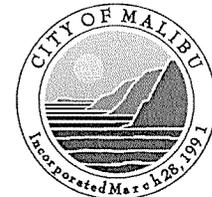
**Date: June 23, 2016**

Bonnie Blue  
Planning Director

# Notice of Application



City of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265



City of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489 Fax (310) 456-7650

## NOTICE OF APPLICATION

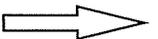
NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

**ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 16-035 AND TEMPORARY USE PERMIT NO. 16-010** — An application for the Annual Malibu Kiwanis Chili Cook-Off and Carnival, proposed to take place September 2, 2016 through September 5, 2016 (Labor Day Weekend)

LOCATION:	23575 Civic Center Way, not within the appealable coastal zone
APN:	4458-022-011
ZONING:	Community Commercial (CC)
APPLICANT:	Nicholas Ficklin, for the Kiwanis Club of Malibu
PROPERTY OWNER:	Malibu Bay Company
APPLICATION FILED:	May 10, 2016
CASE PLANNER:	Brenda Magaña Assistant Planner (310) 456-2489, ext. 353 bmagana@malibucity.org

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA Guidelines Section 15304 Class 4(e) - Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

ATTACHMENT 4





Notice Continued...

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA Guidelines Section 15304 Class 4(e) - Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

**REPORTING** — Pursuant to LIP Section 13.13.6, this permit shall be reported to the Planning Commission and is tentatively scheduled to be reported at the **July 18, 2016** Planning Commission Meeting. Copies of this report will be available at the meeting and to all those wishing to receive such notification by contacting the Case Planner. This permit will not become effective until completion of the Planning Commission review of the permit pursuant to the California Code of Regulations Section 13153.

Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours.

**LOCAL APPEAL** - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals), a decision or any portion of the decision of the Planning Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. The appeal period expires on **July 22, 2016 at 4:30 p.m.** The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms) or in person at City Hall, or by calling (310) 456-2489, ext. 245.

If there are any questions regarding this notice, please contact Brenda Magaña, Assistant Planner, at (310) 456-2489, extension 353.

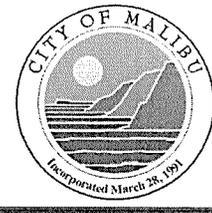
**Date:** July 7, 2016

**By:** Bonnie Blue  
Planning Director

# Notice of Decision



City Of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265



## PLANNING DEPARTMENT

### City of Malibu

23825 Stuart Ranch Road  
Malibu, CA 90265

Phone (310) 456-2489 · Fax (310) 456-7650

## NOTICE OF DECISION

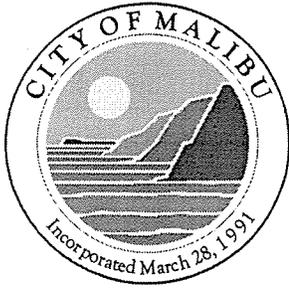
NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for an Administrative Coastal Development Permit (ACDP) as described below:

**ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 16-035 AND TEMPORARY USE PERMIT NO. 16-010** – An application for the Annual Malibu Kiwanis Chili Cook-Off and Carnival, proposed to take place September 2, 2016 through September 5, 2016 (Labor Day Weekend)

**LOCATION:** 23575 Civic Center Way, not within the appealable coastal zone  
**APN:** 4458-022-011  
**ZONING:** Community Commercial (CC)  
**APPLICANT:** Nicholas Ficklin, for the Kiwanis Club of Malibu  
**OWNER:** Malibu Bay Company  
**APPLICATION FILED:** May 10, 2016  
**ISSUE DATE:** July 12, 2016  
**CASE PLANNER:** Brenda Magaña  
Assistant Planner  
[bmagana@malibucity.org](mailto:bmagana@malibucity.org)  
(310) 456-2489, ext. 353







# Commission Agenda Report

Planning Commission  
Meeting  
07-18-16

**Item  
3.B.2.**

To: Chair Stack and Members of the Planning Commission

Prepared by: Adrian Fernandez, Senior Planner *A.F.*

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: July 6, 2016

Meeting Date: July 18, 2016

Subject: Extension of Coastal Development Permit No. 08-084, Variance Nos. 08-055 and 10-008, and Site Plan Review No. 08-059 – A request to extend the Planning Commission's previous approval of an application for the construction of a new single-family residence and associated development

Location: 5877 Trancas Canyon Road  
APN: 4470-004-006  
Owner: Trancas Partners, LLC

---

**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 16-60 (Attachment 1) granting a one-year extension of Coastal Development Permit (CDP) No. 08-084, Variance Nos. 08-055 and 10-008, and Site Plan Review No. 08-059, an application for the construction of a new single-family residence and associated development in the Rural Residential-Five Acre zoning district located at 5877 Trancas Canyon Road (Trancas Partners, LLC).

**DISCUSSION:** On August 2, 2011, the Planning Commission adopted Resolution No. 11-76, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 7 in Planning Commission Resolution No. 11-76 states that the coastal development permit and associated requests shall expire if the project has not commenced within two years after final City action. Extension to the permit may be granted by the approving authority for due cause. The item before the Commission is an extension request by the applicant. A complete project chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 16-60.

The subject coastal development permit was originally approved on August 2, 2011, has been extended two times previously, and is currently set to expire on August 2, 2016. On March 21, 2016, the applicant submitted a third extension request to ensure a valid coastal development permit remains in place while the project is under construction, which would extend the approval to August 2, 2017. According to the property owner, negotiations over water service have delayed the project, but have now been resolved. An additional year is needed to complete structural engineering for the project.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission's approval of the time extension request, the approval set forth in Planning Commission Resolution No. 11-76 shall remain valid for an additional one-year term. The expiration date of this approval would then be August 2, 2017. All conditions of approval in Planning Commission Resolution No. 11-76 will remain in effect.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-60
2. Time Extension Request
3. Public Hearing Notice

Copies of all previously issued resolutions relating to the project can be obtained from the Planning Department upon request.

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 16-60

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A ONE-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 08-084, VARIANCE NOS. 08-055 AND 10-008, AND SITE PLAN REVIEW NO. 08-059, AN APPLICATION FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AND ASSOCIATED DEVELOPMENT IN THE RURAL RESIDENTIAL-FIVE ACRE ZONING DISTRICT LOCATED AT 5877 TRANCAS CANYON ROAD (TRANCAS PARTNERS, LLC)

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

SECTION 1. Recitals.

A. On August 2, 2011, the Planning Commission adopted Planning Commission Resolution No. 11-76, approving Coastal Development Permit (CDP) No. 08-084, Variance Nos. 08-055 and 10-008, and Site Plan Review No. 08-059, an application for the construction of a new, 7,027 square foot two-story single-family residence, including a three-car garage, second residential unit, rear covered patio and loggia, balcony, swimming pool, spa, landscaping, hardscape, retaining walls, water well and three water tanks, and installation of a new alternative onsite wastewater treatment system; including variance for the reduction of the required front yard and development in an Environmentally Sensitive Habitat Area, and a site plan review for construction in excess of 18 feet in height, not to exceed 28 feet for a pitched roof.

B. On September 16, 2013, the Planning Commission adopted Resolution No. 13-82 granting a two-year time extension of CDP No. 08-084.

C. On August 3, 2015, the Planning Commission adopted Resolution No. 15-71 granting a one-year time extension of CDP No. 08-084.

D. On March 21, 2016, the applicant submitted a third time extension request.

E. On June 23, 2016, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. On July 18, 2016, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission previously determined the project to be categorically exempt pursuant to CEQA Guidelines Sections 15303(a) and (e) – New Construction of a Single-Family Residence and Accessory Structures. As such, Categorical Exemption No. 11-066 was filed for CDP No. 08-084.

SECTION 3. Findings of Fact.

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

SECTION 4. Planning Commission Action.

A. The approvals set forth in Planning Commission Resolution No. 11-76 are hereby extended for an additional one-year term. The approval is now set to expire on August 2, 2017.

B. No other changes to the conditions contained in Planning Commission Resolution No. 11-76 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution No. 11-76 shall remain in full force and effect.

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

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of July, 2016.

\_\_\_\_\_  
ROOHI STACK, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms), in person at City Hall, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-60 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 18<sup>th</sup> day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

KATHLEEN STECKO, Recording Secretary

Trancas Canyon Partners LLC

C/O Steve Karsh

25312 Malibu Road

Malibu Ca. 90265

3109241462

RECEIVED  
MAR 21 2016  
PLANNING DEPT.

~~March 21, 2016~~  
March 21, 2016

City of Malibu *Adrian Fernandez CDP 08-084*

Gentlemen

Please accept this request to extend our planning approval on Property at 5877 Trancas Canyon Rd. We have had five years of negotiations for water service which have set us back considerably. We have recently negotiated fire department acceptance and are waiting for our structural engineer to submit a set of final plans. Thank you in advance for your consideration.

Steve Karsh for Trancas Canyon

Partners LLC

Notice Continued...

The extension request will be presented on the consent calendar based on staff's recommendation but any person wishing to be heard may request at the beginning of the meeting to have the application addressed separately. Please see the recording secretary before start of the meeting to have an item removed from consent calendar. The Commission's decision will be memorialized in a written resolution.

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

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

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms) or in person at City Hall, or by calling (310) 456-2489, extension 245.

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

If you have questions regarding this notice, please contact **Adrian Fernandez, Senior Planner, at (310) 456-2489, extension 482.**

**Date: June 23, 2016**

**By: Bonnie Blue, Planning Director**

ATTACHMENT 3

# Notice of Public Hearing



City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265

## Planning Department

### City of Malibu

23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489 Fax (310) 456-7650

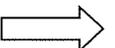
## NOTICE OF PUBLIC HEARING

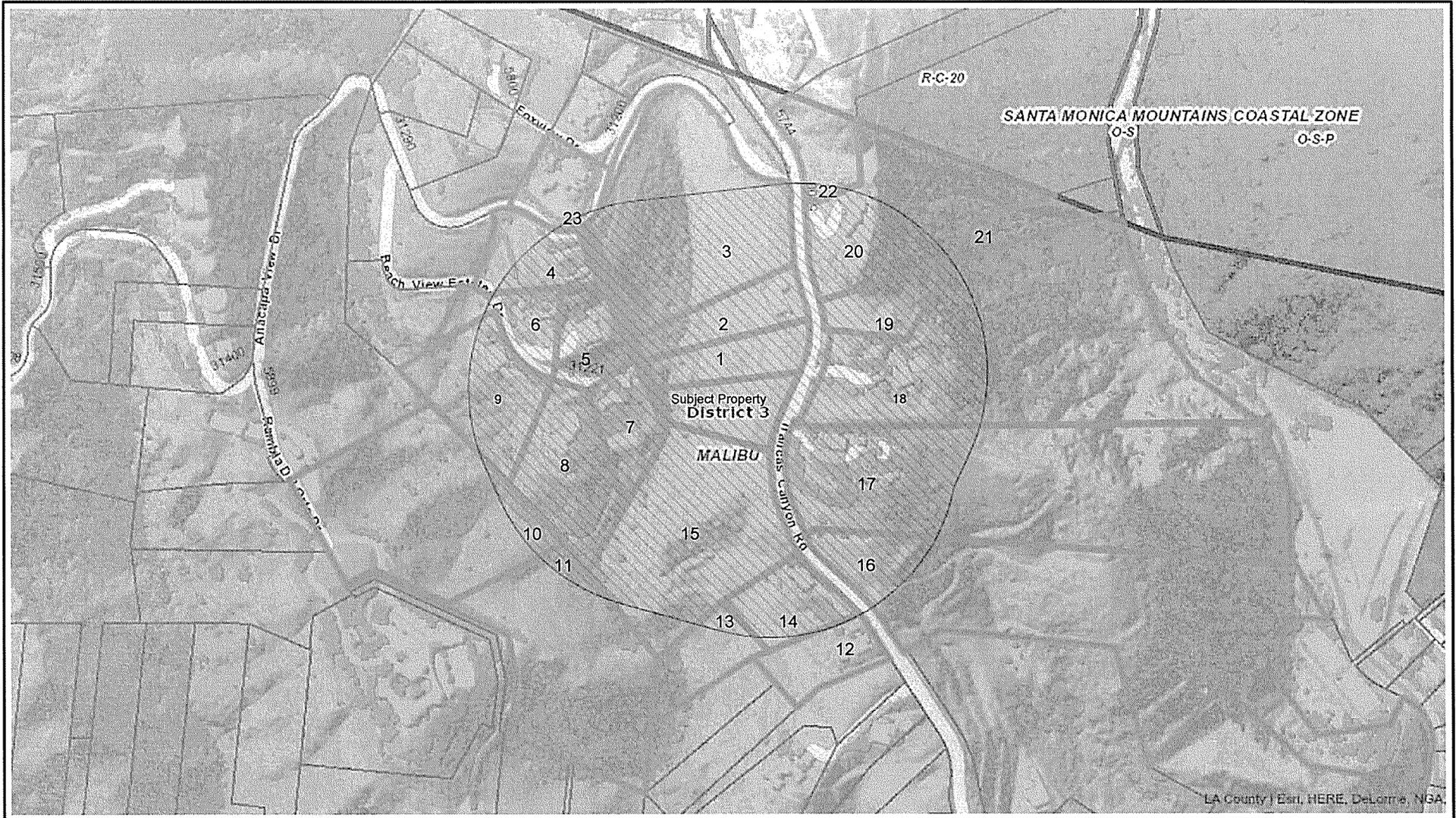
The Malibu Planning Commission will hold a public hearing on **MONDAY, July 18, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, for the project identified below.

**EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 08-084, VARIANCE NOS. 08-055 AND 10-008, AND SITE PLAN REVIEW NO. 08-059** – A third request to extend the Planning Commission's previous approval of an application for the construction of a new single-family residence and associated development

LOCATION:	5877 Trancas Canyon Road
APN:	4470-004-006
ZONING:	Rural Residential-Five Acre (RR-5)
APPLICANT/OWNER:	Trancas Partners, LLC
EXTENSION FILED:	March 21, 2016
CASE PLANNER:	Adrian Fernandez Senior Planner (310) 456-2489, ext. 482 <a href="mailto:afernandez@malibucity.org">afernandez@malibucity.org</a>

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission 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 CEQA Guidelines Sections 15303(a) and (e) - New Construction. The Planning Commission further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).





LA County | Esri, HERE, DeLorme, NGA

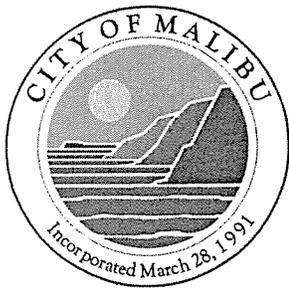
**Created in GIS-NET3 Public**

**5877 Trancas Cyn Rd. Malibu**

Printed: Mar 15, 2016

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# Commission Agenda Report

Planning Commission  
Meeting  
07-18-16  
**Item  
3.B.3.**

To: Chair Stack and Members of the Planning Commission

Prepared by: Jessica Colvard, Associate Planner *JK*

Approved by: Bonnie Blue, Planning Director *B*

Date prepared: July 6, 2016 Meeting Date: July 18, 2016

Subject: Extension of Coastal Development Permit No. 05-190, Variance No. 08-010, and Site Plan Review No. 08-005 – A request to extend the Planning Commission’s approval of an application for the construction of a new single-family residence and associated development

Location: 5744 Trancas Canyon Road  
APN: 4469-046-002  
Owner: Robert Huizenga

---

**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 16-61 (Attachment 1) granting a one-year extension of Coastal Development Permit (CDP) No. No. 05-190, Variance No. 08-010, and Site Plan Review No. 08-005, an application for the construction of a new single-family residence and associated development in the Rural Residential-Five Acre zoning district located at 5744 Trancas Canyon Road (Huizenga).

**DISCUSSION:** On May 20, 2008, the Planning Commission adopted Resolution No. 08-36, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 3 in Planning Commission Resolution No. 08-36 states that the coastal development permit and associated requests shall expire if the project has not commenced within two years after final City action. Extension to the permit may be granted by the approving authority for due cause. The item before the Commission is an extension request by the applicant. A complete project chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 16-61.

The subject coastal development permit was originally approved on May 20, 2008, has been extended six times previously, and was most recently set to expire on May 20, 2016. On May 19, 2016, the applicant submitted a seventh extension request to ensure

a valid CDP remains in place while the project is under construction, which would extend the approval to May 20, 2017. Corrected plans have been submitted along with all necessary plans and reports and construction is anticipated to begin as soon as the plans are approved by the Building Safety Division.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission's approval of the time extension request, the approval set forth in Planning Commission Resolution No. 08-36 shall remain valid for an additional one-year term. The expiration date of this approval would then be May 20, 2017. All conditions of approval in Planning Commission Resolution No. 08-36 will remain in effect.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-61
2. Time Extension Request
3. Public Hearing Notice

Copies of all previously issued resolutions relating to the project can be obtained from the Planning Department upon request.

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 16-61

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A ONE-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 05-190, VARIANCE NO. 08-010, AND SITE PLAN REVIEW NO. 08-005, AN APPLICATION FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AND ASSOCIATED DEVELOPMENT IN THE RURAL RESIDENTIAL-FIVE ACRE ZONING DISTRICT LOCATED AT 5744 TRANCAS CANYON ROAD (HUIZENGA)

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

SECTION 1. Recitals.

A. On May 20, 2008, the Planning Commission adopted Planning Commission Resolution No. 08-36, approving Coastal Development Permit (CDP) No. 05-190, Variance No. 08-010 and Site Plan Review No. 08-005 for the construction of a new, 5,915 square foot two-story single-family residence with a three car garage, swimming pool, retaining walls, grading, landscaping and hardscape, and the installation of an alternative onsite wastewater treatment system, including a variance for the reduction of the required 100 foot environmentally sensitive habitat area coastal sage scrub setback and a site plan review for construction above 18 feet in height, not to exceed 24 feet for a flat roof.

B. On November 21, 2008, the Planning Division approved Administrative Plan Review No. 08-112, which amended the approved project to add a 517.5 square foot utility room adjacent to the garage on the lower level of the residence and reduced the amount of grading proposed.

C. On June 1, 2010, the Planning Commission adopted Resolution No. 10-52 granting a one-year time extension of CDP No. 05-190.

D. July 5, 2011, the Planning Commission adopted Resolution No. 11-68 granting a one-year time extension of CDP No. 05-190.

E. On June 19, 2012, the Planning Commission adopted Resolution No. 12-54 granting a one-year time extension of CDP No. 05-190.

F. On June 16, 2013, Robert Huizenga, the current property owner, acquired the subject property.

G. On August 5, 2013, the Planning Commission adopted Resolution No. 13-70 granting a one-year time extension of CDP No. 05-190.

H. On October 6, 2014 the Planning Commission adopted Resolution No. 14-91 granting a one-year time extension of CDP No. 05-190.

I. On July 6, 2015 the Planning Commission adopted Resolution No. 15-52 granting a one-year time extension of CDP No. 05-190.

J. On May 19, 2016, the applicant submitted a seventh time extension request.

K. On June 23, 2016, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

L. On July 18, 2016, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission previously determined the project to be categorically exempt pursuant to CEQA Guidelines Sections 15303(a) and (e) – New Construction of a Single-Family Residence and Accessory Structures. As such, Categorical Exemption No. 08-059 was filed for CDP No. 05-190.

SECTION 3. Findings of Fact.

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

SECTION 4. Planning Commission Action.

A. The approvals set forth in Planning Commission Resolution No. 08-36 are hereby extended for an additional one-year term. The approval is now set to expire on May 20, 2017.

B. No other changes to the conditions contained in Planning Commission Resolution No. 08-36 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution No. 08-36 shall remain in full force and effect.

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

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of July, 2016.

\_\_\_\_\_  
ROOHI STACK, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms), in person at City Hall, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-61 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 18<sup>th</sup> day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

KATHLEEN STECKO, Recording Secretary

May 17, 2016

City of Malibu  
Planning Department

RE: Planning Extension for 5744 Trancas Canyon Rd.

To whom this may concern,

Please accept this letter as a formal explanation for our request for an extension of time for the planning approval of the above referenced property. Since our last extension, we have worked diligently to prepare and submit all necessary plans and reports in order to pull the necessary permits for the construction of our project. At this point we have submitted everything necessary including corrections to the plans submitted and we anticipate final approvals of grading and building within the next 30 days. Our intentions are to start construction as soon as the plans are approved by the building department and other necessary departments. We are hoping to have the structure completed by the end of 2016.

Thank you in advance for considering and subsequently granting our request for extension, and we look forward to working very closely with the city to get this project completed.

Sincerely,

A handwritten signature in black ink, appearing to be 'V. Hall', with a long horizontal flourish extending to the right.

Vincent Hall,  
On behalf of Dr. Huizenga

Notice Continued...

The extension request will be presented on the consent calendar based on staff's recommendation but any person wishing to be heard may request at the beginning of the meeting to have the application addressed separately. Please see the recording secretary before start of the meeting to have an item removed from consent calendar. The Commission's decision will be memorialized in a written resolution.

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

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

**LOCAL APPEAL** - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms) or in person at City Hall, or by calling (310) 456-2489, extension 245.

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

If you have questions regarding this notice, please contact **Bonnie Blue, Planning Director, at (310) 456-2489, extension 258.**

**Date: June 23, 2016**

**By: Bonnie Blue, Planning Director**

# Notice of Public Hearing



City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265

## Planning Department

### City of Malibu

23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489 Fax (310) 456-7650

## NOTICE OF PUBLIC HEARING

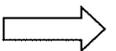
The Malibu Planning Commission will hold a public hearing on **MONDAY, July 18, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.**

**EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 05-190, VARIANCE NO. 08-010, SITE PLAN REVIEW NO. 08-005, AND CODE VIOLATION NO. 05-046** - A seventh request to extend the Planning Commission's previous approval of an application for a new single-family residence and associated development

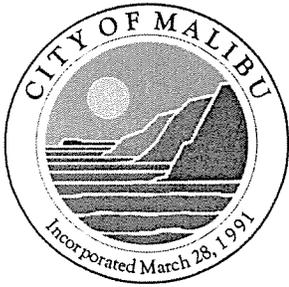
LOCATION:	5744 Trancas Canyon Road
APN:	4469-046-002
ZONING:	Rural Residential-Five Acre (RR-5)
APPLICANT:	Vincent Hall
OWNER:	Robert Huizenga
EXTENSION FILED:	May 19, 2016
CASE PLANNER:	Bonnie Blue Planning Director (310) 456-2489, ext. 258 bbblue@malibucity.org

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission 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 CEQA Guidelines Sections 15303(a) and (e) - New Construction. The Planning Commission further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

ATTACHMENT 3







# Commission Agenda Report

Planning Commission  
Meeting  
07-18-16

**Item  
3.B.4.**

To: Chair Stack and Members of the Planning Commission

Prepared by: Richard Mollica, Senior Planner *RM*

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: July 6, 2016

Meeting Date: July 18, 2016

Subject: Extension of Coastal Development Permit No. 08-008, Variance Nos. 08-002 and 08-003, and Coastal Development Permit Amendment No. 08-003 – A request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development

Location: 5900 Ramirez Canyon Road

APN: 4467-003-024

Owner: Matthias Emcke

---

**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 14-63 (Attachment 1), granting a two-year extension of Coastal Development Permit (CDP) No. 08-008, Variance Nos. 08-002 and 08-003, and Coastal Development Permit Amendment (CDPA) No. 08-003 for the construction of a new single-family residence and associated development in the Rural Residential-Five Acre zoning district located at 5900 Ramirez Canyon Road (Emcke).

**DISCUSSION:** On April 7, 2008, the City Council adopted Resolution No. 08-18, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 3 in City Council Resolution No. 08-18 states that the CDP and associated requests shall expire if the project has not commenced within two years after final City action. Extension to the permit may be granted by the approving authority for due cause. On June 2, 2009, CDPA No. 08-003 was approved by the Planning Commission. The item before the Commission is an extension request by the applicant. A complete project chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 16-62.

The subject CDP was originally approved on April 7, 2008. On June 2, 2009 the Planning Commission, as part of the approval of CDPA No. 08-003, established a new expiration date of June 2, 2011 for the underlying permit. The CDP was subsequently extended three times and was set to expire on June 2, 2016. On May 19, 2016, the applicant submitted a fourth time extension request for two years. It is normally the City's policy to issue only one-year extensions after multiple extensions have been granted. The applicant's request states that current issues with the Los Angeles County Fire Department and Waterworks District 29, in addition to a challenge in the right of ingress egress along Ramirez Canyon Road necessitate additional time beyond one year. In this case, staff recommends granting the applicant's two-year time extension request to allow for the above mentioned issues to be resolved, which would extend the approval to June 2, 2018.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission's approval of the time extension request, the approval set forth in Planning Commission Resolution No. 08-18 shall remain valid for an additional two-year term. The expiration date of this approval would then be June 2, 2018. All conditions of approval in Planning Commission Resolution Nos. 08-18 and 09-38 will remain in effect.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-62
2. Time Extension Request
3. Public Hearing Notice

Copies of all previously issued resolutions relating to the project can be obtained from the Planning Department upon request.

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 16-62

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A TWO-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 08-008, VARIANCE NOS. 08-002 AND 08-003, AND COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 08-003 TO EXTEND THE PLANNING COMMISSION'S APPROVAL OF AN APPLICATION FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AND ASSOCIATED DEVELOPMENT IN THE RURAL RESIDENTIAL-FIVE ACRE ZONING DISTRICT LOCATED AT 5900 RAMIREZ CANYON ROAD (EMCKE)

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

SECTION 1. Recitals.

A. On January 28, 2008, an application for Coastal Development Permit (CDP) No. 08-008, Variance Nos. 08-002 and 08-003 and Site Plan Review No. 08-002 was submitted to the Planning Division for processing.

B. On February 19, 2008, the Planning Commission held a duly noticed public hearing and adopted Planning Commission Resolution No. 08-20, approving the proposed project.

C. On February 28, 2008, a timely appeal (Appeal No. 08-001) of the Planning Commission's approval of the aforementioned coastal development permit and associated discretionary requests was filed.

D. On April 7, 2008, the City Council held a duly noticed public hearing and adopted City Council Resolution No. 08-18, denying in part and sustaining in part the appeal and approving the project, not to exceed one-story in height.

E. On December 24, 2008, an application for Coastal Development Permit Amendment (CDPA) No. 08-003, to amend the project approved under CDP No. 08-008, was submitted to the Planning Division for processing.

F. On June 2, 2009, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony and other information in the record, and adopted Planning Commission Resolution No. 09-38 approving CDPA No. 08-003. Resolution No. 09-38 included a revised condition which set the project expiration date as June 2, 2011.

G. On July 5, 2011, the Planning Commission adopted Planning Commission Resolution No. 08-20, granting the two-year extension request of CDP No. 08-008 and CDPA No. 08-003.

H. On October 26, 2012, ownership of the subject property transferred from Norman Haynie to Matthias Emcke.

I. On May 20, 2013, the Planning Commission adopted Planning Commission Resolution No. 13-46, granting the one-year extension request of CDP No. 08-008 and CDPA No. 08-003.

J. On May 20, 2013, the Planning Commission adopted Planning Commission Resolution No. 14-63, granting the two-year extension request of CDP No. 08-008 and CDPA No. 08-003.

K. On May 19, 2016, a fourth extension request was submitted to the Planning Department by Lynn Heacox, on behalf of property owner Matthias Emcke, for a two-year extension.

L. On June 23, 2016, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 foot radius of the subject property.

M. On July 16, 2016, the Planning Commission held a duly noticed public hearing on the subject time extension request, reviewed and considered the staff report, reviewed and considered written correspondence, public testimony, and other information in the record.

#### SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission previously determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15303(a) - New Construction. As such, Categorical Exemption (CE) No. 08-022 was filed for CDP No. 08-008 and CE No. 09-066 was filed for CDPA No. 08-003.

#### SECTION 3. Findings of Fact.

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

#### SECTION 4. Planning Commission Action.

A. The approvals set forth in City Council Resolution No. 08-18 and Planning Commission Resolution No. 09-38 are hereby extended for an additional two-year term. The approval is now set to expire on June 2, 2018.

B. No other changes to the conditions contained in City Council Resolution No. 08-18 and Planning Commission Resolution No. 09-38 are made and all other findings, terms and/or conditions contained in City Council Resolution No. 08-18 and Planning Commission Resolution No. 09-38 shall remain in full force and effect.

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

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of July, 2016.

ROOHI STACK, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms), in person at City Hall, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-62 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 18<sup>th</sup> day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

KATHLEEN STECKO, Recording Secretary

**Lynn Heacox**

---

**From:** Lynn Heacox <ljheacox@gmail.com>  
**Sent:** Wednesday, May 18, 2016 12:27 PM  
**To:** Lynn James Heacox  
**Subject:** Request for a two extension of CDP 08-008 & CDPA 08-003 for a new residence at 5900 Ramirez Canyon Road; CDP Expiration Date June 2, 2016

05/18/2016

Planning Staff  
City of Malibu  
Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265  
310-456-2489-0

RECEIVED  
MAY 13 2016  
PLANNING DEPT.

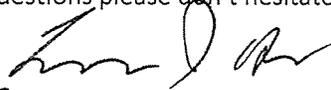
Planning Staff:

We are requesting an extension of CDP 08-008 and CDPA 08-003 which are set to expire on June 2, 2016. A Time Extension Submittal Checklist is attached. We are requesting a two year extension due to circumstances beyond our control:

1. The Ramirez Canyon Home Owner's Association is challenging our right of ingress egress along Ramirez Canyon Road. We were Deeded the rights of ingress egress by heirs of Marblehead Land Company. We are actively engaged in litigation to confirm our rights to use Ramirez Canyon Road for ingress and egress; also
2. Water District 29 is preventing our use of the water main along Ramirez Canyon Road for water service. Water District 29 is requesting that we obtain water from Murphy Way which would require significant impacts to natural landforms and habitat at a costs of tens of thousands of dollars. We will not be able to challenge these demands until we have been successful in gaining access along Ramirez Canyon Road.

We respectfully request your approval of this CDP and CDPA extension request and we appreciate your time in this matter. If you have any questions please don't hesitate to contact me.

Lynn James Heacox  
The Land & Water Co., LLC  
209 Avenida San Pablo  
San Clemente, CA 92672  
Office 714-766-6525 / 949-429-1517  
Cell 714-614-0620



**Note:** Please advise all couriers that all plans and documents being mailed to this address do not require a signature. Leave all information at the door. Thank you.

[LJHeacox@gmail.com](mailto:LJHeacox@gmail.com)

**Professional Assistant: Ms. Robin Z. McIntyre** ([LandandWaterCo@gmail.com](mailto:LandandWaterCo@gmail.com))  
Office 714-766-6525 / 949-429-1517  
No Fax

Notice Continued...

The extension request will be presented on the consent calendar based on staff's recommendation but any person wishing to be heard may request at the beginning of the meeting to have the application addressed separately. Please see the recording secretary before start of the meeting to have an item removed from consent calendar. The Commission's decision will be memorialized in a written resolution.

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

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

**LOCAL APPEAL** - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms) or in person at City Hall, or by calling (310) 456-2489, extension 245.

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

If you have questions regarding this notice, please contact **Bonnie Blue, Planning Director, at (310) 456-2489, extension 258.**

**Date: June 23, 2016**

**By: Bonnie Blue, Planning Director**

ATTACHMENT 3

# Notice of Public Hearing



City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265

## Planning Department

**City of Malibu**  
23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489 Fax (310) 456-7650

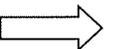
### NOTICE OF PUBLIC HEARING

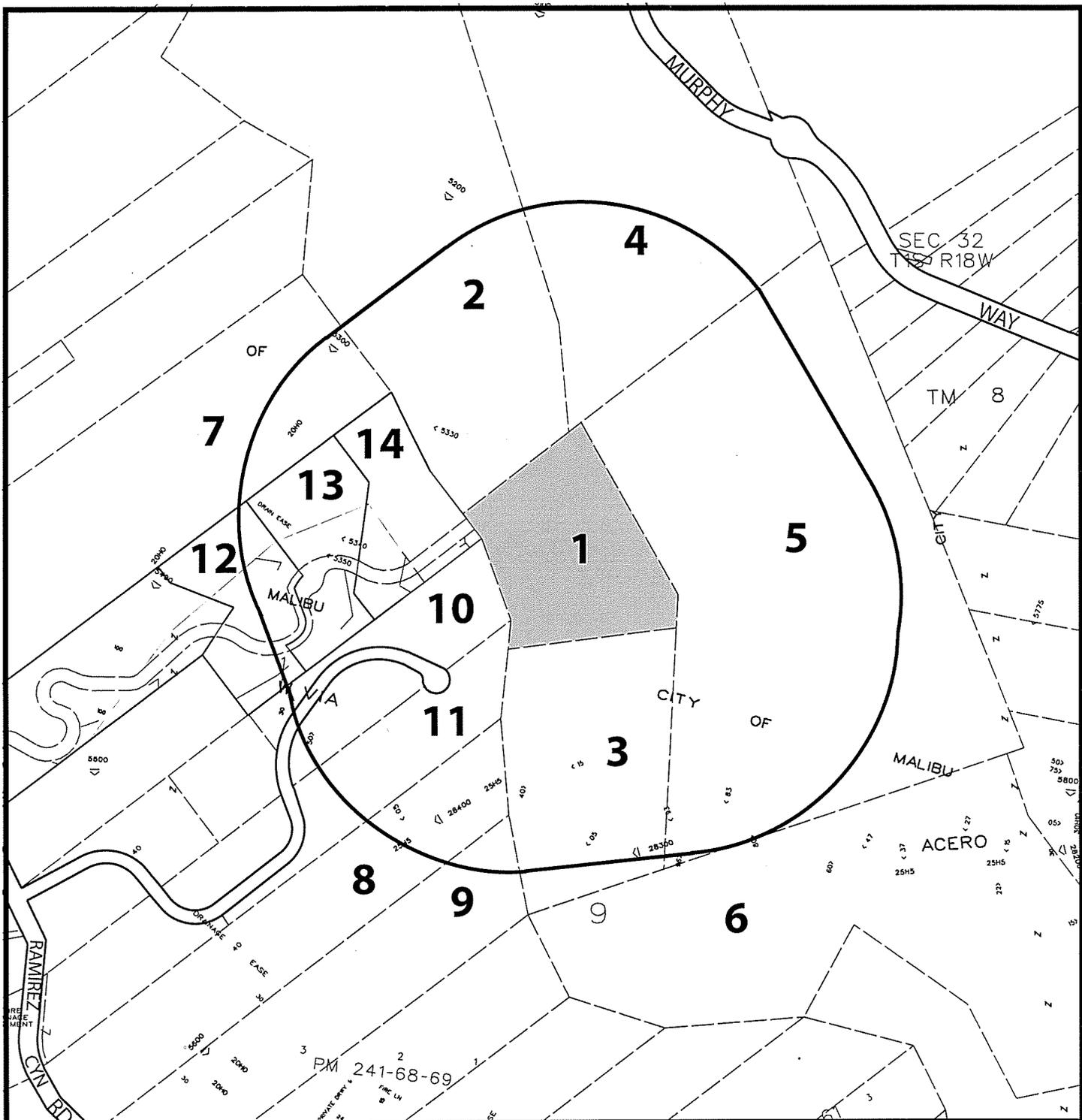
The Malibu Planning Commission will hold a public hearing on **MONDAY, July 18, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, for the project identified below.

**EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 08-008, VARIANCE NOS. 08-002 AND 08-003, AND COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 08-003** – A fifth request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development

LOCATION:	5900 Ramirez Canyon Road
APN:	4467-003-024
ZONING:	Rural Residential-Five Acre (RR-5)
APPLICANT:	Lynn Heacox
OWNER:	Emcke Matthias
EXTENSION FILED:	May 19, 2016
CASE PLANNER:	Bonnie Blue Planning Director (310) 456-2489, ext. 258 <a href="mailto:bblue@malibucity.org">bblue@malibucity.org</a>

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission 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 CEQA Guidelines Sections 15303(a) and (e) – New Construction. The Planning Commission further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).





# 500 FT. RADIUS MAP

ADDRESS: 5900 RAMIREZ CANYON RD


**Quality Mapping Service**  
 14549 Archwood St. Suite 301  
 Van Nuys, California 91405  
 Phone (818) 997-7949 - Fax (818) 997-0351  
 qmapping@qesqms.com

CASE NO:  
 DATE: 05-16-16  
 SCALE: 1" = 300'



QMS 14-154A



# Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Stephanie Hawner, Associate Planner *SHA*

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: July 6, 2016 Meeting Date: July 18, 2016

Subject: Extension of Coastal Development Permit No. 08-055, Variance Nos. 10-005 and 10-006, Conditional Use Permit No. 10-003, Demolition Permit No. 08-014, and Site Plan Review No. 10-012 – A request to extend the Planning Commission’s previous approval for demolition of an existing gas station, construction of a new commercial building, and associated development

Location: 22729 Pacific Coast Highway  
APN: 4452-022-010  
Owner: WFS Seastar Co., LLC

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**RECOMMENDED ACTION:** Planning Commission Resolution No. 16-63 (Attachment 1) granting a one-year extension of Coastal Development Permit (CDP) No. 08-055, Variance Nos. 10-005 and 10-006, Conditional Use Permit No. 10-003, Demolition Permit No. 08-014, and Site Plan Review No. 10-012, an application for demolition of an existing gas station, construction of a new commercial building, and associated development in the Community Commercial zoning district located at 22729 Pacific Coast Highway (WFS Seastar Co., LLC).

**DISCUSSION:** On June 1, 2010, the Planning Commission adopted Resolution No. 10-43, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 6 in Planning Commission Resolution No. 10-43 states that the coastal development permit and associated requests shall expire if the project has not commenced within two years after final City action. Extension to the permit may be granted by the approving authority for due cause. The item before the Commission is an extension request by the applicant. A complete project chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 16-63.

The subject coastal development permit was originally approved on June 1, 2010, has been extended three times previously, and was set to expire on June 1, 2016. On May 24, 2016, the applicant submitted a fourth extension request to ensure a valid CDP remains in place while the applicant processes building plan check corrections.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission's approval of the time extension request, the approval set forth in Planning Commission Resolution No. 10-43 shall remain valid for an additional one-year term. The expiration date of this approval would then be June 1, 2017. All conditions of approval in Planning Commission Resolution No. 10-43 will remain in effect.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-63
2. Time Extension Request
3. Public Hearing Notice

Copies of all previously issued resolutions relating to the project can be obtained from the Planning Department upon request.

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 16-63

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A ONE-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 08-055, VARIANCE NOS. 10-005 AND 10-006, CONDITIONAL USE PERMIT NO. 10-003, DEMOLITION PERMIT NO. 08-014, AND SITE PLAN REVIEW NO. 10-012, AN APPLICATION FOR DEMOLITION OF AN EXISTING GAS STATION, CONSTRUCTION OF A NEW COMMERCIAL BUILDING, AND ASSOCIATED DEVELOPMENT AND ASSOCIATED DEVELOPMENT IN THE COMMUNITY COMMERCIAL ZONING DISTRICT LOCATED AT 22729 PACIFIC COAST HIGHWAY (WFS SEASTAR CO., LLC)

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

SECTION 1. Recitals.

- A. On June 1, 2010, the Planning Commission adopted Planning Commission Resolution No. 10-43, approving Coastal Development Permit (CDP) No. 08-055, Site Plan Review No. 10-012, Variance Nos. 10-005 and 10-006, Conditional Use Permit No. 10-003 and Demolition Permit No. 08-014. The expiration date for the approval was June 1, 2012.
- B. On May 1, 2012, the Planning Commission adopted Resolution No. 12-39, granting a two-year extension of CDP No. 08-055.
- C. On May 19, 2014, the Planning Commission adopted Resolution No. 14-51, granting a one-year extension of CDP No. 08-055.
- D. On June 15, 2015, the Planning Commission adopted Resolution No. 15-36, granting a one-year extension of CDP No. 08-055.
- E. On May 24, 2016, the applicant submitted a fourth time extension request.
- F. On June 23, 2016, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.
- G. On July 18, 2016, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission previously determined the project to be categorically exempt pursuant to CEQA Guidelines Sections 15301(1)(3) – Existing Facilities and 15303(c) – New Construction or Conversion of Small Structures. As such, Categorical Exemption No. 10-063 was filed for CDP No. 08-055.

SECTION 3. Findings of Fact.

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

SECTION 4. Planning Commission Action.

A. The approvals set forth in Planning Commission Resolution No. 10-43 are hereby extended for an additional one-year term. The approval is now set to expire on June 1, 2017.

B. No other changes to the conditions contained in Planning Commission Resolution No. 10-43 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution No. 10-43 shall remain in full force and effect.

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

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of July, 2016.

\_\_\_\_\_  
ROOHI STACK, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms), in person at City Hall, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-63 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 18<sup>th</sup> day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

KATHLEEN STECKO, Recording Secretary

WFS Seastar Co., LLC  
22741 Pacific Coast Highway, Ste. 400  
Malibu CA 90265  
310-456-5515

RECEIVED  
MAY 24 2016  
PLANNING DEPT.

BY EMAIL

May 20, 2016

City of Malibu  
Stephanic Hawner  
23825 Stuart Ranch Road  
Malibu CA 90265

Email: shawner@malibucity.org

RE: CDP 08-055, 22729 Pacific Coast Highway, Extension Request

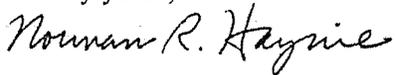
Dear Ms. Hawner:

This time extension is being requested because the City's Geotechnical Engineer has asked for additional information which required additional time for the project geotechnical engineer to provide. Due in part to this reason and also that the plan checker has asked for extensive information which the architect is in the process of providing, the owner has not yet been able to obtain the building permit, notwithstanding three plan checks have been completed and paid for. All of the requested information will be provided as quickly as the geologist/soils engineer and architect are able to compile the information. The owner and the owner's project consultants, engineer, and architect have been working diligently to complete the plan check process, which has been extremely time consuming. The owner is also unable to obtain a construction loan until such time as the plan check process has been completed and the owner is able to obtain firm cost estimates.

There have not been any changes in the City's commercial development standards since the project was found to be in compliance with the existing development standards. No change to the approved project is being requested with respect to this requested time extension.

For the above stated reason, the Owner is requesting a 12-month extension of the existing CDP. Without the requested one-year extension, the current CDP will expire on June 1, 2016.

Sincerely yours,



Norman R. Haynie  
Manager, Las Tunas Beach, LLC and Grey Granite, LLC  
Owner's Representative

NRH/cek

ATTACHMENT 2

Notice Continued...

The extension request will be presented on the consent calendar based on staff's recommendation but any person wishing to be heard may request at the beginning of the meeting to have the application addressed separately. Please see the recording secretary before start of the meeting to have an item removed from consent calendar. The Commission's decision will be memorialized in a written resolution.

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

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

**LOCAL APPEAL** - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms) or in person at City Hall, or by calling (310) 456-2489, extension 245.

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

If you have questions regarding this notice, please contact **Stephanie Hawner, Associate Planner, at (310) 456-2489, extension 276.**

**Date: June 23, 2016**

**By: Bonnie Blue, Planning Director**

# Notice of Public Hearing



City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265

## Planning Department

**City of Malibu**  
23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489 Fax (310) 456-7650

### NOTICE OF PUBLIC HEARING

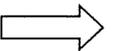
The Malibu Planning Commission will hold a public hearing on **MONDAY, July 18, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, for the project identified below.

**EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 08-055, VARIANCE NOS. 10-005 AND 10-006, CONDITIONAL USE PERMIT NO. 10-003, DEMOLITION PERMIT NO. 08-014, AND SITE PLAN REVIEW NO. 10-012**  
- A fourth request to extend the Planning Commission's previous approval for demolition of an existing gas station, construction of a new commercial building, and associated development

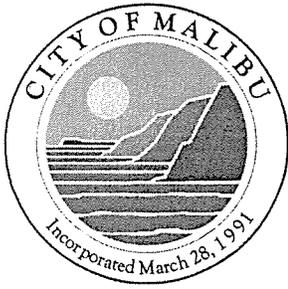
LOCATION:	22729 Pacific Coast Highway
APN:	4452-022-010
ZONING:	Community Commercial (CC)
APPLICANT:	Norman R. Haynie, Manager, Las Tunas Beach, LLC and Grey Granite, LLC.
OWNER:	WFS Seastar Co., LLC
EXTENSION FILED:	May 24, 2016
CASE PLANNER:	Stephanie Hawner Associate Planner (310) 456-2489, ext. 276 <a href="mailto:shawner@malibucity.org">shawner@malibucity.org</a>

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission 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 CEQA Guidelines Sections 15301(I)(3) and 15303(c) - New Construction. The Planning Commission further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

ATTACHMENT 3







# Commission Agenda Report

Planning Commission  
Meeting  
07-18-16  
**Item  
3.B.6.**

To: Chair Stack and Members of the Planning Commission

Prepared by: Richard Mollica, Senior Planner *RM*

Approved by: Bonnie Blue, Planning Director *BBS*

Date prepared: July 6, 2016

Meeting Date: July 18, 2016

Subject: Extension of Coastal Development Permit No. 06-084, Demolition Permit No. 06-015, Coastal Development Permit Amendment No. 12-005, and Minor Modification No. 12-009 – A request to extend the Planning Commission’s approval of an application for the demolition and construction of a new single-family residence and associated development

Location: 23652 Malibu Colony Drive  
APN: 4458-005-030  
Owner: 45 Malibu Colony, LLC

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 16-64 (Attachment 1) granting a one-year extension of Coastal Development Permit (CDP) No. 06-084, Demolition Permit No. 06-015, Coastal Development Permit Amendment No. 12-005, and Minor Modification No. 12-009, an application for the demolition and construction of a new single-family residence and associated development in the Single-Family Medium zoning district located at 23652 Malibu Colony Drive (45 Malibu Colony, LLC).

**DISCUSSION:** On June 3, 2008, the Planning Commission, adopted Resolution No. 08-37, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 7 in Planning Commission Resolution No. 08-37 states that the coastal development permit and associated requests shall expire if the project has not commenced within two years after final City action. Extension to the permit may be granted by the approving authority for due cause. The item before the Commission is an extension request by the applicant. A complete project chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 16-64.

The subject coastal development permit was originally approved on June 3, 2008, has been extended five times previously, and was set to expire on June 3, 2016. On August 4, 2015, the property was sold to the current owner, 5 Malibu Colony, LLC. On May 27, 2016, the applicant submitted a sixth time extension request for two years, however, it is the City's policy to issue only one-year extensions after the first time extension is issued for two years. Granting the one-year extension would extend the approval to June 3, 2017.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission's approval of the time extension request, the approval set forth in Planning Commission Resolution No. 08-37 shall remain valid for an additional one-year term. The expiration date of this approval would then be June 3, 2016. All conditions of approval in Planning Commission Resolution Nos. 08-37 and 12-81 will remain in effect.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-64
2. Time Extension Request
3. Public Hearing Notice

Copies of all previously issued resolutions relating to the project can be obtained from the Planning Department upon request.

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 16-64

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A ONE-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 06-084, DEMOLITION PERMIT NO. 06-015, COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 12-005, AND MINOR MODIFICATION NO. 12-009, AN APPLICATION FOR THE DEMOLITION AND CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AND ASSOCIATED DEVELOPMENT IN THE SINGLE-FAMILY MEDIUM ZONING DISTRICT LOCATED AT 23652 MALIBU COLONY DRIVE (45 MALIBU COLONY, LLC)

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

SECTION 1. Recitals.

A. On June 3, 2008, the Planning Commission adopted Planning Commission Resolution No. 08-37, approving Coastal Development Permit (CDP) No. 06-084 and Demolition Permit No. 06-015 allowing for the demolition of an existing 1,637 square foot, single-family residence and 578 square foot detached garage (tea house will remain), and the construction of a new, 4,309 square foot single-family residence, detached garage with a second-story guesthouse, a new wooden deck, installation of an alternative onsite wastewater treatment system, a 1.7 foot increase in the height of the existing timber bulkhead and associated development.

B. On July 6, 2010, the Planning Commission adopted Resolution No. 10-66, granting a two-year time extension of CDP No. 06-084.

C. On March 20, 2012, the Planning Commission adopted Resolution No. 12-24, granting a one-year time extension of CDP 06-084.

D. On September 17, 2012, the Planning Commission adopted Resolution No. 12-81, approving Coastal Development Permit Amendment (CDPA) No. 12-005 and Minor Modification No. 12-009 allowing for modifications to the previously approved project to accommodate the requirements of the Los Angeles County Fire Department. The amendment allowed for a minor modification to shift the footprint of the proposed single-family residence towards the western property line resulting in a 7.7 percent reduction of the required side yard setback (to 3 feet where 3 feet, 3 inches is required) and an amendment to remove the replacement of the deck from the approved project scope.

E. On April 1, 2013, the Planning Commission adopted Resolution No. 13-28, granting a one-year time extension of CDP 06-084 and CDPA 12-005.

F. On June 2, 2014 the Planning Commission adopted Resolution No. 14-57, granting a one-year time extension of CDP 06-084 and CDPA 12-005.

G. On July 6, 2015 the Planning Commission adopted Resolution No. 15-55, granting a one-year time extension of CDP 06-084 and CDPA 12-005.

H. On August 4, 2015, the property was sold to a new owner.

I. On May 27, 2016, the applicant submitted a sixth time extension request.

J. On June 23, 2016, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

K. On July 18, 2016, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission previously determined the project to be categorically exempt pursuant to CEQA Guidelines Sections 15301(l)(1) – Existing Facilities and 15303(a) and (e) – New Construction. As such, Categorical Exemption (CE) No. 08-032 was filed for CDP No. 06-084 and CE No. 12-095 was filed for CDPA No. 12-005.

SECTION 3. Findings of Fact.

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

SECTION 4. Planning Commission Action.

A. The approvals set forth in Planning Commission Resolution Nos. 08-37 and 12-81 are hereby extended for an additional one-year term. The approval is now set to expire on June 3, 2017.

B. No other changes to the conditions contained in Planning Commission Resolution Nos. 08-37 and 12-81 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution Nos. 08-37 and 12-81 shall remain in full force and effect.

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

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of July, 2016.

\_\_\_\_\_  
ROOHI STACK, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms), in person at City Hall, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-64 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 18<sup>th</sup> day of July, 2016, by the following vote:

AYES:

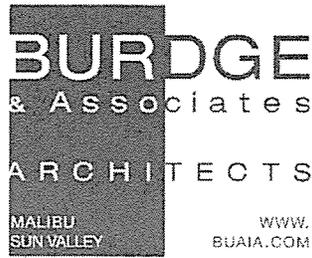
NOES:

ABSTAIN:

ABSENT:

---

KATHLEEN STECKO, Recording Secretary



May 27, 2016

City of Malibu, Planning Department  
Attn.: Bonnie Blue, AICP  
23825 Stuart Ranch Road  
Malibu, CA 90265

RECEIVED  
MAY 27 2016  
PLANNING DEPT.

Re: ACDP Extension Request  
CDP 06-084; DP 06-015  
23652 Malibu Colony Drive  
Malibu, CA 90265

Bonnie Blue,

As the applicant for the project in reference, I am writing this letter to request a two-year time extension for the approved of Coastal Development Permit (CDP) Number 06-084 and Demolition Permit (DP) Number 06-015. The City of Malibu's Planning Commission approved CDP 06-084, and its associated entitlements, with an initial expiration date of June 3, 2010. On July 6, 2010 the Planning Commission approved a Time Extension granting two additional years, moving the expiration date out to June 3, 2012. On March 20, 2012 the Planning Commission approved a Time Extension granting one additional year, moving the expiration date out to June 3, 2013. On September 17, 2012 the Planning Commission approved Coastal Development Permit Amendment (CDPA) Number 12-005 and Minor Modification (MM) Number 12-009 amending the scope of work but not expiration date. On April 1, 2013 the Planning Commission approved a Time Extension granting one additional year, moving the expiration date out to June 3, 2014. On June 2, 2014 the Planning Commission approved a Time Extension granting one additional year, moving the expiration date out to June 3, 2015. On July 6, 2015 the Planning Commission approved a Time Extension granting one additional year, moving the expiration date out to June 3, 2016. That 2015 Time Extension is now expiring and we are requesting that the Planning Commission grant this project and its associated entitlements an additional two-year extension.

The approved project description has not changed since it was amended in 2012 and it still involves the demolition of an existing 1,637 square foot, single-family residence and 578 square foot detached garage (tea house will remain), and the construction of a new, 4,309 square foot single-family residence, detached garage with a second-story guesthouse, a new wooden deck, installation of an alternative onsite wastewater treatment system, a 1.7 foot increase in the height of the existing timber bulkhead and associated development.

The requested Time Extension will give the new property owner sufficient time to complete construction while maintaining all approvals.

Please do not hesitate to call me if you have any questions regarding this matter.

Sincerely,  
Joseph Lezama  
Burdge & Associates Architects, Inc.

21235 Pacific Coast Highway  
Malibu, CA 90265  
310.456.5905

Notice Continued...

The extension request will be presented on the consent calendar based on staff's recommendation but any person wishing to be heard may request at the beginning of the meeting to have the application addressed separately. Please see the recording secretary before start of the meeting to have an item removed from consent calendar. The Commission's decision will be memorialized in a written resolution.

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

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

**LOCAL APPEAL** - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms) or in person at City Hall, or by calling (310) 456-2489, extension 245.

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

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

**Date:** June 23, 2016

**By:** Bonnie Blue, Planning Director

# Notice of Public Hearing



City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265

## Planning Department

City of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489 Fax (310) 456-7650

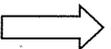
### NOTICE OF PUBLIC HEARING

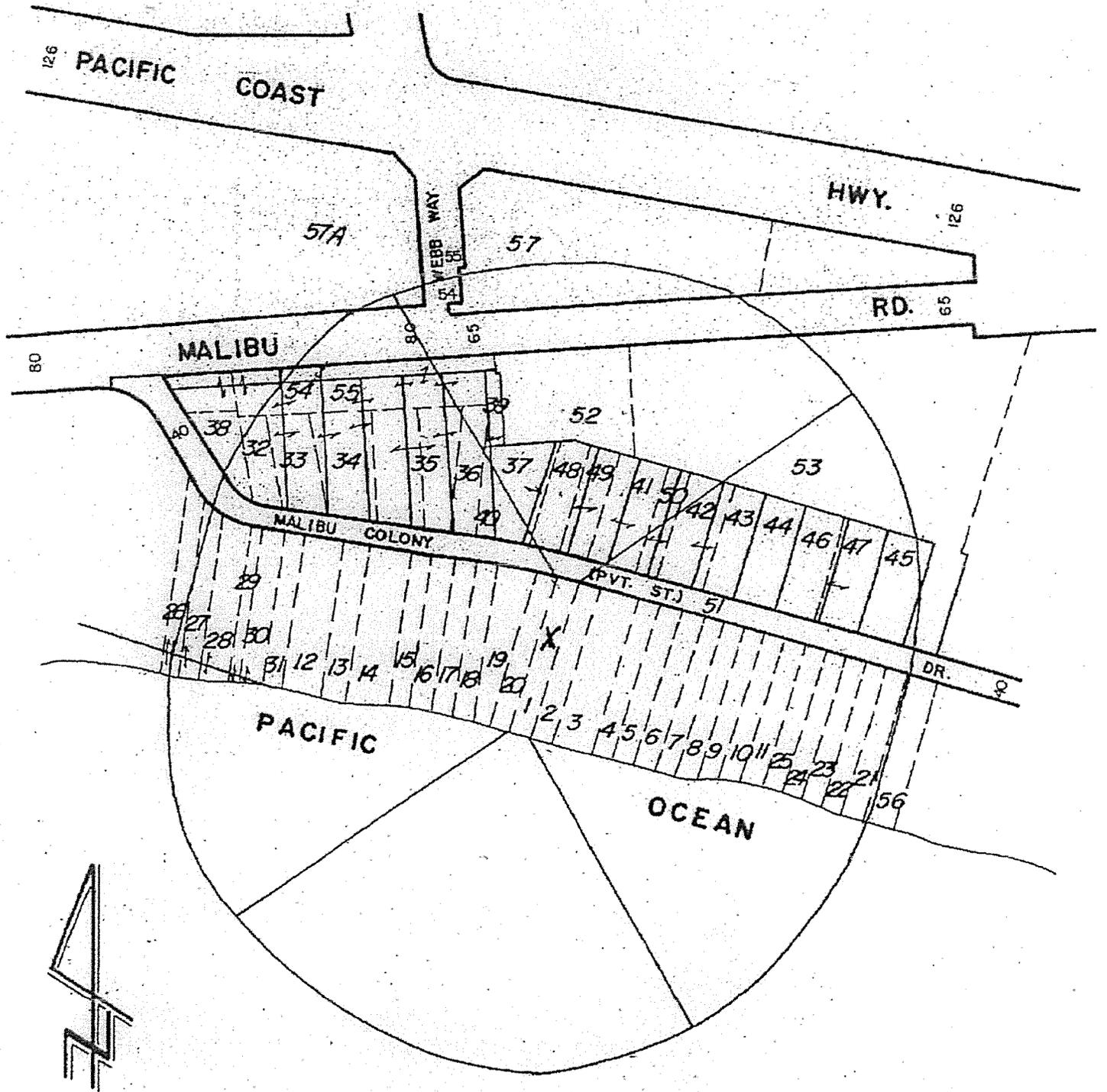
The Malibu Planning Commission will hold a public hearing on **MONDAY, July 18, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, for the project identified below.

**EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 06-084, DEMOLITION PERMIT NO. 06-015, COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 12-005, AND MINOR MODIFICATION NO. 12-009** – A sixth request to extend the Planning Commission's previous approval for the demolition and construction of a new single-family residence and associated development

LOCATION:	23652 Malibu Colony Drive
APN:	4458-005-030
ZONING:	Single-Family Medium (SFM)
APPLICANT:	Burdge and Associates
OWNER:	45 Malibu Colony, LLC
EXTENSION FILED:	May 27, 2016
CASE PLANNER:	Richard Mollica Senior Planner (310) 456-2489, ext. 346 <a href="mailto:rmollica@malibucity.org">rmollica@malibucity.org</a>

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission 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 CEQA Guidelines Sections 15301(l)(1) Existing Facilities and 15303(a) and (e) 15301(e) – New Construction. The Planning Commission further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).



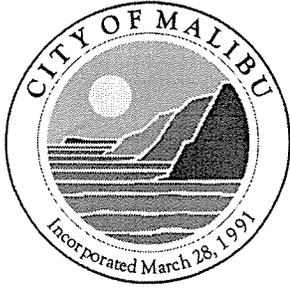


**500' RADIUS MAP**

CASE NO.:

DATE:

SCALE: 1" = 200'



Planning Commission  
Meeting  
07-18-16

**Item  
3.B.7.**

# Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Adrian Fernandez, Senior Planner *A.F.*

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: July 6, 2016

Meeting Date: July 18, 2016

Subject: Extension of Coastal Development Permit No. 05-136, Initial Study No. 06-002, Revised Mitigated Negative Declaration No. 06-004, and Tentative Parcel Map No. 99-002 - A request to extend the City Council's previous approval to allow the subdivision of one lot into four lots, demolition of an existing residence, and associated development

Location: 30732 Pacific Coast Highway  
APN: 4469-026-005  
Owner: Malibu Bay Company

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 16-65 (Attachment 1) granting a one-year extension of the adoption of Revised Mitigated Negative Declaration No. 06-004, Initial Study No. 06-002 and approving Coastal Development Permit No. 05-136 for vesting Tentative Parcel Map (TPM) No. 99-002 (County reference: TPM No. 24070) to subdivide the subject property into four 47- to 51-foot lots in the Single-Family Medium zoning district located at 30732 Pacific Coast Highway (Malibu Bay Company).

**DISCUSSION:** On December 14, 2009, the City Council adopted Resolution No. 09-68, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 4 in City Council Resolution No. 09-68 states that the coastal development permit and associated requests shall expire if the project has not commenced within two years after final City action. Extension to the permit may be granted by the approving authority for due cause. The item before the Commission is an extension request by the applicant. A complete chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 16-65.

The subject coastal development permit (CDP), has been extended one time previously, by operation of state law AB 116 (Gov. Code Section 66452.24) to April 12, 2016, and was set to expire on April 12, 2016. Prior to the expiration of the permit, the applicant submitted an extension request to ensure a valid CDP which would permit the tentative parcel map to remain in place while the owner finalizes the recordation of the final parcel map. The subject time extension would extend the CDP approval to April 12, 2017.

The subject application includes a tentative parcel map for a four-lot subdivision. Pursuant to Subdivision Map Act Section 66452.6(a)(1), an approved tentative map shall expire two years after its approval and may be extended thereby a maximum of one year pursuant to Malibu Municipal Code (MMC) Section 16.12.150 and Subdivision Map Act Section 66452.6(a). However, the Subdivision Map Act was amended since the MMC was adopted. The new amendment allows the permit up to six one-year extensions. This would be the first one-year extension of the tentative parcel map.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission's approval of the time extension request, the approval set forth in City Council Resolution No. 09-68 shall remain valid for an additional one-year term. The expiration date of this approval would then be April 12, 2017. All conditions of approval in City Council Resolution No. 09-68 will remain in effect.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-65
2. Time Extension Request
3. Public Hearing Notice

Copies of all previously issued resolutions relating to the project can be obtained from the Planning Department upon request.

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 16-65

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A ONE-YEAR EXTENSION OF THE ADOPTION OF REVISED MITIGATED NEGATIVE DECLARATION NO. 06-004, INITIAL STUDY NO. 06-002 AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 05-136 FOR VESTING TENTATIVE PARCEL MAP NO. 99-002 (COUNTY REFERENCE: TPM NO. 24070) TO SUBDIVIDE THE SUBJECT PROPERTY INTO FOUR 47- TO 51-FOOT LOTS IN THE SINGLE-FAMILY MEDIUM ZONING DISTRICT LOCATED AT 30732 PACIFIC COAST HIGHWAY (MALIBU BAY COMPANY)

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

SECTION 1. Recitals.

A. On December 4, 2009, the City Council held a duly noticed public hearing and adopted City Council Resolution No. 09-68, adopting Revised Mitigated Negative Declaration No. 06-004 and approving Coastal Development Permit No. 05-136 for vesting Tentative Parcel Map No. 99-002 (County reference: TPM No. 24070) to subdivide the subject property at 30732 Pacific Coast Highway into four 47- to 51-foot lots.

B. Subsequent to the City Council's adoption of Resolution No. 09-68 on December 4, 2016, the associated Local Coastal Program amendments were legally challenged. When the Court's decision became final, the City filed the Notice of Final Local Action with the California Coastal Commission on January 12, 2010, thus re-starting the California Coastal Commission appeal period. An appeal was subsequently filed with the California Coastal Commission

C. On April 12, 2012, the California Coastal Commission determined no substantial issue existed and the CDP became effective and was set to expire on April 12, 2014. As a result of Assembly Bill (AB) 116 (Government Code Section 66452.24), the vesting tentative map was extended for an additional 24 months by operation of AB 116, and the project was then set to expire on April 12, 2016.

D. On April 8, 2016, the applicant submitted a time extension request.

E. On June 23, 2016, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. On July 18, 2016, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

G. A complete chronology is available in City Council Resolution No. 09-68 and Ordinance Nos. 304, 331, and 344.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission analyzed the proposed project. The Planning Commission found that categorical exemptions from CEQA do not apply pursuant to CEQA Guidelines Section 15300.2(c). The initial study determined the proposed project would not have a significant impact on the environment with the incorporation of recommended mitigation measures and standard conditions of approval; subsequently, Revised Mitigated Negative Declaration No. 06-004 was prepared and circulated pursuant to CEQA Guidelines Section 15074.

SECTION 3. Findings of Fact.

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

SECTION 4. Planning Commission Action.

A. The approvals set forth in City Council Resolution No. 09-68 are hereby extended for an additional one-year term. The approval is now set to expire on April 12, 2017.

B. No other changes to the conditions contained in City Council Resolution No. 09-68 are made and all other findings, terms and/or conditions contained in City Council Resolution No. 09-68 shall remain in full force and effect.

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

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of July, 2016.

\_\_\_\_\_  
ROOHI STACK, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms), in person at City Hall, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-65 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 18<sup>th</sup> day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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KATHLEEN STECKO, Recording Secretary

# MALIBU BAY COMPANY

April 8, 2016

VIA HAND DELIVERY

Christopher Deleau  
Planning Manager  
City of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265

RECEIVED  
APR 11 2016  
PLANNING DEPT.

**Re: Request for Extension of Coastal Development Permit No. 05-136 and Vesting  
Tentative Parcel Map No. 99-002: 30732 Pacific Coast Highway (APN 4469-026-005)**

Dear Chris:

As owners of the property located at 30732 Pacific Coast Highway, Malibu Bay Company respectfully requests a one-year extension for the above-referenced approvals to allow for additional time to record Final Map No. 24070 to subdivide the property pursuant to the approved vesting tentative parcel map.

The City Council adopted Resolution No. 09-068 to approve Vesting Tentative Parcel Map No. 99-002 on December 14, 2009. VTPM No. 99-002 and the related approvals went into effect on April 12, 2012, upon the resolution of an appeal to the California Coastal Commission. The vesting map and related approvals were extended for an additional 24 months by operation of state law AB 116 (Gov. Code §66452.24) to April 12, 2016.

Malibu Bay Company has been working diligently to fulfill the conditions of the approvals and record the final map. We have encountered some unforeseen delays during the final steps to record the final map and must request additional time to complete the process.

After the completion of all survey work and revisions to the final map following numerous rounds of review by the City Public Works Department, a large storm event in early February 2016 and erosion on the site washed away several survey monuments set for the final map, which required additional survey work and conforming changes to the final map. These monuments have now been replaced, and the Public Works Department recently verified the placement of the monuments and Final Map No. 24070.

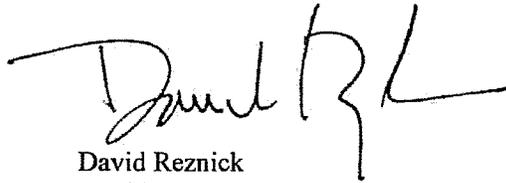
Malibu Bay Company has fulfilled all conditions precedent to recordation of the final map set forth in CDP No. 05-136 with the exception of Condition No. 9, which requires the retirement of three Transfer of Development Credits ("TDCs") prior to recordation. Malibu Bay Company has entered into an agreement with Mountains Restoration Trust to acquire three TDCs, and Mountains Restorations Trust is working with the City to verify and retire these TDCs. However, we anticipate that the process to retire these TDCs will not be finished before April 12.

Upon fulfillment of this last remaining condition, Malibu Bay Company will submit Final Map No. 24070 for approval by the City. We expect to complete this process in short order, but

must request additional time to achieve full compliance with the City's requirements and conditions for the final map.

Thank you for your consideration of this request. Should you have any questions, please do not hesitate to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "David Reznick". The signature is stylized with a large, sweeping "D" and a long horizontal line extending to the right.

David Reznick  
President  
Malibu Bay Company

Enclosures

cc: Bonnie Blue, Planning Director  
Rob DuBoux, Assistant Public Works Director, Assistant City Engineer  
Jorge Rubalcava, Assistant Civil Engineer

Notice Continued...

The extension request will be presented on the consent calendar based on staff's recommendation but any person wishing to be heard may request at the beginning of the meeting to have the application addressed separately. Please see the recording secretary before start of the meeting to have an item removed from consent calendar. The Commission's decision will be memorialized in a written resolution.

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

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

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms) or in person at City Hall, or by calling (310) 456-2489, extension 245.

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

If you have questions regarding this notice, please contact **Bonnie Blue, Planning Director, at (310) 456-2489, extension 258.**

**Date: June 23, 2016**

**By: Bonnie Blue, Planning Director**

# Notice of Public Hearing



City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265

## Planning Department

### City of Malibu

23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489 Fax (310) 456-7650

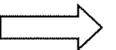
## NOTICE OF PUBLIC HEARING

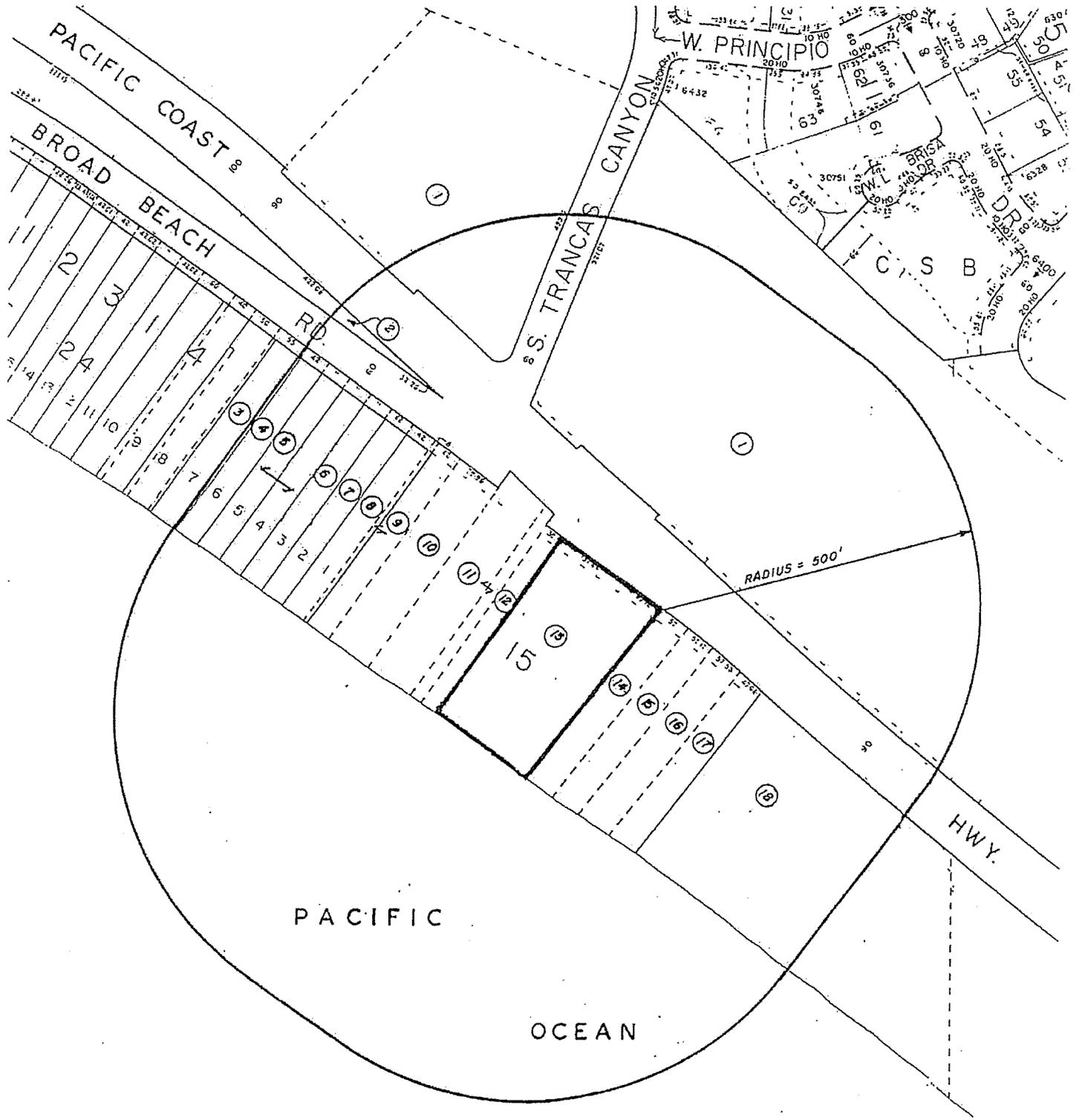
The Malibu Planning Commission will hold a public hearing on **MONDAY, July 18, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, for the project identified below.

**EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 05-136, INITIAL STUDY NO. 06-002, MITIGATED NEGATIVE DECLARATION NO. 06-004, AND TENTATIVE PARCEL MAP NO. 99-002** – A request to extend the City Council's approval to allow the subdivision of one lot into four lots, and associated development

LOCATION:	30732 Pacific Coast Highway
APN:	4469-026-005
ZONING:	Single-Family Medium (SFM)
APPLICANT:	Montgomery Clark Advisors
OWNER:	Malibu Bay Company
EXTENSION FILED:	April 8, 2016
CASE PLANNER:	Bonnie Blue Planning Director (310) 456-2489, ext. 258 <a href="mailto:bblue@malibucity.org">bblue@malibucity.org</a>

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission analyzed the proposed project. The Planning Commission found that categorical exemptions from CEQA do not apply pursuant to CEQA Guidelines Section 15300.2(c). The initial study determined the proposed project would not have a significant impact on the environment with the incorporation of recommended mitigation measures and standard conditions of approval; subsequently, Revised Mitigated Negative Declaration No. 06-004 was prepared and circulated pursuant to CEQA Guidelines Section 15074.



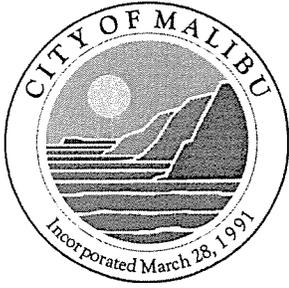


HERON  
MAPS

(310) 317 - 1515  
20756 SEABOARD RD.  
MALIBU CA 90265



1" = 200'



Planning Commission  
Meeting  
07-18-16

**Item  
3.B.8.**

# Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Kathleen Stecko, Senior Office Assistant *KoS*

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: July 6, 2016 Meeting Date: July 18, 2016

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes for the June 6, 2016 and June 20, 2016 Regular Planning Commission meetings.

**DISCUSSION:** Staff has prepared draft minutes for the above-referenced Planning Commission meeting and hereby submits the minutes for the Commission's consideration.

**ATTACHMENTS:**

1. June 6, 2016 Regular Planning Commission Meeting
2. June 20, 2016 Regular Planning Commission Meeting

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
JUNE 6, 2016  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Vice Chair Mazza called the meeting to order at 6:32 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Vice Chair John Mazza and Commissioners Jeffrey Jennings and Mikke Pierson.

ABSENT: Chair Roohi Stack and Commissioner David Brotman.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Richard Mollica, Senior Planner; Stephanie Hawner, Associate Planner; Jasch Janowicz, Contract Planner; Robert Duboux, Assistant Public Works Director/Assistant City Engineer, and Kathleen Stecko, Recording Secretary.

**PLEDGE OF ALLEGIANCE**

Lyn Konheim led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on May 27, 2016.

**APPROVAL OF AGENDA**

MOTION Commissioner Jennings moved and Commissioner Pierson seconded a motion to approve the agenda, continuing Item No. 5.C. to the June 20, 2016 Regular Planning Commission meeting. The motion carried 3-0, Chair Stack and Commissioner Brotman absent.

Ken Ehrlich approached the podium and indicated he would be unavailable to represent his client on Item No. 5.C. on June 20, 2016.

Planning Director Blue stated if they couldn't have representation, the item could be continued again and Ken Ehrlich would work together with staff.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

None.

**ITEM 2.B. COMMISSION / STAFF COMMENTS**

Commissioner Pierson encouraged everyone to vote on Tuesday, June 7, 2016.

Vice Chair Mazza stated summer is approaching and he has been contacted regarding an unpermitted party, reminded everyone permits are required, and encouraged staff to follow up on the unpermitted party.

Planning Director Blue announced the cancellation of the July 5, 2016 Regular Planning Commission meeting, the Malibu Blood Drive being held on Thursday, June 9, 2016, the Point Dume Traffic Management Neighborhood meeting being held June 16, 2016, and Malibu's One Water Festival being held June 18, 2016.

Vice Chair Mazza inquired about upcoming Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meetings.

In response to Vice Chair Mazza, Planning Director Blue updated the Commission about upcoming ZORACES meetings.

**ITEM 3 CONSENT CALENDAR**

**MOTION** Commissioner Jennings moved and Commissioner Pierson seconded a motion to approve the Consent Calendar. The motion carried 3-0, Chair Stack and Commissioner Brotman absent.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Approval of Minutes

Recommended Action: Approve the minutes for the May 16, 2016 Regular Planning Commission meeting.

Staff contact: Planning Director Blue, 456-2489 ext. 258

2. Extension of Coastal Development Permit No. 09-058, Site Plan Review Nos. 09-048 and 10-031, and Demolition Permit No. 10-028 – A request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development

Location: 32860 Pacific Coast Highway

APN: 4473-017-020

Owner: Morteza Ejabat

Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 16-47 granting a one-year extension of Coastal Development Permit No. 09-058, Site Plan Review Nos. 09-048 and 10-031, and Demolition Permit No. 10-

028 to allow the construction of a new, two-story single-family residence, subterranean garage and associated development in the Rural Residential-Two Acre zoning district located at 32860 Pacific Coast Highway (Ejabat).

**ITEM 4 CONTINUED PUBLIC HEARINGS**

None.

**ITEM 5 NEW PUBLIC HEARINGS**

A. Coastal Development Permit Amendment Nos. 15-008 through 15-012 – An application to amend Coastal Development Permit Nos. 07-145 through 07-149, including an Addendum to the Certified Crummer Site Subdivision Final Environmental Impact Report

Location: 24108, 24120, 24134, 24150, and 24174 Pacific Coast Highway, within the appealable coastal zone

APNs: 4458-018-019, 4458-018-018, and 4458-018-002

Zoning: Planned Development (PD)

Owner: PCH Project Owner, LLC

Recommended Action:

1) Consider the Addendum to the Certified Crummer Site Subdivision Environmental Impact Report and make findings in support thereof, and adopt Resolution No. 16-54 approving Coastal Development Permit Amendment No. 15-008 amending Coastal Development Permit No. 07-145 for development on Lot 1 of the Crummer Site Subdivision Project, consisting of a 7,950 square foot, one-story single-family residence with a 1,000 square foot basement, 948 square foot garage, detached 623 square foot second unit, 531 square feet of covered loggia space that projects more than six feet; outdoor barbeque area with trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank and landscaping located at 24108 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC).

2) Consider the Addendum to the Certified Crummer Site Subdivision Environmental Impact Report and make findings in support thereof, and adopt Resolution No. 16-55 approving Coastal Development Permit Amendment No. 15-012 amending Coastal Development Permit No. 07-146, for development Lot 2 of the Crummer Site Subdivision Project, consisting of a 7,661 square foot, one-story single-family residence with a 1,579 square foot basement and subterranean garage, 458 square foot gym, 480 square foot second unit, 733 square feet of covered loggia space that projects more than six feet; outdoor fireplace with trellis, swimming pool, spa, and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping located at 24120 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC).

3) Consider the Addendum to the Certified Crummer Site Subdivision Environmental Impact Report and make findings in support thereof, and adopt Resolution No. 16-56 approving Coastal Development Permit Amendment No. 15-009 amending Coastal Development Permit No. 07-147 for development on Lot 3 of the Crummer Site Subdivision Project, consisting a 8,155 square foot, one-story

single-family residence with a 1,000 square foot basement, 479 square foot detached second unit, 716 square foot garage, 84 square foot cabana; trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping, located at 24134 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC).

4) Consider the Addendum to the Certified Crummer Site Subdivision Environmental Impact Report and making findings in support thereof, and adopt Resolution No. 16-57 approving Coastal Development Permit Amendment No. 15-010 amending Coastal Development Permit No. 07-148 for development on Lot 4 of the Crummer Site Subdivision Project, consisting of a 7,878 square foot, one-story single-family residence with a 1,000 square foot basement, 886 square foot garage, 149 square foot cabana, 600 square feet of covered loggia space that projects more than six feet; outdoor fireplace with trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping, located at 24150 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC).

5) Consider the Addendum to the Certified Crummer Site Subdivision Environmental Impact Report and make findings in support thereof, and adopt Resolution No. 16-58 approving Coastal Development Permit Amendment No. 15-011 amending Coastal Development Permit No. 07-149 for development on Lot 5 of the Crummer Site Subdivision Project, consisting of a 8,738 square foot, one-story single-family residence with a 1,000 square foot basement, 885 square foot garage, 479 square foot second unit, 188 square foot pool house, 700 square feet of covered loggia space that projects more than six feet; trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping, located at 24174 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC).

Contract Planner Janowicz presented the staff report.

Disclosures: Vice Chair Mazza and Commissioners Jennings and Pierson.

The Commission directed questions to staff.

As there were no further questions for staff, Vice Chair Mazza opened the public hearing.

Speakers: Robert Gold; Paul Grisanti; Patt Healy; and Lyn Konheim.

Kari Kramer and Mark Warwick provided requests to address the Commission but declined to speak.

As there were no other speakers present, Vice Chair Mazza closed the public hearing and returned the matter to the table for discussion.

The Commission directed questions to Robert Gold and staff.

MOTION

Commissioner Pierson moved and Commissioner Jennings seconded a motion to make findings in support of the Addendum to the Certified Crummer Site Subdivision Environmental Impact Report and adopt the following resolutions, as amended: 1) Resolution No. 16-54 approving Coastal Development Permit Amendment No. 15-008 amending Coastal Development Permit No. 07-145 for development on Lot 1 of the Crummer Site Subdivision Project, consisting of a 7,950 square foot, one-story single-family residence with a 1,000 square foot basement, 948 square foot garage, detached 623 square foot second unit, 531 square feet of covered loggia space that projects more than six feet; outdoor barbeque area with trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank and landscaping located at 24108 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC); 2) modifying Condition No. 6 to state: "The Maximum Applied Water Allowance (MAWA) for Lot 1 totals 727,234 gallons per year. The Estimated Applied Water Use (EAWU) totals 587,234 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.;" 3) modifying Condition No. 8 to state: "Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property (as defined by MMC Section 17.45.050);" 4) Resolution No. 16-55 approving Coastal Development Permit Amendment No. 15-012 amending Coastal Development Permit No. 07-146, for development on Lot 2 of the Crummer Site Subdivision Project, consisting of a 7,661 square foot, one-story single-family residence with a 1,579 square foot basement and subterranean garage, 458 square foot gym, 480 square foot second unit, 733 square feet of covered loggia space that projects more than six feet; outdoor fireplace with trellis, swimming pool, spa, and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping located at 24120 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC); 5) modifying Condition No. 6 to state: "The Maximum Applied Water Allowance (MAWA) for Lot 2 totals 767,582 gallons per year. The Estimated Applied Water Use (EAWU) totals 626,714 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.;" 6) modifying Condition No. 8 to state: "Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property (as defined by MMC Section 17.45.050);" 7) Resolution No. 16-56 approving Coastal Development Permit Amendment No. 15-009 amending Coastal Development Permit No. 07-147 for development on Lot 3 of the Crummer Site Subdivision Project, consisting of a 8,155 square foot, one-story single-family residence with a 1,000 square foot basement, 479 square foot detached second unit, 716 square foot garage, 84 square foot cabana; trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping, located at 24134 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC); 8) modifying Condition No. 7 to state: "The Maximum Applied Water Allowance (MAWA) for Lot 3 totals 750,369 gallons per year. The Estimated Applied Water Use (EAWU) totals 565,496 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.;" 9) modifying Condition No. 9 to state: "Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property (as defined by MMC Section 17.45.050);" 10) Resolution No. 16-

57 approving Coastal Development Permit Amendment No. 15-010 amending Coastal Development Permit No. 07-148 for development on Lot 4 of the Crummer Site Subdivision Project, consisting of a 7,878 square foot, one-story single-family residence with a 1,000 square foot basement, 886 square foot garage, 149 square foot cabana, 600 square feet of covered loggia space that projects more than six feet; outdoor fireplace with trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping, located at 24150 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC); 11) modifying Condition No. 6 to state: "The Maximum Applied Water Allowance (MAWA) for Lot 4 totals 625,421 gallons per year. The Estimated Applied Water Use (EAWU) totals 504,075 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.;" 12) modifying Condition No. 9 to state: "Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property (as defined by MMC Section 17.45.050);" 13) Resolution No. 16-58 approving Coastal Development Permit Amendment No. 15-011 amending Coastal Development Permit No. 07-149 for development on Lot 5 of the Crummer Site Subdivision Project, consisting of a 8,738 square foot, one-story single-family residence with a 1,000 square foot basement, 885 square foot garage, 479 square foot second unit, 188 square foot pool house, 700 square feet of covered loggia space that projects more than six feet; trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping, located at 24174 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC); 14) modifying Condition No. 2 to state: "188 square foot cabana located on the east side of the swimming pool;" 15) modifying Condition No. 5 to state: "The Maximum Applied Water Allowance (MAWA) for Lot 5 totals 1,256,961 gallons per year. The Estimated Applied Water Use (EAWU) totals 946,409 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.;" and 16) modifying Condition No. 7 to state: "Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property (as defined by MMC Section 17.45.050)."

The question was called and the motion carried 3-0, Chair Stack and Commissioner Brotman absent.

B. Coastal Development Permit No. 14-020, Variance No. 14-011, Stringline Modification No. 15-001, Demolition Permit No. 15-013, and Code Violation No. 14-031 – An application for a new single-family beachfront residence and associated development

Location: 18954 Pacific Coast Highway, within the appealable coastal zone

APN: 4449-002-005

Owner: MPH, LLC

Recommended Action: Adopt Planning Commission Resolution No. 16-52 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-020 to demolish an existing single-family residence, onsite wastewater treatment system, and solid wall at front property line, and construct a new 2,511 square foot, two-story, single-

family beachfront residence including a loft, rear decks, rooftop deck with spa and barbeque, seawall extension, and installation of a new alternative onsite wastewater treatment system, including Variance No. 14-011 for reduction of the unenclosed parking space width, Stringline Modification No. 15-001 for modification of the required building stringline, and Demolition Permit No. 15-013 for demolition of the existing single-family residence and associated development located in the Single-Family Medium zoning district located at 18954 Pacific Coast Highway (MPH, LLC).

Associate Planner Hawner presented the staff report.

Disclosures: Commissioner Pierson and Vice Chair Mazza.

The Commission directed questions to staff.

As there were no further questions for staff, Vice Chair Mazza opened the public hearing.

Speakers: Fred Gaines and Farshad Azarnoush.

As there were no other speakers present, Vice Chair Mazza closed the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff, Fred Gaines, and Farshad Azarnoush.

#### MOTION

Commissioner Pierson moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 16-52, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-020 to demolish an existing single-family residence, onsite wastewater treatment system, and solid wall at front property line, and construct a new 2,511 square foot, two-story, single-family beachfront residence including a loft, rear decks, rooftop deck with spa and barbeque, seawall extension, and installation of a new alternative onsite wastewater treatment system, including Variance No. 14-011 for reduction of the unenclosed parking space width, Stringline Modification No. 15-001 for modification of the required building stringline, and Demolition Permit No. 15-013 for demolition of the existing single-family residence and associated development located in the Single-Family Medium zoning district located at 18954 Pacific Coast Highway (MPH, LLC); and 2) adding a condition to provide an offer to dedicate an easement for lateral public access.

The Commission discussed the motion.

The question was called and the motion carried 2-1, Vice Chair Mazza dissenting and Chair Stack and Commissioner Brotman absent.

C. Administrative Plan Review No. 15-089, Site Plan Review Nos. 16-004, 16-005, 16-007 – An application for improvements to an existing single-family residence and guest house with associated development

Location: 31948 Pacific Coast Highway

APN: 4473-012-020

Owners: Jill and Wayne Cohen

Recommended Action: Adopt Planning Commission Resolution No. 16-53 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 15-089 to permit modifications to an existing single-family residence and guest house, exterior site work; Site Plan Review (SPR) No. 16-004 for a 50 percent reduction of the required front yard setback; SPR No. 16-005 for a 20 percent reduction of the required side yard setback; SPR No. 16-007 for the construction over 18 feet in height in the Single-Family Medium zoning district located at 31948 Pacific Coast Highway (Cohen).

The item was continued to the June 20, 2016 Regular Planning Commission meeting upon approval of the agenda.

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

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

APN: 4467-004-028

Owner: C.A. Rasmussen Co. LLC

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

Senior Planner Mollica presented the staff report.

Disclosures: Commissioner Pierson and Vice Chair Mazza.

The Commission directed questions to staff.

Vice Chair Mazza recused himself, resulting in lack of quorum for considering the matter.

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

**MOTION** At 8:07 p.m., Commissioner Pierson moved and Commissioner Jennings seconded a motion to adjourn the meeting. The motion carried 3-0, Chair Stack and Commissioner Brotman absent.

Approved and adopted by the Planning Commission  
of the City of Malibu on \_\_\_\_\_.

\_\_\_\_\_  
ROOHI STACK, Chair

ATTEST:

\_\_\_\_\_  
KATHLEEN STECKO, Recording Secretary

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
JUNE 20, 2016  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Chair Stack called the meeting to order at 6:30 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Chair Roohi Stack; Vice Chair John Mazza; and Commissioners David Brotman, Jeffrey Jennings, and Mikke Pierson.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Richard Mollica, Senior Planner; Stephanie Hawner, Associate Planner; Carlos Contreras, Associate Planner; Jamie Peltier, Planning Technician; and Kathleen Stecko, Recording Secretary.

**PLEDGE OF ALLEGIANCE**

Commissioner Pierson led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on June 9, 2016.

**APPROVAL OF AGENDA**

MOTION Vice Chair Mazza moved to approve the agenda, continuing Item Nos. 4.A., 5.C., and 5.D. to the July 18, 2016 Regular Planning Commission meeting. The motion failed due to lack of second.

MOTION Commissioner Brotman moved and Commissioner Jennings seconded a motion to approve the agenda, continuing Item Nos. 5.C. and 5.D. to the July 18, 2016 Regular Planning Commission meeting.

The Commission discussed the motion.

The question was called and the motion carried 4-1, Vice Chair Mazza dissenting.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

Bob LaMasney spoke about the importance of retaining local control of placement of wireless telecommunications facilities as it relates to the Spectrum Act.

Dana Christiaansen stated his concerns about wireless telecommunications facilities.

Chris Ferrar stated his concerns about the extent of work being performed on a project at 6847 Wildlife Road that was approved by the Planning Commission on January 20, 2015.

**ITEM 2.B. COMMISSION / STAFF COMMENTS**

Commissioner Brotman, Vice Chair Mazza, and Chair Stack commented on the scope of work occurring at 6847 Wildlife Road.

In response to concerns raised by Chris Ferrar and the Commission, Planning Director Blue stated the matter would be researched and she would follow up.

**CONSENSUS**

Directed staff to provide an update on the Planning Commission's approved scope of work for Coastal Development Permit No. 14-024 at 6847 Wildlife Road and the work under construction.

In response to comments made by Bob LaMasney and Dana Christiaansen, Planning Director Blue stated City Council approved funds for a consultant specializing in wireless telecommunications facilities and Assistant City Attorney Rusin stated provisions of the Spectrum Act will be integrated into an update of the Malibu Municipal Code.

Vice Chair Mazza thanked former Planning Manager Christopher Deleau and departing City Clerk Lisa Pope for their service to the City of Malibu and spoke about comments made at the recent California Coastal Commission appeal hearing of the Santa Monica College Malibu Campus Project regarding granting variances, a study on the safety of microwaves as it may relate to wireless telecommunications facilities, and inquired about the status of the comprehensive zoning code update.

In response to Vice Chair Mazza, Planning Director Blue stated the process of the comprehensive zoning code update has been partially completed and will be addressed in sections rather than as a whole.

Commissioner Pierson commented on the complexity involved in the Planning Commission making decisions on wireless telecommunications facilities and inquired about upcoming changes to the manner in which coastal development permit extensions will be processed that will be considered by City Council.

In response to Commissioner Pierson, Planning Director Blue stated the City Council is scheduled to consider initiating a Local Coastal Program amendment that will clarify the existing provisions that address extensions.

Commissioner Brotman commented on what constitutes commencement of construction and suggested language be put in place to address stoppage of work.

Planning Director Blue provided an update on upcoming City meetings, the adjusted fee schedule for the upcoming fiscal year, and the wastewater treatment facility groundbreaking ceremony being held on June 29, 2016 at 10:00 a.m.

### ITEM 3      **CONSENT CALENDAR**

Item No. 3.B.3. was pulled for discussion by Vice Chair Mazza.

MOTION      Commissioner Brotman moved and Vice Chair Mazza seconded a motion to approve the Consent Calendar. The motion carried 5-0.

The Consent Calendar consisted of the following items:

A.      Previously Discussed Items

None.

B.      New Items

1.      Extension of Coastal Development Permit No. 04-058 and Site Plan Review No. 06-015 – A request to extend the Planning Commission’s approval of an application for the construction of a new single-family residence and associated development

Location:      28916 Wight Road

APN:            4467-034-003

Owner:         Amir Tahmasebi

Case Planner: Contract Planner Janowicz, 456-2489 ext. 345

Recommended Action: Adopt Planning Commission Resolution No. 16-48 granting a one-year extension of Coastal Development Permit No. 04-058 and Site Plan Review No. 06-015, an application for the construction of a new single-family residence and associated development in the Single-Family Low zoning district located at 28916 Wight Road (Tahmasebi).

2.      Extension of Coastal Development Permit No. 10-019 and Site Plan Review No. 10-014 – A request to extend the Planning Commission’s approval of an application for the construction of a new single-family residence and associated development

Location:      6156 Zumirez Drive

APN:            4467-013-019

Owner:         D and G Homes Inc., a California corporation

Case Planner: Associate Planner Contreras, 456-2489 ext. 265

Recommended Action: Adopt Planning Commission Resolution No. 16-46 granting a one-year extension of Coastal Development Permit No. 10-019 and Site Plan Review No. 10-014, an application for the construction of a new single-family residence and associated development in the Rural

Residential-Five Acre zoning district located at 6156 Zumirez Drive (D and G Homes Inc., a California corporation).

The following item was pulled from the Consent Calendar for individual consideration:

3. Administrative Coastal Development Permit No. 16-014 and Temporary Use Permit No. 16-006 – An application for the 45th Annual Malibu Arts Festival on July 30, 2016 and July 31, 2016

Location: 23525 Civic Center Way, not within the appealable coastal zone

APN: 4458-022-904

Owner: The County of Los Angeles

Case Planner: Planning Technician Peltier, 456-2489 ext. 244

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 16-014 and Temporary Use Permit No. 16-006.

Planning Director Blue presented the staff report.

The Commission directed questions to staff.

The Commission deliberated on the matter.

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to receive and file the Planning Director's report on Administrative Coastal Development Permit No. 16-014 and Temporary Use Permit No. 16-006.

The Commission discussed the motion.

The motion carried 5-0.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

A. Administrative Plan Review No. 15-089, Site Plan Review Nos. 16-004, 16-005, 16-007 – An application for improvements to an existing single-family residence and guest house with associated development

Location: 31948 Pacific Coast Highway

APN: 4473-012-020

Owner: Jill and Wayne Cohen

Recommended Action: Adopt Planning Commission Resolution No. 16-53 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 15-089 to permit modifications to an existing single-family residence and guest house, exterior site work; Site Plan Review (SPR) No. 16-004 for a 50 percent reduction of the required front yard setback; SPR No. 16-005 for a 20 percent reduction of the required side yard setback; SPR No. 16-007 for the construction over 18 feet in height in the Single-Family Medium zoning district located at 31948 Pacific Coast Highway (Cohen).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioners Brotman and Pierson and Vice Chair Mazza.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Stack opened the public hearing.

Speakers: Wayne Chevalier, Wayne Cohen, and John Bowman.

Wayne Cohen provided rebuttal to the public comment.

As there were no other speakers present, Chair Stack closed the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff.

MOTION Commissioner Mazza moved and Commissioner Pierson seconded a motion to continue the matter to the July 18, 2016 Regular Planning Commission meeting.

The Commission discussed the motion.

The question was called and the motion failed 1-4, Commissioners Brotman, Jennings, and Pierson and Chair Stack dissenting.

MOTION Commissioner Brotman moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 16-53 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 15-089 to permit modifications to an existing single-family residence and guest house, exterior site work; Site Plan Review (SPR) No. 16-004 for a 50 percent reduction of the required front yard setback; SPR No. 16-005 for a 20 percent reduction of the required side yard setback; SPR No. 16-007 for the construction over 18 feet in height in the Single-Family Medium zoning district located at 31948 Pacific Coast Highway (Cohen).

The Commission discussed the motion.

The question was called and the motion carried 4-1, Vice Chair Mazza dissenting.

## ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 16-010 and Demolition Permit No. 16-014 – An application to demolish an existing single-family residence and construct a new single-family beachfront residence and associated development

Location: 31302 Broad Beach Road, within the appealable coastal zone

APN: 4470-016-005

Owner: Stephen and Jean Moran Kaplan

Recommended Action: Adopt Planning Commission Resolution No. 16-27 determining the project is categorically exempt from the California Environmental Quality Act, approving Demolition Permit No. 16-014 to demolish the existing single-family residence and associated development, and approving Coastal Development Permit No. 16-010 to construct a new 5,047 square foot single-family residence, a 2,012 square foot two-story detached accessory structure consisting of a garage, theater, second unit and gym, a covered bridge connecting the single-family residence to the accessory structure, 1,378 square feet of covered areas, new spa, fire pit, roof deck, roof solar panels on the accessory structure, hardscape, and installation of a new alternative onsite wastewater treatment system, including a 14.8 foot wide contiguous view corridor located in the Single-Family Medium residential zoning district at 31302 Broad Beach Road (Kaplan).

Associate Planner Hawner presented the staff report.

Disclosures: Commissioner Brotman and Vice Chair Mazza.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Stack opened the public hearing.

Speaker: John Bowman

As there were no other speakers present, Chair Stack closed the public hearing. No further discussion occurred.

MOTION

Vice Chair Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-27 determining the project is categorically exempt from the California Environmental Quality Act, approving Demolition Permit No. 16-014 to demolish the existing single-family residence and associated development, and approving Coastal Development Permit No. 16-010 to construct a new 5,047 square foot single-family residence, a 2,012 square foot two-story detached accessory structure consisting of a garage, theater, second unit and gym, a covered bridge connecting the single-family residence to the accessory structure, 1,378 square feet of covered areas, new spa, fire pit, roof deck, roof solar panels on the accessory structure, hardscape, and installation of a new alternative onsite wastewater treatment system, including a 14.8 foot wide contiguous view corridor located in the Single-Family Medium residential zoning district at 31302 Broad Beach Road (Kaplan).

The question was called and the motion carried 5-0.

B. Coastal Development Permit No. 14-081 – An application to construct a new detached studio/home office and associated development

Location: 3989 Villa Costera, within the appealable coastal zone  
APN: 4451-011-011  
Owner: Michael Klein

Recommended Action: Adopt Planning Commission Resolution No. 16-50 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-081 to construct a new 2,025 square foot detached two-story accessory structure to serve as a studio, home office, and workshop, and associated improvements that include a new driveway, new retaining wall, grading, decks, hardscape, and installation of a new alternative onsite wastewater treatment system, located in the Rural Residential One Acre zoning district located at 3989 Villa Costera (Klein).

Associate Planner Contreras presented the staff report.

Disclosures: Commissioner Brotman.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Stack opened the public hearing.

Speakers: Michael Klein and A. Thomas Torres.

As there were no other speakers present, Chair Stack closed the public hearing. No further discussion occurred.

MOTION Vice Chair Mazza moved and Commissioner Brotman seconded a motion to adopt Planning Commission Resolution No. 16-50 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-081 to construct a new 2,025 square foot detached two-story accessory structure to serve as a studio, home office, and workshop, and associated improvements that include a new driveway, new retaining wall, grading, decks, hardscape, and installation of a new alternative onsite wastewater treatment system, located in the Rural Residential One Acre zoning district located at 3989 Villa Costera (Klein).

The question was called and the motion carried 5-0.

C. Coastal Development Permit No. 14-054 and Variance No. 15-001 – An application to remove existing retaining walls and construct a new, two-story, single-family residence and associated development

Location: 21106 Pacific Coast Highway, within the appealable coastal zone

APN: 4450-010-023

Owners: Doerken 2003 Charitable Remainder Unitrust

Recommended Action: Continue this item to the July 18, 2016 Regular Planning Commission meeting.

The item was continued to the July 18, 2016 Regular Planning Commission upon approval of the agenda.

D. Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 – An application for the installation of a new wireless telecommunications facility within the public right-of-way

Location: 29970.5 Harvester Road

APN: 4469-013-021

Owners: City of Malibu Public Right-of-Way

Applicant: Carver Chiu of Crown Castle NG West, Inc.

Recommended Action: Adopt Planning Commission Resolution No. No. 16-59 determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 to allow the installation of a new wireless telecommunications facility, including a new antenna attached to an existing utility pole at a height of 28 feet, 8 inches and electrical support equipment in a new underground vault with two above ground vents, located in the public right-of-way at 29970.5 Harvester Road (Crown Castle NG West, Inc.).

The item was continued to the July 18, 2016 Regular Planning Commission meeting upon approval of the agenda.

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

MOTION At 8:27 p.m., Vice Chair Mazza moved and Chair Stack seconded a motion to adjourn the meeting. The motion carried 5-0.

Approved and adopted by the Planning Commission  
of the City of Malibu on \_\_\_\_\_.

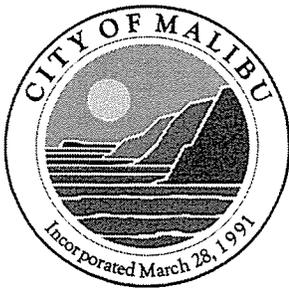
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ROOHI STACK, Chair

ATTEST:

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KATHLEEN STECKO, Recording Secretary



# Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Stephanie Hawner, Senior Planner

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: June 30, 2016 Meeting date: July 18, 2016

Subject: Coastal Development Permit No. 14-054, Variance No. 15-001, Demolition Permit No. 16-016 and Offer to Dedicate No. 16-003 – An application for demolition and construction of a new single-family beachfront residence and associated development (Continued from June 20, 2016)

Location: 21106 Pacific Coast Highway, within the appealable coastal zone

APN: 4450-010-023

Owner: Doerken 2003 Charitable Remainder Unitrust

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 16-28 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-054, to demolish the remains of a previously existing single-family beachfront residence, onsite wastewater treatment system, existing bulkhead and retaining walls, and construct a new 1,746 square foot, two-story, single-family beachfront residence, including rear decks, a rooftop deck with a fireplace, barbeque and spa, and attached two-car garage, a new bulkhead, and installation of a new alternative onsite wastewater treatment system, including Variance No. 15-001 to eliminate the two required unenclosed parking spaces, Demolition Permit No. 16-016 and Offer to Dedicate No. 16-003 for a lateral public access easement, located in the Multi-Family Beachfront zoning district at 21106 Pacific Coast Highway (Doerken 2003 Charitable Remainder Unitrust).

**DISCUSSION:** This agenda report provides a project overview, a summary of project setting and surrounding land uses, a description of the project scope, an analysis of the project's consistency with applicable provisions of the Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC), and environmental review pursuant to the California Environmental Quality Act (CEQA). The analysis and findings contained herein demonstrate the project is consistent with the LCP and MMC.

## ***Project Overview***

The approximate 10,018 square foot beachfront parcel is zoned Multi-Family Beachfront (MFBF) for residential use, and is located along Pacific Coast Highway (PCH) in eastern Malibu. The property is located approximately 300 feet east of Las Flores Canyon Road and Duke's Restaurant (See Figure 1).

Figure 1 – Aerial Photo



The project is proposed on a lot which was first developed in the 1920s with a 1,195 square foot single-family residence and bulkhead. The residence did not have a garage or any onsite parking, and was served by a substandard onsite wastewater treatment system (OWTS) with a drip field located in the sand seaward of the previously existing residence. In 2008, a fire destroyed the structure.

The proposed project is a resubmittal of a project previously approved by the Planning Commission in 2012. The coastal development permit (CDP No. 11-025) and associated parking variance (VAR No. 11-016), for elimination of the required unenclosed parking spaces, expired in June 2014 (Attachment 2 – Expired Resolution No. 12-60). The project and footprint remain the same. The project includes the demolition of the fire damaged remnants of the previous residence and associated development, and construction of a new single-family residence, new alternative onsite wastewater treatment system (AOWTS) and a new shoreline protection device.

Consistent with the previous application, the applicant has included a discretionary request to allow the development of a two-story single-family residence as proposed. The variance request eliminates the requirement to provide two unenclosed parking spaces onsite. With the requested variance the proposed development complies with the beachfront residential development standards of LIP Section 3.6.

The proposed residence is comprised of two stories with: an 893 square foot first floor, of which 501 square feet is a garage and 392 square feet is living area; and, the second floor is 835 square feet of living area. The roof deck is accessed from the second floor and provides amenities such as a fireplace, spa, and outdoor sink and refrigerator. The new single-family residence is to be supported on a concrete pile foundation. A variance is also requested to eliminate the requirement to provide two onsite unenclosed parking spaces. The project plans are included as Attachment 3.

***Project Setting and Surrounding Land Uses***

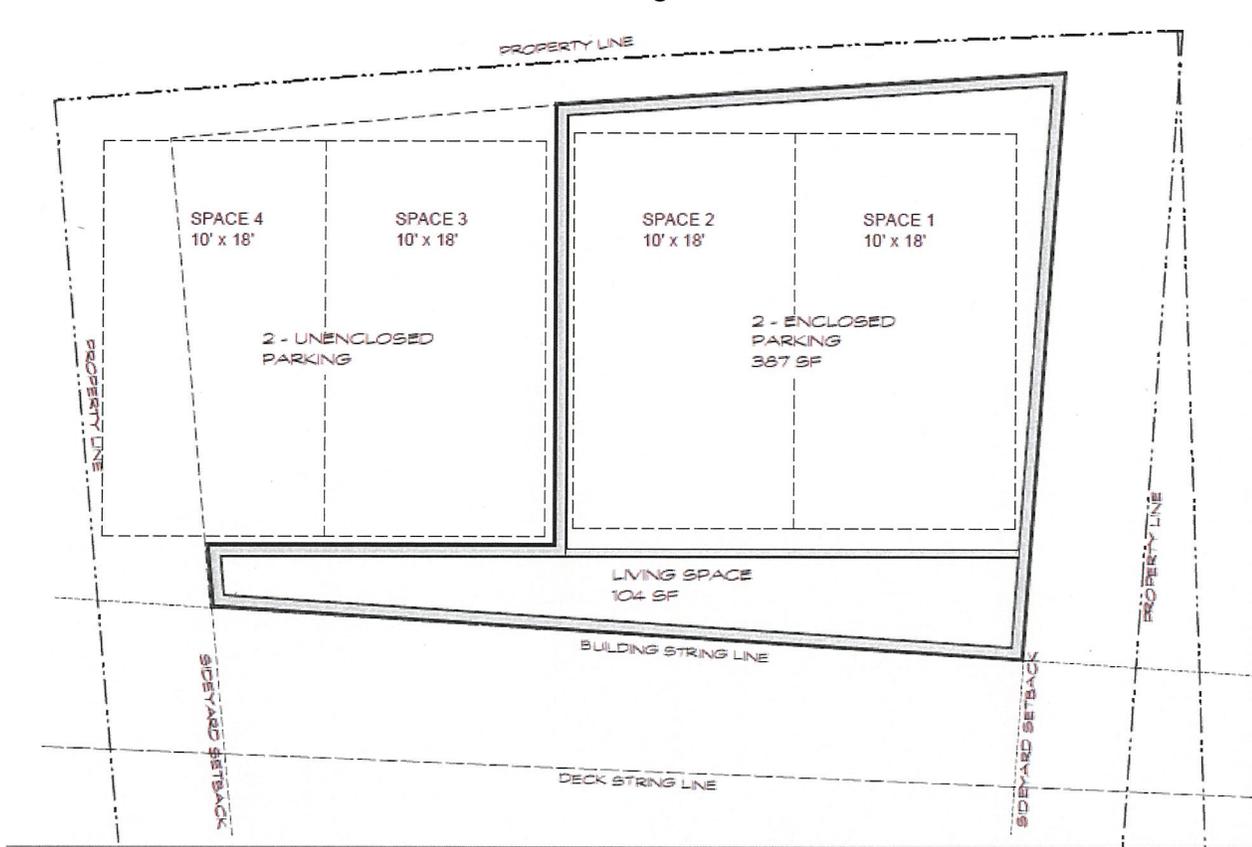
The subject property is located on a narrow beachfront lot on the ocean side of Pacific Coast Highway (PCH) in the vicinity of Las Flores Canyon Road. The parcel has an approximate 53 foot wide street frontage along PCH with a lot depth of 89 feet, as measured from the ambulatory mean high tide line (MHTL). The developable area of the parcel is approximately 950 square feet, after incorporating the setbacks established by the building stringline and 10 foot setback from the MHTL, and view corridors. Table 1 provides a summary of property data for the project site.

<b>Table 1 - Property Data</b>	
Lot Depth	89 ft., 9 in.
Lot Width	44 ft.
PCH Frontage	53.78
Gross Lot Area	10,018 sq. ft.
Area of 1 to 1 slopes	None
Net Lot Area*	10,018 sq. ft.

\* Net Lot Area = Gross Lot Area minus the area of public or private access easements and 1 to 1 slopes.

The ability to provide the required two enclosed and two unenclosed parking spaces onsite is severely constrained, given the size and shape of the developable portion of the parcel, including the view corridor and building stringline, and proximity to the PCH right-of-way. The developable width of the lot cannot accommodate the 40 feet of width required for four head-in parking spaces. If three parking spaces were provided, a practical living area could not be accommodated on the first floor. (See Figure 2)

Figure 2



Oceanfront properties in the immediate area are developed with one and two-story, single-family and duplex residential structures. Due to the narrow and shallow nature of the properties in this vicinity of beach, the majority of the surrounding properties have seawalls which extend further seaward than the development in order to accommodate placement of the OWTS beneath the residences. Table 2 provides a summary of surrounding land uses.

Table 2 – Surrounding Land Uses				
Direction	Address	Parcel Size	Zoning	Land Use
North	3923 Sierks Way	1.28 acres	RR2	Vacant
East	21100 PCH	2,507 sq. ft.	MFBF	Residential
South	Pacific Ocean	NA	NA	NA
West	21110 PCH	3,766 sq. ft.	MFBF	Vacant

Staff compiled data within 500 feet of the subject parcel to analyze onsite parking at residentially developed properties along this stretch of PCH (Table 3). It was determined that onsite parking in this area, for both enclosed and unenclosed spaces is significantly limited. The results of the survey indicate that the average number of spaces for each residential unit is 0.85. The onsite parking provided in this vicinity is substantially fewer than the two spaces provided as part of the proposed project.

Table 3 –Parking Survey							
	Address	Street	Status	# Units	Enclosed	Unenclosed	Notes
1	21122	PCH	Vacant	0	n/a	n/a	
2	21116	PCH	ESFR**	1	None	None	
3	21110	PCH	ESFR	1	None	None	
4	21100	PCH	NSFR	1	2	None	VAR No. 15-020
5	21070	PCH	ESFR	1	None	None	
6	21064	PCH	Duplex	2	4	None	
7	21062	PCH	ESFR	1	None	None	
8	21056	PCH	ESFR	1	None	None	
9	21048	PCH	Duplex	2	None	None	
10	21036	PCH	ESFR	1	2	None	
11	21030	PCH	ESFR	1	None	None	
12	21026	PCH	ESFR	1	None	3	
Totals				13	8	3	11 spaces / 13 units = 0.85 spaces per unit

\* NSFR – new single-family residence

\*\* ESFR – existing single-family residence

Staff noted during the survey that for the majority of properties, offsite parking is occurring within the approximately 16-foot wide buffer area between the property line and the fog strip which designates the boundary of the highway travel lane on PCH. These offsite parking areas do not fulfill the onsite parking requirements.

Figure 3



## ***Project Description***

The proposed scope of work is as follows:

### **Demolition**

- Existing fire damaged remains of a single-story, single-family residence, with a deck and stairs to the beach;
- OWTS; and
- Bulkhead and retaining walls.

### **Construction**

- A new 1,746 square foot, two-story, single-family residence with attached two-car garage and decks;
- Rooftop stairwell, and deck with barbeque, fireplace and spa;
- Retractable stairs to the beach;
- New bulkhead with return walls, and piles;
- AOWTS; and
- View corridor of 10.76 feet wide along the linear frontage of the lot, equally split, so that 5.38 foot wide view corridors run parallel to the east and west property lines.

The following additional applications are included:

- VAR No. 15-001 for the elimination of the two required unenclosed parking spaces (two enclosed parking spaces are provided); and
- OTD NO. 16-003 for a lateral public access easement.

## ***LCP Analysis***

The LCP consists of the Land Use Plan (LUP) and the Local Implementation Plan (LIP). The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP carries out LUP policies and contains specific requirements to which every project requiring a coastal development permit must adhere.

The LIP contains 14 chapters that potentially apply depending on the nature and location of the proposed project. Of these 14, five are for conformance review only and require no findings: Zoning; Grading; Archaeological/Cultural Resources; Water Quality; and OWTS. These chapters are discussed in the Conformance Analysis section of this report.

The nine remaining LIP chapters contain specific findings: Coastal Development Permit, including discretionary requests; ESHA; Native Tree Protection; Scenic, Visual and Hillside Resource Protection; Transfer of Development Credits; Hazards; Shoreline and Bluff Development; Public Access; and Land Division.

For the reasons described herein, based upon the project site, the scope of work and substantial evidence in the record, only the following chapters and associated findings are applicable or required for the project: Coastal Development Permit, including the required findings for the VAR; Scenic Visual and Hillside Resource Protection; Hazards; and Shoreline and Bluff Development. These chapters are discussed in the LIP Findings section of this report.

Additionally, consistency review with MMC Section 17.70.020 for the demolition permit is discussed in the MMC Findings section.

**LIP Conformance Analysis**

The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, California State Lands Commission (CSLC), Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) (Attachment 4 – Department Review Sheets). WD29 provided a Will Serve Letter to the applicant stating that WD29 can serve water to the property. The CSLC issued a letter acknowledging the proposed project does not fall within the 10 foot setback from the most landward MHTL. The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies, with the inclusion of VAR No. 15-001.

Zoning (LIP Chapter 3)

The project is subject to development and design standards set forth under LIP Section 3.5 and 3.6. Table 4 provides a summary and indicates the proposed project meets those standards, with the inclusion of VAR No. 15-001.

<b>Table 4 – LCP Zoning Conformance</b>			
<b>Development Requirement</b>	<b>Allowed/Required</b>	<b>Proposed</b>	<b>Comments</b>
<b>SETBACKS (ft.)</b>			
Front Yard (20' or avg. of 2 immediate neighbors)	1.85	2.21	Complies
• Neighbor 1	3.70		
• Neighbor 2	0.00		
Rear Yard (Stringline)			
• Building	Nearest Corner on Nearest Adjacent Building	Nearest Corner on Nearest Adjacent Building	Complies
• Deck	Nearest Corner on Nearest Adjacent Deck	Nearest Corner on Nearest Adjacent Deck	Complies

**Table 4 – LCP Zoning Conformance (Cont.)**

<b>Development Requirement</b>	<b>Allowed/Required</b>	<b>Proposed</b>	<b>Comments</b>
Rear Yard (MHTL)	10	10	Complies
Side Yard			
Side Yard (10% with 3' min 5' max)	5.00	5.00	Complies
Side Yard (10% with 3' min 5' max)	5.00	5.00	Complies
View Corridor (20% of lineal frontage of lot)	10.76	10.76	Complies
Split View Corridor	5.38	5.38	Complies
<b>PARKING</b>			
Enclosed	2	2	Complies
<i>Unenclosed</i>	2	0	VAR 15-001
<b>TOTAL DEVELOPMENT SQUARE FOOTAGE (sq.ft.)</b>	na	1,745.70	Complies
<b>HEIGHT (ft.)</b>			
Seaward Half of Structure - measured from lowest recommended finished floor elevation (24 ft.) Roof Top Deck Railing (48.25 ft.)	24 foot flat roof, up to 25 feet with a permeable deck railing	24 foot flat roof, up to 25 feet with a permeable deck railing	Complies
Landward Half of Structure - measured from centerline of PCH (23.25 ft.) Roof Top Deck Railing (48.25 ft.)	24 foot flat roof, up to 25 feet with a permeable deck railing	24 foot flat roof, up to 25 feet with a permeable deck railing	Complies
<b>IMPERMEABLE COVERAGE</b>	na	na	
<b>NON-EXEMPT GRADING (cu.yd.)</b>	1,000	95	Complies
<b>CONSTRUCTION ON SLOPES</b>	3 to 1 and less	3 to 1 and less	Complies
<b>FENCES/WALLS/HEDGES</b>			
Front Yard			
• Solid	42 inches	None proposed	Complies
• View Permeable	6 feet	6 feet	Complies
Side Yard	6 feet	42 inches	Complies
View Corridor			
• Solid	Not Permitted	None proposed	Complies
• View Permeable	6 feet	6 feet	Complies

The proposed residence follows the building stringline as drawn from the closest corners of the adjacent development to the east and west (21100 and 21110 PCH respectively). The deck and bulkhead have also been sited entirely behind the deck string line. In accordance with the prior Planning Commission decision the building and deck string lines have been determined using the Planning Commission approved [but not yet constructed] building and deck string lines for the immediately property to the east at 21100 PCH (CDP No. 15-038).

The AOWTS proposed beneath the new residence has been designed to utilize the smallest feasible treatment system as confirmed by a letter from Ensitu Engineering, Inc. dated August 3, 2011. The new bulkhead is proposed at a location as far landward as feasible in accordance with LIP Section 10.4(K). The City Environmental Health Administrator and City Coastal Engineer have confirmed that the OWTS is the smallest system that will adequately serve the residence and it is also located as landward as possible.

The view corridor of 10.76 was established based upon the lineal frontage of the site, which is 53.78 feet. The view corridor is split equally on either side of the residence, and runs parallel to the east and west and property line. The width of the lot is 44 feet. Since the width of the lot is less than 50 feet, the view corridor was not increased as a result of splitting of the view corridor, consistent with LIP Section 6.5(E)(2).

As previously discussed in the Project Overview section, the proposed VAR to remove the two unenclosed parking spaces requirement is proposed to provide relief from technical standards due to site specific constraints of the property. Inclusive of the parking variance, the proposed project complies with the LCP and MMC, and the applicable beachfront residential development standards.

#### Grading (LIP Chapter 8)

LIP Section 8.3, ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel. The total amount of grading is 190 cubic yards. The total amount of proposed non-exempt grading is 95 cubic yards, which is less than the maximum allowable. The remaining 95 cubic yards grading is exempt understructure. The project complies with grading requirements set forth under LIP Section 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 is on the ocean side of, and immediately adjacent to, PCH. The City's Cultural Resources Sensitivity Map shows that the subject site has a low potential to contain sensitive cultural resources. In addition, much of the property is subject to wave action. Therefore, no impacts to cultural

resources are expected from the proposed project and no studies are required at this time.

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 Planning Director can review this information.

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. Standard conditions of approval include the implementation of approved storm water management plans during construction activities and to manage runoff from the development. With the implementation of these conditions, the project conforms to the water quality protection standards of LIP Chapter 17.

Onsite Wastewater Treatment Systems (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes the installation of a new AOWTS. The project geotechnical engineer, project coastal engineer, City Environmental Health Administrator, City Coastal Engineer and the City geotechnical staff have determined that the proposed AOWTS location is the most landward feasible. The City Environmental Health Administrator has reviewed the proposed AOWTS and determined that the subject system will meet all applicable requirements. The applicant is required to record a covenant indicating the proper operation and maintenance of the AOWTS. In addition, conditions of approval have been included for the proposed project to require proper abandonment of the existing OWTS and continued operation, maintenance and monitoring of the subject system.

**LIP Findings**

**A. General Coastal Development Permit (LIP Chapter 13)**

LIP Section 13.9 requires that the following four findings be made for all coastal development permits.

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

The project is located in the MFBF residential zoning district, an area designated for residential uses. The project has been reviewed for conformance with the LCP by the

Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, CSLC, WD29, and LACFD. As discussed herein, based 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 beachfront residential development standards, inclusive of the requested VAR.

*Finding A2. 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 project is located between the first public road and the sea. The project site is along a public highway and does not provide vertical public access to the ocean.

According to the LCP's Public Access Map, there is an existing recorded public vertical access way located at 21202 PCH which is approximately 600 feet west of the subject parcel. The proposed project will not extend any farther seaward than the previous development footprint and is not expected to interfere with the public's ability to use the beach located at the rear of the property since the project complies with the required rear yard setbacks established by the modified building stringline and deck stringline and the required 10 foot setback from the MHTL. The application also includes a voluntary dedication of a lateral public access easement. Therefore, the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).

*Finding A3. The project is the least environmentally damaging alternative.*

No Project – The no project alternative would avoid any change in the project site; however, the residence on the subject site was severely damaged by a fire in July 2008 and subsequently demolished per direction from the City Building Safety Division. The project site is zoned MFBF and the replacement of the previously existing residence is a permitted use in this zoning district. The no project alternative would not accomplish the project objective which is to replace a residence destroyed by fire and, therefore was found to not be feasible.

Alternative Project – The project objective is for the construction of a single-family residence on a lot that is currently vacant. The applicant could propose to rebuild the structure that was previously destroyed by fire. However, this design alternative would not provide view corridors or a new seawall that complies with the seawall stringline requirement of the LIP. The replacement structure would still not comply with the LIP's parking requirements. While the applicant could propose to replace the development that was destroyed, the preferred project will result in a more efficient wastewater treatment system and preserve public views to the ocean. Given the benefits of the proposed/preferred project, the alternative design does not offer any environmental advantages.

Proposed Project – The proposed project consists of the demolition of the remaining onsite remnants of the previous residence and the construction of a new single-family residence and associated development. The proposed project will remove the existing substandard OWTS which includes a drip field located in the sand seaward of the previously existing residence. Furthermore, the proposed development will provide a five foot wide view corridor on either side of the residence, running parallel to the east and west property lines. The view corridor preserves views in perpetuity, where no such view protection existed before. The proposed new development meets the beachfront development requirements of LIP Chapters 3 and 6, with the inclusion of the variance for the reduction of the required number of parking spaces.

The variance for elimination of the unenclosed parking is requested due to the topographic conditions and size constraints prevalent on lots in the vicinity to accommodate the single-family residence and the required enclosed parking spaces onsite. The discretionary request allows for development consistent with that in the neighborhood. In summary, the project, serves to improve visual resources along the shore, is the least environmentally damaging feasible alternative, and as conditioned, will comply with all applicable requirements of State and local law.

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

The subject property is not in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. Therefore, Environmental Review Board review was not required, and this finding does not apply.

**B. Variance from LIP Section 3.14.3 – Waive Unenclosed Parking Requirement [LIP Section 13.26]**

The applicant is requesting VAR No. 15-001 from LIP Section 3.14.3 which requires two enclosed and two unenclosed parking spaces. The applicant is requesting a variance to eliminate the two unenclosed parking spaces. The two required enclosed parking spaces are maintained. The LCP requires that the City make ten findings in the consideration and approval of a variance. The Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes all of these findings of fact. There is substantial evidence in the record to support the findings of fact required for Variance No. 15-001.

*Finding B1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.*

The constrained width of the lot is such that the strict application of the zoning ordinance deprives the subject property of the privileges enjoyed by other properties in the vicinity and under the identical zoning classification. The project site has exceptionally limiting characteristics. The subject site has a 53.78 foot wide street frontage with a lot width of 44 feet and lot depth of approximately 89 feet. With the setbacks and view corridors removed from the gross lot area, the developable area is approximately 950 square feet. As designed, the two-car garage takes up approximately 400 square feet of the 950 square foot first floor footprint. The residence measures less than 37 feet in width on the seaward side. As each standard parking space measures a minimum of 10 feet wide, it would be physically impossible to place four spaces side by side (which would equal 40 feet) into the residence's footprint as it is less than 40 feet wide. Additionally, the house depth at the narrowest point is 22 feet, which prevents tandem parking.

Providing more than two spaces on this constrained site will deny the applicant privileges enjoyed by parcels in the vicinity with the same zoning classification, as the majority of the existing residences provide on average less than one off-street parking space. In addition, other variances have been granted for the reduction in the number of required parking spaces in the proximity of the subject property. Variances have been granted at 18948 PCH (CDP No. 04-023), 19144 PCH (CDP No. 08-115), 20020 PCH (CDP No. 05-166), 20838 PCH (CDP No. 06-032), 21100 PCH (CDP No. 15-038), and 20900 PCH (VAR No. 04-018) for the reduction in required off-street parking serving single-family residences. Therefore, strict interpretation of the code will deny the applicant privileges enjoyed by neighboring parcels.

Development regulations regarding parking are written on a citywide basis and cannot take into account the individual and unique characteristics a property may exhibit. In this instance, the characteristics of the subject parcel are such that strict application of the zoning ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity. The project provides two useable enclosed parking spaces. Similarly situated properties along PCH in the identical zoning classification have been developed either with reduced unenclosed parking space width, no unenclosed parking spaces, or other similar variances. While not creating a precedent, these cases indicate the privileges enjoyed by other MFBF properties in the vicinity.

*Finding B2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.*

The granting of the variance will not be detrimental to the public's interest, safety, health or welfare. The granting of the requested variance will exempt the project from providing

two unenclosed parking spaces and allow for the construction of a single-family residence in an area that has been determined to be appropriate for such use. The project, as proposed and conditioned, will not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

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

As previously discussed in Finding B1, the granting of the variance will not constitute a special privilege to the applicant or property owner in that the subject site is constrained as to the lot width available to accommodate the full width of four parking spaces, and similarly situated properties in the area have been developed with reduced parking space width and/or only two parking spaces. In the survey conducted to analyze parking in the project vicinity, it was determined that the average number of parking spaces provided for each dwelling unit was 0.85. The variance does not constitute a special privilege.

*Finding B4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.*

The granting of the variance will not be contrary to or in conflict with the general provisions and intent, nor the goals, objectives and policies of the LCP and the General Plan. Granting the variance will allow the subject property to be developed in a similar manner to properties in the vicinity, and will provide two enclosed parking spaces onsite.

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

The requested variance is not associated with ESHA or ESHA buffer protection standards. Therefore, this finding is not applicable.

*Finding B6. 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 requested variance is not associated with stringline standards. Therefore, this finding is not applicable.

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

The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the MFBF zoning designation. The proposed project is for the development of a new single-family residence, which is permitted in the subject zone.

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

The project requires a variance because the subject site is not physically suitable to provide both the enclosed and unenclosed required parking spaces. The granting of the variance will allow construction of a new single-family residence that is compatible with the surrounding built environment. The project has been reviewed and approved by applicable agencies. Prior to the issuance of a building permit, the project will be reviewed and approved for structural integrity and stability. All final recommendations of the applicant's structural and coastal engineer, as well as those recommendations of the City Environmental Sustainability Department, the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, CSLC, WD29, and LACFD, will be incorporated into the project.

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

The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

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

VAR No. 15-001 does not involve the reduction or elimination of public parking.

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

The subject property is not in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. Therefore, the findings of LIP Section 4.7.6 are not applicable.

#### **D. Native Tree Protection (LIP Chapter 5)**

There are no native trees on or adjacent to the subject parcel. Therefore, the findings of LIP Chapter 5 are not applicable.

## **E. Scenic, Visual and Hillside Resource Protection Chapter (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 project site is adjacent to PCH, which is an LUP-identified scenic area, and the beach, an LUP identified scenic area. Therefore, the five findings set forth in LIP Section 6.4 are applicable and provided herein.

*Finding E1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.*

The proposed project is a new single-family residence on a parcel developed with an existing single-family residence, in a predominantly developed single-family residential area. Story poles were placed on the project site to demonstrate the size, mass, height, and bulk of the proposed project, and photos of the site with the story poles in place are included in Attachment 5. An analysis of the project's visual impact from the beach was conducted through site inspection, architectural plans and review of neighborhood character.

Due to the lot dimensions and topography, there is no feasible alternative building site location where the development would not be visible from a scenic area; therefore, the project has been designed and conditioned to minimize any adverse or scenic impacts. The project provides the required view corridor pursuant to LIP Section 6.5, providing new public ocean views over the property. The project incorporates a total of 10.76 feet of view corridor, equally split between, and running parallel to the east and west property lines pursuant to LIP Section 6.5(E)(2)(a). The proposed project complies with beachfront residential standards for height, front and side yard setbacks, and rear yard setbacks established by the modified building stringline and deck stringline and the required 10 foot setback from the MHTL, which helps to limit the bulk and mass of development and regulate seaward development. The structure will not protrude further seaward than neighboring properties and will be located on the existing building pad.

The project is subject to conditions of approval pertaining to permissible exterior colors, materials and lighting restrictions. As proposed, the project would result in a less than significant visual impact to public views from the beach and PCH.

*Finding E2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.*

As discussed herein, the project is subject to conditions of approval pertaining to permissible exterior colors, materials and lighting restrictions. The proposed project is conditioned so that the project will not result in significant adverse scenic or visual impacts and will be compatible with the character of the surrounding neighborhood.

*Finding E3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

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

*Finding E4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.*

As discussed in Finding A3 and E1, the proposed project will result in less than significant impacts on scenic and visual resources.

*Finding E5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.*

As discussed in Finding E1, the project as proposed and conditioned will result in less than significant impacts on scenic and visual resources. The location proposed for development would result in a less than significant visual impact to public views from the beach and will not impact sensitive resources. All proposed development conforms to the view corridor requirements, and will be constructed landward of the required modified building stringline and deck stringlines, and the 10 foot MHTL setback.

#### **F. Transfer of Development Credit (LIP Chapter 7)**

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

#### **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 and has been reviewed and approved for conformance with all relevant policies and regulations of the LCP and MMC by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, CSLC, WD29, and LACFD. The required findings are made as follows:

*Finding G1. 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.*

Analysis for potential hazards included review of the submitted geotechnical reports which were prepared by Subsurface Designs, Inc. dated May 19, 2011 and July 5, 2011 and Wave Uprush Study completed by Pacific Engineering Group on April 29, 2011. According to the geotechnical reports the proposed site of development was determined not to be located in an area that has geologic hazards other than earthquake-induced liquefaction.

### Liquefaction

To prevent damage from liquefaction, both, the applicant's Geotechnical consultant and Coastal Engineering consultant have recommended the use of deepened foundation footings. To accomplish this, the piles which support the proposed residence, will extend deeper than the liquefiable alluvial deposits and into bedrock. This recommendation has been reviewed and conditionally approved by the City geotechnical staff.

### Flood Hazard/Tsunami

As confirmed by the City Department of Public Works, the site is located in the AE zone, a Special Flood Hazard Area (SFHA) per FEMA Flood Insurance Rate Map (FIRM) Map 1542 (#06037C1542F). As a result, the project has been designed so that the proposed structures are above the level of the identified flood plain. The proposed finished elevation of the building pad has been reviewed by the City's Public Works Department and has been given a conditional approval. Constructing the residence to meet the lowest recommended finish floor elevation, as outlined in the April 2011 Wave Uprush Study, will place the development outside of the flood plain. The finish floor elevation (+24.5 feet) is outside of the wave uprush as determined by the April 29, 2011 Pacific Engineering Group Wave Uprush Report.

### Fire Hazard

The entire city limits of Malibu are within an identified fire hazard zone. The subject property is currently subject to wildfire and development of a residence on the subject property will not increase the site's susceptibility to wildfire. The scope of work proposed as part of this application is not expected to have an impact on wildfire hazards. The proposed development may actually decrease the site's susceptibility to wildfire through 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 added to this CDP to require compliance with the project's fuel modification plan as approved by the LACFD and all LACFD development standards. As such, the project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wild fire hazards. Nonetheless, a condition of approval has been included in the resolution which requires that the property owner indemnify the City from wildfire hazards.

The proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions. The project, as conditioned, will incorporate all recommendations contained in the geotechnical report and wave uprush report and conditions required by the City Coastal Engineer, City geotechnical staff, City Public Works Department and the LACFD including foundations, AOWTS and drainage. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards.

*Finding G2. 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 discussed in Finding G1, the proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

*Finding G3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

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

*Finding G4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.*

As discussed in Finding A3 and G1, there are no feasible alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

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

As discussed in Finding A3, the proposed project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

## **H. Shoreline and Bluff Development (LIP Chapter 10)**

The Shoreline and Bluff Development Chapter governs those coastal development permit applications that include development on a parcel located along the shoreline as defined by the LCP. The required findings are made as follows.

*Finding H1. The project, as proposed, will have no significant adverse impacts on public access, shoreline sand supply or other resources due to project design, location on the site or other reasons.*

The proposed project includes the demolition of the existing residence and the construction of a new residence, a new AOWTS, and a seawall for protection of the new AOWTS and leach field only. The residence/garage structure will be supported by a retaining wall and pile foundation, and will not require shoreline protection for the life of the structure. The April 2011 Wave Uprush Report found that “based on evidence and data presented in the available studies to date, the subject beach should remain stable at present conditions provided that the sources of sediment supply are not changed. The proposed residence piles and bulkhead will not have a significant effect on the shoreline position compared to fluvial sediment sources.” Due to its design, the project is not anticipated to result in significant adverse impacts to public access, shoreline sand supply or other resources.

The proposed development has been reviewed by the CSLC and it asserted no jurisdictional claims regarding the proposed project. The project complies with the 10 foot setback from the MHTL. Given compliance with the required setbacks, the proposed development, as designed and conditioned, is not expected to have significant adverse impacts on public access, shoreline sand supply or other resources.

The proposed location of the AOWTS, leach field, and seawall have been reviewed and conditionally approved by the City Coastal Engineer and City Environmental Health Administrator. Upon review of the reports referenced in the Hazards discussion, the City Coastal Engineer concluded the proposed shoreline protection device (seawall) is located in the most landward location feasible on the project site and is in compliance with LIP Section 10.4.

The property owner has also voluntarily agreed to an offer to dedicate a lateral access easement across the property. As such, no negative impacts on public access, shoreline sand supply or other resources are anticipated due to the proposed design.

*Finding H2. The project, as conditioned, will not have significant adverse impacts on public access, shoreline sand supply or other resources due to required project modifications or other conditions.*

As discussed in Finding H1, the proposed project, as designed and conditioned, and approved by the City Coastal Engineer and the City geotechnical staff, the project will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

*Finding H3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

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

*Finding H4. There are no alternatives to the proposed development that would avoid or substantially lessen impacts on public access, shoreline sand supply or other resources.*

As previously discussed in Findings A3 and H1 the proposed project, as designed and conditioned, will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

*Finding H5. The shoreline protective device is designed or conditioned to be sited as far landward as feasible to eliminate or mitigate to the maximum feasible extent adverse impacts on local shoreline sand supply and public access, and there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources and it is the least environmentally damaging alternative.*

The seawall and return walls will protect the new AOWTS and leach field only. The AOWTS proposed beneath the residence has been designed to utilize the smallest feasible treatment system with a capacity of 2,000 gallons, as confirmed by a letter from Ensitu Engineering, Inc. dated August 3, 2011. The residence/garage structure will be supported by a retaining wall and pile foundation, and will not require a shoreline protection for the life of the structure. As previously discussed in Finding G1, the seawall is located as far landward as feasible on the project site. The proposed project, as designed, is the least environmentally damaging alternative.

Nonetheless, pursuant to LIP Section 10.6, as a condition of approval, the property owner is required to acknowledge, by the recordation of deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he / she expressly waives any right to such activities that may exist under Coastal Act Section 30235. Said deed restriction shall be submitted to the Planning Department for approval prior to recordation.

## **I. Public Access (LIP Chapter 12)**

The Coastal Act generally provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided, except where adequate access exists nearby. According to the LCP's Public Access Map, there is an existing recorded public vertical access way located at 21202 PCH which is approximately 600 feet west of the subject parcel. Due to the close proximity of available vertical public access, and since the proposed development is a replacement structure, no potential project-related or cumulative impacts on vertical public access are anticipated. Additionally, the narrow lot width and depth makes a vertical access infeasible. Furthermore, the proposed beachfront deck is setback an additional 10 feet from the MHTL. With the proposed scope of work and the voluntary offer to dedicate a lateral access easement across the property, it is not expected that the project will affect the public's ability to cross the sand located seaward of the structure. Based on these factors, the project conforms to LIP Chapter 12 and the findings do not apply.

## **J. Land Division (LIP Chapter 15)**

This project does not involve a division of land as defined in LIP Section 15.1; therefore, Chapter 15 does not apply.

## **K. Demolition Permit (MMC Chapter 17.70)**

MMC Chapter 17.70 requires that a demolition permit be issued for projects that result in the demolition of any building or structure. The project proposes to demolish all of the existing onsite development. The required findings are made as follows.

*Finding L1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.*

This resolution includes conditions of approval to ensure that the project will not create significant adverse environmental impacts.

*Finding L2. A development plan has been approved or the requirement waived by the City.*

A coastal development permit application is being processed concurrently with the demolition permit. The demolition permit will not be approved unless this resolution is adopted.

**ENVIRONMENTAL REVIEW:** Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) and (e)

- New Construction and 15301(I) – Existing Facilities. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: To date, staff has not received written correspondence in regards to the proposed project.

PUBLIC NOTICE: Staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu on May 26, 2016 and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 6).

SUMMARY: The required findings can be made that the project complies with the LCP. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 16-28. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City, State and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-28
2. Expired Planning Commission Resolution No. 12-60
3. Project Plans
4. Department Review Sheets
5. Story Poles Photographs
6. Public Hearing / Mailing Notice

***Copies of all related documents are available at City Hall during regular business hours.***

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 16-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 14-054, TO DEMOLISH THE REMAINS OF A PREVIOUSLY EXISTING SINGLE-FAMILY BEACHFRONT RESIDENCE, ONSITE WASTEWATER TREATMENT SYSTEM, EXISTING BULKHEAD AND RETAINING WALLS, AND CONSTRUCT A NEW 1,746 SQUARE FOOT, TWO-STORY, SINGLE-FAMILY BEACHFRONT RESIDENCE, INCLUDING REAR DECKS, A ROOFTOP DECK WITH A FIREPLACE, BARBEQUE AND SPA, AND ATTACHED TWO-CAR GARAGE, A NEW BULKHEAD, AND INSTALLATION OF A NEW ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING VARIANCE NO. 15-001 TO ELIMINATE THE TWO REQUIRED UNENCLOSED PARKING SPACES, DEMOLITION PERMIT NO. 16-016, AND OFFER TO DEDICATE NO. 16-003 FOR A LATERAL ACCESS EASEMENT, LOCATED IN THE MULTI-FAMILY BEACHFRONT ZONING DISTRICT AT 21106 PACIFIC COAST HIGHWAY (DOERKEN 2003 CHARITABLE REMAINDER UNITRUST)

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

SECTION 1. Recitals.

A. On June 25, 2009, a demolition permit was issued by the City of Malibu Building Safety Division for the removal of a single-family residence damaged by fire.

B. On May 26, 2011, an application for Coastal Development Permit (CDP) No. 11-025, and Variance (VAR) No. 11-016 for the demolition of the fire damaged remains of a single-family residence and construction of a new single-family residence and ancillary development, including elimination of the two required unenclosed parking spaces was submitted to the Planning Department by the applicant, Jose Iujvidin, on behalf of property owner, Doerken 2003 Charitable Remainder Unitrust. Offer to Dedicate (OTD) No. 12-002 for a lateral access easement was subsequently added. The application was routed to the City Coastal Engineer, City geotechnical staff, City Environmental Health Administrator, City Biologist, the City Public Works Department, California State Lands Commission (CSLC) and Los Angeles County Fire Department (LACFD) for review.

C. On June 19, 2012, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record, and adopted Planning Commission Resolution No. 12-60 approving the project subject to conditions.

D. On June 19, 2014, CDP No. 11-025 expired by the terms of the permit while the project was actively proceeding through building plan check.

E. On September 19, 2014, a new application for CDP No. 14-054 and VAR No. 15-001 was submitted to the Planning Department for the previously approved scope of work by the applicant, Burdge and Associates, Architects, Inc., on behalf of the same property owner, Doerken 2003 Charitable Remainder Unitrust. Demolition Permit (DP) No. 16-016 and OTD No. 16-003 for a lateral access easement was subsequently added. The application was routed to the City Coastal Engineer, City geotechnical staff, City Environmental Health Administrator, City Biologist, the City Public Works Department, Los Angeles County Waterworks District No. 29 (WD29), CSLC and LACFD for review.

F. On January 5, 2015, a courtesy notice of the proposed project was mailed to all property owners and occupants within a 500-foot radius of the subject property.

G. On July 17, 2015, a Notice of CDP Application was posted on the subject property.

H. On September 23, 2015, story poles were installed on the subject property and photodocumented by staff.

I. On October 27, 2015, the CDP application was deemed complete for processing.

J. On May 26, 2016, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

K. On June 20, 2016, the Planning Commission continued the item to the next Regular Planning Commission meeting.

L. On July 18, 2016, 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 Section 15303(a) and (e) - New Construction and 15301(l) - Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

## SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, for CDP No. 14-054, VAR No. 15-001, DP No. 16-016 and OTD No. 16-003 to demolish the remains of a previously existing single-family beachfront

residence, onsite wastewater treatment system, and existing bulkhead and retaining walls, and construct a new 1,746 square foot, two-story, single-family beachfront residence, including rear decks, a rooftop deck with a fireplace, barbeque and spa, and attached two-car garage, a new bulkhead, and installation of a new alternative onsite wastewater treatment system (AOWTS); including VAR No. 15-001 to eliminate the two required unenclosed parking spaces, DP No. 16-016 and OTD No. 16-003 in the Multi-Family Beachfront (MFBF) zoning district located at 21106 Pacific Coast Highway (PCH).

The project is consistent with the zoning, grading, cultural resources, water quality, and onsite wastewater treatment requirements of the Local Coastal Program (LCP). With the inclusion of the proposed variance, 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)**

A1. The project has been reviewed for conformance with the LCP by the Planning Department, the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, CSLC, WD29 and LACFD. The proposed project, as conditioned, conforms to the LCP in that it meets all of the required beachfront residential development standards of the MFBF residential zoning district

A2. The property is located between the first public road and the sea and located along a public highway. The property does not provide vertical public access and existing onsite development blocks vertical access to the ocean. According to the LCP's Public Access Map, there is an existing recorded public vertical access way located at 21202 PCH which is approximately 600 feet west of the subject parcel. The proposed project will not extend any farther seaward than the previous development footprint and is not expected to interfere with the public's ability to use the beach located at the rear of the property since the project complies with the required rear yard setback established by the building stringline and deck stringline, and the required 10 foot setback from the mean high tide line (MHTL). Additionally, the CSLC asserts no jurisdictional claim regarding the proposed project, as confirmed by their letter dated March 5, 2012. Therefore, no potential project-related or cumulative impact on public access and/or recreation is 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.

A3. The proposed single-family residence is located on the same site as a previously existing residence that was severely burned. Its remnants will be demolished and replaced with a code compliant development with view corridors, and the shoreline protection device will be relocated to the most landward location feasible in conformance with the seawall stringline requirement of the LIP. The proposed project will remove the existing substandard OWTS which includes a drip field located in the sand seaward of the previously existing residence, and install a new AOWTS landward of a shoreline protection device. The proposed project meets the development policies of the LCP and has been determined to be the least environmentally damaging feasible alternative.

**B. Variance Findings to Eliminate the Two Required Unenclosed Parking Spaces (LIP Section 13.26)**

VAR No. 15-001 will eliminate the requirement that the project provide two unenclosed parking spaces as required by LIP Section 3.14.3.

B1. Due to the limited depth and width of the lot, the site's topographic constraints and PCH's right-of-way configuration, there are special circumstances and characteristics applicable to the subject property such that strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity and under the identical zoning classification. As each standard parking space measures a minimum of 10 feet wide, it would be physically impossible to place four spaces side by side (which would equal 40 feet) into the residence's footprint as it is less than 40 feet wide. Providing more than two spaces on this constrained site will deny the applicant privileges enjoyed by parcels in the vicinity with the same zoning classification, as the majority of the existing residences provide on average less than one off-street parking space. In addition, other variances have been granted for the reduction in the number of required parking spaces in the proximity of the subject property.

B2. Evidence in the record demonstrates that granting of the variance will not be detrimental to the public's interest, safety, health or welfare. The subject parcel has insufficient area to safely accommodate two unenclosed parking spaces. Therefore, the variance will exempt the project from providing two unenclosed parking spaces and allow for the construction of a single-family residence in an area that has been determined to be appropriate for such use.

B3. The granting of the variance does not constitute a special privilege because the subject site is constrained as to the lot width restricting the ability to accommodate the full width of four parking spaces, and similarly situated properties in the area have been developed on average with less than one off-street parking space.

B4. The analysis presented in the agenda report, and the record as a whole, reveals that the granting of the variance will not be contrary to or in conflict with the general provisions and intent, nor the goals, objectives and policies of the LCP and the General Plan. Granting the variance will allow the subject property to be developed in a similar manner to properties in the vicinity, and will provide two required enclosed parking spaces onsite.

B5. The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the MFBF zoning designation. The granting of the variance will allow construction of a new single-family residence that is compatible with the surrounding built environment and permitted in the zone.

B6. The site is physically suitable for the proposed variance because only two required onsite parking spaces can be accommodated, and the reduction can be safely accommodated at this site.

B7. The analysis presented in the agenda report, and the record as a whole, reveals that the variance complies with all requirements of state and local law.

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

C1. Due to the lot dimensions and surroundings, there is no feasible alternative building site location where the development would not have the potential to be visible from PCH or the beach, which are public viewing areas. With the inclusion of the conditions set forth in Section 5 of this resolution, pertaining to permissible exterior colors, materials and lighting restrictions, the required view corridor pursuant to LIP Section 6.5, and conformance with LIP beachfront development standards, the project will blend in with the surrounding environment.

C2. With the implementation of the conditions set forth in Section 5 of this resolution and conformance with development standards, the project as proposed and conditioned will not have significant adverse scenic or visual impacts.

C3. The project as proposed and conditioned is the least environmentally damaging alternative.

C4. The project has been designed to minimize any adverse or scenic impacts from the beach and adjacent structures by providing the required view corridor pursuant to LIP Section 6.5. The total view corridor provided is 10.76 feet to preserve views in perpetuity pursuant to LIP Section 6.5(E)(2)(a). The view corridor is split equally on either side of the residence, with a 5.38 foot wide view corridor running parallel to the east and west property lines.

C5. The location proposed for development would result in a less than significant visual impact to public views from the beach and will not impact sensitive resources. All proposed development conforms to the view corridor requirement and will be constructed landward of the required building stringline and deck stringline, and set back 10 feet from the MHTL. The project as proposed and conditioned will result in less than significant impacts on scenic and visual resources.

**D. Hazards (LIP Chapter 9)**

D1. Based on review of project plans, geotechnical reports and Coastal Hazard and Wave Runup Study, the project engineers concluded the project is feasible from an engineering geologic standpoint, will be free from geologic hazards such as landslides, slippage, settlement, and will not have an adverse effect upon the stability of the site or adjacent properties provided their recommendations and those of the project geotechnical engineer are incorporated into the plans, and implemented during construction, and the subject property and proposed structures are properly maintained.

D2. The proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

The project geotechnical engineer determined that the project is located within a liquefaction hazard zone, in a Tsunami zone, in a Federal Emergency Management Agency (FEMA) identified AE Zone Special Flood Hazard Area (SFHA). The project site is subject to wave action and the entire city limits of Malibu are located within a high fire hazard area.

The project, as conditioned, will incorporate all recommendations contained in the geotechnical report and wave uprush report and conditions required by the City Coastal Engineer, City geotechnical staff, City Public Works Department and the LACFD including foundations, AOWTS and drainage. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards. Additionally, there are conditions included in Section 5 of this resolution that require the property owner to acknowledge an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property and indemnify and hold harmless the City; and acknowledge that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.

D3. The proposed project, as designed and conditioned, is the least environmentally damaging alternative.

D4. There are no feasible alternatives that would avoid or substantially lessen impacts on site stability or structural integrity.

D5. No adverse impacts to sensitive resources are expected.

**E. Shoreline and Bluff Development (LIP Chapter 10)**

E1. The proposed project includes the demolition of the remains of the previously existing structure and the construction of a new residence, a new AOWTS, and a seawall for protection of the new AOWTS and leach field only. The residence will be supported by a retaining wall and pile foundation, and will not require shoreline protection for the life of the structure. The project complies with the 10 foot setback from the MHTL, and the CSLC has asserted no jurisdictional claims regarding the proposed project pursuant to their review. Due to the project design, the project is not anticipated to result in significant adverse impacts to on public access, shoreline sand supply or other resources.

E2. The proposed location of the AOWTS and seawall have been reviewed and conditionally approved by the City Coastal Engineer and City Environmental Health Administrator for compliance with LIP Chapter 10. The proposed project, as designed and conditioned, and approved by the City Coastal Engineer and the City geotechnical staff, will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

E3. The proposed project, as designed and conditioned, is the least environmentally damaging alternative.

E4. The proposed project, as designed and conditioned, will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

E5. The seawall and return walls will protect the new AOWTS and leach field only. The existing shoreline protection device is located in the most landward location feasible on the project site and is in compliance with LIP Section 10.4. The residence will be supported by a retaining wall and pile

foundation, and will not require shoreline protection for the life of the structure. Therefore, a condition is included in Section 5 of this resolution that requires the property owner to acknowledge, by recordation of a deed restriction that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235. The deed restriction shall also acknowledge that the intended purpose of the shoreline protection structure is solely to protect the proposed septic disposal system and that any future development on the subject site landward of the subject shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new structure shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the City determines that such activities are minor.

#### **F. Demolition Permit (MMC Chapter 17.70)**

F1. The proposed project includes the demolition of the existing residence and construction of a new residence. A condition is included in Section 5 of this resolution that requires the property owner to conduct the demolition in a manner that will not create significant environmental impacts.

F2. A coastal development permit application is being processed concurrently with the demolition permit. The demolition permit will not be approved unless this resolution is adopted.

#### SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 14-050, VAR No. 15-001, DP No. 16-016 and OTD No. 16-003, 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.
2. Approval of this application is to allow for the following:

##### Demolition

- a. Existing fire damaged remains of a single-story, single-family residence, with a deck and stairs to the beach;

- b. OWTS; and
- c. Bulkhead and retaining walls.

Construction

- a. A new 1,746 square foot, two-story, single-family residence with attached two-car garage and decks;
  - b. Rooftop stairwell, and deck with barbeque, fireplace and spa;
  - c. Retractable stairs to the beach;
  - d. New bulkhead with return walls, and piles;
  - e. AOWTS; and
  - f. View corridor 10.76 feet wide, equally split between, and located parallel to, the east and west property lines.
- d. VAR No. 15-001 to eliminate the two required unenclosed parking spaces.
  - e. OTD No. 16-003 for a lateral public access easement.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **July 1, 2016**. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
  4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.
  5. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
  6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.
  7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.
  8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
  9. All structures shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, WD29, CSLC, LACFD and U.S. Army Corps of Engineers, as applicable. Notwithstanding this review, all required permits shall be secured.

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

### ***Cultural Resources***

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

### ***Demolition/Solid Waste***

15. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Deputy Building Official.
16. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.
17. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals and drywall.

18. An Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) signed by the Owner or Contractor shall be submitted to the Environmental and Sustainability Department for review and approval. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.
19. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.

### ***Construction / Framing***

20. At no time shall any eastbound lane along Pacific Coast Highway be closed for construction staging related to this project between the hours of 7:00 a.m. and 9:00 a.m.
21. 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.
22. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the highest roof member elevation, lowest finish floor elevation and elevation of centerline of PCH. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning department for review and sign off on framing.
23. 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.
24. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
25. 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; and
- d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

### **Public Works**

26. The consulting engineer shall sign the final plans prior to the issuance of permits.

### ***Street Improvements***

27. The project proposes to construct a new driveway within Caltrans' right-of-way. Prior to the Public Works Department approval of the grading or building permit, the applicant shall obtain encroachment permits from Caltrans for the proposed driveway.

### ***Grading and Drainage***

28. Exported soils shall be taken to the County Landfill, or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.
29. A Grading and Drainage Plan for the excavation containing the following information shall be reviewed and approved by the Public Works Department, prior to the issuance of grading permits for the project:
  - a. Public Works Department general notes;
  - b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking tennis courts and pool decks);
  - c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
  - d. The grading limits shall include the temporary cuts made for buttresses, and over-excavation for fill slopes shall be shown;
  - e. Any native trees required to be protected;
  - f. Any rare or endangered species as identified in the biological assessment, along with fencing of these areas if required by the City Biologist;
  - g. Private storm drains, and systems greater than 12-inch diameter shall also include a plan and profile; and
  - h. Public storm drain modifications shown on the grading plan shall require approval by the Public Works Department prior to the issuance of the grading permit.
30. 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 building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable

facilities. The digital drawing shall also show the subject property, public or private streets, and any drainage easements.

31. All City/County storm drain inlets within 250 feet from each property line shall be labeled per the City of Malibu’s standard label template. A note shall be placed on the project plans to address this condition.

***Stormwater***

32. 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

***Spa / Water Feature/ Mechanical Equipment***

33. Onsite noise, including that which emanates from spa and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).
34. Spa and air conditioning equipment that will be installed shall be screened from view by a solid wall or fence on all four sides (three sides if adjacent to the building). The fence or walls shall comply with LIP Section 3.5.3 and no equipment shall be located closer than three feet to the property line.
35. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool / spa is prohibited. Provide information on the plans regarding the type of sanitation proposed for pool.
  - a. Ozonization systems are an acceptable alternative to chlorine. The discharge of clear water from ozonization systems is not permitted to the street;
  - b. Salt water sanitation is an acceptable alternative to chlorine. The discharge of salt water is not permitted to the street; and

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

Discharges not meeting the above-mentioned methods must be trucked to a publicly owned wastewater treatment works.

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

### **Geology**

38. Procedures to properly abandon the existing OWTS shall be included as notes on the plans.
39. Two sets of final grading, retaining wall, swimming pool and spa, pool cabana OWTS and residence plans (approved by the Building Safety Division) incorporating the project geotechnical consultant’s recommendations and building plan check review comments must be reviewed and wet stamped and manually signed by the project engineering geologist and project geotechnical engineer and submitted to City geotechnical staff for review and approval.

### **Coastal Engineering**

40. The property owner shall comply with the requirements for recorded documents and deed restrictions outlines in LIP Sections 10.6(A) and 10.6(B)(1).
41. Provide updated site plans and architectural plans.
42. References to “NAVD ’24 Recommended Finish Floor Elevation” on Sheets A-2.1 and A-3.1 of the architectural plans are incorrect. These labels should be corrected to read: FF@+24.0 Ft. NAVD88.
43. The proposed bulkhead and return walls should be clearly shown on the architectural site plan (A-

0.1).

### **Environmental Health**

44. Prior to final Environmental Health approval, a final AOWTS plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the Malibu Plumbing Code (MPC) and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The AOWTS plot plan shall show essential features of the AOWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
45. A final design and system specifications shall be submitted as to all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed AOWTS. For all AOWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The designer must also be a registered OOWTS designer with the City of Malibu. The final AOWTS design report and drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
46. The final AOWTS design report shall contain the following information (in addition to the items listed above).
  - a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
  - b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
  - c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Provide seepage pit cap depth relative to original and finished grades. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the

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

- d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.
47. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MPC.
  48. All proposed reductions in setback to buildings or structures from the OWTS must be supported by a letter certifying unequivocally from: the project Structural Engineer and project Soils Engineer that the proposed setback reduction will not adversely affect the structural integrity of the OWTS or the structure; and the architect that the reduction in setbacks will not produce a moisture intrusion problem.
  49. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
  50. An operations and maintenance manual specified by the AOWTS designer shall be submitted to the City Environmental Health Administrator. This shall be the same operations and maintenance manual submitted to the owner and/or operator of the proposed AOWTS following installation.
  51. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed AOWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
  52. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive, notice to any future purchaser for value that the AOWTS serving subject property is an alternative method of onsite wastewater disposal pursuant to the MPC, Appendix K, Section I(i). Said covenant shall be provided by the City of Malibu Environmental Health Administrator and shall be submitted to the City of Malibu with proof of recordation by the Los Angeles County Recorder.
  53. Prior to final Environmental Health approval, a covenant which runs with the land shall be

executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive, notice to any future purchaser for value that the property does not have 100% expansion effluent dispersal area and that the buildings served by the private sewage disposal system may become non-habitable. Said covenant shall be provided by the City of Malibu Environmental Health Administrator and shall be submitted to the City of Malibu with proof of recordation by the Los Angeles County Recorder.

54. Final approval by the City geotechnical staff and Geotechnical Engineer, and City Planning Department shall be submitted to the City Environmental Health Administrator.
55. A final planning approval shall be submitted to the City Environmental Health Administrator.
56. In accordance with MMC Chapter 15.14, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit. An operating permit fee shall be submitted with the application and a final fee shall be paid for Environmental Health review of the OWTS design and system specifications.

### **Biology/Landscaping**

57. 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 (6) feet in height, or change of 2,500 sq.ft. or more of the existing landscaping, a detailed landscape plan shall be submitted for review and approval prior to any planting.
58. All new construction shall occur landward of the deck and building stringlines as applicable.
59. No equipment or materials shall be operated or staged in the intertidal zone.

### **Site Specific Conditions**

#### ***Colors and Materials***

60. The residence shall have an exterior siding of brick, wood, stucco, metal, concrete or other similar material. Reflective glossy, polished and/or roll-formed type metal siding is prohibited.
61. New structures 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;
  - 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; and
  - c. All windows shall be comprised of non-glare glass.

### ***Lighting***

62. Exterior lighting shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
- a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
  - b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
  - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
  - d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
  - e. Site perimeter lighting shall be prohibited; and
  - f. Outdoor decorative lighting for aesthetic purposes and lighting of the shore are prohibited.
63. 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.
64. 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. Up-lighting of landscaping is prohibited.

### ***Water Service***

65. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from WD29 indicating the ability of the property to receive adequate water service.

### ***U.S. Army Corps of Engineers***

66. The applicant/property shall obtain all required permits, if any, including any necessary permits from the U.S. Army Corps of Engineers, prior to commencement of construction.

### ***Shoreline Construction Protection***

67. No stockpiling of dirt or construction materials shall occur on the beach.
68. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or

tracking, and construction equipment shall not be cleaned on the beach.

69. No machinery shall be allowed in the intertidal zone at any time unless necessary for protection of life and/or property.
70. The applicant/property owner shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion.
71. The applicant/property owner shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion, and all construction debris shall be removed from the beach daily and at the completion of development.

### ***View Corridor***

72. Pursuant to LIP Section 6.5(E)(2) and in order insure the protection of scenic and visual resources, the applicant is required to maintain:
  - a. A view corridor a minimum of 10.76 feet wide across along the linear frontage of the lot, equally split, resulting in 5.38 foot wide view corridors running parallel to the east and west property line.
  - b. No portion of any structure shall extend into the view corridor above the elevation of the adjacent street.
  - c. Any fencing across the view corridor shall be permanently maintained as visually permeable. Tinted or frosted glass, and louvered or slatted screen fences are not permitted.
  - d. Any landscaping in this area shall include only low-growing species that will not obscure or block bluewater views.
  - e. If at any time the property owner allows the view corridor to become impaired or blocked, it would constitute a violation of the coastal development permit and the Coastal Act and be subject to all civil and criminal remedies.

### **Offer to Dedicate**

73. In order to implement the property owner's proposal of an offer to dedicate an easement for lateral public access and passive recreational use along the shoreline as part of this project, the property owner agrees to complete the following prior to final Planning approval: the property owner shall execute and record a document, in a form and content acceptable to the CCC, irrevocably offering to dedicate to a public agency or private association approved by the CCC an easement for lateral public access and passive recreational use along the shoreline. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be located along the entire width of the property from the ambulatory mean high tide line landward to the dripline of the structure. The document shall be recorded free of prior liens which the CCC determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The offer shall run with the land in

favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include a formal legal description and graphic depiction, prepared by a licensed surveyor, of both the property owner's entire parcel and the easement area.

### **Deed Restrictions**

74. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
75. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
76. Prior to final planning approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth previously under **Lighting**. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
77. The property owner is required to acknowledge, by the recordation of a deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235. Said deed restriction shall be submitted to the Planning Department for approval prior to recordation. The deed restriction shall also acknowledge that the intended purpose of the shoreline protection structure is solely to protect the proposed septic disposal system and that any future development on the subject site landward of the subject shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new structure shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the City determines that such activities are minor.

### **Prior to Occupancy**

78. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental and Sustainability Department. A Certificate of Occupancy shall

not be issued until the Planning Department has determined that the project complies with this CDP. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.

79. 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**

80. This coastal development permit shall run with the land and bind all future owners of the property.
81. 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 18<sup>th</sup> day of July 2016.

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ROOHI STACK, Planning Commission Chair

ATTEST:

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KATHLEEN STECKO, Recording Secretary

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

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s 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](http://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.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-28 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 18<sup>th</sup> day of July, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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KATHLEEN STECKO, Recording Secretary

**CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 12-60**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING COASTAL DEVELOPMENT PERMIT NO. 11-025, VARIANCE NO. 11-016 AND OFFER TO DEDICATE NO. 12-002 FOR THE CONSTRUCTION OF A NEW, TWO-STORY, 1,899.5 SQUARE FOOT SINGLE-FAMILY RESIDENCE, ATTACHED TWO-CAR GARAGE, DECKS, BULKHEAD AND A NEW ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING A VARIANCE REQUEST TO ELIMINATE TWO REQUIRED UNENCLOSED GUEST PARKING SPACES (TWO ENCLOSED PARKING SPACES WOULD REMAIN) AND AN OFFER TO DEDICATE LATERAL PUBLIC ACCESS ALONG THE SHORE LOCATED AT 21106 PACIFIC COAST HIGHWAY (DOERKEN 2003 CHARITABLE REMAINDER UNITRUST)**

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On May 26, 2011, an application for Coastal Development Permit (CDP) No. 11-025 was submitted by the applicant, Jose Iujvidin, on behalf of property owner, Doerken 2003 Charitable Remainder Unitrust, to the Planning Department for processing.

B. On July 5, 2011, a courtesy notice of the pending application was mailed to all property owners and occupants within a 500 foot radius of the subject property.

C. On March 15, 2012, a Notice of CDP Application was posted on the subject property.

D. In April 2012, story poles were installed onsite to demonstrate the project's height, mass and bulk. Staff visited the project site after the installation of the poles to photography onsite conditions.

E. On May 8, 2012, the application was deemed complete for processing.

F. On June 7, 2012, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 foot radius of the subject property.

G. On June 19, 2012, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

## Section 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposal as described above. The Planning Commission has found that this project is listed among the classes of projects that have been determined to have a less than significant adverse effect on the environment and therefore, is exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines Section 1530(a) – New Construction. Furthermore, the Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

## Section 3. Coastal Development Permit Approval and Findings.

Based on substantial evidence contained within the record and pursuant to City of Malibu 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. 11-025, Variance (VAR) No. 11-016 and Offer to Dedicate (OTD) No. 12-002.

The project includes the following:

- a. Removal of the existing concrete bulkhead, temporary shoring wall and onsite wastewater treatment system (OWTS);
- b. Construction of a new 1,899.5 square foot two-story single-family residence (949.75 square foot first floor, 949.75 square foot second floor) supported by friction piles that will extend into the underlying site bedrock;
- c. Installation of an alternative onsite wastewater treatment system (AOWTS);
- d. Side yard retaining walls to be used as return walls for the bulkhead;
- e. 5-foot wide view corridors with view permeable pedestrian gates on either side of the residence;
- f. New concrete bulkhead;
- g. New retaining wall below the residence along the north side of the crawl space to provide support to the slope descending from Pacific Coast Highway;
- h. Staircases down to the beach;
- i. Decks and five feet wide Los Angeles County Fire Department (LACFD) required walkway around the perimeter of the structure;
- j. Roof deck with outdoor kitchen and jacuzzi, accessed by an exterior staircase;
- k. Variance for the elimination of two required unenclosed guest parking spaces (two enclosed parking spaces would remain); and
- l. Offer to dedicate lateral public access along the shore seaward of the new bulkhead.

The proposed project has been reviewed by the City Biologist, City Coastal Engineer, City Geologist, City Environmental Health Administrator, City Public Works Department and the LACFD. The project is consistent with the LCP's zoning, grading, water quality and onsite wastewater treatment requirements. The project has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

## A. General Coastal Development Permit Findings (LIP Chapter 13)

Pursuant to LIP Section 13.9, the following four findings need to be made for all CDPs.

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

The project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports and site inspections, the proposed project, with the inclusion of the variance for the reduction of the number of required onsite parking spaces, complies with the LCP.

*Finding A2. 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 project is located between the first public road and the sea. The project site is located on the ocean side of Pacific Coast Highway and abuts residential properties to the east and west. According to the LCP Parkland and Trails System Map, no mapped trails are located directly adjacent to the project site. The nearest trails are located along Rambla Pacifico and through the Las Flores Canyon neighborhood which is located approximately 1,500 feet north of the project site. As part of this project, the property owner has offered to dedicate lateral public access on the property. This OTD has been included as a condition of approval in this Resolution. Therefore, the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act.

*Finding A3. The project is the least environmentally damaging alternative.*

Pursuant to CEQA, this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and is categorically exempt from CEQA. The proposed project would not result in significant adverse effects on the environment, within the meaning of CEQA and there are no further feasible alternatives that would further reduce any impacts on the environment.

The following alternatives were considered:

No Project – The no project alternative would avoid any change in the project site; however, the residence on the subject site was severely damaged by a fire in July 2008 and subsequently demolished per direction from the City Building Safety Division. The project site is zoned multi-family beachfront (MFBF) and the replacement of the previously existing residence is a permitted use in this zoning district. The no project alternative would not accomplish the project objective which is to replace a residence destroyed by fire and therefore was found to not be feasible.

Replacement of Previously Existing Residence – The original structure could be rebuilt; however a new vertical bulkhead would still be required to protect a new OWTS. Any new structure, including an exact replacement of what burned, would need to have a finish floor elevation that is above the flood plain level and meet the lowest recommended finish floor elevation. The project alternative consisting of an exact replacement of the structure destroyed by fire does not meet the project objectives, would maintain the non-conformities and would not be an environmentally superior alternative to the proposed project.

Original Project Design – Another project alternative would be to construct the residence which was originally submitted as part of the CDP application. This alternative would have included the construction of a seaward facing first floor deck and second floor balcony that extended out to the deck stringline and encroached upon the required 5 foot wide LACFD clear-to-sky access around the building, as well as the installation of a large OWTS with a 480 square foot dispersal field which necessitated that the proposed bulkhead be located five feet further seaward.

Per the requirements of the LCP, the dispersal field must be located as far landward as possible. It was determined that the original design did not include development that is as far landward as possible and did not provide appropriate LACFD access.

Proposed Project – The proposed project consists of demolition of the remaining onsite structures and the construction of a new single-family residence and associated development. The proposed project will remove the existing substandard OWTS which includes a drip field located in the sand seaward of the previously existing residence. Furthermore, the proposed development will provide two off-street parking spaces and will provide five foot wide view corridors on either side of the structure, where there were none before. The proposed new development meets the beachfront development requirements of LCP Local Implementation Plan (LIP) Chapters 3 and 6, with the inclusion of the variance for the reduction of the required number of parking spaces.

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

The project site does not contain Environmentally Sensitive Habitat Area (ESHA) nor is it adjacent to ESHA. The proposed project was reviewed by the City Biologist and it was determined that the proposed project is sited within the existing building pad and is therefore, exempt from review by the Environmental Review Board (ERB) pursuant to LIP Section 4.4.4.

**B. Variance for the Reduction of the Required Number of Off-Street Parking Spaces (LIP Section 13.26.5)**

The proposed variance will allow two enclosed parking spaces and no unenclosed parking spaces for this single-family residence in lieu of the required two enclosed spaces and two unenclosed spaces. The previously existing residence on the property did not have a driveway or garage, and

did not provide any off-street parking spaces prior to its destruction in 2008, as shown on the plans submitted as part of Demolition Permit No. 09-1093 issued by the City Building Safety Division on June 25, 2008.

The LCP requires that the City make ten findings in the consideration and approval of a variance. The Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes all of these findings of fact. The Planning Commission finds that there is substantial evidence in the record to support the findings of fact required for Variance No. 11-016. The findings for the variance for the reduction of the required number of off-street parking spaces are made as follows.

*Finding B1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.*

The project site has exceptionally limiting characteristics. The subject site has a 53 foot, 6 inch wide street frontage with a lot depth of approximately 68 feet. With the setbacks and view corridors removed from the 3,966 square foot gross lot area, the developable area is about 950 square feet. As designed, the two car garage takes up approximately 400 square feet of the 950 square foot first floor footprint. The residence measures less than 37 feet in width on the seaward side. As each standard parking space measures a minimum of 10 feet wide, it would be physically impossible to place four spaces side by side (which would equal 40 feet) into the residence's footprint as it is less than 40 feet wide. Additionally the house depth at the narrowest point is 22 feet, which prevents tandem parking.

Provision for the unenclosed spaces is severely constrained by the size and shape of the site and the proximity to the Pacific Coast Highway right-of-way. Strict interpretation of the code will severely limit the development potential of the subject parcel and deny the applicant privileges enjoyed by parcels in the vicinity with the same zoning classification based on the parking and house sizes provided on properties in the vicinity.

A survey of the off-street parking spaces available at residentially developed properties was conducted in this vicinity to analyze the parking conditions along this stretch of Pacific Coast Highway. The provision of off-street parking in this neighborhood is significantly limited, both enclosed and unenclosed. The vicinity of this project was defined as the 12 residential beachfront properties located within 500 feet of the subject parcel, both to the east to the west. The properties in the survey are all within the MFBF zoning district. Staff noted during the survey that the majority of parking area for the properties in this area is located immediately north of the residences within the approximately 16 foot wide area between the structures and the fog strip on Pacific Coast Highway. While these parking areas provide spaces for the residences, these areas are off-site and cannot be considered towards meeting the off-street parking need.

The results of the survey showed that the average number of spaces for each residential unit was 0.85. If the proposed residence at 21100 Pacific Coast Highway were to be removed from the survey, as there is currently not a residence on that property, the average number of spaces for

each unit would drop to 0.75. The survey shows that parking in the vicinity and in the same zoning classification to be substantially less than the two spaces that will be provided as part of the proposed project.

Providing more than two spaces on this constrained site will deny the applicant privileges enjoyed by parcels in the vicinity with the same zoning classification, as the majority of the existing residences do not provide any off-street parking. In addition, other variances have been granted for the reduction in the number of required parking spaces in the proximity of the subject property. Variances have been granted at 18948 Pacific Coast Highway (CDP No. 04-023), 19144 Pacific Coast Highway (CDP No. 08-115), 20020 Pacific Coast Highway (CDP No. 05-166), 20838 Pacific Coast Highway (CDP No. 06-032) and 20900 Pacific Coast Highway (VAR No. 04-018) for the reduction in required off-street parking serving single-family residences.

The only alternative that matches the constraints of the developable area of the site is providing two enclosed parking spaces. Strict adherence to the LIP would result in significant deprivation of privileges enjoyed by other properties in this neighborhood and elsewhere in this zone.

*Finding B2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.*

The granting of the requested variance will exempt the project from providing two unenclosed parking spaces and allow for the construction of a single family residence in an area that has been determined to be appropriate for such use. The project will not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

The granting of the requested variance will allow the subject property to be developed with two enclosed parking spaces and no unenclosed parking spaces, which would be a provision greater than other development along this section of Pacific Coast Highway with constrained lot dimensions as shown in the parking survey. As stated previously, the proposed project has been reviewed and approved by the City Geologist, City Environmental Health Administrator, City Biologist, City Coastal Engineer, the City Public Works Department and LACFD. The project, as proposed or conditioned, was found to be consistent with applicable City goals and policies.

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

As noted in Finding B1 above, the project vicinity was defined by staff (for the purposes of conducting a records and visual parking survey) as the 12 residential properties to the immediate east and west and within 500 feet of the subject property because all of these properties in the survey are in the same zoning classification, MFBF. In the survey conducted to analyze parking in the project vicinity, it was determined that the average number of parking spaces provided for each dwelling unit was 0.83. The variance does not constitute a special privilege.

*Finding B4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.*

The granting of the variance would not be contrary to or in conflict with the general policies or intent, nor any of the goals, objectives or policies of the LCP. The variance makes provision for parking above the average for the vicinity as shown in the survey and more than exists currently at the site.

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

The project is not located within or near ESHA and the variance does not propose an ESHA modification; therefore, this finding is not applicable.

*Finding B6. 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 proposed project does not involve a variance to stringline standards, so this finding does not apply.

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

Parking is required as a component of the development of this site for a single-family residence. Both are expressly authorized uses for this zone classification. If the parking standards were strictly applied, the majority of the developable area of the site would be dedicated to parking. Strict adherence to the LIP would result in significant deprivation of privileges enjoyed by other properties in this neighborhood and elsewhere in this zone.

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

The project requires a variance because the subject site is not physically suitable to provide both the enclosed and unenclosed required parking spaces. With the inclusion of the variance, the site is suitable for the proposed development.

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

The variance will comply with all requirements of State and local law in that the proposed project will be required to obtain applicable City of Malibu Building Safety Division permits prior to construction.

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

The proposed project does not include public parking for the beach, public trails or parklands as identified on the LCP Public Access Map or the LCP Park Lands Map, so this finding does not apply.

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

As stated previously, the project is sited within a previously developed area and no ESHA is present onsite. The proposed project was reviewed by the City Biologist and it was determined that the project is not expected to impact sensitive resources or result in significant loss of vegetation or wildlife, since none currently exist onsite. Accordingly, the supplemental ESHA findings pursuant to LIP Section 4.7.6(C) are not applicable.

**D. Native Tree Protection (LIP Chapter 5)**

No trees are proposed to be removed as a part of this project. Accordingly, the findings in the Native Tree Protection Chapter are not applicable.

**E. Scenic, Visual and Hillside Resource Protection Chapter (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 project site is visible from the beach, a scenic area; therefore, the required findings are made below.

*Finding E1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.*

There is no feasible building site location on the subject parcel where development would not be visible from the beach. The project will comply with LIP regulations governing maximum height and setbacks, which limits the bulk and mass of development. In addition, the structure will not protrude further seaward than neighboring properties and will be located on the existing building pad. Additionally the proposed development complies with the view corridor requirements of LIP Chapter 6. This project is required to have a view corridor of 5 feet on each side of the residence. No development will take place within the view corridors and any fencing across those areas shall be view permeable.

The applicant installed story poles on the subject property to depict the location, height, and mass of the proposed structure. Staff conducted an analysis of the project's visual impact from public viewing areas through site reconnaissance, a review of the story poles and architectural plans. The project is proposed to be constructed on a parcel which was previously developed with a single-family residence. The proposed project incorporates the required view corridors and incorporates two onsite parking spaces, both of which did not previously exist. Additionally the project will not interfere with views of the Santa Monica Mountains from the beach and maintains the required 10 foot setback from the mean high tide line. As proposed, the project would result in a less than significant visual impact to public views from the beach.

*Finding E2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.*

This resolution includes conditions of approval regarding colors and materials permitted for construction visible from scenic areas. The proposed residence has been conditioned to utilize colors and materials that will be compatible with the surrounding natural and residential character and will be compatible with the architectural character of the surrounding neighborhood. As described in Finding E1, the proposed project, as designed and conditioned, is not anticipated to have significant adverse scenic or visual impacts.

*Finding E3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

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

*Finding E4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.*

As previously discussed in Finding E1, the proposed project, as designed and conditioned, will not have any significant adverse impacts on scenic and visual resources. As previously discussed in Finding A3, the proposed residence is the least environmentally damaging alternative.

*Finding E5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.*

As previously discussed Finding A3, the proposed project will not result in significant impacts to the physical environment. As previously discussed in Finding E1, no significant adverse impacts on scenic and visual resources are anticipated to result from the project.

#### **F. Transfer of Development Credit (LIP Chapter 7)**

Pursuant to LIP Section 7.2, the requirement for the transfer of development credit only applies to land division and / or new multi-family development in specified zoning districts. The proposed CDP does not involve land division or multi-family development. Therefore, the findings set forth in LIP Chapter 7 do not apply.

#### **G. Hazards (LIP Chapter 9)**

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all approvals, denials or conditional approvals of development located in or near an area subject to these hazards. The project was analyzed for the hazards listed in LIP Section 9.2(A)(1-7) by the City Coastal Engineer, City Geologist, City Public Works Department and the

LACFD, and has been reviewed and approved for conformance with all relevant policies and regulations of the LCP. Pursuant to LIP Section 9.2(B), all development requiring a CDP on any parcel of land that is located on or near any area subject to hazards cited above shall be governed by the policies, standards and provisions of LIP Chapter 9. Therefore, the findings set forth in LIP Chapter 9 are made as follows.

*Finding G1. 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.*

Analysis for potential hazards included review of the submitted geotechnical reports which were prepared by Subsurface Designs, Inc. dated May 19, 2011 and July 5, 2011 and Wave Uprush Study completed by Pacific Engineering Group on April 29, 2011. According to the geotechnical reports the proposed site of development was determined not to be located in an area that has geologic hazards other than earthquake-induced liquefaction.

#### *Liquefaction*

To prevent damage from liquefaction, both, the applicant's Geotechnical consultant and Coastal Engineering consultant has recommended the use of deepened foundation footings. To accomplish this, the piles which support the proposed residence will extend deeper than the liquefiable alluvial deposits and into bedrock. This recommendation has been reviewed and conditionally approved by the City Geologist.

#### *Flood Hazard*

As confirmed by the City Department of Public Works, the site is located in a Special Flood Hazard Area (SFHA) per FEMA Flood Insurance Rate Map (FIRM) Map 1542 (#06037C1542F). As a result, the project has been designed so that the proposed structures are above the level of the identified flood plain. The proposed finished elevation of the building pad had been reviewed by the City's Public Works Department and has been given a conditional approval. Constructing the residence to meet the lowest recommended finish floor elevation, as outlined in the April 2011 Wave Uprush Study, will place the development outside of the flood plain. The finish floor elevation (+24.5 feet) is outside of the wave uprush as determined by the April 29, 2011 Pacific Engineering Group Wave Uprush Report.

#### *Fire Hazard*

The entire city limits of Malibu are located in a high fire hazard area. The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has "mutual aid agreements" with cities and counties throughout the state so that additional personnel and fire-fighting equipment can augment the LACFD. As conditioned, the proposed project will not increase the site's potential from damage due to fire with the incorporation of fire access to all sides of the proposed structures and the use of flame resistant materials. In summary, California Building Code provisions include the following requirements: use of specific roofing and siding materials; window glazing and exterior doors and the

protection of openings; and unenclosed under-floor areas and accessory structures. In addition, the Los Angeles County Fire Code establishes special review requirements including the preparation and approval of a Fuel Modification Plan.

Nonetheless, a condition of approval has been included in this resolution which requires that the property owner 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.

As such, the proposed project will not increase the instability of the site or structural integrity from geologic, flood, fire or other hazards. The project has been reviewed by the City Coastal Engineer, City Geologist, City Public Works Department and the LACFD, and has been determined to be consistent with all relevant policies and regulations regarding potential hazards.

*Finding G2. 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.*

The project has been conditionally approved by the City Coastal Engineer, City Geologist, City Public Works Department and the LACFD, and the various departments conditioned the project to ensure that it will not have significant adverse impacts on site stability or structural integrity.

*Finding G3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

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

*Finding G4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.*

The proposed project will take place on a site that was first developed in 1920. The proposed structure will incorporate all of the recommendations of the consulting Coastal Engineer, Geologist and Civil Engineer to insure site stability. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

*Finding G5. 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 previously, no significant adverse impacts on sensitive resources are expected to result from the project.

## **H. Shoreline and Bluff Development (LIP Chapter 10)**

The project site is a parcel located along the shore and includes the installation of a new shoreline protective device, a concrete vertical bulkhead. The purpose of the new bulkhead is solely to protect the new AOWTS and the new residence will incorporate a foundation system adequate to protect the structure from wave and erosion hazard without necessitating protection from the bulkhead. There is no feasible alternative to the construction of a new bulkhead that would still allow residential development on the parcel.

In accordance with LIP Section 10.2, the requirements of LIP Chapter 10 are applicable to the project and the required findings are made as follows.

*Finding H1. The project, as proposed, will have no significant adverse impacts on public access, shoreline sand supply or other resources due to project design, location on the site or other reasons.*

The proposed development will take place within the previously existing footprint of the destroyed single-family residence. The City Coastal Engineer and City Environmental Health Administrator have confirmed that the proposed bulkhead is located as landward as feasible to allow for the placement of the AOWTS.

The April 2011 Wave Uprush Report found that “based on evidence and data presented in the available studies to date, the subject beach should remain stable at present conditions provided that the sources of sediment supply are not changed. The proposed residence piles and bulkhead will not have a significant effect on the shoreline position compared to fluvial sediment sources.”

Furthermore, that California State Lands Commission (CSLC) has reviewed the proposed project and determined on March 5, 2012 that the proposed development is not within the CSLC jurisdiction.

With the offer to dedicate lateral public access along the shore, the project is not expected to result in impacts to public access. Therefore, the proposed development will not have significant adverse impacts on public access, shoreline sand supply or other resources.

*Finding H2. The project, as conditioned, will not have significant adverse impacts on public access, shoreline sand supply or other resources due to required project modifications or other conditions.*

As stated in Finding H1, and the project as designed, conditioned, and approved by the City Coastal Engineer, the proposed project will not have any significant adverse impacts on public access or shoreline sand supply or other resources. The April 2011 Wave Uprush Report found that “based on evidence and data presented in the available studies to date, the subject beach should remain stable at present conditions provided that the sources of sediment supply are not changed. The proposed residence piles and bulkhead will not have a significant effect on the shoreline position compared to fluvial sediment sources.”

*Finding H3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

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

*Finding H4. There are not alternatives to the proposed development that would avoid or substantially lessen impacts on public access, shoreline sand supply or other resources.*

As stated in Finding H1, as designed and conditioned, the project will not have any significant adverse impacts on public access or shoreline sand supply or other resources. It has been determined that the proposed bulkhead will be located as landward as feasible and is only necessary to protect the new AOWTS. There are no alternative designs that would result in less impact to public access, sand supply or other resources.

*Finding H5. The shoreline protective device is designed or conditioned to be sited as far landward as feasible to eliminate or mitigate to the maximum feasible extent adverse impacts on local shoreline sand supply and public access, and there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources and it is the least environmentally damaging alternative.*

The AOWTS proposed beneath the residence has been designed to utilize the smallest feasible treatment system with a capacity of 2,000 gallons, as confirmed by a letter from Ensitu Engineering, Inc. dated August 3, 2011. Per the City Environmental Health Administrator, a minimum setback of 5 feet of clean sand must be maintained between the OWTS and the inside face of the bulkhead. The proposed shoreline protective device is located 5 feet from the AOWTS and meets the minimum setback requirement.

The April 2011 Wave Uprush Study recommended that “the top of the new bulkhead should not be lower than elevation +18.3 Ft. (NAVD88 datum). The bottom of the bulkhead will need to be no higher than 2 feet below the design beach profile shown in this report. Return walls should extend landward along the side property lines from the seaward section of the bulkhead back to the Pacific Coast Highway property line or deepened retaining wall of adequate depth.

A condition of approval has been included in this Resolution which requires that the property owner execute and record a deed restriction that states “no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235.”

As stated in Finding H1, the project is not anticipated to have adverse impacts on local shoreline sand supply and public access and as stated in Finding A3, the project was found to be the least environmentally damaging alternative.

## **I. Public Access (LIP Chapter 12)**

The subject parcel is located between the first public road and the sea. The project involves the construction of a new single-family residence and associated development. The property owner has offered to dedicate public lateral access along the shore. Public vertical beach access exists approximately 4,700 feet to the east of the subject parcel as shown on the LCP Public Access Map. There are no proposed or existing public trails on or adjacent to the subject property as shown on the LCP Parkland and Trails System Map or the Trails Master Plan. The subject parcel does not contain a bluff. Therefore, trail, recreational and bluff-top accesses do not apply.

The project does not meet the definition of exceptions to public access requirements identified in LIP Section 12.5(A). However, LIP Section 12.5(B) states that public access is not required when adequate access exists nearby and the findings addressing LIP Sections 12.7.1 and 12.7.3 can be made. The following findings satisfy this requirement. Analyses required in LIP Section 12.7.2 are provided herein, and in geotechnical and coastal engineering reports referenced previously.

Lateral Access – A lateral public access easement provides public access and use along or parallel to the sea or shoreline. As stated in Finding A2, the applicant has agreed to provide an OTD for lateral public access on the property. The public accessway will extend the width of the property and be located from the new bulkhead to the mean high tide line. Given the project's design and location, no potential project-related or cumulative impacts on lateral public access are anticipated.

Vertical Access – As previously mentioned, vertical public access is available to the west and east of the project site. An existing vertical accessway is located approximately 4,700 feet to the east of the subject parcel as shown on the LCP Public Access Map. Additionally, a vertical access document has been recorded approximately 550 feet to the west at 21200 Pacific Coast Highway.

Consistent with LIP Section 12.5(B), due to the ability of the public, through other reasonable means to reach nearby coastal resources, an exception for public vertical access has been determined to be appropriate for the project and no conditions for access have been required. However, the following findings and analysis were conducted in accordance with LIP Section 12.7.3 regarding access. Due to these findings, LIP Section 12.7.1 is not applicable.

*Finding II. The type of access potentially applicable to the site involved (vertical, lateral, blufftop, etc.) and its location in relation to the fragile coastal resource to be protected, the public safety concern, or the military facility which is the basis for the exception, as applicable.*

Vertical beach access would not impact fragile coastal resources, does not raise a significant public safety concern or have any impact on a military facility. As previously discussed, the basis for the exception to the requirement for vertical beach access is associated with the availability of adequate access nearby.

*Finding 12. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that fragile coastal resources, public safety, or military security, as applicable, are protected.*

Vertical beach access would not impact fragile coastal resources or have any impact on a military facility. As previously discussed, the basis for the exception to the requirement for vertical beach access is associated with the availability of adequate access nearby.

*Finding 13. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.*

An existing vertical accessway is located approximately 4,700 feet to the east of the subject parcel as shown on the LCP Public Access Map. Additionally, a vertical access document has been recorded approximately 550 feet to the west at 21200 Pacific Coast Highway. The project, as proposed, does not block or impede access to the ocean. No legitimate governmental or public interest would be furthered by requiring vertical access at the project site because: 1) existing access to coastal resources is adequate; and 2) the proposed project will not impact the public's ability to access the shoreline or other coastal resources.

#### **J. Land Division (LIP Chapter 15)**

This project does not involve a division of land as defined in LIP Section 15.1; therefore, Chapter 15 does not apply.

#### **K. Onsite Wastewater Treatment System (LIP Chapter 18)**

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes an AOWTS, which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, the Malibu Municipal Code and the LCP.

The subject system will meet all applicable requirements, and operating permits will be required. The system will incorporate a 2,000 gallon OSI AdvanTex AX-20 Unit which includes disinfection and a 233 square foot pressure dosed field. The unit will provide the residence with secondary and tertiary treatment. An operation and maintenance contract and recorded covenant covering such shall be in compliance with City Environmental Health requirements. Conditions of approval have been included in this resolution to require continued operation, maintenance, and monitoring of onsite facilities. If applicable, any above-ground equipment will be required to be screened and not located in the required view corridors.

#### **Section 4. Planning Commission Action.**

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves Coastal Development Permit No. 11-025, Variance No. 11-016 and Offer to Dedicate No. 12-002, subject to the following conditions.

Section 5. Conditions of Approval.

*Standard Conditions*

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. Approval of this application is to allow for the project described herein. The project includes the following:
  - a. Removal of the existing concrete bulkhead, temporary shoring wall and onsite wastewater treatment system (OWTS);
  - b. Construction of a new 1,899.5 square foot two-story single-family residence (949.75 square foot first floor, 949.75 square foot second floor) supported by friction piles that will extend into the underlying site bedrock;
  - c. Installation of an alternative onsite wastewater treatment system (AOWTS);
  - d. Side yard retaining walls to be used as return walls for the bulkhead;
  - e. 5-foot wide view corridors with view permeable pedestrian gates on either side of the residence;
  - f. New concrete bulkhead;
  - g. New retaining wall below the residence along the north side of the crawl space to provide support to the slope descending from Pacific Coast Highway;
  - h. staircases down to the beach;
  - i. Decks and five feet wide Los Angeles County Fire Department (LACFD) required walkway around the perimeter of the structure;
  - j. Roof deck with outdoor kitchen and jacuzzi, accessed by an exterior staircase;
  - k. Variance for the elimination of two required unenclosed guest parking spaces (two enclosed parking spaces would remain); and
  - l. Offer to dedicate lateral public access along the shore seaward of the new bulkhead.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, dated, June 4, 2012. 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 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 the issuance of any building or development permits.
6. This resolution, signed Affidavit and all referral sheets attached to the 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 Building Safety Division for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
7. The CDP shall be null and void if the project has not commenced within two (2) years after issuance of the permit, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the Building Official) and the work is continuing under a valid building permit. If no building permit is required, the coastal development permit approval shall expire after two years from the date of final planning approval if construction is not completed. 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 two-year period and shall set forth the reasons for the request.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All structures shall conform to requirements of the City of Malibu Building Safety Division, City Geologist, City Environmental Health Administrator, City Biologist, City Coastal Engineer, City Public Works Department, Los Angeles County Water District No. 29 and the Los Angeles County Fire 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 Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved coastal development permit shall not commence until the coastal development permit is effective. The coastal development permit is not effective until all appeal, including those to the California Coastal Commission, have been exhausted. In the event that the California Coastal Commission denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.
12. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

13. Prior to final planning approval, the property owner shall provide a copy of a valid Operating Permit pursuant to Malibu Municipal Code Section 15.14.030 or an Operating Permit application fee receipt.

### ***Cultural Resources***

14. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in M.M.C. Section 17.54.040(D)(4)(b) shall be followed.
15. 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.

### **Building Plan Check**

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

### ***Colors and Materials***

17. New development in scenic areas visible from scenic roads or public viewing areas shall incorporate colors and exterior materials that are compatible with the surrounding landscape. The color shall be reviewed and approved by the Planning Director and clearly indicated on all improvement and/or building plans.
  - a. Colors shall be compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones.
  - 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.
18. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. The color shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.

## *Geology*

19. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City Geologist 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 Geologist prior to the issuance of a grading permit.
20. Final plans approved by the City Geologist shall be in substantial conformance with the approved coastal development permit relative to construction, grading, sewage disposal and drainage. Any substantial changes may require amendment of the coastal development permit or a new coastal development permit

## *Onsite Wastewater Treatment System*

21. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's Onsite Wastewater Treatment regulations including provisions of LIP Section 18.9 related to continued operation, maintenance and monitoring of onsite facilities.
22. Prior to final Environmental Health approval, a final AOWTS plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the Malibu Plumbing Code and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The AOWTS plot plan shall show essential features of the AOWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
23. A final design and system specifications shall be submitted as to all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed AOWTS. For all AOWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The final AOWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
24. Any above-ground equipment associated with the installation of the AOWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall and not located within the view corridors.
25. The final design report shall contain the following information (in addition to the items listed above).
  - a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day,

and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;

- b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
  - c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics;
  - d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For AOWTS final designs, full-size plans are required for review by Building Safety and/or Planning; and
  - e. Provide structural protection of treatment tank and seepage pit lids in the driveway. Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
26. Any proposed reduction in setbacks shall be accompanied by supporting letters in accordance with the City of Malibu's Engineers' Certification for Reduction in Setbacks to Buildings or Structures policy.
27. The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."

28. A detail shall be provided confirming that staircases above the dispersal field are fully supported from above and do not impose any load on the dispersal field.
29. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Building Safety Division.
30. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
31. An operations and maintenance manual specified by the AOWTS designer shall be submitted to the City Environmental Health Administrator. This shall be the same operations and maintenance manual proposed for later submission to the owner and/or operator of the proposed AOWTS.
32. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed AOWTS after construction shall be submitted. Please note only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
33. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive, notice to any future purchaser for value that the OWTS serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix K, Section 1(i). Said covenant shall be provided by the City of Malibu Environmental Health Administrator and shall be submitted to the City of Malibu with proof of recordation with the Los Angeles County Recorder.
34. The City Geologist and Geotechnical Engineer's final approval shall be submitted to the City Environmental Health Administrator.

*Grading / Drainage / Hydrology*

35. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cumulative of cut and fill. Any revisions to the approved grading quantities shall be reviewed by the Planning Department prior to the commencement grading operations.
36. The Total Grading Yardage Verification Certificate (dated May 25, 2011) shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitute may be accepted.
37. The applicant shall obtain encroachment permits from the California Department of Transportation prior to the commencement of any work within the Public right-of-way.
38. A Grading and Drainage Plan shall be approved, and submitted to the Public Works Department, containing the following information prior to the issuance of grading permits for the project:
  - a. Public Works Department general notes;
  - b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, etc.);
  - c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated; and
  - d. Private storm drain systems shall be shown on this plan.
39. A Wet Weather Erosion and Sediment Control Plan is required, and shall be submitted to the Public Works Department prior to the issuance of grading permits if grading or construction activity is anticipated to occur during the rainy season. The following elements shall be included in this plan:
  - a. Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures;
  - b. Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and
  - c. Stabilized construction entrance and a monitoring program for the sweeping of material tracked offsite.
40. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted for review and approval by the Public Works Department prior to issuance of building permits. This plan shall include:
  - a. Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff;
  - b. Designated areas for the construction portable toilets that separates them from storm water runoff and limits the potential for upset; and
  - c. Designated areas for disposal and recycling facilities for solid waste separated

from the site drainage system to prevent the discharge of runoff through the waste.

41. Earthmoving during the rainy season (extending from November 1 to March 31) shall be prohibited for development that includes grading on slopes greater than 4 to 1. Approved grading operations 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 Planning Director or Deputy Building Official determines that completion of grading would be more protective of resources.
42. The Deputy Building Official may approve grading during the rainy season to remediate hazardous geologic conditions that endanger public health and safety.
43. Grading during the rainy season may be permitted to remediate hazardous geologic conditions that endanger public health and safety.

#### *Flood Plain Management*

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

#### *Water Quality/ Water Service*

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

#### **Construction Phase**

##### *Construction / Framing*

46. 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 and City-designated holidays.
47. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, will 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.

48. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: Asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall. Prior to the issuance of a building/demolition permit, a Waste reduction and Recycling Plan (WRRP) shall be submitted to the Public Works Department for review and approval. The WRRP shall indicate means and measures for a minimum of 50 percent diversion Goal.
49. 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 project sites.
50. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Said document shall be submitted prior to for verification prior to building inspector sign off on framing and commencement of further construction activities. The Planning Division shall sign off stating that said document has been received and verified.

#### *Shoreline Protection*

51. All construction debris shall be removed from the beach daily and at the completion of development.
52. No stockpiling of dirt or construction materials shall occur on the beach.
53. Measures to control erosion, runoff, and siltation shall be implemented at the end of each day's work.
54. No machinery shall be allowed in the intertidal zone at any time unless necessary for protection of life and/or property.

55. The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.
56. Construction equipment shall not be cleaned on the beach.
57. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

### *Lighting*

58. Exterior lighting shall be minimized and restricted to low intensity features, shielded, and concealed so that no light source is directly visible from public viewing areas. 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 that are directed downward, and use bulbs that do not exceed 60 watts or the equivalent;
  - b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 60 watts or the equivalent;
  - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 60 watts or the equivalent;
  - d. Lights at entrances in accordance with Building Codes shall be permitted provided that such lighting does not exceed 60 watts or the equivalent;
  - e. Site perimeter lighting shall be prohibited;
  - f. Outdoor decorative lighting for aesthetic purposes is prohibited; and
  - g. Night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited.
59. No permanently installed lighting shall blink, flash, or be of usually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject properties shall not produce an illumination level greater than one foot candle.
60. 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.
61. High intensity lighting of the shore is prohibited.

### *Biology / Landscaping*

62. 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 (6) feet in height or an area of 1,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting.

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

#### *Fuel Modification*

64. The project requires Los Angeles County Fire Department approval of a Final Fuel Modification Plan prior to the issuance of final building permits.

#### **Site Specific Conditions**

65. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.
66. At no time shall any eastbound lane along Pacific Coast Highway be closed for construction staging related to this project between the hours of 7:00 a.m. and 9:00 a.m.
67. The applicant/property owner shall obtain all required permits, including approval for mechanized equipment to access to the beach, from Beaches and Harbor prior to commencement of construction.

#### *View Corridor*

68. Pursuant to LIP Section 6.5(E)(2)(e) and in order insure the protection of scenic and visual resources, the applicant is required to maintain:
  - a. View corridors, a minimum of 5 feet wide, adjacent to the western and eastern property lines extending the length of the property.
  - b. No portion of any structure (including roof overhangs) shall extend into the view corridor above the elevation of the adjacent street.
  - c. Any fencing across the view corridor shall be visually permeable.
  - d. Any landscaping in this area shall include only low-growing species that will not obscure or block bluewater views.
  - e. If at any time the property owner allows the view corridor to become impaired or blocked, it would constitute a violation of the coastal development permit and the Coastal Act and be subject to all civil and criminal remedies.

#### *Deed Restrictions*

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

planning approval.

70. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
71. The property owner is required to acknowledge, by the recordation of a deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235. Said deed restriction shall be submitted to the Planning Department for approval prior to recordation. The deed restriction shall also acknowledge that the intended purpose of the shoreline protection structure is solely to protect existing structures located on the site, in their present condition and location, including the septic disposal system and that any future development on the subject site landward of the subject shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new structure shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the City determines that such activities are minor in nature or otherwise do not affect the need for a shoreline protection structure.
72. Prior to final planning approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 59, 60, 61 and 62. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
73. Prior to final planning approval, and in order to implement the property owner's proposal of an offer to dedicate an easement for lateral public access and passive recreational use along the shoreline as part of this project, the property owner agrees to complete the following:
  - a. The property owner shall execute and record a document, in a form and content acceptable to the Planning Director and California Coastal Commission (CCC), irrevocably offering to dedicate to a public agency or private association approved by the CCC an easement for lateral public access and passive recreational use along the shoreline.
  - b. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be located along the entire width of the property from the ambulatory mean high tide line landward to the vertical face of the bulkhead. The

location of the bulkhead is illustrated on the site plan prepared by Lee Jubas Architects, received by the Planning Department on June 4, 2012.

- c. The document shall be recorded free of prior liens which the Planning Director and/or CCC determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable. The recording document shall include a formal legal description and graphic depiction, prepared by a licensed surveyor, of both the property owner's entire parcel and the easement area.

*Prior to Occupancy*

74. Prior to the issuance of the Certificate of Occupancy, the applicant shall provide the City Environmental Sustainability Department with a Final Waste Reduction and Recycling Report. This report shall designate all materials that were land filled and recycled, broken down into material types. The Environmental Sustainability Department shall approve the final Summary Report.
75. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
76. 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**

77. This coastal development permit runs with the land and binds all future owners of the property.
78. 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.

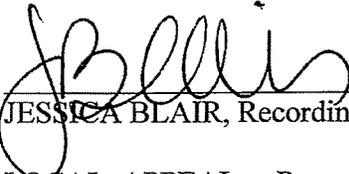
Section 6. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of June 2012.

  
\_\_\_\_\_  
JOHN MAZZA, Planning Commission Chair

ATTEST:

  
\_\_\_\_\_  
JESSICA BLAIR, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan Section 13.20.1 (Local Appeals), a decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms may be found online at [www.malibucity.org](http://www.malibucity.org), in person at City Hall or by calling (310) 456-2489, extension 374.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission's decision to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at [www.coastal.ca.gov](http://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.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 12-60 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 19<sup>th</sup> day of June 2012, by the following vote:

AYES: COMMISSIONERS: BROTMAN, PIERSON AND MAZZA

NOES:

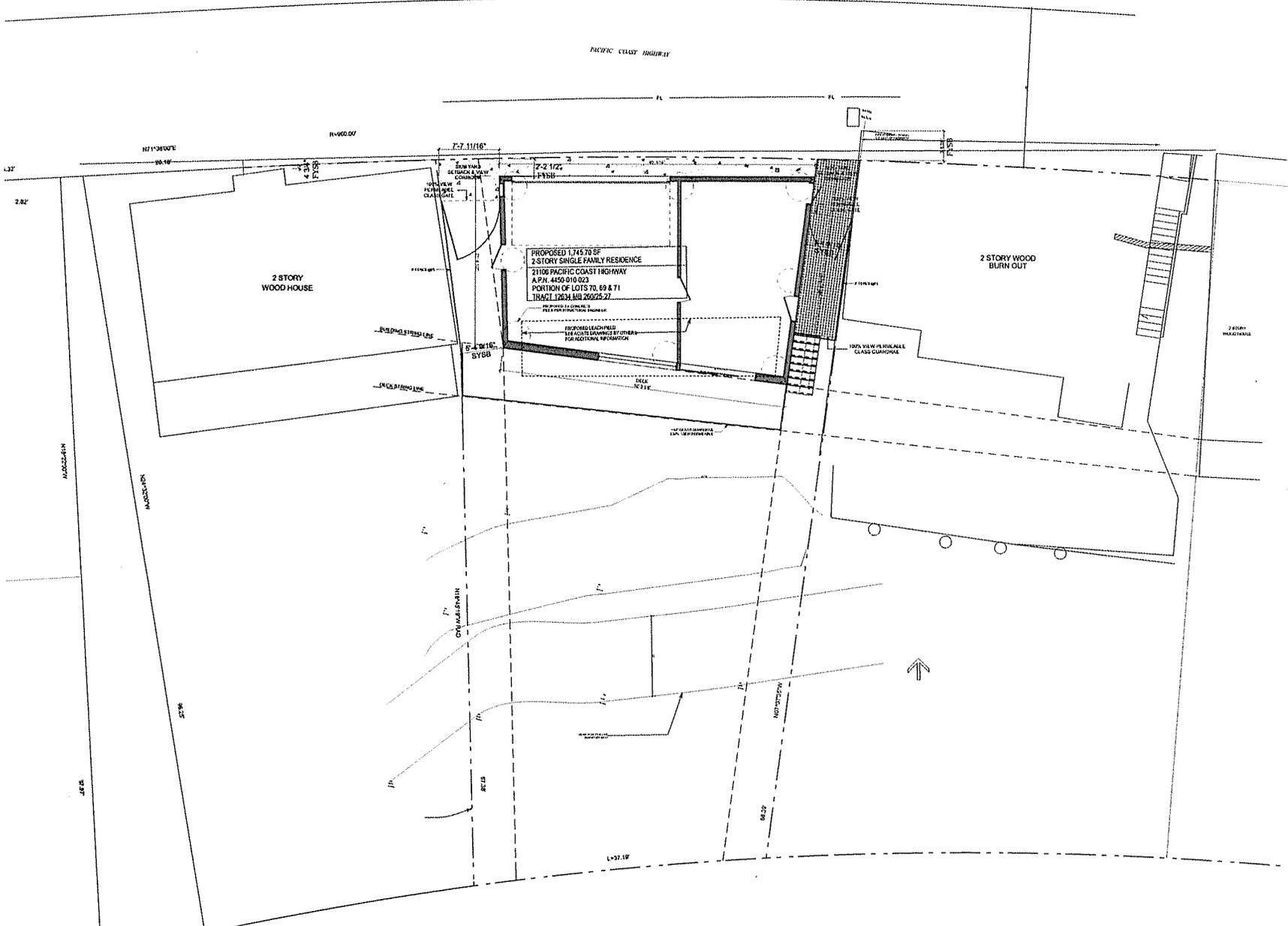
ABSTAIN:

ABSENT: COMMISSIONERS: STACK AND JENNINGS

  
\_\_\_\_\_  
JESSICA BLAIR, Recording Secretary







# DOERKEN RESIDENCE

21106 PACIFIC COAST HWY.  
MALIBU,  
CA 90265

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED OR ANY OTHER WORKS OF ANY KIND OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

WRITTEN DISCUSSIONS SHALL BE VIEWED ON THE JOB SITE. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

NO.	DATE	ISSUE
1	10/14/2015	PLANNING DEPT. SUBMITTAL
2	11/23/2015	PLANNING DEPT. RESUBMITTAL
3	01/05/2016	PLANNING DEPT. RESUBMITTAL
4	02/02/2016	PLANNING DEPT. RESUBMITTAL
5	02/22/2016	PLANNING DEPT. RESUBMITTAL
6	03/02/2016	PLANNING DEPT. RESUBMITTAL

**BURDGE & Associates**  
ARCHITECTS

MALIBU SUN VALLEY WWW.BUJIA.COM

21225 PACIFIC COAST HWY. ANIMAS PROJECTS INC.  
MALIBU, CA 90265 80411 2ND C.  
TEL: 310-458-5905 FAX: 310-458-5905  
TEL: 204-499-3208

DESCRIPTION:

SITE PLAN

DRAWING NO. **A-0.1**

PROJECT	DOERKEN RESIDENCE
DATE	1/14/2016
SCALE	1/8" = 1'-0"
DRAWN BY	DWB



# DOERKEN RESIDENCE

21106 PACIFIC COAST HWY.  
MALIBU,  
CA 90265

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED OR REPRODUCED IN ANY MANNER WITHOUT AGREEMENT WITH THE ARCHITECT.

WHILE CONSULTATIONS SHALL BE REQUIRED ON THE JOB SITE, UNDER NO CIRCUMSTANCES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT FROM THE COMPLETION OF ANY WORK.

NO.	DATE	ISSUE
1		2012/01/15 PLANNING DEPT. SUBMITTAL
2		2012/01/15 PLANNING DEPT. RESUBMITTAL
3		2012/01/15 PLANNING DEPT. RESUBMITTAL
4		2012/01/15 PLANNING DEPT. RESUBMITTAL
5		2012/01/15 PLANNING DEPT. RESUBMITTAL

## BURDGE & Associates ARCHITECTS

MALIBU SUN VALLEY WWW.BUAIA.COM

2125 HIGHLAND AVENUE MALIBU, CA 90265 TEL: 310-456-9599

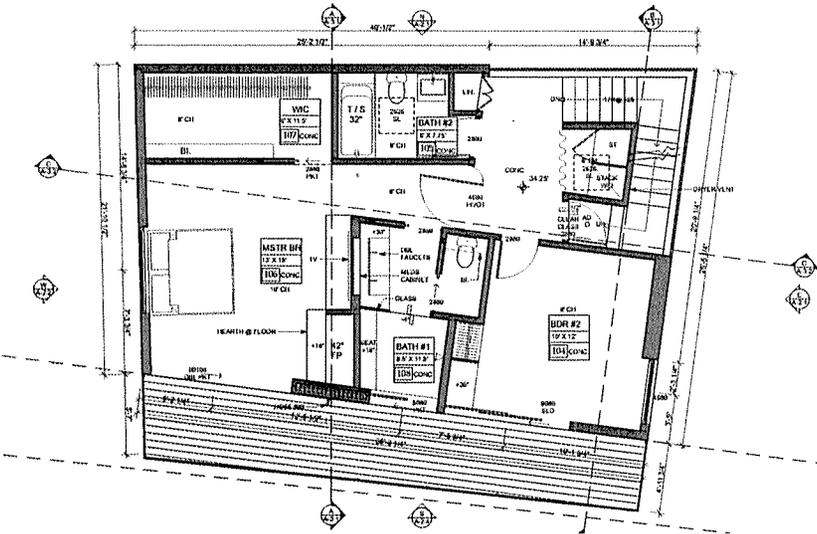
400 WASHINGTON BLVD. SUITE 200-C MELBANK, VIC 3000 TEL: 206-499-2228

DESCRIPTION:

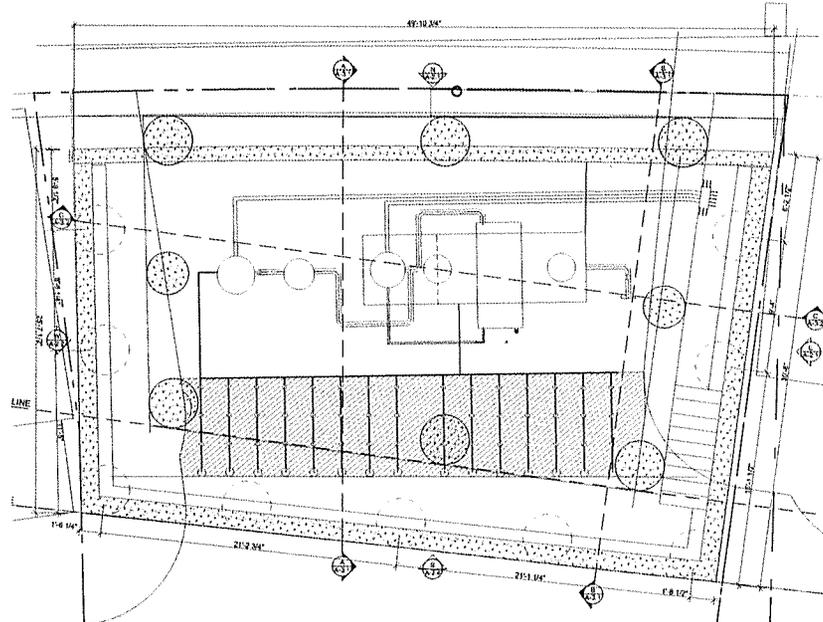
PROPOSED FLOOR PLANS

DRAWING NO. **A-1.1**

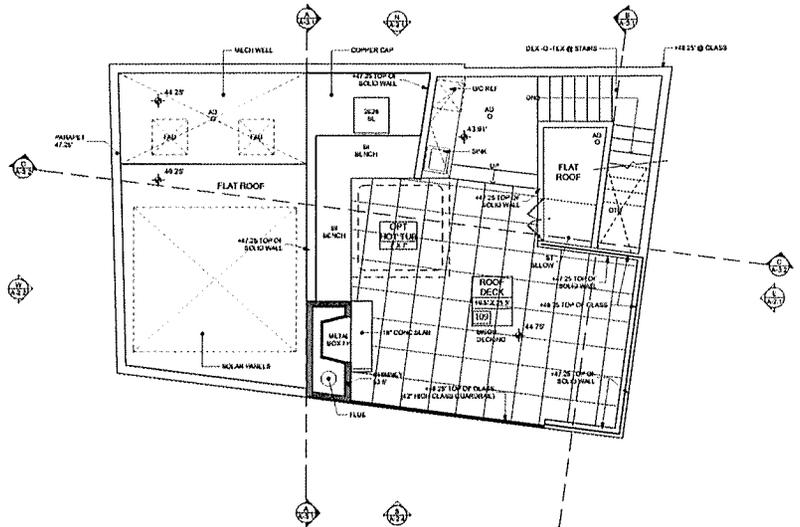
PROJECT: DOERKEN RESIDENCE  
DATE: 01/15/12  
SCALE: 1/4" = 1'-0"  
DRAWN BY: DWB



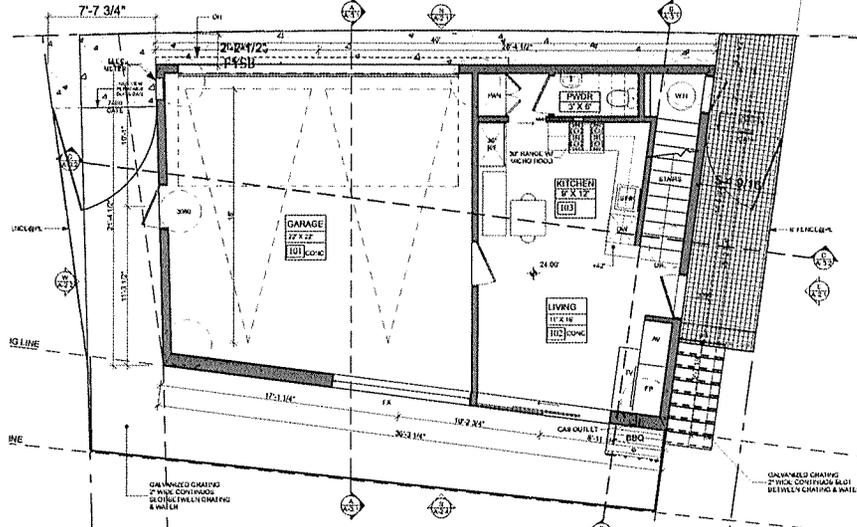
SECOND FLOOR PLAN 3  
1/4" = 1'-0"



CAISSON PLAN 1  
1/4" = 1'-0"



ROOF DECK PLAN 4  
1/4" = 1'-0"



FIRST FLOOR PLAN 2  
1/4" = 1'-0"

# DOERKEN RESIDENCE

21106 PACIFIC COAST HWY.  
MALIBU,  
CA 90265

THE DRAWINGS AND SPECIFICATIONS SHALL BE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED FOR ANY OTHER WORK UNLESS BY WRITTEN AGREEMENT WITH THE ARCHITECT.

WHILE IN PROGRESS, THE OWNER SHALL BE RESPONSIBLE TO THE ARCHITECT FOR THE PROTECTION OF THE ARCHITECT FROM THE COMMENCEMENT OF ANY WORK.

NO.	DATE	ISSUE
01	12/20/15	PLANNING DEPT. SUBMITTAL
02	03/23/16	PLANNING DEPT. RESUBMITTAL
03	04/20/16	PLANNING DEPT. RESUBMITTAL
04	07/20/16	PLANNING DEPT. RESUBMITTAL
05	10/12/16	PLANNING DEPT. RESUBMITTAL

**BURDGE & Associates**  
ARCHITECTS

MALIBU  
SUN VALLEY

WWW.  
BUAIA.COM

21206 PACIFIC COAST HWY. MALIBU, CA 90265  
TEL: 310-454-5595

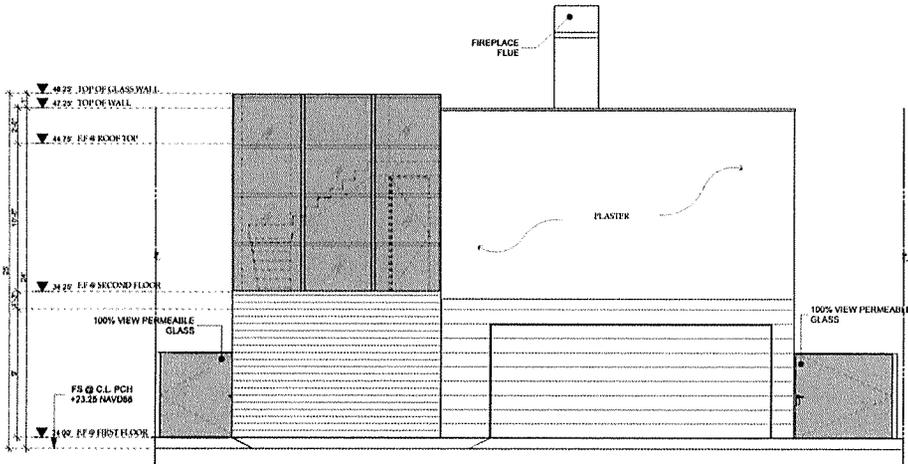
480 W. 193RD STREET, SUITE 204-C, REDDING, CA 96001  
TEL: 530-426-5232

DESCRIPTION:

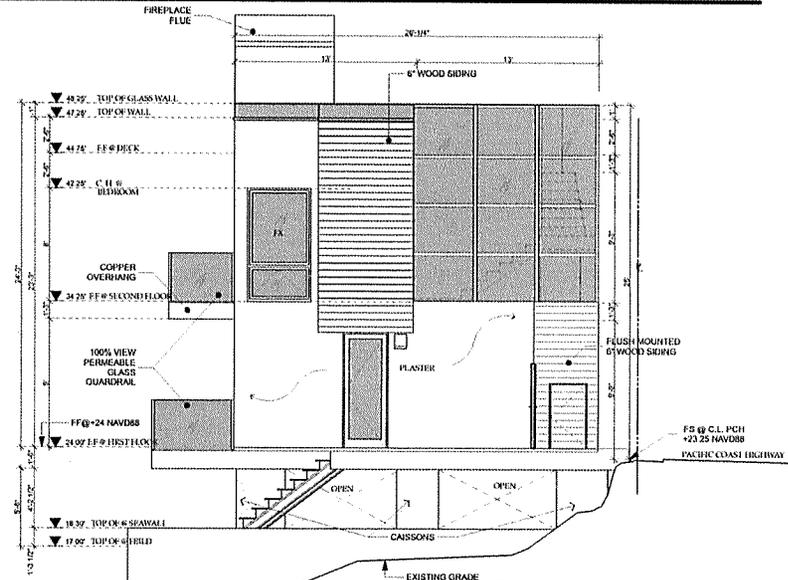
PROPOSED ELEVATIONS

DRAWING NO. **A-2.1**

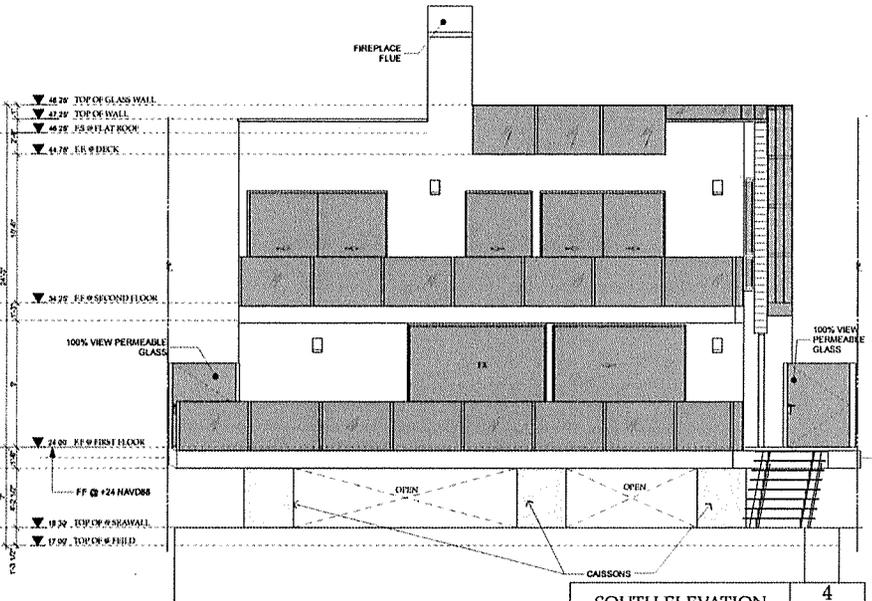
PROJECT: DOERKEN RESIDENCE  
DATE: 1/14/16  
SCALE: AS NOTED  
DRAWN BY: L.W.B.



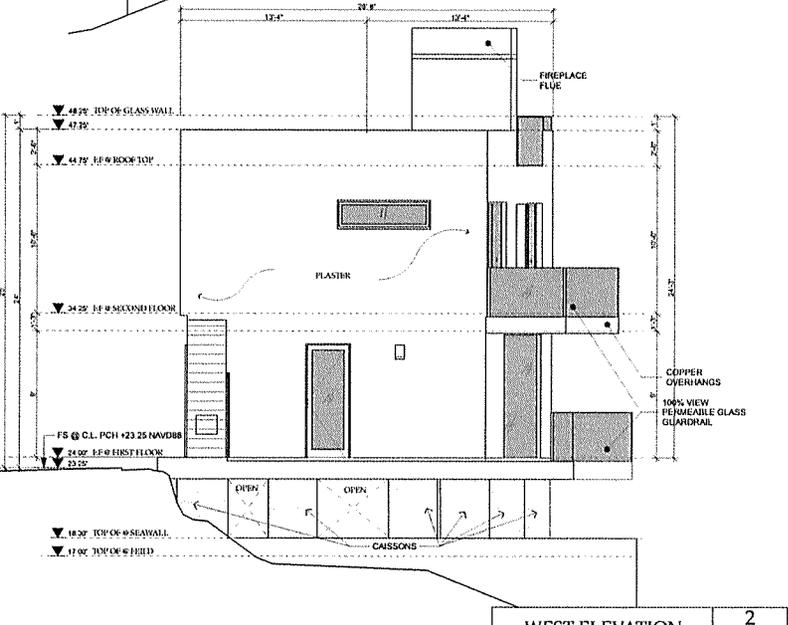
NORTH ELEVATION 3  
1/4" = 1'-0"



EAST ELEVATION 1  
1/4" = 1'-0"



SOUTH ELEVATION 4  
1/4" = 1'-0"



WEST ELEVATION 2  
1/4" = 1'-0"

# DOERKEN RESIDENCE

21106 PACIFIC COAST HWY.  
MALIBU,  
CA 90265

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WRITTEN DIMENSIONS SHALL ALWAYS BE USED ON THE JOB SITE. UNLESS INDICATED SHALL BE SUBJECT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

NO.	DATE	ISSUE
1	02/14/2015	PLANNING DEPT. SUBMITTAL
2	03/03/2015	PLANNING DEPT. RESUBMITTAL
3	04/01/2015	PLANNING DEPT. RESUBMITTAL
4	04/22/2015	PLANNING DEPT. RESUBMITTAL
5	05/07/2015	PLANNING DEPT. RESUBMITTAL

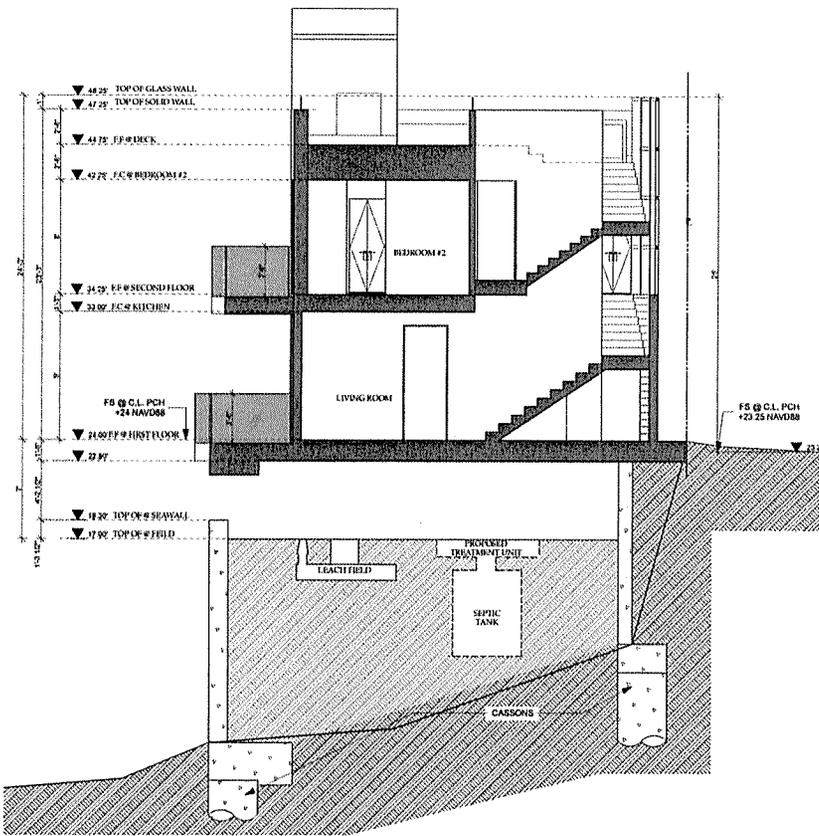
**BURDGE & Associates**  
ARCHITECTS

MALIBU SUN VALLEY WWW.BUAIA.COM  
2725 WASH DC COURT 1000, 4TH FLOOR, MALIBU, CA 90265  
TEL: 310-458-9300 FAX: 310-458-9300

DESCRIPTION:

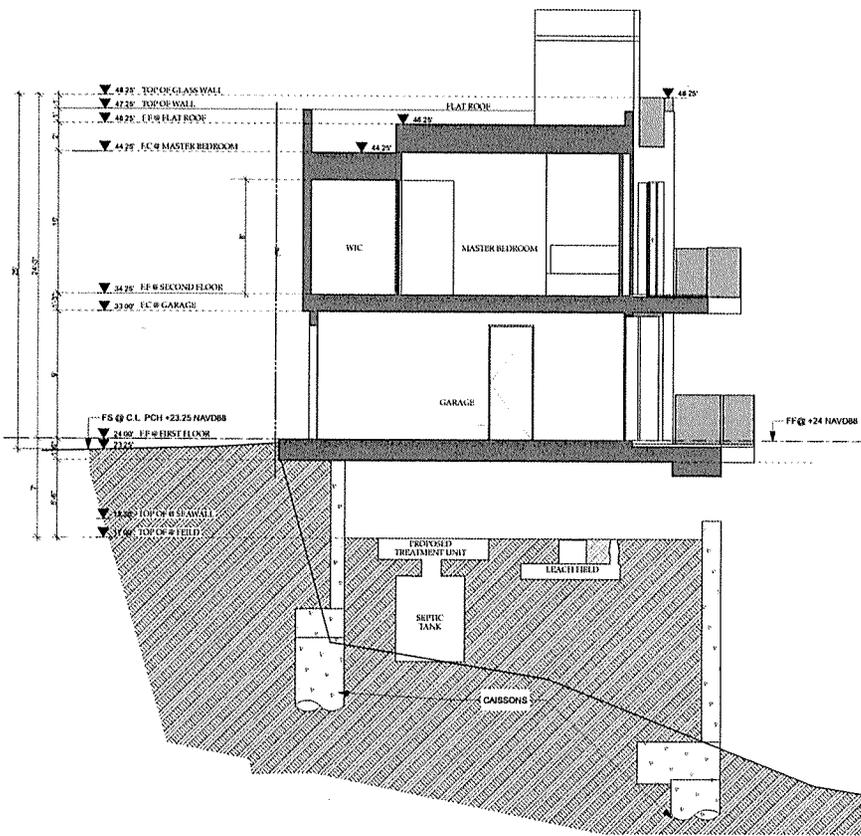
PROPOSED SECTIONS

DRAWING NO.	<b>A-3.1</b>
PROJECT	DOERKEN RESIDENCE
DATE	17th DAY, 2016
SCALE	AS NOTED
DRAWN BY	DWB



SECTION B 

2
1/4" = 1'-0"



SECTION A 

1
1/4" = 1'-0"

# DOERKEN RESIDENCE

21106 PACIFIC COAST HWY.  
MALIBU,  
CA 90265

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WHILE DIMENSIONS SHALL BE VERIFIED ON THE JOB SITE, DIMENSIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

NO.	DATE	ISSUE
02/18/2015		PLANNING DEPT. SUBMITTAL
03/03/2015		PLANNING DEPT. RESUBMITTAL
10/01/2015		PLANNING DEPT. RESUBMITTAL
10/02/2016		PLANNING DEPT. RESUBMITTAL
09/16/2016		PLANNING DEPT. RESUBMITTAL

**BURDGE & Associates**  
ARCHITECTS

MALIBU SUN VALLEY WWW.BUAIA.COM

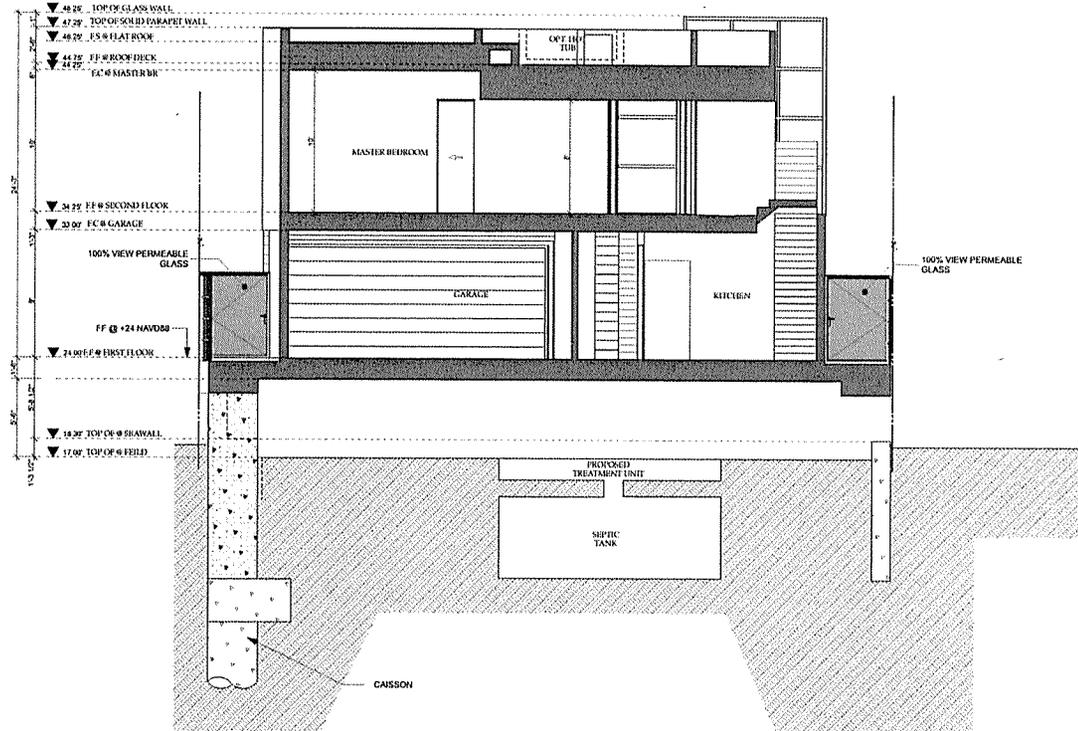
1220 PACIFIC COAST HWY. 480 WASHINGTON AVE.  
MALIBU, CA 90265 MALIBU, CA 90265  
TEL: 310-566-5599 FAX: 310-566-5599  
TEL: 204-496-2228

DESCRIPTION:

PROPOSED SECTION

DRAWING NO. **A-3.2**

PROJECT: DOERKEN RESIDENCE  
DATE: 11/14/16  
SCALE: AS NOTED  
DRAWN BY: JWB



SECTION C 3  
1/4" = 1'-0"



# 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

DATE: 9/19/2014

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 14-054, CE 14-105

JOB ADDRESS: 21106 PACIFIC COAST HWY

APPLICANT / CONTACT: Joseph Lezama, Burdge & Associates

APPLICANT ADDRESS: 21235 Pacific Coast Highway  
Malibu, CA 90265

APPLICANT PHONE #: (310)456-5905

APPLICANT FAX #: \_\_\_\_\_

APPLICANT EMAIL: joseph@buaia.com

PROJECT DESCRIPTION: (N) SFR, (N) OWTS, Bulkhead

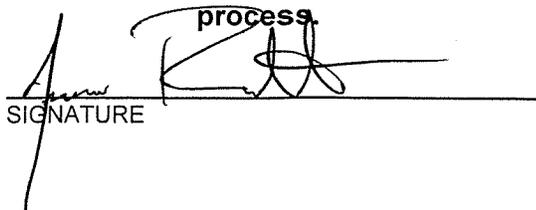
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TO: Malibu Planning Department and/or Applicant

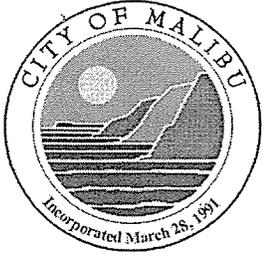
FROM: Public Works Department

\_\_\_\_\_ The following items described on the attached memorandum shall be addressed and resubmitted.

\_\_\_\_\_ 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

10/13/14  
DATE



# City of Malibu

## MEMORANDUM

To: Planning Department

From: Public Works Department  
Jorge Rubalcava, Assist. Civil Engineer *JR*

Date: October 14, 2014

Re: Proposed Conditions of Approval for 21106 Pacific Coast Highway CDP 14-054

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

### GRADING AND DRAINAGE

1. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's Local Implementation Plan (LIP), Section 8.3. **A note shall be placed on the project that addresses this condition.**
2. A Grading and Drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
  - Public Works Department General Notes
  - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
  - The limits of land to be disturbed during project development shall be delineated on the Grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, Areas disturb for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
  - The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.



- If the property contains trees that are to be protected they shall be highlighted on the grading plan.
  - If the property contains rare and endangered species as identified in the Resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
  - Private storm drain systems shall be shown on the Grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
  - Public Storm drain modifications shown on the Grading plan shall be approved by the Public Works Department prior to the issuance of the Grading permit.
3. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMP's shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMP's and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.
  4. The applicant shall label all City/County storm drain inlets within 250 feet from each property line per the City of Malibu's standard label template. A note shall be placed on the project plans that address this condition.

**STORMWATER**

5. A Local Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable



toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

## STREET IMPROVEMNTS

6. This project proposes to construct a new driveway within Caltrans' right-of-way. Prior to the Public Works Department approval of the grading or building permit, the applicant shall obtain encroachment permits from Caltrans for the proposed driveway.

## MISCELLANEOUS

7. The Developers Consulting Engineer shall sign the final plans prior to the issuance of permits.

8. POOLS, SPAS OR DECORATIVE WATER FEATURES – The discharge of the water contained in a Pool, spa and decorative water feature such as a fountain or fish pond is an illegal discharge unless it is discharged to a sanitary sewer system. Malibu has limited sewers available so it is likely that your property cannot legally discharge the contents of the proposed pool or spa to the street without violating the Clean Water Act or the Malibu Water Quality Ordinance. The plans should include the following information and or construction notes:

- Provide information on the plans regarding the type of sanitation that you propose to use for this installation. Ozonation systems are an acceptable alternative to Chlorine. The release of clear water from this system is permitted to either landscaping or sanitary sewer. Salt water sanitation is an acceptable alternative, but the discharge of the salt water is prohibited to both sewer systems and landscape. Highly chlorinated water from pools or spas shall be discharged to a public sewer or may be trucked to a POTW for discharge.
- Provide a construction note that directs the contractor to install a new sign stating **“It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5).”** The new sign shall be posted in the filtration and/or pumping equipment area for the property.

9. WASTE MANAGEMENT FOR CONSTRUCTION SITES - The City of Malibu is required by AB 939 to reduce the flow of wastes to the landfills of Los Angeles and Ventura Counties by 50%. Since this project consists of all new construction (residential and nonresidential), the applicant shall comply with the following conditions:

- The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: Asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall. Prior to Public Works approval of the final plans, an **Affidavit and Certification** to implement a Waste Reduction and Recycling Plan for the above project types shall be signed by the Owner or Contractor shall be submitted to the Public Works Department. The WRRP shall



indicate the agreement of the applicant to divert at least 50% of all construction waste generated by the project.

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





# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-7650

**RECEIVED**

JUL 17 2015

## FIRE DEPARTMENT REVIEW PLANNING DEPT. REFERRAL SHEET

TO: Los Angeles County Fire Department      DATE: 9/19/2014  
 FROM: City of Malibu Planning Department  
 PROJECT NUMBER: CDP 14-054, VAR 15-001, CE 14-105  
 JOB ADDRESS: 21106 PACIFIC COAST HWY  
 APPLICANT / CONTACT: Joseph Lezama, Burdge & Associates  
 APPLICANT ADDRESS: 21235 Pacific Coast Highway  
                                   Malibu, CA 90265  
 APPLICANT PHONE #: (310) 456-5905  
 APPLICANT FAX #: \_\_\_\_\_  
 PROJECT DESCRIPTION: (N) SFR, (N) OWTS, Bulkhead

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 X
- The project DOES NOT require Fire Department Plan Review \_\_\_\_\_
- The required fire flow for this project is 1000 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.) X
- The project is required to have an interior automatic fire sprinkler system. X
- Final Fuel Modification Plan Approval is required prior to Fire Department Approval X

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.	<u>X</u>	_____
Required and/or proposed Fire Department Vehicular Turnaround	<u>NA</u>	_____
Required 5 foot wide Fire Department Walking Access (including grade %)	<u>X</u>	_____
Width of proposed driveway/access roadway gates	<u>NA</u>	_____

\*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.

M. Bonner  
SIGNATURE

8/11/15  
DATE

Additional requirements/conditions may be imposed upon review of complete architectural plans.  
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341 or at the Fire Department Counter:  
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday - Thursday between 7:00 AM and 11:00 AM



FILE

# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-7650

## BIOLOGY REVIEW REFERRAL SHEET

3/6/15

TO: City of Malibu City Biologist ~~DATE: 9/19/2014~~

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 14-054, VAR 15-001, CE 14-105

JOB ADDRESS: 21106 PACIFIC COAST HWY

APPLICANT / CONTACT: Joseph Lezama, Burdge & Associates

APPLICANT ADDRESS: 21235 Pacific Coast Highway  
Malibu, CA 90265

APPLICANT PHONE #: (310) 456-5905

APPLICANT FAX #:

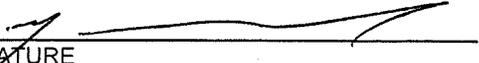
APPLICANT EMAIL: joseph@buaia.com

PROJECT DESCRIPTION: (N) SFR, (N) OWTS, Bulkhead

TO: Malibu Planning Division and/or Applicant

FROM: Dave Crawford, City Biologist

- 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).
- 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

5/5/15  
DATE

Additional requirements/conditions may be imposed upon review of plan revisions. Dave Crawford City Biologist, may be contacted on Tuesday between 9:00 am and 11:00 am at the City Hall Public counter, by leaving an e-mail at [dccrawford@malibucity.org](mailto:dccrawford@malibucity.org) or by leaving a detailed voice message at (310) 456-2489, extension 277.

# City of Malibu

23815 Stuart Ranch Road, Malibu, California 90265  
(310) 456-2489 Fax (310) 456-7650

Planning Department

## BIOLOGICAL REVIEW

**Site Address: 21106 Pacific Coast Highway**  
**Applicant/Phone: Joseph Lezama/ 310.458.5905**  
**Project Type: NSFR, NOWTS, Bulkhead (REVISED)**  
**Project Number: CDP 14-054**  
**Project Planner: Amanda Chiancola**

**REFERENCES: Site survey, site plans**

### RECOMMENDATIONS:

1. The revised project is **APPROVED** 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 (6) feet in height, or change of 2,500 sq.ft. or more of the existing landscaping, a detailed landscape plan shall be submitted for review and approval prior to any planting.
  - B. All new construction shall occur landward of the deck and building stringlines as applicable.
  - C. No equipment or materials shall be operated or staged on the beach landward of the high, high tide line.

Reviewed By: \_\_\_\_\_

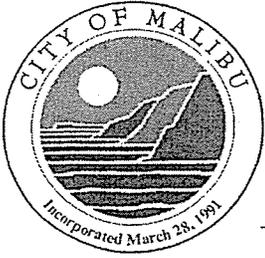
Dave Crawford, City Biologist

310-456-2489 ext.227 (City of Malibu); e-mail [dcrawford@malibucity.org](mailto:dcrawford@malibucity.org)

Date: \_\_\_\_\_

5/5/15





# City of Malibu

Environmental Health • Environmental Sustainability Department  
 23825 Stuart Ranch Road • Malibu, California • 90265-4861  
 Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

## ENVIRONMENTAL HEALTH REVIEW SHEET

### PROJECT INFORMATION

Applicant: (name and email address)	Joseph Lezama joseph@buaia.com	
Project Address:	21106 Pacific Coast Highway Malibu, CA 90265	
Planning Case No.:	CDP 14-054	
Project Description:	April 27, 2015	
Date of Review:	21106 Pacific Coast Highway	
Reviewer:	Andrew Sheldon	Signature: <i>A. Sheldon</i>
Contact Information:	Phone: (310) 456-2489 ext. 364	Email: asheldon@malibucity.org

### SUBMITTAL INFORMATION

Architectural Plans:	Burdge Assoc.: Architectural plans submitted to Planning on 9-19-2014; revised plans submitted on 4-2-2015.
Grading Plans:	GeoWorks: Grading plans submitted to Planning on 3-17-2015
OWTS Plan:	Ensitu (06-11-13)
OWTS Report:	Ensitu (04-15-13)
Geology Report:	N/A
Miscellaneous:	N/A
Previous Reviews:	10-7-2014

### REVIEW FINDINGS

Planning Stage:	<input checked="" type="checkbox"/>	<b>CONFORMANCE REVIEW COMPLETE</b> for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Plumbing Code (MPC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	<input type="checkbox"/>	<b>CONFORMANCE REVIEW INCOMPLETE</b> for the City of Malibu LIP and MPC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
Plan Check Stage:	<input type="checkbox"/>	<b>APPROVED</b>
	<input checked="" type="checkbox"/>	<b>NOT APPROVED</b> Please respond to the listed plan check review comments and conditions of Planning conformance review.
OWTS Plot Plan:	<input type="checkbox"/>	<b>NOT REQUIRED</b>
	<input checked="" type="checkbox"/>	<b>REQUIRED (attached hereto)</b> <input type="checkbox"/> <b>REQUIRED (not attached)</b>

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new alternative onsite wastewater treatment system (AOWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed AOWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2013 Edition with City of Malibu local amendments (Malibu Municipal Code Section 12.12; hereinafter MPC), and the City of Malibu Local Coastal Program/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project AOWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

### **Conditions of Planning Conformance Review**

- 1) **Final AOWTS Plot Plan:** A final plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the MPC, and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The AOWTS Plot Plan shall show essential features of the AOWTS, existing improvements, and proposed/new improvements. The plot must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).
- 2) **Final AOWTS Design Report, Plans, and System Specifications:** A final AOWTS design report and construction drawings with system specifications (four sets) shall be submitted to describe the AOWTS design basis and all components proposed for use in the construction of the AOWTS. All plans and reports must be signed by the California-registered Civil Engineer, Registered Environmental Health Specialist, or Professional Geologist who is responsible for the design. The final AOWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

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

- a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture schedule, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.
- b. Sewage and effluent pump design calculations.
- c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.
- d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including



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

- e. All AOWTS design drawings shall be submitted with the wet signature and typed name of the AOWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).

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

- 3) **Building Plans:** All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
- 4) **Architect / Engineer Certification for Reduction in Setbacks to Buildings or Structures:** All proposed reductions in setback from the onsite wastewater treatment system to structures (i.e., setbacks less than those shown in Malibu Plumbing Code Table H 1.7) must be supported by a letter from the project Structural Engineer and a letter from the project Soils Engineer (i.e., a Geotechnical Engineer or Civil Engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the onsite wastewater treatment system, and will not adversely affect the structural integrity of the structures for which the Table H 1.7 setback is reduced.

All proposed reductions in setback from the onsite wastewater treatment system to buildings (i.e., setbacks less than those shown in Table H 1.7) also must be supported by a letter from the project Architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California licensed architect, then the required Architect's certification may be supplied by an Engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setback to the wastewater system; in this case the Engineer must include in his letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback(s), then the Architect (or Engineer) must provide associated construction documents for review and approval during Building Plan Check

The wastewater plans and the construction plans must be specifically referenced in all certification letters. The construction plans for all structures and/or buildings with reduced setback must be approved by City of Malibu Building and Safety prior to Environmental Health final approval. The plans architectural and/or structural plans submitted for Building and Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/waterproofing plans must show the location of onsite wastewater treatment system components in relation to those structures from



which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

- 5) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.
- 6) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the AOWTS designer shall be submitted. This shall be the same operations and maintenance manual proposed for later submission to the owner and/or operator of the proposed alternative onsite wastewater disposal system.
- 7) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed alternative onsite wastewater disposal system after construction shall be submitted. **Please note only original "wet signature" documents are acceptable.**
- 8) **AOWTS Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an alternative method of sewage disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix H, Section H 1.10. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. **Please submit a certified copy issued by the Los Angeles County Recorder.**
- 9) **Covenant to Forfeit 100% Expansion Effluent Disposal Area:** A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that (1) the private sewage disposal system serving the development on the property does not have a 100% expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)) and (2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through an operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental Sustainability Department. **Please submit a certified copy issued by the Los Angeles County Recorder.**
- 10) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu Geologist and Geotechnical Engineer final approval of the AOWTS plan shall be submitted.
- 11) **City of Malibu Coastal Engineering Approval:** City of Malibu Coastal Engineering final approval of the AOWTS plan shall be submitted.
- 12) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the AOWTS plan shall be obtained.



- 13) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the AOWTS design and system specifications.
- 14) **Operating Permit Application and Fee:** In accordance with M.M.C. Chapter 15.14, an application shall be made to the Environmental Health office for an AOWTS operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

-o0o-

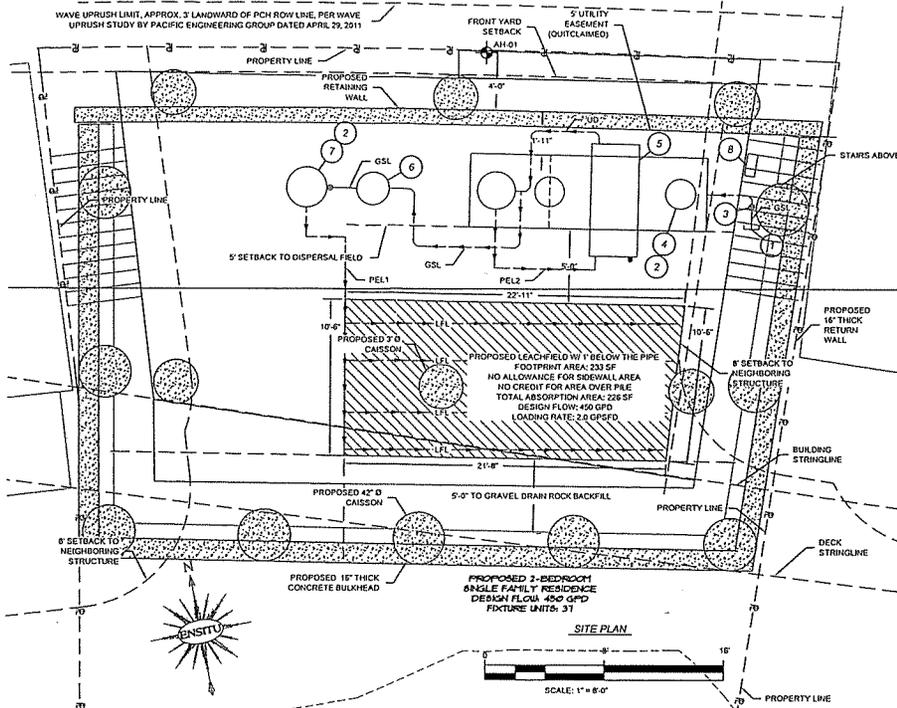
If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file  
Planning Department



21106 PACIFIC COAST HIGHWAY (CDP 11-025)  
MALIBU, CA 90265

S.F.R.:	2 Bedrooms/38 Fixture Units (N)
SEPTIC/RECIRC. TANK:	2000 Gallon w/ Duplex Pump (N)
FILTER:	1 - OSI AdvanTex AX-20 (N)
DISINFECTION:	1 - Norweco BK2000 (N)
ACTIVE:	1 - 233 sq ft Pressure Dosed Drain Field (N)
FUTURE:	N/A
PERC RATE:	Sand Category
LOADING RATE:	1.0 gpsfd (peak)
DESIGNER:	John Yaroslaski, RCE 60149
REFERENCE:	Ensitu Engineering: Design Report dated 08-03-2011; preliminary design drawing issued 08-03-2011



- NOTES:
- This conformance review is for a new 2 bedroom (38 fixture units) single family residence. A new alternative onsite wastewater treatment system shall be installed, as shown. The new alternative onsite wastewater treatment system conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).
  - This review relates only to the minimum requirements of the MPC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of wastewater treatment.
  - This review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

- NOTES:
- PRIOR TO COMMENCING WORK TO ABANDON, REMOVE, OR REPLACE EXISTING ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) COMPONENTS AN "OWTS ABANDONMENT PERMIT" SHALL BE OBTAINED FROM THE CITY OF MALIBU. ALL WORK PERFORMED IN THE OWTS ABANDONMENT, REMOVAL, OR REPLACEMENT AREA SHALL BE PERFORMED IN STRICT ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL ENVIRONMENTAL AND OCCUPATIONAL SAFETY AND HEALTH REGULATORY REQUIREMENTS. THE OBTAINMENT OF ANY SUCH REQUIRED PERMITS OR APPROVALS FOR THIS SCOPE OF WORK SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND THEIR AGENTS.
  - EXISTING SEPTIC TANKS REQUIRING REMOVAL SHALL BE PUMPED, CRUSHED AND FILLED WITH LOCAL FILL MATERIAL COMPACTED TO 95% OF ASTM D1557. SEWER PIPE SHALL BE BEDDED IN ACCORDANCE WITH SPECIFICATIONS AND TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2010 EDITION, ADOPTED BY REFERENCE BY THE CITY OF MALIBU.
  - SYSTEM COMPONENTS AND APPURTENANCES (INCLUDING CLEAN-OUTS) SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2010 EDITION, ADOPTED BY REFERENCE BY THE CITY OF MALIBU.
  - ELECTRICAL COMPONENTS AND APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION, ADOPTED BY REFERENCE BY THE CITY OF MALIBU.
  - A REGISTERED GEOTECHNICAL ENGINEER, UNDER THE DIRECTION OF THE OWNER, SHALL DETERMINE IF THE WASTEWATER LOADING RATE WILL CAUSE THE EXISTING SLOPE TO BECOME UNSTABLE. ENSITU ENGINEERING, INC. IS NOT A GEOTECHNICAL ENGINEERING FIRM. THEREFORE, WE CANNOT PREDICT AND/OR DETERMINE THE STABILITY OF THE EXISTING SLOPE.
  - ALL DIMENSIONS AND GRADES SHALL BE VERIFIED BY CONTRACTOR PRIOR TO SYSTEM INSTALLATION. BUILDING SEWER DEPTH OR CONNECTION POINT WAS NOT PROVIDED AND SHALL BE DETERMINED BY CONTRACTOR PRIOR TO CONSTRUCTION.
  - ONSITE WASTEWATER TREATMENT SYSTEM SHALL BE VENTED IN ACCORDANCE WITH REQUIREMENTS OF TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2010 EDITION, ADOPTED BY REFERENCE BY THE CITY OF MALIBU.
  - CONTRACTOR TO VERIFY DEPTH AND LOCATION OF BUILDING SEWER CONNECTION, MINIMUM 2% SLOPE FROM STRUCTURE TO CONNECTION POINT.

PIPING SCHEDULE		
TAG	DESCRIPTION	SPECIFICATION
GSL	PROPOSED GRAVITY SEWER LINE	4" SCH40 PVC
PEL2	PROPOSED PUMPED EFFLUENT LINE	2" SCH80 PVC
PEL1	PROPOSED PUMPED EFFLUENT LINE	1" SCH80 PVC
UD	PROPOSED GRAVITY UNDERDRAIN	4" SCH40 PVC
LFL	PROPOSED LEACHFIELD LATERAL	1" SCH80 PVC

OWTS MAX. DESIGN CAPACITY	
COMPONENT	CAPACITY
TANK	45 FIXTURE UNITS
TREATMENT	600 GPD / 3 BEDROOMS
DISINFECTION	2000 GPD / 12 BEDROOMS
DISPERSAL	450 GPD @ 2 GPSFD / 2 BEDROOMS

THESE PLANS SHOULD BE SENT TO ALL THE DESIGN CONSULTANTS FOR THE ABOVE PROJECT INCLUDING: ARCHITECT; STRUCTURAL ENGINEER; GEOLOGIST; GEOTECHNICAL ENGINEER; COASTAL ENGINEER; CIVIL ENGINEER; AND OTHERS

LEGEND  
 AH-01 HOLLOW STEM AUGER BORING (SUBSURFACE DESIGNS, 2011)

SETBACK REDUCTIONS			
COMPONENT	SETBACK ELEMENT	CODE REQUIREMENT	ACTUAL
SEPTIC TANK	RETAINING WALL	5'	1'-11"

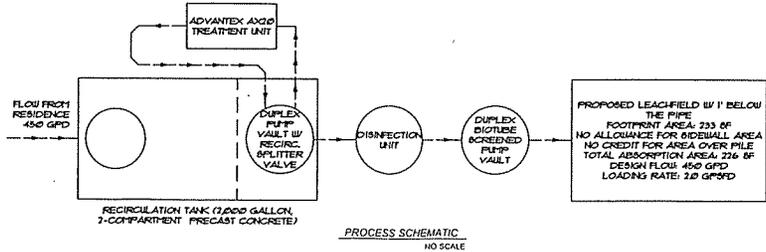
EQUIPMENT SCHEDULE			
ITEM	QTY	DESCRIPTION	MFG/PART NUMBER
1	1	CONNECTION TO BUILDING SEWER	
2	2	DUPLEX PUMP SYSTEM	ORENCO
3	1	GRAVITY CLEAN-OUT	
4	1	SEPTIC RECIRCULATION TANK (2000 GALLON, 2-COMPARTMENT PRECAST CONCRETE)	JENSEN
5	1	TREATMENT UNIT	ORENCO ADVANTEX AX20
6	1	DISINFECTION UNIT	NORWECO BIOKINETIC BK 2000
7	1	PUMP BASIN	ORENCO
8	1	REMOTE TELEMETRY CONTROL UNIT	ORENCO

CITY OF MALIBU  
 ENVIRONMENTAL SUSTAINABILITY DEPT  
 ENVIRONMENTAL HEALTH  
**CONFORMANCE REVIEW**

APR 27 2015

SIGNATURE: *[Signature]*

THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS.



FINAL FOR APPROVAL  
 ISSUED  
 29 April 2013

*[Signature]*  
 JOHN N. YAROSLASKI  
 PRINCIPAL ENGINEER

21106 PACIFIC COAST HIGHWAY  
 SITE PLAN & PROCESS SCHEMATIC 11x17  
 MALIBU, CALIFORNIA

REVISIONS

NO.	DATE	BY	DESCRIPTION
1	08/03/11	JNY	ISSUED FOR PERMITS

DATE: 11/15/15  
 DESIGNED BY: JNY  
 DRAWN BY: JNY  
 CHECKED BY: JNY  
 JOB NO. 624-02  
 SHEET 1 of 1



CDP 14-054

# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-3356

RECEIVED  
JUL 17 2015  
PLANNING DEPT.

## COASTAL ENGINEERING REVIEW REFERRAL SHEET

6/11/15

TO: City of Malibu Coastal Engineer Staff

DATE: ~~9/19/2014~~

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 14-054, VAR 15-001, CE 14-105

JOB ADDRESS: 21106 PACIFIC COAST HWY

APPLICANT / CONTACT: Joseph Lezama, Burdge & Associates

APPLICANT ADDRESS: 21235 Pacific Coast Highway  
Malibu, CA 90265

APPLICANT PHONE #: (310) 456-5905

APPLICANT FAX #: \_\_\_\_\_

APPLICANT EMAIL: joseph@buaia.com

PROJECT DESCRIPTION: (N) SFR, (N) OWTS, Bulkhead

TO: Malibu Planning Division and/or Applicant

FROM: Coastal Engineering Reviewer

The project is feasible and CAN proceed through the Planning process.\*

The project CANNOT proceed through the planning process until geotechnical feasibility is determined. Depending upon the nature of the project, this may require engineering geologic and/or geotechnical engineering (soils) reports which evaluate the site conditions, factor of safety, and potential geologic hazards.

  
SIGNATURE

6/18/2015  
DATE

Determination of Coastal Engineering feasibility is not approval of building and/or grading plans. Plans and/or reports must be submitted for Building Department approval, and may require approval of both the City Geotechnical Engineer, and City Coastal Engineer. Additional requirements/conditions may be imposed at the time of building and/or grading plans are submitted for review. Geotechnical reports may also be required.

City Coastal Engineering Staff may be contacted on Tuesday and Thursday between 8:00 am and 11:00 am at the City Hall Public counter, or by calling (310) 456-2489, extension 307.

\* see attached review letter for conditions.



# City of Malibu

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

## COASTAL ENGINEERING REVIEW SHEET

### Project Information

<b>Date:</b> June 18, 2015	<b>Review Log #:</b> C406	
<b>Site Address:</b> 21106 Pacific Coast Highway	<b>Lat:</b>	<b>Lon:</b>
<b>Lot/Tract/PM #:</b> APN 4450-010-023	<b>Planning #:</b> CDP 14-054	
<b>Applicant:</b> Joseph Lezama	<b>BPC/GPC #:</b> N/A	
<b>Phone #:</b> 310-456-5905	<b>Email:</b> joseph@buaia.com	<b>Planner:</b> A. Chiancola
<b>Project Type:</b> NSFR, NOWTS, New bulkhead		

### Submittal Information

<b>Consultant(s):</b>	Pacific Engineering Group
<b>Report Date(s):</b>	04-29-11
<b>Project Plan(s):</b>	Submittal 4-6-15, (6-11-15 revised arch.plan)
<b>Previous Reviews:</b>	6-21-11, 9-8-11 (CDP 11-025), 6-6-13 (IPC 12-1633)
<b>FEMA SFHA:</b>	23.6 ft NAVD88
<b>El. FF:</b>	24.0 ft NAVD88
<b>El. Lowest Mbr:</b>	20.0 ft NAVD88
<b>El. Bulkhead Top:</b>	18.3 ft NAVD88

### Review Findings

#### **Planning Stage**

- APPROVED** in **PLANNING** - stage from a coastal engineering perspective, with conditions listed. The listed Building Plan-Check Coastal Review Comments shall be addressed prior to Building Plan-Check approval.
- NOT APPROVED** in **PLANNING** - stage from a coastal engineering perspective. The listed Planning Stage Coastal Review Comments shall be addressed prior to Planning-stage approval.

#### **Building Plan-Check Stage**

- Awaiting Building plan check submittal. The listed 'Building Plan-Check Stage Review Comments' may be deferred for Planning Stage approval but shall be addressed prior to Building Plan-Check Stage approval.
- APPROVED** from a coastal engineering perspective.
- NOT APPROVED** from a coastal engineering perspective. Please respond to the listed 'Building Plan-Check Stage Review Comments.'

#### Remarks:

The referenced plans and reports were reviewed by the City from a coastal engineering perspective relative to the requirements of the following City codes and guidelines:

- City of Malibu Local Coastal Program – Land Use Plan and Local Implementation Plan (LCP-LUP and LCP-LIP)

- Malibu Municipal Code – Title 15, Buildings and Construction, and
- City of Malibu Guidelines for the Preparation of Coastal Engineering Reports and Procedures for Report Submittal. (referred to herein as *Coastal Engineering Report Guidelines*)

The proposed project is a resubmittal of a previously approved project with an expired coastal development permit (CDP 11-025). The project will include construction of a new residence, new alternative onsite wastewater treatment system, and new shore protection. The plans and report were reviewed for consistency with the previously submitted and approved project. The current submittal includes new architectural (rec'd 6/11/15) and grading & drainage (rec'd 5/13/15) plans, and resubmittal of the June 11, 2013 OWTS plan and April 4, 2013 (revised) bulkhead plan. The coastal engineering elements of the project, including the proposed locations and elevations of the bulkhead and return walls, remain unchanged. The proposed bulkhead appears to be designed at the most landward location feasible.

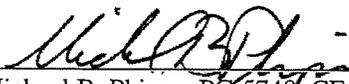
**Planning Stage Conditions of Approval:**

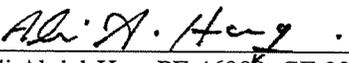
1. The property owner shall comply with the requirements for recorded documents and deed restrictions outlined in Sections 10.6A and 10.6B.1 of the LCP/LIP.
2. The westerly property line of the subject property is not clearly depicted on the Site Plan (A-0.1) and subsequent architectural plan sheets. An angle point in the western property line occurs 24 feet south of the Pacific Coast Highway right-of-way line but is not clearly shown on the plans and may have been misinterpreted. This discrepancy does not impact the coastal engineering review findings but should be corrected. The property line appears to be correct on the other above-mentioned plan sets (grading & drainage, OWTS and bulkhead plans).
3. References to "NAVD '24 Recommended Finish Flr. Elevation" on Sheets A-2.1 and A-3.1 of the architectural plans are incorrect. These labels should be corrected to read: FF@+24.0 Ft. NAVD88.
4. The proposed bulkhead and return walls should be clearly shown on the architectural Site Plan (A-0.1).

**Building Plan Check Stage Comments:**

1. One set of grading/drainage, OWTS, bulkhead, architectural and structural plans, incorporating the Coastal Engineering Consultant's recommendations, must be submitted to City coastal engineering review staff for review. To ensure a coordinated plan submittal, the Project Coastal Engineer shall review, stamp, and manually sign the entire plan set prior to submittal into building plan check.
2. A fee of \$672 will be due upon submittal, for building plan check review by City coastal engineering review staff.

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

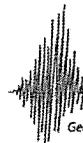
Reviewed by:  June 18, 2015  
Michael B. Phipps, PG 5748, CEG 1832 Date  
Coastal Engineering Review Staff (x 307)

Reviewed by:  June 18, 2015  
Ali Abdel-Haq, PE 46989, GE 2308 Date  
Coastal Engineering Review Staff

*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

23825 Stuart Ranch Road • Malibu, California 90265-4861  
(310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

AC

## GEOTECHNICAL REVIEW SHEET

### Project Information

<b>Date:</b>	July 27, 2015	<b>Review Log #:</b>	3268
<b>Site Address:</b>	21106 Pacific Coast Highway	<b>Planning #:</b>	CDP 11-025
<b>Lot/Tract/PM #:</b>	n/a	<b>BPC/GPC #:</b>	
<b>Applicant/Contact:</b>	Joseph Lezama, joseph@buaia.com	<b>Planner:</b>	Amanda Chiancola
<b>Contact Phone #:</b>	310-456-5905	<b>Fax #:</b>	
<b>Project Type:</b>	New single-family residential development, new onsite wastewater treatment system (OWTS)		

### Submittal Information

**Consultant(s) / Report Date(s):** Subsurface Designs, Inc. (Mahn, RCE 60293; Triebold, CEG 1796):  
*(Current submittal(s) in Bold.)* **5-29-15**, 12-15-14, 7-5-11, 5-19-11  
Subsurface Designs, Inc. (Triebold, CEG 1796): 7-6-11  
EnSitu Engineering, Inc. (Yaroslaski, RCE 60149): **4-15-13**

Building Plans prepared by Burdge & Associates Architects dated March 4, 2015.

**Final Onsite Wastewater Treatment System plan prepared by EnSitu Engineering, Inc. dated June 11, 2013.**

Grading plans prepared by Project Engineering Group dated May 24, 2011.

**Previous Reviews:** Environmental Health Review Sheet dated April 27, 2015, 4-8-15, Geotechnical Review Referral Sheet dated 9-23-14, 7-8-13, 10-24-11, 6-20-11, Geotechnical Review Referral Sheet dated 5-31-11

### Review Findings

#### Coastal Development Permit Review

- The residential project is **APPROVED** from a geotechnical perspective.
- The residential project is **NOT APPROVED** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval of the project.

#### 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 addendum report and OWTS information were reviewed by the City from a geotechnical perspective. The new project comprises constructing a new 1,600 square foot two-story single-family residence and attached garage in approximately the same footprint as that which was severely damaged by the 2008 fire. A new seawall will be constructed to protect a new onsite wastewater treatment system (OWTS) that consists of a treatment tank system and 226 square foot leach field. The design flow is 450 GPD and the loading rate is 2.0 GPSFD.

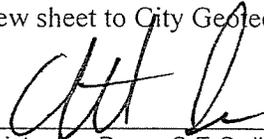
**NOTICE: Applicants shall be required to submit all Geotechnical reports for this project as searchable PDF files on a CD. At the time of Building Plan Check application, the Consultant must provide searchable PDF files on a CD to the Building Department for ALL previously submitted reports that have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

Building Plan-Check Stage Review Comments:

1. Please submit a plan check fee of \$910.00 to City geotechnical staff when submitting plans to Building and Safety.
2. The homeowners shall sign, record at the County of Los Angeles recorder's office, and submit to City geotechnical staff a certified copy of an "Assumption of Risk and Release" for offsite hazards prior to permit issuance.
3. The City of Malibu has adopted the 2014 Los Angeles County Building Code. The Project Geotechnical Consultant shall review the adopted Code and provide pertinent updates so that the proposed project meets the requirements of the new Building Code.
4. Please provide reduced setback letters from the geotechnical, architectural, and structural consultants regarding the OWTS components and adjacent structures (pile foundations, walls, etc.), as appropriate.
5. Please provide a grading plan for review.
6. Include the following note on the building plans: *"The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, minimum depths into the recommended bearing material, depth to groundwater, and a map depicting the locations of the piles"*.
7. Two sets of grading, retaining wall, bulkhead, OWTS, and residence plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer**. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

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

Engineering Geology Review by:

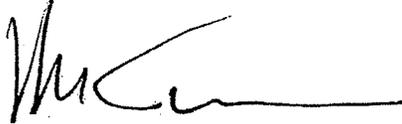


7/27/15

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

Date

Geotechnical Engineering Review by:



July 27, 2015

Kenneth Clements, G. E. # 2010, Exp. 6-30-16  
Geotechnical Engineering Reviewer (805-963-4450)

Date

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

**FUGRO CONSULTANTS, INC.**  
4820 McGrath Street, Suite 100  
Ventura, California 93003-7778  
(805) 650-7000 (Ventura office)  
(310) 456-2489, x306 (City of Malibu)





# City of Malibu

- GEOTECHNICAL -

## NOTES FOR BUILDING PLAN-CHECK

The following standard items should be incorporated into Building Plan-Check submittals, as appropriate:

1. One set of grading, retaining wall, OWTS, bulkhead, and residence plans, incorporating the 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 Geotechnical Consultant(s) on the cover sheet of the Building Plans.
3. Include the following note on Grading and Foundation Plans: "*Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Geotechnical Consultant, as appropriate.*"
4. Include the following note on the Foundation Plans: "*All foundation excavations must be observed and approved by the Geotechnical Consultant prior to placement of reinforcing steel.*"
5. The Foundation Plans for the proposed project shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Geotechnical Consultant's recommendations.
6. Show the onsite wastewater treatment system on the Site Plan.
7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
8. A comprehensive Site Drainage Plan, incorporating the 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.

conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.

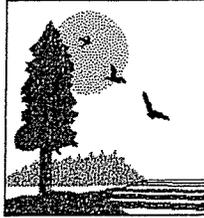
### Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the Geotechnical Consultant, on the Plans.
2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.

### 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

**CALIFORNIA STATE LANDS COMMISSION**  
 100 Howe Avenue, Suite 100-South  
 Sacramento, CA 95825-8202



MAR 05 2012

**CURTIS L. FOSSUM**, Executive Officer  
 (916) 574-1800 FAX (916) 574-1810  
 California Relay Service from TDD Phone 1-800-735-2929  
 from Voice Phone 1-800-735-2922

Contact Phone (916) 574-2275  
 Contact FAX: (916) 574-1835

File Ref: SD 2011-06-16.4

**RECEIVED**

SEP 19 2014

**PLANNING DEPT.**

Jose Iujvidin  
 2420 Sirius Street  
 Thousand Oaks, CA 91360

**SUBJECT:** Coastal Development Project Review for the Proposed  
 Construction of a New Single-Family Residence at 21106 Pacific  
 Coast Highway, City of Malibu, Los Angeles County

Dear Mr. Iujvidin:

This letter is in response to a request you submitted to the California State Lands Commission (CSLC) on behalf of your client, Peter Doerken, for a jurisdictional review of your client's proposed construction of a new single-family residence at 21106 Pacific Coast Highway. CSLC staff reviewed the proposed project to determine:

1. Whether the project will intrude into a 10-foot setback area from the most landward surveyed mean high tide line (MHTL) as set forth in Section 3.6 Residential Development Standards, Paragraph G, 3(c), of the City of Malibu's Local Coastal Program/Local Implementation Plan (Malibu LCP/LIP).
2. Whether the CSLC asserts a sovereign title interest in the property where either the existing improvements or the proposed project is located.

The facts pertaining to your client's project, as we understand them, are these:

- The construction of a new 1,899 square-foot, two-story, split-level, single-family residence with deck on the vacant lot.
- Installation of a new on-site wastewater treatment system (O.W.T.S.)
- Construction of a new seawall/retaining wall to protect the O.W.T.S.
- Placement of rip-rap
- Placement of a temporary sand bag barrier
- This is a well-developed stretch of beach with numerous single-family residences/decks both upcoast and downcoast.

In regard to the first issue, the cited provision of the Malibu LCP/LIP specifically requires that all construction be located a minimum of ten (10) feet landward of the most landward surveyed MHTL. Pursuant to the City of Malibu's development code, this

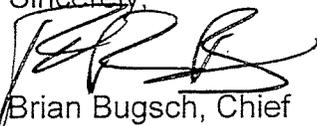
determination is to be made in consultation with the CSLC. Accordingly, based on the MHTL surveys that the CSLC is aware of including the 1928 Los Angeles County MHTL survey, 1961 CSLC MHTL survey, 1944 Tract No. 12634 MHTL survey, 2008 Book 221 Page 76 MHTL survey, and a 2011 MHTL survey prepared by Land and Air Surveying, it appears that the MHTL as surveyed in 2008 represents the most landward surveyed MHTL for most of the subject property. The 2011 and 1961 MHTL appear to be the most landward surveyed MHTL for small portions of the subject property.

From staff's review of the material submitted, the proposed rip rap on the westerly side of the subject property is located approximately 25 feet landward of the 1961 MHTL. The proposed seawall/retaining wall on the easterly side of the subject property is located approximately 18 feet landward of the 2008 MHTL. The proposed rip rap and seawall are the most seaward components associated with the new residence. At this point in time and based on CSLC staff's analysis, the proposed project will not intrude into the Malibu LCP/LIP 10-foot setback area.

The second issue is whether the CSLC asserts a sovereign interest in the property that the project will occupy. As background, the landward boundary of the state's sovereign land ownership is the ambulatory ordinary high water mark. Generally, the ordinary high water mark is measured by the MHTL, except where there has been fill or artificial accretions or the boundary has been fixed by agreement or court decision. MHTL surveys do not create a permanent boundary line, but rather serve as evidence as to the MHTL location at that single point in time. In the absence of a boundary line agreement with this agency or an adjudicated boundary line, the boundary between sovereign land and privately held uplands remains undetermined.

Although we expect the MHTL to continue to fluctuate, at this time CSLC staff does not have sufficient information to conclude the extent to which the MHTL may move landward at the project location. Additional research might reveal where the MHTL is likely to move, but staff believes that the time, effort, and cost to develop such information is not warranted at this time and in this situation. In conclusion, based on the circumstances as set forth above, the property location and the character and history of adjacent development, CSLC staff does not presently claim that the proposed project intrudes onto sovereign lands.

This letter is not intended, nor shall it be construed as, a waiver or limitation of any right, title, or interest of the State in any lands under the jurisdiction of the California State Lands Commission, either now or in the future. If you have any questions, please contact Drew Simpkin, Public Land Management Specialist, at (916) 574-2275.

Sincerely,  
  
Brian Bugsch, Chief  
Land Management Division

cc: City of Malibu – Planning Dept.  
23815 Stuart Ranch Road  
Malibu, CA 90265

Barbara Carey, Supervisor  
Planning and Regulation  
South Central Coast District Office  
California Coastal Commission  
89 South California St., Suite 200  
Ventura, CA 93001

Drew Simpkin, CSLC LMD





Notice Continued...

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

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

**LOCAL APPEAL** - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days (fifteen days for tentative parcel maps) following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org/planning/forms](http://www.malibucity.org/planning/forms) or in person at City Hall, or by calling (310) 456-2489, extension 245.

**COASTAL COMMISSION APPEAL** - 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](http://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'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.**

If you have questions regarding this notice, please contact Christopher Deleau, at (310) 456-2489, extension 273.

Date: May 26, 2016

By: Bonnie Blue, Planning Director

# Notice of Public Hearing



City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265

## Planning Department

### City of Malibu

23825 Stuart Ranch Road

Malibu, CA 90265

(310) 456-2489 Fax (310) 456-7650

## NOTICE OF PUBLIC HEARING

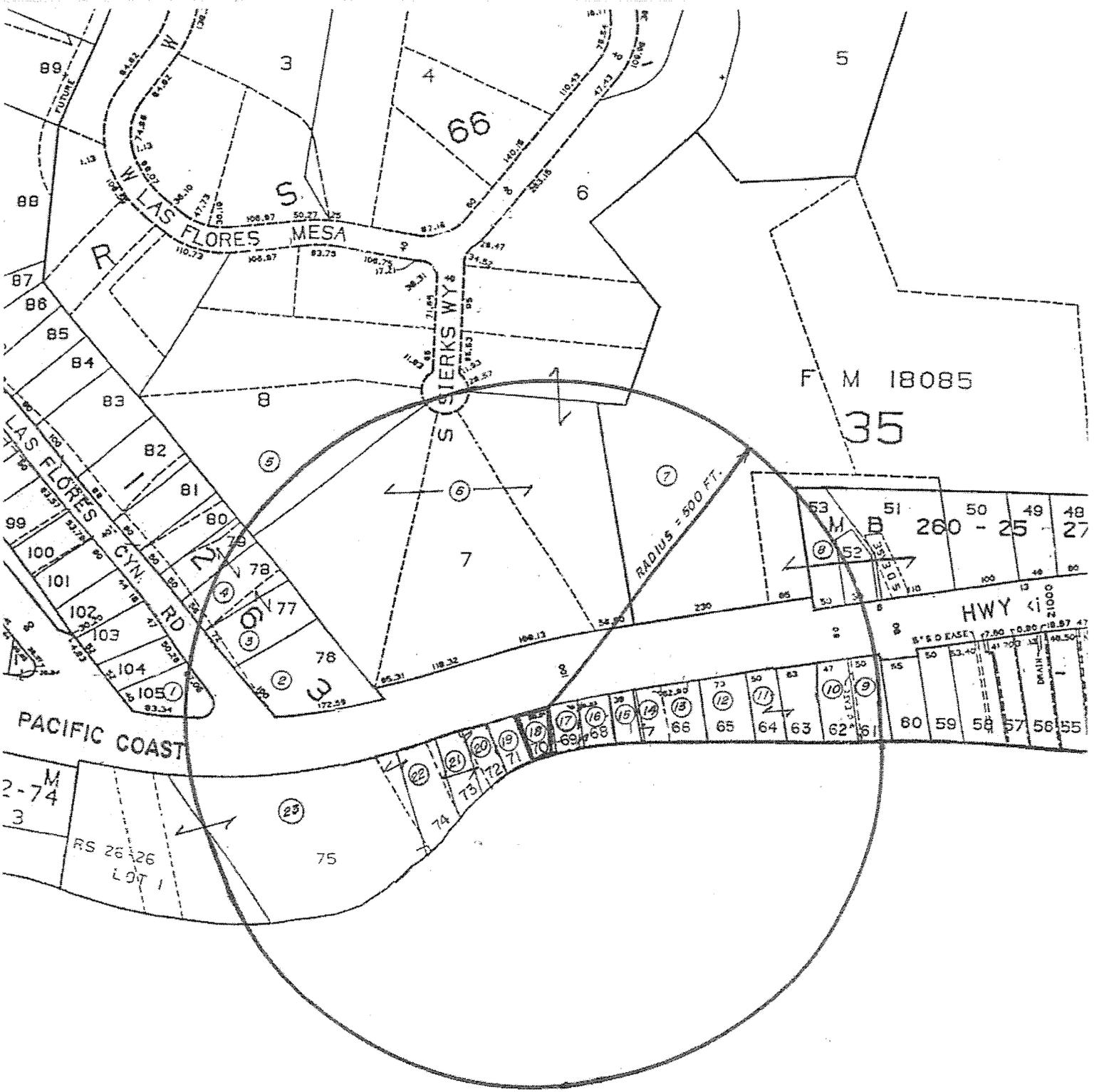
The Malibu Planning Commission will hold a public hearing on **MONDAY, June 20, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, for the project identified below.

**COASTAL DEVELOPMENT PERMIT NO. 14-054 AND VARIANCE NO. 15-001** - An application for removal of existing retaining walls and construction of a new, two-story, 1,286 square foot single-family residence with a 479 square foot attached two-car garage for a total development square footage of 1,765 square feet, decks, bulkhead and a new alternative onsite wastewater treatment system, including a variance request to eliminate two required unenclosed guest parking spaces, with two enclosed parking spaces remaining

LOCATION:	21106 Pacific Coast Highway, within the appealable coastal zone
APN:	4450-010-023
ZONING:	Multi-Family Beachfront (MFBF)
APPLICANT:	Burdge and Associates Architects, Inc.
OWNER:	Doerken 2003 Charitable Remainder Unitrust
APPLICATION FILED:	September 19, 2014
CASE PLANNER:	Christopher Deleau Planning Manager (310) 456-2489, ext. 273 cdeleau@malibucity.org

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Sections 15301(l) - Existing Facilities and 15303(a) New Construction and 15301(l) - . The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).





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35

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HERON  
MAPS

(310) 317 - 1515  
20756 SEABOARD RD.  
MALIBU CA 90265



1" = 200



# Supplemental Commission Agenda Report

Planning Commission  
Meeting  
07-18-16

**Item  
4.B.**

To: Chair Stack and Members of the Planning Commission

Prepared by: Adrian Fernandez, Senior Planner

Approved by: Bonnie Blue, Planning Director *BB*

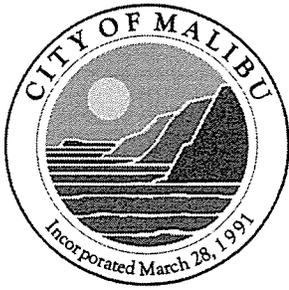
Date prepared: July 15, 2016 Meeting date: July 18, 2016

Subject: Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 – An application for the installation of a new wireless telecommunications facility within the public right-of-way (Continued from June 20, 2016)

Location: 29970.5 Harvester Road  
Nearest APN: 4469-013-021  
Owner: City of Malibu Public Right-of-Way  
Applicant: Carver Chiu of Crown Castle NG West, Inc.

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**RECOMMENDED ACTION:** Continue the item to the August 15, 2016 Regular Planning Commission meeting.



# Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Richard Mollica, Senior Planner *RM*

Reviewed: Bonnie Blue, Planning Director *BS*

Date prepared: July 8, 2016 Meeting Date: July 18, 2016

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

Location: 6050 Murphy Way, not located within the appealable coastal zone  
APN: 4467-004-028  
Owner: C.A. Rasmussen Co. LLC

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

**DISCUSSION:** On June 6, 2016, the Planning Commission opened the public hearing for this item. Due to a lack of quorum, the hearing was not completed, no action was taken, and the item was re-noticed for the July 18, 2016 Regular Planning Commission meeting.

One of the main issues discussed during the June 6<sup>th</sup> meeting was whether the project site is located on a ridgeline. To address this matter, additional information has been added to the *Surrounding Land Use and Project Setting* discussion of this report. The ESHA resources discussion in that section has also been slightly expanded and findings related to ESHA and scenic resources have been clarified. Other than that information, this agenda report provides the same overview of the project, summary of the surrounding land uses, description of the proposed project and a summary of staff's analysis of the project's consistency with the applicable provisions of the Malibu Local Coastal Program (LCP) and the CEQA that was presented in the June 6, 2016 agenda report. The analysis and findings discussed herein demonstrate that the project is consistent with the LCP.

### ***Project Overview***

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

### ***Surrounding Land Uses and Project Setting***

Figure 1 depicts an aerial view of the subject property and vicinity.

**Figure 1 – Aerial photograph of the subject property**



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

<b>Table 1 – Property Data</b>	
Lot Depth	735 ft.
Lot Width	780 ft.
Gross Lot Area	531,183 sq. ft. (12.19 acres)
Area of Street Easements	0 sq. ft.
Area of 1 to 1 Slopes	0 sq. ft.
Net Lot Area <sup>1</sup>	531,183 sq. ft. (12.19 acres)

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

<b>Table 2 – Surrounding Land Uses</b>				
<b>Direction</b>	<b>Address/ Parcel No.</b>	<b>Parcel Size</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	6000 Murphy Way	10.72 acres	RR-10	Vacant
	6015 Murphy Way	1.53 acres	RR-10	Residential
				Residential
6035 Murphy Way	3.92 acres	RR-10	Residential	
<b>East</b>	4460-002-902	89.73 acres	POS	Parkland
<b>South</b>	4467-004-037	11.54 acres	RR-10	Vacant
<b>West</b>	4467-004-036	10.12 acres	RR-10	Vacant

### *ESHA Resources*

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

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<sup>1</sup> Net Lot Area = Gross Lot Area minus the area of street easements and 1 to 1 slopes.

determine the limits of ESHA and the amount of ESHA disturbed. The attached resolution includes conditions of approval requiring remediation of the 71,874 square feet / 1.65 acres of ESHA that was disturbed. In addition, the project has been sited and designed in accordance with the LCP's ESHA requirements.

### *Ridgeline Analysis*

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

LIP Section 2.1 provides the following definitions:<sup>2</sup>

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

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

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

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

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<sup>2</sup> Malibu Municipal Code (MMC) Section 17.40.040(A)(8) provides the same definition.

the building site on this feature did not qualify as a secondary ridgeline and would not have significant adverse visual impacts.

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

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

### ***Project Description***

The proposed project includes the following work:

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

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

<sup>4</sup> TDSF = Total Development Square footage.

- Retaining walls up to six feet in height.

The following discretionary requests are included:

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

### ***LCP Analysis***

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

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

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

### **LIP Conformance Analysis**

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

Zoning (LIP Chapter 3)

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

<b>Table 3 – LCP Zoning Conformance</b>			
<b>Development Requirement</b>	<b>Allowed</b>	<b>Proposed</b>	<b>Comments</b>
<b>SETBACKS</b>			
Front yard setback	65 ft.	174 ft.	Complies
Rear yard setback	110 ft.	340 ft.	Complies
Side yard setback (min. 25% Total)	195 ft.	733 ft.	Complies
Side yard setback (min. 10%)	78 ft.	153 ft.	Complies
<b>CONSTRUCTION ON SLOPES</b>	3:1 or flatter	3:1 or flatter	Complies
<i>HEIGHT</i>	<i>18 ft.</i>	<i>28 ft.</i>	<i>Site Plan Review</i>
<b>TOTAL DEVELOPMENT SQUARE FOOTAGE</b>	11,172 sq. ft.	11,129 sq. ft.	Complies
Two-Thirds Calculation – Main Residence	5,007 sq. ft.	3,261 sq. ft.	Complies
Second Unit	900 sq. ft.	900 sq. ft.	Complies
Impermeable Coverage	25,000 sq. ft.	12,960 sq. ft.	Complies
<b>PARKING SPACES</b>	2 enclosed 2 unenclosed	3 enclosed 2 unenclosed	Complies
Retaining Walls	6 ft.	6 ft.	Complies
<b>Fences and Gates</b>			
Front	6 feet (42 inches solid, 30 inches permeable)	6 feet (42 inches solid, 30 inches permeable)	Complies
Side(s)	6 feet	6 feet	Complies
Rear	6 feet	6 feet	Complies

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

## Grading (LIP Chapter 8)

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

<b>Table 4 – LCP Grading Conformance</b>						
	<b>Exempt**</b>			<b>Non-Exempt</b>	<b>Remedial</b>	<b>Total</b>
	<b>R&amp;R*</b>	<b>Understructure</b>	<b>Safety***</b>			
<b>Cut</b>	0	685	663	468	1,248	3,064
<b>Fill</b>	0	172	143	48	0	363
<b>Total</b>	0	857	806	516	1,248	3,427
<b>Import</b>	0	0	0	0	0	0
<b>Export</b>	0	513	520	420	1,248	2,701

All quantities listed in cubic yards unless otherwise noted

\*R&R= Removal and Re-compaction

\*\*Exempt grading includes all R&R, understructure and safety grading.

\*\*\*Safety grading is the incremental grading required for Fire Department access (such as turnouts, hammerheads, and turnarounds and any other increases in driveway width above 15 feet required by the LACFD).

## Archaeological / Cultural Resources (LIP Chapter 11)

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

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

## Water Quality (LIP Chapter 17)

The City Public Works Department has reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval require that prior to grading permit issuance, final grading and

drainage plans incorporating construction-phase erosion control and storm water pollution prevention, as well as post-construction storm water management must be approved by the City Public Works Department. With the implementation of these conditions, the project conforms to the Water Quality Protection standards of LIP Chapter 17.

### Onsite Wastewater Treatment Systems (LIP Chapter 18)

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

## **LIP Findings**

### **A. General Coastal Development Permit (LIP Chapter 13)**

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

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

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

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

The project is not located between the first public road and the sea; therefore, this finding is not applicable.

*Finding A3. The project is the least environmentally damaging alternative.*

1. No Project – The no project alternative would avoid any changes to the subject parcel, leaving it vacant. The project site is designated for single-family development. In addition, it would not allow for the restoration of the ESHA that was cleared from the site without the benefit of permit as part of the geologic testing for the subject application. The no project alternative would not accomplish any of the project objectives.
2. Alternative Design – The project objective is for the construction of a single-family residence on a lot that is currently vacant. The applicant could have proposed a smaller residence; however, the lot is over 12 acres in size. Despite the size, the lot is constrained and a smaller home would still require a variance to reduce the required ESHA buffer. Given the topography of the site (steep slopes) and geologic conditions, the location of the building pad is limited. The site plan review for remedial grading would still be required to remediate the areas on the property affected by past landslide activity. Given that the impacts on the site would be the same as the proposed project and remedial grading would still be required, the alternative design does not offer significant environmental advantages.
3. Proposed Project – The proposed project will allow for the construction of a new single-family residence and guest house with associated development that includes a swimming pool, a subterranean garage, hardscaping and landscaping, and remedial grading. The proposed design results in development that is set back from Murphy Way and is not visible from PCH. Furthermore, the proposed development will not impact views from surrounding trails because of landscaping and existing development along Murphy Way. The proposed remedial grading will improve onsite stability. The project as conditioned will comply with all applicable requirements of state and local law. The project will not result in potentially significant impacts on the physical environment.

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

The project site does contain ESHA, and the required fuel modification zones will extend into the required ESHA Buffer. The proposed project was reviewed by the City Biologist and it was determined that the proposed project is exempt from review by the Environmental Review Board (ERB) because pursuant to LIP Section 4.4.4(D), new structures and landscaping proposed within the permitted graded pad or permitted development area if there is no graded pad, authorized in a previously approved coastal

development permit do not need to be reviewed by the ERB. Since the building pad grading was approved by the CCC in CDP No. 5-90-1068, the proposed development is taking place in an area previously approved for a building pad.

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

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

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

*Finding B1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.*

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

*Finding B2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.*

The project will meet all applicable building and engineering safety codes and will not be detrimental to other adjacent properties or improvements. The proposed variance will

allow for the construction of a single-family residence and associated development in an area that has been determined to be appropriate for such use, and will not be detrimental to the public's interest, safety, health or welfare in that all required permits are required to be secured as a condition of this CDP.

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

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

*Finding B4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LIP Section 13.27.5(A) requires that the City makes four findings in the consideration and approval of a site plan review for construction in excess of 18 feet in height up to a

maximum of 28 feet with a pitched roof. Two additional findings are required pursuant to MMC Section 17.62.050. The applicant has proposed to build a new two-story single-family residence that will be 28 feet above existing grade at its highest point with a pitched roof. Based on the evidence in the record, the findings of fact for SPR No. 16-017 are made as follows.

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

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

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

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

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

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

*Finding C4. The proposed project complies with all applicable requirements of state and local law.*

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

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

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

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

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

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

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

*Finding D1. The project is consistent with policies and provisions of the Malibu LCP.*

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

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

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

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

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

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

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

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

Scrub ESHA exists on the subject property. While the proposed residence and accessory structures are not located within ESHA, the required fuel modification zones are located within the required the ESHA buffer and mapped ESHA.

A Biological Assessment for the project site was completed by Nelson and Associates during November 2014. The Biological Assessment states that there were no special-status plant or wildlife species present on the site. In addition, the Biological Assessment states that the proposed development will be located on a previously approved building pad and area where grading was approved as part of a CCC-issued CDP and only the required fuel medication zones will intrude into the mapped ESHA areas. Given this, the proposed site of development is the best location to minimize potential impacts to existing ESHA to the maximum extent feasible.

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

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

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

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

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

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

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

## **F. Native Tree Protection (LIP Chapter 5)**

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

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

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

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

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

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

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

*Finding G3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

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

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

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

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

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

#### **H. Transfer of Development Credit (LIP Chapter 7)**

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

#### **I. Hazards (LIP Chapter 9)**

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all approvals, denials or conditional approvals of development located in or near an area subject to these hazards. As stated earlier, the subject project includes remedial grading to stabilize landslide debris. However, no development will occur in the location where the remedial grading will take place. The site of construction was chosen because it was located on stable materials suitable for development. The project has been analyzed for the hazards listed in LIP Sections 9.2(A)(1-7) by City geotechnical staff, City Public Works Department, and has been reviewed and approved for conformance with all relevant policies and regulations of the LCP and MMC.

*Finding I1. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.*

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

- Mountain Geology, Inc. dated June 25, 2015, April 25, 2013, and January 26, 2011 and,
- Calwest Geotechnical dated June 6, 2013 and February 7, 2011.

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

#### Fire Hazard

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

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

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

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

*Finding I3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

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

*Finding I4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.*

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

*Finding I5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.*

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

#### **J. Shoreline and Bluff Development (LIP Chapter 10)**

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

#### **K. Public Access (LIP Chapter 12)**

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

#### **L. Land Division (LIP Chapter 15)**

This project does not include a land division; therefore, the findings in LIP Chapter 15 do not apply.

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

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

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

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

ATTACHMENTS:

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

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 16-51

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

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

SECTION 1. Recitals.

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

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

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

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

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

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

G. On June 20, 2016, a Notice of Planning Commission Public Hearing was published in a

newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

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

### SECTION 2. Environmental Review.

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

### SECTION 3. Coastal Development Permit Findings.

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

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

#### **A. General Coastal Development Permit (LIP Chapter 13)**

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

2. Evidence in the record demonstrates that as conditioned, the project will not result in biological impacts and has been designed to minimize site disturbance. There is no evidence that an

alternative project would substantially lessen any potential significant adverse impacts of the development on the environment.

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

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

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

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

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

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

5. Development on the subject parcel will result in development that requires the reduction

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

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

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

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

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

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

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

3. The proposed development is located on a site that descends from Murphy Way and does not meet the definition of a primary or secondary ridgeline. The subject property is 12 acres in size. Because of the slope on the existing property, proposed landscaping, and the characteristics of the surrounding neighborhood, bluewater views will be maintained over the existing development. Furthermore, the site of development has been located downslope and approximately 200 feet away from Murphy Way to help preserve bluewater views. Due to the location and design of the project and the

implementation of standard conditions of approval, the project is expected to have less than significant impacts to scenic vistas and provides the maximum feasible protection to significant public views as required by LIP Chapter 6.

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

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

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

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

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

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

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

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

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

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

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

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

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

iThere is no feasible development site location on the proposed project site where development

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

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

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

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

**J. Hazards (LIP Chapter 9)**

1. City geotechnical staff determined that the proposed project is not anticipated to result in potential adverse impacts on site stability or structural integrity and the Public Works Department determined the project is not in a flood hazard area. The reports conclude that the proposed development is suitable for the site and, if their recommendations are followed, the development will be safe from

geologic hazard. Based on review of the project and associated technical submittals, on September 2, 2015, City geotechnical staff approved the project, subject to conditions. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal and drainage. Final plans shall be reviewed and approved by City geotechnical staff prior to the issuance of a grading permit.

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

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

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

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

#### SECTION 4. Planning Commission Action.

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

#### SECTION 5. Conditions of Approval.

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. Approval of this application is to allow for the following:
  - a. Construction of a new 10,887 square foot, two-story, single-family residence
    - i. 6,902 square foot first floor;
    - ii. 3,093 square foot second floor;
    - iii. 1,565 square foot subterranean garage (283 square feet are considered total development square footage (TDSF))
    - iv. Covered decks and entry, 852 square feet (included in TDSF)
  - b. AOWTS;
  - c. ESHA mitigation;
  - d. Landscaping;

- e. Driveway and hardscape;
  - f. Planters with landscaping;
  - g. Swimming Pool;
  - h. Spa;
  - i. Mechanical equipment area;
  - j. Outdoor barbeque area;
  - k. Retaining walls up to six feet in height;
  - l. VAR No. 16-011 to reduce the required scrub ESHA buffer;
  - m. SPR No. 16-017 for construction in excess of 18 feet in height to allow for a pitched roof that is 28 feet in height; and
  - n. SPR No. 16-018 to allow for 1,248 cubic yards of remedial grading.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **March 23, 2016**. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
  4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.
  5. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
  6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the July 18, 2016, Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.
  7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.
  8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
  9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City geotechnical staff, City Biologist, City Public Works Department, LACFD, and City Environmental Health Administrator, as applicable. Notwithstanding this review, all required permits shall be secured.
  10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the CDP approved by the City is void.

#### *Cultural Resources*

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

#### *Geology*

14. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City Geotechnical staff prior to the issuance of a grading permit.
15. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require amendment of the CDP or a new CDP.

#### *Grading / Drainage*

16. Grading permits shall not be issued between November 1 and March 31 each year pursuant to LIP Section 17.2.1. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that is located within or adjacent to ESHA or includes grading on slopes greater than 4 to 1. Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources

17. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3. A note shall be placed on the plans addressing this condition.
18. A grading and drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
  - a. Public Works Department General Notes
  - b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
  - c. The limits of land to be disturbed during project development shall be delineated on the grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, Areas disturb for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
  - d. The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
  - e. If the property contains trees that are to be protected they shall be highlighted on the grading plan.
  - f. If the property contains rare and endangered species as identified in the resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
  - g. Private storm drain systems shall be shown on the grading plan. Systems with a greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
  - h. Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.
19. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction best management plans (BMPs) shall be submitted to the Public Works Department prior to the issuance of building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private streets, and any drainage easements.
20. The ocean between Latigo Point and the West City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation allows discharge of storm water only where it is essential for flood control or slope stability, including roof, landscape, road and parking lot drainage, to prevent soil erosion, only occurs during wet weather, and is composed of only storm water runoff. The applicant shall provide a drainage system that accomplishes the following:
  - a. Installation of BMPs that are designed to treat the potential pollutants in the storm water runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
  - b. Prohibits the discharge of trash.

- c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e. no additional pollutant loading).
- d. Elimination of non-storm water discharges.

21. A Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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

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

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

- c. Treatment Control BMPs that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
  - d. Drainage Improvements
  - e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure.
  - f. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.
  - g. The WQMP shall be submitted to Public Works and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.
21. A state construction activity permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.
22. Prior to the approval of any permits and prior to the applicant submitting the required Construction General Permit documents to the State Water Quality Control Board, the applicant shall submit to the Public Works Department for review and approval an Erosion and Sediment Control Plan (ESCP). The ESCP shall contain appropriate site-specific construction site BMPs and shall be developed and certified by a Qualified SWPP Developer (QWD). All structural BMPs must be designed by a licensed California Engineer. The ESCP must address the following elements:
- a. Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside the disturbed area.
  - b. Methods used to protect native vegetation and trees.
  - c. Sediment/Erosion Control.
  - d. Controls to prevent tracking on and off the site.
  - e. Non-storm water controls.
  - f. Material management (delivery and storage).
  - g. Spill prevention and control.
  - h. Waste management.
  - i. Identification of site Risk Level as identified per the requirements in Appendix 1 of the Construction General Permit.
  - j. Landowner must sign the following statement on the ESCP:  
"I certify that this document and all attachment were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly

responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate and complete. I am aware that submitting false and/or inaccurate information, failing to update the ESCP to reflect current conditions, or failing to properly and/or adequately implement the ESCP may result in revocation of grant and/or other permits or other sanctions provided by law.”

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

#### *Construction/Framing*

26. A construction staging plan shall be submitted for review and approval by the Planning Department and Building Safety Division prior to permit issuance.
27. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.
28. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.
29. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and the Planning Department for review and sign off on framing.
30. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

#### *Lighting*

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

- e. Site perimeter lighting shall be prohibited; and
  - f. Outdoor decorative lighting for aesthetic purposes is prohibited.
32. Night lighting for sports courts or other private recreational facilities shall be prohibited.
33. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property shall not produce an illumination level greater than one foot candle.
34. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas.

#### *Colors and Materials*

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

#### *Onsite Wastewater Treatment System*

37. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's Onsite Wastewater Treatment regulations including provisions of LIP Section 18.9 related to continued operation, maintenance and monitoring of the AOWTS.
38. Prior to final Environmental Health approval, a final AOWTS plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the Malibu Plumbing Code (MPC) and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The AOWTS plot plan shall show essential features of the AOWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all

necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

39. A final design and system specifications shall be submitted as to all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed AOWTS. For all AOWTS, final design drawings and calculations must be signed by a

California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The final AOWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp.

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

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

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

- 18 inch by 22 inch, for review by the Environmental Health Division). Note: For AOWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.
- e. H2O Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
42. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental Sustainability Department.
43. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
44. An operations and maintenance manual specified by the AOWTS designer shall be submitted to the City Environmental Health Administrator. This shall be the same operations and maintenance manual submitted to the owner and/or operator of the proposed AOWTS following installation.
45. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed AOWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
46. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the AOWTS serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Plumbing Code (MPC), Appendix K, Section 10). Said covenant shall be provided by the City of Malibu Environmental Health Administrator and shall be submitted to the City of Malibu with proof of recordation by the Los Angeles County Recorder.
47. The City geotechnical staff and Geotechnical Engineer's final approval shall be submitted to the City Environmental Health Administrator.
48. In accordance with MMC Chapter 15.14, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

*Biology/Landscaping*

49. The Maximum Applied Water Allowance (MAWA) for this project totals 469,970 gallons per year. The Estimated Applied Water Use (EA WU) totals 326,540 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.
50. Pursuant to LIP Section 4.8.1, all new development shall include mitigation for unavoidable impacts to ESHA from the removal, conversion, or modification of natural habitat for new development, including required fuel modification and brush clearance. The proposed project will result in 24,000 sf (0.55) acres of permanent impacts (Development footprint and/or Fuel Modification Zones A and/or B) to ESHA and 72,000 sf (1.65 acres) of partial impacts (Fuel Modification Zone C). One of the following three Habitat Impact Mitigation methods shall be required: 1) habitat restoration; 2) habitat conservation; or 3) in-lieu fee for habitat conservation. The CDP shall include conditions setting forth the requirements for habitat mitigation. Prior to grading permit issuance the applicant shall provide either a detailed restoration plan, a habitat conservation plan, or evidence of payment of in lieu fees to the Santa Monica Mountains Conservancy.
51. Prior to Final Plan Check Approval, please provide landscape water use approval from the Los Angeles County Waterworks District No. 29.
52. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.
53. Invasive plant species, as determined by the City of Malibu, are prohibited.
54. Vegetation shall be situated on the property so as not to obstruct the primary view from private property at any given time (given consideration of its future growth).
55. No non-native plant species shall be approved greater than 50 feet from the residential structure.
56. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.
57. Grading should be scheduled only during the dry season from April 1 through October 31st. If it becomes necessary to conduct grading activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.
58. Grading scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Surveys shall be completed no more than 5 days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active.

59. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas.
60. Necessary boundary fencing shall be of an open rail-type design with a wooden rail at the top (instead of wire), be less than 40 inches high, and have a space greater than 14 inches between the ground and the bottom post or wire. A split rail design that blends with the natural environment is preferred.
61. Prior to issuing a certificate of occupancy, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

*Water Quality/ Water Service*

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

*Swimming Pool / Spa / Water Feature*

63. On-site noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).
64. Pool and air conditioning equipment that will be installed shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall comply with LIP Section 3.5.3(A).
65. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.
66. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
  - a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
  - b. There are sufficient BMPs in place to prevent soil erosion; and
  - c. The discharge does not reach into the MS4 or to the ASBS (including tributaries)

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

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

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

#### *Fencing and Walls*

69. The applicant shall include an elevation of the proposed electronic driveway gate on the architectural plans that are submitted for building plan check. The gate and all fencing along the front property line shall comply with the regulations set forth in LIP Section 3.5.
70. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.
71. Necessary boundary fencing shall be of an open rail-type design with a wooden rail at the top (instead of wire), be less than 40-inches high, and have a space greater than 14-inches between the ground and the bottom post or wire. A split rail design that blends with the natural environment is preferred.
72. Fencing or walls shall be prohibited within ESHA, except where necessary for public safety or habitat protection or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in any wildlife corridor.

#### *Deed Restrictions*

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

#### **Site Specific Conditions**

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

**Prior to Occupancy**

76. Prior to Final Building inspection, the applicant shall provide the Environmental Sustainability Department with a Final Waste Reduction and Recycling Summary Report (Summary Report). The Final Summary Report shall designate all material that were land filled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the final Summary Report.
77. The applicant shall request a final planning inspection prior to final inspection by the City's Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
78. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

*Fixed Conditions*

79. This coastal development permit shall run with the land and bind all future owners of the property.
80. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

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

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of July 2016.

\_\_\_\_\_  
ROOHI STACK, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
KATHLEEN STECKO, Recording Secretary

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-51 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 18<sup>th</sup> day of July 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

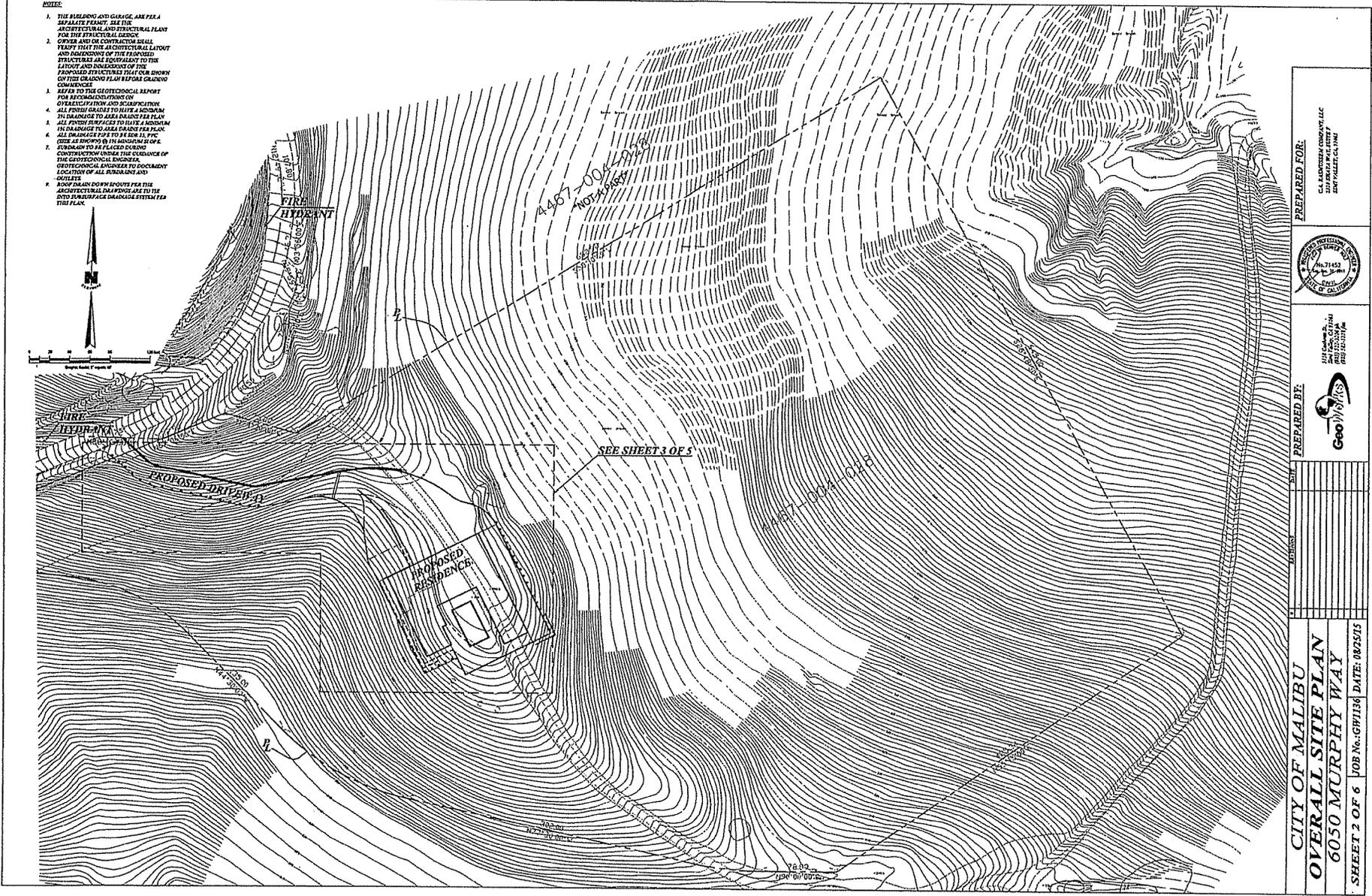
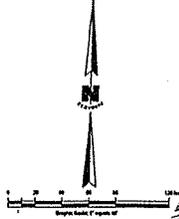
ABSENT:

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KATHLEEN STECKO, Recording Secretary



- NOTES:**
1. THE BUILDING AND GARAGE ARE PER A SEPARATE PERMIT. SEE THE ARCHITECTURAL AND STRUCTURAL PLANS FOR THE STRUCTURAL DESIGN.
  2. OWNER AND/OR CONTRACTOR SHALL VERIFY THAT THE ARCHITECTURAL LAYOUT AND DIMENSIONS OF THE PROPOSED STRUCTURES ARE CONGRUENT TO THE LAYOUT AND DIMENSIONS OF THE PROPOSED STRUCTURES THAT ARE SHOWN ON THIS GRADING PLAN BEFORE GRADING COMMENCE.
  3. REFER TO THE GEOTECHNICAL REPORT FOR RECOMMENDATIONS ON OVERLAYS, PAVEMENT AND SCOUR PROTECTION.
  4. ALL FINISH GRADES TO HAVE A MINIMUM 1% DRAINAGE TO ADJACENT PAVED PLAN.
  5. ALL FINISH SURFACES TO HAVE A MINIMUM 1% DRAINAGE TO ADJACENT PAVED PLAN.
  6. ALL DRAINAGE PIPES TO BE 30" I.D. PVC OVER 48" DEPTHS BY 18" HIGHER GRADE FOUNDATION TO BE PLACED DURING CONSTRUCTION UNDER THE GUIDANCE OF THE GEOTECHNICAL ENGINEER.
  7. GEOTECHNICAL ENGINEER TO DETERMINE LOCATION OF ALL PONDINGS AND SINKHOLE.
  8. ROOF DRAIN DOWNSPOUTS PER THE ARCHITECTURAL OR PERMITS TO THE INTO SURFACE DRAINAGE SYSTEM PER THIS PLAN.

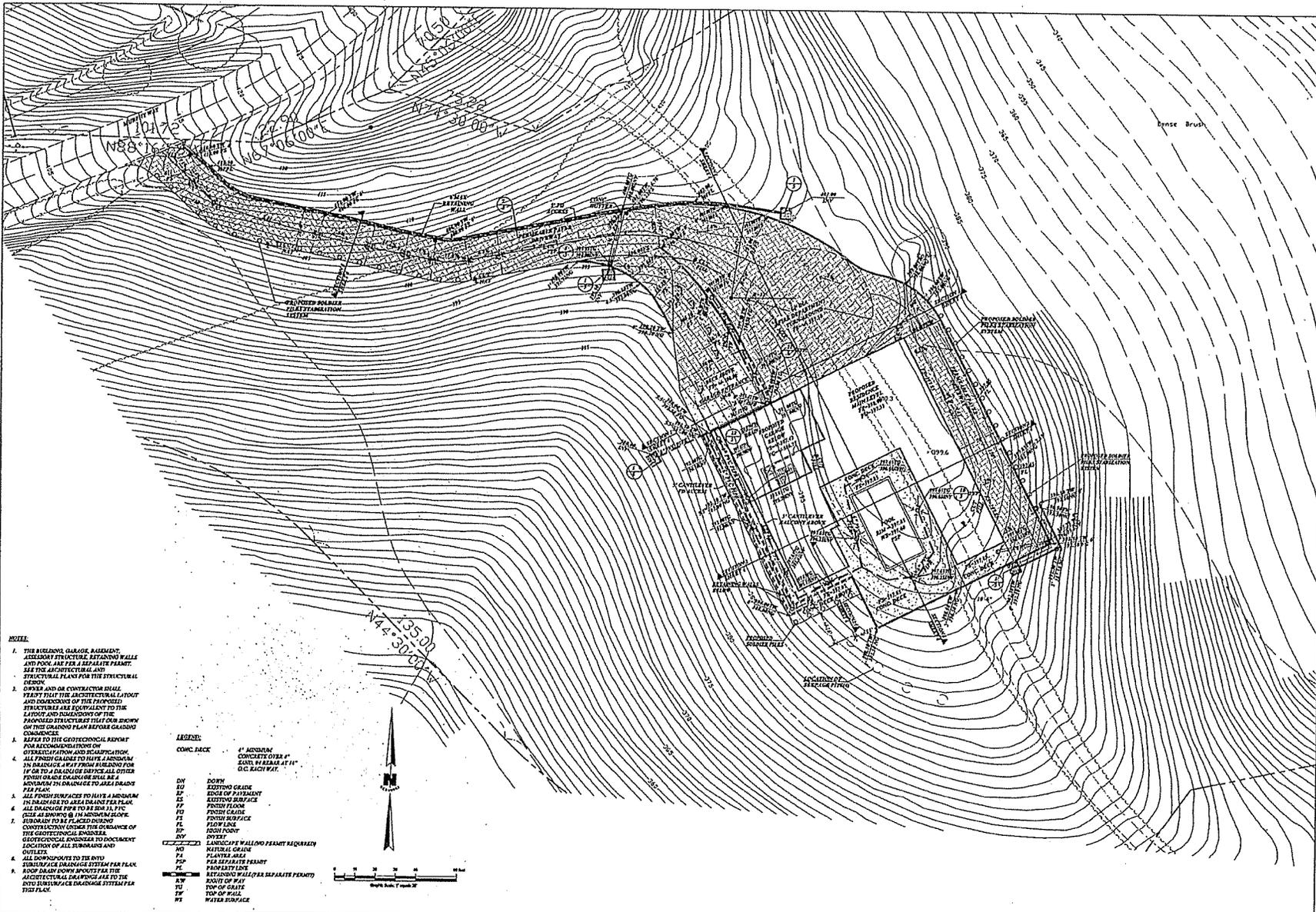


**PREPARED FOR:**  
 CITY OF MALIBU  
 6050 MURPHY WAY  
 MALIBU, CA 90263

**PREPARED BY:**  
 GeoSolutions  
 11111 WILSON BLVD  
 SUITE 100  
 MALIBU, CA 90263  
 (310) 316-1111

**CITY OF MALIBU**  
**OVERALL SITE PLAN**  
**6050 MURPHY WAY**

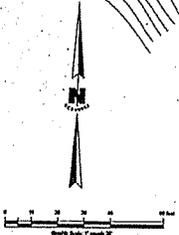
**SHEET 2 OF 6** | JOB No. GWT136 | DATE: 08/25/15



- NOTES:**
1. THE BUILDING GARAGE, BASEMENT, ACCESSORY STRUCTURE, RETAINING WALLS AND POOL ARE TO BE SEPARATE PERMITS. SEE THE ARCHITECTURAL AND STRUCTURAL PLANS FOR THE STRUCTURAL DESIGN.
  2. OWNER AND AN EXPERIENCED ENGINEER SHALL VERIFY THAT THE ARCHITECTURAL LAYOUT AND DIMENSIONS OF THE PROPOSED STRUCTURES ARE ACCORDANT TO THE LAYOUT AND DIMENSIONS OF THE PROPOSED STRUCTURES. THESE CHECKS SHALL BE COMPLETED ON THIS GRADING PLAN BEFORE GRADING COMMENCES.
  3. REFER TO THE GEOTECHNICAL REPORT FOR RECOMMENDATIONS FROM OVERSIGHT FROM AND RECALCULATION ALL FLOOR GRADES TO MATCH LANDING IN DRAINAGE WAY FROM BUILDING FOR 1" OR TO GRADE OR OTHER FINISH GRADE DRAINAGE SHALL BE A MINIMUM IN DRAINAGE TO AGE GRADE PER PLAN.
  4. ALL FINISH SURFACES TO HAVE A MINIMUM IN SLOPE TO AGE GRADE PER PLAN. (SEE AS SHOWN BY IN ANCHORING SLOPE STAKING TO BE PLACED OUTSIDE CONSTRUCTION UNDER THE GUIDANCE OF THE GEOTECHNICAL ENGINEER. GEOTECHNICAL ENGINEER TO DOCUMENT LOCATION OF ALL SURFACE AND OUTLETS.
  5. ALL DOWNSPOUTS TO THE CITY SUBURBAN DRAINAGE SYSTEM PER PLAN.
  6. ALL DOWNSPOUTS TO THE ARCHITECTURAL DRAINAGE ARE TO THE CITY SUBURBAN DRAINAGE SYSTEM PER THIS PLAN.

**LEGEND:**

CONC. FINISH	4" MINIMUM CONCRETE OVER 4" SAND FILL AT 1" O.C. EACH WAY
DN	DOWN
EG	EXISTING GRADE
EP	EDGE OF PAVEMENT
ES	EXISTING SURFACE
FF	FINISH FLOOR
FG	FINISH GRADE
FS	FINISH SURFACE
FL	FLOOR FINISH
FP	FINISH POOL
IPV	INVERT
LV	LANDSCAPE WALL OR PERMIT REQUIRED
NO	NATURAL GRADE
PL	PLASTER AREA
PP	PERMITS SEPARATE PERMIT
PL	RETAINING WALL OR SEPARATE PERMIT
AW	ANGLE OF SLOPE
TU	TOP OF CURB
TR	TOP OF ROAD
WS	WATER SURFACE



**PREPARED FOR:**  
 CLARKE CONSULTING LLC  
 311 SOUTH WALNUT STREET  
 ESCALANTE, UT 84801

**PREPARED BY:**  
  
 1000 S. 1000 E.  
 SUITE 100  
 PROVO, UT 84601

DATE	REVISION

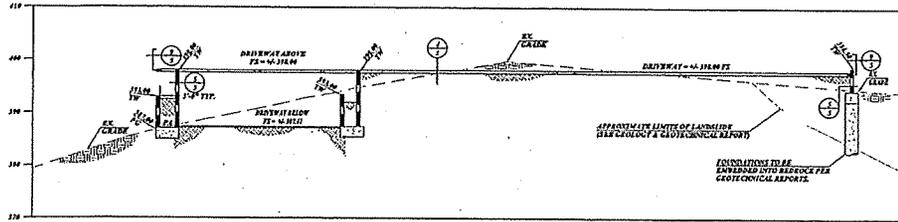
**CITY OF MALIBU**  
**GRADING AND DRAINAGE PLAN**  
**6050 MURPHY WAY**  
**SHEET 3 OF 6** JOB No. GW1516 DATE: 08/25/15

**NOTES:**

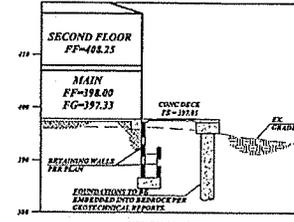
1. THE BUILDING, GARAGE, BASEMENT, ALL ABOUT STRUCTURE, RETAINING WALLS AND POOL ARE PER A SEPARATE PARTY. SEE THE ARCHITECTURAL AND STRUCTURAL PLANS FOR THE STRUCTURAL DESIGN.
2. OWNER AND CONTRACTOR SHALL VERIFY THAT THE ARCHITECTURAL LAYOUT AND DIMENSIONS OF THE PROPOSED STRUCTURES ARE EQUIVALENT TO THE LATEST AND DIMENSIONS OF THE PROPOSED STRUCTURES THAT OCCUR NOW ON THE GROUND PLAN. MAKE GEOTECHNICAL CONSULTANCE.
3. REFER TO THE GEOTECHNICAL REPORT FOR RECOMMENDATIONS ON ORIENTATION AND REPAIRS.
4. ALL FINISH GRADES TO HAVE A MINIMUM 1% DRAINAGE SLOPE FROM BUILDING FOR 10' OR TO A DRAINAGE DITCH. ALL OTHER FINISH GRADE DRAINAGE SHALL BE A MINIMUM 1% DRAINAGE TO AREA DRAIN PER PLAN.
5. ALL EXISTING SURFACES TO HAVE A MINIMUM 1% DRAINAGE TO AREA DRAIN PER PLAN. ALL DRAINAGE PIPE TO BE 12" DIA. PVC PIPE AS SHOWN IN A MINIMUM 1% SLOPE. REFER TO THE ATTACHED GEOTECHNICAL REPORT FOR CONSTRUCTION UNDER THE GUIDANCE OF THE GEOTECHNICAL ENGINEER. DOCUMENT LOCATION OF ALL DRAINAGE AND OUTLETS.
6. ALL INSPECTIONS TO BE INTO SURFACE DRAINAGE SYSTEM PER PLAN.
7. ROOF DRAIN INSPECTIONS TO BE ARCHITECTURAL DRAWINGS AS TO THE INTO SURFACE DRAINAGE SYSTEM PER THIS PLAN.

**LEGEND:**

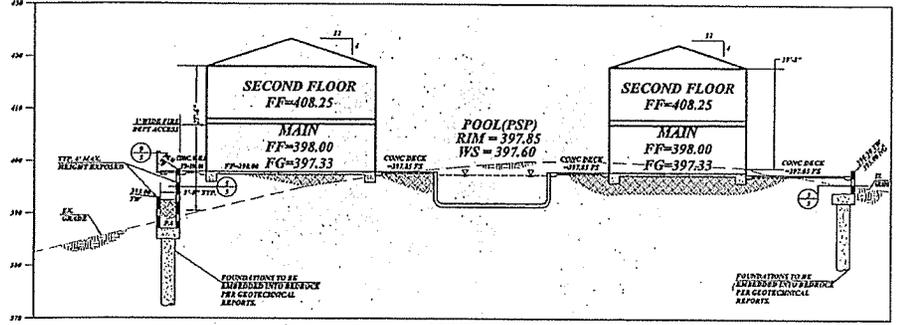
CONC. P/TO	4" NOMINAL CONCRETE OVER 1" SLOD. #1 REBAR AT 18" O.C. EACH WAY.
DN	DOWN
EG	EXISTING GRADE
EP	EDGE OF PAVEMENT
ET	EXISTING TERRACE
FF	FINISH FLOOR
FG	FINISH GRADE
FL	FLOOR LINE
FL	FLOOR LINE
FP	FINISH POINT
IN	INTERIOR
LN	LANDSCAPE WALLS (HEAVY REINFORCED)
LS	LANDSCAPE WALLS (LIGHT REINFORCED)
MS	MATERIAL LINE
RS	RETAINING WALLS (SEPARATE FINISH)
SW	RIGHT OF WAY
TD	TOP OF DITCH
TF	TOP OF WALL
WT	WATER SURFACE



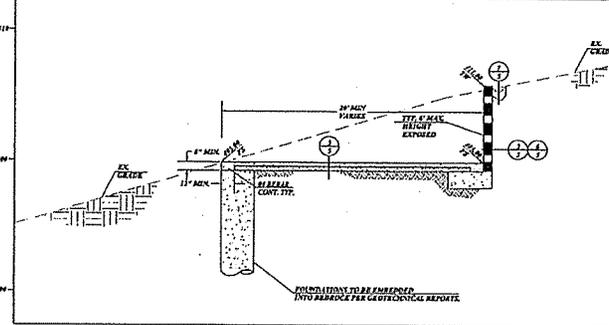
SECTION 1  
1"=10'



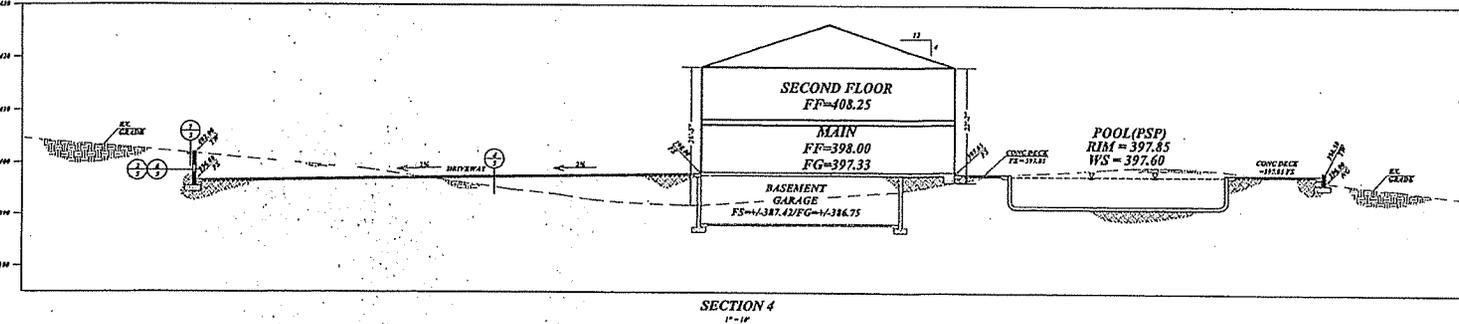
SECTION 2.1  
1"=10'



SECTION 2  
1"=10'



DRIVEWAY - SECTION 3  
1"=10'

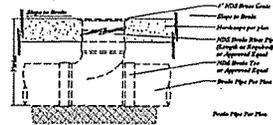


SECTION 4  
1"=10'

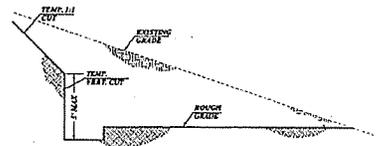
PREPARED FOR:  
CITY OF MALIBU  
6050 MURPHY WAY  
MALIBU, CA 90263

PREPARED BY:  
Geo-TECHNICAL SERVICES  
3111 Camino del Rio North  
Suite 200  
San Diego, CA 92108  
Tel: 619-594-1111  
Fax: 619-594-1112

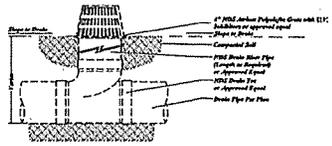
CITY OF MALIBU  
SECTIONS  
6050 MURPHY WAY  
SHEET 4 OF 6 JOB No.: GPTV136 DATE: 08/20/13



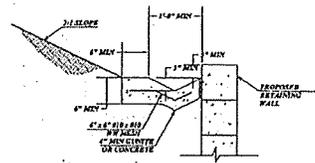
**4" NDS BRASS GRATE WITH SANITARY SEWER & DRAIN TEE - DETAIL 10**  
1" = 1'-0"



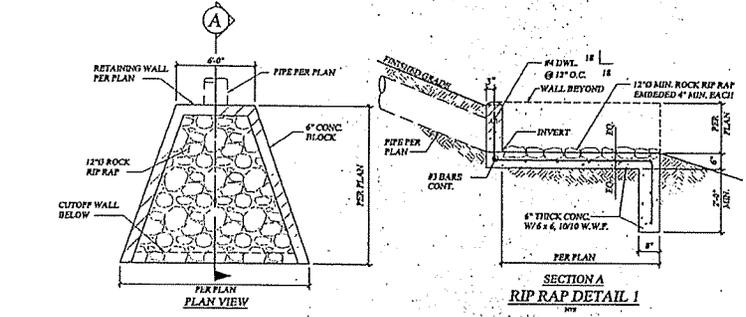
**TEMPORARY EXCAVATION DETAIL 6**  
1" = 1'-0"



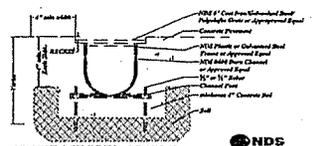
**4" NDS ATRIUM GRATE WITH SANITARY SEWER & DRAIN TEE - DETAIL 11**  
1" = 1'-0"



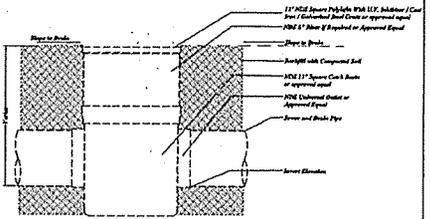
**CONCRETE SWALE BEHIND RETAINING WALL DETAIL 7**  
1" = 1'-0"



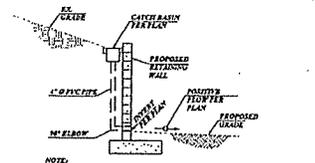
**SECTION A RIP RAP DETAIL 1**  
1" = 1'-0"



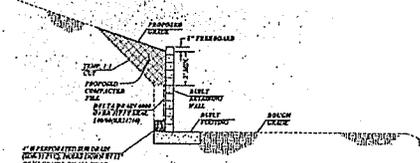
**NDS DURA CHANNEL - DETAIL 12**  
1" = 1'-0"



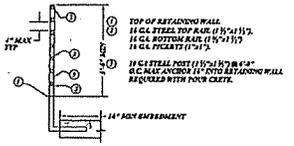
**12" NDS SQUARE GRATE WITH NDS SQUARE CATCH BASIN - DETAIL 8**  
1" = 1'-0"



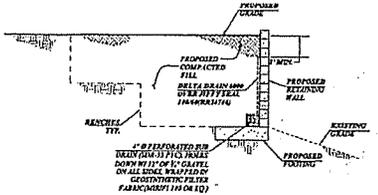
**PIPE THROUGH RETAINING WALL - DETAIL 4**  
1" = 1'-0"



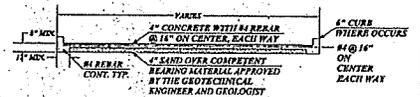
**CUT RETAINING WALL BACKFILL - DETAIL 2**  
1" = 1'-0"



**RAILING DETAIL 9**  
1" = 1'-0"

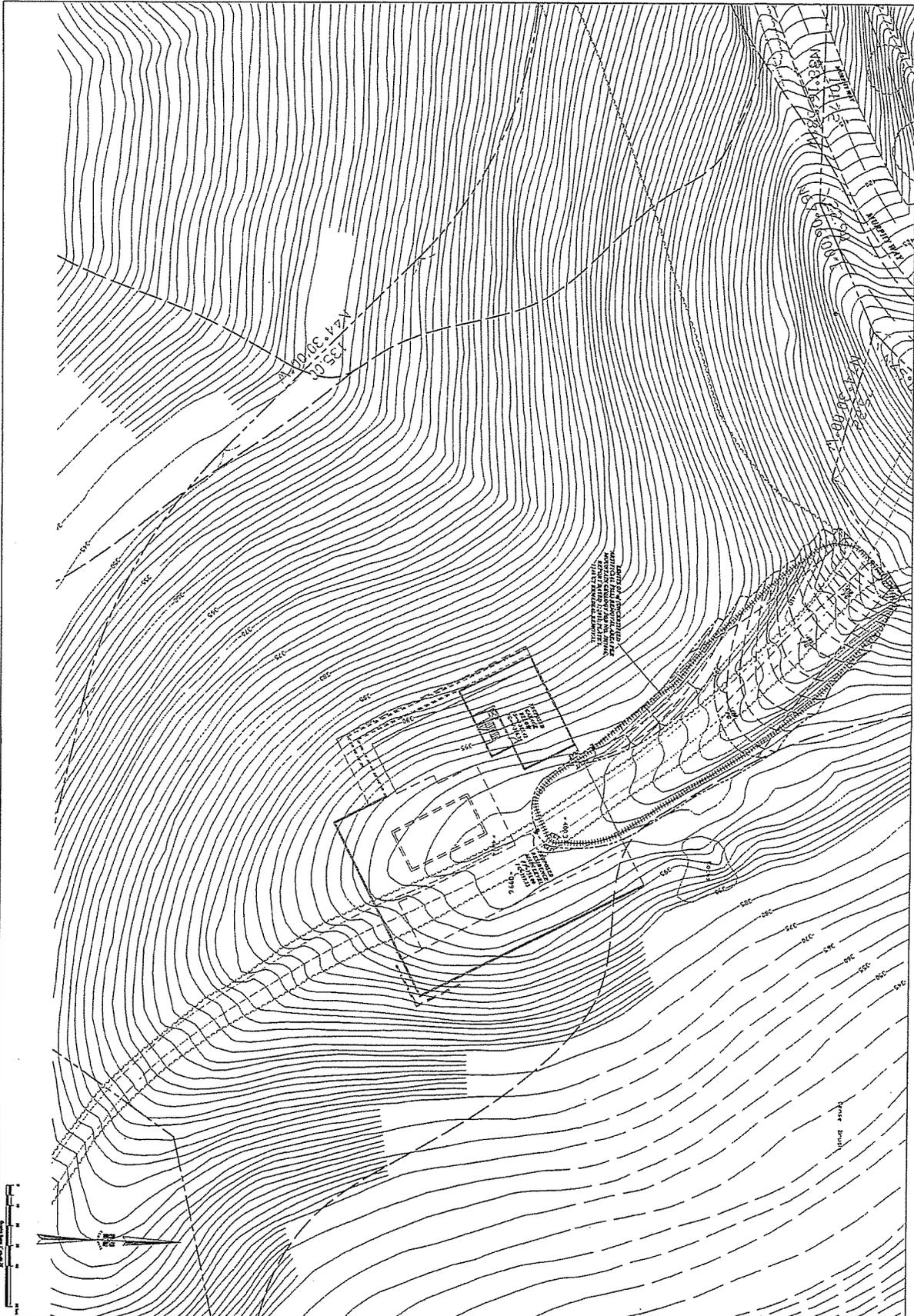


**FILL RETAINING WALL BACKFILL DETAIL 5**  
1" = 1'-0"



**DRIVEWAY DETAIL 3**  
1" = 1'-0"

PREPARED FOR:  
 G.A. BARNETT CONSULTING LLC  
 3715 SOUTH WALCOTT WAY  
 DENVER, COLORADO 80231  
 PREPARED BY:  
 NDS  
 1114 QUINN AVENUE  
 DENVER, COLORADO 80202  
 CITY OF MALIBU  
 DETAILS  
 6050 MURPHY WAY  
 SHEET 5 OF 6 JOB No. GWT1566 DATE: 08/25/15



**CITY OF MALIBU**  
**UNCERTIFIED REMOVAL EXHIBIT**  
**6050 MURPHY WAY**

**SHEET 6 OF 6** | JOB No.: GW1136 | DATE: 03/14/15

REVISIONS	DATE

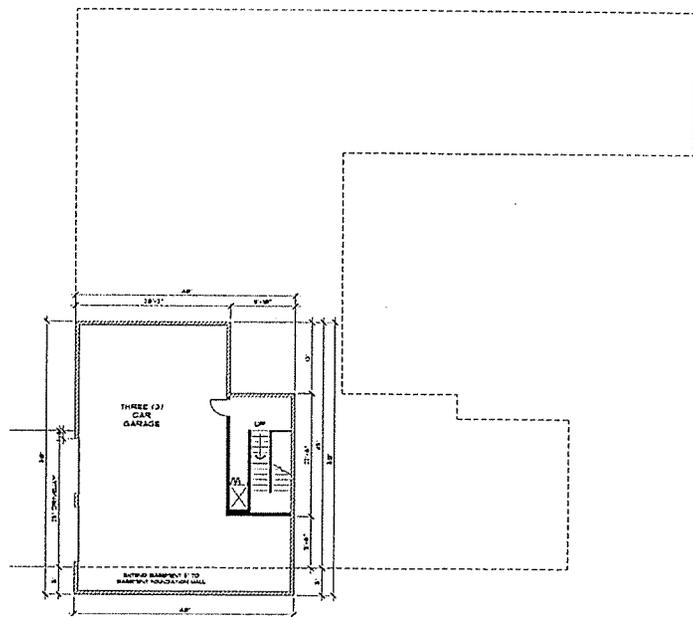
**PREPARED BY:**

**GeoWorks**  
 1114 Culver St.  
 San Pedro, CA 90731  
 (562) 222-3100 ext. 44  
 (562) 222-1117 fax



**PREPARED FOR:**

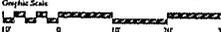
**C.A. RICHMOND COMPANY, LLC**  
 1115 241st ST. SUITE 117  
 SAN PETER, CA 91901

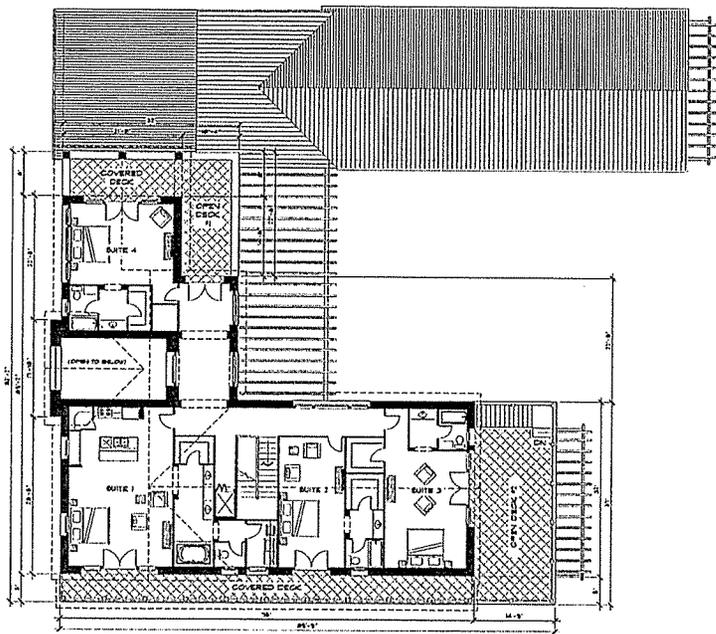


LOWER FLOOR PLAN

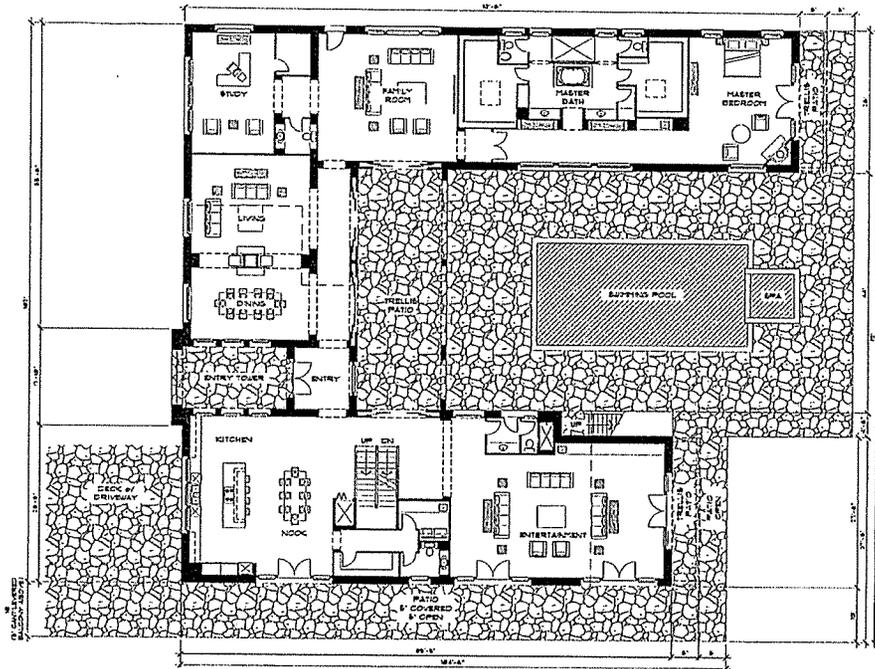
"MALIBU CUSTOM RESIDENCE"  
 Malibu, California  
 C. A. RASMUSSEN COMPANY, LLC

  
**LGS Architects, Inc.**  
 architecture • land planning • forensic  
 10085 B/D HILL AVE., STE 50  
 MALIBU, CALIFORNIA 90261  
 310.312.2200  
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Graphic Scale 6/22/14  




UPPER FLOOR PLAN

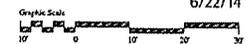


MAIN FLOOR PLAN

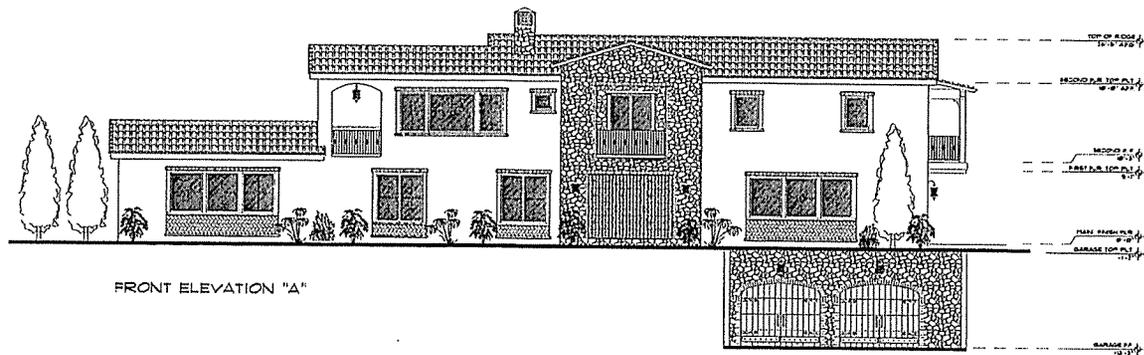
AREA FOOTAGES		ROOF AREA FOOTAGES	
MAIN FLOOR CONDITIONED SPACE PER BUILDING:	4,581 SQFT	MAIN FLOOR ROOF OVERHANG AREA:	32 SQFT
MAIN FLOOR UNCONDITIONED SPACE:	125 SQFT	18' OR GREATER:	
STAIRS (EXCEPT ENTRY)	364 SQFT	UPPER FLOOR ROOF OVERHANG AREA:	126 SQFT
POOLS/PATIO:	418 SQFT	POOLS/TERRACE & COVER DECK - BOWIE TOWER:	428 SQFT
UPPER FLOOR UNCONDITIONED SPACE:	2,853 SQFT	TOTAL ROOF OVERHANG AREA:	158 SQFT
UPPER FLOOR HATCH UNCONDITIONED SPACE:	1,499 SQFT	MAIN FLOOR AREA:	2,911 SQFT
LOWER FLOOR UNCONDITIONED SPACE:	126 SQFT	UPPER FLOOR AREA:	3,231 SQFT
LOWER FLOOR UNCONDITIONED SPACE:	13,665 SQFT	ROOF OVERHANG AREA:	158 SQFT
SHEDS:		TOTAL ROOF AREA:	3,389 SQFT
TOTAL UNCONDITIONED SPACE:	15,216 SQFT		
TOTAL UNCONDITIONED SPACE:	4,248 SQFT		

"MALIBU CUSTOM RESIDENCE"  
 Malibu, California  
 C. A. RASMUSSEN COMPANY, LLC

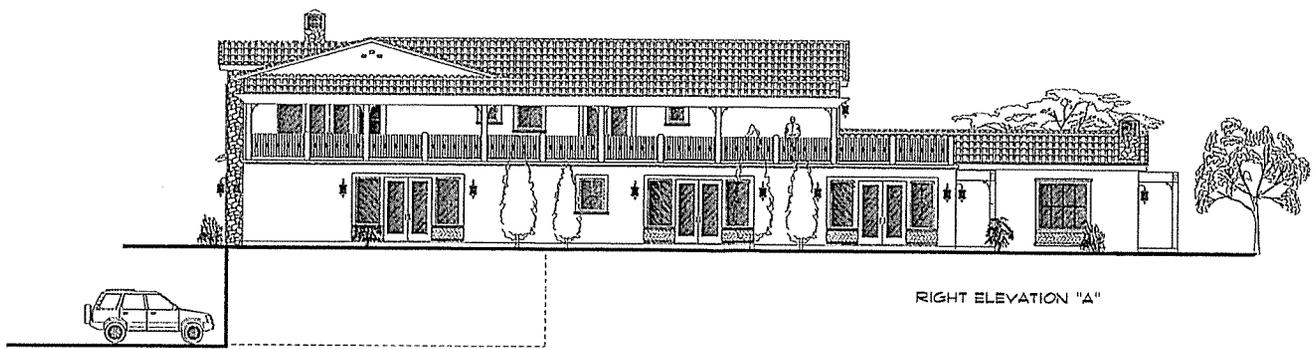
  
**LGS Architects, Inc.**  
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 1024 110 181 AVENUE, SUITE 10  
 MALIBU, CALIFORNIA 90261  
 PHONE 310.221.2128  
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6/22/14



FRONT ELEVATION "A"

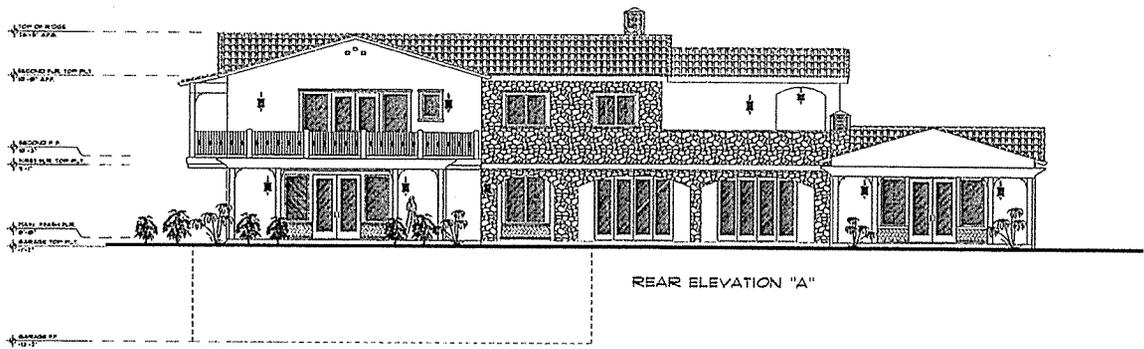


RIGHT ELEVATION "A"

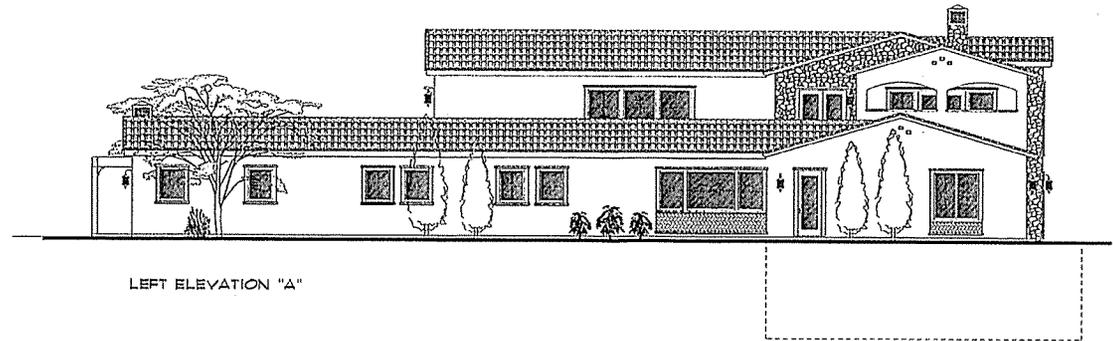
"MALIBU CUSTOM RESIDENCE"  
 Malibu, California  
 C. A. RASMUSSEN COMPANY, LLC

  
 LGS Architects, Inc.  
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 4700 110 MALIBU, CA 90265  
 310.312.2000  
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Graphic Scale 6/22/14  
 0 10 20 30 40



REAR ELEVATION "A"

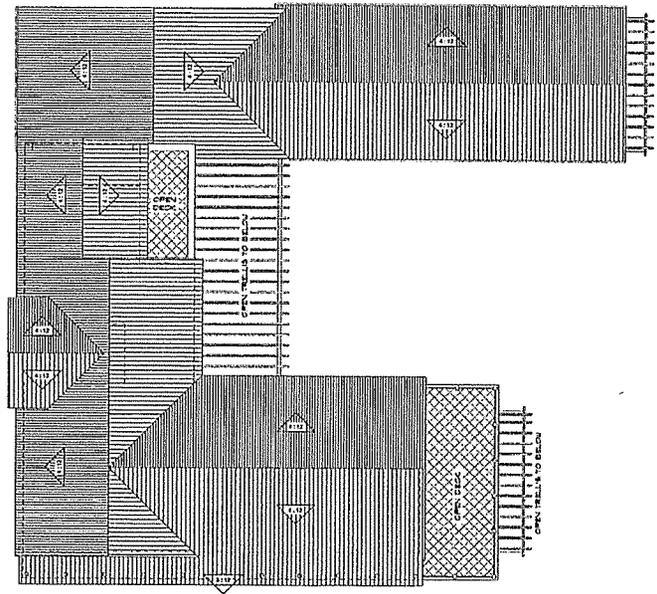


LEFT ELEVATION "A"

"MALIBU CUSTOM RESIDENCE"  
 Malibu, California  
 C. A. RASMUSSEN COMPANY, LLC

  
 LGS Architects, Inc.  
 architecture • land planning • forensic  
 8228 DEL REYES AVE., SUITE 100  
 MALIBU, CALIFORNIA 90265  
 (310) 734-2294  
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6/22/14  
 Graphical Scale  
 0 10 20 30



ROOF PLAN

"MALIBU CUSTOM RESIDENCE"

Malibu, California  
 C. A. RASMUSSEN COMPANY, LLC



**Zone A - 20' FROM STRUCTURE**

1. All trees within the Zone A shall be removed and replaced with native species. The replacement shall be approved by the Planning Commission. The replacement shall be completed within 90 days of the date of the final modification plan. The replacement shall be in accordance with the following requirements:

- a. The replacement shall be of a similar or greater size than the tree being removed.
- b. The replacement shall be of a similar or greater species than the tree being removed.
- c. The replacement shall be of a similar or greater quantity than the tree being removed.

2. All trees within the Zone A shall be removed and replaced with native species. The replacement shall be approved by the Planning Commission. The replacement shall be completed within 90 days of the date of the final modification plan. The replacement shall be in accordance with the following requirements:

- a. The replacement shall be of a similar or greater size than the tree being removed.
- b. The replacement shall be of a similar or greater species than the tree being removed.
- c. The replacement shall be of a similar or greater quantity than the tree being removed.

**Zone B - 20' TO 50' FROM STRUCTURE**

1. All trees within the Zone B shall be removed and replaced with native species. The replacement shall be approved by the Planning Commission. The replacement shall be completed within 90 days of the date of the final modification plan. The replacement shall be in accordance with the following requirements:

- a. The replacement shall be of a similar or greater size than the tree being removed.
- b. The replacement shall be of a similar or greater species than the tree being removed.
- c. The replacement shall be of a similar or greater quantity than the tree being removed.

2. All trees within the Zone B shall be removed and replaced with native species. The replacement shall be approved by the Planning Commission. The replacement shall be completed within 90 days of the date of the final modification plan. The replacement shall be in accordance with the following requirements:

- a. The replacement shall be of a similar or greater size than the tree being removed.
- b. The replacement shall be of a similar or greater species than the tree being removed.
- c. The replacement shall be of a similar or greater quantity than the tree being removed.

**Zone C - 50' TO 200' FROM STRUCTURE**

1. All trees within the Zone C shall be removed and replaced with native species. The replacement shall be approved by the Planning Commission. The replacement shall be completed within 90 days of the date of the final modification plan. The replacement shall be in accordance with the following requirements:

- a. The replacement shall be of a similar or greater size than the tree being removed.
- b. The replacement shall be of a similar or greater species than the tree being removed.
- c. The replacement shall be of a similar or greater quantity than the tree being removed.

2. All trees within the Zone C shall be removed and replaced with native species. The replacement shall be approved by the Planning Commission. The replacement shall be completed within 90 days of the date of the final modification plan. The replacement shall be in accordance with the following requirements:

- a. The replacement shall be of a similar or greater size than the tree being removed.
- b. The replacement shall be of a similar or greater species than the tree being removed.
- c. The replacement shall be of a similar or greater quantity than the tree being removed.

**Site Access and Easements**

1. The applicant shall provide access to all areas of the site. The access shall be in accordance with the following requirements:

- a. The access shall be of a minimum width of 10 feet.
- b. The access shall be of a minimum depth of 10 feet.
- c. The access shall be of a minimum height of 10 feet.

2. The applicant shall provide easements for all areas of the site. The easements shall be in accordance with the following requirements:

- a. The easements shall be of a minimum width of 10 feet.
- b. The easements shall be of a minimum depth of 10 feet.
- c. The easements shall be of a minimum height of 10 feet.

**Site Maintenance**

1. The applicant shall provide maintenance for all areas of the site. The maintenance shall be in accordance with the following requirements:

- a. The maintenance shall be of a minimum width of 10 feet.
- b. The maintenance shall be of a minimum depth of 10 feet.
- c. The maintenance shall be of a minimum height of 10 feet.

2. The applicant shall provide maintenance for all areas of the site. The maintenance shall be in accordance with the following requirements:

- a. The maintenance shall be of a minimum width of 10 feet.
- b. The maintenance shall be of a minimum depth of 10 feet.
- c. The maintenance shall be of a minimum height of 10 feet.

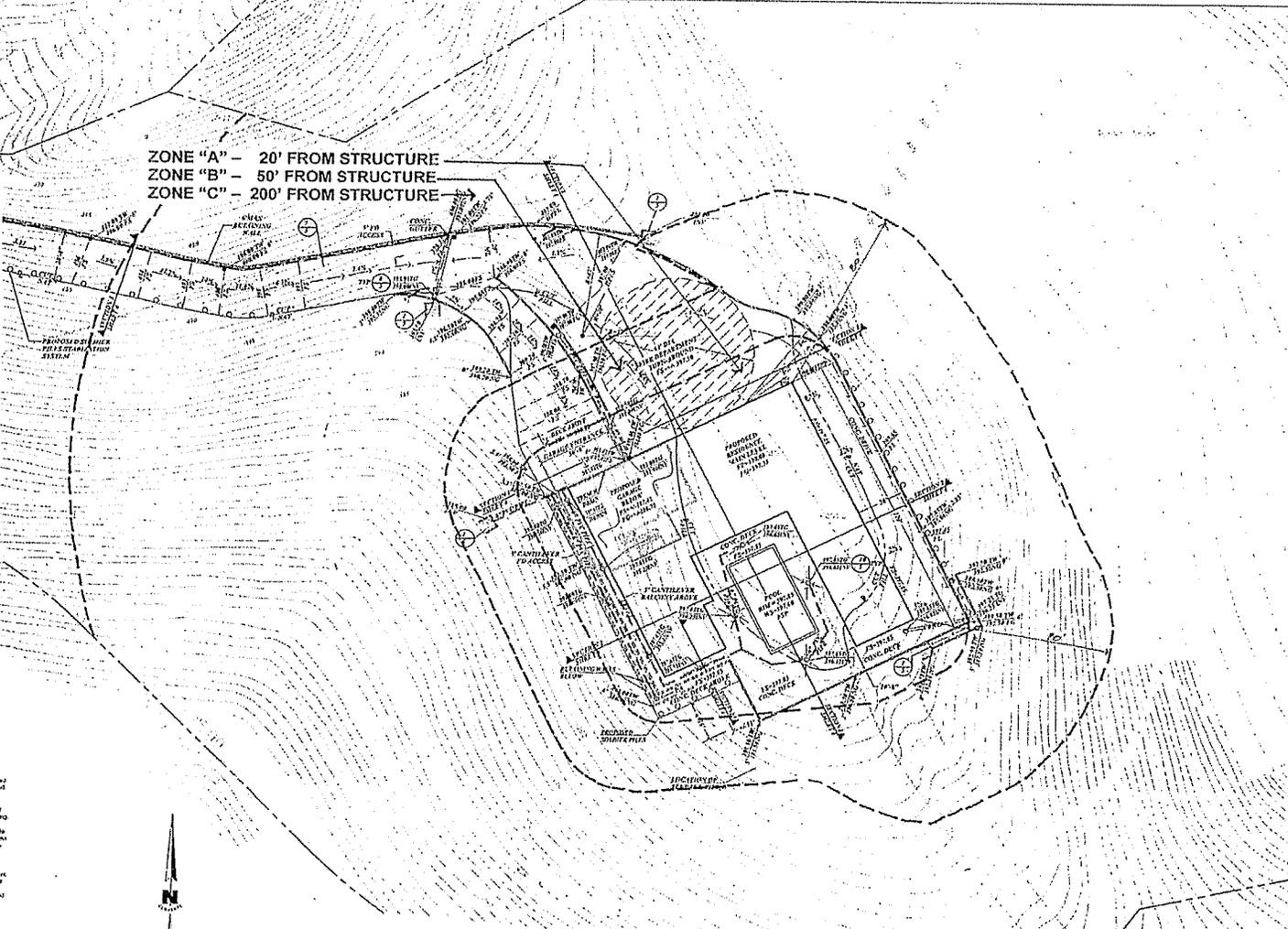
**Site Information**

1. The applicant shall provide information for all areas of the site. The information shall be in accordance with the following requirements:

- a. The information shall be of a minimum width of 10 feet.
- b. The information shall be of a minimum depth of 10 feet.
- c. The information shall be of a minimum height of 10 feet.

2. The applicant shall provide information for all areas of the site. The information shall be in accordance with the following requirements:

- a. The information shall be of a minimum width of 10 feet.
- b. The information shall be of a minimum depth of 10 feet.
- c. The information shall be of a minimum height of 10 feet.



Name (Prop)	Size	Area



Approved by the Fuel Modification Plan Committee approved for only those fuels indicated on this plan. The Fuel Modification Plan Committee does not replace the approval of any other authority with jurisdiction and shall remain responsible for those fuels which may or may not be indicated on this plan.

**PREPARED FOR:**  
CITY OF MALIBU  
FUEL MODIFICATION PLAN  
6050 MURPHY WAY  
SHEET 1 OF 3 JOB No. GW1136 DATE: 08/04/14

**PREPARED BY:**  
Bruce Malinowski  
Landscape Architect #4174  
4881 Mucklingbird Lane  
Chousand, CA 93033  
310.924.6109  
bruce@brucemalinowski.com

**SCALE:**  
AS SHOWN









# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-7650

## FIRE DEPARTMENT REVIEW REFERRAL SHEET

TO: Los Angeles County Fire Department DATE: 9/13/2011  
 FROM: City of Malibu Planning Department  
 PROJECT NUMBER: CDP 11-046, LDP 11-024  
 JOB ADDRESS: 6050 MURPHY WAY  
 APPLICANT / CONTACT: Eric Rasmussen  
 APPLICANT ADDRESS: 2320 Shasta way Suite F  
Simi Valley, CA 93065  
 APPLICANT PHONE #: (818)518-6932  
 APPLICANT FAX #: \_\_\_\_\_  
 PROJECT DESCRIPTION: NSFR

TO: Malibu Planning Department and/or Applicant  
 FROM: Fire Prevention Engineering Assistant

Compliance with the conditions checked below is required prior to Fire Department approval.

The project DOES require Fire Department Plan Review and Developer Fee payment X  
 The project DOES NOT require Fire Department Plan Review \_\_\_\_\_  
 The required fire flow for this project is 1500 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.) X  
 The project is required to have an interior automatic fire sprinkler system. X  
 Final Fuel Modification Plan Approval is required prior to Fire Department Approval X

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.	<u>X</u>	_____
Required and/or proposed Fire Department Vehicular Turnaround	<u>X</u>	_____
Required 5 foot wide Fire Department Walking Access (including grade %)	<u>X</u>	_____
Width of proposed driveway/access roadway gates	<u>X</u>	_____

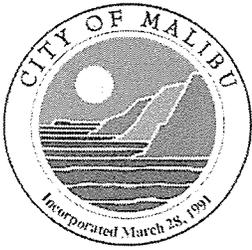
\*County of Los Angeles Fire Department Approval Expires with City Planning permits expiration, revisions to the County of Los Angeles Fire Code or revisions to Fire Department regulations and standards.

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

[Signature]  
SIGNATURE

10/29/14  
DATE

Additional requirements/conditions may be imposed upon review of complete architectural plans.  
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341 or at the Fire Department Counter:  
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday - Thursday between 7:00 AM and 11:00 AM



# City of Malibu

## MEMORANDUM

To: Planning Department

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

Date: April 14, 2016

Re: Proposed Conditions of Approval for 6050 Murphy Way CDP 11-046 Updated.

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

### GRADING AND DRAINAGE

1. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development LIP Section 17.3.1 that:
  - Is located within or adjacent to ESHA, or
  - Includes grading on slopes greater than 4:1
  - Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4:1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources
  
2. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's LIP Section 8.3. **A note shall be placed on the project that addresses this condition.**



3. A grading and drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
  - Public Works Department General Notes
  - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
  - The limits of land to be disturbed during project development shall be delineated on the grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, Areas disturb for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
  - The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
  - If the property contains trees that are to be protected they shall be highlighted on the grading plan.
  - If the property contains rare and endangered species as identified in the resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
  - Private storm drain systems shall be shown on the grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
  - Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.
  
4. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMP's shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMP's and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

## **STORMWATER**

5. The ocean between Latigo Point and the West City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation allows discharge of storm water only where it is essential for flood control or slope stability, including roof, landscape, road and parking lot drainage, to prevent soil erosion, only occurs during wet weather, and is composed of only storm water runoff. The applicant shall provide a drainage system that accomplishes the following:
  - Installation of BMPs that are designed to treat the potential pollutants in the storm water runoff so that it does not alter the natural ocean water quality. These pollutants



include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.

- Prohibits the discharge of trash.
- Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e. no additional pollutant loading).
- Elimination of non-storm water discharges.

6. A Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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

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

7. Prior to the approval of any permits and prior to the applicant submitting the required Construction General Permit documents to the State Water Quality Control Board, the applicant shall submit to the Public Works Department for review and approval an Erosion



and Sediment Control Plan (ESCP). The ESCP shall contain appropriate site-specific construction site BMPs and developed and certified by a Qualified SWPPP Developer (QWD). All structural BMPs must be designed by a licensed California Engineer. The ESCP must address the following elements:

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

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

8. A State Construction activity permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.
9. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's Local Implementation Plan Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP's) that have been implemented in the design of the project (See LIP Chapter 17 Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading/building permits for this project.



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

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

## MISCELLANEOUS

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

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

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

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



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





# City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861  
(310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

## GEOTECHNICAL REVIEW SHEET

<u>Project Information</u>			
Date:	September 2, 2015	Review Log #:	3305
Site Address:	6050 Murphy Way	Planning #:	CDP 11-046
Lot/Tract/PM #:	n/a	BPC/GPC #:	
Applicant/Contact:	Erik Rasmussen, <a href="mailto:erik@rasmussencollc.com">erik@rasmussencollc.com</a>	Planner:	Richard Mollica
Contact Phone #:	818-518-6932	Fax #:	
Project Type:	New single-family residential development		

<u>Submittal Information</u>	
Consultant(s) / Report Date(s): (Current submittal(s) in <i>Bold</i> .)	Mountain Geology, Inc. (Holt, CEG 1200): <b>6-25-15</b> , 4-25-13 Mountain Geology, Inc. (Holt, CEG 2282; CHG 816): 1-26-11 Calwest Geotechnical (Liston, RCE 31902): 6-6-13, 2-7-11 Barton Slutske (REHS # 3940): 12-26-10 <b>Grading plans prepared by Geoworks dated August 25, 2015.</b> Floor plans and elevations, undated.
Previous Reviews:	9-18-13, 8-23-13, 10-4-11, Geotechnical Review Referral Sheet dated 9-15-11

<u>Review Findings</u>	
<u>Coastal Development Permit Review</u>	
<input checked="" type="checkbox"/>	The residential development project is <b>APPROVED</b> from a geotechnical perspective.
<input type="checkbox"/>	The residential development project is <b>NOT APPROVED</b> from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.
<u>Building/Grading Plan-Check Review</u>	
<input checked="" type="checkbox"/>	<u>Awaiting Building plan check submittal.</u> 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.
<input type="checkbox"/>	<b>APPROVED</b> from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.
<input type="checkbox"/>	<b>NOT APPROVED</b> from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

### Remarks

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

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

2,701 yards of export.

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

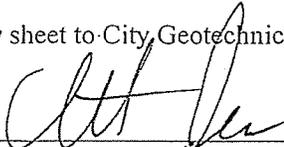
**NOTICE:** Applicants shall be required to submit all Geotechnical reports for this project as searchable PDF files on a CD. At the time of Building Plan Check application, the Consultant must provide searchable PDF files on a CD to the Building Department for ALL previously submitted reports that have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

Building/Grading Plan-Check Stage Review Comments:

1. The project structural engineer needs to consider the Project Geologist’s conclusions regarding bedrock shattering and incorporate those recommendations into the design of the project, as applicable.
2. If structures are supported on the proposed soldier piles, the Project Geotechnical Consultant needs to provide estimates of pile deflection at the top of the soldier piles.
3. Please clearly label the landslide and fault Restricted Use Areas established by the Project Engineering Geologist on the grading and site plans. Indicate the restrictions for development on the plans.
4. Please depict limits and depths of over-excavation and structural fill to be placed on the grading plan, and cross sectional view of the proposed building area. Cut and fill yardages are to be indicated on the cover sheet of the plans.
5. Two sets of final grading, retaining wall, swimming pool, soldier pile, tennis court, OWTS, and residence plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant’s recommendations and items in this review sheet must be reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants’ recommendations and items in this review sheet over the counter at City Hall. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

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

Engineering Geology Review by:

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

Date 9/2/15

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

**FUGRO CONSULTANTS, INC.**  
 4820 McGrath Street, Suite 100  
 Ventura, California 93003-7778  
 (805) 650-7000 (Ventura office)  
 (310) 456-2489, x306 (City of Malibu)



# *City of Malibu*

23815 Stuart Ranch Road, Malibu, California 90265  
(310) 456-2489 Fax (310) 456-7650

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Planning Department

## **BIOLOGICAL REVIEW**

**Site Address:** 6050 Murphy Way  
**Applicant/Phone:** Eric Rasmussen/ 818-518-6932  
**Project Type:** NSFR  
**Project Number:** CDP 11-046  
**Project Planner:** Richard Mollica

**RESOURCES:** Scrub ESHA

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

### DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 1,027,467 gallons per year. The Estimated Applied Water Use (EAWU) totals 452,844 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.
2. This project has numerous restrictions due to ESHA and Geotechnical safety issues. Additionally, a previous CDP was issued on this property for a lot split that also placed the development area in the same area as proposed with this project, though there is no longer a proposal to split the project. Therefore, due to the restriction of geological hazards, the proposed home location is in the least environmentally damaging area. Further, pursuant to LIP Section 4.4.4.D, the project is not subject to ERB review.

### RECOMMENDATIONS:

1. The project is **APPROVED** with the following conditions:
  - A. Pursuant to LIP Section 4.7.1 the allowable development area is limited to 10,000 square feet as all feasible building areas will result in impacts to Environmentally Sensitive Habitat Area (ESHA).
  - B. Pursuant to LIP Section 4.8.1, all new development shall include mitigation for unavoidable impacts to ESHA from the removal, conversion, or modification of natural habitat for new development, including required fuel modification and brush clearance. The proposed project will result in 24,000 sf (0.55) acres of permanent impacts (Development footprint and/or Fuel Modification Zones A and/or B) to ESHA and

72,000 sf (1.65 acres) of partial impacts (Fuel Modification Zone C). One of the following three Habitat Impact Mitigation methods shall be required: (1) habitat restoration; (2) habitat conservation; or (3) in-lieu fee for habitat conservation. The CDP shall include conditions setting forth the requirements for habitat mitigation. **Prior to Final Plan Check the applicant shall provide either a detailed restoration plan, a habitat conservation plan, or evidence of payment of *in lieu* fees to the Santa Monica Mountains Conservancy.**

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

**Jonathan King**

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

- D. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.
- E. Invasive plant species, as determined by the City of Malibu, are prohibited.
- F. Vegetation shall be situated on the property so as not to obstruct the primary view from private property at any given time (given consideration of its future growth).
- G. No non-native plant species shall be approved greater than 50 feet from the residential structure.
- H. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.
- I. Grading should be scheduled only during the dry season from April 1-October 31st. If it becomes necessary to conduct grading activities from November 1 –March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.
- J. Grading scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Surveys shall be completed no more than 5 days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active.

- K. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas.
  - L. Necessary boundary fencing shall be of an open rail-type design with a wooden rail at the top (instead of wire), be less than 40 inches high, and have a space greater than 14 inches between the ground and the bottom post or wire. A split rail design that blends with the natural environment is preferred.
2. **PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY**, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

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



# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861  
(310) 456-2489 FAX (310) 317-1950 www.malibucity.org

## ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator DATE: 9/13/2011 *11/25/14*  
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 11-046, LDP 11-024  
JOB ADDRESS: 6050 MURPHY WAY  
APPLICANT / CONTACT: Eric Rasmussen  
APPLICANT ADDRESS: 2320 Shasta way Suite F  
Simi Valley, CA 93065  
APPLICANT PHONE #: (818) 518-6932  
APPLICANT FAX #: \_\_\_\_\_  
APPLICANT EMAIL: eras\_490@yahoo.com  
PROJECT DESCRIPTION: NSFR

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

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

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

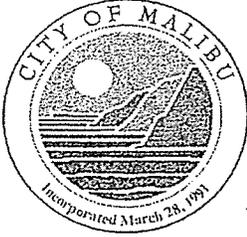
OWTS Plot Plan:  NOT REQUIRED  
 REQUIRED (attached hereto)  REQUIRED (not attached)

Todd E. [Signature]  
Signature

DECEMBER 11, 2014  
Date

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

Andrew Sheldon, Environmental Health Administrator may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.

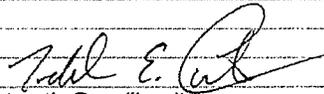


# City of Malibu

Environmental Health • Environmental Sustainability Department  
 23825 Stuart Ranch Road • Malibu, California • 90265-4861  
 Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

## ENVIRONMENTAL HEALTH REVIEW SHEET

### PROJECT INFORMATION

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

### SUBMITTAL INFORMATION

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

### REVIEW FINDINGS

Planning Stage:	<input checked="" type="checkbox"/>	<b>CONFORMANCE REVIEW COMPLETE</b> for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Plumbing Code (MPC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	<input type="checkbox"/>	<b>CONFORMANCE REVIEW INCOMPLETE</b> for the City of Malibu LIP and MPC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
Plan Check Stage:	<input type="checkbox"/>	<b>APPROVED</b>
	<input checked="" type="checkbox"/>	<b>NOT APPROVED</b> Please respond to the listed plan check review comments and conditions of Planning conformance review.
OWTS Plot Plan:	<input type="checkbox"/>	<b>NOT REQUIRED</b>
	<input checked="" type="checkbox"/>	<b>REQUIRED (attached hereto)</b> <input type="checkbox"/> <b>REQUIRED (not attached)</b>

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new alternative onsite wastewater treatment system (AOWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed AOWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2013 Edition with City of Malibu local amendments (Malibu Municipal Code Section 12.12; hereinafter MPC), and the City of Malibu Local Coastal Program/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.



The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project AOWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

### Conditions of Planning Conformance Review

- 1) **Final AOWTS Plot Plan:** A final plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the MPC, and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The AOWTS Plot Plan shall show essential features of the AOWTS, existing improvements, and proposed/new improvements. The plot must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).
- 2) **Final AOWTS Design Report, Plans, and System Specifications:** A final AOWTS design report and construction drawings with system specifications (four sets) shall be submitted to describe the AOWTS design basis and all components proposed for use in the construction of the AOWTS. All plans and reports must be signed by the California-registered Civil Engineer, Registered Environmental Health Specialist, or Professional Geologist who is responsible for the design. The final AOWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

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

- a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture schedule, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.
- b. Sewage and effluent pump design calculations.
- c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.
- d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including



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

- e. For AOWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.
- 3) **Building Plans:** All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
- 4) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.
- 5) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the AOWTS designer shall be submitted. This shall be the same operations and maintenance manual proposed for later submission to the owner and/or operator of the proposed alternative onsite wastewater disposal system.
- 6) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed alternative onsite wastewater disposal system after construction shall be submitted. **Please note only original "wet signature" documents are acceptable.**
- 7) **AOWTS Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an alternative method of sewage disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix H, Section H 1.10. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. **Please submit a certified copy issued by the Los Angeles County Recorder.**
- 8) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu Geologist and Geotechnical Engineer final approval of the AOWTS plan shall be submitted.
- 9) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the AOWTS plan shall be obtained.
- 10) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the AOWTS design and system specifications.
- 11) **Operating Permit Application and Fee:** In accordance with M.M.C. Chapter 15.14, an application shall be made to the Environmental Health office for an AOWTS operating permit. An operating



permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

-o0o-

If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file  
Planning Department





# Story Pole Photos



A view of the site looking south from Murphy Way



View of the site looking east from Murphy Way

**Kathleen Stecko**

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**Subject:** 6050 Murphy Way Development

RECEIVED  
JUN - 6 2016  
PLANNING DEPT.

**From:** Jonathan Kaye [mailto:[jonathan@kayo.com](mailto:jonathan@kayo.com)]  
**Sent:** Friday, June 03, 2016 5:56 PM  
**To:** Richard Mollica <[RMollica@malibucity.org](mailto:RMollica@malibucity.org)>  
**Cc:** Bonnie Blue <[BBblue@malibucity.org](mailto:BBblue@malibucity.org)>  
**Subject:** 6050 Murphy Way Development

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

Richard,

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

Sincerely,  
Jonathan Kaye

Coastal Development Permit No. 08-046  
Variance No. 15-044  
Site Plan Review No. 08-023  
Minor Modification No. 15-015  
Section 5. Conditions of Approval  
Site Specific Conditions

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

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

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

CC: Planning Commission, PD, PM, Recording  
Secretary, Reference Binder, File

**Kathleen Stecko**

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**Subject:** 6050 Murphy- secondary ridgelines and trail request comment letters  
**Attachments:** Response to MRCA trail request.pdf; Ridgeline determination 6050 Murphy Way.pdf

**From:** Eric Rasmussen [mailto:[eric@rasmussencollc.com](mailto:eric@rasmussencollc.com)]  
**Sent:** Monday, June 06, 2016 9:37 AM  
**To:** Richard Mollica <[RMollica@malibucity.org](mailto:RMollica@malibucity.org)>  
**Subject:** 6050 Murphy- secondary ridgelines and trail request comment letters

RECEIVED  
JUN - 6 2016  
PLANNING DEPT.

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

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

Regards,  
Eric

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

Date Received 6/6/16 Time 2:00pm  
Planning Commission meeting of 6/6/16  
Agenda Item No. 5D  
Total No. of Pages 6

# C. A. RASMUSSEN COMPANY, LLC

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2320 Shasta Way, Suite F, Simi Valley, CA 93065 • T (805) 581-2275 • F (805) 581-2265

Richard Mollica, Senior Planner  
City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265

June 5, 2016

Re: Response to letter from Paul Edelman, MRCA

Dear Mr. Mollica,

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

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

Mr. Edelman's letter states that residents have expressed support for adding a new, additional easement through private property in this area. To the immediate east of our property is the Winding Way East trail and public parking lot, which currently facilitates public access to increasingly large numbers of hikers through the residential neighborhood to the Escondido Falls parkland. We are not aware of any area resident who currently takes the position that an additional public access route would provide any additional benefit. Rather, it is our understanding of the prevailing sentiment of residents,

based on oral and written testimony, that a majority are strongly opposed to adding additional trails. For example, I refer you to the Malibu City Council hearing on May 9, 2016, at which a large number of Malibu residents expressed vehement opposition to the depiction of proposed trails over their or their neighbor's property on the voluntary trails incentives ("wish list") map. The City Council was receptive to these concerns.

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

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

Very Truly Yours,

Eric Rasmussen  
C.A. Rasmussen Co., LLC

# C. A. RASMUSSEN COMPANY, LLC

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2320 Shasta Way, Suite F, Simi Valley, CA 93065 • T (805) 581-2275 • F (805) 581-2265

Chair Stack and members of the Malibu Planning Commission  
City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265

Re: Secondary ridgeline study - 6050 Murphy Way

June 5, 2016

Honorable Commissioners,

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

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

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

Although the various code sections may not share the same language, it is abundantly evident that the intent of the council is to consider only ridgelines with a 20 percent or greater slope to be eligible as "secondary ridgelines." This conclusion is borne out by common sense when one considers that a 10 percent slope criteria would be overly restrictive by any reasonable standard, but especially in the hilly terrain of this City.

There are several other clear reasons as to why the ridgeline restrictions are not applicable to this project. The following are some of those reasons.

1. According to LCP Interpretation #16, ridgeline standards only apply if all three of the following are true: the ridge is visible from a scenic area, the project is visible from a scenic area, and the project could result in potentially significant adverse impacts to scenic resources. As reflected in the staff report, the project has been found not to have any such potential adverse impacts because it does not obstruct ocean views and is not visible from PCH. As a result, the ridgeline standards are not applicable.
2. LUP chapter 6.4 (LUP Land Use Policies) states in part "Scenic Areas do not include inland areas that are largely developed or built out such as residential subdivisions along the coastal terrace...." The threshold for "largely built out" is 65 percent. Within a 1000 foot radius of the proposed project, 70 percent of the parcels are developed with single family homes, exceeding the threshold for "largely built out." Because all areas from which the project is visible are largely built out, and thereby precluded from being a "scenic area," the ridgeline standards do not apply.
3. The 70 percent buildout calculation underestimates the true average of developed parcels in the neighborhood because the parcel itself is so large (over 12 acres) and is contiguous to the north and south with three other extraordinarily large vacant residential parcels, making the neighbors more distant by virtue of the mere fact of parcel acreage. It is also contiguous to the east with 89 acres of parkland which is excluded, but also meets the criteria for being developed. As stated in LCP Interpretation #16, "In order to be considered developed, the parcel must accommodate uses normally related to human activities. All parcels with primary uses are considered developed." Presumably, the primary use of hiking, etc. meets these criteria.
4. LIP Chapter 6.2 (Applicability- Scenic, Visual, and Hillside Resource Protection Ordinance) states, to paraphrase, that it applies to scenic areas with slopes over 20 percent. As previously mentioned, the area does not meet the criteria of a scenic area because it is largely built out, and the ridgeline feature does not exhibit slopes over 20 percent. Ridgeline standards only apply to those portions of the parcel that meet the definition of a ridgeline, and not the entire parcel.
5. As related in the staff report for the project, all of the existing homes along Murphy Way (formerly DeButts Terrace) are two story homes which have significantly smaller setbacks than the proposed project and are located on smaller lots. The proposed project is in keeping with the neighborhood character and in fact will have a lesser impact in relation to lot size compared to the other homes in the neighborhood. LIP section 6.1 "Purpose and Intent" states that "To implement the certified Land Use Plan (LUP), development standards, permit and application requirements, and other measures are provided to ensure that permitted development

shall be sited and designed to.... be visually compatible with the character of surrounding areas..." Therefore, to limit the proposed to one story would be to force the project to deviate aesthetically from the rest of the neighborhood, contrary to the stated intent of the scenic, visual, and hillside protection ordinance in the LCP.

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

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

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

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

Very Truly Yours,

Eric Rasmussen  
C.A. Rasmussen Co., LLC



JUN - 3 2016

PLANNING DEPT

**Kathleen Stecko**

**From:** Brad Folb <Brad@hollywoodoffices.com>  
**Sent:** Friday, June 03, 2016 3:14 PM  
**To:** Kathleen Stecko  
**Cc:** Lisa Pope  
**Subject:** June 6, 2016 Planning Commission Meeting, Item 5D- letter of support 6050 Murphy Way single family residence

Chair Stack and Members of City of Malibu Planning Commission,

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

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

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

Thank you for all you do.

Brad Folb

Date Received 6/3/16 Time 3:30pm  
 Planning Commission meeting of 6/6/16  
 Agenda Item No. SA  
 Total No. of Pages 1

**Kathleen Stecko**

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**Subject:**

Murphy Way 6050, CDP11-046 Comments

RECEIVED

JUN - 6 2016

PLANNING DEPT.

To Richard Mollica – Case Planner:

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

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

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

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

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

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

Paul Edelman  
Chief of Natural Resources and Planning

310-589-3200 ext. 128

Date Received 6/6/16 Time 2:00pm  
Planning Commission meeting of 6/6/16  
Agenda Item No. 5D  
Total No. of Pages 1

CC: Planning Commission, PD, PM, Recording  
Secretary, Reference Binder, File

Notice Continued...

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

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

**LOCAL APPEAL** - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days (fifteen days for tentative parcel maps) following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org/planning/forms](http://www.malibucity.org/planning/forms) or in person at City Hall, or by calling (310) 456-2489, extension 245.

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

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

Date: June 23, 2016

By: Bonnie Blue, Planning Director

# Notice of Public Hearing



City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265

## Planning Department

### City of Malibu

23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489 Fax (310) 456-7650

## NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **MONDAY, July 18, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, for the project identified below.

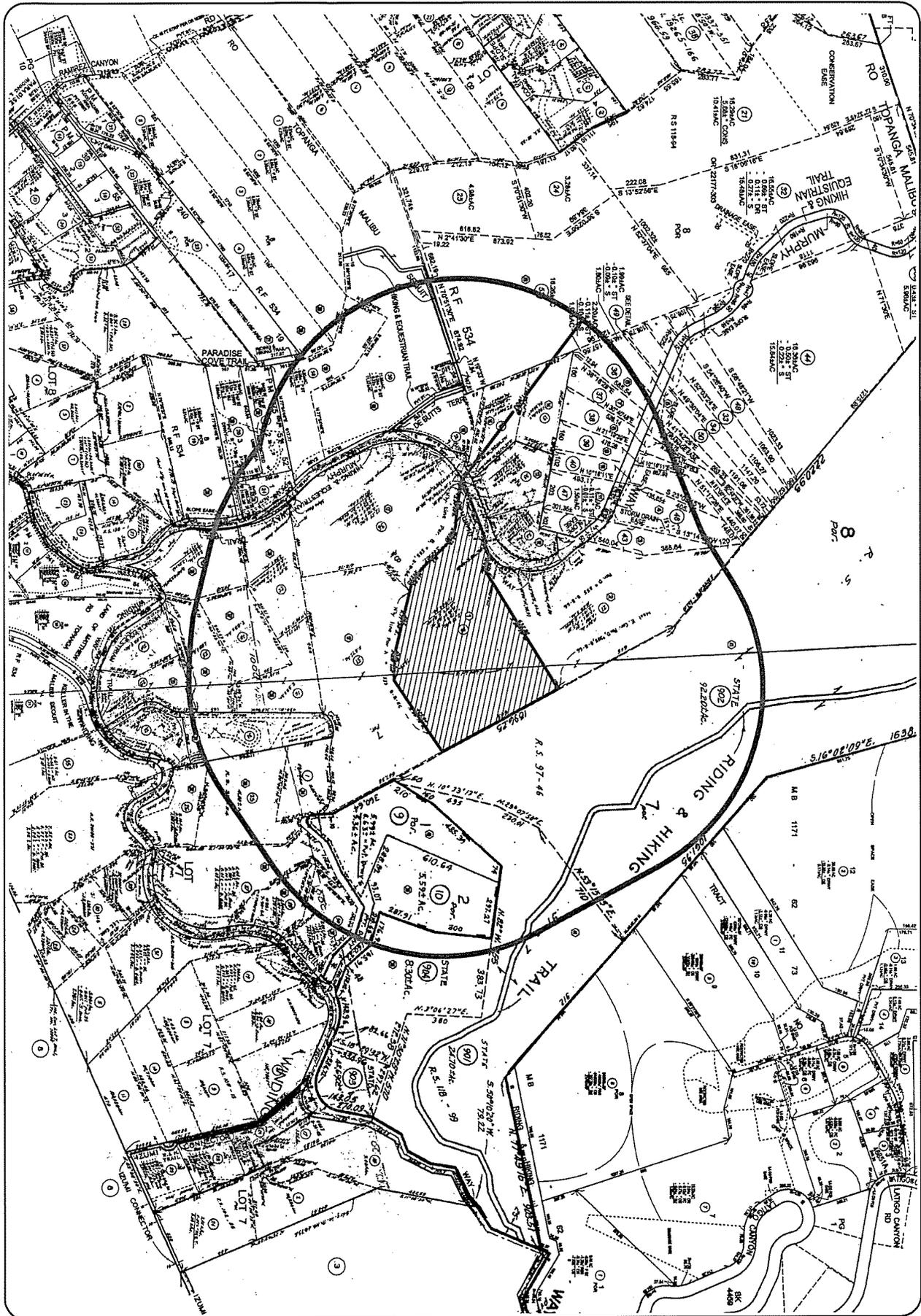
**COASTAL DEVELOPMENT PERMIT NO. 11-046, VARIANCE NO. 16-011, AND SITE PLAN REVIEW NOS. 16-017 AND 16-018**

– An application for the construction of a new 10,605 square foot, two-story single-family residence with attached guesthouse and a 1,565 square foot subterranean garage, for total development square footage for the site of 10,887, alternative onsite wastewater system, new driveway, retaining walls, pool, spa, pool equipment, landscaping, patio with barbeque area, grading, and associated development, including a variance to reduce the required ESHA buffer, a site plan review for a roof height of 28 feet, and a site plan review to allow for remedial grading

LOCATION:	6050 Murphy Way, not within the appealable coastal zone 4467-004-028
APN:	Rural Residential-Ten Acre (RR-10)
ZONING:	Eric Rasmussen C.A. Rasmussen Co. LLC
APPLICANT:	September 13, 2011
OWNER:	Richard Mollica
APPLICATION FILED:	Senior Planner
CASE PLANNER:	(310) 456-2489, ext. 346 rmollica@malibucity.org

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





*More Services*  
**SUE MORENO**  
 (818) 385-2844  
 smoreno@earthlink.net  
 OWNERSHIP / OCCUPANTS LIST - RADAR MAPS - LAND USE  
 PLANS - MUNICIPAL COMPLIANCE CONSULTING

**PROJECT INFORMATION**  
**6050 MURPHY WAY**  
**MALIBU, CA.**

**OWNERSHIP MAP**  
**SCALE 1" = 200'**  
 [Hatched Box] = SUBJECT LOT





# Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Richard Mollica, Senior Planner *RM*

Reviewed: Bonnie Blue, Planning Director *BB*

Date prepared: July 8, 2016 Meeting date: July 18, 2016

Subject: Coastal Development Permit Amendment No. 15-003 - An application to amend Coastal Development Permit No. 09-007 to allow for the after-the-fact construction of a new seawall

Location: 25160 Malibu Road, within the appealable coastal zone

APNs: 4459-015-011

Owners: Todd and Kasey Lemkin

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 16-66 (Attachment 1) approving Coastal Development Permit Amendment (CDPA) No. 15-003 to amend Coastal Development Permit (CDP) No. 09-007 to allow for the replacement, rather than the repair of the seawall and associated return walls at a previously approved beachfront residence in the Single-Family Medium Density (SFM) zoning district located at 25160 Malibu Road (Lemkin).

**DISCUSSION:** This agenda report will provide an overview of the project including a background of the approved CDP project, a summary of the surrounding land uses, and description of the proposed amendment. Next, the report summarizes staff's analysis of the project's consistency with the applicable provisions of the Malibu Local Coastal Program (LCP) and the California Environmental Quality Act (CEQA). The analysis and findings discussed herein demonstrate that the project is consistent with the LCP.

## ***Project Background***

On February 2, 2010, the Planning Commission adopted Resolution No. 10-05 (Attachment 2 – referenced as “original approval” in this report) approving CDP No. 09-007, Demolition Permit (DP) No. 09-021 and Offer to Dedicate (OTD) No. 09-010 for the remodel and conversion of an existing 4,410 square foot, four-unit apartment building

into a 5,256 square foot single-family residence, the installation of a new alternative onsite wastewater treatment system (AOWTS), three new caissons and foundation repair, and improvements to an existing seawall, including an offer to dedicate lateral public access along the shore and partial demolition of an existing apartment structure. In addition, an illegal structure located beneath the existing residence was removed. Below is an aerial photograph of the subject site and surrounding properties (Figure 1).

Figure 1: Aerial Photograph



The existing bulkhead was proposed to be deepened and expanded to avoid beach scour and designed to allow for overtopping of the seawall during periods of high surf. During the course of construction, the contractor replaced the existing seawall rather than repair it. The existing wooden seawall was completely removed and a new concrete wall was constructed in the same footprint. During construction, the contractor discovered additional issues with the existing seawall that necessitated the construction of a replacement seawall. The scope of the original CDP, plus the new seawall and return walls has been completed. Upon approval of the CDP, the applicant will obtain after-fact building permits and inspections to legalize the seawall (Attachment 3).

**Project Site Information**

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

Table 1 – Property Data	
Lot Depth	126 feet
Lot Width	50 feet
Gross Lot Area	6,325 square feet (0.15 acres)
Net Lot Area*	6,325 square feet (0.15 acres)

\* Excludes slopes greater than 1:1 (LIP §3.6(F)(4)) and access easements for purposes of calculating yards (LIP Chapter 2)

## ***Project Description***

The proposed amendment is for the approval of a new concrete seawall and return wall that was built without the benefit of permits.

## ***LCP Analysis***

The Malibu LCP consists of the Land Use Plan (LUP) and a Local Implementation Plan (LIP). The LUP contains programs and policies to implement the Coastal Act in Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring a coastal development permit must adhere. This project has been reviewed and approved for LCP conformance review by the Planning Department, the City Environmental Health Administrator, City geotechnical staff, and City Coastal Engineer (Attachment 4).

There are 14 sections within the LIP that potentially require specified findings to be made, depending on the nature and location of the proposed project. Of these 14, five sections are for conformance review only and require no findings. These five sections include Zoning, Grading and Archaeological / Cultural Resources, Water Quality, and Onsite Wastewater Treatment System (OWTS). As the proposed project is for the replacement of the existing seawall and return walls with no additional grading or change to the AOWTS, the previous original analysis conducted for the above mentioned sections is not affected by the proposed amendment.

The nine remaining LIP sections include: 1) Coastal Development Permit findings; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. These nine sections are discussed under the LIP Findings section. Of these nine, only General Coastal Development Permit findings, Hazards, and Shoreline and Bluff Development apply to this proposed project, as all findings made in association with the original approved project continue to apply, and can be found in Planning Commission Resolution No. 10-05.

The original LIP conformance analysis and discussion of findings can be found in the February 2, 2010 Commission Agenda Report.

## **LIP Conformance Analysis**

### **LIP Findings**

#### **A. General Coastal Development Permit (LIP Chapter 13)**

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

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

The project has been reviewed for conformance with the LCP by Planning Department, the City Environmental Health Administrator, City geotechnical Staff, and City Coastal Engineer. The proposed project amendment conforms to the LCP in that it meets all applicable residential development standards.

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

The project site is located on the seaward side of Malibu Road, between the first public road and the sea. The applicant agreed to provide an OTD for a lateral access easement to accommodate public access along the shoreline as part of Planning Commission Resolution No. 10-05 and this offer has been recorded. No requirement for vertical access was required by the original approval, and the new seawall does not impact this determination. The LCP Public Access Map also indicates that public vertical access exists approximately 360 feet east of the subject parcel between 25120 and 25116 Malibu Road and approximately 2,100 feet west of the subject parcel at Dan Blocker State Beach.

*Finding A3. The project is the least environmentally damaging alternative.*

Pursuant to CEQA, this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and is categorically exempt from CEQA pursuant to Sections 15303(e). The proposed modifications to the project to allow for the construction of a new seawall does not result in scenic or visual impacts, or change the previous determination that the project is the least environmentally damaging alternative, as it was constructed in the same footprint as the original seawall, which is the most landward feasible location, and in line with adjacent seawalls.

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

The subject parcel is not located in ESHA, ESHA buffer zone or any streams as designated in the LCP. Therefore, the project does not require ERB review and this finding does not apply.

## **B. Hazards**

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all approvals, denials or conditional approvals of development located in or near an area subject to these hazards. The project has been analyzed for the hazards listed in LIP Sections 9.2(A)(1-7) by City geotechnical staff, City Coastal Engineer, and has been reviewed and approved for conformance with all relevant policies and regulations of the LCP and MMC.

*Finding B1. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.*

City geotechnical staff determined that the proposed project is not anticipated to result in potential adverse impacts on site stability or structural integrity. Based on review of the report completed by Subsurface Designs, Inc. dated July 21, 2015, the proposed development is suitable for the site and, if their recommendations are followed, the development will be safe from geologic hazards. The only geologic hazard that is present on the subject property is liquefaction and wave uprush/tsunami. Based on review of the project and associated technical submittals, on July 21, 2015, City geotechnical staff and City Coastal Engineer approved the project, subject to conditions. The proposed design has been designed based on the requirements of the wave uprush study and flood zone. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or City geotechnical staff have been incorporated into all final design and construction including foundations, grading, sewage disposal and drainage.

### **Fire Hazard**

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

*Finding B2. 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 B1, the project as designed, conditioned, and approved by City geotechnical staff and City Coastal Engineer, does not have any significant adverse impacts on the site stability or structural integrity from geologic, flood or fire hazards due to the project design.

*Finding B3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

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

*Finding B4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.*

As stated in Finding B1, the project as designed, and conditioned, and approved by City geotechnical staff does not have any significant adverse impacts on the site stability or structural integrity.

*Finding B5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.*

As discussed in Finding B1, no adverse impacts to sensitive resources are anticipated.

### **C. Shoreline and Bluff Development (LIP Chapter 10)**

The project includes development on a parcel located along the shoreline as defined by the LCP. Therefore, in accordance with LIP Section 10.2, the requirements of LIP Chapter 10 are applicable to the project and the required findings are made as follows.

*Finding C1. The project, as proposed, will have no significant adverse impacts on public access, shoreline sand supply or other resources due to project design, location on the site or other reasons.*

The project as approved included an OTD for lateral public access across the width of the parcel, from the Mean High Tide Line (MHTL) to the dripline of the most seaward projecting structure which is the deck of the existing residence, thus improving public access on the subject property. The subject seawall is necessary to provide adequate protection for the existing AOWTS and the structure has been designed to withstand shoreline hazards without the protection of a shoreline protection device. The proposed seawall is located under the structure and all construction has been completed; therefore, approval of the seawall will not impact public access along the subject property. According to the April 13, 2009 Coastal Hazard Wave Runup Study prepared by GeoSoils, Inc. and July 8, 2014 Wave Runup Study prepared by David C. Weiss Structural Engineers and Associates, Inc. the "proposed development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area." Therefore, no significant adverse impacts on public access, shoreline sand supply or other resources are anticipated due to project design and location on the site.

*Finding C2. The project, as conditioned, will not have significant adverse impacts on public access, shoreline sand supply or other resources due to required project modifications or other conditions.*

As discussed in *Finding C1*, as conditioned and approved by the City Coastal Engineer and the City geotechnical staff, the project will not have any significant adverse impacts on public access or shoreline sand supply or other resources. In addition, the property owner recorded a deed restriction acknowledging the hazards associated shoreline development and that the existing shoreline protection device cannot be expanded or moved seaward.

*Finding C3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

As discussed in *Finding A3*, the project will not result in potentially significant impacts because: 1) feasible mitigation measures and / or alternatives have been incorporated to substantially lessen any potentially significant adverse effects of the development on the environment; or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any potentially significant adverse impacts of the development on the environment. The project is the least environmentally damaging alternative.

*Finding C4. There are not alternatives to the proposed development that would avoid or substantially lessen impacts on public access, shoreline sand supply or other resources.*

As discussed in *Finding C1*, as conditioned and approved by the City Coastal Engineer and the City Geologist, the project will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

*Finding C5. In addition, if the development includes a shoreline protective device, that it is designed or conditioned to be sited as far landward as feasible, to eliminate or mitigate to the maximum extent feasible extent adverse impacts on local shoreline sand supply and public access, there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources and is the least environmentally damaging alternative.*

The project does include a new shoreline protection device to protect the existing AOWTS which was approved under the original CDP. The existing AOWTS has been sited on the landward portion of the property and as a result, the associated seawall has been located as far landward as possible. To eliminate the need for a seawall, the OWTS would need to be relocated outside the limits of the protected wave uprush. This is not possible as the wave uprush limits extend to the front property line along Malibu Road. Given the location of the proposed seawall in the same footprint as the original seawall, it is not expected to impact local shoreline sand supply or public access.

CORRESPONDENCE: To date, staff has not received correspondence related to the project.

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

PUBLIC NOTICE: Staff published a Notice of Public Hearing on July 7, 2016 and mailed the notice to property owners and occupants within a 500-foot radius of the subject property (Attachment 5).

SUMMARY: Staff has determined that the required findings can still be made that the project complies with the LCP. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. The proposed amendment will not lessen or negate any of the findings or any other specific permit conditions contained in the previously adopted Planning Commission Resolution No. 10-05, which would remain in effect, supplement by the findings contained in Resolution No. 16-66.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-66
2. Planning Commission Resolution No. 10-05
3. Project Plans
4. Department Review Sheets
5. Public Hearing Notice

**CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 16-66**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU,  
APPROVING COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 15-003 TO  
AMEND COASTAL DEVELOPMENT PERMIT NO. 09-007 TO ALLOW FOR THE  
REPLACEMENT, RATHER THAN THE REPAIR OF THE SEAWALL AND  
ASSOCIATED RETURN WALLS AT A PREVIOUSLY APPROVED BEACHFRONT  
RESIDENCE IN THE SINGLE-FAMILY MEDIUM DENSITY ZONING DISTRICT  
LOCATED AT 25160 MALIBU ROAD (LEMKIN)**

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER  
AND RESOLVE AS FOLLOWS:

SECTION 1. Recitals.

- A. On February 2, 2010, the Planning Commission adopted Resolution No. 10-05, approving Coastal Development Permit (CDP) No. 09-007, Demolition Permit (DP) No. 09-021 and Offer to Dedicate (OTD) No. 09-010 for the for the remodel and conversion of an existing 4,410 square foot, four-unit apartment building into a 5,256 square foot single-family residence, the installation of a new alternative onsite wastewater treatment system (AOWTS), three new caissons and foundation repair, and improvements to an existing seawall, including an offer to dedicate lateral public access along the shore and partial demolition of an existing apartment structure. In addition, an illegal structure located beneath the existing residence was removed.
- B. On July 8, 2015, an application for Coastal Development Permit Amendment (CDPA) No. 15-003 was submitted to the Planning Department by applicant, Tobias Architecture, on behalf of the property owners, Todd and Kasey Lemkin. The application was routed to all City Departments for review.
- C. On June 6, 2016, a Notice of Application for the subject CDPA was posted onsite.
- D. On July 6, 2016, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.
- E. On July 18, 2016, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA

pursuant to Section 15303(e) – new construction of accessory structures. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

**SECTION 3. Coastal Development Permit Amendment.**

Based on substantial evidence contained within the record and pursuant to Sections 13.7(B) and 13.9 of the Local Coastal Program (LCP) Local Implementation Plan (LIP), the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, for CDPA No. 15-003 to allow for the replacement, rather than the repair of the seawall and associated return walls at a previously approved beachfront residence. The proposed amendment does not affect the approved project's development area or conformance with the LCP. The required LCP findings for the proposed amendment are made below. All other findings and conditions for CDP No. 09-007 remain in effect and are incorporated herein by reference.

**A. General Coastal Development Permit (LIP Chapter 13)**

1. The project has been reviewed for conformance with the LCP by Planning Department, the City Environmental Health Administrator, City geotechnical Staff, and City Coastal Engineer. The proposed project amendment conforms to the LCP in that it meets all applicable residential development standards.

2. The proposed project redesign conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code) as it enhances access opportunities to the shore because the applicant has recorded an offer to dedicate lateral beach access.

3. Evidence in the record demonstrates that the proposed as-built seawall will not result in scenic or visual impacts, or change the previous determination that the project is the least environmentally damaging feasible alternative.

**B. Hazards (LIP Chapter 9)**

1. City geotechnical staff determined that the proposed project is not anticipated to result in potential adverse impacts on site stability or structural integrity. Based on review of the report completed by Subsurface Designs, Inc. dated July 21, 2015, the proposed development is suitable for the site and, if their recommendations are followed, the development will be safe from geologic hazards. The only geologic hazard that is present on the subject property is liquefaction and wave uprush/tsunami. Based on review of the project and associated technical submittals, on July 21, 2015, City geotechnical staff and City Coastal Engineer approved the project, subject to conditions. The proposed design has been designed based on the requirements of the wave uprush study and flood zone.

All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or City geotechnical staff have been incorporated into all final design and construction including foundations, grading, sewage disposal and drainage.

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

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

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

5. No adverse impacts to sensitive resources are anticipated.

**C. Shoreline and Bluff Development (LIP Chapter 10)**

1. The project as approved included an OTD for lateral public access across the width of the parcel, from the mean high tide line (MHTL) to the dripline of the most seaward projecting structure which is the deck of the existing residence, thus improving public access on the subject property. The subject seawall is necessary to provide adequate protection for the existing AOWTS and the structure has been designed to withstand shoreline hazards without the protection of a shoreline protection device. The proposed seawall is located under the structure and all construction has been completed; therefore, approval of the seawall will not impact public access along the subject property. According to the April 13, 2009 Coastal Hazard Wave Runup Study prepared by GeoSoils, Inc. and July 8, 2014 Wave Runup Study prepared by David C. Weiss Structural Engineers and Associates, Inc. the “proposed development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area.” Therefore, no significant adverse impacts on public access, shoreline sand supply or other resources are anticipated due to project design and location on the site.

2. The project will not have significant adverse impacts on public access or shoreline sand supply or other resources. In addition, the property owner recorded a deed restriction acknowledging the hazards associated shoreline development and that the existing shoreline protection device cannot be expanded or moved seaward.

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

4. The project is not expected to have any significant adverse impacts on public access or shoreline sand supply or other resources.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDPA No. 15-003. Other than the changes noted below, no other changes to conditions contained in Planning Commission Resolution No. 10-05 are made and all other findings, terms and conditions contained in Planning Commission Resolution No. 10-05, including the CDP expiration date, shall remain in effect.

SECTION 5. Conditions of Approval.

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. Approval of this amendment to CDP No. 09-007 is to allow for the after-the-fact construction of a concrete seawall and return walls that replaced an existing wooden seawall.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **July 8, 2015**. 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 working days of receipt of this executed resolution.
5. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the July 18, 2016, Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.
6. Within six months of this approval the property owner shall obtain permits and complete all required inspections for the approval of the concrete seawall and return walls that are the subject of this CDP.

SECTION 6.            Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of July 2016.

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ROOHI STACK, Planning Commission Chair

ATTEST:

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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](http://www.malibucity.org), in person at City Hall, or by calling (310) 456-2489, ext. 245.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s decision to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at [www.coastal.ca.gov](http://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.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-66 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 18<sup>th</sup> day of July 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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KATHLEEN STECKO, Recording Secretary

**CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 10-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING COASTAL DEVELOPMENT PERMIT NO. 09-007, DEMOLITION PERMIT NO. 09-021 AND OFFER TO DEDICATE NO. 09-010 – FOR THE REMODEL AND CONVERSION OF AN EXISTING 4,410 SQUARE FOOT, FOUR-UNIT APARTMENT BUILDING INTO A 5,256 SQUARE FOOT SINGLE-FAMILY RESIDENCE, THE INSTALLATION OF A NEW ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM, THREE NEW CAISSONS AND FOUNDATION REPAIR, AND IMPROVEMENTS TO AN EXISTING BULKHEAD, INCLUDING AN OFFER TO DEDICATE LATERAL PUBLIC ACCESS ALONG THE SHORE AND PARTIAL DEMOLITION OF AN EXISTING APARTMENT STRUCTURE LOCATED AT 25160 MALIBU ROAD (25160 BU ROAD, LLC)**

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

- A. On June 16, 2008, Administrative Plan Review (APR) No. 08-064 was submitted to the Planning Division for processing to convert an existing four-unit apartment building into a single-family residence.
- B. On June 25, 2008, the Planning Division Quality Assurance Committee (QAC) determined the project be upgraded to a CDP since it exceeded maximum thresholds required for a CDP Exemption outlined in LIP Sections 13.4.2 and 13.4.3.
- C. On January 30, 2009, APR No. 08-064 was withdrawn by the applicant and Coastal Development Permit (CDP) No. 09-007 was submitted for the prior scope of work including an upgrade to the onsite wastewater treatment system (OWTS) and installation of three new caissons. The application was routed to appropriate City and County agencies for Local Coastal Program (LCP) conformance review.
- D. On April 1, 2009, a Courtesy Notice was mailed to all property owners and occupants within a 500 foot radius of the subject property.
- E. On July 23, 2009, a Notice of Coastal Development Permit Application was posted at the site.
- F. On August 3, 2009, Demolition Permit (DP) No. 09-021 was assigned for the partial demolition of the existing four-unit apartment building and Offer to Dedicate (OTD) No. 09-010 was assigned for lateral public access on the subject parcel.
- G. On August 21, 2009, the applicant submitted revised architectural plans demonstrating conformance with LCP development standards and that less than 50 percent of the existing exterior walls of the residence would be removed in conformance with LCP Local Implementation Plan (LIP) Section 13.4.2(D).

H. On September 11, 2009, story poles were placed on the subject property to demonstrate the height of the proposed project and to analyze visual impacts.

I. On September 15, 2009, staff visited the subject property to inspect and photograph the story poles.

J. On January 6, 2010, the subject application was deemed complete.

K. On January 21, 2010, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 foot radius of the subject property.

L. On February 2, 2010, the Planning Commission held a duly noticed public hearing on the subject applications, 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 proposal as described above. The Planning Commission has found this project listed among the classes of projects determined to have less than significant adverse effect on the environment and therefore, exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines 15301(e)(1) – Additions to Existing Structures. The Planning Commission further determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

## Section 3. Coastal Development Permit Approval and Findings.

Based on substantial evidence contained within the record and pursuant to LIP Sections 13.7(B) and 13.9, the Planning Commission hereby adopts the findings of fact and approves CDP No. 09-007, DP No. 09-021 and OTD No. 09-010.

The project has been reviewed for conformance with the LCP and Malibu Municipal Code (M.M.C.) by Planning Division staff, the City Coastal Engineer, City Environmental Health Administrator, City Geologist, City Public Works Department and the Los Angeles County Fire Department (LACFD). Subject to the conditions of approval, the project is consistent with all applicable M.M.C. and LCP codes, standards, goals and policies.

### **A. General Coastal Development Permit (LIP Chapter 13)**

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

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

The project, as conditioned, conforms to the LCP and meets the required residential development standards for

beachfront properties required by LIP Section 3.6. The proposed conversion of a multi-family structure to a single-family structure with ancillary development is a permitted use within the Multi-Family Beachfront (MFBF) zoning designation.

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

The project site is located on the seaward side of Malibu Road, between the first public road and the sea. The LCP Public Access Map indicates that lateral public access has not been recorded on the subject property, but does exist across the three adjacent west parcels. However, the applicant has agreed to provide an OTD for a lateral access easement to accommodate public access along the shoreline; a condition has been incorporated to memorialize this offer. New development will not encroach seaward of the building stringline or deck stringline, maintains the required 10 foot mean high tide line (MHTL) setback and is not anticipated to impact the public access being offered. The LCP Public Access Map also indicates that public vertical access exists approximately 360 feet east of the subject parcel between 25120 and 25116 Malibu Road and approximately 2,100 feet west of the subject parcel at Dan Blocker State Beach.

The location of the proposed project and related construction activities is not anticipated to interfere with the public's right to access the coast. The project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).

*Finding A3. The project is the least environmentally damaging alternative.*

Pursuant to CEQA, this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and is categorically exempt from CEQA. The proposed project 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 addition to the existing structure, conversion from a four-unit apartment building into a single-family residence, installation of a new alternative onsite wastewater treatment system (AOWTS) and foundation/bulkhead improvements are all permitted uses within the MFBF zoning classification of the subject property. The project will not result in potentially significant impacts on the physical environment. Due to constraints of the subject property, the proposed location is the least environmentally damaging alternative.

Four alternatives were considered to determine which was the least environmentally damaging.

1. No Project – The no project alternative would avoid any change to the project site, and hence, any change to visual resources. The project site is zoned MFBF and permits multi-family or single-family residential development. The no project alternative would not accomplish any of the project objectives and, therefore, is not feasible. Furthermore, the existing OWTS would remain and continue servicing the apartment building without providing secondary and tertiary treatment.

2. Smaller Project – A smaller project could be designed for the project site. However, the proposed project is for the remodel and conversion of an existing 4,410 square foot, four-unit apartment building into a 5,256 square foot single-family residence and the installation of a new AOWTS. The addition to the existing structure and AOWTS conforms to all beachfront development criteria and maintains the required side yard

setbacks and view corridor requirements, rear yard stringline setback and the required 10 foot MHTL setback. In addition, all required parking is provided onsite. It is not anticipated that a smaller project would offer any environmental advantages.

3. Complete Demolition and Rebuild – The existing apartment building, foundation system and bulkhead could be completely demolished and a new single-family residence constructed in its place. However, the proposed project utilizes existing development on the site to the maximum extent feasible which reduces overall site disturbance and construction impacts. It is not anticipated that a complete demotion and rebuild would offer any environmental advantages.

4. Proposed Project – The project consists of a conversion, addition to and remodel of the existing apartment building. Over 50 percent of the existing exterior walls will be maintained and the total development square footage (TDSF) on the site will increase by 19 percent, or 846 square feet. Improvements to the existing foundation system and bulkhead deepening/expansion, including the installation of three new caissons beneath the structure have been recommended by the project's structural, geotechnical, coastal and environmental health engineers due to added structural weight loads and potential wave uprush conditions. The strengthened foundation will provide safe support for the proposed addition to the existing residence, protect against beach scour and impacts to the proposed leach field location, and will have the least impact on beach deposits underlying the site. In addition, the existing foundation system will be reinforced with pile wrapping, cross-brace and hardware replacement. The proposed project conforms to all beachfront development criteria and maintains all required setbacks. The project includes a new AOWTS to replace the conventional OWTS, which will provide the existing residence with secondary and tertiary treatment and the project includes an OTD for lateral public access along the shore. The new AOWTS and OTD serve to improve water quality and preserve public access to the shore. Therefore, the project, as proposed, is the least damaging alternative.

The selected location has been reviewed and conditionally approved by the City Coastal Engineer, City Environmental Health Administrator, City Geologist, City Public Works Department and the LACFD, and meets the City's beachfront development policies and is sited on the previously disturbed area of the property. The proposed roofline complies with beachfront residential standards for height.

It is not anticipated that another location would offer any environmental advantages since no potential impacts are anticipated with the proposed location. The selected location is on geologically stable land, meets the City's beachfront development policies and is sited on the previously disturbed area of the property. The proposed roofline alterations comply with beachfront residential standards for height.

The project will not result in potentially significant impacts because: 1) feasible measures and/or alternatives have been incorporated to substantially lessen any potentially significant adverse effects of the development on the environment; and 2) there are no further feasible measures or alternatives that would substantially lessen any potentially significant adverse impacts of the development on the environment. In any case, alternative configurations to the project would not alter the project's potential for environmental damages.

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

The subject parcel is not located in Environmentally Sensitive Habitat Area (ESHA), ESHA buffer zone or any streams as designated in the LCP. Therefore, the project is consistent with the policies contained in the LCP.

**B. Environmentally Sensitive Habitat Area (LIP Chapter 4)**

As discussed previously, the subject parcel is not located in ESHA as depicted on the LCP ESHA Overlay Map and, as a result, the project will result in less than significant impacts to sensitive resources, no significant loss of vegetation or wildlife, and will not encroach into an ESHA. Therefore, according to LIP Section 4.7.6(C), the supplemental ESHA findings are not applicable.

**C. Native Tree Protection (LIP Chapter 5)**

The project area does not contain any protected trees. Therefore, the native tree protection findings are not applicable.

**D. 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 property is visible from an LUP identified scenic area (i.e., beach pursuant to LCP Land Use Plan (LUP) Policy 6.4) and as a result, LIP Chapter 6 applies and the five findings set forth in LIP Section 6.4 are made as follows.

*Finding D1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.*

The proposed project includes a new second-story addition on the seaward half of the existing structure, height increases for a flat roof varying between 22 feet, 2 inches to 24 feet in height, and a reconfiguration of the first and second stories behind the required building stringline. In addition, all new development maintains the required 10 foot setback from the MHTL. As such, the project has been designed to minimize any adverse or scenic impacts from the beach and adjacent structures by conforming to LCP regulations governing maximum height limits and setbacks, which help to limit the bulk and mass of development and regulate seaward development.

In addition, LIP Section 6.5(E)(3) sets forth exemptions from the requirement to dedicate a view corridor on a parcel. This section states that “redevelopment of sites involving substantial remodels (the replacement of 50 percent or more of the structure)” requires that existing landscaping and development be removed to provide maximum views (i.e., a view corridor). The proposed project does not meet the definition of a substantial remodel as less than 50 percent of the exterior walls of the residence are being replaced (45 percent proposed). Therefore, the project is exempt from the requirement to maintain an open view corridor from Malibu Road to the Pacific Ocean.

Currently, the subject site has legal, non-conformities with regard to the view corridors and side yard setbacks and non-view permeable obtrusions (i.e., two-story outdoor stairways and pedestrian gates). While the existing non-view permeable pedestrian gates will be maintained as-is, the outdoor stairways will be removed from the required side yards. In addition, no landscaping is proposed and all new development on the site maintains a

five foot side yard setback which meets the requirements for view corridors pursuant to LIP Section 6.5(E)(2)(b) which notes “Lots with a lineal frontage of 50 feet or less shall provide 20 percent of the lot width as view corridor; however, the view corridor may be split to provide a contiguous view corridor of not less than 10 percent of the lot width on each side.”

Staff conducted an analysis of the project’s visual impact from the beach through site inspection, architectural plans and review of neighborhood character. The proposed project complies with beachfront residential standards for height. As proposed, the project would result in a less than significant visual impact to public views from the beach.

*Finding D2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.*

As discussed in *Finding D1* and with the inclusion of conditions regulating exterior colors, materials and lighting to be used, the project will not result in significant adverse scenic or visual impacts and will be compatible with the character of the surrounding neighborhood.

*Finding D3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

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

*Finding D4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.*

As discussed in *Findings A3* and *D1*, the proposed project will result in less than significant impacts on scenic and visual resources.

*Finding D5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.*

The location proposed for development would result in a less than significant visual impact to public views from the beach and will not impact sensitive resources. All proposed additions will be constructed landward of the required building and deck stringlines and the 10 foot MHTL setback.

#### **E. Transfer of Development Credits (LIP Chapter 7)**

Pursuant to LIP Section 7.2 the regulations requiring a transfer of development credit apply to any action to authorize a CDP for a land division or multi-family development. This CDP does not involve a land division or multi-family development. Therefore, LIP Chapter 7 does not apply.

#### **F. Hazards (LIP Chapter 9)**

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazard must be included in support of all approvals, denials

or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity. The project was analyzed by staff for the hazards listed in LIP Section 9.2(A)(1-7).

The applicant submitted a geotechnical report (prepared by GeoSystems, Inc. dated May 29, 2009) and structural review letter assessing the condition of the existing pile foundation and under-floor structure (prepared by David H. Lau & Associates dated December 22, 2008). In addition, the applicant submitted wave uprush studies (prepared by Pacific Engineering Group dated November 10, 2008 and by GeoSoils Inc. dated April 13, 2009 with addenda dated September 14, 2009 and November 2, 2009) for the proposed project. These reports are on file at City Hall. In these reports, site-specific conditions are evaluated and recommendations are provided to address any pertinent issues. Potential geologic hazards reviewed include geologic, seismic and fault rupture, liquefaction, landslide, groundwater, wave uprush and tsunami, and flood and 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 findings provided by LIP Section 9.3 are made as follows.

*Finding F1. 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.*

Based on staff's review of the above referenced reports, City GIS and associated information, it has been determined that:

1. The project site is located within an earthquake induced liquefaction zone.
2. The project site is subject to wave uprush and tsunami inundation.
3. The project site is located in a Federal Emergency Management Agency (FEMA) identified flood hazard area.
4. The project site is located within an extreme fire hazard area.
5. The project site is located within the limits of a landslide.

The City Coastal Engineer, City Geologist, City Public Works Department and LACFD have reviewed the project and found that there were no substantial risks to life and property related to any of the above hazards provided that their recommendations and those contained in the associated geotechnical reports are incorporated into the project design.

#### Geologic

The GeoSystems report concludes that "no continuous or discontinuous planes of weakness were observed in our exploratory test pits to a maximum depth of 9-feet below existing grade." The report notes that the test pits did not extend into the underlying bedrock.

The City Geologist has reviewed and conditionally approved the project provided that the property owner sign and record an Assumption of Risk and Release for Geotechnical Hazards since the project involves an expansion of no more than 25 percent of the existing square footage of the structure (Malibu Building Code (MBC) Section 110.2.3.4).

### Seismic

The GeoSystems report notes that the Puerco Canyon fault is located approximately 300 to 400 feet north of the site and the main trace of the Malibu Coast fault is located approximately 1,200 to 1,700 feet north of the site. However, the report concludes that no known faults underlie the site and it is not located in a Fault Rupture Hazard Zone pursuant to the Malibu Beach Quadrangle for the California Seismic Hazard Zones.

### Liquefaction

Based on the State of California Seismic Hazard Map, the GeoSystems report concludes that the subject site “appears to be mapped in an area of potential earthquake induced liquefaction.” The project proposes the installation of three new caissons to support additional structural loads, wrapping existing wood piles to prevent wear and repair of the existing foundation (replacement of cross-bracing and corroded hardware).

The City Geologist has reviewed and conditionally approved the project provided that the property owner sign and record an Assumption of Risk and Release for Geotechnical Hazards since the project involves an expansion of no more than 25 percent of the existing square footage of the structure (MBC Section 110.2.3.4).

### Landslide

The GeoSystems report notes that the subject site and vicinity are mapped within the limits of a landslide. In addition, the offsite ascending slope located to the north of Malibu Road appears to be located within an area of potential earthquake induced landsliding. The landslide extends approximately 200 feet west of the site, 600 feet east and 200 feet north. The toe of the landslide is mapped along the south side of the site along the beach. However, the report concludes that “no obvious signs of distress were observed in the street (directly north of 25160 and 25162 Malibu Road) or within the subject property. The driven timber piles supporting the residence (located below the existing structures) appeared to be near vertical and in good repair.” Further, the report states that “it is unclear if the subject site is underlain by landslide deposits.”

The City Geologist has reviewed and conditionally approved the project provided that the property owner sign and record an Assumption of Risk and Release for Geotechnical Hazards since the project involves an expansion of no more than 25 percent of the existing square footage of the structure (MBC Section 110.2.3.4).

### Groundwater

The GeoSystems report confirms that groundwater seepage was encountered in exploratory test pits between two to nine feet below existing grade and appears to be controlled by the adjacent sea level. The report concludes that fluctuations in the groundwater levels are not expected to adversely affect the proposed sewage disposal improvements provided that the project geotechnical consultant’s recommendations are followed.

### Wave Uprush / Tsunami Hazard

The City of Malibu General Plan discusses the phenomena of tsunamis that may be caused by displacement of faults immediately off-shore of Malibu. The GeoSoils coastal study concludes that even though the site is subject to wave uprush and tsunami inundation, the proposed development is reasonably safe from coastal hazards based on the project elevation. The study notes that while a tsunami can runup beneath the structure and overtop the existing quarry revetment, its impact will be no greater than the calculated maximum wave uprush specified in the coastal study.

To protect the new AOWTS and leach field, and prevent beach scour, the GeoSoils septic system design update recommends the existing bulkhead should be deepened and expanded. In addition, in order to eliminate and/or

minimize minor splash overtopping of the bulkhead, the update recommends that the top of the bulkhead be designed with a reentrant feature to direct wave runoff on the face of the bulkhead back seaward.

Nonetheless, conditions of approval have been included which require that: 1) since the system does not have a 100 percent expansion effluent dispersal area, a letter shall be submitted acknowledging that should the AOWTS fail at any time, future maintenance or repair may necessitate interruption in use of the system and any building served by the system may become non-habitable during any required future maintenance or repair; and 2) one final set of plans for the “proposed remodel, addition and rock revetment”, approved by the project coastal engineer, shall be reviewed by the City Coastal Engineer.

#### Flood / Fire Hazard

The proposed site was evaluated for flood hazards. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for the project area (Map Number 06037C1536F, Panel 1536 of 2350) designates the subject parcel as containing Zone AE (EL 14) and Zone VE which are both defined as a Special Flood Hazard Zones. The base flood elevation is the water surface elevation of the one percent annual chance flood. Zone VE is a coastal flood zone with velocity hazard.

In addition, the entire city limits of Malibu are located within the fire hazard zone so no other alternatives were considered. 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. As such, the proposed project as conditioned will not be subject to nor increase the instability of the site or structural integrity involving wild fire hazards.

Nonetheless, conditions of approval have been included which require that the property owner 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 development on a beach and wildfire exists as an inherent risk to life and property.

The project will incorporate all recommendations contained in the above cited geotechnical report and conditions required by the City Coastal Engineer, City Geologist, City Public Works Department and the LACFD including foundations, AOWTS and drainage. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards. Final plans shall be reviewed and approved by the City Geologist and City Coastal Engineer prior to the issuance of a building permit.

*Finding F2. 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 discussed in *Finding F1*, the proposed project as designed, conditioned, and approved by City departments and the LACFD, will not have any significant adverse impacts on the site stability or structural integrity.

*Finding F3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

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

*Finding F4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.*

As discussed in *Finding F1*, the proposed project, as conditioned and approved by City departments and the LACFD, will not have any significant adverse impacts on the site stability or structural integrity.

*Finding F5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.*

As discussed in *Finding F1*, the proposed project, as conditioned and approved by City departments and the LACFD, will not have any significant adverse impacts on site stability or structural integrity. Therefore, no adverse impacts are anticipated to hazards or to sensitive resource protection policies contained in the LCP.

#### **G. Shoreline and Bluff Development (LIP Chapter 10)**

The project includes development on a parcel located along the shoreline as defined by the LCP. Therefore, in accordance with LIP Section 10.2, the requirements of LIP Chapter 10 are applicable to the project and the required findings are made as follows.

*Finding G1. The project, as proposed, will have no significant adverse impacts on public access, shoreline sand supply or other resources due to project design, location on the site or other reasons.*

The project currently provides no lateral public access. However, the project scope includes an OTD for lateral public access across the width of the parcel, from the MHTL to the dripline of the most seaward projecting structure. Therefore, the proposed project will have a beneficial impact on public access. According to the November 2, 2009 Septic System Design Update provided by GeoSoils, Inc.:

1. In order to protect the new AOWTS and leach field, and prevent beach scour, the existing bulkhead should be deepened and expanded.
2. In order to eliminate (or minimize minor splash) overtopping of the bulkhead, the top of the bulkhead should be designed with a reentrant feature to direct wave runoff on the face of the bulkhead back seaward.

The proposed improvements to the existing bulkhead will be located beneath the existing structure near Malibu Road and maintain the required ten foot setback from the MHTL. The proposed improvements have been reviewed and conditionally approved by the City Coastal Engineer on December 21, 2009 and the City Geologist on August 27, 2009. The April 13, 2009 Coastal Hazard Wave Runup Study prepared by GeoSoils, Inc. concludes that "proposed development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area." Therefore, no significant adverse impacts on public access, shoreline sand supply or other resources are anticipated due to project design and location on the site.

*Finding G2. The project, as conditioned, will not have significant adverse impacts on public access, shoreline sand supply or other resources due to required project modifications or other conditions.*

As discussed in *Finding G1*, as conditioned and approved by the City Coastal Engineer and the City Geologist, the project will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

*Finding G3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.*

As discussed in *Finding A3*, the project will not result in potentially significant impacts because: 1) feasible mitigation measures and / or alternatives have been incorporated to substantially lessen any potentially significant adverse effects of the development on the environment; or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any potentially significant adverse impacts of the development on the environment. The project is the least environmentally damaging alternative.

*Finding G4. There are not alternatives to the proposed development that would avoid or substantially lessen impacts on public access, shoreline sand supply or other resources.*

As discussed in *Finding G1*, as conditioned and approved by the City Coastal Engineer and the City Geologist, the project will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

*Finding G5. In addition, if the development includes a shoreline protective device, that it is designed or conditioned to be sited as far landward as feasible, to eliminate or mitigate to the maximum extent feasible extent adverse impacts on local shoreline sand supply and public access, there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources and is the least environmentally damaging alternative.*

As discussed in *Finding G1*, the project proposes improvements to the existing shoreline protective device in order to protect the new AOWTS and leach field, and to prevent beach score. The existing quarry stone revetment and timber bulkhead will remain and proposed improvements shall not extend any further seaward than currently exists. The improvements as designed are the least environmentally damaging alternative.

Nonetheless, pursuant to LIP Section 10.6, as a condition of approval, the property owner is required to acknowledge, by the recordation of deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he / she expressly waives any right to such activities that may exist under Coastal Act Section 30235. Said deed restriction shall be submitted to the Planning Division for approval prior to recordation.

The deed restriction shall also acknowledge that the intended purpose of the shoreline protection structure is solely to protect existing structures located on the site, in their present condition and location, including the septic disposal system and that any future development on the subject site landward of the subject shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new structure shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the City determines that

such activities are minor in nature or otherwise do not affect the need for a shoreline protection structure.

#### **H. Public Access (LIP Chapter 12)**

The subject site is located seaward of the first public road (Malibu Road), approximately 2,100 feet east of Dan Blocker State Beach. No onsite vertical or lateral access is currently provided on the subject parcel; however, vertical public beach access exists approximately 360 feet east of the subject parcel between 25120 and 25116 Malibu Road. Existing lateral public beach access exists across the three adjacent west parcels to the subject property. The project does not meet the definitions of exceptions to public access requirements identified in LIP Chapter 2; however, LIP Section 12.5 states that public access is not required when adequate access exists nearby. Analyses required in LIP Section 12.6 are provided below, and in geotechnical and coastal engineering reports referenced previously. Bluff-top, trail and recreational access are not applicable. No issue of public prescriptive rights has been raised.

**Bluff-top Access** – The project is not located on or near a bluff. No potential project related or cumulative impacts on bluff-top access are anticipated. No conditions or findings for bluff-top access are required.

**Trail Access** – The subject property does not contain public trails, nor is it located in the vicinity of a public trail per the LCP Park Lands Map or the City's 2004 Trails Master Plan. No potential project-related or cumulative impacts on trail access are anticipated. Therefore, no conditions or findings for trail access are required.

**Recreational Access** – The project site does not include existing or planned public recreational areas, or any access ways to such areas. The project will not result in potential project-related or cumulative recreational impacts and will not block access to recreational facilities. No conditions or findings for recreational access are required.

**Lateral Access** – A lateral public access easement provides public access and use along or parallel to the sea or shoreline. As discussed previously, the applicant has agreed to provide an OTD for a lateral public access easement along the shore of the subject parcel. The easement will extend the width of the parcel, from the MHTL to the dripline of the most seaward projecting structure, and provide a connection to OTDs on the three adjacent west parcels.

**Vertical Access** – As discussed previously, the project is located along the shoreline; however, adequate public access is available at Dan Blocker State Beach and a second vertical access approximately 360 feet east of the subject parcel between 25120 and 25116 Malibu Road. Consistent with LIP Section 12.5, due to the ability of the public, through other reasonable means to reach nearby coastal resources, an exception for public vertical access has been determined to be appropriate for the project and no condition for vertical access has been required.

#### **I. Land Division (LIP Chapter 15)**

This project does not involve a division of land as defined in LIP Section 15.1. Therefore, the findings in LIP Chapter 15 do not apply.

## **J. Onsite Wastewater Treatment System (LIP Chapter 18)**

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design and performance requirements. The project includes an AOWTS to replace an existing OWTS, which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, the M.M.C. and the LCP. The subject system will meet all applicable requirements and operating permits will be required. The new system will utilize an existing 1,500 gallon septic tank and a new 1,500 gallon two-chamber primary tank with ultraviolet disinfection. In addition, the existing 295 square foot leach field will be abandoned and replaced with a new 453 square foot leach field. The new system will provide the residence with secondary and tertiary treatment.

An operation and maintenance contract and recorded covenant covering such shall be in compliance with City of Malibu Environmental Health requirements. Conditions of approval have been included which require continued operation, maintenance and monitoring of onsite facilities as well as screening of any above-ground equipment. In addition, a covenant and agreement is required acknowledging that the system does not have a 100 percent expansion effluent dispersal area (i.e., leach field), and if the primary effluent dispersal area fails to drain adequately, the City may require remedial measures to improve the system to working order.

## **K. Demolition Permit (M.M.C. Section 17.70.060)**

M.M.C. Section 17.70 requires that a demolition permit be issued for projects that result in the demolition of any building or structure. The project proposes the partial demolition of the existing structure and removal of an illegal structure beneath the existing residence. Less than 50 percent of the existing exterior walls of the residence shall be removed (45 percent proposed). The findings for DP No. 09-021 are made as follows.

*Finding K1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.*

Conditions of approval have been included which ensure that the project will not create significant adverse environmental impacts.

*Finding K2. A development plan has been approved or the requirement waived by the City.*

This CDP application is being processed concurrently with DP No. 09-021. Therefore, approval of the DP is subject to the approval of CDP No. 09-007.

### **Section 4. Conditions of Approval.**

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 09-007, DP No. 09-021 and OTD No. 09-010, subject to the conditions listed below:

1. The applicants and 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 allows for the remodel and conversion of an existing 4,410 square foot, four-unit apartment building into a 5,256 square foot single-family residence, the installation of a new alternative onsite wastewater treatment system, three new caissons and foundation repair, and improvements to an existing bulkhead, including an offer to dedicate lateral public access along the shore and partial demolition of an existing apartment structure.

Development on the site is approved as follows:

**Total Development Square Footage: 5,256 square feet (existing with proposed):**

*Existing Square Footage*

- Structure
  - First Floor: 2,002 square feet
  - Second Floor: 1,641 square feet
  - Covered Outdoor Areas: 767 square feet

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= 4,410 square feet

*Proposed Square Footage*

- Addition
  - First Floor: - 68 square feet
  - Second Floor: + 513 square feet
  - Covered Outdoor Areas: + 401 square feet

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= 846 square feet (new)

**Accessory Improvements**

- Roofline alterations:
  - Street side: Change to the existing flat roof height from 18 feet, 10 inches to a flat roof varying between 19 feet to 22 feet, 2 inches.
  - Seaward side: Change to the existing flat roof height from 13 feet, 9 inches to a flat roof 24 feet in height.
- Installation of three new caissons to support additional structural loads.
- Repair existing foundation components including the replacement of cross-bracing and corroded hardware, and wrapping existing wood piles to prevent wear.
- Deepening and expansion of the existing bulkhead to avoid beach scour and design the top with a reentrant feature.
- Upgrade the existing OWTS to an AOWTS; relocate an existing 1,500 gallon septic tank and install a second 1,500 gallon primary tank with ultra-violet disinfection.
- Abandonment of an existing 295 square foot leach field and installation of a new 453 square

foot leach field.

- Replacement of the existing deck railing with 42 inch high glass panels.
- Contribution of an OTD for lateral public access across the width of the parcel, from the MHTL to the dripline of the most seaward projecting structure.

### **Partial Demolition and Addition to an Existing Non-Conforming Structure**

- Less than 50 percent of the existing exterior walls of the residence shall be removed (45 percent proposed) and less than 50 percent of the existing TDSF shall be added (19 percent proposed).
    - Pursuant to LIP Sections 13.5(C) and (E), in the event that more than 50 percent of exterior walls are removed or more than 50 percent of the existing square footage is added, the structure shall be considered a replacement structure, forfeit any legal non-conforming status, and is required to be brought into conformance with the current policies and standards of the LCP. The property owner has signed a Substantial Remodel Agreement to this effect dated March 17, 2009.
  - Partial demolition of the existing structure and removal of an illegal understructure residential unit.
3. Subsequent submittals for this project shall be in substantial compliance with plans on file in the Planning Division, dated August 21, 2009.
  4. This permit shall be valid for two years from the effective date of this approval, (**expiring February 2, 2012**), and shall automatically expire unless extended in accordance with the M.M.C. and the LCP. An extension to the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent at least two weeks prior to expiration of the two-year period and shall set forth the reasons for the request.
  5. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until all permittees or authorized agent(s) signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Division within 10 working days of this decision.
  6. This resolution (including the signed and notarized Acceptance of Conditions Affidavit, all Department Review Sheets, and the signed Substantial Remodel Agreement) shall be copied in its entirety and placed directly onto a separate plan sheet(s) behind the cover sheet of the development plans submitted to the City of Malibu Environmental and Building Safety Division for plan check and the City of Malibu Public Works/Engineering Services Department for an encroachment permit (as applicable).
  7. The applicant shall submit three full sets of plans, including the pages described in Condition No. 6, to the Planning Division prior to entering building plan check.
  8. Questions of intent or interpretation of any condition of approval will be resolved by the Planning Manager upon written request of such interpretation.

9. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Manager, provided such changes achieve substantially the same results and the project is still in compliance with the M.M.C. and the LCP. An application with all required materials and fees may be required.
10. All structures shall conform to the City of Malibu Environmental and Building Safety Division, City Coastal Engineer, City Environmental Health Administrator, City Geologist and City Public Works Department requirements. Notwithstanding this review, all required permits shall be secured.
11. The project shall comply with all conditions of approval stipulated in the departmental review sheets attached to the agenda report for this project. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
12. Pursuant to LIP Section 13.20, development pursuant to an approved coastal development permit shall not commence until the coastal development permit is effective. The coastal development permit is not effective until all appeals, including those to the California Coastal Commission, have been exhausted. In the event that the California Coastal Commission denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.

### **Cultural Resources**

13. If potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Manager can review this information. Where, as a result of this evaluation, the Planning Manager determines that the project may have an adverse impact on cultural resources; a Phase II Evaluation of cultural resources shall be required pursuant to LIP Section 11.3(F).
14. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

### **Building Plan Check**

#### *Demolition / Solid Waste*

15. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: Asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall. Prior to the issuance of a building/demolition permit, a Waste Reduction and Recycling Plan (WRRP) shall be submitted to the City Public Works Department for review and approval. The WRRP shall indicate means and measures for meeting a minimum of 50 percent diversion goal.

### *Geology*

16. The Project Geotechnical Consultant shall provide a complete finding in accordance with Section 111 of the Malibu Building Code regarding the proposed improvements to the onsite wastewater treatment system and remodel/addition to the residence.
17. Two sets of remodel and addition plans, approved by Building and Safety, incorporating the Project Geotechnical Consultants' recommendations and items required in City Geotechnical Review Sheet dated August 27, 2009, must be reviewed, 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 the City Geotechnical Review Sheet dated August 27, 2009.

### *Coastal Engineering*

18. The plans submitted for building plan check shall show the most landward mean high tide line (MHTL) and clearly demonstrate that all development on this project is setback 10 feet from this MHTL.
19. The applicant shall show the existing rock revetment and bulkhead on the plans and sections, including elevations and elevation datum. Elevations and elevation datum shall be shown on all plans and sections.
20. One set of final plans for the proposed remodel, addition and rock revetment, approved by the Project Coastal Engineer, shall be reviewed by City Coastal Engineering staff.

### *Public Works*

21. The project has improvements that occupy the public street right-of-way. The applicant shall remove the improvements or obtain revocable encroachment permits from the Public Works Department prior to the commencement of any work. Plans will not be approved for the issuance of permits until this matter is resolved.
22. A Storm Water Pollution Prevention Plan shall be provided prior to the issuance of building permits for the project. This plan shall include:
  - a. Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff;
  - b. Designated areas for the construction portable toilets that separates them from storm water runoff and limits the potential for upset; and
  - c. Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent the discharge of runoff through the waste.
23. The proposed improvements are located within the Special Flood Hazard Area (SFHA) and were evaluated as a substantial improvement. Any structure being substantially improved/repared is considered new construction and must meet all the requirements of the City of Malibu Floodplain Management Ordinance. A copy of the Elevation Certificate approved in the past for this building or a new Elevation Certificate based on the construction drawings for proposed improvements is required. A survey map shall be attached to this

certificate showing the location of the proposed building in relation to the property lines, and to the street center line. The survey map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide information for the benchmark utilized, the vertical datum and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided the Public Works Department prior to final approval of the construction.

24. Geology and Geotechnical reports shall be submitted with all applications for plan review to the Public Works Department. Approval by Geology and Geotechnical Engineering shall be provided prior to the issuance of any permit for the project. The Developer's Consulting Engineer shall sign the final plans prior to the issuance of permits.

*Alternative Onsite Wastewater Treatment System*

25. A final plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the Malibu Plumbing Code (MPC) and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the AOWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City-applied legend. If the plans scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
26. A final design report, plan drawings, and system specifications shall be submitted as to OWTS design basis and all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed AOWTS. For all AOWTS, final design drawings and calculations must be signed by a California-registered Civil Engineer, a Registered Environmental Health Specialist or a professional Geologist who is responsible for the design. The final AOWTS design report and drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
27. The final AOWTS design report shall contain the following information (in addition to the items listed above).
  - a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
  - b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
  - c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as

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

- d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11 inch by 17 inch plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch; for review by Environmental Health). Note: For AOWTS final designs, full-size plans are also required for review by Building and Safety and/or Planning.
28. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
  29. An operations and maintenance manual specified by the AOWTS designer shall be submitted to the City Environmental Health Administrator. This shall be the same operations and maintenance manual proposed for later submission to the owner and/or operator of the proposed alternative onsite wastewater disposal system.
  30. A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed AOWTS after construction shall be submitted. Please note only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
  31. A covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive, notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix K, Section 1(i). Said covenant shall be provided by the City of Malibu Environmental Health Specialist and a certified copy shall be provided to the City of Malibu as proof of recordation with the Los Angeles County Recorder.
  32. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that (1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s) and (2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through an operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repairs of the private sewage disposal system may necessitate interruption in use of the private sewage disposal system and, therefore,

any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental and Building Safety Division.

33. Any proposed reduction in setbacks from the OWTS to structures (i.e., setbacks less than those shown in MPC Table K-1) must be supported by a letter from a Structural Engineer and a letter from a Soils Engineer (i.e. a Geotechnical Engineer or Civil Engineer practicing the in area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent disposal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the buildings or structures for which the MPC Table K-1 setback is reduced. Any proposed reduction in setbacks from the OWTS to buildings (i.e., setbacks less than those shown in MPC Table K-1) must also be supported by a letter from the project Architect. The wastewater engineering plans and the construction plans must be specifically referenced in all certification letters. The construction plans for all structures with reduced setbacks must be submitted for review and approval by City of Malibu Building and Safety prior to Environmental Health final approval. The structural plans and/or architectural plans submitted for Building and Safety plan check must detail methods of construction that will compensate for the reduction in setbacks (e.g., waterproofing, concrete additives, etc.). These plans must also indicate the location of the OWTS components in relation to those structures from which the setback is reduced and must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).
34. The property owner(s) shall submit a letter acknowledging that they (or their agents) are submitting plans for new construction of one or more items that will cover all, or a portion of, the OWTS. The acknowledgement shall be stated so as to explicitly recognize that future maintenance or repair of the OWTS may necessitate demolition of newly constructed items in order to access the OWTS.

The letter shall include the following language:

“I, as owner of the above referenced property, agree to record a covenant with the Los Angeles County Recorders Office recognizing the fact the permanent construction will be located on all, or a portion of, the Onsite Wastewater Treatment System (OWTS). The recorded covenant shall state and acknowledge that future maintenance and or repair of the OWTS may necessitate partial or complete demolition of the new permanent construction located over the OWTS. Such covenant shall be drafted by the applicant, approved by the City, and recorded with the Los Angeles County Recorders Office prior to final approval of the OWTS and permit issuance for any construction.”

The covenant and agreement shall run with the land and shall be binding upon all future owners, heirs, successors, and assigns. The covenant and agreement shall be recorded with the Los Angeles County Recorder’s Office prior to Environmental Health approval. Construction drawings for structures build over OWTS components shall be submitted to Environmental Health for review and approval.

35. The cross section shall be drawn to scale and show the relative locations and elevations of the top and bottom of the proposed drainfield, groundwater and bedrock (per the supporting geology report), and the bulkhead or seawall (per the coastal engineering report). For each of these items, the finished elevations with reference to architectural plans, bulkhead (or seawall) plans, and the OWTS supporting geology report shall be provided. The reference datum for all elevations (NGVD1929 or NAVD88) shall be

shown. Supporting technical reports must also be referenced.

36. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MPC.
37. The following note shall be added to the plan drawings included with the OWTS final design:

“Prior to commencing work to abandon, remove, or replace existing Onsite Wastewater Treatment System (OWTS) components, an “OWTS Abandonment Permit” shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal, or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicants and their agents.”
38. The design for a new seawall to provide structural protection for the AOWTS shall be approved by the City Coastal Engineer.
39. The City Geologist and Geotechnical Engineer's final approval shall be submitted to the City Environmental Health Administrator.

#### **Water Service**

40. 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 indicating the ability of the property to receive adequate water service.

#### **Shoreline Protection**

41. All construction debris shall be removed from the beach daily and at the completion of development.
42. No stockpiling of dirt or construction materials shall occur on the beach.
43. Measures to control erosion, runoff and siltation shall be implemented at the end of each day's work.
44. No machinery shall be allowed in the intertidal zone at any time unless necessary for protection of life and/or property.
45. The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.
46. Construction equipment shall not be cleaned on the beach.
47. Construction debris and sediment shall be properly contained and secured on site with best management practices (BMPs) to prevent the unintended transport of sediment and other debris into coastal waters by

wind, rain or tracking.

### **Construction / Framing**

48. 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 City-designated holidays.
49. When the framing is completed, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. The Planning Division shall sign off stating that said document has been received and verified

### *Colors and Materials*

50. New development in scenic areas visible from scenic roads or public viewing areas shall incorporate colors and exterior materials that are compatible with the surrounding landscape. The colors and materials selected shall be clearly marked on the architectural plans submitted for building plan check.
  - a. Colors shall be compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones.
  - 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.

### **Lighting**

51. Exterior lighting shall be minimized and restricted to low intensity features, shielded, and concealed so that no light source is directly visible from public viewing areas. 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 that are directed downward, and use bulbs that do not exceed 60 watts or the equivalent;
  - b. Security lighting controlled by motion detectors may be attached to the residence, provided it is directed downward and is limited to 60 watts or the equivalent;
  - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 60 watts or the equivalent;
  - d. Lights at entrances in accordance with Building Codes shall be permitted provided that such lighting does not exceed 60 watts or the equivalent;
  - e. Site perimeter lighting shall be prohibited;
  - f. Outdoor decorative lighting for aesthetic purposes is prohibited; and
  - g. No lighting for sports courts or other private recreational facilities shall be allowed.
52. 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 properties shall not

produce an illumination level greater than one footcandle.

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

#### **Site Specific Conditions**

54. No new landscaping is proposed as part of this project. Therefore, none is approved. Should the applicant intend to install any new landscaping in association with this project, a detailed landscape plan prepared by a licensed landscape architect shall be submitted to the City Biologist for review prior to any planting.
55. No replacement of the existing beach stairs or pedestrian side yard gates is proposed or authorized under this approval; existing shall remain as-is.
56. In the event that more than 50 percent of exterior walls are removed or more than 50 percent of the existing square footage is added, the structure shall be considered a replacement structure, forfeit any legal non-conforming status, and is required to be brought into conformance with the current policies and standards of the LCP. The property owner has signed a Substantial Remodel Agreement to this effect dated March 17, 2009.
57. No expansions or enlargements of non-conformities are proposed or authorized under this approval. All additions and improvements shall comply with the current policies and standards of the LCP.
58. All new development shall maintain the required 10 foot mean high tide line setback pursuant to LIP Section 10.4(B).

#### **Prior to Occupancy**

59. The applicant shall request a final planning inspection prior to final inspection by the Building Division. A Certificate of Occupancy shall not be issued until the Planning Division has determined that the project complies with this coastal development permit. A temporary certificate of occupancy may be granted at the discretion of the Planning Manager, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
60. Prior to the issuance of the Certificate of Occupancy, the applicant shall provide the Public Works Department with a Final WRRP. The Final WRRP shall designate all materials that were land filled or recycled, broken down by material types. The Public Works Department shall approve the Final WRRP.

#### **Deed Restrictions**

61. The homeowner must sign, record at the County of Los Angeles Recorder's Office, and submit to City geotechnical staff, a certified copy of an "Assumption of Risk and Release for Geotechnical Hazards" prior to permit issuance.

62. 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 approval.
63. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to Planning Division staff prior to final planning approval.
64. The property owner is required to acknowledge, by the recordation of a deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235. Said deed restriction shall be submitted to the Planning Division for approval prior to recordation. The deed restriction shall also acknowledge that the intended purpose of the shoreline protection structure is solely to protect existing structures located on the site, in their present condition and location, including the septic disposal system and that any future development on the subject site landward of the subject shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new structure shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the City determines that such activities are minor in nature or otherwise do not affect the need for a shoreline protection structure.
65. The property owner is required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 51, 52 and 53. The property owner shall provide a copy of the recorded document to Planning Division staff prior to final planning approval.
66. In order to effectuate the property owner's offer to dedicate public lateral access, prior to the issuance of any building, grading or other development permits, the property owner shall execute and record a document in a form and content acceptable to the City of Malibu and the California Coastal Commission, an irrevocable offer to dedicate (or grant an easement) free of prior liens and any other encumbrances that may affect the interest being conveyed, an easement to a public agency or private agency association approved by the City of Malibu and the California Coastal Commission, granting the public the permanent right of lateral public access and passive recreation. The easement shall extend along the entire width of the property from the mean high tide line to the dripline of the deck. The recorded document shall include legal descriptions and a map drawn to scale of both the subject parcel and the easement area. The offer to dedicate or grant of easement shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years, from the date of recordation. The property owner shall provide a copy of the recorded document to Planning Division staff prior to final Planning approval.

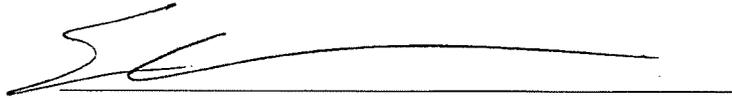
**Fixed Conditions**

- 67. This coastal development permit runs with the land and binds all future owners of the property.
- 68. 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 5. Certification.

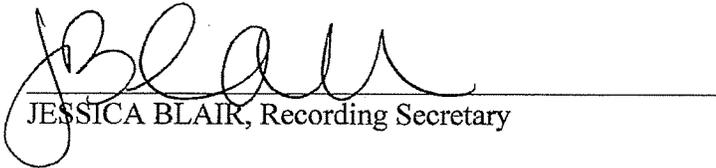
The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of February 2010.



ED GILLESPIE, Planning Commission Chair

ATTEST:



JESSICA BLAIR, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Section 13.20.1 (Local Appeals), a decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at [www.ci.malibu.ca.us](http://www.ci.malibu.ca.us), in person at City Hall, or by calling (310) 456-2489, extension 374.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s decision to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at [www.coastal.ca.gov](http://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.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 10-05 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 2<sup>nd</sup> day of February 2010, by the following vote:

AYES: COMMISSIONERS: HOUSE, JENNINGS, SCHAAR AND GILLESPIE

NOES: COMMISSINERS: MAZZA

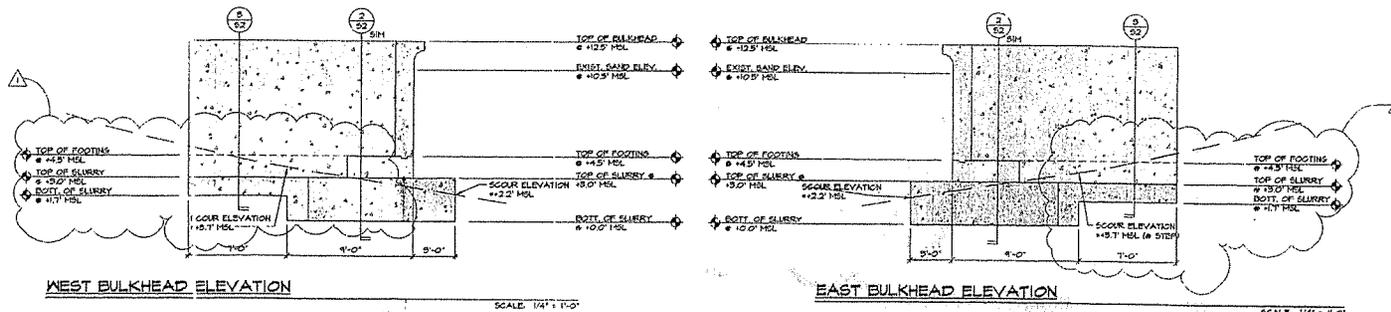
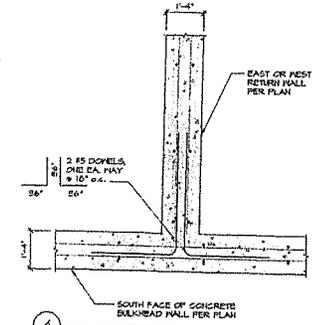
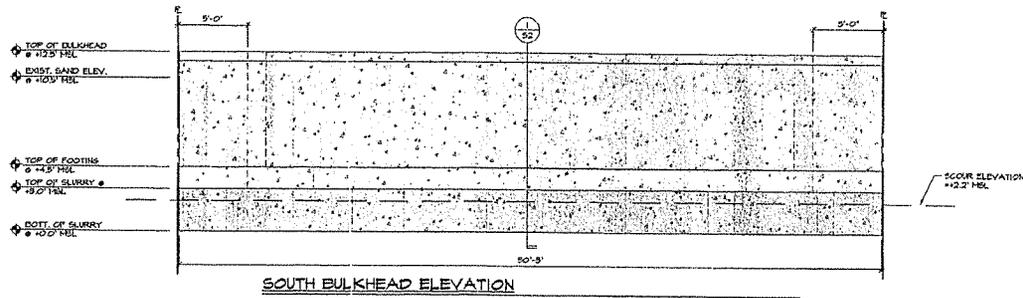
ABSTAIN:

ABSENT:

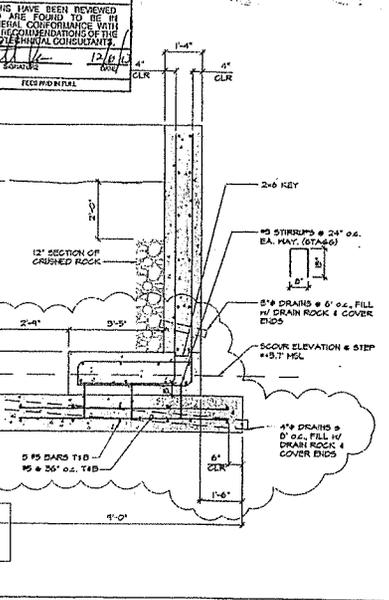
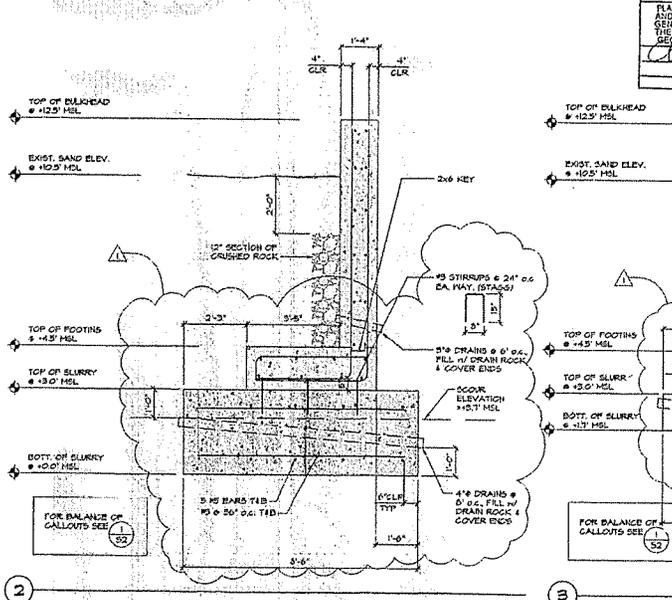
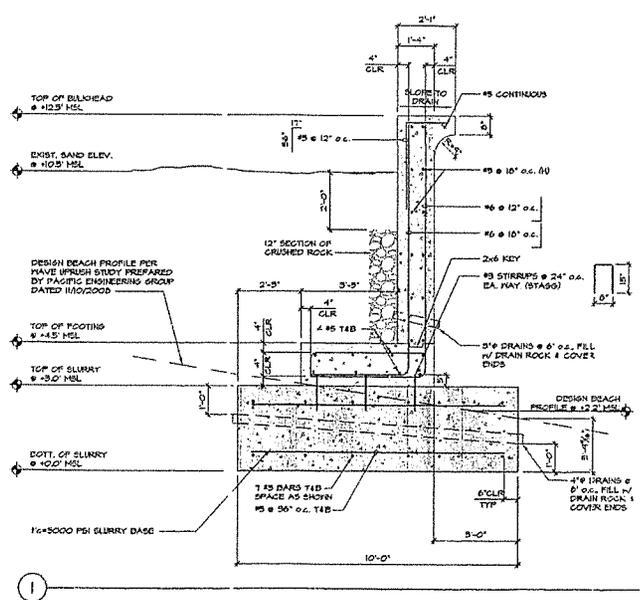
A handwritten signature in cursive script, appearing to read "Blair", is written over a horizontal line.

JESSICA BLAIR, Recording Secretary





CITY OF MALIBU  
GEOLOGICAL DIVISION  
PLANS HAVE BEEN REVIEWED  
AND ARE FOUND TO BE IN  
GENERAL CONFORMANCE WITH  
THE RECOMMENDATIONS OF THE  
GEOLOGICAL CONSULTANTS.  
DATE: 12/16/13  
FOR BALANCE OF  
CALLOUTS SEE 1/52



David C. Weiss  
Structural Engineer  
& Associates, Inc.  
24172 VANOWEN ST., SUITE 104  
WEST HILLS, CA 91307  
TEL: (818) 227-0040  
FAX: (818) 227-0041  
www.dcwse.com

CONCRETE  
BULKHEAD WALL  
25140 MALIBU ROAD  
MALIBU, CALIFORNIA, 90265

OWNER:  
C64829 LLC  
6049 PHILIP AVENUE  
MALIBU, CALIFORNIA, 90265

PLAN ISSUE / REVISION  
4/26/2012 Plan Check Submittal  
5/23/2012 Office Revisions

THIS DRAWING HAS BEEN REVIEWED SEPARATELY FOR THE  
PROJECT BY David C. Weiss, Structural Engineer &  
Associates, Inc., which reserves all copyright in this  
document. This drawing is the property of the  
engineer, architect, interior designer, contractor or  
other professional, consultant, architect or other  
entity which is the sole owner of David C.  
Weiss, Structural Engineer & Associates, Inc.  
All Rights Reserved. 12/16/13

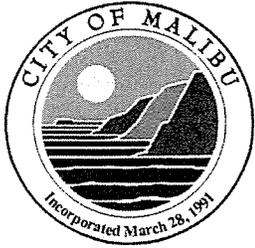
David C. Weiss  
14,887  
Structural  
Exp. 13,315  
Professional Seal

ENCL: JL  
DRAWN BY: JL  
PERNO: C641.111  
SCALE: AS NOTED  
OWNER: C64829 LLC  
SHEET TITLE:

CONCRETE  
BULKHEAD PLAN

SHEET NUMBER:  
S2





# City of Malibu

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

## COASTAL ENGINEERING REVIEW SHEET

### Project Information

**Date:** October 15, 2015 **Review Log #:** C233/442  
**Site Address:** 25160 Malibu Road  
**Lot/Tract/PM #:** 4459-015-011 **Planning #:** CDPA 15-003 **Plan Check #:** N/A  
**Applicant/Contact:** Lester Tobias **Planner:** R. Mollica  
**Contact Phone #:** 310-317-0507 **Email:** lester@tobiasarchitecture.com  
**Project Type:** After-the-fact concrete seawall

### Submittal Information

**Consultant(s):** David C. Weiss Structural Engineer & Associates, Inc.  
**Report Date(s):** 4-12-12 (design), 12-21-12 (observation), 8-29-13, 10-14-13, 3-4-14, 7-8-14  
**Previous Reviews:** 07-29-13, 09-26-13 (BPC WI13-69), 5-13-14 (email)  
**Project Plans:** David C. Weiss (4-26-12, revised 10-31-13)  
**Elevation Uprush:** +20.1 Ft NAVD88, DCWSEA (08-29-13)  
**Rec. FF EL.:** +20.8 Ft. NAVD88, DCWSEA (08-29-13)  
**Rec. Hor. Member EL.:** +16.7 Ft. NAVD88, DCWSEA (08-29-13)  
**Rec. Bulkhead EL.:** +14.8 Ft. NAVD88, DCWSEA (Bulkhead Plan dated 10-31-13)

### Review Findings

#### **Planning Stage**

- APPROVED** in **PLANNING**-stage from a coastal engineering perspective. The listed Building Plan-Check Stage Review Comments shall be addressed prior to Building Plan-Check approval.
- NOT APPROVED** in **PLANNING**-stage from a coastal engineering perspective. The listed Planning Stage Review Comments shall be addressed prior to Planning-stage approval.

#### **Building Plan-Check Stage**

- Awaiting Building plan check submittal. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.
- APPROVED** from a coastal engineering perspective.
- NOT APPROVED** from a coastal engineering perspective. Please respond to the listed 'Building Plan-Check Stage Review Comments'.

#### **Remarks:**

The referenced plans and reports were reviewed by the City from a coastal engineering perspective. The project consists of a concrete seawall constructed in 2012 which did not have City Planning Department or Building Safety approvals, and is therefore being reviewed after-the-fact. The concrete bulkhead plan was initially submitted to the previous coastal engineering reviewer as a permit revision under CDP 09-007 and BPC# WI 13-69. The bulkhead wall revision was discussed in a review letter dated September 26, 2013 and in email review comments dated May 13, 2014. The construction of the concrete bulkhead wall, including excavation and verification of elevations of the concrete slurry base, was observed by the

project structural & coastal engineer (Weiss, 2012). A shoreline protective device monitoring program has been recommended by the Project Coastal Engineer (Weiss, March 4, 2014) and will be incorporated into a covenant and agreement on the property. Response to several of the email comments was provided by the Project Coastal Engineer (Weiss, July 8, 2014). The property relies on an offsite shore protection device for flanking protection.

**Planning Stage Conditions of Approval:**

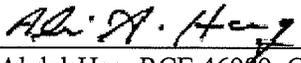
1. A standard coastal engineering review fee of \$1,449 shall be submitted for review of this project under CDPA 15-003.

**Building Plan-Check Stage Coastal Engineering Review Comments:**

1. Two sets of bulkhead plans (**APPROVED BY BUILDING SAFETY**) incorporating the Coastal Engineering Consultant's recommendations must be submitted to City coastal engineering staff for review. The project plans must include the stamp of the Project Coastal Engineering Consultant indicating that the project plans have been reviewed and are found to be in conformance with the Project Coastal Engineering Consultant's recommendations.
2. Provide one additional copy of the approved bulkhead plan for coastal engineering reference files.
3. Prior to final permit issuance, a certified copy of the *Covenant and Agreement Regarding Maintenance of the Shoreline Protection Device and the Use and Transfer of Ownership of Property* shall be submitted to the City. The Covenant and Agreement shall incorporate Exhibit B, Shoreline Protective Device Monitoring Program, prepared by David C. Weiss Structural Engineer & Associates, Inc. dated March 4, 2014, revised June 8, 2014.
4. Prior to final permit issuance, a certified copy of the *Assumption of Risk, Release, Indemnification and Hold Harmless Agreement for Hazards Related to Development Utilizing an Offsite Shoreline Protection Device(s) on a Beach or on a Bluff* shall be submitted to the City.

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

Reviewed by:   
Michael B. Phipps, PG 5748, CEG 1832  
Coastal Engineering Review Consultant (x 307) October 15, 2015  
Date

Reviewed by:   
Ali Abdel-Haq, RCE 46989, GE 2308  
Coastal Engineering Review Consultant October 15, 2015  
Date

*This review sheet was prepared by representatives of Cotton, Shires and Associates, Inc. and GeoDynamics, Inc., contracted through Cotton, Shires and Associates, Inc., as an agent of the City of Malibu.*



**COTTON, SHIRES AND ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS



**GeoDynamics, Inc.**

Applied Earth Sciences  
Geotechnical Engineering & Engineering Geology Consultants



# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-7650

## GEOTECHNICAL REVIEW REFERRAL SHEET

3777

RECEIVED  
JUL 21 2015  
GEOLOGY

TO: City of Malibu Geotechnical Staf DATE: 7/8/2015

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDPA 15-003

JOB ADDRESS: 25160 MALIBU RD

APPLICANT / CONTACT: Lester Tobias, Tobias Architecture

APPLICANT ADDRESS: 22223 Pacific Coast Highway  
Malibu, CA 90265

APPLICANT PHONE #: (310) 317-0507

APPLICANT FAX #: \_\_\_\_\_

APPLICANT EMAIL: lester@tobiasarchitecture.com

PROJECT DESCRIPTION: ATF seawall

TO: Malibu Planning Divison and/or Applicant

FROM: City Geotechnical Staff

The project is feasible and CAN proceed through the Planning process.

The project **CANNOT** proceed through the planning process until geotechnical feasibility is determined. Depending upon the nature of the project, this may require engineering geologic and/or geotechnical engineering (soils) reports which evaluate the site conditions, factor of safety, and potential geologic hazards.

SIGNATURE

DATE

7/21/15

Determination of geotechnical feasibility for planning should not be construed as approval of building and/or grading plans which need to be submitted for Building Department approval. At that time, those plans may require approval by City Geotechnical Staff. Additional requirements/conditions may be imposed at the time building and/or grading plans are submitted for review, including geotechnical reports

City Geotechnical Staff may be contacted on Tuesday and Thursday between 8:00 am and 11:00 am or by calling (310) 456-2489, extension 306 or 307.



# City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861  
(310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

## GEOTECHNICAL REVIEW SHEET

<u>Project Information</u>		Review Log #:	3777
Date:	August 12, 2015	Planning #:	CDPA 15-003
Site Address:	25160 Malibu Road	BPC/GPC #:	
Lot/Tract/PM #:	n/a	Planner:	Richard Mollica
Applicant/Contact:	Lester Tobias, <a href="mailto:lester@tobiasarchitecture.com">lester@tobiasarchitecture.com</a>		
Contact Phone #:	310-317-0507 Fax #:		
Project Type:	New concrete bulkhead (already constructed)		

<u>Submittal Information</u>	
Consultant(s) / Report Date(s): <i>(Current submittal(s) in Bold.)</i>	Subsurface Designs, Inc. (Triebold, CEG 1796; Mahn, RCE 60293): <b>7-21-15,</b>
	<b>Concrete Bulkhead Plans prepared by David C. Weiss dated October 31, 2013.</b>
Previous Reviews:	Geotechnical Review Referral Sheet dated 7-21-15

<u>Review Findings</u>	
<b><u>Building Plan-Check Stage Review</u></b>	
<input type="checkbox"/>	The concrete bulkhead is <b>APPROVED</b> from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.
<input checked="" type="checkbox"/>	The concrete bulkhead is <b>NOT APPROVED</b> from a geotechnical perspective. 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.

### Remarks

The referenced addendum report was reviewed by the City from a geotechnical perspective. The project comprises the documentation of the installation of a new concrete bulkhead under the residential structure.

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

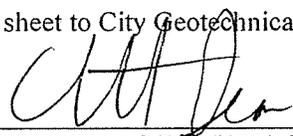
### Building Plan-Check Stage Review Comments:

1. The report submitted addresses the installation of four pile foundation elements seaward of the concrete bulkhead. Please provide structural and geotechnical reports that summarize the construction of the concrete bulkhead.
2. Show the name, address, and phone number of the Project Geotechnical Consultant on the cover sheet of the Concrete Bulkhead Plans.

- 3. Two sets of concrete bulkhead plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer**. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

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

Engineering Geology Review by:



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

Date 8/12/15

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

**FUGRO CONSULTANTS, INC.**   
 4820 McGrath Street, Suite 100  
 Ventura, California 93003-7778  
 (805) 650-7000 (Ventura office)  
 (310) 456-2489, x306 (City of Malibu)



# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861  
(310) 456-2489 FAX (310) 317-1950 www.malibucity.org

## ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator DATE: 7/8/2015

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDPA 15-003

JOB ADDRESS: 25160 MALIBU RD

APPLICANT / CONTACT: Lester Tobias, Tobias Architecture

APPLICANT ADDRESS: 22223 Pacific Coast Highway  
Malibu, CA 90265

APPLICANT PHONE #: (310) 317-0507

APPLICANT FAX #: \_\_\_\_\_

APPLICANT EMAIL: lester@tobiasarchitecture.com

PROJECT DESCRIPTION: ATF seawall

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

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

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

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

Signature

8-13-15

Date

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

Andrew Sheldon, Environmental Health Administrator may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.

*Final OWTS and bulkhead shall be installed as shown on attached OWTS plot plan*



Notice Continued...

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

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

**LOCAL APPEAL** - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days (fifteen days for tentative parcel maps) following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org/planning/forms](http://www.malibucity.org/planning/forms) or in person at City Hall, or by calling (310) 456-2489, extension 245.

**COASTAL COMMISSION APPEAL** - 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](http://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'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.**

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

Date: July 7, 2016

By: Bonnie Blue, Planning Director

# Notice of Public Hearing



City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, CA 90265

## Planning Department

### City of Malibu

23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489 Fax (310) 456-7650

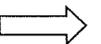
## NOTICE OF PUBLIC HEARING

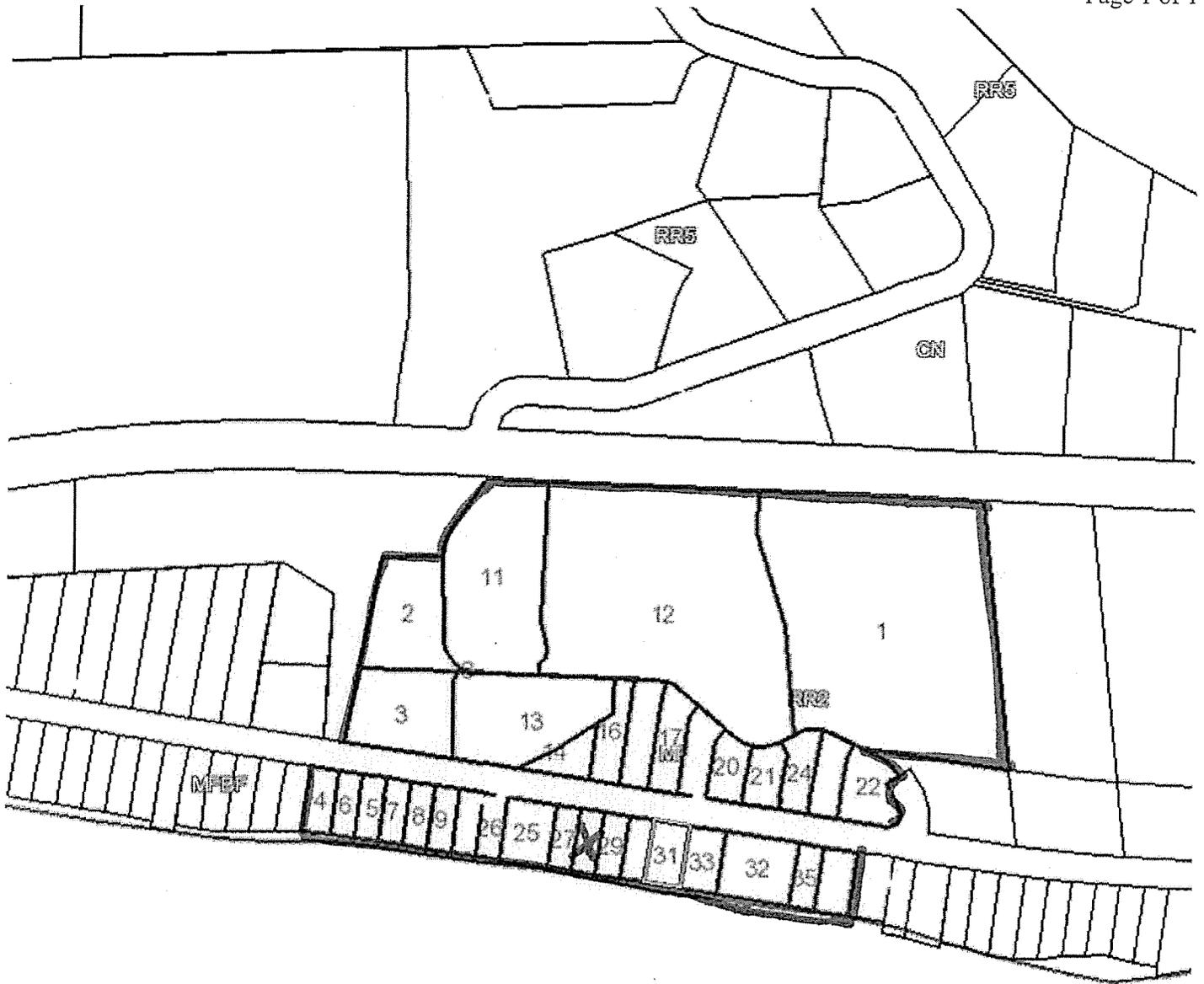
The Malibu Planning Commission will hold a public hearing on **MONDAY, July 18, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, for the project identified below.

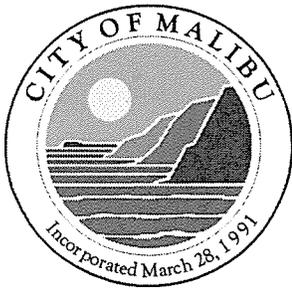
**COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 15-003** - An application to amend the scope of work approved under Coastal Development Permit No. 09-007, which is currently under construction for conversion of a four-plex to a single-family residence, a new alternative onsite wastewater treatment system, and to allow for new seawall completed without the benefit of permits

LOCATION:	25160 Malibu Road, within the appealable coastal zone
APN:	4459-015-011
ZONING:	Multi-Family Beachfront (MFBF)
APPLICANT:	Tobias Architecture
OWNERS:	Todd and Kasey Lemkin
APPLICATION FILED:	July 8, 2015
CASE PLANNER:	Richard Mollica Senior Planner (310) 456-2489, ext. 346 <a href="mailto:rmollica@malibucity.org">rmollica@malibucity.org</a>

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







Planning Commission  
Meeting  
07-18-16

**Item  
5.C.**

# Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Richard Mollica, Senior Planner *RM*

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: July 7, 2016

Meeting Date: July 18, 2016

Subject: Coastal Development Permit No. 15-059 - An application for a remodel and addition to an existing single-family residence and associated development

Location: 31276 Bailard Road, located within the appealable coastal zone

APN: 4470-002-023

Owner: Kaswan Family Trust

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**RECOMMENDED ACTION:** Continue this item to the August 1, 2016 Regular Planning Commission meeting.