



Council Agenda Report

To: Mayor Pierson and Honorable Members of the City Council

Prepared by: Richard Mollica, Assistant Planning Director

Reviewed by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: August 12, 2020 Meeting Date: August 24, 2020

Subject: Appeal No. 20-009 - Appeal of Planning Commission Resolution No. 20-46 (29623 Cuthbert Road; Owner/Appellant, Colby Family Trust)

RECOMMENDED ACTION: Adopt Resolution No. 20-48 (Attachment A), determining the project is categorically exempt from the California Environmental Quality Act (CEQA); granting Appeal No. 20-009 (Attachment B) and approving Coastal Development Permit (CDP) No. 19-005 to allow for a new single-family residence, second unit, swimming pool/spa, and onsite wastewater treatment system (OWTS), including Site Plan Review (SPR) Nos. 19-072 and 20-013 for construction of the residence and second unit above 18 feet in height, and Minor Modification (MM) No. 19-010 for a 13 percent reduction of the rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 29623 Cuthbert Road (Colby Family Trust).

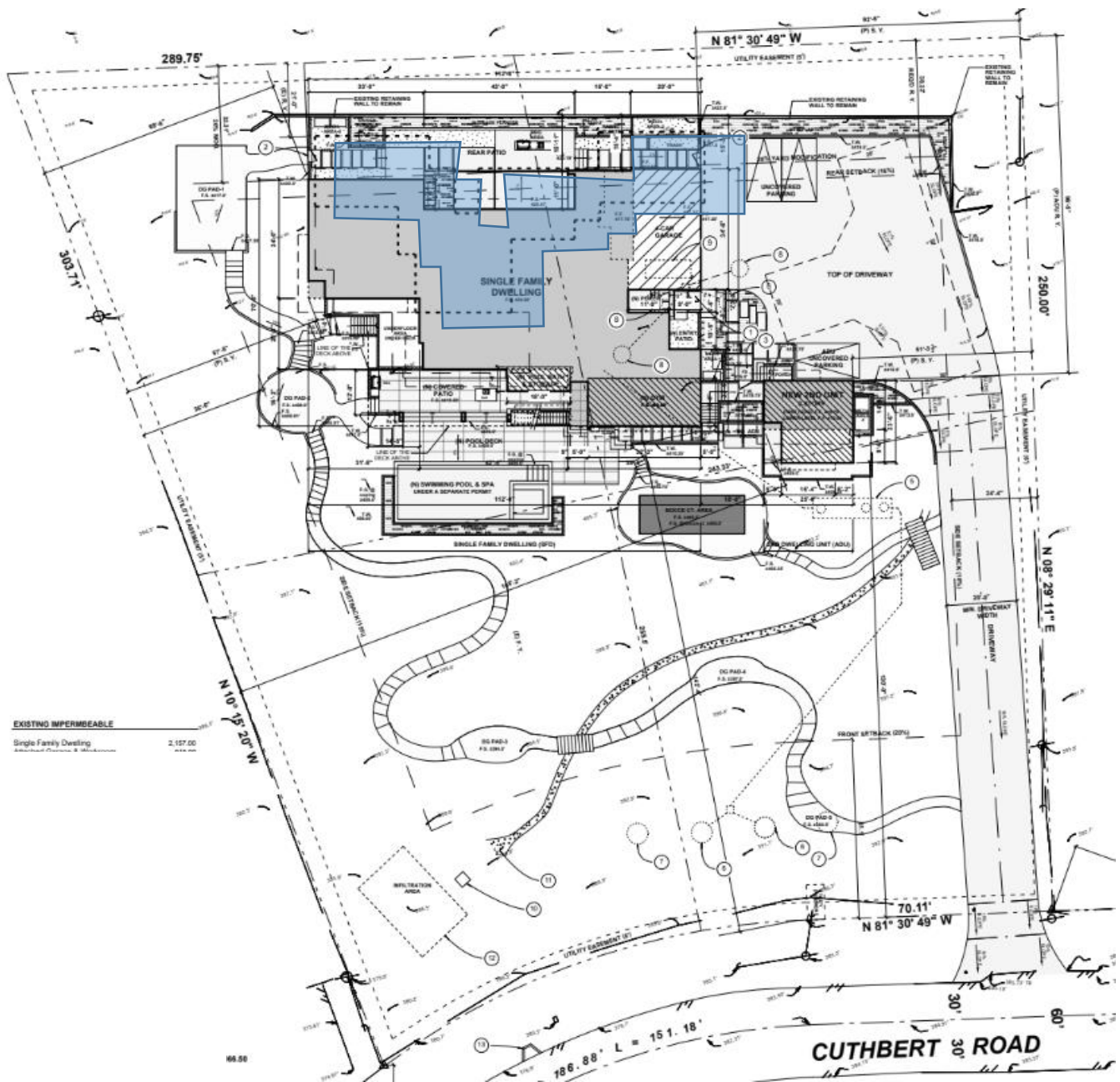
FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item is not included in the Adopted Work Plan for Fiscal Year 2019-2020. Processing this application is part of normal staff operations.

DISCUSSION: The matter is an appeal of the Planning Commission's denial of CDP No. 19-005, SPR Nos. 19-072 and 20-013 and Minor Modification No. 19-010 to replace a home lost in the November 2018 Woolsey Fire. While the new home is located further from the rear property line, it does extend further towards the street as shown in Figure 1 below. In addition, the size of the replacement structure is more 10 percent the size of the previously home and is therefore being processed with a CDP, rather than as a ministerial

like-for-like rebuild under a Planning Verification.¹ The appeal document is included as Attachment B.

Figure 1 – Proposed Site Plan and Previously Existing Development Footprint



Source: Sheet A-1.0 of Project Plans (Attachment 2)

On April 14, 2020, the Planning Director approved an Administrative Coastal Development Permit (ACDP) for the project.² Pursuant to Local Coastal Program (LCP) Local

¹ Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.4.6(A), replacement of a structure destroyed by natural disaster is exempt from a CDP if the replacement structure is for the same use, is located in the same place on the site and does not increase in size by more than 10 percent.

² This new home qualified for processing as an administrative coastal development permit (ACDP) pursuant to Local Implementation Plan (LIP) Section 13.13.1 because the application did not include a variance request and the subject

Implementation Plan (LIP) Section 13.13.6, this approval was reported to the Planning Commission on April 20, 2020. At that hearing the application was pulled from the Consent Calendar by a commissioner for discussion and three of the five commissioners voted in favor to instead process the application as a regular CDP with a full public hearing.³ Thus, the application was noticed for a public hearing and returned to the Commission at the June 1, 2020 meeting (Attachment C). The Planning Commission held the public hearing on the application and voted to instruct staff to bring back a resolution for denial⁴ which was adopted on June 15, 2020 (Attachment D).

In adopting Planning Commission Resolution No. 20-46, the Planning Commission determined that the project 1) did not comply with the two-thirds rule, 2) did not meet the required 100-foot setback from an adjacent parkland containing Environmentally Sensitive Habitat Area (ESHA), 3) would adversely affect neighborhood character, and 4) could not meet all the required minor modification findings to reduce the rear yard setback.

The owner/appellant, Colby Family Trust, subsequently submitted an appeal of the Planning Commission's decision to deny the project. This agenda report sets forth grounds for granting the appeal and approving the project denied by the Planning Commission.

Project Description

The proposed scope of work is as follows:

1. 6,182.5 sq. ft. single-family residence, including attached garage;
2. 899 sq. ft. foot two-story, second unit;
3. 651 sq. ft. covered patio;
 - a. Total Development Square Footage (TDSF) of 7,732.5 sq. ft.
4. Swimming pool (45 ft. by 17 ft., 6 in.);
5. Spa (10 ft. by 10 ft.);
6. Pool and spa equipment (to be fully screened);
7. 1,187 sq. ft. partially cantilevered deck attached to the residence;
8. 179 sq. ft. partially cantilevered deck for the second unit;
9. 7,240 square feet of new hardscaping (includes pool deck (758 sq. ft.), patio/barbeque area (816 sq. ft.) and driveway expansion (3,208 sq. ft.) for fire department including new turn around and widening from 10 to 20 ft.)
10. Entry gate (6 ft. high, view permeable above 42 in.);
11. 330 sq. ft. bocce ball court;
12. 12,667 sq. ft. of irrigated landscaping;
13. New OWTS;
14. 458 cubic yards of non-exempt grading;
15. New retaining walls up to six feet in height;
16. SPR No. 19-072 to construct residence higher than 18 feet;

property is not located within the Appeal Jurisdiction as indicated on the Post-LCP Permit and Appeal Jurisdiction Map 2. ACDP applications may be approved by the Planning Director and reported to the Planning Commission.

³ Mazza, Uhring and Marx in favor, Jennings and Weil dissenting.

⁴ Mazza, Uhring and Marx in favor, Jennings and Weil dissenting.

17. SPR No. 20-013 to construct second unit higher than 18 feet; and
18. MM No. 19-010 to reduce the rear yard setback by 13 percent (from 38.32 to 33 ft., 4 in.)

The project plans are included as Attachment 2 in Attachment C.

APPEAL TO THE CITY COUNCIL

The appellant contends that the Commission's findings are not supported by the evidence. The appellant also contends the application did not receive a fair and impartial hearing due to the lateness of the meeting and the fact that the project was the last item on the agenda.

The appellant's specific arguments regarding the findings are summarized below in *italics* using phrases taken from the appeal. The full text of the appeal document can be found in Attachment B. Following the appellant's stated appeal argument is a staff summary response.

The Planning Commission agenda report, which recommends approval of the project, is included as Attachment C. The Planning Commission agenda report includes a complete overview of the surrounding area, project conformance with the LCP and Malibu Municipal Code (MMC), and a discussion of all findings required to approve the application. The adopted Planning Commission Resolution No. 20-46 denying the project is included as Attachment D.

APPEAL ITEM 1A: *"Planning Commission Finding 1 - The project fails to comply with the Local Coastal Program or Malibu Municipal Code (MMC). Specifically, the architectural plans do not comply with the two-thirds rule (Local Implementation Plan (LIP) Section 3.6(K)(2) or MMC Section 17.40.040(A)(13)(b)."*

The finding is not supported by the evidence. The Planning Department confirmed in the staff report that the project does comply, and no evidence was presented to the contrary by the Planning Commission. Also, the project architect provided additional documentation to the Planning Department showing that only a minor portion of the building is 2 stories high and the rest of the area over 18' in height is due to a high ceiling and not to a 2nd story (floor area where you can stand), confirming that the project does comply.

Staff Response

LIP Section 3.6(K)(2) and MMC Section 17.40.040(A)(13)(b) are referred to as the two-thirds rule, and they appear in the code as subsections of the zoning standards pertaining to Residential Structure Size and TDSF. The two-thirds rule addresses the massing of structures by limiting the area of the second floor to no more than two-thirds the area of the first floor.

The LCP language reads as follows:

Notwithstanding any other provision of this Chapter, the total development square footage for a structure greater than 18 feet in height shall not be greater than permitted for single-story construction. Any portion of the structure above 18 feet in height shall not exceed two-thirds the first floor area, and shall be oriented so as to minimize view blockage from adjacent properties.

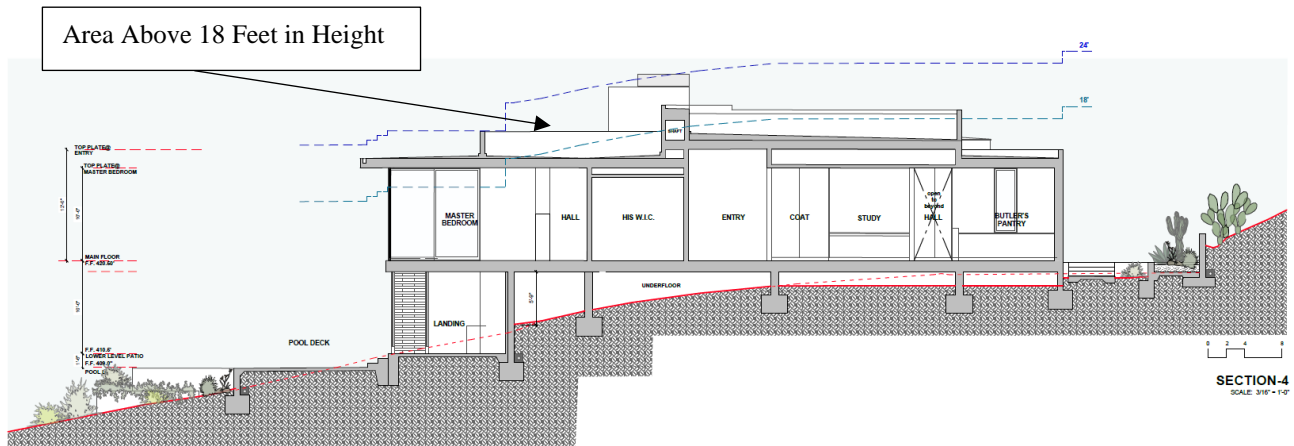
The language of the MMC is the same except the second sentence reads:

The second floor area plus the area of vaulted ceilings above eighteen (18) feet in height shall not exceed two-thirds the first floor area, and shall be oriented so as to minimize view blockage from adjacent properties.

As shown in Table 3 in the Planning Commission agenda report (Attachment C), the proposed TDSF for the project is 7,732.5 square feet. That area is comprised of the proposed structure, garage and second unit. Since both the residence and second unit involve construction over 18 feet, both were evaluated for two-thirds rule compliance. The first-floor area and the portion of the proposed residence below 18 feet totals 6,173 square feet. According to both the LCP and MMC the allowable second floor and the portion of the proposed residence above 18 feet could be up to 4,115.33 square feet in size. The project proposes 3,358 square feet of second story and portions of the building above 18 feet in height and therefore, meets the two-thirds rule. The area of the second unit below 18 feet is 542 square feet and the area above is proposed to be 357 square feet or exactly two-thirds.

Compliance with LIP Section 3.6(K)(2) and MMC Section 17.40.040(A)(13)(b) is visually demonstrated by the applicant and included in the project plans including Sheet A-1.4 entitled Two-Thirds Attachment (Figure 2). This design was chosen because it complements the site's topography by following the contours of the descending slope of the site visually lowering the overall profile of the house. Furthermore, the proposed design provides for lower building massing than a traditional two-story design.

Figure 2: Two-Thirds Exhibit



Source: Project Plans

The Planning Commission, following a new interpretation of the two-thirds rule it had adopted in denying a CDP application for a new residence at 33608 Pacific Coast Highway, based the denial on finding that the covered patio areas of the main residence should not be included in the two-thirds calculation of the main residence and that instead only the interior floor area should have been utilized in the calculation. The hearing on the instant Project occurred before the July 13, 2020, City Council meeting where the Council overturned the Planning Commission's decision on the 33608 Pacific Coast Highway project and upheld the City's longstanding interpretation that covered areas that extend greater than six feet must be counted for TDSF and two-thirds rule calculations. This interpretation has been consistently applied by the City except for a one-year period in 2008. The consequence of not counting these covered areas could allow for owners to create large covered areas to their homes which would expand with few limits and would add to the bulk and mass of a structure. Such actions would be conflict with TDSF limitations which are designed to limit the size of structures. Under this standard, as described above, the Project complies with the two-thirds rule.⁵

APPEAL ITEM 1B: *Planning Commission Finding 1 - "The proposed development is not consistent with LIP Section 3.6(F)(6) or MMC Section 17.40.040(A)(6)(f) because the 100-foot setback from the parkland containing Environmentally Sensitive Habitat Area to the north has not been provided."*

This finding is not supported by the evidence. The Planning Department informed the commissioners that according to the LCP ESHA and Marine Resources Map the ESHA was approximately 120 feet to the north on the parcel owned by the State. It was determined that there was no impact to recreation opportunities or ESHA so a 100' setback is not required. The house not only does not violate any ESHA buffer, but the homeowners and architect had increased the setback from a distant ESHA zone so as to be even further away from the distant ESHA zone.

⁵ City Council Resolution No. 20-39, Section 3, Finding A.

Staff Response

The project site is adjacent to parkland and the Zuma Ridge Trail according to the LCP Park Lands Map. The trail is labeled as “Zuma Ridge Motorway” on Figure 3. The project site is not in a designated Environmentally Sensitive Habitat Area (ESHA). In addition, based on review of the City’s ESHA Maps and aerial photos, the nearest ESHA areas are in excess of 100 feet from the northern property line of the subject property. However, the LCP ESHA and Marine Resources Map identifies ESHA approximately 120 feet to the north, on a parcel the owned by the U.S. Government. Because of the identification of ESHA on the adjacent parcel shown on the LCP’s ESHA maps, the City Biologist reviewed the proposed project plans for conformance with the LCP’s ESHA requirements. The primary concern was whether the required fuel modification area from the project would result in ESHA impacts. The applicant demonstrated that the proposed fuel modification zone falls within existing fuel modification areas of the homes to the west and east and the water tank⁶ that is located to the north.

Figure 3: Zuma Ridge Motorway Trail on Federal Park Land



Source: CityGIS

LIP Section 3.6(F)(6) regarding parkland setbacks applies to the proposed project due to its location. However, the proposed development is in compliance with LIP Section

⁶ Staff confirmed with the Los Angeles County Water District 29 that annual brush clearing takes place around the water tank.

3.6(F)(6) because the proposed project is in excess of 100 feet from ESHA and the trail (which are the parkland resources). LIP Section 3.6(F)(6) states:

Setbacks from parklands. New development adjacent to parklands, where the purpose of the park is to protect the natural environment and ESHA, shall be sited and designed to minimize impacts to habitat and recreational opportunities, to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width.

The Planning Commission concluded the language of this section required either a 100-foot setback from any parkland parcel or a request for a variance from the 100-foot setback requirement. In general the purpose of the required buffer is to prevent impacts to parkland resources or the use and enjoyment of the parkland.

Furthermore, to confirm that no sensitive resources or public use impacts would take place as a result of the subject project, the applicant requested review of the proposed development by the National Park Service. The National Park Service confirmed that the proposed development, including its associated fuel modification zones would have no impact on sensitive park resources (Attachment E) and would be consistent with a long-standing agreement with the prior property owner. Given this confirmation that no parkland resources would be affected by the proposed project, a variance from LIP Section 3.6(F)(6) is not required because no sensitive resources are located within 100 feet of the project. Figure 4 which was prepared by the applicant demonstrates how the trail is further than 100 feet from the property. In addition, the ESHA resources are to the north of the trail, more than 100 feet from the proposed residence.

Figure 4: 100-Foot Radius from the Adjacent Trail



Source: Applicant

In addition, the proposed replacement structure is 12 feet, 4 inches further from the rear property line than the previous residence, so a greater setback is being provided, increasing the distance of the fuel modification area from the ESHA compared to what had taken place in the past. A variance from the parkland setback requirement of LIP Section 3.6(F)(6) is not required.

APPEAL ITEM 2: *Planning Commission Finding 2 - "...the large size of the proposed home is inconsistent with character of the neighborhood." "All of the required findings to grant the site plan review cannot be made. Specifically, the project will adversely affect neighborhood character due to the amount of building square footage proposed which is significantly greater than that of the surrounding properties."*

This finding is not supported by the evidence. The Commission has misused the phrase “neighborhood character” to justify denying the project. The location at issue is Cuthbert Road facing the park, an area that no longer has any definable neighborhood character because 19 out of 20 homes burned to the ground in the Woolsey Fire. Letters of support were received from 23 long-time Malibu residents, all of whom want the home to be built and the neighborhood to begin the recovery from Woolsey Fire. The story poles have been up since January 12th and no complaints from any neighbor or anyone walking along the fire road have been received.

Staff Response

The proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The majority of the development in the surrounding area was destroyed in the November 2018 Woolsey Fire. To date, eight of the 20 properties within 500 feet of the subject property that were destroyed are currently taking part in the City’s fire rebuild efforts. The other affected properties have not yet submitted applications. The Commission recently approved another fire rebuild home on Cuthbert, including a site plan review for height over 18 feet, and with similar square footage for the main residence of 5,932 square feet.⁷

Lot sizes and homes in the Malibu Park neighborhood have varied in size historically, as noted in the General Plan’s description of the neighborhood. The adjacent properties on the north side of Cuthbert Road have historically been oriented away from the subject property and to the southwest, to maximize ocean views (Figure 5). Story poles were placed on the subject parcel to demonstrate the project’s potential for aesthetic changes to the neighborhood relative to siting, height, and bulk. On March 6, 2020, staff visited the site to inspect the story poles after installation. As demonstrated by the story poles and as shown in Figure 4, the project’s location on the site, height, and bulk is compatible with other development in the adjacent area in that the area has historically been developed with single and two-story residences in a varied size range and similar orientation to maximize views toward the Pacific Ocean. Many properties were developed with larger homes and multiple accessory structures. No correspondence or public comments objecting to the project or expressing concerns about adverse neighborhood impacts have been submitted to date. There are no indications that the project, particularly the portions of the project that are higher than 18 feet for which the SPRs are requested, would have an adverse effect on neighborhood character.

⁷ 30130 Cuthbert Road, Planning Commission Resolution No. 20-37, adopted April 6, 2020

Figure 5: Surrounding Neighborhood Prior to the Fire (2014)



Source Connect Explorer

While not required for conformance review by City codes or Council direction, the applicant included for reference a table showing the Los Angeles County Tax Assessor's Records for properties within a 500-foot radius of the subject property (Attachment 5 of Attachment C), based on the Commission's past interest in nearby home sizes. This County square footage information is not the equivalent of the City's TDSF metric since it is based on the assessor's rules for property valuation and not TDSF specifically. For example, the Los Angeles County Assessor data generally includes the habitable building square footage only, and does not include garages, covered patios and some other accessory structures as TDSF would.

The required finding that the project does not adversely affect neighborhood character should not rely solely on residential structure size. Other, equally important factors that affect neighborhood character, among other things, are visibility of the residence from public viewing places, height, and massing. The proposed Project complies with the City's TDSF requirements, and importantly the portions of the project over 18 feet in height (which are the portions that require site plan review) are consistent with the neighborhood, both as it existed and as it is being rebuilt, and are not objectionable for their mass, height, bulk or visibility. There is no evidence of an adverse effect on neighborhood character from the project.

APPEAL ITEM 3: *Planning Commission Finding 3 – “All of the required findings to grant the minor modification to reduce the rear yard setback cannot be made. Specifically, given the size of the parcel, alternative building pad locations are available that do not require a reduced rear yard setback.”*

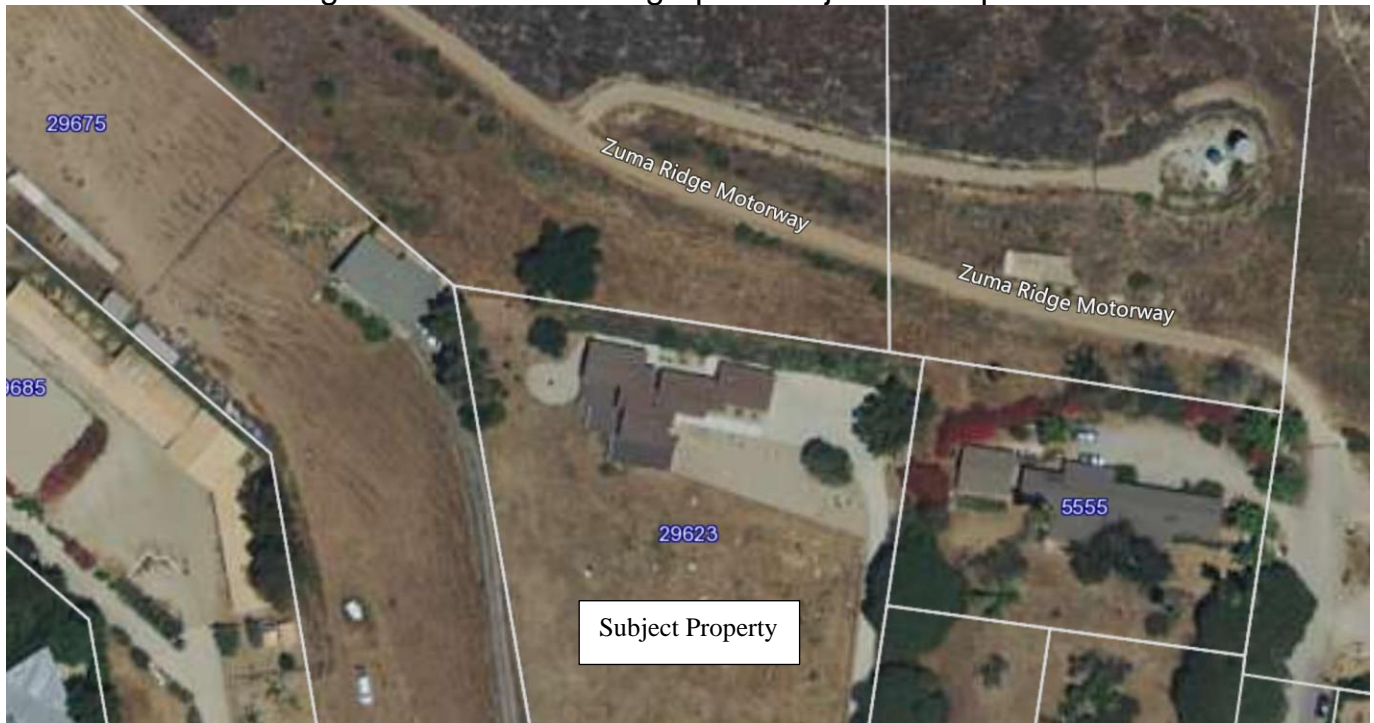
This finding is not supported by the evidence. No alternative locations are available because the view of the neighbor will be affected if the house is relocated to the lower portion of the property. The neighbor next door supports the building of our home. Moving the house forward would impact our neighbors view corridor and he is opposed to that.

We want to build on the existing pad so that there will be no additional disturbances to the land and no additional grading, not only for the house itself, but also to accommodate the fire department's requirements for a T-turnaround. Building on the existing pad will keep a lower profile.

Staff Response

The project proposes a 13 percent reduction of the rear yard setback required by LIP Section 3.6(G)(1) from the required 38 feet, 4 inches to 33 feet, 4 inches. The previously existing residence that was destroyed by fire had a nonconforming rear yard setback of only 21 feet. So, while the new replacement residence is proposing a minor modification for the rear yard compared to the *required* rear yard setback, this will actually result in the residence being 12 feet, 4 inches *further* from the property line than the original residence. The minor modification allows the project to minimize site disturbance by utilizing the previously existing driveway and required fire truck access, so additional grading is avoided, while increasing the rear yard setback compared to the original home. Furthermore, the increased rear yard setback also increases the distance between the proposed residence and the parkland and trail adjacent to the subject property. Adjacent properties also have reduced setbacks and have historically been built in-line with each other to maintain views (Figure 5). In addition, other building pads in the area also have reduced rear yard and other setbacks, so it is not anticipated that the proposed development will adversely affect neighborhood character (See Figure 3 for pre-fire aerial).

Figure 5 – Aerial Photograph of Adjacent Properties

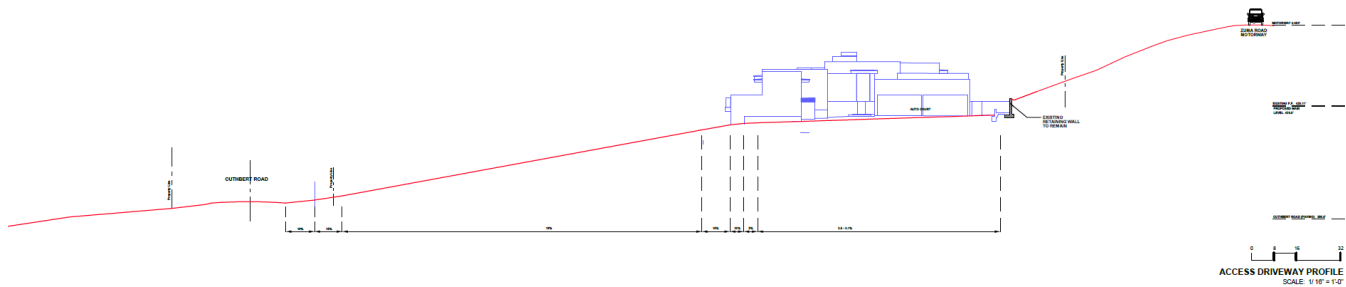


Source: CityGIS

The Planning Commission concluded that given the size of the parcel the house could be moved further away from the rear property line while staying within the existing development pad. While the project could be re-sited to another location on the subject parcel, the proposed improvements are sited on previously disturbed areas on the property to utilize the existing access to the site.

Alternative locations were considered, but any other location is considered more impactful due to the amount of additional grading and soil disturbance needed. Development within the southern portion of the parcel would require more grading, land disturbance, and construction on slopes and would not be the least environmentally damaging alternative. The site is characterized by a slope that descends from the rear property line towards the street adjacent to the front property line. The previously approved building pad and flat areas are located at the rear of the property and the minor modification allows for the reuse of those areas (Figure 6). Relocating the house to the center of the lot would also be inconsistent with the City's Hillside Development ordinance which encourages the use of the existing building pad or other flat areas on the site to avoid construction on steeper slopes. In addition, as discussed earlier and as demonstrated in Figure 4, moving the proposed development to the center of the property could result in view impacts for neighboring properties. As proposed the development will keep a low profile, utilize the site topography and be in-line with surrounding development.

Figure 6: Site Topography



Source: Applicant Plans

APPEAL ITEM 4: *There was a lack of fair and impartial hearing.*

The lack of an impartial hearing: Commissioners Marx, Uhring and Mazza have demonstrated a pattern of looking for non-valid reasons to delay, block or deny any CDP application for a home larger than 5,000 square feet.! Planning commissioners Uhring, Marx and Mazza identified fake, contrived and improper reasons for blocking and delaying the application, as explained below.

Further, while Zoom is the safest method to convene given the pandemic, it also comes with significant technical challenges and is almost impossible to refute false statements. The Zoom meeting had started at 6:30 pm. By 11:00 p.m. the commissioners were clearly exhausted after discussing the other projects for approximately 1 1/2 hours each prior to ours. The commissioners only spent 22 minutes discussing our project. It was not a fair and impartial hearing.

The commissioners were uninterested in listening to Richard Mollica's and Bonnie Blue's responses to their claims. You can see and hear that Mazza was coughing and shuffling papers, thus interrupting Mollica's audio as sound was cutting in and out, especially during Mollica's 2/3 rule compliance explanation. During his claim of the 2/3 rule Mazza said, "I'm tired," and proceeded with contrived calculations while Bonnie Blue is shaking her head "No" in disagreement." The planning department and the available speakers all informed the three commissioners that the proposed home is compliant with any "2/3 rule".

It was claimed by Commissioner Uhring that the 100 foot setback from an Environmentally Sensitive Habitat Area (ESHA) was not met. The planning staff showed that the property is not in an ESHA or ESHA Buffer, as shown on the LCP ESHA and Marine Resource map. The city biologist has confirmed we are not within 100 feet of an ESHA. The planning staff has confirmed we are 120 feet from the ESHA. The National Park Service has provided documentation that our property is approximately 150 feet away from the ESHA and that the brush clearance and "fuel modification" area meets the county's 100 FOOT setback rule. In addition, our house was built in 1955, before the Parks Service acquired the park property. In our plans, we have moved the house farther away from the park from its prior location.

There was 1:30 left of our 15 minutes and we never got to use that time for our responses.

Staff Response

Upon review of the meeting, staff was able to confirm that the Planning Commissioners conducted the meeting in a manner consistent with the applicable rules of order. In addition, the meeting was properly noticed and conducted. The applicant was given the opportunity to speak, both initially and for rebuttal, after the other speakers had concluded, in compliance with the City's rules for public hearings. They concluded their comments of their own volition even though they could have spoken for approximately an additional one minute and thirty seconds. They were granted a full opportunity to be heard and were not cut off, but rather chose not to use that time. Once the public hearing is concluded there is no further right or opportunity to speak unless the Chair, or a majority of the Commission, request additional testimony or response to aid deliberations. While the applicant apparently wished to speak again while the Commissioners were discussing the merits of the project, the applicant has no right to do so. While it can be frustrating to those who wish to speak more, public comment must be limited so that deliberations and decisions can be made by the Commission and conducted in a timely manner. Prior to the final vote by the Planning Commission, the Chair did allow the applicant and his team one final opportunity to speak. The applicant has not provided evidence of improper bias, and any imperfection will be cured by this de novo hearing before the City Council.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the project. The Planning Department found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301(l) and 15303(a) - Demolition of one single-family residence and accessory structures, and construction of a new single-family residence and accessory structures. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

PUBLIC CORRESPONDENCE: To date, staff has not received any public correspondence on the appeal.

PUBLIC NOTICE: On July 30, 2020, 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 (Attachment F).

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. 20-48, granting the appeal and approving ACDP No. 19-005, SPR No. 19-072, SPR 20-013 and Minor Modification No. 19-012.

ATTACHMENTS:

- A. Resolution No. 20-48
- B. Appeal No. 20-001
- C. June 1, 2020 Planning Commission Agenda Report
 - 1. Planning Commission Resolution No. 20-46
 - 2. Project Plans
 - 3. Department Review Sheets
 - 4. Story Pole Photographs
 - 5. Neighborhood Character Exhibit Prepared by Applicant
 - 6. Public Correspondence
 - 7. Radius Map
 - 8. Public Hearing Notice
- D. Planning Commission Resolution No. 20-46
- E. National Park Service Correspondence
- F. Public Hearing Notice

RESOLUTION NO. 20-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING APPEAL NO. 20-009 AND COASTAL DEVELOPMENT PERMIT NO. 19-005 TO ALLOW FOR A NEW SINGLE-FAMILY RESIDENCE, SECOND UNIT, SWIMMING POOL/SPA, AND ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING SITE PLAN REVIEW NOS. 19-072 AND 20-013 FOR CONSTRUCTION OF THE RESIDENCE AND SECOND UNIT ABOVE 18 FEET IN HEIGHT, AND MINOR MODIFICATION NO. 19-010 FOR A 13 PERCENT REDUCTION OF THE REAR YARD SETBACK TO REPLACE A HOME DESTROYED IN THE 2018 WOOLSEY FIRE, LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 29623 CUTHBERT ROAD (COLBY FAMILY TRUST).

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

SECTION 1. Recitals.

A. On August 12, 2019, an application for an Administrative Coastal Development Permit (ACDP) No. 19-005, Site Plan Review (SPR) No. 19-072, SPR No. 20-013 and Minor Modification (MM) No. 19-010 to allow for the construction of a single-family residence and associated development on a Woolsey Fire affected parcel was submitted to the Planning Department by Daniela Rechtszsd. The application was routed to the City Biologist, City Environmental Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Fire Department (LACFD), and Los Angeles County Waterworks District 29 (LACWD29) for review.

B. On October 3, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On January 3, 2020, the application was deemed complete.

D. On March 6, 2020, staff visited the site to view the story poles.

E. On April 9, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. At the April 20, 2020, Regular Planning Commission meeting, the Planning Director reported approval of the ACDP to the Planning Commission. The Planning Commission voted in favor to bring back the item as a full coastal development permit (CDP) with a full public hearing.

G. On May 7, 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 properties.

H. On June 1, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record and directed staff to return with a Resolution for denial.

I. On June 15, 2020, the Planning Commission adopted Resolution No. 20-46 denying the project.

J. On June 25, 2020 the property owner, Colby Family Trust filed an appeal to Planning Commission's decision.

K. On July 30, 2020, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a radius of 500 feet from the subject property and all interested parties.

L. On August 24, 2020, the City Council held a duly noticed public hearing on the subject appeal, reviewed and considered the agenda report, reviewed and considered written reports including the agenda report for the June 1, 2020, Planning Commission Meeting, public testimony, and other information in the record.

SECTION 2. Appeal of Action.

The appeal filed by the appellant contends that the findings for denial of the project are not supported by the evidence, or the decision is not supported by the findings. Specifically, the appellant contends that the four findings stating the proposed project is not consistent with the City's Local Coastal Program (LCP) are not supported by law or substantial evidence. Appellant also alleges it was denied a fair and impartial hearing.

SECTION 3. Findings for Granting the Appeal.

Based on evidence in the record and in the Council Agenda Report for the project, the City Council hereby makes the following findings of fact, grants the appeal challenging the findings made by the Planning Commission in denying the CDP application, denies the appeal's allegation that a fair and impartial hearing was not granted, and finds that substantial evidence in the record supports the required findings for approval of the project. In addition, 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 are incorporated herein as though fully set forth. The Council hereby adopts staff's analysis and conclusions from the staff report regarding each of the asserted grounds for appeal and the reasons the appeal is granted to approve the project. In summary:

A. The Council finds that the project is consistent with the residential development standards pertaining to the two-thirds rule (Local Implementation Plan Section 3.6(K)(2) and Malibu Municipal Code (MMC) Section 17.40.040(A)(13)(b)). The first-floor area and the portion of the proposed residence below 18 feet totals 6,173 square feet. According to both the LCP and MMC the allowable second floor and the portion of the proposed residence above 18 feet could be up to 4,115.33 square feet in size. The project proposes 3,358 square feet of second story and portions of the building above 18 feet in height and therefore meets the two-thirds rule. In addition, the area of the second unit below 18 feet is 542 square feet and the area above is proposed to be 357 square feet or exactly two-thirds the area below.

Council also finds that the project complies with LIP section 3.6(F)(6)'s requirement of a buffer of 100-feet from parkland resources. The Project is more than 100 feet from the Zuma Ridge Motorway Trail and the ESHA located on the adjacent parkland. The Project will not impact the Environmental Sensitive Habitat Area (ESHA) located in the park or recreational opportunities in the park because of this distance and the fact that the project's fuel modification will be within the fuel modification of the adjacent homes. The nearest ESHA resources are more than 120 feet from the proposed project. Furthermore, to confirm that no sensitive resources or public use impacts would take place as a result of the subject project, the applicant requested review of the proposed development by the National Park Service. The National Park Service confirmed that the proposed development, including its associated fuel modification zones would have no impact on sensitive park resources. The proposed replacement structure is also 12 feet, 4 inches further from the rear property line than the previous residence, so a greater setback is being provided, increasing the distance of the Project and fuel modification area from the ESHA compared to what had taken place in the past.

C. The evidence in the record demonstrates that the proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The Council finds that the proposed project is consistent with the RR-2 zoning designation and does not adversely impact neighborhood character. As demonstrated by the story poles, the project's location on the site, height and bulk is compatible with other development in the adjacent area; an area has historically been developed with single and two-story residences in a varied size range and similar orientation to maximize views toward the Pacific Ocean.

D. The Council finds all the findings required for a minor modification to the rear yard setback have been met. The minor modification allows the project to minimize site disturbance by utilizing the previously existing driveway and required fire truck access, and increases the previously existing rear yard setback when compared to the original home. The reduced rear yard setback will also allow the proposed residence to be sited in a manner consistent with neighboring properties. Lastly, the minor modification will keep development on the existing flat portions of the lot, prevent development on steeper slopes, and avoid development that falls into the category of hillside development.

E. The Council finds the Planning Commissioners conducted the meeting in a manner consistent with the applicable rules of order, and provided applicant both notice and an opportunity to be heard in conformance with those standards. The applicant has not presented evidence of inappropriate bias, conflict of interest or an unfair or impartial hearing. In addition, any such violation would be cured by the de novo hearing held before the City Council.

In conclusion, as detailed above and in the record, the evidence supports the required findings for approval of the proposed Project and that it is consistent with the Malibu Municipal Code (MMC) and LCP standards. The evidence also demonstrates a fair and impartial hearing was provided. Additional evidence in the record supports the findings required for the project, as discussed below.

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 to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) New Construction or Conversion of Small Structures, 15303(d) New Construction or Conversion of Small Structures, and 15303(e) New Construction or Conversion of Small Structures. The City Council has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 5. 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 City Council adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 19-005 to allow for a new single-family residence with attached garage, a secondary dwelling unit, swimming pool/spa, and a new onsite wastewater treatment system (OWTS), including SPR No. 19-072 for construction of the residence above 18 feet in height, SPR No. 20-013 for construction of the second residential unit above 18 feet in height, and MM No. 19-010 for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre (RR-2) zoning district at 29623 Cuthbert Road (Colby Family Trust).

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

A. General Coastal Development Permit (LIP Chapter 13)

1. The project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, LAWD29 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 and MMC in that it meets all applicable residential development standards, inclusive of the requested SPRs and MM.

2. Staff studied various project alternatives but was determined that the proposed project was the least environmentally damaging alternative. The proposed project includes reconstruction of a residence and attached garage, a second unit, pool, new OWTS, landscaping and hardscape improvements that was destroyed by fire that will be located within the limits of the previously disturbed building pad. The proposed project results in no significant adverse biological or visual impacts and is the least environmentally damaging feasible alternative.

B. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height (LIP Section 13.27)

1. The agenda report details the project conformance review with all applicable standards and policies. With the inclusion of the site plan reviews and minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.

2. The proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The majority of the development in the surrounding area was destroyed in the 2018 Woolsey Fire. To date, eight of the 20 properties within 500 feet of the subject property that were destroyed are currently taking part in the City's reconstruction efforts. The other affected properties have not yet submitted applications. The Commission recently approved a fire rebuild home on Cuthbert, including a site plan review for height over 18 feet.

Lot sizes and homes in the Malibu Park neighborhood have varied in size historically, as noted in the General Plan's description of the neighborhood. The adjacent properties on the north side of Cuthbert Road have historically been oriented away from the subject property, to maximize ocean views. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height and bulk. On March 6, 2020, staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is compatible with other development in the adjacent area in that the neighborhood has historically been residentially developed with single and two-story residences in a varied size range and similar orientation to maximize views toward the Pacific Ocean. No correspondence or public comments objecting to the project have been submitted to date. There are no indications that the project, particularly the portions of the project that are higher than 18 feet, would have an adverse effect on neighborhood character.

3. There are no significant public views visible from any existing scenic areas on or near the property which could be impacted by the applicant's project. As discussed previously, there is an existing trail located 65 feet north of the property and at a higher elevation; however, the surrounding neighborhood is similarly developed with residential uses. Based on staff's site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

4. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City's General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards.

6. The proposed development is infill residential development that is consistent with characteristics of neighboring properties. The maximum height of the proposed project is 23 feet, 11 inches which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction, presumably because the surrounding properties have views oriented in a different direction, away from the project. Based on staff's evaluation and site inspections, it was determined that the proposed project will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

C. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height for a Secondary Residential Unit (LIP Section 13.27)

1. With the inclusion of the site plan reviews and minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.

2. Similar to the proposed residence, the second residential unit will share a similar roof height. As previously discussed, surrounding residence development consists of both one and two-story development that exceeds 18 feet in height that share similar orientation to maximize views toward the Pacific Ocean. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height and bulk. On March 6, 2020 staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is similar to neighboring development. Other properties in the neighborhood also have included detached accessory structures. The Commission recently approved an application including a detached second residential unit. Based on conformance with development standards, characteristics of the surrounding topography, and existing development, the proposed second residential unit is not expected to have an adverse effect on neighborhood character.

3. There are no significant public views visible from any existing scenic areas on or near the property which could be impacted by the applicant's project. As discussed previously, there is a trail located 65 feet north of the property at a higher elevation; however, the surrounding neighborhood is similarly developed with residential uses. Based on staff's site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

4. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City's General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards.

6. The proposed development is infill residential development that is consistent with development located on neighboring properties. The maximum height of the proposed second residential unit is 22 feet, 10 inches which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction. Based on staff's evaluation and site inspections, it was determined that the proposed second residential unit will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

D. Minor Modification for a reduction of the rear yard setback (LIP Section 13.27)

LIP Section 13.27 requires that the City makes three findings in consideration and approval of a minor modification to reduce the required rear yard setback up to 20 percent. The project proposes a 13 percent reduction of the rear yard setback required by LIP Section 3.6(G)(1) from the required 38-feet, 4-inches to 33-feet, 4-inches for the proposed single-family residence. Based on evidence in the record, the findings in support of MM No. 19-010 are made herein.

1. As previously stated in Section A, Finding 1, the project has been reviewed and analyzed for conformance with the LCP. The project is consistent with the policies and provisions of the LCP.

2. The previously existing residence that was destroyed by fire had a 21 foot rear yard setback. The proposed single-family residence is sited 33-feet 4-inches from the northern rear yard property line, which is 12 feet 4 inches further than the original residence. The minor modification allows the project to minimize site disturbance by utilizing the previously existing driveway and required fire truck access, while increasing the setback compared to the original home. Surrounding properties along Cuthbert Road consist of long, narrow lots with single-family residences commonly constructed within the required yard setbacks similar to proposed project. Since other building pads in the area have reduced rear yard setbacks, the proposed development will not adversely affect neighborhood character.

3. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

E. 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 below the Zuma Ridge Trail which is considered a scenic resource. Since the project is located adjacent to a scenic resource, the findings set forth in LIP Section 6.4 are enumerated herein.

1. An analysis of the project's potential visual impact was conducted through site inspections, and review of the architectural plans. The proposed structure as demonstrated by the story poles will be at a lower elevation than the trail. As a result, when the proposed development is viewed from the trail, views of the ocean and surrounding hills will not be impacted. 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 E1, as conditioned, the project will not have significant adverse scenic or visual impacts.

3. As discussed in Finding A3, the project is the least environmentally damaging feasible alternative.

3. As discussed in Finding E1, the project is not expected to result in any significant adverse impact because of the existing topography and the fact that the proposed development is located downslope from the trail. Therefore, there are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

4. As discussed in Finding E1, as conditioned, development on the site will not have significant adverse impacts on scenic and visual resources because of its location.

F. Hazards (LIP Chapter 9)

1. On October 14, 2019, the City geotechnical staff determined the proposed project, constructed in accordance with the recommendations from the project's geotechnical consultant, is consistent with the LCP after completed its reviewed of the following reports:

- Geotechnical Engineering Investigation Reports prepared by Craig Phillips Engineering & Design (dated October 4, 2019);
- SubSurface Designs, Inc. (dated May 2, 2019);
- Architectural Plans prepared by Daniela Rechtszsd (dated August 5, 2019);
- Grading and Drainage Plans prepared by Daniela Rechtszsd (dated July 15, 2019);
- Partial Structural Plans prepared by Craig Phillips Engineering & Design (dated July 25, 2019), and
- OWTS plan prepared by Lawrence Young.

In the reports, site-specific conditions are evaluated, and recommendations are provided to address any pertinent issues. The subject property is not located within a liquefaction hazard zone and it was stated that the project will not increase the liquefaction risk which presently exists within the subject property. The reports concluded that the project site is suitable for development provided the recommendations of the reports are followed.

Fire Hazard

The entire city limits of Malibu are located in a high fire hazard area. However, the proposed development will incorporate all required measures of the LACFD to minimize risks from wildfire. The LACFD serves the City, as well as the California Department of Forestry, if needed. In the event of major fire, the County has mutual aid agreements with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Nonetheless, the applicant will be required to record a deed restriction acknowledging and assuming the hazard risk of fires at the site. The deed restriction shall indemnify and hold the City and City staff harmless against any liability of the permitted project as the entire parcel is in a high risk wildfire zone area.

2. The proposed project will incorporate all recommendations contained in the previously referenced geotechnical reports. As such, the proposed project will neither be subject to nor increase the instability of the site or structural integrity from geologic, flood, fire, or other hazards. City geotechnical staff, the City Public Works Department and LACFD have reviewed the project and determined it to be consistent with all relevant policies and regulations regarding potential hazards.

3. As previously discussed in Finding 1, the proposed project, as designed and conditioned, will not have significant impacts on site stability or structural integrity. City geotechnical staff and the Public Works Department have conditioned the project to ensure that it will not have significant adverse impacts on the site stability or structural integrity.

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

5. As previously discussed in Finding 1, the proposed project, as designed and conditioned, will not have adverse impacts on site stability. Compliance with standard engineering techniques and other feasible available solutions to address hazards issues will ensure that the structural integrity of the proposed development will not result in any hazardous conditions.

6. As previously discussed in Finding 3 of Section A and Finding 1 of this section, the proposed project, as designed and conditioned, will not have significant adverse impacts on sensitive resources, including but not limited to hazards in conformance with the LCP.

SECTION 6. City Council Approval.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves CDP No. 19-005, SPR 19-072, SPR No. 20-013, and MM No. 19-010 subject to the following conditions, that are applicable to the project, as noted below.

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 approved includes:
 - a. 6,182.5 square foot single-family residence, including attached garage;
 - b. 899 square foot two-story, second dwelling unit;
 - c. 651 square foot covered patio;
 - i. Total Development Square Footage (TDSF) of 7,732.5 square feet
 - d. New swimming pool measuring 45 feet long by 17 feet 6 inches wide;
 - e. New spa measuring 10 feet long by 10 feet wide ;

- f. Associated swimming pool and spa equipment (to be fully screened);
- g. 1,187 partially cantilevered deck attached to the proposed residence;
- h. 179 square foot partially cantilevered deck for the second residential unit;
- i. 758 square foot new impermeable pool deck on grade;
- j. New six-foot entry gate (view permeable above 42 inches);
- k. 330 square foot bocce ball court;
- l. 12,667 square feet of new irrigated landscaping;
- m. 7,240 square feet of new hardscaping including the pool deck;
- n. New OWTS;
- o. 458 cubic yards of non-exempt grading;
- p. New retaining walls up to six feet in height;
- q. New 816 square foot impermeable patio and outdoor barbecue area;
- r. Expansion of existing impermeable driveway from 10 feet wide to 20 feet wide for a total of 1,832 square feet and expansion of top of the driveway to accommodate a fire truck turnaround for a total of 1,376 square feet.

Discretionary Requests:

1. SPR No. 19-072 to allow for construction of the residence up to 24 feet in height for a flat roof;
 2. SPR No. 20-013 to allow for construction of the second residential unit up to 24 feet in height for a flat roof, and
 3. MM No. 19-010 to allow for a 13 percent reduction of the required rear yard setback from 38.32 feet to 33 feet, 4 inches.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, on April 2, 2020. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
 4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.
 5. The applicant shall 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 June 1, 2020, Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.

7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City geotechnical staff, and City Public Works Department, as applicable. Notwithstanding this review, all required permits shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.

Cultural Resources

12. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.
13. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Lighting

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

Fencing and Walls

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

Biology/Landscaping

22. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.
23. Prior to 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 as been signed off by the Building Safety Department.

24. 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.
25. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 17.53). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22.
26. 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.
27. Invasive plant species, as determined by the City of Malibu, are prohibited.
28. 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).
29. Prior to final plan check approval, the property owner / applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29
30. No non-native plant species shall be approved greater than 50 feet from the residential structure.
31. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.
32. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. 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 use for a limited time.
33. Up-lighting of landscape is prohibited.
34. 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.
35. Prior to the 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

36. The final landscape plan (Sheet L 1.0) must show the proposed OWTS, including the treatment tank, dispersal area(s), and lines of connection. All setbacks must be maintained to trees and large vegetation, per MMC Chapter 15.42.
37. 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).
38. 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).
39. 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.
- 40. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MMC.
 - 41. The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."
 - 42. 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.
 - 43. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
 - 44. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.
 - 45. 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. Please note only original "wet signature" documents are acceptable.
 - 46. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving 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.

47. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
48. City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
49. 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

50. 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.
51. 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/Hydrology

52. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.
53. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.
54. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
 - a. Is located within or adjacent to ESHA, or
 - b. Includes grading on slopes greater than 4 to 1.

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

55. 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.
56. 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 Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls Silt Fence	Sediment Controls Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

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

57. 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.

-
58. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
- a. Site Design Best Management Practices (BMPs);
 - b. Source Control BMPs;
 - c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDV). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDV that is not retained on-site;
 - d. Drainage improvements;
 - e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
 - f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
 - g. Measures to treat and infiltrate runoff from impervious areas;
 - h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality 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.
59. 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.
60. The project engineer shall sign the final plans prior to the issuance of construction permits.
61. 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 limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
 - e. 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;
 - f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
 - g. 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.
62. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

Public Works

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

Swimming Pool / Spa / Water Feature

64. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).
65. 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).
66. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.
67. 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)

68. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.
69. 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.
70. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

Construction/Framing

71. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.
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 will be rinsed off prior to leaving the property.
74. A construction management plan shall be approved by the Public Works Director to manage construction traffic, including grading truck trips, in order to minimize impacts on traffic and emergency access.

Demolition/Solid Waste

75. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.
76. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.
77. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.

78. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.
79. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six-month period. Dust control measures must be in place if construction does not commence within 30 days.
80. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.
81. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.
82. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

Colors and Materials

83. 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.
84. 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.

Deed Restrictions

85. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide

a copy of the recorded document to the Planning Department prior to final Planning Department approval.

86. 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.
87. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth above. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

Prior to Final Sign-Off

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

Fixed Conditions

90. This coastal development permit shall run with the land and bind all future owners of the property.
91. 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 8. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 24th day of August 2020.

MIKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

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

CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-48 was passed and adopted by the City Council of the City of Malibu at the regular meeting held on the 24th day of August 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

HEATHER GLASER, City Clerk
(seal)

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) 456-7650 · www.malibucity.org

COASTAL DEVELOPMENT PERMIT APPEAL SUBMITTAL

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 \$500 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?

CDP-19-005

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

June 15, 2020

Planning Commission Resolution

3. Who made the decision you are appealing?

☐

Planning Director

☒

Planning Commission

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

29623 Cuthbert Road

Part II. Appeal Summary

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

☒

I am the Applicant for the project

☐

I am the neighbor

☐

Other (describe) _____



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

3. Indicate the nature of your appeal.

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

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

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

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

☒ The decision was contrary to law.

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



See attached summary of notice of appeal document entitled "Notice of Appeal Summary"

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 notice of appeal summary, attached letter from National Parks superintendent, and attached letter from Santa Monica Mountains NRA Law Enforcement Ranger

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 \$500

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.  Certified Public Notice Property Owner and Occupant Addresses and Radius Map

Public Notice of an appeal must conform to the manner in which the original notice was given.

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

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

**Note that updated mailing labels may be requested by the project planner prior to deeming the application complete.

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.

Trevor Colby

PRINT APPELLANT'S NAME



APPELLANT'S SIGNATURE

(310) 430-3964

TELEPHONE NUMBER

June 25, 2020

DATE

Appellant's mailing address: 30765 Pacific Coast Hwy., #446 Malibu, CA 90265

Appellant's email address: tcolby1@me.com

OFFICE USE ONLY

Action Appealed: _____

Appeal Period: _____

Date Appeal Form and required documents submitted: _____ Received by: _____

Appeal Completion Date: _____ by: _____
(Name, Title)



Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Richard Mollica, Assistant Planning Director

Approved by: Bonnie Blue, Planning Director

Date prepared: May 21, 2020 Meeting date: June 01, 2020

Subject: Coastal Development Permit No. 19-005, Site Plan Review Nos. 19-072 and 20-013, Minor Modification No. 19-010 – An application for a new single-family residence and associated development

Location: 29623 Cuthbert Road, not within the appealable coastal zone

APN: 4469-008-010

Owners: Colby Family Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-46 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 19-005 to allow for a new single-family residence (SFR) with attached garage, a secondary dwelling unit, swimming pool/spa, and a new onsite wastewater treatment system (OWTS), including Site Plan Review (SPR) No. 19-072 for construction of the residence above 18 feet in height, SPR No. 20-013 for construction of the second residential unit above 18 feet in height, and Minor Modification (MM) No. 19-010 for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre (RR-2) zoning district at 29623 Cuthbert Road (Colby Family Trust).

DISCUSSION: This agenda item is before the Commission as a result of the May 4, 2020, Planning Commission Meeting where the proposed project was reported to the Planning Commission as an Administrative Coastal Development Permit (ACDP). At that hearing, the item was pulled from the consent calendar and three of the five Planning Commissioners voted in favor to bring back the item as a full public hearing pursuant to LIP Section 13.6, subject to the provisions for hearing and appeal set forth in LIP Sections 13.11 and 13.12. The issues raised during that meeting have been addressed in the report below.

This agenda report provides a project overview, summary of surrounding land uses and project setting, the specific project scope of work, analysis of the project's consistency with applicable 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 project is consistent with the LCP and MMC.

Project Overview

The subject parcel is irregularly shaped and is located along the north side of Cuthbert Road, as seen in Figures 1a and 1b. The previously existing 2,772 square foot residence that was destroyed in the 2018 Woolsey Fire was originally constructed in 1955. In 2004, the California Coastal Commission issued Coastal Development Permit Waiver No. 4-02-096 to allow for the construction of an 817 square foot addition, enclosure of the existing breezeway, extension of the porch and deck, and renovation of the OWTS.

Figure 1a – Project Area Aerial (2018)



Source: City of Malibu GIS – please note that all property lines are approximate.

Figure 1b – Project Area Aerial (2018)



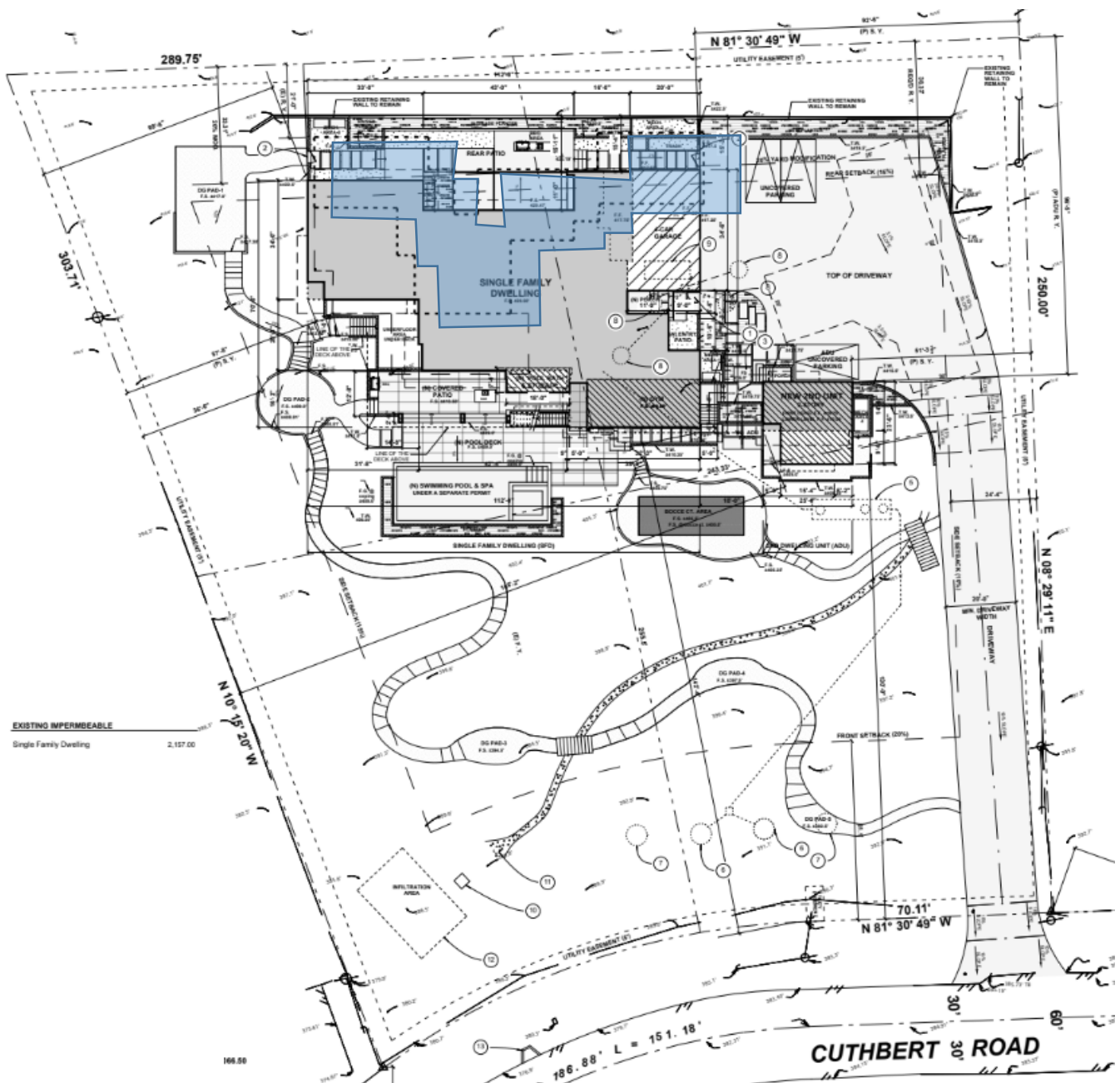
Source: CONNECT Explorer

The property owner has chosen to build a new replacement residence and accessory development that complies with current development standards by processing a CDP, rather than construct a like-for-like fire rebuild. The proposed project includes a 6,182.5 square foot split level single-family residence including a attached garage, 651 square foot covered patio, and a detached two-story 899 square foot second residential unit. The project proposes 7,732.5 square feet of TDSF. The proposed residence is designed to take advantage of the footprint of the previously existing development and existing driveway alignment to minimize site disturbance. The site will continue to be accessed from the existing driveway that accesses Cuthbert Road. Figure 2 demonstrates the difference between the proposed development and existing development shown in blue.

SPR Nos. 19-072 and 20-013 have been included to allow for a flat roof on both the main residence and second residential unit, not to exceed 24 feet in height. On January 12, 2020, story poles demonstrating the location, height, and bulk of the proposed project were placed on-site to aid in the visual analysis of private and public views (Attachment 4 - Story Pole Photographs). Staff performed a site visit on March 6, 2020, to assess the visual impacts of the site and determined that there would be no adverse effects on private views or on public views from scenic viewing areas. While the site is visible from the trail located to the north, the trail is at a higher elevation and overlooks the residence and therefore views from the trail will not impacted by the proposed development.

Similarly, the rear yard setback of the previously existing residence was legal non-conforming with existing standards, measuring approximately 21 feet, instead of 38 feet. The applicant has requested MM No. 19-010 to allow for a 33 foot rear yard setback. This is to allow for the replacement structure to share a similar setback to the previously existing residence and utilize the existing disturbed building pad and access driveway.

Figure 2 – Proposed Site Plan and Previously Existing Development Footprint



Source: Sheet A-1.0 of Project Plans (Attachment 2)

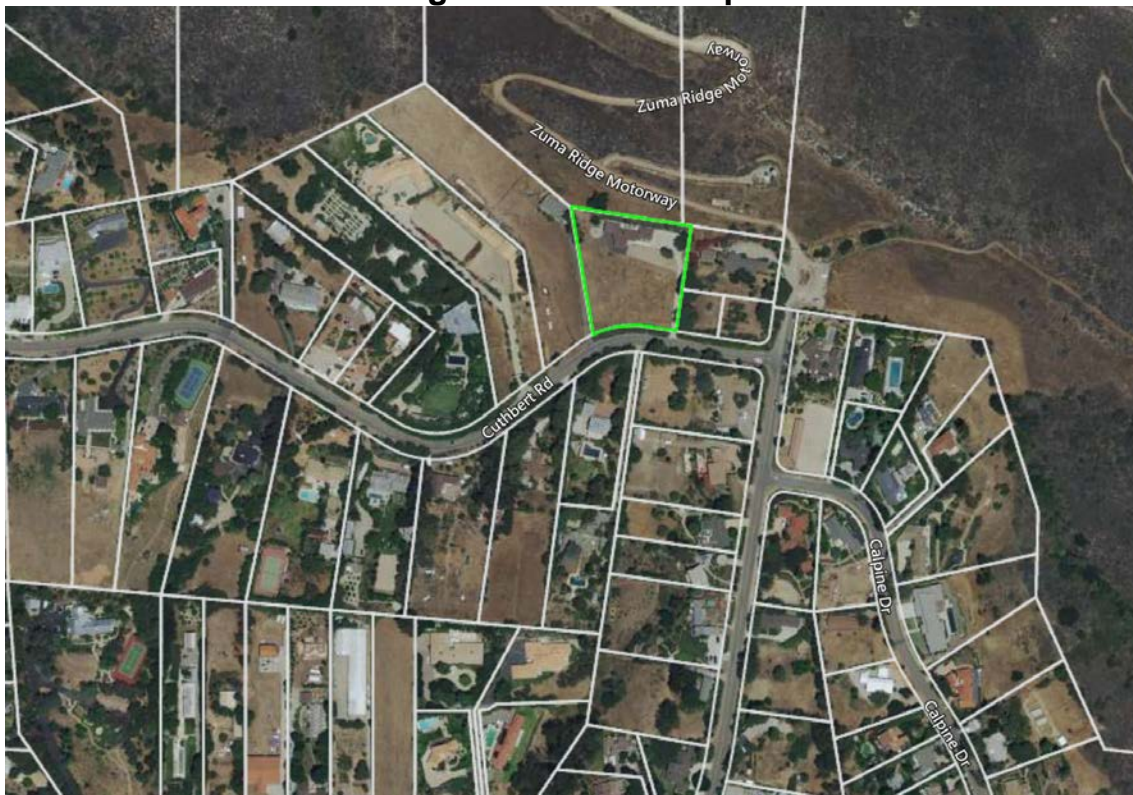
Although the majority of the proposed principal residence and garage are sited on the same building pad area as the previously existing development, the design of the proposed development steps down as the slope descends towards Cuthbert Road, and the portions of the structure over 18 feet in height are located on the south side of the residence. By following the site's topography, the proposed development will be below the elevation of the trail and will not impede views from the trail..

Hillside Residential Development standards pursuant to MMC Sections 17.40.040(A)(20) and 17.62.070 do not apply to this project as the project is not sited on slopes steeper than 30 percent when measured with ten-foot contours, and the project does not meet the definition of hillside development pursuant to MMC Section 17.02.060¹.

Surrounding Land Uses and Project Setting

As shown on Figure 3, the subject property is located in the Malibu Park residential neighborhood. As discussed, the parcel is currently vacant as the result of the Woolsey Fire and the owner proposes to redevelop the subject parcel.

Figure 3 – Aerial Map



Source: City GIS

¹ Pursuant to MMC Section 17.02.060 Hillside residential development means a residential development occurring on a parcel of land on the inland side of Pacific Coast Highway on a proposed development area located on slopes over thirty percent and which will result in grading on slopes over 30 percent, as calculated on a slope analysis utilizing ten foot contour lines.

The project site does not contain mapped trails on it; however, it is adjacent to the Zuma Ridge Trail according to the LCP Park Lands Map. This trail is labeled as “Zuma Ridge Motorway” on Figure 3. Additionally, the property is not in a designated Environmentally Sensitive Habitat Area (ESHA). However, the LCP ESHA and Marine Resources Map identifies ESHA approximately 120 feet to the north on a parcel the owned by the U.S. Government. Because of the identification of ESHA on the adjacent parcel shown on the LCP’s ESHA maps, the City Biologist reviewed the proposed project plans for conformance with the LCP’s ESHA requirements. The primary concern was whether fuel modification from the project would result in ESHA impacts. The applicant demonstrated that the proposed fuel modification zone falls within existing fuel modification areas of the homes to the west and east and the water tank² that is located to the north.

Furthermore, due to the fact that the proposed project will not impact any ESHA or sensitive resources because it is located within the fuel modification zones of existing development LIP Section 3.6(F)(6) regarding parkland setbacks does not apply. LIP Section 3.6(F)(6) states that buffers shall be required when they are required to prevent impacts to parkland resources or when development has the potential to impact the use and enjoyment of the parkland. Since no fuel modification impacts to the park will result, no variance from the parkland setback is required.

The property is located in an area primarily developed with one and two-story single-family residences with accessory development, and is zoned RR-2. The property is an infill lot bordered to the south, east and west by single-family residences. Table 1 provides a summary of the neighboring surrounding land uses and lot sizes.

Table 1 – Surrounding Land Uses				
Direction	Address	Lot Size	Zoning	Land Use
North	APN 4469-002-900	39.5 acres	RR-2/ POS	Vacant
	APN 4467-001-903	16.7 acres	POS	Vacant
South	26936 Cuthbert Rd.	1.05 acres	RR-2	Single-Family Residence
	5617 Busch Dr.	1.14 acres	RR-2	Single-Family Residence
West	29675 Cuthbert Rd.	2.46 acres	RR-2	Single-Family Residence
East	5555 Busch Dr.	.76 acre	RR-2	Single-Family Residence
	APN 4469-008-015	.23 acre	RR-2	Vacant

Source: City GIS

While not required for conformance review by City codes or Council direction, the applicant has included for reference, at the Commission's request, a table showing the Los Angeles County Tax Assessor's Records for properties within a 500-foot radius of the subject property (Attachment 5). This County square footage information is not the equivalent of

² Staff confirmed with the Los Angeles County Water District 29 that annual brush clearing takes place around the water tank.

the City's total development square footage (TDSF) metric since it is based on the assessor's rules for property valuation.

Table 2 provides a summary of the lot dimensions and lot area of the subject parcel. The subject site is proportion in size to adjacent lots as shown in Table 1.

Table 2 – Total Property Data	
Lot Depth	255 feet six inches
Lot Width	243 feet four inches
Gross Lot Area	63,547 square feet
Area Comprised of 1:1 Slopes	0 square feet
Net Lot Area*	63,547 square feet

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

Project Description

The proposed scope of work is as follows:

- a. 6,182.5 square foot single-family residence, including attached garage;
- b. 899 square foot two-story, second dwelling unit;
- c. 651 square foot covered patio;
 - i. TDSF of 7,732.5 square feet
- d. New swimming pool measuring 45 feet long by 17 feet 6 inches wide;
- e. New spa measuring 10 feet long by 10 feet wide;
- f. Associated swimming pool and spa equipment (to be fully screened);
- g. 1,187 partially cantilevered deck attached to the proposed residence;
- h. 179 square foot partially cantilevered deck for the second residential unit;
- i. 758 square foot new impermeable pool deck on grade;
- j. New six-foot entry gate (view permeable above 42 inches);
- k. 330 square foot bocce ball court;
- l. 12,667 square feet of irrigated landscaping;
- m. 7,240 square feet of new hardscaping including the pool deck;
- n. New OWTS;
- o. 458 cubic yards of non-exempt grading;
- p. New retaining walls up to six feet in height;
- q. New 816 square foot impermeable patio and outdoor barbecue area;
- r. Expansion of existing impermeable driveway from 10 feet wide to 20 feet wide for a total of 1,832 square feet and expansion of top of the driveway to accommodate a fire truck turnaround for a total of 1,376 square feet.

Discretionary Requests:

1. SPR No. 19-072 to allow for construction of the residence up to 24 feet in height for a flat roof;
2. SPR No. 20-013 to allow for construction of the second residential unit up to 24 feet in height for a flat roof, and

3. MM No. 19-010 to allow for a 13 percent reduction of the required rear yard setback from 38.32 feet to 33 feet, 4 inches.

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 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 required findings for the SPRs and MM), Scenic, Visual and Hillside Resource Protection and Hazards.³ These chapters are discussed in the *LIP Findings* section of this report. Additionally, the proposed project is subject to the Landscape Water Conservation Ordinance (MMC Chapter 17.53) as the project is proposing a new landscape area of 500 square feet or more.

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, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) (Attachment 3 – Department Review Sheets). WD29 provided a Will Serve Letter to the applicant stating that WD29 can serve water to the property. 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 SPRs and MM.

³ The ESHA, Native Tree Protection, Transfer of Development Credits, Shoreline and Bluff Development, Public Access, and Land Division findings are neither applicable nor required for the proposed project.

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 3 provides a summary and indicates the proposed project meets those standards, inclusive of the requested SPRs and MM.

Table 3 – LCP Non-Beachfront Zoning Conformance			
Development Requirement	Allowed/Required	Proposed	Comments
SETBACKS			
Front Yard	65 feet	130 feet	Complies
Rear Yard	38 feet, 4 inches	33 feet, 4 inches	Minor Modification
East Side Yard (10% - min)	24 feet, 4 inches	31 feet, 4 inches	Complies
West Side Yard (25% - cumulative)	36 feet, 5 inches	57 feet, 8 inches	Complies
PARKING			
Enclosed	2	4	Complies
Unenclosed	2	3	Complies
TOTAL DEVELOPMENT SQUARE FOOTAGE	8,032 square feet	7,732.5 square feet	Complies
1st Floor x 2/3rds = 2 nd Floor sq. ft. (SFR)	6,173 sq. ft. x 2/3 = 4,115.33 sq. ft.	3,358 square feet	Complies
1st Floor x 2/3rds = 2 nd Floor sq. ft. (2nd residential unit)	52 sq. ft. x 2/3 = 368 sq. ft.	357 square feet	Complies
IMPERMEABLE COVERAGE	19,067 square feet	17,460 square feet	Complies
<i>HEIGHT (SFR)</i>	18 feet	23 feet, 11 inches (Flat roof)	Site Plan Review
<i>HEIGHT (2nd residential unit)</i>	18 feet	22 feet, 10 inches (Flat roof)	Site Plan Review
NON-EXEMPT GRADING	1,000 cu. yd.	458 cu. yd.	Complies
FENCES/WALLS/HEDGES/GATES			
Front Yard	6 ft.; lower 42 in. view impermeable	6 ft.; lower 42 in. view impermeable	Complies
Rear Yard	6 ft.	6 ft.	Complies
Side Yards	6 ft.	6 ft.	Complies
Retaining Walls	6 ft.	6 ft.	Complies

The project includes construction of a new 6130.5 square foot residence and attached garage, 899 square foot secondary residential unit, pool, new OWTS, landscaping, hardscape improvements, and 458 cubic yards of non-exempt grading. As designed with

the included discretionary requests, the proposed project conforms to all applicable residential development standards and has been determined to be consistent with all applicable LCP codes, standards, goals, and policies.

Grading (LIP Chapter 8)

Table 4 – LCP Grading Conformance						
	Exempt*			Non-Exempt	Remedial	Total
	R&R**	Understructure	Safety***			
Cut	5,344	97	215	194	0	5,850
Fill	5,344	0	353	264	0	5,961
Total	10,688	97	568	458	0	11,811
Import	0	0	138	70	0	208
Export	0	97	0	0	0	97

All quantities listed in cubic yards unless otherwise noted

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

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

****Safety grading is the incremental grading required for Fire Department access (such as turnouts, hammerheads, and turnarounds, and any other increases in driveway width above 15 feet required by the LACFD).*

As demonstrated in Table 4, the project includes 10,688 cubic yards of exempt removal and re-compaction to prepare the existing pad for redevelopment, 97 cubic yards of exempt understructure grading proposed for the swimming pool, and 458 cubic yards of non-exempt grading for decks, covered patios, for swimming pool/spa, and walkways. The project conforms to the grading requirements as set forth under LIP Section 8.3, which ensures that new development minimizes the visual and resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. The proposed project was analyzed for impact on cultural resources as part of an archeological report submitted for review. The Phase I Archaeological Study, dated June 2019, prepared by Robert J. Wlodarski (H.E.A.R.T.) for the project site concluded that the discovery of significant resources was minimal.

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 geological resting or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources, and until the Planning Director can review this information.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval are required to be implemented prior to the issuance of a grading permit and during construction. These conditions require the preparation and approval of a Grading and Drainage Plan, and a Local Storm Water Pollution Prevention Plan, prior to the issuance of grading permits.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes an OWTS consisting of a 3,634-gallon treatment tank with an Ultraviolet (UV) Disinfection Unit and two seepage pits and two future seepage pits. The OWTS has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the MMC and the LCP. As conditioned, the existing OWTS will be properly abandoned in accordance with City Environmental Health Administrator requirements. The subject system will meet all applicable requirements, and operating permits will be required. An operation and maintenance contract and recorded covenant covering such shall be in compliance with City of Malibu Environmental Health requirements. In addition, conditions of approval have been included to 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 project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, LAWD29 and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards, inclusive of the requested SPR and MM.

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 project site is located inland and not located along the shoreline. Therefore, this finding does not apply. The subject parcel does not support coastal recreational uses whether directly or indirectly. Therefore, no potential project-related or cumulative impact on public access and/or recreation is anticipated to result from the proposed project. As such, the proposed project conforms to the public access and recreation policies in Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

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

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

Alternate Project(s) – A smaller project could be proposed on the project site. However, a smaller project would still result in the need of a new OWTS to protect public health and minimize potential contamination of the groundwater table in the area. Furthermore, the project and proposed improvements will be limited to the currently disturbed and developed areas of the site. The proposed project siting results in the least amount of impact to the existing development in the surrounding area and undisturbed areas of the subject site. Therefore, the project will not result in potentially significant adverse impacts on the physical environment and it is not anticipated that a smaller project would offer significant environmental advantages.

The project could be re-sited to another location on the subject parcel. However, the proposed improvements are sited on previously disturbed areas on the property to utilize the existing access to the site. Alternative locations were considered, but any other location is considered more impactful due to the amount of additional grading and soil disturbance needed. Development within the southern portion of the parcel would require more grading, land disturbance, and construction on steep slopes and would not be the least environmentally damaging alternative.

Proposed Project – The proposed project includes reconstruction of a residence and attached garage, a second unit, pool, new OWTS, landscaping and hardscape improvements that was destroyed by fire that will be located within the limits of the previously disturbed building pad. The proposed project 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 not in a designated ESHA or ESHA buffer, as shown on the LCP ESHA and Marine Resources Map. Furthermore, the property and its associated fuel modification zones are located within the fuel modification zones of the residences located to the south, east and west and the water tank located to the north. Therefore, Environmental Review Board review was not required, and this finding does not apply.

B. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height [LIP Section 13.27]

Pursuant to LIP Section 13.27.1, a site plan review is required to allow the construction over 18 feet in height, up to a maximum height of 24 feet for a flat roof (the proposed residence is 23 feet, 11 inches). LIP Section 13.27.5(A) requires that the City make four findings in the consideration and approval of a site plan review. Two additional findings are required pursuant to MMC Section 17.62.040(D). Based on the foregoing evidence contained within the record, the required findings for SPR No. 19-072 are made as follows:

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

With the inclusion of the site plan reviews and minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.

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

The proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The majority of the development in the surrounding area was destroyed in the 2018 Woolsey Fire. To date, eight of the 20 properties within 500 feet of the subject property that were destroyed are currently taking part in the City's reconstruction efforts. The other affected properties have not yet submitted applications. The Commission recently approved a fire rebuild home on Cuthbert, including a site plan review for height over 18 feet.

Lot sizes and homes in the Malibu Park neighborhood have varied in size historically, as noted in the General Plan's description of the neighborhood. The adjacent properties on the north side of Cuthbert Road have historically been oriented away from the subject property, to maximize ocean views. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height and bulk. On March 6, 2020, staff visited the site to inspect the story poles

after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is compatible with other development in the adjacent area in that the neighborhood has historically been residentially developed with single and two-story residences in a varied size range and similar orientation to maximize views toward the Pacific Ocean. No correspondence or public comments objecting to the project have been submitted to date. There are no indications that the project, particularly the portions of the project that are higher than 18 feet, would have an adverse effect on neighborhood character.

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

There are no significant public views of mountains, canyons or the ocean over the property from any public viewing areas on or near the property which could be impacted by the applicant's project because the site of development is located below the elevation of an existing trail located to the north. Also, the property does not interfere with a significant public view if one were to look north toward the park from a southerly vantage point. As discussed previously, there is an existing trail located 65 feet north of the property and at a higher elevation; however, the surrounding neighborhood is similarly developed with residential uses. Based on staff's site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

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

The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

Finding 5. The project is consistent with the City's general plan and local coastal program.

The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City's General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards.

Finding 6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

The proposed development is infill residential development that is consistent with characteristics of neighboring properties. The maximum height of the proposed project is 23 feet, 11 inches which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction, presumably because surrounding properties have views oriented in a different direction, away from the project. Based on staff's evaluation and site inspections, it was determined that the proposed project will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

C. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height for a Secondary Residential Unit [LIP Section 13.27]

Based on the foregoing evidence contained within the record, the required findings for SPR No. 20-013 for the height of the second unit are made as follows:

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

With the inclusion of the site plan review and minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.

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

Similar to the proposed residence, the second residential unit will share a similar roof height. As previously discussed, surrounding residence development consists of both one- and two-story development that exceeds 18 feet in height that share similar orientation to maximize views toward the Pacific Ocean. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height and bulk. On March 6, 2020 staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is similar to neighboring development. Other properties in the neighborhood also have included detached accessory structures. The Commission recently approved an application including a detached second residential unit. Based on conformance with development standards, characteristics of the surrounding topography, and existing development, the proposed second residential unit is not expected to have an adverse effect on neighborhood character. Therefore, the project, as proposed and conditioned, does not 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.

There are no significant public views visible from any existing scenic areas on or near the property which could be impacted by the applicant's project. As discussed previously, there is a trail located 65 feet north of the property at a higher elevation; however, the surrounding neighborhood is similarly developed with residential uses. Based on staff's site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

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

The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

Finding 5. The project is consistent with the City's general plan and local coastal program.

The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City's General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards.

Finding 6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

The proposed development is infill residential development that is consistent with development located on neighboring properties. The maximum height of the proposed second residential unit is 22 feet, 10 inches which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction. Based on staff's evaluation and site inspections, it was determined that the proposed second residential unit will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

D. Minor Modification for a reduction of the rear yard setback (LIP Section 13.27)

LIP Section 13.27 requires that the City makes three findings in consideration and approval of a minor modification to reduce the required rear yard setback up to 20 percent. The project proposes a 13 percent reduction of the rear yard setback required by LIP Section 3.6(G)(1) from the required 38-feet, 4-inches to 33-feet, 4-inches for the proposed single-family residence. Based on evidence in the record, the findings in support of MM No. 19-010 are made herein.

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. The project is consistent with the policies and provisions of the LCP.

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

The previously existing residence that was destroyed by fire had a 21 foot rear yard setback. The proposed single-family residence is sited 33-feet 4-inches from the northern rear yard property line, which is 12 feet 4 inches further than the original residence. The minor modification allows the project to minimize site disturbance by utilizing the previously existing driveway and required fire truck access, while increasing the setback compared to the original home. Surrounding properties along Cuthbert Road consist of long, narrow lots with single-family residences commonly constructed within the required yard setbacks similar to proposed project. Since other building pads in the area have reduced rear yard setbacks, the proposed development will not adversely affect neighborhood character.

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

The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

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

As determined by the City Biologist the LCP ESHA and Marine Resources Map, the subject parcel does not contain ESHA. Therefore, the findings of LIP Section 4.7.6 are not applicable.

F. Native Tree Protection (LIP Chapter 5)

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

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 below the Zuma Ridge Trail which is considered a scenic resource and public viewing area. Since the project is located adjacent to a scenic resource, 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, and review of the architectural plans. The proposed structure as demonstrated by the story poles will be at a lower elevation than the trail. As a result, when the proposed development is viewed from the trail, views of the ocean and surrounding hills will not be impacted. 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 Finding G1, 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 Finding A3, 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 Finding G1, the project is not expected to result in any significant adverse impact because of the existing topography and the fact that the proposed development is located downslope from the trail. 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 Finding G1, as conditioned, development on the site will not have significant adverse impacts on scenic and visual resources because of its location.

H. Transfer of Development Credit (LIP Chapter 7)

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

I. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all decisions of development located where it causes the potential to create adverse impacts upon site stability or structural integrity. The project was analyzed for hazards under LIP Sections 9.2(A)(1-7) by the City geotechnical staff and City Public Works Department, and has been determined to be consistent with all relevant LCP and MMC policies and regulations. The findings in LIP Section 9.3 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.

On October 14, 2019, the City geotechnical staff determined the proposed project, constructed in accordance with the recommendations from the project's geotechnical consultant, is consistent with the LCP after completed its reviewed of the following reports:

- Geotechnical Engineering Investigation Reports prepared by Craig Phillips Engineering & Design (dated October 4, 2019);
- SubSurface Designs, Inc. (dated May 2, 2019);
- Architectural Plans prepared by Daniela Rechtszaid (dated August 5, 2019);
- Grading and Drainage Plans prepared by Daniela Rechtszaid (dated July 15, 2019);
- Partial Structural Plans prepared by Craig Phillips Engineering & Design (dated July 25, 2019), and
- OWTS plan prepared by Lawrence Young.

In the reports, site-specific conditions are evaluated, and recommendations are provided to address any pertinent issues. The subject property is not located within a liquefaction hazard zone and it was stated that the project will not increase the liquefaction risk which

presently exists within the subject property. The reports concluded that the project site is suitable for development provided the recommendations of the reports are followed.

Fire Hazard

The entire city limits of Malibu are located in a high fire hazard area. However, the proposed development will incorporate all required measures of the LACFD to minimize risks from wildfire. The LACFD serves the City, as well as the California Department of Forestry, if needed. In the event of major fire, the County has mutual aid agreements with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Nonetheless, the applicant will be required to record a deed restriction acknowledging and assuming the hazard risk of fires at the site. The deed restriction shall indemnify and hold the City and City staff harmless against any liability of the permitted project as the entire parcel is in a high risk wildfire zone area.

The proposed project will incorporate all recommendations contained in the previously referenced geotechnical reports. As such, the proposed project will neither be subject to nor increase the instability of the site or structural integrity from geologic, flood, fire, or other hazards. City geotechnical staff, the City Public Works Department and LACFD have reviewed the project and determined it to be consistent with all relevant policies and regulations regarding potential hazards.

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

As previously discussed in Finding 1, the proposed project, as designed and conditioned, will not have significant impacts on site stability or structural integrity. City geotechnical staff and the Public Works Department have conditioned the project to ensure that it will not have significant adverse impacts on the site stability or structural integrity.

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

As previously discussed in Finding 3 of 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.

As previously discussed in Finding 1, the proposed project, as designed and conditioned, will not have adverse impacts on site stability. Compliance with standard engineering techniques and other feasible available solutions to address hazards issues will ensure that the structural integrity of the proposed development will not result in any hazardous conditions.

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

As previously discussed in Finding 3 of Section A and Finding 1 of this section, the proposed project, as designed and conditioned, will not have significant adverse impacts on sensitive resources, including but not limited to hazards in conformance with the LCP.

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 does 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 LUP or in the LIP 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 bluff-top trail or an inland trail acquired through use or a public right of access through legislative authorization.
- D. New development on any site where a trail, bluff-top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

As described herein, the subject property and the proposed project do not meet any of these criteria in that no trails are identified on the LCP Park Lands Map on or adjacent to the property, and the property is not located between the first public road and the sea, or on a bluff or near a recreational area. The requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

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) (e) and (d) - New Construction. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: The following written correspondence has been submitted to date (Attachment 6 – Public Correspondence):

- Email Dated May 6, 2020, from Brendan McBreen expressing support regarding the project;
- Email dated May 7, 2020, from Rhonda Jensen expressing support regarding the project;
- Email dated May 7, 2020, from Noriko Smith expressing support for this project;
- Email dated May 7, 2020, from Melanie and Michael Maguire expressing their support for this project;
- Email dated May 7, 2020, from Melissa and Domenic Mastrippolito expressing their support for this project;
- Letter dated May 7, 2020, from Sally and Mosen Dibaei expressing their support for this project;
- Email dated May 7, 2020, from Sharla and Nils Barrett expressing their support for this project;
- Letter dated May 8, 2020, from Shen Schulz expressing support for this project;
- Email dated May 9, 2020, from Shari Latta expressing support for this project;
- Letter dated May 9, 2020, from David and Rosemarie Frankle expressing their support for this project;
- Email dated May 12, 2020, from Dru Ann and Jake Jacobson expressing their support for this project;
- Email dated May 13, 2020, from Colette Kilroy and Jamey Sheridan expressing their support for this project;
- Email dated May 14, 2020, from Tammy and Ludo Malmoux expressing their support for this project;
- Email dated May 14, 2020 from Ilene and Paul Williger expressing their support for this project; and
- Email dated May 16, 2020 from Denise Andrews-Tang expressing support for this project.

PUBLIC NOTICE: On May 7, 2020, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 8).

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. 20-46. 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. 20-46
2. Project Plans
3. Department Review Sheets
4. Story Pole Site Photographs
5. Neighborhood Character Exhibit Prepared by the Applicant
6. Public Correspondence
7. Radius Map
8. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 20-46

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. 19-005 TO ALLOW FOR A NEW SINGLE-FAMILY RESIDENCE WITH ATTACHED GARAGE, A SECONDARY DWELLING UNIT, SWIMMING POOL/SPA, AND A NEW ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING SITE PLAN REVIEW NO. 19-072 FOR CONSTRUCTION OF THE RESIDENCE ABOVE 18 FEET IN HEIGHT, SPR NO. 20-013 FOR CONSTRUCTION OF THE SECOND RESIDENTIAL UNIT ABOVE 18 FEET IN HEIGHT, AND MINOR MODIFICATION NO. 19-010 FOR A 13 PERCENT REDUCTION OF THE REQUIRED REAR YARD SETBACK TO REPLACE A HOME DESTROYED IN THE 2018 WOOLSEY FIRE, LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 29623 CUTHBERT ROAD (COLBY FAMILY TRUST)

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

SECTION 1. Recitals.

A. On August 12, 2019, an application for an Administrative Coastal Development Permit (ACDP) No. 19-005, Site Plan Review (SPR) No. 19-072, SPR No. 20-013 and Minor Modification (MM) No. 19-010 to allow for the construction of a single-family residence and associated development on a Woolsey Fire affected parcel was submitted to the Planning Department by Daniela Rechtszsd. The application was routed to the City Biologist, City Environmental Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Fire Department (LACFD), and Los Angeles County Waterworks District 29 (LACWD29) for review.

B. On October 3, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On January 3, 2020, the application was deemed complete.

D. On March 6, 2020, staff visited the site to view the story poles.

E. On April 9, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. At the April 20, 2020, Regular Planning Commission meeting, the Planning Director reported approval of the ACDP to the Planning Commission. The Planning Commission voted in favor to bring back the item as a full coastal development permit (CDP) with a full public hearing.

G. On May 7, 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 properties.

H. On June 1, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

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

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(b) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 19-005 to allow for a new single-family residence with attached garage, a secondary dwelling unit, swimming pool/spa, and a new onsite wastewater treatment system (OWTS), including SPR No. 19-072 for construction of the residence above 18 feet in height, SPR No. 20-013 for construction of the second residential unit above 18 feet in height, and MM No. 19-010 for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre (RR-2) zoning district at 29623 Cuthbert Road (Colby Family Trust).

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

A. General Coastal Development Permit (LIP Chapter 13)

1. The project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, LAWD29 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 and MMC in that it meets all applicable residential development standards, inclusive of the requested SPRs and MM.

2. Staff studied various project alternatives but was determined that the proposed project was the least environmentally damaging alternative. The proposed project includes reconstruction of a residence and attached garage, a second unit, pool, new OWTS, landscaping and hardscape improvements that was destroyed by fire that will be located within the limits of the previously disturbed building pad. The proposed project results in no significant adverse biological or visual impacts and is the least environmentally damaging feasible alternative.

B. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height (LIP Section 13.27)

1. The agenda report details the project conformance review with all applicable standards and policies. With the inclusion of the site plan reviews and minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.

2. The proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The majority of the development in the surrounding area was destroyed in the 2018 Woolsey Fire. To date, eight of the 20 properties within 500 feet of the subject property that were destroyed are currently taking part in the City's reconstruction efforts. The other affected properties have not yet submitted applications. The Commission recently approved a fire rebuild home on Cuthbert, including a site plan review for height over 18 feet.

Lot sizes and homes in the Malibu Park neighborhood have varied in size historically, as noted in the General Plan's description of the neighborhood. The adjacent properties on the north side of Cuthbert Road have historically been oriented away from the subject property, to maximize ocean views. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height and bulk. On March 6, 2020, staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is compatible with other development in the adjacent area in that the neighborhood has historically been residentially developed with single and two-story residences in a varied size range and similar orientation to maximize views toward the Pacific Ocean. No correspondence or public comments objecting to the project have been submitted to date. There are no indications that the project, particularly the portions of the project that are higher than 18 feet, would have an adverse effect on neighborhood character.

3. There are no significant public views visible from any existing scenic areas on or near the property which could be impacted by the applicant's project. As discussed previously, there is an existing trail located 65 feet north of the property and at a higher elevation; however, the surrounding neighborhood is similarly developed with residential uses. Based on staff's site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

4. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City's General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards.

6. The proposed development is infill residential development that is consistent with characteristics of neighboring properties. The maximum height of the proposed project is 23 feet, 11 inches which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction, presumably because the surrounding properties have views oriented in a different direction, away from the project. Based on staff's evaluation and site inspections, it was determined that the proposed project will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

C. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height for a Secondary Residential Unit (LIP Section 13.27)

1. With the inclusion of the site plan reviews and minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.

2. Similar to the proposed residence, the second residential unit will share a similar roof height. As previously discussed, surrounding residence development consists of both one and two-story development that exceeds 18 feet in height that share similar orientation to maximize views toward the Pacific Ocean. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height and bulk. On March 6, 2020 staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is similar to neighboring development. Other properties in the neighborhood also have included detached accessory structures. The Commission recently approved an application including a detached second residential unit. Based on conformance with development standards, characteristics of the surrounding topography, and existing development, the proposed second residential unit is not expected to have an adverse effect on neighborhood character.

3. There are no significant public views visible from any existing scenic areas on or near the property which could be impacted by the applicant's project. As discussed previously, there is a trail located 65 feet north of the property at a higher elevation; however, the surrounding neighborhood is similarly developed with residential uses. Based on staff's site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

4. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City's General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards.

6. The proposed development is infill residential development that is consistent with development located on neighboring properties. The maximum height of the proposed second residential unit is 22 feet, 10 inches which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction. Based on staff's evaluation and site inspections, it was determined that the proposed second residential unit will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

D. Minor Modification for a reduction of the rear yard setback (LIP Section 13.27)

LIP Section 13.27 requires that the City makes three findings in consideration and approval of a minor modification to reduce the required rear yard setback up to 20 percent. The project proposes a 13 percent reduction of the rear yard setback required by LIP Section 3.6(G)(1) from the required 38-feet, 4-inches to 33-feet, 4-inches for the proposed single-family residence. Based on evidence in the record, the findings in support of MM No. 19-010 are made herein.

1. As previously stated in Section A, Finding 1, the project has been reviewed and analyzed for conformance with the LCP. The project is consistent with the policies and provisions of the LCP.

2. The previously existing residence that was destroyed by fire had a 21 foot rear yard setback. The proposed single-family residence is sited 33-feet 4-inches from the northern rear yard property line, which is 12 feet 4 inches further than the original residence. The minor modification allows the project to minimize site disturbance by utilizing the previously existing driveway and required fire truck access, while increasing the setback compared to the original home. Surrounding properties along Cuthbert Road consist of long, narrow lots with single-family residences commonly constructed within the required yard setbacks similar to proposed project. Since other building pads in the area have reduced rear yard setbacks, the proposed development will not adversely affect neighborhood character.

3. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

E. 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 below the Zuma Ridge Trail which is considered a scenic resource. Since the project is located adjacent to a scenic resource, the findings set forth in LIP Section 6.4 are enumerated herein.

1. An analysis of the project's potential visual impact was conducted through site inspections, and review of the architectural plans. The proposed structure as demonstrated by the story poles will be at a lower elevation than the trail. As a result, when the proposed development is viewed from the trail, views of the ocean and surrounding hills will not be impacted. 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 E1, as conditioned, the project will not have significant adverse scenic or visual impacts.

3. As discussed in Finding A3, the project is the least environmentally damaging feasible alternative.

3. As discussed in Finding E1, the project is not expected to result in any significant adverse impact because of the existing topography and the fact that the proposed development is located downslope from the trail. Therefore, there are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

4. As discussed in Finding E1, as conditioned, development on the site will not have significant adverse impacts on scenic and visual resources because of its location.

F. Hazards (LIP Chapter 9)

1. On October 14, 2019, the City geotechnical staff determined the proposed project, constructed in accordance with the recommendations from the project's geotechnical consultant, is consistent with the LCP after completed its reviewed of the following reports:

- Geotechnical Engineering Investigation Reports prepared by Craig Phillips Engineering & Design (dated October 4, 2019);
- SubSurface Designs, Inc. (dated May 2, 2019);
- Architectural Plans prepared by Daniela Rechtszard (dated August 5, 2019);
- Grading and Drainage Plans prepared by Daniela Rechtszard (dated July 15, 2019);
- Partial Structural Plans prepared by Craig Phillips Engineering & Design (dated July 25, 2019), and
- OWTS plan prepared by Lawrence Young.

In the reports, site-specific conditions are evaluated, and recommendations are provided to address any pertinent issues. The subject property is not located within a liquefaction hazard zone and it was stated that the project will not increase the liquefaction risk which presently exists within the subject property. The reports concluded that the project site is suitable for development provided the recommendations of the reports are followed.

Fire Hazard

The entire city limits of Malibu are located in a high fire hazard area. However, the proposed development will incorporate all required measures of the LACFD to minimize risks from wildfire. The LACFD serves the City, as well as the California Department of Forestry, if needed. In the event of major fire, the County has mutual aid agreements with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Nonetheless, the applicant will be required to record a deed restriction acknowledging and assuming the hazard risk of fires at the site. The deed restriction shall indemnify and hold the City and City staff harmless against any liability of the permitted project as the entire parcel is in a high risk wildfire zone area.

The proposed project will incorporate all recommendations contained in the previously referenced geotechnical reports. As such, the proposed project will neither be subject to nor increase the instability of the site or structural integrity from geologic, flood, fire, or other hazards. City

geotechnical staff, the City Public Works Department and LACFD have reviewed the project and determined it to be consistent with all relevant policies and regulations regarding potential hazards.

2. As previously discussed in Finding 1, the proposed project, as designed and conditioned, will not have significant impacts on site stability or structural integrity. City geotechnical staff and the Public Works Department have conditioned the project to ensure that it will not have significant adverse impacts on the site stability or structural integrity.

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

4. As previously discussed in Finding 1, the proposed project, as designed and conditioned, will not have adverse impacts on site stability. Compliance with standard engineering techniques and other feasible available solutions to address hazards issues will ensure that the structural integrity of the proposed development will not result in any hazardous conditions.

5. As previously discussed in Finding 3 of Section A and Finding 1 of this section, the proposed project, as designed and conditioned, will not have significant adverse impacts on sensitive resources, including but not limited to hazards in conformance with the LCP.

SECTION 5. Planning Commission Approval.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 19-005, SPR 19-072, SPR No. 20-013 and MM No. 19-010 subject to the following conditions, that are applicable to the project, as noted below.

SECTION 6. Conditions of Approval.

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
 - a. 6,182.5 square foot single-family residence, including attached garage;
 - b. 899 square foot two-story, second dwelling unit;
 - c. 651 square foot covered patio;
 - i. Total Development Square Footage (TDSF) of 7,732.5 square feet
 - d. New swimming pool measuring 45 feet long by 17 feet 6 inches wide;
 - e. New spa measuring 10 feet long by 10 feet wide ;
 - f. Associated swimming pool and spa equipment (to be fully screened);
 - g. 1,187 partially cantilevered deck attached to the proposed residence;
 - h. 179 square foot partially cantilevered deck for the second residential unit;
 - i. 758 square foot new impermeable pool deck on grade;

- j. New six-foot entry gate (view permeable above 42 inches);
- k. 330 square foot bocce ball court;
- l. 12,667 square feet of new irrigated landscaping;
- m. 7,240 square feet of new hardscaping including the pool deck;
- n. New OWTS;
- o. 458 cubic yards of non-exempt grading;
- p. New retaining walls up to six feet in height;
- q. New 816 square foot impermeable patio and outdoor barbecue area;
- r. Expansion of existing impermeable driveway from 10 feet wide to 20 feet wide for a total of 1,832 square feet and expansion of top of the driveway to accommodate a fire truck turnaround for a total of 1,376 square feet.

Discretionary Requests:

1. SPR No. 19-072 to allow for construction of the residence up to 24 feet in height for a flat roof;
 2. SPR No. 20-013 to allow for construction of the second residential unit up to 24 feet in height for a flat roof, and
 3. MM No. 19-010 to allow for a 13 percent reduction of the required rear yard setback from 38.32 feet to 33 feet, 4 inches.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, on April 2, 2020. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
 4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.
 5. The applicant shall 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 June 1, 2020, Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.
 7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
 8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

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

Cultural Resources

12. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.
13. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Lighting

14. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
 - a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
 - b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
 - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
 - d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
 - e. Site perimeter lighting shall be prohibited; and
 - f. Outdoor decorative lighting for aesthetic purposes is prohibited.

15. Night lighting for sports courts or other private recreational facilities shall be prohibited.
16. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.
17. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.
18. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
19. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
20. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

Fencing and Walls

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

Biology/Landscaping

22. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.
23. Prior to 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 as been signed off by the Building Safety Department.
24. 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.
25. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 17.53). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22.
26. 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.
27. Invasive plant species, as determined by the City of Malibu, are prohibited.

28. 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).
29. Prior to final plan check approval, the property owner / applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29
30. No non-native plant species shall be approved greater than 50 feet from the residential structure.
31. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.
32. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. 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 use for a limited time.
33. Up-lighting of landscape is prohibited.
34. 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.
35. Prior to the 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

36. The final landscape plan (Sheet L 1.0) must show the proposed OWTS, including the treatment tank, dispersal area(s), and lines of connection. All setbacks must be maintained to trees and large vegetation, per MMC Chapter 15.42.
37. 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).

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38. 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).
39. 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.
40. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MMC.

41. The following note shall be added to the plan drawings included with the OWTS final design: “Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an ‘OWTS Abandonment Permit’ shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.”
42. 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.
43. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
44. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.
45. 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. Please note only original “wet signature” documents are acceptable.
46. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving 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.
47. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
48. City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
49. 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

50. 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.

51. 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/Hydrology

52. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.
53. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.
54. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
- a. Is located within or adjacent to ESHA, or
 - b. Includes grading on slopes greater than 4 to 1.

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

55. 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.
56. 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 Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls Silt Fence	Sediment Controls Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

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

57. 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.
58. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
 - a. Site Design Best Management Practices (BMPs);
 - b. Source Control BMPs;
 - c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;
 - d. Drainage improvements;
 - e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
 - f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
 - g. Measures to treat and infiltrate runoff from impervious areas;
 - h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality

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.
59. 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.
 60. The project engineer shall sign the final plans prior to the issuance of construction permits.
 61. 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 limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
 - e. 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;
 - f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
 - g. 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.

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

Public Works

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

Swimming Pool / Spa / Water Feature

64. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).
65. 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).
66. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.
67. 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)
68. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.
69. 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.
70. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

Construction/Framing

71. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.
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 will be rinsed off prior to leaving the property.
74. A construction management plan shall be approved by the Public Works Director to manage construction traffic, including grading truck trips, in order to minimize impacts on traffic and emergency access.

Demolition/Solid Waste

75. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.
76. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.
77. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.
78. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.
79. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.

80. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.
81. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate “Investigation Fees” as required in the Building Code.
82. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

Colors and Materials

83. 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.
84. 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.

Deed Restrictions

85. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.
86. 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.

87. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth above. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

Prior to Final Sign-Off

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

Fixed Conditions

90. This coastal development permit shall run with the land and bind all future owners of the property.
91. 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 Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 1st day of June 2020.

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-46 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 1st day of June 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

KATHLEEN STECKO, Recording Secretary

FIRE RE-BUILD SFD + NEW ADU FOR:

COLBY RESIDENCE

29623 CUTHBERT ROAD, MALIBU, CA 90265



PROJECT INFORMATION

PROJECT DESCRIPTION

FIRE REBUILD (NEW SITING) OF A SINGLE FAMILY DWELLING (SFD):
CONSISTS OF 4-BEDROOMS, 4.5 BATHROOM, STUDY AND FAMILY ROOM,
WITH AN ATTACHED 4-CAR GARAGE AND DECK. NEW LOWER POOL LEVEL
WITH ACCESSORY USES: RESTROOM, GYM, STORAGE AND A COVERED
PATIO. NEW SWIMMING POOL AND POOL DECK. MAX. HEIGHT 23'-11"

NEW DETACHED SECOND UNIT (ADU)
2-STORIES WITH 1-BEDROOM AND 1-BATHROOM 899 Sq Ft. MAX. HEIGHT
22'-10"

OWTS
NEW OWTS UNDER A CONCURRENT PERMIT. THE EXISTING OWTS SYSTEM,
WILL BE ABANDONED. NEW MICROSEPTIC WILL BE LOCATED TO THE SOUTH
OF ADU AND NEW PITS WILL BE LOCATED TO THE SOUTH OF THE PROPERTY
(CLOSER TO CUTHBERT).

DRIVEWAY
PER FIRE DEPARTMENT, EXISTING DRIVEWAY TO BE WIDEN TO 20' AND AN
APPARATUS "T" TURN WILL BE PROVIDED AT TOP OF DRIVEWAY

ENERGY CONSERVATION FEATURES:

- A. NEW WALL, ROOF AND UNDER-FLOOR INSULATION EQUAL OR
EXCEEDING TITLE 24
- B. NEW ENERGY STAR EXHAUST FANS IN RESTROOM
- C. NEW HIGH REFLECTANCE ROOFING MATERIAL
- D. NEW DUAL GLAZE WINDOWS AND FRENCH DOORS
- E. NEW ENERGY STAR KITCHEN APPLIANCES
- F. NEW AIR CONDITIONING SYSTEM
- G. LED LIGHTING
- H. WATER CONSERVING PLUMBING FIXTURES
- I. SOLAR PANEL READY

SITE

LEGAL DESCRIPTION:

LOT 21, OF TRACT N° 17351, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 441, PAGES 40 AND 41
OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

LOT: 21
TRACT: 17351
APN: 4469-008-010
LOT SIZE: 63,547 sq. ft. (1.46 acres) Per Survey
ESHA: NO
APPEAL JURISDICTION: NO

ZONING:

ZONING: RR-2

TOTAL IMPERVIOUS AREA

MAX. IMPERVIOUS AREA =
Net Lot Area x 30% = 63,547 sf x 30% = **19,064.10 sf**
Refer to Site Plan A1.0 for calc's and verification

TOTAL DEVELOPMENT

SQUARE FOOTAGE (TDSF) CALC'S

GROSS LOT AREA = 63,547.00 sf					
NET LOT AREA =					
Lot Area - Street Right of Way Easement - Slopes Steeper than 1:1 =					
63,547.00 - 0.00 - 0.00 (Refer to slope analysis) = 63,547.00 sf					
TOTAL DEVELOPMENT CALC'S					
21,780.00	17.7%	3,855.06	+	1,000.00	4,855.06
21,780.00	10.0%	2,178.00	+	0.00	2,178.00
19,987.00	5.0%	999.35	+	0.00	999.35
63,547.00					8,032.41

SETBACKS

FRONT
Required
Existing
Proposed:

20% Lot Depth = 255.5' x 20% = 51.1'
184.25'
SFD: 142'-4"
ADU: 130'-0"

SIDE:
Required
Existing
East Side:
West Side:

Cumulative 25% of Lot Width= 243.33' x 25% = 60.83',
Not less than 10% per side = 24.3'

SFD: 91'-2"
ADU: 68'-8"

Proposed
East Side:
West Side:

SFD: 92'-6"
ADU: 31'-3 1/2"
SFD: 57'-8"
ADU: 166'-2"

REAR:
Required
Existing
Proposed:

15% Lot Depth = 255.5' x 15% = 38.32',
Request a Minor Modification of 13% Reduction =
38.32 - 4.96 = 33.31'
21.0'
SFD: 33.31'
ADU: 96'-5"

HEIGHT

MAX. HEIGHT ALLOWED:
Flat Roof with SPR = 24'-0"

PROPOSED SFD: 23'-11" < 24'-0"
PROPOSED ADU: 22'-10" < 24'-0"

PARKING

REQUIRED PARKING:
SFD: 2- Covered + 2- Uncovered
ADU: 1-Uncovered

PROPOSED PARKING:
SFD: 4-Car Garage + 2- Uncovered
ADU: 1-Uncovered

BUILDING

YEAR BUILT: ORIGINAL HOUSE 1955
UNITS: PROPOSED 2-UNITS = SFD + ADU
OCCUPANCY TYPE : SFD: RESIDENTIAL: R-3
ATTACHED GARAGE: U
ADU: RESIDENTIAL: R-3
TYPE OF CONSTRUCTION: SFD: TYPE V-B FULLY SPRINKLERED-NFPA-13D
ADU: TYPE V-B FULLY SPRINKLERED-NFPA-13D
NUMBER OF STORIES: SFD: ONE-STORY + ACCESSORY LOWER LEVEL=
2-STORIES
ADU: 2-STORIES

DESIGN SUMMARY

EXISTING STRUCTURE, Per PPR99-202

Description	Square Footage	GROSS	10%	TOTAL
SFD	2,157.00	215.70		2,372.70
Garage & Workroom	615.00	61.50		676.50
TOTAL	2,772.00	277.20		3,049.20

PROPOSED STRUCTURE

PROPOSED SFD

Description	Square Footage	GROSS
SFD	4,888.00	
Attached Garage	678.00	
Total SFD	5,566.00	

PROPOSED ADU

Description	Square Footage	GROSS
Main Floor	357.00	
Lower Level	542.00	
TOTAL	899.00	

PROPOSED ACCESSORY STRUCTURES

Description	Square Footage	GROSS
Gym	440.50	
Bath-5 & Storage	124.00	
Total Accessory	564.50	

TOTAL 6,672.50

UNCOVERED AREAS

Main Floor Deck	1,187.00
ADU Deck	179.00

PROPOSED TOTAL DEVELOPMENT

SQUARE FOOTAGE (TDSF) CALC'S

Description	Square Footage	GROSS
Main Floor	4,888.00	
SFD	2,157.00	
Garage & Workroom	615.00	
Storage Under deck	265.00	
TOTAL TDSF	3,037.00	

PROPOSED SINGLE FAMILY DWELLING (SFD)

Description	Square Footage	GROSS
Main Floor	4,888.00	
Attached Garage	678.00	
Porch Overhang	52.00	
Gym	440.50	
Bath-5 & Storage	124.00	
TOTAL	6,182.50	
Lower Level Covered Patio	651.00	
TOTAL	651.00	

PROPOSED SECOND DWELLING UNIT (ADU)

Description	Square Footage	GROSS
Main Floor	357.00	
Lower Level	542.00	
TOTAL	899.00	

TOTAL TDSF 7,732.50 < 8032.41

2/3 FLOOR AREA VERIFICATION

Refer to A-1.4 for Diagram

SINGLE FAMILY DWELLING

AREA BELOW 18'-0": 6,173.00 sf (2/3) 6,173.00 sf = 4,115.33 sf

AREA ABOVE 18'-0": 3,358.00 sf 3,358.00 < 4,115.33 = Verifies

2nd DWELLING UNIT

AREA BELOW 18'-0": 552.00 sf (2/3) 552.00 sf = 368.00 sf

AREA ABOVE 18'-0": 357.00 sf 357.00 < 368.00 = Verifies

SITE WALLS /RETAINING WALLS

(NOT PART OF THE STRUCTURE)

6" TO 2'-6" HIGH (GARDEN WALLS) : 521 LINEAL FEET

2'-6" TO 4'-6" HIGH : 292.00 LINEAL FEET

4'-6" TO 6'-0" HIGH : 142.00 LINEAL FEET

VICINITY MAP



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C.1.02	CIVIL SITE PLAN
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C4.02	DETAILS
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SOILS REPORT

SUBSURFACE DESIGN, INC. APRIL 23, 2019, GEOLOGIC
& SOILS ENGINEERING INVESTIGATION. PROPOSED
FIRE REBUILD SFD, NEW ADU & NEW SWIMMING POOL.

SUBSURFACE DESIGN, INC. APRIL 26, 2019,
STORMWATER INFILTRATION REPORT

SUBSURFACE DESIGN, INC. JANUARY 17, 2001, LIMITED
GEOLOGIC REPORT EVALUATION OF PERCOLATION
TEST HOLES.

PREVIOUS REPORTS:

GEOCONCEPTS, INC. APRIL 23, 2019, EVALUATE
SUBSURFACE CONDITIONS FOR THE PROPOSED
IMPROVEMENT OF THE EXISTING OWTS. REPORT
SUBMITTED TO THE CITY, BUT IT IS NOT APPEAR AS IF
IT WAS REVIEWED.

RALPH STONE & COMPANY, INC. DECEMBER 20, 1999
SUBSURFACE EXPLORATORY STUDIES TO EVALUATE
SUBSURFACE CONDITIONS FOR THE PROPOSED
CONSTRUCTION OF RESIDENTIAL ADDITIONS AND
DECK. THE CITY CONDITIONALLY APPROVED THE
REPORT IN MARCH 10, 2003

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ashley@californiastorypoles.com

PROJECT INFORMATION,

Scale: N.T.S.
Date: February 10, 2019

LINDA + TREVOR COLBY

29623 Cuthbert Road, Malibu, CA 90265

FIRE REBUILD SFD + NEW ADU

CASE NUMBER:

ACDP 19-055, SPR 19-072 & MM 19-010

DANIELA RECHTSZAJD
ARCHITECT

5410 Village Green, Los Angeles, CA 90016
Telephone: 310.625.0654
e-mail: recdani@gmail.com

A-0.0
ATTACHMENT 2

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PROPERTY ADDRESS:

29623 CUTHBERT DRIVE
MALIBU, CA 90265

ASSESSOR'S PARCEL NO.'S:

4469-008-010 (LOS ANGELES COUNTY)

LEGAL DESCRIPTION:

LOT 21 OF TRACT NO. 17351, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 441 PAGES 40 AND 41 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

BASIS OF BEARINGS:

THE BEARING OF N 81°30'49" W ALONG THE CENTERLINE OF CUTHBERT ROAD AS SHOWN ON TRACT 17351 AS RECORDED IN BOOK 441, PAGE 41 OF MAPS IN THE OFFICE OF THE RECORDER OF LOS ANGELES COUNTY, STATE OF CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCHMARK:

MALIBU 212.269' 1-1/2" IP & RE TAG 2088 BIN UP 35FT DY-6473 (1990)
W C/L MERRITT DR NR C/L PROD BUSCH
DR 1.0FT W/O PP*1513749E (USE TAG)

ELEVATIONS SHOWN ON THIS SURVEY WERE CONVERTED FROM NGVD 1929 DATUM TO NAVD 1988 DATUM. NGVD 1929 PLUS APPROXIMATELY 700MM (2.3FT) EQUALS CURRENT NAVD 1988 DATUM.

NOTES:

1) UTILITIES SHOWN HEREON ARE BASED ON SURFACE EVIDENCE ONLY. NO STUDIES OF RECORD UNDERGROUND UTILITIES WERE PERFORMED AS PART OF THIS WORK.
2) EASEMENTS SHOWN HEREON ARE BASED ON PRELIMINARY TITLE REPORT PREPARED BY "CHICAGO TITLE COMPANY", DATED SEPTEMBER 24, 2019. ORDER NO. 018916-994-LT2-JC.

LEGEND:

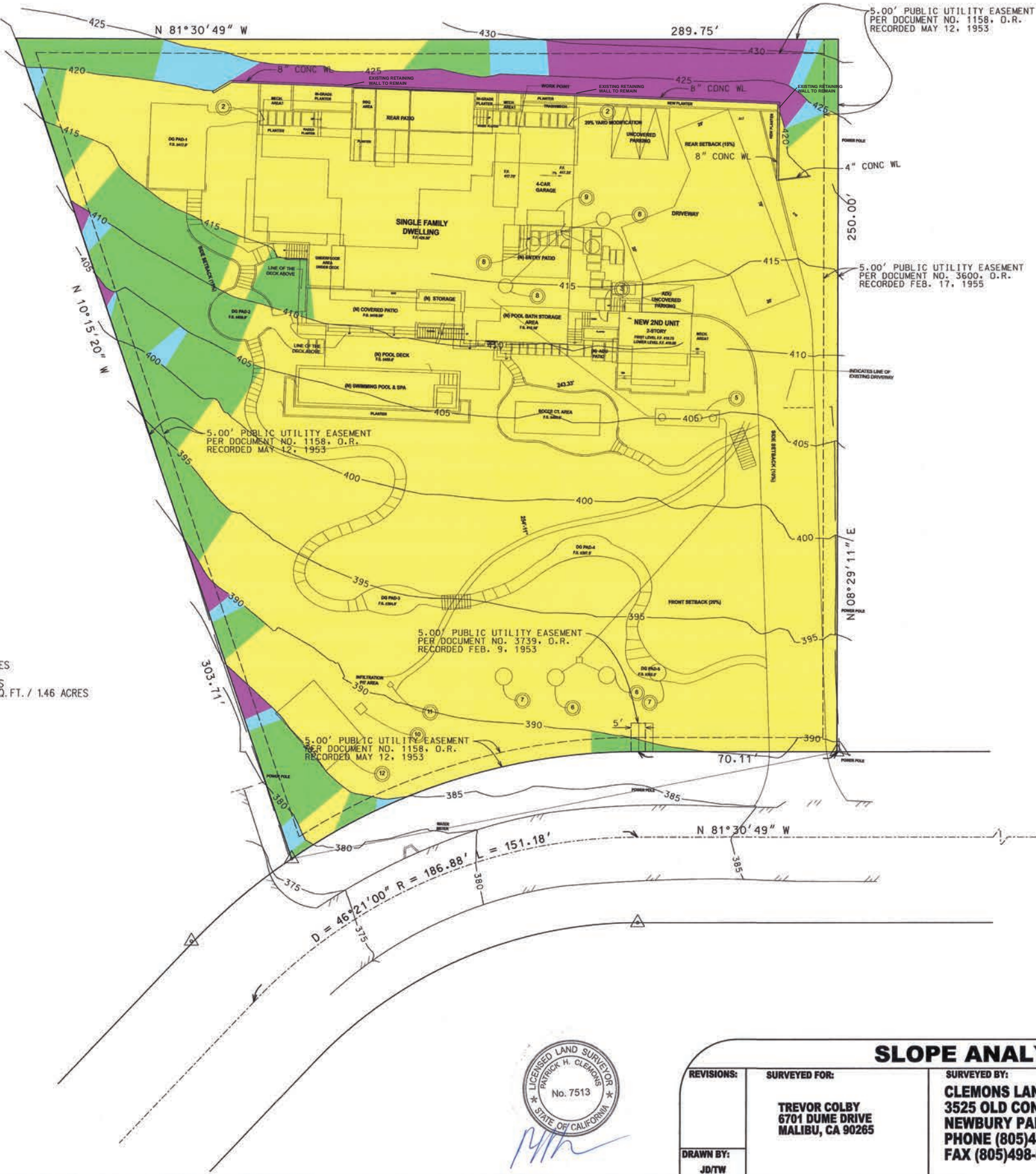
PROPERTY LINE: ———
STREET CENTERLINE: ———
EASEMENT: ———
MONUMENT:
BASIS OF BEARINGS: (B.O.B.)
STREET LIGHT (ST.LT.): /
ASPHALT (A/C):
BUILDING:
CHAIN LINK FENCE (C.L.F.): — X —
WOOD FENCE: — W —
WOOD & WIRE FENCE: — W/W —
CONCRETE (CONC.):
MANHOLE (M.H.):
DRAIN INLET:
TREES: PINE PEPPER EUC MISC

SLOPE ANALYSIS LEGEND:

4:1 OR LESS = 52,560 SQ. FT.
4:1 TO 3:1 = 6,891 SQ. FT.
3:1 TO 2 1/2:1 = 1,210 SQ. FT.
2 1/2:1 TO 1:1 = 2,886 SQ. FT.
1:1 AND GREATER = 0 SQ. FT.
STREET EASEMENT AREA: 0 SQ. FT.
GROSS AREA = 63,547 SQ. FT. / 1.46 ACRES
NET AREA (GROSS MINUS STREET EASEMENTS AND SLOPES STEEPER THAN 1:1) = 63,547 SQ. FT. / 1.46 ACRES

LIST OF ABBREVIATIONS:

A/C UNIT - AIR CONDITIONING UNIT
ASSY - ASSEMBLY
BBQ - BARBEQUE
BLK - BLOCK
BOP - BIRD OF PARADISE
BPW - BRICK PLANTER WALL
BRDR - BORDER
BRK - BRICK
BS - BOTTOM STEP
CB - CALL BOX
CLM - COLUMN
CND - CONDUIT
CO - CLEAN OUT
CONC - CONCRETE
COWL SPC - CRAWL SPACE
CVR - COVER
DI - DRAIN INLET
D/L - DRAIN LINE
DN - DOWN
DO - DRAIN OUTLET
EG - EDGE GUTTER
ELEC - ELECTRIC
EQUIP - EQUIPMENT
FF - FINISHED FLOOR
FD - FOUND
FH - FIRE HYDRANT
FLTR - FILTER
FL - FLOW LINE
FLAG - FLAGSTONE
FTG - FOOTING
GM - GAS METER
GRG - GARAGE
GRND ROD - GROUND ROD
GT - GATE
ICV - IRRIGATION CONTROL VALVE
MTL - METAL
MTR - MOTOR
NC - NATURAL GRADE
O/H - OVER HANG
PB - PULLBOX
PLSTR - PILASTER
PST - POST
RAD - RADIAL
RDO - ROOF DRAIN OUTLET
RET - RETAINING
RKW - ROCK WALL
RRT - RAIL ROAD TIE
TB - TOP BERM
TC - TOP CURB
TG - TOP OF GRATE
TS - TOP STEP
TW - TOP WALL
TYP - TYPICAL
UNK - UNKNOWN
VLT - VAULT
WD - WOOD
WIF - WROUGHT IRON FENCE
WL - WALL
WM - WATER METER
WTR - WATER
WV - WATER VALVE



SLOPE ANALYSIS

REVISIONS:	SURVEYED FOR:	SURVEYED BY:	SCALE:
	TREVOR COLBY 6701 DUME DRIVE MALIBU, CA 90265	CLEMONS LAND SURVEYING 3525 OLD CONEJO RD., STE. 108 NEWBURY PARK, CA 91320 PHONE (805)498-5332 FAX (805)498-5338	1" = 20'
DRAWN BY:			JOB NO:
JD/TW			COLBY118
			SURVEY DATE:
			06/25&27/18
			SHEET:
			1 OF 1

PROPERTY ADDRESS:

29623 CUTHBERT DRIVE
MALIBU, CA 90265

ASSESSOR'S PARCEL NO.'S:

4469-008-010 (LOS ANGELES COUNTY)

LEGAL DESCRIPTION:

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(1990) W C/L MERRITT DR NR C/L PROD BUSCH
DR 1.0FT W/O PP*1513749E (USE TAG)

ELEVATIONS SHOWN ON THIS SURVEY WERE CONVERTED FROM NGVD 1929 DATUM TO NAVD 1988 DATUM. NGVD 1929 PLUS APPROXIMATELY 700MM (2.3FT) EQUALS CURRENT NAVD 1988 DATUM.

NOTES:

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2) EASEMENTS SHOWN HEREON ARE BASED ON PRELIMINARY TITLE REPORT PREPARED BY "CHICAGO TITLE COMPANY", DATED SEPTEMBER 24, 2019. ORDER NO. 0118916-994-L72-JC.

LEGEND:

PROPERTY LINE: _____

STREET CENTERLINE: _____ C _____

EASEMENT: -----

MONUMENT:

BASIS OF BEARINGS: (B.O.B.)

STREET LIGHT (ST.LT.): /

ASPHALT (A/C): 17 17 17


BUILDING:

CHAIN LINK FENCE (C.L.F.): ——— X ———

WOOD FENCE: ——— W ———

WOOD & WIRE FENCE: ——— W/W ———

CONCRETE (CONC.): 2.5

MANHOLE (M.H.): 

DRAIN INLET:

TREES: PINE PEPPER EUC MISC

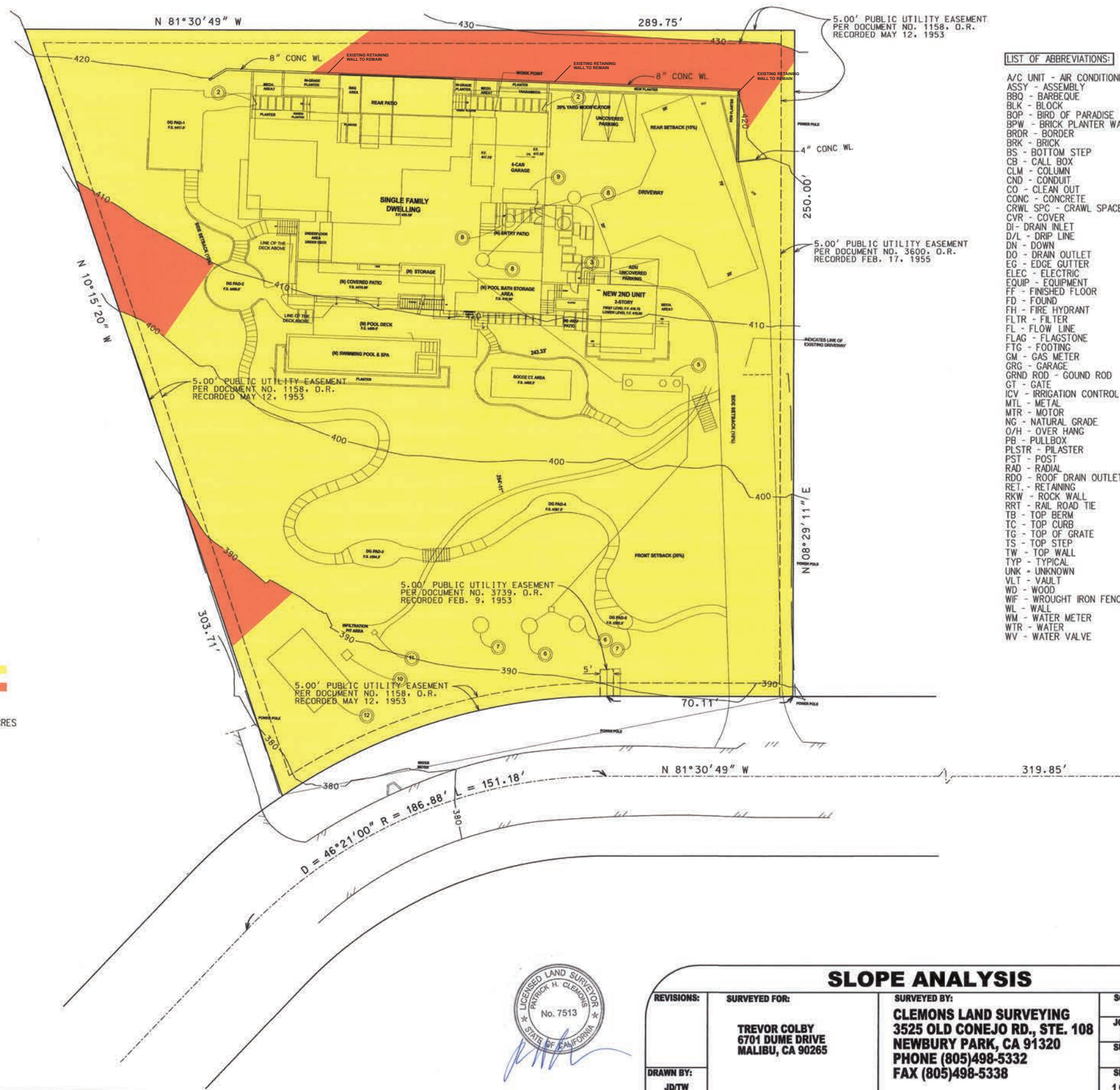


SLOPE ANALYSIS LEGEND:

30% OR LESS = 58,325 SQ.FT.

30% AND GREATER = 5.222 SQ.FT.

STREET EASEMENT AREA: 0 SQ.FT.
GROSS AREA = 63,547 SQ.FT. / 1.46 ACRES



LIST OF ABBREVIATIONS:

A/C UNIT - AIR CONDITIONING UNIT
ASSY - ASSEMBLY
BBQ - BARBEQUE
BLK - BLOCK
BOP - BIRD OF PARADISE
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DO - DRAIN OUTLET
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EQUIP - EQUIPMENT
FF - FINISHED FLOOR
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FLTR - FILTER
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MTR - MOTOR
NG - NATURAL GRADE
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PST - POST
RAD - RADIAL
RDO - ROOF DRAIN OUTLET
RET - RETAINING
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RRT - RAIL ROAD TIE
TB - TOP BERM
TC - TOP CURB
TG - TOP OF GRATE
TS - TOP STEP
TW - TOP WALL
TYP - TYPICAL
UNK - UNKNOWN
VLTR - VAULT
WD - WOOD
WIF - WROUGHT IRON FENCE
WL - WALL
WM - WATER METER
WTR - WATER
WV - WATER VALVE

A graphic scale bar and a north arrow. The scale bar is horizontal and marked with 0, 20, 40, and 60 feet. Below the scale bar is the text "Scale 1" = 20'". The north arrow is vertical, pointing upwards, and features a stylized arrowhead with a circular loop.

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EXISTING IMPERMEABLE	
Single Family Dwelling	2,157.00
Attached Garage & Workroom	615.00
Porch & stairs	40.00
Porch Walkway	232.00
Front Deck	678.00
Side Deck	735.00
Deck Stairs	67.00
Rear Patio	850.00
Shed	164.00
Driveway	1816.00
Top of Driveway	3309.50
TOTAL	10,663.50

PROPOSED IMPERMEABLE	
Single Family Dwelling	4,888.00
Attached Garage	678.00
Porch & stairs	142.00
Main Level Deck	1187.00
Rear Patio	816.00
Rear Stairs	38.50
Deck Stairs	97.00
Stairs between buildings	123.00
Pool Deck	758.00
Pool Coping	121.00
Pool Deck Stairs	45.00
ADU footprint	552.50
ADU Deck Projection	31.00
ADU Porch & Stairs	46.00
ADU Lower Landing	47.00
Driveway	3648.00
Top of Driveway	4685.00
TOTAL	17903.00 < 19,066.50

KEYNOTES

- NEW 6'-0" WIDE PAIR OF GATES W/ KNOX BOX
- NEW 42" WIDE GATE WITH KNOX BOX
- NEW 42" WIDE GATE
- NOT USED
- NEW MICROSEPTEC ES 12 W/ UV DESINFECTION
- NEW PIT 6' DIA X 43' BI W/ 7' CAP (ACTIVE)
- NEW PIT 6' DIA X 43' BI W/ 7' CAP (FUTURE)
- EXIST. 5' DIA X 35' PIT TO BE ABANDONED
- EXIST. 2500 GALLON SEPTIC TANK TO BE ABANDONED
- DISTRIBUTION BOX
- CSP HEADWALL
- INFILTRATION GALLERY
- CONCRETE HEADWALL

LEGEND

(E) INDICATES EXISTING
(P) INDICATES PROPOSED

--- INDICATES FOOTPRINT OF PREVIOUS HOUSE/STRUCTURE
--- INDICATES FOOTPRINT OF PREVIOUS DECK
--- INDICATES LINE OF BUILDING ABOVE
--- INDICATES LINE OF DECK/BALCONY ABOVE
--- INDICATES LINE OF ROOF ABOVE
--- INDICATES EXISTING CONTOURS TO REMAIN
--- INDICATES EXISTING CONTOURS TO BE MODIFIED
--- INDICATES PROPOSED CONTOURS

--- UTILITY EASEMENT, REFER TO SURVEY

--- INDICATES PROPOSED MAIN FLOOR
--- INDICATES PROPOSED LOWER LEVEL
--- POOL BATH/STORAGE LEVEL & ADU
--- PROPOSED GARAGE
--- INDICATES PROPOSED PAVED @ PATIO/DECK
--- INDICATES PROPOSED CONC. WALKWAY, LANDING OR STAIRS
--- INDICATES PROPOSED GRAVEL
--- PROPOSED WOOD BRIDGE (TIMBER AND/OR FIRE RETARDANT)
--- PROPOSED SWALE
--- PROPOSED BOCCO COURT TURF
--- PROPOSED DECOMPOSED GRANITE (D.G.)
--- INDICATES PROPOSED CONCRETE PAVERS
--- INDICATES PROPOSED RETAINING WALLS
--- INDICATES GARDEN WALLS MAX 30" HIGH

NOTES

- APPROVED BUILDING ADDRESS NUMBERS, BUILDING NUMBERS AND 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 MIN. OF 4" HIGH WITH A MIN. STROKE WIDTH OF 0.5". FIRE CODE 505.1
- ALL ROOF COVERINGS SHALL BE CLASS "A"
- ALL EXTERIOR WALLS & OVERHANGS TO HAVE A 1-LAYER OF 5/8" TYPE "X" EXTERIOR GYP. BD. (R327.2 & CBC 707A.3)
- ACCESSORY STRUCTURES SUCH AS CAPORTS, DECKS OR PATIO COVERS WHICH ARE ATTACHED OR WITHIN 20 FEET OF A RESIDENTIAL BUILDING, MUST BE ONE-HOUR FIRE RESISTIVE CONSTRUCTION, HEAVY TIMBER CONSTRUCTION OR NON-COMBUSTIBLE CONSTRUCTION.
- TILE ROOFS SHALL BE FIRE STOPPED AT EAVE ENDS TO PRECLUDE ENTRY OF FLAME OR EMBERS UNDER THE TILE (CFC7.A2)
- DETACHED PATIO COVERS, DECKS CARPORTS, TRELLISES AND OTHER SIMILAR ACCESSORY STRUCTURES LOCATED 20 FEET OR MORE FROM A HABITABLE STRUCTURE AND OF WOOD CONSTRUCTION SHALL UTILIZE LUMBER NOT LESS THAN 2 INCHES NOMINAL IN WIDTH AND DEPTH (BC 6403.9)
- ANCILLARY BUILDINGS AND STRUCTURES AND DETACHED ACCESSORY STRUCTURES SHALL COMPLY WITH THE PROVISIONS OF THE RESIDENTIAL CODE R327.10.1 & BUILDING CODE 710A.1
- CLEARANCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED PER FIRE CODE 325
- OPENINGS INTO ATTICS, UNDERFLOORS O OTHER ENCLOSED AREAS SHALL NOT EXCEED 144 SQUARE INCHES EACH. SUCH OPENINGS SHALL BE COVERED WITH CORROSION-RESISTANT WIRE MESH WITH MESH OPENINGS OF 1/4". BUILDING CODE 6403.5
- ALL CHIMNEYS OF FIREPLACES, STOVES, BARBECUES OR ANY HEATING APPLIANCES USING SOLID FUEL SHALL UPON A BUILDING, STRUCTURE OR PREMISES LOCATED WITHIN ANY HAZARDOUS FIRE AREA, SHALL BE MAINTAINED WITH A SPARK ARRESTER CONSTRUCTED WITH HEAVY WIRE MESH OR OTHER NON-COMBUSTIBLE MATERIALS WITH OPENINGS NOT TO EXCEED ON-HALF INCH.
- ROOF VALLEY FLASHING SHALL BE NOT LESS THAN 0.019-INCH (N° 26 GALVANIZED SHEET GAGE) CORROSION-RESISTANT METAL, INSTALLED OVER A MIN. 36" WIDE UNDERLAYMENT CONSISTING OF ONE LAYOUR OF N 72 ASTM CAP SHEET MEETING RUNNING THE FULL LENGHT OF THE VALLEY (R327.5.3)
- ROOF GUTTERS SHALL BE PROVIDED WITH A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER (R327.534)
- CLEARANCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED PER FIRE CODE 325
- REFER TO C3.01 FOR DRAINAGE PLAN

0 8 16 32

APN: 4469-008-010

PROPOSED SITE PLAN

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

PROPOSED SITE PLAN

LINDA + TREVOR COLBY

29623 Cuthbert Road, Malibu, CA 90265

FIRE REBUILD SFD + NEW ADU

CASE NUMBER:

ACDP 19-055, SPR 19-072 & MM 19-010

DANIELA RECHTSZAJD

ARCHITECT

5410 Village Green, Los Angeles, CA 90016

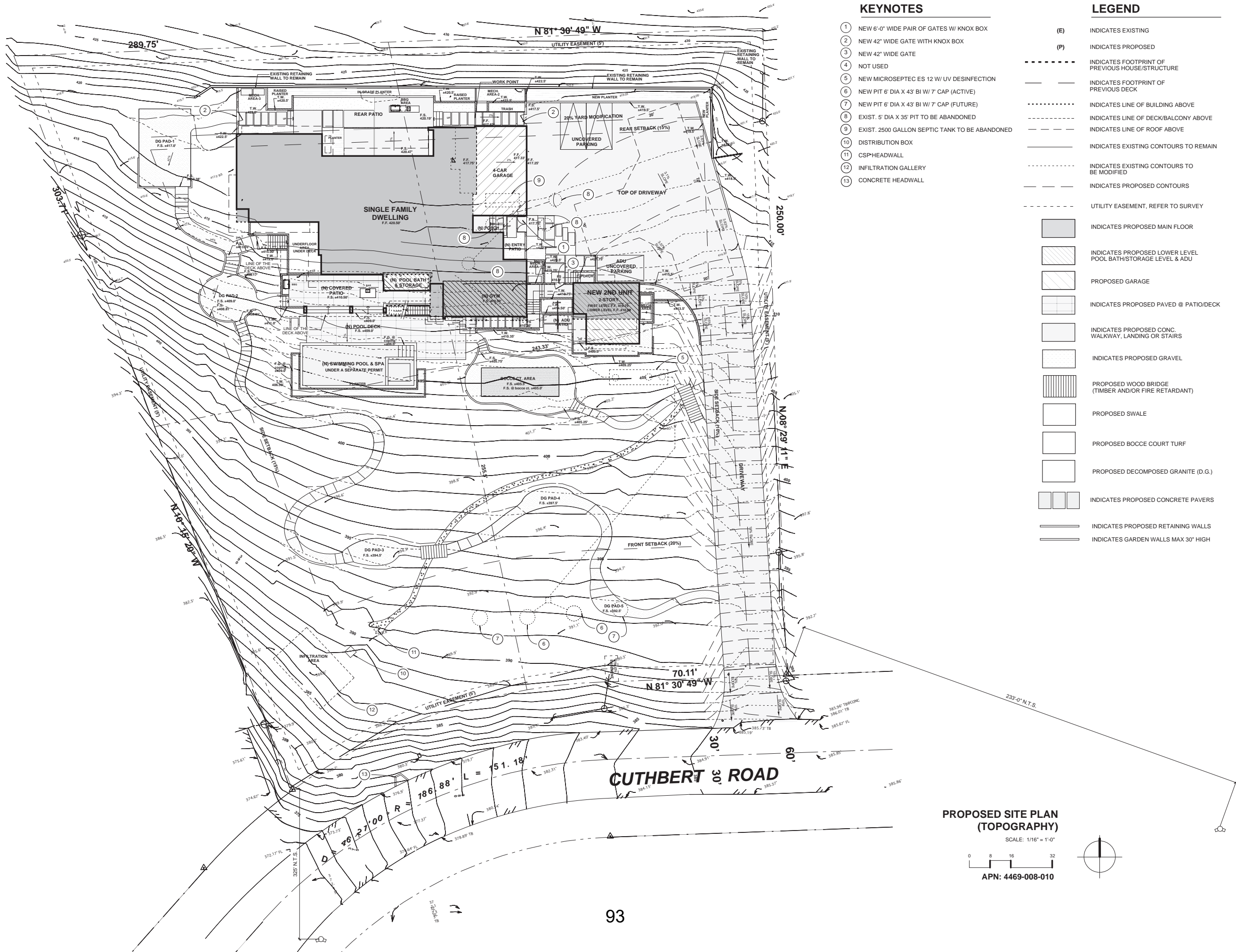
Phone: 310.441.1111

e-mail: recdant@gmail.com

Scale: 1/16" = 1'-0"

Date: February 10, 2020

A-1.0



KEYNOTES

- NEW 6'-0" WIDE PAIR OF GATES W/ KNOX BOX
- NEW 42" WIDE GATE WITH KNOX BOX
- NEW 42" WIDE GATE
- NOT USED
- NEW MICROSEPTIC ES 12 W/ UV DESINFECTION
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- NEW PIT 6' DIA X 43' BI W/ 7' CAP (FUTURE)
- EXIST. 5' DIA X 35" PIT TO BE ABANDONED
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- INFILTRATION GALLERY
- CONCRETE HEADWALL

LEGEND

- (E) INDICATES EXISTING
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- INDICATES FOOTPRINT OF PREVIOUS HOUSE/STRUCTURE
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UTILITY EASEMENT, REFER TO SURVEY
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INDICATES PROPOSED CONC.
WALKWAY, LANDING OR STAIRS
INDICATES PROPOSED GRAVEL
PROPOSED WOOD BRIDGE
(TIMBER AND/OR FIRE RETARDANT)
PROPOSED SWALE
PROPOSED BOCC COURT TURF
PROPOSED DECOMPOSED GRANITE (D.G.)
INDICATES PROPOSED CONCRETE PAVERS
INDICATES PROPOSED RETAINING WALLS
INDICATES GARDEN WALLS MAX 30" HIGH

PROPOSED SITE PLAN
(TOPOGRAPHY)

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



APN: 4469-008-010

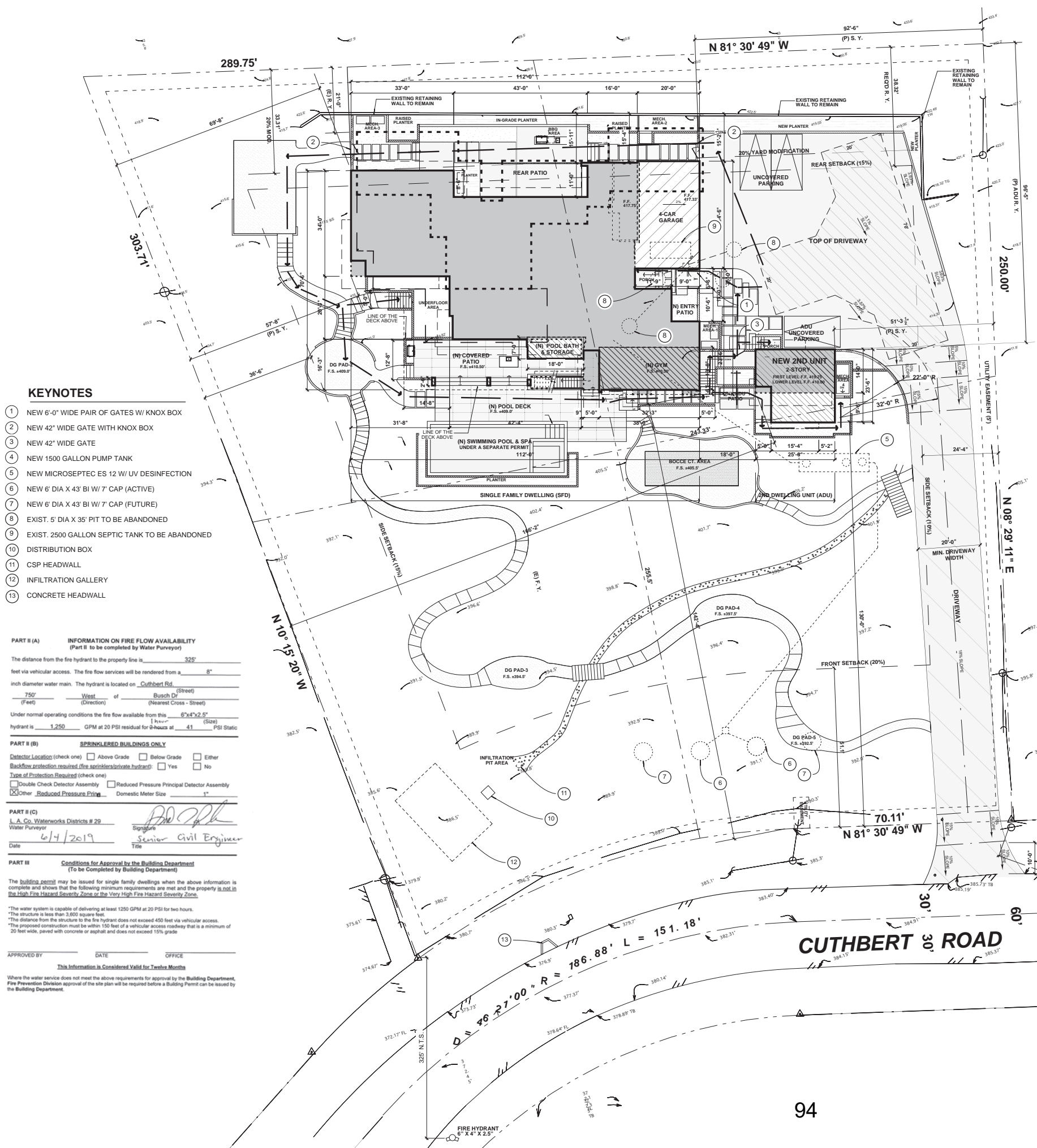
PROPOSED SITE PLAN
GRADING
Scale: 1/16" = 1'-0"
Date: February 10, 2020

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

CASE NUMBER:
ACDP 19-055, SPR 19-072 & MM 19-010

DANIELA RECHTSZAJD
ARCHITECT
5410 Village Green, Los Angeles, CA 90016
Tel: 310.440.1111
e-mail: recdani@gmail.com

A-1.1



KEYNOTES

- 1 NEW 6'-0" WIDE PAIR OF GATES W/ KNOX BOX
- 2 NEW 42" WIDE GATE WITH KNOX BOX
- 3 NEW 42" WIDE GATE
- 4 NEW 1500 GALLON PUMP TANK
- 5 NEW MICROSEPTIC ES 12 W/ UV DESINFECTION
- 6 NEW 6" DIA X 43" BI W/ 7" CAP (ACTIVE)
- 7 NEW 6" DIA X 43" BI W/ 7" CAP (FUTURE)
- 8 EXIST. 5" DIA X 35" PIT TO BE ABANDONED
- 9 EXIST. 2500 GALLON SEPTIC TANK TO BE ABANDONED
- 10 DISTRIBUTION BOX
- 11 CSP HEADWALL
- 12 INFILTRATION GALLERY
- 13 CONCRETE HEADWALL

PART II (A) INFORMATION ON FIRE FLOW AVAILABILITY
(Part II to be completed by Water Purveyor)

The distance from the fire hydrant to the property line is 325' feet via vehicular access. The fire flow services will be rendered from a 8" inch diameter water main. The hydrant is located on Cuthbert Rd.

750' West of Busch Dr (Nearest Cross - Street)

Under normal operating conditions the fire flow available from this 6"x4"x2.5" hydrant is 1,250 GPM at 20 PSI residual for 2-hours at 41 PSI Static

PART II (B) SPRINKLERED BUILDINGS ONLY

Detector Location (check one) ☐ Above Grade ☐ Below Grade ☐ Either

Backflow protection required (fire sprinklers/automatic hydrant): ☐ Yes ☐ No

Type of Protection Required (check one)

☐ Double Check Detector Assembly ☐ Reduced Pressure Principal Detector Assembly

☒ Other Reduced Pressure Principle Domestic Meter Size 1"

PART II (C) L.A. Co. Waterworks Districts # 29 Water Purveyor

Date 6/4/2019 Signature Senior Civil Engineer

PART III Conditions for Approval by the Building Department
(To be Completed by Building Department)

The building permit may be issued for single family dwellings when the above information is complete and shows that the following minimum requirements are met and the property is not in the High Fire Hazard Severity Zone or the Very High Fire Hazard Severity Zone.

*The water system is capable of delivering at least 1250 GPM at 20 PSI for two hours.

*The structure is less than 3,600 square feet.

*The distance from the structure to the fire hydrant does not exceed 450 feet via vehicular access.

*The proposed construction must be within 150 feet of a vehicular access roadway that is a minimum of 20 feet wide, paved with concrete or asphalt and does not exceed 15% grade

APPROVED BY DATE OFFICE

This Information is Considered Valid for Twelve Months

Where the water service does not meet the above requirements for approval by the Building Department, Fire Prevention Division approval of the site plan will be required before a Building Permit can be issued by the Building Department.

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION

APPENDIX I
LIMITED ACCESS DEVICES AND SYSTEMS - INFORMATION SHEET

Types of Devices and Systems:

- Boxes and vaults for keys or plans. May be used for enclosure of controls or switches.
- Key operated switches for doors or power-operated gates.
- Heavy duty padlocks operated by special security key.

Note: Only U.L. listed devices are acceptable.

Registered and Authorized for County of Los Angeles Fire Department:

Knox Company
1601 W. Deer Valley Road
Phoenix, Arizona 85027
(800) 552-5669 - Info
info@knoxbox.com

GE Security/Supra
4501 Fairview Industrial Dr. S.E.
Salem, OR 97302
(800) 545-9608
info@knoxbox.com

Procedures:

- Contact authorized vendor for product information sheets and application forms. The vendors will mail all information to you. (The application forms are not available from the County of Los Angeles Fire Department; they must be obtained from the vendors.)
- Fill out application form, including installation address, enclose check payable to authorized vendor and mail back to the appropriate vendor
- GE Security/Supra will then mail the application to the Fire Department for the appropriate approval signature. The application may only be approved by the Fire Prevention Division office. (Not required for Knox Company)
- The Fire Department will then mail the approved application back to the vendor who will process the order and deliver the device to the customer. Average processing time is 7-10 days. (Not required for Knox Company)
- The location of the device must be approved by this Department prior to mounting. Requirements of limited access device(s) installation can be obtained from the jurisdictional fire station.
- Once the device is installed, notify the jurisdictional fire station to have the necessary keys, cards, etc., placed in the device. The Fire Department has the only key to lock/unlock this equipment.

Fire Station Business Telephone

(1211594) 1 of 1 Limited Access Devices and Systems V7-C1-95

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION

ALL WEATHER ACCESS REQUIREMENTS

All development constructed within the jurisdiction of the County of Los Angeles Fire Department shall comply with Sections 902 and 901.3 (fire apparatus access roads; timing of installation of fire protection facilities, respectively) of the Los Angeles County Fire Code. For clarification purposes of Section 902.2.2.2, the term all-weather driving capabilities shall mean a surface that will support the imposed loads of a fire apparatus during inclement weather, including normal rainfall. All weather access roads shall be installed and made serviceable prior to and during the time of construction. Permissible access road construction may include, but not be limited to the following:

A. Three inch (3") Type II A.C. pavement on four inch (4") crushed aggregate base.

B. Six inch (6") Type II A.C. pavement on native soil.

C. Six inch (6") Portland cement concrete pavement on native soil.

D. Four inch (4") crushed aggregate base (sand, gravel mix compacted to 95% or greater) with the first layer of asphalt.

Access road construction shall be governed by specifications as set forth by the County of Los Angeles Department of Public Works, or modified as prepared by a State of California registered civil engineer.

FIRE FLOW CALCULATION

TYPE OF CONSTRUCTION PER BUILDING CODE:	TYPE V-B
VHFHSZ	YES
SIZE OF LOT	63,547 SF
FIRE FLOW BASED ON THE FIRE FLOW CALC. AREA	2000 GPM
REDUCTION FOR FIRE SPRINKLERS (MAX. 50%)	1250 GPM
TOTAL FIRE FLOW REQUIRED	1250 GPM

APN: 4469-008-010

FIRE ACCESS SITE PLAN

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

LEGEND

(E) INDICATES EXISTING

(P) INDICATES PROPOSED

INDICATES FOOTPRINT OF PREVIOUS HOUSE/STRUCTURE

INDICATES FOOTPRINT OF PREVIOUS DECK

INDICATES LINE OF BUILDING ABOVE

INDICATES LINE OF DECK/BALCONY ABOVE

INDICATES LINE OF ROOF ABOVE

FIRE DEPARTMENT WALKWAY

INDICATES EXISTING CONTOURS TO REMAIN

INDICATES EXISTING CONTOURS TO BE MODIFIED

INDICATES PROPOSED CONTOURS

UTILITY EASEMENT, REFER TO SURVEY

INDICATES PROPOSED MAIN FLOOR

INDICATES PROPOSED LOWER LEVEL POOL BATH/STORAGE LEVEL & ADU

PROPOSED GARAGE

FIRE DEPARTMENT VEHICLE ACCESS

INDICATES PROPOSED PAVED @ PATIO/DECK

INDICATES PROPOSED CONC. WALKWAY, LANDING OR STAIRS

INDICATES PROPOSED GRAVEL

PROPOSED WOOD BRIDGE (TIMBER AND/OR FIRE RETARDANT)

PROPOSED SWALE

PROPOSED BOCCE COURT TURF

PROPOSED DECOMPOSED GRANITE (D.G.)

INDICATES PROPOSED CONCRETE PAVERS

INDICATES PROPOSED RETAINING WALLS

INDICATES GARDEN WALLS MAX 30" HIGH

NOTES

- REFER TO ALL WEATHER ACCESS REQUIREMENTS FOR NEW DRIVEWAY
- REFER TO LIMITED ACCESS DEVICES AND SYSTEMS INFORMATION SHEET FOR KNOX BOX REQUIREMENTS
- 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
- PROVIDE A MIN. CENTER LINE RADIUS (32'-0" AT PRIVATE ACCESS ROAD ENTRANCE
- A MIN. 5' WIDE APPROVED FIREGHTER ACCESS WALKWAY LEADING FOM ATHE FIRE DEPARTMENT ACCESS ROAD TO ALL REQUIRED OPENING IN THE BUILDING'S EXTERIOR WALLS SHALL BE PROVIDED FOR FIREFIGHTING AND RESCUE PURPOSES. FIRE CODE 504.1
- APPROVED BUILDING ADDRESS NUMBERS, BUILDING NUMBERS AND 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 MIN. OF 4" HIGH WITH A MIN. STROKE WIDTH OF 0.5". FIRE CODE 505.1
- PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKING THAT INCLUDE THE WORDS "NO PARKING- FIRE LANE". SIGNS SHALL HAVE A MIN. DIMENSION OF 12" WIDE X 18" 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

FIRE ACCESS SITE PLAN

LINDA + TREVOR COLBY

29623 Cuthbert Road, Malibu, CA 90265

FIRE REBUILD SFD + NEW ADU

CASE NUMBER:

ACDP 19-055, SPR 19-072 & MM 19-010

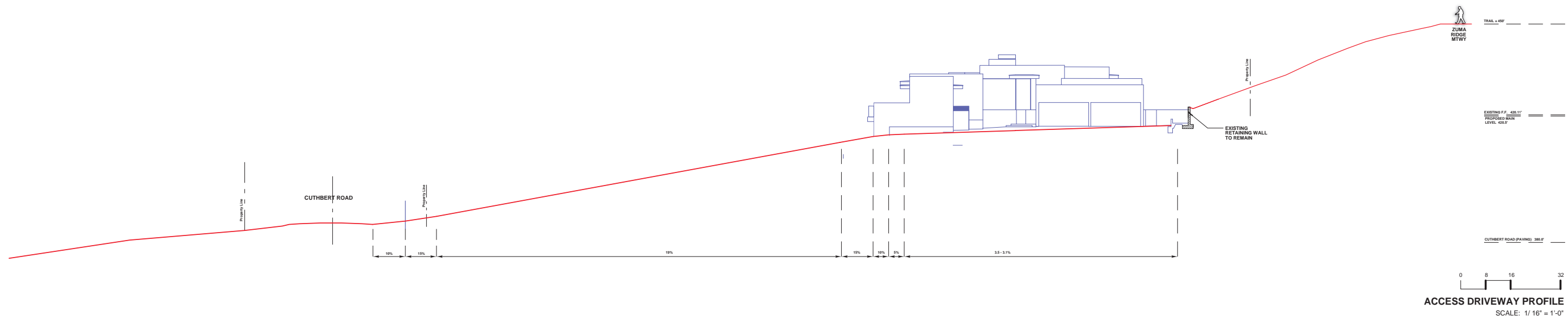
DANIELA RECHTSZAJD ARCHITECT

5410 Village Green, Los Angeles, CA 90016
Tel: 310.441.1111
e-mail: recdani@gmail.com

Scale: 1/16" = 1'-0"

Date: February 10, 2020

A-1.2

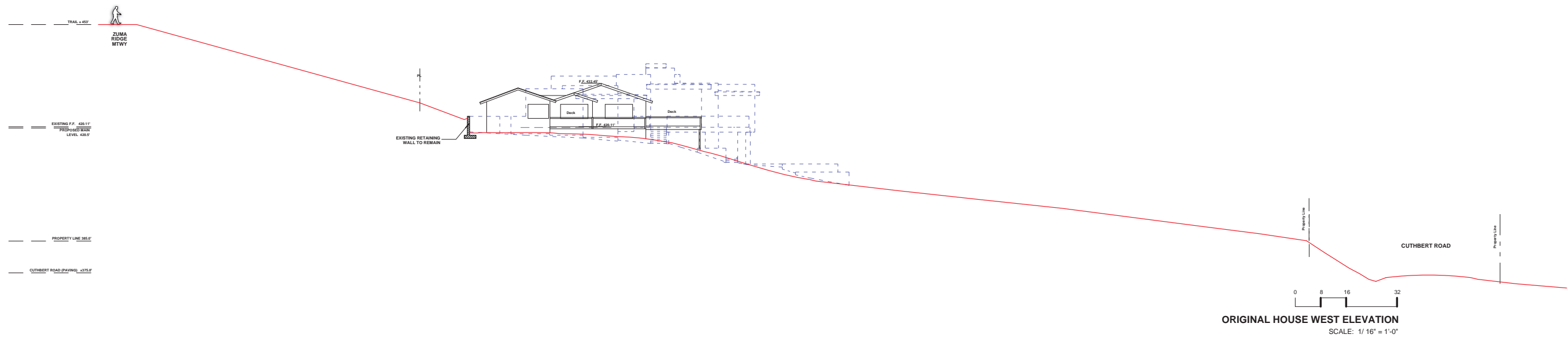
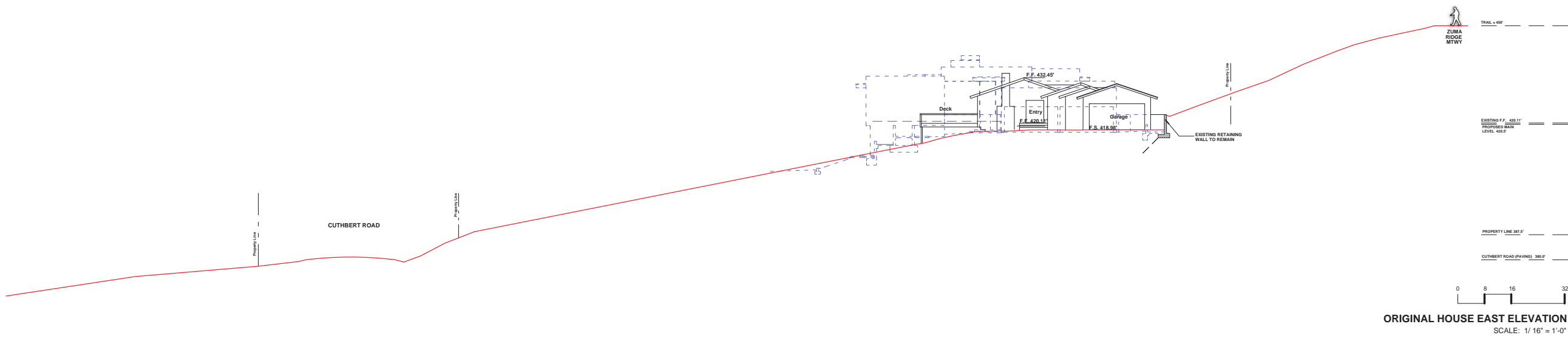


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LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

ACCESS DRIVEWAY PROFILE
Scale: 1/16" = 1'-0"
Date: February 10, 202



VIEW FROM DECK (WEST)



VIEW FROM DECK (WEST)



VIEW FROM DRIVEWAY (EAST)

EXISTING HOUSE ELEVATIONS & PHOTOS

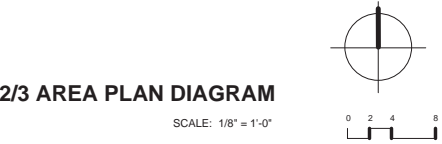
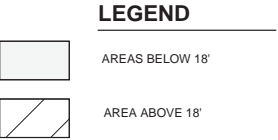
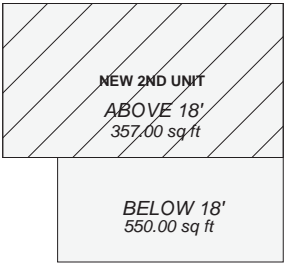
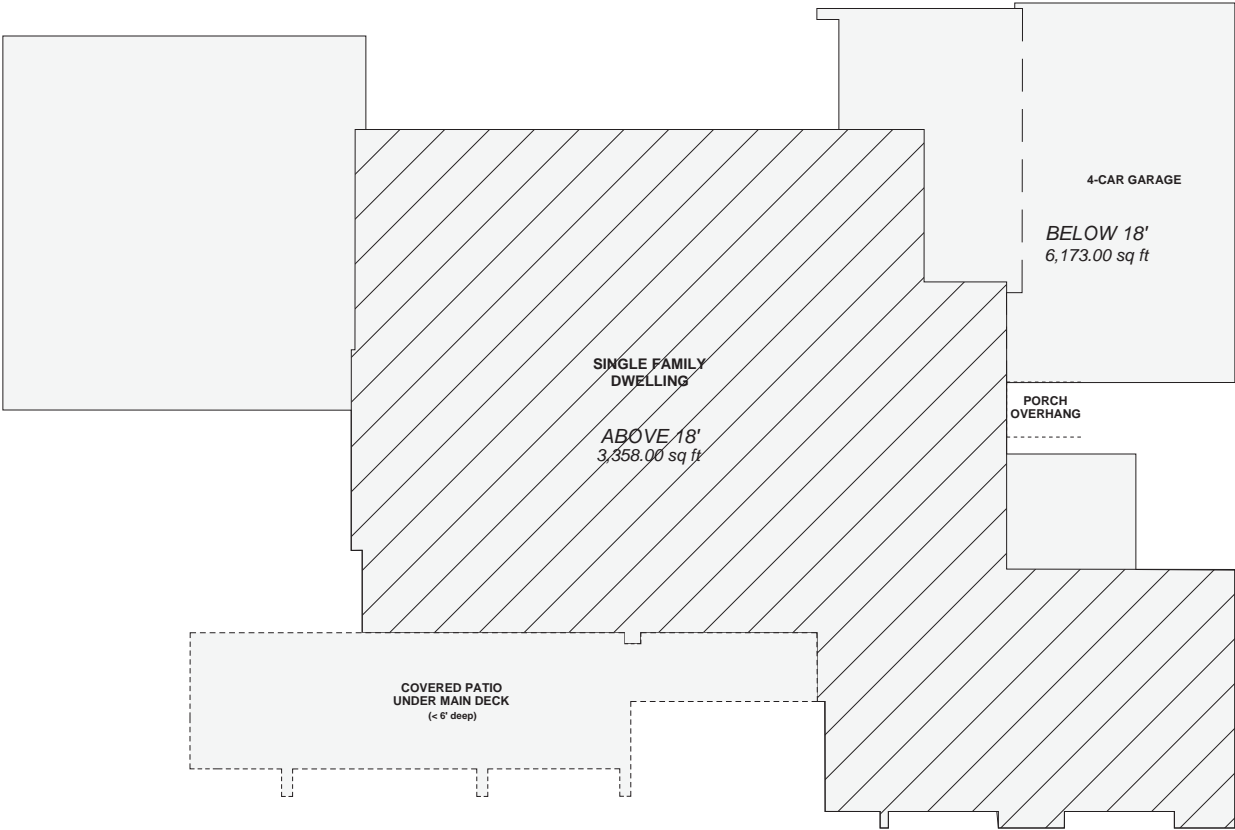
Scale: 1/16" = 1'-0"
Date: February 10, 202

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

CASE NUMBER:
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e-mail: trecaan@gmail.com

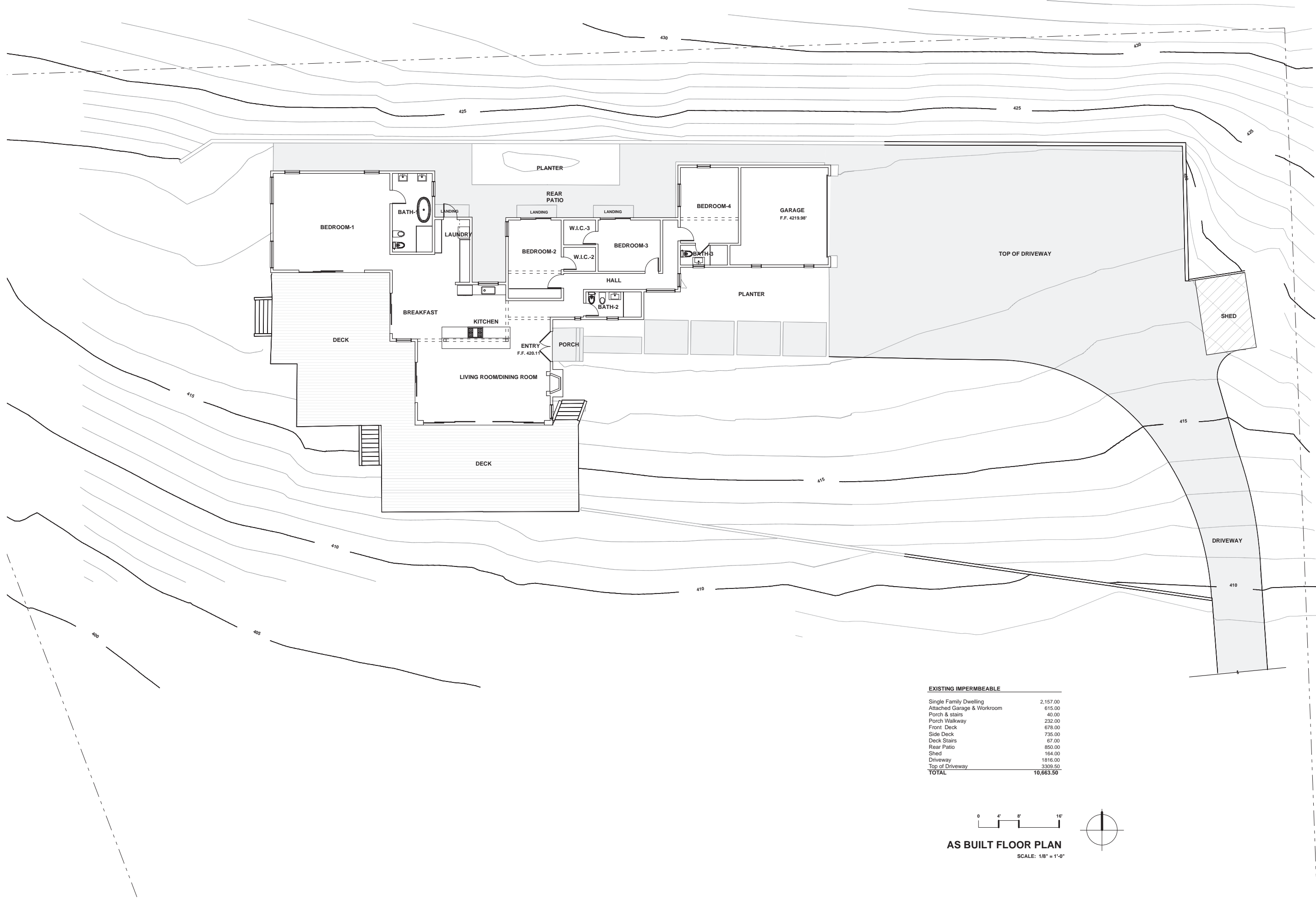
A-1.3



2/3 AREA CALCULATION

SINGLE FAMILY DWELLING			
AREA BELOW 18'-0" :	6,173.00 sf	(2/3) 6,173.00 sf = 4,115.33 sf	
AREA ABOVE 18'-0" :	3,358.00 sf	3,358.00 < 4,115.33 = Verifies	

2nd DWELLING UNIT			
AREA BELOW 18'-0" :	552.00 sf	(2/3) 552.00 sf = 368.00 sf	
AREA ABOVE 18'-0" :	357.00 sf	357.00 < 368.00 = Verifies	



EXISTING IMPERMEABLE	
Single Family Dwelling	2,157.00
Attached Garage & Workroom	615.00
Porch & stairs	40.00
Porch Walkway	232.00
Front Deck	678.00
Side Deck	735.00
Deck Stairs	67.00
Rear Patio	850.00
Shed	164.00
Driveway	1816.00
Top of Driveway	3309.50
TOTAL	10,663.50

AS BUILT FLOOR PLAN
SCALE: 1/8" = 1'-0"



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LINDA + TREVOR COLBY
29623 Cutbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

AS-BUILT FLOOR PLAN
Scale: 1/8" = 1'-0"
Date: February 10, 2020

Scale: 3/16" = 1'-0"
Date: February 10, 2020

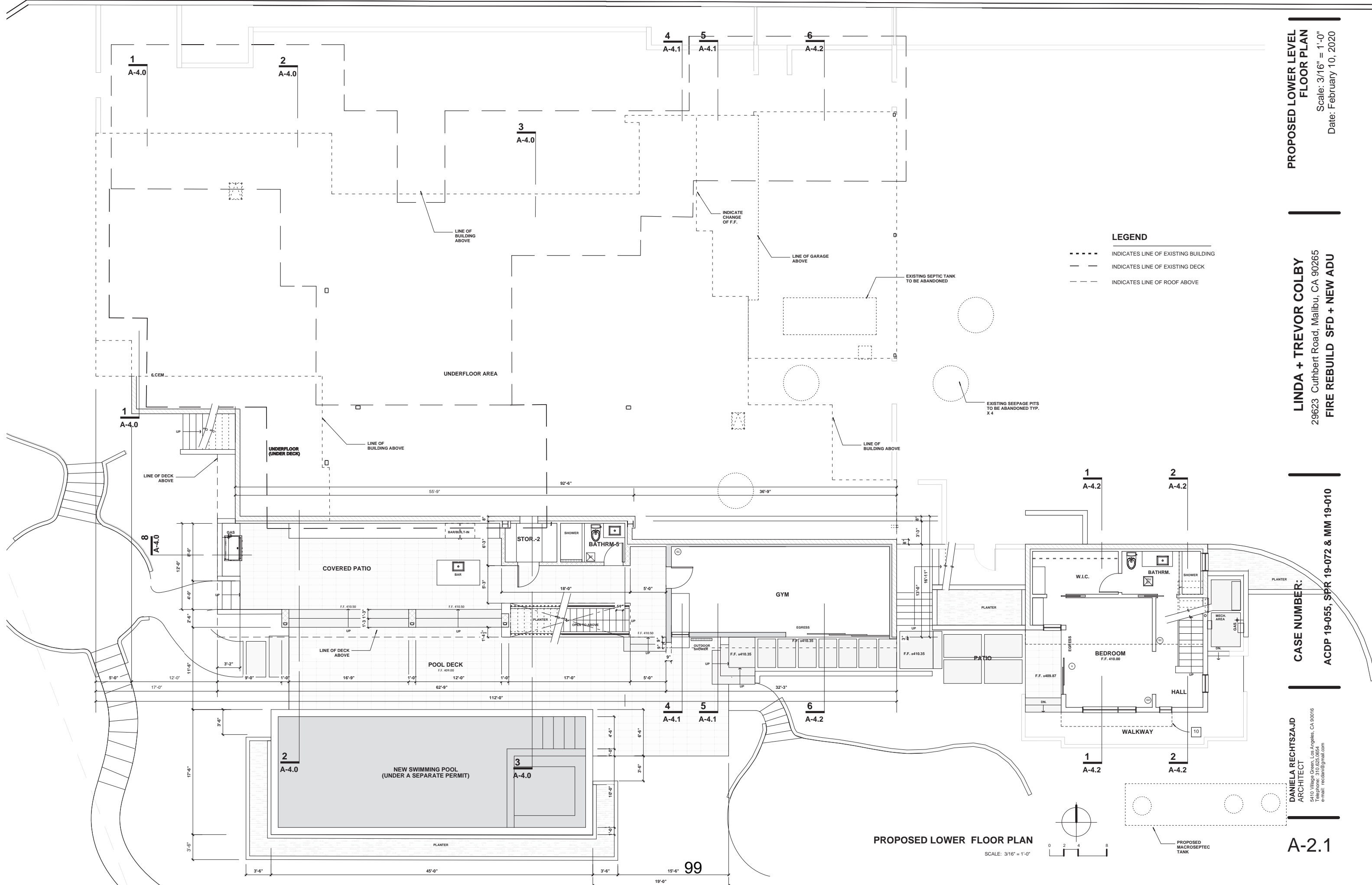
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29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

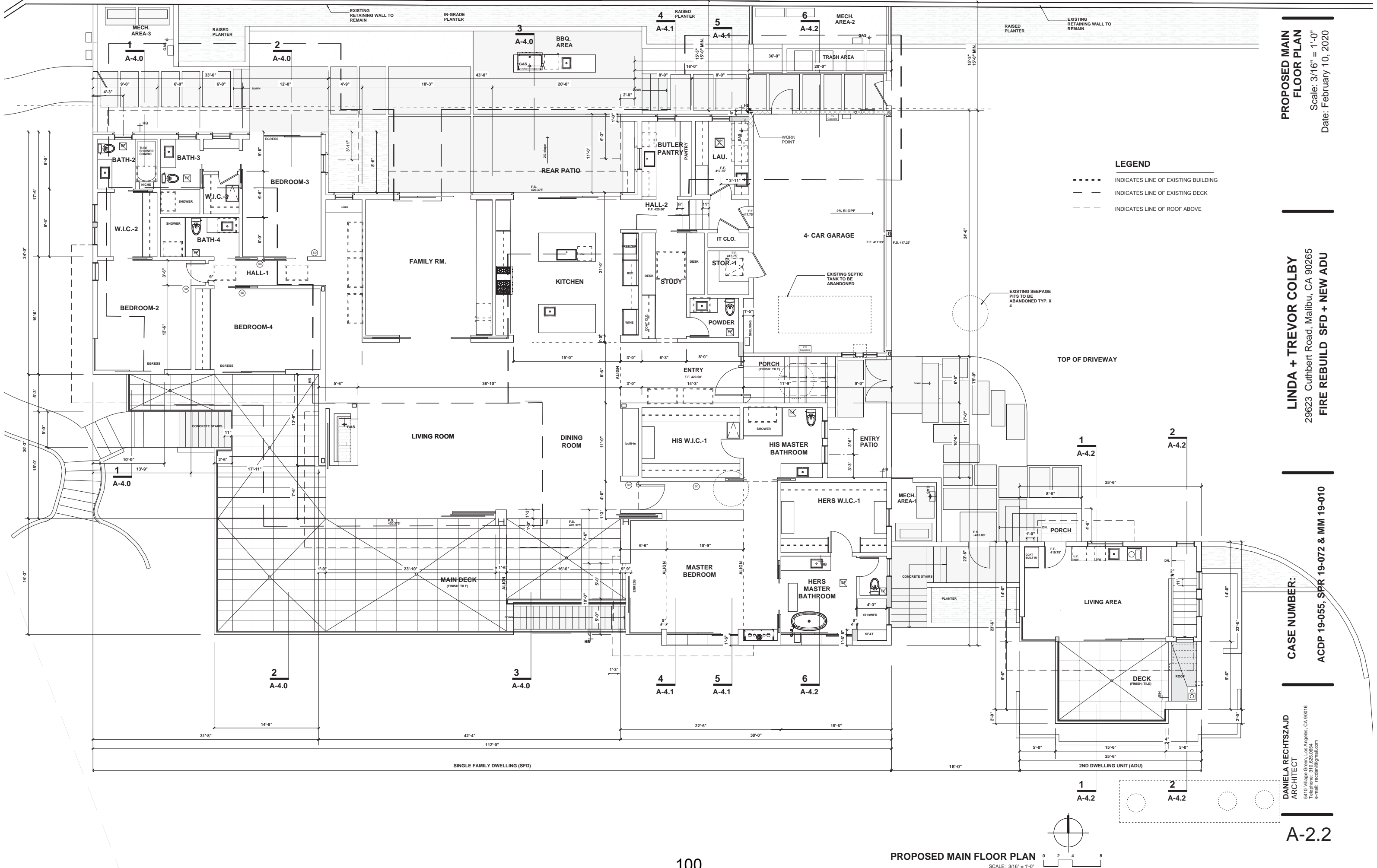
CASE NUMBER:
ACDP 19-055, SPR 19-072 & MM 19-010

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A-2.1





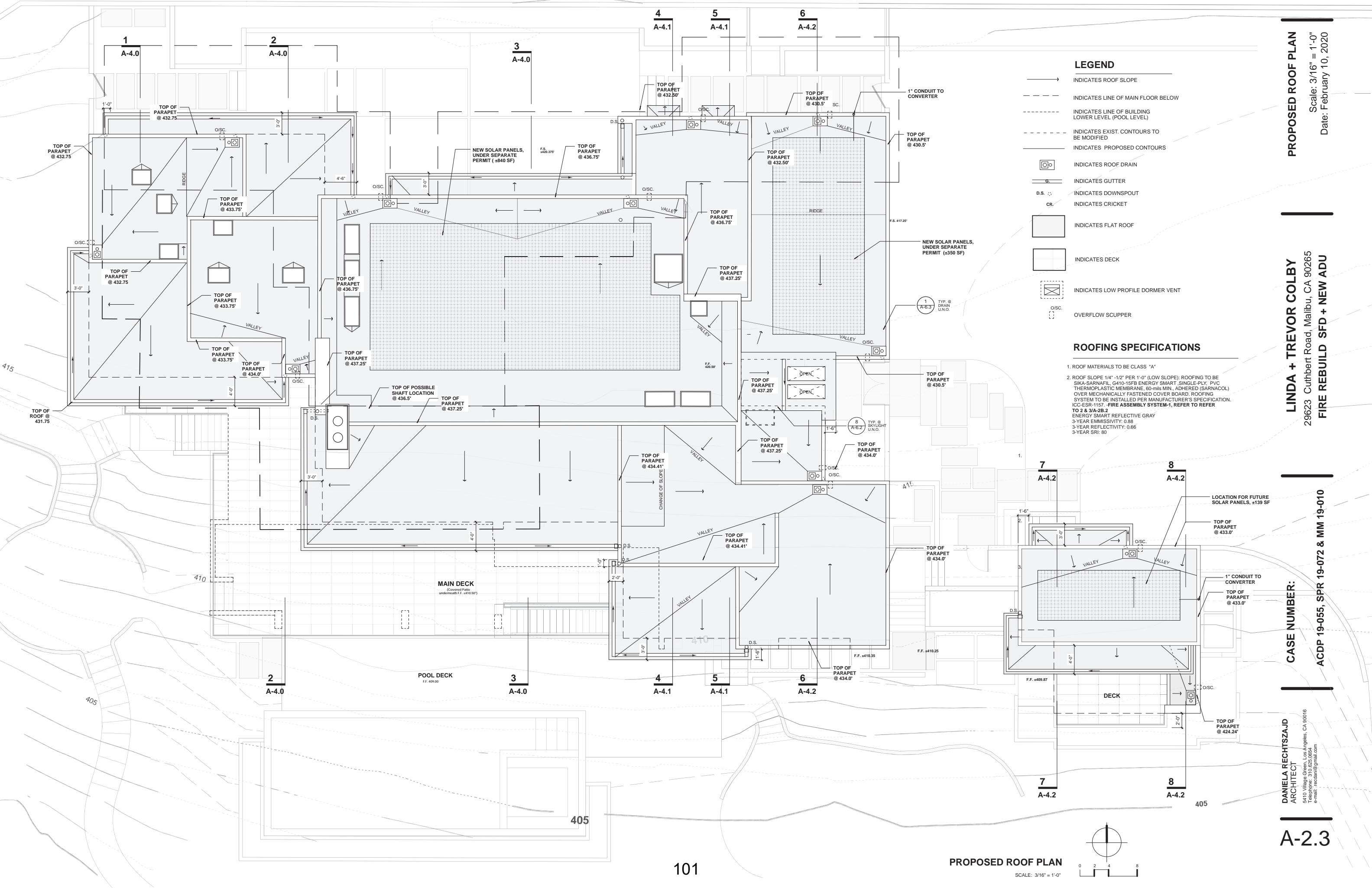
PROPOSED MAIN
FLOOR PLAN
Scale: 3/16" = 1'-0"
Date: February 10, 2020

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

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A-2.2



PROPOSED ROOF PLAN
Scale: 3/16" = 1'-0"
Date: February 10, 2020

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29623 Cuthbert Road, Malibu, CA 90265
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CASE NUMBER:
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5410 Village Green, Los Angeles, CA 90016
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A-2.3

LEGEND

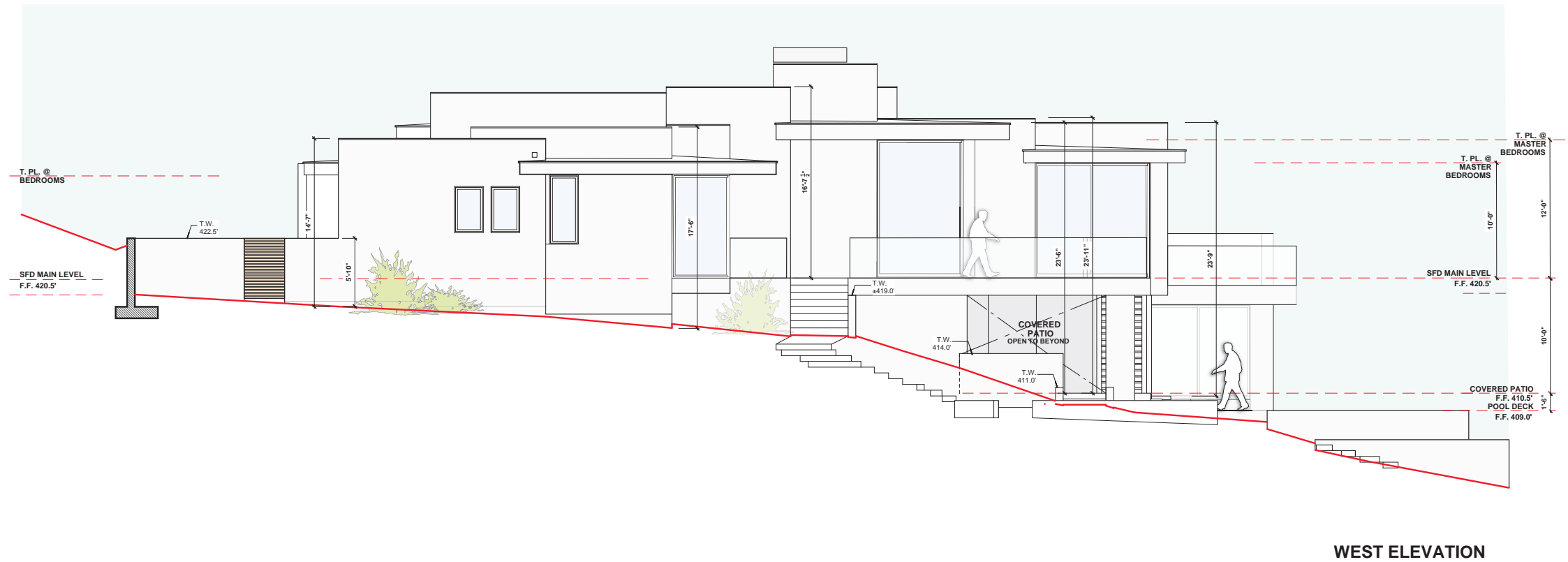
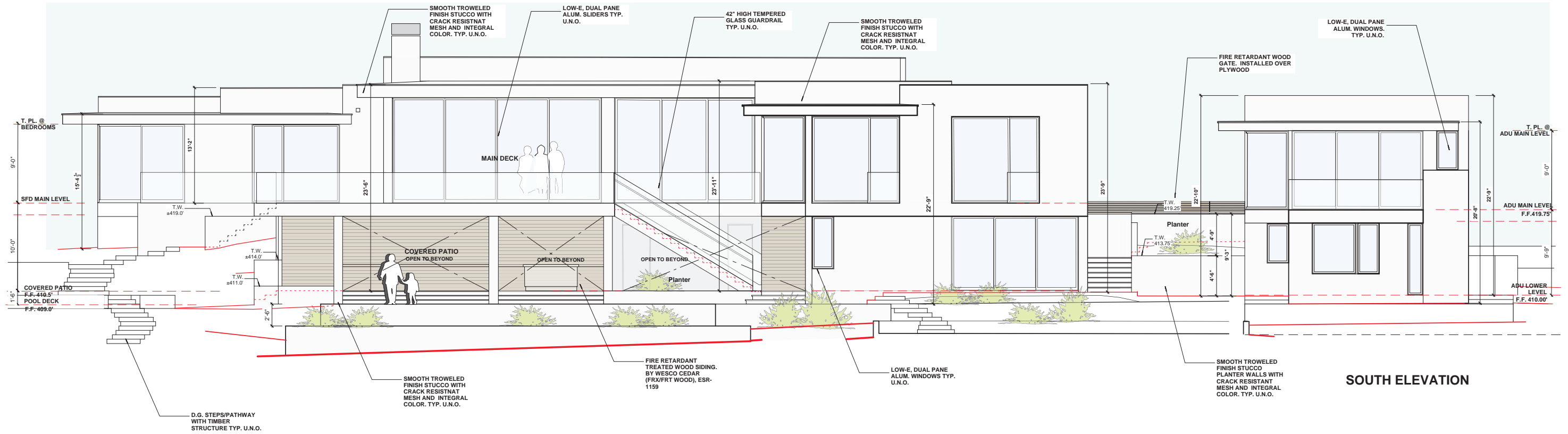
- INDICATES ROOF SLOPE
- INDICATES LINE OF MAIN FLOOR BELOW
- INDICATES LINE OF BUILDING LOWER LEVEL (POOL LEVEL)
- INDICATES EXIST. CONTOURS TO BE MODIFIED
- INDICATES PROPOSED CONTOURS
- INDICATES ROOF DRAIN
- INDICATES GUTTER
- INDICATES DOWNSPOUT
- INDICATES CRICKET
- INDICATES FLAT ROOF
- INDICATES DECK
- INDICATES LOW PROFILE DORMER VENT
- OVERFLOW SCUPPER

ROOFING SPECIFICATIONS

- ROOF MATERIALS TO BE CLASS "A"
- ROOF SLOPE 1/4" - 1/2" PER 1'-0" (LOW SLOPE); ROOFING TO BE SIKA-SARNAFIL, G410-15FB ENERGY SMART, SINGLE-PLY, PVC THERMOPLASTIC MEMBRANE, 60-mils MIN., ADHERED (SARNACOL) OVER MECHANICALLY FASTENED COVER BOARD. ROOFING SYSTEM TO BE INSTALLED PER MANUFACTURER'S SPECIFICATION. ICC-ESR-1157 - FIRE ASSEMBLY SYSTEM-1, REFER TO REFER TO 2 & 3/A-2B.2 ENERGY SMART REFLECTIVE GRAY 3-YEAR EMISSIVITY: 0.88 3-YEAR REFLECTIVITY: 0.66 3-YEAR SRI: 80

PROPOSED ROOF PLAN

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



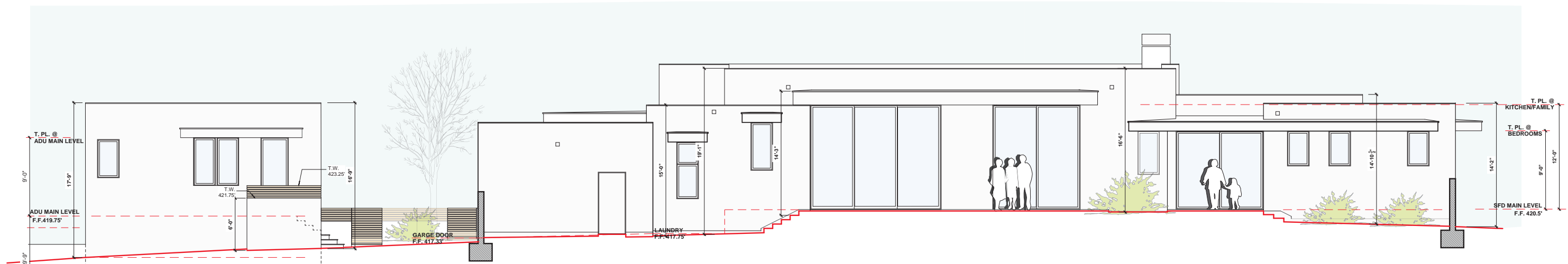
ELEVATIONS
Scale: 3/16" = 1'-0"
Date: February 10, 2019

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
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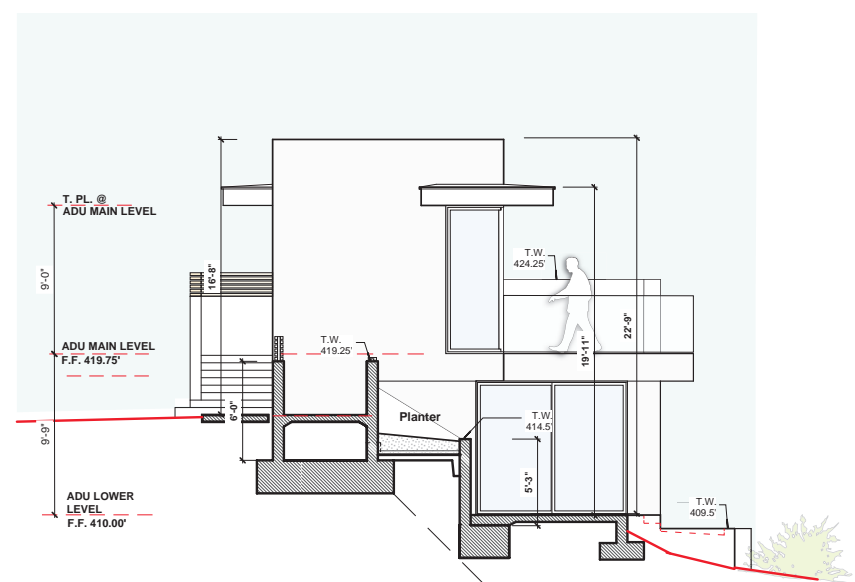
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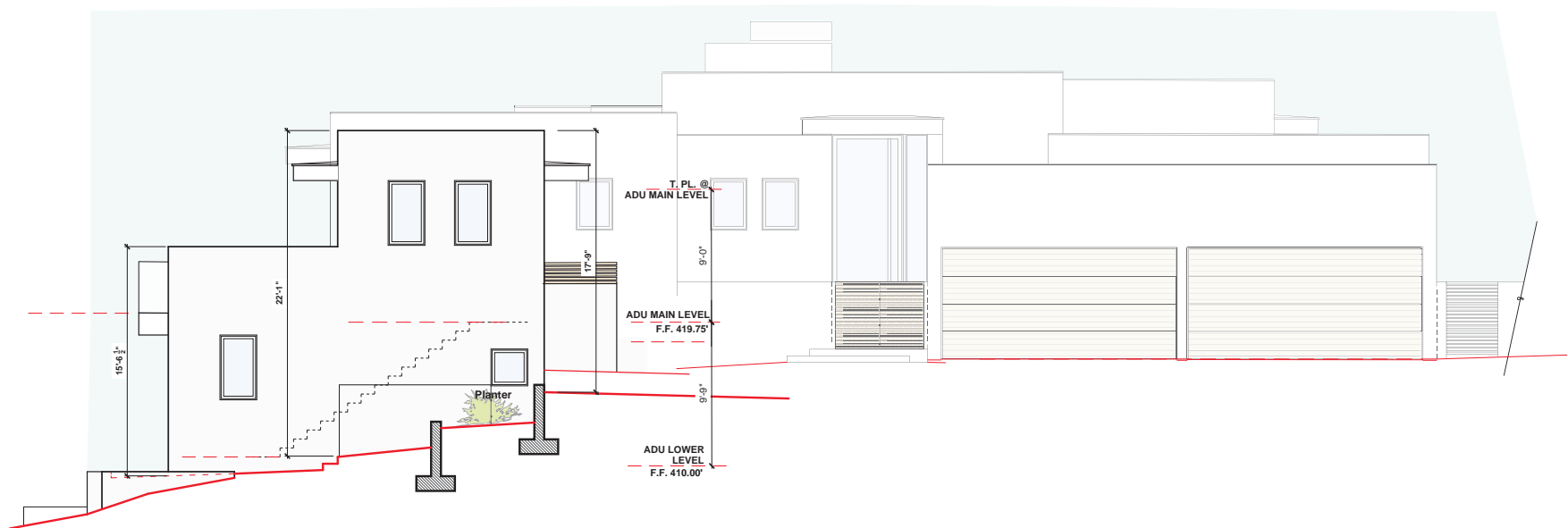
NORTH ELEVATION



EAST ELEVATION



ADU WEST ELEVATION



ADU EAST ELEVATION

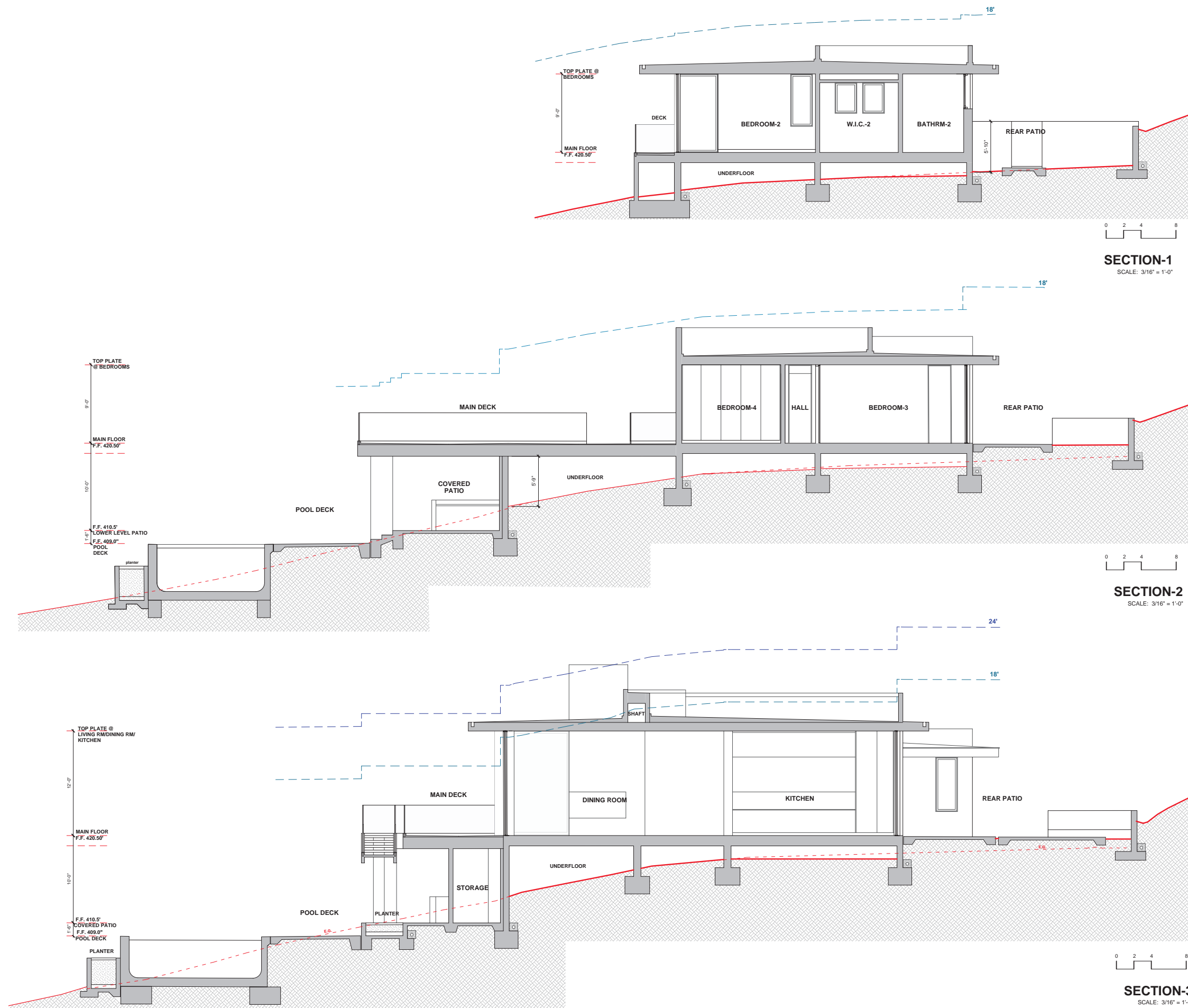
ELEVATIONS
Scale: 3/16" = 1'-0"
Date: February 10, 2019

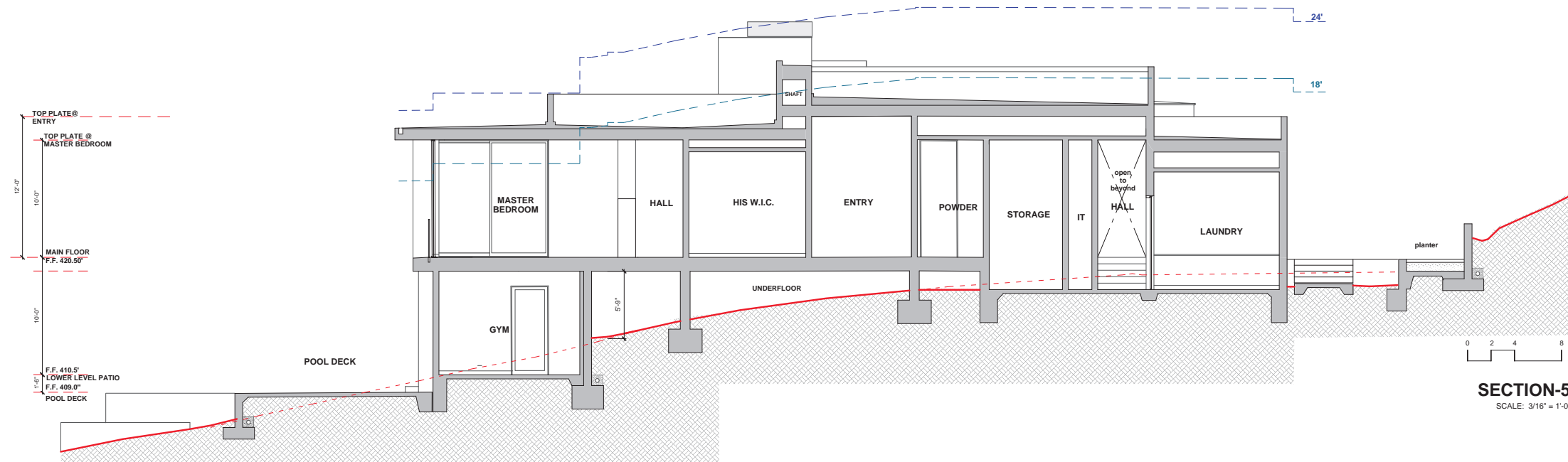
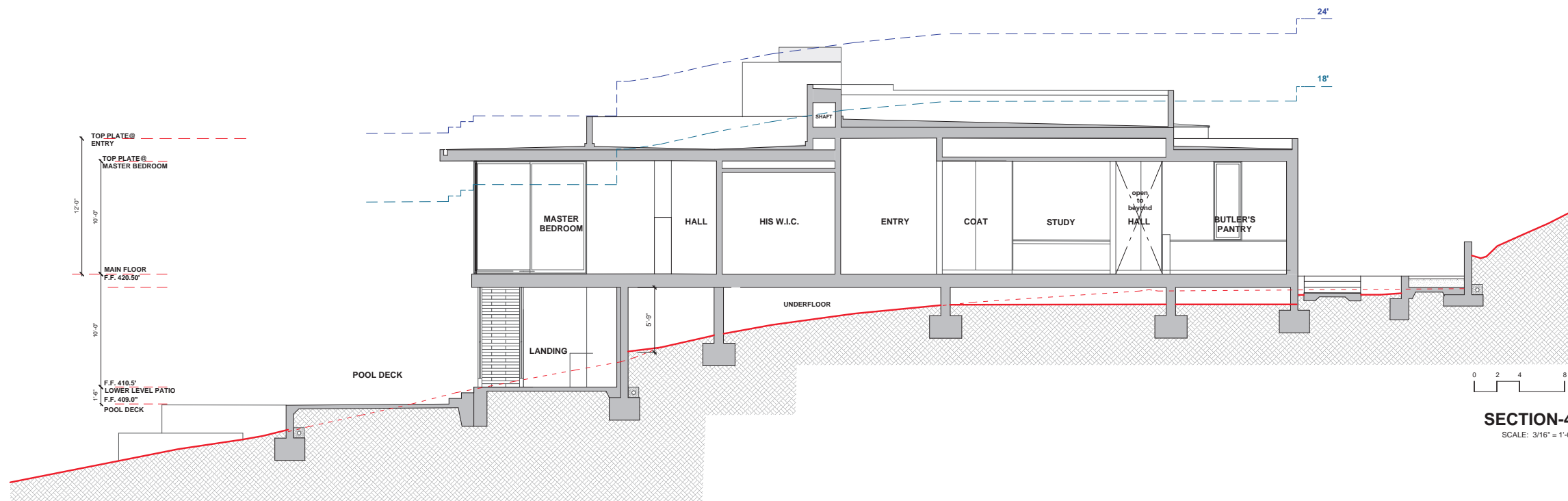
LINDA + TREVOR COLBY
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CASE NUMBER:
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e-mail: ncedani@gmail.com

A-3.1





SECTIONS

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Date: February 10, 2020

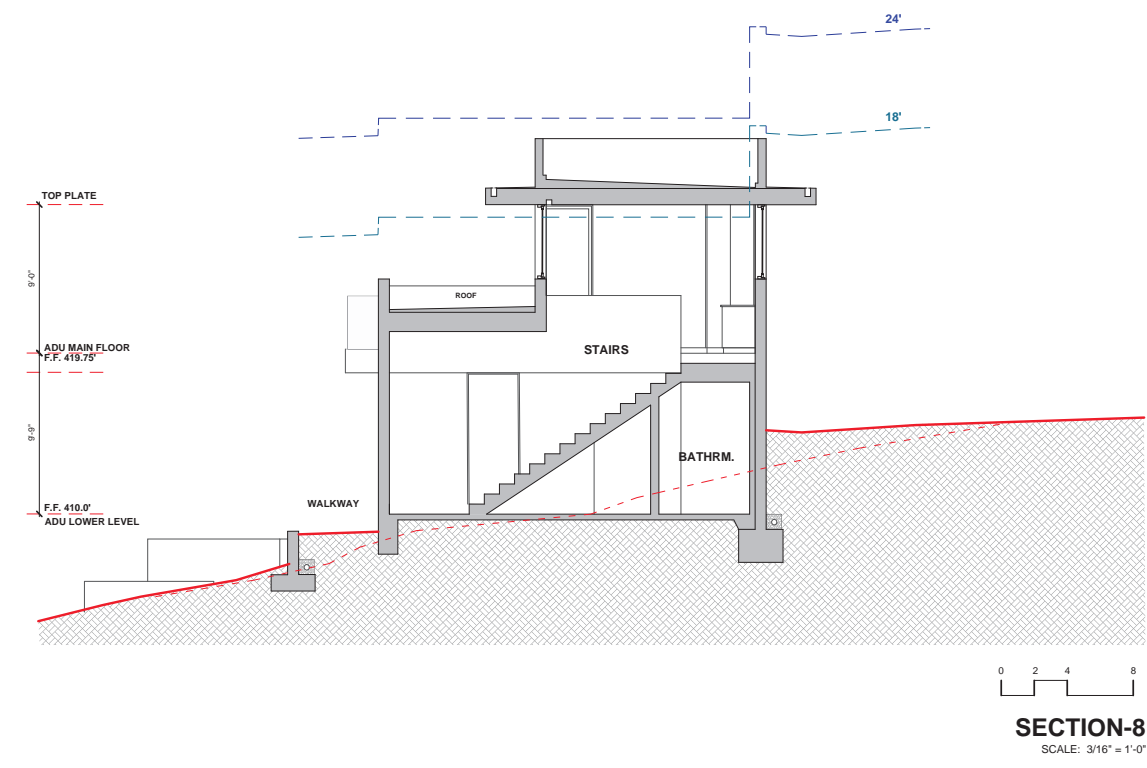
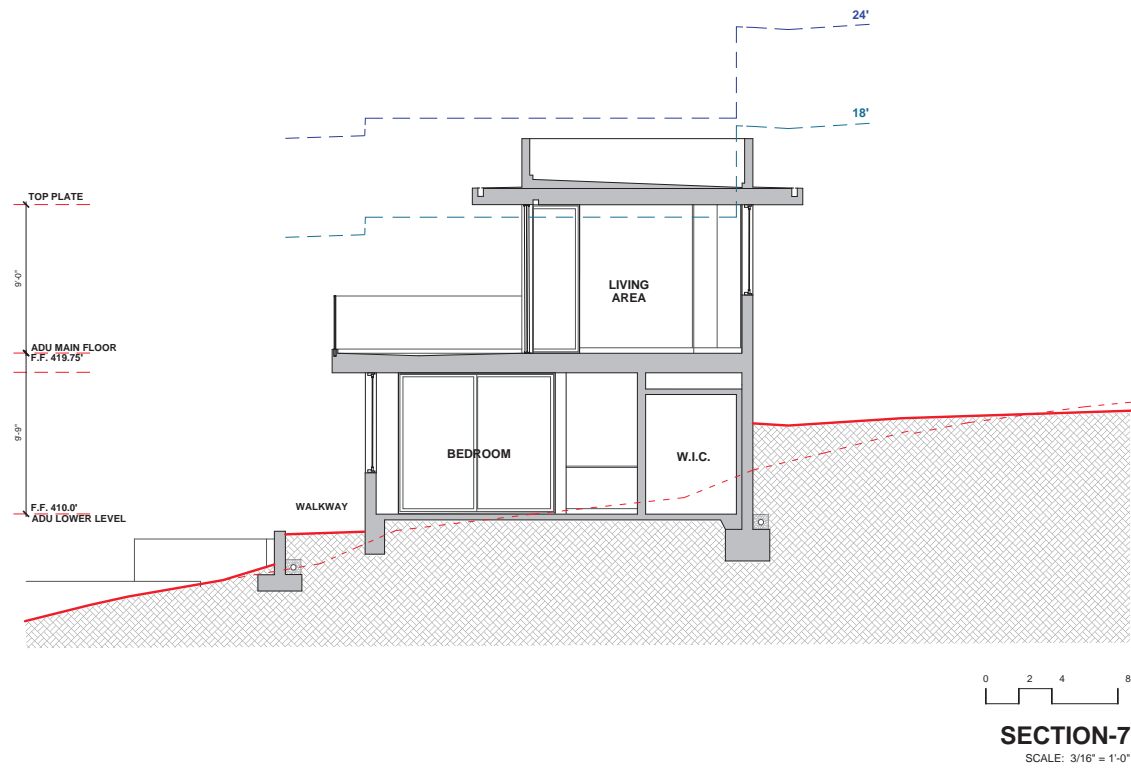
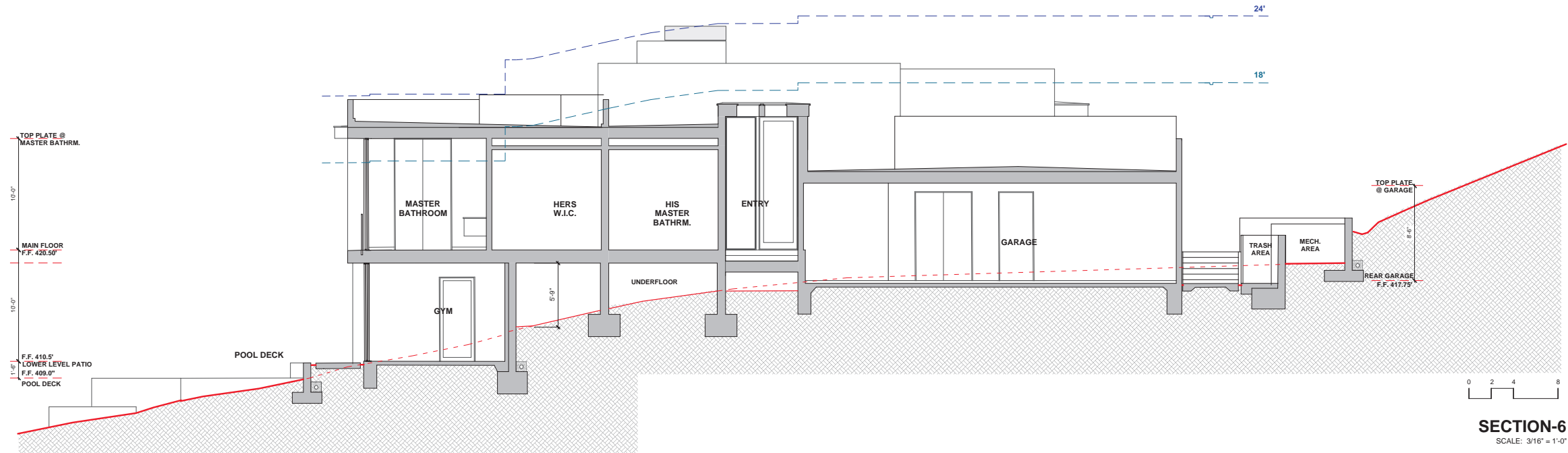
LINDA + TREVOR COLBY
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CASE NUMBER:

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e-mail: drcsajt@gnail.com



SECTIONS

Scale: 3/16" = 1'-0"

Date: February 10, 2020

LINDA + TREVOR COLBY

29623 Cuthbert Road, Malibu, CA 90265

FIRE REBUILD SFD + NEW ADU

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e-mail: rectan@gmail.com

A-4.2



City of Malibu

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

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu Biologist

DATE: 8/12/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER: ACDP 19-055

JOB ADDRESS: 29623 CUTHBERT RD

APPLICANT / CONTACT: Daniela Rechtszasd

APPLICANT ADDRESS: 5410 Village Green
Los Angeles, CA 90016

APPLICANT PHONE #: (310) 625-0654

APPLICANT FAX #:

APPLICANT EMAIL: recdani@gmail.com

PLANNER: To Be Assigned

PROJECT DESCRIPTION: Fire rebuild (new siting and more than 10%), new second unit, new pool, and new OWTS to be processed as DMW. Site plan review for height and Minor Modification for setbacks is requested.

TO: Malibu Planning Department and/or Applicant

FROM: City Biologist, Dave Crawford

_____ The project review package is INCOMPLETE and; CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

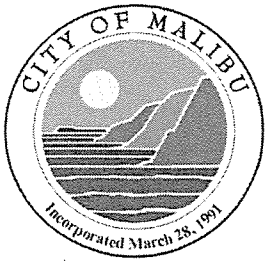
X_____ The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process.

_____ The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore Requires Review by the Environmental Review Board (ERB).

Signature _____

Date 9/3/19

Additional requirements/conditions may be imposed upon review of plan revision




City of Malibu

Biology • Planning Department

23825 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Daniela Rechtszsd recdani@gmail.com	
Project Address:	29623 Cuthbert Road Malibu, CA 90265	
Planning Case No.:	ACDP 19-055	
Project Description:	Fire rebuild (new siting and more than 10%), new 2 nd unit, new pool, NOWTS to be processed as DMW	
Date of Review:	September 3, 2019	
Reviewer:	Dave Crawford	Signature: 
Contact Information:	Phone: (310) 456-2489 ext. 307	Email: dcrawford@malibucity.org

SUBMITTAL INFORMATION

Site Plans:	8/12/19
Site Survey:	8/12/19
Planting Plan:	8/12/19
Irrigation/Hydrozone/ water budget Plan:	8/12/19
Grading Plans:	8/12/19
OWTS Plan:	8/12/19
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan	
Other:	
Previous Reviews:	

REVIEW FINDINGS

Review Status:	<input type="checkbox"/> INCOMPLETE Please respond to the listed review comments and provide any additional information requested.
	<input checked="" type="checkbox"/> APPROVED The proposed project
Environmental Review Board:	<input type="checkbox"/> This project has the potential to impact ESHA and may require review by the Environmental Review Board



DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 201,018 gallons per year. The Estimated Applied Water Use (EAWU) totals 116,873 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:
 - A. Prior to installation of any landscaping, the applicant shall obtain plumbing permit for the proposed irrigation system from the Building Safety Division.
 - B. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.
 - C. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 9.22). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22. (form attached)
 - D. Prior to Final Plan Check Approval, if your property is serviced by the Los Angeles County Waterworks District No. 29, please provide landscape water use approval from that department. For approval contact:

Nima Parsa

Address: 23533 West Civic Center Way, Malibu, CA 90265-4804

Email: 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.

- E. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.
- F. Invasive plant species, as determined by the City of Malibu, are prohibited.
- G. 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).



- H. No non-native plant species shall be approved greater than 50 feet from the residential structure.
 - I. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.
 - J. 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.).
 - K. Necessary boundary fencing of any single area exceeding ½ acre shall be of an open rail-type design with a wooden rail at the top (instead of wire), be less than 40 inches high, and have a space greater than 14 inches between the ground and the bottom post or wire. A split rail design that blends with the natural environment is preferred.
2. **PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY**, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

-o0o-

If you have any questions regarding the above requirements, please contact the City Biologist office at your earliest convenience.

cc: Planning Project file
Planning Department





City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator DATE: 8/12/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER: ACDP 19-055
JOB ADDRESS: 29623 CUTHBERT RD
APPLICANT / CONTACT: Daniela Rechtszsd
APPLICANT ADDRESS: 5410 Village Green
Los Angeles, CA 90016
APPLICANT PHONE #: (310) 625-0654
APPLICANT FAX #:
APPLICANT EMAIL: recdani@gmail.com
PROJECT DESCRIPTION: Fire rebuild (new siting and more than 10%), new second unit, new pool, and new OWTS to be processed as DMW. Site plan review for height and Minor Modification for setbacks is requested.

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

☒ **Conformance Review Complete** for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

☐ **Conformance Review Incomplete** for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☐ NOT REQUIRED

☒ REQUIRED (attached hereto) ☐ REQUIRED (not attached)

Signature

Date



City of Malibu


Environmental Health • Environmental Sustainability Department

23825 Stuart Ranch Road · Malibu, California · 90265-4861

Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Daniela Rechtszsd recdani@gmail.com		
Project Address:	29623 Cuthbert Road Malibu, California 90265		
Planning Case No.:	ACDP 19-055		
Project Description:	Fire rebuild (new siting and more than 10%), new second unit, new pool, and new OWTS to be processed as DMW. Site plan review for height and Minor Modification for setbacks is requested.		
Date of Review:	August 20, 2019		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489 ext. 307	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Daniela Rechtszsd: Plans dated 8-5-2019 (received by Planning 8-12-2019)
Grading Plans:	Daniela Rechtszsd: Plans dated 7-15-2019
Landscape Plans:	Amy Ross: Plans dated 7-9-2019
OWTS Plan:	Larry Young: OWTS plan received 8-12-2019
OWTS Report:	Larry Young: OWTS report dated 7-15-2019; Percolation test report dated 7-15-2019; Fixture unit worksheet dated 7-15-2019
Geology Report:	SubSurface Designs: Limited geologic report dated 5-2-2019; Geologic and soils report dated 4-23-2019
Miscellaneous:	OWST Assessment form by Ely Jr. dated 1-30-2019
Previous Reviews:	

REVIEW FINDINGS

Planning Stage:	<input checked="" type="checkbox"/>	CONFORMANCE REVIEW COMPLETE for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	<input type="checkbox"/>	CONFORMANCE REVIEW INCOMPLETE for the City of Malibu LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	<input type="checkbox"/>	NOT REQUIRED
	<input checked="" type="checkbox"/>	REQUIRED (attached hereto) <input type="checkbox"/> REQUIRED (not attached)

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code (MMC) and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.



The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Conditions of Planning Conformance Review for Building Plan Check Approval:

- 1) **Landscape Plans:** The final landscape plan (Sheet L1.0) must show the proposed OWTS, including the treatment tank, dispersal area(s), and lines of connection. All setbacks must be maintained to trees and large vegetation, per Malibu Municipal Code (MMC) Section 15.42.
- 2) **Final Onsite Wastewater Treatment System (OWTS) Plot Plan:** A final plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot plan must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. 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). All labels on the final OWTS plan must be clearly legible. Please also show the existing OWTS to be abandoned.
- 3) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS.
All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

The final OWTS design submittal shall contain the following information (in addition to the items listed above).

- a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture units, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.
- 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 the design basis for engineered systems.
 - d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gpsf). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak 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.
 - e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).
[Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]
- 4) **Existing OWTS to be Abandoned:** Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the Malibu Municipal Code.
 - 5) **Worker Safety Note and Abandonment of Existing OWTS:** The following note shall be added to the plan drawings included with the OWTS final design: *"Prior to commencing work to abandon, remove, or replace existing Onsite Wastewater Treatment System (OWTS) components an "OWTS Abandonment Permit" shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal, or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."*
 - 6) **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.
 - 7) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.
 - 8) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.



- 9) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. **Please note only original "wet signature" documents are acceptable.**
- 10) **Advanced Onsite Wastewater Treatment System (OWTS) Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. **Please submit a certified copy issued by the City of Malibu Recorder.**
- 11) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.
- 12) **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.
- 13) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
- 14) **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.
- 15) **Operating Permit Application and Fee:** In accordance with Malibu Municipal Code, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

-o0o-

If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department



FIRE REBUILD
ACDP 19-055

NOTES:

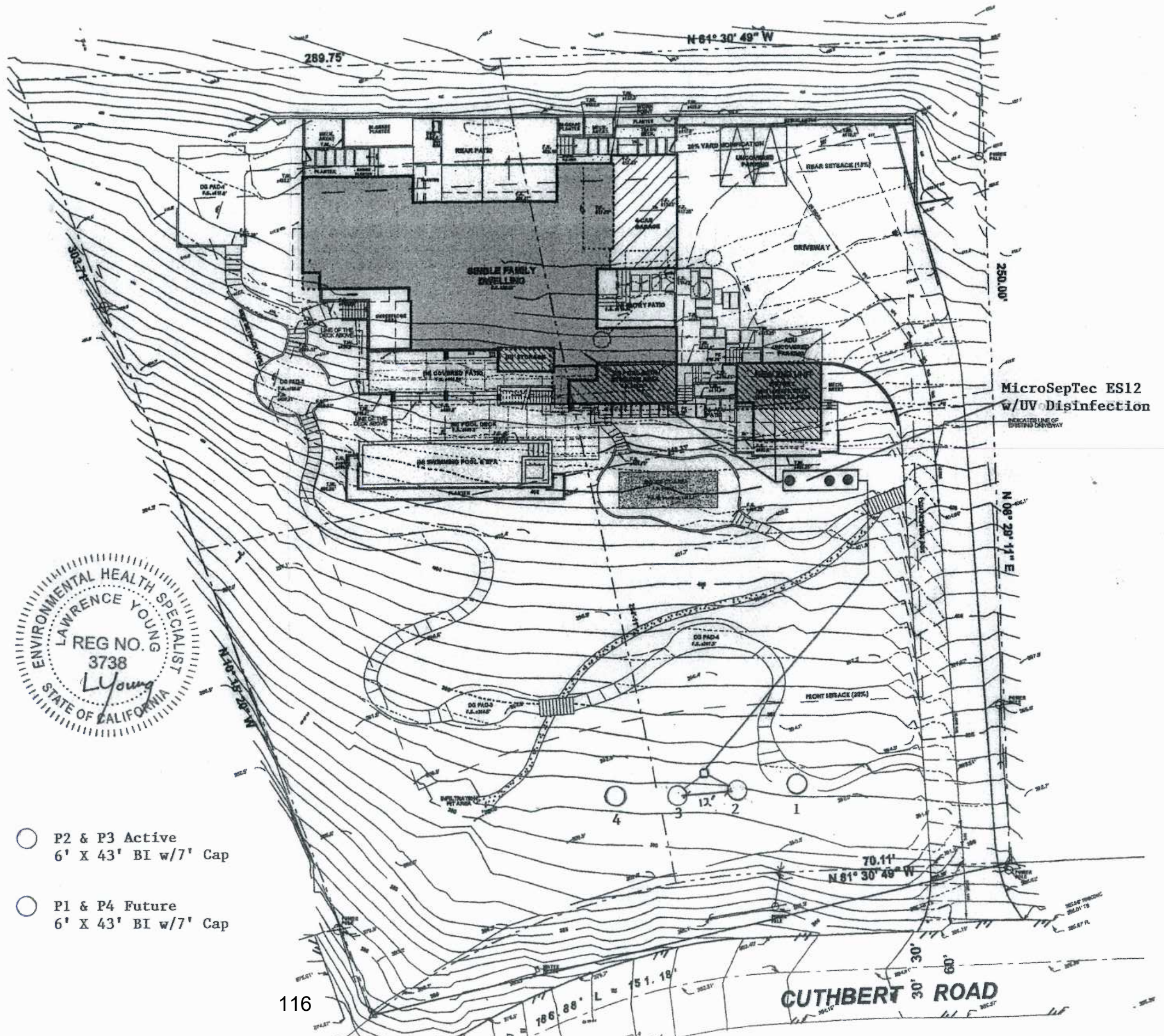
1. This conformance review is for a fire rebuild of a 5 bedroom (76 fixture units) new single family dwelling and a 1 bedroom (10 fixture units) new guest house. The new advanced onsite wastewater treatment system conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).
2. This review relates only to the minimum requirements of the MMC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of review treatment.
3. This review is valid for one year, or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: Mark L. ... DATE: 8/20/19

THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR
TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS





City of Malibu

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

FIRE DEPARTMENT REVIEW REFERRAL SHEET

RECEIVED
NOV 07 2019
PLANNING DEPT.

TO: Los Angeles County Fire Department

DATE: 8/12/2019

FROM: City of Malibu Planning Department

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 1 hour duration. (Provide flow information from the water dept.)

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

Final Fuel Modification Plan Approval is required prior to Fire Department Approval

Conditions below marked "not approved" shall be corrected on the site plan and resubmitted for Fire Department approval.

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

X

X

X

X

*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

10-17-19

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341 or at the Fire Department Counter:
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday - Thursday between 7:00 AM and 11:00 AM



City of Malibu

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(310) 456-2489 FAX (310) 456-7650

FIRE DEPARTMENT REVIEW REFERRAL SHEET

TO: Los Angeles County Fire Department

DATE: 8/12/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER: ACDP 19-055

JOB ADDRESS: 29623 CUTHBERT RD

APPLICANT / CONTACT: Daniela Rechtszsd

APPLICANT ADDRESS: 5410 Village Green
Los Angeles, CA 90016

APPLICANT PHONE #: (310) 625-0654

APPLICANT FAX #:

PROJECT DESCRIPTION: Fire rebuild (new siting and more than 10%), new second unit, new pool, and new OWTS to be processed as DMW. Site plan review for height and Minor Modification for setbacks is requested.



City of Malibu

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GEOTECHNICAL REVIEW SHEET

Project Information

Date:	October 14, 2019	Review Log #:	4379
Site Address:	29623 Cuthbert Road		
Lot/Tract/PM #:	n/a	Planning #:	ACDP 19-055
Applicant/Contact:	Daniela Rechtszasd, recdani@gmail.com	BPC/GPC #:	
Contact Phone #:	(310) 625-0654	Fax #:	Planner: Didier Murillo
Project Type:	Fire rebuild (new siting and >10%), new second unit, new swimming pool, new retaining walls, new Onsite Wastewater Treatment System (to be processed as a DMW), new on-site storm water detention system		

Submittal Information

Consultant(s)/Report
Date(s):
(Current submittal(s) in **Bold.**)
Ref:

Craig Phillips Engineering & Design (Phillips, PE 69673): **10-4-19**
SubSurface Designs, Inc. (Mahn, RCE 60293; Pongracz-Bartha, CEG 2370): 4-26-19, 4-23-19
SubSurface Designs, Inc. (Pongracz-Bartha, CEG 2370): 5-2-19
Lawrence Young (REHS # 3738): 7-15-19 (two reports)
Ref: GeoConcepts, Inc.: 1-17-01; Ralph Stone and Company: 12-20-99

Architectural Plans prepared by Daniela Rechtszasd dated August 5, 2019.
Grading and Drainage Plans prepared by Daniela Rechtszasd dated July 15, 2019.
Partial Structural Plans prepared by Craig Phillips Engineering & Design dated July 25, 2019.
OWTS plan prepared by Lawrence Young, undated

Previous Reviews: Ref: 8-28-19, 9-26-11, 5-15-03, 3-10-03, 11-29-00

Review Findings

Planning Review

- ☒ The rebuild and new development project is **APPROVED** from a geotechnical perspective, with the following comments to be addressed prior to building plan check stage approval.
- ☐ The rebuild and new development project is **NOT APPROVED** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.

Building Plan-Check Stage Review

- ☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.
- ☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.



NOT APPROVED from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

Remarks

The referenced geotechnical reports, supporting geologic report for the OWTS, percolation and design reports for the OWTS, OWTS plan, Architectural plans, and Grading plans were reviewed by the City from a geotechnical perspective. Based on the submitted information and a site reconnaissance, the project comprises rebuilding a single-family residence that was damaged by the Woolsey Fire. Construction entails building a new 5,372 square foot two-story single-family residence with an attached four-car garage, a detached 899 square foot two-story second dwelling unit, a 483 square foot lower level gym/bath storage area, swimming pool and spa, decks, covered patio, flatwork, and retaining walls. Grading consists of 2,718 yards of R & R; 97 yards of cut under structure; 189 yards of cut and 66 yards of fill for safety; 126 yards of cut and 290 yards of fill non-exempt; and 56 yards of export. A new onsite wastewater treatment system (OWTS) will be constructed that consists of a new treatment tank system and two 6' diameter x 43" BI seepage pits with 7, caps and 100% expansion. The existing OWTS components will be properly abandoned.

Review Comments:

1. Approved.

Building Plan-Check Stage Review Comments:

1. The Project Geotechnical Consultant recommends that the proposed retaining wall to be constructed east of the existing driveway can be supported by foundations extending into the underlying soil (Qns), although they state that the underlying soil is unsuitable for supporting the proposed residence and second unit (they recommend R & R grading). Please provide laboratory tests and calculations that demonstrate the Qns is suitable for the proposed retaining wall foundation.
2. The Project Geotechnical Consultant recommend using a minimum #3 reinforcing bar for floor slabs and concrete decking. Since the on-site soils has a medium to high expansion, the Project Geotechnical Consultant should discuss and substantiate the adequacy of the recommended minimum steel reinforcement for highly expansive soils.
3. Considering the highly expansive nature of some of underlying materials, the consultant should discuss and substantiate the adequacy of the recommended depth of embedment of 24 inches below the lowest adjacent grade.
4. Considering the highly expansive nature of some of underlying materials, the consultant should discuss and substantiate the adequacy of the recommended 2 inches of sand underneath concrete decks.
5. Please clearly show the Code-required foundation setbacks from descending slopes on the plans for the proposed structures, as appropriate.
6. The Project Geotechnical Consultant recommends sloping surfaces around the pool by 5% if planters will be placed next to the pool. Please show this on the Grading and Drainage plans.
7. Please include sections on the Grading plans that show the limits and depths of the R & R grading across the site as per the recommendations of the Project Geotechnical Consultant.
8. The soil on site is considered *corrosive* according to Appendix C, Soil Corrosivity of the Malibu Geotechnical Guidelines. Please incorporate recommendations on the plans to mitigate the effects of corrosive soil.

9. Include the following note on all the Foundation Plans: *“All foundation excavations must be observed and approved by the Project Geotechnical Engineer prior to placement of reinforcing steel.”* Indicate the bearing material for the proposed foundations on the plans.
10. Include the following note on the foundation plans, as appropriate: *“The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for the City’s files. The report shall include total depths of the piles, depth into the recommended bearing material, minimum depths into the recommended bearing material, and a map depicting the locations of the piles”.*
11. 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. 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.**
12. Two sets of final grading, retaining wall, swimming pool/spa, second unit, 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.

Geotechnical Engineering Review by: Ali A. Haq 10/14/2019
Ali Abdel-Haq, G.E. #2308, Exp. 12-31-19 Date
Geotechnical Engineering Reviewer (805-496-1222)
Email: ali@geodynamics-inc.com

This review sheet was prepared by representatives of Cotton, Shires and Associates, Inc. and GeoDynamics, Inc., contracted through Cotton, Shires and Associates, Inc., as an agent of the City of Malibu.



COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS





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, second unit, swimming pool, and residence plans, incorporating the Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**
2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Swimming pool plans.
3. Include the following note on the Foundation Plans: *"All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel."*
4. The Foundation Plans for the proposed swimming pool and spa shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
5. Foundation setback distances from descending slopes shall be in accordance with Section 1808 of the Malibu Building Code, or the requirements of the Project Geotechnical Consultant's recommendations, whichever are more stringent. Show minimum foundation setback distances on the foundation plans, as applicable.
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.

results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and back drains, and locations and elevations of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.

Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the Project Geotechnical Consultant, on the Plans.
2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.

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



City of Malibu

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(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW REFERRAL SHEET

TO: Public Works Department

DATE: 8/12/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER: ACDP 19-055

JOB ADDRESS: 29623 CUTHBERT RD

APPLICANT / CONTACT: Daniela Rechtszasd

APPLICANT ADDRESS: 5410 Village Green
Los Angeles, CA 90016

APPLICANT PHONE #: (310) 625-0654

APPLICANT FAX #:

APPLICANT EMAIL: recdani@gmail.com

PROJECT DESCRIPTION: Fire rebuild (new siting and more than 10%), new second unit, new pool, and new OWTS to be processed as DMW. Site plan review for height and Minor Modification for setbacks is requested.

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

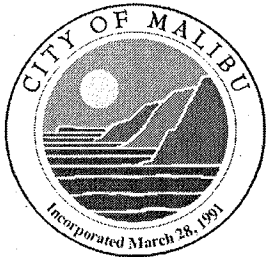
_____ The following items described on the attached memorandum shall be addressed and resubmitted.

X _____ The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the Planning process.

SIGNATURE

DATE

09/05/19



City of Malibu

MEMORANDUM

To: Planning Department

From: Public Works Department
Danh Duong, Assistant Civil Engineer

Date: September 5, 2019

Re: Proposed Conditions of Approval for 29623 Cuthbert Rd ACDP 19-055

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.

STREET IMPROVEMENTS

1. This project proposes to construct improvements within the City's right-of-way. Prior to the Public Works Department's approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed work within the City's right-of-way. For projects on Dume Drive, Grayfox Street, Fernhill Drive and Wildlife Road the City received a Safe Routes to School Grant for improving pedestrian safety. Any proposed street improvements along these streets shall consider the potential impact on the existing conditions, such as but not limited to decomposed granite and wood ties.

GRADING AND DRAINAGE

2. 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

3. 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.**

STORMWATER

4. 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.

5. 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.

6. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:

- Site Design Best Management Practices (BMP's)
- Source Control BMP's
- Treatment Control BMP's that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
- Drainage Improvements
- A plan for the maintenance and monitoring of the proposed treatment BMP's for the expected life of the structure.
- A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.
- The WQMP shall be submitted to Public Works Department and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the County Recorder. A copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

MISCELLANEOUS

7. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
8. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
- The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
 - There are sufficient BMPs in place to prevent soil erosion; and
 - The discharge does not reach into the MS4 or to the ASBS (including tributaries)



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

The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating **"It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)."** The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.







29623 CUTHBERT RD
EXHIBIT "A"
Properties within 500' RADIUS

	ADDRESS	LOT SIZE (Sq Ft)	LOT SIZE (Acres)	ZONING	MAX. TDSF	TDSF	YEAR BUILT	REMARKS
1	29685 CUTHBERT RD	111,040.00	2.55	RR2	9,036.06	10,107.00	1978	House + barn (permits city onbase)
2	29715 CUTHBERT RD	140,758.00	3.23	RR2	9,630.42	8,890.00	1972	APR NO. 08-080 CDPE No. 08-086, CE No. 08-145
3	29623 CUTHBERT RD	63,579.00	1.46	RR2	8,034.01	7,732.50	1955	
4	5617 BUSCH DR	49,690.00	1.14	RR2	7,339.00	6,693.00	1950	APRWF No. 19-035
5	5640 BUSCH DR	34,932.00	0.8	RR2	6,170.00	6,160.00	1952	
6	5580 BUSCH DR	46,715.00	1.07	RR2	7,190.81	4,625.00	1964	
7	5600 CALPINE DR	39,670.00	0.91	RR2	6,644.00	4,514.00	1978	PVWF-19-187
8	29718 CUTHBERT RD	65,887.00	1.51	RR2	8,149.00	4,476.00	1975	
9	5606 CALPINE DR	20,530.00	0.47	RR2	4,633.00	3,968.00	1968	SPR-19-106
10	29757 CUTHBERT RD	107,165.00	2.46	RR2	8,958.56	3,650.00	1975	
11	29652 CUTHBERT RD	77,190.00	1.77	RR2	8,714.56	3,278.00	1951	
12	29675 CUTHBERT RD	107,165.00	2.46	RR2	8,958.56	3,210.00	1975	
13	5655 BUSCH DR	26,249.00	60	RR2	5,301.96	3,054.00	1994	
14	5555 BUSCH DR	54,949.00	1.26	RR2	7602.51	3,004.00	1956	
15	5637 BUSCH DR	25,869.00	0.59	RR2	5,263.96	3,000.00	1965	
16	29636 CUTHBERT RD	45,624.00	1.05	RR2	7,136.26	2,998.00	1959	
17	5625 BUSCH DR	50,089.00	1.15	RR2	7,359.51	2,996.00	1959	
18	29737 CUTHBERT RD	26,293.00	0.6	RR2	5,306.36	2,987.00	1968	
19	29630 CUTHBERT RD	46,964.00	1.08	RR2	7,203.26	2,829.00	1959	
20	29710 CUTHBERT RD	71,756.00	1.65	RR2	8,442.86	2,560.00	1978	

29623
CUTHBERT RD.
EXHIBIT "A.1"

29623
Cuthbert Rd.

District 3

Cuthbert Road

District 3

Busch Drive

MALIBU

MALIBU

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:37 PM
To: Aakash Shah
Subject: Fw: Letter of Support for 29623 Cuthbert Rd.

Hello Aakash,

This correspondence was received regarding the 29623 Cuthbert Road project. I am forwarding it to you so that you may include it in your agenda report.

Thank you,

Kathleen

From: Brendan McBreen [REDACTED]
Sent: Wednesday, May 6, 2020 1:33 PM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Linda Colby <lcolby@me.com>
Subject: Letter of Support for 29623 Cuthbert Rd.

Dear Planning Commissioners

We are writing in support of Trevor and Linda Colby and the rebuild of their Cuthbert home. We've known the Colby's for over 20 years. We were neighbors on Pt. Dume and our children all went to the local schools together.

We have seen their plans and renderings and think they are building a beautiful house appropriate for the Malibu Park neighborhood.

As long time Malibu residents (1963 and 1972 respectively) we appreciate the more rural aspects of the community. The Colby's are fortunately "inheriting" the most beautiful mature cacti that mass the front and the back of their property that you rarely see anymore. It's got to be at least 40 years old. The home they are proposing is sited beautifully on the property tucked into the hillside and compliments all the native cacti around it. It's so great to see that they are sensitive to the site and the more rural aspect of the neighborhood.

We look forward to your support of this project enabling this long time Malibu family to build their new home.

Sincerely
Brendan abd Jeanne McBreen
[REDACTED]

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:39 PM
To: Aakash Shah
Subject: Fw: Colby New Build 29623 Cuthbert Road, Malibu

Correspondence for your report

From: Rhonda Jensen [REDACTED]
Sent: Thursday, May 7, 2020 6:00 AM
To: Planning Commission <planningcommission@malibucity.org>
Cc: ticolby@me.com [REDACTED]
Subject: Colby New Build 29623 Cuthbert Road, Malibu

Re: Linda and Trevor Colby, 29623 Cuthbert Road , Malibu

Dear Planning Commission,

We are writing to give our support for Linda and Trevor Colby and the rebuild of their home. They moved to Malibu over 23 years ago and their two children were born and raised here. As long-time Malibu residents, they have developed meaningful connections and have been active in the community. Linda and I served on the Malibu High School PTSA board together.

We have seen their plans and feel that they, along with their architect, have designed a house that compliments the neighborhood. Having lived in Malibu since 1997, they deeply value Malibu 's organic landscape and preserving its natural environment. As fire victims, they are taking measures to make the house more fire resistant. We are residents of Malibu Park and believe that their safer, more eco-friendly home will be a great benefit to our neighborhood which has suffered through so much.

We encourage the committee to support the approval of this home so that the Colby's can move forward. It is important to start bringing local families back to our community. Thank you for your consideration.

Sincerely,
Rhonda Jensen Mosser
[REDACTED]

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:49 PM
To: Aakash Shah
Subject: Fw: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

From: NORIKO SMITH [REDACTED]
Sent: Thursday, May 7, 2020 10:25 AM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Linda Colby [REDACTED]
Subject: Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commissioners,

We are writing to give our support for Linda and Trevor Colby and the rebuild of their home. We have known them for 20 years and our children went to Children's Creative Workshop, Point Dume Marine Science School and Malibu Middle and High School together. As long-time Malibu residents, they have been active in the community, have developed meaningful connections and served as wonderful neighbors and friends. They are one of the most supportive and solid family in Malibu we know.

We have seen their plans and feel that they, along with their architect, have designed a house that compliments the neighborhood. Having lived in Malibu since 1998, they deeply value Malibu's organic landscape and preserving its natural environment. As fire victims, they are taking measures to build a safer, more eco-friendly home that will be a great benefit to the neighborhood and to Malibu in general.

We encourage the committee to support the approval of this home so that the Colby's can move forward. It is important to start bringing local families back to our community. Thank you for your consideration.

Sincerely,

Stuart and Noriko Smith

[REDACTED]

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:46 PM
To: Aakash Shah
Subject: Fw: Linda & Trevor Colby, 29623 Cuthbert Road, Malibu
Attachments: 29623 Cuthbert Elevations.pdf

From: Melanie [REDACTED]
Sent: Thursday, May 7, 2020 10:15 AM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Linda & Trevor Colby [REDACTED]
Subject: Linda & Trevor Colby, 29623 Cuthbert Road, Malibu

Re: Linda & Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commission,

Michael and I have lived in Malibu for over 26 years, 20 of them we have known Linda and Trevor Colby. They have been good friends whom we see regularly. We are writing to give our full support to Linda and Trevor Colby in rebuilding their home. We have known them for 20 years now, since our kids were in kindergarten together at Point Dume Marine Science School. Linda and I were co-leaders for our girl's Brownie then Girl Scout troop (along with Maria Daly) throughout their years at Elementary school. We've seen first hand how community driven Linda and Trevor are to support our local schools, neighborhoods, seniors, and our local government! We've continued to be good friends and are so grateful they are still in our lives!

We've lived in Malibu since 1994 and have seen many plans and homes go up over the years. The Colbys have been local residents since 1997 and it shows in their plans to build that they respect and honor their environment and neighborhood. Having lost their home to the devastating Whoolsey Fire, they are consciously choosing to build an eco-friendly home that will be safer and their design shows how they value Malibu's natural beauty especially with the architecture and organic landscape.

We strongly recommend the committee to support the approval of this home so that the Colby's can move forward, as they so deserve. Help bring our local friends back to our community by approving these plans! Thank you for your time and consideration,

Melanie & Michael Maguire
[REDACTED]

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:44 PM
To: Aakash Shah
Subject: Fw: Letter of Support

From: Melissa mastrippolito [REDACTED]
Sent: Thursday, May 7, 2020 9:20 AM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Linda Colby [REDACTED]
Subject: Letter of Support

Dear Planning Commission,

We are writing in support of Linda and Trevor Colby and their rebuild on Cuthbert. We met the Colbys twenty years ago when our daughters were in kindergarten at Point Dume school, and have remained close friends to this day. Not only are the Colby's amazing friends, they are true members of this community.

We have looked at the proposed plan for their home on Cuthbert and I am again so appreciative of their thoughtfulness in all that they do. The design is sensitive to the natural landscape of the Malibu Park area, blending into the topography of the sloping landscape, with a flat roof line, as well as a plan to keep the beautiful old succulents that sit around the property. In addition, the Colbys have made a point to include fire resistant and eco friendly touches such as roof top sprinklers and solar panels. As a long time resident of Malibu we are in total support of the Colby's rebuild, not only because they are great people and community members, but also because they are building a home that is in tune with the Malibu Park community. It is so important that we bring our local families back into our community, we encourage the committee to approve this plan so that the Colby's can move forward.

Thank you for your thoughtful consideration,

Melissa and Domenic Mastrippolito
[REDACTED]

29623 Cuthbert Road

Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commission,

I am writing to give my support for Linda and Trevor Colby and the rebuild of their home. They moved to Malibu in 1997 and their two children were born and raised here. As long-time Malibu residents, they have developed deep connections and have been active in the community.

I have seen their plans and feel that they, along with their architect, have designed a house that complies with the Malibu Master Plan. Having lived in Malibu since 1997, they deeply value Malibu's organic landscape and preserving its natural beauty. As victims of the 2018 fires, they are taking measures to make the house more fire resistant. I am a resident of Malibu Park and believe a safer, more eco-friendly home will be a great benefit to our neighborhood which has suffered through several fires.

I encourage the committee to support the approval of this home so that the Colbys can move forward and permanently bring a local family back to our community. Thank you for your consideration.

Sincerely,

Sally & Mosen Dibaie
Signature

MOLISEN R. DIBACI

5/7/20

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:54 PM
To: Aakash Shah
Subject: Fw: 29623 Cuthbert Road, Malibu

From: Sharla Barrett [REDACTED]
Sent: Thursday, May 7, 2020 5:05 PM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Linda Colby [REDACTED]
Subject: 29623 Cuthbert Road, Malibu

Dear Planning Commission,

My husband and I are writing in support of Linda and Trevor Colby and the rebuild of their home. We have known the Colby family for many years as Trevor and Nils are professional acquaintances, and our children attended Malibu Middle and High School together. They are wonderful people and have become our friends. We have watched the Colby's love and serve the Malibu schools and community. They have deep roots in Malibu.

Trevor and Linda have shared with us their architectural plans and we have witnessed how hard they have worked to design a house that perfectly suits their neighborhood. As residents of the community for 23 years, they deeply value Malibu's landscape and preserving its natural environment. We understand too they are taking measures to build a "smart" home that will better serve their community, and Malibu as a whole.

We ask the committee to support the approval of this home so that the Colby's can move forward. It is vital to bring Malibu families home. Thank you for your thoughtful consideration.

Sharla and Nils Barrett
[REDACTED]

Sotheby's

INTERNATIONAL REALTY

May 8th, 2020

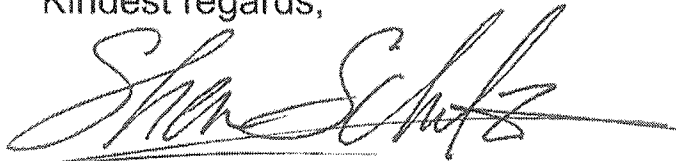
Dear Planning Commission,

I am writing in support of Linda and Trevor Colby and their rebuild on Cuthbert. I am their real estate broker and assisted them in the purchase of the previous existing home before it was destroyed in the Woolsey Fire. Not only are the Colby's amazing friends, they are exemplary members of the Malibu community.

I have looked at the proposed plan for their home on Cuthbert and I am again so appreciative of their thoughtfulness in all that they do. The design is non-intrusive to the natural landscape of the Malibu Park area, blending into the topography of the sloping landscape, with a flat roof line, as well as a plan to keep the beautiful old succulents that sit around the property. In addition, the Colbys have made a point to include fire resistant and eco-friendly touches such as roof top sprinklers and solar panels. This will be a benefit to the neighboring home values as well as maintaining sensitivity to the natural landscaping and hiking trails nearby.

As a longtime resident of Malibu, I am in total support of the Colby's rebuild, not only because they are great people and community members, but also because they are building a home that is in tune with the Malibu Park community. I encourage the committee to approve this plan so that the Colby's can move forward with their new home in Malibu Park, this plan exemplifies the highest quality standards in architecture, fire safety and beautiful, low impact design – we encourage the Commission to vote YES to approve their plans and permits.

Kindest regards,



Shen Schulz

Sotheby's International Realty, Broker Associate

23405 PCH Malibu, CA 90265

Cel 310.980.8809 - Web. Shenrealty.com

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:57 PM
To: Aakash Shah
Subject: Fw: support for 29623 Cuthbert Road

From: Shari Latta [REDACTED]
Sent: Saturday, May 9, 2020 10:35 AM
To: Planning Commission <planningcommission@malibucity.org>
Cc: linda Colby [REDACTED]
Subject: support for 29623 Cuthbert Road

From: Shari Latta, Paradise Cove and business in Malibu Park

May 7, 2020

Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu
Dear Planning Commission,

I want to give my support for Linda and Trevor Colby and the rebuild of their home. They moved to Malibu over 23 years ago and their two children were born and raised here. Both children attended Children's Creative Workshop, and I got to know the whole family very well. This is a family who appreciates the real Malibu, the beaches and mountains, and have raised their children in a respectful and thoughtful way. As long-time Malibu residents, they have developed meaningful connections and have been active in the community. Linda served on the Point Dume Marine Science and Malibu High School PTSA boards.

I know the area very well, having lived across the street from their property, as well as living on Clover Heights. I had dreams of owning that very property, with the prickly pear cactus, the open space(which they are keeping), and the sensible home that was there. The beauty of Malibu Park is that the rural feel is still there, with many horse properties, and the trails access. I spent some time looking at their story poles from all angles and believe that the planned home will fit right in with the other homes that remain. I have also looked at their plans, and know that they, along with their architect, have designed a house that compliments the neighborhood. Having lived in Malibu since 1997, they deeply value Malibu's organic landscape and preserving its natural environment. As fire victims, they are taking measures to make the house more fire resistant. I now spend my time at CCW Pre school, in our new home on Morning View, and care for a horse, just down the street from Cuthbert. I am very confident

that their safer, more eco-friendly home will be a great benefit to the neighborhood, which has suffered through so much. I can't wait to see the finished home!

I encourage the committee to support the approval of this home so that the Colby's can move forward. It is important to start bringing local families back to our community. Thank you for your consideration.

Sincerely,

Shari Latta



Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

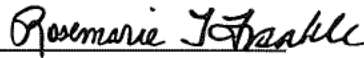
Dear Planning Commission,

We are writing to give my support for Linda and Trevor Colby and the rebuild of their home. They moved to Malibu over 23 years ago and their two children were born and raised here. As long-time Malibu residents, they have developed meaningful connections and have been active in the community.

We have seen their plans and feel that they, along with their architect, have designed a house that compliments the neighborhood. Having lived in Malibu since 1997, they deeply value Malibu's organic landscape and preserving its natural environment. As fire victims, they are taking measures to make the house more fire resistant. I am a resident of Malibu Park and believe that their safer, more eco-friendly home will be a great benefit to our neighborhood which has suffered through so much.

We encourage the committee to support the approval of this home so that the Colbys can move forward and in order to permanently bring a local family back to our community. Thank you for your consideration.

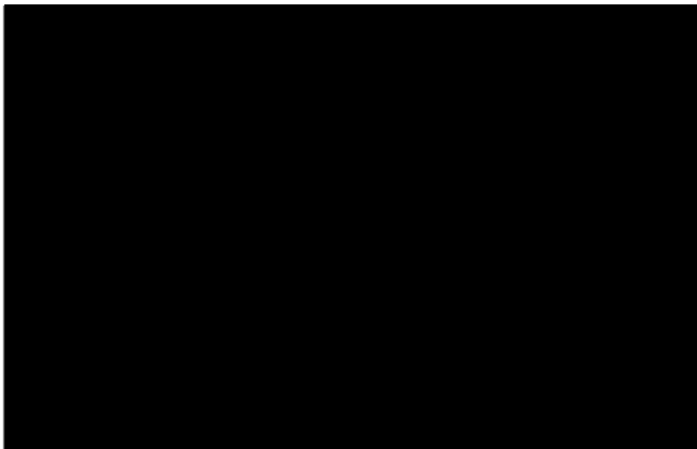
Sincerely,



Signature

David and Rosemarie Frankle

Printed Name and Address



Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 4:29 PM
To: Aakash Shah
Subject: Fw: Linda and Trevor Colby, Rebuild at 29623 Cuthbert Road, Malibu

From: Dru Ann Jacobson [REDACTED]
Sent: Tuesday, May 12, 2020 3:50 PM
To: Planning Commission <planningcommission@malibucity.org>
Cc: ticolby [REDACTED]
Subject: Fwd: Linda and Trevor Colby, Rebuild at 29623 Cuthbert Road, Malibu

Please find letter to please approve rebuild of home of Linda and Trevor Colby...

-----Original Message-----

From: Dru Ann Jacobson [REDACTED]
To: ticolby@me.com [REDACTED]
Sent: Tue, May 12, 2020 1:20 pm
Subject: Linda and Trevor Colby, Rebuild at 29623 Cuthbert Road, Malibu

Dear Planning Commissioners,

Our family would like to show our support for the rebuild of the home of Linda and Trevor Colby, located at 29623 Cuthbert Road, Malibu. We have known the Colby's since our son, and their daughter, started kindergarten together 20 years ago, at Point Dume Marine Science Elementary. Their family have been a wonderful asset and friends to our community throughout the years. Both my husband and I are long time Malibu residents, I grew up in Malibu Park, at 5853 Busch Dr... 55 years ago.

I know the area like the back of my hand...having ridden our horses up Busch Dr. to the Zuma Cyn trail...we would go right behind the property, and have always loved the Colby's beautiful cacti groves which miraculously survived the Woolsey Fire, although the house did not. I grew up with the previous owners of the property and was very thrilled when the Colby's bought the home. My friend's had loved the property so much, as do the Colby's.

I have seen the plans for the new home they want to build and I love that they are keeping the home flat-roofed, tucked into hillside and sensitive to it's surroundings as a rural neighborhood. They are also including fire resistant and Eco friendly components to the home, which is so very important.

We feel it's so important to let our long time Malibu residents rebuild, and bring Malibu's way of life back to our community. Please approve their plans to enable the Colby's to return home.

Sincerely,
Dru Ann and Jake Jacobson
[REDACTED]

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 4:31 PM
To: Aakash Shah
Subject: Fw: Linda and Trevor Colby Coastal Development Permit

From: Colette Kilroy [REDACTED]
Sent: Wednesday, May 13, 2020 1:28 PM
To: Planning Commission
Cc: tcolby@me.com
Subject: Linda and Trevor Colby Coastal Development Permit

5/13/20

Dear Planning Commission,

We are writing in support of Linda and Trevor Colby and the rebuild of their home. They have been valued members of our community for 23 years. Our children have attended the Malibu schools together and Linda has generously offered her talent and time in classrooms and school activities. They are people we have been so blessed to call our friends and neighbors.

They have met with the city planners throughout the design process. They are in compliance with the city's rules and regulations. They value Malibu's landscape and neighborhood. They want to preserve its natural environment. We ask that you support the approval of this home as they move forward to establish a home after the devastating fires. We miss them and look forward to their return. They are valued community members. Thank you for your consideration.

Colette Kilroy and Jamey Sheridan
[REDACTED]

Sent from my iPad

Aakash Shah

From: Planning Commission
Sent: Thursday, May 14, 2020 4:46 PM
To: Aakash Shah
Subject: Fw: Letter of support for rebuild at 29623 Cuthbert Rd

Follow Up Flag: Follow up
Flag Status: Flagged

From: Tammy Malmoux [REDACTED]
Sent: Thursday, May 14, 2020 1:45 PM
To: Planning Commission
Cc: tcolby [REDACTED]
Subject: Letter of support for rebuild at 29623 Cuthbert Rd

Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commission,

We are writing to give our support for Linda and Trevor Colby and the rebuild of their home. They moved to Malibu over 23 years ago and their two children were born and raised here. They are long-time Malibu residents who have been active in the community. They have also developed meaningful connections and served as wonderful neighbors and friends. We met Linda and Trevor almost 20 years ago when our children attended Children's Creative Workshop Preschool together.

We are a residents of Malibu Park and believe that their fire resistant and eco-friendly home will be a very welcomed addition to our neighborhood which has suffered through so much. We have seen their plans and feel that they have designed a house that compliments our neighborhood.

We encourage the committee to support the approval of this home so that the Colbys can begin their rebuild and move back to our community. Thank you for your consideration.

Sincerely,

Tammy and Ludo Malmoux
[REDACTED]

Aakash Shah

From: Planning Commission
Sent: Thursday, May 14, 2020 4:52 PM
To: Aakash Shah
Subject: Fw: 29623 Cuthbert Road, Malibu/Colby Residence

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Ilene Williger [REDACTED]
Sent: Thursday, May 14, 2020 1:54 PM
To: Planning Commission <planningcommission@malibucity.org>
Subject: 29623 Cuthbert Road, Malibu/Colby Residence

Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commissioners,

We write in support of the Colby's design, and rebuild of their home at 29623 Cuthbert Road in Malibu.

We are longtime residents of Malibu (almost thirty years), and have known Linda and Trevor for more than twenty years. They are deeply rooted in the community having raised their children here, and have been vital to the school system, always volunteering and involved in the well being of all Malibu's children.

The fires took an enormous toll on Malibu as a whole. It has been painful seeing so many of our friends and colleagues experience the loss of their homes. It is imperative that we support our residents, and get them back into their own homes.

The Colby home in particular would be a wonderful addition to Malibu Park. Paul, an architect, believes the home is well thought out architecturally, complimentary to the natural landscape, thoughtful in its eco-consciousness (solar panels and fire resistant), and would be a welcome addition to the neighborhood.

As a community, it is crucial that we move forward making our members feel stable and safe. We hope you will support and approve the Colby's project, so that they may return to living in their own home as soon as possible.

Thank you for your consideration.

Sincerely,

Ilene and Paul Williger



Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commission:

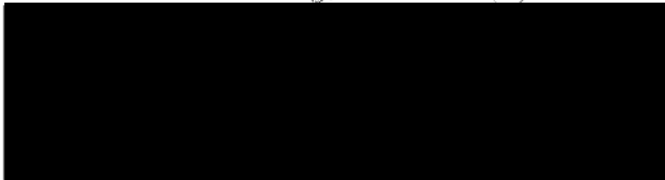
I am writing to give my support for Linda and Trevor Colby and rebuilding their home on Cuthbert Road. I have known Linda and Trevor for over 22 years. Our children attended the Children's Creative workshop preschool and Point Dume Marine Science Elementary School together. They have been long-time Malibu residents who are active in the Malibu community and schools where they developed meaningful friendships and have served as great neighbors. Throughout their children's education in the Malibu schools they volunteered in the classrooms and actively participated in Parent Teacher Association projects and school events. I was also a girl scout co-leader with Linda for several years where Linda assisted in the development of the girl scouts' confidence, character and leadership qualities. They are always willingly to help out their neighbors and Linda personally helped me on several occasions with childcare issues so I could work my shift at the hospital.

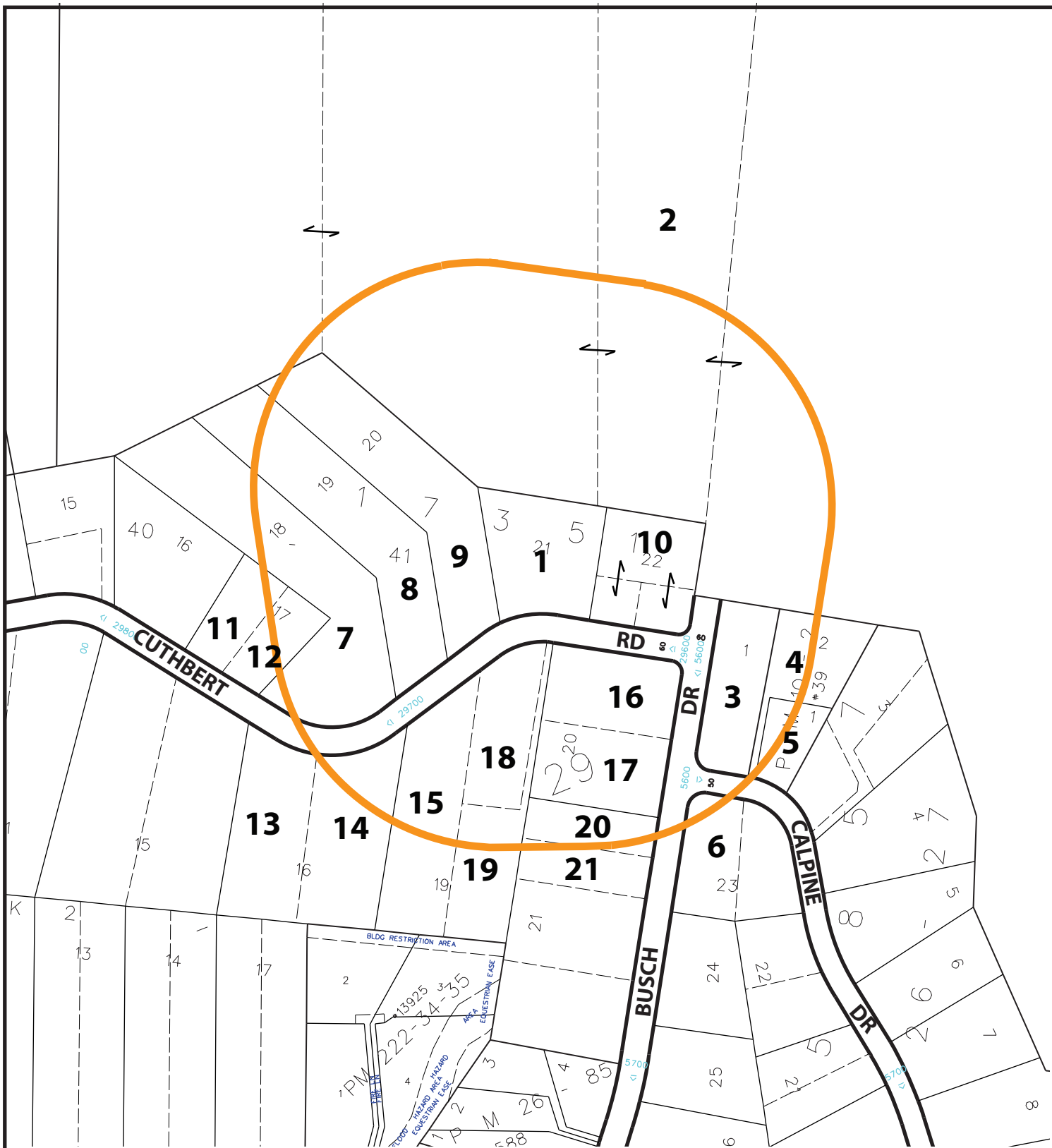
I have seen their plans and think they have designed a house which compliments the Malibu Park neighborhood. They are long term Malibu residents residing in Malibu since 1997 who greatly appreciate the majestic beauty of Malibu's organic landscape and desire to preserve its natural environment. They were devastated by the Woolsey fire and as fire victims, they have taken careful and painstaking measures to build a safer and eco-friendly home that will not only benefit the neighborhood but also the City of Malibu.

I encourage the committee to support the approval of this home so that the Colby family can move forward and heal after the Woolsey fire. It is imperative to bring local families back into our Malibu community. Thank you for your consideration.

Sincerely,

Denise Andrews-Tang
Denise Andrews-Tang, M.D.





500 FT. RADIUS MAP

29623 CUTHBERT RD.



Quality Mapping Service

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

CASE NO:
DATE: 08-01-19
SCALE: 1" = 300'

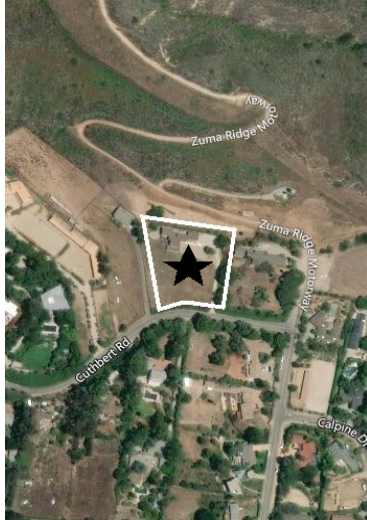
QMS 19-372

NORTH



City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

PLANNING DEPARTMENT
NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, June 1, 2020, at 6:30 p.m.** on the project identified below via teleconference only in order to reduce the risk of spreading COVID-19, pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order.

COASTAL DEVELOPMENT PERMIT-WOOLSEY FIRE NO. 19-005, SITE PLAN REVIEW NOS. 19-072 AND 20-013, AND MINOR MODIFICATION NO. 19-010 - An application for a new single-family residence and associated development including an attached garage, a new accessory dwelling unit (ADU), swimming pool/spa, and a new onsite wastewater treatment system, including site plan reviews for construction of the residence over 18 feet in height (maximum 24 feet), construction of the ADU over 18 feet in height, with a maximum 24 feet, and minor modification for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire

LOCATION / APN / ZONING: 29623 Cuthbert Road / 4469-008-010 / Rural Residential-Two Acre (RR-2)

APPLICANT / OWNER: Daniela Rechtszsd / Colby Family Trust

APPEALABLE TO: City Council

ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15303(a), (d), and (e) and 15304(b)

APPLICATION FILED: August 12, 2019

CASE PLANNER: Aakash Shah, Contract Planner, ashah@malibucity.org (310) 456-2489, ext. 385

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center <http://www.malibucity.org/agendacenter>. Related documents are available for review by contacting the Case Planner. You will have an opportunity to testify at the public hearing; written comments, which shall be considered public record, may be submitted any time prior to the beginning of the public hearing. If the City's action is challenged in court, testimony may be limited to issues raised before or at the public hearing. To view or sign up to speak during the meeting, visit malibucity.org/virtualmeeting.

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 emailed to psalazar@malibucity.org within ten days following the date of action and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

BONNIE BLUE, Planning Director

Date: May 7, 2020

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 20-46

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THAT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY, AND DENYING COASTAL DEVELOPMENT PERMIT NO. 19-005 TO ALLOW FOR A NEW SINGLE-FAMILY RESIDENCE WITH ATTACHED GARAGE, A SECONDARY DWELLING UNIT, SWIMMING POOL/SPA, AND A NEW ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING SITE PLAN REVIEW NO. 19-072 FOR CONSTRUCTION OF THE RESIDENCE ABOVE 18 FEET IN HEIGHT, SPR NO. 20-013 FOR CONSTRUCTION OF THE SECOND RESIDENTIAL UNIT ABOVE 18 FEET IN HEIGHT, AND MINOR MODIFICATION NO. 19-010 FOR A 13 PERCENT REDUCTION OF THE REQUIRED REAR YARD SETBACK TO REPLACE A HOME DESTROYED IN THE 2018 WOOLSEY FIRE, LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 29623 CUTHBERT ROAD (COLBY FAMILY TRUST)

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

SECTION 1. Recitals.

A. On August 12, 2019, an application for an Administrative Coastal Development Permit (ACDP) No. 19-005, Site Plan Review (SPR) No. 19-072, SPR No. 20-013 and Minor Modification (MM) No. 19-010 to allow for the construction of a single-family residence and associated development on a Woolsey Fire affected parcel was submitted to the Planning Department by Daniela Rechtszsd. The application was routed to the City Biologist, City Environmental Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Fire Department, and Los Angeles County Waterworks District 29 for review.

B. On October 3, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On January 3, 2020, the application was deemed complete.

D. On March 6, 2020, staff visited the site to view the story poles.

E. On April 9, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. At the April 20, 2020, Regular Planning Commission meeting, the Planning Director reported approval of the ACDP to the Planning Commission. The Planning Commission voted in favor to bring back the item as a full coastal development permit (CDP) with a full public hearing.

G. On May 7, 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 properties.

H. On June 1, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. At the conclusion of the public hearing, the Commission voted 3-2 (Jennings and Weil dissenting) to direct staff to return with a resolution on the Consent Calendar denying the application and memorializing its findings and decision.

I. On June 15, 2020, the Planning Commission considered the subject resolution.

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. Pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

SECTION 3. Coastal Development Permit Findings for Denial.

Based on evidence in the record for the subject project presented at the June 1, 2020, Planning Commission meeting, the Planning Commission hereby makes the following findings denying the application:

1. The project fails to comply with the Local Coastal Program or Malibu Municipal Code (MMC). Specifically, the architectural plans do not comply with the two-thirds rule (Local Implementation Plan (LIP) Section 3.6(K)(2) or MMC Section 17.40.040(A)(13)(b) and the required rear yard setback (MMC Section 17.40.040(A)(6)(c). Furthermore, the proposed development is not consistent with LIP Sections 3.6(F)(6)(a), 3.6(F)(6)(b), 3.6(F)(6)(c) or MMC Section 17.40.040(A)(6)(f) because the 100-foot setback from the parkland containing Environmentally Sensitive Habitat Area to the north has not been provided. In addition, the size of the proposed house is inconsistent with the character of the neighborhood and is not consistent with Malibu's General Plan, Land Use Objective 2.3, "Development of Appropriate Scale and Context" and more specifically Land Use Policy 2.3.1 which states that, "The City shall protect and preserve the unique character of Malibu's many distinct neighborhoods." Lastly the Planning Commission determined that the proposed residence is not consistent with MMC section 17.04.080 which states, "an application approved by any review body must be found consistent with the objectives, policies, general land uses, and goals of the Malibu general plan. Before it is adopted, all decisions are subject to the requirements of Government Code Section 65360."

2. All of the required findings to grant the site plan review cannot be made. Specifically, the project will adversely affect neighborhood character due to the amount of building square footage proposed which is significantly greater than that of the surrounding properties.

3. All of the required findings to grant the minor modification to reduce the rear yard setback cannot be made. Specifically, given the size of the parcel, alternative building pad locations are available that do not require a reduced rear yard setback.

SECTION 4. The Planning Commission shall certify the adoption of this resolution.

PASSED AND ADOPTED this 15th day of June 2020.


JEFFREY JENNINGS, Planning Commission Chair

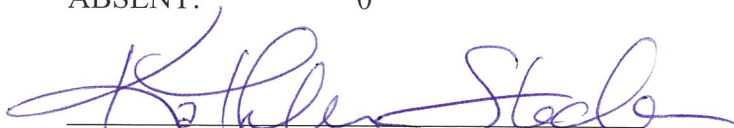
ATTEST:


KATHLEEN STECKO, Recording Secretary

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-46 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 15th day of June 2020 by the following vote:

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


KATHLEEN STECKO, Recording Secretary



United States Department of the Interior

NATIONAL PARK SERVICE
Santa Monica Mountains National Recreation Area
401 West Hillcrest Drive
Thousand Oaks, California 91360-4223

June 8, 2020

DANIELA RECHTSZAJD
Architect, LEED AP BD+C
5410 Village Green, LA, CA 90016
recdani@gmail.com
310-625-0654

Dear Ms. Rechtszajd:

Thank for your letter dated June 8, 2020. In your letter, you inquired about fuels management near the Busch Road trailhead and adjacent to your client's property at 29623 Cuthert Road.

The National Park Service maintains several fuel modification zones on public lands adjacent to development that existed prior to NPS ownership. One of these fuel modification zones is on the border of your client's property (please see the attached document titled, "Zuma NW (Busch) defensible space project"). This fuel modification zone extends approximately 150 feet from the boundary between your client's property and public lands. This zone is treated annually to provide protection for adjacent development.



Please Melissa Brown at 805-391-1272 if you have any questions or need additional information.

Sincerely,




David M. Szymanski, Superintendent

cc:

Zuma NW (Busch) defensible space project

 defensible space  NPS land

home ignition zone:

 30'  100'  200'

Air photo 8/2010, map by SAMO Fire GIS
robert_s_taylor@nps.gov, 5/1/2013

scale 1:3,000 1 inch = 250 feet



0 50 100 200 300 400 500 Feet



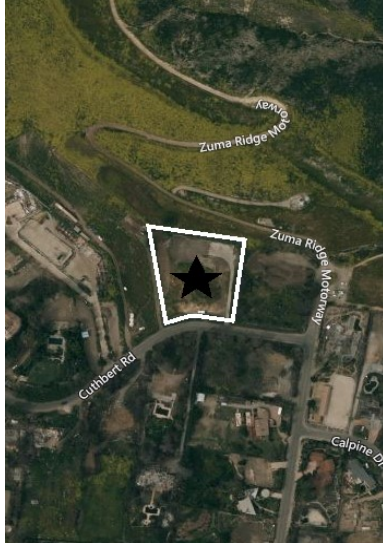
NW1	1.1ac
NW2 West	2.3ac
NW2 East	1.3ac
Total area	4.7ac





City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

PLANNING DEPARTMENT
NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu City Council will hold a public hearing on **Monday, August 24, at 6:30 p.m.** on the project identified below which will be held via teleconference only in order to reduce the risk of spreading COVID-19 & pursuant to the Governor's Executive Orders N-25-20 and N-29-20 & the County of Los Angeles Public Health Officer's Safer at Home Order.

APPEAL NO. 20-009 — An appeal of the Planning Commission's denial of Coastal Development Permit No. 19-005 to allow for construction of a new single-family residence with attached garage, a second dwelling unit, swimming pool/spa, and a new onsite wastewater treatment system to replace the home destroyed in the 2018 Woolsey Fire; the application includes Site Plan Review No. 19-072 for construction of the residence above 18 feet in height, Site Plan Review No. 20-013 for construction of the second dwelling unit above 18 feet in height, and Minor Modification No. 19-010 for a 13 percent reduction of the required rear yard setback

LOCATION / APN / ZONING:	29623 Cuthbert Road / 4469-008-010 / Rural Residential-Two Acre (RR-2)
APPLICANT:	Daniela Rechtszard
OWNER / APPELLANT:	Colby Family Trust
APPLICATION FILED:	August 12, 2019
APPEAL FILED:	June 25, 2020
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Sections 15303(a), (d), and (e)
CASE PLANNER:	Richard Mollica, Assistant Planning Director, rmollica@malibucity.org (310) 456-2489, ext. 346

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center: <http://www.malibucity.org/agendacenter>. Related documents are available for review by contacting the Case Planner during regular business hours. You will have an opportunity to testify at the public hearing; written comments which shall be considered public record, may be submitted any time prior to the beginning of the public hearing. If the City's action is challenged in court, testimony may be limited to issues raised before or at the public hearing. To view or sign up to speak during the meeting, visit malibucity.org/virtualmeeting.

BONNIE BLUE, Planning Director

Date: July 30, 2020