



# Council Agenda Report

To: Mayor Silverstein and Honorable Members of the City Council

Prepared by: Raneika Brooks, Senior Planner

Reviewed by: Richard Mollica, Planning Director

Approved by: Steve McClary, City Manager

Date prepared: August 3, 2023 Meeting Date: August 14, 2023

Subject: Appeal No. 23-001 - Appeal of Planning Commission Resolution No. 23-02 (3620 Noranda Lane; Owner: 3620 Noranda Lane, LLC)

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**RECOMMENDED ACTION:** Adopt Resolution No. 23-37 (Exhibit A), determining the project is categorically exempt from the California Environmental Quality Act (CEQA), denying Appeal No. 23-001 (Exhibit B) and approving Coastal Development Permit (CDP) No. 17-104 for the construction of a new single-family residence, a basement including a subterranean garage, a new onsite wastewater treatment system (OWTS), exterior site improvements including a new swimming pool, spa, deck, landscape, hardscape, and grading; including Variance (VAR) No. 19-035 to allow for development within the required Environmentally Sensitive Habitat Area (ESHA) buffer, Site Plan Review (SPR) No. 23-003 for development on slopes steeper than 3 to 1, but flatter than 2.5 to 1, Minor Modification (MM) No. 20-012 for the reduction of the required front yard setback by up to 50 percent, and Offer-to-Dedicate (OTD) No. 23-001 for a trail easement, for the property located in the Rural Residential-Five Acre (RR-5) zoning district at 3620 Noranda Lane (3620 Noranda Lane, LLC).

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

**WORK PLAN:** This item is not included in the Adopted Work Plan for Fiscal Year 2022-2023. Processing this application is part of normal staff operations.

**DISCUSSION:** The matter is an appeal of the Planning Commission's approval of CDP No. 17-104, VAR No. 19-035, SPR No. 23-002, MM No. 20-012 and OTD No. 23-001, for an application to construct a new single-family residence and associated development (Attachment 2 of Exhibit D - Project Plans).

Below is a chronology of the subject property since first noticed for a Planning Commission hearing:

- On November 16, 2020, the subject item was first before the Planning Commission. The Planning Commission continued the item to a date uncertain to address construction on steep slopes;
- On March 15, 2021, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record and denied the project due to the inability to make the variance findings for construction of accessory development on steep slopes. The Planning Commission directed staff to return with a resolution for denial;
- On April 19, 2021, the Planning Commission adopted Resolution 21-30 denying CDP No. 17-104;
- On April 26, 2021, the applicant, Vitus Matare, filed an appeal of the Planning Commission's denial of the project;
- On July 12, 2021, the City Council remanded CDP No. 17-104 back to the Planning Commission to allow the applicant to redesign the project to avoid construction on steep slopes;
- On August 24, 2022, the revised project was reviewed by the Environmental Review Board (ERB).
- On January 17, 2023, the Planning Commission continued the item to a date uncertain. The proposed project did not require a variance for construction on steep slopes but required a site plan review.
- On February 6, 2023, the Planning Commission held a public hearing on the item and adopted Resolution No. 23-02 (Exhibit C) which approved the project by a 3-2 vote.

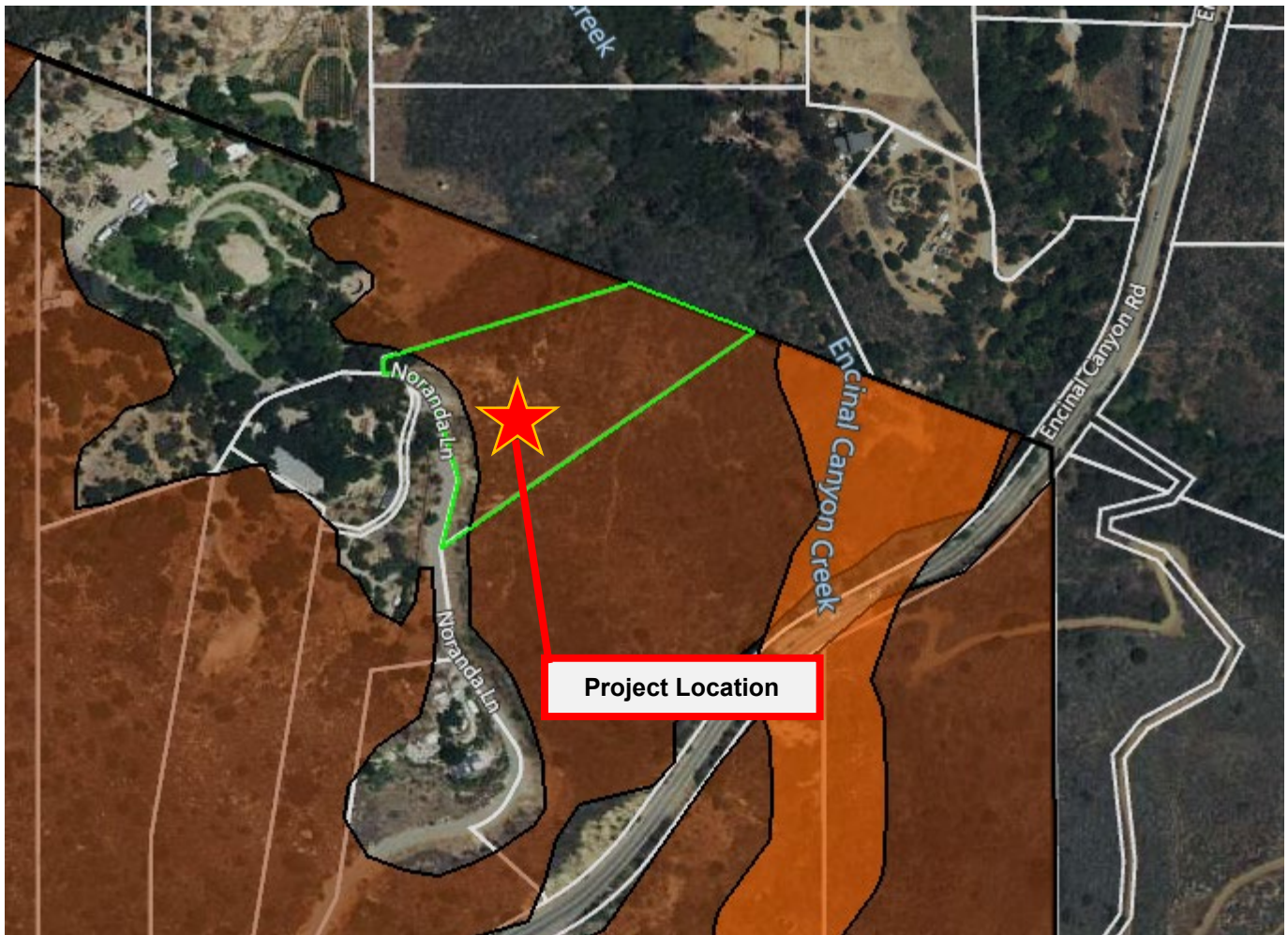
On February 13, 2023, Neil Popowitz, filed an appeal application with the City. The appellant contends that the City does not have jurisdiction to issue the CDP pursuant to Local Implementation Plan (LIP) 13.10.2(B) and contends that the construction management plan should be more restrictive and strictly enforced.

The subject application is requesting VAR No. 19-035 to allow for development within the required ESHA buffer, SPR No. 23-003 for development on slopes between 3 to 1 and 2.5 to 1, MM No. 20-012 for the reduction of the required front yard setback by up to 50 percent, and OTD No. 23-001 for a trail easement.

The subject parcel is an irregularly shaped vacant lot, similar to a trapezoid, located in a residentially developed hillside area (Figure 1). The parcel is zoned RR-5 and is approximately 2.8 acres in size. The parcel takes access from the north side of Noranda Lane, a private street.



**Figure 1 – Aerial Map**



Source: City GIS 2022

According to the LCP ESHA map and the biological assessment on file, the entire parcel, with the exception of a previously disturbed building pad, contains Chaparral ESHA. Residential development, including related fuel modification, is not a permitted activity per LIP Section 4.5 in Chaparral ESHA. However, pursuant to LIP Section 4.7, "Where all feasible building sites are ESHA or ESHA buffer, the City may only permit development as specified below in Sections 4.7.1 through 4.7.4 of the Malibu LIP in order to provide the owner with an economically viable use of the property."

A single-family residence is a permitted use in the subject zone, and per LIP Section 4.7.1 the proposed residence may be approved within the ESHA subject to additional development standards and conditions to minimize potential impacts to ESHA. These development standards include siting the development in a location that minimizes ESHA impacts and limiting the development area to 10,000 square feet or 25 percent of the lot size, whichever is less. The proposed project is sited within the previously disturbed area so as to minimize disturbance and the proposed 7,345 square foot development area is

less than the 10,000 square feet, the maximum allowed by the LIP. Accordingly, pursuant to LIP Section 4.5.3, a variance (Variance No. 19-035) is required for development within the ESHA. Based on the submitted materials, including the biological assessment and site survey, the required 200-foot fuel modification buffer that is required for any building would extend into ESHA. Given that the parcel is mostly mapped as containing ESHA, no other feasible alternative sites exist that would avoid impacts on ESHA.

Although the proposed development is sited on the flattest portion of the lot, within the previously existing building pad, the majority of the lot consists of steep slopes. Although the footprint has been reduced, a portion of the proposed development is sited on slopes between 3 to 1 and 2.5 to 1. Therefore, the applicant is requesting SPR No. 23-003 to allow for development on slopes between 3 to 1 and 2.5 to 1. Additionally, the accessory development has been re-sited to avoid construction on variance slopes.

In addition to the variance for encroachment into ESHA and site plan review construction on steep slopes, the applicant is requesting MM No. 20-012 for 50 percent reduction in the required front yard setback from the required 65 feet to 32.5 feet. The minor modification reduces the development area within ESHA and reduces the construction on steep slopes.

### **APPEAL TO THE CITY COUNCIL**

The appellant argues that the City does not have jurisdiction to issue the Coastal Development Permit (CDP) pursuant to Local Implementation Plan (LIP) 13.10.2(B) and contends that the construction management plan should be more restrictive and strictly enforced. The full text of the appeal document can be found in Exhibit B. The Planning Commission agenda report, in which staff recommended approval of the project, is included as Exhibit D. The Planning Commission agenda report includes a complete overview of the surrounding area, project conformance with the Local Coastal Program (LCP) and MMC, and a discussion of all findings required to approve the application. The adopted Planning Commission Resolution No. 23-02, approving the project, is included as Exhibit C.

***Appeal Item 1. The City lacks jurisdiction to hear this application and does not fall within the criteria specified in LIP section 13.10.2 (B)(1) or (B)(2).***

### **Staff Analysis**

The City has permitting jurisdiction to issue CDP No. 17-104, the proposed project is considered new development and does not require permit issuance from the California Coastal Commission. Pursuant LIP 13.10.2 (A) the subject parcel is not located on tidelands, submerged lands, or public trust lands as described in Section 30519(b) of the Public Resources Code or as described as areas of Coastal Commission Permit

jurisdiction illustrated on the Local Coastal Program Post-Certification Permit and Jurisdiction Map as amended.

Although the Coastal Commission issued Coastal Development Permit (CDP) 5-86-472 (Exhibit E), the permit expired in 1988 therefore, the jurisdiction for new development would fall under the City. Pursuant to LIP 13.10.2(B):

“the Commission retains authority over coastal development permits issued by the Commission including condition compliance. Where either new development, or a modification to existing development, is proposed on a site where development was authorized in a Commission-issued coastal development permit either prior to certification of the LCP or through a de novo action on an appeal of a city-approved coastal development permit and the permit has **not expired or been forfeited**, the applicant shall apply to the City for the coastal development permit except for:

1. Requests for extension, reconsideration and revocation of the Commission-issued permits;
2. Development that would lessen or negate the purpose of any specific permit condition, any mitigation required by recorded documents, any recorded offer to dedicate or grant of easement or any restriction/limitation or other mitigation incorporated through the project description by the permittee, of a Commission-issued coastal permit.

In any of these circumstances, the applicant must seek to file an application with the Coastal Commission for an amendment to the Commission-issued coastal development permit and authorization for the proposed new development or modification to existing development. The Coastal Commission will determine whether the application for amendment shall be accepted for filing pursuant to the provisions of Title 14 [California Code of Regulations](#), Section 13166.” (emphasis added)

CDP No. 5-86-472 expired in 1988 and no project was built. Therefore, pursuant to LIP Section 13.10.2(B) the applicant is required to apply to the City for the coastal development permit. LIP Section 13.10.2(B) does not allow, nor grant, the Coastal Commission jurisdiction to issue a coastal development permit for the proposed project. In summary, due to the location of the property/project, the nature of the project, and the expiration of the previously issued expired CDP, the City retains jurisdiction over the coastal development application, and it was properly submitted to the City.

***Appeal Item 2. The safety of the neighbors demands the construction management plan to be more restrictive and strictly enforced.***

## Staff Response

The applicant submitted a construction management plan dated November 20, 2020 (Exhibit F). The construction management plan was reviewed by the Planning Department and subsequently reviewed and approved by the Planning Commission on February 6, 2023. Planning Commission Resolution 23-02 contains the following conditions of approval:

- Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.
- A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.
- Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

Pursuant to these conditions adopted by the Planning Commission, the Planning Director shall approve the construction management plan prior to building plan check submittal.

The appellant contends, “the owner/contractor should be required to have someone from the City of Malibu on-site to ensure compliance, and there should be an enforcement mechanism, fines/penalties up to and including termination of the permit for violations. For example, delays in excess of three minutes due to construction traffic on Noranda Lane should result in a \$500 fine.” The appellant also believes the construction management plan should limit the use of Noranda Lane to one construction vehicle at a time, construction vehicles should be prohibited to park or stop along the Noranda Lane, and the language should be added to restrict fencing or staging within the easement area.

The City does not require a staff member to be onsite during construction (nor does it have sufficient staff to take this extraordinary action), however should there be a violation of the construction management plan, code enforcement action can be pursued. Moreover, staff believes the construction management plan on file is sufficient to maintain circulation and access to surrounding properties during construction activities. Failure to comply with provisions outlined in the MMC are subject to penalties as defined in MMC Section 1.16.010. Violations may also result in a stop work order and the halt of construction on the site.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposed project. The Planning Director 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 proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) - New Construction or Conversion of Small Structures, 15303(e) - New Construction or Conversion of Small Structures, 15304(b) – Minor Alterations to Land. The City has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

PUBLIC CORRESPONDENCE: To date, staff has received no correspondence.

PUBLIC NOTICE: On April 27, 2023, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and a public notice was mailed to the owners and occupants of all properties within a radius of 500-feet of the subject property (Exhibit G).

SUMMARY: Based on the record as a whole, including but not limited to all written and oral testimony offered in connection with this matter, staff recommends that the City Council adopt Resolution No. 23-XX, denying the appeal and approving CDP No. 17-104, VAR No. 19-035, SPR No. 23-003, MM No. 20-012 and OTD No. 23-001.

EXHIBITS:

- A. Resolution No. 23-37
- B. Appeal No. 23-001
- C. Planning Commission Resolution No. 23-02
- D. February 6, 2023, Planning Commission Agenda Report Item 5.B.
  - 1. Draft Planning Commission Resolution No. 23-02
  - 2. Project Plans
  - 3. Department Review Sheets
  - 4. Applicant Memorandum dated January 5, 2023
  - 5. Story Pole Photographs dated January 5, 2023
  - 6. Construction Management Plan
  - 7. Public Hearing Notice
  - 8. November 16, 2020, Planning Commission Agenda Report Item No. 5.D. – <https://www.malibucity.org/AgendaCenter/ViewFile/Item/4602?fileID=17707>
  - 9. March 15, 2021, Planning Commission Agenda Report Item No. 5.C. – <https://www.malibucity.org/AgendaCenter/ViewFile/Item/4806?fileID=19411>
  - 10. July 12, 2021, City Council Agenda Report Item No. 4.D. to remand back to the Planning Commission: <https://www.malibucity.org/AgendaCenter/ViewFile/Item/5045?fileID=23036>

- E. Coastal Development Permit 5-86-472
- F. Construction Management Plan dated November 20, 2020
- G. Public Hearing Notice



## RESOLUTION NO. 23-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, DENYING APPEAL NO. 23-001 AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 17-104, VARIANCE NO. 19-035, SITE PLAN REVIEW NO. 23-003, MINOR MODIFICATION NO. 20-012, AND OFFER-TO-DEDICATE NO. 23-001, FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, A BASEMENT INCLUDING A SUBTERRANEAN GARAGE, A NEW ONSITE WASTEWATER TREATMENT SYSTEM, EXTERIOR SITE IMPROVEMENTS INCLUDING A NEW SWIMMING POOL, SPA, DECK, LANDSCAPE, HARDSCAPE AND GRADING; INCLUDING VARIANCE NO. 19-035 TO ALLOW FOR DEVELOPMENT WITHIN THE REQUIRED ENVIRONMENTALLY SENSITIVE HABITAT AREA BUFFER, SITE PLAN REVIEW NO. 23-003 FOR DEVELOPMENT ON SLOPES STEEPER THAN 3 TO 1, BUT FLATTER THAN 2.5 TO 1, MINOR MODIFICATION NO. 20-012 FOR THE REDUCTION OF THE REQUIRED FRONT YARD SETBACK BY UP TO 50 PERCENT AND OFFER-TO-DEDICATE NO. 23-001 FOR A TRAIL EASEMENT, FOR THE PROPERTY LOCATED IN THE RURAL RESIDENTIAL-FIVE ACRE ZONING DISTRICT AT 3620 NORANDA LANE (3620 NORANDA LANE, LLC)

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

### SECTION 1. Recitals.

A. On November 8, 2017, an application for a Coastal Development Permit (CDP) No. 17-104 to allow for a new single-family residence and associated development, was submitted to the Planning Department by Vitus Matare. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and the Los Angeles County Fire Department for review.

B. On November 19, 2019, the application was deemed complete.

C. On November 27, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

D. On October 8, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On October 22, 2020, a revised 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 November 2, 2020, the subject item was continued to the November 16, 2020 Regular Planning Commission meeting.

G. On November 16, 2020, the subject item was continued to a date uncertain to allow the applicant to explore re-design options to avoid construction on one to one slopes.

H. On February 18, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject property.

I. On March 15, 2021, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record and denied the project due to the inability to make the variance findings for construction of accessory development on steep slopes. The Planning Commission directed staff to return with a resolution for denial.

J. On April 19, 2021, the Planning Commission adopted Resolution 21-30 denying CDP No. 17-104.

K. On April 26, 2021, the applicant, Vitus Matare, filed an appeal of the Planning Commission's denial of the project.

L. On June 17, 2021, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject property.

M. On July 12, 2021, the City Council remanded CDP No. 17-104 back to the Planning Commission.

N. On August 24, 2022, the revised project was reviewed by the Environmental Review Board (ERB).

O. On December 22, 2022, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject properties.

P. January 12, 2023, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject properties.

Q. On January 17, 2023, the Planning Commission continued the item to a date uncertain. The proposed project did not require a variance for construction on steep slopes but required a site plan review.

R. On February 6, 2023, 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 approved the application and adopted approval Planning Commission Resolution No. 23-02.

S. On February 13, 2023, an appeal was submitted by Neil Popowitz.



T. On April 27, 2023, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupant within a 500-foot radius of the subject property.

U. On May 22, 2023, the City Council continued the subject item to the June 26, 2023, City Council meeting.

V. On July 20, 2023, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupant within a 500-foot radius of the subject property.

W. On August 14, 2023, the City Council held a duly noticed public hearing on the subject appeal, reviewed and considered the agenda report, reviewed and considered written materials, public testimony, and other information in the record, including the City Council Agenda report, and based thereon makes the following determination.

## SECTION 2. Appeal of Action.

The appeal filed by Neil Popowitz contends that the City does not have jurisdiction to issue the CDP pursuant to Local Implementation Plan (LIP) 13.10.2(B) and contends that the construction management plan should be more restrictive and strictly enforced.

## SECTION 3. Findings for Denying the Appeal.

Based on evidence contained within the record including, but not limited to, the content of the Council Agenda Report and Planning Commission Agenda Report, as well as the testimony and materials considered by the Planning Commission and the City Council, the City Council hereby makes the following findings of fact, denies the appeal, and approves the project.

The appellant contends that the City lacks jurisdiction to hear this application and that the applicant needed to apply to the California Coastal Commission (CCC) instead of the City for a CDP pursuant to LIP section 13.10.2(B)(1) or (B)(2). However, appellant fundamentally misreads Section 13.10.2(B). This section provide two types of situations where an applicant needs to apply to the CCC instead of the City for a CDP. These provisions only apply when the CCC issued a CDP on the property and the CDP has not expired or been forfeited. In this case, while a CDP was issued for development on the property, this CDP (CDP No. 5-86-472) expired in 1988 and no project was built.

Therefore, pursuant to LIP section 13.10.2(B) the applicant is required to apply to the City for the CDP. 13.10.2(B) does not allow, nor grant, the CCC jurisdiction to issue a CDP for the proposed project.

Further, the City has permitting jurisdiction to issue CDP No. 17-104; the proposed project is considered new development and does not require permit issuance from the CCC. Pursuant LIP 13.10.2(A) the subject parcel is not located on tidelands, submerged lands, or public trust lands as described in Section 30519(b) of the Public Resources Code or as described as areas of CCC Permit jurisdiction illustrated on the Local Coastal Program Post-Certification Permit and Jurisdiction

Map as amended.

In summary, due to the location of the property/project, the nature of the project, and the expiration of the previously issued CDP, the City retains jurisdiction over the coastal development application and it was properly submitted to the City.

Additionally, the appellant contends that the safety of the neighbors demands the construction management plan to be more restrictive and strictly enforced. The applicant submitted a construction management plan dated November 20, 2020. The construction management plan was reviewed by the Planning Department and subsequently approved by the Planning Commission on February 6, 2023. Planning Commission Resolution 23-02 contains the following conditions of approval:

- Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.
- A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.
- Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

Pursuant to these conditions adopted by the Planning Commission, the Planning Director shall approve the construction management plan prior to building plan check submittal.

The measures required by the Construction Management Plan are sufficient to mitigate the impacts of the project, and are enforceable. The extraordinary measures requested by Appellant are not required to make the findings made below by the City Council, and the City does not have staff available that could monitor onsite all construction activities as requested by Appellant. As a result, and for all of the reasons described above and below, the Council finds that the evidence shows the proposed project is consistent with the LIP and MMC.

#### SECTION 4. Environmental Review.

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

## **SECTION 5. Coastal Development Permit Findings**

Based on the evidence in the record (including, but not limited to, the analysis, findings of fact, and conclusions set forth by staff in the Council Agenda Report and Planning Commission Agenda Report, as well as the testimony and materials considered by the Planning Commission and City Council) the City Council hereby makes the following findings of fact, denying the appeal and approving the project and finds that evidence in the record supports the required findings for approval of the project.

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

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

1. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and LACFD. The proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards inclusive of the discretionary requests.

2. The project is not located between the first public road and the sea. The property does contain an LCP mapped trail on the northern portion of the property. However, no development is proposed on or near the mapped trail and therefore no impacts are expected. Additionally, the property owner has proposed offer-to-dedicate (OTD) No. 23-001 for a trail easement along the westerly property line following Noranda Lane. 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 of 1976 (commencing with Sections 30200 of the Public Resources Code).

3. This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts on coastal resources.

Smaller Project – A smaller residence could be proposed on the project site. However, reducing the size of the residence would not significantly reduce impacts to public or private views. Should the footprint be reduced, the direct land disturbance of construction would be reduced. However, a smaller project would not eliminate the need for an ESHA variance or the site plan review for construction on steep slopes. Additionally, the proposed project complies with the maximum allowable non-exempt grading, TDSF for hillside development, impermeable coverage and the height limitations of the LCP and the MMC.

Alternative Location – The proposed single-family residence could be relocated further to the north on the subject parcel to eliminate the MM request for the reduction of the front yard setback. However, most of the parcel to the north of the proposed building pad consists of steep slopes. Relocating the proposed development, would require more grading, land disturbance and further construction on steep slopes. Additionally, relocating the proposed project would expand the

development area further into ESHA. As designed, the proposed project complies with the requirements of the MMC and LCP, inclusive of the discretionary requests. In conclusion, it is not anticipated that an alternative location would offer any environmental advantages.

Proposed Project – Due to site constraints, ESHA requirements, and steep slopes, the building pad is limited. The proposed project consists of the construction of a new single-family residence and associated exterior site improvements compliant with hillside development standards. As previously mentioned, the proposed project is subject to hillside development standards and the applicant has reduced the proposed square footage to comply with those standards. The project has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and the LACFD, and meets the City’s residential development policies of the LCP and MMC, inclusive of the discretionary requests. Additionally, the proposed project was redesigned to eliminate the Variance for construction on steep slopes. The proposed project, as conditioned, will comply with all applicable requirements of State and local law. The project, as conditioned, is the least environmentally damaging feasible alternative.

4. The subject property is located within a designated ESHA as shown on the LCP ESHA and Marine Resources Map. The ERB reviewed the project on August 24, 2022 and did not have associated recommendations. The ERB recommended the project move forward as proposed.

**B. Variance Findings for Development in the ESHA buffer and Fuel Modification to Extend into the ESHA (LIP Section 13.26.5)**

1. Exceptional characteristics applicable to the subject parcel include ESHA and steep slopes. With the exception of a previously disturbed building pad, the entire property meets the definition of ESHA. Based on the submitted material, the required 200-foot fuel modification buffer that is required for any building would extend into ESHA. Given that the parcel is mostly mapped as containing ESHA, there are no other feasible alternative sites that exist that would avoid impacts on ESHA. Strict application of the zoning ordinance would preclude any development on the property. Adjacent properties are similarly developed and contain ESHA based on the LCP ESHA Map and denial of the variance would deprive the property owner of developing his property in a similar manner.

2. The City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD have reviewed the proposed project and determined it was consistent with all applicable safety, health or welfare regulations and policies. The granting of the proposed 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 in which the property is located.

3. The granting of the proposed variance will not constitute a special privilege to the applicant or property owner. The proposed single-family residence is consistent with the uses permitted in the applicable zoning designation and will allow the property owner to develop the site consistent with neighboring properties. Therefore, granting the proposed variance does not constitute a special privilege to the property owner.

4. The proposed variance will allow the proposed residence, including related fuel modification, to extend into Chaparral and Coastal Sage Scrub ESHA. This variance will not be contrary to or in conflict with the zoning provisions nor LCP goals, objectives and policies as variances to ESHA protection standards may be granted pursuant to LIP Section 4.6.4(A). The proposed project is consistent with the LCP as impacts to ESHA cannot be avoided and are offset in conformance with LIP Section 4.8.1. The City Biologist, City geotechnical staff, City Environmental Health Administrator and City Public Works Department have determined the proposed project was consistent with the LCP and applicable goals and policies, inclusive of the proposed variances, and minor modification.

5. As previously discussed, the fuel modification for any building cannot avoid impacts to ESHA. Pursuant to LIP Section 4.7, which states that "where all feasible building sites are ESHA or ESHA buffer, the City may only permit development as specified in Sections 4.7.1 through 4.7.4". LIP Sections 4.7.1 through 4.7.4 have been satisfied given the proposed development area (7,345-square feet) does not exceed 10,000 square feet, fencing is limited to the development area, and agricultural uses and confined animals are not included.

6. The requested variance is not associated with stringline standards. Therefore, this finding does not apply.

7. The proposed project consists of a new single-family residence and accessory uses on a previously developed site. The proposed uses are consistent with the permitted uses in the applicable zoning district. Additionally, as previously discussed, the proposed development activities are consistent with specific ESHA protection standards. Therefore, the proposed variance would not authorize an unpermitted use or activity.

8. The subject parcel is physically suitable for the proposed variance in that there are no alternate building sites or configurations which would eliminate the need for a variance because the fuel modification for a structure of any size would extend into surrounding Chaparral and Coastal Sage Scrub ESHA.

9. The City Biologist, City geotechnical staff, City Environmental Health Administrator, City Public Works Department and LACFD reviewed the proposed project and determined it was in conformance with State and local requirements. In addition to being consistent with the LCP, the proposed variance will comply with all requirements of State and local law in that the proposed project will be required to obtain applicable permits from the Environmental Sustainability Department prior to construction. Construction of the proposed improvements will comply with all building code requirements and incorporate all recommendations from applicable City and County agencies. Therefore, the proposed project complies with all applicable requirements of State and local law.

10. The proposed project does not include or encroach upon public parking or recreation access. Therefore, this finding does not apply.

**C. Site Plan Review for development on slopes steeper than 3:1, but flatter than 2.5:1 [LIP Section 13.27]**

1. The project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and detailed site investigations, the project is consistent with all policies and provisions of the LCP and MMC.

2. The property is located in a developed residential neighborhood and surrounding development consists of single-family residences, with accessory development. Adjacent development properties exhibit similar topography. Staff conducted an analysis of surrounding property characteristics in order to assess the project with regard to neighborhood character. Neighboring properties were also constructed on similar slopes and feature development that blends into the surrounding topography. Therefore, the portions of the structure proposed on slopes between 3 to 1 and 2.5 to 1 are not anticipated to adversely affect neighborhood character.

3. On January 3, 2023, staff visited the subject parcel after story poles representing the location and height of the proposed buildings were erected. Based on staff's site visit, it was determined that while portions of the single-family residence are visible from Encinal Canyon Road, the project as designed is not anticipated to result in adverse scenic or visual impacts. Given the location and design of the project, intervening topography, existing development, and the implementation of conditions of approval for lighting, the project is not expected to create significant obstructions or encroachments into public views and provides the maximum feasible protection to significant public views as required by LIP Chapter 6. Therefore, the project provides maximum feasible protection to significant public views.

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

#### **D. Minor Modification for a reduced front yard setback (LIP Section 13.27)**

1. As previously stated in Section A, Finding 1, the project has been reviewed and analyzed for conformance with the LCP. Additionally, the reduced front yard setback limits the impact to ESHA and reduces the construction on steep slopes. The project is consistent with the policies and provisions of the LCP and MMC.

2. The neighborhood is comprised of single-family residences on lots of varying sizes. The single-family residence would be in character with surrounding residential development. Based on observations during the site visit and inspection of the story poles, the proposed project, as designed and conditioned, does not adversely affect neighborhood character. Additionally, given the constraints of the steep slopes to the north, the residence needed to be located within the front yard setback.

3. The City Biologist, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, and LACFD reviewed the proposed project and determined it was in conformance with State and local requirements. Therefore, the proposed project complies with all applicable requirements of State and local law.

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

1. The fuel modification zone of a structure of any size on the subject parcel would disturb ESHA and the project as proposed has been sited as close as possible to Noranda Lane to minimize ESHA impacts. A residence and related fuel modification are not permitted uses in the applicable Chaparral and Coastal Sage Scrub ESHA. Therefore, the application of LIP Chapter 4 (ESHA overlay ordinance) would not allow construction of a residence on this undeveloped parcel.

2. As previously discussed in Section A, Finding 1, the proposed project is consistent with all provisions of the LCP. As previously discussed in Section C, Finding 1, the subject parcel cannot be developed without disturbance of Chaparral and Coastal Sage Scrub ESHA. Because ESHA impacts could not be avoided, LIP Section 4.7.1 states the allowable development area shall not exceed 10,000 square feet. The proposed development area (7,345-square feet) is less than 10,000 square feet, which is consistent with LIP Section 4.7.1. Therefore, the proposed project complies with the provision of LIP Section 4.7.

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

1. The project does not involve the removal of any native trees. No direct impacts to native trees are anticipated as a result of project construction based on the Native Tree Report prepared on November 17, 2017. Regardless, the project is conditioned to protect native trees during construction.

2. Based on the Native Tree Report, no removal of native trees is proposed. While no impacts are anticipated, the project is conditioned to protect native trees within or adjacent to the construction area.

3. Condition No. 23 has been added to protect the native protected trees during construction.

#### **G. Scenic, Visual and Hillside Resource Protection Chapter (LIP Chapter 6)**

1. An analysis of the project's potential visual impact was conducted through site inspections, story poles, and review of the architectural plans. The proposed project allows for the construction of a new single-family residence and associated development. The project is designed to minimize visual impacts and meets the requirements of the hillside development standards. Additionally, the proposed development is minimally visible from Encinal Canyon Road based on review of the story poles. It is not anticipated that the project will result in adverse scenic or visual impacts; therefore, the project is consistent with LIP Chapter 6.

2. As discussed in Finding 1, as conditioned, the project will not have significant adverse scenic or visual impacts.

3. As discussed in Section A, Finding 3, the project is the least environmentally damaging feasible alternative.

4. As discussed in Section G, Finding 1, the project is not expected to result in any significant adverse impact. Therefore, there are no feasible alternatives to development that would

avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

5. As discussed in Finding 1, as conditioned, the revised project will not have significant adverse impacts on scenic and visual resources.

## **H. Hazards (LIP Chapter 9)**

1. The applicant submitted geotechnical and engineering reports prepared by Calwest Geotechnical dated January 9, 2018, and October 5, 2017; reports prepared by Land Phases Inc. dated January 8, 2018 and September 9, 2017; and reports prepared by EPD Consultants dated September 27, 2017. The aforementioned reports are referenced in the geotechnical review sheet. These reports are on file at City Hall. The reports evaluate site-specific conditions and recommendations are provided to address any pertinent issues. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area. Based on review of the project plans and associated geotechnical reports by City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD, these specialists determined that adverse impacts associated with these hazards to the project site related to the proposed development are not expected. The proposed project will neither be subject to nor increase the instability from geologic, flood, or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

2. As stated in Finding 1, the proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

3. As previously stated in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. It has been determined that the proposed project does not impact site stability or structural integrity. As previously discussed in Finding A3, there are no feasible alternatives.

5. As discussed in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts on sensitive resources are anticipated.

## **I. Public Access (LIP Chapter 12)**

The subject property is not located between the first public road and the sea or on a bluff; however, the property does contain an LCP mapped trail on the northern portion of the property. However, no development is proposed on or near the mapped trail and therefore no impacts are expected.



Lateral Access – The project site is not located along the shore. Therefore, no conditions or findings for lateral access are required.

Vertical Access – The project site is not adjacent to the Pacific Ocean, and access to the Pacific Ocean is not possible. Therefore, no conditions or findings for lateral access are required.

Blufftop Access – The project is not located on a blufftop, and therefore, no conditions for blufftop access are required.

Recreational Access – The project site is not adjacent to, does not include, nor contain any access ways to existing or planned recreational areas. Therefore, no conditions or findings for recreational access are required.

Trail Access – The LCP Parklands Map shows the Coastal Slope Trail located on the northern portion of the property. No development will take place on or near the trail and therefore no impacts are expected. However, the property owner is proposing an offer-to-dedicate a trail easement.

#### SECTION 6. City Council Approval.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves CDP No. 17-104, VAR No. 19-035, SPR No. 23-003, MM No. 20-012, and OTD No. 23-001 subject to the following conditions.

#### SECTION 7. Conditions of Approval

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. Approval of this application is to allow for the project described herein. The scope of work approval includes:
  - a. 4,789-square foot, single-family residence;
  - b. 1,801-square foot basement and subterranean garage;
  - c. New OWTS;
  - d. New swimming pool and spa;
  - e. Associated pool equipment (to be fully screened);
  - f. New lower level decks;
  - g. New upper level deck;
  - h. 3,299-square feet of new landscaping;
  - i. New 25,000 gallon underground water tank;
  - j. New 5,000 gallon underground water tank;
  - k. 581 cubic yards of non-exempt grading;

1. Discretionary Requests:
  - i. VAR No. 19-035 for encroachment into ESHA;
  - ii. SPR No. 23-003 for development on slopes steeper than 3 to 1, but flatter than 2.5 to 1; and
  - iii. MM No. 20-012 to reduce the required front yard setback by 50 percent from the required 65 feet to 32.5 feet.
3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **January 3, 2023**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
1. 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.
2. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 6 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.
3. This resolution, signed Acceptance of Conditions Affidavit and all Department Review 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 Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
4. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.
5. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
6. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, WD29, LACFD, and CSLC as applicable. Notwithstanding this review, all required permits shall be secured.

7. 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.
8. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

### ***Biology***

9. The Maximum Applied Water Allowance (MAWA) for this project totals 108,671 gallons per year. The Estimated Applied Water Use (EAWU) totals 44,032 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.
10. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.
11. 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).
12. Prior to final Planning inspection, the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with MMC Chapter 17.53. The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.
13. Pursuant to LIP Section 4.8.1, all new development shall include mitigation for unavoidable impacts to Environmentally Sensitive Habitat Area (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 0.96 acres of permanent impacts (development footprint and/or Fuel Modification Zones A and/or B) and 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.

14. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.
15. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.
16. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.
17. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three violations of this condition will result in a requirement to permanently remove the vegetation from the site.
18. Invasive plant species, as determined by the City of Malibu, are prohibited.
19. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).
20. No non-native plant species shall be approved greater than 50 feet from the residential structure.
21. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
22. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.
23. Earthmoving shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct earthmoving activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted to the City Biologist for approval prior to the issuance of a grading permit and implemented prior to initiation of vegetation removal and/or earthmoving activities.
24. 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.
25. Up-lighting of landscaping is prohibited.
26. 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.

27. The (landscape and fuel modification plan) has been conditioned to protect natural resources in accordance with the Malibu General Plan. All areas shall be planted and maintained as described in the (landscape and fuel modification plan). Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.
28. 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.

### ***Environmental Health***

29. Prior to Final OWTS Plot Plan: Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
30. Final OWTS Design Report, Plans, and System Specifications: If the OWTS design and/or bedroom/drainage fixture unit counts are modified in any way subsequent to the Planning-stage review, then a final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
31. 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 drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the

- design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
- b. Sewage and effluent pump design calculations (as applicable).
  - 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 conceptual design for custom 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 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
  - e. 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.
32. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
33. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
34. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.
35. Maintenance Contract: A maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed onsite wastewater disposal system after construction shall be submitted. Note only original "wet signature" documents are acceptable.
36. 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 OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.

37. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Office of the Los Angeles County Recorder. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
38. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
39. City of Malibu Planning Department final approval of the OWTS plan shall be obtained
40. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

### ***Geology***

41. 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.
42. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

### ***Grading/ Drainage***

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

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-Storm Water 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.

44. 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.
45. A grading and drainage plan containing the following information shall be approved, and submitted to 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, areas disturbed for the installation of the septic



- system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
  - d. The grading limits shall include the temporary cuts made for retaining walls, 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, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
  - g. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
  - h. Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.
46. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
47. A digital (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 drains 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.
48. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
- a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
  - b. Prohibits the discharge of trash.
  - c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
  - d. Elimination of non-storm water discharges.
49. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the

property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.

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

### ***Fuel Modification***

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

### ***Colors and Materials***

54. The project is visible from scenic roads or public viewing areas, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
- a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.
  - b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
  - c. All windows shall be comprised of non-glare glass.
55. 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.

### ***Swimming Pool / Spa***

56. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).
57. 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).
58. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.
59. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algacides, 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 in to the MS4 or to the ASBS (including tributaries)
60. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

61. A sign stating “It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per MMC Section 13.04.060(D)(5)” shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.
62. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

### ***Outdoor Lighting***

63. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
  - a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
  - b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
  - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
  - d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
  - e. Site perimeter lighting shall be prohibited; and
  - f. Outdoor decorative lighting for aesthetic purposes is prohibited.
64. Night lighting for sports courts or other private recreational facilities shall be prohibited.
65. 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.
66. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.
67. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
68. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
69. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

### ***Construction / Framing***

70. Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.
71. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.
72. 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.
73. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.
74. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
  - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
  - b. Grading activities shall be planned during the southern California dry season (April through October).
  - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
  - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
75. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.
76. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

### ***Deed Restrictions***

77. 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.
78. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 67-73. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.
79. In order to implement the property owner's proposal of an offer to dedicate a 10-foot easement for a public access hiking, biking, and equestrian trail easement for passive recreational use as part of this project, the property owner agrees to complete the following prior to final Planning Department approval: 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 an easement for a public access hiking, biking, and equestrian trail easement for passive recreational use. 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. The document shall also provide that there shall be no gate(s) at the entrance to or exit from the easement. The offer shall provide the public the right to pass and re-pass over the dedicated route. 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 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.

***Fixed Conditions***

80. This coastal development permit amendment 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 7. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 26<sup>th</sup> day of June 2023.

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BRUCE SILVERSTEIN, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)

APPROVED AS TO FORM:

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

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TREVOR RUSIN, Interim City Attorney

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Council’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.

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



# City of Malibu

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

## PLANNING DEPARTMENT COASTAL DEVELOPMENT PERMIT NOTICE OF APPEAL CHECKLIST

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

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

To perfect an appeal, the form must be completed, together with all the necessary attachments, and must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23525 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Senior Administrative Analyst, at (310) 456-2489, extension 245.

### Part I. Project Information

1. What is the file number of the Coastal Development Permit you are appealing?

Planning Commission Resolution No. 23-02, Coastal Development Permit No. 17-104, Variance No. 19-035, Site Plan Review 23-003, Minor Modification No. 20-012

2. On what date was the decision made which you are appealing?

February 6, 2023

3. Who made the decision you are appealing?

☐ Planning Director



☒ Planning Commission

4. What is the address of the project site at issue?

3620 Noranda Lane, Malibu, CA 90265

### Part II. Appeal Summary



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

☐ I am the Applicant for the project

☐ I am the neighbor

☒ Other (describe)

Attorney representing neighbor.

2. If you are not the applicant, please indicate the applicant's name:

Vitus Matare

3. Indicate the nature of your appeal.

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

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

Lack of Jurisdiction in violation of LIP 13.10.2(B).

Construction Management Plan, Paragraphs 74 through 80 of Planning Commission Resolution No. 23-02

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

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

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

☒ The decision was contrary to law.

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

Lack of Jurisdiction in violation of LIP 13.10.2(B).

Planning Commission approval of the Construction Management Plan in the face of the objections of the neighbors.

See Attached Pages.

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

See Attached Pages.

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### Part III. Appeal Checklist

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

1. ☐ Completed Appeal Checklist (This form with appellant's signature)
2. ☐ Appeal Fee \$750

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

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

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

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

#### Part IV. Signature and Appellant Information

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

\_\_\_\_\_  
PRINT APPELLANT'S NAME

\_\_\_\_\_  
APPELLANT'S SIGNATURE

\_\_\_\_\_  
TELEPHONE NUMBER

2/13/2023

\_\_\_\_\_  
DATE

Appellant's mailing address: \_\_\_\_\_

Appellant's email address: \_\_\_\_\_

#### OFFICE USE ONLY

Action Appealed: \_\_\_\_\_

Appeal Period: \_\_\_\_\_

Date Appeal Form and required documents submitted: \_\_\_\_\_ Received by: \_\_\_\_\_

Appeal Completion Date: \_\_\_\_\_ by: \_\_\_\_\_

(Name, Title)

## **1. The City Lacks Jurisdiction to hear this Application.**

The Coastal Commission issued Coastal Development Permit 5-86-472 for development of this same property in 1986. That permit expired in 1988.

Section 13.10.2 of the City of Malibu Local Coastal Program Local Implementation Plan, adopted September 13, 2002 (LIP), sets forth when the City and when the Coastal Commission has jurisdiction over development in the City of Malibu. It sets forth in pertinent part at § 13.10.2(B):

"B. The Commission retains authority over coastal development permits issued by the Commission including condition compliance. Where either new development, or a modification to existing development, is proposed on a site where development was authorized in a Commission-issued coastal development permit either prior to certification of the LCP or through a de novo action on an appeal of a city approved coastal development permit and the permit has not expired or been forfeited, the applicant shall apply to the City for the coastal development permit except for:

1. Requests for extension, reconsideration and revocation of the Commission-issued permits;
2. Development that would lessen or negate the purpose of any specific permit condition, any mitigation required by recorded documents, any recorded offer to dedicate or grant of easement or any restriction/limitation or other mitigation incorporated through the project description by the permittee, of a Commission-issued coastal permit.

In any of these circumstances, the applicant must seek to file an application with the Coastal Commission for an amendment to the Commission-issued coastal development permit and authorization for the proposed new development or modification to existing development. The Coastal Commission will determine whether the application for amendment shall be accepted for filing pursuant to the provisions of Title 14 California Code of Regulations, Section 13166."

The basis for the Planning Commission taking jurisdiction over Coastal Development Permit No. 17-104, Variance No. 19-035, Site Plan Review 23-003, and Minor Modification No. 20-012 was the Determination of Notice and Hearing Requirements signed by Associate Planner Jessica Cleavenger on November 20, 2019. That document relies on LIP § 13.10.2(B) for jurisdiction over the application.

However, in order to have jurisdiction to issue the permit in this instance, ALL of the following must occur:

1. The application is for new development or a modification to existing development,  
AND
2. Is proposed on a site where development was authorized in a Commission issued coastal development permit, which permit has NOT expired or been forfeited,  
AND

3. Where the application does not fall within the criteria specified in LIP section 13.10.2(B)(1) or (B)(2).

The clear language of LIP § 13.10.2(B) and the Determination of Notice and Hearing Requirements is that *all three prerequisites* must be satisfied to give the City jurisdiction, and yet it is equally clear that all the prerequisites cannot be fulfilled.

The first prerequisite is fulfilled as Coastal Development Permit No. 17-104 is for new development.

The second prerequisite is NOT fulfilled because development was authorized in a Coastal Commission development permit which HAS expired or been forfeited.

The third prerequisite is NOT fulfilled because LIP § 13.10.2(B)(2) does not allow for development that would lessen or negate any specific permit condition, and the 1986 permit strictly limited construction to 3,267 square feet of improvements – a 2,517 square foot residence and 750 square foot guest house. Coastal Development Permit No. 17-104, as approved by the Planning Commission, calls for a significantly larger improvement, with a Total Development Square Footage of 5,189 square feet, thereby negating a specific condition of the 1986 permit.

Thus, pursuant to the clear language of LIP § 13.10.2(B), when, as in this case, the prerequisites are not met, the applicant must seek to file an application with the Coastal Commission for an amendment to the Commission-issued coastal development permit and authorization for the proposed new development or modification to existing development.

The applicant was obligated to bring this application before the Coastal Commission and the City of Malibu Planning Commission did NOT have jurisdiction to hear this matter. City of Malibu Planning Commission Resolution No. 23-02 is therefore void as a matter of law.

## **2. The Safety of the Neighbors Demands the Construction Management Plan be More Restrictive and Strictly Enforced.**

The entire City of Malibu is a Very High Fire Hazard Severity Zone. Indeed, neighboring properties were destroyed in the recent wildfires in the Malibu Hills surrounding Noranda Lane, a narrow and steep hillside road approximately 20 feet wide, with a single lane in each direction. There are no shoulders for vehicles to pull out on or use to go around blockages. In case of fire, the neighbors have no alternative escape route.

The Planning Commission chose to approve this project, including the proposed Construction Management Plan (CMP), and ignore the numerous concerns of the neighbors to ensure that their ability to escape should there be a fire or other natural disaster. The CMP must be strictly enforced in order to keep Noranda Lane open and unobstructed. The CMP should be made more rigorous in order to minimize blockage and maintain the availability of Noranda Lane to through traffic.

Section 1 of the CMP sets forth in pertinent part that:

"All construction activity shall be confined to APN 4473-026-002.... All grading, construction, material staging and on-site vehicle parking shall be confined to the development footprint and under no circumstances stray into..."

It should be modified to read as follows:

"All construction activity shall be confined to APN 4473-026-002.... All grading, construction, material staging, **fencing** and on-site vehicle parking shall be confined to the development footprint and under no circumstances stray into the **road easement area**..."

Indeed, no fencing shall be permitted between the easement area and the neighbors' entrance gate, and cannot block the neighbors' access to their well, which is located in the easement area.

Item 3(c) of the CMP must eliminate the "minimization" of obstruction of the traffic lanes, and should instead read:

"**No** obstruction of through-traffic lanes at **any** time;"

Item 3(e) of the CMP should be modified to read as follows:

"Not park **or** stop anywhere along the entire length of Noranda Lane, its road shoulder, **and the road easement area**."

Item 4(c) of the CMP sets forth that:

"Material deliveries inclusive of soil hauling and other material import shall be staged such that no more than one (1) truck enters or leaves the site every 20-minutes."

Item 6 of the CMP should be modified to read, in pertinent part, that:

No materials may be stored off-site or in the private right-of-way for Noranda Lane, **including the road easement area**, or its cul-de-sac nor is any temporary parking allowed in these areas."

It should be made clear that vehicles cannot stop and wait in the road while another truck is exiting the worksite. Vehicles should not be permitted to drive up Noranda Lane until the previous vehicle has exited the worksite and is descending toward Encinal Canyon Road. This will ensure to the maximum extent that Noranda Lane is unblocked.

Section 2.1 of the CMP notes that no parking is permitted the entire length of Noranda Lane. However, it must be made clear that not only may vehicles not park along Noranda Lane but **stopping** is also prohibited.

Finally, the only way to protect the neighbors is to have **strict enforcement** of the CMP and **consequences** for failing to comply. It is not enough that the owner/contractor self-report. That is an invitation to non-compliance. The owner/contractor should be required to have someone from City of Malibu on-site to ensure compliance, and there should be an enforcement mechanism, fines/penalties up to and including termination of the permit for violations. For example, delays in excess of 3 minutes due to construction traffic on Noranda Lane should result in a \$500 fine.

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 23-02

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. 17-104, VARIANCE NO. 19-035, SITE PLAN REVIEW NO. 23-003, MINOR MODIFICATION NO. 20-012, AND OFFER-TO-DEDICATE NO. 23-001, FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, A BASEMENT INCLUDING A SUBTERRANEAN GARAGE, A NEW ONSITE WASTEWATER TREATMENT SYSTEM, EXTERIOR SITE IMPROVEMENTS INCLUDING A NEW SWIMMING POOL, SPA, DECK, LANDSCAPE, HARDSCAPE AND GRADING; INCLUDING VARIANCE NO. 19-035 TO ALLOW FOR DEVELOPMENT WITHIN THE REQUIRED ENVIRONMENTALLY SENSITIVE HABITAT AREA BUFFER, SITE PLAN REVIEW NO. 23-003 FOR DEVELOPMENT ON SLOPES STEEPER THAN 3 TO 1, BUT FLATTER THAN 2.5 TO 1, MINOR MODIFICATION NO. 20-012 FOR THE REDUCTION OF THE REQUIRED FRONT YARD SETBACK BY UP TO 50 PERCENT AND OFFER-TO-DEDICATE NO. 23-001 FOR A TRAIL EASEMENT, FOR THE PROPERTY LOCATED IN THE RURAL RESIDENTIAL-FIVE ACRE ZONING DISTRICT AT 3620 NORANDA LANE (3620 NORANDA LANE, LLC)

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

SECTION 1. Recitals.

A. On November 8, 2017, an application for a Coastal Development Permit (CDP) No. 17-104 to allow for a new single-family residence and associated development, was submitted to the Planning Department by Vitus Matare. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and the Los Angeles County Fire Department for review.

B. On November 19, 2019, the application was deemed complete.

C. On November 27, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

D. On October 8, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On October 22, 2020, a revised 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 November 2, 2020, the subject item was continued to the November 16, 2020 Regular Planning Commission meeting.

Exhibit C

G. On November 16, 2020, the subject item was continued to a date uncertain to allow the applicant to explore re-design options to avoid construction on one to one slopes.

H. On February 18, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject property.

I. On March 15, 2021, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record and denied the project due to the inability to make the variance findings for construction of accessory development on steep slopes. The Planning Commission directed staff to return with a resolution for denial.

J. On April 19, 2021, the Planning Commission adopted Resolution 21-30 denying CDP No. 17-104.

K. On April 26, 2021, the applicant, Vitus Matare, filed an appeal of the Planning Commission's denial of the project.

L. On June 17, 2021, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject property.

M. On July 12, 2021, the City Council remanded CDP No. 17-104 back to the Planning Commission.

N. On August 24, 2022, the revised project was reviewed by the Environmental Review Board (ERB).

O. On December 22, 2022, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject properties.

P. January 12, 2023, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject properties.

Q. On January 17, 2023, the Planning Commission continued the item to a date uncertain. The proposed project did not require a variance for construction on steep slopes but required a site plan review.

R. On February 6, 2023, 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



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 according to CEQA Section 153030 (a) – New Construction or Conversion of Small Structures, 15303 (e) – New Construction or Conversion of Small Structures, and 15304 (b) – Minor Alterations to Land. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies 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 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. 17-104, VAR No. 19-035, SPR No. 23-003 and MM No. 20-012 to allow for construction of a new single-family residence and associated development, located in the Rural Residential-Five Acre zoning district at 3620 Noranda Lane.

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

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

1. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and Los Angeles County Fire Department (LACFD). The proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards inclusive of the discretionary requests.

2. The project is not located between the first public road and the sea. The property does contain an LCP mapped trail on the northern portion of the property. However, no development is proposed on or near the mapped trail and therefore no impacts are expected. Additionally, the property owner has proposed offer-to-dedicate (OTD) No. 23-001 for a trail easement along the westerly property line following Noranda Lane. 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 of 1976 (commencing with Sections 30200 of the Public Resources Code).

3. This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts on coastal resources.

Smaller Project – A smaller residence could be proposed on the project site. However, reducing the size of the residence would not significantly reduce impacts to public or private views. Should the footprint be reduced, the direct land disturbance of construction would be reduced. However, a smaller project would not eliminate the need for an ESHA variance or the site plan review for construction on steep slopes. Additionally, the proposed project complies with the maximum allowable non-exempt grading, TDSF for hillside development, impermeable coverage and the height limitations of the LCP and the MMC.

Alternative Location – The proposed single-family residence could be relocated further to the north on the subject parcel to eliminate the MM request for the reduction of the front yard setback. However, most of the parcel to the north of the proposed building pad consists of steep slopes. Relocating the proposed development, would require more grading, land disturbance and further construction on steep slopes. Additionally, relocating the proposed project would expand the development area further into ESHA. As designed, the proposed project complies with the requirements of the MMC and LCP, inclusive of the discretionary requests. In conclusion, it is not anticipated that an alternative location would offer any environmental advantages.

Proposed Project – Due to site constraints, ESHA requirements, and steep slopes, the building pad is limited. The proposed project consists of the construction of a new single-family residence and associated exterior site improvements compliant with hillside development standards. As previously mentioned, the proposed project is subject to hillside development standards and the applicant has reduced the proposed square footage to comply with those standards. The project has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and the LACFD, and meets the City's residential development policies of the LCP and MMC, inclusive of the discretionary requests. Additionally, the proposed project was redesigned to eliminate the Variance for construction on steep slopes. The proposed project, as conditioned, will comply with all applicable requirements of State and local law. The project, as conditioned, is the least environmentally damaging feasible alternative.

4. The subject property is located within a designated ESHA as shown on the LCP ESHA and Marine Resources Map. The ERB reviewed the project on August 24, 2022 and did not have associated recommendations. The ERB recommended the project move forward as proposed.

**B. Variance Findings for Development in the ESHA buffer and Fuel Modification to Extend into the ESHA (LIP Section 13.26.5)**

1. Exceptional characteristics applicable to the subject parcel include ESHA and steep slopes. With the exception of a previously disturbed building pad, the entire property meets the definition of ESHA. Based on the submitted material, the required 200-foot fuel modification buffer that is required for any building would extend into ESHA. Given that the parcel is mostly mapped as containing ESHA, there are no other feasible alternative sites that exist that would avoid impacts on ESHA. Strict application of the zoning ordinance would preclude any development on the property. Adjacent properties are similarly developed and contain ESHA based on the LCP ESHA Map and denial of the variance would deprive the property owner of developing his property in a similar manner.

2. The City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD have reviewed the proposed project and determined it was consistent with all applicable safety, health or welfare regulations and policies. The granting of the proposed 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 in which the property is located.

3. The granting of the proposed variance will not constitute a special privilege to the applicant or property owner. The proposed single-family residence is consistent with the uses permitted in the applicable zoning designation and will allow the property owner to develop the site consistent with neighboring properties. Therefore, granting the proposed variance does not constitute a special privilege to the property owner.

4. The proposed variance will allow the proposed residence, including related fuel modification, to extend into Chaparral and Coastal Sage Scrub ESHA. This variance will not be contrary to or in conflict with the zoning provisions nor LCP goals, objectives and policies as variances to ESHA protection standards may be granted pursuant to LIP Section 4.6.4(A). The proposed project is consistent with the LCP as impacts to ESHA cannot be avoided and are offset in conformance with LIP Section 4.8.1. The City Biologist, City geotechnical staff, City Environmental Health Administrator and City Public Works Department have determined the proposed project was consistent with the LCP and applicable goals and policies, inclusive of the proposed variances, and minor modification.

5. As previously discussed, the fuel modification for any building cannot avoid impacts to ESHA. Pursuant to LIP Section 4.7, which states that "where all feasible building sites are ESHA or ESHA buffer, the City may only permit development as specified in Sections 4.7.1 through 4.7.4". LIP Sections 4.7.1 through 4.7.4 have been satisfied given the proposed development area (7,345-square feet) does not exceed 10,000 square feet, fencing is limited to the development area, and agricultural uses and confined animals are not included.

6. The requested variance is not associated with stringline standards. Therefore, this finding does not apply.

7. The proposed project consists of a new single-family residence and accessory uses on a previously developed site. The proposed uses are consistent with the permitted uses in the applicable zoning district. Additionally, as previously discussed, the proposed development activities are consistent with specific ESHA protection standards. Therefore, the proposed variance would not authorize an unpermitted use or activity.

8. The subject parcel is physically suitable for the proposed variance in that there are no alternate building sites or configurations which would eliminate the need for a variance because the fuel modification for a structure of any size would extend into surrounding Chaparral and Coastal Sage Scrub ESHA.

9. The City Biologist, City geotechnical staff, City Environmental Health Administrator, City Public Works Department and LACFD reviewed the proposed project and determined it was in conformance with State and local requirements. In addition to being consistent with the LCP, the proposed variance will comply with all requirements of State and local law in that the proposed project will be required to obtain applicable permits from the

Environmental Sustainability Department prior to construction. Construction of the proposed improvements will comply with all building code requirements and incorporate all recommendations from applicable City and County agencies. Therefore, the proposed project complies with all applicable requirements of State and local law.

10. The proposed project does not include or encroach upon public parking or recreation access. Therefore, this finding does not apply.

**C. Site Plan Review for development on slopes steeper than 3:1, but flatter than 2.5:1 [LIP Section 13.27]**

1. The project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and detailed site investigations, the project is consistent with all policies and provisions of the LCP and MMC.

2. The property is located in a developed residential neighborhood and surrounding development consists of single-family residences, with accessory development. Adjacent development properties exhibit similar topography. Staff conducted an analysis of surrounding property characteristics in order to assess the project with regard to neighborhood character. Neighboring properties were also constructed on similar slopes and feature development that blends into the surrounding topography. Therefore, the portions of the structure proposed on slopes between 3 to 1 and 2.5 to 1 are not anticipated to adversely affect neighborhood character.

3. On January 3, 2023, staff visited the subject parcel after story poles representing the location and height of the proposed buildings were erected. Based on staff's site visit, it was determined that while portions of the single-family residence are visible from Encinal Canyon Road, the project as designed is not anticipated to result in adverse scenic or visual impacts. Given the location and design of the project, intervening topography, existing development, and the implementation of conditions of approval for lighting, the project is not expected to create significant obstructions or encroachments into public views and provides the maximum feasible protection to significant public views as required by LIP Chapter 6. Therefore, the project provides maximum feasible protection to significant public views.

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

**D. Minor Modification for a reduced front yard setback (LIP Section 13.27)**

1. As previously stated in Section A, Finding 1, the project has been reviewed and analyzed for conformance with the LCP. Additionally, the reduced front yard setback limits the impact to ESHA and reduces the construction on steep slopes. The project is consistent with the policies and provisions of the LCP and MMC.

2. The neighborhood is comprised of single-family residences on lots of varying sizes. The single-family residence would be in character with surrounding residential development. Based on observations during the site visit and inspection of the story poles, the proposed project,

as designed and conditioned, does not adversely affect neighborhood character. Additionally, given the constraints of the steep slopes to the north, the residence needed to be located within the front yard setback.

3. The City Biologist, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, and LACFD reviewed the proposed project and determined it was in conformance with State and local requirements. Therefore, the proposed project complies with all applicable requirements of State and local law.

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

1. The fuel modification zone of a structure of any size on the subject parcel would disturb ESHA and the project as proposed has been sited as close as possible to Noranda Lane to minimize ESHA impacts. A residence and related fuel modification are not permitted uses in the applicable Chaparral and Coastal Sage Scrub ESHA. Therefore, the application of LIP Chapter 4 (ESHA overlay ordinance) would not allow construction of a residence on this undeveloped parcel.

2. As previously discussed in Section A, Finding 1, the proposed project is consistent with all provisions of the LCP. As previously discussed in Section C, Finding 1, the subject parcel cannot be developed without disturbance of Chaparral and Coastal Sage Scrub ESHA. Because ESHA impacts could not be avoided, LIP Section 4.7.1 states the allowable development area shall not exceed 10,000 square feet. The proposed development area (7,345-square feet) is less than 10,000 square feet, which is consistent with LIP Section 4.7.1. Therefore, the proposed project complies with the provision of LIP Section 4.7.

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

1. The project does not involve the removal of any native trees. No direct impacts to native trees are anticipated as a result of project construction based on the Native Tree Report prepared on November 17, 2017. Regardless, the project is conditioned to protect native trees during construction.

2. Based on the Native Tree Report, no removal of native trees is proposed. While no impacts are anticipated, the project is conditioned to protect native trees within or adjacent to the construction area.

3. Condition No. 23 has been added to protect the native protected trees during construction.

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

1. An analysis of the project's potential visual impact was conducted through site inspections, story poles, and review of the architectural plans. The proposed project allows for the construction of a new single-family residence and associated development. The project is designed to minimize visual impacts and meets the requirements of the hillside development standards. Additionally, the proposed development is minimally visible from Encinal Canyon Road based on review of the story poles. It is not anticipated that the project will result in adverse scenic or visual impacts; therefore, the project is consistent with LIP Chapter 6.

2. As discussed in Finding 1, as conditioned, the project will not have significant adverse scenic or visual impacts.

3. As discussed in Section A, Finding 3, the project is the least environmentally damaging feasible alternative.

4. As discussed in Section G, Finding 1, the project is not expected to result in any significant adverse impact. Therefore, there are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

5. As discussed in Finding 1, as conditioned, the revised project will not have significant adverse impacts on scenic and visual resources.

## **H. Hazards (LIP Chapter 9)**

1. The applicant submitted geotechnical and engineering reports prepared by Calwest Geotechnical dated January 9, 2018, and October 5, 2017; reports prepared by Land Phases Inc. dated January 8, 2018 and September 9, 2017; and reports prepared by EPD Consultants dated September 27, 2017. The aforementioned reports are referenced in the geotechnical review sheet. These reports are on file at City Hall. The reports evaluate site-specific conditions and recommendations are provided to address any pertinent issues. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area. Based on review of the project plans and associated geotechnical reports by City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD, these specialists determined that adverse impacts associated with these hazards to the project site related to the proposed development are not expected. The proposed project will neither be subject to nor increase the instability from geologic, flood, or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

2. As stated in Finding 1, the proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

3. As previously stated in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. It has been determined that the proposed project does not impact site stability or structural integrity. As previously discussed in Finding A3, there are no feasible alternatives.

5. As discussed in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts on sensitive resources are anticipated.

## **I. Public Access (LIP Chapter 12)**

The subject property is not located between the first public road and the sea or on a bluff; however, the property does contain an LCP mapped trail on the northern portion of the property. However, no development is proposed on or near the mapped trail and therefore no impacts are expected.

Lateral Access – The project site is not located along the shore. Therefore, no conditions or findings for lateral access are required.

Vertical Access – The project site is not adjacent to the Pacific Ocean, and access to the Pacific Ocean is not possible. Therefore, no conditions or findings for lateral access are required.

Blufftop Access – The project is not located on a blufftop, and therefore, no conditions for blufftop access are required.

Recreational Access – The project site is not adjacent to, does not include, nor contain any access ways to existing or planned recreational areas. Therefore, no conditions or findings for recreational access are required.

Trail Access – The LCP Parklands Map shows the Coastal Slope Trail located on the northern portion of the property. No development will take place on or near the trail and therefore no impacts are expected. However, the property owner is proposing an offer-to-dedicate a trail easement.

### SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 17-104, VAR Nos. 20-035, SPR No. 23-003 and MM No. 20-012 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. 4,789-square foot, single-family residence;
  - b. 1,801-square foot basement and subterranean garage;
  - c. New OWTS;
  - d. New swimming pool and spa;
  - e. Associated pool equipment (to be fully screened);
  - f. New lower level decks;

- g. New upper level deck;
  - h. 3,299-square feet of new landscaping;
  - i. New 25,000 gallon underground water tank;
  - j. New 5,000 gallon underground water tank;
  - k. 581 cubic yards of non-exempt grading;
  - l. Discretionary Requests:
    - i. VAR No. 19-035 for encroachment into ESHA;
    - ii. SPR No. 23-003 for development on slopes steeper than 3 to 1, but flatter than 2.5 to 1; and
    - iii. MM No. 20-012 to reduce the required front yard setback by 50 percent from the required 65 feet to 32.5 feet.
3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **January 3, 2023**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.
5. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 6 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 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, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All development shall conform to requirements of the City of Malibu Environmental



Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, WD29, LACFD, and CSLC 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 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 coastal development permit 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 permit, including grading or demolition.

### ***Biology***

13. The Maximum Applied Water Allowance (MAWA) for this project totals 108,671 gallons per year. The Estimated Applied Water Use (EAWU) totals 44,032 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.
14. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.
15. 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).
16. Prior to final Planning inspection, the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with MMC Chapter 17.53. The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.
17. Pursuant to LIP Section 4.8.1, all new development shall include mitigation for unavoidable impacts to Environmentally Sensitive Habitat Area (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 0.96 acres of permanent impacts (development footprint and/or Fuel Modification Zones A and/or B) and 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.

18. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.
19. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.
20. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.
21. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three violations of this condition will result in a requirement to permanently remove the vegetation from the site.
22. Invasive plant species, as determined by the City of Malibu, are prohibited.
23. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).
24. No non-native plant species shall be approved greater than 50 feet from the residential structure.
25. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
26. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.
27. Earthmoving shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct earthmoving activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted to the City Biologist for approval prior to the issuance of a grading permit and implemented prior to initiation of vegetation removal and/or earthmoving activities.

28. 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.
29. Up-lighting of landscaping is prohibited.
30. 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.
31. The (landscape and fuel modification plan) has been conditioned to protect natural resources in accordance with the Malibu General Plan. All areas shall be planted and maintained as described in the (landscape and fuel modification plan). Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.
32. 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.

### ***Environmental Health***

33. Prior to Final OWTS Plot Plan: Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
34. Final OWTS Design Report, Plans, and System Specifications: If the OWTS design and/or bedroom/drainage fixture unit counts are modified in any way subsequent to the Planning-stage review, then a final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
35. 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 drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
  - b. Sewage and effluent pump design calculations (as applicable).
  - 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 conceptual design for custom 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 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
  - e. 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.
36. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
  37. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
  38. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.
  39. Maintenance Contract: A maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed onsite wastewater disposal system after construction shall be submitted. Note

only original “wet signature” documents are acceptable.

40. 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 OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
41. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Office of the Los Angeles County Recorder. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
42. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
43. City of Malibu Planning Department final approval of the OWTS plan shall be obtained
44. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

### ***Geology***

45. 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.
46. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

***Grading/Drainage***

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

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-Storm Water 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.

48. 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.
49. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, 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 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;
- 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, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
  - g. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
  - h. Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.
50. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
51. A digital (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 drains 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.
52. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
- a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
  - b. Prohibits the discharge of trash.
  - c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
  - d. Elimination of non-storm water discharges.
53. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been

implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.

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

### ***Fuel Modification***

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



### ***Colors and Materials***

58. The project is visible from scenic roads or public viewing areas, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
  - a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.
  - b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
  - c. All windows shall be comprised of non-glare glass.
59. 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.

### ***Swimming Pool / Spa***

60. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).
61. 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).
62. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.
63. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides, or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
  - a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
  - b. There are sufficient BMPs in place to prevent soil erosion; and
  - c. The discharge does not reach in to the MS4 or to the ASBS (including tributaries)
64. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.
65. A sign stating "It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per MMC Section 13.04.060(D)(5)" shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

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

### ***Outdoor Lighting***

67. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
- a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
  - b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
  - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
  - d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
  - e. Site perimeter lighting shall be prohibited; and
  - f. Outdoor decorative lighting for aesthetic purposes is prohibited.
68. Night lighting for sports courts or other private recreational facilities shall be prohibited.
69. 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.
70. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.
71. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
72. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
73. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

### ***Construction / Framing***

74. Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.
75. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.

76. 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.
77. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.
78. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
- a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
  - b. Grading activities shall be planned during the southern California dry season (April through October).
  - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
  - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
79. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.
80. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

### ***Deed Restrictions***

81. 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.
82. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 67-73. The property owner shall provide a copy of the recorded document to the Planning

Department prior to final Planning Department approval.

83. In order to implement the property owner's proposal of an offer to dedicate a 10-foot easement for a public access hiking, biking, and equestrian trail easement for passive recreational use as part of this project, the property owner agrees to complete the following prior to final Planning Department approval: 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 an easement for a public access hiking, biking, and equestrian trail easement for passive recreational use. 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. The document shall also provide that there shall be no gate(s) at the entrance to or exit from the easement. The offer shall provide the public the right to pass and re-pass over the dedicated route. 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 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.

***Fixed Conditions***

84. This coastal development permit amendment shall run with the land and bind all future owners of the property.
85. 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 6<sup>th</sup> day of February 2023.

  
DENNIS R. SMITH, Planning Commission Chair

ATTEST:

  
REBECCA EVANS, Recording Secretary

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

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 23-02 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 6<sup>th</sup> day of February 2023 by the following vote:

AYES: 3  
NOES: 2  
ABSTAIN: 0  
ABSENT: 0

Commissioners: Smith, Jennings, Peak  
Commissioners: Hill, Mazza



REBECCA EVANS, Recording Secretary



# Commission Agenda Report

Planning Commission  
Meeting  
02-06-23

## Item 5.B.

To: Chair Smith and Members of the Planning Commission

Prepared by: Jessica Thompson, Senior Planner

Approved by: Richard Mollica, Planning Director

Date prepared: January 26, 2023

Meeting date: February 6, 2023

Subject: Coastal Development Permit No. 17-104, Variance No. 19-035, Site Plan Review 23-003, Minor Modification No. 20-012, and Offer-to-Dedicate No. 23-001 – An application for a new single-family residence and exterior site improvements

Location: 3620 Noranda Lane, not within the appealable coastal zone

APN: 4473-026-002

Owner: 3620 Noranda Lane, LLC

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 23-02 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 17-104 for the construction of a new single-family residence, a basement including a subterranean garage, a new onsite wastewater treatment system (OWTS), exterior site improvements including a new swimming pool, spa, deck, landscape, hardscape, and grading; including Variance (VAR) No. 19-035 to allow for development within the required Environmentally Sensitive Habitat Area (ESHA) buffer, Site Plan Review (SPR) No. 23-003 for development on slopes steeper than 3 to 1, but flatter than 2.5 to 1, Minor Modification (MM) No. 20-012 for the reduction of the required front yard setback by up to 50 percent, and Offer-to-Dedicate (OTD) No. 23-001 for a trail easement, for the property located in the Rural Residential-Five Acre (RR-5) zoning district at 3620 Noranda Lane (3620 Noranda Lane, LLC).

**DISCUSSION:** This agenda report provides a project overview, a summary of the surrounding land uses and project setting, description of the proposed project, staff's analysis of the proposed project's consistency with Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to



CEQA. The analysis and findings contained herein demonstrate the proposed project is consistent with the LCP and MMC.

## **Project Overview**

The subject parcel is an irregularly shaped vacant lot, similar to a trapezoid, located in a residentially developed hillside area (Figure 1). The parcel is zoned RR-5 and is approximately 2.8 acres in size. The parcel takes access from the north side of Noranda Lane, a private street.

According to the LCP ESHA map the parcel contains Chaparral ESHA. Residential development, including related fuel modification, is not a permitted activity in the applicable Chaparral ESHA and, therefore, Variance No. 19-035 from LCP Local Implementation Plan (LIP) Section 4.5.3 is required. With the exception of a previously disturbed building pad, the entire property meets the definition of ESHA. Based on the submitted materials, including the Biological Assessment and site survey, the required 200-foot fuel modification buffer that is required for any building would extend into ESHA. Given that the parcel is mostly mapped as containing ESHA, there are no other feasible alternative sites that exists that would avoid impacts on ESHA. The proposed project

Although the proposed development is sited on the flattest portion of the lot, within the previously existing building pad, the majority of the lot consists of steep slopes. Although the footprint has been reduced, a portion of the proposed development is sited on slopes steeper than 3 to 1, but flatter than 2.5 to 1, Therefore, the applicant is requesting SPR No. 23-003 to allow for development on slopes steeper than 3 to 1, but flatter than 2.5 to 1. Additionally, the accessory development has been re-sited to avoid construction on variant slopes.

In addition to the variance for encroachment into ESHA and site plan review construction on steep slopes, the applicant is requesting MM No. 20-012 for 50 percent reduction in the required front yard setback from the required 65 feet to 32.5 feet. The minor modification reduces the development area within ESHA and reduces the construction on steep slopes.

## **Project Chronology**

On November 8, 2017, an application for CDP No. 17-104 for a new single-family residence and associated development was submitted to the Planning Department and routed to the City departments and Los Angeles County Fire Department (LACFD) for conformance review.

On November 19, 2019, the application was deemed complete.

On October 22, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject properties.

On November 16, 2020, the subject item was continued to a date uncertain to allow the applicant to explore re-design options to avoid construction on 1 to 1 slopes.

On February 18, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject properties.

On March 15, 2021, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record and denied the project due to the inability to make the variance findings for construction on steep slopes for the proposed swimming pool. The Planning Commission directed staff to return with a resolution for denial.

On April 19, 2021, the Planning Commission adopted Resolution 21-30 denying CDP No. 17-104.

On April 26, 2021, the applicant, Vitus Matare, filed an appeal of the Planning Commission's denial of the project.

On June 1, 2021, the applicant emailed staff requesting the project be remanded back to the Planning Commission for a redesign.

On July 12, 2021, the City Council remanded CDP No. 17-104 back to the Planning Commission.

On August 3, 2021, the applicant submitted revised plans, including a reduced footprint for the single-family residence and an updated Biological Assessment for conformance review by City departments. The applicant provided a memorandum detailing the proposed changes from the previously proposed project (Attachment 4 – Applicant Memorandum dated January 5, 2023).

On November 16, 2021, the City Biologist determined that Environmental Review Board (ERB) was required for the project. The project previously did not require ERB because the project was determined to be exempt under LIP Section 4.4.4(D). However, upon further review staff could not find a permit for the previously existing residence and the City Biologist determined the subject application required ERB.

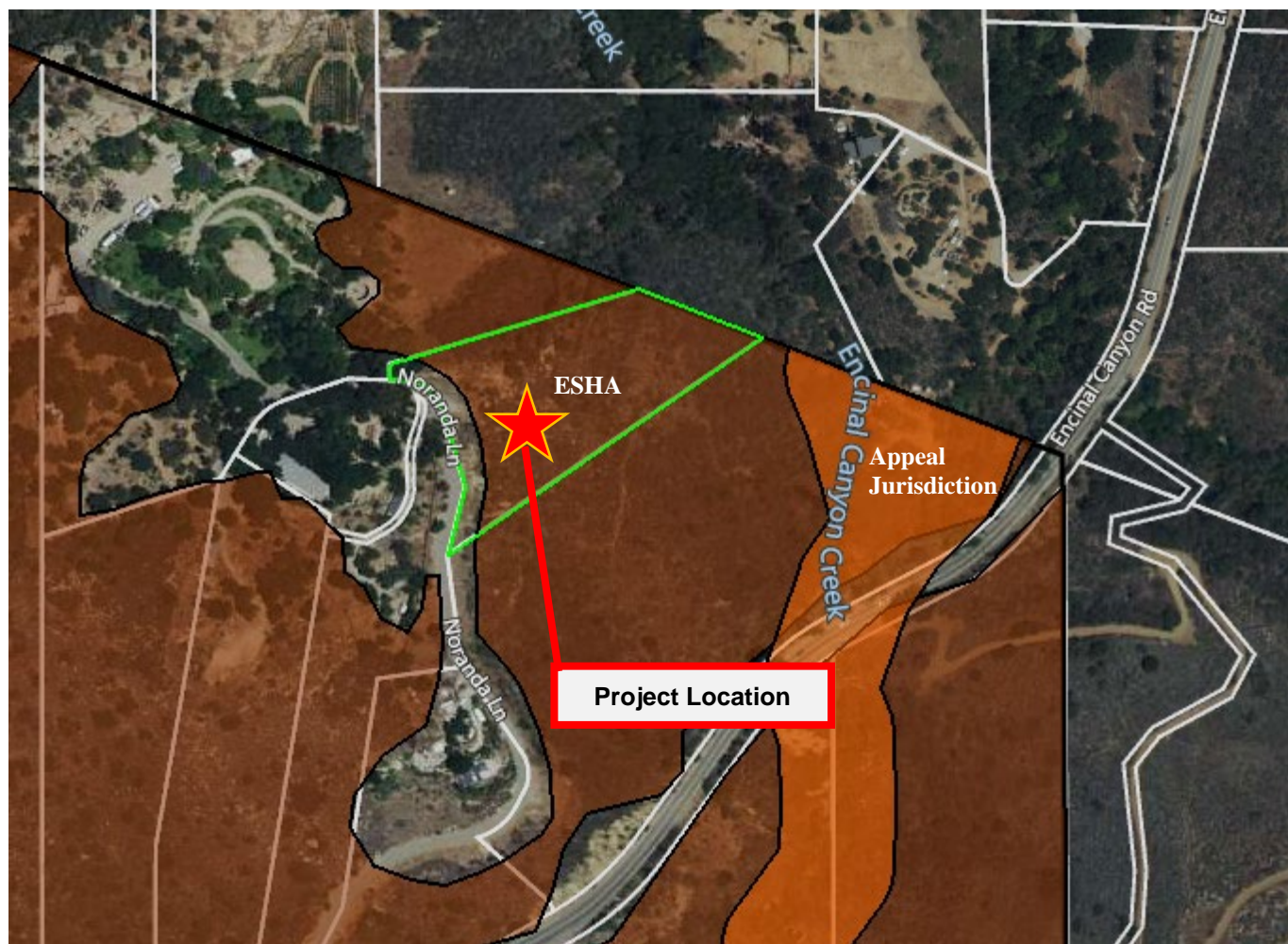


On July 29, 2022, the revised project was deemed complete. The project revisions included reducing the size of the single-family residence, reducing the development area and eliminating the variance for construction on steep slopes.

On August 24, 2022, the revised project was reviewed by the ERB and the determinations are included within the staff report.

The subject parcel is not located within the Appeal Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map and as shown in Figure 1. Therefore, the proposed project is not appealable to the California Coastal Commission.

**Figure 1 – Aerial Map**



Source: City GIS 2022

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

The property is located in an area zoned RR-5. The subject site is bordered to the north by a vacant lot outside of the City's boundary, to the east by a vacant lot, and the west

and south by single-family residential development. Table 1 provides a summary of the neighboring surrounding land uses and lot sizes.

<b>Table 1 – Surrounding Land Uses</b>				
<b>Direction</b>	<b>Address</b>	<b>Lot Size</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	3565 Encinal Canyon Road	6.12 acres	N/A	Vacant
<b>South</b>	3655 Noranda Lane	5.04 acres	RR-5	Single-Family Residence
<b>West</b>	3640 Noranda Lane	9.18 acres	RR-5	Single-Family Residence
<b>East</b>	APN 4473-026-003	10.6 acres	RR-5	Vacant

Source: City GIS 2020

Table 2 provides a summary of the lot dimensions and lot area of the subject parcel.

<b>Table 2 – Total Property Data</b>	
Lot Depth	459 feet, 3 inches
Lot Width	247 feet, 3 inches
Gross Lot Area	122,404 square feet
Area Comprised of 1:1 Slopes	10,238 square feet
Area Comprised of Access Easements	7,841 square feet
Net Lot Area*	104,325 square feet

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

### Environmental Review Board

The proposed project was presented to the ERB at its August 24, 2022, meeting. The project was reviewed by the ERB and the ERB did not provide recommendations for the Planning Commission's consideration and recommended the project as proposed.

### **Project Description**

The proposed scope of work is as follows:

- a. 4,789-square foot, single-family residence;
- b. 1,801-square foot basement and subterranean garage;
- c. New OWTS;
- d. New swimming pool and spa;
- e. Associated pool equipment (to be fully screened);
- f. New lower-level decks;
- g. New upper-level deck;
- h. 3,299-square feet of new landscaping;
- i. New 25,000-gallon underground water tank;
- j. New 5,000-gallon underground water tank;
- k. 432 cubic yards of non-exempt grading;

- I. Discretionary Requests:
  - i. VAR No. 19-035 for encroachment into ESHA;
  - ii. SPR No. 23-003 for construction on slopes steeper than 3 to 1, but flatter than 2.5 to 1; and
  - iii. MM No. 20-012 to reduce the required front yard setback by 50 percent from the required 65 feet to 32.5 feet.

### ***Hillside Residential Development***

Hillside residential development standards pursuant to MMC Sections 17.40.040(A)(20) and 17.62.070 apply to residential development inland of Pacific Coast Highway (PCH), when the proposed development area<sup>1</sup> is located on slopes steeper than 30 percent. The proposed project is unable to locate the development in an area that would not make it subject to hillside standards given the topography of the site and required access.

Development subject to hillside residential standards shall reduce the maximum Total Development Square Footage (TDSF) by 25 percent and have a maximum height limit of 35 feet as measured from the lowest low point to the highest high point of each structure. The proposed development complies with both the reduced TDSF and maximum height limit of 35 feet.

<b>Table 3 – Hillside Development Standards</b>			
<b>Development Requirement</b>	<b>Allowed/Required</b>	<b>Proposed</b>	<b>Comments</b>
<b>TDSF (sq. ft.)</b>	8,902 – 25% (2,225) = 6,677 sq. ft.	5,189 sq. ft.	Complies
<b>OVERALL HEIGHT (ft.) (lowest to highest structure elevation)</b>	35 ft.	35 ft.	Complies

### **LCP Analysis**

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

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no

<sup>1</sup> “Proposed Development Area” is defined as the proposed portion of a project site that will be developed, including the building pad and all graded slopes, all structures, and parking areas. The area of one proposed access driveway or roadway not to exceed twenty feet wide, and one proposed hammerhead or safety turnaround, as required by the LA County Fire Department not located within the approved building pad, shall be excluded from the total proposed development area.

findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters are discussed in the *LIP Conformance Analysis* section.

The nine remaining LIP chapters contain required findings: 1) Coastal Development Permit; 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. For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only findings in the following chapters are applicable to the proposed project: Coastal Development Permit including the variance, site plan review and minor modification findings, ESHA, Native Tree Protection, Scenic, Visual and Hillside Resource Protection, Hazards, and Public Access.<sup>2</sup> These chapters are discussed in the *LIP Findings* section of this report.

### ***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, and the LACFD (Attachment 3 – Department Review Sheets). The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies inclusive of the requested variance, site plan review and minor modification.

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

The proposed project is subject to development and design standards set forth under LIP Sections 3.5 and 3.6. Table 4 provides a summary and indicates the proposed project meets those standards.

<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>			
<i>Front Yard (20% or 65 ft., whichever is less)</i>	65 ft.	32 ft., 6 in.	MM No. 20-012
Rear Yard	69 ft.	186 ft., 7 in.	Complies
Side Yard (10% - Min)	23 ft., 9 in.	45 ft.	Complies
Side Yard (15% - Cumulative)	35 ft., 8 in.	170 ft.	Complies

<sup>2</sup> The Transfer of Development Credits, Shoreline and Bluff Development, Public Access, and Land Division findings are neither applicable nor required for the proposed project.

<b>Table 4 – LCP Zoning Conformance</b>			
<b>Development Requirement</b>	<b>Allowed/ Required</b>	<b>Proposed</b>	<b>Comments</b>
<b>ESHA SETBACK</b>	<i>200 ft. fuel modification</i>	<i>0 ft.</i>	<i>VAR No. 19-035</i>
<b>PARKING</b>			
Enclosed	2	2	Complies
Unenclosed	2	2	Complies
<b>TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)- Hillside Development Standards</b>	6,677 sq. ft.	5,189 sq. ft.	Complies
<b>DEVELOPMENT AREA</b>	10,000 sq. ft.	7,345 sq. ft.	Complies
<b>IMPERMEABLE COVERAGE</b>	25,000 sq. ft.	5,990 sq. ft.	Complies
<b>HEIGHT (ft.)</b>	18 ft.	18 ft.	Complies
<b>SITE OF CONSTRUCTION</b>	< 3:1	<i>&gt;3:1 but flatter than 2.5 to 1</i>	<i>SPR No. 23-003</i>
<b>NON-EXEMPT GRADING</b>	< 1,000 cubic yards	432 cubic yards	Complies
<b>FENCES/WALLS/HEDGES/ GATES</b>			
Front Yard	6 ft.; lower 42 in. view impermeable	None Proposed	Complies
Rear Yard	6 ft.	None Proposed	Complies
Side Yards	6 ft.	None Proposed	Complies
Retaining Walls	6 ft.	6 ft.	Complies

As shown in Table 4, the proposed project, inclusive of the requested discretionary requests, conforms to the development standards as set forth under LIP Chapter 3. Further, the proposed project is also consistent with the City's Hillside Development standards. The proposed project has been determined to be consistent with all applicable LCP codes, standards, goals, and policies.

#### 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 project proposes 432 cubic yards of non-exempt grading. All grading quantities are summarized in Table 5. The proposed project complies with grading requirements set forth under LIP Section 8.3.

<b>Table 5 – 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	1,919	0	579	0	2,498
<b>Fill</b>	0	3	0	2	0	5
<b>Total</b>	<b>0</b>	<b>1,922</b>	<b>0</b>	<b>581</b>	<b>0</b>	<b>2,503</b>
<b>Import</b>	0	0	0	0	0	0
<b>Export</b>	0	1,916	0	577	0	<b>2,493</b>

All grading quantities indicated are in cubic yards (c.y.)

\* Exempt grading includes all R&R, understructure and safety grading.

\*\* R&R= Removal and Re-compaction

\*\*\*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 Los Angeles County Fire Department).

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

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. The project site has been evaluated for potential impacts to archeological resources per the adopted City of Malibu Cultural Resources Map. An initial evaluation of the property for archaeological resources was completed in 2006 by Robert J. Wlodarski of Historical, Environmental, Archaeological, Research Team (H.E.A.R.T.). No cultural resources were observed and the report indicated that no impacts to cultural resources were anticipated.

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 proposed project for conformance to LIP Chapter 17 requirements. Standard conditions of approval include the implementation of approved stormwater management plans during construction activities and to manage runoff from the development, including recordation of a water quality mitigation plan, and best management practices. With the implementation of these conditions, the proposed project conforms to the water quality protection standards of LIP Chapter 17.

## Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The proposed project allows for a new 3,634-gallon MicroSepTec tank with Ultraviolet (UV) disinfection unit, two new seepage pits and two seepage pits for future dedication. Details are provided in the Environmental Health review sheet and approved plot plan in Attachment 3. The system has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the MMC and the LCP. Conditions of approval have been included in this resolution, which require continued operation, maintenance, and monitoring of onsite facilities.

### ***LIP Findings***

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

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

*Finding 1. 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 proposed project is located in the RR-5 residential zoning district, an area designated for residential uses. The proposed 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, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards inclusive of the proposed discretionary requests.

*Finding 2. If the project is located between the first public road and the sea, that the project is in conformity 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. The property does contain an LCP mapped trail on the northern portion of the property. However, no development is proposed on or near the mapped trail and therefore no impacts are expected. Additionally, the property owner has proposed offer-to-dedicate (OTD) No. 23-001 for a trail easement along the westerly property line following Noranda Lane. 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 of 1976 (commencing with Sections 30200 of the Public Resources Code).

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

This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts to coastal resources.

1. Smaller Project – A smaller residence could be proposed on the project site. However, reducing the size of the residence would not significantly reduce impacts to public or private views. Should the footprint be reduced, the direct land disturbance of construction would be reduced. However, a smaller project would not eliminate the need for an ESHA variance or the site plan review for construction on steep slopes. Additionally, the proposed project complies with the maximum allowable non-exempt grading, TDSF for hillside development, impermeable coverage and the height limitations of the LCP and the MMC.
2. Alternative Location – The proposed single-family residence could be relocated further to the north on the subject parcel to eliminate the MM request for the reduction of the front yard setback. However, most of the parcel to the north of the proposed building pad consists of steep slopes. Relocating the proposed development, would require more grading, land disturbance and further construction on steep slopes. Additionally, relocating the proposed project would expand the development area further into ESHA. As designed, the proposed project complies with the requirements of the MMC and LCP, inclusive of the discretionary requests. In conclusion, it is not anticipated that an alternative location would offer any environmental advantages.
3. Proposed Project – Due to site constraints, ESHA requirements, and steep slopes, the building pad is limited. The proposed project consists of the construction of a new single-family residence and associated exterior site improvements compliant with hillside development standards. As previously mentioned, the proposed project is subject to the hillside development standards and the applicant has reduced the proposed square footage to comply with those standards. The project has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and the LACFD, and meets the City's residential development policies of the LCP and MMC, inclusive of the discretionary requests. Additionally, the proposed project was redesigned to eliminate the Variance for construction on steep slopes. The proposed project, as conditioned, will comply with all applicable requirements of State and local law. The project, as conditioned, is the least environmentally damaging feasible alternative.

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



*with the recommendations, findings explaining why it is not feasible to take the recommended action.*

The subject property is located within a designated ESHA as shown on the LCP ESHA and Marine Resources Map. The ERB reviewed the project on August 24, 2022, and did not have associated recommendations. The ERB recommended the project move forward as proposed.

**B. Variance for Development in the ESHA buffer and Fuel Modification to Extend into ESHA (LIP Section 13.26.5)**

The subject site is located entirely within ESHA, and it is not possible to develop the site and provide the required fuel modification without impacting ESHA. A variance is included to allow the proposed residential development including the required fuel modification to be located within the required 100-foot ESHA buffer for the onsite Chaparral and Coastal Sage Scrub ESHA. Pursuant to LIP Sections 4.5.3, 4.6.1(E) and 4.6.1(F), new development, including fuel modification, is not a permitted use in ESHA and residential development is not permitted within 100 feet of Chaparral and Coastal Sage Scrub ESHA; therefore, a variance is required. LIP Section 13.26.5 requires that the City makes ten findings in consideration and approval of a variance. Based on the foregoing evidence contained within the record, the required findings for VAR No. 19-035 are made as follows.

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

Exceptional characteristics applicable to the subject parcel include ESHA and steep slopes. With the exception of a previously disturbed building pad, the entire property meets the definition of ESHA. Based on the submitted materials, the required 200-foot fuel modification buffer that is required for any building would extend into ESHA. Given that the parcel is mostly mapped as containing ESHA, there are no other feasible alternative sites that exist that would avoid impacts on ESHA. Strict application of the zoning ordinance would preclude any development on the property. Thus, the proposed variance would permit the construction of a single-family residence on a lot that is zoned to permit rural residential land uses. Adjacent properties are similarly developed and contain ESHA based on the LCP ESHA Map and denial of the variance would deprive the property owner of developing his property in a similar manner.

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

The City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD have reviewed the proposed project and determined it was consistent with all applicable safety, health or welfare regulations and policies. The granting of the proposed 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 in which the property is located.

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

The granting of the proposed variance will not constitute a special privilege to the applicant or property owner. The proposed single-family residence is consistent with the uses permitted in the applicable zoning designation and will allow the property owner to develop the site consistent with neighboring properties. Therefore, granting the proposed variance does not constitute a special privilege to the property owner.

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

The proposed variance will allow the proposed residence, including related fuel modification, to extend into Chaparral and Coastal Sage Scrub ESHA. This variance will not be contrary to or in conflict with the zoning provisions nor LCP goals, objectives and policies as variances to ESHA protection standards may be granted pursuant to LIP Section 4.6.4(A). The proposed project is consistent with the LCP as impacts to ESHA cannot be avoided and are offset in conformance with LIP Section 4.8.1. The City Biologist, City geotechnical staff, City Environmental Health Administrator and City Public Works Department have determined the proposed project was consistent with the LCP and applicable goals and policies, inclusive of the proposed variances, and minor modification.

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

As previously discussed, the fuel modification for any building cannot avoid impacts to ESHA. Pursuant to LIP Section 4.7, which states that "where all feasible building sites are ESHA or ESHA buffer, the City may only permit development as specified in Sections 4.7.1 through 4.7.4". LIP Sections 4.7.1 through 4.7.4 have been satisfied given the proposed development area (7,345-square feet) does not exceed 10,000 square feet, fencing is limited to the development area, and agricultural uses and confined animals are not included.

*Finding 6. 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 requested variance is not associated with stringline standards. Therefore, this finding does not apply.

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

The proposed project consists of a new single-family residence and accessory uses on a previously developed site. The proposed uses are consistent with the permitted uses in the applicable zoning district. Additionally, as previously discussed, the proposed development activities are consistent with specific ESHA protection standards. Therefore, the proposed variance would not authorize an unpermitted use or activity.

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

The subject parcel is physically suitable for the proposed variance in that there are no alternate building sites or configurations which would eliminate the need for a variance because the fuel modification for a structure of any size would extend into surrounding Chaparral and Coastal Sage Scrub ESHA.

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

The City Biologist, City geotechnical staff, City Environmental Health Administrator, City Public Works Department and LACFD reviewed the proposed project and determined it was in conformance with State and local requirements. In addition to being consistent with the LCP, the proposed variance will comply with all requirements of State and local law in that the proposed project will be required to obtain applicable permits from the Environmental Sustainability Department prior to construction. Construction of the proposed improvements will comply with all building code requirements and incorporate all recommendations from applicable City and County agencies. Therefore, the proposed project complies with all applicable requirements of State and local law.

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

The proposed project does not include or encroach upon public parking or recreation access. Therefore, this finding does not apply.

**C. Site Plan Review No. 23-003 for development on slopes steeper than 3:1, but flatter than 2.5:1 [LIP Section 13.27]**

Pursuant to LIP Section 3.6.(J), structures may be constructed on slopes greater than 3:1 but less than 2 1/2:1 subject to the provisions of LIP Section 13.27 (Site Plan Review). LIP Section 13.27.5(A) requires that the City make four findings in consideration and approval of a site plan review. Based on the foregoing evidence contained in the record, the required findings for SPR No. 23-003 are made as follows:

*Finding 1. The project is consistent with policies and provisions of the Malibu LCP.*

The project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and detailed site investigations, the project is consistent with all policies and provisions of the LCP and MMC.

*Finding 2. The project does not adversely affect neighborhood character.*

The property is located in a developed residential neighborhood and surrounding development consists of single-family residences, with accessory development. Adjacent development properties exhibit similar topography.

Staff conducted an analysis of surrounding property characteristics in order to assess the project with regard to neighborhood character. Neighboring properties were also constructed on similar slopes and feature development that blends into the surrounding topography. Therefore, the portions of the structure proposed on slopes between 3 to 1 and 2.5 to 1 are not anticipated to adversely affect neighborhood character.

*Finding 3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.*

On January 3, 2023, staff visited the subject parcel after story poles representing the location and height of the proposed buildings were erected. Based on staff's site visit, it was determined that while portions of the single-family residence are visible from Encinal Canyon Road, the project as designed is not anticipated to result in adverse scenic or visual impacts. Given the location and design of the project, intervening topography, existing development, and the implementation of conditions of approval for lighting, the project is not expected to create significant obstructions or encroachments into public views and provides the maximum feasible protection to significant public views as required by LIP Chapter 6. Therefore, the project provides maximum feasible protection to significant public views.

*Finding 4. The proposed project complies with all applicable requirements of State and local law.*

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

**D. Minor Modification for a reduced front yard setback (LIP Section 13.27)**

LIP Section 13.27 requires that the City make three findings in consideration and approval of a minor modification to reduce the required front yard setback up to 50 percent. The project proposes a 50 percent reduction in the required front yard setback to allow for a 32.5-foot setback where 65 feet is required.

*Finding 1. The project is consistent with the policies of the Malibu LCP.*

As previously stated in Section A, Finding 1, the project has been reviewed and analyzed for conformance with the LCP. Additionally, the reduced front yard setback limits the impact to ESHA and reduces the construction on steep slopes. The project is consistent with the policies and provisions of the LCP and MMC.

*Finding 2. The project does not adversely affect neighborhood character.*

The neighborhood is comprised of single-family residences on lots of varying sizes. The single-family residence would be in character with surrounding residential development. Based on observations during the site visit and inspection of the story poles, the proposed project, as designed and conditioned, does not adversely affect neighborhood character. Additionally, given the constraints of the steep slopes to the north, the residence needed to be located within the front yard setback.

*Finding 3. The proposed project complies with all applicable requirements of state and local law.*

The City Biologist, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, and LACFD reviewed the proposed project and determined it was in conformance with State and local requirements. Therefore, the proposed project complies with all applicable requirements of State and local law.

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

As previously discussed, according to the LCP ESHA and Marine Resources Map, the parcel contains Chaparral ESHA. Residential development, including related fuel

modification, is not a permitted activity in the applicable Chaparral ESHA. Therefore, the supplemental ESHA findings in LIP Section 4.7.6 are made as follows.

*Finding 1. Application of the ESHA overlay ordinance would not allow construction of a residence on an undeveloped parcel.*

The fuel modification zone of a structure of any size on the subject parcel would disturb ESHA and the project as proposed has been sited as close as possible to Noranda Lane to minimize ESHA impacts. A residence and related fuel modification are not permitted uses in the applicable Chaparral and Coastal Sage Scrub ESHA. Therefore, the application of LIP Chapter 4 (ESHA overlay ordinance) would not allow construction of a residence on this undeveloped parcel.

*Finding 2. 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 previously discussed in Section A, Finding 1, the proposed project is consistent with all provisions of the LCP. As previously discussed in Section C, Finding 1, the subject parcel cannot be developed without disturbance of Chaparral and Coastal Sage Scrub ESHA. Because ESHA impacts could not be avoided, LIP Section 4.7.1 states the allowable development area shall not exceed 10,000 square feet. The proposed development area (7,345-square feet) is less than 10,000 square feet, which is consistent with LIP Section 4.7.1. Therefore, the proposed project complies with the provision of LIP Section 4.7.

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

The provisions of the Native Tree Protection Chapter apply to those areas containing one or more native Oak, California Walnut, Western Sycamore, Alder or Toyon trees that has at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, 4½ feet from the ground. A Native Tree Report prepared by Greg Ainsworth on November 17, 2017, identified five native trees within fifty feet of the residence. No trees are proposed to be removed, and tree protection measures are included in the conditions of approval to ensure that construction does not encroach within the protected zone of any protected native all trees. A coastal development permit that includes the removal of one or more native tree(s) and/or the encroachment of development within the protected zone of one or more native tree(s) may be approved or conditionally approved only if the following findings can be made:

*Finding 1. The proposed project is sited and designed to minimize removal of or encroachment in the protected zone of native trees to the maximum extent feasible.*

The project does not involve the removal of any native trees. No direct impacts to native trees are anticipated as a result of project construction based on the Native Tree Report prepared on November 17, 2017. Regardless, the project is conditioned to protect native trees during construction.

*Finding 2. The adverse impact of tree removal and/or encroachment cannot be avoided because there is no other feasible alternative.*

Based on the Native Tree Report, no removal of native trees is proposed. While no impacts are anticipated, the project is conditioned to protect native trees within or adjacent to the construction area.

*Finding 3. All feasible mitigation measures that would substantially lessen any significant impact on native trees have been incorporated into the approved project through design or conditions of approval.*

Condition No. 23 has been added to Resolution No. 22-03 to protect the native protected trees during construction.

#### **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 subject property is located above Encinal Canyon Road, which is considered a scenic road pursuant to LUP Chapter 6, Section C.6.2. Since the project is located adjacent to a scenic resource and on a scenic road, the findings set forth in LIP Section 6.4 are enumerated herein.

*Finding 1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.*

An analysis of the project's potential visual impact was conducted through site inspections, story poles, and review of the architectural plans. The proposed project allows for the construction of a new single-family residence and associated development. The project is designed to minimize visual impacts and meets the requirements of the hillside development standards. Additionally, the proposed development is minimally visible from Encinal Canyon Road based on review of the story poles. It is not anticipated that the project will result in adverse scenic or visual impacts; therefore, the project is consistent with LIP Chapter 6.

*Finding 2. The project, as conditioned, will have no significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.*

As discussed in Section G, Finding 1, as conditioned, the project will not have significant adverse scenic or visual impacts.

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

As discussed in Section A, Finding 3, the project is the least environmentally damaging feasible alternative.

*Finding 4. 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 Section G, Finding 1, the project is not expected to result in any significant adverse impact. Therefore, there are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

*Finding 5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained within the LIP.*

As discussed in Section G, Finding 1, as conditioned, development on the site will not have significant adverse impacts on scenic and visual resources.

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

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

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

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff and LACFD. The required findings are made as follows:



*Finding 1. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.*

The applicant submitted geotechnical and engineering reports prepared by Calwest Geotechnical dated January 9, 2018, and October 5, 2017; reports prepared by Land Phases Inc. dated January 8, 2018, and September 9, 2017; and reports prepared by EPD Consultants dated September 27, 2017. The aforementioned reports are referenced in the geotechnical review sheet in Attachment 3. These reports are on file at City Hall. The reports evaluate site-specific conditions and recommendations are provided to address any pertinent issues. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area. Based on review of the project plans and associated geotechnical reports by City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD, these specialists determined that adverse impacts associated with these hazards to the project site related to the proposed development are not expected. The proposed project will neither be subject to nor increase the instability from geologic, flood, or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

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

### Fire Hazard

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The subject property is currently subject to wildfire hazards. The scope of work proposed as part of this application is not expected to have an adverse impact on wildfire hazards as it will be conditioned to meet all LACFD requirements.

*Finding 2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.*

As stated in Finding 1, the proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

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

As previously stated in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

*Finding 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.*

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. It has been determined that the proposed project does not impact site stability or structural integrity. As previously discussed in Finding A3, there are no feasible alternatives.

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

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

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

LIP Chapter 10 applies to land that is located on or along the shoreline, a coastal bluff or bluff-top fronting the shoreline. The proposed project is not located near the shore. Therefore, LIP Chapter 10 findings do not apply.

#### **K. Public Access (LIP Chapter 12)**

LIP Section 12.4 requires public access for lateral, bluff-top, and vertical access near the ocean, trails, and recreational access for the following cases:

- A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.
- B. New development between the nearest public roadway and the sea.
- C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
- D. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

The subject property is not located between the first public road and the sea or on a bluff; however, the property does contain an LCP mapped trail on the northern portion of the property. However, no development is proposed on or near the mapped trail and therefore no impacts are expected.

Lateral Access – The project site is not located along the shore. Therefore, no conditions or findings for lateral access are required.

Vertical Access – The project site is not adjacent to the Pacific Ocean, and access to the Pacific Ocean is not possible. Therefore, no conditions or findings for lateral access are required.

Blufftop Access – The project is not located on a blufftop, and therefore, no conditions for blufftop access are required.

Recreational Access – The project site is not adjacent to, does not include, nor contain any access ways to existing or planned recreational areas. Therefore, no conditions or findings for recreational access are required.

Trail Access – The LCP Parklands Map shows the Coastal Slope Trail located on the northern portion of the property. However, no development will take place on or near the trail and therefore no impacts are expected. Additionally, the property owner has proposed offer-to-dedicate (OTD) No. 23-001 for a trail easement along the westerly property line following Noranda Lane.

## **L. Land Division (LIP Chapter 15)**

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

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposed project. The Planning Director 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 proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) - New Construction or Conversion of Small Structures, 15303(e) - New Construction or Conversion of Small Structures, 15304(b) – Minor Alterations to Land. 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).

CORRESPONDENCE: To date, staff has received no correspondence regarding the revised design of the project. However, correspondence was submitted prior to the last public hearing pertaining to the previous design and is attached to the previous staff report (Attachment 9).

PUBLIC NOTICE: On January 12 2023, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and a notice was mailed to all property owners and occupants within a 1,000-foot radius of the subject property (Attachment 7).

SUMMARY: The required findings can be made that the proposed project complies with the LCP and MMC. 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. 23-02. The proposed project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 23-02
2. Project Plans
3. Department Review Sheets
4. Applicant Memorandum dated January 5, 2023
5. Story Pole Photographs dated January 5, 2023
6. Construction Management Plan
7. Public Hearing Notice
8. November 16, 2020, Planning Commission Agenda Report Item No. 5.D. – <https://www.malibucity.org/AgendaCenter/ViewFile/Item/4602?fileID=17707>
9. March 15, 2021, Planning Commission Agenda Report Item No. 5.C. – <https://www.malibucity.org/AgendaCenter/ViewFile/Item/4806?fileID=19411>
10. July 12, 2021, City Council Agenda Report Item No. 4.D. to remand back to the Planning Commission – <https://www.malibucity.org/AgendaCenter/ViewFile/Item/5045?fileID=23036>

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 23-02

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. 17-104, VARIANCE NO. 19-035, SITE PLAN REVIEW NO. 23-003, MINOR MODIFICATION NO. 20-012, AND OFFER-TO-DEDICATE NO. 23-001, FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, A BASEMENT INCLUDING A SUBTERRANEAN GARAGE, A NEW ONSITE WASTEWATER TREATMENT SYSTEM, EXTERIOR SITE IMPROVEMENTS INCLUDING A NEW SWIMMING POOL, SPA, DECK, LANDSCAPE, HARDSCAPE AND GRADING; INCLUDING VARIANCE NO. 19-035 TO ALLOW FOR DEVELOPMENT WITHIN THE REQUIRED ENVIRONMENTALLY SENSITIVE HABITAT AREA BUFFER, SITE PLAN REVIEW NO. 23-003 FOR DEVELOPMENT ON SLOPES STEEPER THAN 3 TO 1, BUT FLATTER THAN 2.5 TO 1, MINOR MODIFICATION NO. 20-012 FOR THE REDUCTION OF THE REQUIRED FRONT YARD SETBACK BY UP TO 50 PERCENT AND OFFER-TO-DEDICATE NO. 23-001 FOR A TRAIL EASEMENT, FOR THE PROPERTY LOCATED IN THE RURAL RESIDENTIAL-FIVE ACRE ZONING DISTRICT AT 3620 NORANDA LANE (3620 NORANDA LANE, LLC)

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

SECTION 1. Recitals.

A. On November 8, 2017, an application for a Coastal Development Permit (CDP) No. 17-104 to allow for a new single-family residence and associated development, was submitted to the Planning Department by Vitus Matare. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and the Los Angeles County Fire Department for review.

B. On November 19, 2019, the application was deemed complete.

C. On November 27, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

D. On October 8, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On October 22, 2020, a revised 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 November 2, 2020, the subject item was continued to the November 16, 2020 Regular Planning Commission meeting.

ATTACHMENT 1

G. On November 16, 2020, the subject item was continued to a date uncertain to allow the applicant to explore re-design options to avoid construction on one to one slopes.

H. On February 18, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject property.

I. On March 15, 2021, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record and denied the project due to the inability to make the variance findings for construction of accessory development on steep slopes. The Planning Commission directed staff to return with a resolution for denial.

J. On April 19, 2021, the Planning Commission adopted Resolution 21-30 denying CDP No. 17-104.

K. On April 26, 2021, the applicant, Vitus Matare, filed an appeal of the Planning Commission's denial of the project.

L. On June 17, 2021, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject property.

M. On July 12, 2021, the City Council remanded CDP No. 17-104 back to the Planning Commission.

N. On August 24, 2022, the revised project was reviewed by the Environmental Review Board (ERB).

O. On December 22, 2022, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject properties.

P. January 12, 2023, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot radius of the subject properties.

Q. On January 17, 2023, the Planning Commission continued the item to a date uncertain. The proposed project did not require a variance for construction on steep slopes but required a site plan review.

R. On February 6, 2023, 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 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 according to CEQA Section 153030 (a) – New Construction or Conversion of Small Structures, 15303 (e) – New Construction or Conversion of Small Structures, and 15304 (b) – Minor Alterations to Land. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies 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 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. 17-104, VAR No. 19-035, SPR No. 23-003 and MM No. 20-012 to allow for construction of a new single-family residence and associated development, located in the Rural Residential-Five Acre zoning district at 3620 Noranda Lane.

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

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

1. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and Los Angeles County Fire Department (LACFD). The proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards inclusive of the discretionary requests.

2. The project is not located between the first public road and the sea. The property does contain an LCP mapped trail on the northern portion of the property. However, no development is proposed on or near the mapped trail and therefore no impacts are expected. Additionally, the property owner has proposed offer-to-dedicate (OTD) No. 23-001 for a trail easement along the westerly property line following Noranda Lane. 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 of 1976 (commencing with Sections 30200 of the Public Resources Code).

3. This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts on coastal resources.

Smaller Project – A smaller residence could be proposed on the project site. However, reducing the size of the residence would not significantly reduce impacts to public or private views. Should the footprint be reduced, the direct land disturbance of construction would be reduced. However, a smaller project would not eliminate the need for an ESHA variance or the site plan review for construction on steep slopes. Additionally, the proposed project complies with the maximum allowable non-exempt grading, TDSF for hillside development, impermeable coverage and the height limitations of the LCP and the MMC.

Alternative Location – The proposed single-family residence could be relocated further to the north on the subject parcel to eliminate the MM request for the reduction of the front yard setback. However, most of the parcel to the north of the proposed building pad consists of steep slopes. Relocating the proposed development, would require more grading, land disturbance and further construction on steep slopes. Additionally, relocating the proposed project would expand the development area further into ESHA. As designed, the proposed project complies with the requirements of the MMC and LCP, inclusive of the discretionary requests. In conclusion, it is not anticipated that an alternative location would offer any environmental advantages.

Proposed Project – Due to site constraints, ESHA requirements, and steep slopes, the building pad is limited. The proposed project consists of the construction of a new single-family residence and associated exterior site improvements compliant with hillside development standards. As previously mentioned, the proposed project is subject to hillside development standards and the applicant has reduced the proposed square footage to comply with those standards. The project has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and the LACFD, and meets the City's residential development policies of the LCP and MMC, inclusive of the discretionary requests. Additionally, the proposed project was redesigned to eliminate the Variance for construction on steep slopes. The proposed project, as conditioned, will comply with all applicable requirements of State and local law. The project, as conditioned, is the least environmentally damaging feasible alternative.

4. The subject property is located within a designated ESHA as shown on the LCP ESHA and Marine Resources Map. The ERB reviewed the project on August 24, 2022 and did not have associated recommendations. The ERB recommended the project move forward as proposed.

**B. Variance Findings for Development in the ESHA buffer and Fuel Modification to Extend into the ESHA (LIP Section 13.26.5)**

1. Exceptional characteristics applicable to the subject parcel include ESHA and steep slopes. With the exception of a previously disturbed building pad, the entire property meets the definition of ESHA. Based on the submitted material, the required 200-foot fuel modification buffer that is required for any building would extend into ESHA. Given that the parcel is mostly mapped as containing ESHA, there are no other feasible alternative sites that exist that would avoid impacts on ESHA. Strict application of the zoning ordinance would preclude any development on the property. Adjacent properties are similarly developed and contain ESHA based on the LCP ESHA Map and denial of the variance would deprive the property owner of developing his property in a similar manner.



2. The City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD have reviewed the proposed project and determined it was consistent with all applicable safety, health or welfare regulations and policies. The granting of the proposed 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 in which the property is located.

3. The granting of the proposed variance will not constitute a special privilege to the applicant or property owner. The proposed single-family residence is consistent with the uses permitted in the applicable zoning designation and will allow the property owner to develop the site consistent with neighboring properties. Therefore, granting the proposed variance does not constitute a special privilege to the property owner.

4. The proposed variance will allow the proposed residence, including related fuel modification, to extend into Chaparral and Coastal Sage Scrub ESHA. This variance will not be contrary to or in conflict with the zoning provisions nor LCP goals, objectives and policies as variances to ESHA protection standards may be granted pursuant to LIP Section 4.6.4(A). The proposed project is consistent with the LCP as impacts to ESHA cannot be avoided and are offset in conformance with LIP Section 4.8.1. The City Biologist, City geotechnical staff, City Environmental Health Administrator and City Public Works Department have determined the proposed project was consistent with the LCP and applicable goals and policies, inclusive of the proposed variances, and minor modification.

5. As previously discussed, the fuel modification for any building cannot avoid impacts to ESHA. Pursuant to LIP Section 4.7, which states that "where all feasible building sites are ESHA or ESHA buffer, the City may only permit development as specified in Sections 4.7.1 through 4.7.4". LIP Sections 4.7.1 through 4.7.4 have been satisfied given the proposed development area (7,345-square feet) does not exceed 10,000 square feet, fencing is limited to the development area, and agricultural uses and confined animals are not included.

6. The requested variance is not associated with stringline standards. Therefore, this finding does not apply.

7. The proposed project consists of a new single-family residence and accessory uses on a previously developed site. The proposed uses are consistent with the permitted uses in the applicable zoning district. Additionally, as previously discussed, the proposed development activities are consistent with specific ESHA protection standards. Therefore, the proposed variance would not authorize an unpermitted use or activity.

8. The subject parcel is physically suitable for the proposed variance in that there are no alternate building sites or configurations which would eliminate the need for a variance because the fuel modification for a structure of any size would extend into surrounding Chaparral and Coastal Sage Scrub ESHA.

9. The City Biologist, City geotechnical staff, City Environmental Health Administrator, City Public Works Department and LACFD reviewed the proposed project and determined it was in conformance with State and local requirements. In addition to being consistent with the LCP, the proposed variance will comply with all requirements of State and local law in that the proposed project will be required to obtain applicable permits from the

Environmental Sustainability Department prior to construction. Construction of the proposed improvements will comply with all building code requirements and incorporate all recommendations from applicable City and County agencies. Therefore, the proposed project complies with all applicable requirements of State and local law.

10. The proposed project does not include or encroach upon public parking or recreation access. Therefore, this finding does not apply.

**C. Site Plan Review for development on slopes steeper than 3:1, but flatter than 2.5:1 [LIP Section 13.27]**

1. The project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and detailed site investigations, the project is consistent with all policies and provisions of the LCP and MMC.

2. The property is located in a developed residential neighborhood and surrounding development consists of single-family residences, with accessory development. Adjacent development properties exhibit similar topography. Staff conducted an analysis of surrounding property characteristics in order to assess the project with regard to neighborhood character. Neighboring properties were also constructed on similar slopes and feature development that blends into the surrounding topography. Therefore, the portions of the structure proposed on slopes between 3 to 1 and 2.5 to 1 are not anticipated to adversely affect neighborhood character.

3. On January 3, 2023, staff visited the subject parcel after story poles representing the location and height of the proposed buildings were erected. Based on staff's site visit, it was determined that while portions of the single-family residence are visible from Encinal Canyon Road, the project as designed is not anticipated to result in adverse scenic or visual impacts. Given the location and design of the project, intervening topography, existing development, and the implementation of conditions of approval for lighting, the project is not expected to create significant obstructions or encroachments into public views and provides the maximum feasible protection to significant public views as required by LIP Chapter 6. Therefore, the project provides maximum feasible protection to significant public views.

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

**D. Minor Modification for a reduced front yard setback (LIP Section 13.27)**

1. As previously stated in Section A, Finding 1, the project has been reviewed and analyzed for conformance with the LCP. Additionally, the reduced front yard setback limits the impact to ESHA and reduces the construction on steep slopes. The project is consistent with the policies and provisions of the LCP and MMC.

2. The neighborhood is comprised of single-family residences on lots of varying sizes. The single-family residence would be in character with surrounding residential development. Based on observations during the site visit and inspection of the story poles, the proposed project,

as designed and conditioned, does not adversely affect neighborhood character. Additionally, given the constraints of the steep slopes to the north, the residence needed to be located within the front yard setback.

3. The City Biologist, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, and LACFD reviewed the proposed project and determined it was in conformance with State and local requirements. Therefore, the proposed project complies with all applicable requirements of State and local law.

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

1. The fuel modification zone of a structure of any size on the subject parcel would disturb ESHA and the project as proposed has been sited as close as possible to Noranda Lane to minimize ESHA impacts. A residence and related fuel modification are not permitted uses in the applicable Chaparral and Coastal Sage Scrub ESHA. Therefore, the application of LIP Chapter 4 (ESHA overlay ordinance) would not allow construction of a residence on this undeveloped parcel.

2. As previously discussed in Section A, Finding 1, the proposed project is consistent with all provisions of the LCP. As previously discussed in Section C, Finding 1, the subject parcel cannot be developed without disturbance of Chaparral and Coastal Sage Scrub ESHA. Because ESHA impacts could not be avoided, LIP Section 4.7.1 states the allowable development area shall not exceed 10,000 square feet. The proposed development area (7,345-square feet) is less than 10,000 square feet, which is consistent with LIP Section 4.7.1. Therefore, the proposed project complies with the provision of LIP Section 4.7.

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

1. The project does not involve the removal of any native trees. No direct impacts to native trees are anticipated as a result of project construction based on the Native Tree Report prepared on November 17, 2017. Regardless, the project is conditioned to protect native trees during construction.

2. Based on the Native Tree Report, no removal of native trees is proposed. While no impacts are anticipated, the project is conditioned to protect native trees within or adjacent to the construction area.

3. Condition No. 23 has been added to protect the native protected trees during construction.

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

1. An analysis of the project's potential visual impact was conducted through site inspections, story poles, and review of the architectural plans. The proposed project allows for the construction of a new single-family residence and associated development. The project is designed to minimize visual impacts and meets the requirements of the hillside development standards. Additionally, the proposed development is minimally visible from Encinal Canyon Road based on review of the story poles. It is not anticipated that the project will result in adverse scenic or visual impacts; therefore, the project is consistent with LIP Chapter 6.

2. As discussed in Finding 1, as conditioned, the project will not have significant adverse scenic or visual impacts.

3. As discussed in Section A, Finding 3, the project is the least environmentally damaging feasible alternative.

4. As discussed in Section G, Finding 1, the project is not expected to result in any significant adverse impact. Therefore, there are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

5. As discussed in Finding 1, as conditioned, the revised project will not have significant adverse impacts on scenic and visual resources.

## **H. Hazards (LIP Chapter 9)**

1. The applicant submitted geotechnical and engineering reports prepared by Calwest Geotechnical dated January 9, 2018, and October 5, 2017; reports prepared by Land Phases Inc. dated January 8, 2018 and September 9, 2017; and reports prepared by EPD Consultants dated September 27, 2017. The aforementioned reports are referenced in the geotechnical review sheet. These reports are on file at City Hall. The reports evaluate site-specific conditions and recommendations are provided to address any pertinent issues. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area. Based on review of the project plans and associated geotechnical reports by City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD, these specialists determined that adverse impacts associated with these hazards to the project site related to the proposed development are not expected. The proposed project will neither be subject to nor increase the instability from geologic, flood, or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

2. As stated in Finding 1, the proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

3. As previously stated in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. It has been determined that the proposed project does not impact site stability or structural integrity. As previously discussed in Finding A3, there are no feasible alternatives.

5. As discussed in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts on sensitive resources are anticipated.

## **I. Public Access (LIP Chapter 12)**

The subject property is not located between the first public road and the sea or on a bluff; however, the property does contain an LCP mapped trail on the northern portion of the property. However, no development is proposed on or near the mapped trail and therefore no impacts are expected.

Lateral Access – The project site is not located along the shore. Therefore, no conditions or findings for lateral access are required.

Vertical Access – The project site is not adjacent to the Pacific Ocean, and access to the Pacific Ocean is not possible. Therefore, no conditions or findings for lateral access are required.

Blufftop Access – The project is not located on a blufftop, and therefore, no conditions for blufftop access are required.

Recreational Access – The project site is not adjacent to, does not include, nor contain any access ways to existing or planned recreational areas. Therefore, no conditions or findings for recreational access are required.

Trail Access – The LCP Parklands Map shows the Coastal Slope Trail located on the northern portion of the property. No development will take place on or near the trail and therefore no impacts are expected. However, the property owner is proposing an offer-to-dedicate a trail easement.

### SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 17-104, VAR Nos. 20-035, SPR No. 23-003 and MM No. 20-012 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. 4,789-square foot, single-family residence;
  - b. 1,801-square foot basement and subterranean garage;
  - c. New OWTS;
  - d. New swimming pool and spa;
  - e. Associated pool equipment (to be fully screened);
  - f. New lower level decks;

- g. New upper level deck;
  - h. 3,299-square feet of new landscaping;
  - i. New 25,000 gallon underground water tank;
  - j. New 5,000 gallon underground water tank;
  - k. 581 cubic yards of non-exempt grading;
  - l. Discretionary Requests:
    - i. VAR No. 19-035 for encroachment into ESHA;
    - ii. SPR No. 23-003 for development on slopes steeper than 3 to 1, but flatter than 2.5 to 1; and
    - iii. MM No. 20-012 to reduce the required front yard setback by 50 percent from the required 65 feet to 32.5 feet.
3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **January 3, 2023**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.
5. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 6 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 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, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All development shall conform to requirements of the City of Malibu Environmental

Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, WD29, LACFD, and CSLC 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 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 coastal development permit 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 permit, including grading or demolition.

### ***Biology***

13. The Maximum Applied Water Allowance (MAWA) for this project totals 108,671 gallons per year. The Estimated Applied Water Use (EAWU) totals 44,032 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.
14. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.
15. 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).
16. Prior to final Planning inspection, the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with MMC Chapter 17.53. The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.
17. Pursuant to LIP Section 4.8.1, all new development shall include mitigation for unavoidable impacts to Environmentally Sensitive Habitat Area (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 0.96 acres of permanent impacts (development footprint and/or Fuel Modification Zones A and/or B) and 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.

18. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.
19. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.
20. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.
21. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three violations of this condition will result in a requirement to permanently remove the vegetation from the site.
22. Invasive plant species, as determined by the City of Malibu, are prohibited.
23. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).
24. No non-native plant species shall be approved greater than 50 feet from the residential structure.
25. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
26. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.
27. Earthmoving shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct earthmoving activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted to the City Biologist for approval prior to the issuance of a grading permit and implemented prior to initiation of vegetation removal and/or earthmoving activities.



28. 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.
29. Up-lighting of landscaping is prohibited.
30. 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.
31. The (landscape and fuel modification plan) has been conditioned to protect natural resources in accordance with the Malibu General Plan. All areas shall be planted and maintained as described in the (landscape and fuel modification plan). Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.
32. 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.

### ***Environmental Health***

33. Prior to Final OWTS Plot Plan: Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
34. Final OWTS Design Report, Plans, and System Specifications: If the OWTS design and/or bedroom/drainage fixture unit counts are modified in any way subsequent to the Planning-stage review, then a final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
35. 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 drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
  - b. Sewage and effluent pump design calculations (as applicable).
  - 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 conceptual design for custom 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 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
  - e. 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.
36. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
  37. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
  38. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.
  39. Maintenance Contract: A maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed onsite wastewater disposal system after construction shall be submitted. Note

only original “wet signature” documents are acceptable.

40. 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 OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
41. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Office of the Los Angeles County Recorder. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
42. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
43. City of Malibu Planning Department final approval of the OWTS plan shall be obtained
44. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

### ***Geology***

45. 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.
46. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

***Grading/ Drainage***

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

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-Storm Water 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.

48. 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.
49. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, 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 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

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- 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, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
  - g. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
  - h. Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.
50. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
51. A digital (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 drains 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.
52. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
- a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
  - b. Prohibits the discharge of trash.
  - c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
  - d. Elimination of non-storm water discharges.
53. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been

implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.

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

### ***Fuel Modification***

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

***Colors and Materials***

58. The project is visible from scenic roads or public viewing areas, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
- a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.
  - b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
  - c. All windows shall be comprised of non-glare glass.
59. 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.

***Swimming Pool / Spa***

60. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).
61. 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).
62. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.
63. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algacides, 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 in to the MS4 or to the ASBS (including tributaries)
64. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.
65. A sign stating “It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per MMC Section 13.04.060(D)(5)” shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

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

### ***Outdoor Lighting***

67. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
- a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
  - b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
  - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
  - d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
  - e. Site perimeter lighting shall be prohibited; and
  - f. Outdoor decorative lighting for aesthetic purposes is prohibited.
68. Night lighting for sports courts or other private recreational facilities shall be prohibited.
69. 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.
70. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.
71. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
72. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
73. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

### ***Construction / Framing***

74. Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.
75. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.



76. 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.
77. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.
78. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
- a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
  - b. Grading activities shall be planned during the southern California dry season (April through October).
  - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
  - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
79. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.
80. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

### ***Deed Restrictions***

81. 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.
82. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 67-73. The property owner shall provide a copy of the recorded document to the Planning

Department prior to final Planning Department approval.

83. In order to implement the property owner's proposal of an offer to dedicate a 10-foot easement for a public access hiking, biking, and equestrian trail easement for passive recreational use as part of this project, the property owner agrees to complete the following prior to final Planning Department approval: 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 an easement for a public access hiking, biking, and equestrian trail easement for passive recreational use. 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. The document shall also provide that there shall be no gate(s) at the entrance to or exit from the easement. The offer shall provide the public the right to pass and re-pass over the dedicated route. 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 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.

***Fixed Conditions***

84. This coastal development permit amendment shall run with the land and bind all future owners of the property.
85. 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 6<sup>th</sup> day of February 2023.

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DENNIS R. SMITH, Planning Commission Chair

ATTEST:

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REBECCA EVANS, Recording Secretary

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

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 23-02 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 6<sup>th</sup> day of February 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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REBECCA EVANS, Recording Secretary



PROJECT CONSULTANTS

PROPERTY OWNERS:  
ROMAN & TALKE STAUSS  
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918 PUERTO PLACE  
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PROJECT DESIGNER:  
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TEG ENGINEERING  
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v: 310-613-9980

GEOLOGIST:  
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CALWEST GEOTECHNICAL, INC.  
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THOUSAND OAKS, CA. 91360  
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SURVEYOR:  
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OWTS SPECIALIST:  
KEVIN POFFENBARGER  
EPD CONSULTANTS  
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CARSON, CA. 90745  
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TITLE 24 ENERGY CALC.S:  
DAVID McCLAIN  
TITLE 24 DATA  
633 MONTEREY TRAIL  
FRAZIER PARK, CA. 93225-2199  
v: 800-237-8824

FIRE SUPPRESSION:  
TYLER RYDER  
CENTERLINE FIRE SUPPRESSION  
23720 SHASTA WAY,  
SIMI VALLEY, CA. 93065  
v: 805-578-9000



STAUSS RESIDENCE  
3620 NORANDA LANE - CITY OF MALIBU, CA 90265  
APN: 4473-026-002 - (PREVIOUSLY DEVELOPED AS 3660 NORANDA LANE)

LEGAL DESCRIPTION: PARCEL 2 OF PARCEL MAP 3821 AS RECORDED APRIL 1, 1975 IN BOOK 59, PAGE 35 OF OFFICIAL RECORDS OF THE COUNTY OF LOS ANGELES.

PROJECT DESCRIPTION:

RECONSTRUCTION OF A SINGLE FAMILY RESIDENCE LOST TO FIRE. PRIOR COASTAL DEVELOPMENT PERMIT 5-86-472 FOR MAIN RESIDENCE, GUEST HOUSE, WELL AND SEPTIC SYSTEM.

THIS APPLICATION IS FOR A NEW SINGLE STORY 4,789 SQ. FT. SINGLE FAMILY RESIDENCE WITH 1,801 SQ. FT. BASEMENT/GARAGE, 10' X 60' LAP POOL, SPA, AND ON-SITE WASTE TREATMENT SYSTEM AND TWO UNDERGROUND WATER STORAGE TANKS. EXISTING WELL TO REMAIN IN SERVICE.

TOTAL LANDSCAPE AREA (ALL INDIGENOUS SPECIES): 3,299 SQ. FT.  
UPPER LEVEL ROOF DECK: 2,608 SQ. FT / LOWER LEVEL DECKS: 600 SQ. FT. TOTAL.

CDP #17-104 MM# 20-012 (FRONT SETBACK) VAR# 19-035 (ESHA) VAR# 19-036 (CONSTR. ON SLOPES)

PROJECT BUILDING CODE DATA

OCCUPANCY GROUP: R-3 (SINGLE FAMILY w/ BASEMENT) / U (PRIVATE GARAGE)

PRESENT ZONING: RR-5  
NOT WITHIN CCC APPEAL JURISDICTION

TYPE OF CONSTRUCTION: TYPE IB, SPRINKLERED

FIRE ZONE: VHFHSZ

BUILDING CODES:  
- 2020 LOS ANGELES COUNTY AMENDMENTS TO THE 2019 CALIFORNIA RESIDENTIAL, BUILDING, PLUMBING, MECHANICAL & ELECTRICAL CODES  
- 2020 LA COUNTY GREEN BUILDING CODE  
- 2020 CALIFORNIA ENERGY CODE

DEFERRED SUBMITTALS/SEPARATE PERMITS:  
FIRE SUPPRESSION SYSTEM  
OWTS  
SOLAR PANELS

PLAN SET INDEX

A-1.0 COVER SHEET  
A-1.1 SITE SURVEY  
A-1.2 SITE PLAN  
A-1.2a FIRE ACCESS (WALKING) PLAN  
A-1.2b FIRE ACCESS PLAN  
A-1.2c ACCESS ROAD SURVEY  
A-1.2d ROAD SECTION & RADII  
A-1.2e WATER PURVEYANCE PLAN  
A-1.2f WATER STORAGE DETAILS  
A-1.2g DRAFT HYDRANT NOTES

A-2.1 BASEMENT PLAN VIEW  
A-2.2 LOWER LEVEL PLAN VIEW  
A-2.3 UPPER LEVEL PLAN VIEW  
A-2.4 ROOF PLAN  
A-3.1 NORTH ELEVATION & SECTION  
A-3.2 SOUTH ELEVATION & SECTION  
A-3.3 EAST ELEVATION & SECTION  
A-3.4 WEST ELEVATION & SECTION  
A-3.5 ARCHITECTURAL RENDERINGS

FM-1 FUEL MODIFICATION PLAN  
FM-2 LANDSCAPE PLAN  
FM-3 WATER CONSERVATION PLAN

SP-1 STORY POLE PLAN

C-1 CIVIL COVER SHEET  
C-2 CIVIL SITE PLAN  
C-3 GRADING PLAN  
C-4 DRAINAGE PLAN w/ SWMP  
C-5.0 GRADING SECTIONS 1  
C-5.1 GRADING SECTIONS 2  
C-6 DRAINAGE DETAILS  
C-7 CONTECH-FILTERRA DETAILS  
EC-1 EROSION CONTROL PLAN & SWPPP  
EC-2 BMP NOTES & DETAILS 1 OF 3  
EC-3 BMP NOTES & DETAILS 2 OF 3  
EC-4 BMP NOTES & DETAILS 3 OF 3  
S-1P PRELIMINARY FOUNDATION PLAN

CCSA DEVELOPMENT FOOTPRINT SLOPE ANALYSIS

PROJECT STATISTICS

3620 NORANDA LANE, MALIBU CA. 90265

ASSESSORS PARCEL NUMBER: 4473-026-002  
ZONING: RURAL RESIDENTIAL (RR2) - LEGAL NON-CONFORMING  
GROSS LOT AREA: 2.81 Ac. (122,403.6 SQ. FT.)  
ROADWAY EASEMENT AREA: 7,841 SQ. FT.  
SLOPES GREATER THAN 1%: 10,238 SQ. FT.  
NET LOT AREA: 2,465 Ac. (104,325.6 SQ. FT.)

MEDIAN LOT DEPTH: 459.25' FT.  
MEDIAN LOT WIDTH: 238.25' FT.

MAX BUILDING HEIGHT: 18'-0" FT. ABOVE FINISHED GRADE  
MAX FULL HEIGHT PROJECTION: 35'-0" (SOUTH ELEVATION)  
TOTAL DEVELOPMENT FOOTPRINT: 6,637 SQ. FT.

TDSF - TOTAL DEVELOPMENT SQUARE FOOTAGE:  
FORMULA MAXIMUM SQUARE FOOTAGE: 8,902 SQ. FT.  
REDUCTION BY 25% (HILLSIDE ORDINANCE) -2,225 SQ. FT.  
MAXIMUM ALLOWABLE TDSF : 6,677 SQ. FT. MAX.

TOTAL PROPOSED TDSF: 6,082 SQ. FT.

LOWER LEVEL: 2,739 SQ. FT.  
UPPER LEVEL: 2,050 SQ. FT.  
TOTAL HABITABLE SPACE: 4,789 SQ. FT.  
BASEMENT : 1,801 SQ. FT. INCLUDING GARAGE  
(EXTRA BASEMENT AREA: 801 SQ. FT. (X 50%) = 400 SQ. FT.  
= 1,000 SQ. FT. BASEMENT AREA

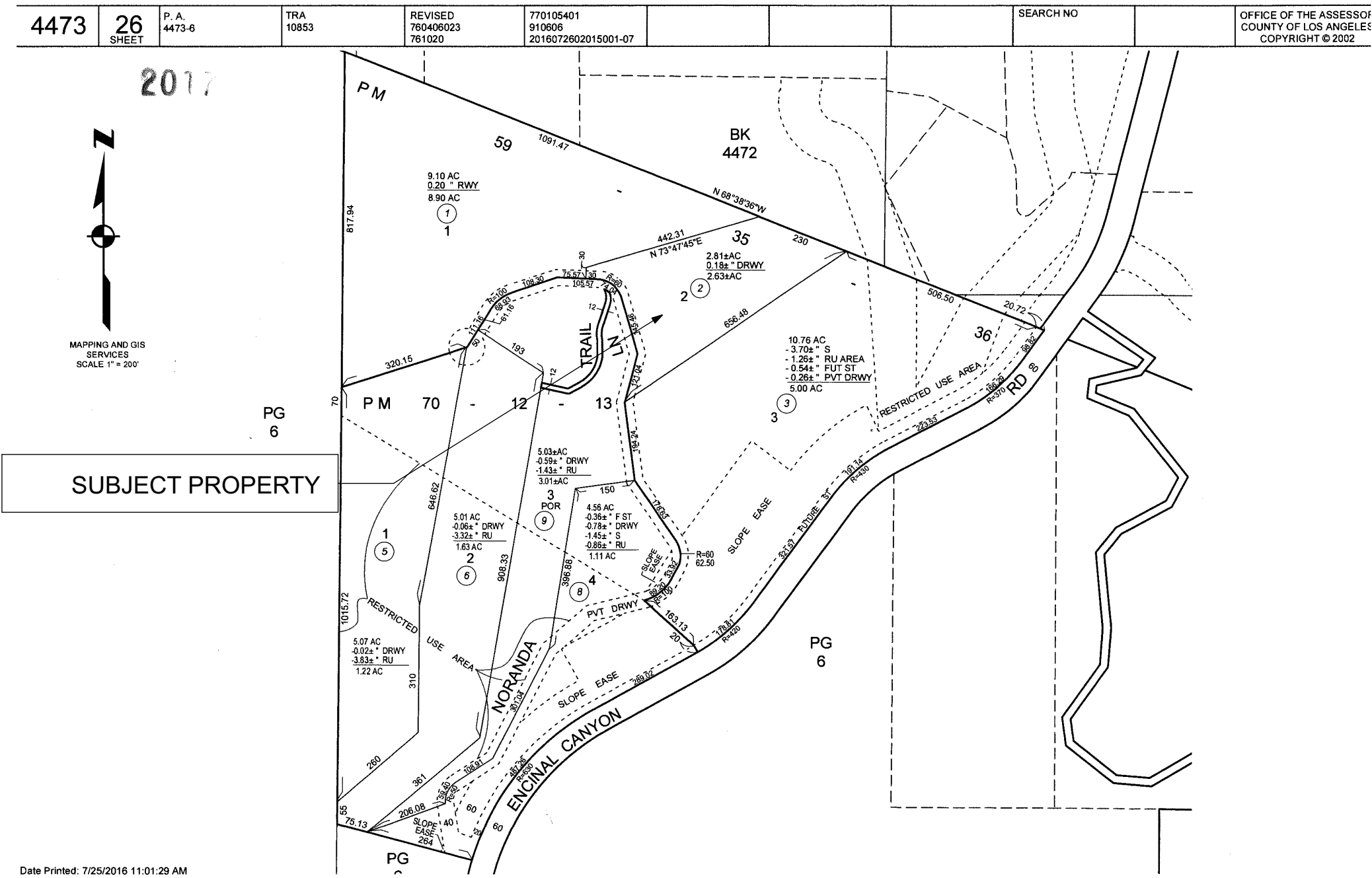
PROPERTY LINE SETBACKS:  
FRONT YARD SETBACK: 32'-6" (MINOR MOD. REQUIRED)  
NORTH SIDE YARD SETBACK: 45'-0" (23' - 9" MIN. REQUIRED)  
SOUTH SIDE YARD SETBACK: 170'-0" (35' - 8" MIN. REQUIRED)  
REAR YARD SETBACK: 186'-7" (69'-0" MIN. REQUIRED)

IMPERMEABLE GROUND COVERAGE:  
MAX. ALLOWABLE IMPERMEABLE COVERAGE: 25,000 SQ. FT.  
(35% of adjusted lot area / up to 25,000 SQ. FT. MAX.)  
TOTAL PROPOSED IMPERMEABLE COVERAGE: 5,990 SQ. FT.  
(POOL IS CONSIDERED IMPERMEABLE)  
PROPOSED COVERAGE BY STRUCTURES: 4,789 SQ. FT.  
PROPOSED COVERAGE BY PATIOS AND DECKS: 1201 SQ. FT.  
(DRIVEWAY IS PERMEABLE TAMPED CONCRETE)

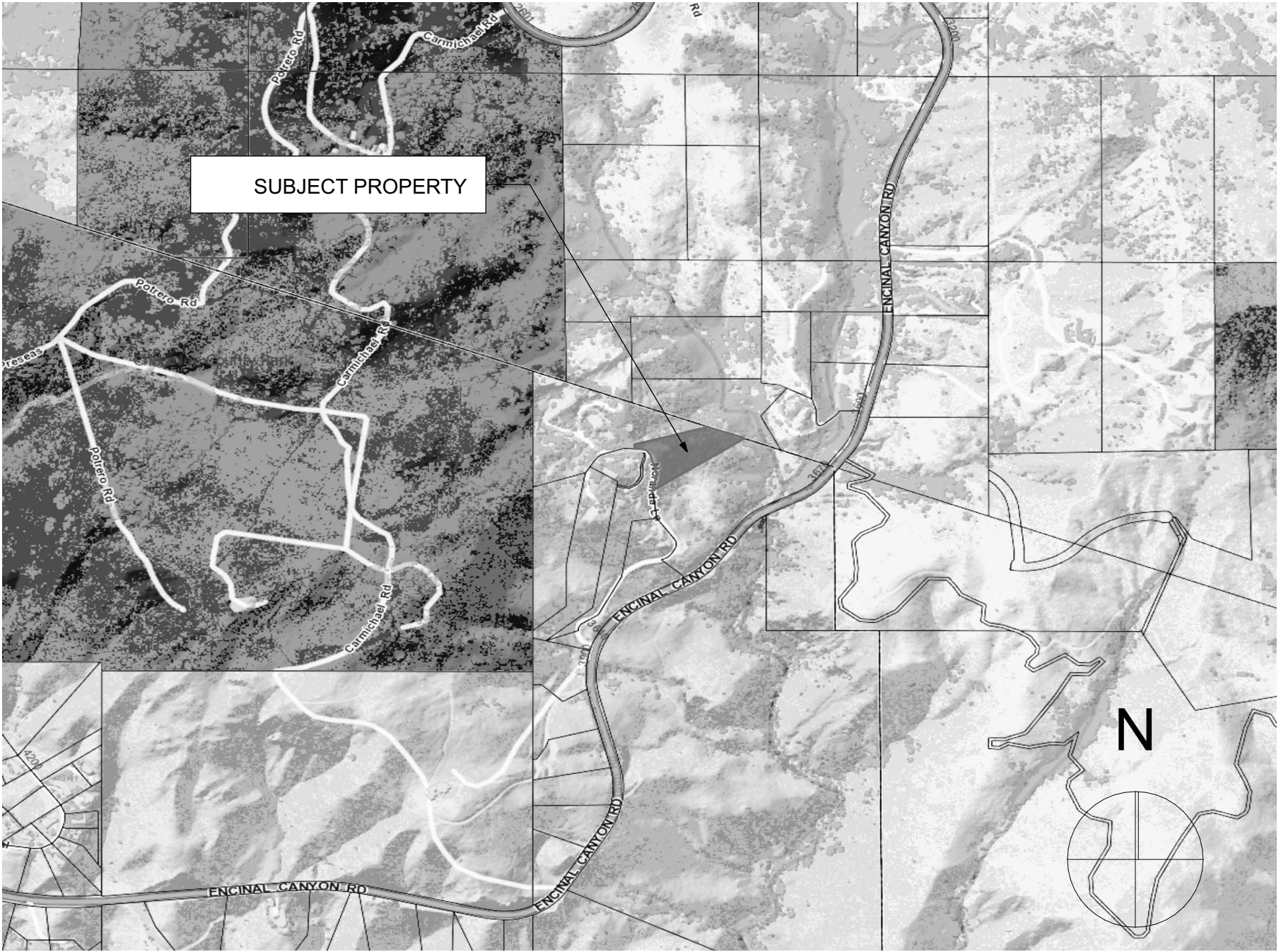
GRADING NON-EXEMPT EARTHWORK QUANTITIES:  
CUT: 579 CU. YRDS.  
FILL: 2 CU. YRDS.  
IMPORT: 0 CU. YRDS.  
EXPORT: 2,036 CU. YRDS. (EXEMPT)  
TOTAL NON-EXEMPT GRADING : 581 CU. YARDS

REFER TO SHEET C-3.0 FOR TGVV FORM.

AUTOMATIC FIRE SPRINKLERS ARE REQUIRED THROUGHOUT HOME AND GARAGE.



L.A. COUNTY ASSESSORS MAP



VICINITY MAP

ATTACHMENT 2

VITUS MATARE & ASSOCIATES, INC.  
P.O. BOX 1204, MALIBU, CA 90265  
310.317.0700  
info@vitusmatare.com



PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

APN  
4473-026-002

STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265  
COVER SHEET

MARK	DATE	DESCRIPTION
15	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-3-21	DB
18	5-10-21	VM
19	5-24-21	VM
20	6-6-21	VM
21	7-24-21	VM

PROJECT NO: STAUSS 1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

A-1.0

SHEET 3

OF 37

THE IDEAS, DESIGN ARRANGEMENTS, DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS PREPARED BY VITUS MATARE & ASSOCIATES, INC. (VMA) FOR THIS PROJECT ARE INSTRUMENTS OF VMA'S SERVICE FOR USE SOLELY WITH RESPECT TO THIS PROJECT, AND VMA SHALL BE DEEMED THE AUTHOR OF THESE DOCUMENTS AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING THE COPYRIGHT. THE IDEAS, DESIGN ARRANGEMENTS, DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS SHALL NOT BE USED BY OR DISCLOSED TO A THIRD PARTY FOR ANY PURPOSE WITHOUT THE WRITTEN PERMISSION OF VITUS MATARE & ASSOCIATES, INC.





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P.O. BOX 1204, MALIBU, CA 90265  
info@vitusmatare.com



PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265  
SITE SURVEY

APN  
4473-026-002

MARK	DATE	DESCRIPTION
15	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-3-21	DB
18	5-10-21	VM
19	5-24-21	VM
20	6-6-21	VM
21	7-24-21	VM

PROJECT NO: STAUSS1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

A-1.1

THE IDEAS, DESIGN ARRANGEMENTS, DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS PREPARED BY VITUS MATARÉ & ASSOCIATES, INC. (VMA) FOR THIS PROJECT ARE INSTRUMENTS OF VMA'S SERVICE FOR USE SOLELY WITH RESPECT TO THIS PROJECT, AND VMA SHALL BE DEEMED THE AUTHOR OF THESE DOCUMENTS AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING THE COPYRIGHT. THE IDEAS, DESIGN ARRANGEMENTS, DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS SHALL NOT BE USED BY OR DISCLOSED TO A THIRD PARTY FOR ANY PURPOSE WITHOUT THE WRITTEN PERMISSION OF VITUS MATARÉ & ASSOCIATES, INC.





THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MALIBU, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 2, AS SHOWN ON PARCEL MAP NO. 3821, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 59 PAGES 35 AND 36 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LANDS AND EVERY PART THEREOF, BUT WITHOUT THE IRHG TO SURFACE ENTRY THEREON, AS RESERVED BY MARBLEHEAD LAND COMPANY, A CORPORATION, IN DEEDS RECORDED MAY 15, 1941 IN BOOK 18417 PAGE 181, OFFICIAL RECORDS, AND NOVEMBER 27, 1941 IN BOOK 18967 PAGE 109, OFFICIAL RECORDS.

AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES TO BE USED IN COMMON WITH OTHERS, OVER THAT PORTION OF NORANDA LANE (PRIVATE DRIVEWAY), LYING WITHIN THE LINES OF PARCELS 1, 2 AND 3, AS SHOWN ON PARCEL MAP NO. 3821, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 59 PAGES 35 AND 36 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND OVER THAT PORTION OF NORANDA LANE (PRIVATE DRIVEWAY), LYING WITHIN THE LINES OF PARCELS 1, 2, 3 AND 4, AS SHOWN ON PARCEL MAP NO. 6081, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 70 PAGES 12 AND 13 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY,

APN: 4473-026-002

Page 1 of 1

1. Provide a minimum unobstructed width of 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior building walls. Fire Code 503.2.1

2. The gradient of Fire Department vehicle access roads shall not exceed 15 percent unless approved by the fire code official. Fire Code 503.2.7
3. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround. Fire Code 503.2.5
4. Fire Department vehicular access roads shall be hard scape all weather access in accordance with the Department's All Weather Access Requirements. Fire Code 503.2.3
- 5 Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
6. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4.
7. Provide approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3

NET LOT AREA = 104,325.6 SQ. FT.

**VITUS MATARÉ & ASSOCIATES, INC.**  
P.O. BOX 1204, MALIBU, CA 90265 310.317.0700  
info@vitusmataré.com

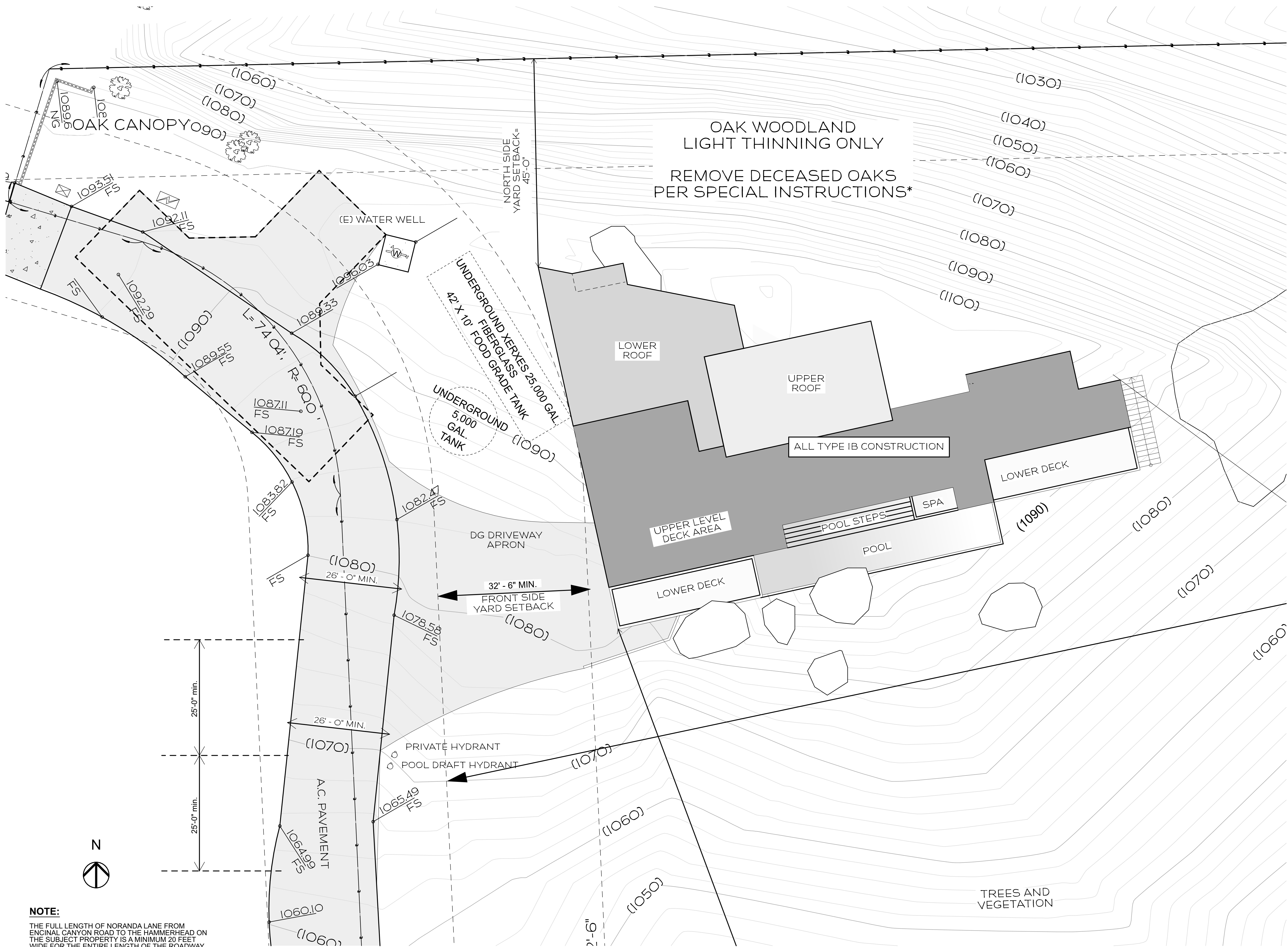


MARK	DATE	DESCRIPTION
13	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-3-21	DB
18	5-10-21	VM
19	5-24-21	VM
20	6-6-21	VM
21	7-24-21	VM

PROJECT NO:	STAUSS 1
MODEL FILE:	3620 NORANDA
DRAWN BY:	L.O.

# A-1.2





**NOTE:**  
THE FULL LENGTH OF NORANDA LANE FROM  
ENCINAL CANYON ROAD TO THE HAMMERHEAD ON  
THE SUBJECT PROPERTY IS A MINIMUM 20 FEET  
WIDE FOR THE ENTIRE LENGTH OF THE ROADWAY.

# 1 FIRE ACCESS SITE PLAN

SCALE: 1" = 10'

VITUS MATARE & ASSOCIATES, INC.  
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310.3170700  
info@vitusmatare.com



PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

## STAUSS RESIDENCE 3620 NORANDA LANE CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265 FIRE ACCESS SITE PLAN

APN 4473-026-002

MARK	DATE	DESCRIPTION
13	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-3-21	DB
18	5-10-21	VM
19	5-24-21	VM
20	6-8-21	VM
21	7-24-21	VM

PROJECT NO: STAUSS 1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

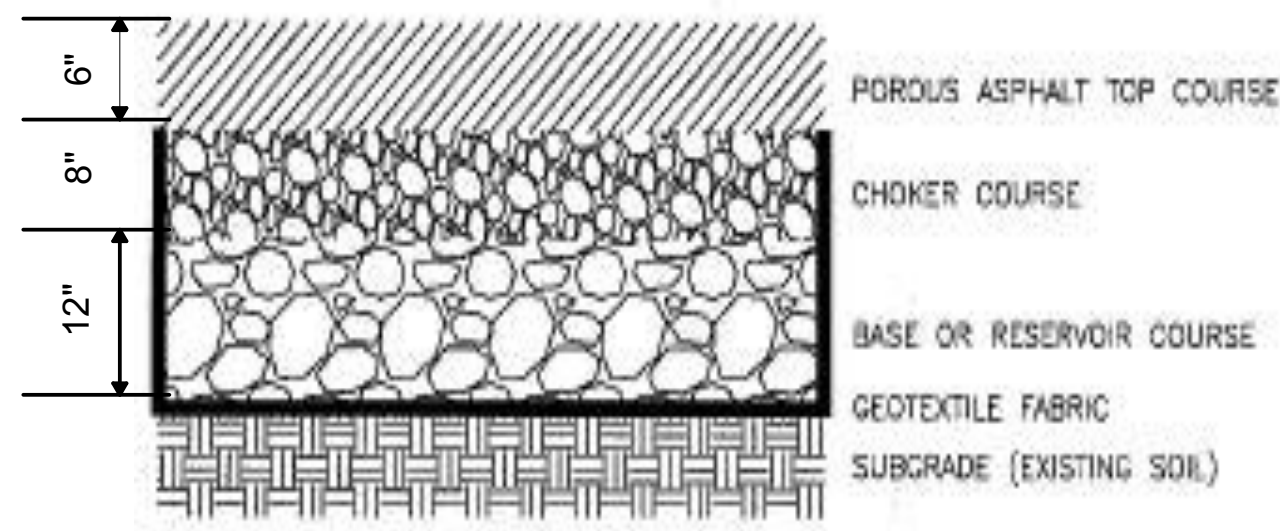
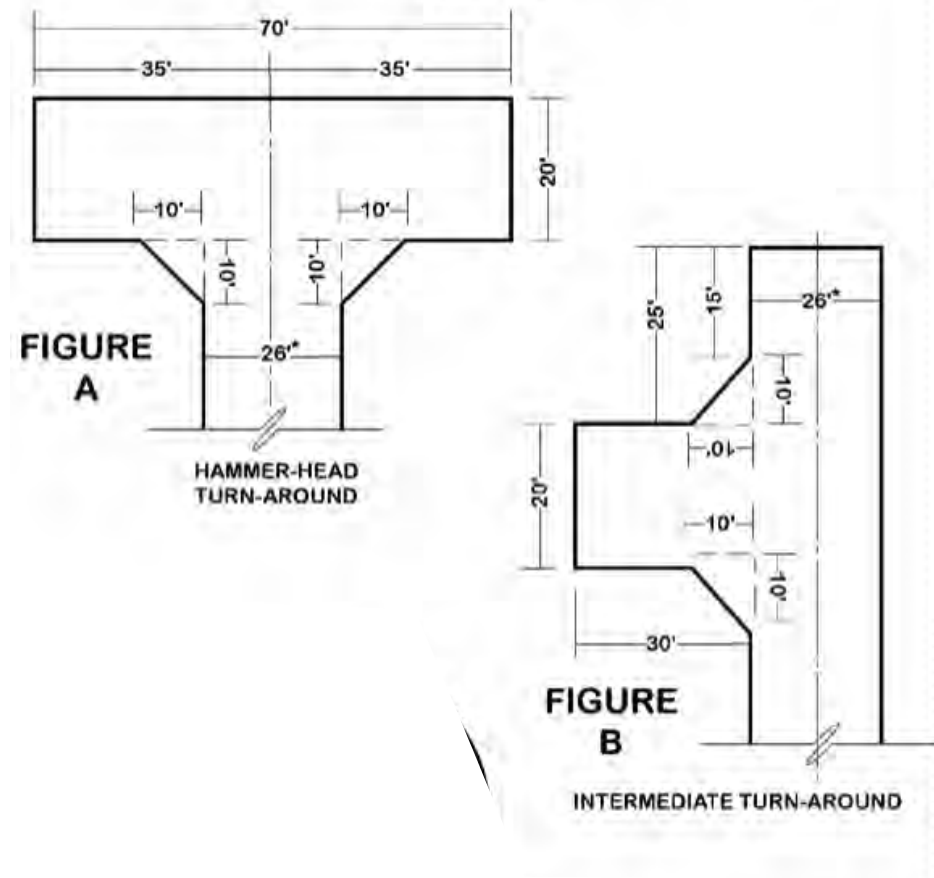
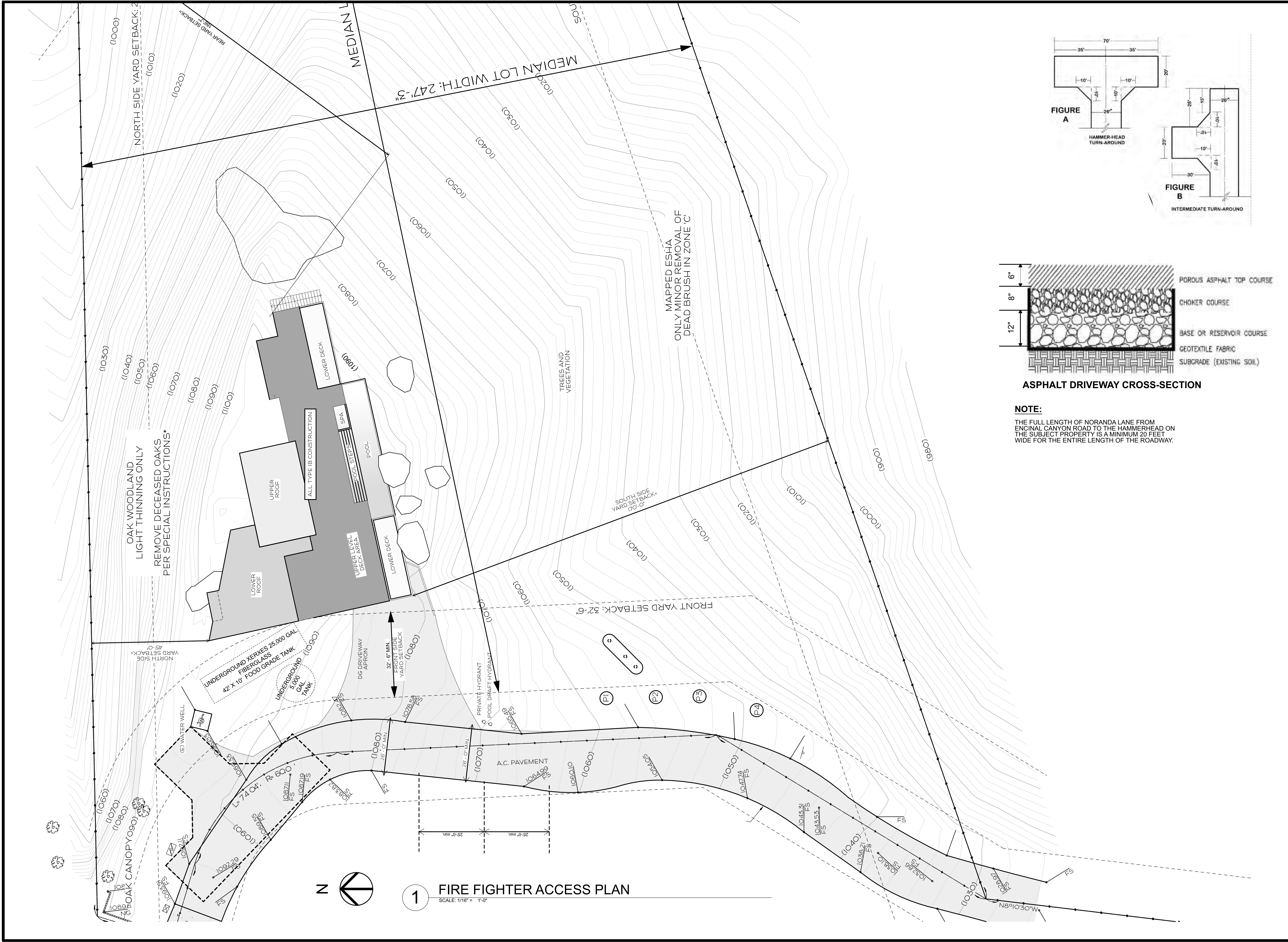
### A-1.2a

SHEET 6

OF 37

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ASPHALT DRIVEWAY CROSS-SECTION

**NOTE:**  
THE FULL LENGTH OF NORANDA LANE FROM ENCINAL CANYON ROAD TO THE HAMMERHEAD ON THE SUBJECT PROPERTY IS A MINIMUM 20 FEET WIDE FOR THE ENTIRE LENGTH OF THE ROADWAY.

**1 FIRE FIGHTER ACCESS PLAN**  
SCALE: 1/16" = 1'-0"

MARK	DATE	DESCRIPTION
15	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-3-21	DB
18	5-10-21	VM
19	5-24-21	VM
20	6-6-21	VM
21	7-24-21	VM

PROJECT NO: STAUSS1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

**A-1.2b**

**VITUS MATARE & ASSOCIATES, INC.**  
P.O. BOX 1204, MALIBU, CA 90265  
310.3170700  
info@vitusmatare.com



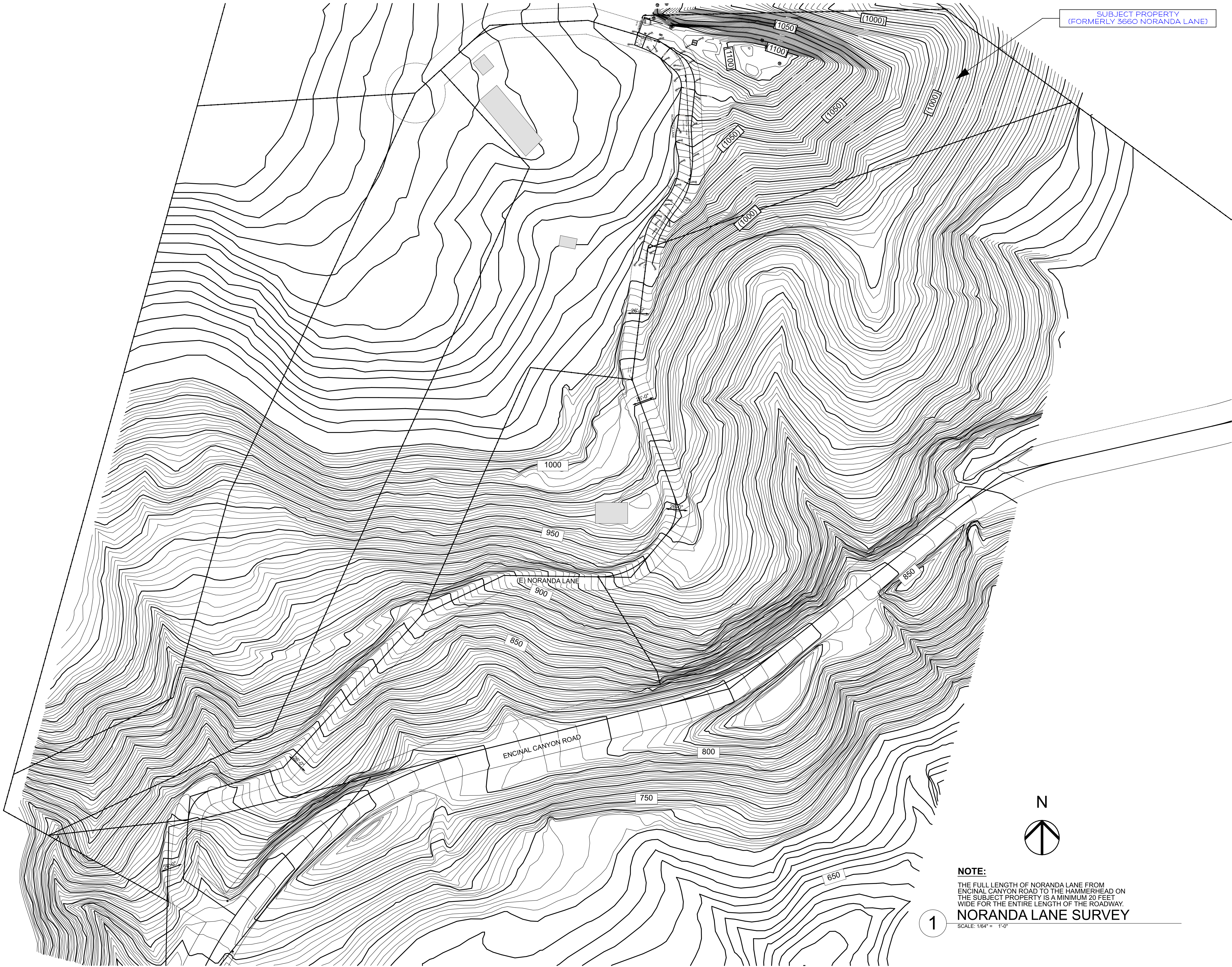
**STAUSS RESIDENCE**  
**3620 NORANDA LANE**  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265  
**FIRE ACCESS PLAN**

APN: 4473-026-002

PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

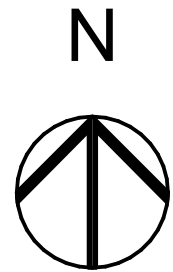
THE IDEAS, DESIGN ARRANGEMENTS, DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS PREPARED BY VITUS MATARE & ASSOCIATES, INC. (VMA) FOR THIS PROJECT ARE INSTRUMENTS OF VMA'S SERVICE FOR USE SOLELY WITH RESPECT TO THIS PROJECT, AND VMA SHALL BE DEEMED THE AUTHOR OF THESE DOCUMENTS AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING THE COPYRIGHT. THE IDEAS, DESIGN ARRANGEMENTS, DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS SHALL NOT BE USED BY OR DISCLOSED TO A THIRD PARTY FOR ANY PURPOSE WITHOUT THE WRITTEN PERMISSION OF VITUS MATARE & ASSOCIATES, INC.





**NOTE:**  
THE FULL LENGTH OF NORANDA LANE FROM  
ENCINAL CANYON ROAD TO THE HAMMERHEAD ON  
THE SUBJECT PROPERTY IS A MINIMUM 20 FEET  
WIDE FOR THE ENTIRE LENGTH OF THE ROADWAY.  
**NORANDA LANE SURVEY**  
SCALE: 1/64" = 1'-0"

1



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info@vitusmatare.com



PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

**STAUSS RESIDENCE**  
**3620 NORANDA LANE**  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265  
**ACCESS ROAD SURVEY**

APN  
4473-026-002

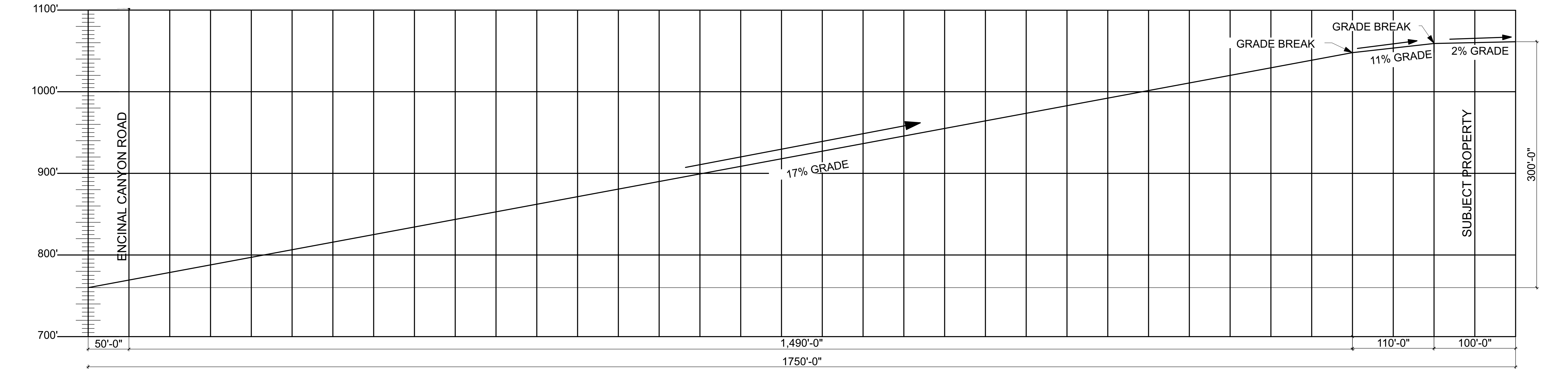
MARK	DATE	DESCRIPTION
13	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-3-21	DB
18	5-10-21	VM
19	5-24-21	VM
20	6-8-21	VM
21	7-24-21	VM

PROJECT NO: STAUSS 1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

**A-1.2c**

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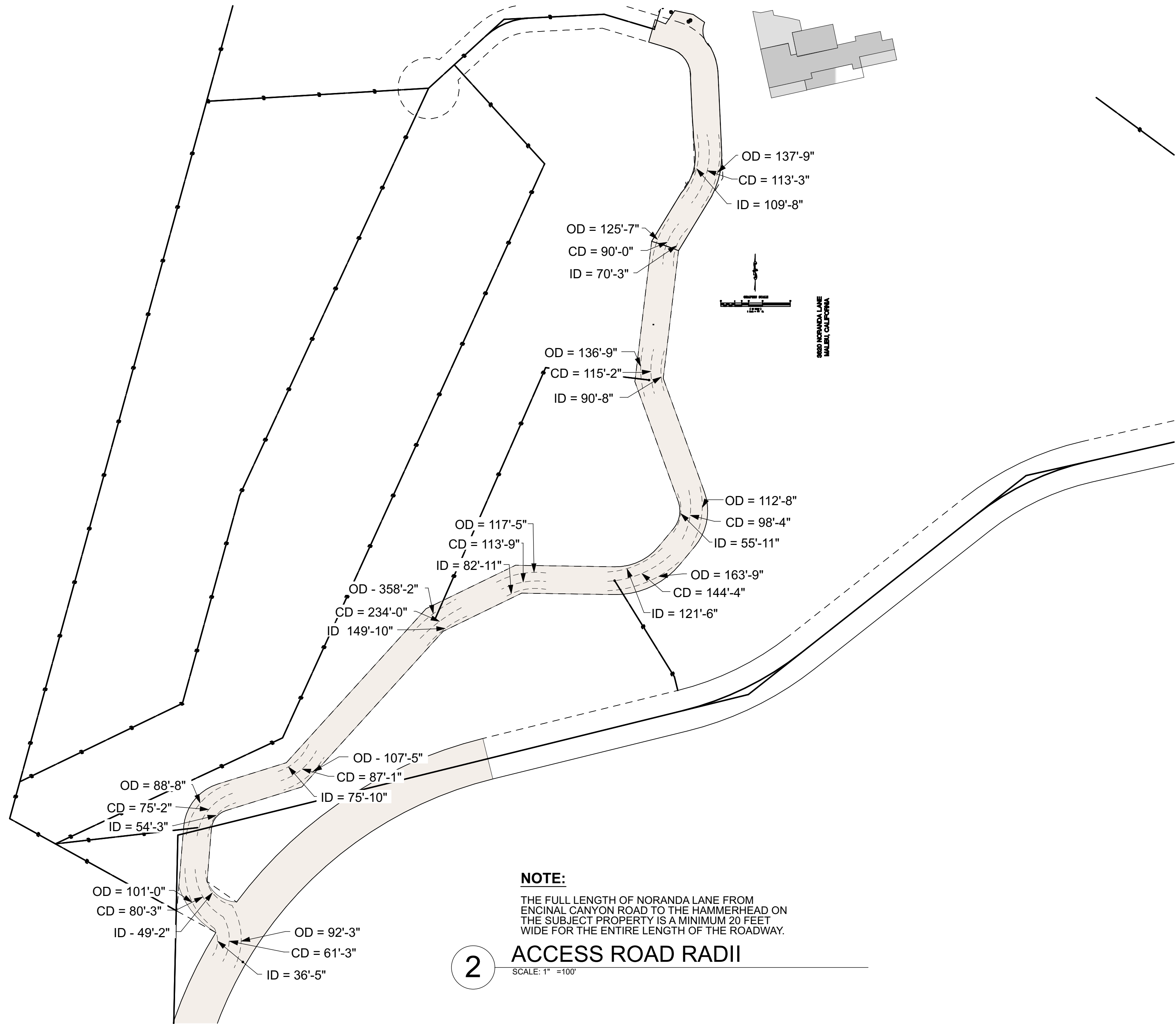




## 1 ROAD SLOPE/GRADE PERCENTAGE

### FIRE PREVENTION BUREAU NOTES:

1. Provide a minimum unobstructed width of 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior building walls. Fire Code 503.2.1
  2. The gradient of Fire Department vehicle access roads shall not exceed 15 percent unless approved by the fire code official. Fire Code 503.2.7
  3. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround. Fire Code 503.2.5
  4. Fire Department vehicular access roads shall be hard scape all weather access in accordance with the Department's All Weather Access Requirements. Fire Code 503.2.3
  5. When security gates are provided, maintain a minimum access width of 20 feet clear width. The security gate shall be provided with an approved means of emergency operation, and shall be maintained operational at all times and replaced or repaired when defective. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F220. Gates shall be of the swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6
  6. Fire apparatus access roads shall be identified with approved signs. Temporary signs shall be installed at each intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs. Fire Code 505.2
  7. Fire Department vehicular access roads shall be provided with a 32 foot centerline turning radius. Fire Code 503.2.4
  8. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1
  9. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus weighing 25 tons and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of 10 percent or greater shall have a paved or concrete surface. Fire Code 503.2.3
  10. Decking, surfaces, stair treads, risers, and landings of decks, porches, and balconies where any portion of such surface is within 10 feet of the primary structure shall be of concrete and fire retardant treated wood construction (Residential Code R327.9.1 and Building Code 709A.3)
  11. Grade breaks shall not exceed the maximum angle of approach or departure for Fire Department apparatus, which should not exceed a maximum of 10 percent in 10 feet. Fire Code 503.2.8
  12. A minimum of 5 foot wide approved firefighter access walkway leading from the fire apparatus access road to the building's exterior openings shall be provided for fire fighting and rescue purposes. Fire Code 504.1
  13. The required fire flow for fire hydrants at this location is 1250 gpm, at 20 psi residual pressure, for a duration of 2 hours over and above maximum daily domestic demand. Fire Code 507.3 and Appendix B105.1 Appendix B.
  14. Provide an approved automatic fire sprinkler system as set forth by Building Code 903 and Fire Code 903. Plans shall be submitted to the Sprinkler Plan Check Unit for review and approval prior to installation
- Reason: Residential code & Fire Code 903.2.11.7 & fire flow reduction
- Type of fire sprinkler system: 903.3.1.1, 903.3.1.2, 903.3.1.3
15. Smoke alarms shall be installed in the following locations: 1. In each sleeping room. 2. Outside each separate sleeping area in the immediate vicinity of the bedrooms. 3. On each additional story of the dwelling, including basements and habitable attics but not including crawl spaces and uninhabitable attic spaces. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. Residential Code R314.3
  16. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
  17. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4.
  18. Provide approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3



## 2 ACCESS ROAD RADII

**NOTE:**  
THE FULL LENGTH OF NORANDA LANE FROM ENCINAL CANYON ROAD TO THE HAMMERHEAD ON THE SUBJECT PROPERTY IS A MINIMUM 20 FEET WIDE FOR THE ENTIRE LENGTH OF THE ROADWAY.

VITUS MATARE & ASSOCIATES, INC.  
P.O. BOX 1204, MALIBU, CA 90265  
310.317.0700  
info@vitusmatare.com



PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265  
ROAD GRADE/ RADII

APN  
4473-026-002

MARK	DATE	DESCRIPTION
13	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-3-21	DB
18	5-10-21	VM
19	5-24-21	VM
20	6-8-21	VM
21	7-24-21	VM

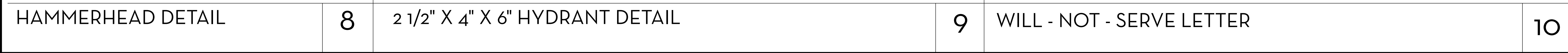
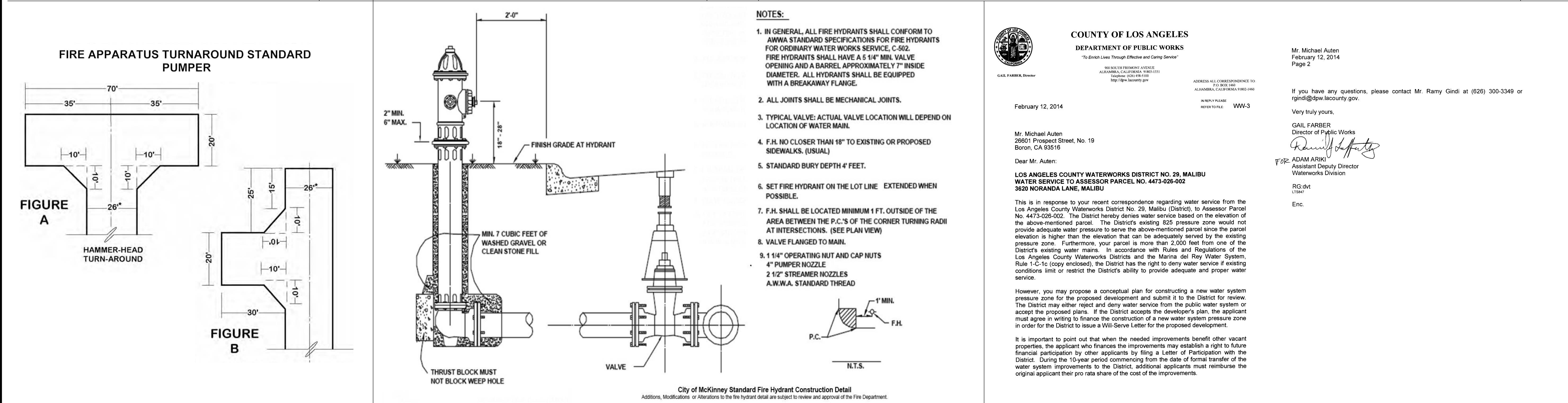
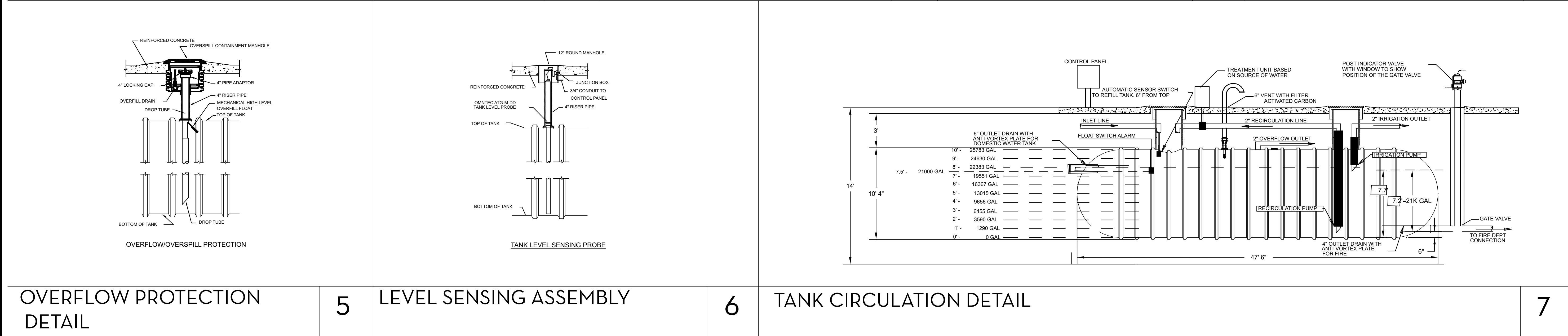
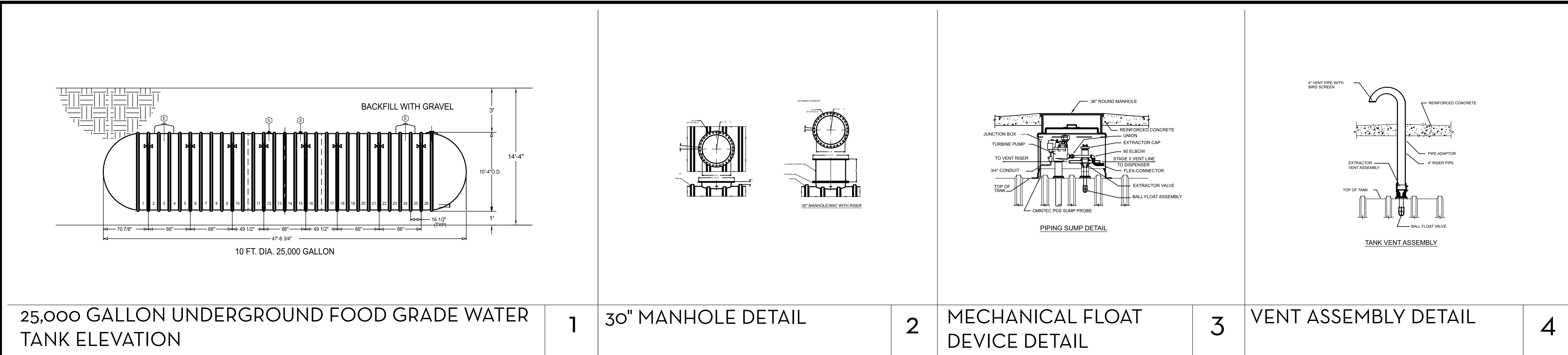
PROJECT NO: STAUSS 1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

A-1.2d









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P.O. BOX 1204, MALIBU, CA 90265  
310.3170700  
info@vitusmatare.com

PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265

WATER STORAGE DETAILS

APN: 4473-026-002

MARK	DATE	DESCRIPTION
15	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-3-21	DB
18	5-10-21	VM
19	5-24-21	VM
20	6-8-21	VM
21	7-24-21	VM

PROJECT NO: STAUSS1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

A-1.2f

SHEET 11 OF 37



I. INTRODUCTION

- A. Purpose: To provide Department standards necessary for the installation, testing and inspection of draft hydrant systems installed on auxiliary water sources located within a Very High Fire Hazard Severity Zone (V.H.F.H.S.Z.).
1. To provide Department standards for the identification of swimming pools or spas located within a V.H.F.H.S.Z.
- B. Scope: This regulation shall apply to all required draft hydrant systems on auxiliary water sources in the unincorporated area of Los Angeles County and in incorporated cities located within the V.H.F.H.S.Z. adopting Ordinance #95-0029.
1. This regulation shall apply to all swimming pools or spas with a 5,000-gallon capacity or greater.
- C. Author: The Deputy Chief of the Prevention Services Bureau, through the Assistant Fire Chief (Fire Marshal) of the Fire Prevention Division, is responsible for the content, revision, and periodic review of this regulation.
- D. Authority: Los Angeles County Fire Code, Title 32, Section 903.5, and Section 903.6, Los Angeles County Plumbing Code, Title 28, Appendix G.

II. RESPONSIBILITY

- A. All individuals and companies who engage in the installation of swimming pools located in a V.H.F.H.S.Z. or are subject to the requirements of this regulation.
- B. All fire department personnel with enforcement responsibilities shall be guided by this regulation to ensure the proper installation of a draft hydrant system or proper identification of swimming pools or spas when required in a V.H.F.H.S.Z.

07/25/05  
Regulation #26

1 of 8

V7-C1-S26  
Auxiliary Water Sources

III. POLICY

- A. Swimming Pools and Spas – Draft Hydrants
1. This Department in conjunction with the appropriate Building and Safety Office shall ensure that all new swimming pools and spas constructed in a V.H.F.H.S.Z. and having a capacity of 5,000 gallons or more, shall have a minimum 4 inch diameter drain and discharge line connected to a draft hydrant.
2. Exceptions:
- a. Swimming pools constructed or installed with the bottom of the pool more than 15 feet below the proposed draft hydrant connection elevation, measured vertically, need not be provided with a draft hydrant system.
- b. Properties that are adequately served by access roads that comply with fire department standards, and have a properly spaced fire hydrant capable of flowing a minimum of 1250 GPM (Gallons Per Minute) for 2 hours, may be exempted.
- c. Residential properties built prior to August 13, 1995 where, in the opinion of the chief, there are practical difficulties causing an undue hardship the requirement may then be modified.
- B. Swimming Pools and Spas – Identification
1. This Department shall ensure that all new or existing swimming pools and spas constructed or located in V.H.F.H.S.Z. with a capacity of 5,000 or more gallons shall be identified with a permanent sign. The sign is to indicate the presence of an emergency water source for fire fighting purposes.
2. Exceptions:
- a. Swimming pools and spas constructed with a draft hydrant system and need not be identified with a pool sign.
- b. Where curb address numbers are placed pools and painting a pool graphic next to the curb address numbers may identify spas.

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Regulation #26

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Auxiliary Water Sources

IV. PROCEDURES

- A. Swimming Pools and Spas – Draft Hydrants
1. Permits: Permit applications for a swimming pool located in a V.H.F.H.S.Z. shall be submitted at the appropriate Building and Safety office and forwarded to the fire department for review and stamped approval.
- NOTE: The Fire Prevention Engineering Section shall review the pool construction drawings to verify compliance with requirements contained within this regulation.
2. Inspections: The appropriate Fire Prevention Division inspector shall inspect, test, and approve the draft hydrant system prior to final approval by Building and Safety.
3. General Requirements:
- a. Supply Piping Requirements:
- (1) The hydrant connection shall be made 18" above the lowest elevation of the pool.
- (2) The piping system shall be installed in an approved manner and shall be separate (not interconnected) from the pool piping network
- (3) A minimum 4" schedule 40 pipe shall be used to supply the hydrant.
- (4) The pipe may be plastic, but only where buried. Pipe exposed to sunlight or above grade shall be galvanized steel.
- (5) A minimum 6" grate shall be supplied at the pool connection, to eliminate debris from entering the piping.
- (6) The depth of buries for underground pipe shall be a minimum of 24" with a minimum of 36", where subject to vehicular travel.
- (7) Piping shall be installed to not create air pockets or unnecessary turbulence in the piping.

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Regulation #26

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Auxiliary Water Sources

- (8) Piping shall be hydrostatically tested at 50 psi (min) for 2 hours.
- (9) After installation, the piping shall be thoroughly flushed to remove foreign materials that may have entered the underground piping during installation.
- (10) Prior to Building and Safety final approval the pool, grate, hydrant and identification sign shall be inspected and approved by the Fire Department inspector.
- b. Hydrant Requirements:
- (1) The hydrant shall be an angle type wharf hydrant with a 4" NPT (National Pipe Thread) inlet, and a 2 1/2" male, NST National Standard Thread) hose threat outlet. The outlet shall meet AWWA (American Water Works Association) C-503 requirements, or an approved equal without hand wheel. A plastic cap shall also be provided to protect the threads.
- (2) The hydrant outlet shall be within 5 feet of the access roadway on the approach side of the structure.
- (3) The hydrant outlet shall be a minimum 25 feet from the closest point of the structure.
- (4) The hydrant outlet shall be located 14 inches to 24 inches above finished grade (as measured from the center of the outlet).
- (5) The hydrant outlet shall be located such that access will not be impaired during engine operation (i.e., straight, clear access within 15 feet of each side of outlet).
- (6) Barricades shall be provided when potential hazards to the hydrant exist.
- (7) The hydrant shall be painted with two coats of red primer and one coat of fire engine red with the exception of the stem and threads.

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Regulation #26

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Auxiliary Water Sources

c. Identification Size and Type:

- (1) All pools and spas with draft hydrants shall be posted with a permanent sign, indicating their presence.
- (2) The sign for pools and spas with drafting hydrants shall be a white fire hydrant icon, with a red background. (See Appendix)
- (3) The sign dimensions for drafting hydrants shall be a minimum 10 inches high and 7 1/2 inches wide.
- (4) Signs shall be rectangular in shape. The sign shall be a white retro-reflective, fade resistant, and able to withstand the elements. Graphics shall be white on red. The sign shall be adequately fastened to a sturdy post, with the top of the sign a minimum of 36" above the ground.

d. Identification Location:

- (1) For pools and spas with drafting hydrants, the sign shall be posted at the point of access to the hydrant, and shall be visible from the street or all-weather fire department access road. The hydrant shall be visible from the sign location.
- (2) At the discretion of the fire inspector, additional signs may be required to adequately direct the fire department to the water source. The inspector may direct that signs are posted at alternate locations if upon field inspection, such a location provides better visibility.
- (3) The property owner shall be responsible to maintain or replace the required signs if damaged or removed by unauthorized person(s). The property owner or occupant shall maintain the sign free of vegetative growth.
- (4) Signs shall not be tampered with or otherwise vandalized.
- (5) Signs shall not be removed without the permission of the Fire Chief or his authorized representative.

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Regulation #26

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Auxiliary Water Sources

B. Swimming Pools and Spas – Identification

1. Inspections: Jurisdictional fire station personnel shall inspect and approve sign locations. Jurisdictional fire station personnel shall insure proper maintenance of signs during annual brush clearance inspection.
2. General Requirements:
- a. All new or existing pools and spas, 5,000 gallon capacity or greater, located in V.H.F.H.S.Z. shall be identified by a permanent sign.
- b. Exceptions:
- (1) Swimming pools constructed with a draft hydrant system, and so identified, need not be identified with a pool sign.
- (2) Where curb address numbers exist, pools and painting of a pool graphic next to the curb address numbers may identify spas. The pool graphic shall depict a white water-and-swimmer against a blue background. The pool graphic shall be rectangular in shape and a minimum of 4 inches high and 4 inches wide. The pool graphic shall be maintained in a legible condition and repainted as necessary.
- a. The pool or spa sign shall depict a white water-and-swimmer icon with a blue background. (See Appendix)
- b. The dimensions for pool or spa sign shall be minimum 10 inches high and 7 1/2 inches wide.
- c. Pool and spa signs shall be rectangular in shape, with retro-reflective, fade resistant, and able to withstand the elements. Graphics shall be white on blue.
- d. Sign shall be securely fastened to a building or post, with the top of the sign a minimum of 36 inches above the ground.

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Regulation #26

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V7-C1-S26  
Auxiliary Water Sources

- (e) Pool and spa signs shall be placed and maintained in such a position as to be plainly visible from the street or road fronting the property. Location shall be subject to Fire Department approval.
- (f) At the discretion of the fire inspector, additional signs may be required to adequately direct the Fire Department to the water source. The inspector may direct that signs be posted at alternate locations if upon field inspection, such a location provides better visibility.
- (g) The property owner shall be responsible to maintain or replace the required signs if damaged or removed by unauthorized person(s). The property owner or occupant shall maintain the sign free of vegetative growth.
- (h) Signs shall not be tampered with or otherwise vandalized.
- (i) Signs shall not be removed without the permission of the Fire Chief or his authorized representative.

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Regulation #26

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Auxiliary Water Sources

APPENDIX

EXAMPLE OF POOL DRAFT HYDRANT IDENTIFICATION



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Regulation #26

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Auxiliary Water Sources

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PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

4473-026-002

STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265

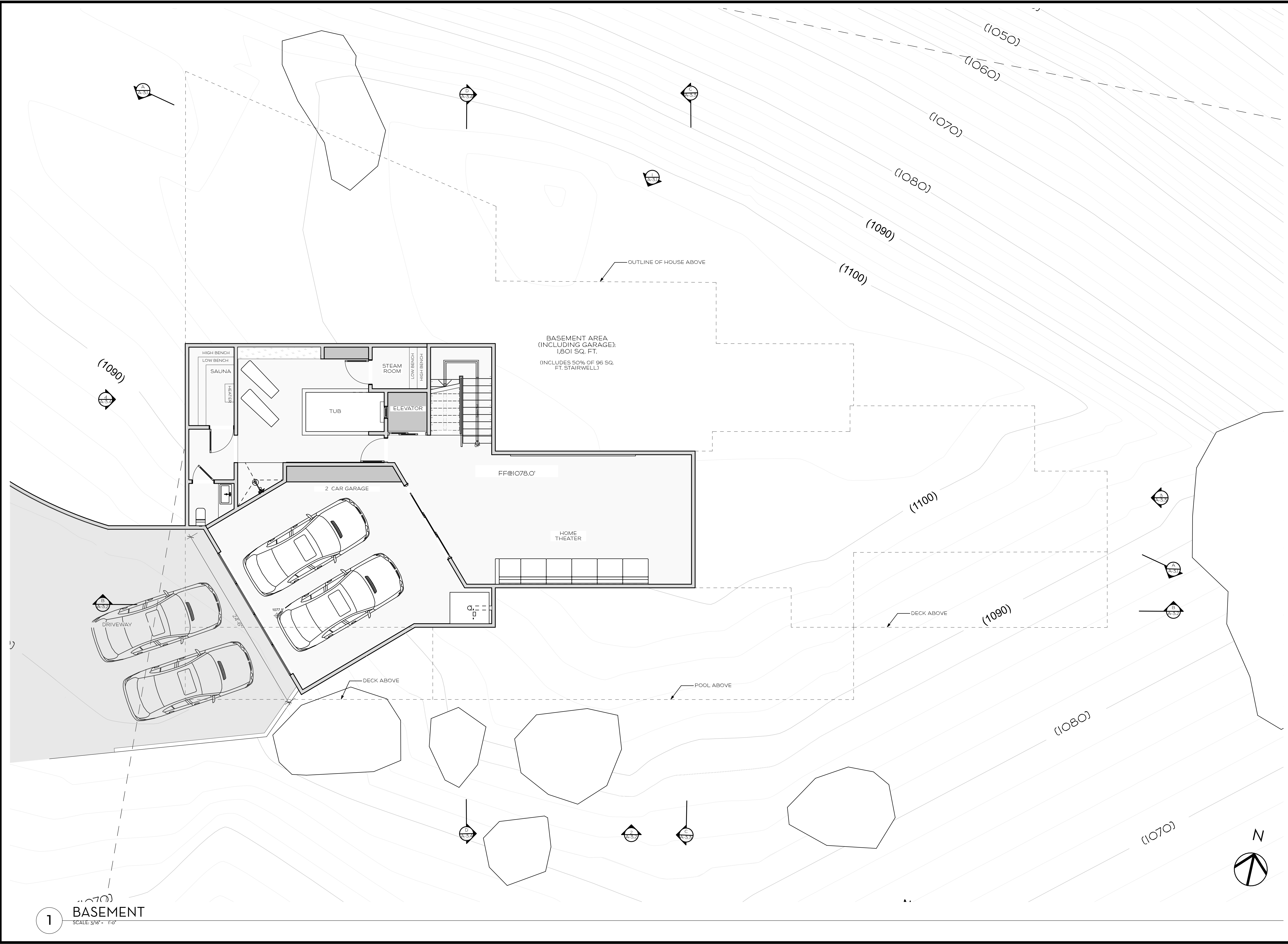
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15	10-8-20	VM
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17	5-3-21	DB
18	5-10-21	VM
19	5-24-21	VM
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21	7-24-21	VM

PROJECT NO: STAUSS 1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

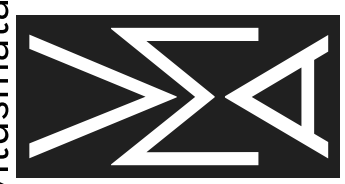
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1 BASEMENT  
SCALE: 3/16" = 1'-0"

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CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265

APN 4473-026-002

BASEMENT PLAN VIEW

MARK	DATE	DESCRIPTION
13	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-3-21	DB
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21	7-24-21	VM

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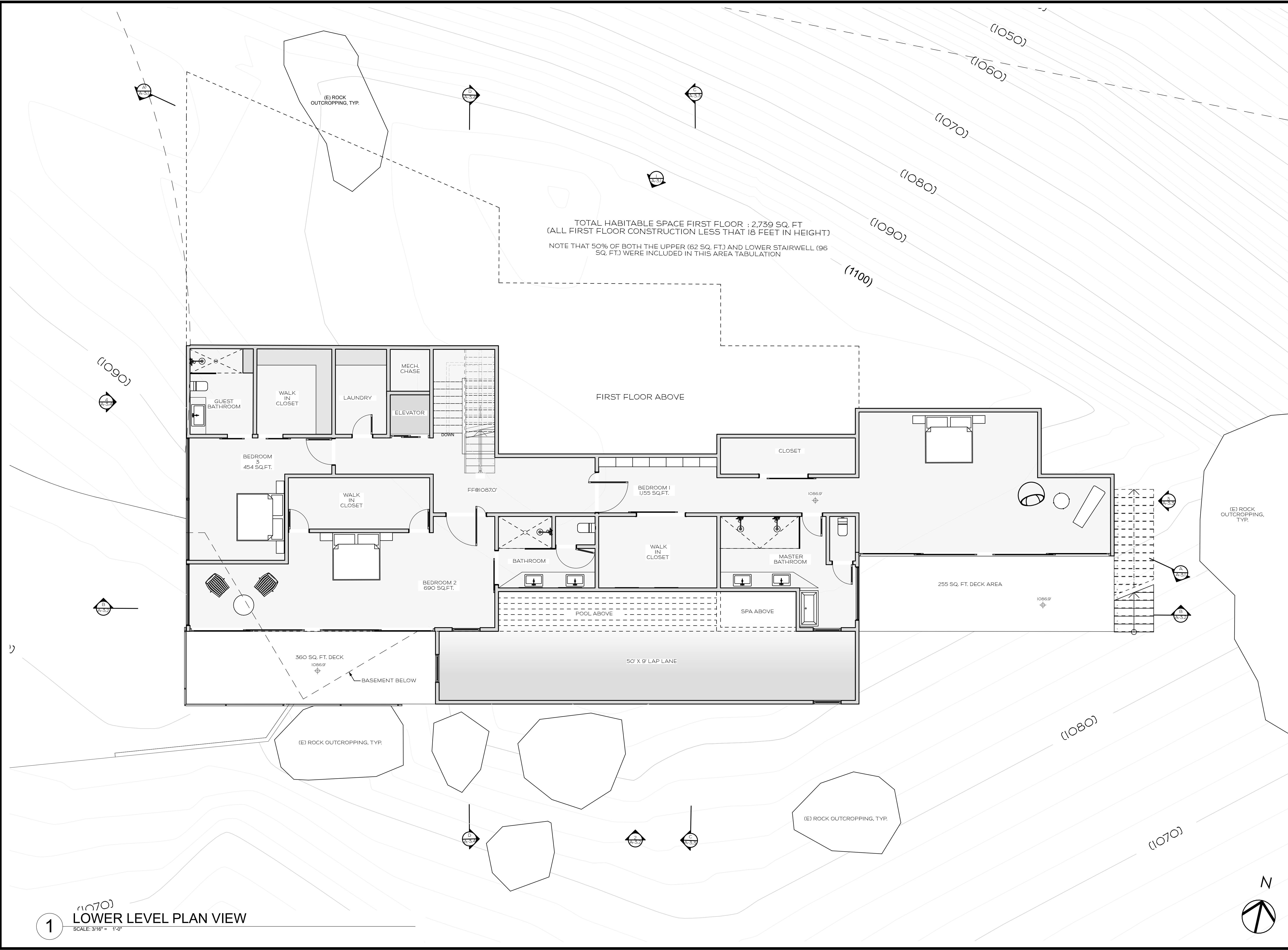
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DRAWN BY: L.O.

A-2.1

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TOTAL HABITABLE SPACE FIRST FLOOR : 2,739 SQ. FT.  
(ALL FIRST FLOOR CONSTRUCTION LESS THAN 18 FEET IN HEIGHT)  
NOTE THAT 50% OF BOTH THE UPPER (62 SQ. FT.) AND LOWER STAIRWELL (96 SQ. FT.) WERE INCLUDED IN THIS AREA TABULATION

FIRST FLOOR ABOVE

50' X 9' LAP LANE

255 SQ. FT. DECK AREA

360 SQ. FT. DECK

BASEMENT BELOW

BEDROOM 3  
454 SQ. FT.

WALK  
IN  
CLOSET

BEDROOM 2  
690 SQ. FT.

BATHROOM

BEDROOM 1  
1155 SQ. FT.

WALK  
IN  
CLOSET

MASTER  
BATHROOM

POOL ABOVE

SPA ABOVE

CLOSET

ELEVATOR

LAUNDRY

WALK  
IN  
CLOSET

GUEST  
BATHROOM

(E) ROCK  
OUTCROPPING, TYP.

(E) ROCK  
OUTCROPPING,  
TYP.

(E) ROCK OUTCROPPING, TYP.

(E) ROCK OUTCROPPING, TYP.

1 LOWER LEVEL PLAN VIEW  
SCALE: 3/16" = 1'-0"

STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265  
LOWER LEVEL PLAN VIEW

MARK	DATE	DESCRIPTION
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16	12-11-20	DB
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21	7-24-21	VM

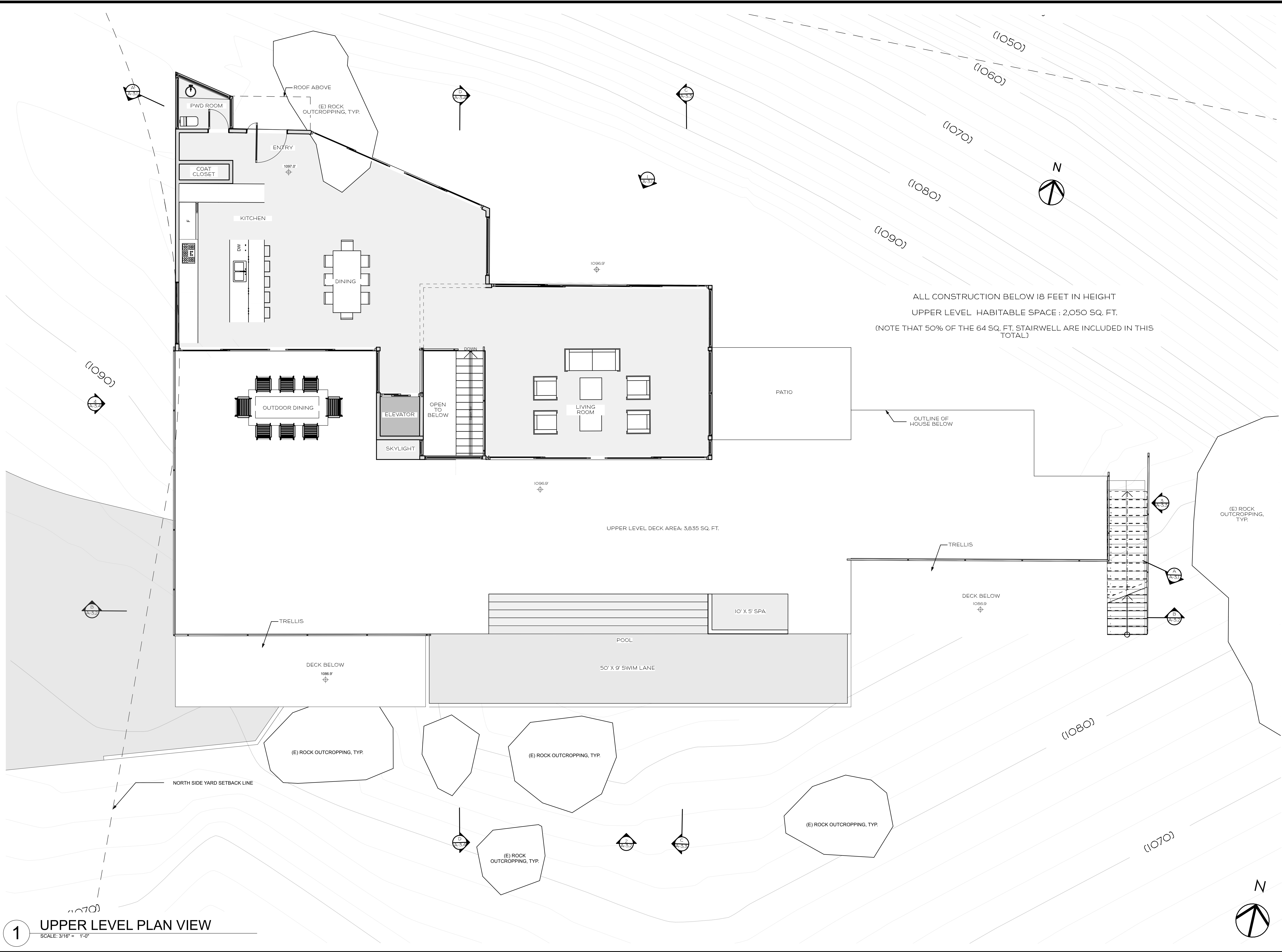
PROJECT NO: STAUSS 1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

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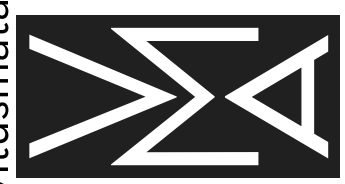


1 UPPER LEVEL PLAN VIEW  
SCALE: 3/16" = 1'-0"

ALL CONSTRUCTION BELOW 18 FEET IN HEIGHT  
UPPER LEVEL HABITABLE SPACE : 2,050 SQ. FT.  
(NOTE THAT 50% OF THE 64 SQ. FT. STAIRWELL ARE INCLUDED IN THIS TOTAL.)

UPPER LEVEL DECK AREA: 3,835 SQ. FT.

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3620 NORANDA LANE  
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UPPER LEVEL PLAN VIEW

APN 4473-026-002

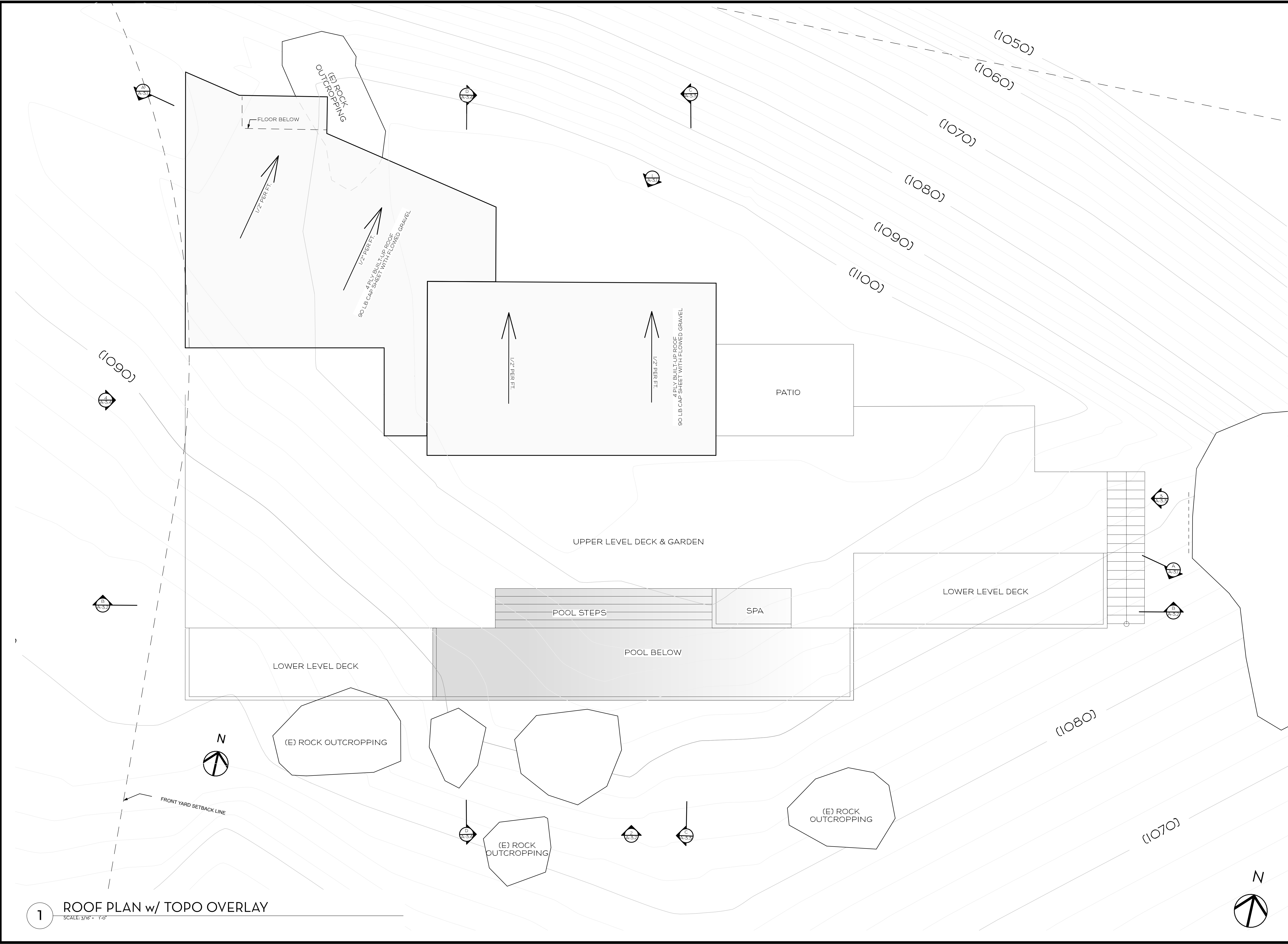
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19	5-24-21	VM
20	6-8-21	VM
21	7-24-21	VM

PROJECT NO: STAUSS 1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

A-2.3


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1 ROOF PLAN w/ TOPO OVERLAY  
SCALE: 3/16" = 1'-0"

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3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265

APN 4473-026-002

ROOF PLAN

MARK	DATE	DESCRIPTION
13	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
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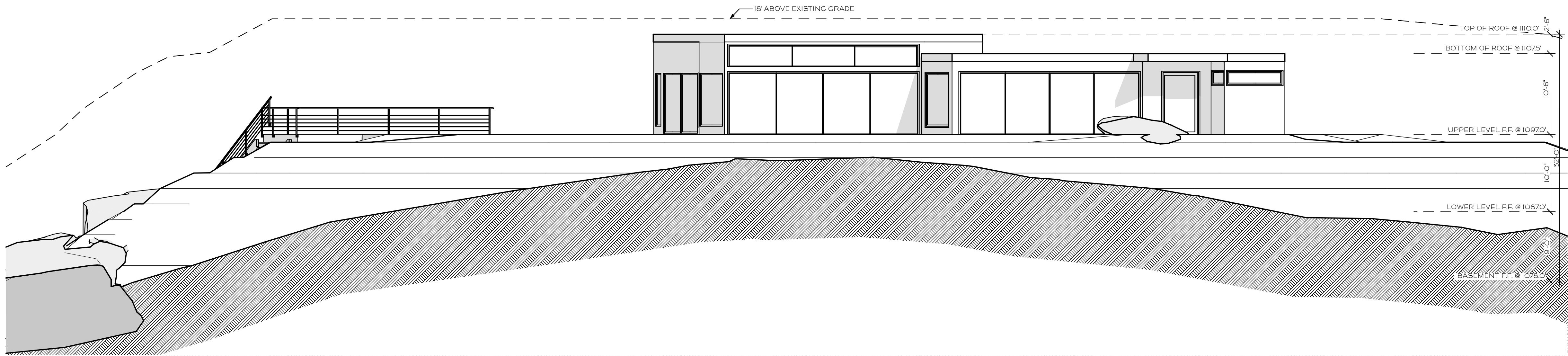
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MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

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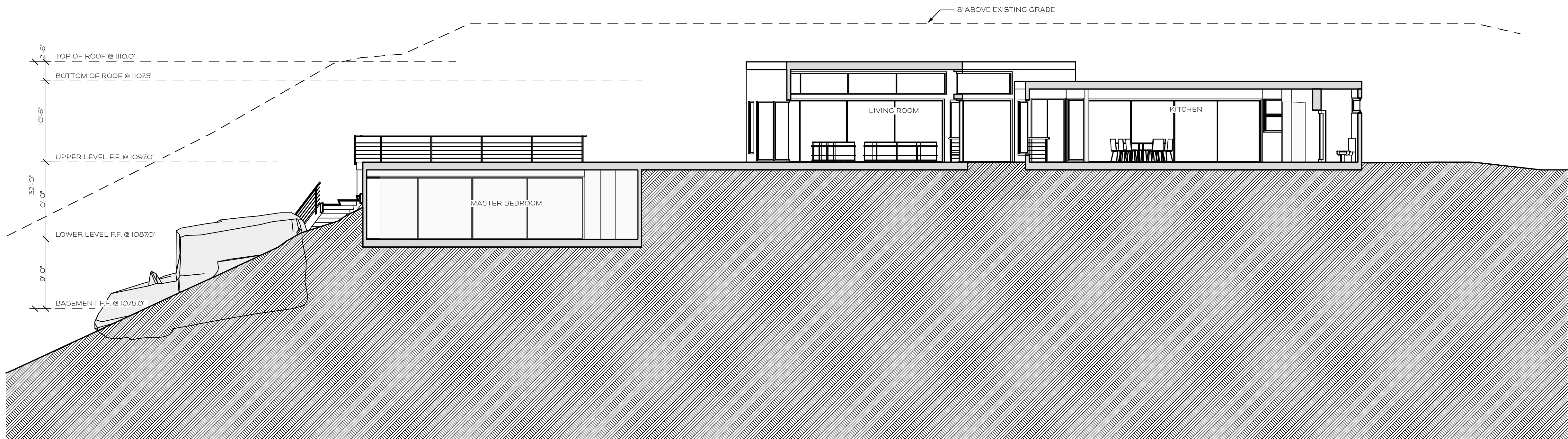
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1 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



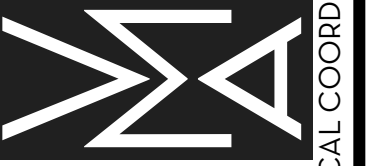
A NORTH SECTION  
SCALE: 1/8" = 1'-0"

# STAUSS RESIDENCE 3620 NORANDA LANE CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265

APN  
4473-026-002

NORTH ELEVATION/ SECTION

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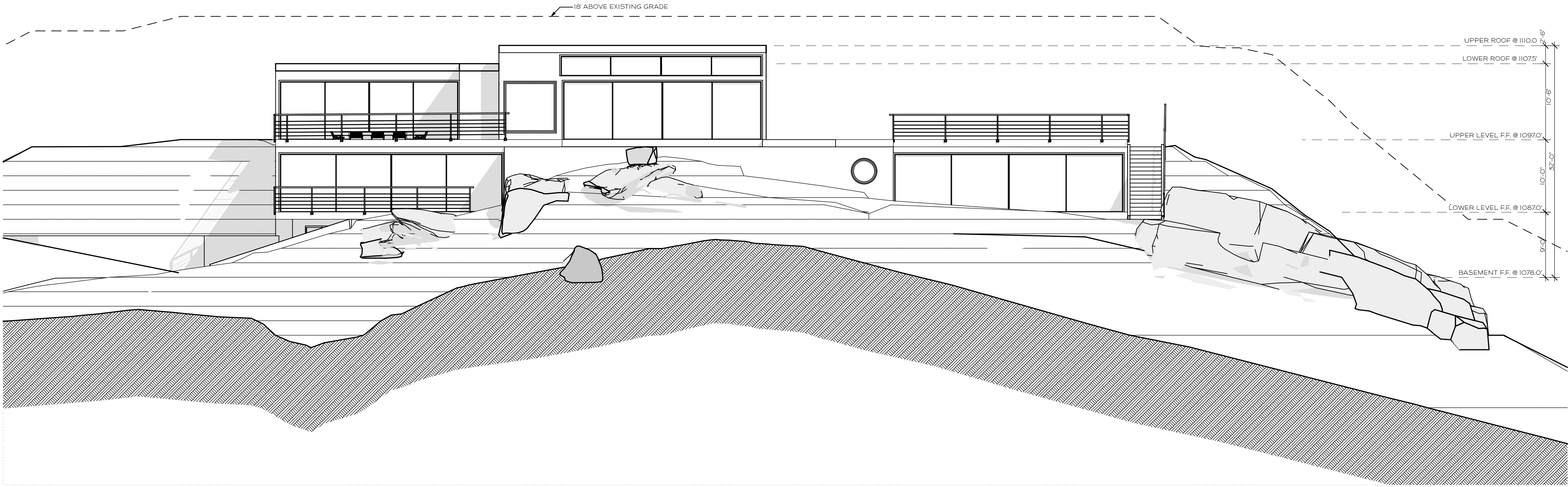


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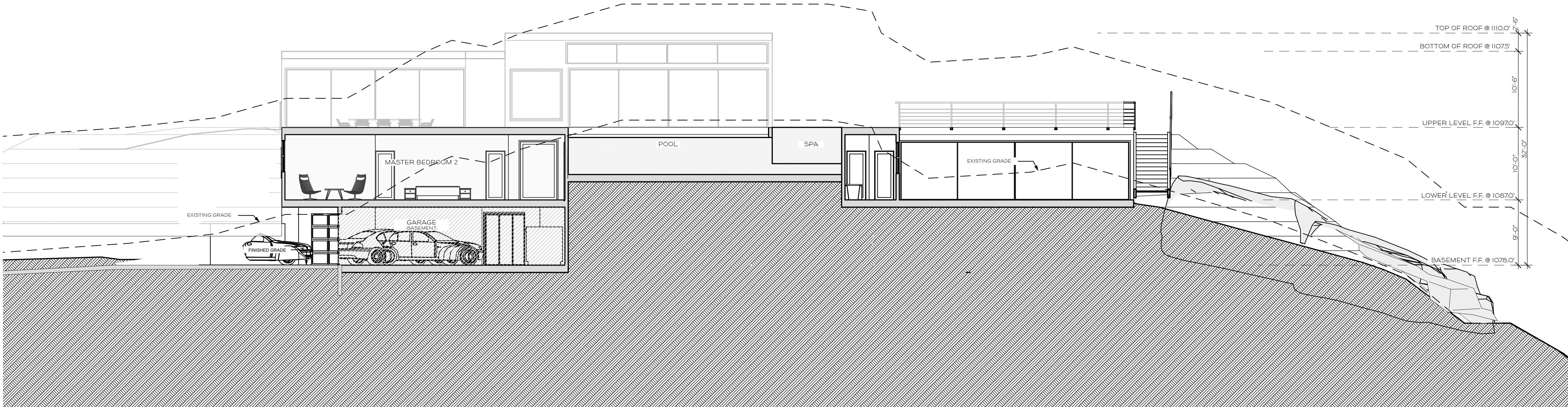
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PROJECT NO: STAUSS 1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

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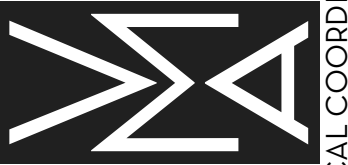


2 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



B SOUTH SECTION  
SCALE: 1/8" = 1'-0"

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PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

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3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265  
SOUTH ELEVATION/ SECTION

APN 4473-026-002

MARK	DATE	DESCRIPTION
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19	5-24-21	VM
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DRAWN BY: L.O.

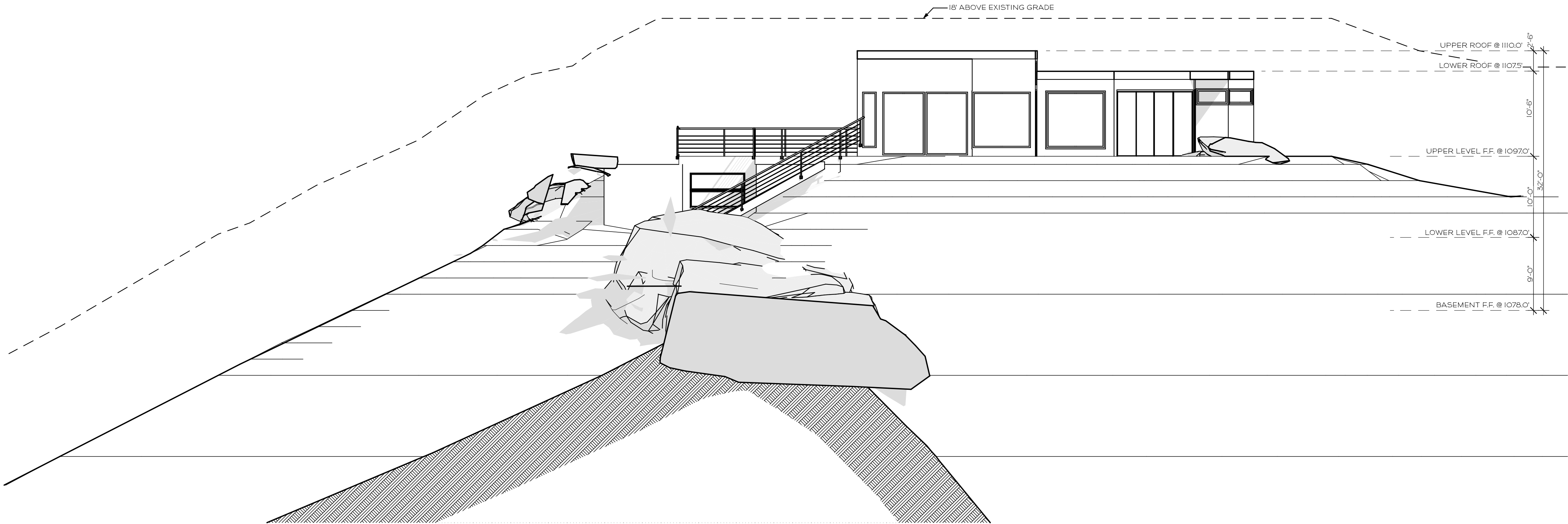
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A-3.3

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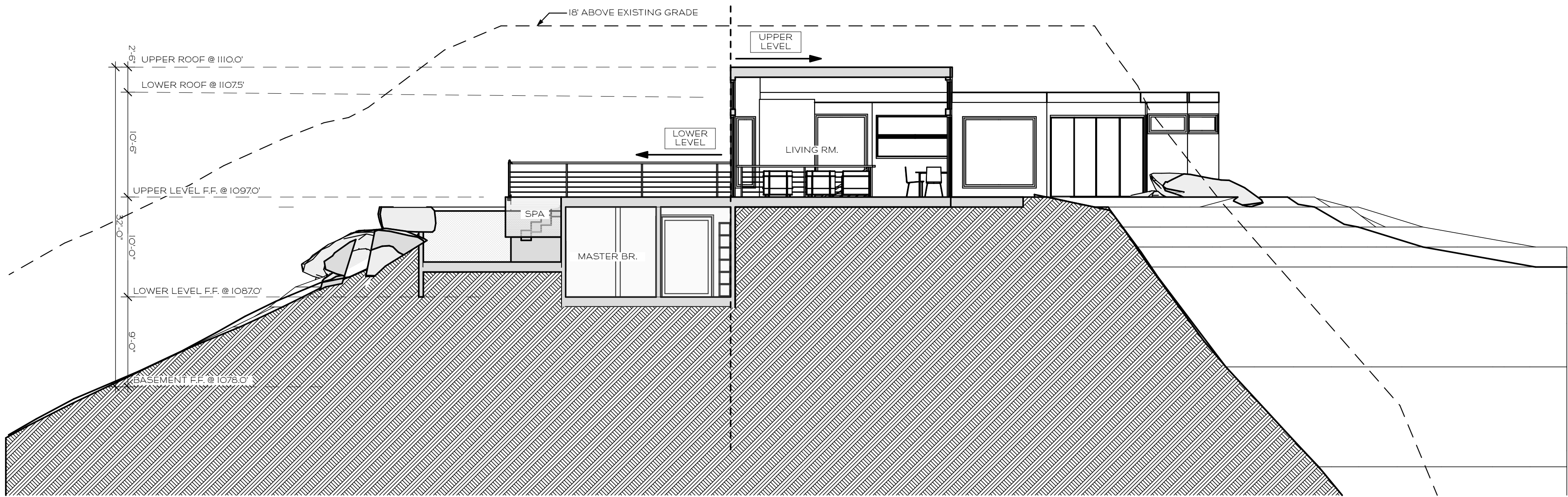
SCALE: 1/8" = 1'-0"



C  
A-3.3

EAST SECTION

SCALE: 1/8" = 1'-0"



STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265  
EAST ELEVATION/ SECTION

APN  
4473-026-002

MARK	DATE	DESCRIPTION
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PROJECT NO: STAUSS 1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

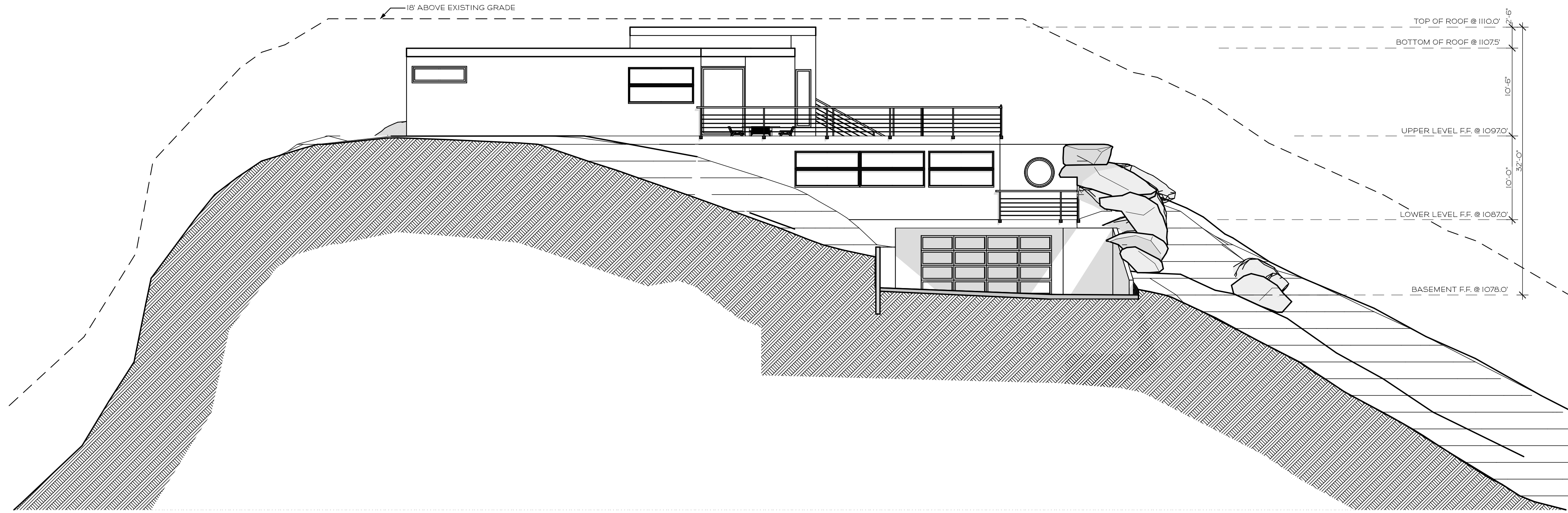
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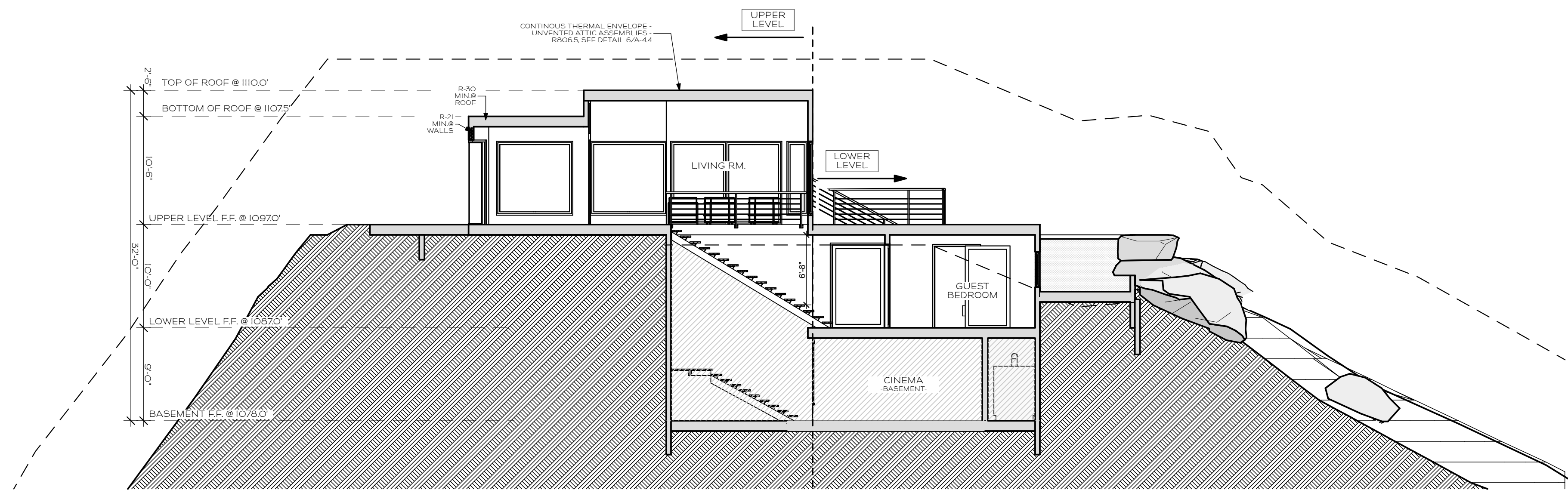


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4 WEST ELEVATION  
SCALE: 1" = 5' 32 1/8" = 1'-0"



D WEST SECTION  
SCALE: 1" = 5' 32 1/8" = 1'-0"

STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265  
WEST ELEVATION/ SECTION

APN  
4473-026-002

MARK	DATE	DESCRIPTION
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17	5-3-21	DB
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20	6-8-21	VM
21	7-24-21	VM

PROJECT NO: STAUSS 1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

A-3.4

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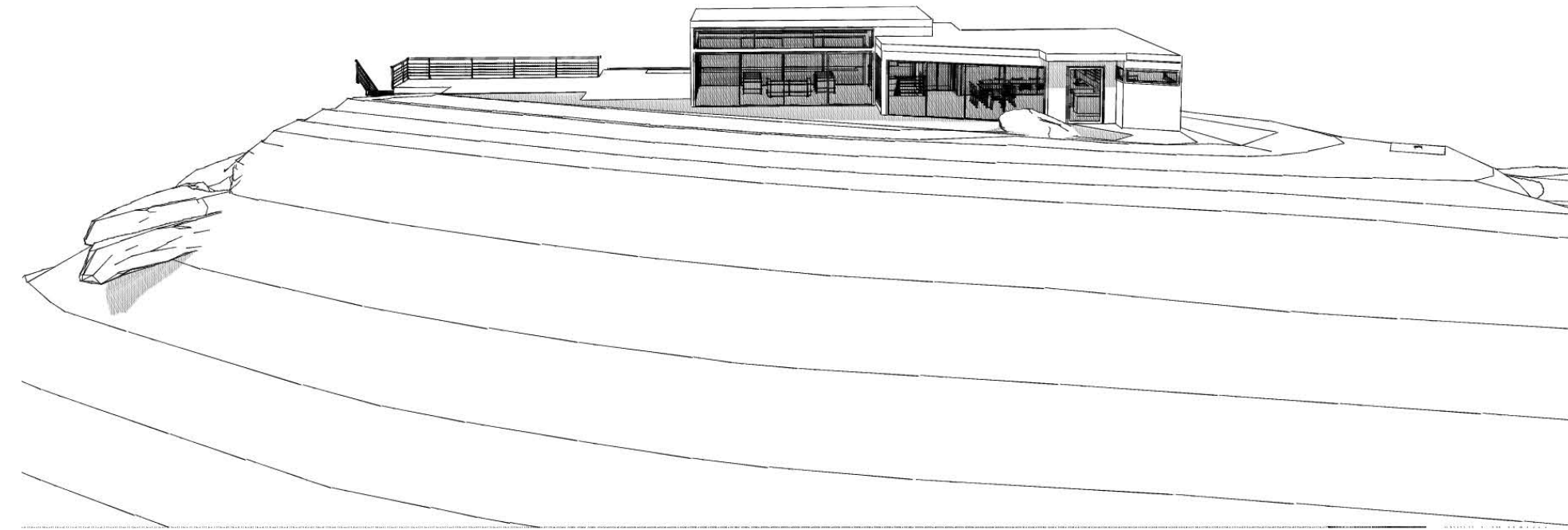
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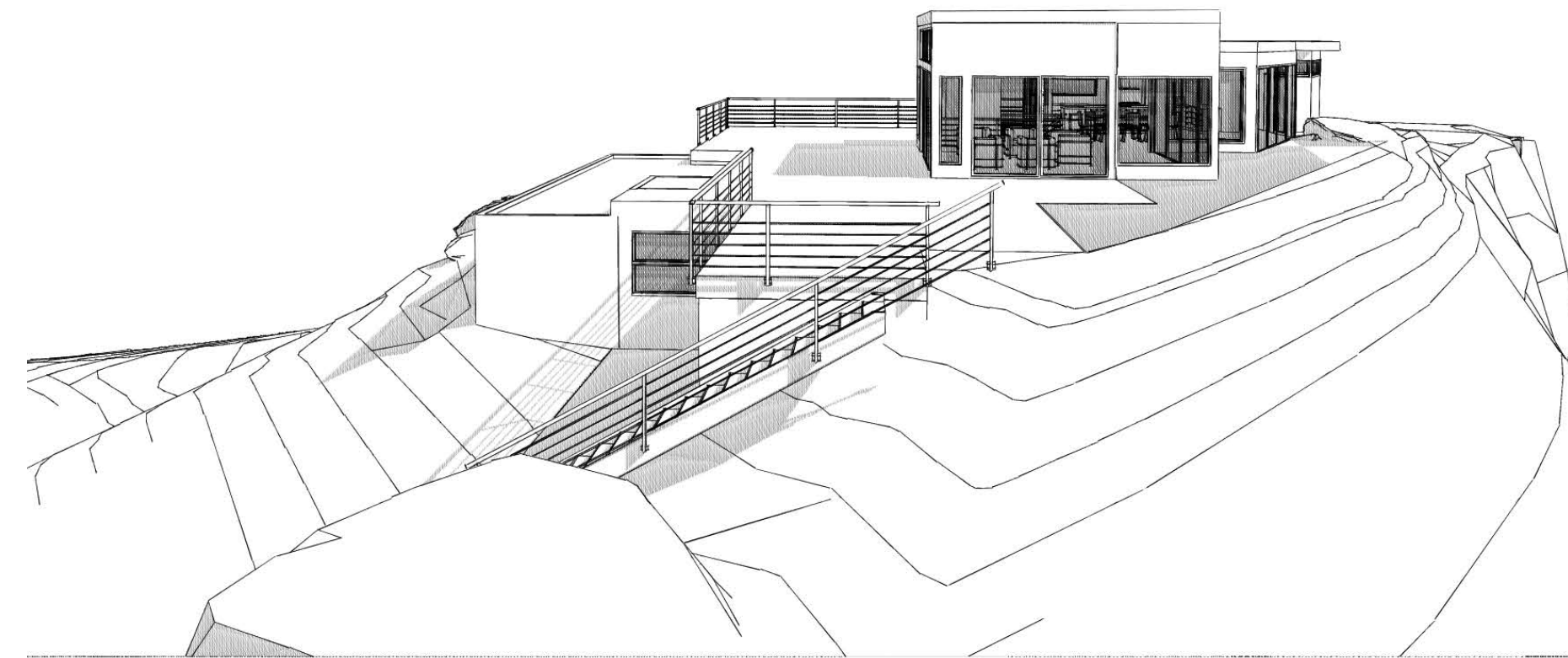
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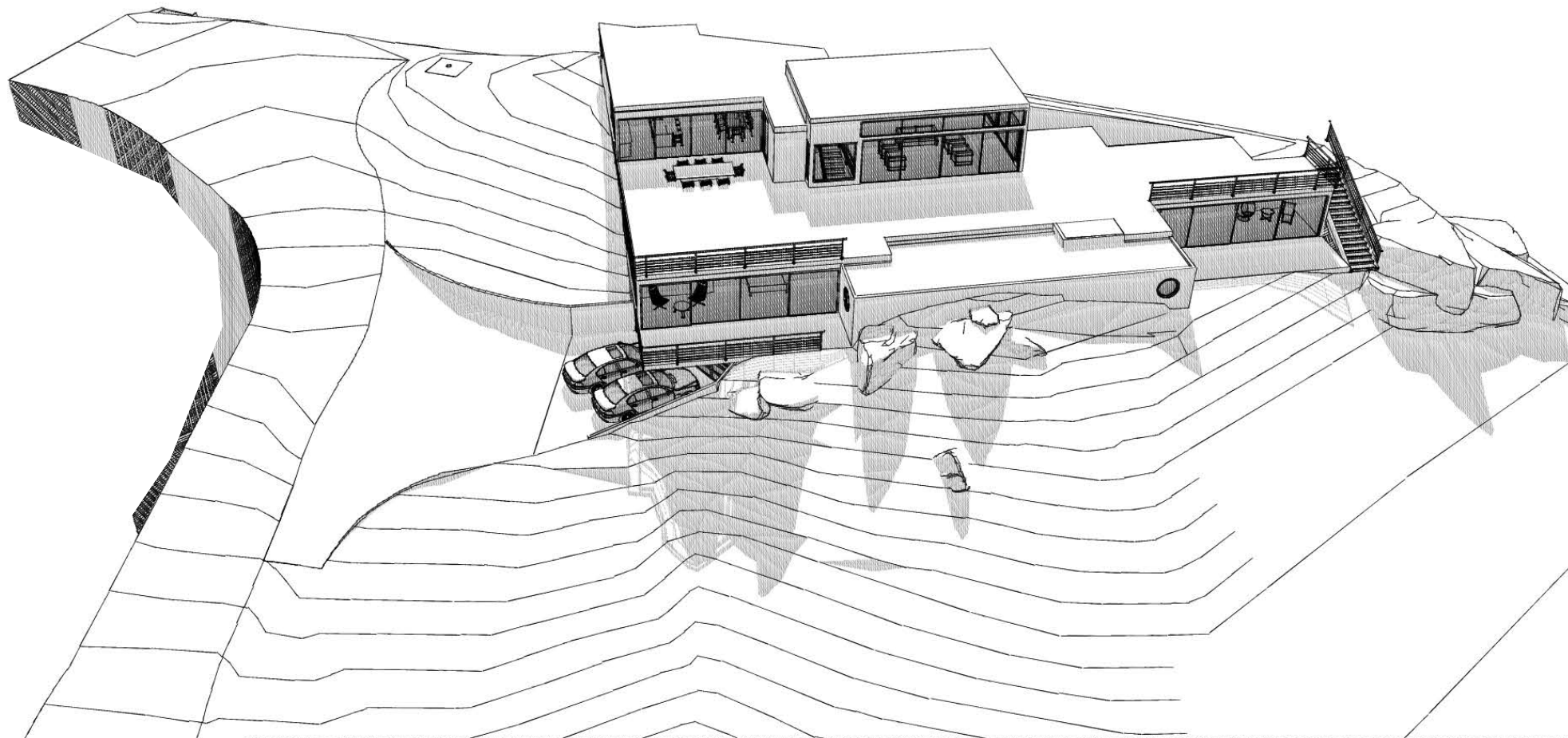
2 NORTH CENTER  
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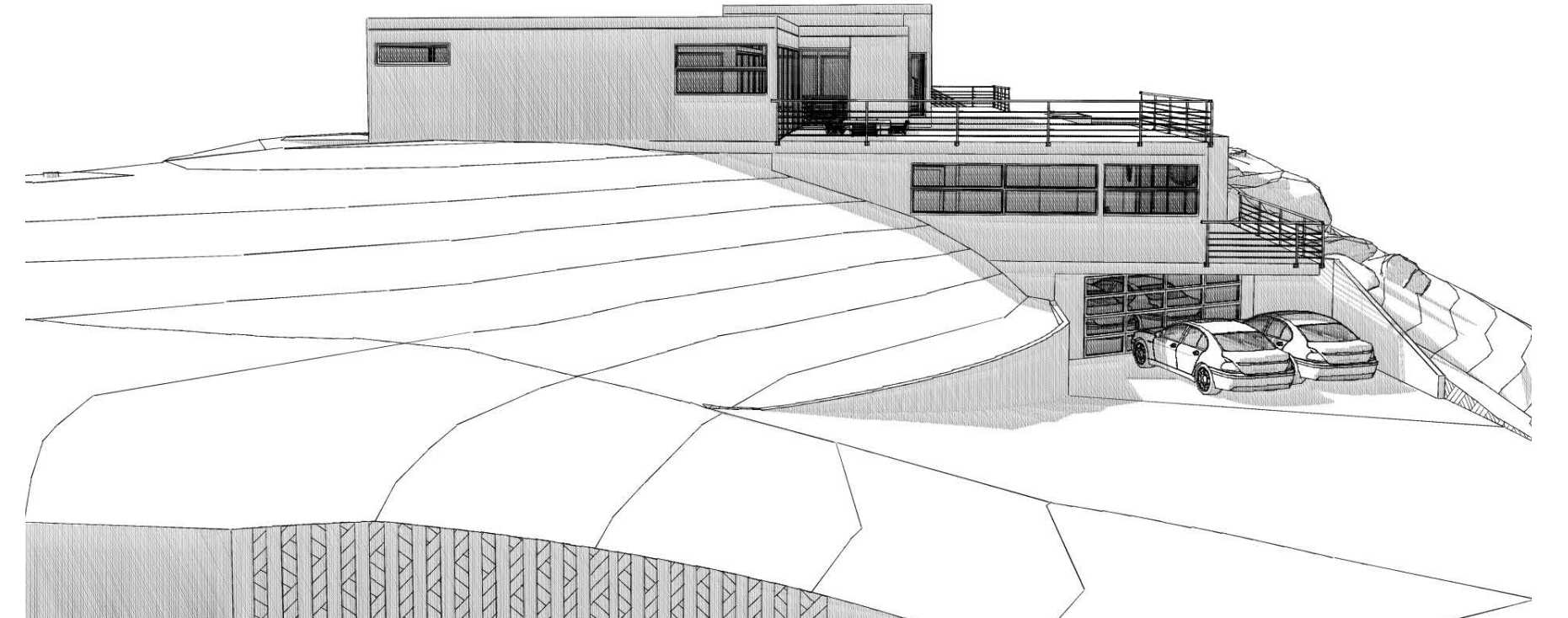
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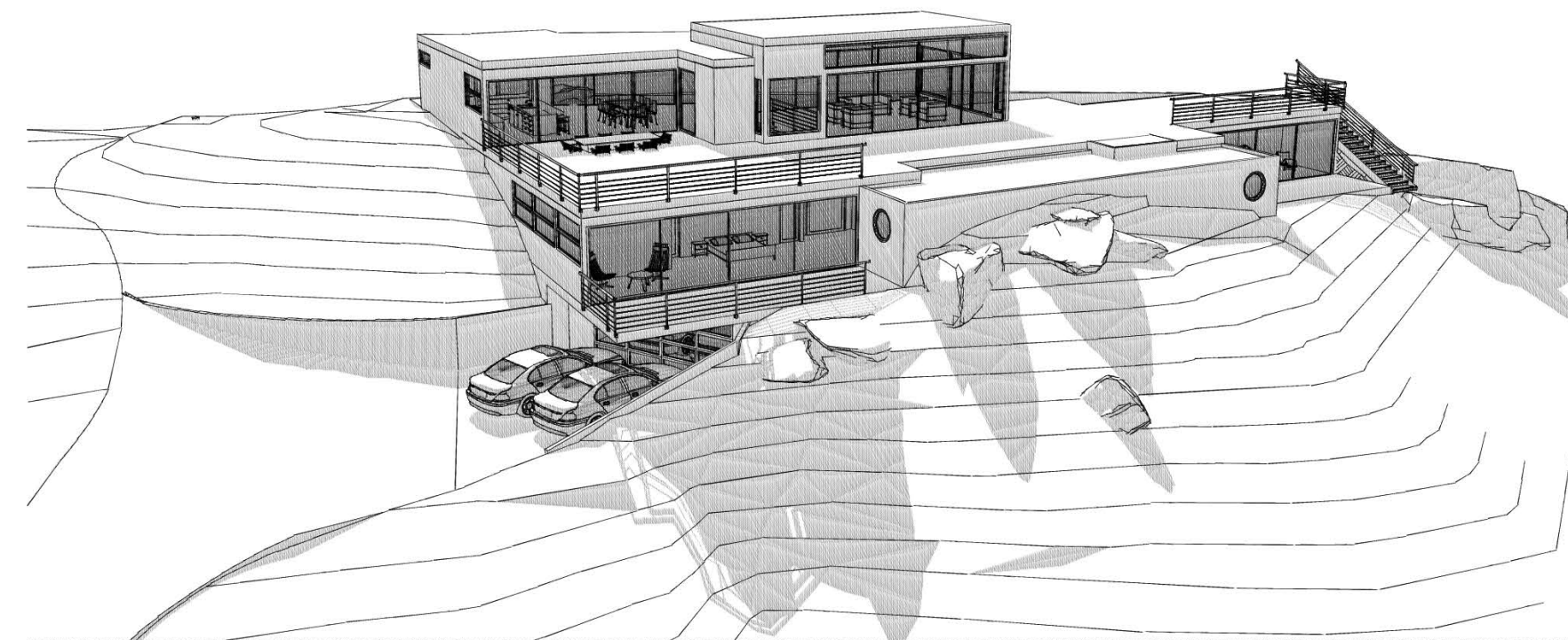
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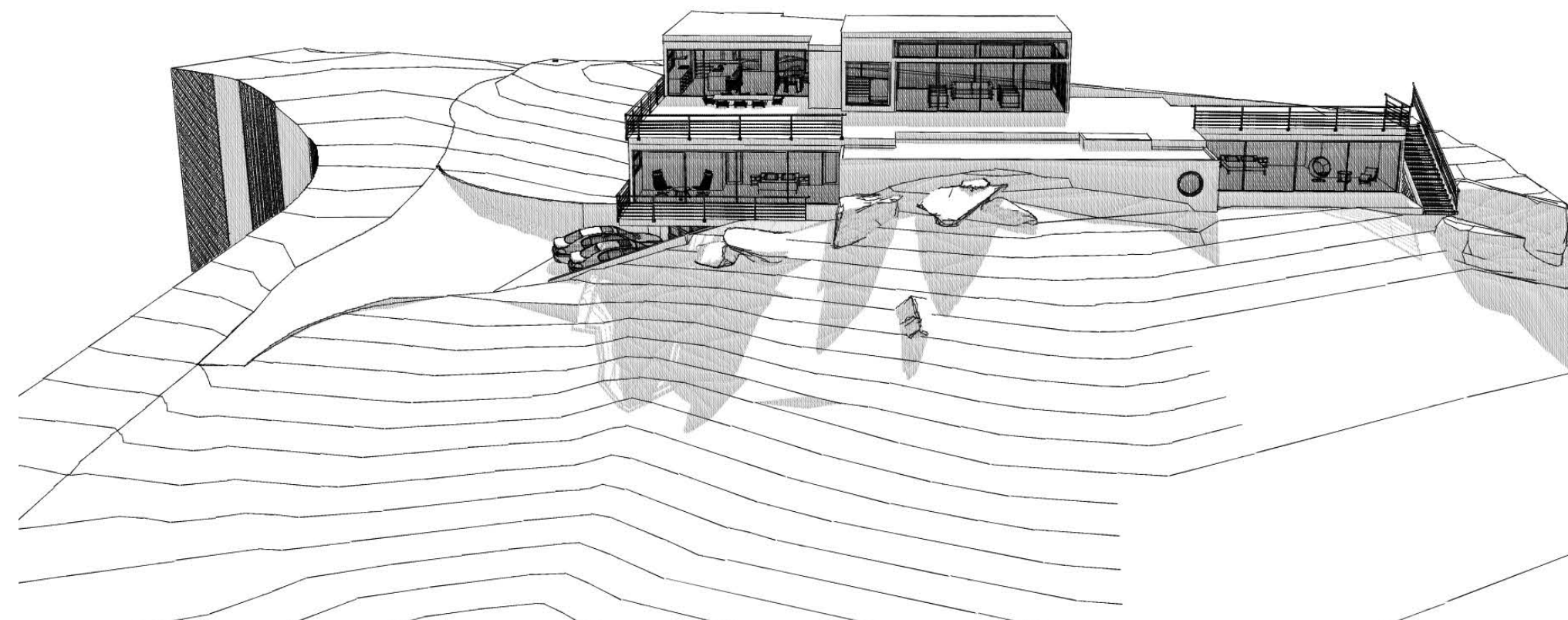
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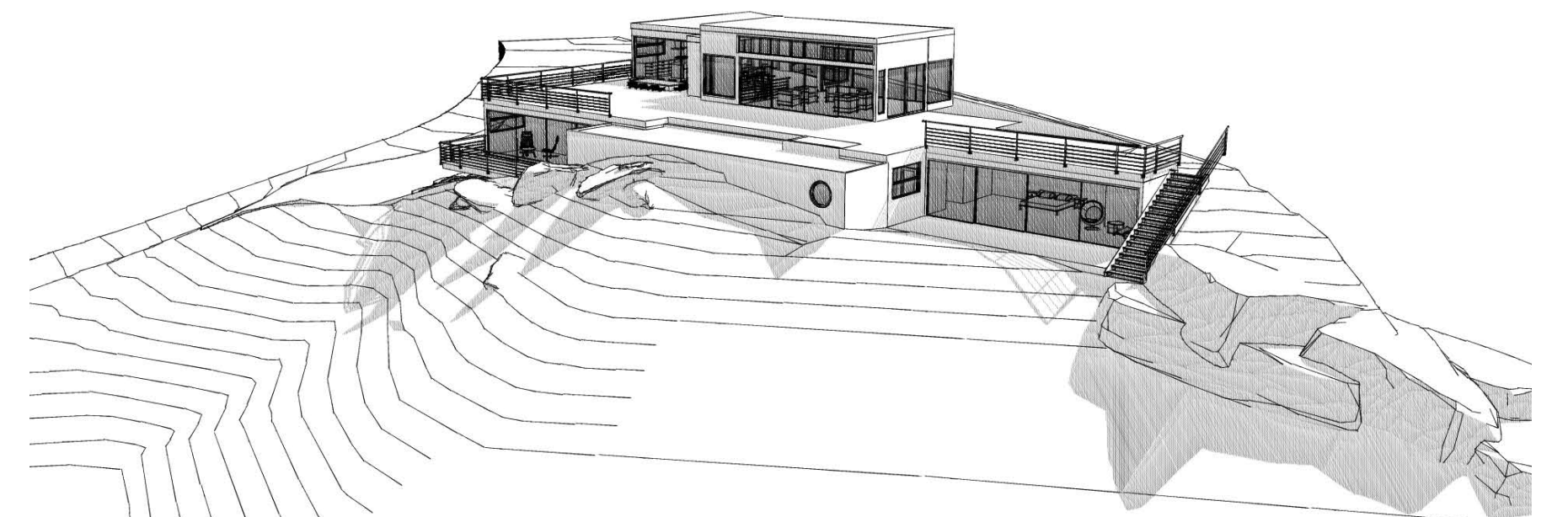
6 WEST  
NOT TO SCALE



7 SOUTH LEFT  
NOT TO SCALE



8 SOUTH LEFT  
NOT TO SCALE

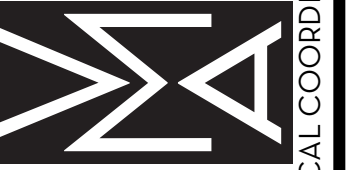


9 SOUTH RIGHT  
NOT TO SCALE

STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265  
ARCHITECTURAL RENDERINGS

APN  
4473-026-002

VITUS MATARÉ & ASSOCIATES, INC.  
P.O. BOX 1204, MALIBU, CA 90265 310.317.0700  
info@vitusmatare.com



PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

MARK	DATE	DESCRIPTION
13	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-3-21	DB
18	5-10-21	VM
19	5-24-21	VM
20	6-8-21	VM
21	7-24-21	VM

PROJECT NO: STAUSS1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

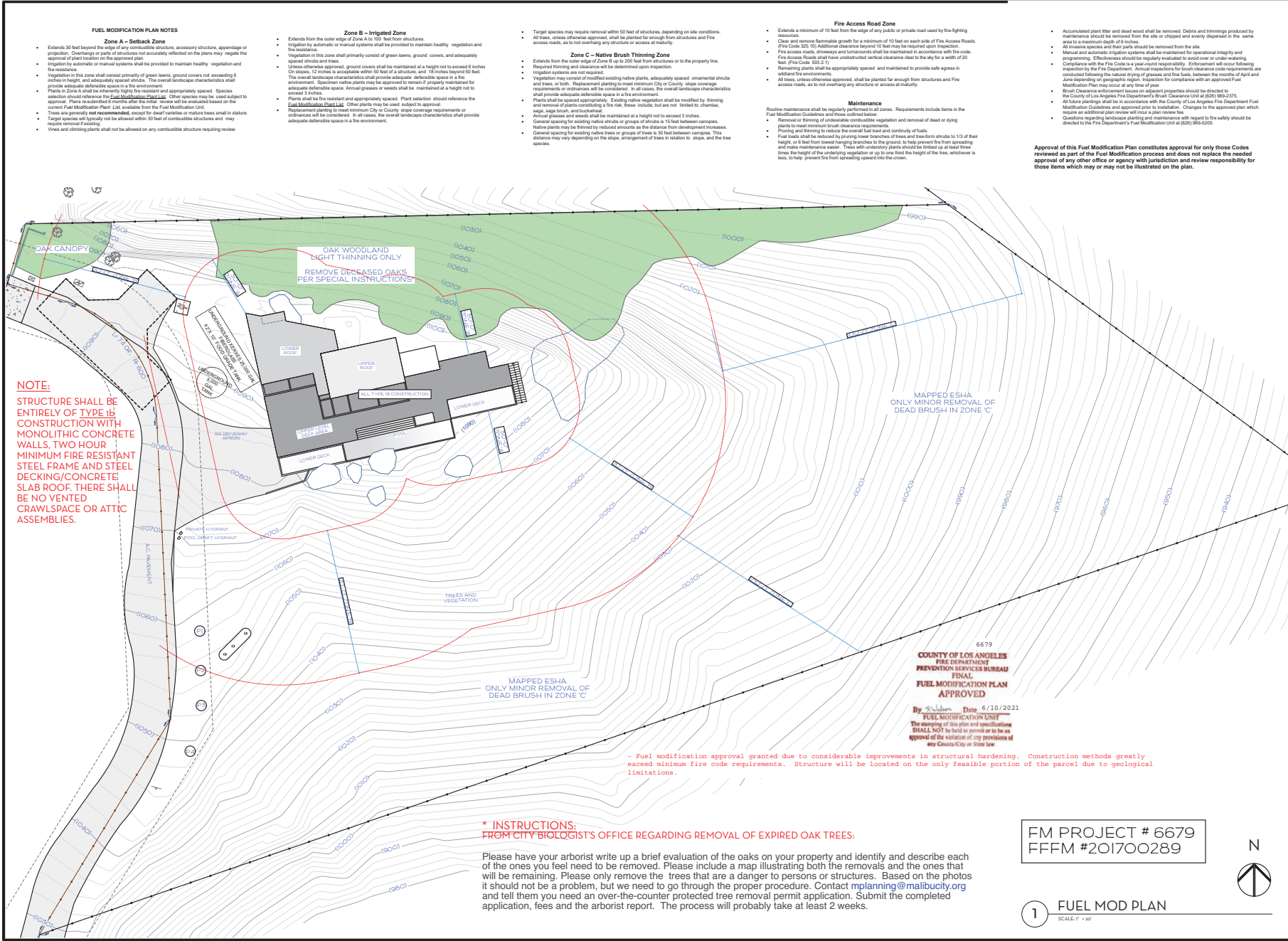
A-3.5

SHEET 21

OF 37

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310.317.0700

STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA, 90265

4473-026-002

FUEL MODIFICATION PLAN

MARK	DATE	DESCRIPTION
12	10-6-19	LO
13	11-10-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-10-20	DS
17	5-8-21	DS
18	5-10-21	VM
19	5-24-21	VM
20	6-6-21	VM

PROJECT NO.  
MODEL FILE:  
DRAWN BY: L.O.

FM-1

FM PROJECT # 6679  
FFFM #201700289

1 FUEL MOD PLAN  
SCALE: 1" = 20'

SHEET 22

OF 37

PLANNING, DESIGN, TECHNICAL CONSULTATION, PERMIT PROCESSING

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## PLANTING LEGEND

SYMBOL	SIZE	ZONE	BOTANICAL / COMMON NAME	WUCOLS AREA RATING*
	CUTTINGS	I	OPUNTIA LITTORALIS/COASTAL PRICKLY PEAR	REG.3 - VL
	2 GAL	I	AGAVE ATTENUATA 'NOVA'	REG.3 - L
	1 GAL	I	ECHINOCEREUS / CLARET CUP CACTUS	REG.3 - L

\*IN CASES OF OFFERED ALTERNATIVES THE HIGHER WUCOLS RATING IS INDICATED

## PLANT SPECIFICATIONS

MARK	QUANTITY	HEIGHT	DIAMETER
	12	3'-0"	9'-0"
	13	4'-0"	4'-0"
	14	8'-0"	5'-0"

\* APPROX. DIMENSIONS  
ACTUAL SIZES MAY VARY

## LANDSCAPE PLAN NOTES

A. PROPOSED LANDSCAPING ON SITE IS MINIMAL AND DOES NOT REACH THE AREA THRESHOLD FOR REVIEW UNDER THE LANDSCAPE WATER CONSERVANCY ORDINANCE (LWCO) THE PROPOSED NEW OR ALTERED LANDSCAPE AREA IS LESS THAN 2,500 SQUARE FEET.

ANY CHANGES TO PLANTING AREAS OR OTHER LANDSCAPE DESIGN MAY EXCEED THE LWCO AREA THRESHOLD. THEREFORE, ANY CHANGES TO THE FINAL APPROVED LANDSCAPE PLANS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO ANY PLANTING.

B. INVASIVE PLANT SPECIES, AS DETERMINED BY THE CITY OF MALIBU, ARE PROHIBITED.

C. VEGETATION SHALL BE SITUATED ON THE PROPERTY SO AS NOT TO SIGNIFICANTLY OBSTRUCT THE PRIMARY VIEW FROM PRIVATE PROPERTY AT ANY GIVEN TIME (GIVEN CONSIDERATION OF ITS FUTURE GROWTH).

D. NATIVE SPECIES OF THE SANTA MONICA MOUNTAINS, CHARACTERISTIC OF THE LOCAL HABITAT, SHALL BE USED ON GRADED SLOPES OR WHERE SLOPE PLANTING ARE REQUIRED FOR SLOPE STABILIZATION, EROSION CONTROL, AND WATERSHED PROTECTION. PLANTS SHOULD BE SELECTED TO HAVE A VARIETY OF ROOTING DEPTHS. A SPACING OF 15 FEET BETWEEN LARGE WOODY (GREATER THAN OR EQUAL TO 10-FOOT CANOPY) SHRUBS IS RECOMMENDED BY THE FIRE DEPARTMENT. LAWNS ARE PROHIBITED ON SLOPES GREATER THAN 5%.

E. THE USE OF BUILDING MATERIALS TREATED WITH TOXIC COMPOUNDS SUCH AS COPPER ARSENATE AND CREOSOTE ARE PROHIBITED.

F. GRADING, EXCAVATION, DEMOLITION, OR OTHER SITE PREPARATION ACTIVITIES SHALL BE SCHEDULED OUTSIDE THE MAIN BREEDING SEASON OF BIRDS (FEBRUARY 1 TO SEPTEMBER 15) IF AT ALL POSSIBLE. REGARDLESS OF TIMING, A NESTING / BIRD NEST SURVEY WILL BE CONDUCTED BY A QUALIFIED BIOLOGIST. SURVEYS WILL BE COMPLETED WITHIN FIVE (5) DAYS OF INITIATION OF ANY SITE PREPARATION ACTIVITIES. SHOULD ACTIVE NEST BE IDENTIFIED, A BUFFER AREA OF NO LESS THAN 100 FEET (300 FEET FOR RAPTORS) SHALL BE CLEARLY DELINEATED IN THE FIELD UNTIL IT IS DETERMINED BY A QUALIFIED BIOLOGIST THAT THE NEST IS NO LONGER ACTIVE.

G. 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.

H. UP-LIGHTING OF LANDSCAPING IS PROHIBITED.

I. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY THE CITY BIOLOGIST SHALL INSPECT THE PROJECT SITE AND DETERMINE THAT ALL PLANTING CONDITIONS THAT PROTECT NATURAL RESOURCES ARE IN COMPLIANCE WITH THE APPROVED PLANS.

## EROSION CONTROL NOTES.

1. ALL SLOPES WHETHER NATURAL OR MANUFACTURED SHOULD BE PLANTED USING THE CONTOUR PLANTING METHOD, WITH ALTERNATING ROWS OF PLANTS ALONG THE PROPERTY CONTOURS. THIS METHOD SHALL BE USED FOR ALL CONTAINER PLANTS.

2. LARGE PLANTING AREAS SHALL BE TERRACED SLIGHTLY TO CONTROL IRRIGATION.

3. IRRIGATION OF PLANTS ON SLOPES SHALL CONSIST PRIMARILY OF BUBBLER OR DRIP IRRIGATION. SMALL ARC ROTARY HEADS (6" ARCS) MAY BE USED FOR LARGE OPEN AREAS OF GROUND COVERS. HOWEVER, THE HEADS MUST BE LAID OUT TO CONFORM WITH THE EARTH TERRACE TO AVOID RUN-OFF.

## WEED ERADICATION.

1. THREE MONTHS PRIOR TO PLANTING, THE PLANTING AREAS SHALL BE IRRIGATED EVERY OTHER DAY FOR THREE WEEKS, AND THE WEEDS WHICH EMERGE SHALL BE REMOVED. THIS PROCESS SHALL BE REPEATED TWICE PRIOR TO PLANTING OF THE PLANT MATERIALS SELECTED FOR THE PROJECT LANDSCAPE.

## PLANTING PROCEDURES FOR NATIVE PLANTS

1. PLANTING TIPS SHOULD BE THE SAME DEPTH AS THE SOIL IN THE PLANT CONTAINER AND ONE AND ONE-HALF TIMES AS WIDE AS THE CONTAINER.

2. DO NOT USE SOIL AMENDMENTS.

3. BACKFILL PLANTING PITS WITH NATIVE SOIL ONLY. WHEN PLANTING NATIVE PLANTS ON CUT OR FILL SLOPES, IMPORT NATIVE TOPSOIL FROM UNDISTURBED PORTIONS OF THE SITE FOR BACKFILL MIX. MIX ONE HALF IMPORTED NATIVE SOIL WITH ON HALF CUT OR FILL MATERIAL FOR BACKFILL MIX.

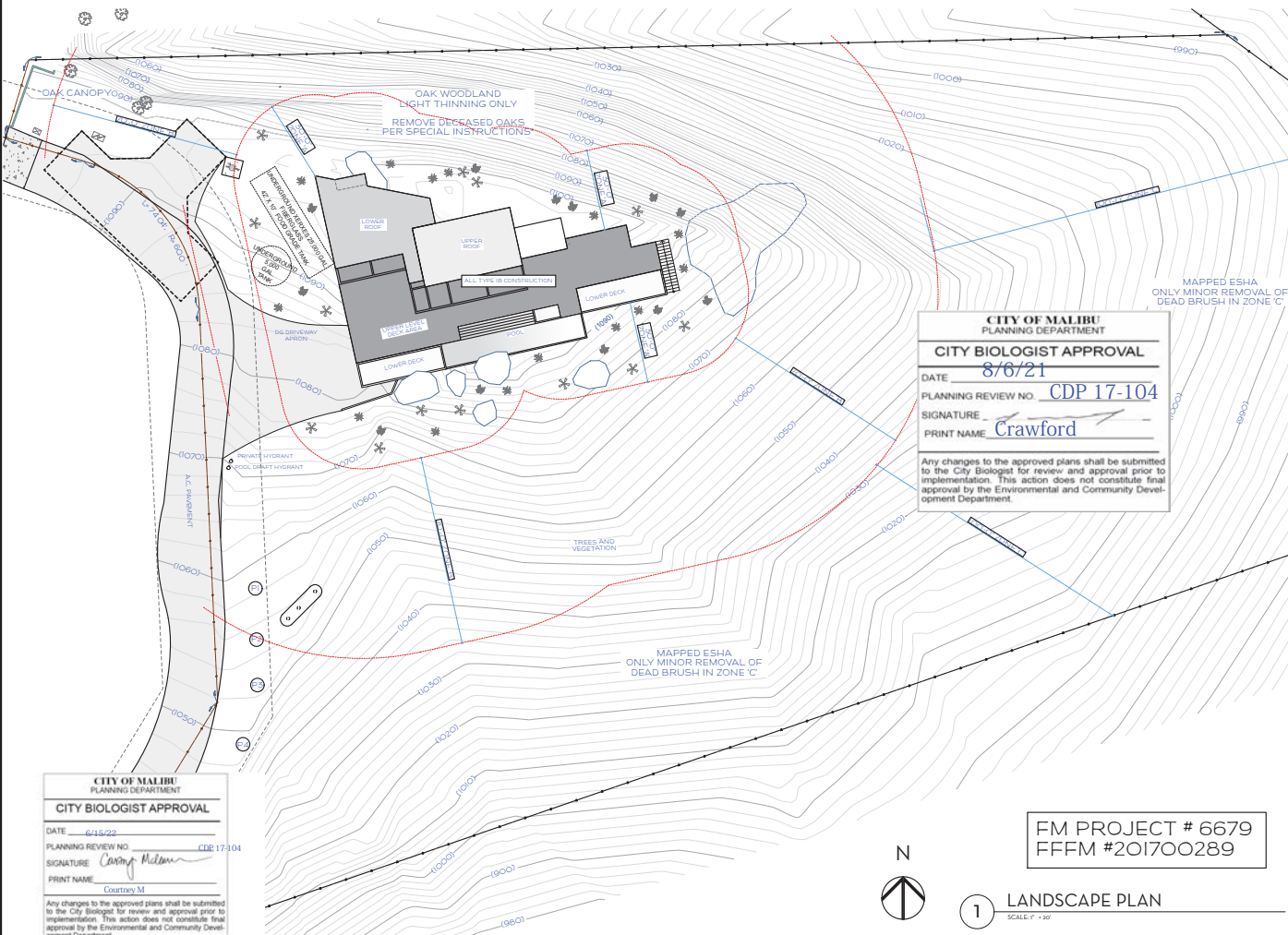
4. CREATE A BASIN AROUND THE ROOTBALL EDGES OF EACH PLANT TO CATCH AND DIRECT WATER TO THE PLANT ROOT MASS.

5. DO NOT DISTURB THE PLANT ROOTBALL DURING PLANTING.

6. ADD TWO OR THREE INCHES OF MULCH IN THE PLANT BASIN.

7. DO NOT PLACE SOIL OR MULCH ON TOP OF THE CROWN OF THE ROOTBALL (PLANT STEM OF TRUNK).

8. PLANTING OF NATIVE PLANTS SHOULD TAKE PLACE FROM LATE NOVEMBER THROUGH LATE MARCH ONLY. THE PLANTS MUST BE IRRIGATED THROUGH THE FIRST YEAR. GREAT CARE MUST BE TAKEN NOT TO OVERWATER THE NATIVE PLANTS AND TO REDUCE THE IRRIGATION FREQUENCY AND VOLUMES TO A MINIMUM REQUIRED FOR PLANT HEALTH AS SOON AS POSSIBLE AFTER PLANTING.



FM PROJECT # 6679  
FFFM #201700289

LANDSCAPE PLAN

1

SCALE 1" = 20'

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STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA, 90265  
LANDSCAPE PLAN

4473-026-002

MARK	DATE	DESCRIPTION
12	10-6-19	LO
13	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-8-21	DB
18	5-10-21	VM
19	5-24-21	VM
20	6-6-21	VM

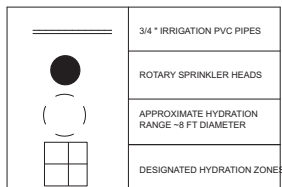
PROJECT NO.  
MODEL FILE  
DRAWN BY: L.O.

FM-2

SHEET 23

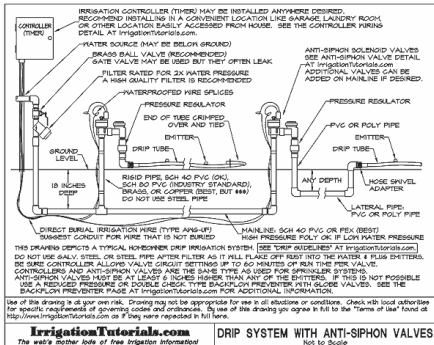
OF 37





#### SPRINKLER NOTES:

A. RAIN BIRD RN ROTARY HEAD SERIES:  
WATER EFFICIENT SPRINKLER HEADS, USED FOR HILLSIDES AND SLOPES. SPRINKLER HEADS OFFER UP TO 20' ESTIMATED LANDSCAPE COVERAGE, WHILE BEING WATER EFFICIENT. THESE ARE TO BE USED IN BOTH "SPRAY AND DRIP IRRIGATION SYSTEMS."



#### 2 DRIP IRRIGATION COMPONENTS

The IC rating must begin with the 1st page report of most EVALUATION OF CALIFORNIA WEATHER-BASED "SMART" IRRIGATION CONTROLLER PROGRAMS. This report covers the operation of thousands of controllers installed with Proposition 13 funds to evaluate performance on irrigation controllers in the field.

The results of this field testing are shown in the chart below. This testing addresses the five defects of the 1987 IC testing.

- the 1st page report covers more than one year and is not limited to 30 days
- the 1st page report covers thousands of controllers, not one from each manufacturer
- the evaluations are installed and programmed by homeowners and contractors, not the technical staff of the manufacturer, and monitored by water districts
- the 1st page report shows wide variance of irrigation efficiency among the controllers that will provide the basis for an IC rating system for irrigation controllers

The report is ongoing, will cover 3 years of operation and will reveal computer resistance to paying for going monthly capex fees for hydrozone functional controllers.

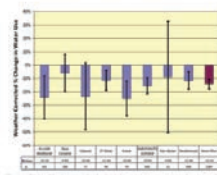


Figure 1.1.1. Weather-controlled IC rating by water use to identify controller based on the 1987 IC testing.

STATION	HYDROZONE	WUCOL	AREA (SQ. FT.)	IRRIGATION TYPE
1	HYDROZONE 1	REG 3-VL/PF=0.1	309	SINGLE STATION - SPRAY
2	HYDROZONE 1	REG 3-VL/PF=0.1	422	SINGLE STATION - SPRAY
3	HYDROZONE 1	REG 3-VL/PF=0.1	512	SINGLE STATION - SPRAY
4	HYDROZONE 1	REG 3-VL/PF=0.1	511	SINGLE STATION - SPRAY
5	HYDROZONE 1	REG 3-VL/PF=0.1	420	SINGLE STATION - SPRAY
6	HYDROZONE 1	REG 3-VL/PF=0.1	400	SINGLE STATION - SPRAY
7	HYDROZONE 2	REG 3-L/PF=0.3	696	SINGLE STATION - SPRAY
8	HYDROZONE 2	REG 3-L/PF=0.3	512	SINGLE STATION - SPRAY
9	HYDROZONE 1	REG 3-VL/PF=0.1	389	SINGLE STATION - SPRAY
10	HYDROZONE 2	REG 3-L/PF=0.3	376	SINGLE STATION - SPRAY
11	HYDROZONE 1	REG 3-VL/PF=0.1	212	SINGLE STATION - SPRAY
12	HYDROZONE 2	REG 3-L/PF=0.3	285	SINGLE STATION - SPRAY
13	HYDROZONE 2	REG 3-L/PF=0.3	621	SINGLE STATION - SPRAY
14	HYDROZONE 1	REG 3-VL/PF=0.1	179	SINGLE STATION - SPRAY
15	HYDROZONE 1	REG 3-VL/PF=0.1	457	SINGLE STATION - SPRAY
16	HYDROZONE 1	REG 3-VL/PF=0.1	353	SINGLE STATION - SPRAY

\*NOTE:

AREAS BEYOND THE 50 FOOT IRRIGATION ZONES WILL ONLY INCLUDE ABOVE GROUND AND TEMPORARY IRRIGATION THAT CAN BE REMOVED ONCE THE NATIVE SEED HAS BEEN ESTABLISHED.

#### MAXIMUM APPLIED WATER ALLOWANCE

MAWA = 108.071 gallons per year  
MAWA = (ET) (0.62) (0.52 x LA + 0.3 x SLA)  
ET (Malibu) = 4.42 inches per year  
LA = Landscape Area (including pool) = 7,210 sq ft  
SLA = Special Landscape Area  
Area Conversion factor = 0.62 (inches to gallons per square foot)  
ET Adjustment factor (ETAF) = 0.55  
Special Area\*\* ET adjustment Factor = 0.3

\*covered area exempted from LA total  
\*\*none proposed

#### ESTIMATED WATER USE

EWU = 44,032 gallons per year total  
EWU = (ET) (0.62) (PF x HA/IE) - Special Area EWU - Pool EWU  
H21 - PF = 0.1, LA = 4,364 sq ft, EWU = 15,214 gal per yr  
H22 - PF = 0.3, LA = 2,490 sq ft, EWU = 22,294 gal per yr  
H23 - PF = 0.7, LA = 0 sq ft, EWU = 0 gal per yr  
LAP POOL / PLUNGE POOL LA = 556 sq ft, EWU = 1,523 gal per yr  
HA = Hydrozone in square feet  
PF = Average plant factor for each hydrozone based on WUCOLS area specific classification  
IE = Irrigation controller efficiency rating (75% for Hunter WEC\*)

8/6/21



#### 1 IRRIGATION PLAN

SCALE: 1/8" = 1'

VITUS MATARE & ASSOCIATES, INC.  
P.O. BOX 1204, MALIBU, CA 90265  
info@vitusmatare.com



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STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA, 90265  
WATER CONSERVATION PLAN

4473-026-002

MARK	DATE	DESCRIPTION
13	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	10-10-20	ZB
17	5-5-21	ZB
18	5-10-21	VM
19	5-24-21	VM
20	6-6-21	VM
21	7-24-21	VM

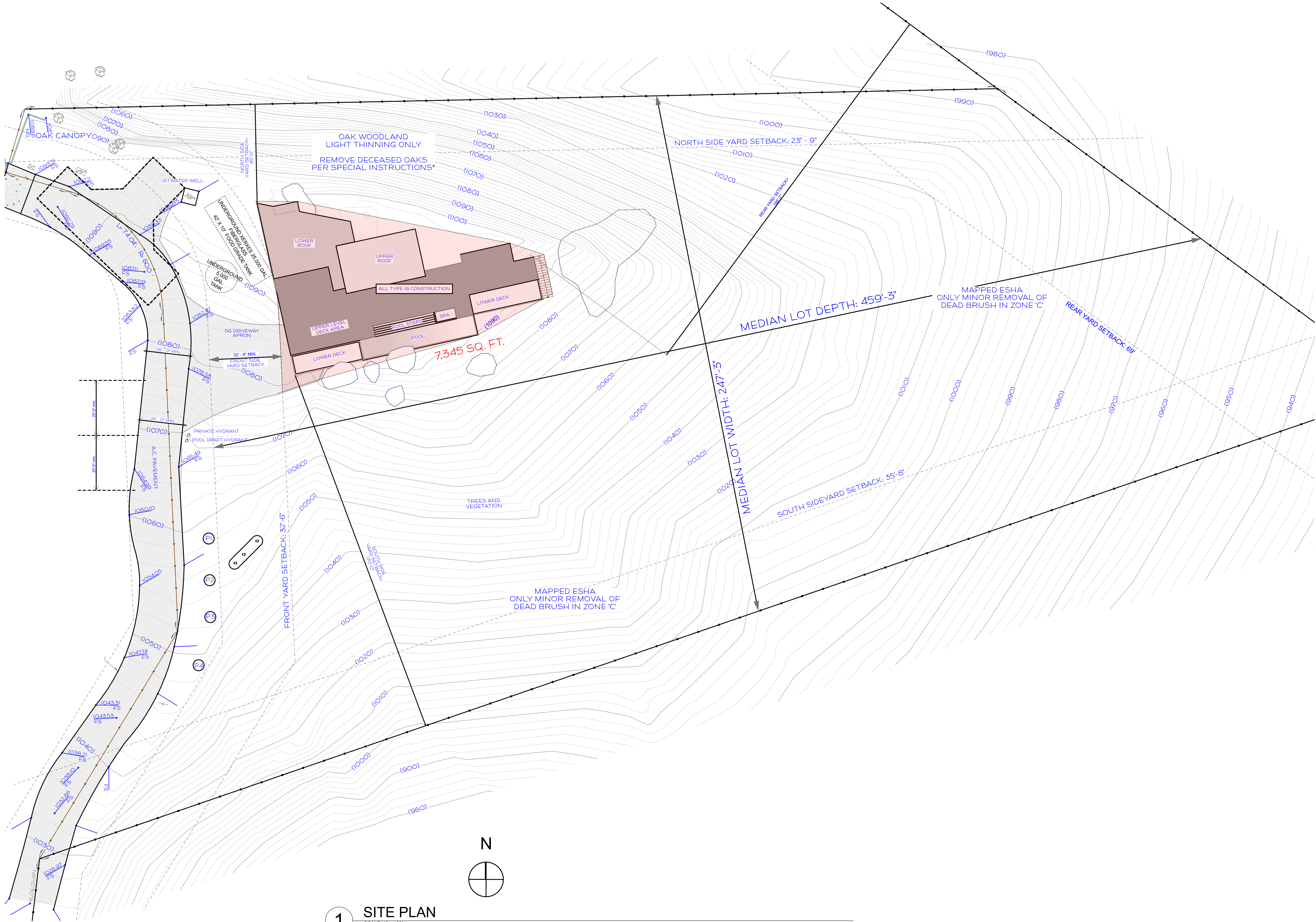
PROJECT NO.: STAUSS1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

FM-3

SHEET 24

OF 37





1 SITE PLAN  
SCALE: 1" = 20'

VITUS MATARE & ASSOCIATES, INC.  
P.O. BOX 1204, MALIBU, CA 90265  
310.3170700  
info@vitusmatare.com



PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

# STAUSS RESIDENCE 3620 NORANDA LANE CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265

## DEVELOPMENT FOOTPRINT

APN 4473-026-002

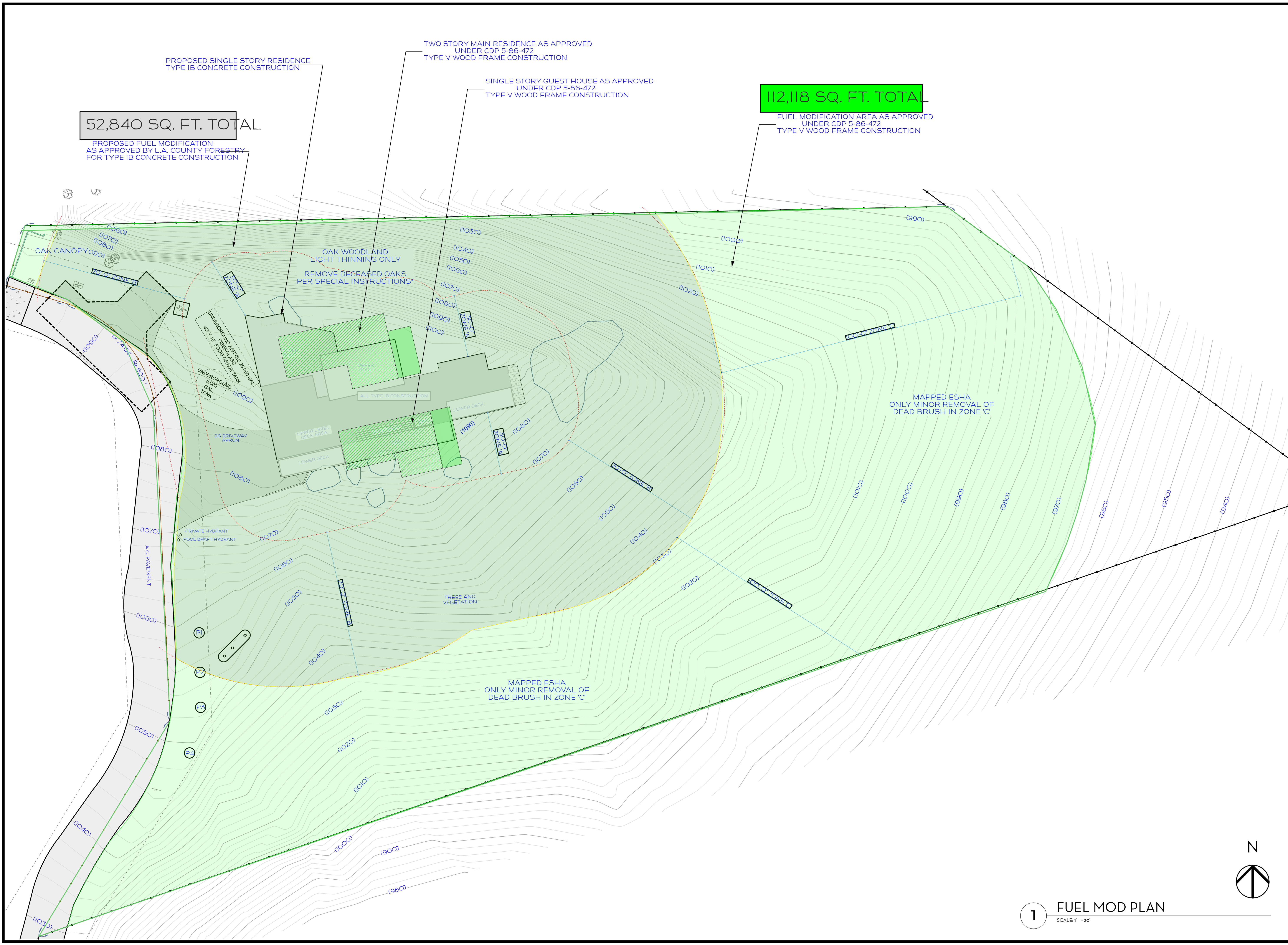
MARK	DATE	DESCRIPTION
13	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-3-21	DB
18	5-10-21	VM
19	5-24-21	VM
20	6-6-21	VM
21	7-24-21	VM
22	12-26-21	VM

PROJECT NO: STAUSS1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

FM-4

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STAUSS RESIDENCE  
3620 NORANDA LANE  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265  
FUEL MOD OVERLAY

APN  
4473-026-002

MARK	DATE	DESCRIPTION
14	2-9-20	VM
15	10-8-20	VM
16	12-11-20	DB
17	5-3-21	DB
18	5-10-21	VM
19	5-24-21	VM
20	6-6-21	VM
21	7-24-21	VM
22	12-26-21	VM
23	3-3-22	VM

PROJECT NO: STAUSS1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

FM-5

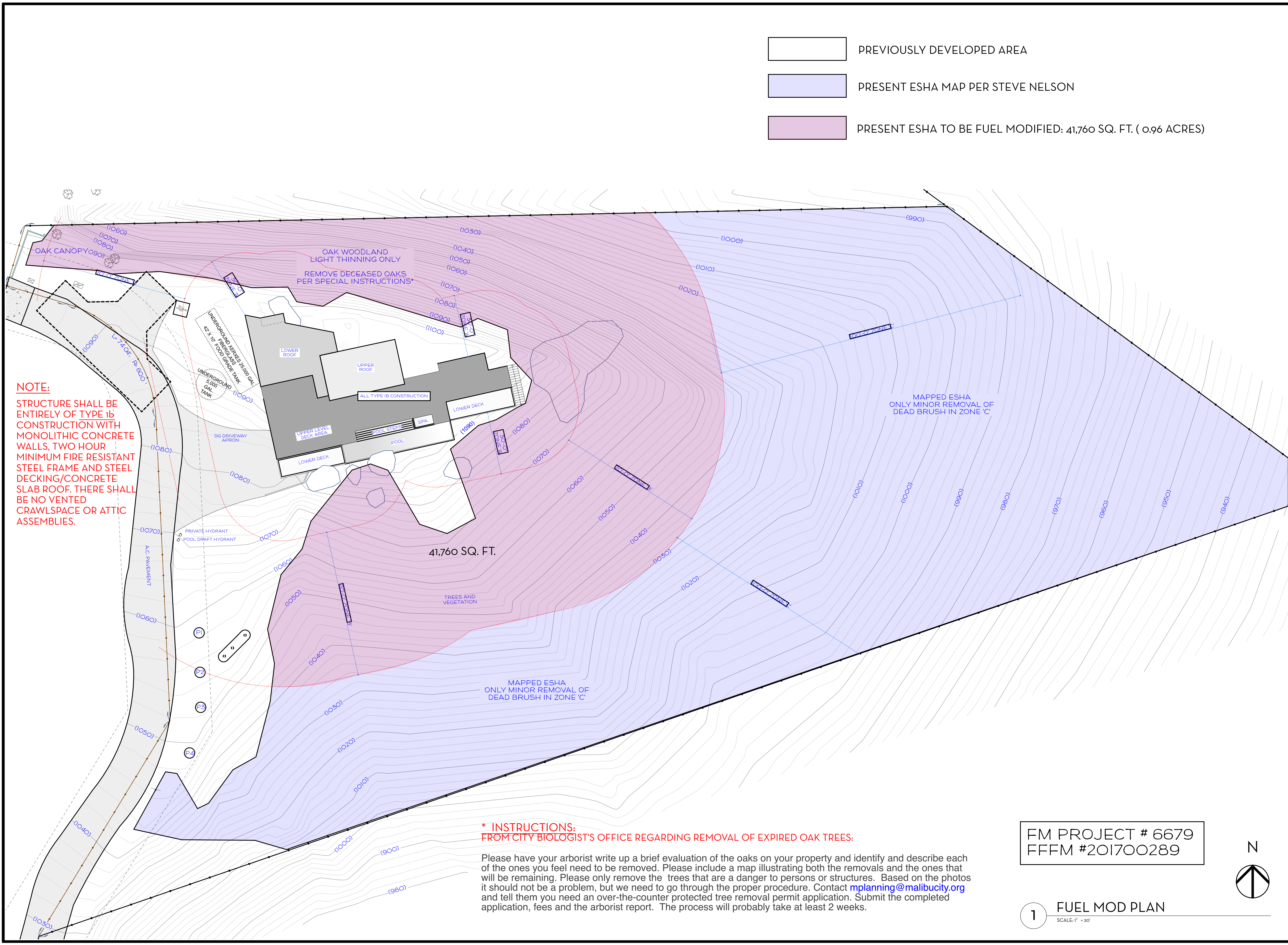
VITUS MATARE & ASSOCIATES, INC.  
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310.3170700



PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

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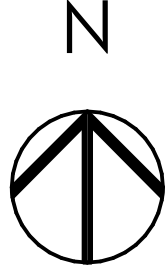
**NOTE:**  
STRUCTURE SHALL BE ENTIRELY OF TYPE 1B CONSTRUCTION WITH MONOLITHIC CONCRETE WALLS, TWO HOUR MINIMUM FIRE RESISTANT STEEL FRAME AND STEEL DECKING/CONCRETE SLAB ROOF. THERE SHALL BE NO VENTED CRAWLSPACE OR ATTIC ASSEMBLIES.

**\* INSTRUCTIONS:  
FROM CITY BIOLOGIST'S OFFICE REGARDING REMOVAL OF EXPIRED OAK TREES:**

Please have your arborist write up a brief evaluation of the oaks on your property and identify and describe each of the ones you feel need to be removed. Please include a map illustrating both the removals and the ones that will be remaining. Please only remove the trees that are a danger to persons or structures. Based on the photos it should not be a problem, but we need to go through the proper procedure. Contact [mplanning@malibucity.org](mailto:mplanning@malibucity.org) and tell them you need an over-the-counter protected tree removal permit application. Submit the completed application, fees and the arborist report. The process will probably take at least 2 weeks.

FM PROJECT # 6679  
FFFM #201700289

1 FUEL MOD PLAN  
SCALE: 1" = 20'



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P.O. BOX 1204, MALIBU, CA 90265  
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info@vitusmatare.com



PLANNING DESIGN TECHNICAL COORDINATION PERMIT PROCESSING

**STAUSS RESIDENCE  
3620 NORANDA LANE**  
CITY OF MALIBU, LOS ANGELES COUNTY, CA. 90265  
**ESHA ENCROACHMENT MAP**

APN 4473-026-002

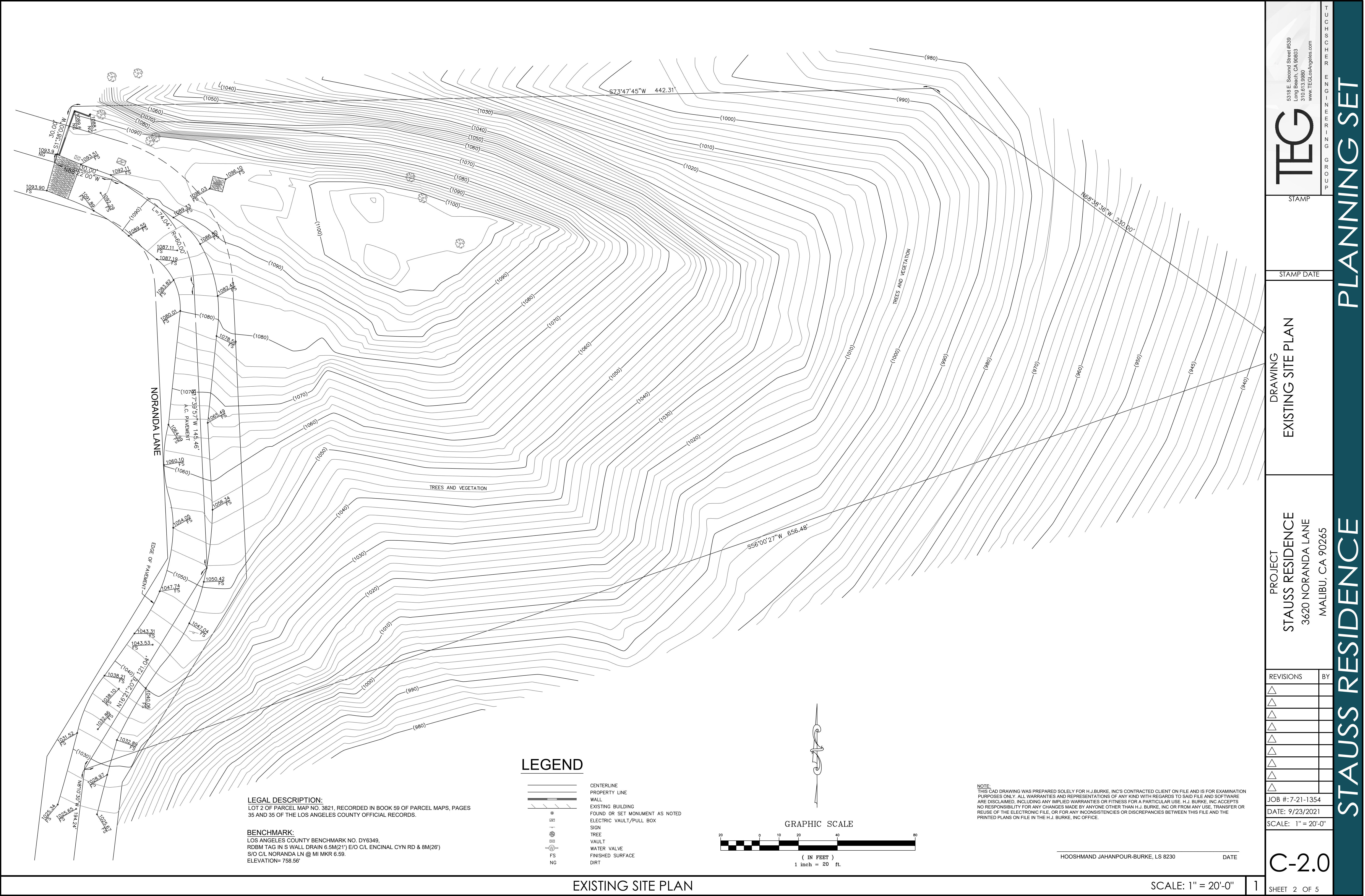
MARK	DATE	DESCRIPTION
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19	5-24-21	VM
20	6-6-21	VM
21	7-24-21	VM
22	12-26-21	VM

PROJECT NO: STAUSS 1  
MODEL FILE: 3620 NORANDA  
DRAWN BY: L.O.

**FM-6**

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- CITY OF MALIBU PUBLIC WORKS GRADING NOTES
1. IN CASE OF EMERGENCY, CALL AT \_\_\_\_\_

2. A STAND BY CREW FOR EMERGENCY WORK SHALL BE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON (NOVEMBER 1 TO APRIL 15). NECESSARY MATERIALS SHALL BE AVAILABLE ON-SITE AND STOCKPILED AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF EMERGENCY DEVICES WHEN RAIN IS IMMINENT.

2. EROSION CONTROL DEVICES SHOWN ON THIS PLAN MAY BE REMOVED WHEN APPROVED BY THE BUILDING OFFICIAL IF THE GRADING OPERATION HAS PROGRESSED TO THE POINT WHERE THEY ARE NO LONGER REQUIRED.

3. GRADED AREAS ADJACENT TO FILL SLOPES LOCATED AT THE SITE PERIMETER MUST DRAIN AWAY FROM THE TOP OF SLOPE AT THE CONCLUSION OF EACH WORKING DAY. ALL LOOSE SOILS AND DEBRIS THAT MAY CREATE A POTENTIAL HAZARD TO OFF-SITE PROPERTY SHALL BE STABILIZED OR REMOVED FROM THE SITE ON A DAILY BASIS.

4. ALL SILT AND DEBRIS SHALL BE REMOVED FROM ALL DEVICES WITHIN 24 HOURS AFTER EACH RAINSTORM AND BE DISPOSED OF PROPERLY.

5. A GUARD SHALL BE POSTED ON THE SITE WHENEVER THE DEPTH OF WATER IN ANY DEVICE EXCEEDS TWO FEET. THE DEVICE SHALL BE DRAINED OR PUMPED DRY WITHIN 24 HOURS AFTER EACH RAINSTORM. PUMPING AND DRAINING OF ALL BASINS AND DRAINAGE DEVICES MUST COMPLY WITH THE APPROPRIATE BMP FOR DEWATERING OPERATIONS.

7. THE PLACEMENT OF ADDITIONAL DEVICES TO REDUCE EROSION DAMAGE AND CONTAIN POLLUTANTS WITHIN THE SITE IS LEFT TO THE DISCRETION OF THE FIELD ENGINEER. ADDITIONAL DEVICES AS NEEDED SHALL BE INSTALLED TO RETAIN SEDIMENTS AND OTHER POLLUTANTS ON SITE.

8. DESILTING BASINS MAY NOT BE REMOVED OR MADE INOPERABLE BETWEEN NOVEMBER 1 AND APRIL 15 OF THE FOLLOWING YEAR WITHOUT THE APPROVAL OF THE BUILDING OFFICIAL.

9. STORM WATER POLLUTION AND EROSION CONTROL DEVICES ARE TO BE MODIFIED, AS NEEDED, AS THE PROJECT PROGRESSES. THE DESIGN AND PLACEMENT OF THESE DEVICES IS THE RESPONSIBILITY OF THE FIELD ENGINEER. PLANS REPRESENTING CHANGES MUST BE SUBMITTED FOR APPROVAL IF REQUESTED BY THE BUILDING OFFICIAL.

10. EVERY EFFORT SHOULD BE MADE TO ELIMINATE THE DISCHARGE OF NONSTORM WATER FROM THE PROJECT SITES AT ALL TIMES.

11. ERODED SEDIMENTS AND OTHER POLLUTANTS MUST BE RETAINED ON-SITE AND MAY NOT BE TRANSPORTED FROM THE SITE VIA SHEET FLOW, SWALES, AREA DRAINS, NATURAL DRAINAGE COURSES, OR WIND.

12. STOCKPILES OF EARTH AND OTHER CONSTRUCTION RELATED MATERIALS MUST BE PROTECTED FROM BEING TRANSPORTED FROM THE SITE BY THE FORCES OF WIND OR WATER.

12. FUELS, OILS, SOLVENTS, AND OTHER TOXIC MATERIALS MUST BE STORED IN ACCORDANCE WITH THEIR LISTING AND ARE NOT TO CONTAMINATE THE SOILS AND SURFACE WATERS. ALL APPROVED STORAGE CONTAINERS ARE TO BE PROTECTED FROM THE WEATHER. SPILLS MUST BE CLEANED UP IMMEDIATELY AND DISPOSED OF IN A PROPER MANNER. SPILLS MAY NOT BE WASHED INTO THE DRAINAGE SYSTEM.

13. EXCESS OR WASTE CONCRETE MAY NOT BE WASHED INTO THE PUBLIC WAY OR ANY OTHER DRAINAGE SYSTEM. PROVISIONS SHALL BE MADE TO RETAIN CONCRETE WASTES ON-SITE UNTIL THEY CAN BE DISPOSED OF AS SOLID WASTE.

15. DEVELOPERS/CONTRACTORS ARE RESPONSIBLE TO INSPECT ALL EROSION CONTROL DEVICES AND BMP'S ARE INSTALLED AND FUNCTIONING PROPERLY IF THERE IS A 40% CHANCE OF 0.25 INCHES OR GREATER OR PREDICTED PRECIPITATION, AND AFTER ACTUAL PRECIPITATION. A CONSTRUCTION SITE INSPECTION CHECKLIST AND INSPECTION LOG SHALL BE MAINTAINED AT THE PROJECT SITE AT ALL ITEMS AND AVAILABLE FOR REVIEW BY THE BUILDING OFFICIAL. (COPIES OF THE SELF INSPECTION CHECK LIST AND INSPECTION LOGS ARE AVAILABLE UPON REQUEST).

16. TRASH AND CONSTRUCTION RELATED SOLID WASTES MUST BE DEPOSITED INTO A COVERED RECEPTACLE TO PREVENT CONTAMINATION OF RAINWATER AND DISPERSAL BY WIND.

17. SEDIMENTS AND OTHER MATERIALS MAY NOT BE TRACKED FROM THE SITE BY VEHICLE TRAFFIC. THE CONSTRUCTION ENTRANCE ROADWAYS MUST BE STABILIZED SO AS TO INHIBIT SEDIMENTS FROM BEING DEPOSITED INTO THE PUBLIC WAY. ACCIDENTAL DEPOSITIONS MUST BE SWEEPED UP IMMEDIATELY AND MAY NOT BE WASHED DOWN BY RAIN OR OTHER MEANS.

18. ANY SLOPES WITH DISTURBED SOILS OR DENUDED OF VEGETATION MUST BE STABILIZED SO AS TO INHIBIT EROSION BY WIND AND WATER.

19. AS THE ENGINEER OF RECORD, I HAVE SELECTED APPROPRIATE BMPs TO EFFECTIVELY MINIMIZE THE NEGATIVE IMPACTS OF THIS PROJECT'S CONSTRUCTION ACTIVITIES ON STORM WATER QUALITY. THE PROJECT OWNER AND CONTRACTOR ARE AWARE THAT THE SELECTED BMPs MUST BE INSTALLED, MONITORED, AND MAINTAINED TO ENSURE THEIR EFFECTIVENESS. THE BMPs NOT SELECTED FOR IMPLEMENTATION ARE REDUNDANT OR DEEMED NOT APPLICABLE TO THE PROPOSED CONSTRUCTION ACTIVITY.

CIVIL ENGINEER'S/ARCHITECT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

20. AS THE PROJECT OWNER OR AUTHORIZED AGENT OF THE OWNER, I HAVE READ AND UNDERSTAND THE REQUIREMENTS TO CONTROL STORM WATER POLLUTION FROM SEDIMENTS, EROSION, AND CONSTRUCTION MATERIALS. AND I CERTIFY THAT I WILL COMPLY WITH THESE REQUIREMENTS. I, OR MY REPRESENTATIVE, CONTRACTOR, DEVELOPER, OR ENGINEER WILL MAKE CERTAIN THAT ALL BMP SHOWN ON THIS PLAN WILL BE FULLY IMPLEMENTED, AND ALL EROSION CONTROL DEVICES WILL BE KEPT CLEAN AND FUNCTIONING. PERIODIC INSPECTIONS OF THE BMPs WILL BE CONDUCTED AND A CURRENT LOG, SPECIFYING THE EXACT NATURE OF THE INSPECTION AND ANY REMEDIAL MEASURES, WILL BE KEPT AT THE CONSTRUCTION SITE AT ALL TIMES AND WILL BE AVAILABLE FOR THE REVIEW BY THE BUILDING OFFICIAL.

21. AS THE PROJECT OWNER OR AUTHORIZED AGENT OF THE OWNER, I CERTIFY THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE 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 LOCAL SWPPP TO REFLECT CURRENT CONDITIONS, OR FAILING TO PROPERLY AND/OR ADEQUATELY IMPLEMENT THE LOCAL SWPPP MAY RESULT IN REVOCATION OF GRADING AND/OR OTHER PERMITS OR OTHER SANCTIONS PROVIDED BY LAW.

OWNER OR AUTHORIZED REPRESENTATIVE \_\_\_\_\_ DATE \_\_\_\_\_
- HILLSIDE GRADING NOTE

NO GRADING WILL BE ALLOWED ON SLOPES GREATER THAN 4:1 BETWEEN NOVEMBER 1 AND MARCH 31. DO NOT BEGIN ANY GRADING WORK WHICH CANNOT BE COMPLETED PRIOR TO NOVEMBER 1.
- ESHA GRADING NOTE

NO GRADING WILL BE ALLOWED BETWEEN NOVEMBER 1 AND MARCH 31. DO NOT BEGIN ANY GRADING WORK WHICH CANNOT BE COMPLETED PRIOR TO NOVEMBER 1.
- | CONSTRUCTION ABBREVIATIONS |                                 |
|----------------------------|---------------------------------|
| F.F                        | FINISHED FLOOR ELEVATION        |
| E.S.                       | EXISTING SURFACE ELEVATION      |
| E.G.                       | EXISTING GRADE ELEVATION        |
| F.S.                       | FINISHED SURFACE ELEVATION      |
| F.G.                       | FINISHED GRADE ELEVATION        |
| T.W.                       | ELEVATION AT TOP OF WALL        |
| P.S.                       | POOL FINISHED SURFACE ELEVATION |
| S.S.                       | SPA FINISHED SURFACE ELEVATION  |
- | GRADING PLAN LEGEND |   |
|---------------------|---|
|                     | BASEMENT OUTLINE AT GRADE                                   |
|                     | 1ST FLOOR OUTLINE AT GRADE                                  |
|                     | 2ND FLOOR OUTLINE AT GRADE                                  |
|                     | EXISTING MAJOR GRADE CONTOUR                                |
|                     | EXISTING MINOR GRADE CONTOUR                                |
|                     | PROPOSED MAJOR GRADE CONTOUR                                |
|                     | PROPOSED MINOR GRADE CONTOUR                                |
|                     | EXISTING MAJOR GRADE CONTOUR TO BE REMOVED                  |
|                     | EXISTING MINOR GRADE CONTOUR TO BE REMOVED                  |
|                     | CUT & FILL TRANSITION/DAYLIGHT BOUNDARY                     |
|                     | CUT AREA  |
|                     | FILL AREA   |
|                     | RETAINING WALL  |
|                     | RETAINING WALL WITH RETAINED PORTION BELOW FINISHED SURFACE |
- | NOTES |                   |
|-------|-------------------|
| 1     | PROPOSED DRIVEWAY |
- 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)

**TOTAL GRADING YARDAGE VERIFICATION CERTIFICATE**  
PLANNING DEPARTMENT REVIEW LEVEL

PROJECT NUMBER: \_\_\_\_\_  
PROJECT ADDRESS: 3620 Noranda Lane, Malibu, CA 90265

The completed form must be provided at the time of Planning Department application for grading approval. All applicable cubic yardages shall be completed in the table. **All calculations utilized to estimate the cubic yardages indicated shall be attached to this form.** This form and the required calculations must be prepared by a State of California Licensed Civil Engineer. The form and the calculations shall be stamped and wet signed by the preparing party.

	Exempt			Non-Exempt		Total
	R&R	Understructure	Safety	Non-Exempt	Remedial	
Cut	0 CU.YD.	1919 CU.YD.	0 CU.YD.	579 CU.YD.	0 CU.YD.	2498 CU.YD.
Fill	0 CU.YD.	3 CU.YD.	0 CU.YD.	2 CU.YD.	0 CU.YD.	5 CU.YD.
<b>Total</b>	0 CU.YD.	1922 CU.YD.	0 CU.YD.	581 CU.YD.	0 CU.YD.	2503 CU.YD.
Import						
Export		1918 CU.YD.		577 CU.YD.		2495 CU.YD.

All quantities indicated shall be in cubic yards only.  
S&S = Removal and Reconciliation - R&R must be balanced.  
Safety Grading is required grading for L.A. County Fire Department access approval beyond the 15 foot minimum access and may include turnouts, hammerheads, turnarounds, and access roadway widening.  
Remedial grading is grading recommended by a full site geotechnical or soils report prepared by a licensed geologist or soils engineer which is necessary to correct physical deficiencies on the site for the construction of a primary residential structure or access to the lot.  
Imported means soil that is brought on to the site. Exported means soil that is leaving the site. This information will be used to calculate the number of truck trips required for site preparation.

PREPARED BY: JAMES TUCHSCHER  
DATE: 9/23/2021

STAMP

Page 1 of 1  
P:\FORM\COUNTER FORMS\PLN Grading Verification Certificate\_180201.docx
- DIGALERT

EXCAVATION NOTICE  
BEFORE A PERMIT TO EXCAVATE WILL BE VALID, CONTACT DIG ALERT FOR DIG ALERT IDENTIFICATION NUMBER 48 HOURS BEFORE EXCAVATION

CALL 811
- GRADING PLAN

SCALE: 1"=10'-0"

1

SHEET 3 OF 5

C-3.0
- 5318 E. Second Street #639  
Long Beach, CA 90803  
310.013.6980  
[www.TEGLosAngeles.com](http://www.TEGLosAngeles.com)

TEG

T U C H S C H E R  
E N G I N E E R I N G  
G R O U P

STAMP

STAMP DATE

DRAWING GRADING PLAN

PROJECT STAUSS RESIDENCE  
3620 NORANDA LANE  
MALIBU, CA 90265

REVISIONS

BY

JOB #: 7-21-1354  
DATE: 9/23/2021  
SCALE: 1"=10'-0"

C-3.0



- DRAINAGE NOTES
1.

2% MIN. SLOPE TO DRAINAGE DEVICE AND / OR STREET AT ALL PAD AREAS.
2.

2% MIN. SLOPE AWAY FROM BUILDINGS AT AREAS OF HARDSCAPE AT ADJACENT 5 FEET.
3.

5% MIN. SLOPE AWAY FROM BUILDINGS AT AREAS OF SOFTSCAPE AT ADJACENT FIVE FEET.
4.

ALL ROOF RAIN WATER SHALL BE COLLECTED BY GUTTERS AND DOWNSPOUTS CONNECTED TO SOLID DRAIN LINE.
5.

ENGINEER MUST SET GRADE STAKES FOR ALL DRAINAGE DEVICES AND THE CONTRACTOR SHALL OBTAIN INSPECTION BEFORE POURING.
6.

PROVISIONS SHALL BE MADE FOR CONTRIBUTORY DRAINAGE AT ALL TIMES.
7.

SEPARATE PLANS FOR TEMPORARY DRAINAGE AND WET WEATHER EROSION CONTROL MEASURES TO BE USED DURING THE RAINY SEASON MUST BE SUBMITTED PRIOR TO OCTOBER 1. THE EROSION CONTROL DEVICES SHOWN ON SAID PLANS MUST BE INSTALLED BY NOT LATER THAN NOVEMBER 1 AND MAINTAINED IN OPERABLE CONDITION UNTIL APRIL 15.
8.

ROOF GUTTERS SHALL BE INSTALLED TO PREVENT ROOF DRAINAGE FROM FALLING ON MANUFACTURED SLOPES. GUTTERS SHALL BE CONNECTED TO NON-EROSIVE PIPING OR OTHER METHOD ACCEPTABLE TO THE BUILDING OFFICIAL.

POOL AND SPA WATER DISCHARGE

CONTRACTOR TO INSTALL 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 OF THE PROPERTY.

PUBLIC WORKS NOTE

INSTALL STENCIL AT ALL CATCH BASIN INLET DRAINS WITHIN 250 FT PER PER DETAIL 1/C-6.

PUBLIC WORKS NOTE

NO CITY/COUNTY STORM DRAIN INLETS WITHIN 250 FEET FROM PROPERTY LINE.

CONSTRUCTION NOTES	
1	PROPOSED DRIVEWAY
2	POOL
3	SPA
4	AREA DRAIN
5	TRENCH DRAIN
6	STORMCAPTURE
7	PIPE CONNECTION TO DOWNSPOUTS, AREA DRAINS, CATCH BASINS & PERFORATED PIPES

DRAINAGE PLAN LEGEND

BASEMENT OUTLINE AT GRADE

1ST FLOOR OUTLINE AT GRADE

2ND FLOOR OUTLINE AT GRADE

(100')

EXISTING MAJOR GRADE CONTOUR

(101')

EXISTING MINOR GRADE CONTOUR

100'

PROPOSED MAJOR GRADE CONTOUR

101'

PROPOSED MINOR GRADE CONTOUR

AREA DRAIN W/ MIN. 2% SLOPE TO DRAIN

TRENCH DRAIN PER PLAN

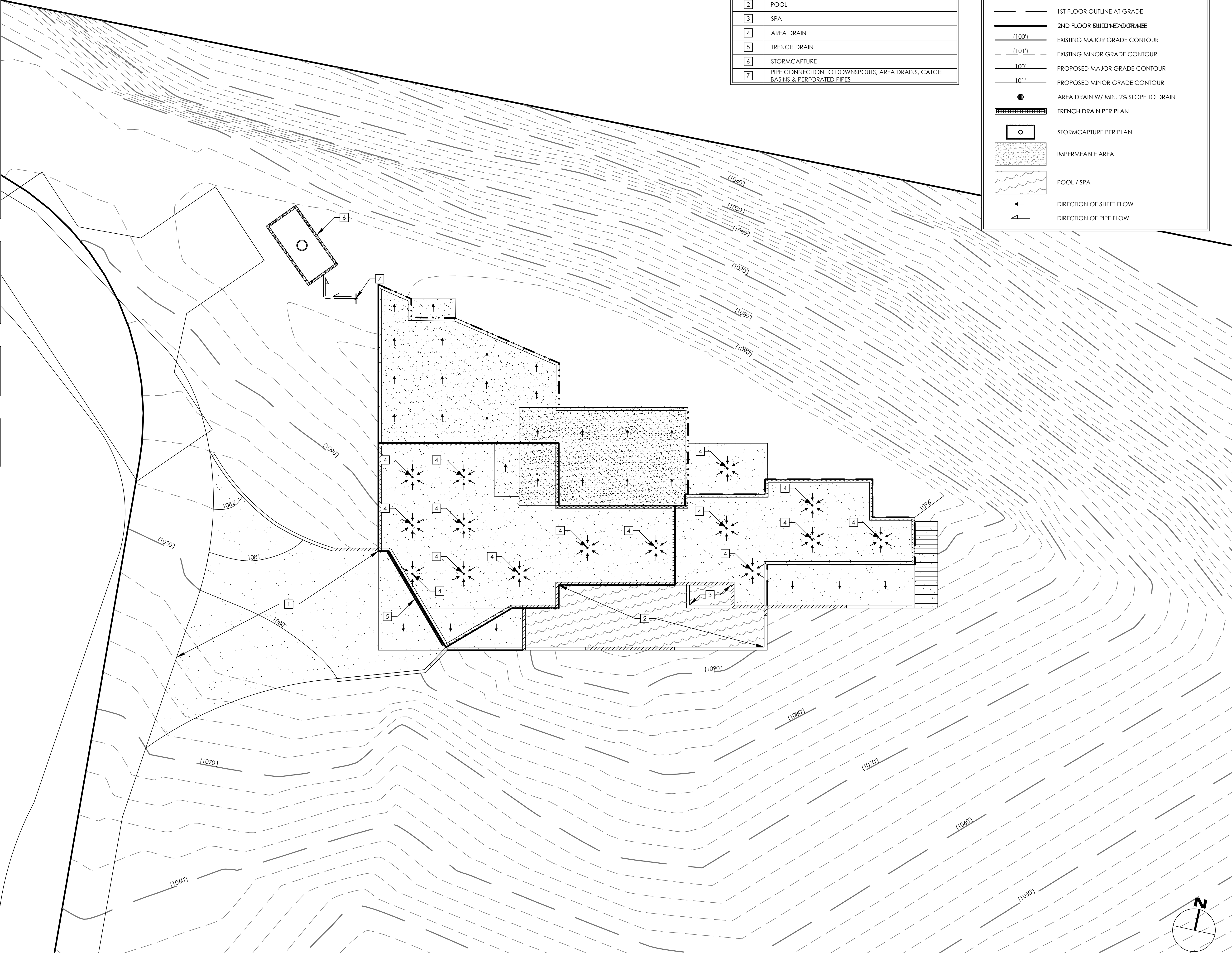
STORMCAPTURE PER PLAN

IMPERMEABLE AREA

POOL / SPA

DIRECTION OF SHEET FLOW

DIRECTION OF PIPE FLOW



5318 E. Second Street #639  
Long Beach, CA 90803  
310.613.9980  
www.TEGLosAngeles.com

TEG

STAMP

STAMP DATE

DRAWING  
DRAINAGE PLAN

PROJECT  
STAUSS RESIDENCE  
3620 NORANDA LANE  
MALIBU, CA 90265

REVISIONS

BY

△

△

△

△

△

△

△

△

JOB #: 7-21-1354

DATE: 9/23/2021

SCALE: 1"=10'-0"

C-4.0

1

137

1

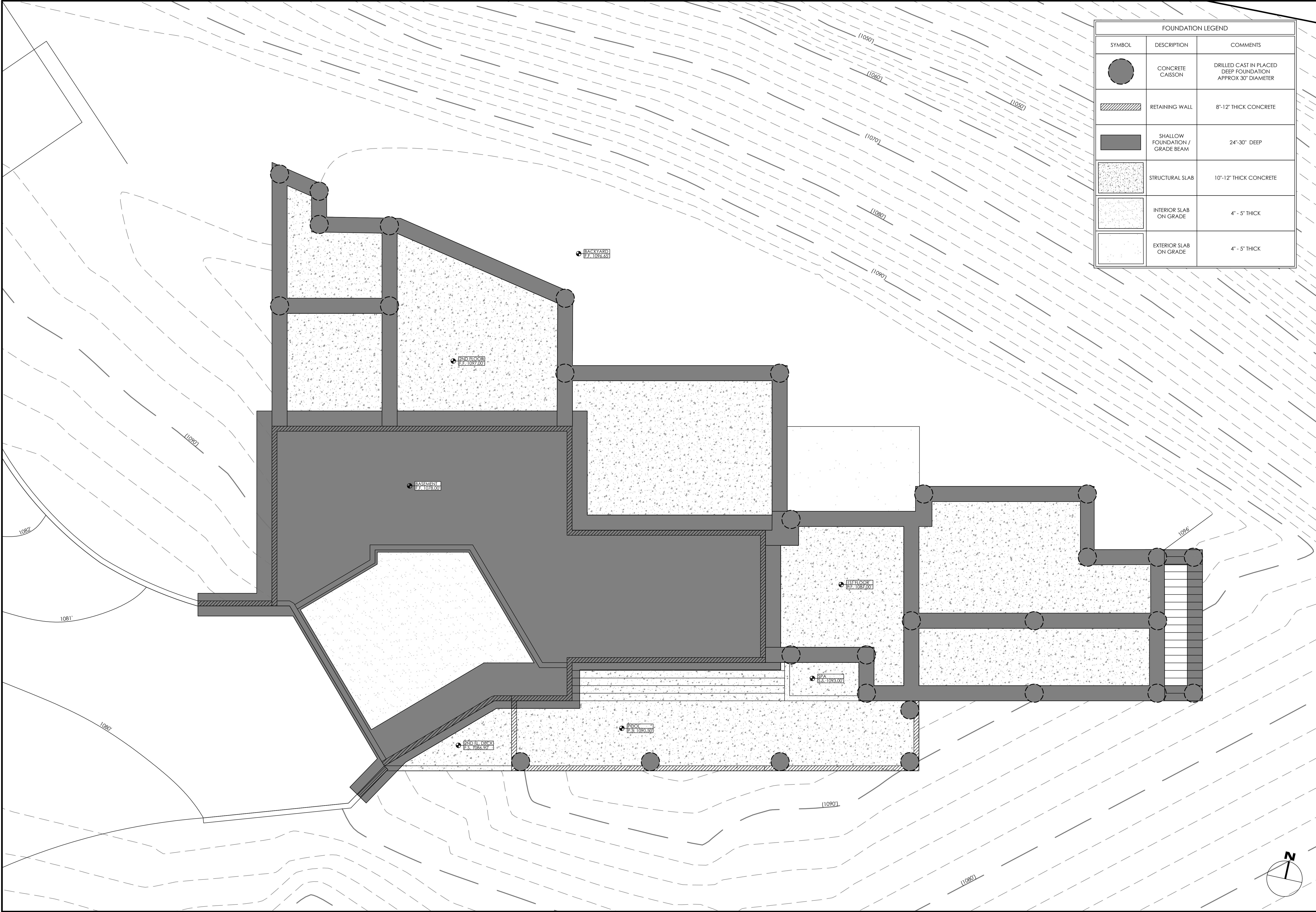
4

OF 5

STAUSS RESIDENCE

PLANNING SET





FOUNDATION LEGEND		
SYMBOL	DESCRIPTION	COMMENTS
	CONCRETE CAISSON	DRILLED CAST IN PLACED DEEP FOUNDATION APPROX 30" DIAMETER
	RETAINING WALL	8"-12" THICK CONCRETE
	SHALLOW FOUNDATION / GRADE BEAM	24"-30" DEEP
	STRUCTURAL SLAB	10"-12" THICK CONCRETE
	INTERIOR SLAB ON GRADE	4" - 5" THICK
	EXTERIOR SLAB ON GRADE	4" - 5" THICK

5318 E. Second Street #539  
Long Beach, CA 90803  
310.613.9980  
www.TEGLosAngeles.com

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DRAWING  
PRELIMINARY  
FOUNDATION PLAN

PROJECT  
STAUSS RESIDENCE  
3620 NORANDA LANE  
MALIBU, CA 90265

REVISIONS	BY
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JOB #: 7-21-1354  
DATE: 9/23/2021  
SCALE: 3/16"=1'-0"

S1-P

1

SHEET 5 OF 5

STAUSS RESIDENCE  
PLANNING SET

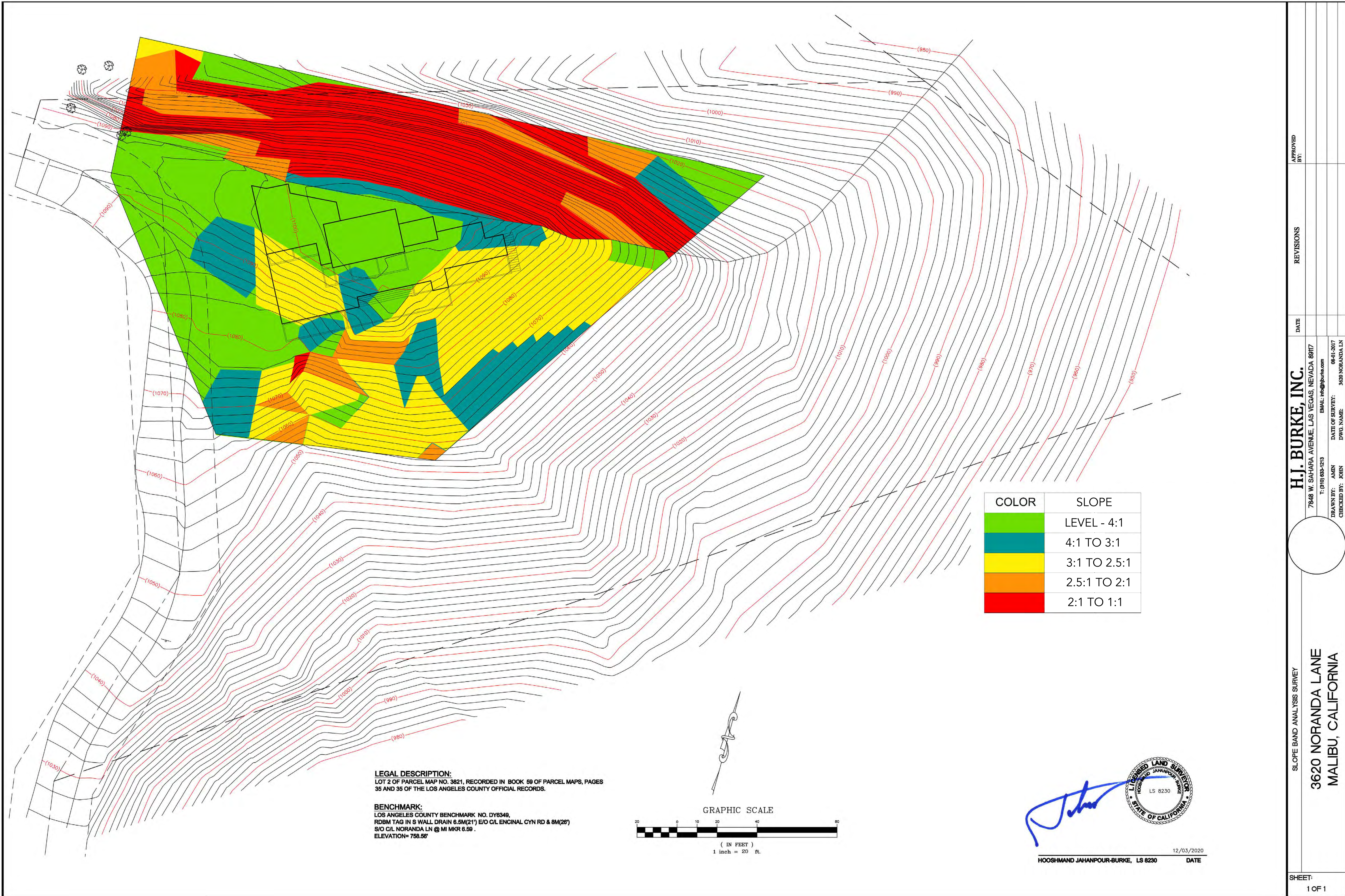
TUCHSCHER ENGINEERING GROUP

PRELIMINARY FOUNDATION PLAN

SCALE: 3/16" = 1'-0"

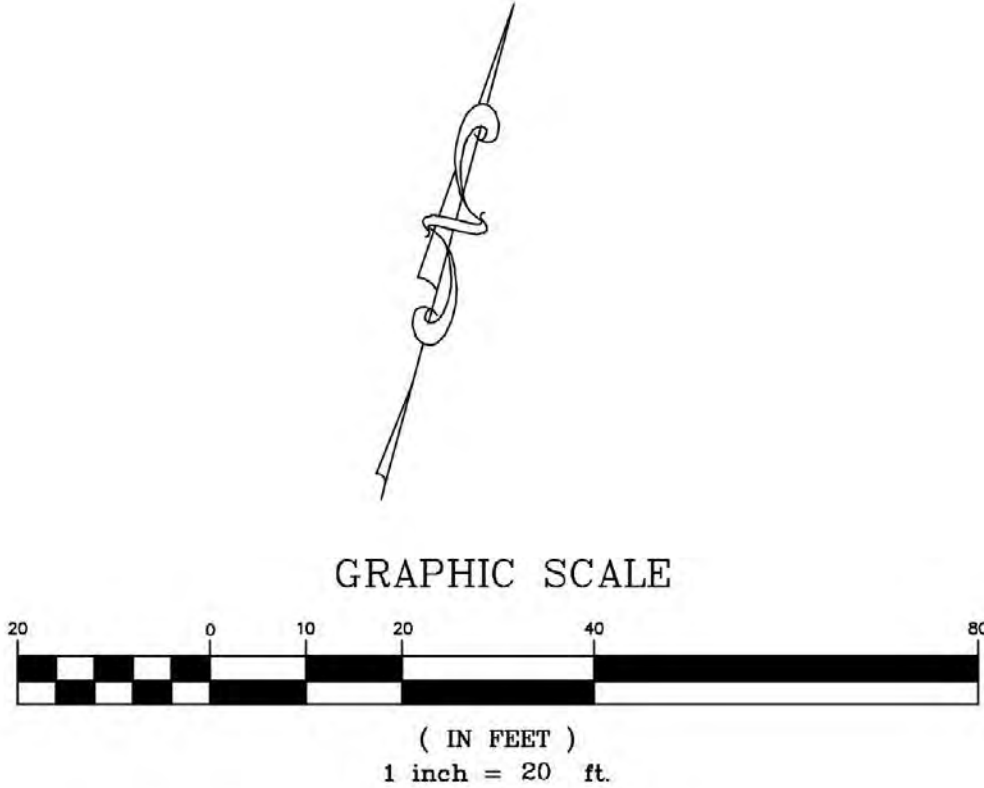
1





**LEGAL DESCRIPTION:**  
LOT 2 OF PARCEL MAP NO. 3821, RECORDED IN BOOK 59 OF PARCEL MAPS, PAGES 35 AND 36 OF THE LOS ANGELES COUNTY OFFICIAL RECORDS.

**BENCHMARK:**  
LOS ANGELES COUNTY BENCHMARK NO. DY8349,  
RDBM TAG IN S WALL DRAIN 6.5M(21') E/O CIL ENCINAL CYN RD & 8M(26')  
S/O CIL NORANDA LN @ MI MKR 6.59 .  
ELEVATION= 758.55'



COLOR	SLOPE
Green	LEVEL - 4:1
Teal	4:1 TO 3:1
Yellow	3:1 TO 2.5:1
Orange	2.5:1 TO 2:1
Red	2:1 TO 1:1

  
  
HOOSHMAND JAHANPOUR-BURKE, LS 8230  
DATE 12/03/2020

APPROVED BY:	REVISIONS	DATE
H.J. BURKE, INC.		
7648 W. SAHARA AVENUE LAS VEGAS, NEVADA 89117		
T: (810) 633-1213		
EMAIL: info@hjburke.com		
DRAWN BY: AMIN	DATE OF SURVEY: 08-01-2017	
CHECKED BY: JOHN	DWG. NAME: 3620 NORANDA LN	
SLOPE BAND ANALYSIS SURVEY		
3620 NORANDA LANE		
MALIBU, CALIFORNIA		
SHEET: 1 OF 1		





# City of Malibu

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

## BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu Biologist

FROM: City of Malibu Planning Department

REVISED DATE 05/10/2022

PROJECT NUMBER: CDP 17-104

JOB ADDRESS: 3620 NORANDA LN

APPLICANT / CONTACT: Vitus Matare, Vitus Matare & Associates

APPLICANT ADDRESS: P.O.Box 1204  
Malibu, CA 90265

APPLICANT PHONE #: (310) 317-0700

APPLICANT FAX #:

APPLICANT EMAIL: vitus.matare@gmail.com

PLANNER: Jessica Thompson

PROJECT DESCRIPTION: NSFR, OWTS, swimming pool

TO: Malibu Planning Department and/or Applicant

FROM: City Biologist, Courtney McCammon

\_\_\_\_\_ The project review package is INCOMPLETE and; CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

X  
\_\_\_\_\_ The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process.

\_\_\_\_\_ The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore Requires Review by the Environmental Review Board (ERB).

*Courtney McCammon*

6/16/22

Signature

Date

Additional requirements/conditions may be imposed upon review of plan revision

### Contact Information:

Courtney McCammon, City Biologist, [biology@malibucity.org](mailto:biology@malibucity.org), (310) 456-2489, extension 277



# City of Malibu


Biology • Planning Department

23825 Stuart Ranch Road • Malibu, California • 90265-4861

Phone (310) 456-2489 • Fax (310) 456-3356 • [www.malibucity.org](http://www.malibucity.org)

## BIOLOGY REVIEW SHEET

### PROJECT INFORMATION

Applicant: (name and email)	Vitus Matare, Vitus Matare & Associates <a href="mailto:Vitus.matare@gmail.com">Vitus.matare@gmail.com</a>	
Project Address:	3620 NORANDA LN Malibu, CA 90265	
Planning Case No.:	CDP 17-104	
Project Description:	NSFR, OWTS, swimming pool	
Date of Review:	June 16, 2022	
Reviewer:	Courtney McCammon	Signature: 
Contact Information:	Phone: (310) 456-2489 ext 277	Email: <a href="mailto:biology@malibucity.org">biology@malibucity.org</a>

### SUBMITTAL INFORMATION

Site Plan:	11/18/17
Site Survey:	11/18/17
Landscape Plan:	5/10/22
Hydrozone Plan:	5/10/22
Irrigation Plan:	5/10/22
Fuel Modification Plan:	5/10/22
Grading Plan:	11/18/17
OWTS Plan:	
Bio Assessment:	3/29/22 (Nelson)
Bio Inventory:	
Native Tree Survey:	12/14/17
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	1/9/18 (Approved), 8/6/21 (Approved), 4/17/22 (Incomplete)

### REVIEW FINDINGS

Review Status:	<input type="checkbox"/> <b><u>INCOMPLETE</u></b> : Additional information and/or a response to the listed review comments is required.
	<input checked="" type="checkbox"/> <b><u>APPROVED</u></b> : The project has been approved with regards to biological impacts.
	<input type="checkbox"/> <b><u>CANNOT APPROVE AS SUBMITTED</u></b> : The proposed project does not conform to the requirements of the MMC and/or LCP.
	<input type="checkbox"/> <b><u>ERB</u></b> : This project has the potential to impact ESHA and may require review by the Environmental Review Board pursuant to LIP Section 4.4.4



**DISCUSSION:**

1. The Maximum Applied Water Allowance (MAWA) for this project totals 108,671 gallons per year (gpy). The Estimated Applied Water Use (EAWU) totals 44,032 gpy. Therefore, the project meets the Landscape Water Conservation Ordinance Requirements.

**RECOMMENDATIONS:**

1. The project is recommended for **APPROVAL** 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 Environmentally Sensitive Habitat Area (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 0.96 acres of permanent impacts (development footprint and/or Fuel Modification Zones A and/or B) and 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 installation of any landscaping, the applicant shall obtain plumbing permit for the proposed irrigation system from the Building Safety Division.
  - D. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.
  - E. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 9.22). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22. (form attached)
  - F. 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:

**Nima Parsa**

Address: 23533 West Civic Center Way, Malibu, CA 90265-4804

Email: [Nparsa@DPW.LACOUNTY.GOV](mailto:Nparsa@DPW.LACOUNTY.GOV) (preferred)

Phone: (310) 317-1389

**Please note this action may require several weeks. As such, the applicant should submit their approved landscape plans to DPW as soon as feasible in order to avoid a delay at plan check.**

- G. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.
- H. 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).
- I. Invasive plant species, as determined by the City of Malibu, are prohibited.
- J. No non-native plant species shall be approved greater than 50 feet from the residential structure.
- K. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.
- L. Grading shall be scheduled only during the dry season from April 1 - October 31. If it becomes necessary to conduct grading activities from November 1 – March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.
- M. Grading/excavation/vegetation removal scheduled between February 1 - September 15 will require nesting bird surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than five days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within two business days of completion of surveys.
- N. All new development including structures, septic systems, or landscaping, shall be set back no less than (100) feet from the (ESHA).
- O. The (*landscape and fuel modification plan*) has been conditioned to protect natural resources in accordance with the Malibu General Plan. All areas shall be planted and maintained as described in the (*landscape and fuel modification plan*). Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.
- P. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas. Up-lighting is prohibited.

2. **PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY**, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

3. **ERB REQUIRED**

Pursuant to LIP Section 4.4.4, the proposed project will require review by the Environmental Review Board (ERB) as it has the potential to impact special status biological resources.

-o0o-

If you have any questions regarding the above requirements, please contact the City Biologist office at your earliest convenience.

cc: Planning Project file  
Planning Department





# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861  
(310) 456-2489 FAX (310) 317-1950 www.malibucity.org

## ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator DATE: 11/8/2017

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 17-104  
JOB ADDRESS: 3620 NORANDA LN  
APPLICANT / CONTACT: Vitus Matare  
APPLICANT ADDRESS: P.O. Box 1204  
Malibu, CA 90265  
APPLICANT PHONE #: (310) 317-0700  
APPLICANT FAX #: (310) 317-0721  
APPLICANT EMAIL: info@vitusmatare.com  
PROJECT DESCRIPTION: NSFR, OWTS, swimming pool

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)

Mathew Frank  
Signature

NOVEMBER 15, 2017  
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.

The Environmental Health Specialist 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](http://www.malibucity.org)

## ENVIRONMENTAL HEALTH REVIEW SHEET

### PROJECT INFORMATION

Applicant: (name and email address)	Vitus Matare <a href="mailto:info@vitusmatare.com">info@vitusmatare.com</a>	
Project Address:	<b>3620 Noranda Lane</b> Malibu, California 90265	
Planning Case No.:	CDP 17-104	
Project Description:	NSFR, OWTS, swimming pool	
Date of Review:	November 15, 2017	
Reviewer:	Matt Janousek	Signature: 
Contact Information:	Phone: (310) 456-2489 ext. 307	Email: <a href="mailto:mjanousek@malibucity.org">mjanousek@malibucity.org</a>

### SUBMITTAL INFORMATION

Architectural Plans:	VMA: Plans dated 11-4-2017 (submitted 11-8-2017)
Grading Plans:	TEG: Plans dated 10-14-2017
OWTS Plan:	EPD: OWTS Plan dated 9-27-2017
OWTS Report:	EPD: OWTS Report dated 9-27-2017; Percolation Test Report dated 9-27-2017
Geology Report:	CalWest: Geotechnical report dated 10-5-2017. LandPhases: Geology report dated 9-7-2017.
Miscellaneous:	
Previous Reviews:	

### 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.
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 (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed OWTS 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, 2016 Edition with City of Malibu local amendments (Malibu Municipal Code Section 15.12; 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 OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

### **Conditions of Planning Conformance Review for Building Plan Check Approval**

- 1) **Final OWTS Plot Plan:** A final plot plan shall be submitted showing an onsite wastewater treatment system (OWTS) design meeting the minimum requirements of the MPC, and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property, the proposed landscape plan for the developed property, and the proposed stormwater detention/dispersal plan. The OWTS Plot Plan shall show essential features of the OWTS, 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 OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by the California-registered Civil Engineer, Registered Environmental Health Specialist, or Professional Geologist who is responsible for the design, and is a registered practitioner with the City of Malibu. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

The final OWTS design submittal shall contain the following information (in addition to the items listed above).

- a. The submitted drainage fixture unit (DFU) breakdowns in the EPD OWTS Report dated 9-27-2017 indicate a unit value of 2 for a clothes washer. The unit value of a clothes washer is 3 according to City requirements. Please revise the DFU counts to reflect the corrected unit value in the final OWTS report.
- b. 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.
- c. Sewage and effluent pump design calculations (as applicable).
- d. 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.





- e. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gpsf). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.
  - f. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]
- 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 OWTS 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) **OWTS Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an alternative method of sewage disposal pursuant to the City of Malibu Uniform Plumbing Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. **Please submit a certified copy issued by the City of Malibu Recorder.**
- 8) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.



- 9) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.
- 10) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
- 11) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.
- 12) **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 OWTS 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





3620 NORANDA LANE (CDP 17-104)  
MALIBU, CA 90265

S.F.D.:	3 Bedrooms/57 Fixture Units (N)
TREATMENT	3,634 Gallon MicroSepTec ES12
TANK:	w/UV Disinfection Unit (N)
ACTIVE:	1 - 6' x 38' BI w/ 15' Cap (projected; B-3) (N)
	1 - 6' x 45' BI w/ 15' Cap (projected; B-4) (N)
FUTURE:	1 - 6' x 45' BI w/ 15' Cap (projected; B-2) (F)
	1 - 6' x 25' BI w/ 15' Cap (projected; B-5) (F)
PERC RATE:	8,939 gpd/10.5 gpsf (proj; B-2)
	9,000 gpd/12.6 gpsf (proj; B-3)
	5,030 gpd/5.9 gpsf (proj; B-4)
	5,579 gpd/11.8 gpsf (proj; B-5)
DESIGNER:	Kevin Poffenbarger, RCE (69089)
REFERENCE:	EPD: OWTs report dated 9-27-2017
	LandPhases; Geology report dated 9-7-2017
	CalWest: Geotechnical report dated 10-5-2017

NOTES:

1. This conformance review is for a 3 bedroom (57 fixture units) new single family dwelling. 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).
2. 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 review treatment.
3. This review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

**LEGEND:**

- PROPERTY LINE
- EASEMENT
- WATER SUPPLY WELL SETBACK
- (P) RESIDENCE
- (P) SS PIPES (GRAVITY)
- (P) SS PIPES (AIR)
- (P) SS PIPES (VENTILATION)
- (P) SS PIPES (ELECTRICAL)
- (P) PRESENT SEEPAGE PIT (P-X)
- (P) FUTURE SEEPAGE PIT (F-X)

APPROXIMATE LOCATION OF PERCOLATION TEST BORING (B-X) PER LAND PHASES INC. GEOLOGIC REPORT, DATED SEPTEMBER 7, 2017

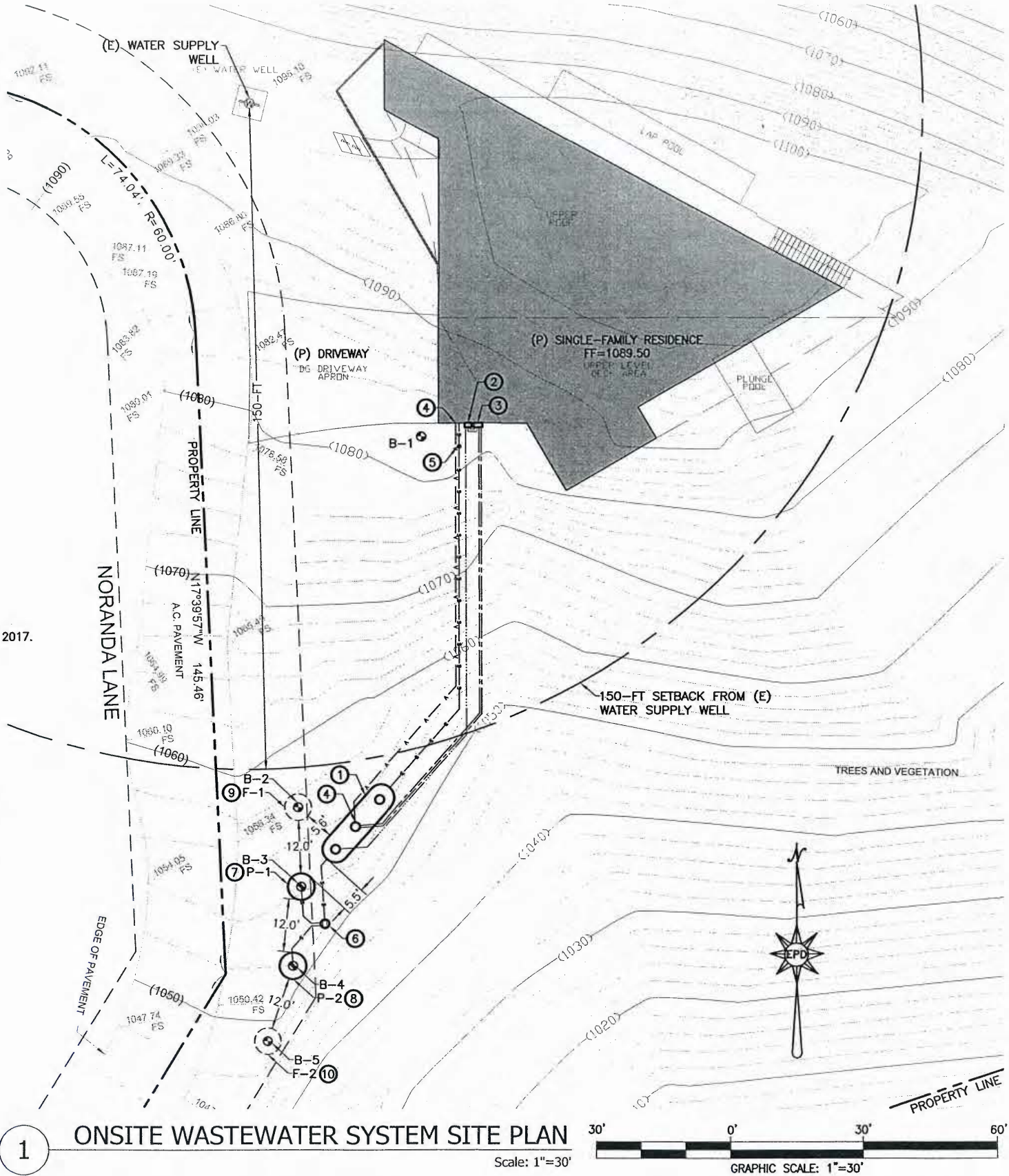
**ABBREVIATIONS:**

- (E) EXISTING
- (P) PROPOSED
- BI BELOW INLET
- EG EXISTING GRADE
- FF FINISHED FLOOR
- FG FINISHED GRADE
- FRP FIBERGLASS REINFORCED PLASTIC
- FS FINISHED SURFACE
- MFR MANUFACTURER
- OWS ONSITE WASTEWATER SYSTEM
- OSI ORENCO SYSTEMS INC.
- SS SANITARY SEWER

- REFERENCES:**
1. LAND PHASES, INC.: REPORT OF ENGINEERING GEOLOGIC STUDY, DATED SEPTEMBER 7, 2017.
  2. H.J. BURKE, INC.: TOPOGRAPHIC SURVEY, DATED AUGUST 1, 2017.
  3. VITUS MATARE & ASSOCIATES: ARCHITECTURAL PLANS, DATED SEPTEMBER 2, 2017.
  4. EPD CONSULTANTS, INC.: PERCOLATION TEST REPORT, DATED SEPTEMBER 27, 2017.

- NOTES:**
1. ONSITE WASTEWATER SYSTEM GENERAL NOTES PER DETAIL 3, SHEET W0.00.
  2. ONSITE WASTEWATER SYSTEM PROCESS FLOW SCHEMATIC PER DETAIL 1, SHEET W0.00.
  3. OVERALL SITE PLAN PER DETAIL 5, SHEET W0.00.
  4. ONSITE WASTEWATER SYSTEM KEYNOTES PER DETAIL 6, SHEET W0.00.
  5. ONSITE WASTEWATER SYSTEM CALCULATIONS PER DETAIL 4, SHEET W0.00.
  6. ONSITE WASTEWATER SYSTEM SEEPAGE PIT ELEVATIONS PER DETAIL 2, SHEET W0.00.

PRELIMINARY - NOT FOR CONSTRUCTION



NO.	REVISIONS:	DATE:	BY:
150			

SHEET TITLE: ONSITE WASTEWATER SYSTEM SITE PLAN			PROJECT NO. W442	
PROJECT: STAUSS RESIDENCE			DRAWING NO. W0.01	
DATE 9/27/2017	SCALE AS SHOWN	DRAWN BY WHA	SHEET 2 OF 2 SHEETS	





# City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861  
(310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

## GEOTECHNICAL REVIEW SHEET

### Project Information

<b>Date:</b>	August 31, 2021	<b>Review Log #:</b>	<b>4091</b>
<b>Site Address:</b>	3620 Noranda Lane	<b>Planning #:</b>	<b>CDP 17-104</b>
<b>Lot/Tract/PM #:</b>	n/a	<b>BPC/GPC #:</b>	
<b>Applicant/Contact:</b>	Vitus Matare, vitus@vitusmatare.com	<b>Planner:</b>	<b>Jessica Thompson</b>
<b>Contact Phone #:</b>	310-317-0700	<b>Fax #:</b>	
<b>Project Type:</b>	<b>Revisions:</b> New single-family residential development, swimming pool and spa, Onsite Wastewater Treatment System (OWTS)		

### Submittal Information

**Consultant(s) / Report** Calwest Geotechnical (Liston, RCE 31902): 1-9-18, 10-5-17  
**Date(s):** Land Phases, Inc. (Holt; CEG 2282): 1-4-18, 9-7-17  
(Current submittal(s) in **Bold.**) EPD Consultants (Poffenbarger, RCE 69089): 9-27-17 (2 reports)

**Architectural plans prepared by Vitus Matare & Associates, Inc. dated July 24, 2021.**  
**Total Grading Yardage Verification Certificate prepared by James Tuchscher dated May 25, 2021.**  
Grading plans prepared by Tuchscher Engineering Group, Inc., dated October 8, 2017.  
Preliminary OWTS plans prepared by EPD Consultants dated September 27, 2017.

**Previous Reviews:** 2-5-18, 11-29-17; Ref: Environmental Health Review Sheets dated August 27, 2019 and November 15, 2017

### Review Findings

#### Coastal Development Permit Review

- ☒ The revised residential project is **APPROVED** from a geotechnical perspective.
- ☐ The revised residential project is **NOT APPROVED** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.

#### Building Plan-Check Stage Review

- ☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.
- ☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.
- ☐ **NOT APPROVED** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

Remarks

The referenced revised architectural plans, Total Grading Yardage Verification Certificate, and the City's files were reviewed by the City from a geotechnical perspective. The proposed development includes constructing a new 4,789 square foot two-level single-family residence with a 1,801 square foot basement/garage, a lap swimming pool and spa, two underground water storage tanks, patios and decking, retaining walls, hardscape, and landscaping. Grading will consist of 1,634 yards of cut under structure; 417 yards of cut and 15 yards of fill non-exempt; and 2,036 yards of export. A new onsite wastewater treatment system (OWTS) will be installed on the property that consists of a treatment tank system and two 6' diameter by 38' and 45' BI seepage pits with 15' caps and 100% expansion (two 6' diameter by 25' and 45' BI seepage pits with 15' caps).

The existing water well will remain. The existing OWTS components on the property (septic tank and leach field) will be properly abandoned.

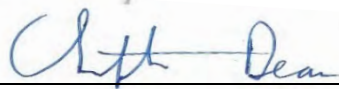
Building Plan-Check Stage Review Comments:

1. Please submit a fee of \$1,016.00 to City geotechnical staff for building plan check review.
2. Please provide an update geotechnical report that addresses the current site conditions, current building codes, revisions to the project, and comments in this review letter.
3. Please provide recommendations for the proposed 5,000-gallon water tank and 25,000-gallon fiberglass food-grade water tank. Is the 25,000-gallon tank a water storage tank?
4. The Project Geotechnical Engineer shall review the proposed project and grading plans when become available and, as appropriate, provide any supplemental recommendations for design and construction.
5. Please clearly show on the final plans the setback distance between proposed pools and adjacent building foundations. As appropriate, please provide the recommended surcharge loads on pool walls for design if the pools are within the influence of the adjacent building foundation and floor loads.
6. Please clearly show the Code-required minimum foundation setbacks and distances from descending slopes on the plans, where applicable.
7. Please clearly show the limits and depths of any R & R grading for the building pad and pool decking on the plans.
8. Please include a detail for the swimming pool subdrain or hydrostatic relief valve below the pools on the plans.
9. Please provide reduced setback letters from the OWTS, geotechnical and structural consultants for any reduced setbacks between the OWTS components and foundations, as applicable.
10. Please include the Project Geotechnical Consultant's recommendations for removal and re-compaction of un-compacted backfill of test pits and borings across the site on the Grading Plans.
11. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. Building plans shall reflect this requirement.
12. Please clearly show the Code-required minimum foundation setbacks from descending slopes on the foundation plans, where applicable.
13. Please include the following note on the 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, minimum depth into the recommended bearing material, actual depth into the recommended bearing material, and a map depicting the locations of the piles."*

14. Include a note on the OWTS plans stating, “*The Project Engineering Geologist shall observe and approve the installation of the seepage pits and provide the City inspector with a field memorandum(s) documenting and verifying that the seepage pits were installed per the approved OWTS plans.*”
15. Two sets of final grading, retaining wall, swimming pool and spa, plunge pool, 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. 9-30-22  
Engineering Geology Reviewer (408-656-3210)  
Email: [cdean@malibucity.org](mailto:cdean@malibucity.org)

8-31-2021  
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







# City of Malibu

– GEOTECHNICAL –

## NOTES FOR BUILDING PLAN-CHECK

The following standard items should be incorporated into Building Plan-Check submittals, as appropriate:

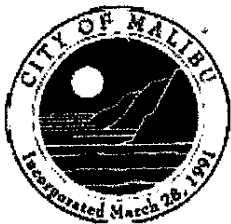
1. One set of grading, retaining wall, swimming pool and spa, water tank, and residence plans, incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**
2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Building Plans.
3. Include the following note on Grading and Foundation Plans: *"Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Project Geotechnical Consultant, as appropriate."*
4. Include the following note on the Foundation Plans: *"All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel."*
5. The Foundation Plans for the proposed project shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
6. Show the onsite wastewater treatment system on the Site Plan.
7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
8. A comprehensive Site Drainage Plan, incorporating the Project Geotechnical Consultant's recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

### **Grading Plans (as Applicable)**

1. Grading Plans shall clearly depict the limits and depths of overexcavation, as applicable.
2. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and back drains, and locations and elevations of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.

### **Retaining Walls (As Applicable)**

1. Show retaining wall backdrain and backfill design, as recommended by the Geotechnical Consultant, on the Plans.
2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.



# City of Malibu

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

## FIRE DEPARTMENT REVIEW REFERRAL SHEET

TO: Los Angeles County Fire Department  
FROM: City of Malibu Planning Department

DATE: 11/8/2017

PROJECT NUMBER: CDP 17-104  
JOB ADDRESS: 3620 NORANDA LN  
APPLICANT / CONTACT: Vitus Matare  
APPLICANT ADDRESS: P.O. Box 1204  
Malibu, CA 90265  
APPLICANT PHONE #: (310) 317-0700  
APPLICANT FAX #: (310) 317-0721  
PROJECT DESCRIPTION: NSFR, OWTS, swimming pool

TO: Malibu Planning Department and/or Applicant  
FROM: Fire Prevention Engineering Assistant

Compliance with the conditions checked below is required prior to Fire Department approval.

The project DOES require Fire Department Plan Review and Developer Fee payment  
The project DOES NOT require Fire Department Plan Review  
The required fire flow for this project is 1250 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.)  
The project is required to have an interior automatic fire sprinkler system.  
Final Fuel Modification Plan Approval is required prior to Fire Department Approval

Conditions below marked "not approved" shall be corrected on the site plan and resubmitted for Fire Department approval.

Required Fire Department vehicular access (including width and grade %)  
as shown from the public street to the proposed project.  
Required and/or proposed Fire Department Vehicular Turnaround  
Required 5 foot wide Fire Department Walking Access (including grade %)  
Width of proposed driveway/access roadway gates

App'd N/app'd

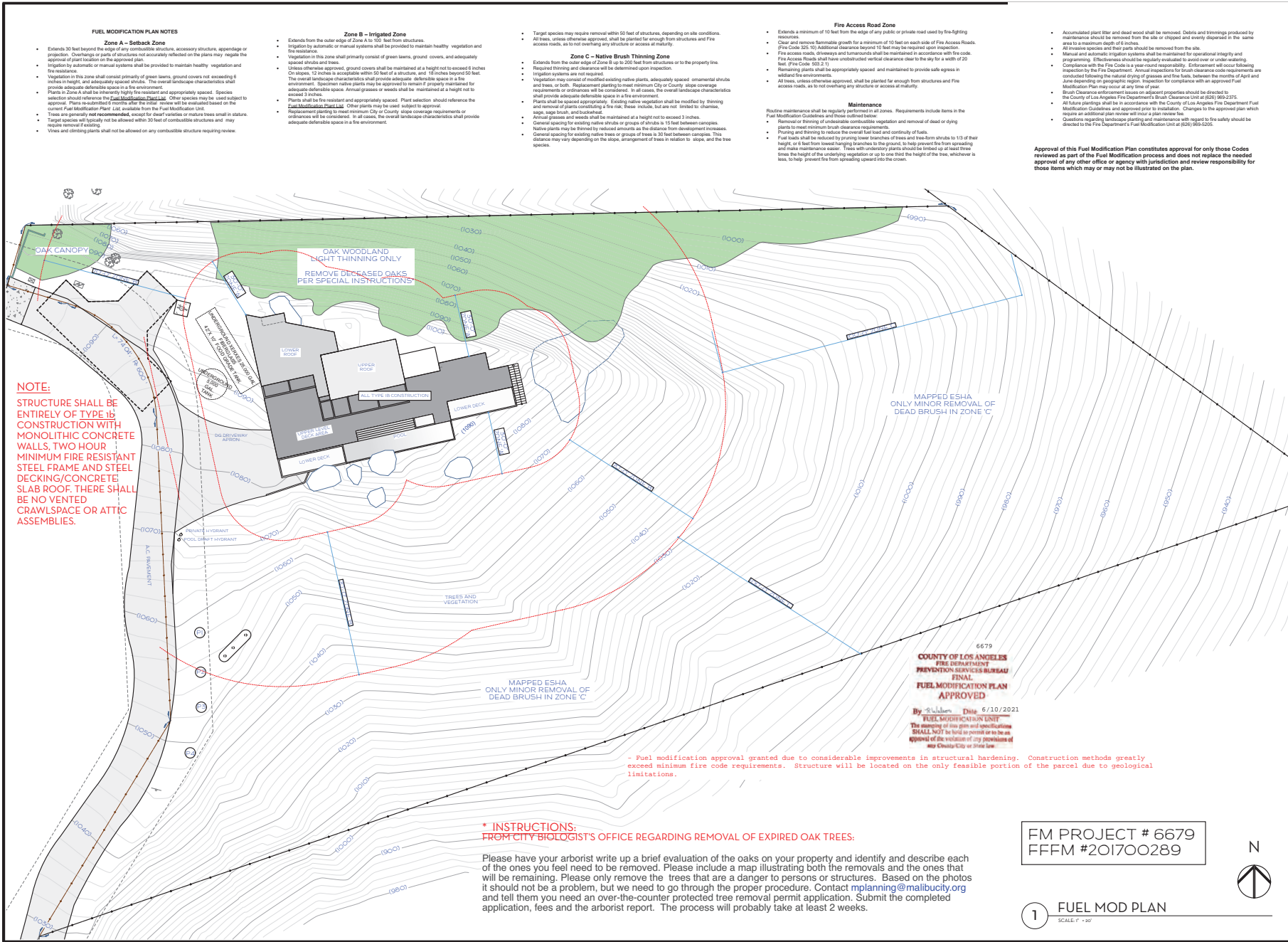
\*County of Los Angeles Fire Department Approval Expires with City Planning permits expiration, revisions to the County of Los Angeles Fire Code or revisions to Fire Department regulations and standards.

\*\*Minor changes may be approved by Fire Prevention Engineering, provided such changes achieve substantially the same results and the project maintains compliance with the County of Los Angeles Fire Code valid at the time revised plans are submitted. Applicable review fees shall be required.

SIGNATURE

DATE

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



**VITUS MATARE & ASSOCIATES, INC.**  
P.O. BOX 1204, MALIBU, CA 90265 310.310.7000  
info@vitusmatare.com

**STAUSS RESIDENCE**  
**3620 NORANDA LANE**  
CITY OF MALIBU, LOS ANGELES COUNTY, CA, 90265

**FUEL MODIFICATION PLAN**

4473-026-002

MARK	DATE	DESCRIPTION
12	10-6-19	LO
13	11-19-19	VM
14	2-9-20	VM
15	10-8-20	VM
16	12-10-20	DS
17	5-8-21	DS
18	5-10-21	VM
19	5-24-21	VM
20	6-6-21	VM

PROJECT NO.  
MODEL FILE:  
DRAWN BY: L.O.

**FM-1**

SHEET 22 OF 37

PLANNING, DESIGN, TECHNICAL CONSULTATION, PERMIT PROCESSING

LOCAL DESIGN ARRANGEMENTS, DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS PREPARED BY VITUS MATARE & ASSOCIATES, INC. SHALL BE THE PROPERTY OF VITUS MATARE & ASSOCIATES, INC. AND SHALL BE KEPT IN THE PROJECT FILE. NO PART OF THIS DOCUMENT OR ANY INFORMATION CONTAINED HEREIN SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF VITUS MATARE & ASSOCIATES, INC.





# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861  
(310) 456-2489 FAX (310) 456-7650

## PUBLIC WORKS REVIEW REFERRAL SHEET

RECEIVED  
JAN 04 2018  
PLANNING DEPT.

TO: Public Works Department  
FROM: City of Malibu Planning Department

DATE: 11/8/2017

PROJECT NUMBER: CDP 17-104  
JOB ADDRESS: 3620 NORANDA LN  
APPLICANT / CONTACT: Vitus Matare  
APPLICANT ADDRESS: P.O. Box 1204  
Malibu, CA 90265  
APPLICANT PHONE #: (310) 317-0700  
APPLICANT FAX #: (310) 317-0721  
APPLICANT EMAIL: \_\_\_\_\_  
PROJECT DESCRIPTION: NSFR, OWTS, swimming pool

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

*Jonathan P. Richard*

DATE

1.12.18



# City of Malibu

## MEMORANDUM

To: Planning Department

From: Public Works Department  
Jonathan Pichardo, Assist. Civil Engineer JP.

Date: January 16, 2018

Re: Proposed Conditions of Approval for 3620 Noranda Lane CDP17-104  
(NSFR,OWTS,Pool)

The Public Works Department has reviewed the plans submitted for the above referenced project. Based on this review sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan (LCP) and the Malibu Municipal Code (MMC) can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

### GRADING AND DRAINAGE

1. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development LIP Section 17.3.1 that:
  - Is located within or adjacent to ESHA, or
  - Includes grading on slopes greater than 4:1
  - Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4:1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources
2. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's LIP Section 8.3. **A note shall be placed on the project that addresses this condition.**



3. A grading and drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
  - Public Works Department General Notes
  - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
  - The limits of land to be disturbed during project development shall be delineated on the grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
  - The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
  - If the property contains trees that are to be protected they shall be highlighted on the grading plan.
  - If the property contains rare and endangered species as identified in the resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
  - Private storm drain systems shall be shown on the grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
  - Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.
4. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMP's shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMP's and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

## STORMWATER

5. 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 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.

7. 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.



8. 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

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

10. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:

- 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.

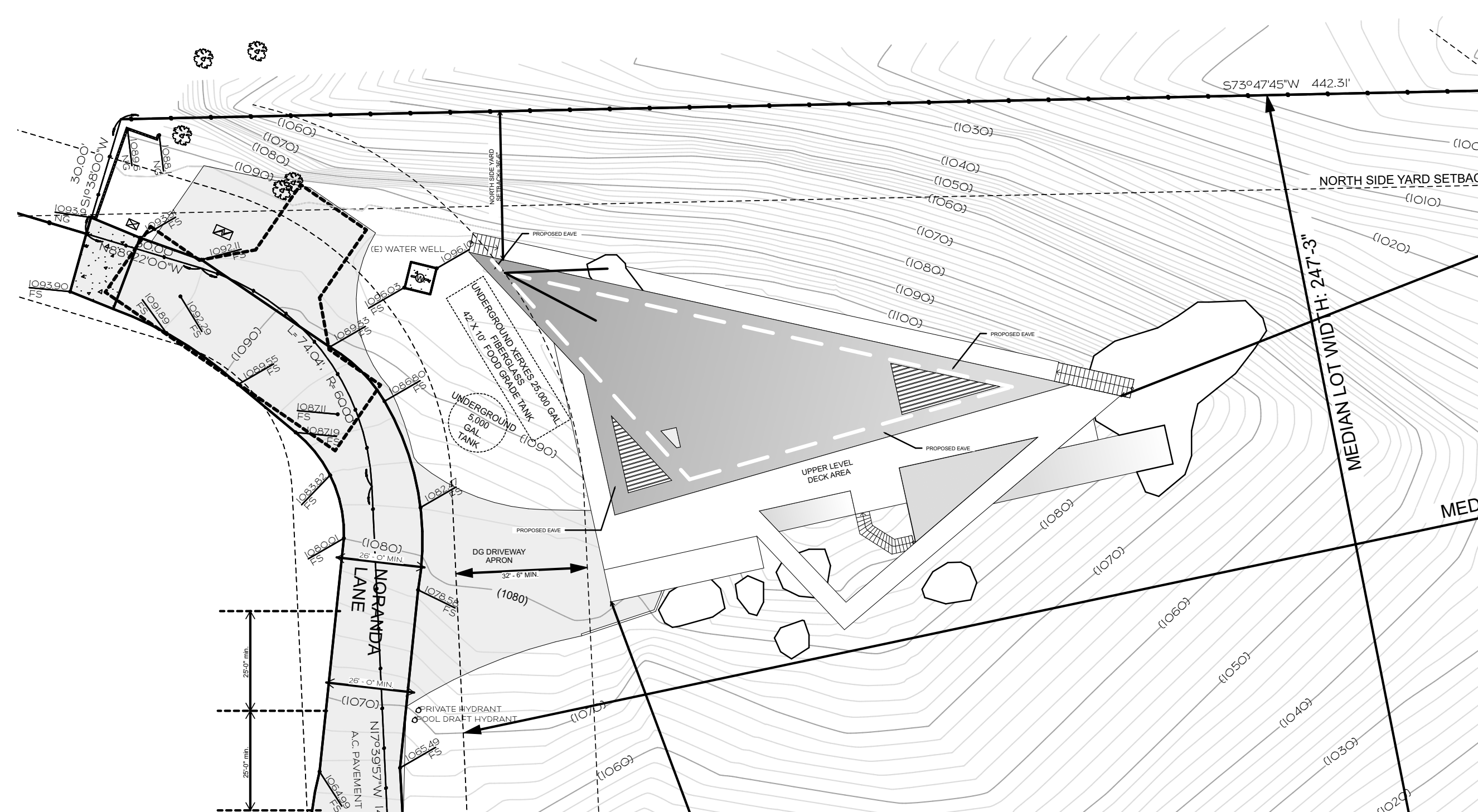
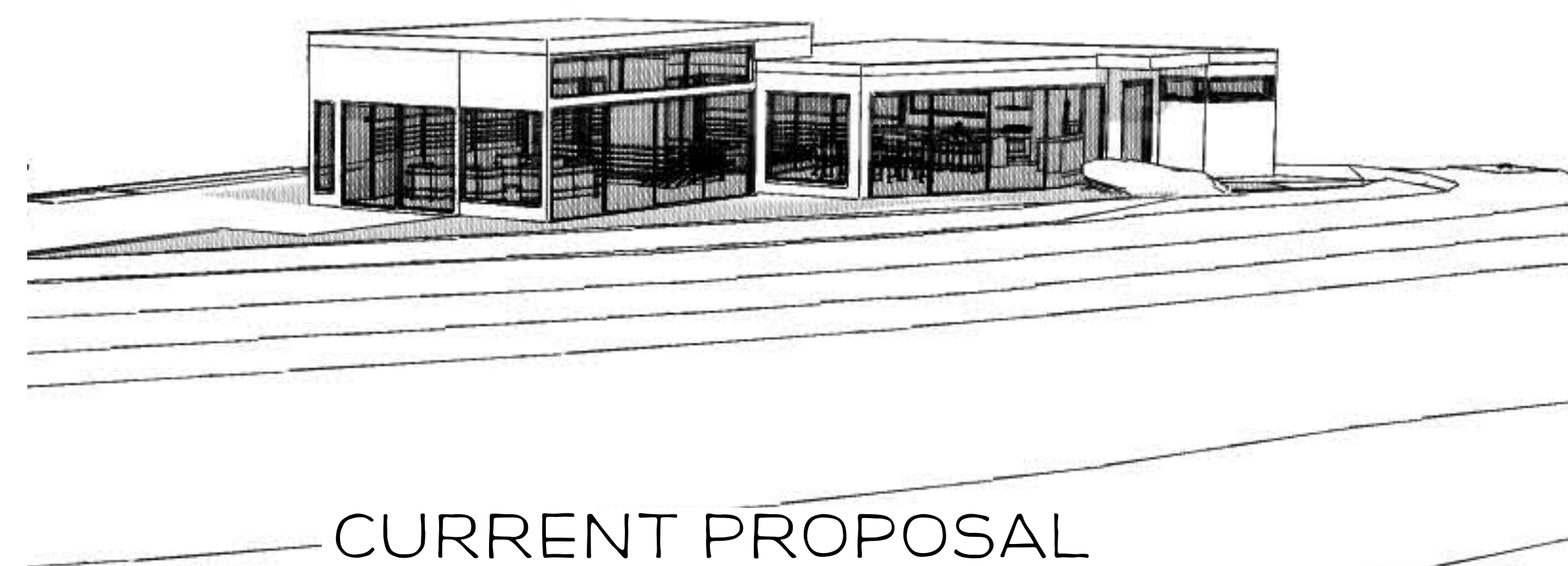


The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating **"It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)."** The new sign shall be posted in the filtration 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.

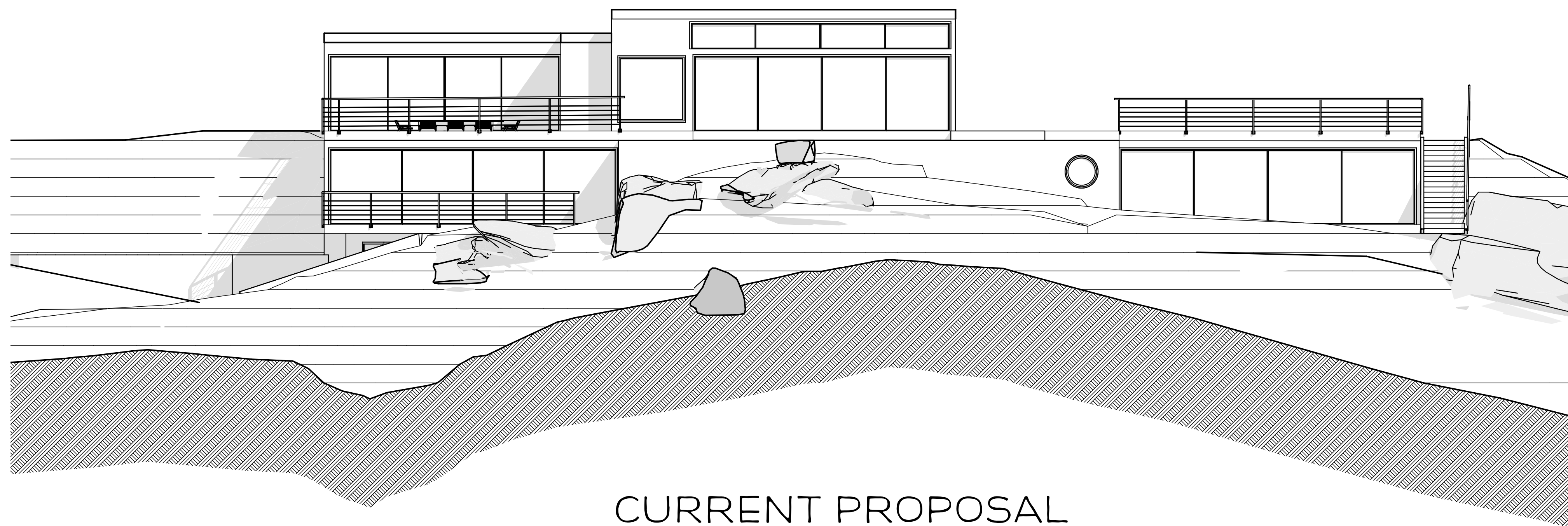
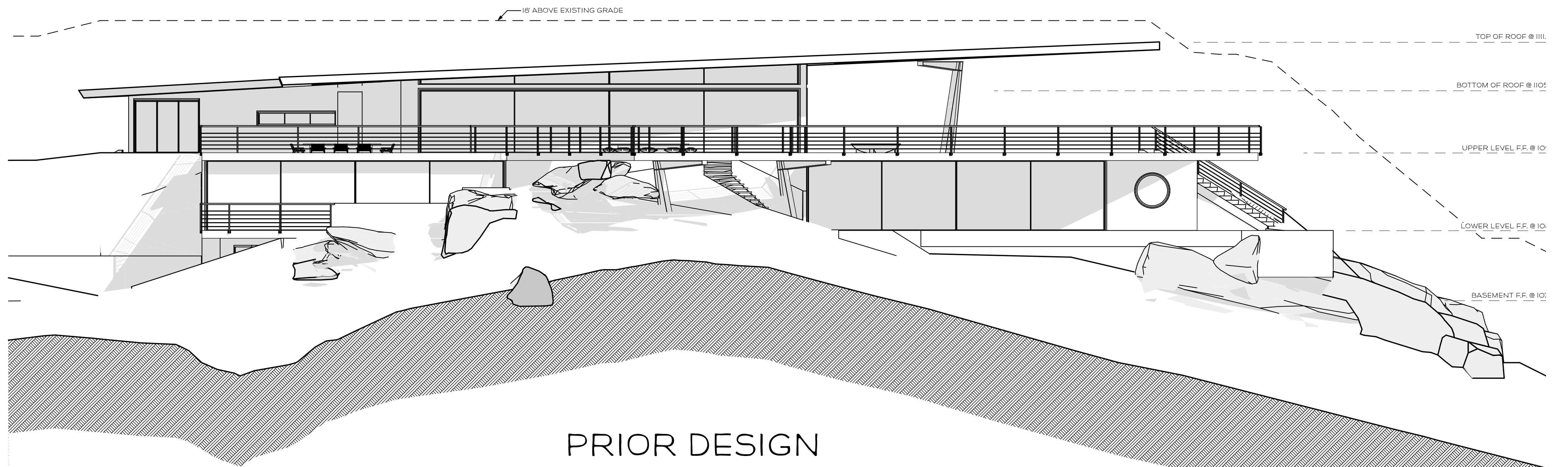
11. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.











	PRIOR DESIGN	CURRENT PROPOSAL
TOP FLOOR AREA	2,201 SQ FT	2,050 SQ FT
MID LEVEL AREA	3,084 SQ FT	2,739 SQ FT
BASEMENT AREA	2,554 SQ FT	1,801 SQ FT
IMPERMEABLE COVERAGE	6,330 SQ FT	5,990 SQ FT
TOTAL GRADING EXPORT	3,032 CU YRDS	2,493 CU YRDS
TOTAL FUEL MODIFICATION	112,118 SQ FT	52,840 SQ FT
TOTAL DEVELOPMENT FOOTPRINT	9,257 SQ FT	7,345 SQ FT



Story Pole Photographs Dated January 5, 2023









\*From Encinal Canyon Road



# Construction Management Plan 3620 NORANDA LANE

November 20, 2020

Reference: Coastal Development Plan Review No. 17-104  
Minor Modification No. 20-012  
Variance Nos. 19-035 & 19-036  
3620 Noranda Lane (APN 4473-026-002)

Submitted to:  
Richard Mollica, Acting Planning Director  
City of Malibu  
23825 Stuart Ranch Road  
Malibu, CA. 90265-4804  
310-456-2489 X482

Prepared by:  
Vitus Matare & Associates  
P.O. Box 1204  
Malibu, CA. 90265  
(310) 317-0700  
info@vitusmatare.com

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- 3.0 HEALTH AND SAFETY
- 4.0 DUST CONTROL MEASURES
- 5.0 NOISE MITIGATION
- 6.0 STORMWATER POLLUTION PREVENTION (SWPPP) AND  
EROSION CONTROL PLANS (ECP)

## ATTACHMENTS:

- SAMPLE DELIVERY NOTIFICATION
- SAMPLE ON-SITE NOTIFICATION SIGN
- EXHIBIT 1 - MAP TO NEAREST OFF-SITE AVAILABLE PARKING
- EXHIBIT 2 - SAMPLE 'NO CONSTRUCTION PARKING' SIGNAGE
- EXHIBIT 3 - SAMPLE 'NO CONSTRUCTION PARKING' SIGNAGE
- EXHIBIT 4 - SAMPLE 'FIRE LANE' SIGNAGE

## 1.0 PROJECT AND SITE DESCRIPTION

It is a requirement of the subject Coastal Development Permit (CDP) that a comprehensive Construction Management Plan be presented for the construction of the proposed single family residence and associated improvements at 3620 Noranda Lane in the City of Malibu. Construction is anticipated to take place between May 1<sup>st</sup> 2021 and September 30<sup>th</sup> 2022. Following is a summary of the traffic control measures, parking plan, construction staging, and anticipated sequence of events during construction. The property owner or his designated general contractor shall be responsible for implementing all aspects of the Construction Management Plan. They shall also notify all residents of Noranda Lane, and City of Malibu Planning Department in writing of any changes.

The subject property is a single legal lot described by one Los Angeles County Assessors Parcel Number. All construction activity shall be confined to APN 4473-026-002. More specifically, the majority of this site is considered Environmentally Sensitive Habitat Area (ESHA) and not to be disturbed. All grading, construction, material staging, and on-site vehicle parking shall be confined to the development footprint and under no circumstances stray into the surrounding ESHA zone as depicted in Figure 1 on page CMP of the approved construction documents. A portion of this figure has been reproduced in the attached Exhibit 6.

## 1.1 GENERAL CONSTRUCTION MANAGEMENT REQUIREMENTS

Prior to issuance of a grading or building permit, the property owner shall designate either a general contractor or more specifically an individual to serve as the primary contact responsible for managing day to day construction activities and enforcement of all requirements stipulated in this Construction Management Plan. For purposes of this document we shall refer to the designee as the owner/contractor.

1. The owner/contractor shall monitor on- and offsite vehicular parking and ensure that at no time vehicles or delivery trucks are to be parked on any portion of Noranda Lane. All vehicles shall either park on-site or on Encinal Canyon Road. Furthermore no vehicles shall be parked in the drip line of protected California Live Oak or indigenous Sycamore trees. Parking is available along the land side of Encinal Canyon Road and shuttling of workers, tools, and materials will require daily coordination by the general contractor or his designated project manager. Note that no parking is allowed directly adjacent to the intersection of Noranda Lane and Encinal Canyon Road due to a tight road shoulder and visibility issues. Reference the attached Exhibit 1 regarding the nearest off-site parking locations



2. The owner/contractor shall provide flag-persons to direct traffic in the event of a delivery at the site entrance off 3620 Noranda Lane. In the likely event that vehicles already parked on-site will need to be rearranged in order to make way for a delivery said flag-person will need to make sure that the flow of daily traffic along Noranda Lane is not held up and that entrances to neighboring properties are not inconvenienced.
3. All construction workers and delivery personnel shall be notified to:
  - a. Obey all traffic laws and limit vehicular speeds to below the posted speed limit;
  - b. Yield to children, pedestrians, pets, and other non-construction vehicles;
  - c. Minimize obstruction of through-traffic lanes at all times;
  - d. Proceed with particular caution at the blind curve and hill directly adjacent to the residence at 3620 Noranda Lane.
  - e. Not park anywhere along the entire length of Noranda Lane or its road shoulder.
4. Advance public notice of construction delivery routing and schedule shall be provided to the residents of Noranda Lane and the City of Malibu Planning Department. A sample Notice is attached. Public notice of construction delivery routing and schedule shall be made available via the following two methods:
  - a. An onsite posting sign shall be placed adjacent to the subject parcel's driveway. The construction delivery routing and schedule posting shall be updated monthly or as necessary, and shall remain posted at all times during construction.
  - b. A mailing to all property owners and tenants on Noranda Lane. The mailing shall occur at least 30 days prior to the commencement of construction, and will notify the property owners of the schedule upcoming work and the on-site posting.
  - c. Material deliveries inclusive of soil hauling and other material import shall be staged such that no more than one (1) truck enters or leaves the site every 20-minutes. All deliveries and hauling shall be confined to normal construction hours as posted at the job site entrance.
5. Construction deliveries shall be scheduled during construction working hours only, and shall not be permitted during peak traffic hours in the morning and evenings. Peak traffic hours are defined as occurring between 7:30 a.m. to 8:30 a.m. ,and 4:30 p.m. to 6:00 p.m.
6. All materials shall be stored on-site within the area of the development footprint as indicated on Exhibit 6. No machinery or materials may encroach past the line designating development boundary sheet CMP.1 of the construction documents. No materials may be stored off-site or in the private right-of-way for Noranda Lane or it's cul-de-sac nor is any temporary parking allowed in these areas.
7. "No Construction Parking" signs shall be posted on-site facing the east and west sides of Noranda Lane. Reference the attached Exhibit 2. These will be in addition to any FIRE LANE signs already posted.
8. All construction-related equipment and materials shall be stored on-site behind a

locked construction fence at the end of each working day.

9. The owner/contractor will be expected to personally oversee all of the following critical conditions:

- a. Provide a photographically documented report on the condition of the private roadway from Encinal Canyon road up to the terminus fronting 3620 Noranda Lane prior to the onset of any construction or grading work;
- b. That an on-site phone has reception or a ground line is provided to allow for communication with arriving deliveries and personnel;
- e. That Noranda Lane is maintained in a clean and safe condition throughout each and every workday;
- f. That parking rules are enforced around the clock and that shuttling of workers is conducted in an organized fashion minimizing the number of daily trips on Noranda Lane. Construction workers are encouraged to carpool or commute by bus;
- g. Monitor dust and noise control per sections 5.0 and 6.0 of the Construction management plan either by designating a responsible individual and posting their contact information at the job site entrance;
- h. Conduct and document daily safety and logistics meetings per section 4.0 of this Construction Management Plan. All subcontractors must either participate in these daily logistics meetings or provide documentation of their own compliance with this requirement.
- i. Supervise neighbor notification of construction stages and any possible impact to neighborhood traffic.

## 2.0 GENERAL COURSE OF CONSTRUCTION OVERVIEW

The work covered under this Construction Management Plan will be undertaken in a sequential manner with some activities being conducted concurrently. The governing criteria will be that only a limited crew can be on site at any given time. Material stocking and available parking for vehicles will determine the flow of work at the site, taking priority over traditional construction logistics. Depending upon site and other unforeseen complications, the owner/contractor's general sequence of work activities may require alteration at any given time. Such alterations should be noted on the posting at the site entrance.

The owner/contractor shall maintain all applicable permits that apply to the construction project, as well as a copy of the approved construction documents and conditions of approval on the project site at all times of operation. This information shall be available to City personnel at all times.

## 2.1 PROJECTED SCHEDULE & PROJECT STAGING

A summary of the general sequence for the work activities to be coordinated by the owner/contractor is anticipated to take place in the following order:

- Installation and repair of existing fire apparatus turnaround at the terminus of Noranda Lane. No Parking - Fire Lane signs (reference Exhibit 4) are to be installed on all sides of the cul-de-sac at the end of Noranda Lane. Please note that the entire length of Noranda Lane serves as a fire lane and as such NO PARKING is allowed by residents on either side of the private roadway or its road shoulder at any point between Encinal Canyon Road and the subject property.
- General debris removal of grading area and preparation for site grading. Review development boundaries as depicted on CMP.1 of the construction documents at regular intervals and prior to commencement of site work. Grading permits shall not be issued between November 1 and March 31 of any year (LCP 264). A pre-grading meeting is required with the City Building Inspector, property owner or his designated representative, and all key consultants present prior to the commencement of any grading work.
- Excavation of undocumented fill and replacement with engineered fills. Export to approved landfill. Note that the designated landfill location must be in compliance with the City of Malibu Construction and Demolition (C&D) Debris Recycling Program pursuant to the Integrated Waste Management Act of 1989 (Assembly Bill (AB) 939. Exported soils from the site shall be taken to an approved 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. The owner/contractor shall refer to the approved construction documents for the specific fulfillment of this key requirement.
- Local installation of site walls and foundation per approved structural plans prepared by Tuchscher Engineering Group (TEG.)
- Installation of subsurface drains and collection drainage in designated surcharge areas per approved civil plans prepared by Tuchscher Engineering Group (TEG.)
- Completion of rough grade, site walls, and foundations to the satisfaction of the City of Malibu Environmental & Building Safety Division.
- Construction of single family residence and associated site improvements per approved construction documents.
- Finish grading, installation of on-site waste treatment system, landscaping, paving and related site improvements.



- Final inspection of Noranda Lane and restoration to at minimum the documented roadway condition prior to onset of any construction activity at 3620 Noranda Lane.

### 3.0 HEALTH AND SAFETY

The owner/contractor shall consider safety and the prevention of accidents an integral part of its operation. Under Federal, State and local laws, Contractor is responsible to provide a safe working environment, and to protect life, health and safety of its employees and subcontractors' personnel. Although providing safe working conditions is primarily a management responsibility, safety and accident prevention can be accomplished only through coordinated efforts of all employees and subcontractor personnel. If the task or service being undertaken cannot be done safely, the Contractor shall discontinue work until proper controls can be established.

The owner/contractor will hold daily tailgate meetings for its employees prior to work commencement. Additionally, the owner/contractor will mandate that subcontractors be required to hold similar daily tailgate meetings covering their respective portion of the work. These meetings are intended for the discussion of the projected work schedule, shuttling of workers, tools and materials from the designated parking areas along Encinal Canyon Road to the Noranda Lane construction site, and to prepare each worker for any potential hazards associated with these work activities. A copy of the daily or weekly safety meeting logs will be maintained onsite at all times. All personnel attending the safety meeting will be required to sign the safety meeting log upon completion of the tailgate safety meeting. During the tailgate meetings, personnel will be reminded of neighborhood requirements as well as site conditions and are encouraged to participate with health, safety, and logistical concerns.

At the conclusion of the project, copies of all daily activities will be presented in a final report to the property owner for distribution to relevant parties.

The owner/contractor shall ensure continuous emergency vehicle access across the full length of Noranda Lane and its terminus.

### 4.0 DUST CONTROL MEASURES

Dust control will be considered an important part of the overall project.

Contractor will direct a localized fine water spray to the source of excavation or compaction activities, as required, thereby reducing airborne dust particles. To minimize the run-off of water, the water supply will be used only when necessary.

The main mechanism for the control of fugitive dust emissions from construction activities and wind erosion is watering, which leads to the formation of a surface crust to

reduce the available reservoir of dust. The effectiveness of wet suppression is dependent on the type of activities occurring, the frequency of watering, and the meteorological conditions. At no time shall water runoff be allowed to enter the Noranda roadway.

Dust control measures will include, but may not be limited to:

- Watering all active construction areas at least daily and more often during windy periods.
- Active areas adjacent to stockpiles or open excavation should be maintained damp at all times.
- Cover all hauling trucks or maintain at least 2 feet of freeboard. Apply water at least twice daily to unpaved access drive and staging areas.
- Sweep daily any paved areas or finished slabs.
- Sweep adjacent street within the hour if visible soil material is deposited onto the roadway surface.
- Enclose, cover and water daily any exposed soil stockpiles on the construction site.
- Limit traffic speeds on Noranda Lane to 15 mph.
- Install sandbags or other erosion control measures per project civil plan to prevent silt runoff.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Check all vehicles for material residue and clean if necessary. The private paved roadway, Noranda Lane will be checked for any material possibly tracked out, despite mitigation efforts. The owner/contractor will take all reasonable measures to clean the roadway of this material within an hour of observation.

## 5.0 NOISE MITIGATION

The following measures will be undertaken to minimize noise intrusion during site activities.

- Construction activities will be limited to the hours of 7 a.m. to 7 p.m. on weekdays, and 8 a.m. to 5 p.m. on Saturdays. No construction work is permitted Sundays or holidays.
- All equipment driven by internal combustion engines will be equipped with appropriate mufflers in good operating condition.
- When feasible, “quiet” models of stationary equipment such as air compressors, generators are to be employed.
- Stationary noise-generating equipment will be located as far as possible from neighboring property.
- No job site radio or walkie-talkie shall be set at a volume where it can be heard off-site.
- No unnecessary idling of internal combustion engines will occur on-site or off.
- The owner/contractor shall act as “noise disturbance coordinator,” responsible for

responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaints and as practicable, institute measures to correct the problem.

## 6.0 STORMWATER POLLUTION PREVENTION (SWPPP) AND EROSION CONTROL PLANS (ECP)

The owner/contractor must follow all requirements for storm water management and erosion control as specified in the approved civil plan prepared by Tuchscher Engineering Group (TEG.) Owner/contractor shall comply with all BMPs designed to minimize erosion and sediment transport.

The undersigned property owner acknowledges and agrees to abide by all terms and conditions set forth in this construction management plan and shall remain the key contact until such a time that a owner/contractor is specified prior to permit issuance.

-----  
Roman & Talke Stauss  
Portshead Ventura Harbor  
918 Puerto Place  
VENTURA, CA. 93001



SAMPLE NOTICE for mailing:

\_\_\_\_\_  
date

Dear Owners and Occupants,

Due to construction work at 3620 Noranda Lane scheduled to take place between May 1<sup>st</sup> 2021 and September 30<sup>th</sup> 2022, traffic along the private road will be temporally increased. Advance public notice of construction delivery routing and schedule for this project is being provided by way of a sign posted at the subject property. The sign is located on the construction fence fronting 3620 Noranda Lane.

All effort will be made to avoid unnecessary noise or excessive vehicular traffic. All construction related vehicles will be parked within designated areas on the construction site or on Encinal Canyon Road.

We apologize for any inconvenience the increased traffic may cause you and thank you for your cooperation. For further information regarding this project please contact:

\_\_\_\_\_  
name

\_\_\_\_\_  
title

\_\_\_\_\_  
24 hour phone no.

SAMPLE NOTIFICATION for posting at site

\_\_\_\_\_  
date

Dear Noranda Lane Neighbors,

Please be advised of the following deliveries and construction site activity schedule for the month of

\_\_\_\_\_.

Expected Deliveries - (show as list)

\_\_\_\_\_

(Indicate dates and all major deliveries in a vehicle larger than a full size pick up truck.)

Type of construction activities schedule for the month -

\_\_\_\_\_  
(Indicate number of workers from each trade expected on-site and type of work to be performed.)

All effort will be made to avoid unnecessary noise or excessive vehicular traffic. We will be keeping all of our vehicles parked within designated areas on the construction site or on Encinal Canyon Road.

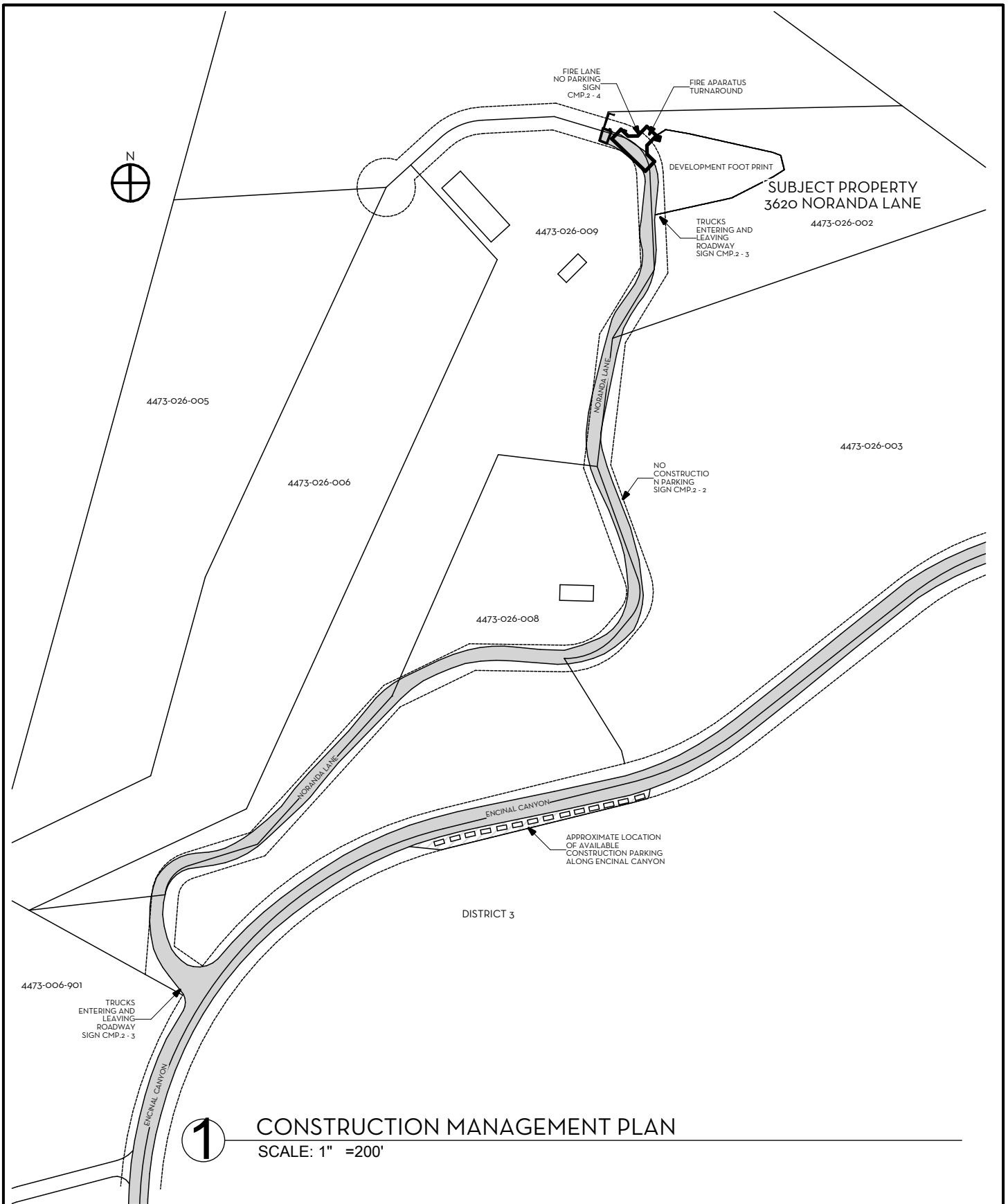
We apologize for any inconvenience the increased traffic may cause you and thank you for your cooperation. For further information regarding this project or to advise us of any issue please contact:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



CMP1

DRAWN BY:		
MODEL FILE:		
PROJECT NO:		
DESCRIPTION	DATE	MARK
	11/23/2020	DB

STAUSS RESIDENCE  
3620 NORANDA LN  
MALIBU, CA 90265

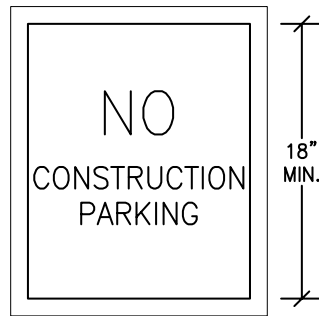
CONSTRUCTION MANAGEMENT 4473-026-002

VITUS MATARÉ & ASSOCIATES, INC.  
P.O. BOX 1204, MALIBU, CA 90265 P 310.317.0700 F 310.317.0721



PLANNING DESIGN EXPEDITING CONSTRUCTION MANAGEMENT

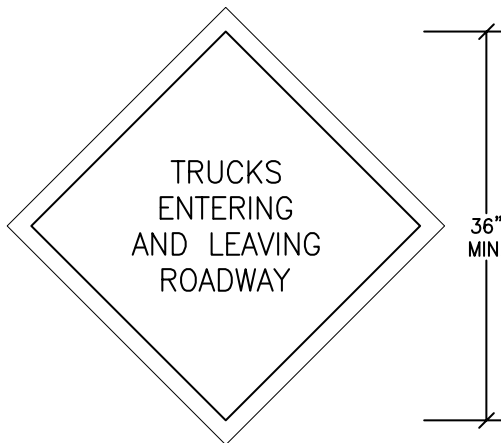




COLOR: WHITE WITH RED LETTERING AND BORDER  
MATERIAL: REFLECTIVE ALUMINUM

## 2 CONSTRUCTION SIGN DETAIL

NOT TO SCALE



COLOR: ORANGE WITH BLACK LETTERING AND BORDER  
MATERIAL: VINYL FABRIC

## 3 CONSTRUCTION SIGN DETAIL

NOT TO SCALE



COLOR: WHITE WITH RED LETTERING AND BORDER  
MATERIAL: REFLECTIVE ALUMINUM

## 4 CONSTRUCTION SIGN DETAIL

NOT TO SCALE

CMP2

DRAWN BY:		
MODEL FILE:		
PROJECT NO.:		
DESCRIPTION	DATE	MARK
	11/23/2020	DB

STAUSS RESIDENCE  
3620 NORANDA LN  
MALIBU, CA 90265

CONSTRUCTION MANAGEMENT

4473-026-002

VITUS MATARÉ & ASSOCIATES, INC.  
P.O. BOX 1204, MALIBU, CA 90265 P 310.317.0700 F 310.317.0721



PLANNING DESIGN EXPEDITING CONSTRUCTION MANAGEMENT



City Of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265  
Phone (310) 456-2489  
[www.malibucity.org](http://www.malibucity.org)

**PLANNING DEPARTMENT**  
**NOTICE OF PUBLIC HEARING**



**NOTICE OF PUBLIC HEARING**

The Malibu Planning Commission will hold a public hearing on **Monday, February 6, 2023, at 6:30 p.m.** for the project identified below which will be held via teleconference only in order to reduce the risk of spreading COVID-19 pursuant to AB 361 and the County of Los Angeles Public Health Officer's Safer at Home Order.

**COASTAL DEVELOPMENT PERMIT NO. 17-104, VARIANCE NO. 19-035, SITE PLAN REVIEW NO. 23-003, MINOR MODIFICATION NO. 20-012, AND OFFER-TO-DEDICATE NO. 23-001.** - An application for the construction of a 4,789 square foot, single-family residence plus a 1,801 square foot basement and subterranean garage, onsite wastewater treatment system, exterior site improvements including a swimming pool, spa, deck, landscape, 5,990 square feet of impermeable coverage, and 581 cubic yards of non-exempt grading; including a variance for development within the required Environmental Sensitive Habitat Area buffer, a site plan review for construction on steep slopes, a minor modification for the reduction of the required front yard setback by up to 50 percent, and an offer to dedicate a trail easement

**LOCATION / APN / ZONING:**

**3620 Noranda Ln / 4473-026-002 / Rural Residential-Five Acre (RR-5)**

**APPLICANT / OWNER(S):**

Vitus Matore & Associates / 3620 Noranda LLC

**APPEALABLE TO:**

City Council

**ENVIRONMENTAL REVIEW:**

Categorical Exemption CEQA Guidelines Sections 15303(a), 15303(e), and 15304(b)

**APPLICATION FILED:**

November 8, 2017

**CASE PLANNER:**

Jessica Bobbett, Senior Planner, [jbobbett@malibucity.org](mailto:jbobbett@malibucity.org)  
(310) 456-2489, ext. 280

For the projects identified above with a categorical exemption for environmental review, pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed these proposed projects and found that they are listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the projects are categorically exempt from the provisions of CEQA. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to these projects (CEQA Guidelines Section 15300.2).

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

**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 (15 days for tentative maps) 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.

**COASTAL COMMISSION APPEAL** – For projects appealable to the Coastal Commission, an aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at [www.coastal.ca.gov](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.

RICHARD MOLLICA, Planning Director

Date: January 12, 2023

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 WEST BROADWAY, SUITE 380

LONG BEACH, CA 90802

3) 590-5071

Page 1 of 4

Date: July 23, 1986

Permit Application No. 5-86-472 JL:wr



RECEIVED

AUG 28 2018

PLANNING DEPT.

Aps w/c  
8/14/86

ADMINISTRATIVE PERMIT

APPLICANT: Anna Zilberg

PROJECT DESCRIPTION: Construction of a 2517 sq.ft. single family residence and 1076 sq.ft. guest house on a 2.8 acre vacant lot.

PROJECT LOCATION: 3660 Noranda Lane, Malibu

## EXECUTIVE DIRECTOR'S DETERMINATION:

Pursuant to PRC Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

Additional reasons for this determination, and for any special conditions, may be discussed on the reverse (Page 2).

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Thursday, August 14, 1986 9:00 a.m.  
Eureka Inn, 7th & "F" Streets, Eureka, CA.

IMPORTANT - Before you may proceed with development the following must occur:

For this permit to become effective you must sign Page 2 of the enclosed duplicate acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development.

PETER DOUGLAS  
Executive Director

by: John Zere  
Title: Staff Analyst



STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

See page 3

SPECIAL CONDITIONS:

See page 3

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued)

A. Project Description. The applicant proposes to construct a 2517 square foot single family residence and a 1076 square foot guest house on a 2.8 acre vacant lot. The site is very steep except for a relatively flat area near the adjacent private road that provides access to the property. No grading is proposed to accommodate the structures due to pre-existing building pads located on the flat area.

B. Guest Houses. The recently adopted suggested modifications to the Malibu Land Use Plan contains a policy describing residential uses in order to place an upper limit on the size of allowable second units located on the same parcel with a principal dwelling unit. Previous Commission permit decisions in Malibu have restricted construction of second units, whether for elderly use, guest houses, or other purposes, to no more than 750 gross square feet (5-84-452, Scarpellino). The Commission finds, therefore, that as conditioned to submit revised plans showing the guest house at no greater than 750 square feet, the project is consistent with the suggested modifications to the Malibu Land Use Plan and Section 30250 of the Coastal Act.

C. Trails. Policy 44 of the Malibu Land Use Plan suggested modifications requires the dedication of a trail right of way as a condition of approval for new development, where the property encompasses a mapped trail alignment. The Commission finds, therefore, that as conditioned to require the dedication of a trail easement over a portion of the property, the project is consistent with the Malibu suggested modifications and the public access policies of the Coastal Act.

D. Land Use Plan. The Commission finds that as conditioned, the project is otherwise consistent with the recently adopted suggested modifications to the Malibu Land Use Plan (December 30, 1985), and will not prejudice the ability of the local government in preparing a totally certifiable Local Coastal Program for the Malibu/Santa Monica Mountains.

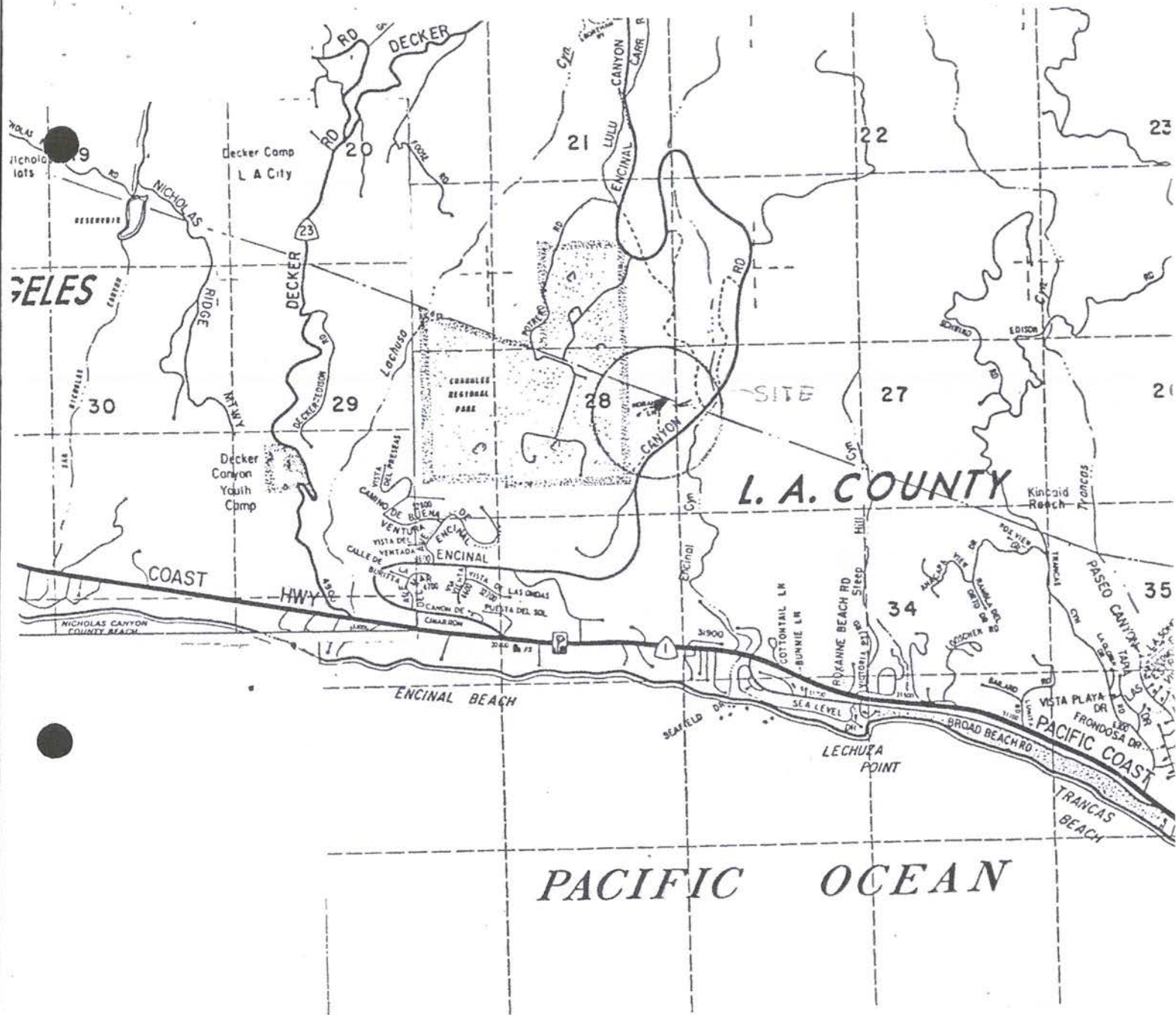
SPECIAL CONDITIONS.

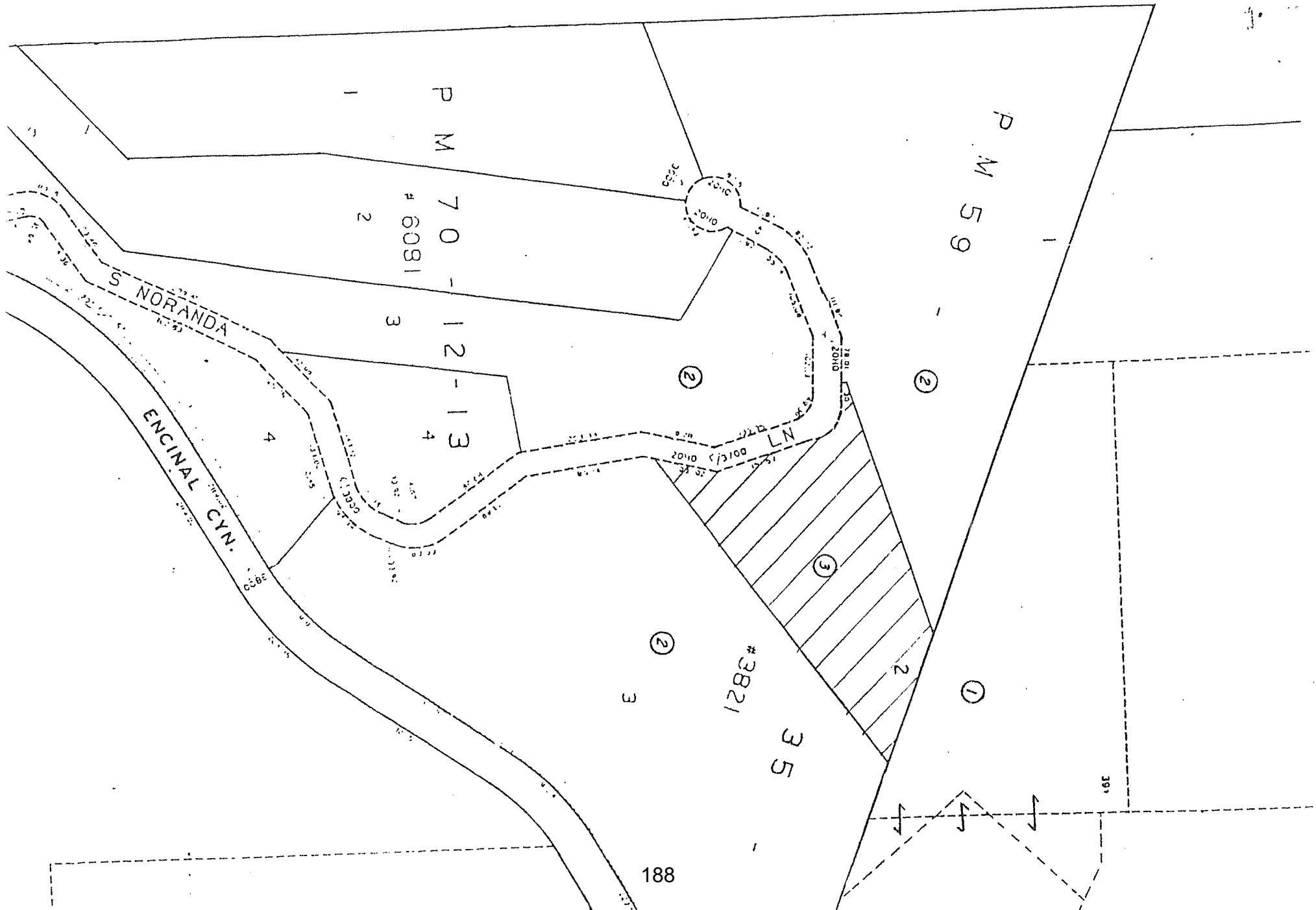
1.Guest House. Prior to transmittal of permit, the applicant shall submit for review and approval by the Executive Director, revised plans that show the guest house to be no greater than 750 square feet.

2.Trail Dedication. Prior to transmittal of permit, the applicant shall submit evidence of recordation of an offer to dedicate to a public agency or private association acceptable to the Executive Director, a 10 foot wide minimum easement for public hiking and equestrian use over a portion of the applicant's property subject to alignment by the Los Angeles County Department of Parks and Recreation. The offer to dedicate shall be made free of prior liens and encumbrances except for tax liens. The offer shall be irrevocable for a period of 21 years, running from the date of recordation, and shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant. The easement shall not be opened to the public until the accepting agency agrees to accept responsibility for maintenance and liability of the trail, except that the applicant shall not interfere with present public use of the trail.

1146A







# Construction Management Plan 3620 NORANDA LANE

November 20, 2020

Reference: Coastal Development Plan Review No. 17-104  
Minor Modification No. 20-012  
Variance Nos. 19-035 & 19-036  
3620 Noranda Lane (APN 4473-026-002)

Submitted to:  
Richard Mollica, Acting Planning Director  
City of Malibu  
23825 Stuart Ranch Road  
Malibu, CA. 90265-4804  
310-456-2489 X482

Prepared by:  
Vitus Matare & Associates  
P.O. Box 1204  
Malibu, CA. 90265  
(310) 317-0700  
info@vitusmatare.com



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- 2.0 GENERAL WORK ACTIVITY OVERVIEW
- 2.1 PROJECT SCHEDULE AND PROJECT STAGING
- 3.0 HEALTH AND SAFETY
- 4.0 DUST CONTROL MEASURES
- 5.0 NOISE MITIGATION
- 6.0 STORMWATER POLLUTION PREVENTION (SWPPP) AND  
EROSION CONTROL PLANS (ECP)

## ATTACHMENTS:

- SAMPLE DELIVERY NOTIFICATION
- SAMPLE ON-SITE NOTIFICATION SIGN
- EXHIBIT 1 - MAP TO NEAREST OFF-SITE AVAILABLE PARKING
- EXHIBIT 2 - SAMPLE 'NO CONSTRUCTION PARKING' SIGNAGE
- EXHIBIT 3 - SAMPLE 'NO CONSTRUCTION PARKING' SIGNAGE
- EXHIBIT 4 - SAMPLE 'FIRE LANE' SIGNAGE

## 1.0 PROJECT AND SITE DESCRIPTION

It is a requirement of the subject Coastal Development Permit (CDP) that a comprehensive Construction Management Plan be presented for the construction of the proposed single family residence and associated improvements at 3620 Noranda Lane in the City of Malibu. Construction is anticipated to take place between May 1<sup>st</sup> 2021 and September 30<sup>th</sup> 2022. Following is a summary of the traffic control measures, parking plan, construction staging, and anticipated sequence of events during construction. The property owner or his designated general contractor shall be responsible for implementing all aspects of the Construction Management Plan. They shall also notify all residents of Noranda Lane, and City of Malibu Planning Department in writing of any changes.

The subject property is a single legal lot described by one Los Angeles County Assessors Parcel Number. All construction activity shall be confined to APN 4473-026-002. More specifically, the majority of this site is considered Environmentally Sensitive Habitat Area (ESHA) and not to be disturbed. All grading, construction, material staging, and on-site vehicle parking shall be confined to the development footprint and under no circumstances stray into the surrounding ESHA zone as depicted in Figure 1 on page CMP of the approved construction documents. A portion of this figure has been reproduced in the attached Exhibit 6.

## 1.1 GENERAL CONSTRUCTION MANAGEMENT REQUIREMENTS

Prior to issuance of a grading or building permit, the property owner shall designate either a general contractor or more specifically an individual to serve as the primary contact responsible for managing day to day construction activities and enforcement of all requirements stipulated in this Construction Management Plan. For purposes of this document we shall refer to the designee as the owner/contractor.

1. The owner/contractor shall monitor on- and offsite vehicular parking and ensure that at no time vehicles or delivery trucks are to be parked on any portion of Noranda Lane. All vehicles shall either park on-site or on Encinal Canyon Road. Furthermore no vehicles shall be parked in the drip line of protected California Live Oak or indigenous Sycamore trees. Parking is available along the land side of Encinal Canyon Road and shuttling of workers, tools, and materials will require daily coordination by the general contractor or his designated project manager. Note that no parking is allowed directly adjacent to the intersection of Noranda Lane and Encinal Canyon Road due to a tight road shoulder and visibility issues. Reference the attached Exhibit 1 regarding the nearest off-site parking locations

2. The owner/contractor shall provide flag-persons to direct traffic in the event of a delivery at the site entrance off 3620 Noranda Lane. In the likely event that vehicles already parked on-site will need to be rearranged in order to make way for a delivery said flag-person will need to make sure that the flow of daily traffic along Noranda Lane is not held up and that entrances to neighboring properties are not inconvenienced.
3. All construction workers and delivery personnel shall be notified to:
  - a. Obey all traffic laws and limit vehicular speeds to below the posted speed limit;
  - b. Yield to children, pedestrians, pets, and other non-construction vehicles;
  - c. Minimize obstruction of through-traffic lanes at all times;
  - d. Proceed with particular caution at the blind curve and hill directly adjacent to the residence at 3620 Noranda Lane.
  - e. Not park anywhere along the entire length of Noranda Lane or its road shoulder.
4. Advance public notice of construction delivery routing and schedule shall be provided to the residents of Noranda Lane and the City of Malibu Planning Department. A sample Notice is attached. Public notice of construction delivery routing and schedule shall be made available via the following two methods:
  - a. An onsite posting sign shall be placed adjacent to the subject parcel's driveway. The construction delivery routing and schedule posting shall be updated monthly or as necessary, and shall remain posted at all times during construction.
  - b. A mailing to all property owners and tenants on Noranda Lane. The mailing shall occur at least 30 days prior to the commencement of construction, and will notify the property owners of the schedule upcoming work and the on-site posting.
  - c. Material deliveries inclusive of soil hauling and other material import shall be staged such that no more than one (1) truck enters or leaves the site every 20-minutes. All deliveries and hauling shall be confined to normal construction hours as posted at the job site entrance.
5. Construction deliveries shall be scheduled during construction working hours only, and shall not be permitted during peak traffic hours in the morning and evenings. Peak traffic hours are defined as occurring between 7:30 a.m. to 8:30 a.m. ,and 4:30 p.m. to 6:00 p.m.
6. All materials shall be stored on-site within the area of the development footprint as indicated on Exhibit 6. No machinery or materials may encroach past the line designating development boundary sheet CMP.1 of the construction documents. No materials may be stored off-site or in the private right-of-way for Noranda Lane or it's cul-de-sac nor is any temporary parking allowed in these areas.
7. "No Construction Parking" signs shall be posted on-site facing the east and west sides of Noranda Lane. Reference the attached Exhibit 2. These will be in addition to any FIRE LANE signs already posted.
8. All construction-related equipment and materials shall be stored on-site behind a



locked construction fence at the end of each working day.

9. The owner/contractor will be expected to personally oversee all of the following critical conditions:

- a. Provide a photographically documented report on the condition of the private roadway from Encinal Canyon road up to the terminus fronting 3620 Noranda Lane prior to the onset of any construction or grading work;
- b. That an on-site phone has reception or a ground line is provided to allow for communication with arriving deliveries and personnel;
- e. That Noranda Lane is maintained in a clean and safe condition throughout each and every workday;
- f. That parking rules are enforced around the clock and that shuttling of workers is conducted in an organized fashion minimizing the number of daily trips on Noranda Lane. Construction workers are encouraged to carpool or commute by bus;
- g. Monitor dust and noise control per sections 5.0 and 6.0 of the Construction management plan either by designating a responsible individual and posting their contact information at the job site entrance;
- h. Conduct and document daily safety and logistics meetings per section 4.0 of this Construction Management Plan. All subcontractors must either participate in these daily logistics meetings or provide documentation of their own compliance with this requirement.
- i. Supervise neighbor notification of construction stages and any possible impact to neighborhood traffic.

## 2.0 GENERAL COURSE OF CONSTRUCTION OVERVIEW

The work covered under this Construction Management Plan will be undertaken in a sequential manner with some activities being conducted concurrently. The governing criteria will be that only a limited crew can be on site at any given time. Material stocking and available parking for vehicles will determine the flow of work at the site, taking priority over traditional construction logistics. Depending upon site and other unforeseen complications, the owner/contractor's general sequence of work activities may require alteration at any given time. Such alterations should be noted on the posting at the site entrance.

The owner/contractor shall maintain all applicable permits that apply to the construction project, as well as a copy of the approved construction documents and conditions of approval on the project site at all times of operation. This information shall be available to City personnel at all times.

## 2.1 PROJECTED SCHEDULE & PROJECT STAGING

A summary of the general sequence for the work activities to be coordinated by the owner/contractor is anticipated to take place in the following order:

- Installation and repair of existing fire apparatus turnaround at the terminus of Noranda Lane. No Parking - Fire Lane signs (reference Exhibit 4) are to be installed on all sides of the cul-de-sac at the end of Noranda Lane. Please note that the entire length of Noranda Lane serves as a fire lane and as such NO PARKING is allowed by residents on either side of the private roadway or its road shoulder at any point between Encinal Canyon Road and the subject property.
- General debris removal of grading area and preparation for site grading. Review development boundaries as depicted on CMP.1 of the construction documents at regular intervals and prior to commencement of site work. Grading permits shall not be issued between November 1 and March 31 of any year (LCP 264). A pre-grading meeting is required with the City Building Inspector, property owner or his designated representative, and all key consultants present prior to the commencement of any grading work.
- Excavation of undocumented fill and replacement with engineered fills. Export to approved landfill. Note that the designated landfill location must be in compliance with the City of Malibu Construction and Demolition (C&D) Debris Recycling Program pursuant to the Integrated Waste Management Act of 1989 (Assembly Bill (AB) 939. Exported soils from the site shall be taken to an approved 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. The owner/contractor shall refer to the approved construction documents for the specific fulfillment of this key requirement.
- Local installation of site walls and foundation per approved structural plans prepared by Tuchscher Engineering Group (TEG.)
- Installation of subsurface drains and collection drainage in designated surcharge areas per approved civil plans prepared by Tuchscher Engineering Group (TEG.)
- Completion of rough grade, site walls, and foundations to the satisfaction of the City of Malibu Environmental & Building Safety Division.
- Construction of single family residence and associated site improvements per approved construction documents.
- Finish grading, installation of on-site waste treatment system, landscaping, paving and related site improvements.

- Final inspection of Noranda Lane and restoration to at minimum the documented roadway condition prior to onset of any construction activity at 3620 Noranda Lane.

### 3.0 HEALTH AND SAFETY

The owner/contractor shall consider safety and the prevention of accidents an integral part of its operation. Under Federal, State and local laws, Contractor is responsible to provide a safe working environment, and to protect life, health and safety of its employees and subcontractors' personnel. Although providing safe working conditions is primarily a management responsibility, safety and accident prevention can be accomplished only through coordinated efforts of all employees and subcontractor personnel. If the task or service being undertaken cannot be done safely, the Contractor shall discontinue work until proper controls can be established.

The owner/contractor will hold daily tailgate meetings for its employees prior to work commencement. Additionally, the owner/contractor will mandate that subcontractors be required to hold similar daily tailgate meetings covering their respective portion of the work. These meetings are intended for the discussion of the projected work schedule, shuttling of workers, tools and materials from the designated parking areas along Encinal Canyon Road to the Noranda Lane construction site, and to prepare each worker for any potential hazards associated with these work activities. A copy of the daily or weekly safety meeting logs will be maintained onsite at all times. All personnel attending the safety meeting will be required to sign the safety meeting log upon completion of the tailgate safety meeting. During the tailgate meetings, personnel will be reminded of neighborhood requirements as well as site conditions and are encouraged to participate with health, safety, and logistical concerns.

At the conclusion of the project, copies of all daily activities will be presented in a final report to the property owner for distribution to relevant parties.

The owner/contractor shall ensure continuous emergency vehicle access across the full length of Noranda Lane and its terminus.

### 4.0 DUST CONTROL MEASURES

Dust control will be considered an important part of the overall project.

Contractor will direct a localized fine water spray to the source of excavation or compaction activities, as required, thereby reducing airborne dust particles. To minimize the run-off of water, the water supply will be used only when necessary.

The main mechanism for the control of fugitive dust emissions from construction activities and wind erosion is watering, which leads to the formation of a surface crust to



reduce the available reservoir of dust. The effectiveness of wet suppression is dependent on the type of activities occurring, the frequency of watering, and the meteorological conditions. At no time shall water runoff be allowed to enter the Noranda roadway.

Dust control measures will include, but may not be limited to:

- Watering all active construction areas at least daily and more often during windy periods.
- Active areas adjacent to stockpiles or open excavation should be maintained damp at all times.
- Cover all hauling trucks or maintain at least 2 feet of freeboard. Apply water at least twice daily to unpaved access drive and staging areas.
- Sweep daily any paved areas or finished slabs.
- Sweep adjacent street within the hour if visible soil material is deposited onto the roadway surface.
- Enclose, cover and water daily any exposed soil stockpiles on the construction site.
- Limit traffic speeds on Noranda Lane to 15 mph.
- Install sandbags or other erosion control measures per project civil plan to prevent silt runoff.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Check all vehicles for material residue and clean if necessary. The private paved roadway, Noranda Lane will be checked for any material possibly tracked out, despite mitigation efforts. The owner/contractor will take all reasonable measures to clean the roadway of this material within an hour of observation.

## 5.0 NOISE MITIGATION

The following measures will be undertaken to minimize noise intrusion during site activities.

- Construction activities will be limited to the hours of 7 a.m. to 7 p.m. on weekdays, and 8 a.m. to 5 p.m. on Saturdays. No construction work is permitted Sundays or holidays.
- All equipment driven by internal combustion engines will be equipped with appropriate mufflers in good operating condition.
- When feasible, “quiet” models of stationary equipment such as air compressors, generators are to be employed.
- Stationary noise-generating equipment will be located as far as possible from neighboring property.
- No job site radio or walkie-talkie shall be set at a volume where it can be heard off-site.
- No unnecessary idling of internal combustion engines will occur on-site or off.
- The owner/contractor shall act as “noise disturbance coordinator,” responsible for

responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaints and as practicable, institute measures to correct the problem.

## 6.0 STORMWATER POLLUTION PREVENTION (SWPPP) AND EROSION CONTROL PLANS (ECP)

The owner/contractor must follow all requirements for storm water management and erosion control as specified in the approved civil plan prepared by Tuchscher Engineering Group (TEG.) Owner/contractor shall comply with all BMPs designed to minimize erosion and sediment transport.

The undersigned property owner acknowledges and agrees to abide by all terms and conditions set forth in this construction management plan and shall remain the key contact until such a time that a owner/contractor is specified prior to permit issuance.

-----  
Roman & Talke Stauss  
Portshead Ventura Harbor  
918 Puerto Place  
VENTURA, CA. 93001

SAMPLE NOTICE for mailing:

\_\_\_\_\_  
date

Dear Owners and Occupants,

Due to construction work at 3620 Noranda Lane scheduled to take place between May 1<sup>st</sup> 2021 and September 30<sup>th</sup> 2022, traffic along the private road will be temporally increased. Advance public notice of construction delivery routing and schedule for this project is being provided by way of a sign posted at the subject property. The sign is located on the construction fence fronting 3620 Noranda Lane.

All effort will be made to avoid unnecessary noise or excessive vehicular traffic. All construction related vehicles will be parked within designated areas on the construction site or on Encinal Canyon Road.

We apologize for any inconvenience the increased traffic may cause you and thank you for your cooperation. For further information regarding this project please contact:

\_\_\_\_\_  
name

\_\_\_\_\_  
title

\_\_\_\_\_  
24 hour phone no.



SAMPLE NOTIFICATION for posting at site

\_\_\_\_\_  
date

Dear Noranda Lane Neighbors,

Please be advised of the following deliveries and construction site activity schedule for the month of

\_\_\_\_\_.

Expected Deliveries - (show as list)

\_\_\_\_\_

(Indicate dates and all major deliveries in a vehicle larger than a full size pick up truck.)

Type of construction activities schedule for the month -

\_\_\_\_\_  
(Indicate number of workers from each trade expected on-site and type of work to be performed.)

All effort will be made to avoid unnecessary noise or excessive vehicular traffic. We will be keeping all of our vehicles parked within designated areas on the construction site or on Encinal Canyon Road.

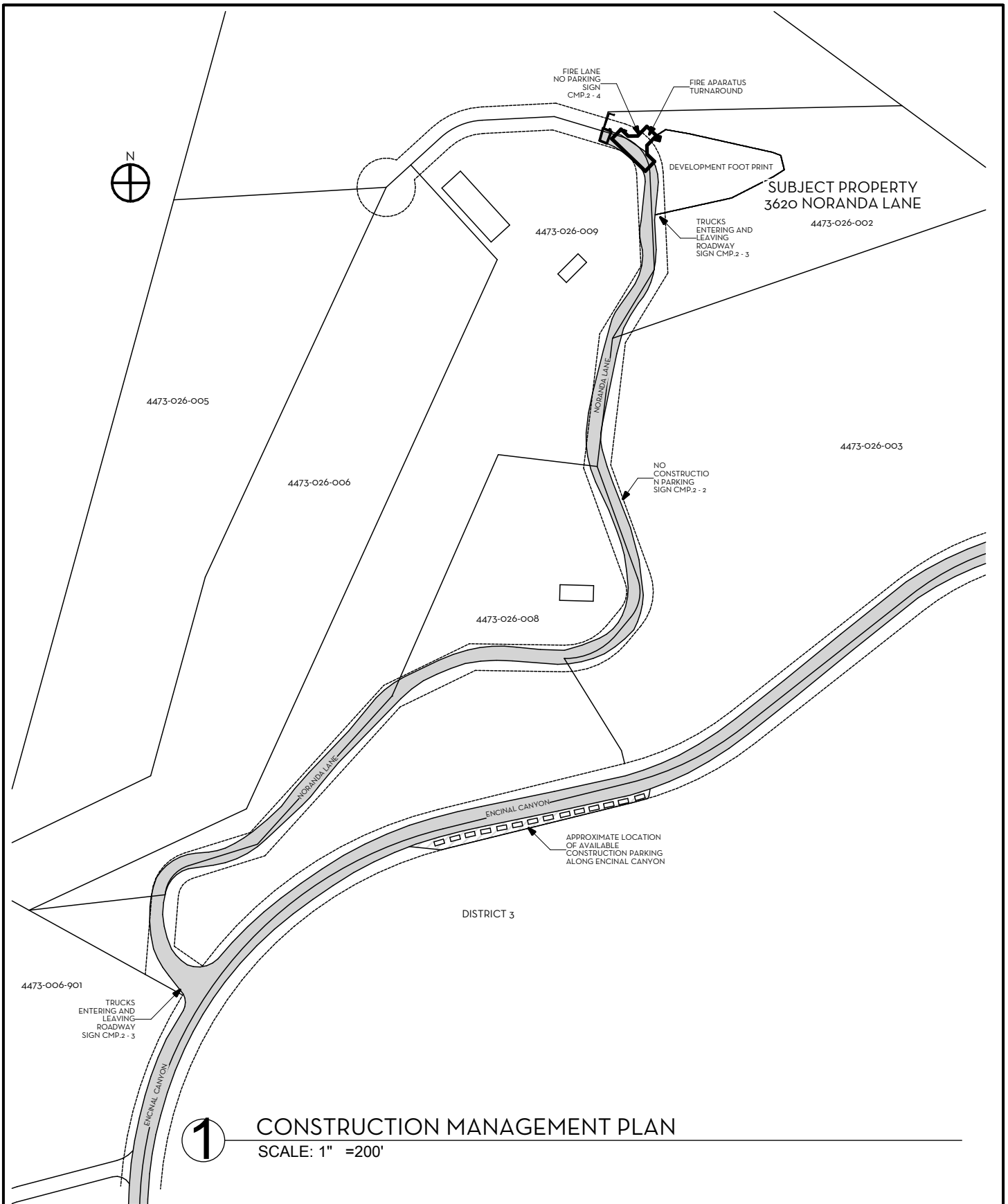
We apologize for any inconvenience the increased traffic may cause you and thank you for your cooperation. For further information regarding this project or to advise us of any issue please contact:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



CMP1

DRAWN BY:		
MODEL FILE:		
PROJECT NO:		
DESCRIPTION	DATE	MARK
	11/23/2020	DB

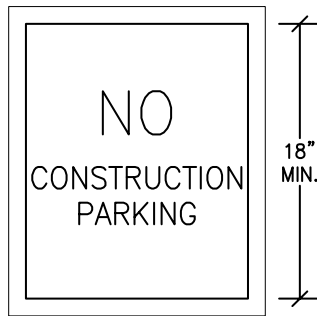
**STAUSS RESIDENCE**  
3620 NORANDA LN  
MALIBU, CA 90265  
**CONSTRUCTION MANAGEMENT**

4473-026-002

**VITUS MATARÉ & ASSOCIATES, INC.**  
P.O. BOX 1204, MALIBU, CA 90265 P 310.317.0700 F 310.317.0721



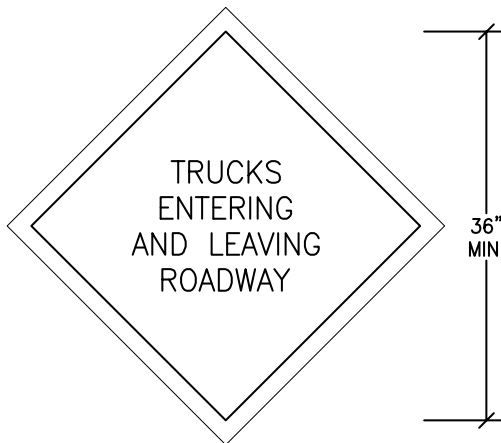
PLANNING DESIGN EXPEDITING CONSTRUCTION MANAGEMENT



COLOR: WHITE WITH RED LETTERING AND BORDER  
MATERIAL: REFLECTIVE ALUMINUM

## 2 CONSTRUCTION SIGN DETAIL

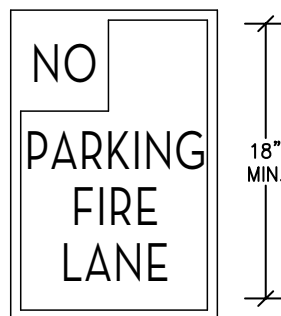
NOT TO SCALE



COLOR: ORANGE WITH BLACK LETTERING AND BORDER  
MATERIAL: VINYL FABRIC

## 3 CONSTRUCTION SIGN DETAIL

NOT TO SCALE



COLOR: WHITE WITH RED LETTERING AND BORDER  
MATERIAL: REFLECTIVE ALUMINUM

## 4 CONSTRUCTION SIGN DETAIL

NOT TO SCALE

CMP2

DRAWN BY:		
MODEL FILE:		
PROJECT NO.:		
DESCRIPTION	DATE	MARK
	11/25/2020	DB

STAUSS RESIDENCE  
3620 NORANDA LN  
MALIBU, CA 90265  
CONSTRUCTION MANAGEMENT

4473-026-002

VITUS MATARÉ & ASSOCIATES, INC.  
P.O. BOX 1204, MALIBU, CA 90265 P 310.317.0700 F 310.317.0721



PLANNING DESIGN EXPEDITING CONSTRUCTION MANAGEMENT



**NOTICE OF PUBLIC HEARING  
CITY OF MALIBU  
CITY COUNCIL**

The Malibu City Council will hold a public hearing on **MONDAY, August 14, 2023, at 6:30 p.m. on the item listed below in the Council Chambers at Malibu City Hall, located at 23825 Stuart Ranch Road, Malibu, CA, and via teleconference.**

Public comment can be submitted ahead of the public hearing to [citycouncil@malibucity.org](mailto:citycouncil@malibucity.org) for inclusion in the public record. To view and participate during the public hearing, please review the meeting agenda posted at [MalibuCity.org/AgendaCenter](https://www.malibucity.org/AgendaCenter) and follow the directions for public participation.

**APPEAL NO. 23-001** – An appeal of Planning Commission Resolution No. 23-02, determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-104 for the construction of a new single-family residence, a basement including a subterranean garage, a new onsite wastewater treatment system, exterior site improvements including a new swimming pool, spa, deck, landscape, hardscape and grading; including Variance No. 19-035 to allow for development within the required Environmentally Sensitive Habitat Area buffer, Site Plan Review No. 23-003 for development on slopes steeper than 3 to 1, but flatter than 2.5 to 1, Minor Modification No. 20-012 for the reduction of the required front yard setback by up to 50 percent and Offer-to-Dedicate No. 23-001 for a trail easement

Location:	3620 Noranda Lane
APN:	4473-026-002
Zoning:	Rural Residential, Five-Acres
Applicant:	Vitus Matare & Associates
Appellants:	Neil Popowitz, RELAW APC
Owners:	3620 Noranda LLC
Environmental Review:	Categorical Exemption CEQA Guidelines Sections 15303(a), 15303(e) and 15304(b)
Application Filed:	November 8, 2017
Appeals Filed:	November 13, 2023
Case Planner	Raneika Brooks, Senior Planner 310-456-2489, ext. 276 <a href="mailto:rbrooks@malibucity.org">rbrooks@malibucity.org</a>

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission previously analyzed the proposed project and found that it 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 or Conversion of Small Structures and 15304(b) – Minor Alterations to Land. 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).

A written staff report will be available at or before the hearing for the projects. All persons wishing to address the Council regarding these matters will be afforded an opportunity in accordance with the Council's procedures.

Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the City Council on, or

before, the date of the meeting.

If there are any questions regarding this notice, please contact Senior Planner Brooks at (310) 456-2489, ext. 276.

Richard Mollica, Planning Director

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