



# Council Agenda Report

To: Mayor Pierson and Honorable Members of the City Council

Prepared by: Jessica Thompson, Associate Planner

Reviewed by: Richard Mollica, Acting Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: January 14, 2020 Meeting Date: January 25, 2021

Subject: Appeal No. 20-008 - Appeal of Planning Commission Resolution No. 20-58 (5936 Filaree Heights Avenue; Appellant Stacy Clunies-Ross)

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**RECOMMENDED ACTION:** Adopt Resolution No. 21-03 (Exhibit A) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), denying Appeal No. 20-008 (Exhibit B) and approving Administrative Plan Review-Woolsey Fire (APRWF) No. 19-060 and Site Plan Review (SPR) No. 19-099 for improvements to modify an in-kind fire rebuild of a previously approved residence destroyed by the Woolsey Fire, including a second-story addition, new subterranean garage, new swimming pool and pool deck, and a new driveway, including a site plan review to allow construction above 18 feet, not to exceed 24 feet for a flat roof located in the Rural Residential-Two acre zoning district at 5936 Filaree Heights Avenue (Denker 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 2020-2021. Processing this application is part of normal staff operations.

**DISCUSSION:** The matter is an appeal of the Planning Commission's approval of APRWF No. 19-060 and SPR No. 19-099 an application to allow for the relocation and replacement of an existing second floor and garage as well as additional improvements to a previously approved Planning Verification (PV) application to rebuild a residence destroyed by the Woolsey Fire. As discussed below, while the size of the proposed replacement structure falls within the allowable 10 percent expansion that can be approved through a PV application; due to Fire Department requirements, a redesign was required that altered the massing of portions of the replacement structure that required additional approvals (APRWF and SPR).

The subject property is located in the Malibu Park neighborhood, which was particularly hard hit by the November 9, 2018 Woolsey Fire. The majority of the homes located along the Filaree Heights cul-de-sac were destroyed (Figure 1).

**Figure 1: May 2020 Aerial Photo of the Property**



Source: ConnectExplorer

Prior to the fire, the subject property was developed with a 3,477-square foot, two-story, single-family residence, 965-square foot second unit, 700-square foot detached garage and 720-square foot hobby/greenhouse. All of the structures on the subject property were destroyed in the fire except for the swimming pool. Pursuant to MMC Section 17.60.020(F), the Planning Director approved Planning Verification Woolsey Fire (PVWF) No. 19-188 on August 23, 2019, for an in-kind rebuild of the previous residence, second unit and hobby/greenhouse in their original location on the property.

Upon completion of detailed structural project plans, it was determined that modifications to the approved footprint were required to comply with Fire Department requirements; specifically, the driveway needed to be relocated and a new turnaround area added. To meet the requirements of the Fire Department, the owner was required to relocate the attached garage to be under the main floor of the residence in an area that was approved to be two-stories. To avoid a three-story condition (the proposed garage would not meet the definition of a subterranean garage) the second floor had to be relocated to the other side of the residence. Even with the modifications that were required by the fire department, the proposed replacement structure is located on the previously existing building pad. The second story as currently proposed is sited over the existing building footprint; however, that portion of the old structure was only single-story (the second floor was on the opposite side of the structure). APRWF No. 19-060 and SPR No. 19-099 for



height were processed because the proposed second floor is located outside the massing of the previous second floor. Despite this adjustment to the second floor, the total size of the replacement structure is still less than 10 percent of the previously existing structure, and thus does not require a coastal development permit.

The scope of work for the APRWF/SPR is as follows:

- a. 274-square foot addition to the previously existing second floor, (711 total square feet of second floor area);
- b. Attached 887-square foot partially underground attached garage and elimination of the original 700-square foot detached garage;
  - i. Total development square footage for the proposed project is 5,608-square feet<sup>1</sup>;
- c. Relocated and enlarged swimming pool measuring 50 feet long by 12 feet wide including a spa measuring nine feet by seven feet, six inches;
- d. New 1,734-square foot impermeable pool deck;
- e. New 1,004-square foot driveway;
- f. 543 cubic yards of non-exempt grading; and
- g. SPR No. 19-099 to allow for construction above 18 feet in height, not to exceed 24 feet in height for a flat roof.

The project plans are included as Exhibit E.

While an APR is a ministerial Planning Director action that is not appealable to the Planning Commission pursuant to Malibu Municipal Code (MMC) section 17.62.040(E), the SPR is appealable to the Planning Commission, pursuant to MMC section 17.04.220 (A) which states, that any person aggrieved by a decision or any portion of the decision made by the director under the provisions of this title in connection with a site plan review, variance, stringline modification, conditional use permit, reasonable accommodation request, determination of permitted use, sign permit, cultural resources review, highway dedication or improvement, or temporary use permit application may appeal such action to the planning commission.

The Planning Director's decision approving the project was appealed to the Planning Commission by the appellant. The Planning Commission considered the appeal of the Planning Director's approval of APRWF No. 19-060 and SPR No. 19-099 on August 17, 2020. At that hearing, the Planning Commission denied the appeal and approved the project (Planning Commission Resolution 20-58 - Exhibit D). The appellant has now appealed this decision to the City Council.

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

The appellant, Ms. Stacy Clunies-Ross, contends that due to the relocated and expanded second story the project should have been processed on a "non-expedited basis" as a

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<sup>1</sup> The proposed 5,608-square feet is less than the previously approved residence which was 5,862-square feet.

new structure and that processing the project with an APRWF and SPR deprives her of her rights to protect her views. The appellant's property is adjacent to the subject property and fronts Harvester Road. The appellant filed a timely appeal of the Planning Commission's decision APRWF/SPR on August 25, 2020 (Exhibit B).

The appellant's specific arguments in her appeal are summarized below in *italics*. Following each of the appellant's stated appeal arguments is a staff summary addressing the argument. The Planning Commission agenda report is included as Exhibit C. The Planning Commission agenda report includes a complete overview of the surrounding area, project conformance with the Local Coastal Program (LCP) and MMC, and a discussion of all findings required to approve the application. The adopted Planning Commission Resolution No. 20-058 approving the project is included as Exhibit D. The Planning Commission voted 3-2 in favor of the project.

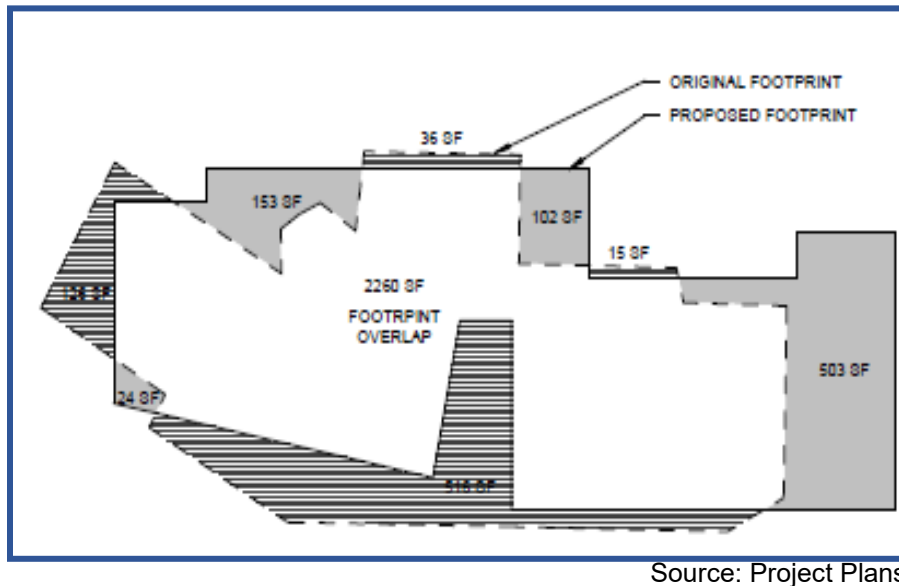
*Appeal Item 1. Relocating and increasing the size of the second story is not a like-for-like project and should be processed with a non-expedited permit as it deprives the appellant of her right to protected views.*

#### Staff Response

The appellant claims the project was not processed properly but provides no authority or evidence that would support her contention. The appellant's claim that the project is not a "like-for-like" project likely indicates that the appellant believes that a CDP was required. This is incorrect, pursuant to LIP section 13.4.6, this project is exempt from the requirement to obtain a CDP as (1) it is a replacement residence for a residence that was destroyed in the Woolsey fire, (2) the proposed replacement structure does not exceed the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and (3) the proposed replacement structure is located within the previously existing developed building pad. As a CDP was not required, pursuant MMC Chapter 17.62.030 an APR was needed and because the height was in excess of 18 feet a site plan review was processed.

Even though the second-floor addition was relocated from one end of the home to the other end, giving the appearance the home was rotated, the home remained sited within the existing building pad as seen in Figure 2. As described above, the relocation was the result of requirements imposed by the Fire Department. Regardless, view impacts of the project were still considered through the site plan review process, and appellant has not provided evidence that any protected view has been impacted by the project. Item 2 of this appeal addresses view protection in greater detail.

Figure 2: Footprint Overlap



*Appeal Item 2. Relocating and increasing the size of the second story impacts the appellant's primary views.*

#### Staff Response

The appellant, who is in the process of replacing the previously existing single-story residence at 29958 Harvester Road with a new larger, two-story residence, complains that the project will impact her primary views when her project is complete. However, as stated at the Planning Commission appeal hearing, because the appellant's home is currently under construction and incomplete, no protected primary view corridor can be established. A residence must be built before its owner can seek a protected view. In addition, no protected view corridor was obtained for the single-story residence that the appellant replaced with a new two-story residence.

Furthermore, it was explained at the public hearing that even if the new residence was complete, the appellant would be unable to apply for a Primary View Determination (PVD) at this time due to the recent update to MMC section 17.50.150 to protect those who had lost their home in the Woolsey fire from having post-Woolsey view determinations constrain their ability to rebuild. Pursuant to MMC section 17.45.150 (Primary View Determination Prohibition in Disaster Areas), all properties within a disaster area are temporarily prohibited from obtaining a new or updated PVD unless (1) the request was submitted prior to February 1, 2019, or (2) the PVD would not impose any limitation on replacement landscaping or replacement structures. MMC section 17.45.030 (Definitions), defines "disaster areas" as the area within a 1,000-foot radius of a property that was damaged or destroyed by a disaster such as the Woolsey Fire.

Finally, while one of the findings that must be made to approve a SPR for structures over 18 feet in height is that the project does not obstruct visually impressive scenes of the



Pacific Ocean or Santa Monica Mountains from the main viewing area of any affected principal residence (MMC Section 17.62.040(D)(4), this project does not obstruct such scenes. On July 25, 2020, story poles were reinstalled on the property to demonstrate the height of the proposed project and staff visited the site to view the story poles. Comments were received from the neighbors regarding the proposed second story during the public comment period for the project. In response Staff reviewed the PVDs that are on file for the neighboring properties. This review determined that the project, as reflected by the story poles, would not adversely impact these protected views or obstruct visually impressive scenes of the Pacific Ocean or Santa Monica Mountains from their locations because the portion of the project over 18 feet was outside the recorded PVD areas.

**Figure 3: Subject Property in Relation to Appellant's Property**



Source: CityGIS

The appellant also complains that she was entitled to additional notice and that appellant's "concerns were completely ignored, and the project was approved without any input from us or the other neighbors affected." However, the Planning Director Notice of Decision was properly noticed on January 9, 2020, subsequently the Planning Commission appeal was properly noticed on July 23, 2020, allowing the appellant and surrounding neighbors to comment. In addition, the appellant admits that the appellant and other neighbors (1) appealed the approvals for the project, (2) provided testimony against the project, and (3) met with staff and Planning Commissioners. The record reflects that the approvals for this project were properly noticed, the appellant was provided both notice and an opportunity to be heard about their objections and concerns related to the project, and the appellant took advantage of these opportunities, providing both written and oral testimony regarding the project.

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(e) - Existing Facilities and 15303 (e) New Construction or Conversion of Small 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: Correspondence received since the filing of the appeal is attached as Exhibit G.

PUBLIC NOTICE: On December 31, 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 (Exhibit F).

SUMMARY: The appellant has not provided substantial evidence to support the contention that the project required a CDP, or that the project would have an impact on protected views. In addition, appellant has not provided substantial evidence that the findings required for approval of the project cannot be made, or that the process used was incorrect or did not provide appellant notice and an opportunity to be heard.

The evidence shows, as detailed in the Planning Commission Agenda report of August 17, 2020, that the proposed development meets the City's property development and design standards pursuant to MMC Chapter 17.40 (Property Development Standards) and Section 17.62.040(A)(17) (Site Plan Review). 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 City Council Resolution No. 21-03 denying Appeal No. 20-008 and approving APRWF No. 19-060 and SPR No. 19-099.

EXHIBITS:

- A. Resolution No. 21-03
- B. Appeal No. 20-008
- C. Planning Commission August 17, 2020 Agenda Report
- D. Planning Commission Resolution No. 20-58
- E. Project Plans
- F. Public Hearing Notice
- G. Correspondence

## RESOLUTION NO. 21-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, DENYING APPEAL NO. 20-008 AND APPROVING ADMINISTRATIVE PLAN REVIEW-WOOLSEY FIRE NO. 19-060 AND SITE PLAN REVIEW NO. 19-099 FOR IMPROVEMENTS TO MODIFY AN IN-KIND FIRE REBUILD OF A PREVIOUSLY APPROVED RESIDENCE DESTROYED BY THE WOOLSEY FIRE, INCLUDING A SECOND-STORY ADDITION, NEW SUBTERRANEAN GARAGE, NEW SWIMMING POOL AND POOL DECK, AND A NEW DRIVEWAY, INCLUDING A SITE PLAN REVIEW TO ALLOW CONSTRUCTION ABOVE 18 FEET, NOT TO EXCEED 24 FEET FOR A FLAT ROOF LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 5936 FILAREE HEIGHTS AVENUE (DENKER FAMILY TRUST)

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

### SECTION 1. Recitals.

A. In November 2018, the single-family residence and associated development located at 5936 Filaree Heights Avenue was destroyed in the Woolsey Fire.

B. In August 2019, the Planning Director approved Planning Verification-Woolsey Fire (PVWF) No. 19-188 to rebuild the previous residence and associated development including a second unit and hobby/greenhouse.

C. On October 11, 2019, Administrative Plan Review - Woolsey Fire (APRWF) No. 19-060 and Site Plan Review (SPR) No. 19-099 was submitted by the applicant, Living Homes on behalf of the property owner, Denker Family Trust, for improvements to modify the previously approved in-kind rebuild of the destroyed single-family residence, second unit, and hobby/greenhouse. The improvements consist of a relocated and expanded second-story addition, new partially underground attached garage, relocated and enlarged swimming pool and pool deck, and a new driveway in response to Los Angeles County Fire Department requirements.

D. On December 29, 2019, story poles were placed on the parcel, and on January 3, 2020, staff conducted a site inspection.

E. On January 9, 2020, a Notice of Application was mailed to all property owners and occupants within a 500-foot radius of the project and to all interested parties.

F. On June 11, 2020, the Planning Director issued a Notice of Decision approving the proposed project.

G. On June 18, 2020, an appeal of the Planning Director's decision was filed. The appellants included Terry Lucoff, Robert Brinkmann, and Stacy Clunies-Ross.

H. On July 23, 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 project site and to all interested parties.

I. On August 17, 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. The Planning Commission voted 3-2 in favor of the project.

J. On August 25, 2020, the Planning Commission's decision was appealed by Stacy Clunies-Ross. The appellant is an adjacent property owner at 29958 Harvester Road.

K. On December 31, 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 January 25, 2021, the City Council held a duly noticed public hearing on the subject appeal, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record, including the Planning Commission Agenda report dated August 17, 2020, and the Planning Director Notice of Decision dated June 12, 2020, and based thereon makes the following determination.

## SECTION 2. Appeal of Action.

The appellant contends that due to the relocated and expanded second-story, the project was not processed properly, implying that a coastal development permit (CDP) should have been required and that processing the project with an APRWF and SPR deprives the appellant of her rights to protect her views. The appellant also contends that relocating and increasing the size of the second-story impacts the appellant's primary views.

## SECTION 3. Findings for Denying the Appeal.

Based on evidence in the record (including 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 City Council hereby makes the following findings of fact, denying the appeal and approving the project and finds that substantial evidence in the record supports the required findings for approval of the project. In addition, 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 denied and the project is approved.

In summary, the Council finds that the project was properly processed with a APRWF and SPR. The project did not require a Coastal Development Permit because, pursuant to LIP Section 13.4.6, the project was exempt from that requirement. This is because (1) the project constitutes a replacement residence for a home destroyed by the Woolsey fire, (2) the proposed replacement structure does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and (3) the proposed replacement structure is located within the previously existing developed building pad. Appellant has not provided any evidence demonstrating the exemption does not apply, or that another process or entitlement was required.

In addition, the Council finds that relocating and increasing the size of the second-story does not impact the appellant's primary views or obstruct visually impressive scenes of the Pacific Ocean or Santa Monica Mountains from the main viewing area of any principal residence as defined in MMC section 17.40.040(A)(17). The appellant's property does not have a Primary View Determination (PVD) to protect a pre-existing view on file with the City, nor does appellant even have a fully constructed residence. In addition, at this time the appellant cannot obtain a PVD that could be impacted by the project because Malibu Municipal Code Section 17.62.040(D)(4) prohibits such action at this time. Staff has also investigated the PVDs from neighboring properties and determined that the project would not obstruct visually impressive scenes of the Pacific Ocean or Santa Monica Mountains from the main viewing area of any principal residence as defined in MMC Section 17.40.040(A)(17).

Finally, the Council finds that the record shows that the appellant was provided proper notice and an opportunity to be heard as demonstrated by the appeals, documents and testimony submitted to the City by the appellant, and the appellant's appearance before the Planning Commission.

In summary, the Council finds that the evidence supports the findings required to approve the project, and that the appellant has not provided substantial evidence demonstrating that the findings cannot be made, that an improper process was used, that approving the project would be contrary to law, or that the appellant was not provided a fair hearing and notice and an opportunity to be heard.

#### 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 finds that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines sections 15301(e) – Existing Facilities 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. Administrative Plan Review Approval and Site Plan Review Findings.

The proposed project has been reviewed and conditionally approved for conformance with the property development and design standards of MMC Section 17.40.040. The City Council determined that the proposed project conforms to the property development and design standards in the MMC inclusive of the proposed site plan review.

The proposed project is consistent with all applicable City goals and policies.

#### **Site Plan Review No. 19-099 – For construction above 18 feet in height (MMC Section 17.62.040[D])**

SPR No. 19-099 is requested to allow for construction above 18 feet in height, not to exceed 24 feet in height for flat roof. Pursuant to MMC Section 17.62.040(D), the City is required to make

eight specific findings in the consideration and approval of a site plan review for a “height increases over the base 18 feet up to 24 feet in height for a flat roof as measured from finished or natural grade, whichever results in a lower building height.” Two of these findings, pertaining to remedial grading and shoreline protective devices, are not applicable to this project. Based on the foregoing evidence contained within the record and pursuant to MMC Section 17.62.040(A)(8), the City Council hereby makes the following findings of fact.

*1. The project is compatible with other development in the adjacent area in relation to size, bulk and height.*

Neighboring properties on Filaree Heights consist of similar single-story, and two-story single-family residences. The proposed replacement structure will be located within the existing building pad and the proposed 711-square foot addition will be 24 feet in height which is three feet, ten inches taller than the previously existing residence, which was 20 feet, two inches in height. While the proposed development will be taller than previous development, other homes in the surrounding neighborhood measure from 24 to 28 feet in height.

In addition, story poles were installed for this parcel on December 29, 2019 and reinstalled on July 2, 2020, and the site inspection by staff were conducted. Photographs taken by staff during these site visits are included in the record. 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 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. Furthermore, based on evidence submitted by the applicant, there are surrounding properties that are developed with both larger and taller residences. A Notice of Application was sent to all properties within a 500-foot radius. As proposed, this development would not hinder the character of the neighborhood.

*2. The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.*

The subject application was reviewed by the Planning Department and the City Biologist and was determined not to adversely impact environmental resources. The proposed project takes place within the previously developed pad and will slightly increase the overall height of the previously existing structure. Given the location of the subject property, the development does not impact natural hydrology, rock outcroppings, rough terrain or coastal bluffs. Therefore, the project would not cause any impact to natural resources.

*3. The project 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 project relocates and enlarges the second-story of the previous residence. However, there is no evidence that the project as proposed will obstruct visually impressive scenes of the Pacific Ocean or Santa Monica Mountains in the protected primary view of any surrounding residence. Based on staff's site visit, the proposed development will not block visually impressive scenes



from neighboring properties because of its location on the subject site and surrounding topography, even though the overall height of the structure is increasing.

Comments and complaints were received from the neighbors regarding the massing and bulk of the proposed addition and shift to the east of the second-story, during the public comment period. PVDs from neighboring properties that are on file with the City of Malibu were reviewed as part of the evaluation of the subject application. Based on story pole placement, site visits and review of the project plans and topography of the area, the proposed development would not adversely impact protected primary views that are on file with the City.

*4. The project does not affect solar access, as defined by staff.*

The portion of the structure requiring the site plan review lies on the northeastern side of the residence which is located on the eastern side of the property and is not anticipated to impact solar access for neighboring properties. Given the site topography and the relationship between the subject residence and surrounding residences, it is not expected that solar impacts will occur. Therefore, the proposed development over the existing footprint will not affect solar access for neighboring properties.

*5. The project is consistent with the City's General Plan, Local Coastal Program, Municipal Code and City standards.*

The proposed project maintains the previously existing land use and development pattern. The discretionary request for construction over 18 feet in height for the modified second floor conforms to the requirements of the RR-2 zoning district, which is designated for residential uses. The project does not conflict with any of the Local Coastal Program's coastal resource protection goals related to public access, biological resources, or public scenic and visual resources. Additionally, the proposed development does not adversely affect neighborhood character or environmental resources and therefore, is consistent with the land use goals, policies and objectives of the General Plan, Local Coastal Program, MMC and City standards.

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

The proposed project was reviewed by the Planning Department, Environmental Sustainability Department, Public Works Department and Los Angeles County Fire Department and was found to be in compliance with all applicable codes. City of Malibu Environmental Sustainability Department building permits will be required prior to construction of the project. The proposed project will comply with all applicable requirements of state and local law.

SECTION 5. City Council Approval.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves APRWF No. 19-060 and SPR No. 19-099, subject to the conditions set forth herein.

SECTION 6. Conditions of Approval.

**Standard Conditions**

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
  - a. 711-square foot addition;
  - b. New 887-square foot subterranean garage;
    - i. Total development square footage of 5,608-square feet;
  - c. New swimming pool measuring 50 feet long by 12 feet wide swimming pool including a spa measuring nine feet long by seven feet six inches wide;
  - d. New 1,734-square foot of impermeable pool deck;
  - e. 1,004 square foot new driveway;
  - f. 543 square feet of non-exempt grading; and
  - g. Site plan review to allow for construction above 18 feet in height, not to exceed 24 feet in height for flat roof.
3. The permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth below. The applicant shall file this form with the Planning Department within 30 days of this decision or prior to issuance of building permits.
4. The Notice of Decision (including the signed and notarized Acceptance of Conditions Affidavit and all Departmental Review Sheets) shall be copied in its entirety and placed directly onto a separate plan sheet(s) to be included in the development plans prior to submitting for a building permit from the City of Malibu Environmental Sustainability Department. The applicant shall submit three copies of these plan sheets to the Planning Department.
5. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 4 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. The approved administrative plan review shall expire three years from the date of approval, **January 25, 2024**, unless a time extension has been granted, or work has commenced, and substantial progress made (as determined by the Building Official) and the work is continuing under a valid building permit. If no building permit is required, the administrative plan review approval shall expire after three years from the date of final Planning Department approval if construction is not completed. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.

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7. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the plans stamped **June 10, 2020**, and on file with the Planning Department. In the event the project plans conflict with any condition of approval, the condition shall control.
  8. The Planning Director is authorized to make minor changes to the approved plans or any of the conditions if such modifications shall achieve substantially the same results, as would strict compliance with said plans and conditions.
  9. The Planning Director may grant up to four one year extensions of the expiration of an administrative plan review approval, if the Planning Director finds that the conditions, including but not limited to changes in the zoning ordinance, under which the administrative plan review approval was issued have not significantly changed.
  10. Prior to construction, the applicant shall receive Planning Department approval for compliance with conditions of approval.
  11. Prior to final Planning Department approval, the property owner shall provide a copy of a valid Operating Permit pursuant to MMC Section 15.14.030 or an Operating Permit application fee receipt.
  12. Prior to signoff for the foundation, a foundation survey shall be prepared by a licensed civil engineer or architect that states the finished building pad elevation, and location on the site. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off.
  13. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.

#### *Cultural Resources*

14. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Where, as a result of this evaluation, the Planning Director determines that the project may have an adverse impact on cultural resources, a Phase II Evaluation of cultural resources shall be required pursuant to MMC Section 17.54.040(D)(4)(b).
15. If human bone is discovered, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These require 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.

#### *Construction*

16. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays and federal, state and local holidays.
17. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, will be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

#### *Biology*

18. No new landscaping is proposed with this project; therefore, none is approved. No new landscape or vegetation that has the potential to exceed six feet in height can be planted, unless it is determined to have been legally established before the Woolsey Fire.
19. 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.

#### *Environmental Health*

20. Existing septic tanks for the main house and second unit must be replaced. The appropriate permit must be obtained by the Building Safety Department prior to final inspection by the Building Safety Department and occupancy of the structure.
21. All final project 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. The final floor plans must show no more than 4 bedrooms and 47 drainage fixture units.
22. A 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 Building Plan Check review.

#### *Public Works*

23. 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.
24. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:

- Public Works Department general notes;
  - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
  - The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
  - 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;
  - 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;
  - The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
  - 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.
25. 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.
26. 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	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 e material to erosion by site runoff

27. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
28. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algacides, or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
  - a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation
  - b. There are sufficient BMPs in place to prevent soil erosion; and
  - c. The discharge does not reach in to the MS4 or to the ASBS (including tributaries)
29. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.
30. 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.
31. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.

### *Lighting*

32. 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.
33. Night lighting for sports courts or other private recreational facilities shall be prohibited.

- 
34. o 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.
  35. 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.
  36. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
  37. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
  38. 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.

#### **Site Specific Conditions**

39. A new or modified onsite wastewater treatment system or other onsite improvements are NOT authorized under this approval.
40. 543 cubic yards of non-exempt grading is proposed as part of this approval; in no instance shall non-exempt grading exceed 1,000 cubic yards under this approval.

#### **Prior to Occupancy**

41. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
42. 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**

43. This administrative plan review runs with the land and binds all future owners of the property.
44. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights there under.

SECTION 7. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 25<sup>th</sup> day of January 2021.

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MIKKE PIERSON, Mayor

ATTEST:

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HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE  
JOHN COTTI, Interim City Attorney

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





# City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-486  
Phone (310) 456-2489 · Fax (310) 456-7650 · [www.malibucity.org](http://www.malibucity.org)

Received

August 25, 2020

Planning Dept.

## NON-COASTAL DEVELOPMENT PERMIT APPEAL SUBMITTAL

**Actions Subject to Appeal:** Pursuant to Malibu Municipal Code (M.M.C.) Section 17.04.220, any person aggrieved by a decision or any portion of a decision made by the Planning Director under the provisions of this title in connection with a site plan review, variance, stringline modification, conditional use permit, cultural resources review, highway dedication or improvement, or temporary use permit may appeal such action to the Planning Commission. Any person aggrieved in a similar manner by such decision made by the Planning Commission may appeal such action to the City Council.

**Planning Director or Planning Commission Date of Action:** 6/11/20

**Case No.:** APRWF 19-060-6-1120

**Site Address/Location:** 59316 Gilman Heights

**Note:** Appeals shall be addressed to the appellant body on a form prescribed by the City. The appeal shall state the basis of the appeal and identify the decision or portion of the decision being appealed and stated the grounds for the appeal. Only matters raised in the appeal shall be subject to review. Any matters not raised in the appeal shall not be subject to consideration by the appellate body. The purpose of this limitation is to provide adequate notice to all parties with respect to the issues on appeal and eliminate the necessity of rehearing matters not subject to challenge. Although the issues on appeal will be limited by the appeal, the appellate body will accept new evidence (de novo appeal) and will not be bound by the previous record. [M.M.C. Section 17.04.220(B)]

An appeal shall be filed with the City Clerk within 10 days following the date of action for which appeal is made. Appeals shall be accompanied by the filing fee as specified by the City Council. An appellant shall have an additional 10 days following the date of filing the appeal to submit to the City Clerk in writing, the specific grounds for the appeal. If the appellant does not submit grounds for the appeal within the time allowed by this section, the City Clerk shall return the filing fee and the appeal shall be deemed to have been withdrawn. [M.M.C. Section 17.04.220(C)]

### To Submit an Appeal:

The appeal must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23825 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Senior Administrative Analyst, at (310) 456-2489, ext. 245.



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

1. Appeal Letter

An appeal letter setting for the grounds for the appeal

2. Appeal Fees(s)

In the form of a check or money order made payable to the City of Malibu. Cash will not be accepted.

3. Appeal Checklist (This form with appellant's signature)

**An appellant shall have 10 days following the date of filing to submit the following:**

4. Grounds of Appeal Letter

An appellant shall have an additional 10 days following the date of filing the appeal to submit to the City Clerk in writing, the specific grounds for the appeal. If the appellant does not submit grounds for the appeal within the time allowed by this section, the City Clerk shall return the filing fee and the appeal shall be deemed to have been withdrawn. See M.M.C. Section 17.04.220(C) for details.

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

- 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.

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the appeal shall be deemed to have been withdrawn and the filing fee shall be returned.

Stacy Clunias-Ross

PRINT APPELLANT'S NAME

APPELLANT'S SIGNATURE

TELEPHONE NUMBER

824/2020

Appellant's mailing address:

Appellant's telephone:

**OFFICE USE ONLY**

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

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

Date Appeal Form submitted: \_\_\_\_\_ Received by: \_\_\_\_\_

Date Grounds of Appeal Letter submitted: \_\_\_\_\_ Received by: \_\_\_\_\_

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Page 2 of 2

Date of Mailing Labels/Radius Map submitted: \_\_\_\_\_

Received by: \_\_\_\_\_

Appeal Completion Date: \_\_\_\_\_ By: \_\_\_\_\_  
Name, Title



Received

11/18/2020

Planning Dept.

November 18, 2020

Dear members of the City Council,

We are writing to you to object to the approval of the development permit for 5936 Filaree Heights. On January 16<sup>th</sup>, 2020, we wrote a letter of opposition to the city regarding this project. We assumed, that after the planning office received that letter, we would be recognized as an “interested person” and copied on all notices that were sent out going forward. However, we did not receive any notifications regarding this project at all. It was a neighbor who informed us that the project had been approved. We were also confused, that after the letter on January 16<sup>th</sup>, in which we included an invitation to come and view the project from our property when the story poles were first put up, that no one contacted us. Since the proposed structure sits directly in the primary view of our home, we would have thought, that viewing the story poles from this perspective would have been helpful in making a proper evaluation. Unfortunately, our concerns were completely ignored and the project was approved without any input from us or the other neighbors affected.

We lost our home in the Woolsey Fire, as did many neighbors and friends. We are incredibly sympathetic to everyone who lost their homes and are struggling to rebuild. Our intent with these appeals was never to delay the Denker’s rebuild. We believe that everyone should have the opportunity to rebuild their homes in an efficient, expeditious and economical manner. The Denkers have flipped their house 180 degrees and increased the height of a second story master from 18’ to 24’. In a perfect world we would love to have no one in front of us so that we could have unobstructed views. We know that is not realistic, however we would just like our old view restored. Our project is not a fire rebuild. We did lose an existing guesthouse and a barn building, however this new structure (main house) is ground up construction. We started the design process in 2014, and we chose the exact location of the house based on the best view corridor. We were to begin grading the week of the Woolsey fire.

When we objected to the Denker’s new home, the planning commissioners told us that the current ordinance requires a certificate of occupancy before we are able to register for view determination. We find that totally objectionable based on the fact that we had plans and permits approved before the Woolsey fire. But for the fact that our home and the Denkers home burned, we would have been long finished building and had been able to register. The planning commissioners who visited the property before the first appeal agreed that our view was obstructed by the proposed construction. Our home is not in the beginning stages, we are just months away from being finished, and if one visited the property, one would clearly see an actual “home”, not just sticks. We are not asking for primary view corridors to be established over the Denker’s property “that would unfairly limit the size and/or location of the future replacement structures or replacement landscaping damaged or destroyed by a disaster.” We are simply asking that the Denkers position their home on the location where it sat prior to the fire. We would then have our view corridor restored to the original state before the fire. We specifically positioned our new home to look at a view corridor that is now being blocked by the Denker’s proposed construction, which we also strongly contend is not “like-for-like”.

The "like-for-like" provision, which permits residents who lost their homes to the fire to replace the identical structure that was lost (with a potential 10% variance in size around the edges) is a great tool that the city council created to expedite the permitting process and to make the rebuild process run quickly, safely and smoothly. If a resident who lost a home in the fire wants to build a different home (i.e., not the same blueprint as the last home plus 10%), then they are no different than anyone, including us, who wanted to tear down their home and replace it with a new one. We had been in the planning and permitting process for 4 long arduous years prior to the fire. It is clear that the Denkers are not doing a like-for-like rebuild. By allowing the Denkers to do this, the city will establish a precedent that creates a lot of ambiguity in the like-for-like rule and will lead to all sorts of mischief for the hundreds of structures that have not yet been rebuilt.

The Denkers decided to materially alter the structure of their burned home in order to provide themselves with what they believe to be a better view. In doing so, they have impaired our view, which was staked out prior to the Woolsey Fire. We are confident that there is a way for them to build their dream home according the code, as well as show consideration to us and all of the other neighbors who have opposed this project. If the Denkers wish to proceed with their "unlike" for "like" rebuild, they should be required to go through the proper non-expedited process, and we should be provided with our right to contest whatever materially different structure the Denkers might propose. Anything less denies us our rights and is a blatant disregard of the building code.

Sincerely,

Craig and Stacy Clunies-Ross



# Commission Agenda Report

Planning Commission  
Meeting  
08-17-20

## Item 5.B.

To: Chair Jennings and Members of the Planning Commission

Prepared by: Aakash Shah, Contract Planner

Reviewed by: Bonnie Blue, Planning Director

Date prepared: August 7, 2020 Meeting Date: August 17, 2020

Subject: Appeal No. 20-008 - Appeal of Planning Director's approval of Administrative Plan Review-Woolsey Fire No. 19-060 and Site Plan Review No. 19-099 for improvements to modify a like-for-like rebuild of a single-family residence and associated development destroyed by the November 2018 Woolsey Fire

Location: 5936 Filaree Heights Avenue, not within the appealable coastal zone

APN: 4469-013-023

Owners: Denker Family Trust

Appellants: Terry Lucoff, Robert Brinkmann, and Stacy Clunies-Ross

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 20-58 (Attachment A), determining the project is categorically exempt from the California Environmental Quality Act (CEQA), denying Appeal No. 20-008 (Attachment B) and approving Administrative Plan Review-Woolsey Fire (APRWF) No. 19-060 and Site Plan Review (SPR) No. 19-099 for improvements to modify a like-for-like fire rebuild of a single-family residence, second unit, garage and hobby/greenhouse destroyed by the November 2018 Woolsey Fire that was approved under Planning Verification-Woolsey Fire (PVWF) No. 19-188 located in the Rural Residential-Two Acre (RR-2) zoning district at 5936 Filaree Heights Avenue (Denker Family Trust).

**DISCUSSION:** The subject property is located in the Malibu Park neighborhood, which was particularly hard hit by the November 9, 2018 Woolsey Fire. Most of the homes on the Filaree Heights cul de sac were destroyed (Figure 1).



**Figure 1: May 2020 Aerial Photo of the Property**



Source: ConnectExplorer

Prior to the fire, the subject property was developed with a 3,477-square foot, two-story, single-family residence, 965-square foot second unit, 700-square foot detached garage and 720-square foot hobby/greenhouse that were destroyed in the fire. A swimming pool also existing on the property. PVWF No. 19-188 was approved in September 2019 for a like-for-like rebuild of the previous residence, second unit and hobby/greenhouse in their original previous design and siting. A like-for-like rebuild including an increase in square footage of up to 10 percent is allowed without a coastal development permit pursuant to LIP Section 13.4.6.A and without bringing any non-conformities into compliance with current code when processed as a Planning Verification (PV) pursuant to MMC Section 17.60.020(F). A PV is a ministerial approval granted by the Planning Director.

The original 3,477 square foot house included an approximately 442 square foot second story. With the 10 percent increase in square footage allowed with a PV, a 3,824.5 square foot house could be allowed. The applicants (Jeff and Jen Denker) are proposing a 3,751 square foot residence (an increase of 274 square feet), which is less than a 10 percent increase in the structure size.

Once the applicant started work on the detailed project plans, it was determined that modifications would be needed to meet the requirements of the Fire Department for the length of the driveway and a new turnaround area. These changes resulted in the new relocated and attached garage and a shift of the second story to avoid a three-story condition above the garage. The proposed replacement structure is mostly located on the previously existing building pad. Because the project proposes to relocate the second

story and increase its size by 274 square feet from approximately 442 to 711 square feet, the relocation of and increase in second floor size triggered a site plan review and review under an APR instead of simply a PV, even though the project square footage still falls within what would be allowed with a PV.

It should be noted that the 3,751 square feet of the proposed home includes the square footage of the new attached garage, whereas the original 3,477 square foot home did not include an attached garage. The original garage was a separate 700 square foot detached structure.

The applicant then filed the APRWF and SPR for the scope of work described above, plus accessory site improvements. The Planning Director's Notice of Decision approving the APRWF and SPR are included as Attachment E.

While an APR is a ministerial Planning Director Approval that is not appealable to the Planning Commission under Malibu Municipal Code (MMC) Section 17.62.040(E) the site plan review is appealable to the Planning Commission, pursuant to MMC Section 17.04.220 (A) which states, that any person aggrieved by a decision or any portion of the decision made by the director under the provisions of this title in connection with a site plan review, variance, stringline modification, conditional use permit, reasonable accommodation request, determination of permitted use, sign permit, cultural resources review, highway dedication or improvement, or temporary use permit application may appeal such action to the planning commission. Any person aggrieved in a similar manner by such a decision made by the planning commission may appeal such action to the city council.

The scope of work for the APR/SPR includes:

- a. 274-square foot addition to second floor, for a total of 711 square feet of second floor;
- b. Attached 887-square foot partially underground attached garage and elimination of the original 700-square foot detached garage;
  - i. Total development square footage of the proposed project is 5,608 square feet, while the original approved PV to replace the previous development would have been 5,862 square feet;
- c. Relocated enlarged swimming pool measuring 50 feet long by 12 feet wide including a spa measuring 9 feet by 7 feet, 6 inches;
- d. New 1,734-square foot of impermeable pool deck;
- e. New 1,004 square foot driveway;
- f. 543 cubic yards of non-exempt grading; and
- g. SPR No. 19-099 to allow for construction above 18 feet in height, not to exceed 24 feet in height for flat roof.

The project plans are included as Attachment F.

### **Appeal to the Planning Commission**

The matter is an appeal of the Planning Director's approval of APRWF No. 19-060 and SPR No. 19-099, which is included as Attachment E.

The appellants are three adjacent property owners – Lucoff, Clunies-Ross and Brinkmann. The appellants filed a timely appeal of the APRWF/SPR on June 18, 2020 (Attachment B). The applicants (the property owners) filed a response to the appeal on July 13, 2020 (Attachment C).

The appellants' specific arguments in support of the appeal are noted below in *italics*. The full text of the appeal documents can be found in Attachment B. Following each statement is staff's response.

**Appeal Item 1.** *Relocating and increasing the height of the second story will block primary views.*

#### **Staff Response**

One of the findings that must be made to approve a SPR for structures over 18 feet in height is that the project does not obstruct visually impressive scenes of the Pacific Ocean or Santa Monica Mountains from the main viewing area of any affected principal residence (MMC Section 17.62.040(D)(4)). Additionally on July 24, 2020 story poles were reinstalled on the property to demonstrate height and bulk of the proposed project. Comments were received from the neighbors regarding the massing and bulk of the proposed addition on the second story, during the public comment period for the SPR permit. Staff reviewed Primary View Determinations (PVDs) from neighboring properties that are on file with the City. It was determined that the proposed development based on staff's site evaluations and story pole placement would not adversely impact protected views.

**Figure 2: Subject Property in Relation to Appellant's Properties**



Source: CityGIS

The property at 5938 Filaree Heights (Lucoff) has a PVD (See Exhibit in Attachment B) taken on March 2, 2017. The location for the primary view is outside the living room (primary living area). This is a location chosen by the property owner. Panoramic photographs were taken from east to west (180 degrees) to document the view at that time. As shown in the photographs, Mr. Lucoff enjoys mainly a south facing view of the ocean. As the photographs turn towards the west, the view of the ocean is blocked by the house/garage on the adjacent property at 5940 Filaree Heights (Brinkmann) and tall landscaping beyond the house. Mr. Lucoff contends staff changed his view from west facing to south facing. However, the property never had a west facing view of the ocean based on the photographs which are date stamped, sent to the applicant and kept on file at the City. Because Mr. Lucoff submitted a copy of the official PVD which includes the photographs with his appeal letter, staff is uncertain why he believes he had a west facing view of the ocean which is contrary to the photos in the PVD. Regardless, Mr. Lucoff's property at 5938 Filaree Heights does not have a protected view across the subject property and as such his protected primary view will not be impacted by the relocation of the second story.

The property at 29958 Harvester Road (Stacy Clunies-Ross) does not have a PVD to protect a pre-existing view on file with the City and at this time cannot apply for a PVD. A pre-existing view is a view that existed as of issuance of a certificate of occupancy (MMC Section 17.45.030 - Definitions). Since the house at 29958 Harvester Road, which was destroyed by the Woolsey Fire, is still under construction and has not been issued a certificate of occupancy, a PVD is unavailable. Additionally, pursuant to MMC Section



17.45.150 (Primary View Determination Prohibition in Disaster Areas), all properties within a disaster area are temporarily prohibited from obtaining a new or updated PVD unless (1) the request was submitted prior to February 1, 2019, or (2) the PVD would not impose any limitation on replacement landscaping or replacement structures. MMC Section 17.45.030 (Definitions), defines “disaster areas” as the area within 1,000-foot radius of a property that was damaged or destroyed by a disaster such as the Woolsey Fire. Since the Harvester property does not have an existing PVD and cannot apply for one until at a minimum the home receives a certificate of occupancy, the owner is not entitled to a protected primary view over the subject property.

The property at 5940 Filaree Heights (Brinkmann) is located in front of the subject property and has appealed the project based on neighborhood character and privacy, not view blockage.

In summary, staff found that the proposed development meets the property development and design standards pursuant to MMC Section 17.40 (Property Development Standards) and Section 17.62.040(A)(17) (Site Plan Review). Based on staff’s site visit after the story poles were installed, staff determined that the proposed development will not block protected primary views of any of the appellants’ properties because of its location on the subject site and surrounding topography, even though the size of the second floor is increasing.

*Appeal Item 2.* *The proposed project would alter the character of the neighborhood due to its size and the height and location of the second story.*

#### Staff Response

Pre-fire aerial photographs show that neighboring properties around Filaree Heights consisted of similar single-story, and two-story single-family residences (Figure 3). The proposed 711-square foot second floor will be 24 feet in height which is three feet, ten inches taller than the previously existing residence, which was 20 feet, two inches in height. While the proposed development will be taller than previous development, other homes in the surrounding neighborhood measure from 24 to 28 feet in height. The appellant at 5940 Filaree (Brinkmann) expressed concern that the new location of the second story would impact his privacy and that the inclusion of a partially underground garage raised the overall height of the project which contributed to the impact the house had on neighborhood character. The applicant has indicated that the moving of the second floor to the east end of the house and inclusion of the partially underground garage was necessitated by Fire Department requirements for a longer driveway and a turnaround area for fire trucks. While the garage does project above natural grade by 3.5 feet, the project stays within the allowed height for a flat roof of 24 feet above existing or finished grade. In addition, while the subject home sits at a higher elevation, it is at least 100 feet away from the property at Brinkmann home at 5940 Filaree Heights.

**Figure 3: 2014 Pre-Fire Development Aerial Photo**



Source: ConnectExplorer

The applicants have included in their response letter (Attachment C) comparative data on their property and the three appellants' properties. This analysis, based on fire rebuild plans or information from the appellant, indicates that all of the properties except the Ross property on Harvester are similar in size and vary in height from one story to two stories. The Ross property on Harvester which is located at a higher elevation and on a larger lot (gross lot area 1.87 acres) is the largest all of the properties involved in the appeal. The Planning Director approved an ACDP for a new home on that lot on March 9, 2017 and that approval was reported to the Planning Commission on March 20, 2017. The project consisted of a 5,640 square foot, two-story, single-family residence, that was 28 feet tall along with a 743 square foot, three car detached garage. The project included a finding that the project did not negatively impact neighborhood character. No appeal was filed.

This mix of house sizes, lot sizes and building heights is typical for the Malibu Park neighborhood. Further, neighborhood character is not defined in the code. The main element of the project that the appellants objected to is the increased height, size and relocation of the second story. The required finding that the project does not adversely affect neighborhood character entails the consideration of several factors including the visibility of the residence from public viewing places, location on the lot, height, and massing.



Story poles are placed on properties to not only determine view impacts but also to determine visibility from the street, height in relation to the surrounding properties and the massing of a proposed structure. Story poles were placed on the parcel on December 29, 2020, and the site inspection by staff was conducted on January 3, 2020. 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 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. Privacy is not protected by any specific development standard, and as noted earlier, the proposed second story will be more than 100 feet away from the Brinkmann property. The proposed project complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation and does not negatively impact neighborhood character.

*Appeal Item 3. The proposed underground garage will negatively impact surrounding properties because of an existing underground stream on property.*

### Staff Response

The proposed project was reviewed by the Planning Department and found to comply with all applicable codes. The City of Malibu Public Works Department and Environmental Sustainability Department permits will be required prior to the issuance of a building permit for the project. The applicant will be required to submit detailed engineered drainage plans for review and approval. This review process will ensure the proposed project will comply with all applicable requirements of state and local law. Furthermore, the drainage plans for the property will be reviewed to ensure that the project does not result in impacts to neighboring properties.

### **Project Processing and Noticing**

In the appeal letters submitted by the appellants, the appellants contend that the processing of the application did not comply with the MMC's noticing and public hearing requirements because they were not noticed, and that the project should have been heard by the Planning Commission.

There are several permitting options available to property owners who lost their homes due to the Woolsey Fire. These are briefly summarized in Attachment D. The application meets the criteria for processing under Option 3 with an APR and SPR for which the Planning Director is the review and approval authority, unless that decision is appealed to the Planning Commission as in the subject case. The only fire rebuild properties that go directly to the Planning Commission are those projects that require a coastal development permit. The project was properly processed with an APR/SPR approved by the Planning Director, and that decision has now been appealed to the Commission.

It is important to note that while the appellants contend that the applicant is requesting a deviation or variance from the code, that is not the case. The code allows structures up to 18 feet in height with an APR and projects over 18 feet and up to 24 feet with a flat roof and 28 feet with a pitched roof if an SPR is granted. The applicant is requesting a 24-foot high second story and has applied for an SPR as required by the MMC. Pursuant to MMC Section 17.62.040(A)(1), the Planning Director may approve structures up to 24 feet in height with a flat roof or 28 feet for a pitched roof if certain findings are made. A variance is a deviation from the code altogether and must be decided by the Planning Commission after a public hearing. Here, the approval of the SPR for height, as allowed by the code, as been appealed to the Planning Commission.

Two of the appellants contend they were not properly noticed on the project. An APR by itself does not require any public noticing. This application is an APR with an SPR. The SPR requires a mailed public notice. At the time the appeal was filed, two notices had been sent regarding the project. The first was a Notice of Application which was sent to all property owners and occupants within 500 feet of the property and the second notice was a Notice of Decision which was sent to the property owner and interested parties pursuant to Chapter 17.62.040 (Site Plan Review). Staff utilizes a certified mailing list submitted by the applicant when mailing out notices. The addresses on the list are obtained from the Los Angeles County Tax Assessor. A review of the file indicates that both appellants were on the certified mailing list as well as the interested parties list which means notices were sent to the addresses the City had in the files from the Los Angeles County Tax Assessors office unless those addresses were updated by the appellants. Regardless, the file indicates the adjacent property owners were notified as required by the code.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director 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), (d) and (3) - New Construction or Conversion of Small Structures. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

PUBLIC NOTICE: On July 23, 2020, a Notice of Planning Commission 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 G).

SUMMARY: The appellants have not provided substantial evidence to support the contention that: 1) the processing on the application did not comply with the noticing and public hearing requirements in the Malibu Municipal Code, 2) the proposed second story will block primary views, 3) the proposed project would alter the character with the

neighborhood, and 4) the proposed underground garage will negatively impact surrounding properties because of an existing underground stream on property.

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 Planning Commission adopt Planning Commission Resolution No. 20-58 denying Appeal No. 20-008 and approving APRWF No. 19-060 and SPR No. 19-099.

ATTACHMENTS:

- A. Planning Commission Resolution No. 20-58
- B. Appeal No. 20-008
- C. Applicant's Response to Appeal
- D. Fire Rebuild Process
- E. Planning Director Notice of Decision
- F. Project Plans
- G. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 20-58

A RESOLUTION OF THE CITY OF MALIBU PLANNING COMMISSION, DENYING APPEAL NO. 20-008, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, DENYING APPEAL NO. 20-008 AND APPROVING ADMINISTRATIVE PLAN REVIEW-WOOLSEY FIRE NO. 19-060 AND SITE PLAN REVIEW NO. 19-099 FOR IMPROVEMENTS TO MODIFY A LIKE-FOR-LIKE FIRE REBUILD OF A SINGLE-FAMILY RESIDENCE, SECOND UNIT, GARAGE AND HOBBY/GREENHOUSE DESTROYED BY THE NOVEMBER 2018 WOOLSEY FIRE THAT WAS APPROVED UNDER PLANNING VERIFICATION-WOOLSEY FIRE NO. 19-188 LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 5936 FILAREE HEIGHTS AVENUE (DENKER FAMILY TRUST).

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

SECTION 1. Recitals.

A. In November 2018, the single-family residence and associated development located at 5936 Filaree Heights Avenue was destroyed in the Woolsey Fire.

B. In September 2019, the Planning Director approved Planning Verification-Woolsey Fire (PVWF) No. 19-188 to rebuild the previous residence and associated development including a second unit and hobby/greenhouse.

C. On October 11, 2019, a new application for Administrative Plan Review - Woolsey Fire (APRWF) No. 19-060 and Site Plan Review No. 19-099 was submitted by the applicant, Living Homes on behalf of the property owner, Denker Family Trust, for improvements to modify the previously approved like-for-like rebuild of the destroyed single-family residence, second unit, and hobby/greenhouse. The improvements consist of a relocated and expanded second story addition, new partially underground attached garage, relocated and enlarged swimming pool and pool deck, and a new driveway.

D. On June 10, 2020, Planning Department staff deemed the project complete.

E. On January 9, 2020, a Notice of Application was mailed to all property owners and occupants within a 500-foot radius of the project and to all interested parties.

F. On June 11, 2020, the Planning Director issued a Notice of Decision approving the proposed project.

G. On June 18, 2020, the Planning Director's decision was appealed by Terry Lucoff, Robert Brinkmann, and Stacy Clunies-Ross.

H. On July 23, 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 project site and to all interested parties.

ATTACHMENT A

I. On July 24, 2020, Story Poles were reinstalled on the site to demonstrate the project's bulk and mass.

J. On August 17, 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 denied the appeal.

## 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), (d), and (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. Findings for Denying the Appeal.

The appellants contend that a) relocating and increasing the height of the second story will block primary views, b) the proposed project would alter the character of the neighborhood due to size and the height and location of the second story which adversely affects privacy, c) the proposed underground garage will negatively impact surrounding properties because of an existing underground stream on property, and d) the project should have been considered by the Planning Commission and was not properly noticed.

Based on evidence in the record and in the accompanying Planning Commission Agenda Report for the project, the Planning Commission hereby makes the following findings of fact, denies the appeal 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 Planning Commission Agenda Report, as well as the testimony and materials considered by the Planning Commission are incorporated herein as though fully set forth.

A. The Commission finds that the proposed development meets all of the applicable property development and design standards pursuant to Malibu Municipal Code (MMC) Section 17.40 and Section 17.62.040(A)(17). No evidence has been presented that the proposed development will not block protected primary views as documented by primary view determinations (PVDs). The Lucoff PVD for 5938 Filaree Heights Avenue does not extend over the subject property. The Ross property does not currently have a completed single-family residence on it yet, and prior to the Woolsey Fire, no PVD was documented for the previous residence. In addition, the Ross property sits at a higher elevation than the subject property.

B. As demonstrated by the story poles placed on the property, the Commission finds the project's location on the site, and the height and bulk of the second floor 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 range of sizes and with similar orientations to maximize views toward the Pacific Ocean. The proposed relocated and enlarged second story will be over 100 feet away and at a higher elevation than the Brinkmann property (5940 Filaree Heights Avenue). The proposed project complies with the size, bulk and height standards of the MMC, consistent with

the RR-2 zoning designation. The project is not expected to negatively impact neighborhood character.

C. The applicant will be required to submit detailed engineered drainage plans for review and approval prior to the issuance of a building permit. This review process will further ensure the proposed project will comply with all applicable requirements of state and local law.

D. The PVWF as approved by the Planning Director is a ministerial approval that is not subject to appeal pursuant to MMC Section 17.60-020(F). A Notice of Application and Notice of Decision for the APRWF with the SPR was properly noticed to all property owners and occupants within 500 feet and to all interested parties. The APRWF and SPR were properly approved by the Planning Director in accordance with MMC Section 17.62.040(A). The appellants' names and addresses were included in the certified mailing data used in the noticing and there is no evidence of returned mailers for those addresses.

In conclusion, the Planning Commission finds that the evidence supports denial of the appeal and all required findings required for approval of the application, as discussed below.

#### SECTION 4. Administrative Plan Review Approval and Site Plan Review Findings.

The proposed project has been reviewed and conditionally approved for conformance with the property development and design standards of MMC Section 17.40.040. The Planning Commission determined that the proposed project conforms to the property development and design standards in the MMC inclusive of the proposed site plan review.

The proposed project is consistent with all applicable City goals and policies.

#### **Site Plan Review No. 19-099 – For construction above 18 feet in height (MMC Section 17.62.040[D])**

SPR No. 19-099 is requested to allow for construction above 18 feet in height, not to exceed 24 feet in height for flat roof. Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for a “height increases over the base 18 feet up to 24 feet in height for a flat roof as measured from finished or natural grade, whichever results in a lower building height.” Two of these findings, pertaining to remedial grading and shoreline protective devices, are not applicable to this project. Based on the foregoing evidence contained within the record and pursuant to MMC Section 17.62.040(A)(8), the Planning Commission hereby makes the following findings of fact.

*1. The project is compatible with other development in the adjacent area in relation to size, bulk and height.*

Neighboring properties on Filaree Heights consist of similar single-story, and two-story single-family residences. The proposed replacement structure will be located within the existing building pad and the proposed 711-square foot addition will be 24 feet in height which is three feet, ten inches taller than the previously existing residence, which was 20 feet, two inches in height. While the proposed development will be taller than previous development, other homes in the surrounding neighborhood measure from 24 to 28 feet in height.

In addition, story poles were installed for this parcel on December 29, 2020 and reinstalled on July 24, 2020, and the site inspection by staff was conducted on January 3, 2020. Photographs taken by staff during these site visits are included in the record. 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 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. Furthermore, based on evidence submitted by the applicant, there are both surrounding properties that are developed with both larger and taller residences. A Notice of Application was sent to all properties within a 500-foot radius. As proposed, this development would not hinder the character of the neighborhood.

*2. The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.*

The subject application was reviewed by the Planning Department and the City Biologist, and was not to adversely impact environmental resources. The proposed project takes place within the previously developed pad and will slightly increase the overall height of the previously existing structure. Given the location of the subject property, the development does not impact natural hydrology, rock outcroppings, rough terrain or coastal bluffs. Furthermore, the appellants make a claim that there is an underground stream, no evidence to support this has been submitted. Therefore, the project would not cause any impact to natural resources.

*3. The project does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ridges from the main viewing area of any affected principal residence as defined in MMC Section 17.040.040(A)(17).*

The project scope relocated and enlarges the second story of the previous residence. However, there is no evidence that the project as proposed will obstruct visually impressive scenes of the Pacific Ocean or Santa Monica Mountains in the protected primary view of any surrounding residence. Based on staff site visit, the proposed development will not block visually impressive scenes from neighboring properties because of its location on the subject site and surrounding topography, even though the overall height of the structure is increasing.

Comments and complaints were received from the neighbors regarding the massing and bulk of the proposed addition and shift to the east of the second story, during the public comment period. Primary View Determinations (PVDs) from neighboring properties that are on file with the City of Malibu were reviewed as part of the evaluation of the subject application. Based on story pole placement, site visits and review of the project plans and topography of the area, the proposed development would not adversely impact protected primary views that were on file with the City.

*4. The project does not affect solar access, as defined by staff.*

The portion of the structure requiring the site plan review lies on the northeastern side of the residence which is located on the eastern side of the property and is not anticipated to impact solar access for neighboring properties. Given the site topography and the relationship between the subject residence and surrounding residences, it is not expected that solar impacts will occur. Therefore, the proposed development over the existing footprint will not affect solar access for neighboring properties.



*5. The project is consistent with the City's General Plan, Local Coastal Program, Municipal Code and City standards.*

The proposed project maintains the previously existing land use and development pattern, including the discretionary request for construction over 18 feet in height for the modified second floor, and conforms to the requirements of the RR-2 zoning district, which is designated for residential use. The project does not conflict with any of the Local Coastal Program's coastal resource protection goals related to public access, biological resources, or public scenic and visual resources. There are no City standards which specifically protect privacy; however, the proposed modified second floor will be over 100 feet away from and will remain at a higher elevation than the Brinkmann property and is not expected to have any greater impact on privacy than the original second floor. Additionally, the proposed development does not adversely affect neighborhood character or environmental resources and therefore, is consistent with the land use goals, policies and objectives of the General Plan, LCP, MMC and City standards.

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

The proposed project was reviewed by the Planning Department, Environmental Sustainability Department, Public Works Department and Los Angeles County Fire Department and was found to be in compliance with all applicable codes. City of Malibu Environmental Sustainability Department building permits will be required prior to construction of the project. The proposed project will comply with all applicable requirements of state and local law.

**SECTION 5. Planning Commission Action.**

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves APN WF No. 19-090 and SPR No. 19-099, subject to the conditions set forth herein.

**SECTION 6. Conditions of Approval.**

**Standard Conditions**

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
  - a. 711-square foot addition;
  - b. New 887-square foot subterranean garage;
    - i. Total development square footage of 5,608-square feet;
  - c. New swimming pool measuring 50 feet long by 12 feet wide swimming pool including a spa measuring nine feet long by seven feet six inches wide;
  - d. New 1,734-square foot of impermeable pool deck;

- e. 1,004 square foot new driveway;
  - f. 543 square feet of non-exempt grading; and
  - g. Site plan review to allow for construction above 18 feet in height, not to exceed 24 feet in height for flat roof.
3. The permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth below. The applicant shall file this form with the Planning Department within 30 days of this decision or prior to issuance of building permits.
  4. The Notice of Decision (including the signed and notarized Acceptance of Conditions Affidavit and all Departmental Review Sheets) shall be copied in its entirety and placed directly onto a separate plan sheet(s) to be included in the development plans prior to submitting for a building permit from the City of Malibu Environmental Sustainability Department. Please submit three copies of these plan sheets to the Planning Department.
  5. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 4 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. The approved administrative plan review shall expire three years from the date of approval, **August 17, 2023**, unless a time extension has been granted, or work has commenced, and substantial progress made (as determined by the Building Official) and the work is continuing under a valid building permit. If no building permit is required, the administrative plan review approval shall expire after three years from the date of final Planning Department approval if construction is not completed. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.
  7. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the plans stamped **June 10, 2020**, and on file with the Planning Department. In the event the project plans conflict with any condition of approval, the conditions shall control.
  8. The Planning Director is authorized to make minor changes to the approved plans or any of the conditions if such modifications shall achieve substantially the same results, as would strict compliance with said plans and conditions.
  9. The Planning Director may grant up to four one year extensions of the expiration of an administrative plan review approval, if the Planning Director finds that the conditions, including but not limited to changes in the zoning ordinance, under which the administrative plan review approval was issued have not significantly changed.
  10. Prior to construction, the applicant shall receive Planning Department approval for compliance with conditions of approval.
  11. Prior to final Planning Department approval, the property owner shall provide a copy of a valid Operating Permit pursuant to MMC Section 15.14.030 or an Operating Permit application fee receipt.

12. Prior to signoff for the foundation, a foundation survey shall be prepared by a licensed civil engineer or architect that states the finished building pad elevation, and location on the site. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off.
13. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.

#### *Cultural Resources*

14. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Where, as a result of this evaluation, the Planning Director determines that the project may have an adverse impact on cultural resources, a Phase II Evaluation of cultural resources shall be required pursuant to MMC Section 17.54.040(D)(4)(b).
15. If human bone is discovered, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These require 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.

#### *Construction*

16. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays and federal, state and local holidays.
17. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, will be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

#### *Biology*

18. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting.

19. 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.

#### *Environmental Health*

20. Existing septic tanks for the main house and second unit must be replaced. The appropriate permit must be obtained by the Building Safety Department prior to final inspection by the Building Safety Department and occupancy of the structure.
21. All final project 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.

The final floor plans must show no more than 4 bedrooms and 47 drainage fixture units.

22. A 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 Building Plan Check review.

#### *Public Works*

23. 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.
24. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department prior to the issuance of grading permits for the project:
  - Public Works Department general notes;
  - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
  - The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
  - 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;
  - 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;
  - The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
  - 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.

25. 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.
26. 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	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 (BMPs) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

27. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
28. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algicides, 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 in to the MS4 or to the ASBS (including tributaries)
29. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.
30. 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.

31. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.

### **Site Specific Conditions**

32. A new or modified onsite wastewater treatment system or other onsite improvements are NOT authorized under this approval.
33. 543 cubic yards of non-exempt grading is proposed as part of this approval; in no instance shall non-exempt grading exceed 1,000 cubic yards under this approval.

### **Prior to Occupancy**

34. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
35. Any construction trailer, storage equipment or other temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

### **Fixed Conditions**

36. This administrative plan review runs with the land and binds all future owners of the property.
37. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights here under.

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

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of August 2020.

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Jeffrey Jennings, Planning Commission Chair

ATTEST:

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KATHLEEN STECKO, Recording Secretary

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-58 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 17<sup>th</sup> day of August 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

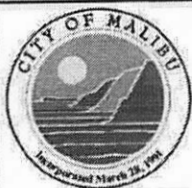
ABSENT:

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KATHLEEN STECKO, Recording Secretary

June 18, 2020

Planning Dept.



# City of Malibu

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

## NON-COASTAL DEVELOPMENT PERMT APPEAL SUBMITTAL

**Actions Subject to Appeal:** Pursuant to Malibu Municipal Code (M.M.C.) Section 17.04.220, any person aggrieved by a decision or any portion of a decision made by the Planning Director under the provisions of this title in connection with a site plan review, variance, stringline modification, conditional use permit, cultural resources review, highway dedication or improvement, or temporary use permit may appeal such action to the Planning Commission. Any person aggrieved in a similar manner by such decision made by the Planning Commission may appeal such action to the City Council.

**Planning Director or Planning Commission Date of Action:** 6/11/20

**Case No.:** APRWF 19-060-6-1120

**Site Address/Location:** 5936 FILARBE HEIGHTS

**Note:** Appeals shall be addressed to the appellant body on a form prescribed by the City. The appeal shall state the basis of the appeal and identify the decision or portion of the decision being appealed and stated the grounds for the appeal. Only matters raised in the appeal shall be subject to review. Any matters not raised in the appeal shall not be subject to consideration by the appellate body. The purpose of this limitation is to provide adequate notice to all parties with respect to the issues on appeal and eliminate the necessity of rehearing matters not subject to challenge. Although the issues on appeal will be limited by the appeal, the appellate body will accept new evidence (de novo appeal) and will not be bound by the previous record. [M.M.C. Section 17.04.220(B)]

An appeal shall be filed with the City Clerk within 10 days following the date of action for which appeal is made. Appeals shall be accompanied by the filing fee as specified by the City Council. An appellant shall have an additional 10 days following the date of filing the appeal to submit to the City Clerk in writing, the specific grounds for the appeal. If the appellant does not submit grounds for the appeal within the time allowed by this section, the City Clerk shall return the filing fee and the appeal shall be deemed to have been withdrawn. [M.M.C. Section 17.04.220(C)]

### To Submit an Appeal:

The appeal must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23825 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Senior Administrative Analyst, at (310) 456-2489, ext. 245.





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

**1. Appeal Letter**

An appeal letter setting for the grounds for the appeal

**2. Appeal Fees(s)**

In the form of a check or money order made payable to the City of Malibu. Cash will not be accepted.

**3. Appeal Checklist (This form with appellant's signature)**

**An appellant shall have 10 days following the date of filing to submit the following:**

**4. Grounds of Appeal Letter**

An appellant shall have an additional 10 days following the date of filing the appeal to submit to the City Clerk in writing, the specific grounds for the appeal. If the appellant does not submit grounds for the appeal within the time allowed by this section, the City Clerk shall return the filing fee and the appeal shall be deemed to have been withdrawn. See M.M.C. Section 17.04.220(C) for details.

**5. Certified Public Notice Property Owner and Occupant Mailing Addresses and Radius Map**

- 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.

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the appeal shall be deemed to have been withdrawn and the filing fee shall be returned.

TERRY LUKOFF  
PRINT APPELLANT'S NAME  
Terry Lukoff  
APPELLANT'S SIGNATURE

TELEPHONE NUMBER

DATE

618120

Action Appealed:

Appeal Period:

Date Appeal Form submitted:

Received by:

Date Grounds of Appeal Letter submitted:

Received by:

Date of Mailing Labels/Radius Map submitted:

Received by:

Appeal Completion Date:

By:

Name, Title



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

**1. Appeal Letter**

An appeal letter setting forth the grounds for the appeal

**2. Appeal Fees(s)**

In the form of a check or money order made payable to the City of Malibu. Cash will not be accepted.

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Stacy Cluies-Ross, Terry Lucott, Robert Brink

PRINT APPELLANT'S NAME

Stacy Cluies-Ross

APPELLANT'S SIGNATURE

DATE

6/17/2020

DATE

**OFFICE USE ONLY**

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

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

Date Appeal Form submitted: \_\_\_\_\_

Received by: \_\_\_\_\_

Date Grounds of Appeal Letter submitted: \_\_\_\_\_

Received by: \_\_\_\_\_

Date of Mailing Labels/Radius Map submitted: \_\_\_\_\_

Received by: \_\_\_\_\_

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

By: \_\_\_\_\_

Name, Title



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

1. **Appeal Letter**  
An appeal letter setting for the grounds for the appeal
2. **Appeal Fees(s)**  
In the form of a check or money order made payable to the City of Malibu. Cash will not be accepted.
3. **Appeal Checklist** (This form with appellant's signature)

**An appellant shall have 10 days following the date of filing to submit the following:**

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

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the appeal shall be deemed to have been withdrawn and the filing fee shall be returned.

ROBERT BRINKMANN  
PRINT APPELLANT'S NAME

TELEPHONE NUMBER

[Signature]  
APPELLANT'S SIGNATURE

JUNE 18, 2020  
DATE

Appellant's mailing address: [Redacted]

Appellant's telephone: [Redacted]

**OFFICE USE ONLY**

Action Appealed: APRWF 19-060 and SPR 19-099

Appeal Period: 6/12/20 - 6/22/20

Date Appeal Form submitted: 6/18/20

Received by: PSalazar

Date Grounds of Appeal Letter submitted: 6/26/20

Received by: PSalazar

Date of Mailing Labels/Radius Map submitted: NA

Received by: NA

Appeal Completion Date: 6/29/20 By: PSalazar  
Name, Title



June 26, 2020

Dear members of the planning commission,

I am writing to you to object to the approval of the development permit for 5936 Filaree Heights on the grounds that the proposed development would significantly obstruct the view from my home as well as alter the character of our neighborhood.

I know that you have already received letters from Mr. Lucoff and Mr. Brinkmann detailing the nature of the proposed structure. This letter will be simpler, because my issue is clear and indisputable. Simply stated, the proposed construction will obstruct the view from my property at 29958 Harvester, which is currently under construction.

On January 16<sup>th</sup>, 2020, I wrote a letter of opposition to the city regarding this project. I would have assumed, that after the planning office received that letter, I would be recognized as an "interested person" and copied on all notices that were sent out going forward. However, similar to Mr. Brinkmann, I have not received any notifications regarding this project at all. Mr. Lucoff has been the one relaying all information to me. I was also shocked, that after my letter of January 16<sup>th</sup>, which included an invitation to come and view the project from my property when the story poles were up, no one contacted me or bothered to take advantage of the offer. Since the proposed structure sits directly in the primary view of my home, I would have thought, that seeing the story poles from this perspective would have been helpful in making a proper evaluation. Unfortunately, I feel my concerns were completely ignored.

The Denkers' proposed new construction would sit directly in front of my home. Of course, in a perfect world we would all love to have no one in front of us so we have unobstructed views. Unfortunately, that's not realistic, and we want everyone who lost their home to have the ability to rebuild and move back as soon as possible. I did have a friendly conversation with the Denkers at one point and told them that I would be writing in opposition to their desire to increase the height of their home. I knew that other neighbors would be opposed as well. At that time, I thought that they would keep the height at 18 feet, just to simplify this process and get moving as fast as possible on their construction. Obviously, that did not happen. My appeal is definitely not intended to make the Denkers' life more difficult than it already is. We are all in the same boat. My concern is simply with the height of the structure, which directly affects my view, with impacts on property values and quality of life issues as a result. I am sure that there is a way for them to build their dream home, as well as show consideration to all of their neighbors, by following the code that the City of Malibu has put forth.

Thank you for your time and consideration,



Stacy Clunies-Ross

June 25<sup>th</sup>, 2020

Dear Members of the Planning Commission,

I am writing to you to appeal the approval of the development permit for 5936 Filaree Heights on the grounds that the proposed development would significantly alter the character of the neighborhood.

Though I myself am a newcomer to Malibu Park – I closed escrow on my house at 5940 Filaree Heights on November 1<sup>st</sup>, 2018, only a week before the Woolsey Fire – I am quite familiar with the area. I started looking for a house in Malibu Park in August of 2016, when our family decided to move to this particular part of Malibu, specifically because its rural character set it apart from other more densely populated areas of the city. Houses in Malibu Park are more separated from each other, generally sit on larger lots, and present an almost bucolic picture with many horse corrals and working gardens. This is why for our family we ruled out Malibu West, an area we also liked and had considered, but which had a more suburban feel with houses in plain sight of each other. Areas further south, we ruled out entirely because of their greater density, especially closer to the beach.

Our search for a new home took us over two years, because we had voluntarily limited it to the comparatively small area between Bonsall Drive and Sea Star Drive, north of the PCH. It took us 28 months to find a home, a time during which I drove to Malibu Park almost every weekend and looked at every house on the market, no matter whether it was in our price range or not. Through this process, I became very familiar with the neighborhood and its attributes. And while there is a wide variety of homes, ranging from properties of several acres with thousands of square feet in improvements to a few tiny lots with homes the size of trailers, the general feel is one of balance; balance between houses - and balance between nature and houses. Larger homes generally sit on lots of one or two acres and are nestled in a way that they don't feel imposing, despite their size. Lush gardens and physical distance contribute to the "soft" feel of these structures. Smaller homes are often single story and modest in size, their half acre lots generous in comparison to more urban properties. The original structure at 5936 Filaree Heights, though on the larger side for the street, felt like that as well. Even with its second story, it was barely visible from the street or the shared driveway. It's height, especially the siting of the second story, didn't stick out or call attention to itself, even though the property grade is elevated compared to the rest of Filaree Heights.

There was only one noticeably larger house, a new development at 5944 Filaree Heights, on our street before. I can't speak to how this came about, but it was nearly completed when we bought our property before the fire and has since been rebuilt. This house, which is larger and taller than any of the surrounding structures, was arguably the first step in the direction of potentially changing the character of the neighborhood from semi-rural to "McMansions". However, the fact that it is on a lower elevation and the architecture "airy" or "light" (I can see the ocean through the large windows of the house), gives it a less imposing appearance than the proposed development at 5936 would certainly have. I am concerned that, as proposed, 5936 Filaree Heights will (literally) stand out from the houses around it - it's character, size and especially height out of balance with the surrounding



homes.

The previously existing structure was partially two-stories high, and rebuilding that second story under the fire-rebuild guidelines would neither present a problem in terms of obtaining a permit nor be opposed by the neighbors. However, the proposed new structure is nearly four feet taller than the previously existing second story, which already exceeded the current code of 18 feet. Also, it shifts the second story out of the previously existing envelope and alters not only the view of the houses behind it, but also the way the now taller second story can be seen from the neighborhood. The story poles which were put up, demonstrated this exceedingly well, but the planning staff who came to meet with concerned neighbors did not appear to want to take their objections into consideration and seemed to be looking for excuses to grant a variance from the code. Personally, I don't understand why a code of 18 feet from grade even exists, if 24-foot structures can be changed into 28-foot structures so easily.

It is my understanding that part of the reason for the added height is an underground garage, which would make 5936 Filaree Heights the only three-story structure on our street. The Notice of Decision states that "neighboring properties on Filaree Heights consist of similar single-story, and two-story single-family residences" and "other homes in the surrounding neighborhood measure from 24 to 28 feet in height", which are generalizations that seem to purposefully ignore the fact that the proposed development is at one extreme end of the scale and pushing it further, thereby continuing the alteration of the character of the neighborhood begun by 5944 Filaree Heights. While technically not incorrect, these characterizations ignore the nuances of the described structures in an effort to normalize the much larger proposed development. The decision now, whether to allow the deviation from the code to let the proposed development proceed, will surely determine whether the character of the neighborhood can survive or not.

The current building code, which limits structures to a height of 18 feet from grade, would not affect the rebuilding of 5936 Filaree Heights in any way, because the previously existing second story could be rebuilt within the same envelope. However, the proposed structure raises the height an additional four feet and places it outside of that envelope, which begs the question of what the point of an 18 foot limit is, when it can so easily be circumvented. In this particular case, the situation is made worse by the fact that the proposed structure sits on a property, which is at least 5 feet higher than its two neighboring properties along the private driveway and 20 feet above the end of the Filaree Heights cul-de-sac, so that the appearance of the proposed structure will be much higher than only the variance from the code. If visual appeal and limited coverage of the hillside were considerations for instituting an 18-foot height limit in the code, allowing this variance would certainly undermine that intention.

On a separate note, I would like to point out, that there were disturbing irregularities during the approval process. Even though the Notice of Decision states that the neighbors were notified by the Planning Department, I never received any notification at all. This was true before the story poling, which I only happened upon by accident (since I can't live on my property and only visit irregularly), but also after I complained and was told by staff,

that I am now listed as an "interested person" and would receive notifications in the future. What puzzles me about this is that I have received numerous other notifications for properties much further away, but have never received a single mailing or email for a structure that towers 30 feet above my driveway, a literal stone's throw away – and I'm terrible at throwing. There is clearly no problem with the notification process, except that in this case the staff didn't comply, even after repeated complaints, and indeed I was informed of the decision we are appealing here by my neighbors and not by the city staff. I find this disconcerting, because I am directly affected by the decision and the staff had assured me that after the initial oversight I would now receive such information directly from them. Whether inadvertent (repeatedly) or intentional, they failed to follow their own procedures properly by not notifying a next-door neighbor at all.

It should also be pointed out, that the immediate neighbors who are filing this appeal met with the Denkers privately to try and resolve this issue. We are all in the same boat, trying to rebuild our homes and our lives and getting the neighborhood back. All of us want everyone to succeed and build homes they love. We are supportive of each other, and the city staff has been supportive of us through this difficult process. The City of Malibu has generously allowed the affected homeowners to rebuild previously existing structures (+10% square footage) with an expedited approval process, even incorporating preexisting non-conformities. Our appeal is not intended to undermine the rebuilding of 5936 Filaree Heights or even the expansion of the size beyond the additional 10% square footage – our concern is with the height of the structure, which affects the views of other neighbors and the appearance of the house as part of the neighborhood. When I asked the Denkers why they couldn't simply leave the second story of the house in the previously existing envelope, I was told that they didn't want to look out on their own driveway. The solution to not wanting to have a view of their driveway was to move their second story into the view of their neighbors. They had a similar self-serving explanation for adding an underground garage, which is also contributing to the overall height, because it raises the foundation of the ground floor. These are all issues for which other solutions could be found, if only the Denkers were willing to consider them. However, Jen Denker told me in these words: "We are not changing a thing." While most of us worked diligently to abide by the rebuilding guidelines and adhere to the new code where outside the envelope of the pre-existing structures, the Denkers were not willing to even consider suggestions to help them do the same, while still addressing their concerns. It is because of this sad situation, that we must ask you to do what so far no one has been willing to do... think about the good of the neighborhood. This may require you to temporarily set aside your push to help us rebuild. We all want to move forward within the guidelines, and we may occasionally want you to consider allowing us variances from those guidelines and appreciate your consideration, however, I believe most of us would also want you to set a limit for those variances, when they adversely affect surrounding neighbors or indeed the character of the neighborhood itself.

Thank you for your consideration,



Robert Brinkmann

[REDACTED]

**Subject:** site plan review 19-060 -5936 Filaree Heights Ave, Malibu 90265

**Date:** Fri, Jun 26, 2020 4:40 pm

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Malibu Planning Commissioners  
City of Malibu  
Stuart Ranch Road  
Malibu, California 90265

My name is Terry Lucoff, my wife Gwen and I bought the property at 5938 Filaree Heights in Malibu Park in 1987. In 1994 we remodeled the property and moved in as our primary residence and have been there ever since. Our property is immediately adjacent to the applicant at 5936 Filaree Heights owned by Jeff and Jennifer Denker.

Malibu was devastated by the what I call the Malibu Fires of November 9, 2018 in which many homes in Malibu Park including ours and the Denkers burned to the ground.

The City has been very generous permitting residents to rebuild and add 10% to their property without any fees. My wife and I will be rebuilding our house with was a one story 4000 sq ft house under these guidelines.

Many owners in the area are building larger homes and if they want additional height or sq footage they are required to go through the regular City of Malibu planning process.

The Denkers have decided to build a larger home than was previously on their property with a second story located on the south side of the home that now impacts several of their neighbors. The applicant was required to put up story poles and during the 2 months the story poles many of the neighbors including myself contacted the City to object to the construction of the proposed residence for multiple reasons.

I have reviewed the Denkers plans and several of the neighbors met with the Denkers on their property regarding the view obstruction of their project. The Denkers have refused to make any changes to their plans to address the neighbors concerns regarding placement and height of the structure. I have and been in contact with the city planner, Aakash Shah and discussed neighborhood opposition to the applicants plans for the following reasons

#### VIEW

1. My property at 5938 Filaree Heights has a beautiful ocean view. When the City of Malibu passed the view preservation ordinance my wife and I decided it was a good thing to spend the money and get a the view



preservation rights granted by the city. On March 2, 2017 city staff conducted a primary view determination for my residence at 5938 Filaree Heights and granted a 180 degree view preservation. I have included a copy of the Malibu City Document

In a discussion with the planner for the applicant, I noticed that the City had altered my view preservation to approximately 90 degrees and it was now facing primarily South, The files at the City regarding my view appeared to be changed in favor of the applicant. My sunset west facing view had now been eliminated and from the view.. I no longer had view preservation to the West. Mr. Shah informed me since I no longer had view preservation to the west I could not appeal the planning decision approval for 5936 Filaree Heights on the grounds of view blockage.

All westward view is blocked from my property by the structure proposed by the applicant.

## PROCESS

2 It is my understanding that the building of a home is limited to 18 feet and anything over 18 feet it must go through Planning Commission Approval. On Page 4 of the Site Plan Review the Planning Director makes the determination that the height of the structure can be 24 ft because it has a flat roof. Because the project required story poles, and there were several objections by the neighbors, the projects should have been referred to the Planning Commission for a hearing. City Staff decided for some reason to grant some sort of height variance without a Planning Commission hearing or approval.

This put the neighbors affected by the project at a disadvantage because Staff had acted independently in granting a variance to the applicant which has resulted in the neighbors having to appeal the ruling in front of the Planning Commission because of staff approving the project through without regard to our letters and concerns.

## 3. UNDERGROUND STREAM

It is well know that the applicants property has a high water table and an underground stream running through the applicants property. The stream runs year round. More in winter but also throughout the Summer. The stream runs through the property and drains onto a catch basin on the cul de sac at the end of Filaree Heights and across the street through properties on the lower side of Filaree Heights to a culvert next to

Malibu High School. Granting the applicant for a large 800 sq ft basement will divert the stream onto their neighbors properties instead of the catch basin on the street. The applicant has taken no measures in their building to mitigate the impact or any damage to their neighbors and the City should not grant the applicant a permit to construct a basement without addressing the neighbor concerns

Through the appeal process I welcome the opportunity to meet with the commissioners on site prior to the hearing to discuss these issues I also welcome the opportunity to speak at the hearing in opposition to the applicants project..

BEST REGARDS

TERRY LUCOFF





# City of Malibu

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

## PLANNING DEPARTMENT PRIMARY VIEW DETERMINATION

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### Primary View Determination: 5938 Filaree Heights

On March 2, 2017, staff conducted a primary view determination at 5938 Filaree Heights. Staff documented the primary view outside the living room (primary living area), a location chosen by the property owner. The location of the primary view determination photographs were taken from is denoted by a red star in the aerial photograph below.

On March 2, 2017, the view from this location on the property is as follows: The diagram below corresponds with the photographs from East to West. The nature of the view consists of the Pacific Ocean.

\* This is the general location of the view.









3



4





5



6





**From:** ROBERT BRINKMANN [REDACTED]

**To:** Terry Lucoff [REDACTED]

**Subject:** My Comment

**Date:** Fri, Jan 10, 2020 11:50 am

---

Hi Terry,

I had some back and forth emails with the planning department yesterday, which I bcc'd you on. I heard back this morning and was told by Shaveta Sharma, that she will set up a site visit with me next week. I'll let you know when, in case you want to join us.

I also just emailed a formal complaint/comment to Bonnie Blue, Shaveta Sharma and Jessica Thompson, which I am including for your perusal below.

I don't understand why I wasn't notified about this by the city. I have received other notifications about applications on Harvester, which are much further away. This one, which has a much bigger impact, I wasn't alerted to. It's strange and makes me wonder whether something else is going on. However, if the intention was to avoid comments, they failed, as they now have both you and me on the record against this.

Please keep me abreast of any new developments on your end and I will do the same.

Robert

Here is my email from just now:

TO: Bonnie Blue, Planning Director & Jessica Thompson & Shaveta Sharma

RE: ADMINISTRATIVE PLAN REVIEW-WOOLSEY FIRE NO. 19-060 AND SITE PLAN REVIEW NO. 19-099

Dear Ms. Blue, Ms. Sharma & Ms. Thompson,

I am writing to you to formally express my opposition to the proposed project at 5936 Filaree Heights. My name is Robert Brinkmann - I am the closest neighbor to the above mentioned property, which is adjacent to my property at 5940 Filaree Heights.

Though I haven't had the chance to live there yet, the purchase of 5940 Filaree Heights was a dream long in the making. My wife and I fell in love with Malibu Park in early 2016 and searched for a house there for our family for over 2 1/2 years, before finally managing to purchase our dream home on November 1st of 2018. The proximity to the school and the ocean were important, but the most attractive aspect, and the reason we limited our search to the one square mile of Malibu Park, was the rural character of the neighborhood. We love the horse properties, the gardens, the fact that we can enjoy the outdoors and feel like we are not in a densely populated city, even though it's part of a bustling metropolis. It is these traits, which set Malibu Park apart - not only from cities like Manhattan Beach, but even other parts of Malibu itself - and give it its unique character. Our search, which was supposed to take 6 months, ended up lasting 2 1/2 years, because we willingly limited ourselves to a tiny part of the city, so we could enjoy its unique attributes. We home schooled our kids, when the older one came of school age (so they wouldn't have to change schools once we could move to Malibu Park) and lived in a tiny apartment for three years, because we wanted to be in Malibu Park so much that we would gladly sacrifice to make it happen.

Unfortunately, our wonderful new home was destroyed in the Woolsey Fire, only a week after we closed escrow and before we even had a chance to move in - but our dream still lives and we are prepared to sacrifice another 2 1/2 years of cramped living and home schooling to make it work. We are planning to build a replacement structure (+ the allowed 10%) on the same spot and in largely the same envelope as the old structure, not just because we want to take advantage of the expedited rebuilding guidelines offered to fire victims, but also because we agree with the idea that to retain the unique character of Malibu Park, it should not be overly developed.

I truly appreciate the city's efforts to help fire victims and have myself benefitted from the planning staff's support and guidance in approaching the rebuilding of our house. Far be it from me to stifle others, who are going through these difficult times trying to rebuild their lives and have suffered just as we have or more. However, the Denker's proposed development at 5936 Filaree Heights represents a dramatic change to the property, which goes well beyond the guidelines we and others are following, and intends to tower over the neighboring properties without regard for their views or privacy. The proposed structure shifts the second story of the house to the east side of the property, where it directly overlooks our house and has an imposing presence in close proximity to our front yard and main entrance. Since the easement driveway in front of our house needs to be at least 20' wide for the fire department and the Denker's retaining wall already encroaches onto said driveway and pushes the 20' border closer to our house, there is no room for planting to retain any privacy. Due to the enormous height of the neighboring property, the 24' tall structure is at least 32' above the driveway, so that privacy would likely be unattainable anyway.

If I remember correctly, the second story of the house before the fire was on the other (west) side and would afford them similar views without imposing as much on their neighbors. It would still be a large house, elevated on a hill above adjacent properties on all sides, and dominate the neighborhood, but at least in a similar enough envelope not to upset the balance on our street. As proposed, we neighbors must suffer, so that the Denkers can have a taller and bigger house outside its original envelope. It seems that any one - and perhaps even all - of those goals could be achieved in a less impactful way. It is the combination of enlarging the structure, going above the height restrictions and moving it closer to our house, which makes it an unpalatable combination for us.

The best way to show you what the real impact of the structure on the surrounding properties would be is a site visit, and I am happy that Ms. Sharma has already reached out to set that up for next week. I believe that seeing it for yourself will demonstrate my point, that this is precisely the kind of case the building codes were designed for to avoid.

Thank you for your consideration.

Sincerely,

Robert Brinkmann



July 13, 2020

To: City of Malibu Planning Commission

Re: 5936 Filaree Heights

Dear Commissioners,

In January 2019 post fire we went to the Calabasas FD engineering desk with our survey to find out what they needed for our rebuild. We were told that we would need a 20' driveway and if we wanted to rebuild our guesthouse, we would need to have a turnaround big enough for the fire trucks. To keep our rebuild in the footprint of the former, burned main house, we would have to extend the parking 2/3 of the distance to guesthouse, putting the garage within a few feet of the guesthouse – an uncertain solution from a code standpoint, not to mention an undesirable feature for our guesthouse rental. The Fire Department as well told us that the main property entrance could not have so sharp a turn into the driveway, meaning that we would have to relocate our entrance lower down on the road, resulting in a broader, gentler entry angle. Given the Fire Department's mandates, our architects came up with a solution which involved relocating the garage underneath the west wing of the house and shifting the former, westerly second-story to the east side of the house. Moving the puzzle pieces around as it were. We scheduled a design meeting with Richard Mollica and Shaveta Sharma to discuss the rebuild. We looked at all possible neighbor objections and decided that it was feasible to move forward with this plan. In this, we studied our immediate neighbors' views, including any 'registered' views. Terry Lucoff has a registered view preservation only to the south east, over the high school playing fields – not across our property. Craig & Stacey Clunies-Ross had no registered view, and what view they did have was largely obstructed by tall, full growth mature trees both on our property as well as what is now the Brinkmann property. The Brinkmann house is, at its closest point, approximately 110' from the eastern extreme of our proposed structure. Over the ensuing year leading up to our story poles going up, a number of conversations occurred with our three 'appealing' neighbors. I made them well aware of the substantial changes mandated by the Fire Department. We as well exchanged our mutual new home design plans with Robert Brinkmann. In the attached email in August of 2019, Robert Brinkman and I

exchanged house plans and he commented, "these look great" and "our houses look very similar in style, which should make it extra pleasing to have them next to each other".

An objection common to the three appeals is that our proposed house is "out of character for the neighborhood." Uncertain as to what constitutes 'neighborhood character,' we thought to address a couple of common concerns.

**RELATIVE SIZE & HEIGHT:**

We offer the following comparative data of the four properties:

**BRINKMAN PROPERTY**

0.59 acre lot

Building: 3,223 sq. ft. main house plus attached 630 sq. ft. garage

Second floor is 630 sq. ft. Height 28'

No other structures

**LUCOFF PROPERTY**

1.324 acre lot

Building: 4,000 sq. ft. house (as stated in his appeal)

No second floor

No other structures (other than the present, unpermitted garage)

**CLUNIES-ROSS PROPERTY**

2.098 acre lot (91,388.88 sq. ft.)

Building: 6,353 sq. ft. main house including garage and covered porch

Second floor is 2,285 sq. ft. Height 28'

Guest house: 841 sq. ft.

3<sup>rd</sup> structure (barn): 1,248 sq. ft.

**DENKER PROPERTY:**

1.292 acre lot (56,279.52 sq. ft.)

Building: 3,751 sq. ft. main house with 887 sq. ft. underground garage

Second floor is 711 sq. ft. Height 24'

Guest House: 650 sq. ft.

Pool house: 320 sq. ft.



## Discussion:

Size: By any measure the Clunies-Ross property is by far the largest of the three. Moreover, at a structure total of 8,442 sq. ft., it substantially exceeds our structure total of 5,338 sq. ft. by some 3,104 sq. ft., or 58.2%.

As such, Clunies-Ross "New" constitutes a substantial development of the property. Previously, the property consisted of a 1,200 sq. ft. main house and barn.

Height: Our main house 24' height is 4' less than the 28' height of both the new Clunies-Ross and Brinkmann houses. (As a side note, the other two bordering neighbors, Byford house sits at 28' and the proposed Brown home also sits at 28'). Moreover, the new Clunies-Ross structure, given its superior elevation (an estimated 20' to our main house grade), towers over both our home and the immediate neighborhood.

Conclusion: Based on the above statistics, our property in no way deviates from the neighborhood character. Rather, we would respectfully suggest the only property not in keeping with the "character of the neighborhood" may well be the Clunies-Ross property.

I'd like now to address salient points raised in each of the three appeals.

## Stacy Clunies-Ross.

1. Stacy states she asked to be recognized as an "interested person" and copied on all notices along with Robert Brinkman but says that she did not receive notices. **To our knowledge, no such notices were issued.**
2. The proposed structure sits in "the primary view of her home." **With the Denker post-fire property absent of dwellings and mature trees, the Clunies-Ross home suddenly enjoyed a 180-degree ocean view. Had the original Denker 21' 2nd story had been allowed to go back in**



its pre-fire location, it would as well obstruct the Clunies-Ross post-fire 180-degree view. Pre-fire, between the mature trees and neighboring structures, the Clunies-Ross property had only 'peekaboo' ocean views. There is not, to our knowledge, a primary view recorded for the Clunies-Ross property.

3. Stacy states, "The Denker's proposed structure would sit directly in front of my home." The proposed Denker main house, while admittedly standing between the Clunies-Ross property and the ocean, is situated substantially down slope of the Clunies-Ross house. There is at least a 20% grade differential between the two homes. Moreover, considering the distance from our main house to our back fence and the distance from there to the new Clunies-Ross house, there is at least 700 linear feet between the two structures.
4. Stacy states she "assumed we would keep the height at 18' to simplify the process and get moving as fast as possible." Our second story pre-fire was 21.' Our new proposed 2nd story is 24.' The Clunies-Ross home is 28.' The assumption that we would reduce the height of our new home by 3' (from its pre-fire height) to 18,' putting it 10' below that of the Clunies-Ross house, seems illogical.
5. Stacy states her concern is "simply with the height of the structure, which directly affects her view with impacts on property values and quality of life issues as a result." We're skeptical a 3' increase in the height of our 2<sup>nd</sup> story impacts her property value as the bulk of her exceptional views remains untouched. We're uncertain how the shift in our 2<sup>nd</sup> story impacts her quality of life.
6. Stacy states she would like us to "build our dream home, as well as show consideration to all of our neighbors by following the code that the City of Malibu has put forth." To our knowledge, we're not breaking any codes. In fact, we have done everything in our power to adhere to the codes.



## Robert Brinkman.

1. Robert states that "larger homes usually sit on lots of one to two acres " and "smaller homes are often single story and modest in size, their half acre lots generous"- apparently inferring our home is too big. Pre-fire, Robert's home was 3,085 sq. ft., on a half acre, with a 28' second story. Pre-fire, the Denker main house was 3,400 sq. ft., with a 21' second story - on over an acre. Robert's new home will be 3,764 sq. ft., while our above-ground new home will be 3,751 sq. ft. – actually smaller than his, and on a lot twice the size of his.
2. Robert characterizes James Byford's new home at 5944 Filaree as the beginning of "McMansions" in our neighborhood. That said, he continues, it "gives a less imposing appearance than the proposed development at 5936 ..." He goes on to say, "5936 Filaree will (literally) stand out from the houses around it - it's character, size and especially height out of balance with the surrounding homes." The facts are perhaps helpful here. The Byford home at 5944 Filaree consists of a main house @ 4,074 sq. ft. (with a 974 sq ft. second floor @ a 28' height) and a 400 sq. ft. garage along with a 1,868 sq. ft. basement. To reiterate, the height of Robert Brinkman's home @ 28' exceeds ours by 4,' and the two homes are close to the same size. Given these comparative statistics, it's not clear to us how our proposed house is "out of balance with the surrounding homes." Finally, with deference to Robert's creative sensibilities, we're uncertain how he has determined what the "character" of our new home will be – and by what criteria he is then judging it to be out of balance with the surrounding homes. With all due respect, the Clunies-Ross home, at 6353 sq. feet and a 28' height sited on a 25' elevation might better be said to win the McMansion award for our neighborhood.
3. Robert states that rebuilding our former partial second story "under the fire-rebuild guidelines would (not) present a problem." Regrettably, it's the very same fire-rebuild mandates that

preclude our rebuilding our former second story. (See discussion on page 1)

4. Robert states that the second story's new location "alters ... the view of the houses behind it ..." (See page 4, Stacy Clunies-Ross, (2.)
5. Robert states that the second story's new location and 3-foot increased height "alters ... the way ... (it) can be seen from the neighborhood." Both the Brinkmann and Clunies-Ross houses, each at 28' height, exceed our proposed new home's height by 4,' and would therefore seem more likely to alter the neighborhood view-scape. This is especially the case with the Clunies-Ross house, sitting as it does at its superior elevation (20' above our main grade). If any house can be said to alter the neighborhood view-scape and character, it would seem the Clunies-Ross house might better be the leading candidate.
6. Robert voices disappointment with variances to code, "if 24-foot structures can be changed into 28 foot structures so easily." Again, we're uncertain what structure he's referring to, as our new home will be going from 21' to 24.' Robert's own home, at 28,' is 10' over code. Ironically, in this Robert articulates our own disappointment at the former modest Clunies-Ross single-story ranch being transformed into the present 28' behemoth overarching the neighborhood.
7. Robert states that the reason for the added height is "an underground garage which would make 5936 Filaree the only three-story structure on our street." As discussed on page 1, the reason for the second floor being moved to the east end of the structure was/is the Fire Department's mandate regarding driveway widening and increased fire truck turnaround area. This mandate's resulting 'ripple effect' on the entire property led to what our architects regarded as the most practical solution: the undergrounding of our garage. A solution which forced us to



relocate the second story to the east end of the house - in order to avoid our home becoming a 3-story structure.

8. Robert states that "The current building code, which limits structures to a height of 18' from grade, would not affect the rebuilding of 5936 Filaree in any way, because the previously existing second story could be rebuilt within the same envelope." We've difficulty understanding Robert's point as our former second story height was 21,' not 18.'
9. Robert takes issue with our property enjoying a 5' superior elevation relative his, rendering the appearance of our proposed home "much higher than only the variance from the code." While we sympathize with his feelings, we purchased the property in 1995 partly for this reason. The notion that our proposed home's design should be limited by our property's elevation relative its immediate neighbors seems both unfair and, considering the Clunies-Ross home, which, given its 28' height and superior elevation, towers some 50-60 feet above the neighborhood – illogical.
10. Robert complains about what he terms "disturbing irregularities during the approval process" and goes on to describe what he feels to be the City's repeated failure to properly notify him, pointing to a perceived performance lapse in the Planning Department. Robert's description of such lapses as "... inadvertent (repeatedly) or intentional ..." is unfortunate.
11. Robert states that our proposed main house "towers 30' above his driveway." True enough, as far as it goes. It's 70 linear feet from our property line to the closest point of our main house. This, plus a 20' easement plus Robert's front yard setback. Or, well over 100' between the two homes.
12. Robert states he is not trying to undermine our rebuild or the "expansion of the size beyond the additional 10% square footage." Our design doesn't exceed the additional 10%.

13. Robert states that “their concern is the height of the structure which affects the views of other neighbors and the appearance of the house as part of the neighborhood.” Much of this has been addressed previously here. As for our new home’s appearance, since he’s not seen architectural renderings of the finished structure, I’m perplexed why he takes exception to its appearance.
14. Robert states that, when he asked why we were moving the second story, we said “we didn’t want to look out on (our) own driveway.” This contention would seem illogical as, from our very first pre-design meeting with Richard and Shaveta, the reason for undergrounding the garage and relocating the second story was, as discussed previously, the Fire Department mandates.
15. Robert states that our solution was to “move the second story into the view of their neighbors” and that we had a “similar self-serving explanation for adding an underground garage.” Nothing about our decisions has been spiteful or self-serving. In fact, the Fire Department’s requirements have been costly and burdensome.
16. Robert states that we are “not working diligently to abide by the rebuilding guidelines and adhere to the new code.” He further states, “... the Denker’s were not willing to even consider (neighbors’) suggestions to help them ... abide by rebuilding guidelines and the new code.” We feel we have worked diligently to stay within the fire rebuild codes plus 10%. Instead of designing a completely new home, we’ve used the existing ‘pieces of the puzzle’ (garage, upstairs room) and shifted them around to abide by the Fire Department mandates and stay within the City code, and thereby be able to have a fee waiver re-build. We are unclear why we would seek our neighbors’ “suggestions” when we have done nothing wrong. Finally, Robert was the only neighbor to share design plans with us – and that, only after my wife sent him ours.



17. Robert contends we are asking for a special exception in seeking a 3' height variance. Considering that his own second story as well as that of Clunies-Ross sits 4' higher relative ours, we don't see how our height increase is either unusual or burdensome.

## Terry Lucoff.

1. Terry states, "The Denker's have decided to build a larger home than was previously on their property." Correct - as far as it goes. Terry fails to note that our home's size increase not only conforms to the allowed 10% but also matches his own planned home's size increase - as well as that of Robert Brinkmann. The Clunies-Ross home, while not a fire rebuild, represents by far the greatest size increase, at some 430%.
2. Terry states, "In discussion with the planner for the applicant, I noticed that the City had altered my view preservation." In support of his argument, Terry attached photos of his registered views. These photos, however, demonstrate the Lucoff registered views trend south, out over the high school playing fields, and including the Brinkmann property. The western limit of the Lucoff's registered view is along our mutual fence, precluding any possibility of a sunset view. In fact, Terry's wife, Gwen, in the weeks after the fire suggested we should all work together because "she has always wanted a sunset view."
3. Terry objects to the Planning Department having issued an approval of our project without a hearing, after "several objections by the neighbors." In fact, the Planning Department took 6 months to ensure that the project met all requirements for approval - going through all of the sub-departments not 1x but 2x times.
4. Terry states, "It is well known that the applicant's property has a high-water table and an underground stream running through it." Water does appear to seep beneath our property by its eastern -

not western - boundary. Beyond this and considering our extensive drainage system which channeled excess water thru our front gate and into the easement, C.Y. Geotech did not find any evidence to support Terry's claims. Separately, a water source appears to run beneath the former Clunies-Ross guest house rentals property located along our northwest property line. It is this source – not the one beneath the eastern side of our property - that appears to continue down thru Mark Brown's property and into the cul de sac catch basin. Hence, given its location both east of and at a higher relative elevation to the 'Mark Brown flow,' our underground garage will in no way interfere with this source.

Finally, two letters from Robert Brinkmann were included in the documentation material. We're saddened by what appear to be suggestions that the Planning Department staff subverted lawful process in their work on this matter. We find as disappointing Robert's characterization of our neighbors as victims of our self-seeking desire to "have a taller and bigger house outside its original envelope."

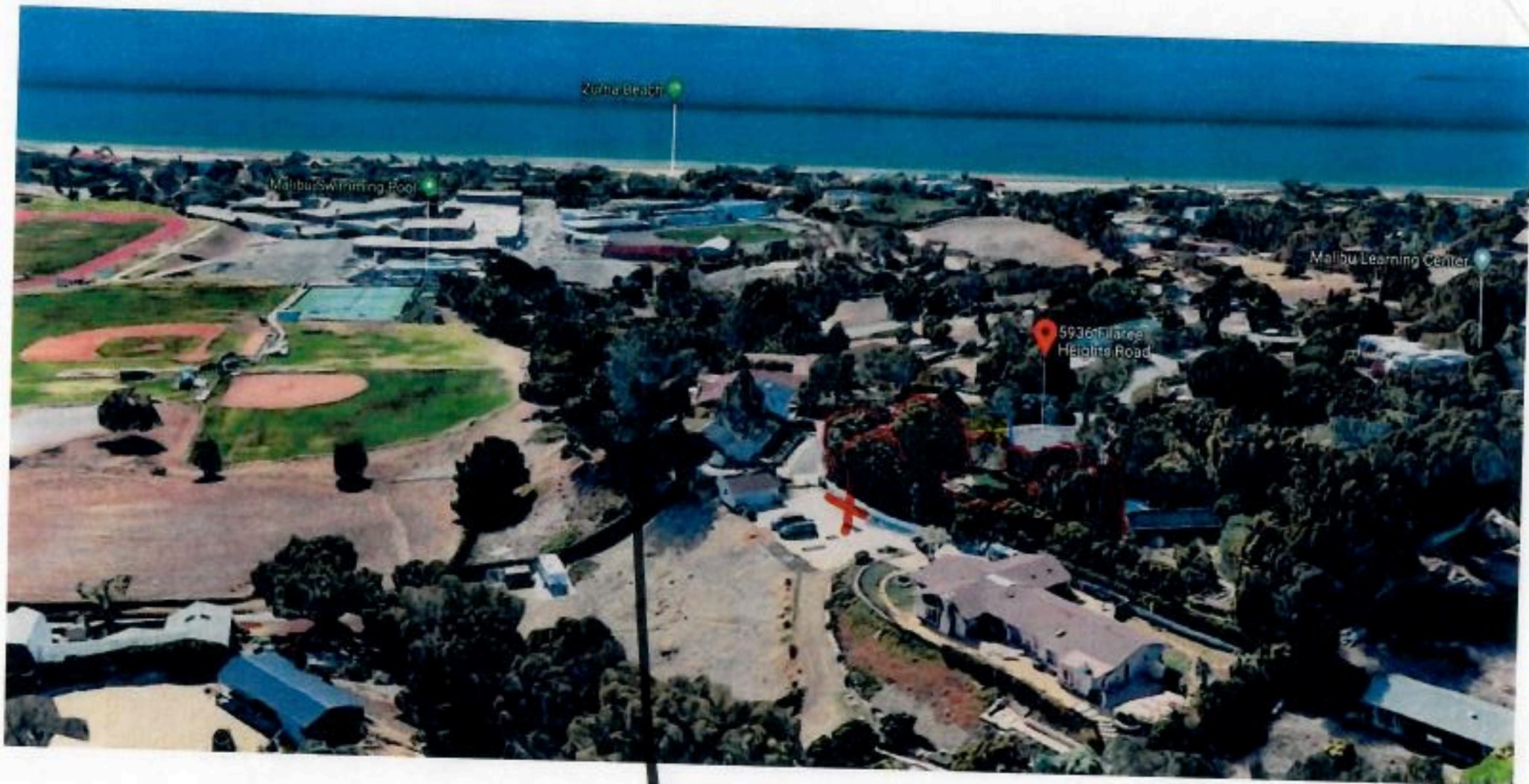
While recognizing the right of each of our neighbors to have their 'day in court,' considering the foregoing, we would respectfully ask the planning department to dismiss these appeals and allow us to move forward to plan check.

Thank you,

Jen and Jeff Denker



NOTE: LUCOFF "WESTERLY" VIEW PRE-FIRE  
DID NOT EXIST



BRINKMAN PINES



# CWNIES-ROSS STORY POLES

2016 -  
    

## Story Pole Photographs



ATTACHMENT 3



# ROBERT DID KNOW WHY WE MADE CHANGES WHEN HE WROTE APPEAL

From: Jen Denker jendenker1111@gmail.com  
Subject: 5936 Filaree Hts- Denker  
Date: January 29, 2020 at 11:03 AM  
To: Robert & Olive Brinkman brinkco@gmail.com  
Cc: Jeff Denker imijeff@earthlink.net  
Bcc: Jennifer denker jendenker1111@gmail.com

JD

Hi Robert-

We have been in discussions with Bonnie Blue and her staff re: our second floor bedroom and your privacy concerns (see below). I know you are still in Germany, so I guess meeting at the property right now is not possible. I believe that from the outset we've said that we're moving the second story from the west to the east side of the house, but perhaps, until the poles went up, it didn't really make sense to everyone.

The fire department required us to widen the driveway and add a turn-around, which necessitated our moving the garage under the house. You'll perhaps recall that pre-fire it was a freestanding structure at the back of the driveway. With that, since we couldn't have a 3 story house (the subterranean garage plus first floor plus upper bedroom floor), we moved the upstairs bedroom from East side to the West side, which also made more sense for the floor plan. Actually, back in 2008 we were well into planning a 1000 sq ft. master on the east side of the house that was at 18' elevation .... but, with the financial collapse, we never got to do that! The height of the present second story where the poles are is actually the same height (20') as the former 2nd floor - plus 3' as the modular structure needs to sit on a 3' raised foundation. So it's not as if we added interior height. Also, the story poles delineate full rooflines, including overhangs - and not solid structure. Finally, the view orientation of the new 2nd story is southwest, toward James Byford's property, not southeast, directly, toward you.

Property history note. Pre-fire, until Terry Lucoff 'trimmed' the Oleanders in 2018 without asking us, we had your house completely blocked from our downstairs view - which we wish to do again. Privacy is something very important to us as well, as I believe Jeff indicated in his 10/17/19 letter. I pulled up your plans while I was at our property yesterday, and it's my belief that, between your landscaping and ours, we shall both achieve the privacy we desire.

Happy to answer any other questions!

Enjoy the rest of your trip!

Jen



# DENKER PRE-FIRE



APN: 4469-013-023  
 Total Area: 508052 SF  
 Old TDSF: 7669 SF  
 New TDSF: 6536 SF  
 25% Reduction: 4902 SF

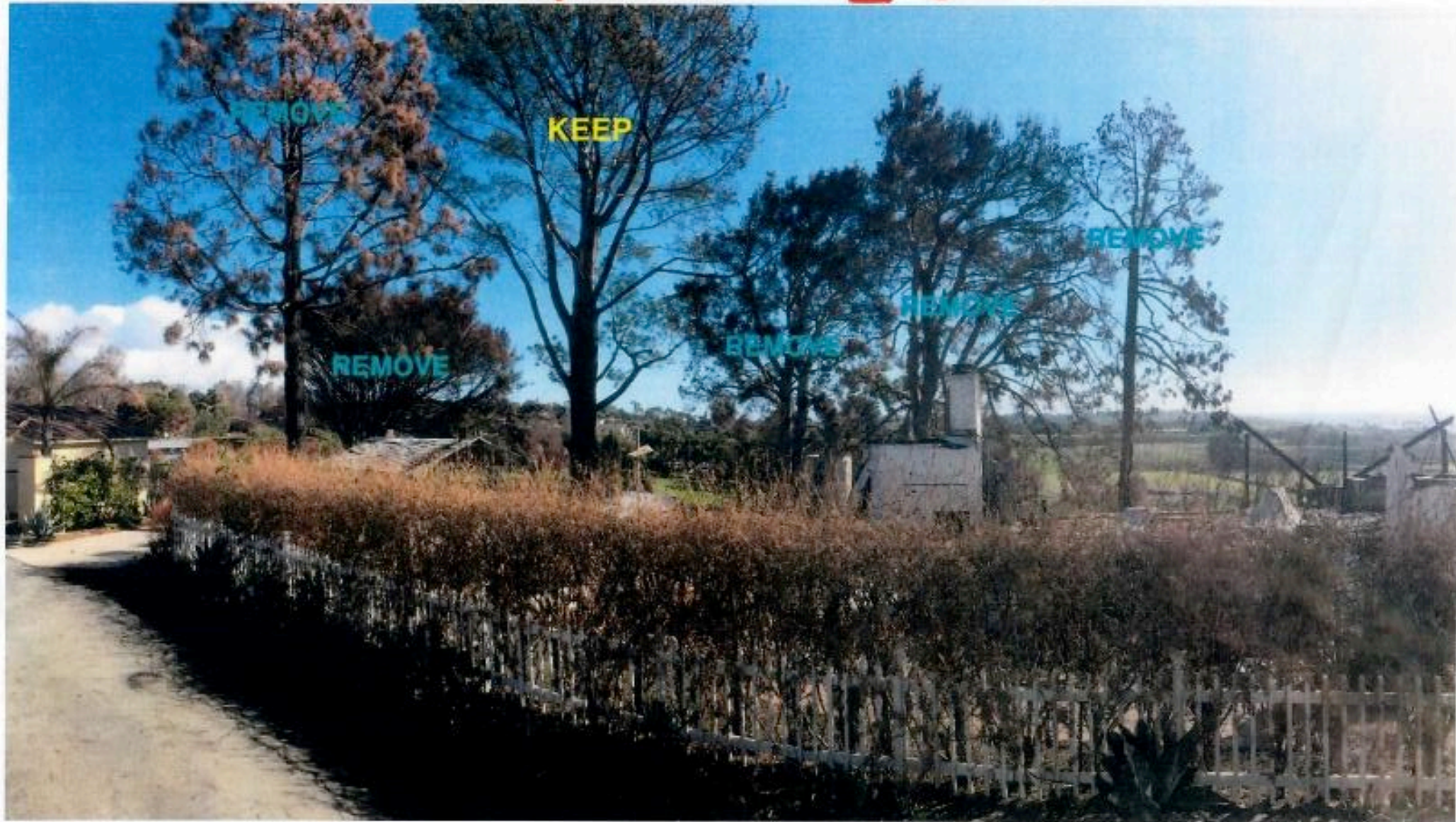
**NOTE: Mature (TRIM)  
 LANDSCAPE**

# DENKER POST-FIRE





ROBERT BRINKMAN'S "BURNED" PINE TREES IN THE VIEW  
STACY CLUNIES ROSS "SAID" SHE HAD. ALL TREES HAVE BEEN  
REMOVED. PRE-FIRE, YOU COULD NOT SEE THROUGH THEM





CLUNIES ROSS  
MAIN HOUSE

DENKER -  
MAIN HOUSE

CLUNIES ROSS  
BARN

LULOFF



DENKER  
GUEST HOUSE

DENKER  
POOL HOUSE

NOTE: MATURE (TALL) Landscaping between Clonies Ross &  
VIEWS SOUTH - WEST



From: Robert Brinkmann [brinkco@gmail.com](mailto:brinkco@gmail.com)  
Subject: Re: sharing our plans!!!!  
Date: August 30, 2019 at 11:32 AM  
To: Jen Denker [jendenker1111@gmail.com](mailto:jendenker1111@gmail.com)

RB

Jen, these look great! Our houses look very similar in style, which should make it extra pleasing to have them next to each other.

I think Terry's new design at the end of our driveway is modern, too, and so, of course, is the almost finished spec house. I dare say it will look better than before.

I met with the first contractor today. Still waiting on bids, but I hope to break ground this year and definitely want to be there a year from now. Fingers crossed....

R



**ROBERT BRINKMANN**

Director of Photography  
<http://robertbrinkmann.com/>  
+1 (213) 718-5555

On Aug 29, 2019, at 3:51 PM, Jen Denker <[jendenker1111@gmail.com](mailto:jendenker1111@gmail.com)> wrote:

<19 -0717 - Filaree\_Heights SD Perspectives.pdf>  
<19 -0717 - Filaree\_Heights SD Plans.pdf>

Jennifer Denker  
Malibu Beach Real Estate  
Pinnacle Estate Properties- Malibu

m. 310.383.3205  
e. [jendenker1111@gmail.com](mailto:jendenker1111@gmail.com)  
w. [www.glensteele.com](http://www.glensteele.com)



## **FIRE REBUILD PERMITTING OPTIONS**

### **OPTION 1: PLANNING VERIFICATION (PV)**

### **OPTION 2: PV PLUS 10%**

**Description:** This application is for those rebuilding legally permitted structures in the same development footprint, within the same development envelope, with the same height and square footage or, in the same development footprint but with a no more than 10% increase in height, square footage, and volume. The additional area must be under 18 feet, on land flatter than 3:1 (or 4:1 if located on Point Dume), and outside of required setbacks.

**Decision Authority:** Planning Director

**Appealability:** Not appealable

### **OPTION 3: ADMINISTRATIVE PLAN REVIEW (APR) WITH SITE PLAN REVIEW (SPR) FOR 10% ADDITIONS MEETING SPECIFIC CONDITIONS**

**Description:** This application is for those rebuilding legally permitted structures in the same development footprint, with an increase up to 10% in height, square footage, and volume where the new area is either above 18 feet, on land steeper than 3:1, or encroaching into required side yard or front yard setbacks.

**Decision Authority:** Planning Director

**Appealability:** Appealable to the Planning Commission

### **OPTION 4: PV PLUS APR OR APR WITH SPR FOR PROJECTS ADDING MORE THAN 10% OUTSIDE OF THE APPEAL ZONE**

**Description:** This option is for those rebuilding legally permitted structures in the same development footprint but who want to expand beyond 10%, where the proposed work is not in the appeal zone.

**Decision Authority:** Planning Director

**Appealability:** APRs with an SPR - Appealable to the Planning Commission

### **OPTION 5: COASTAL DEVELOPMENT PERMIT (CDP) FOR PROJECTS BEING RELOCATED OR ADDING MORE THAN 10% INSIDE THE APPEAL ZONE**

**Description:** This application is for those choosing to rebuild a structure more than 10% larger (if located within the appeal zone) or in a new location on their lot. Accessory dwelling units that were previously constructed without the benefit of permits may also be legalized with this option.

**Appealability:** Following the noticing period, the project is either reported to or discussed by Planning Commission and public during a public hearing. The decision may be appealed to the City Council. If the property is located in appealable zone, it is also California Coastal Commission.



# City of Malibu

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## PLANNING DEPARTMENT

## NOTICE OF DECISION

### **Administrative Plan Review - Woolsey Fire No. 19-060**

#### **Site Plan Review No. 19-099**

Coastal Development Permit Exemption No. 20-004

Categorical Exemption No. 20-005

#### **5936 Filaree Heights**

APN 4469-013-023

**NOTICE IS HEREBY GIVEN** that the City of Malibu has **APPROVED** an application filed by the applicant Living Homes on behalf of the property owner Denker Family Trust, to permit the following scope of work on a residentially developed parcel zoned Rural Residential-Two Acres (RR-2).

- a. 711-square foot addition;
- b. New 887-square foot subterranean garage;
  - i. Total development square footage of 5,608-square feet;
- c. New swimming pool measuring 50 feet long by 12 feet wide swimming pool including a spa measuring nine feet long by seven feet six inches wide;
- d. New 1,734-square foot of impermeable pool deck;
- e. 1,004 square foot new driveway;
- f. 543 square feet of non-exempt grading; and
- g. Site plan Review No. 19-099 to allow for construction above 18 feet in height, not to exceed 24 feet in height for flat roof.

The approval is for an administrative plan review Woolsey fire (APRWF) and site plan review (SPR) for conformance to the City of Malibu Municipal Code (MMC) Property Development and Design Standards.

### ***Coastal Development Permit Exemption***

The subject parcel is not located within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map of the City of Malibu. The proposed project is exempt from the requirement to obtain a Coastal Development Permit (CDP) pursuant to LCP Local Implementation Plan (LIP) Section 13.4 which provides a CDP exemption for certain projects that do not involve a risk of adverse environmental impact. Specifically, the proposed project is consistent with LIP Section 13.4.1, "Improvements to Existing Single-Family Residences." Additionally, the proposed development is not listed among the classes of development in LIP Section 13.4.1(B) for which a coastal development permit exemption does not apply.

### ***Project Background***

#### **Administrative Plan Review Application**

- Application Date: October 11, 2019
- Completeness Determination: June 10, 2020
- Notice of Application: January 9, 2020
- Site Plan Review Period: January 9, 2020, to January 30, 2020

### ***Existing Conditions***

The subject property is located in the Rural Residential —Two Acre (RR-2) zoning district. The property is located at the end of the Filaree Heights, north of the Malibu High School. Prior to the Woolsey Fire, the property was developed with a 3,477-square foot, two-story, single-family residence, 965-square foot guest house, 700-square foot detached garage and 720-square foot hobby/green house. According to the Los Angeles County Assessor, surrounding properties consist of one-story and two-story single-family residences in the RR-2 zoning district. The existing single-family residence and associated development was subsequently destroyed in the Woolsey Fire of November 2018. Planning Verification Woolsey Fire (PVWF) No. 19-188 was approved in September 2019 to rebuild the previous residence, guest house and hobby/green house.

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

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director 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 Section 15301(e) – Existing Facilities and 15303 (e) – New Construction or Conversion of Small Structures. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

### ***Administrative Plan Review Conformance Analysis***

The Planning Department, City Biologist, City Environmental Health Administrator, Los Angeles County Fire Department (LACFD), City geotechnical staff, and City Public Works Department reviewed the proposed project. Correspondence from these specialists and/or agencies are attached (Attachment 2). The Planning Director has determined that the proposed project, as designed and conditioned, is consistent with all applicable development standards, and City goals and policies and conforms to the property development and design standards of the MMC Chapter 17.40.

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

<b>Table 1 – Property Data</b>	
Lot Depth	334 feet
Lot Width	178.6 feet
Gross Lot Area	55,657sq. ft.
Easements	2,387 sq. ft.
1:1 Slopes	98 sq. ft.
Net Lot Area*	53,172 sq. ft.

\*Net lot area equals gross lot area minus the area of public street and private street easements and 1:1 slopes.

MMC Title 17 requires conformance to development standards. A previously approved PVWF allowed for the reconstruction of the residence, detached guest house and hobby room. The subject application will allow for additions to the main residence and a new swimming pool and spa, and exterior improvements. The conformance table below is specific to the new additions to the house, and with the inclusion of SPR No. 19-099, the proposed project meets the property development and design standards set forth in MMC Chapter 17.40. As shown in Table 2, the project meets all the required development and design standards.

<b>Table 2 – MMC Zoning Conformance</b>				
<b>Development Requirement</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Comments</b>
<b>SETBACKS for Residence</b>				
Front Yard	65'	84'	78'-6"	Complies
Rear Yard	50'	193'-8"	184'-11"	Complies
East Side Yard	22'-4"	72'	57'-6"	Complies
West Side Yard	22'-4"	22'	31'-4"	Complies
<b>SETBACKS for Swimming Pool</b>				
Front Yard	5'	179'-3"	177'-10"	Complies
Rear Yard	5'	125'-3"	99'-7"	Complies
East Side Yard	5'	61'-1"	64'-7 1/4"	Complies
West Side Yard	5'	71'-5"	78'-11 3/4"	Complies
<i>Height</i>	<i>18'</i>	<i>20'2"</i>	<i>24'</i>	<i>SPR</i>
TOTAL DEVELOPMENT SQUARE FOOTAGE	7,514 sq. ft.	4,010 sq. ft.	5,608 sq. ft.	Complies
IMPERMEABLE COVERAGE	15,952 sq. ft.	13,099 sq. ft.	15,837 sq. ft.	Complies

#### Grading (MMC Section 17.40.040(A) (9))

The proposed improvements are located on relatively flat portions of the subject parcel to minimize landform alteration. As shown in Table 3, the proposed grading consists of approximately 543 cubic yards of non-exempt grading for the swimming pool and construction of the new driveway for the subterranean garage. This amount of grading is less than the maximum 1,000 cubic yards of non-exempt grading specified in the MMC Section 17.40.040(A)(9). The City geotechnical staff and the City Public Works Department have reviewed the proposed project for conformance with MMC grading requirements, and have deemed the project consistent with these requirements.

<b>Table 3 – MMC Grading Conformance</b>						
	<b>Exempt**</b>			<b>Non-Exempt</b>	<b>Remedial</b>	<b>Total</b>
	<b>R&amp;R*</b>	<b>Understructure</b>	<b>Safety***</b>			
<b>Cut</b>	0	86	116	461	0	663
<b>Fill</b>	0	0	0	82	0	82
<b>Total</b>	0	86	116	543	0	745
<b>Import</b>	0	-	0	0	0	0
<b>Export</b>	0	86	116	379	0	581

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).

Cultural Resources Preservation (MMC Chapter 13.54)

MMC Chapter 13.54 requires certain procedures be followed to determine potential impacts on archaeological resources. The proposed development consists of a Woolsey fire an additions and reconfiguring the existing swimming pool being built on the previous building pad and therefore any impact on potential resources is minimal. Nonetheless, Condition Nos. 13 and 14 of this document require that in the event that any potentially important cultural resources are found in the course of 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.

**Site Plan Review No. 19-099 – For construction above 18 feet in height (MMC Section 17.62.040(D))**

*SPR No. 19-099 is requested to allow for construction above 18 feet in height, not to exceed 24 feet in height for flat roof.*

Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for a “height increases over the base 18 feet up to 24 feet in height for a flat roof as measured from finished or natural grade, whichever results in a lower building height.” Two of these findings, pertaining to remedial grading and shoreline protective devices, are not applicable to this project. Based on the foregoing evidence contained within the record and pursuant to MMC Section 17.62.040(A)(8), the Planning Director hereby makes the following findings of fact.

*1. The project is compatible with other development in the adjacent area in relation to size, bulk and height.*

Neighboring properties on Filaree Heights consist of similar single-story, and two-story single-family residences. The proposed 711-square foot addition will be 24 feet in height which is three feet, ten inches taller than the previously existing residence, which was 20 feet, two inches in height. While the proposed development will be taller than previous development, other homes in the surrounding neighborhood measure from 24 to 28 feet in height.

In addition, story poles were installed for this parcel on December 29, 2020, and the site inspection by staff was conducted on January 3, 2020. Photographs taken by staff during these site visits are included in the record. A Notice of Application was sent to all properties within a 500-foot radius. As proposed, this development would not hinder the character of the neighborhood.

*2. The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plan materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.*

The subject application was reviewed by the Planning Department and the City Biologist, and it has been determined that the proposed development will not adversely impact environmental resources. The proposed project takes place within the previously developed pad and will increase the overall height of the previously existing structure. Given the location of the subject property, the development does not impact natural hydrology, rock outcroppings, rough terrain or coastal bluffs. Additionally, no new landscaping is proposed, and no removal of existing trees or vegetation will occur as a result of allowing development above 18 feet. Therefore, the project would not cause any impact to natural resources.



3. *Remedial Grading (if applicable) exceeding five thousand (5,000) cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California Licensed Geologist and reviewed and approved by the City Geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources.*

There is no remedial grading associated with this project and, therefore, this finding does not apply.

4. *The project 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 project scope includes addition to the second story, which will not obstruct visually impressive scenes of the Pacific Ocean or Santa Monica Mountains. Based on staff's site visit, the proposed development will not block visually impressive scenes from neighboring properties even though the overall height of the structure is increasing because of its location on the subject site and surrounding topography.

Comments and complaints were received from the neighbors regarding the massing and bulk of the proposed addition on the second story, during the public comment period. Staff reviewed Primary View Determinations from neighboring properties that are on file with the City of Malibu. It was determined that the proposed development based on staff's site evaluations and story placement would not adversely impact protected views that were on file with the City. However, staff found that the proposed development meets the property development and design standards pursuant to MMC Section 17.40 and Section 17.62.040(A)(17).

5. *The project does not affect solar access, as defined by staff.*

The portion of the structure requiring the site plan review lies on the northeastern side of the residence which is located on the eastern side of the property and is not anticipated to impact solar access for neighboring properties. Given the site topography and the relation between the subject residence and surrounding residences, it is not expected that solar impacts will occur. Therefore, the proposed development over the existing footprint will not affect solar access for neighboring properties.

6. *The project is consistent with the City's General Plan, Local Coastal Program, Municipal Code and City standards.*

The land use and development, including the discretionary request for construction over 18 feet in height conforms to the requirements of the RR-2 zoning district. Pursuant to LIP Section 13.27.1, the Planning Director may approve structures up to 24 feet in height with a flat roof. Additionally, the proposed development does not adversely affect neighborhood character or environmental resources and therefore, is consistent with the land use goals, policies and objectives of the General Plan, LCP, MMC and City standards.

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

The proposed project was reviewed by the Planning Department and found to be in compliance with all applicable codes. The City of Malibu Environmental Sustainability Department permits will be required prior to construction of the project. The proposed project will comply with all applicable requirements of state and local law.

*8. A sea wall, bulkhead or other shoreline protective device (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the City's coastal engineer.*

As there is no shoreline protective device associated with this project, this finding does not apply.

#### **APPROVAL OF ADMINISTRATIVE PLAN REVIEW WOOLSEY FIRE NO. 19-060**

The Planning Director has **APPROVED** the project subject to the following conditions listed below.

##### **Standard Conditions**

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
  - a. 711-square foot addition;
  - b. New 887-square foot subterranean garage;
    - i. Total development square footage of 5,608-square feet;
  - c. New swimming pool measuring 50 feet long by 12 feet wide swimming pool including a spa measuring nine feet long by seven feet six inches wide;
  - d. New 1,734-square foot of impermeable pool deck;
  - e. 1,004 square foot new driveway;
  - f. 543 square feet of non-exempt grading; and
  - g. Site plan review to allow for construction above 18 feet in height, not to exceed 24 feet in height for flat roof.
3. The permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth below. The applicant shall file this form with the Planning Department within 30 days of this decision or prior to issuance of building permits.
4. The Notice of Decision (including the signed and notarized Acceptance of Conditions Affidavit and all Departmental Review Sheets) shall be copied in its entirety and placed directly onto a separate plan sheet(s) to be included in the development plans prior to submitting for a building permit from the City of Malibu Environmental Sustainability Department. Please submit three copies of these plan sheets to the Planning Department.
5. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 4 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. The approved administrative plan review shall expire three years from the date of approval, **June 11, 2023**, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the Building Official) and the work is continuing under a valid building permit. If no building permit is required, the administrative plan review approval shall expire after three years from the date of final Planning Department approval if construction is not completed. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.
7. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the plans stamped **June 10, 2020**, and on file with the Planning Department. In the event the project plans conflict with any condition of approval, the condition shall control.
8. The Planning Director is authorized to make minor changes to the approved plans or any of the conditions if such modifications shall achieve substantially the same results, as would strict compliance with said plans and conditions.
9. An extension to the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the approving authorized agent prior to expiration of the three year period and shall set forth the reasons for the request.
10. The Planning Director may grant up to four one year extensions of the expiration of an administrative plan review approval, if the Planning Director finds that the conditions, including but not limited to changes in the zoning ordinance, under which the administrative plan review approval was issued have not significantly changed.
11. Prior to construction, the applicant shall receive Planning Department approval for compliance with conditions of approval.
12. Prior to final Planning Department approval, the property owner shall provide a copy of a valid Operating Permit pursuant to MMC Section 15.14.030 or an Operating Permit application fee receipt.
13. Prior to signoff for the foundation, a foundation survey shall be prepared by a licensed civil engineer or architect that states the finished building pad elevation, and location on the site. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off.
14. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.

#### *Cultural Resources*

15. 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. Where, as a result of this evaluation, the Planning Director determines that the project may have an adverse impact on cultural resources, a Phase II Evaluation of cultural resources shall be required pursuant to MMC Section 17.54.040(D)(4)(b).

16. If human bone is discovered, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These require 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.

#### *Construction*

17. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays and federal, state and local holidays.
18. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, will be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

#### *Biology*

19. No portion of the project development shall be placed within the protected zone of a protected native tree.
20. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting.
21. 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.

#### *Environmental Health*

22. Existing septic tanks for the main house and guest house must be replaced. The appropriate permit must be obtained by the Building Safety Department prior to final inspection by the Building Safety Department and occupancy of the structure.
23. All final project 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.

The final floor plans must show no more than 4 bedrooms and 47 drainage fixture units.

24. A 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 Building Plan Check review.

#### *Public Works*

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

26. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:
- Public Works Department general notes;
  - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
  - The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
  - 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;
  - 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;
  - The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
  - 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.
27. 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.
28. 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	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.



29. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
30. 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)
31. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.
32. 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.
33. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.

#### **Site Specific Conditions**

34. A new or modified onsite wastewater treatment system or other onsite improvements are NOT authorized under this approval.
35. 543 cubic yards of non-exempt grading is proposed as part of this approval.

#### **Prior to Occupancy**

36. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
37. 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**

38. This administrative plan review runs with the land and binds all future owners of the property.
39. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights there under.

## Local Appeal

A decision of the Planning Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk by **June 22, 2020** 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](mailto: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. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms). If you are unable to submit your appeal via email, 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.

Please contact **Aakash Shah** in the Planning Department at [ashah@malibucity.org](mailto:ashah@malibucity.org), for further information.

Prepared By: \_\_\_\_\_  
Aakash Shah  
Contract Planner

Approved By: \_\_\_\_\_  
Bonnie Blue  
Planning Director

Date: June 11, 2020

### Attachments:

1. Project Plans
2. Department Review Sheets
3. Notice of Application

## ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned property owner(s) acknowledges receipt of the City of Malibu Planning Director's decision of approval and agrees to abide by all terms and conditions of **Administrative Plan Review Woolsey Fire No. 19-060** dated **June 11, 2020**, and submitted plans, dated as received **May 24, 2020**, for the project located at **5936 Filaree Heights**. The permit and rights conferred in this approval shall not be effective until the property owner(s) signs and returns this notarized affidavit to the City of Malibu Planning Department within 30 days of the decision.

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Date

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

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

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## ACKNOWLEDGMENT

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

STATE OF CALIFORNIA

County of \_\_\_\_\_

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

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

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

WITNESS my hand and official seal.


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

(Seal)



ABBREVIATIONS			
A.B. ABV. A.F.F. ALUM. ANOD. A.V. BEL BLK'G. BM. B.O.S. BOT. BSMT. CAB. CALCS. CEM. CER. TILE CLG. CLR. CMU COL. CONC. CONST. CONT. CONTR. CORR. CPT. DAT. DET. DIA. DIM(S). DR. DWG. D.S. E.J. ELEC. EM.  ELEV. EQ. EQUIP. EXPAN. EXIST. EXT. F.B. F.D. F.F. F.G. FIN. FIXT. FLASH. FLR. FTG. F.O.B. F.O.C. F.O.S. FT. GA. GALV. G.C. GL. GLM. BM. GRD. GWB	ANCHOR BOLT ABOVE ABOVE FINISH FLOOR ALUMINUM ANODIZED AUDIO VISUAL BELOW BLOCKING BEAM BOTTOM OF STRUCTURE BOTTOM BASEMENT CABINET CALCULATIONS CEMENT CERAMIC TILE CEILING CLEAR CONCRETE MASONRY UNIT COLUMN CONCRETE CONSTRUCTION CONTINUOUS CONTRACT / CONTRACTOR CORRIDOR CARPET DATUM DETAIL DIAMETER DIMENSION(S) DOOR DRAWING DOWNSPOUT EXPANSION JOINT ELECTRICAL ELECTRIC METER MAIN PANEL  ELEVATION EQUAL EQUIPMENT EXPANSION EXISTING EXTERIOR FLAT BAR FLOOR DRAIN FINISH FLOOR FIXED GLASS FINISH FIXTURE FLASHING FLOOR FOOTING FACE OF BLOCK FACE OF CONCRETE FACE OF STUD OR STEEL FEET GAUGE GALVANIZED GENERAL CONTRACTOR GLASS GLUE LAMINATED BEAM GRADE GYPSUM WALL BOARD	H.C. H.D. HDWD. H.M. H.P. I.D. INSUL. INT. JT. LAM. LAV. L.P. LT. WT. MACH. MATL. M.B. MECH. MFCTR. ML MOD. MULL (N) N.I.C. N.T.S. O.C. O.D. OPP. PL PLAM. PLAS. PLUMB. PLYWD. PROP. PT PTD. R.A.G. R.D. REF. RET. R.O. S & P SIM. S.O.G. ST. STL. STOR. STRUCT. T & G TEMP. T.O. T.O.C. T.O.M. T.O.P. T.O.R. T.O.S. T.O.W. TYP. U.L.  U.N.O. W/C WD. W.O. W.P.	HOLLOW CORE HOLD DOWN HARDWOOD HOLLOW METAL HIGH POINT INSIDE DIAMETER INSULATION INTERIOR JOINT LAMINATE LAVATORY LOW POINT LIGHT WEIGHT MACHINE MATERIAL MACHINE BOLT MECHANICAL MANUFACTURER MATELINE MODULE MULLION NEW NOT IN CONTRACT NOT TO SCALE ON CENTER OUTSIDE DIAMETER OPPOSITE PROPERTY LINE PLASTIC LAMINATE PLASTER PLUMBING PLYWOOD PROPERTY PRESSURE TREATED PAINTED RETURN AIR GRILL ROOF DRAIN REFERENCE RETAINING ROOF OPENING SHELF AND POLE SIMILAR SLAB ON GRADE STRUCTURAL STEEL STORAGE STRUCTURE TONGUE AND GROOVE TEMPERATURE TOP OF TOP OF CONCRETE TOP OF MASONRY TOP OF PARAPET TOP OF ROOF TOP OF STRUCTURE TOP OF WALL TYPICAL UNDERWRITER'S LABORATORY UNLESS NOTED THERWISE WATER CLOSET WOOD WINDOW OPENING WATERPROOF

VICINITY MAP



APPLICABLE CODES

PLANS SHALL COMPLY WITH THE FOLLOWING:

2016 (CBC) CALIFORNIA BUILDING CODE

2016 CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11

2016 (CMC) CALIFORNIA MECHANICAL CODE

2016 (CPC) CALIFORNIA PLUMBING CODE

2016 (CRC) CALIFORNIA RESIDENTIAL CODE

2016 (CEC) CALIFORNIA ELECTRICAL CODE

INCLUDING ALL OF CITY OF MALIBU AMENDMENTS AS PERATINS TO SITE BUILT SCOPE OF WORK DISCRIBED IN THE PLANS.

BUILDING INFORMATION

SCOPE OF WORK FOR PV (ORIGINAL TDSF+10%)

- NEW SINGLE-FAMILY FACTORY-BUILT 4 BEDROOM RESIDENCE, FULLY SPRINKLERED (NFPA 13D). STATE-APPROVED BY A 3RD PARTY, AND INSPECTED BY HCD.
- NEW GUEST HOUSE, FACTORY BUILT 1 BEDROOM, FULLY SPRINKLERED (NFPA 13D). STATE APPROVED BY A 3RD PARTY, AND INSPECTED BY HCD.
- NEW HOBBY/POOL HOUSE, FACTORY BUILT, FULLY SPRINKLERED (NFPA 13D). STATE APPROVED BY A 3RD PARTY, AND INSPECTED BY HCD.
- FOUNDATIONS, SUBTERRANEAN GARAGE, EXTERIOR DECKS, DRIVEWAY AND RET. WALLS SHALL BE SITE-BUILT. REFER TO DRAWINGS FOR MORE INFO.
- SOLAR PANELS ARE PROPOSED PER ROOF PLAN.
- SPRINKLER SYSTEMS PER SEPARATE PERMIT W/ THE LOCAL JURISDICTION.
- NO LANDSCAPING IS PROPOSED.

SCOPE OF WORK FOR APR

- MAIN HOUSE SECOND FLOOR TO BE LOCATED ON THE EAST SIDE OF THE MAIN HOUSE VS THE ORIGINAL LOCATION ON THE WEST SIDE. THE TOTAL HEIGHT NOT TO EXCEED 24'.
- NEW SUBTERRANEAN GARAGE WITHIN THE FOOTPRINT OF THE MAIN HOUSE TO REPLACE THE ORIGINAL 700SF ABOVE GRADE DETACHED STRUCTURE.
- NEW POOL RELOCATED FROM ORIGINAL LOCATION.

USES

MAIN HOUSE: SINGLE-FAMILY DWELLING

GUEST HOUSE: SINGLE FAMILY DWELLING

SUBTERRANEAN GARAGE UNDER MAIN HOUSE

HOBBY/POOL HOUSE

OWNERS

PROJECT DESIGNER/ APPLICANT

JEFF AND JENNIFER DENKER  
5936 FILAREE HEIGHTS RD.  
MALIBU, CA 90265

MONDER SHOUFANY  
PLANTPREFAB, INC.  
2910 LINCOLN BLVD.  
SANTA MONICA, CA 90405  
TEL: 310.581.8500 X9

BUILDING DATA

TYPE OF CONSTRUCTION:

V-B

BUILDING CODE OCCUPANCY:

R3, U

SPRINKLERS

YES - NFPA 13D

LEGAL DESCRIPTION

APN:

4469-013-023

BLOCK:

4020

BLOCK GROUP:

4

TRACT:

800408

ZONING INFORMATION

PROJECT ADDRESS:

5936 FILAREE HEIGHTS RD. MALIBU, CA 90265

MMC ZONING:

RR2

REQUIRED SETBACKS:

RE:QAC LETTER 12/12/07

FRONT SETBACK:

20% X 334.0' = 66.8' (65.0' MAX)

REAR SETBACK:

15% X 334'= 50'

SIDE SETBACKS:

25% X 178.6'= 44.65' COMMULATIVE (10% MIN ONE SIDE) = 17.86'

MAX HEIGHT ALLOWED:

24'

PROPOSED SETBACKS FOR SFD:

FRONT SETBACK:

83'-4"

REAR SETBACK:

184'-11"

SIDE SETBACKS:

57'-6"/ 31'-4"

HEIGHT:

24'

PROPOSED SETBACKS FOR ACCESSORY BUILDING:

FRONT SETBACK:

273'-10"

REAR SETBACK:

6'-9" ON ORIGINAL STRUC. FOOTPRINT

SIDE SETBACKS:

21'-2" ON ORIGINAL STRUC. FOOTPRINT

HEIGHT:

14'

(E) SETBACKS OF BURNED SFD:

FRONT SETBACK:

84'

REAR SETBACK:

193'-8"

SIDE SETBACKS:

22'/ 72'

HEIGHT:

20'-2"

(E) SETBACKS FOR BURNED GUEST HOUSE:

FRONT SETBACK:

224'-4"

REAR SETBACK:

6'-9"

SIDE SETBACKS:

21'-1"/ 83'-8"

HEIGHT:

UNKNOWN

HCD CERTIFIED DESIGN APPROVAL AGENCY (DAA)

RADCO  
3220 EAST 59TH STREET  
LONG BEACH, CA 90805  
562.272.7231

FABRICATOR

PLANT PREFAB  
375 SOUTH CACTUS AVE.  
RIALTO, CA 92376  
909.546.7444

BUILDING INFORMATION

SITE DEVELOPMENT DATA

PROJECT ADDRESS:

5936 FILAREE HEIGHTS RD.  
MALIBU, CA 90265

ASSESSORS PARCEL NUMBER:

4469-013-023

OWNERS:

JEFF AND JENNIFER DENKER

USE:

SINGLE FAMILY RESIDENCE

ZONING:

RR2, RURAL RESIDENTIAL

OCCUPANCY:

R3/ U

LOT (GROSS)

55,657 SF

EASEMENTS

2,387 SF

SLOPES>1:1

98 SF

LOT (NET)

53,172 SF

TOTAL ALLOWED SQUARE FOOTAGE CALCULATION PER MALIBU ZONING CODE

PER CITY FORMULA -

UP TO 1/2 ACRE:

21,780X0.177=3,855+1,000

= 4,855

1/2 TO 1 ACRE:

43,560-21,780=21,780X0.10

= 2,178

1 ACRE TO 1-1/2 ACRE:

53,172-43,560=9,612X0.05

= 481

MAXIMUM ALLOWABLE

7,514 SF

	ORIGINAL SF	ORIGINAL +10% SF	PROPOSED SF
MAIN HOUSE FIRST FLR	3,035	3,339	2,993
MAIN HOUSE SECOND FLR	441.62	486	711 (<2/3X1ST FLR)
MAIN HOUSE UNENCLOSED COVERED DECK > 6' DEEP			47
TOTAL MAIN HOUSE		RE: PERMIT # 7198 (FINALED 07/16/99); 2,854.53+239.12+383.13=~ 3,477	3,751
GUEST HOUSE		PER SURVEY MEASUREMENT - 965	650
TOTAL DEVELOPMENT SF - RESIDENTIAL		4,886	4,401
SUBTERRANEAN GARAGE	-	-	887
DETACHED GARAGE	700	770	-
HOBBY GREEN HOUSE	720	792	320

IMPERMEABLE COVERAGE:

IMPERMEABLE COVERAGE CALCULATION: 53,172 X 30% = 15,952 SF

MAXIMUM ALLOWABLE IMPERMEABLE COVERAGE PER PARCEL IS 25,000 SF.

PROPOSED IMPERMEABLE AREA SCHEDULE

Name	Area
DRIVEWAY	6601 SF
MAIN HOUSE+DECKS	4367 SF
POOL HOUSE	324 SF
GUEST HOUSE + PATIOS	1203 SF
POOL DECK	1734 SF
CONC. WALKWAY	440 SF
GARAGE DRIVEWAY	1004 SF
CONC. DECK	120 SF
CONC. PAD	45 SF
	15837 SF

SHEET INDEX

#	SHEET NAME
A0.1	TITLE SHEET
A0.4	SURVEY PLAN
A0.10	DWGS OF ORIGINAL MAIN HOUSE - PART I
A0.11	DWGS OF ORIGINAL MAIN HOUSE - PART II
A0.12	ORIGINAL GUEST HOUSE + GREENHOUSE PERMITS
A0.13	DWGS OF ORIGINAL DETACHED GARAGE
A0.14	(E) CDP WAIVERS, (E) OWTS PERMITS
A1.0	SITE PLAN
A1.1	FIRE ACCESS PLAN
A1.2	ROOFS AND SITE DRAINAGE PLAN
A1.3	STORY POLE PLAN
A2.0	SUBTERRANEAN GARAGE
A2.1	FIRST FLR PLAN - MAIN HOUSE
A2.2	SECOND FLR PLAN - MAIN HOUSE
A2.10	GUEST HOUSE PLANS
A2.20	POOL HOUSE PLANS
A3.0	NORTH AND SOUTH ELEVATIONS
A3.1	EAST AND WEST ELEVATIONS
A3.10	GUEST HOUSE ELEVATIONS + SECTION
A3.20	POOL HOUSE ELEVATIONS + SECTION
A4.0	MAIN HOUSE SECTIONS
A4.1	SECTION DETAILS
A5.1.S	ENLARGED PLANS - MAIN HOUSE
A5.2.S	ENLARGED PLANS - MAIN HOUSE
A5.3.S	ENLARGED PLANS - MAIN HOUSE
A5.4.S	ENLARGED PLANS - MAIN HOUSE
A5.5.S	ENLARGED PLANS - GUEST HOUSE
A9.2	ENLARGED STAIR PLANS
A29.1	POOL HOUSE ASSEMBLY DETAILS

Received  
4/24/2020  
Planning Dept.

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P R E F A B  
375 south cactus ave  
rialto, ca 92376  
p: 909.546.7444 f: 909.546.7411  
www.plantprefab.com

PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE: 08/19/19  
DRAWN BY: MS  
CHECKED BY: MS

REVISIONS

APR SUBMITTAL 9/19/19

APR RESUBMITTAL 11/13/2020

REISSUE TO PLANNING 2/19/2020

STATE APPROVAL STAMP

Approved  
June 10, 2020  
Plannig Dept .

SHEET  
NUMBER:  
TITLE SHEET

A0.1

4/23/2020 11:22:28 AM

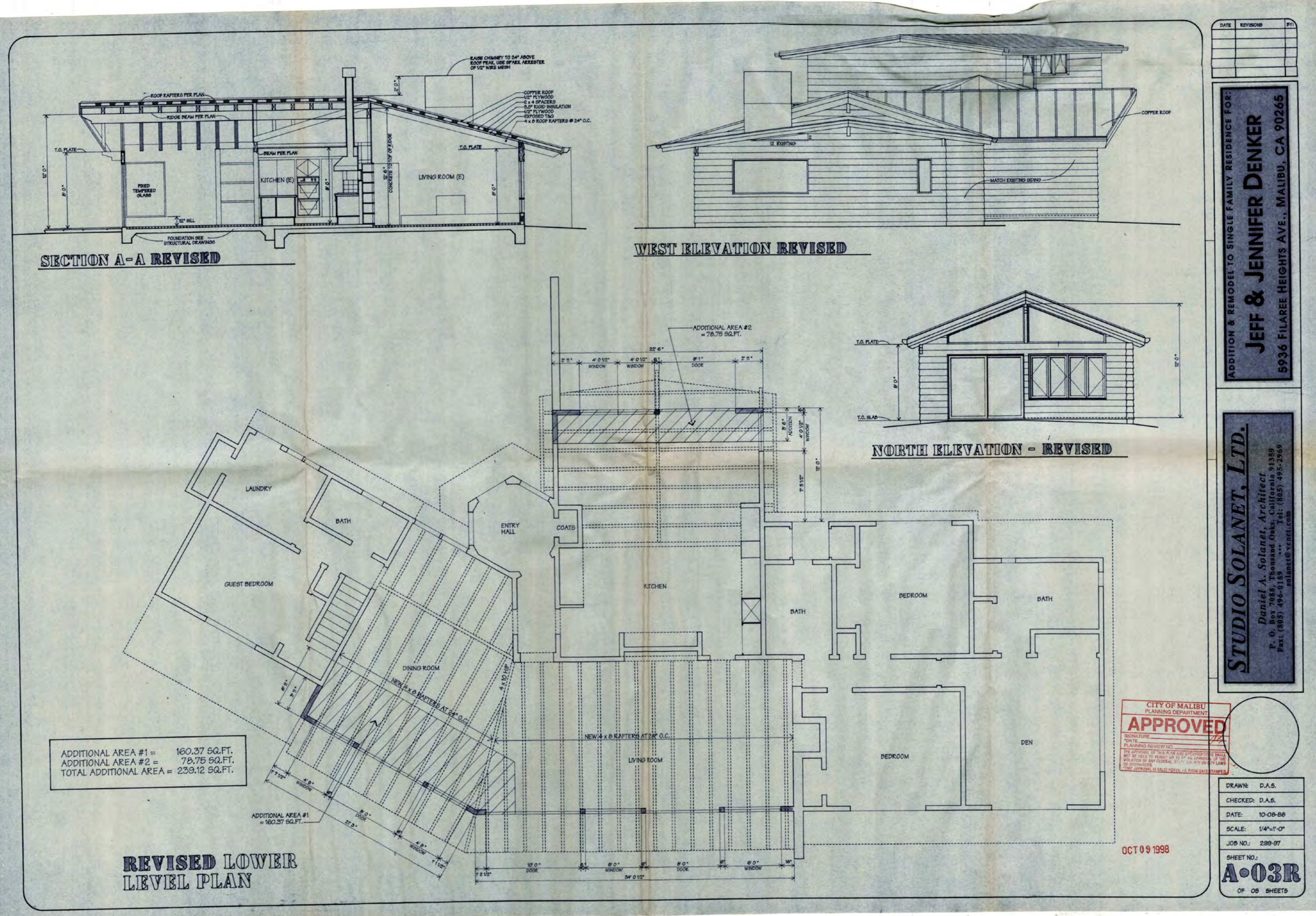
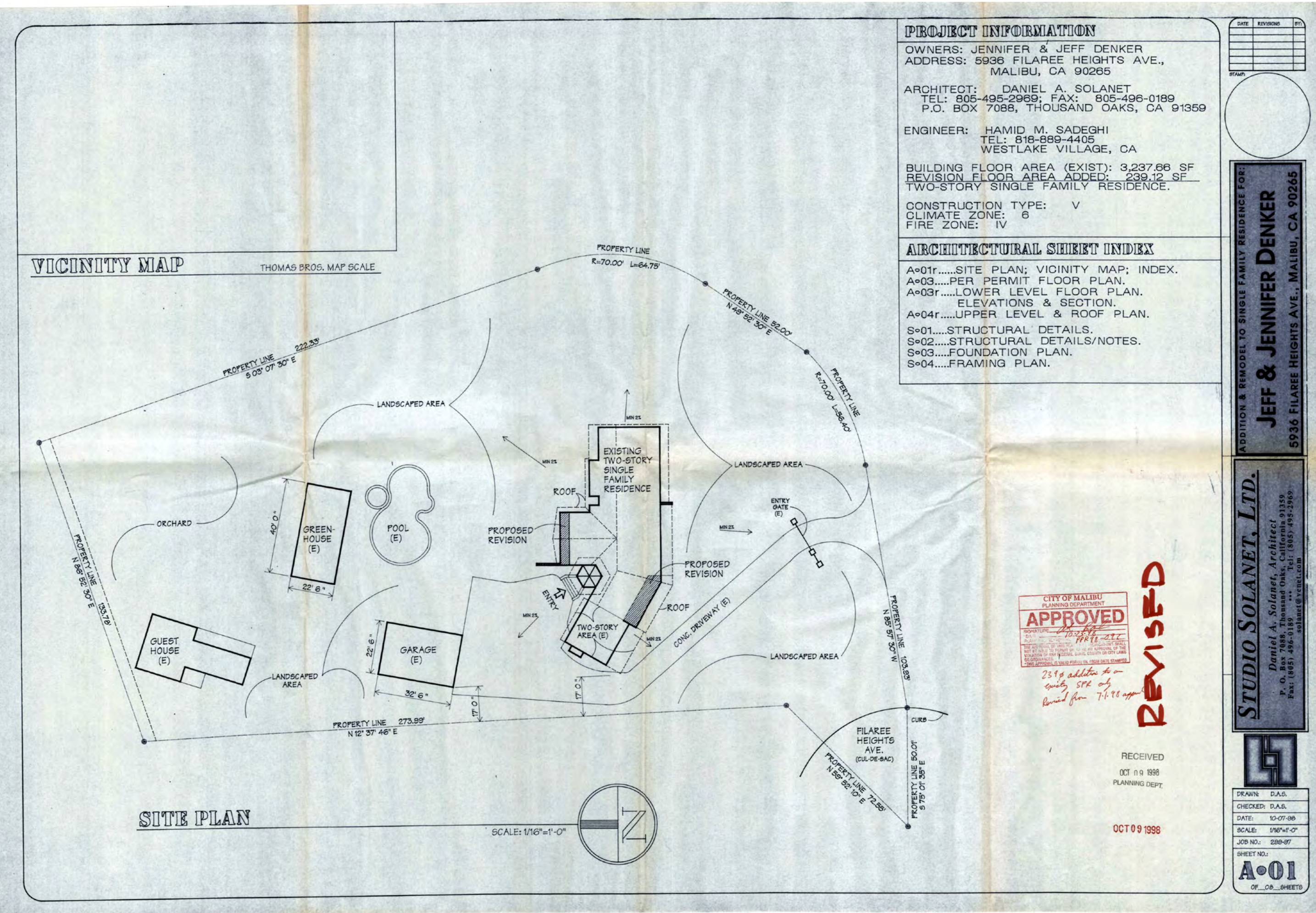
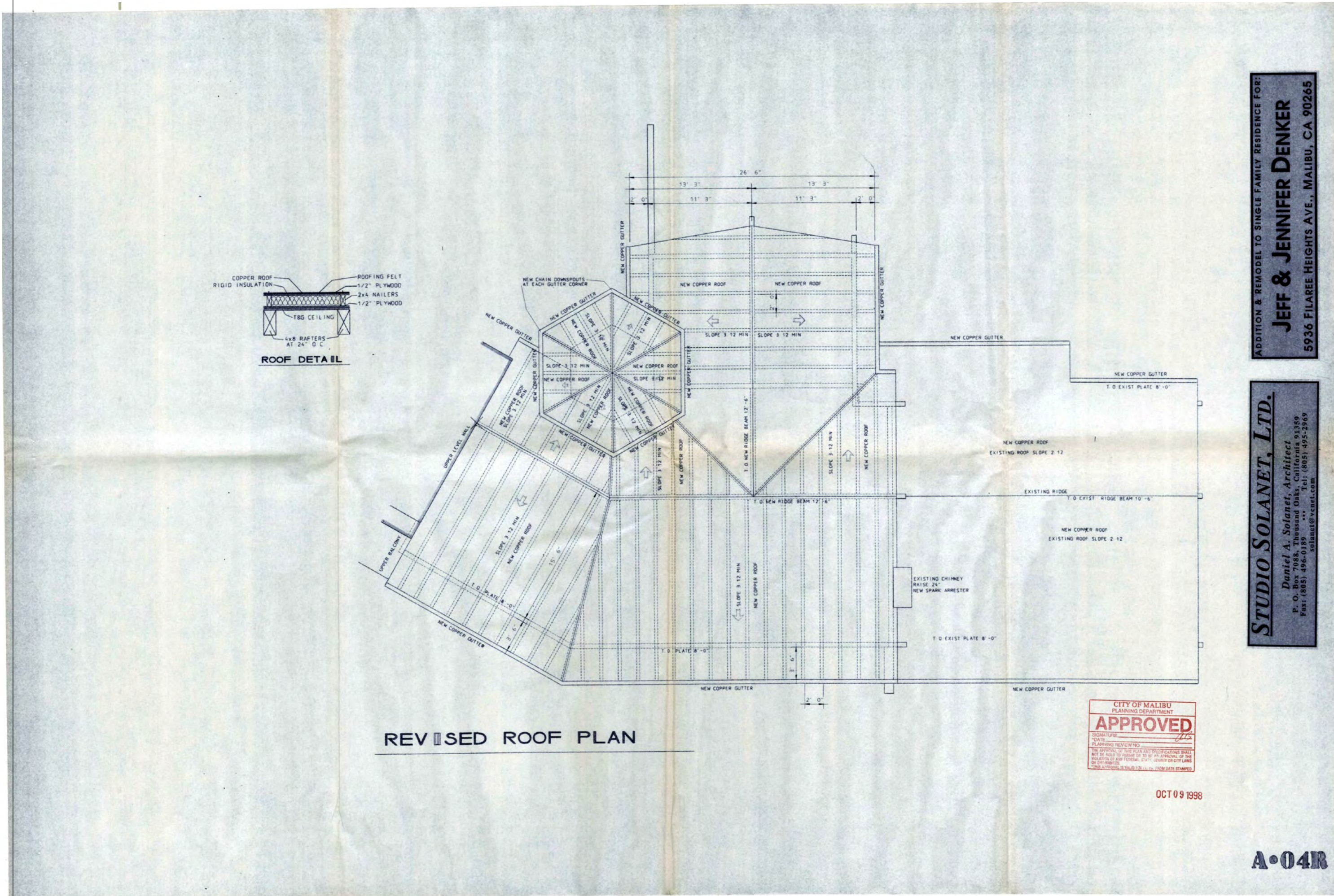
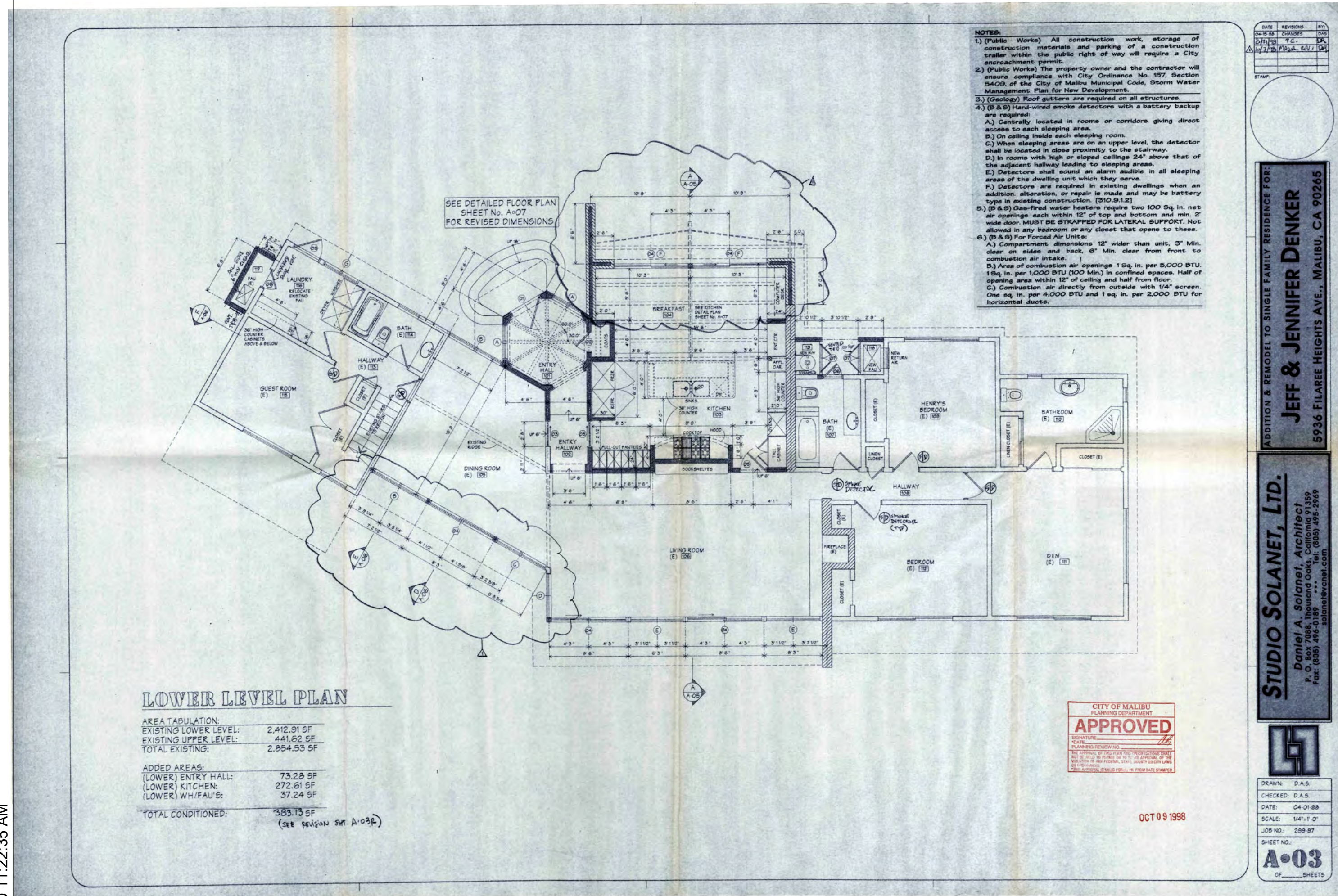
94

ATTACHMENT 1









**PROJECT:**  
**FILAREE HEIGHTS ROAD**  
**ADDRESS:**  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265  
**OWNER:**  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
**EMAIL:**  
JENDENKER1111@GMAIL.COM,  
IMJEFF@EARTHLINK.NET

**DATE:** 08/19/19  
**DRAWN BY:** MS  
**CHECKED BY:** MS

**REVISIONS**  
APR SUBMITTAL 9/19/19

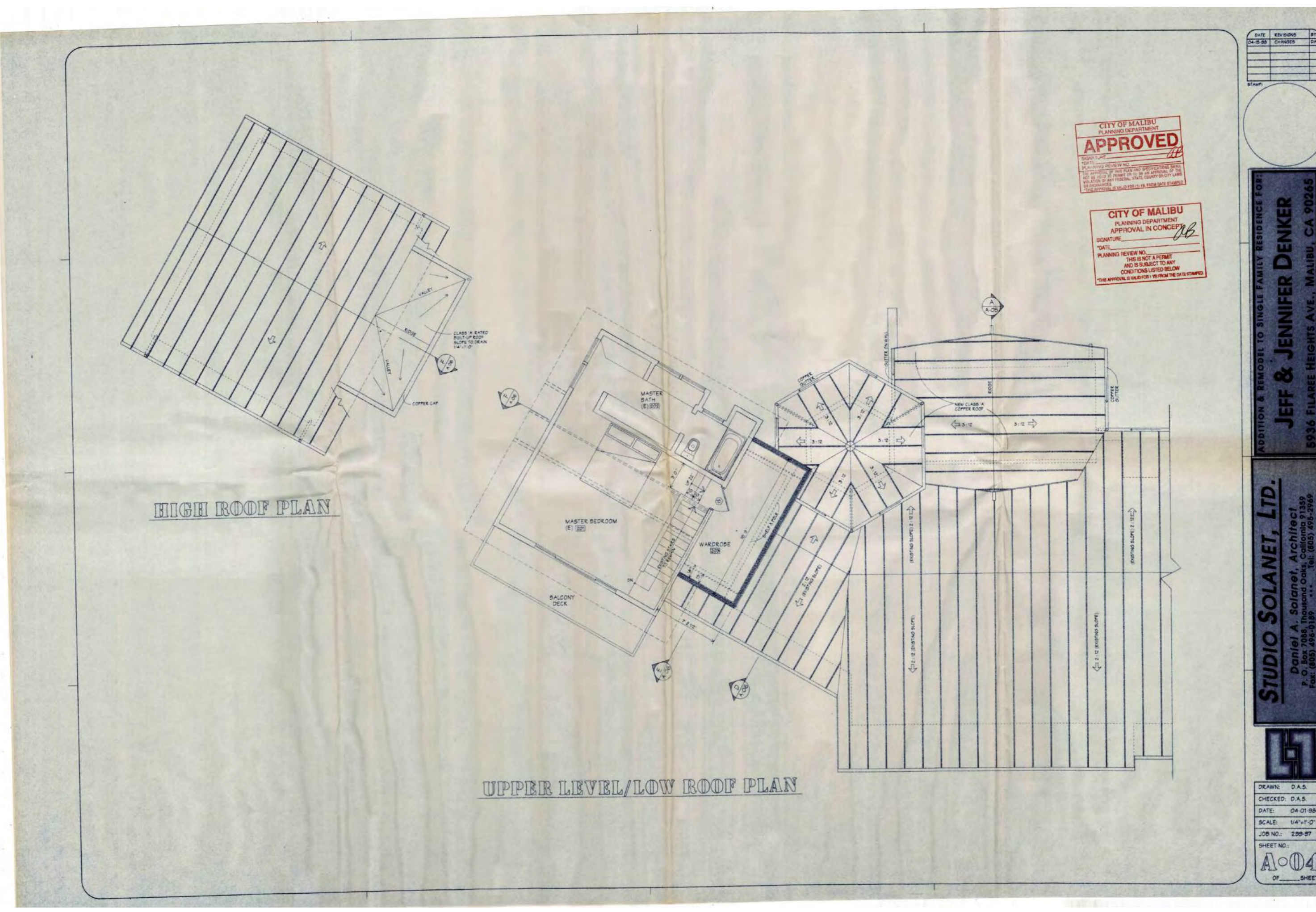
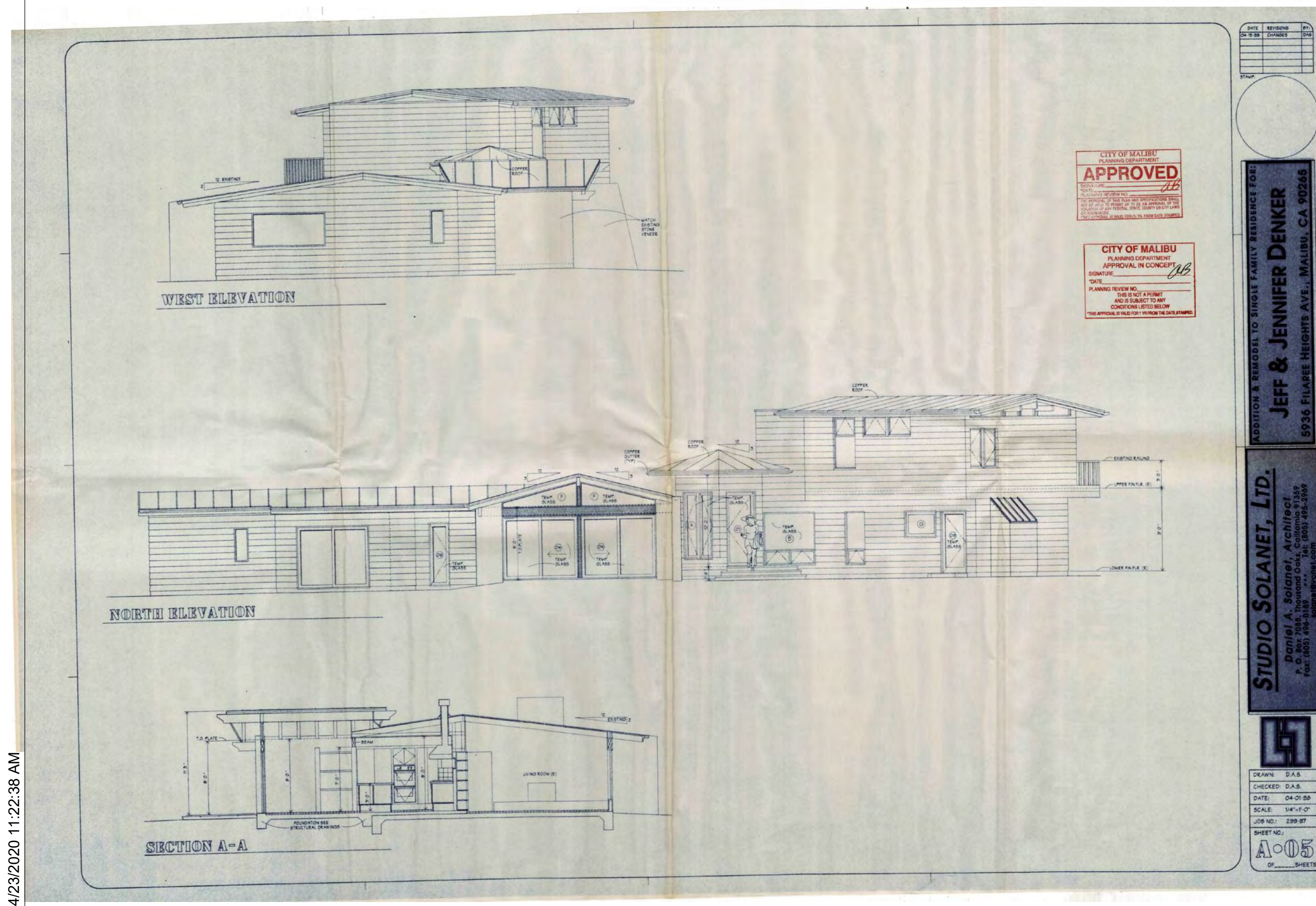
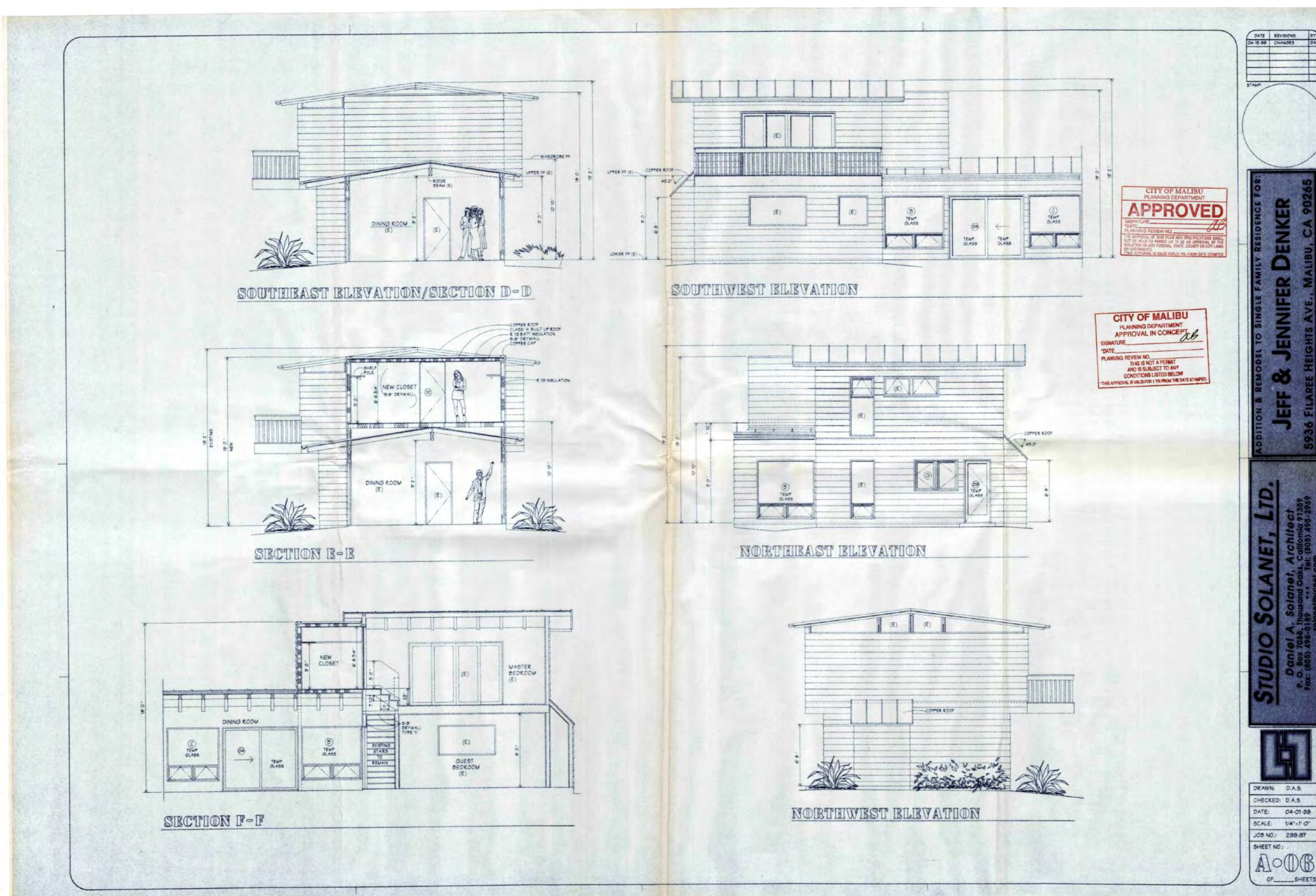
**STATE APPROVAL STAMP**

**SHEET**  
**NUMBER:** A0.10  
**DWGS OF ORIGINAL**  
**MAIN HOUSE - PART I**



BUILDING PERMIT APPLICATION		CITY OF MALIBU		PLAN CHECK EXPIRES 5-8-99	
OWNER/BUILDER DECLARATION		3555 CIVIC CENTER WAY MALIBU, CA 90265		DO NOT WRITE BELOW	
I hereby affirm under penalty that I am exempt from the Contractor's License Law for the following reason: Section 700.5, Business and Professions Code, for the 25th year structure prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is a licensed professional in the Construction Industry. I am a Licensed Professional Engineer of that for the 25th year structure and the permit for the 25th year structure is a one-time permit and the permit for the 25th year structure is a one-time permit and the permit for the 25th year structure is a one-time permit.		5936 FILAREE HTS. AVE.		REMOVED LIVING ROOM	
4429-013-23		JENNIFER & JEFF DENKER		DINING ROOM OF EXISTING	
5936 FILAREE HTS. AVE.		MALIBU CA 90265		NICK - 736 41 09106	
310-457-2160		P.O. BOX 7088		7673	
DANIEL A. SOLANET		THURSDAY APR 04 91357		7198	
BOS-495-2969		BOS-495-2969		7198	
DANIEL A. SOLANET		NCC CONST INC		7198	
BOS-495-2969		PO BOX 4317		7198	
DANIEL A. SOLANET		MALIBU CA 90265		7198	
BOS-495-2969		310 457-1105		7198	
DANIEL A. SOLANET		LICENSURE NUMBER		7198	
BOS-495-2969		LICENSURE CLASS		7198	
DANIEL A. SOLANET		EXPIRATION DATE		7198	
BOS-495-2969		PERMIT EXPIRES		7198	
DANIEL A. SOLANET		6-14-98		7198	

NO.	REVISION	DATE	REVISION
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
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7	7	7	7
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97	97	97	97
98	98	98	98
99	99	99	99
100	100	100	100



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www.plantprefab.com

PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMJEFF@EARTHLINK.NET

DATE: 08/19/19  
DRAWN BY: MS  
CHECKED BY: MS

REVISIONS  
APR SUBMITTAL 9/19/19

STATE APPROVAL STAMP

SHEET  
NUMBER: A0.11  
DWGS OF ORIGINAL  
MAIN HOUSE - PART II





GUEST HOUSE PHOTOS BEFORE FIRE

1

FRANKLIN COUNTY 5-1-1 APPLICATION FOR BUILDING PERMIT

COUNTY OF LOS ANGELES  
DEPARTMENT OF COUNTY ENGINEER  
BUILDING AND SAFETY DIVISION  
JOHN A. LAMBIE, COUNTY ENGINEER  
WILLIAM A. JENSEN, SUFF. OF BUILDING

**FOR APPLICANT TO FILL IN**

BUILDING ADDRESS: 5936 Filaree Heights Rd  
LOCALITY: Malibu  
DISTRICT NO.: 4-2  
GROUP: 1  
TYPE: 1  
PROCESSED BY: [Signature]  
STATISTICAL CLASSIFICATION: CLASS NO. 23 DWELL. UNITS: 1  
WATER CERTIFICATE: NOT REQUIRED [X] RECEIVED [ ]  
MAP NO. 4520  
HIGHWAY: STATE MAJOR SECOND. LOCAL  
USE CODE: 12-4  
SPECIAL CONDITIONS: 30M  
BUILDING SETBACK: YARD HWY STREET NAME EXIST. WIDTH  
FRONT: 20' Filaree Hgts 40'  
SIDE: 10'  
REAR: 10'

OWNER: REBECC C. NELSON  
ADDRESS: 5936 FILAREE HGS  
ARCHITECT OR ENGINEER: GEO FUSONKE  
ADDRESS: 459 S. BAKER ST. L.A.  
CONTRACTOR: LOUIS HARRIS & HARRIS  
ADDRESS: 7132 SAN BENITO RD. LAB  
DESCRIPTION OF WORK: HOBBY GREENHOUSE  
NEW: ADD ALTER REPAIR DEMOLISH  
SQ. FT. 726 NO. OF STORIES 1 NO. OF FAMILIES 1  
USE OF STRUCTURE HOBBY GREENHOUSE  
SIGNATURE OF APPLICANT: LOUIS HARRIS & HARRIS  
VALUATION \$: 4100  
P.C. FEE \$: 1100 P.M. FEE \$: 2200  
I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND WANTS TO COMPLY WITH ALL COUNTY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION. I CERTIFY THAT IN DOING THE WORK AUTHORIZED HEREBY I WILL NOT EMPLOY ANY PERSON IN VIOLATION OF THE LABOR CODE OF THE STATE OF CALIFORNIA RELATING TO WORKMEN'S COMPENSATION INSURANCE.  
SIGNATURE OF PERMITTEE: LOUIS HARRIS & HARRIS  
ADDRESS: 7132 SAN BENITO RD. LAB  
PLAN CHECK VALIDATION: 110018 FEB 23 23 11:00 AM  
PERMIT VALIDATION: 110018 FEB 23 23 11:00 AM  
15612 NR 8 1 2200

GREEN HOUSE PERMIT

PROJECT:  
FILAREE HEIGHTS ROAD  
ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265  
OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMJEFF@EARTHLINK.NET

DATE: 08/19/19  
DRAWN BY: MS  
CHECKED BY: MS

REVISIONS  
APR SUBMITTAL 9/19/19

STATE APPROVAL STAMP

SHEET  
NUMBER: A0.12  
ORIGINAL GUEST HOUSE  
+ GREENHOUSE  
PERMITS

1

FRANKLIN COUNTY 5-1-1 APPLICATION FOR BUILDING PERMIT

COUNTY OF LOS ANGELES  
DEPARTMENT OF COUNTY ENGINEER  
BUILDING AND SAFETY DIVISION  
JOHN A. LAMBIE, COUNTY ENGINEER  
WILLIAM A. JENSEN, SUFF. OF BUILDING

**FOR APPLICANT TO FILL IN**

BUILDING ADDRESS: 5936 FILAREE  
LOCALITY: MALIBU  
DISTRICT NO.: 4-2  
GROUP: 1  
TYPE: 1  
PROCESSED BY: [Signature]  
STATISTICAL CLASSIFICATION: CLASS NO. 22 DWELL. UNITS: 01  
WATER CERTIFICATE: NOT REQUIRED [X] RECEIVED [ ]  
MAP NO. 4520  
HIGHWAY: STATE MAJOR SECOND. LOCAL  
USE CODE: 12-4  
SPECIAL CONDITIONS: 30M  
BUILDING SETBACK: YARD HWY STREET NAME EXIST. WIDTH  
FRONT: 20' Filaree Hgts 40'  
SIDE: 10'  
REAR: 10'

OWNER: ROBERT H. VOGELEISE  
ADDRESS: 773 SWARTHMORE  
ARCHITECT OR ENGINEER: [Signature]  
ADDRESS: [Signature]  
CONTRACTOR: [Signature]  
ADDRESS: [Signature]  
DESCRIPTION OF WORK: STABLE  
NEW: ADD ALTER REPAIR DEMOLISH  
SQ. FT. 600 NO. OF STORIES 1 NO. OF FAMILIES 1  
USE OF STRUCTURE STABLE  
SIGNATURE OF APPLICANT: [Signature]  
VALUATION \$: 600  
P.C. FEE \$: 600 P.M. FEE \$: 600  
I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND WANTS TO COMPLY WITH ALL COUNTY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION. I CERTIFY THAT IN DOING THE WORK AUTHORIZED HEREBY I WILL NOT EMPLOY ANY PERSON IN VIOLATION OF THE LABOR CODE OF THE STATE OF CALIFORNIA RELATING TO WORKMEN'S COMPENSATION INSURANCE.  
SIGNATURE OF PERMITTEE: [Signature]  
ADDRESS: [Signature]  
PLAN CHECK VALIDATION: 110018 FEB 23 23 11:00 AM  
PERMIT VALIDATION: 110018 FEB 23 23 11:00 AM  
15612 NR 8 1 2200

GUEST HOUSE PERMIT

NOTE:  
GUEST HOUSE WAS GRANDFATHERED IN AND WAS ALTERED TO A GUEST HOUSE BEFORE THE ESTABLISHMENT OF THE CITY OF MALIBU. THE STRUCTURE APPEAR AS A GUEST HOUSE ON ALL LATER PERMIT APPLICATIONS (SITE PLANS), RE: DOCUMENTATION OF REST OF THE ORIGINAL STRUCTURES ON SITE.

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rialto, ca 92376  
p: 909.546.7444 f: 909.546.7411  
www.plantprefab.com



Architectural drawings for a building project, including elevations and a floor plan. The drawings are labeled with dimensions and notes. A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU". A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU".

Architectural drawings for a building project, including a site plan and a vicinity map. The drawings are labeled with dimensions and notes. A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU". A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU".

Form titled "REQUIRED BUILDING INSPECTIONS AND APPROVALS". It contains a table with columns for "NO.", "INSPECTION", "DATE", and "INSPECTOR". The table lists various inspections and their dates. A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU". A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU".

Form titled "BUILDING PERMIT APPLICATION". It contains a table with columns for "NO.", "INSPECTION", "DATE", and "INSPECTOR". The table lists various inspections and their dates. A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU". A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU".

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www.plantprefab.com

PROJECT:

FILAREE HEIGHTS ROAD

ADDRESS:

5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:

JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265

EMAIL:

JENDENKER1111@GMAIL.COM,  
IMJEFF@EARTHLINK.NET

DATE:

08/19/19

DRAWN BY:

MS

CHECKED BY:

MS

REVISIONS

APR SUBMITTAL 9/19/19

STATE APPROVAL STAMP

SHEET NUMBER:

A0.13

DWGS OF ORIGINAL DETACHED GARAGE





## City of Malibu

32555 Civic Center Way, Malibu, California 90265  
310 456-CITY Fax 310 456-3386  
Planning Department  
JENNIFER DENKER  
APR 12 1996

April 12, 1996

Mr. Raymond Zukaitis  
8067 Woodland Lane  
Los Angeles, CA 90046

Subject: PPR 96-064/5936 Filaree Heights Avenue (Denker)

Dear Mr. Zukaitis:

The UCLA Archaeological Information Center has completed an initial records search and has recommended a Phase I archaeological survey on the subject property. The City of Malibu requires that the Phase I survey be completed by the City Archaeologist at a cost not to exceed \$500.

Before the City Archaeologist can begin work, we need your authorization to proceed. For your convenience, you may sign and return the authorization form at the bottom of this letter.

If you have any questions, please call me at (310) 456-2489, extension 250.

Ara Michael Mihranian  
Assistant Planner

### AUTHORIZATION FORM:

I am the owner or applicant for the subject permit and I authorize the City Archaeologist to complete a Phase I archaeology survey on the subject property at a cost not to exceed \$500.

Owner/Applicant Signature  
(Please return the entire page)

5/3/96  
Date

ATTN: ARA MIHRANIAN

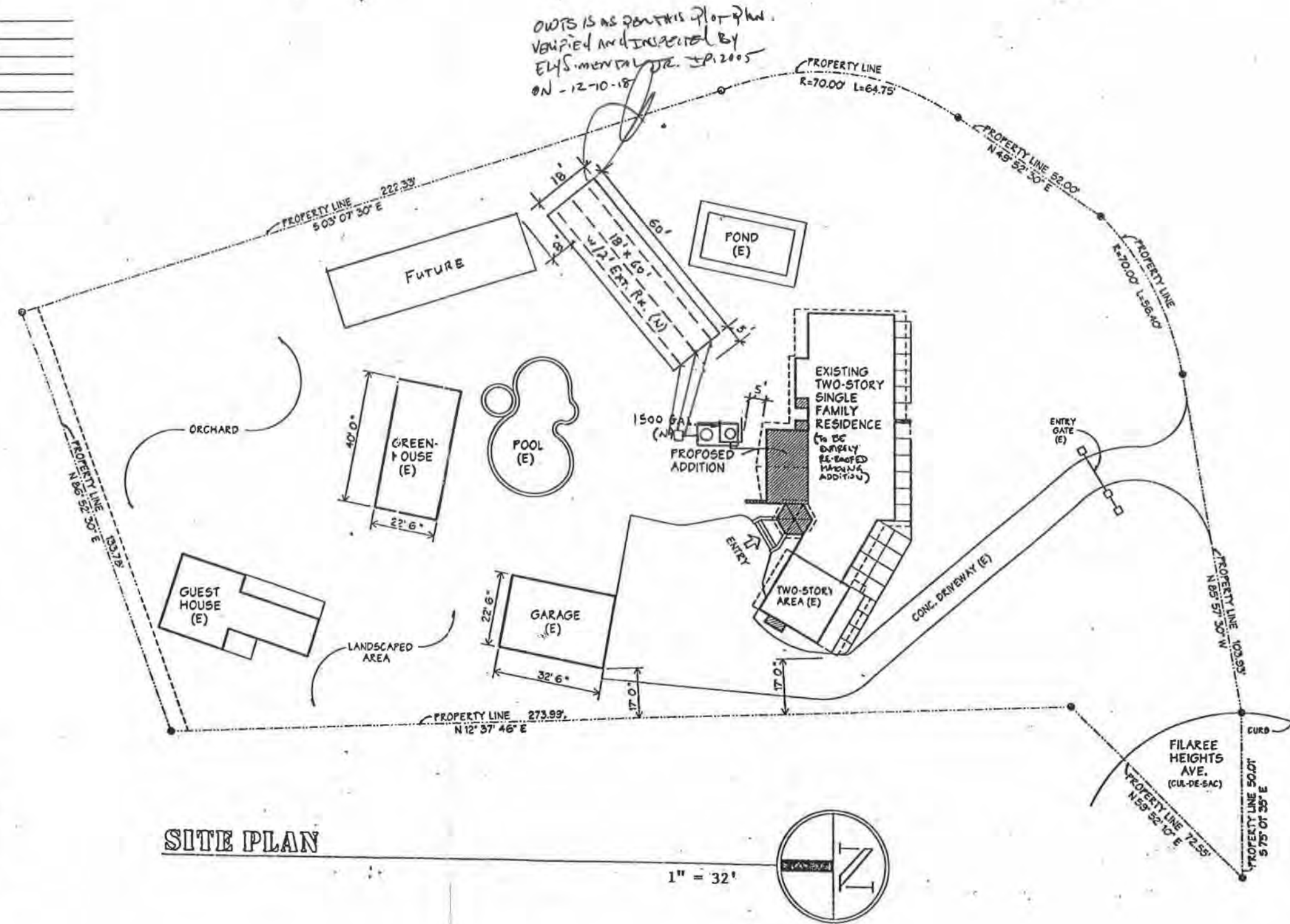
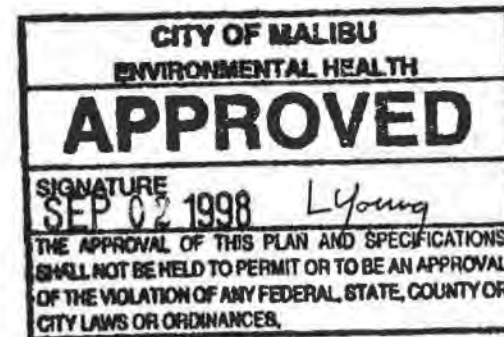
### ARCHAEOLOGICAL REPORT

5936 FILAREE HEIGHTS AVE.  
MALIBU, CA 90265

S.F.D.: 4 Br. - 4 Br. (Remodel)  
SEPTIC TANK: 1500 Gallon (N)  
PRESENT: 1 - 18' X 60' Drainfield  
with 2' Extra Rock (N)  
FUTURE: 100%  
PERC RATE: 21 minutes/inch

### NOTES:

1. This approval is for a 4 bedroom to 4 bedroom single family dwelling remodel. The existing septic tank shall be removed and a new 1500 gallon septic tank installed, as shown. The existing seepage pits shall be located and abandoned. A new 18' X 60' drainfield with 2' extra rock shall be installed, as shown.
2. This approval only relates to the minimum requirements of the City of Malibu Uniform Plumbing Code and does not include an evaluation of any geological, or other potential problems, which may require an alternative method of wastewater disposal.
3. This approval is valid for one year or until City of Malibu Uniform Plumbing Code and/or Administrative Policy changes render it noncomplying.



### OWTS PLOT PLAN VERIFICATION



## City of Malibu

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

### ONSITE WASTEWATER TREATMENT SYSTEM FIRE DAMAGE ASSESSMENT

Each Onsite Wastewater Treatment System (OWTS) proposed to be utilized for sewage disposal following fire damage to a property, is required to be inspected by an OWTS city registered practitioner and approved by the City prior to use. A list of OWTS city registered practitioners can be found at [www.malibucity.org/practitioners](http://www.malibucity.org/practitioners). Submit this form and a copy of the inspection report (if required) to the Environmental Health office.

☐ Occupy Existing Structure (not damaged) ☐ Temporary home ☐ Rebuild Structure

Site Address: 5936 Filaree Heights Ave. APN: 4469-013-023  
Property Owner: JENNIFER DENKER  
Mailing Address: 6936 DUNE DRIVE MALIBU CA 90265  
Email Address: jendenker111@gmail.com Phone: \_\_\_\_\_  
No. of OWTS on the subject property: 1

OWTS Registered Practitioner:  
Name: E.J. SMENTAL JR. License Number: 746011  
Company: E.J. JR'S PUMPING

I certify that I have personally inspected the onsite wastewater treatment system at this address and that the information reported below is true, accurate and complete as of the time of the inspection. I am a city of Malibu OWTS registered practitioner pursuant to Section 15.44.050, of the Malibu Municipal Code.

### Condition of OWTS:

☒ Passes ☐ Conditionally Passes (detailed below) ☐ Fails (detailed below)

Signature of Practitioner: \_\_\_\_\_ Date of Inspection: 12-10-18

Comments (attach additional sheets if necessary):  
FIBERGLASS SEPTIC TANK DISTRIBUTION BOX AND DRAINFIELD ARE IN OPERATIONAL STATUS. SEPTIC TANK WILL BE PUMPED OUT AND ADDITIONAL LIDS WILL BE REQUIRED. INLET SEWER PIPE WILL BE SUD-O-UT TO GRADE ON MAIN HOUSE. GUEST HOUSE NEEDS TANK REPLACEMENT.

EH Received \_\_\_\_\_ Fee Paid Date \_\_\_\_\_ \*The current fee is \$197.00  
\*If repairs are necessary additional review fees and a building safety permit may be necessary.

OWTS Fire Damage Assessment 181129

Recycled Paper

### OWTS ASSESSMENT REPORT

### PROJECT: FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMJEFF@EARTHLINK.NET

DATE: 08/20/19  
DRAWN BY: MS  
CHECKED BY: MS

### REVISIONS

APR SUBMITTAL 9/19/19

### STATE APPROVAL STAMP

SHEET  
NUMBER: A0.14  
(E) CDP WAIVERS, (E)  
OWTS PERMITS

4-98-067-X (Solonet)

Page 2

— The proposed development involves the installation, testing and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).

— The proposed development is an improvement to a structure other than a single family residence or public works facility and is not subject to a permit requirement (Section 13253 of Administrative Regulations).

— The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by natural disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).

— Other:

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a coastal development permit is obtained.

Truly yours,

By: Mark H. Capelli

Title: Coastal Program Analyst

8494A

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION  
SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

RECEIVED

SEP 11 1998  
PLANNING DEPT.

DATE: July 1, 1998

NAME: Daniel Solonet

LOCATION: 5936 Filaree Heights Ave., Malibu

PROJECT: 345 square foot first floor addition, 125 square foot second floor addition

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A coastal development permit is not necessary for the reasons checked below.

— The site is not located within the coastal zone as established by the California Coastal Act of 1976, as amended.

— The proposed development is included in Categorical Exclusion No. \_\_\_\_\_ adopted by the California Coastal Commission.

— The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities (Section 30610(d) of Coastal Act).

X — The proposed development is an improvement to an existing single family residence (Section 30610(a) of the Coastal Act) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code).

— The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) but is not a) an increase of 10% or more of internal floor area, b) an increase in height over 10%, or c) a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).

— The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Section 30106 of Coastal Act).

(OVER)

E7: 7/90

CDP EXEMPTION LETTER  
JULY 1998

Page 2

— The proposed development involves the installation, testing and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).

— The proposed development is an improvement to a structure other than a single family residence or public works facility and is not subject to a permit requirement (Section 13253 of Administrative Regulations).

— The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by natural disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).

— Other:

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a coastal development permit is obtained.

Truly yours,

By: Susan Friend

Title: Staff Analyst

2054M/SPF-VNT

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION  
SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

EXEMPTION LETTER

DATE: June 11, 1996

NAME: Jeffrey and Jennifer Denker  
c/o Raymond Zukaitis  
8067 Woodland Lane  
Los Angeles, CA 90046

LOCATION: 5936 Filaree Heights, City of Malibu; Los Angeles County

PROJECT: Construction of a non-attached two-car garage with no living quarters attached and no grading.

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A coastal development permit is not necessary for the reasons checked below.

— The site is not located within the coastal zone as established by the California Coastal Act of 1976, as amended.

— The proposed development is included in Categorical Exclusion No. \_\_\_\_\_ adopted by the California Coastal Commission.

— The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities (Section 30610(d) of Coastal Act).

XX — The proposed development is an improvement to an existing single family residence (Section 30610(a) of the Coastal Act) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code).

— The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) but is not a) an increase of 10% or more of internal floor area, b) an increase in height over 10%, or c) a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).

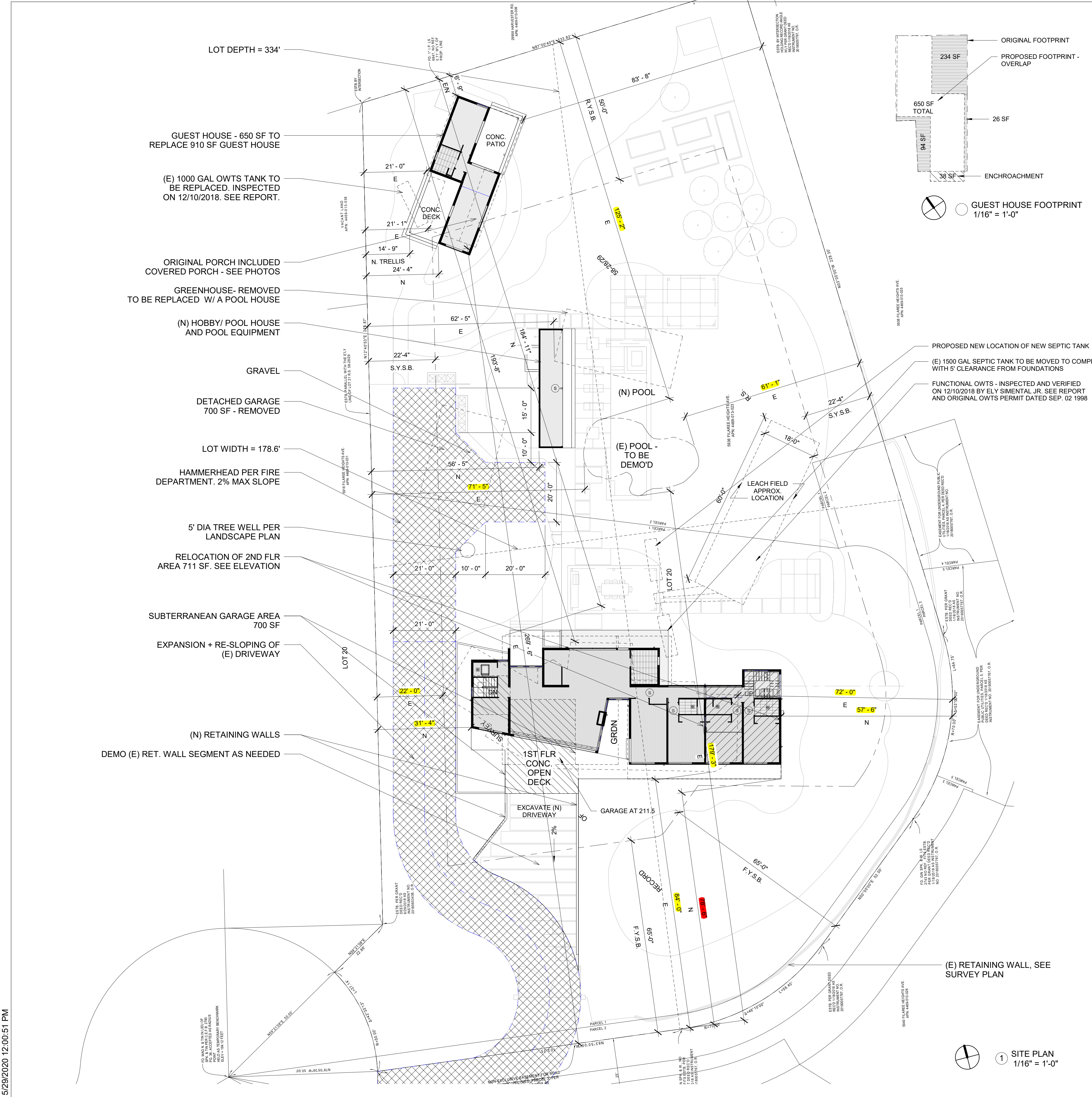
— The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Section 30106 of Coastal Act).

(OVER)

E7: 7/90

CDP EXEMPTION LETTER  
JUNE 1996





SITE DEVELOPMENT DATA

PROJECT ADDRESS: 5936 FILAREE HEIGHTS RD. MALIBU, CA 90265

ASSESSORS PARCEL NUMBER: 4469-013-023

OWNERS: JEFF AND JENNIFER DENKER

USE: SINGLE FAMILY RESIDENCE

ZONING: RR2, RURAL RESIDENTIAL

OCCUPANCY: R3/ U

LOT (GROSS) 55,657 SF

EASEMENTS 2,387 SF

SLOPES>1:1 98 SF

LOT (NET) 53,172 SF

TOTAL ALLOWED SQUARE FOOTAGE CALCULATION PER MALIBU ZONING CODE

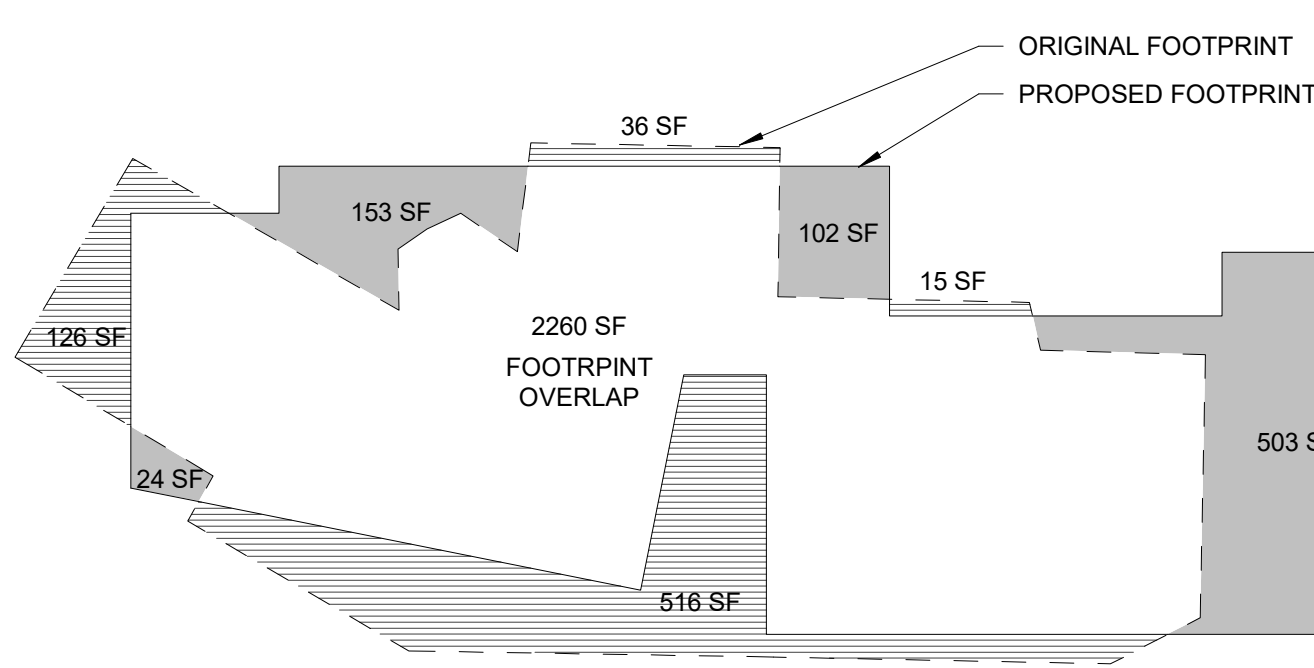
PER CITY FORMULA - UP TO 1/2 ACRE:	21,780X0.177=3,855+1,000	= 4,855
1/2 TO 1 ACRE:	43,560-21,780=21,780X0.10	= 2,178
1 ACRE TO 1-1/2 ACRE:	53,172-43,560=9,612X0.05	= 481

MAXIMUM ALLOWABLE 7,514 SF

	ORIGINAL SF	ORIGINAL +10% SF	PROPOSED SF
MAIN HOUSE FIRST FLR	3,035	3,339	2,993
MAIN HOUSE SECOND FLR	441.62	486	711 (<2/3X1ST FLR)
MAIN HOUSE UNENCLOSED COVERED DECK > 6' DEEP			47
TOTAL MAIN HOUSE	RE: PERMIT # 7198 (FINALED 07/16/99): 2,854.53+239.12+383.13=~ 3,477	3,824.5	3,751
GUEST HOUSE	PER SURVEY MEASUREMENT - 965	1,062	650
TOTAL DEVELOPMENT SF - RESIDENTIAL		4,886	4,401

SUBTERRANEAN GARAGE	-	-	887
DETACHED GARAGE	700	770	-
HOBBY GREEN HOUSE	720	792	320

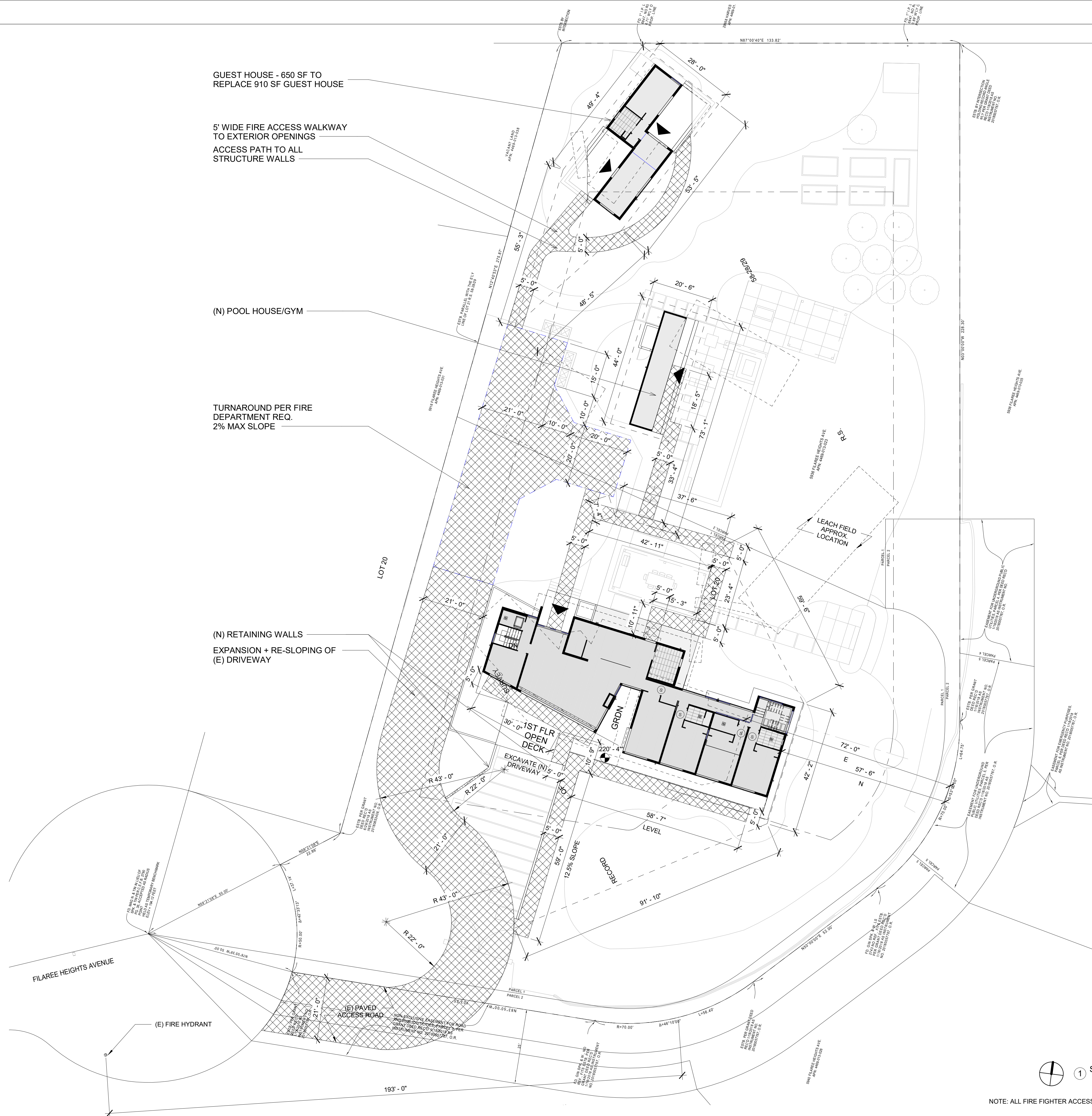
TDSF BREAKDOWN 1" = 10'-0"



MAIN HOUSE FOOTPRINT COMPARISON BREAKDOWN - E. VS N. 1/16" = 1'-0"

ISSUE DATE
-
-
-
-
-
-
-
-
-
-





1 SITE PLAN - FIRE ACCESS PLAN  
1/16" = 1'-0"

NOTE: ALL FIRE FIGHTER ACCESS PATH SLOPES ARE SLOPED UP TO 5% U.N.O.

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P R E F A B  
375 south cactus ave  
rialto, ca 92376  
p: 909.546.7444 f: 909.546.7411  
www.plantprefab.com

PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE: 08/22/19

DRAWN BY: MS

CHECKED BY: MS

REVISIONS

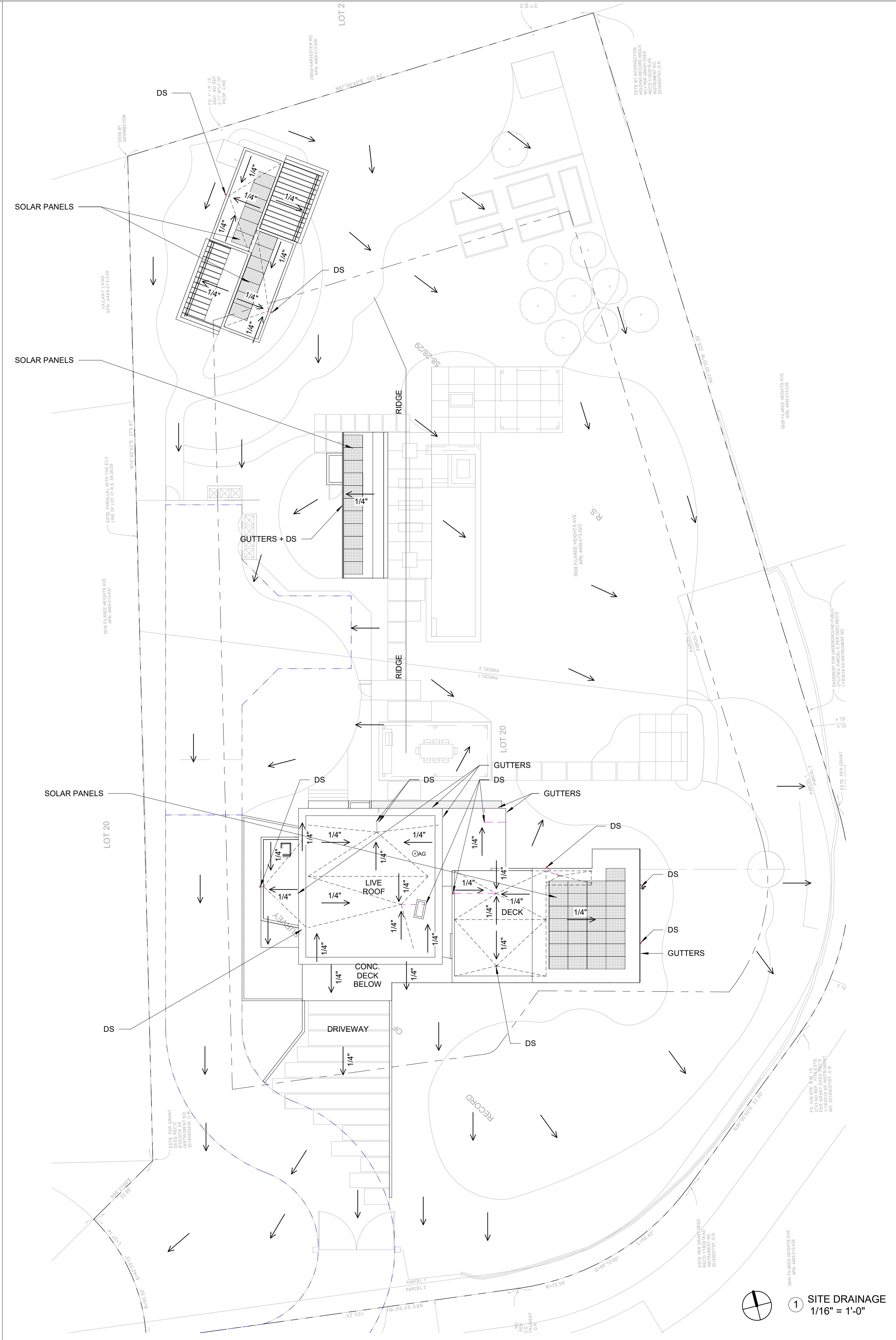
APR SUBMITTAL 9/19/19

STATE APPROVAL STAMP

SHEET  
NUMBER: A1.1

FIRE ACCESS PLAN





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PROJECT:  
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MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE:  
DRAWN BY:  
CHECKED BY:

08/22/19  
MS  
MS

REVISIONS

APR SUBMITTAL

9/19/19

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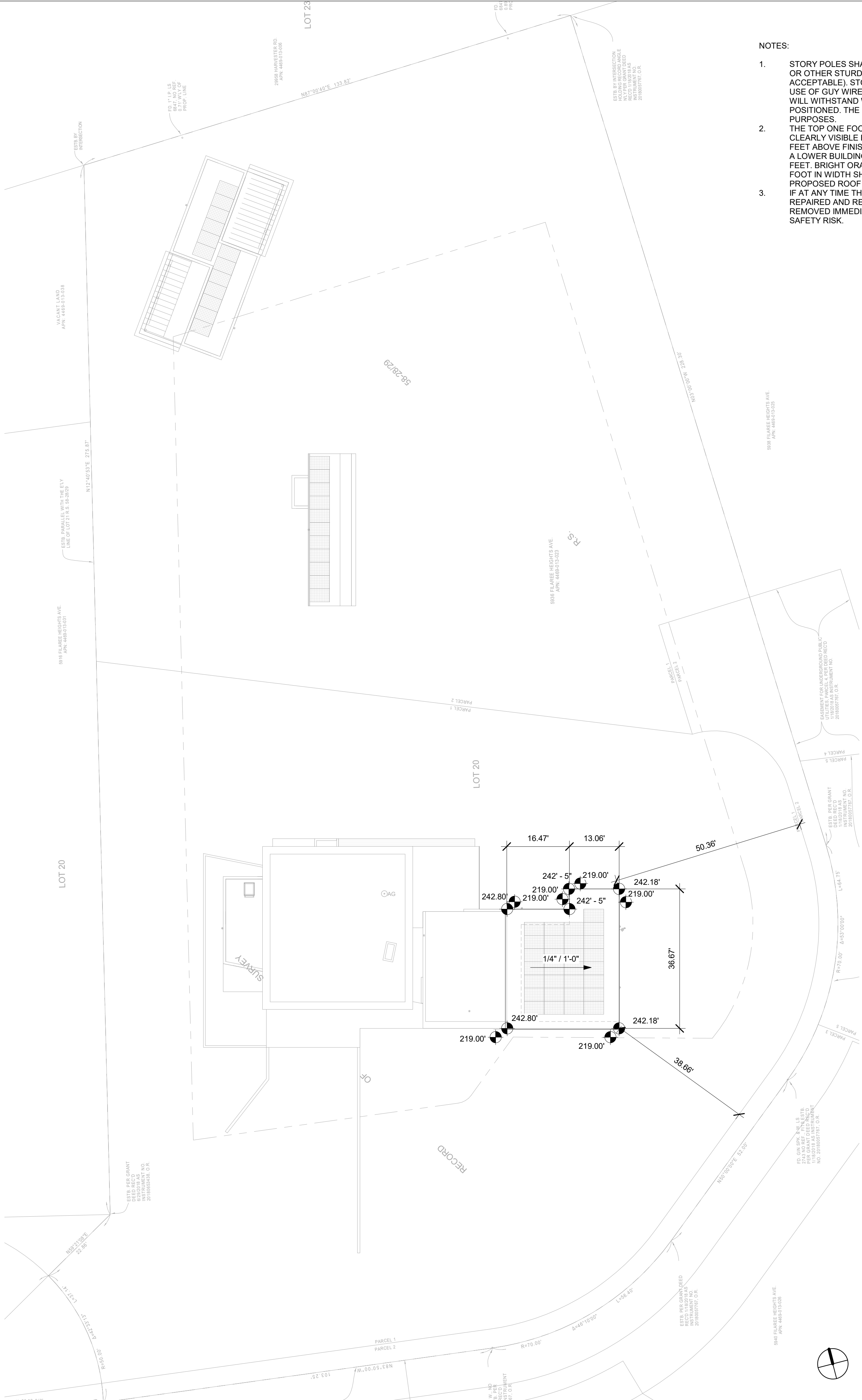
SHEET  
NUMBER:

A1.2

ROOFS AND SITE  
DRAINAGE PLAN

103





NOTES:

1. STORY POLES SHALL BE CONSTRUCTED OF 2 INCH X 4-INCH LUMBER OR OTHER STURDY BUILDING MATERIAL (PVC PIPE IS NOT ACCEPTABLE). STORY POLES SHOULD BE BRACED AT THE BASE BY USE OF GUY WIRES OR SUPPORTING BEAMS TO ENSURE THAT THEY WILL WITHSTAND WEATHER AND WILL REMAIN CORRECTLY POSITIONED. THE GUY WIRES SHOULD BE FLAGGED FOR SAFETY PURPOSES.
2. THE TOP ONE FOOT OF THE STORY POLES SHALL BE PAINTED WITH A CLEARLY VISIBLE BLACK PAINT. MARKINGS SHALL ALSO BE MADE AT 18 FEET ABOVE FINISHED OR NATURAL GRADE, WHICHEVER RESULTS IN A LOWER BUILDING HEIGHT, AND AT ONE FOOT INCREMENTS ABOVE 18 FEET. BRIGHT ORANGE CONSTRUCTION MESH APPROXIMATELY ONE FOOT IN WIDTH SHALL BE PLACED CONNECTING POLES TO SHOW ALL PROPOSED ROOF AND RIDGELINES.
3. IF AT ANY TIME THE STORY POLES BECOME UNSAFE, THEY SHALL BE REPAIRED AND RESET IMMEDIATELY. THE STORY POLES SHALL BE REMOVED IMMEDIATELY IF DETERMINED BY THE CITY TO BE A PUBLIC SAFETY RISK.

PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE: 12/04/19  
DRAWN BY: Author  
CHECKED BY: Checker

REVISIONS

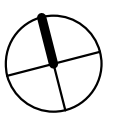
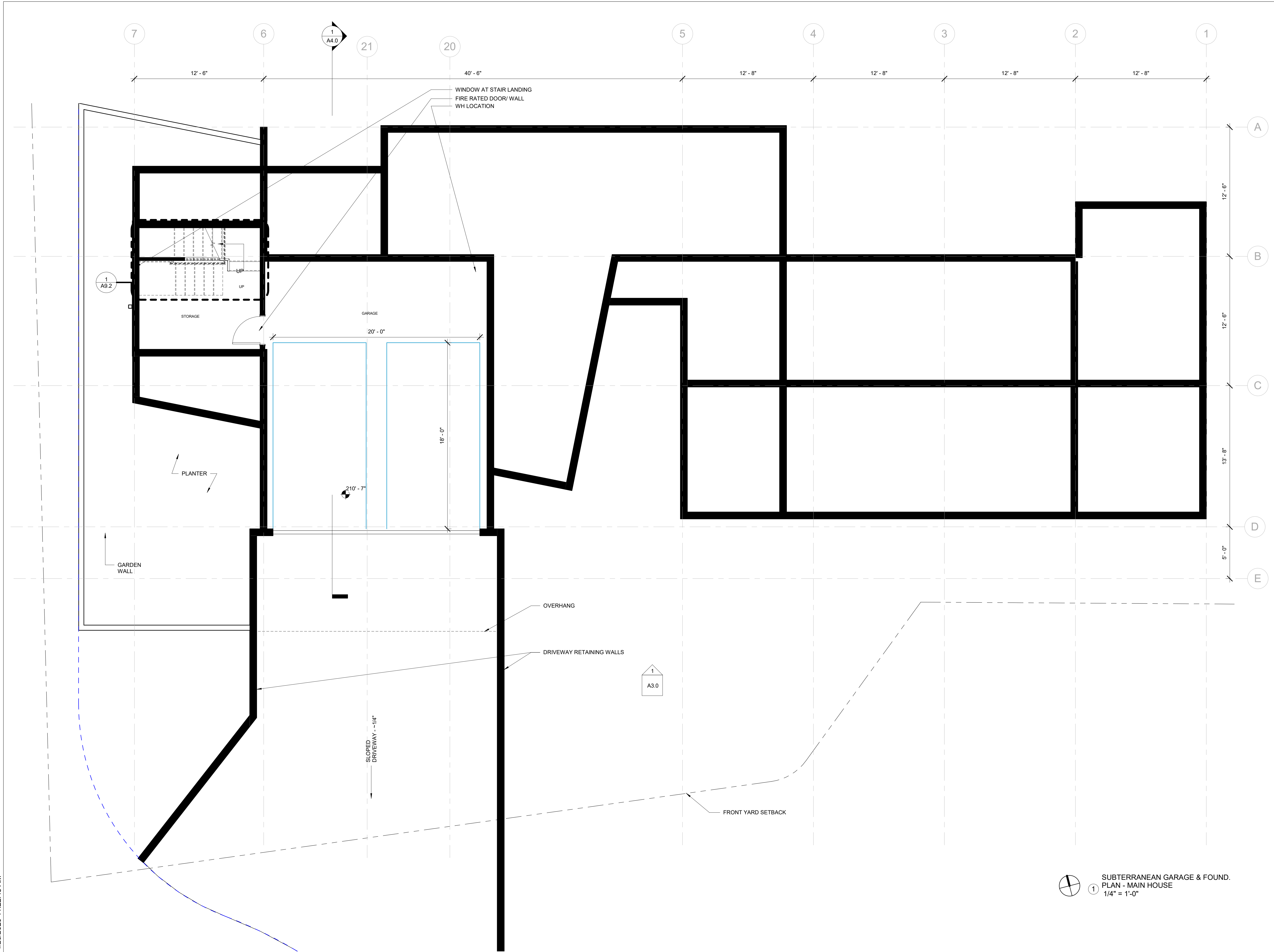
STATE APPROVAL STAMP

SHEET  
NUMBER:

STORY POLE PLAN

A1.3

4/23/2020 11:22:45 AM



SUBTERRANEAN GARAGE & FOUND.  
PLAN - MAIN HOUSE  
1/4" = 1'-0"

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rialto, ca 92376  
p: 909.546.7444 f: 909.546.7411  
www.plantprefab.com

PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE: 08/07/19  
DRAWN BY: MS  
CHECKED BY: MS

REVISIONS

APR SUBMITTAL 9/19/19  
REISSUE TO PLANNING 2/19/2020

STATE APPROVAL STAMP

SHEET  
NUMBER:

A2.0

SUBTERRANEAN  
GARAGE



**OWNER:**  
JEFF DENKER, JENNIFER DENKER  
936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
E-MAIL:  
JENDENKER1111@GMAIL.COM,  
MIJEFF@EARTHLINK.NET

DATE:	08/07/19
DRAWN BY:	MS
CHECKED BY:	MS

## REVISIONS

APR SUBMITTAL 9/19/19

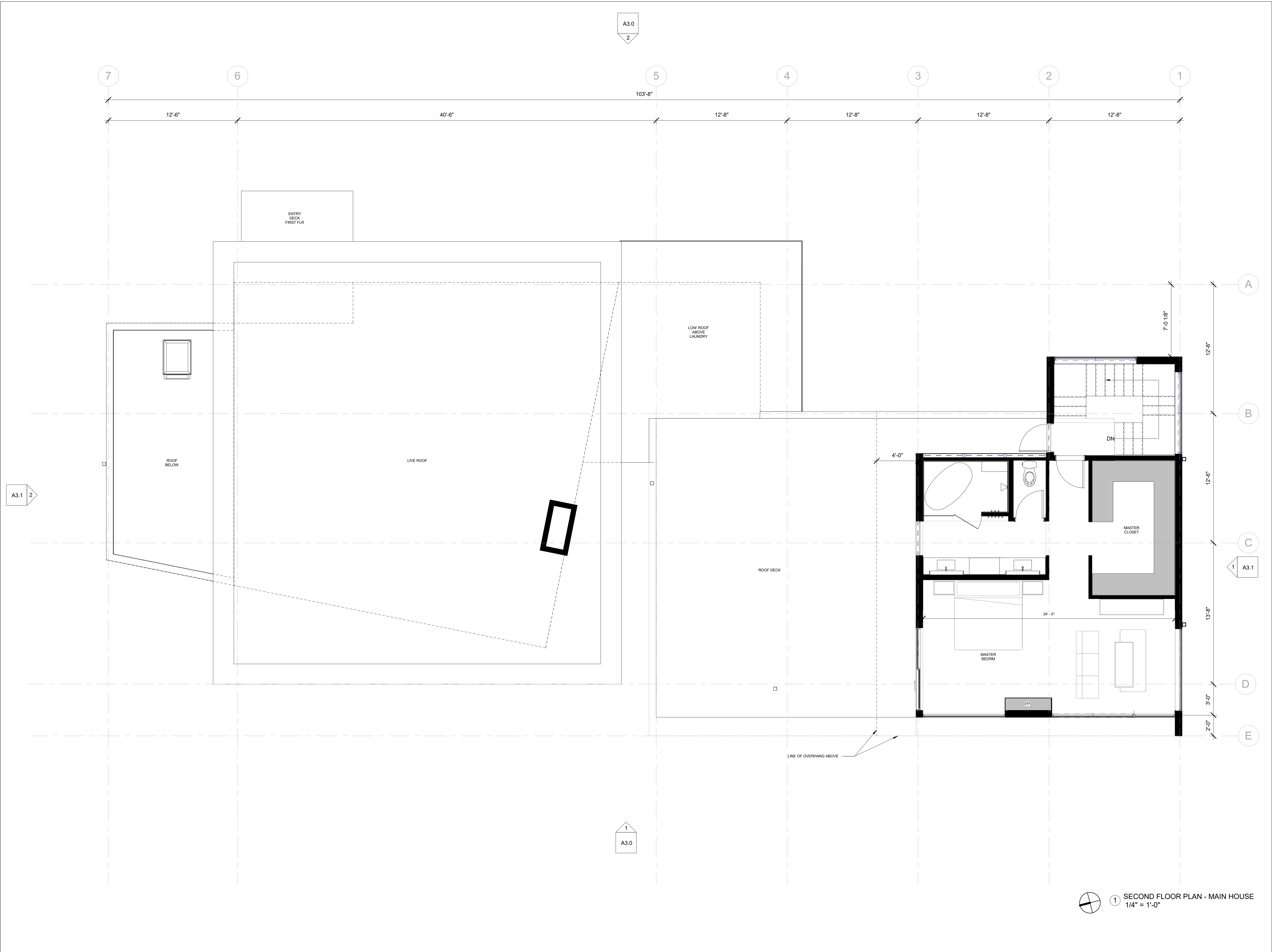
STATE APPROVAL STAMP

SHEET  
NUMBER: **A2.1**  
FIRST FLR PLAN - MAIN  
HOUSE



① FIRST FLR PLAN - MAIN HOUSE  
1/4" = 1'-0"

4/23/2020 11:22:50 AM



1 SECOND FLOOR PLAN - MAIN HOUSE  
1/4" = 1'-0"

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PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE: 08/07/19

DRAWN BY: MS

CHECKED BY: MS

REVISIONS

APR SUBMITTAL 9/19/19

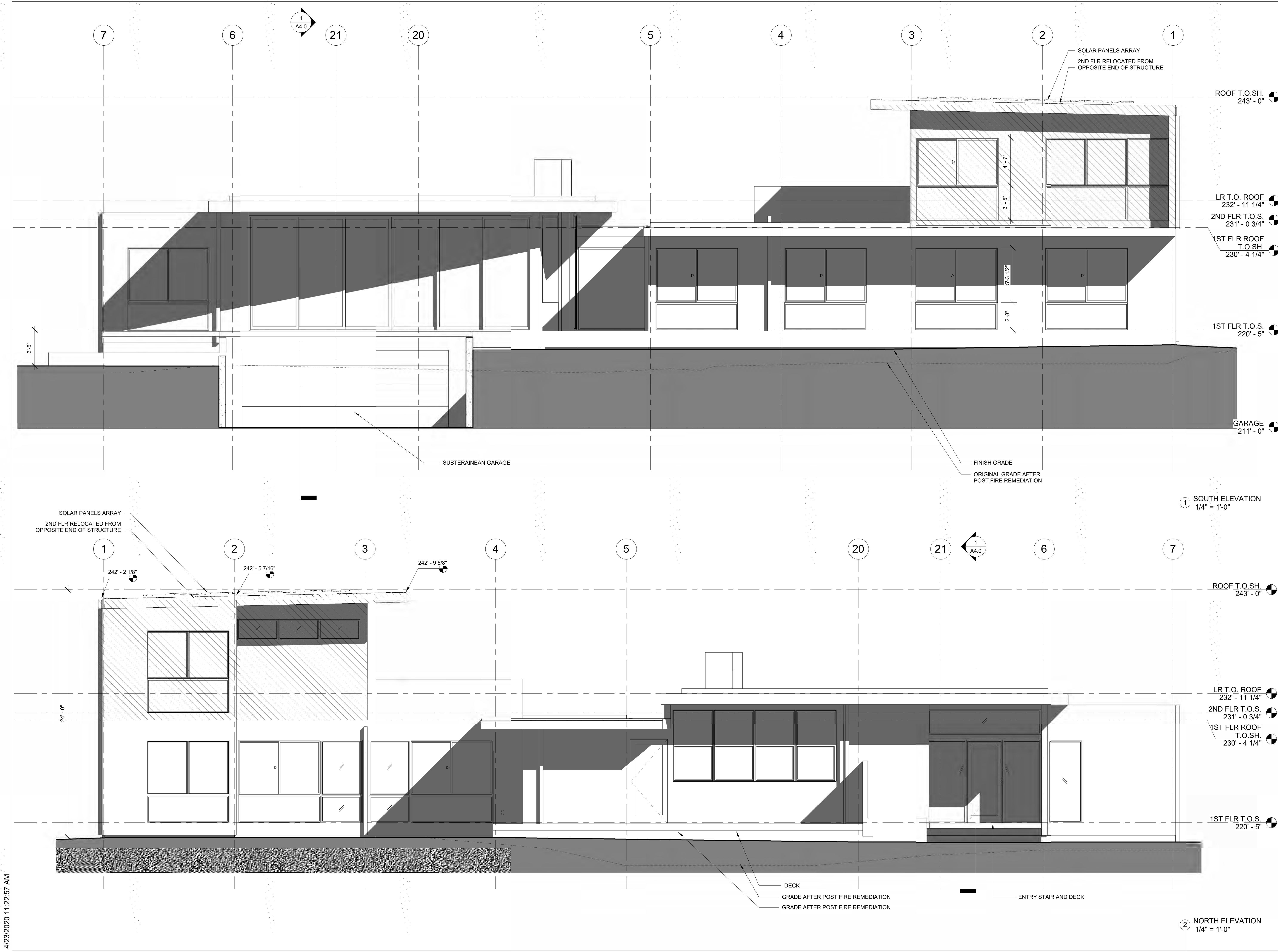
STATE APPROVAL STAMP

SHEET  
NUMBER:

A2.2

SECOND FLR PLAN -  
MAIN HOUSE





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PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
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MALIBU, CA 90265

OWNER:  
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DATE: 08/07/19

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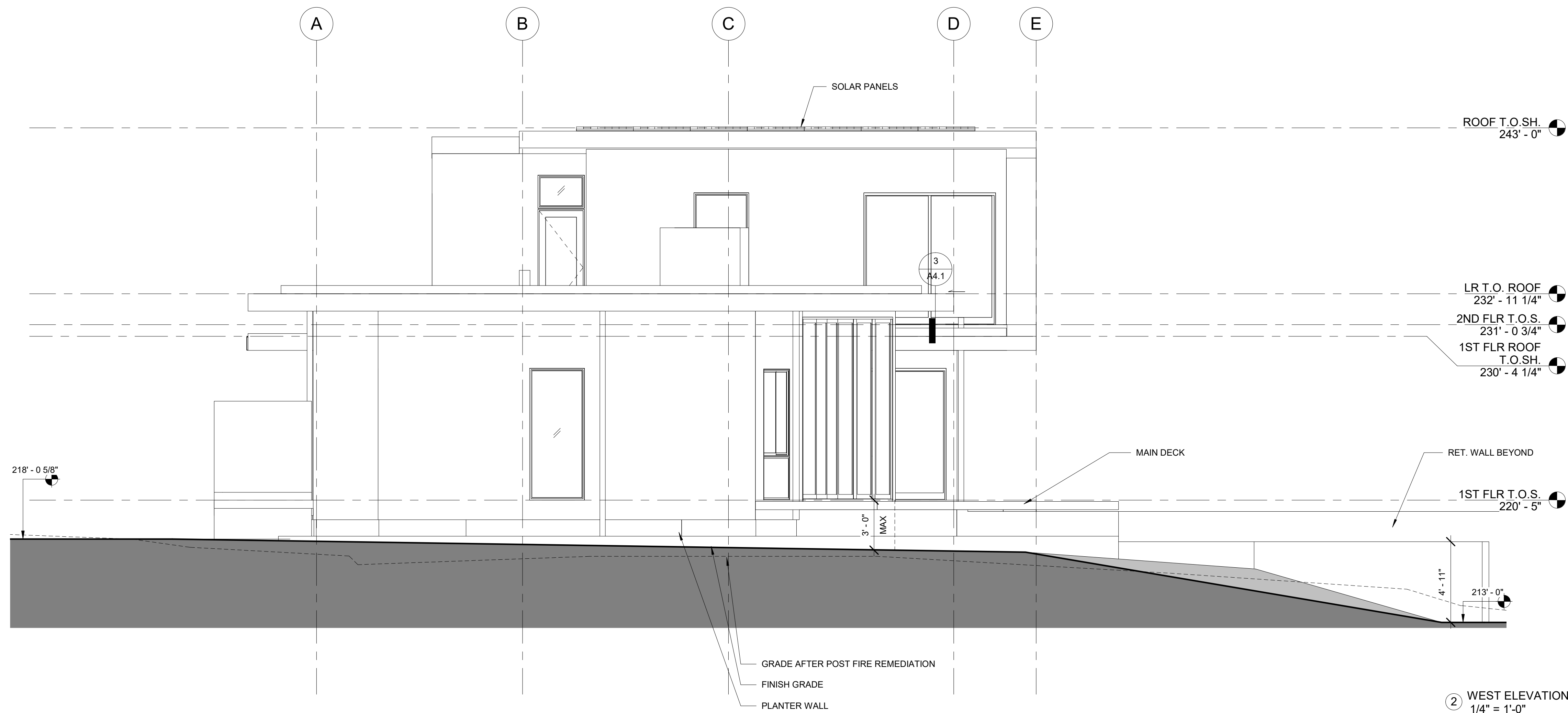
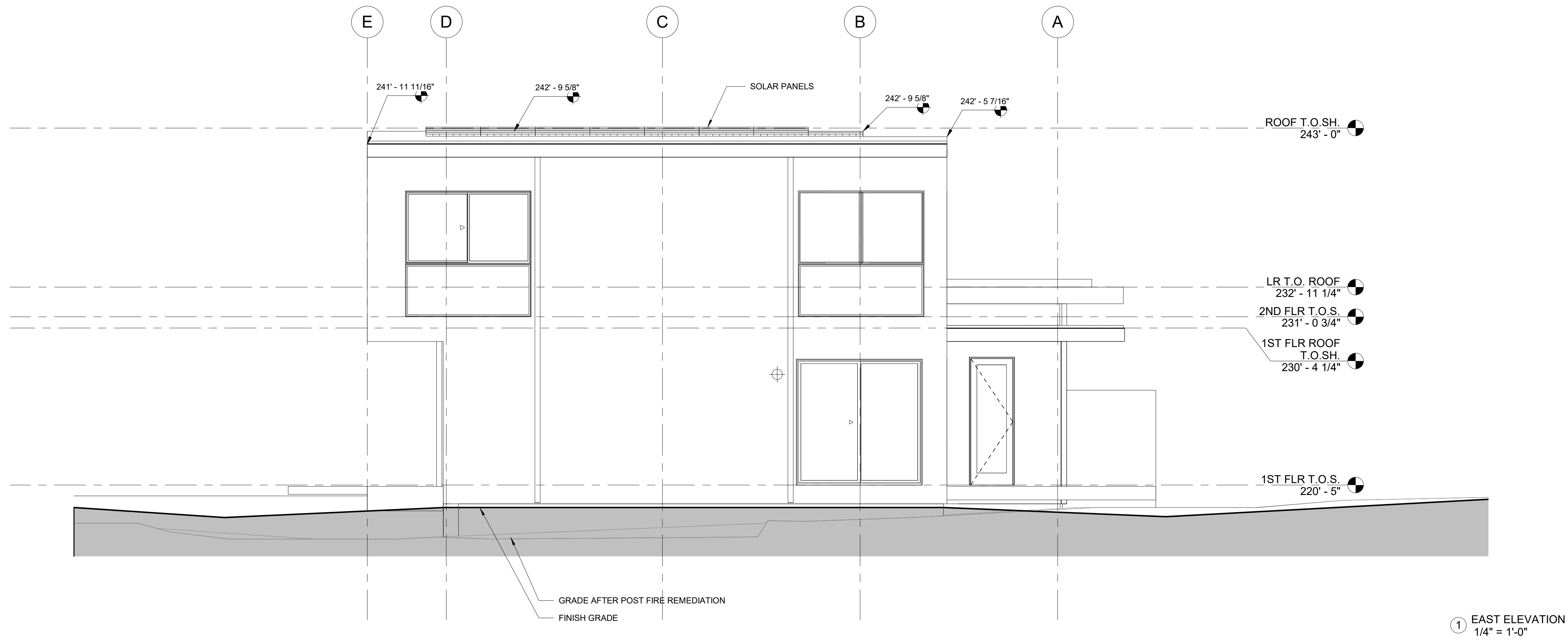
REVISIONS

APR SUBMITTAL 9/19/19

STATE APPROVAL STAMP

SHEET  
NUMBER: A3.0

NORTH AND SOUTH  
ELEVATIONS



PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE: 08/07/19  
DRAWN BY: MS  
CHECKED BY: MS

REVISIONS

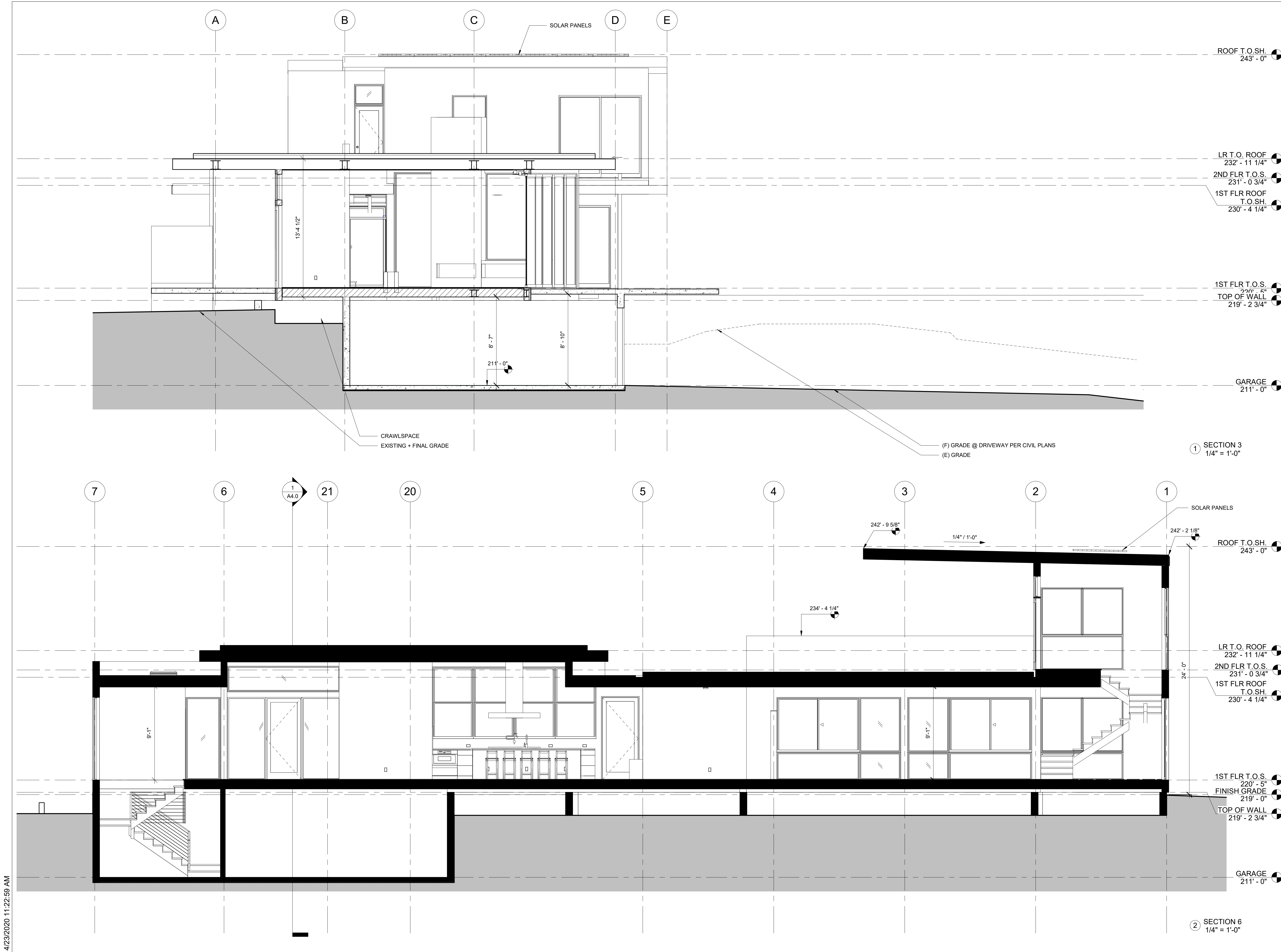
STATE APPROVAL STAMP

SHEET  
NUMBER:

A3.1

EAST AND WEST  
ELEVATIONS





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**PROJECT:**  
**FILAREE HEIGHTS ROAD**

**ADDRESS:**  
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MALIBU, CA 90265

**OWNER:**  
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JENDENKER1111@GMAIL.COM,  
IMJEFF@EARTHLINK.NET

DATE:	08/07/19
DRAWN BY:	MS
CHECKED BY:	MS

**REVISIONS**

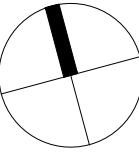
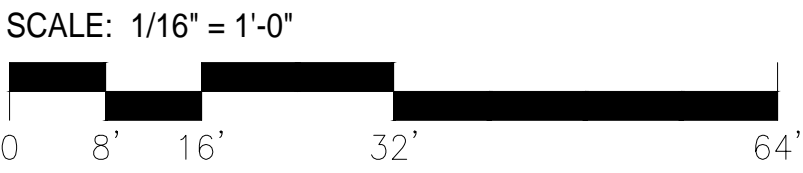
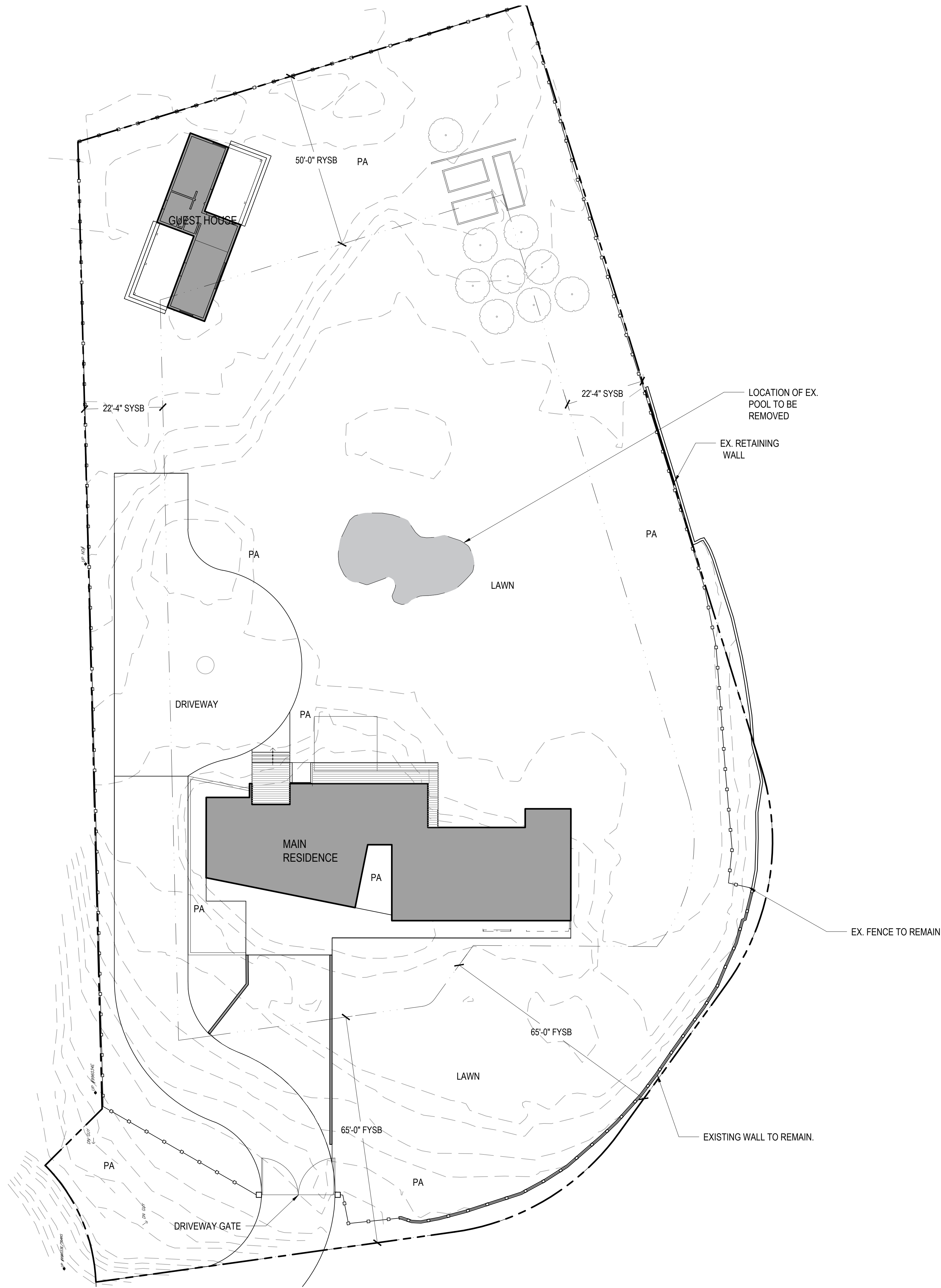
APR SUBMITTAL	9/19/19
APR RESUBMITTAL	11/13/2020
REISSUE TO PLANNING	2/19/2020

**STATE APPROVAL STAMP**

SHEET  
NUMBER:

A4.0

MAIN HOUSE SECTIONS



**THE DENKERS RESIDENCE**  
5936 FILAREE HEIGHTS ROAD, MALIBU, CA

REVISIONS

THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS THE PROPERTY OF THE LANDSCAPE DESIGNER AND MAY NOT BE REPRODUCED WITHOUT THE LANDSCAPE DESIGNER'S PERMISSION AND, UNLESS THE REPRODUCTION CARRIES THE LANDSCAPE DESIGNER'S NAME, ALL DESIGN AND OTHER INFORMATION SHOWN ON THE DRAWING ARE FOR USE ON THE SPECIFIED PROJECT ONLY AND SHALL NOT BE USED OTHERWISE WITHOUT WRITTEN PERMISSION FROM THE LANDSCAPE DESIGNER. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE LANDSCAPE DESIGNER IS TO BE INFORMED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWINGS. EXISTING CONDITIONS AND LOCATIONS OF UTILITIES HAVE NOT BEEN VERIFIED INDEPENDENTLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR BEFORE BEGINNING WORK TO DETERMINE THE EXACT LOCATION OF ALL EASEMENTS AND EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ALL PERMITS AND ENGINEERING REQUIRED NOT INCLUDED IN THESE DRAWINGS. CIVIL, STRUCTURAL, AND MECHANICAL ENGINEERING BY OTHERS, GRADING AND DRAINAGE BY OTHERS, SHOP DRAWINGS MUST BE SUBMITTED TO THE LANDSCAPE DESIGNER FOR REVIEW BEFORE PROCEEDING WITH FABRICATION.

PRJ # FIL1901

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

DATE: 09/05/19

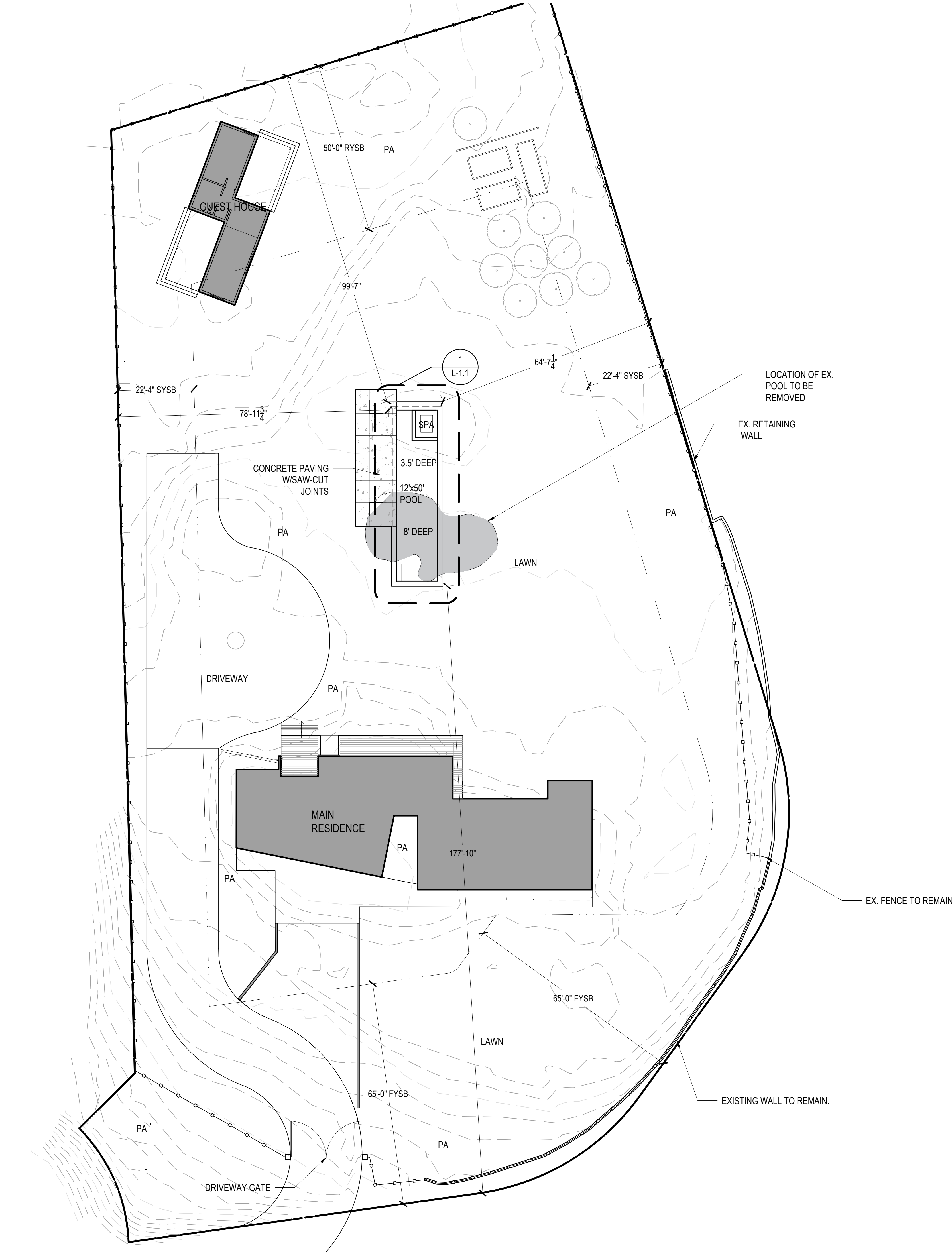
SHEET TITLE

**POOL DEMO PLAN**

SHEET NO.

**L-0.1**





PROJECT DESCRIPTION

PROPOSED POOL & SPA - 800 sf

NOT IN SCOPE OF WORK

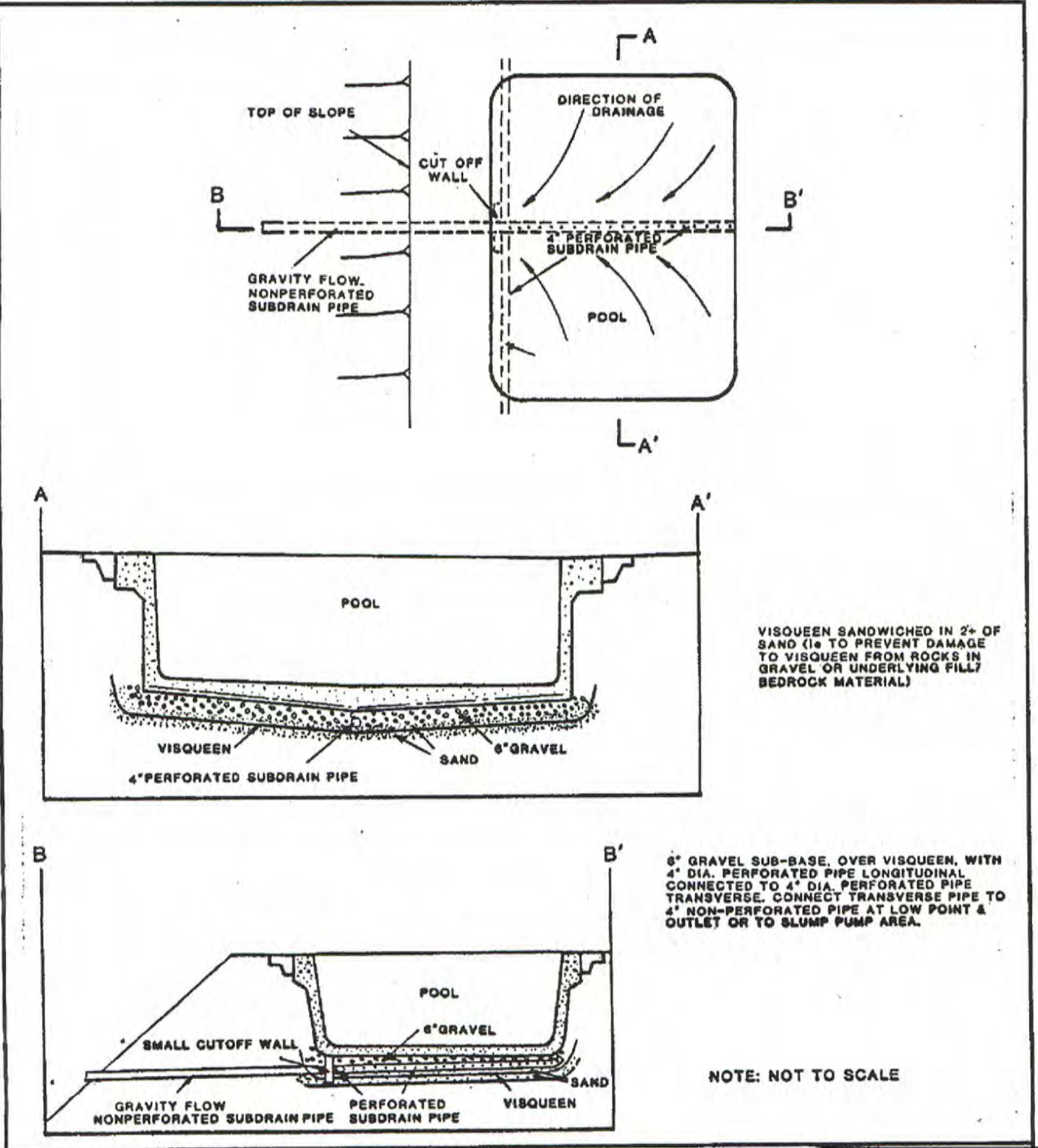
- NO NEW PLUMBING FIXTURES
- NO NEW OR CHANGE TO EXISTING LANDSCAPE
- NO LANDFORM ALTERATION
- POOL IS NOT PROPOSED ON 4:1 OR GREATER SLOPES
- NO NEW IMPERMEABLE SURFACES

CBC NOTES

- THIS PROJECT SHALL COMPLY WITH TITLE 24 AND 2016 CALIFORNIA RESIDENTIAL CODE (CRC), CALIFORNIA MECHANICAL CODE (CMC), CALIFORNIA PLUMBING CODE (CPC), CALIFORNIA ELECTRICAL CODE (CEC), AND CALIFORNIA ENERGY CODE (CEC).
- THIS PROJECT SHALL COMPLY WITH 2017 LA COUNTY CODE.
- DOORS WITH DIRECT ACCESS TO THE POOL SHALL BE EQUIPPED WITH ALARMS WHICH PRODUCE AN AUDIBLE WARNING WHEN THE DOOR AND ITS SCREEN ARE OPENED. THIS ALARM SHALL BE PERMANENTLY INSTALLED.
- THE SWIMMING POOL/SPA SHALL HAVE AT LEAST TWO CIRCULATION DRAINS PER PUMP THAT ARE SEPARATED BY AT LEAST THREE FEET IN ANY DIRECTION, AND COVERED WITH ANTI-ENTRAPMENT COVERS MEETING ANSI/ASPE-16 2011.
- ANY POOL OR SPA HEATING EQUIPMENT SHALL BE INSTALLED WITH AT LEAST 36" OF PIPE BETWEEN FILTER AND HEATER, OR DEDICATED SUCTION AND RETURN LINES, OR BUILT-UP CONNECTIONS FOR FUTURE SOLAR HEATING.
- POOLS SHALL HAVE DIRECTIONAL INLETS THAT ADEQUATELY MIX THE POOL WATER, AND A TIME SWITCH THAT WILL ALLOW ALL PUMPS TO BE SET OR PROGRAMMED TO RUN ONLY DURING OFF-PEAK ELECTRIC DEMAND PERIODS.
- ALL ELBOWS SHALL BE SWEEP ELBOWS.
- POTABLE WATER SUPPLY TO SWIMMING POOLS OR SPAS SHALL BE PROTECTED BY AN AIR GAP OR A REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER IF THE UNIT IS EQUIPPED WITH A SUBMERGED FILL LINE.
- WALKING SURFACE MATERIAL OF DECKS, PORCHES, BALCONIES AND STAIRS LOCATED WITHIN 10 FEET OF THE BUILDING SHALL BE IGNITION-RESISTANT MATERIAL COMPLYING WITH BOTH SFM 12-7A-4 AND SFM 12-7A-5, EXTERIOR FIRE RETARDANT-TREATED WOOD, NONCOMBUSTIBLE MATERIAL OR MEET THE REQUIREMENTS OF SFM 12-7A-4A WHEN THE EXTERIOR WALL COVERING IS EITHER NONCOMBUSTIBLE OR IGNITION-RESISTANT.
- EQUIPOTENTIAL BONDING SHALL BE IMPLEMENTED TO REDUCE VOLTAGE GRADIENTS IN THE POOL AREA. BOND WIRE IN THESE AREAS SHALL COMPLY WITH CALIFORNIA ELECTRICAL CODE SECTION 680.26.
- NO WOOD ROOFING IS PROPOSED FOR THIS PROJECT.
- PROVIDE ANTI-VORTEX SUCTION OUTLETS.
- GAS LINE TO BE POLYETHYLENE, 1.5" IN SIZE, AND 70' LONG. REFER TO LAYOUT PLAN FOR GAS METER LOCATION.
- EXPOSED UNDERSIDE OF FLOOR PROJECTS OVER AN EXTERIOR WALL SHALL BE APPROVED NONCOMBUSTIBLE MATERIAL, IGNITION-RESISTANT MATERIAL, ONE LAYER OF 5/8" TYPE X GYPSUM BOARD, THE EXTERIOR PORTION OF AN APPROVED ONE-HOUR WALL ASSEMBLY OR HAVE THE HORIZONTAL UNDERSIDE MEET THE PERFORMANCE CRITERIA OF SFM 12-7A-3 OR ASTM E2957. ADDITIONALLY, ALL DECK FRAMING TO BE PRESSURE TREATED, IGNITION-RESISTANT, FIRE-RATED EXTERIOR MATERIAL.
- CHLORINATED WATER FROM POOLS OR SPAS SHALL BE TRUCKED TO A PUBLICLY-OWNED TREATMENT WORKS FACILITY FOR DISCHARGE.
- CONTRACTOR TO INSTALL 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 AT THE FILTRATION AND/OR PUMPING EQUIPMENT AREA FOR THE PROPERTY.

December 22, 2016  
Project 5282

Page 94



TYPICAL POOL SUBDRAIN

NOT TO SCALE

1

REVISIONS

THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS THE PROPERTY OF THE LANDSCAPE DESIGNER AND MAY NOT BE REPRODUCED WITHOUT THE LANDSCAPE DESIGNER'S PERMISSION AND, UNLESS THE REPRODUCTION CARRIES THE LANDSCAPE DESIGNER'S NAME, ALL DESIGN AND OTHER INFORMATION SHOWN ON THE DRAWING ARE FOR USE ON THE SPECIFIC PROJECT ONLY AND SHALL NOT BE USED OTHERWISE WITHOUT WRITTEN PERMISSION FROM THE LANDSCAPE DESIGNER. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE LANDSCAPE DESIGNER IS TO BE INFORMED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWINGS. EXISTING CONDITIONS AND LOCATIONS OF UTILITIES HAVE NOT BEEN VERIFIED INDEPENDENTLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR BEFORE BEGINNING WORK TO DETERMINE THE EXACT LOCATION OF ALL EASEMENTS AND EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ALL PERMITS AND ENGINEERING REQUIRED NOT INCLUDED IN THESE DRAWINGS. CIVIL, STRUCTURAL, AND MECHANICAL ENGINEERING BY OTHERS, GRADING AND DRAINAGE BY OTHERS, SHOP DRAWINGS MUST BE SUBMITTED TO THE LANDSCAPE DESIGNER FOR REVIEW BEFORE PROCEEDING WITH FABRICATION.

PRJ # FIL1901

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

DATE: 09/05/19

SHEET TITLE

OPTION 1  
SITE PLAN

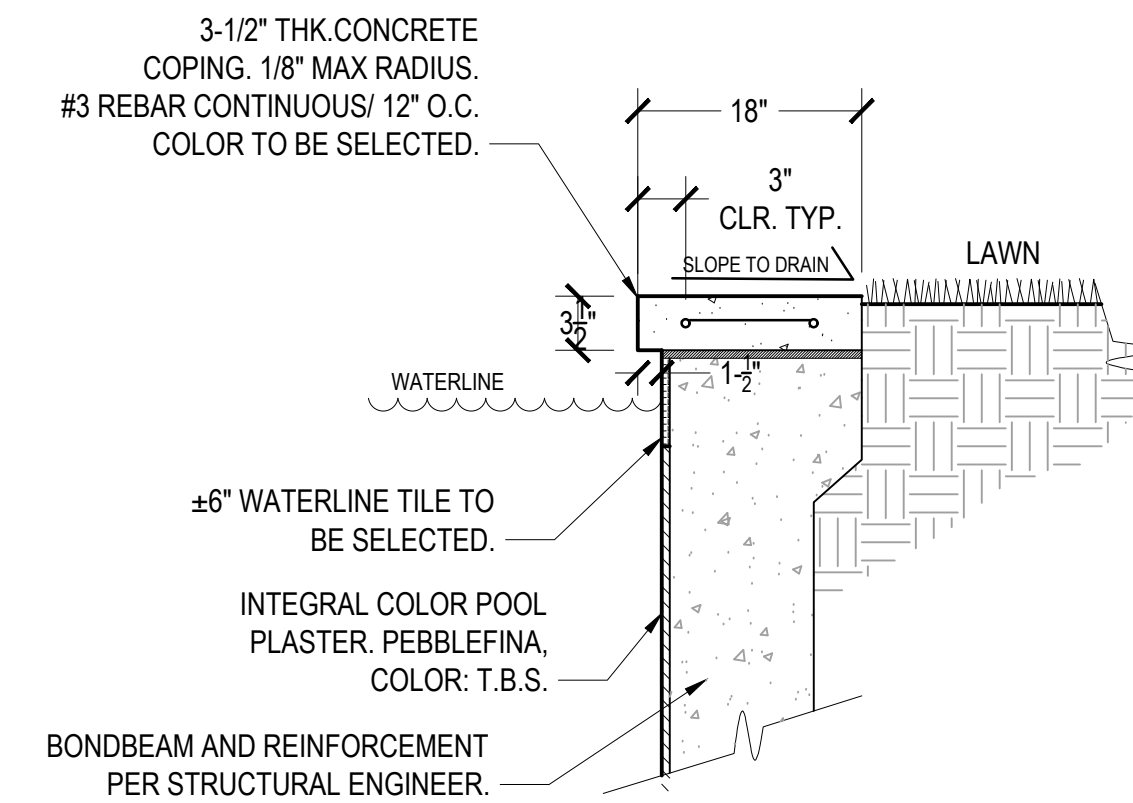
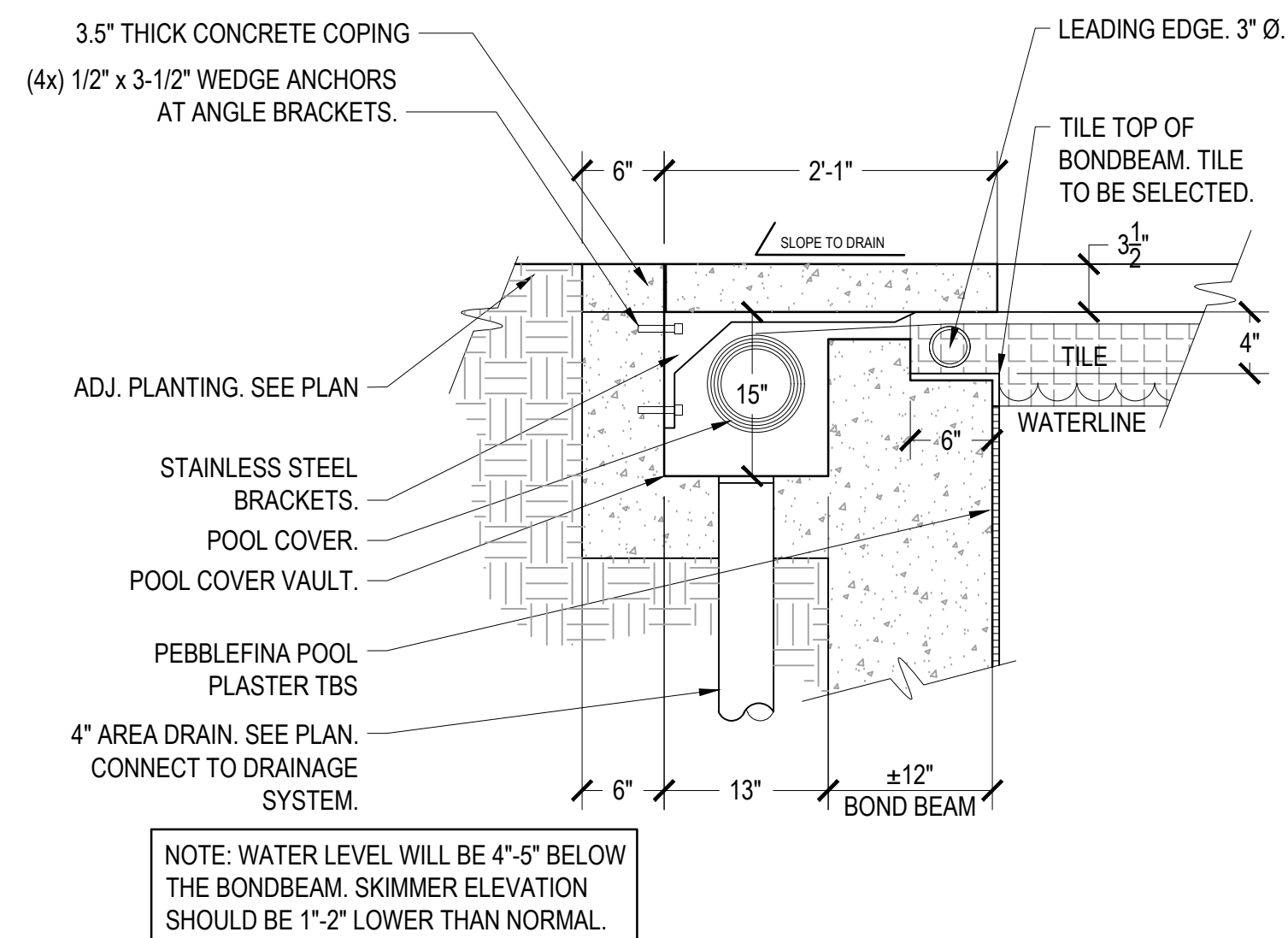
SHEET NO.

L-1.0

**FLD**  
FIORE LANDSCAPE DESIGN  
11529 W. Pro Blvd | Tel (424) 275-1092  
michael@fiorelandscape.com | www.fiorelandscape.com

THE DENKERS RESIDENCE  
5936 FILAREE HEIGHTS ROAD, MALIBU, CA



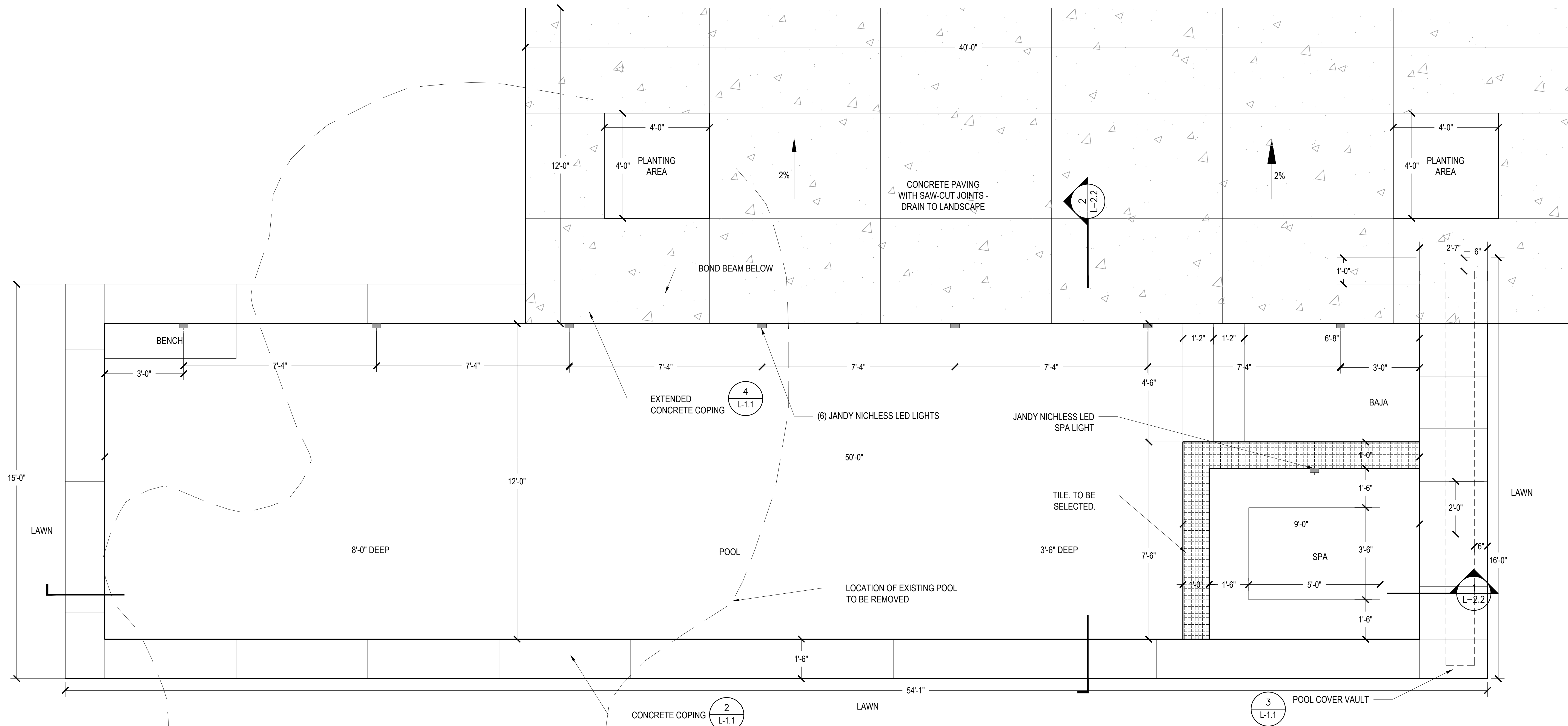


## POOL COVER VAULT

1" = 1'-0"

N.T.S.

(2)



1

---

1/4" = 1'-0"

THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS THE PROPERTY OF THE LANDSCAPE DESIGNER AND MAY NOT BE REPRODUCED WITHOUT THE LANDSCAPE DESIGNER'S PERMISSION AND UNLESS THE REPRODUCED DRAWING BEARS THE DESIGNER'S NAME. ALL DESIGN AND OTHER INFORMATION SHOWN ON THE DRAWING IS THE PROPERTY OF THE PROJECTOR ONLY AND SHALL NOT BE USED OTHERWISE WITHOUT WRITTEN PERMISSION FROM THE LANDSCAPE DESIGNER. WRITTEN PERMISSION SHALL HAVE NO PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR THE ACCURACY OF ALL DIMENSIONS, ELEVATIONS AND LOCATIONS OF UTILITIES HAVE NOT BEEN VERIFIED INDEPENDENTLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN NECESSARY PERMISSIONS TO DETERMINE THE EXACT LOCATION OF ALL EASEMENTS AND EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ALL PERMITS AND ENGINEERING REQUIRED NOT INCLUDED IN THESE DRAWINGS. CIVIL, STRUCTURAL AND ELECTRICAL ENGINEERING, EROSION CONTROL, GRADING AND DRAINAGE BY OTHERS. THIS DRAWINGS MUST BE SUBMITTED TO THE CITY OF CHICAGO FOR REVIEW AND APPROVAL BEFORE PROCEEDING WITH FABRICATION.

PRJ # FIL1901

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

DATE: 09/05/19

SHEET TITLE

# POOL ENLARGEMENT PLAN

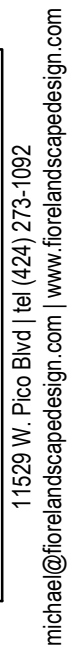
SHEET NO.

L-1.1

**THE DENKERS RESIDENCE**  
5936 FILAREE HEIGHTS ROAD, MALIBU, CA

11529 W. Pico Blvd | tel (424) 273-1092  
michael@fiorelandscapedesign.com | www.fiorelandscapedesign.com





## REVISIONS

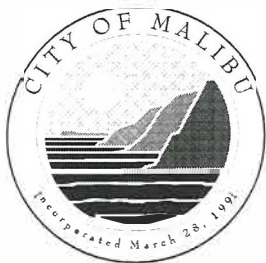
PRJ # FIL1901

DATE: 09/05/19

## POOL SECTIONS

## L-2.2





# 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: 10/11/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER: APRWF 19-060

JOB ADDRESS: 5936 FILAREE HT

APPLICANT / CONTACT: Monder Shoufany, Living Homes

APPLICANT ADDRESS: 2910 Lincoln Blvd  
Santa Monica, CA 90405

APPLICANT PHONE #: (310)307-9505

APPLICANT FAX #: \_\_\_\_\_

APPLICANT EMAIL: Monder@livinghomes.net

PLANNER: To Be Assigned

PROJECT DESCRIPTION: Fire rebuild + 10%

---

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 11/8/18

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

### Contact Information:

Dave Crawford, City Biologist, dcrawford@malibucity.org, (310) 456-2489, extension 277






# City of Malibu

## Biology • Planning Department

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

## BIOLOGY REVIEW SHEET

### PROJECT INFORMATION

Applicant: (name and email address)	Monder Shoufany Monder@livinghomes.net	
Project Address:	5936 Filaree Heightss Malibu, CA 90265	
Planning Case No.:	APRWF 19-060	
Project Description:	Fire rebuild +10%	
Date of Review:	November 8, 2019	
Reviewer:	Dave Crawford	Signature: 
Contact Information:	Phone: (310) 456-2489 ext. 307	Email: <a href="mailto:dcrawford@malibucity.org">dcrawford@malibucity.org</a>

### SUBMITTAL INFORMATION

Site Plans:	10/11/19
Site Survey:	10/11/19
Planting Plan:	
Irrigation/Hydrozone/ water budget Plan:	
Grading Plans:	
OWTS Plan:	
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan	
Other:	
Previous Reviews:	

### REVIEW FINDINGS

Review Status:	<input type="checkbox"/> <b>INCOMPLETE</b> Please respond to the listed review comments and provide any additional information requested.
	<input checked="" type="checkbox"/> <b>APPROVED</b> 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



RECOMMENDATIONS:

1. The project is recommended for APPROVAL with the following conditions:
  - A. Pursuant to the Local Implementation Plan (LIP), no portion of any new development may encroach into the protected zone of any native protected tree.
  - B. No new landscaping is proposed with this project. Therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six (6) feet in height, or change 2,500 sq.ft. or more of the existing landscaping, a detailed landscape plan shall be submitted for review and approval prior to any planting.
  - C. 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.

-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

Rec'd by EH 4-24-2020

FROM: City of Malibu Planning Department

DATE: 10/11/2019

PROJECT NUMBER: APRWF 19-060  
JOB ADDRESS: 5936 FILAREE HT  
APPLICANT / CONTACT: Monder Shoufany, Living Homes  
APPLICANT ADDRESS: 2910 Lincoln Blvd  
Santa Monica, CA 90405  
APPLICANT PHONE #: (310)307-9505  
APPLICANT FAX #: \_\_\_\_\_  
APPLICANT EMAIL: Monder@livinghomes.net  
PROJECT DESCRIPTION: Fire Rebuild + More than 10%. Original house, Guest house was approved under PV. APR application for addition second floor , new subterranean garage, replacing with a small size pool house, and SPR for height.

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

X

**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)**

*Monder Shoufany*

Signature

4-28-2020

Date



# City of Malibu

Environmental Health • Environmental Sustainability Department

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

Phone (310) 456-2489 • Fax (310) 456-3356 • [www.malibucity.org](http://www.malibucity.org)

## ENVIRONMENTAL HEALTH REVIEW SHEET

### PROJECT INFORMATION

Applicant: (name and email address)	Monder Shoufany, Living Homes monder@livinghomes.net		
Project Address:	5936 Filaree Hts Malibu, California 90265		
Planning Case No.:	APRWF 19-060		
Project Description:	Fire rebuild more than 10%, addition to second floor, new subterranean garage, relocate pool, add pool house		
Date of Review:	April 28, 2020		
Reviewer:	Melinda Talent	Signature:	<i>Melinda Talent</i>
Contact Information:	Phone: (310) 456-2489 ext 364	Email:	<a href="mailto:mtalent@malibucity.org">mtalent@malibucity.org</a>

### SUBMITTAL INFORMATION

Project Plans:	Living Homes dated 9-19-19 (received 4-24-20)
Miscellaneous:	Onsite wastewater treatment system (OWTS) fire damage assessment form by Ely Jr. dated 12-10-18
Previous Reviews:	

### REVIEW FINDINGS

Planning Stage:	<input checked="" type="checkbox"/> <b>CONFORMANCE REVIEW COMPLETE</b> for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu 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"/> <b>CONFORMANCE REVIEW INCOMPLETE</b> 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"/> <b>NOT REQUIRED</b>
	<input type="checkbox"/> <b>REQUIRED (attached hereto)</b> <input checked="" type="checkbox"/> <b>REQUIRED (not attached)</b>

Environmental Health **conformance review** has been completed for the development proposal described in the project description provided by the Planning Department and the project plans and reports submitted to this office. 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 project. In order to obtain Environmental Health final approval of the OWTS Plot Plan and project 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) **Onsite Wastewater Treatment System (OWTS):** Existing septic tanks for the main house and guest house must be replaced. The appropriate permit must be obtained by the Building Safety Department prior to final inspection by the Building Safety Department and occupancy of the structure.
- 2) **Building Plans:** All final project 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.

The final floor plans must show no more than 4 bedrooms and 47 drainage fixture units.

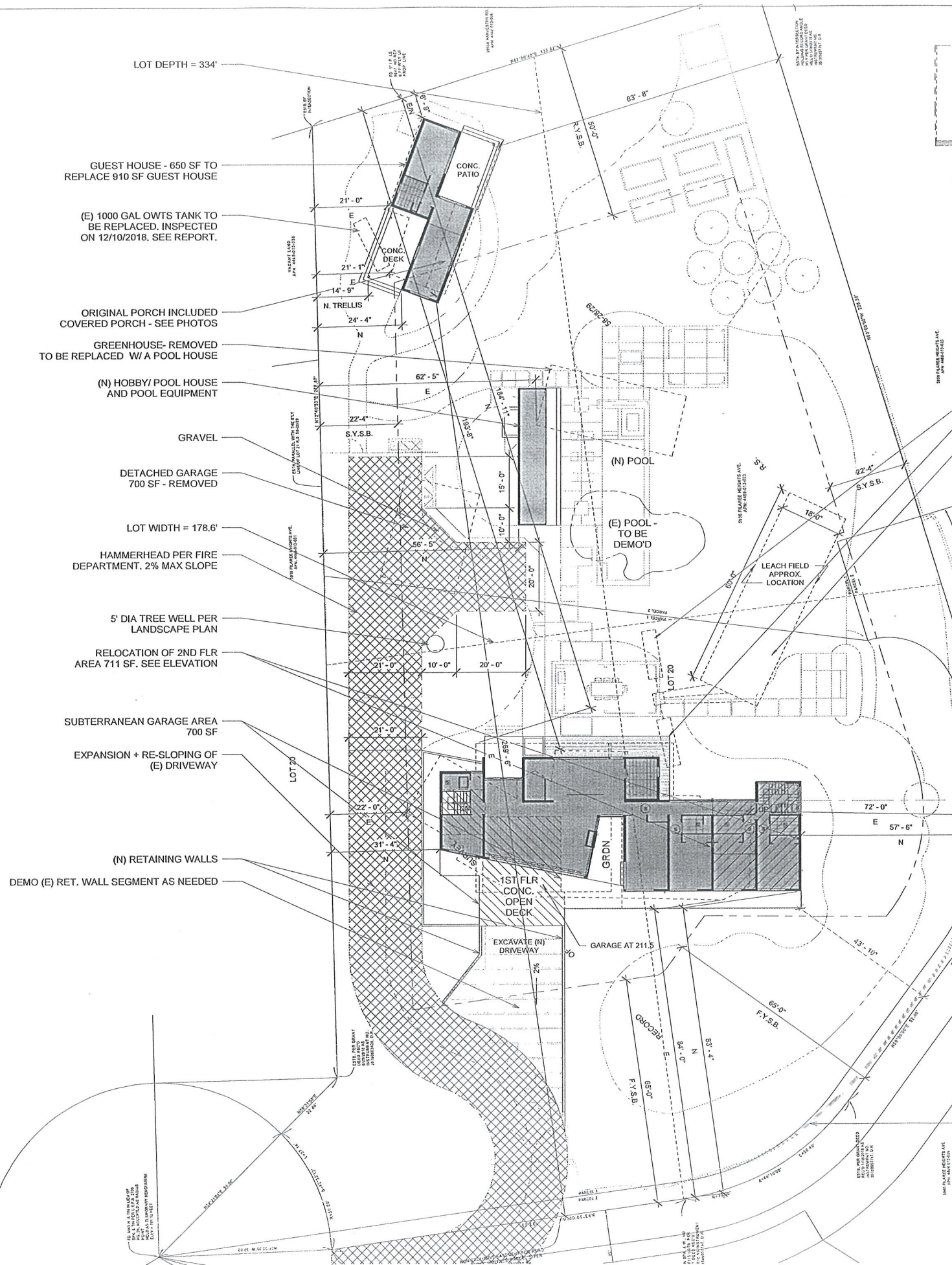
- 3) **Environmental Health Final Review Fee:** A fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health Building Plan Check review.

-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





5936 FILAREE HTS  
MALIBU, CA 90265

(2018 Fire Rebuild)  
(APRWFF 19-060)

S.F.D.:	4 Bedrooms/47 Fixture Units (N)
SEPTIC TANK:	1,500 Gallon (E) TO BE REPLACED
GUEST HOUSE:	1 Bedroom/16 fixture units (N)
	1000 Gallon (E) to be replaced
POOL HOUSE:	0 Bedrooms/0 fixture units (N)
ACTIVE:	1 - 18' x 60' leach bed (E)
FUTURE:	100%
PERC RATE:	21 min/in

#### NOTES:

1. This conformance review is for a fire rebuild of a (4 bedroom/47 fixture unit) single-family dwelling and (1 bedroom/16 fixture unit guest house. Relocate pool and addition of a pool house (0 Bedroom/0 fixture units). Renovation to the existing conventional onsite wastewater treatment system (OWTS) is required. The septic tanks must be replaced for the main house and guest house.
2. This approval relates only to the minimum requirements of the (MMC) and (LCP) and does not include an evaluation of any geological or other potential problems, which may require an alternative method of wastewater treatment.
3. This approval is valid for one year, or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.
4. All repairs to the OWTS components (tank replacements) must be completed prior to final building inspection and issuance of Certificate of Occupancy.

CITY OF MALIBU  
ENVIRONMENTAL SUSTAINABILITY DEPT.  
ENVIRONMENTAL HEALTH

## CONFORMANCE REVIEW

SIGNATURE: *Melinda Talent* DATE: 4-28-20

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

livinghomes.

2910 lincoln blvd  
santa monica, ca 90405  
p: 310.581.8500 f: 310.496.2167  
www.livinghomes.net

plant  
P R E F A B

375 south cactus ave  
rialto, ca 92376  
p: 909.546.7444 f: 909.546.7411  
www.plantprefab.com

PROJECT:  
FILAREE HEIGHTS ROAD  
ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265  
OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMJEFF@EARTHLINK.NET

DATE: 01/28/19  
DRAWN BY: MS  
CHECKED BY: MS

#### REVISIONS

APR SUBMITTAL	9/19/19
APR RESUBMITTAL	11/13/2020
REISSUE TO PLANNING	2/19/2020

STATE APPROVAL STAMP

SHEET  
NUMBER: A1.0  
SITE PLAN





# City of Malibu

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

## FIRE DEPARTMENT REVIEW REFERRAL SHEET

TO: Los Angeles County Fire Department

DATE: 10/11/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER: APRWF 19-060

JOB ADDRESS: 5936 FILAREE HT

APPLICANT / CONTACT: Monder Shoufany, Living Homes

APPLICANT ADDRESS: 2910 Lincoln Blvd  
Santa Monica, CA 90405

APPLICANT PHONE #: (310)307-9505

APPLICANT FAX #:

PROJECT DESCRIPTION: Fire rebuild + 10%

RECEIVED  
DEC 10 2019  
PLANNING DEPT.

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

yes

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. (All structures)

yes

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

yes

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.

App'd N/app'd

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

X  
X  
X  
X

Jackie Switzer  
11/7/19

\*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 Jackie Switzer

DATE

11/5/19  
11/7/19

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

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

## GEOTECHNICAL REVIEW SHEET

<u>Project Information</u>	
<b>Date:</b>	June 10, 2020
<b>Site Address:</b>	5936 Filaree Heights Road
<b>Lot/Tract/PM #:</b>	n/a
<b>Applicant/Contact:</b>	Monder Shoufany, <a href="mailto:monder@livinghomes.net">monder@livinghomes.net</a>
<b>Contact Phone #:</b>	310-307-9505
<b>Project Type:</b>	Re-construction of the single-family residence destroyed in the Woolsey Fire + >10% additions, second floor additions, new subterranean garage, re-locate swimming pool and spa
<b>Review Log #:</b>	272
<b>Planning #:</b>	APRWF 19-060 PVWF 19-188
<b>BPC/GPC #:</b>	
<b>Planner:</b>	Aakash Shah

<u>Submittal Information</u>	
<b>Consultant(s) / Report Date(s):</b> (Current submittal(s) in <b>Bold</b> .)	C. Y. Geotech, Inc. (Tsao, CEG 1783; Cai, RCE 80352): <b>5-12-20</b> , 10-30-2019, 6-20-2019
	<b>Architectural Plans prepared by Plant Prefab, Inc. dated August 19, 2019, revised February 19, 2020</b>
	<b>Civil plans prepared by G&amp;G Structures, Inc. dated 12-12-19</b>
	<b>Swimming Pool plans prepared by Fiore Landscape Design dated September 5, 2019.</b>
	<b>No Structural Plans submitted</b>
<b>Previous Reviews:</b>	4-24-20

<u>Review Findings (APRWF 19-060)</u>	
<u>Planning Review</u>	
<input checked="" type="checkbox"/>	The APRWF portion of the rebuild project is <b>APPROVED</b> from a geotechnical perspective, with the following comments to be addressed prior to building plan check stage approval.
<input type="checkbox"/>	The rebuild project is <b>NOT APPROVED</b> from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.
<u>Building Plan-Check Stage Review</u>	
<input checked="" type="checkbox"/>	Awaiting Building plan check submittal for APRWF and PVWF. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.
<input type="checkbox"/>	<b>APPROVED</b> from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.
<input type="checkbox"/>	<b>NOT APPROVED</b> from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.



**Remarks**

The referenced Geotechnical reports, Architectural and Civil plans, and Swimming Pool plans were reviewed by the City from a geotechnical perspective. Based on the submitted information, the project includes re-building the 3,477 square foot two-story single-family residence (includes the + 10%) and a new detached 650 square foot guest house (reduced square footage, originally 965 square feet) destroyed by the Woolsey Fire. The re-build includes re-locating the second-story to the other side of the residence and an addition > 10% to 711 square feet. A new 783 square foot subterranean garage is proposed beneath the residence with retaining walls and a new driveway. The existing detached 700 square foot garage and 720 square foot green house will be demolished. The existing driveway will be expanded. New foundations are proposed. Grading associated with the proposed project will include removing a minimum of one-foot (1) foot of the existing soils below proposed slabs, backfill behind retaining walls, excavations for the subterranean garage and driveway, backfilling a portion of the existing swimming pool, and excavation for the new swimming pool and spa.

**Building Plan-Check Stage Review Comments to be addressed by the Project Geotechnical Consultants:**

1. None.

**Building Plan-Check Stage Review Comments for Architect/Structural/Civil Designer:**

1. Please submit a fee of \$1,016.00 to City geotechnical staff for building plan check review.
2. Depict the location of the future leach filed on the Site Plan A1.0.
3. Clearly indicate the areas of the patio/decks to be replaced on the plans.
4. The cover sheet of the Architectural plans references 2016 CBC, however, the project has not been submitted to Building Plan Check as yet and it appears 2019 CBC is applicable. Please check with the Building and Safety Department and reference the appropriate code on the cover sheet of the plans.
5. Show the name, address and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Plans.
6. 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 and elevations 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.
7. Please include the following note on the plans, as appropriate: *"The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for review by City Geotechnical staff. The report shall include total depths of the piles, minimum depth into the recommended bearing material, actual depth into the recommended bearing material, and a map depicting the locations of the piles."*
8. If the plans are proceeding through e-plan check for final approval and permitting, final grading, retaining wall, swimming pool/spa, guest house, and residence plans must be reviewed and digitally stamped **by the Project Engineering Geologist and Project Geotechnical/Civil Engineer**. In addition, a plan review letter must be submitted by the Project Geotechnical Consultant that includes the following information:
  - a. Project description – Address, scope, including structures being permitted (e.g. pool, guest house etc.).
  - b. Plan set information - The date and preparer of the plan set reviewed; this must match the plan set that was submitted to the city for final approval.

- c. Report references -All applicable geotechnical or coastal engineering reports need to be referenced.
  - d. Approval of specific plan sheets reviewed – List all plan sheets approved, e.g. Civil (grading and drainage) as well as structural.
  - e. Licensed Professional signature and stamp - The letter must be signed and stamped by all licensed professionals who signed the reports.
9. If proceeding through hard copy plan check, three (3) sets of final grading, retaining wall, swimming pool/spa, guest house, 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/Civil 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.

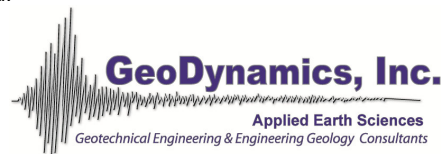
Geotechnical Engineering Review by: Ali A. Haq 6/10/2020  
Ali Abdel-Haq, G.E. #2308, Exp. 12-31-21 Date  
Geotechnical Engineering Reviewer (805-496-1222)  
Email: [ali@geodynamics-inc.com](mailto:ali@geodynamics-inc.com)

Geotechnical Engineering Review by: Lauren J. Doyel 6/10/20  
Lauren J. Doyel, G.E. #2981, Exp. 6-30-21 Date  
Geotechnical Engineering Reviewer (310-456-2489 x384)  
Email: [ldoyel@malibucity.org](mailto:ldoyel@malibucity.org)

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



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







# City of Malibu

– GEOTECHNICAL –

## NOTES FOR BUILDING PLAN-CHECK

The following standard items should be incorporated into Building Plan-Check submittals, as appropriate:

1. One set of grading, retaining wall, swimming pool/spa, guest house, and residence plans, incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**
2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Retaining Wall 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 structures shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.

### **Grading Plans (as Applicable)**

1. The Grading Plans shall clearly depict the limits and depths of the R & R grading, as appropriate.
2. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and back drains, and locations and elevations of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.

### **Retaining Walls (As Applicable)**

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



# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861  
(310) 456-2489 FAX (310) 456-7650

## PUBLIC WORKS REVIEW REFERRAL SHEET

TO: Public Works Department

FROM: City of Malibu Planning Department

DATE: 10/11/2019

PROJECT NUMBER: APRWF 19-060  
JOB ADDRESS: 5936 FILAREE HT  
APPLICANT / CONTACT: Monder Shoufany, Living Homes  
APPLICANT ADDRESS: 2910 Lincoln Blvd  
Santa Monica, CA 90405  
APPLICANT PHONE #: (310)307-9505  
APPLICANT FAX #: \_\_\_\_\_  
APPLICANT EMAIL: Monder@livinghomes.net  
PROJECT DESCRIPTION: Fire Rebuild + More than 10%. Original house, Guest house was approved under PV. APR application for addition second floor , new subterranean garage, replacing with a small size pool house, and SPR for height.

---

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

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

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

Nick Brynner  
SIGNATURE

5/7/2020  
DATE





# City of Malibu

## MEMORANDUM

To: Planning Department

From: Public Works Department  
Nicole Benyamin, Assistant Civil Engineer NB

Date: May 7, 2020

Re: Proposed Conditions of Approval for 5936 Filaree Heights APRWF 19-060

The Public Works Department has reviewed the plans submitted for the above referenced project. Based on this review sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan (LCP) and the Malibu Municipal Code (MMC) can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

### GRADING AND DRAINAGE

1. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's LIP Section 8.3. **A note shall be placed on the project that addresses this condition.**
2. A grading and drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
  - Public Works Department General Notes
  - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
  - The limits of land to be disturbed during project development shall be delineated on the grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
  - The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.



- If the property contains trees that are to be protected they shall be highlighted on the grading plan.
  - If the property contains rare and endangered species as identified in the resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
  - Private storm drain systems shall be shown on the grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
  - Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.
3. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMP's shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMP's and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

## 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.

## MISCELLANEOUS

5. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
6. 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.

7. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.





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

**PLANNING DEPARTMENT  
NOTICE OF APPLICATION**



**NOTICE OF APPLICATION**

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

**ADMINISTRATIVE PLAN REVIEW-WOOLSEY FIRE NO. 19-060 AND SITE PLAN REVIEW NO. 19-099** - An application to rebuild a Woolsey fire affected parcel, to expand an existing 3,526 single-family residence by 225 square feet; a new 783 square foot attached garage; for a total development square footage of 4,534; including a site plan review to allow construction above 18 feet in height, not to exceed 24 feet in height; and various other site improvements

**LOCATION / APN / ZONING:** 5936 Filaree Ht / 4469-013-023 / Rural Residential-Two Acre (RR-2)  
**APPLICANT / OWNER(S):** Living Homes / Denker Family Trust  
**APPEALABLE TO:** Planning Commission  
**ENVIRONMENTAL REVIEW:** Categorical Exemption CEQA Guidelines Sections 15301 (e ), 15302(a), 15303(e), and 15304(a)  
**APPLICATION FILED:** October 11, 2019  
**CASE PLANNER:** Aakash Shah, Contract Planner, [ashah@malibucity.org](mailto:ashah@malibucity.org)  
(310) 456-2489, ext. 385

**PUBLIC COMMENT PERIOD** - Related documents are available for review at City Hall during regular business hours. Written comments, concerns, or questions may be presented to the Planning Department at any time prior to the issuance of a decision. On or after January 30, 2020, the Planning Director may issue a decision on the permit application.

**NOTIFICATION** - The Notice of Decision will be available to all those wishing to receive such notification by contacting the Case Planner.

**LOCAL APPEAL** - A decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission within 10 days of the decision. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms), in person at City Hall, or by calling (310) 456-2489, extension 245.

BONNIE BLUE, Planning Director

Date: January 9, 2020



ABBREVIATIONS

A.B.

ABV.

A.F.F.

ALUM.

ANOD.

A.V.

BEL

BLK'G.

BM.

B.O.S.

BOT.

BSMT.

CAB.

CALCS.

CEM.

CER. TILE

CLG.

CLR.

CMU.

COL.

CONC.

CONST.

CONT.

CONTR.

CORR.

CPT.

DAT.

DET.

DIA.

DIM(S).

DR.

DWG.

D.S.

E.J.

ELEC.

EM.

ELEV.

EQ.

EQUIP.

EXPAN.

EXIST.

EXT.

F.B.

F.D.

F.F.

F.G.

FIN.

FIXT.

FLASH.

FLR.

FTG.

F.O.B.

F.O.C.

F.O.S.

FT.

GA.

GALV.

G.C.

GL.

GLM. BM.

GRD.

GWB.

ANCHOR BOLT

ABOVE

ABOVE FINISH FLOOR

ALUMINUM

ANODIZED

AUDIO VISUAL

BELOW

BLOCKING

BEAM

BOTTOM OF STRUCTURE

BOTTOM

BASEMENT

CABINET

CALCULATIONS

CEMENT

CERAMIC TILE

CEILING

CLEAR

CONCRETE MASONRY UNIT

COLUMN

CONCRETE

CONSTRUCTION

CONTINUOUS

CONTRACT / CONTRACTOR

CORRIDOR

CARPET

DATUM

DETAIL

DIAMETER

DIMENSION(S)

DOOR

DRAWING

DOWNSPOUT

EXPANSION JOINT

ELECTRICAL

ELECTRIC METER MAIN PANEL

ELEVATION

EQUAL

EQUIPMENT

EXPANSION

EXISTING

EXTERIOR

FLAT BAR

FLOOR DRAIN

FINISH FLOOR

FIXED GLASS

FINISH

FIXTURE

FLASHING

FLOOR

FOOTING

FACE OF BLOCK

FACE OF CONCRETE

FACE OF STUD OR STEEL

FEET

GAUGE

GALVANIZED

GENERAL CONTRACTOR

GLASS

GLUE LAMINATED BEAM

GRADE

GYPSUM WALL BOARD

H.C.

H.D.

HDWD.

H.M.

H.P.

I.D.

INSUL.

INT.

JT.

LAM.

LAV.

L.P.

LT. WT.

MACH.

MATL.

M.B.

MECH.

MFCTR.

ML

MOD.

MULL

(N)

N.I.C.

N.T.S.

O.C.

O.D.

OPP.

PL

PLAM.

PLAS.

PLUMB.

PLYWD.

PROP.

PT

PTD.

R.A.G.

R.D.

REF.

RET.

R.O.

S & P

SIM.

S.O.G.

ST. STL.

STOR.

STRUCT.

T & G

TEMP.

T.O.

T.O.C.

T.O.M.

T.O.P.

T.O.R.

T.O.S.

T.O.W.

TYP.

U.L.

U.N.O.

W/C

WD.

W.O.

W.P.

HOLLOW CORE

HOLD DOWN

HARDWOOD

HOLLOW METAL

HIGH POINT

INSIDE DIAMETER

INSULATION

INTERIOR

JOINT

LAMINATE

LAVATORY

LOW POINT

LIGHT WEIGHT

MACHINE

MATERIAL

MACHINE BOLT

MECHANICAL

MANUFACTURER

MATELINE

MODULE

MULLION

NEW

NOT IN CONTRACT

NOT TO SCALE

ON CENTER

OUTSIDE DIAMETER

OPPOSITE

PROPERTY LINE

PLASTIC LAMINATE

PLASTER

PLUMBING

PLYWOOD

PROPERTY

PRESSURE TREATED

PAINTED

RETURN AIR GRILL

ROOF DRAIN

REFERENCE

RETAINING

ROOF OPENING

SHELF AND POLE

SIMILAR

SLAB ON GRADE

STRUCTURAL STEEL

STORAGE

STRUCTURE

TONGUE AND GROOVE

TEMPERATURE

TOP OF

TOP OF CONCRETE

TOP OF MASONRY

TOP OF PARAPET

TOP OF ROOF

TOP OF STRUCTURE

TOP OF WALL

TYPICAL

UNDERWRITER'S

LABORATORY

UNLESS NOTED THERWISE

WATER CLOSET

WOOD

WINDOW OPENING

WATERPROOF

BUILDING INFORMATION

SCOPE OF WORK FOR PV (ORIGINAL TDSF+10%)

NEW SINGLE-FAMILY FACTORY-BUILT 4 BEDROOM RESIDENCE, FULLY SPRINKLERED (NFPA 13D). STATE-APPROVED BY A 3RD PARTY, AND INSPECTED BY HCD.

NEW GUEST HOUSE, FACTORY BUILT 1 BEDROOM, FULLY SPRINKLERED (NFPA 13D). STATE APPROVED BY A 3RD PARTY, AND INSPECTED BY HCD.

NEW HOBBY/POOL HOUSE, FACTORY BUILT, FULLY SPRINKLERED (NFPA 13D). STATE APPROVED BY A 3RD PARTY, AND INSPECTED BY HCD.

FOUNDATIONS, SUBTERRANEAN GARAGE, EXTERIOR DECKS, DRIVEWAY AND RET. WALLS SHALL BE SITE-BUILT. REFER TO DRAWINGS FOR MORE INFO.

SOLAR PANELS ARE PROPOSED PER ROOF PLAN.

SPRINKLER SYSTEMS PER SEPARATE PERMIT W/ THE LOCAL JURISDICTION.

NO LANDSCAPING IS PROPOSED.

SCOPE OF WORK FOR APR

MAIN HOUSE SECOND FLOOR TO BE LOCATED ON THE EAST SIDE OF THE MAIN HOUSE VS THE ORIGINAL LOCATION ON THE WEST SIDE. THE TOTAL HEIGHT NOT TO EXCEED 24'.

NEW SUBTERRANEAN GARAGE WITHIN THE FOOTPRINT OF THE MAIN HOUSE TO REPLACE THE ORIGINAL 700SF ABOVE GRADE DETACHED STRUCTURE.

NEW POOL RELOCATED FROM ORIGINAL LOCATION.

USES

MAIN HOUSE: SINGLE-FAMILY DWELLING

GUEST HOUSE: SINGLE FAMILY DWELLING

SUBTERRANEAN GARAGE UNDER MAIN HOUSE

HOBBY/POOL HOUSE

OWNERS

PROJECT DESIGNER/ APPLICANT

JEFF AND JENNIFER DENKER

5936 FILAREE HEIGHTS RD.

MALIBU, CA 90265

MONDER SHOUFANY

PLANTPREFAB, INC.

2910 LINCOLN BLVD.

SANTA MONICA, CA 90405

TEL: 310.581.8500 X9

BUILDING DATA

LEGAL DESCRIPTION

TYPE OF CONSTRUCTION:

BUILDING CODE OCCUPANCY:

SPRINKLERS

V-B

R3, U

YES - NFPA 13D

ZONING INFORMATION

PROJECT ADDRESS:

MMC ZONING:

5936 FILAREE HEIGHTS RD. MALIBU, CA 90265

RR2

REQUIRED SETBACKS:

FRONT SETBACK:

REAR SETBACK:

SIDE SETBACKS:

HEIGHT:

20% X 334.0' = 66.8' (65.0' MAX)

15% X 334'= 50'

25% X 178.6'= 44.65' COMMULATIVE (10% MIN ONE SIDE) = 17.86'

24'

PROPOSED SETBACKS FOR SFD:

FRONT SETBACK:

REAR SETBACK:

SIDE SETBACKS:

HEIGHT:

83'-4"

184'-11"

57'-6"/ 31'-4"

24'

PROPOSED SETBACKS FOR ACCESSORY BUILDING:

FRONT SETBACK:

REAR SETBACK:

SIDE SETBACKS:

HEIGHT:

273'-10"

6'-9" ON ORIGINAL STRUC. FOOTPRINT

21'-2" ON ORIGINAL STRUC. FOOTPRINT

14'

(E) SETBACKS OF BURNED SFD:

FRONT SETBACK:

REAR SETBACK:

SIDE SETBACKS:

HEIGHT:

84'

193'-8"

22'/ 72'

20'-2"

(E) SETBACKS FOR BURNED GUEST HOUSE:

FRONT SETBACK:

REAR SETBACK:

SIDE SETBACKS:

HEIGHT:

224'-4"

6'-9"

21'-1"/ 83'-8"

UNKNOWN

HCD CERTIFIED DESIGN APPROVAL AGENCY (DAA)

RADCO

3220 EAST 59TH STREET

LONG BEACH, CA 90805

562.272.7231

FABRICATOR

PLANT PREFAB

375 SOUTH CACTUS AVE.

RIALTO, CA 92376

909.546.7444

BUILDING INFORMATION

SITE DEVELOPMENT DATA

PROJECT ADDRESS:

ASSESSORS PARCEL NUMBER:

OWNERS:

USE:

ZONING:

OCCUPANCY:

LOT (GROSS)

EASEMENTS

SLOPES>1:1

LOT (NET)

TOTAL ALLOWED SQUARE FOOTAGE CALCULATION PER MALIBU ZONING CODE

PER CITY FORMULA -

UP TO 1/2 ACRE:

1/2 TO 1 ACRE:

1 ACRE TO 1-1/2 ACRE:

5936 FILAREE HEIGHTS RD.

MALIBU, CA 90265

4469-013-023

JEFF AND JENNIFER DENKER

SINGLE FAMILY RESIDENCE

RR2, RURAL RESIDENTIAL

R3/ U

55,657 SF

2,387 SF

98 SF

53,172 SF

21,780X0.177=3,855+1,000

43,560-21,780=21,780X0.10

53,172-43,560=9,612X0.05

= 4,855

= 2,178

= 481

MAXIMUM ALLOWABLE

7,514 SF

SHEET INDEX

#

SHEET NAME

A0.1

A0.4

A0.10

A0.11

A0.12

A0.13

A0.14

A1.0

A1.1

A1.2

A1.3

A2.0

A2.1

A2.2

A2.10

A2.20

A3.0

A3.1

A3.10

A3.20

A4.0

A4.1

A5.1.S

A5.2.S

A5.3.S

A5.4.S

A5.5.S

A9.2

A29.1

TITLE SHEET

SURVEY PLAN

DWGS OF ORIGINAL MAIN HOUSE - PART I

DWGS OF ORIGINAL MAIN HOUSE - PART II

ORIGINAL GUEST HOUSE + GREENHOUSE PERMITS

DWGS OF ORIGINAL DETACHED GARAGE

(E) CDP WAIVERS, (E) OWTS PERMITS

SITE PLAN

FIRE ACCESS PLAN

ROOFS AND SITE DRAINAGE PLAN

STORY POLE PLAN

SUBTERRANEAN GARAGE

FIRST FLR PLAN - MAIN HOUSE

SECOND FLR PLAN - MAIN HOUSE

GUEST HOUSE PLANS

POOL HOUSE PLANS

NORTH AND SOUTH ELEVATIONS

EAST AND WEST ELEVATIONS

GUEST HOUSE ELEVATIONS + SECTION

POOL HOUSE ELEVATIONS + SECTION

MAIN HOUSE SECTIONS

SECTION DETAILS

ENLARGED PLANS - MAIN HOUSE

ENLARGED PLANS - MAIN HOUSE

ENLARGED PLANS - MAIN HOUSE

ENLARGED PLANS - MAIN HOUSE

ENLARGED PLANS - GUEST HOUSE

ENLARGED STAIR PLANS

POOL HOUSE ASSEMBLY DETAILS

Received

4/24/2020

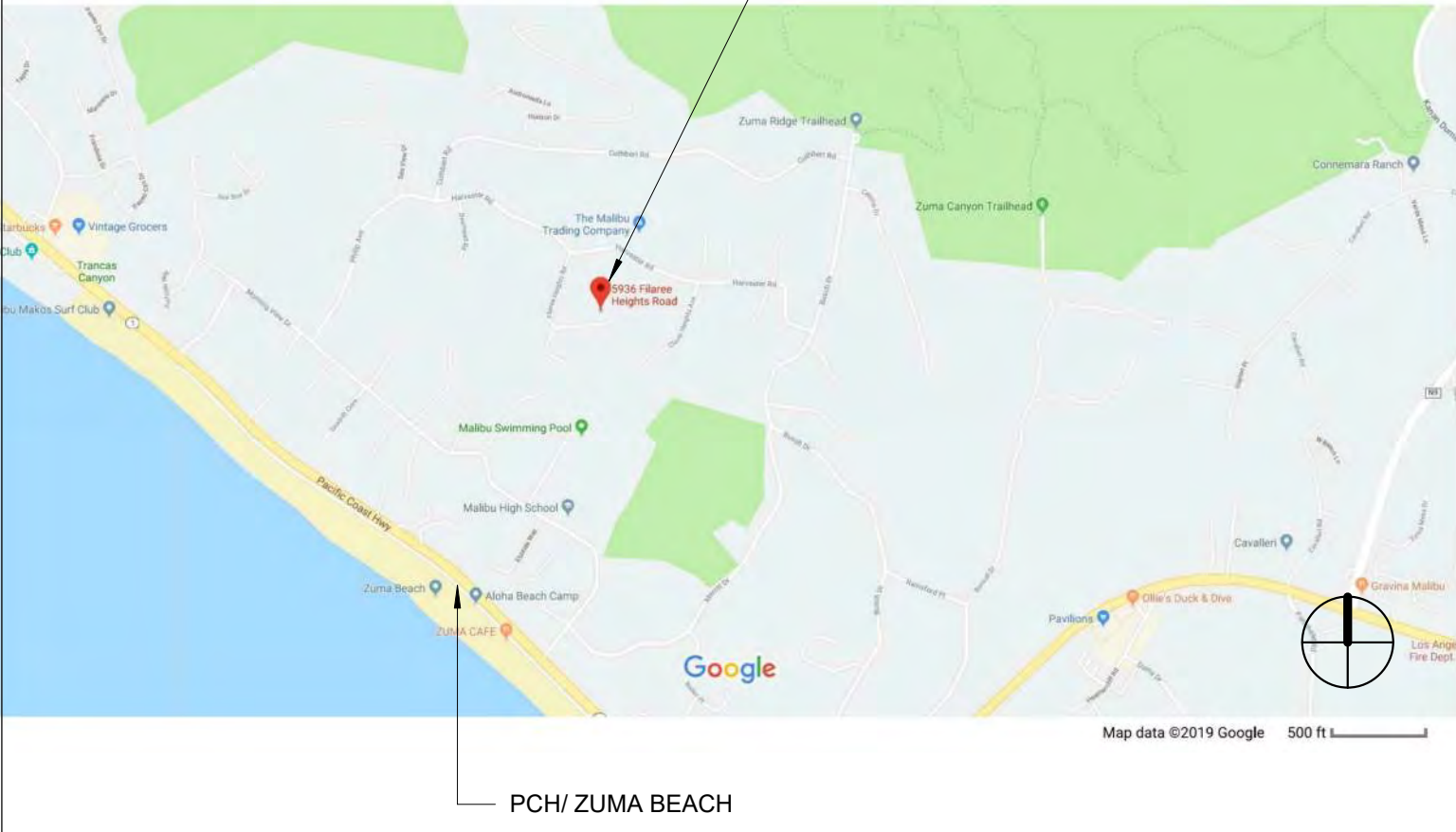
Planning Dept.

VICINITY MAP

Google Maps

5936 Filaree Heights Rd

PROJECT LOCATION



APPLICABLE CODES

PLANS SHALL COMPLY WITH THE FOLLOWING:

2016 (CBC) CALIFORNIA BUILDING CODE

2016 CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11

2016 (CMC) CALIFORNIA MECHANICAL CODE

2016 (CPC) CALIFORNIA PLUMBING CODE

2016 (CRC) CALIFORNIA RESIDENTIAL CODE

2016 (CEC) CALIFORNIA ELECTRICAL CODE

INCLUDING ALL OF CITY OF MALIBU AMENDMENTS AS PERATINS TO SITE BUILT SCOPE OF WORK DISCRIBED IN THE PLANS.

livinghomes.

2910 lincoln blvd  
santa monica, ca 90405  
p: 310.581.8500 f: 310.496.2167  
www.livinghomes.net

plant

P R E F A B

375 south cactus ave  
rialto, ca 92376  
p: 909.546.7444 f: 909.546.7411  
www.plantprefab.com

PROJECT:

FILAREE HEIGHTS ROAD

ADDRESS:

5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:

JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE:

08/19/19

DRAWN BY:

MS

CHECKED BY:

MS

REVISIONS

APR SUBMITTAL

9/19/19

APR RESUBMITTAL

11/13/2020

REISSUE TO PLANNING

2/19/2020

STATE APPROVAL STAMP

Approved

June 10, 2020

Plannig Dept .

SHEET

NUMBER:

A0.1

TITLE SHEET

4/23/2020 11:22:28 AM

ATTACHMENT 1

132



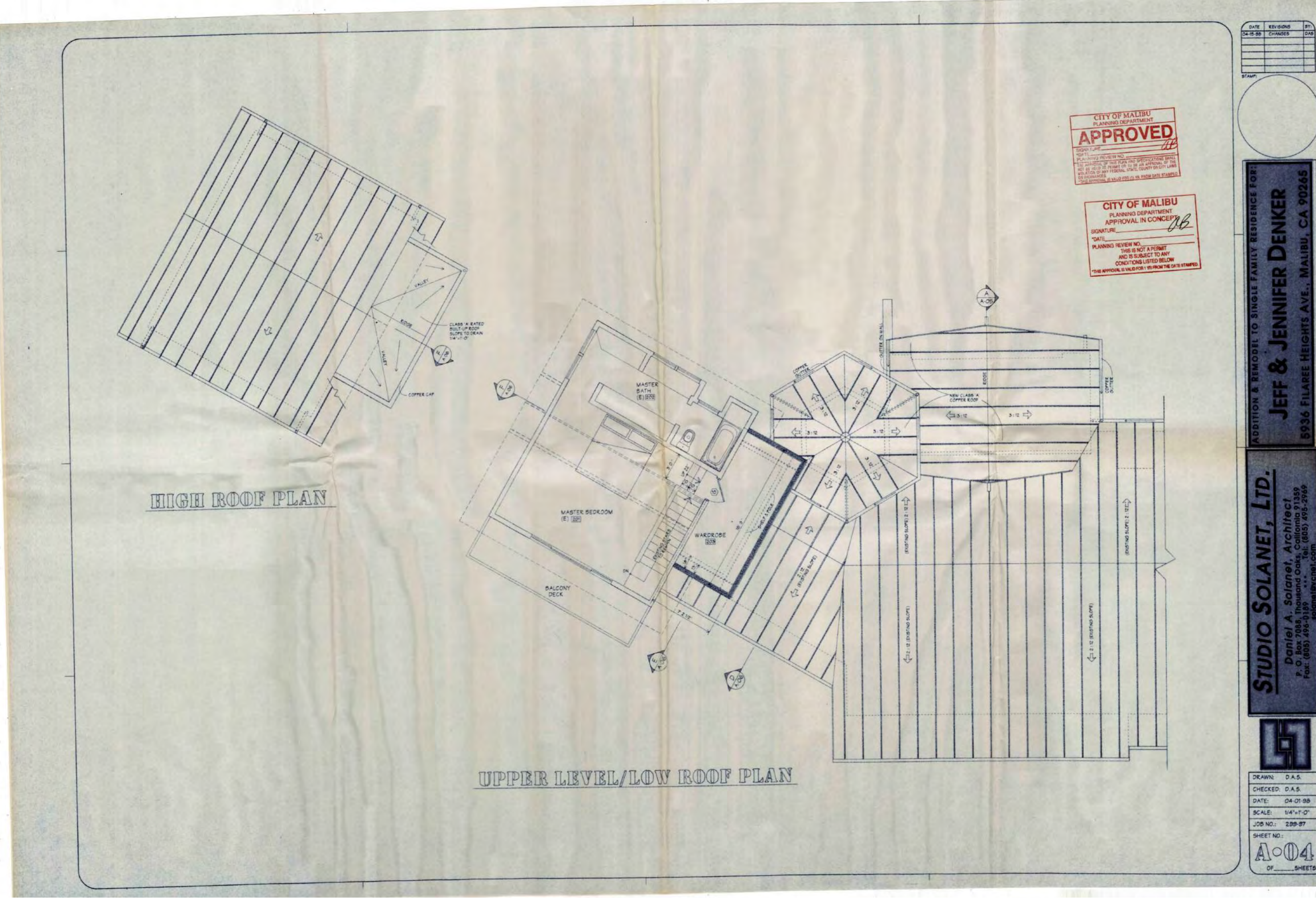








INSPECTOR	DATE	INSPECTOR
<b>REQUIRED BUILDING INSPECTIONS AND APPROVALS</b>		
81 (Exterior and interior)		
82 Site Engineer's Approval		
93 Foundation/Foundations		
94 Structural/Structural Repairs/Work		
95 Flycatcher/Traps		
96 Water Flow Installation		
97 Water Flow Installation		
98 First floor floor draining		
99 Second floor floor draining		
100 Third floor floor draining		
101 Concrete blocks		
102 Ground		
103 2nd floor lift		
104 3rd floor lift		
105 Fireproof		
106 Fire Dept. fire inspection		
107 Building Check Items inspection		
108 Fire Dept. inspection		
109 Fire Dept. inspection		
110 Fire Dept. inspection		
111 Fire Dept. inspection		
112 Fire Dept. inspection		
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220 Fire Dept. inspection		
221 Fire Dept. inspection		
222 Fire Dept. inspection		



4/23/2020 11:22:38 AM

WEST ELEVATION

NORTH ELEVATION

SECTION A-A

DATE	REVISION	BY
04/23/20	001	CS
04/23/20	002	CS
04/23/20	003	CS
04/23/20	004	CS
04/23/20	005	CS

ADDITION & REMODEL TO SINGLE FAMILY RESIDENCE FOR  
**JEFF & JENNIFER DENKER**  
 5935 FILAREE HEIGHTS AVE., MALIBU, CA 90245

**STUDIO SOLANET, LTD.**

Daniel A. Solanet, Architect  
 10000 Wilshire Blvd., Suite 100  
 Los Angeles, CA 90024  
 Tel: (310) 451-1100  
 Fax: (310) 451-1101  
 www.studiosolanet.com

DESIGN	D.A.S.
CHECKED	D.A.S.
DATE	04/21/20
SCALE	1/4"=1'-0"
JOB NO.	200-07
SHEET NO.	1
OF	1 SHEETS





GUEST HOUSE PHOTOS BEFORE FIRE

1

FRANKLIN COUNTY 5-1-1 APPLICATION FOR BUILDING PERMIT

COUNTY OF LOS ANGELES  
DEPARTMENT OF COUNTY ENGINEER  
BUILDING AND SAFETY DIVISION  
JOHN A. LAMBIE, COUNTY ENGINEER  
WILLIAM A. JENSEN, SUFF. OF BUILDING

**FOR APPLICANT TO FILL IN**

BUILDING ADDRESS: 5936 Filaree Heights Rd  
LOCALITY: Malibu  
DISTRICT NO.: 4-2  
GROUP: 1  
TYPE: 1  
PROCESSED BY: [Signature]  
NEAREST CROSS ST.: [Blank]  
STATISTICAL CLASSIFICATION: CLASS NO. 23 DWELL UNITS: [Blank]  
WATER CERTIFICATE: NOT REQUIRED [X] RECEIVED [ ]  
SEWER MAP: BK PG  
MAP NO. 4520  
HIGHWAY: STATE MAJOR SECOND. LOCAL  
USE CODE: 12-4  
SPECIAL CONDITIONS: [Blank]  
BUILDING SETBACK: YARD HWY STREET NAME EXIST. WIDTH  
FRONT: 20' Filaree Hgts 40'  
SIDE: [Blank]  
REAR: [Blank]

OWNER: REBECC C. NELSON  
ADDRESS: 5936 FILAREE HGS  
ARCHITECT OR ENGINEER: GEO FOSDYKE  
ADDRESS: 459 S. BAKER ST. L.A.  
CONTRACTOR: LOUIS HARRIS & HARRIS  
ADDRESS: 7132 SAN BENITO RD L.A.

DESCRIPTION OF WORK

NEW: [Blank] ADD: [Blank] ALTER: [Blank] REPAIR: [Blank] DEMOLISH: [Blank]  
SQ. FT. 726 NO. OF STORIES 1 NO. OF FAMILIES  
USE OF STRUCTURE: HOBBY GREENHOUSE  
SIGNATURE OF APPLICANT: LOUIS HARRIS & HARRIS  
VALUATION \$: 4100

APPROVALS: [Blank] DATE: [Blank] INSPECTOR'S SIGNATURE: [Signature]  
FOUNDATION, LOCATION, FORMS, MATERIALS: [Blank]  
FRAME, FIRE STOP, BRACING, BOLTS: [Blank]  
FURNACE, LOCATION, GAS VENT, DUCTS: [Blank]  
LATH, INT: [Blank]  
LATH, EXT: [Blank]  
HOUSE NUMBER COR. REST AND POSTED: [Blank]  
FINAL: [Signature]  
JOHN F. LEWIS, PRINCIPAL STRUCTURAL ENGINEER

PLAN CHECK VALIDATION: [Blank] CR. NO. CASE: 110012  
PERMIT VALIDATION: [Blank] CR. NO. CASE: 110012

15612 NR. 8 1 2200

GREEN HOUSE PERMIT

1

FRANKLIN COUNTY 5-1-1 APPLICATION FOR BUILDING PERMIT

COUNTY OF LOS ANGELES  
DEPARTMENT OF COUNTY ENGINEER  
BUILDING AND SAFETY DIVISION  
JOHN A. LAMBIE, COUNTY ENGINEER  
WILLIAM A. JENSEN, SUFF. OF BUILDING

**FOR APPLICANT TO FILL IN**

BUILDING ADDRESS: 5936 FILAREE  
LOCALITY: MALIBU  
DISTRICT NO.: 4-2  
GROUP: 1  
TYPE: 1  
PROCESSED BY: [Signature]  
NEAREST CROSS ST.: [Blank]  
STATISTICAL CLASSIFICATION: CLASS NO. 22 DWELL UNITS: 01  
WATER CERTIFICATE: NOT REQUIRED [X] RECEIVED [ ]  
SEWER MAP: BK PG  
MAP NO. 4520  
HIGHWAY: STATE MAJOR SECOND. LOCAL  
USE CODE: M3  
SPECIAL CONDITIONS: [Blank]  
BUILDING SETBACK: YARD HWY STREET NAME EXIST. WIDTH  
FRONT: [Blank]  
SIDE: [Blank]  
REAR: [Blank]

OWNER: ROBERT H. VOGELE  
ADDRESS: 773 SWARTHMORE  
ARCHITECT OR ENGINEER: [Blank]  
ADDRESS: [Blank]  
CONTRACTOR: [Blank]  
ADDRESS: [Blank]

DESCRIPTION OF WORK

NEW: [Blank] ADD: [Blank] ALTER: [Blank] REPAIR: [Blank] DEMOLISH: [Blank]  
SQ. FT. 600 NO. OF STORIES 1 NO. OF FAMILIES  
USE OF STRUCTURE: STABLE  
SIGNATURE OF APPLICANT: [Signature]  
VALUATION \$: 600

APPROVALS: [Blank] DATE: [Blank] INSPECTOR'S SIGNATURE: [Signature]  
FOUNDATION, LOCATION, FORMS, MATERIALS: [Blank]  
FRAME, FIRE STOP, BRACING, BOLTS: [Blank]  
FURNACE, LOCATION, GAS VENT, DUCTS: [Blank]  
LATH, INT: [Blank]  
LATH, EXT: [Blank]  
HOUSE NUMBER COR. REST AND POSTED: [Blank]  
FINAL: [Signature]  
CLYDE N. DIRLAM, PRINCIPAL STRUCTURAL ENGINEER

PLAN CHECK VALIDATION: [Blank] CR. NO. CASE: 110012  
PERMIT VALIDATION: [Blank] CR. NO. CASE: 110012

15612 NR. 8 1 2200

GUEST HOUSE PERMIT

NOTE: GUEST HOUSE WAS GRANDFATHERED IN AND WAS ALTERED TO A GUEST HOUSE BEFORE THE ESTABLISHMENT OF THE CITY OF MALIBU. THE STRUCTURE APPEAR AS A GUEST HOUSE ON ALL LATER PERMIT APPLICATIONS (SITE PLANS), RE. DOCUMENTATION OF REST OF THE ORIGINAL STRUCTURES ON SITE.

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rialto, ca 92376  
p: 909.546.7444 f: 909.546.7411  
www.plantprefab.com

PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMJEFF@EARTHLINK.NET

DATE: 08/19/19  
DRAWN BY: MS  
CHECKED BY: MS

REVISIONS

APR SUBMITTAL 9/19/19

STATE APPROVAL STAMP

SHEET  
NUMBER:

A0.12

ORIGINAL GUEST HOUSE  
+ GREENHOUSE  
PERMITS



Architectural drawings for the Denker Residence, including a large front elevation with a porch, a side elevation, a rear elevation, and a floor plan. The drawings are labeled with dimensions and room names. A large 'VOID' stamp is visible across the top half of the drawings. A red 'APPROVED' stamp from the City of Malibu is present on the right side of the drawings.

**Front Elevation:** Shows a two-story house with a prominent porch on the left. The porch has a gabled roof and is supported by columns. The main house has a gabled roof and a large window above the porch. The porch is labeled '1. SOUTH ELEVATION - PORCH & DINING WING' and '2. SOUTH ELEVATION - MAIN HOUSE'.

**Side Elevation:** Shows the side profile of the house, featuring a gabled roof and a small window. It is labeled 'EAST ELEVATION - GARAGE'.

**Rear Elevation:** Shows the rear profile of the house, featuring a gabled roof and a small window. It is labeled 'WEST ELEVATION - GARAGE'.

**Floor Plan:** Shows the layout of the house, including the porch, dining wing, and main house. It is labeled 'FLOOR PLAN @ GARAGE'.

**Dimensions:** Various dimensions are provided for the drawings, including overall width and height, and specific measurements for the porch and garage.

**City of Malibu Approval:** A red stamp from the City of Malibu is visible, indicating that the drawings have been approved for construction. The stamp includes the text 'CITY OF MALIBU', 'APPROVED', and 'APPROVAL IN CONCEPT'.

**City of Malibu Received:** A red stamp from the City of Malibu is visible, indicating that the drawings have been received. The stamp includes the text 'CITY OF MALIBU', 'RECEIVED', and 'MAR 23 1998'.

**City of Malibu Approval:** A red stamp from the City of Malibu is visible, indicating that the drawings have been approved for construction. The stamp includes the text 'CITY OF MALIBU', 'APPROVED', and 'APPROVAL IN CONCEPT'.

**City of Malibu Received:** A red stamp from the City of Malibu is visible, indicating that the drawings have been received. The stamp includes the text 'CITY OF MALIBU', 'RECEIVED', and 'MAR 23 1998'.

[illegible]

INSPECTOR	DATE	INSPECTOR
REQUIRED BUILDING INSPECTIONS AND APPROVALS		
01 Location and setback	02/24/96	D. Kelly
02 Soil Engineer's Report	02/24/96	D. Kelly
03 Foundation/Retain Walls	02/24/96	D. Kelly
04 Structural concrete slab on grade	02/24/96	D. Kelly
05 Rafter foot framing		
06 Under floor insulation		
07 First level floor sheathing		
08 Second level floor sheathing		
09 Third level floor sheathing	2-25-96	D. Kelly
10 Roof sheathing		
11 On lot		
11a Concrete Jacking		
12a Crust off		
12b Crust off		
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[illegible]

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rialto, ca 92376  
p: 909.546.7444 f: 909.546.7411  
www.plantprefab.com

**PROJECT:**  
FILAREE HEIGHTS ROAD  
**ADDRESS:**  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

**OWNER:**  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE:	08/19/19
DRAWN BY:	MS
CHECKED BY:	MS

REVISIONS	
APR SUBMITTAL	9/19/19

STATE APPROVAL STAMP

SHEET  
NUMBER:

**A0.13**  
OF ORIGINAL  
ED GARAGE





## City of Malibu

32555 Civic Center Way, Malibu, California 90265  
310 456-CITY Fax 310 456-3386  
Planning Department  
JENNIFER DENKER - #3001  
JENNIFER DENKER - #3001

April 12, 1996

Mr. Raymond Zukaitis  
8067 Woodland Lane  
Los Angeles, CA 90046

Subject: PPR 96-064/5936 Filaree Heights Avenue (Denker)

Dear Mr. Zukaitis:

The UCLA Archaeological Information Center has completed an initial records search and has recommended a Phase I archaeological survey on the subject property. The City of Malibu requires that the Phase I survey be completed by the City Archaeologist at a cost not to exceed \$500.

Before the City Archaeologist can begin work, we need your authorization to proceed. For your convenience, you may sign and return the authorization form at the bottom of this letter.

If you have any questions, please call me at (310) 456-2489, extension 250.

Ara Michael Mihranian  
Assistant Planner

### AUTHORIZATION FORM:

I am the owner or applicant for the subject permit and I authorize the City Archaeologist to complete a Phase I archaeology survey on the subject property at a cost not to exceed \$500.

Owner/Applicant Signature  
(Please return the entire page)

5/3/96  
Date

ATTN: ARA MIHRANIAN

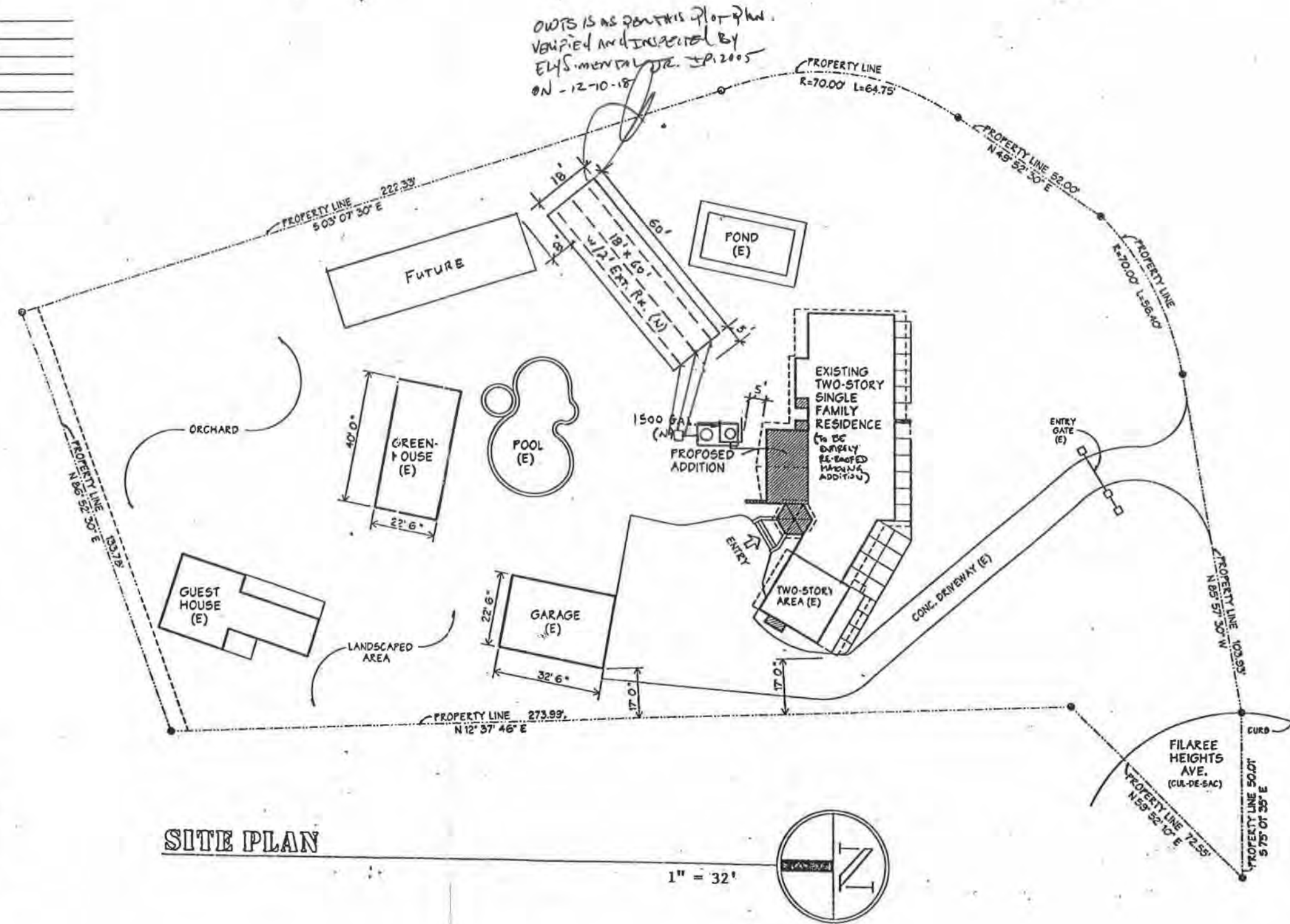
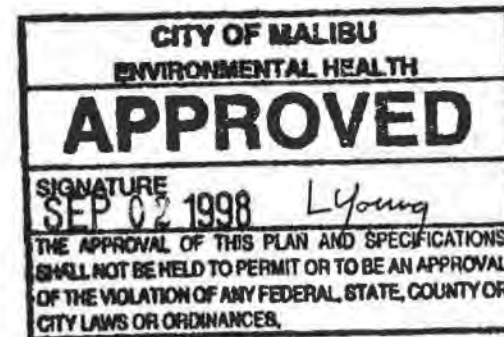
### ARCHAEOLOGICAL REPORT

5936 FILAREE HEIGHTS AVE.  
MALIBU, CA 90265

S.F.D.: 4 Br. - 4 Br. (Remodel)  
SEPTIC TANK: 1500 Gallon (N)  
PRESENT: 1 - 18' X 60' Drainfield  
with 2' Extra Rock (N)  
FUTURE: 100%  
PERC RATE: 21 minutes/inch

### NOTES:

1. This approval is for a 4 bedroom to 4 bedroom single family dwelling remodel. The existing septic tank shall be removed and a new 1500 gallon septic tank installed, as shown. The existing seepage pits shall be located and abandoned. A new 18' X 60' drainfield with 2' extra rock shall be installed, as shown.
2. This approval only relates to the minimum requirements of the City of Malibu Uniform Plumbing Code and does not include an evaluation of any geological, or other potential problems, which may require an alternative method of wastewater disposal.
3. This approval is valid for one year or until City of Malibu Uniform Plumbing Code and/or Administrative Policy changes render it noncomplying.



### OWTS PLOT PLAN VERIFICATION



## City of Malibu

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

### ONSITE WASTEWATER TREATMENT SYSTEM FIRE DAMAGE ASSESSMENT

Each Onsite Wastewater Treatment System (OWTS) proposed to be utilized for sewage disposal following fire damage to a property, is required to be inspected by an OWTS city registered practitioner and approved by the City prior to use. A list of OWTS city registered practitioners can be found at [www.malibucity.org/practitioners](http://www.malibucity.org/practitioners). Submit this form and a copy of the inspection report (if required) to the Environmental Health office.

☐ Occupy Existing Structure (not damaged) ☐ Temporary home ☐ Rebuild Structure

Site Address: 5936 Filaree Heights Ave. APN: 4469-013-023  
Property Owner: JENNIFER DENKER  
Mailing Address: 6936 DUNE DRIVE MALIBU CA 90265  
Email Address: jendenker111@gmail.com Phone: \_\_\_\_\_  
No. of OWTS on the subject property: 1

OWTS Registered Practitioner:  
Name: E.J. SMENTAL JR. License Number: 746011  
Company: E.J. JR'S PUMPING

I certify that I have personally inspected the onsite wastewater treatment system at this address and that the information reported below is true, accurate and complete as of the time of the inspection. I am a city of Malibu OWTS registered practitioner pursuant to Section 15.44.050, of the Malibu Municipal Code.

### Condition of OWTS:

☒ Passes ☐ Conditionally Passes (detailed below) ☐ Fails (detailed below)

Signature of Practitioner: \_\_\_\_\_ Date of Inspection: 12-10-18

Comments (attach additional sheets if necessary):  
FIBERGLASS SEPTIC TANK DISTRIBUTION BOX AND DRAINFIELD ARE IN OPERATIONAL STATUS. SEPTIC TANK WILL BE PUMPED OUT AND ADDITIONAL LBS WILL BE REQUIRED. INLET SEWER PIPE WILL BE SUD-O-UT TO GARAGE ON MAIN HOUSE. GUEST HOUSE NEEDS TANK REPLACEMENT.

EH Received \_\_\_\_\_ Fee Paid Date \_\_\_\_\_ \*The current fee is \$197.00  
\*If repairs are necessary additional review fees and a building safety permit may be necessary.

OWTS Fire Damage Assessment 181129

Recycled Paper

### OWTS ASSESSMENT REPORT

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P R E F A B

375 south cactus ave  
rialto, ca 92376  
p: 909.546.7444 f: 909.546.7411  
www.plantprefab.com

### PROJECT: FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMJEFF@EARTHLINK.NET

DATE: 08/20/19  
DRAWN BY: MS  
CHECKED BY: MS

### REVISIONS

APR SUBMITTAL 9/19/19

### STATE APPROVAL STAMP

SHEET  
NUMBER: A0.14  
(E) CDP WAIVERS, (E)  
OWTS PERMITS

4-98-067-X (Solonet)

Page 2

The proposed development involves the installation, testing and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).

The proposed development is an improvement to a structure other than a single family residence or public works facility and is not subject to a permit requirement (Section 13253 of Administrative Regulations).

The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by natural disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).

Other:

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a coastal development permit is obtained.

Truly yours,

By: Mark H. Capelli

Title: Coastal Program Analyst

8494A

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION  
SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

RECEIVED

SEP 11 1998

PLANNING DEPT.

DATE: July 1, 1998

NAME: Daniel Solonet

LOCATION: 5936 Filaree Heights Ave., Malibu

PROJECT: 345 square foot first floor addition, 125 square foot second floor addition

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A coastal development permit is not necessary for the reasons checked below.

The site is not located within the coastal zone as established by the California Coastal Act of 1976, as amended.

The proposed development is included in Categorical Exclusion No. \_\_\_\_\_ adopted by the California Coastal Commission.

The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities (Section 30610(d) of Coastal Act).

X The proposed development is an improvement to an existing single family residence (Section 30610(a) of the Coastal Act) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code).

The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) but is not a) an increase of 10% or more of internal floor area, b) an increase in height over 10%, or c) a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).

The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Section 30106 of Coastal Act).

(OVER)

E7: 7/90

CDP EXEMPTION LETTER  
JULY 1998

Page 2

The proposed development involves the installation, testing and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).

The proposed development is an improvement to a structure other than a single family residence or public works facility and is not subject to a permit requirement (Section 13253 of Administrative Regulations).

The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by natural disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).

Other:

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a coastal development permit is obtained.

Truly yours,

By: Susan Friend

Title: Staff Analyst

2054M/SPF-VNT

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION  
SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

EXEMPTION LETTER

DATE: June 11, 1996

NAME: Jeffrey and Jennifer Denker  
c/o Raymond Zukaitis  
8067 Woodland Lane  
Los Angeles, CA 90046

LOCATION: 5936 Filaree Heights, City of Malibu; Los Angeles County

PROJECT: Construction of a non-attached two-car garage with no living quarters attached and no grading.

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A coastal development permit is not necessary for the reasons checked below.

The site is not located within the coastal zone as established by the California Coastal Act of 1976, as amended.

The proposed development is included in Categorical Exclusion No. \_\_\_\_\_ adopted by the California Coastal Commission.

The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities (Section 30610(d) of Coastal Act).

XX The proposed development is an improvement to an existing single family residence (Section 30610(a) of the Coastal Act) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code).

The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) but is not a) an increase of 10% or more of internal floor area, b) an increase in height over 10%, or c) a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).

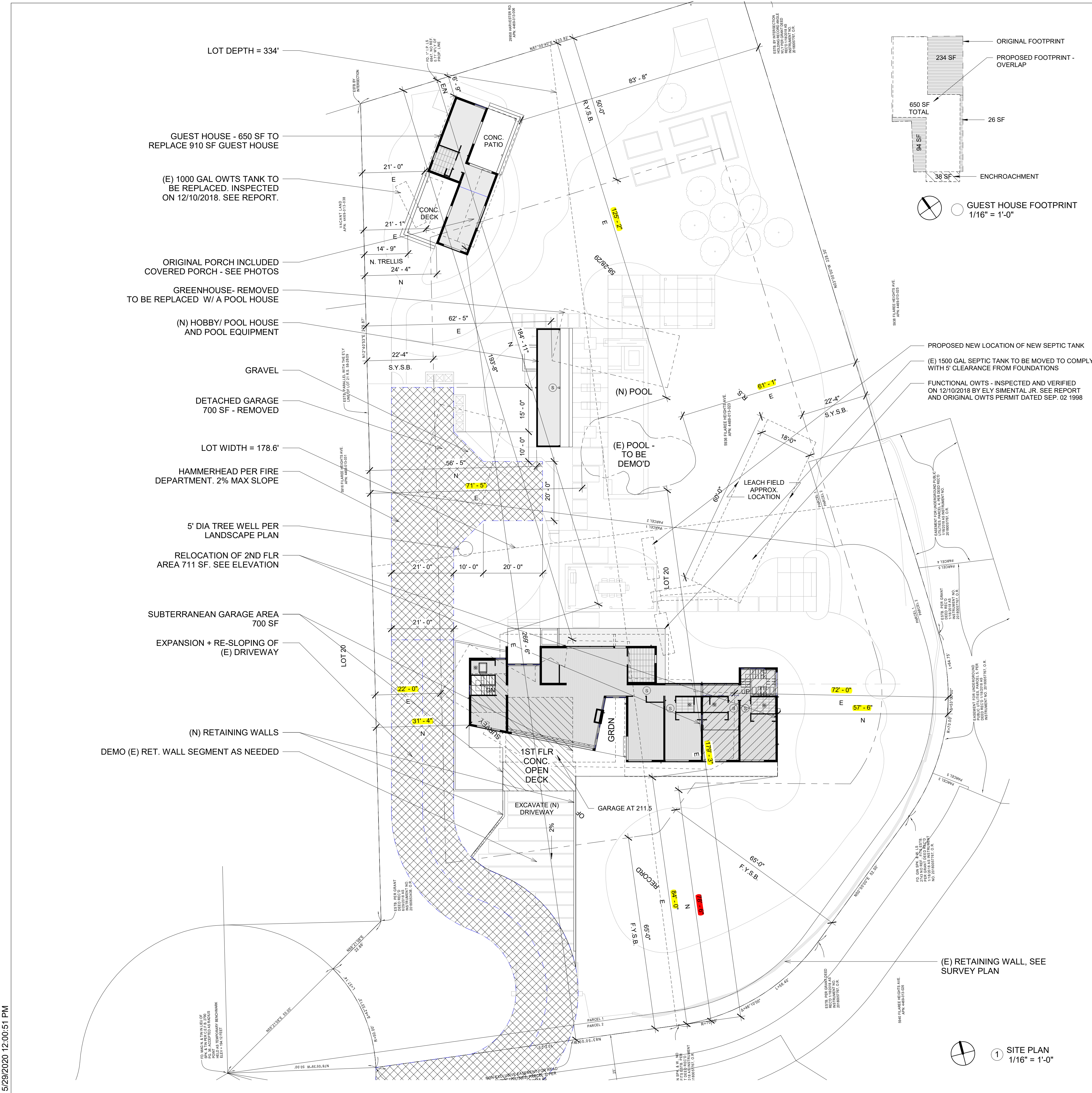
The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Section 30106 of Coastal Act).

(OVER)

E7: 7/90

CDP EXEMPTION LETTER  
JUNE 1996





SITE DEVELOPMENT DATA

PROJECT ADDRESS:	5936 FILAREE HEIGHTS RD. MALIBU, CA 90265
ASSESSORS PARCEL NUMBER:	4469-013-023
OWNERS:	JEFF AND JENNIFER DENKER
USE:	SINGLE FAMILY RESIDENCE
ZONING:	RR2, RURAL RESIDENTIAL
OCCUPANCY:	R3/ U
LOT (GROSS)	55,657 SF
EASEMENTS	2,387 SF
SLOPES>1:1	98 SF
LOT (NET)	53,172 SF

TOTAL ALLOWED SQUARE FOOTAGE CALCULATION PER MALIBU ZONING CODE

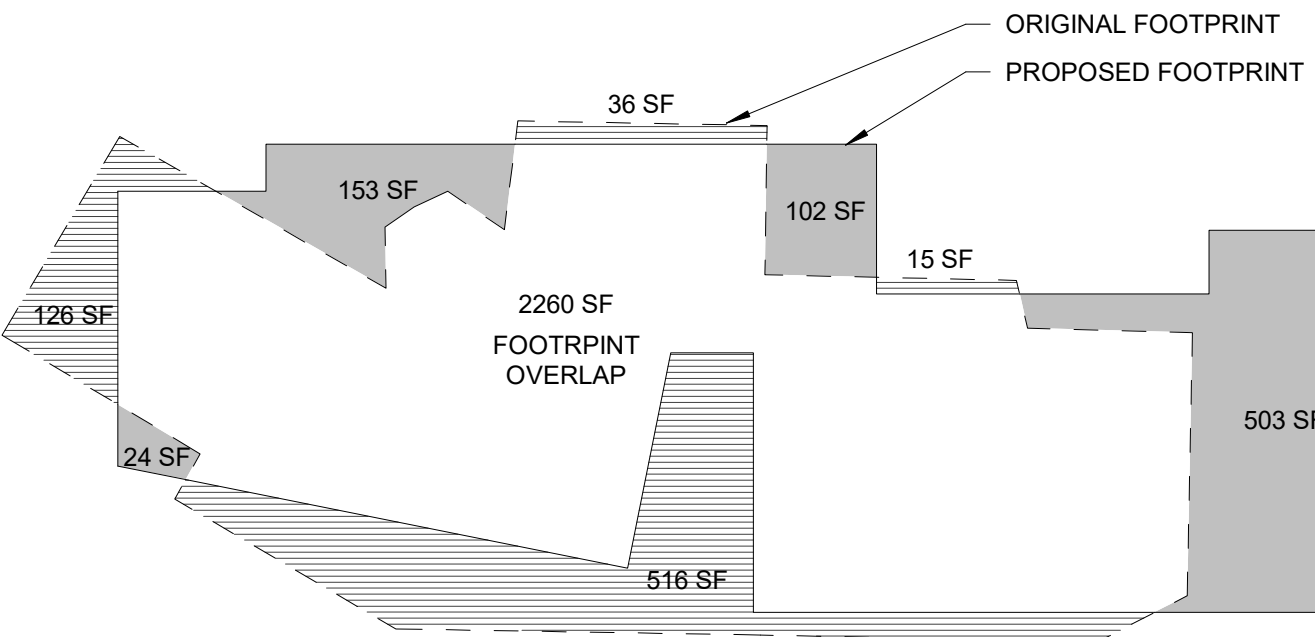
PER CITY FORMULA - UP TO 1/2 ACRE:	21,780X0.177=3,855+1,000	= 4,855
1/2 TO 1 ACRE:	43,560-21,780=21,780X0.10	= 2,178
1 ACRE TO 1-1/2 ACRE:	53,172-43,560=9,612X0.05	= 481

MAXIMUM ALLOWABLE	7,514 SF
-------------------	----------

	ORIGINAL SF	ORIGINAL +10% SF	PROPOSED SF
MAIN HOUSE FIRST FLR	3,035	3,339	2,993
MAIN HOUSE SECOND FLR	441.62	486	711 (<2/3X1ST FLR)
MAIN HOUSE UNENCLOSED COVERED DECK > 6' DEEP			47
TOTAL MAIN HOUSE	RE: PERMIT # 7198 (FINALED 07/16/99): 2,854.53+239.12+383.13=~ 3,477	3,824.5	3,751
GUEST HOUSE	PER SURVEY MEASUREMENT - 965	1,062	650
TOTAL DEVELOPMENT SF - RESIDENTIAL		4,886	4,401

SUBTERRANEAN GARAGE	-	-	887
DETACHED GARAGE	700	770	-
HOBBY GREEN HOUSE	720	792	320

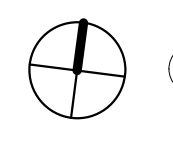
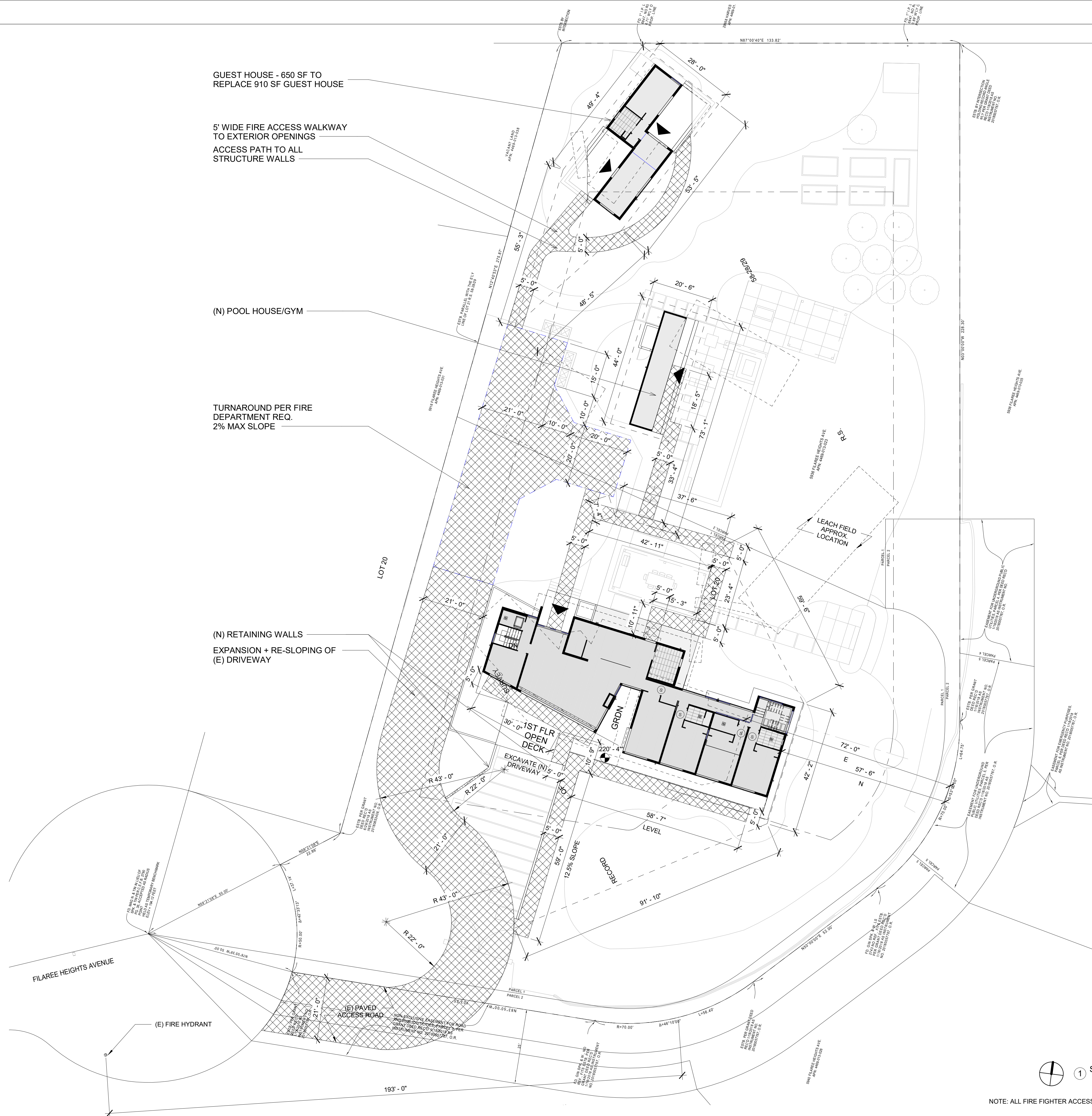
TDSF BREAKDOWN  
1" = 10'-0"



MAIN HOUSE FOOTPRINT COMPARISON  
BREAKDOWN - E. VS N.  
1/16" = 1'-0"

1 SITE PLAN  
1/16" = 1'-0"





1 SITE PLAN - FIRE ACCESS PLAN  
1/16" = 1'-0"

NOTE: ALL FIRE FIGHTER ACCESS PATH SLOPES ARE SLOPED UP TO 5% U.N.O.

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rialto, ca 92376  
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www.plantprefab.com

PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE: 08/22/19

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CHECKED BY: MS

REVISIONS

APR SUBMITTAL 9/19/19

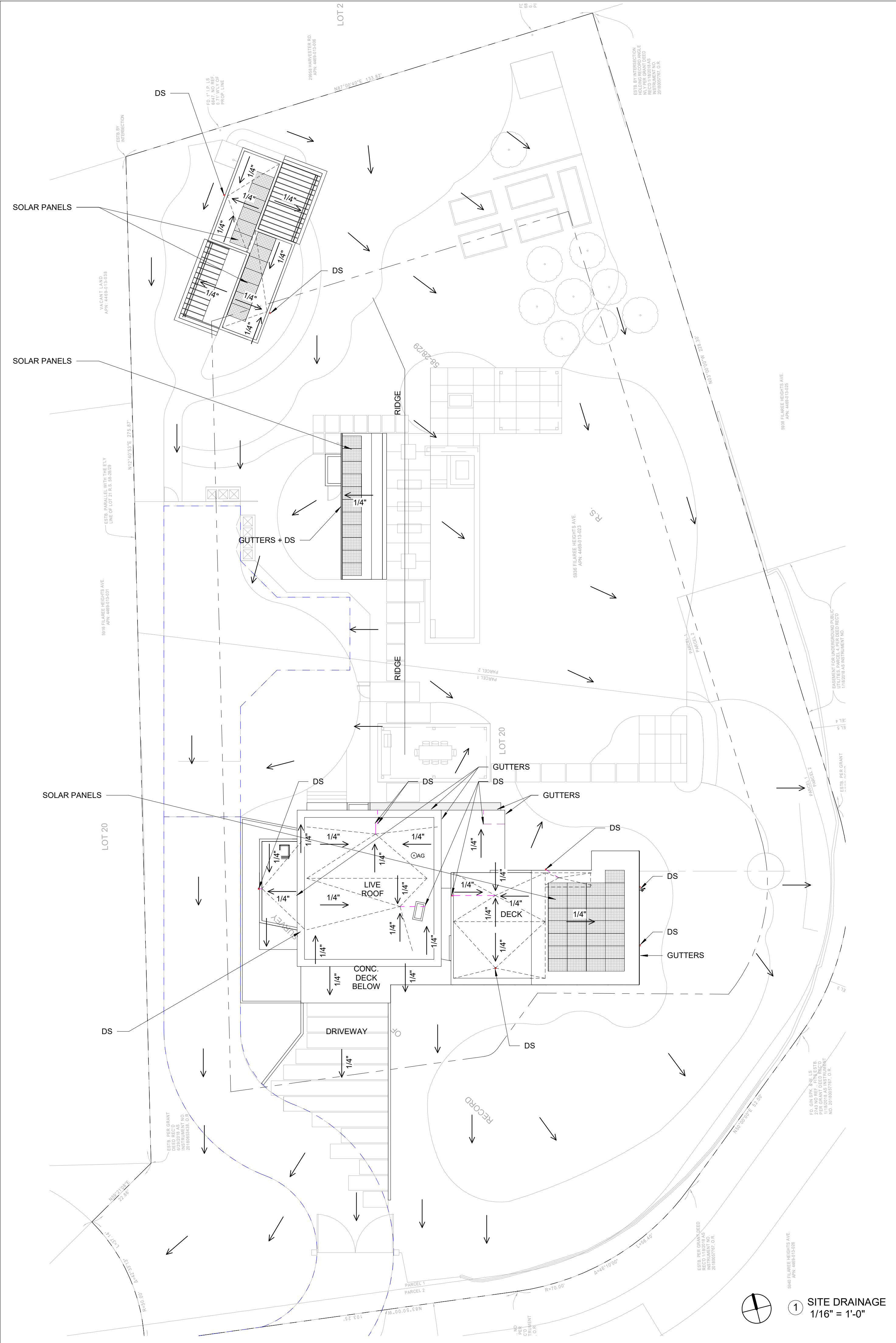
STATE APPROVAL STAMP

SHEET  
NUMBER:

A1.1

FIRE ACCESS PLAN





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MS

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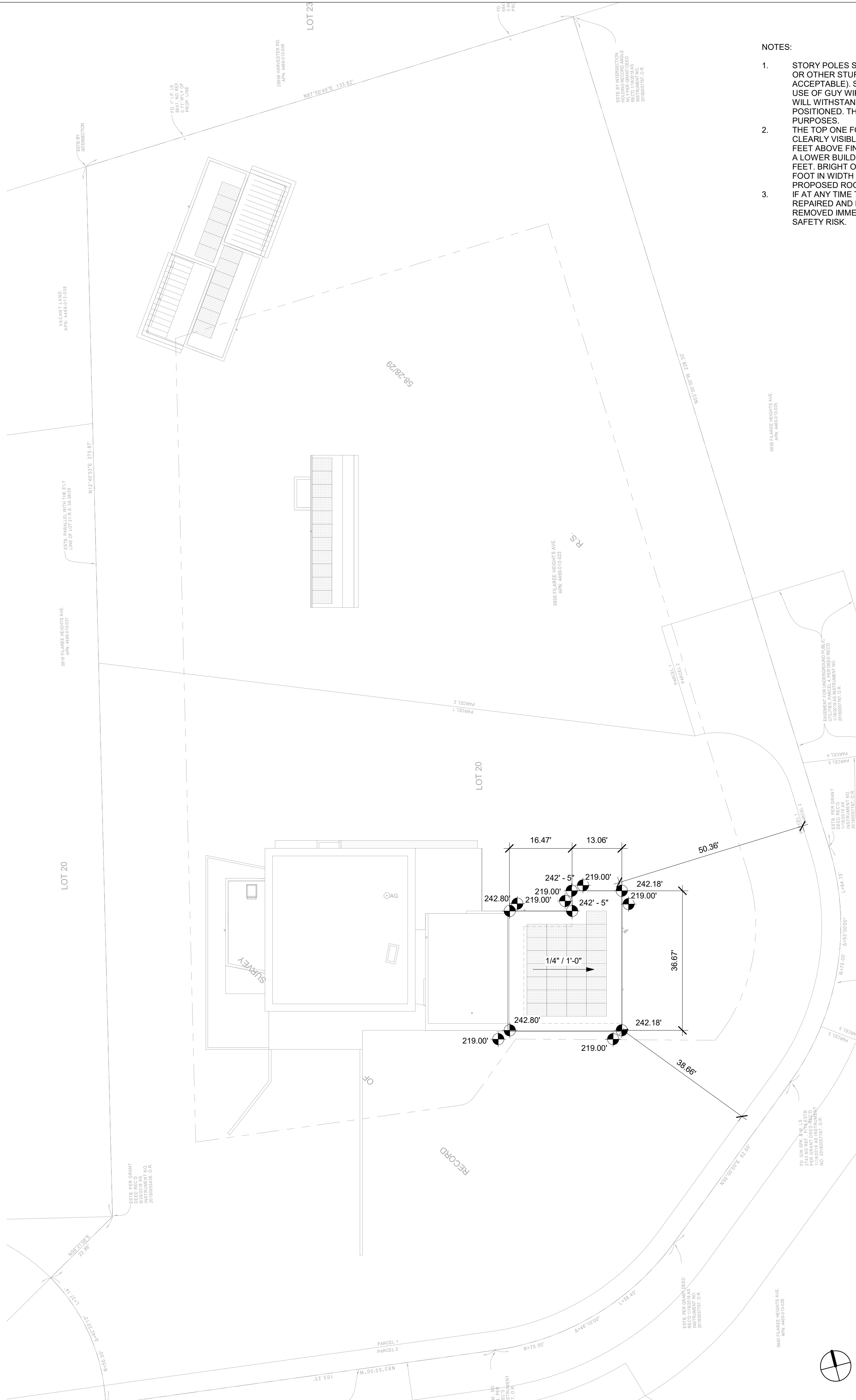
SHEET  
NUMBER:

A1.2

ROOFS AND SITE  
DRAINAGE PLAN

141





1. STORY POLES SHALL BE CONSTRUCTED OF 2 INCH X 4 INCH LUMBER OR OTHER STURDY BUILDING MATERIAL (PVC PIPE IS NOT ACCEPTABLE). STORY POLES SHOULD BE BRACED AT THE BASE BY USE OF GUY WIRES OR SUPPORTS. MEANS TO ENSURE THAT THEY REMAIN UPRIGHT AND STABLE WILL BE DETERMINED. GUY WIRES, WHEN POSITIONED, THE GUY WIRES SHOULD BE FLAGGED FOR SAFETY PURPOSES.
2. THE TOP ONE FOOT OF THE STORY POLES SHALL BE PAINTED WITH A GLOSSY, VISIBLE BLACK PAINT. MARKINGS SHALL ALSO BE MADE AT 10 FEET ABOVE FINISHED OR NATURAL GRADE, WHICHEVER RESULTS IN A LOWER BUILDING HEIGHT, AND AT ONE FOOT INCREMENTS ABOVE 10 FEET. BRIGHT ORANGE CONSTRUCTION MESH APPROXIMATELY ONE FOOT WIDE SHALL BE USED TO CONNECT POLES TO SHOW ALL PROPOSED ROOF AND RIDGELINES.
3. IF AT ANY TIME THE STORY POLES BECOME UNSAFE, THEY SHALL BE REPAIRED AND RESET IMMEDIATELY. THE STORY POLES SHALL BE RESET AND IMMEDIATELY IF DETERMINED BY THE CITY TO BE A PUBLIC SAFETY RISK.

① STORY POLE PLAN  
1/16" = 1'-0"

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DATE: 12/04/19

DRAWN BY: Author

CHECKED BY: \_\_\_\_\_ Checker

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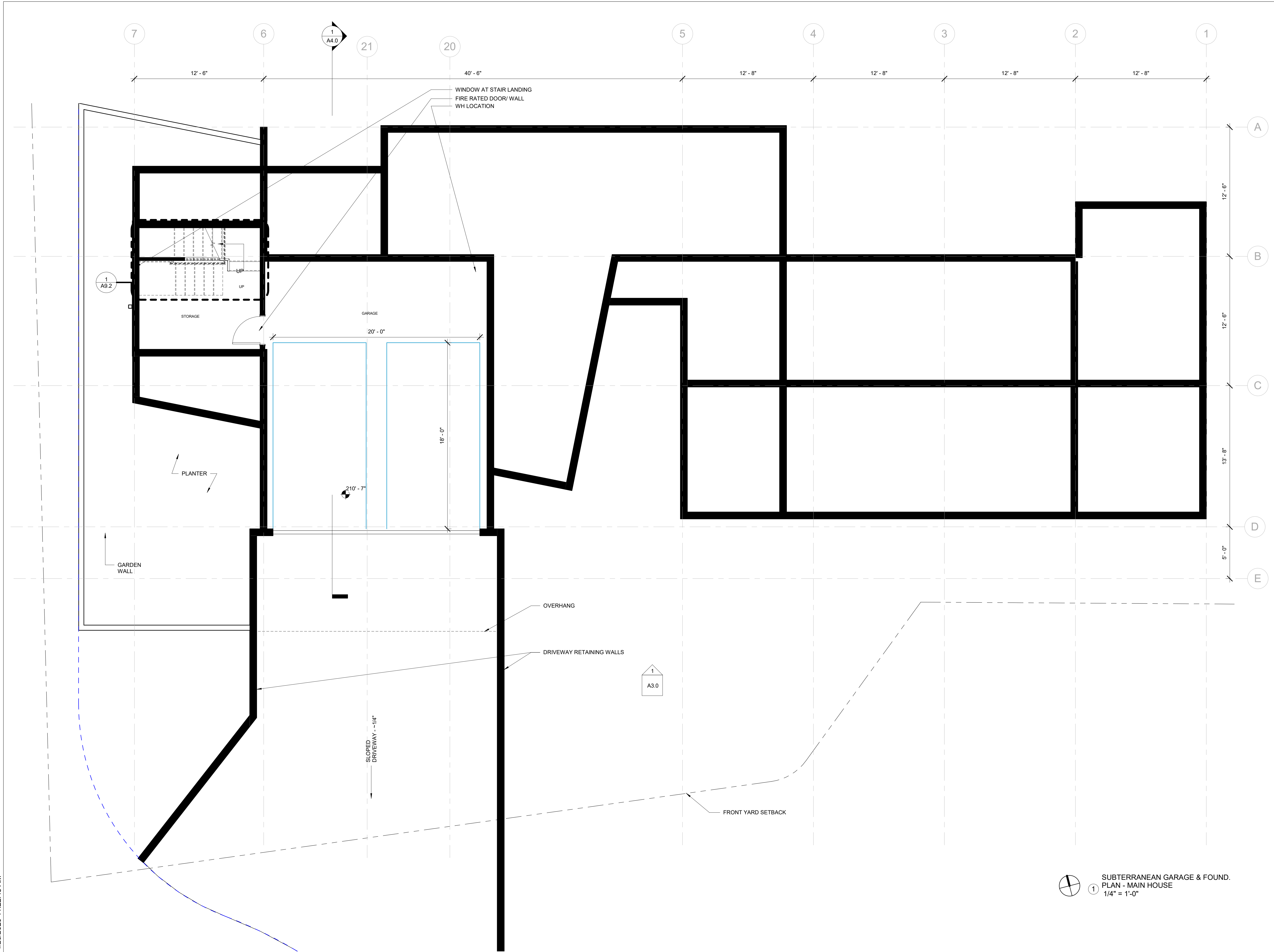
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SHEET  
NUMBER:

## STORY POLE PLAN

## A1.3

4/23/2020 11:22:45 AM



1 SUBTERRANEAN GARAGE & FOUND.  
PLAN - MAIN HOUSE  
1/4" = 1'-0"

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DRAWN BY:	MS
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APR SUBMITTAL	9/19/19
REISSUE TO PLANNING	2/19/2020

STATE APPROVAL STAMP

SHEET  
NUMBER:

A2.0

SUBTERRANEAN  
GARAGE

143



**OWNER:**  
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E-MAIL:  
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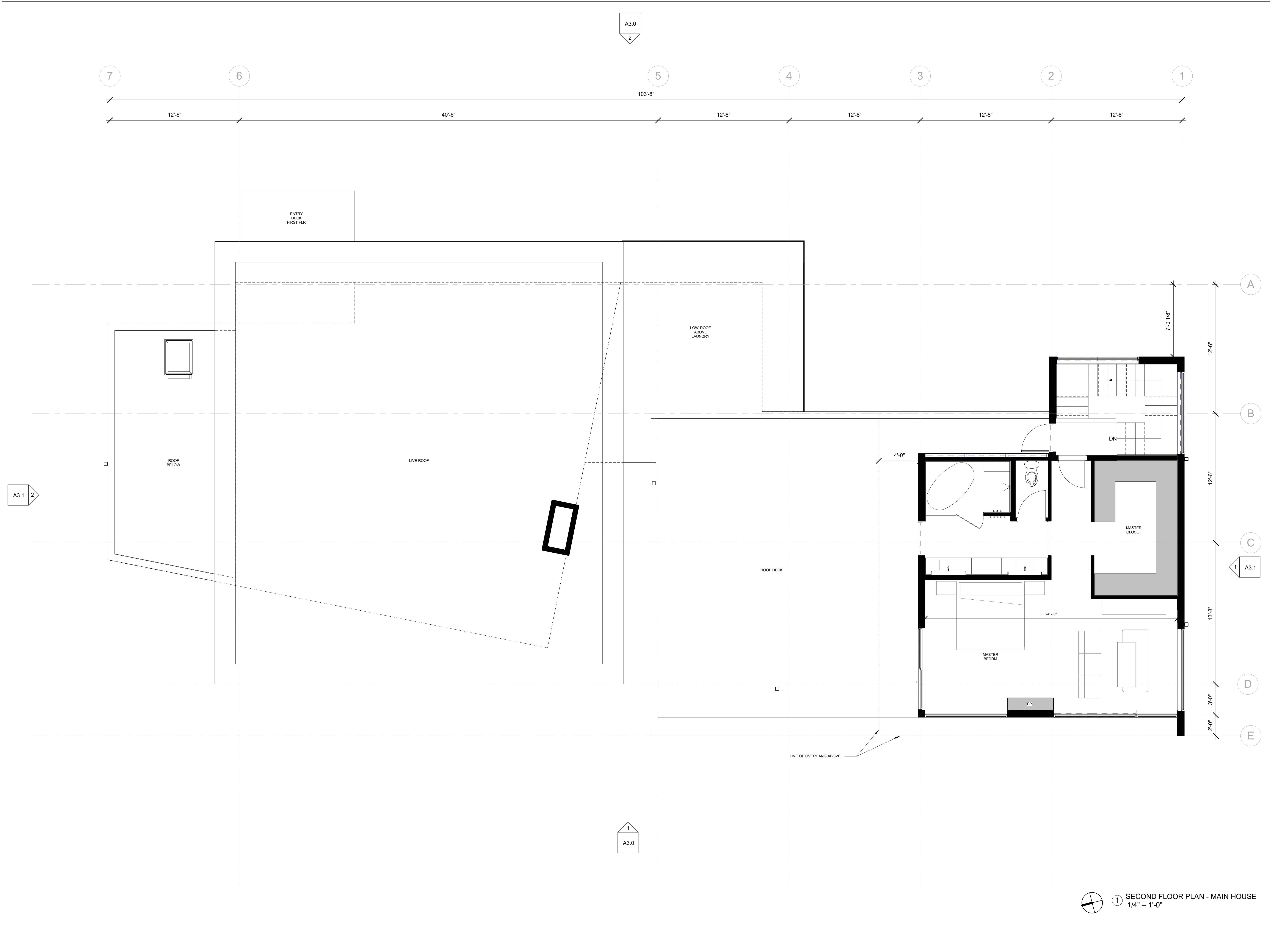
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SHEET  
NUMBER: **A2.1**  
FIRST FLR PLAN - MAIN  
HOUSE



① FIRST FLR PLAN - MAIN HOUSE  
1/4" = 1'-0"

4/23/2020 11:22:50 AM



1 SECOND FLOOR PLAN - MAIN HOUSE  
1/4" = 1'-0"

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REVISIONS

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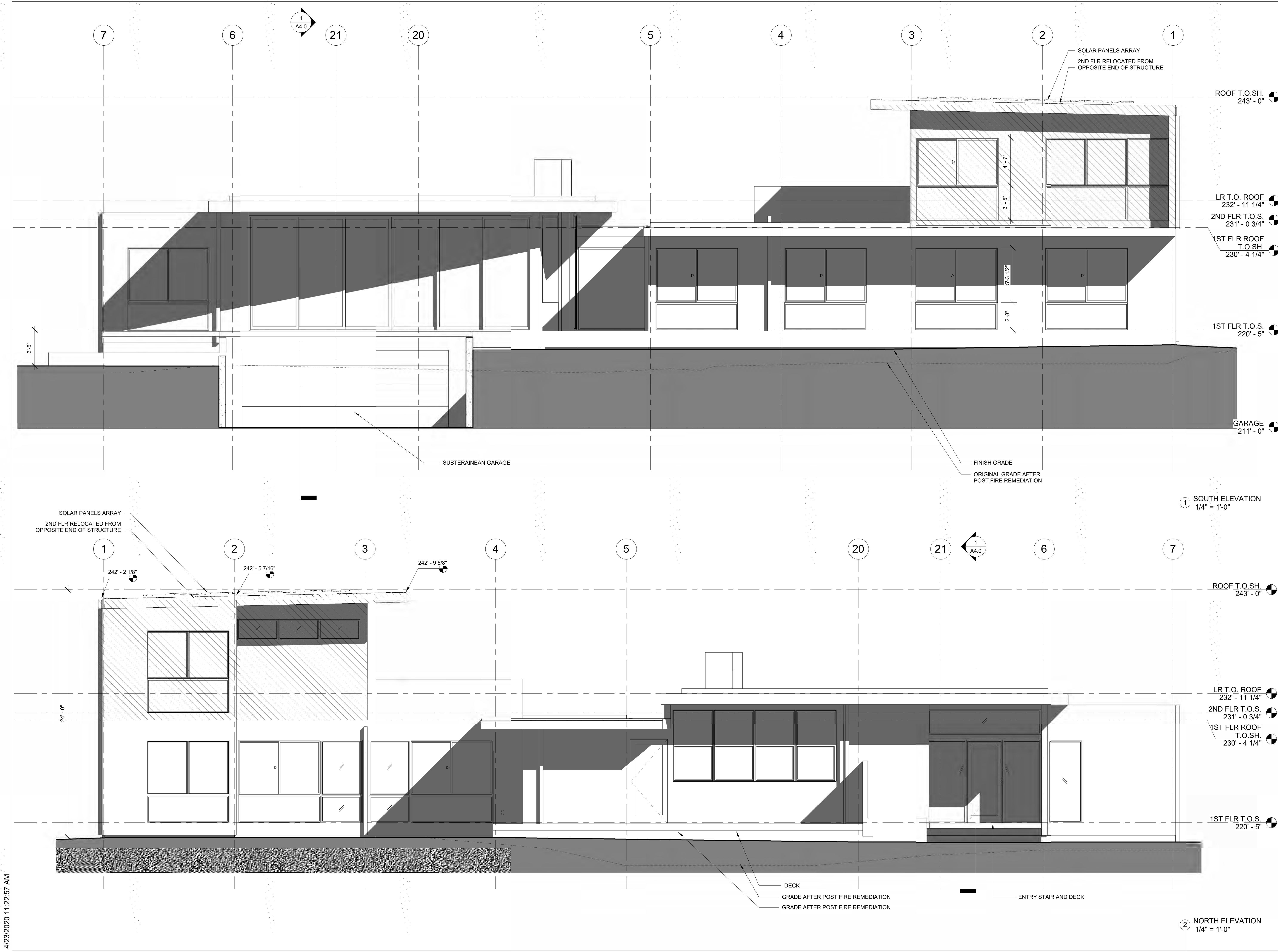
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NUMBER:

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SECOND FLR PLAN -  
MAIN HOUSE





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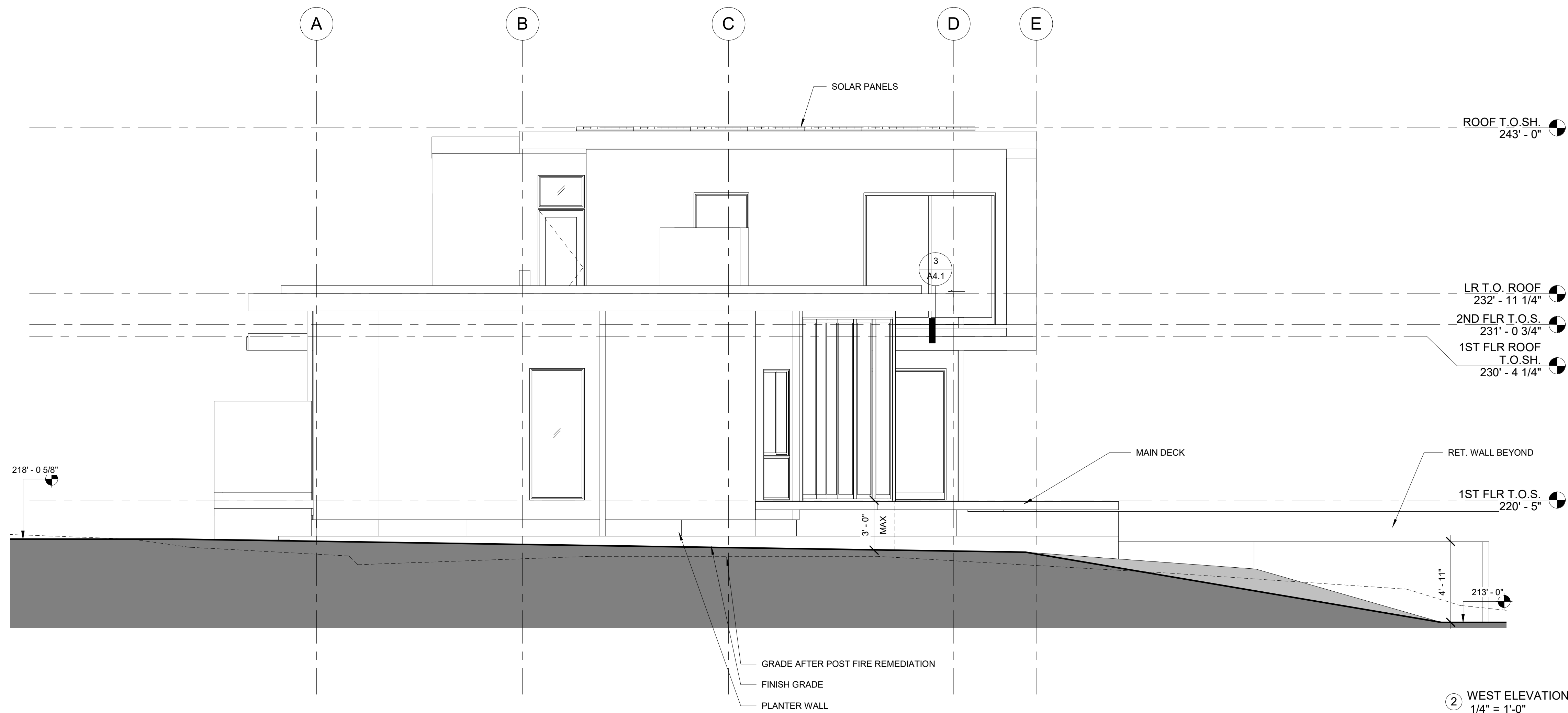
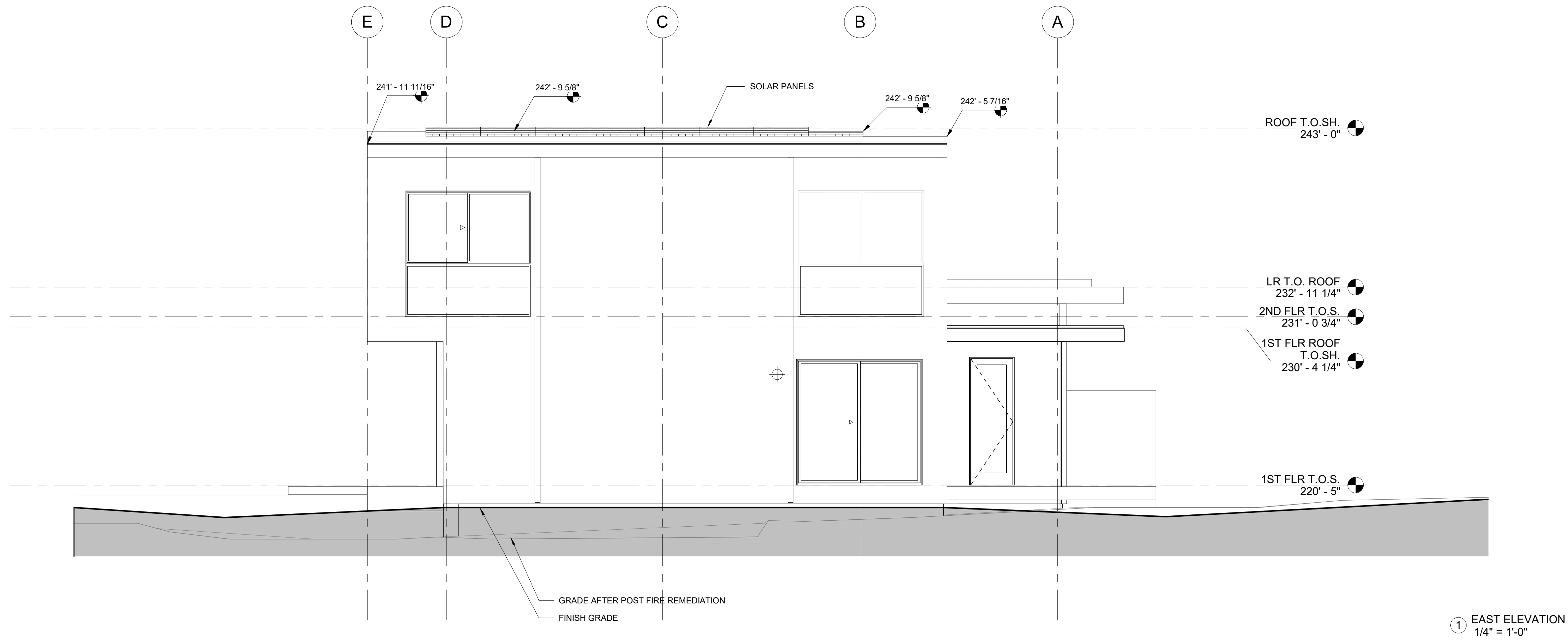
STATE APPROVAL STAMP

SHEET  
NUMBER:

A3.0

NORTH AND SOUTH  
ELEVATIONS





PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
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MALIBU, CA 90265

OWNER:  
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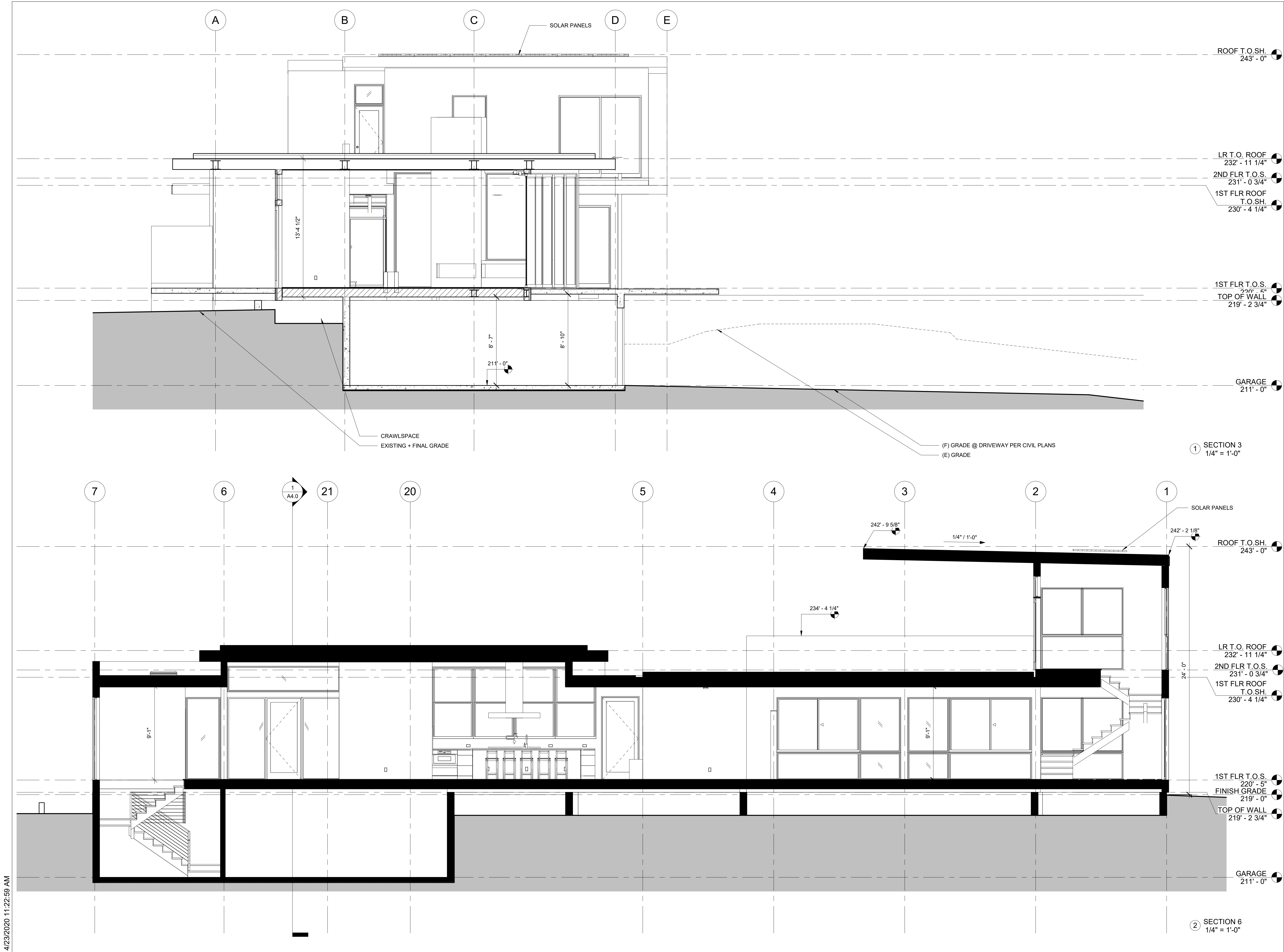
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SHEET  
NUMBER:

A3.1

EAST AND WEST  
ELEVATIONS



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DATE:

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APR SUBMITTAL	9/19/19
APR RESUBMITTAL	11/13/2020
REISSUE TO PLANNING	2/19/2020

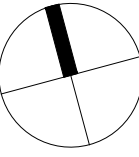
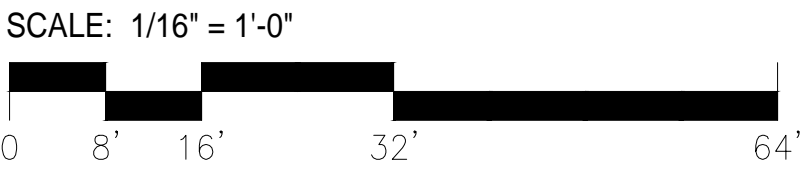
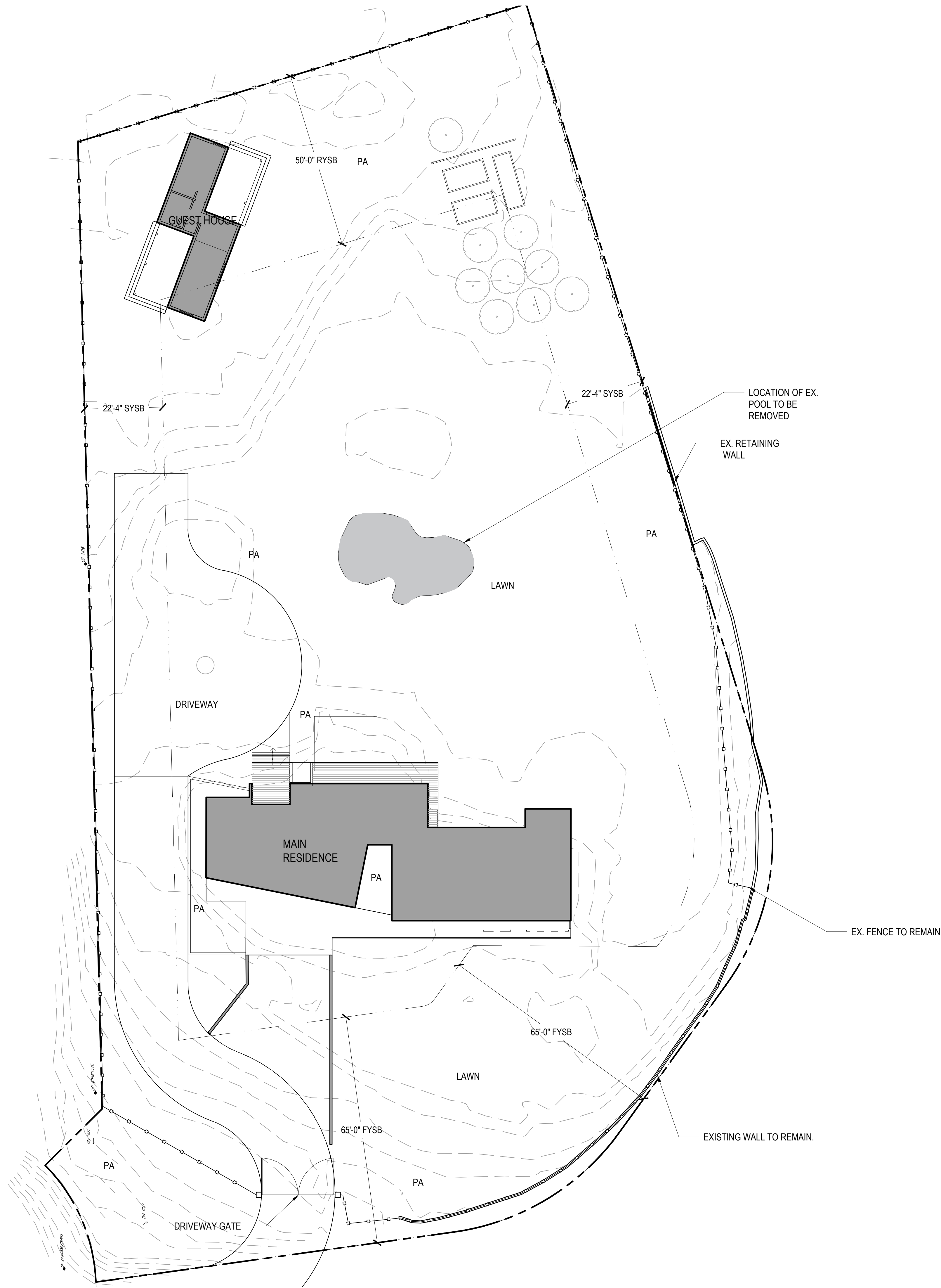
STATE APPROVAL STAMP

SHEET NUMBER:

A4.0

MAIN HOUSE SECTIONS





**THE DENKERS RESIDENCE**  
5936 FILAREE HEIGHTS ROAD, MALIBU, CA

REVISIONS

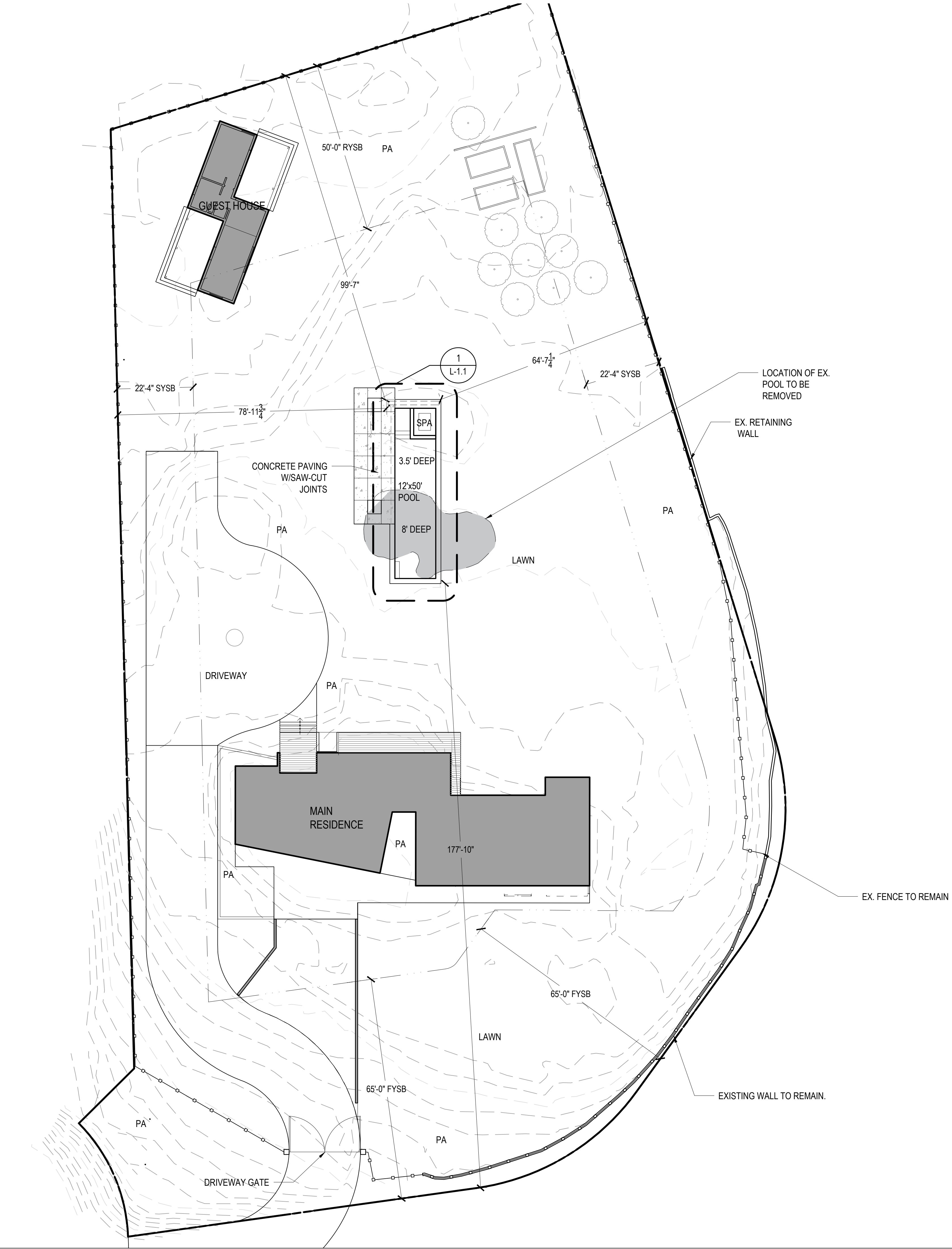
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PRJ # FIL1901  
SCALE: 1/16" = 1'-0"  
DATE: 09/05/19  
SHEET TITLE

**POOL DEMO PLAN**  
SHEET NO.

**L-0.1**





PROJECT DESCRIPTION

PROPOSED POOL & SPA - 800 sf

NOT IN SCOPE OF WORK

- NO NEW PLUMBING FIXTURES
- NO NEW OR CHANGE TO EXISTING LANDSCAPE
- NO LANDFORM ALTERATION
- POOL IS NOT PROPOSED ON 4:1 OR GREATER SLOPES
- NO NEW IMPERMEABLE SURFACES

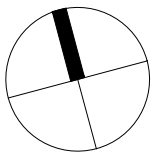
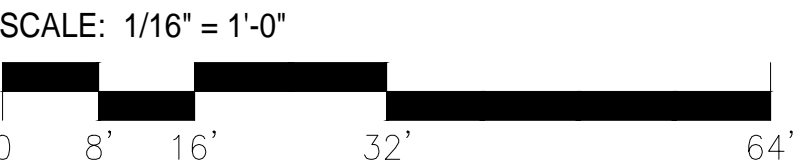
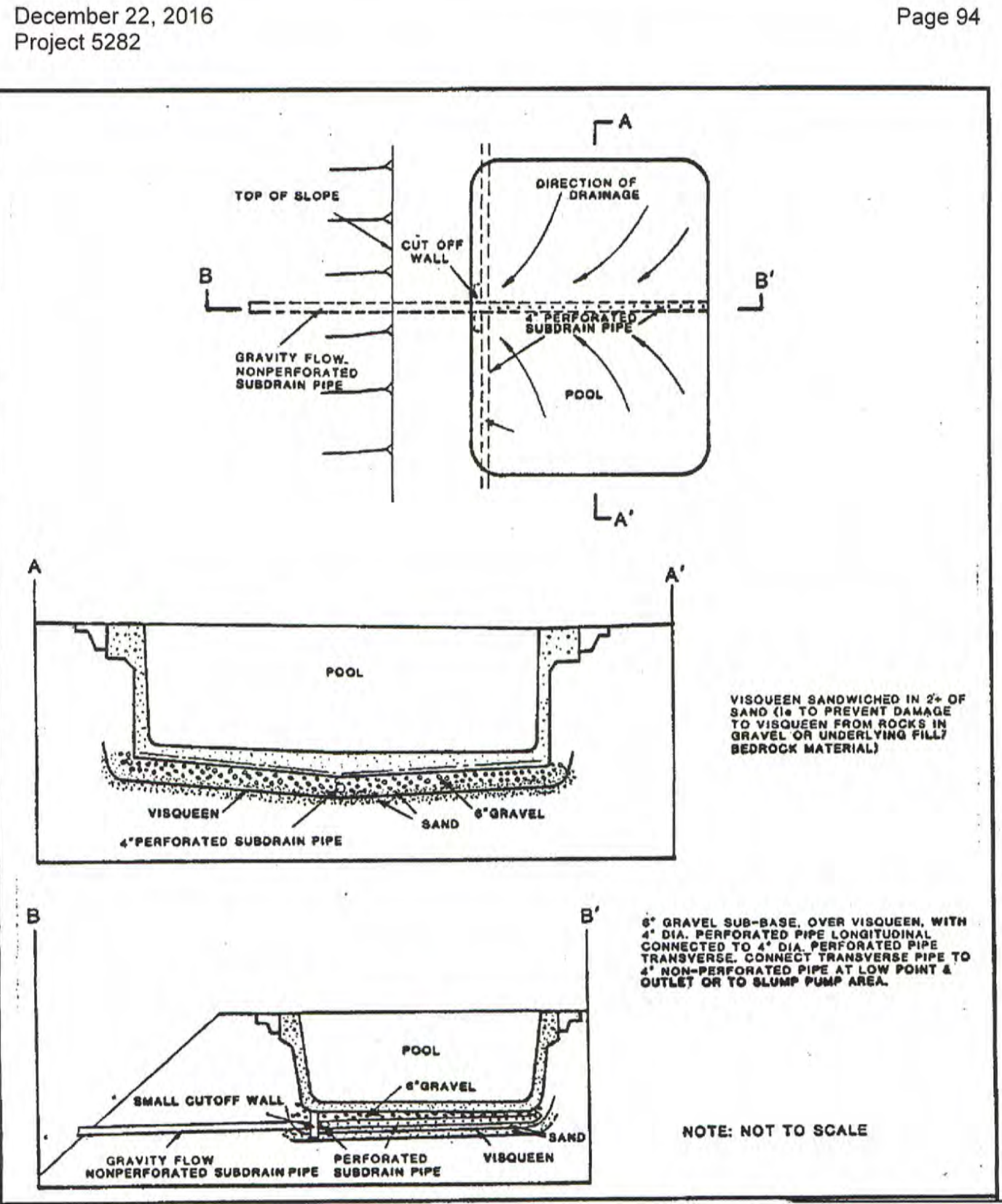
CBC NOTES

- THIS PROJECT SHALL COMPLY WITH TITLE 24 AND 2016 CALIFORNIA RESIDENTIAL CODE (CRC), CALIFORNIA MECHANICAL CODE (CMC), CALIFORNIA PLUMBING CODE (CPC), CALIFORNIA ELECTRICAL CODE (CEC), AND CALIFORNIA ENERGY CODE (CEC).
- THIS PROJECT SHALL COMPLY WITH 2017 LA COUNTY CODE.
- DOORS WITH DIRECT ACCESS TO THE POOL SHALL BE EQUIPPED WITH ALARMS WHICH PRODUCE AN AUDIBLE WARNING WHEN THE DOOR AND ITS SCREEN ARE OPENED. THIS ALARM SHALL BE PERMANENTLY INSTALLED.
- THE SWIMMING POOL/SPA SHALL HAVE AT LEAST TWO CIRCULATION DRAINS PER PUMP THAT ARE SEPARATED BY AT LEAST THREE FEET IN ANY DIRECTION, AND COVERED WITH ANTI-ENTRAPMENT COVERS MEETING ANSI/ASPE-16 2011.
- ANY POOL OR SPA HEATING EQUIPMENT SHALL BE INSTALLED WITH AT LEAST 36" OF PIPE BETWEEN FILTER AND HEATER, OR DEDICATED SUCTION AND RETURN LINES, OR BUILT-UP CONNECTIONS FOR FUTURE SOLAR HEATING.
- POOLS SHALL HAVE DIRECTIONAL INLETS THAT ADEQUATELY MIX THE POOL WATER, AND A TIME SWITCH THAT WILL ALLOW ALL PUMPS TO BE SET OR PROGRAMMED TO RUN ONLY DURING OFF-PEAK ELECTRIC DEMAND PERIODS.
- ALL ELBOWS SHALL BE SWEEP ELBOWS.
- POTABLE WATER SUPPLY TO SWIMMING POOLS OR SPAS SHALL BE PROTECTED BY AN AIR GAP OR A REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER IF THE UNIT IS EQUIPPED WITH A SUBMERGED FILL LINE.
- WALKING SURFACE MATERIAL OF DECKS, PORCHES, BALCONIES AND STAIRS LOCATED WITHIN 10 FEET OF THE BUILDING SHALL BE IGNITION-RESISTANT MATERIAL COMPLYING WITH BOTH SFM 12-7A-4 AND SFM 12-7A-5, EXTERIOR FIRE RETARDANT-TREATED WOOD, NONCOMBUSTIBLE MATERIAL OR MEET THE REQUIREMENTS OF SFM 12-7A-4A WHEN THE EXTERIOR WALL COVERING IS EITHER NONCOMBUSTIBLE OR IGNITION-RESISTANT.
- EQUIPOTENTIAL BONDING SHALL BE IMPLEMENTED TO REDUCE VOLTAGE GRADIENTS IN THE POOL AREA. BOND WIRE IN THESE AREAS SHALL COMPLY WITH CALIFORNIA ELECTRICAL CODE SECTION 680.26.
- NO WOOD ROOFING IS PROPOSED FOR THIS PROJECT.
- PROVIDE ANTI-VORTEX SUCTION OUTLETS.
- GAS LINE TO BE POLYETHYLENE, 1.5" IN SIZE, AND 70' LONG. REFER TO LAYOUT PLAN FOR GAS METER LOCATION.
- EXPOSED UNDERSIDE OF FLOOR PROJECTS OVER AN EXTERIOR WALL SHALL BE APPROVED NONCOMBUSTIBLE MATERIAL, IGNITION-RESISTANT MATERIAL, ONE LAYER OF 5/8" TYPE X GYPSUM BOARD, THE EXTERIOR PORTION OF AN APPROVED ONE-HOUR WALL ASSEMBLY OR HAVE THE HORIZONTAL UNDERSIDE MEET THE PERFORMANCE CRITERIA OF SFM 12-7A-3 OR ASTM E2957. ADDITIONALLY, ALL DECK FRAMING TO BE PRESSURE TREATED, IGNITION-RESISTANT, FIRE-RATED EXTERIOR MATERIAL.
- CHLORINATED WATER FROM POOLS OR SPAS SHALL BE TRUCKED TO A PUBLICLY-OWNED TREATMENT WORKS FACILITY FOR DISCHARGE.
- CONTRACTOR TO INSTALL 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 AT THE FILTRATION AND/OR PUMPING EQUIPMENT AREA FOR THE PROPERTY.

TYPICAL POOL SUBDRAIN

NOT TO SCALE

1



REVISIONS

PRJ # FIL1901

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

DATE: 09/05/19

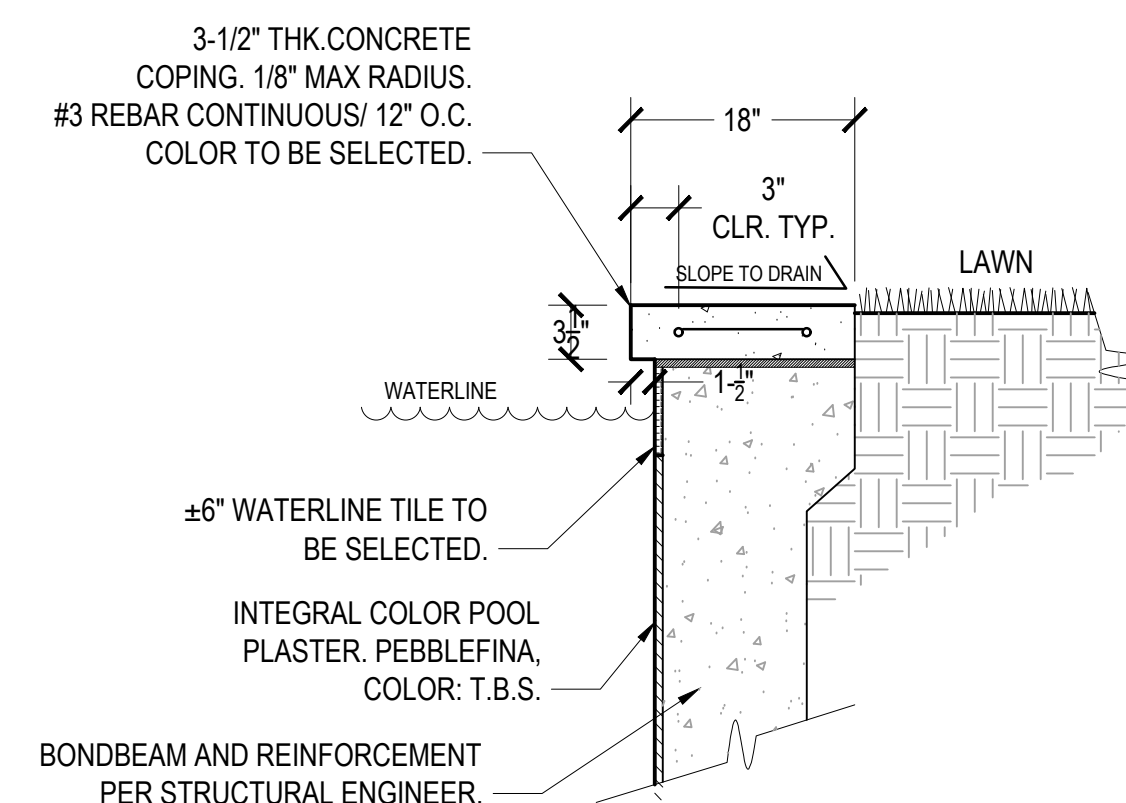
SHEET TITLE

OPTION 1  
SITE PLAN

SHEET NO.

L-1.0

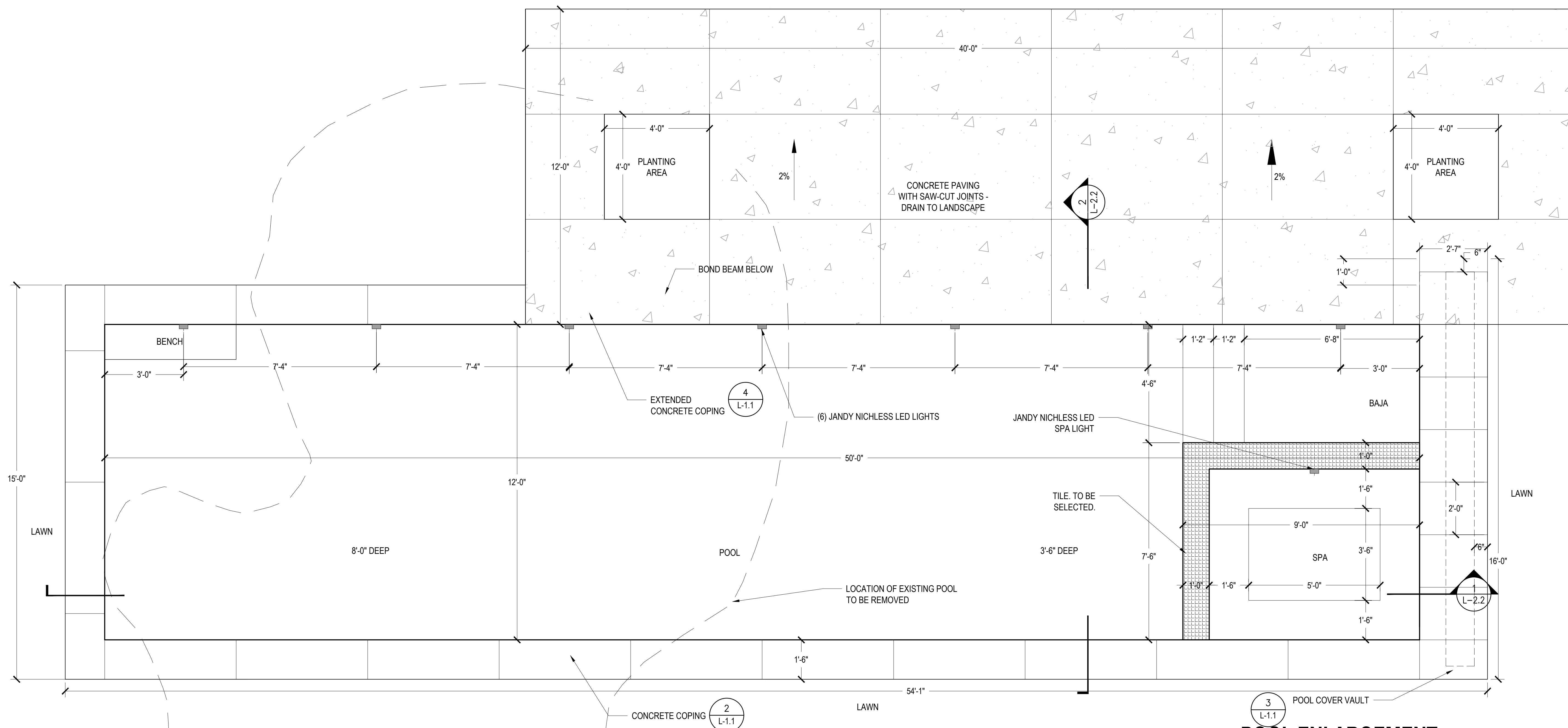




## POOL COPING - CONCRETE

N.T.S.

2



# POOL ENLARGEMENT PLAN

L-1.1



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PRJ # FIL1901

SCALE: VARIES

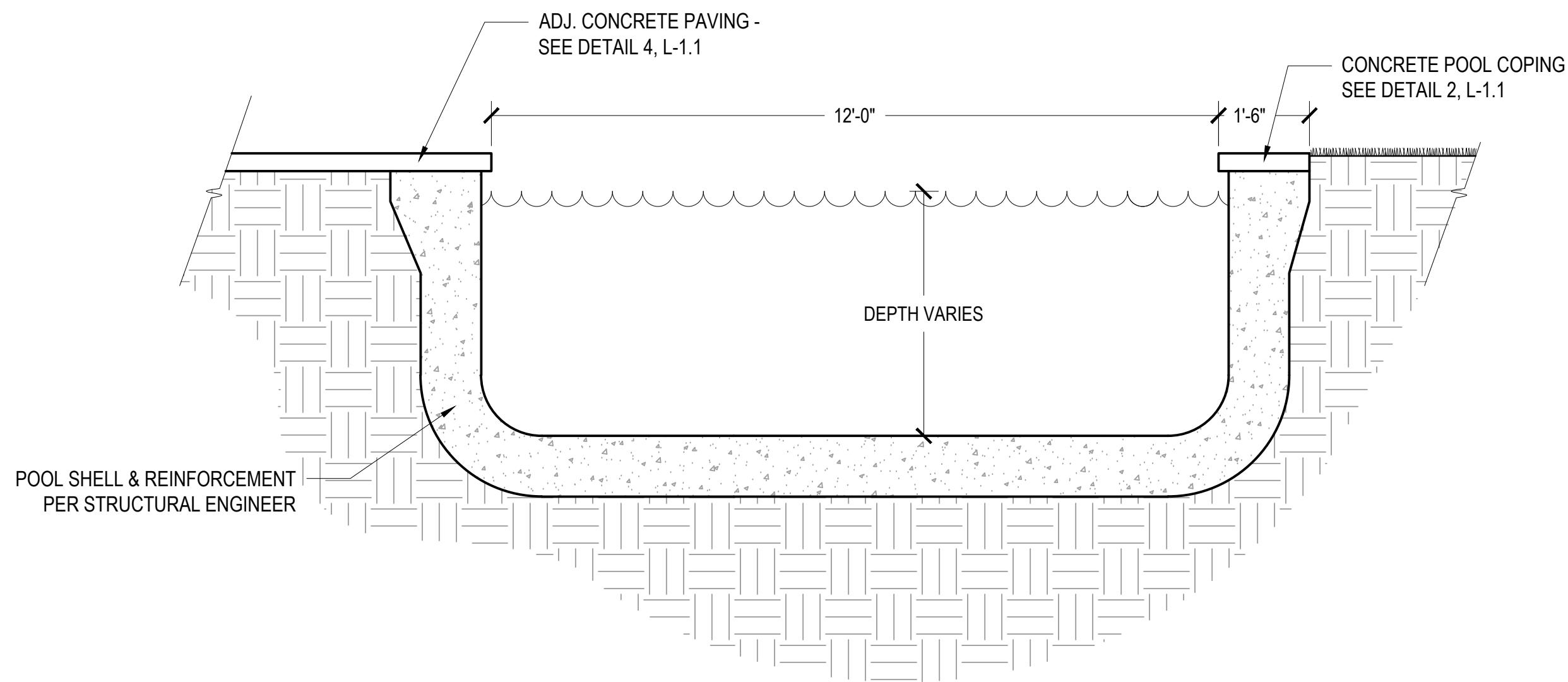
DATE: 09/05/19

SHEET TITLE

POOL  
SECTIONS

SHEET NO.

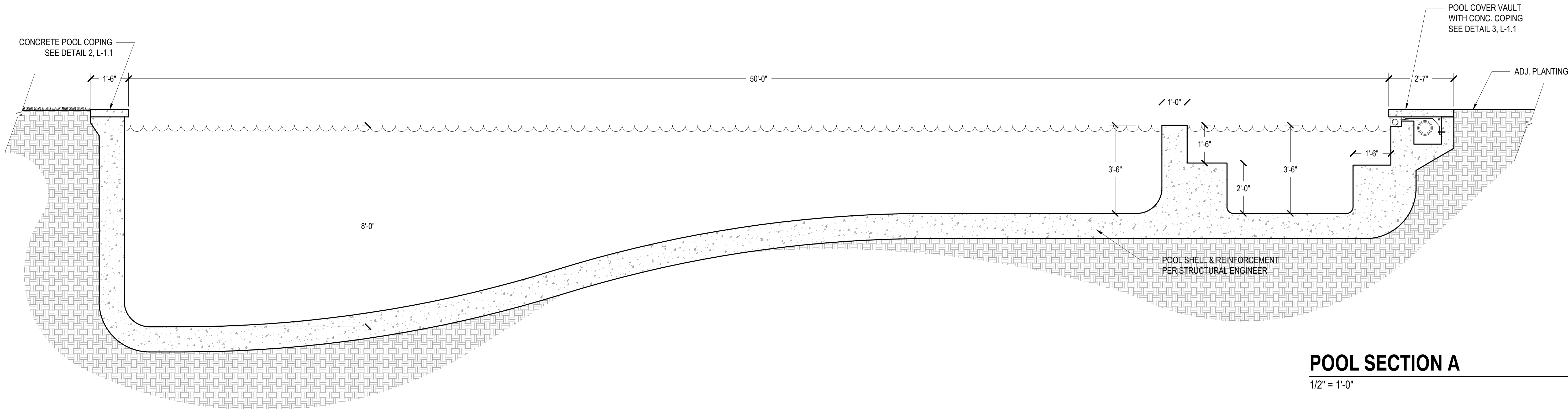
L-2.2



POOL SECTION B

1/2" = 1'-0"

2



POOL SECTION A

1/2" = 1'-0"

1



**NOTICE OF PUBLIC HEARING  
CITY OF MALIBU  
PLANNING COMMISSION**

The Malibu Planning Commission will hold a public hearing on **MONDAY, August 17, 2020, at 6:30 p.m.** on the project identified below. **This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and 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 (revised July 14, 2020). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.**

**How to View the Meeting:** No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

**How to Participate Before the Meeting:** Members of the public are encouraged to submit email correspondence to [planningcommission@malibucity.org](mailto:planningcommission@malibucity.org) before the meeting begins.

**How To Participate During The Meeting:** Members of the public may also speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

**APPEAL NO. 20-008** - An appeal of Planning Director's approval of Administrative Plan Review - Woolsey Fire No. 19-060 and Site Plan Review No. 19-099 for improvements to a like-for-like fire rebuild of a single-family residence, second unit, garage and hobby/greenhouse destroyed by the November 9, 2018, Woolsey Fire that was approved under Planning Verification Woolsey Fire No. 19-188. The new improvements proposed under the subject Administrative Plan Review consist of a relocated and expanded second story addition and new subterranean garage for the main residence, reconfigured enlarged and resited swimming pool and pool deck, and a new driveway. The application includes a site plan review to allow construction above 18 feet, not to exceed 24 feet for a flat roof for the second story addition.

Location:	5936 Filaree Heights Avenue
APN:	4469-013-023
Zoning:	Rural Residential-Two Acre
Applicant:	Living Homes
Appellants:	Robert Brinkmann, Terry Lucoff, and Stacy Clunies-Ross Trust
Owner:	Denker Family Trust
Appealable to:	City Council
Environmental Review:	Categorical Exemption CEQA Guidelines Sections Class 15301 (e ) – Existing Facilities and 15303(e) – New Construction or Conversion of Small Structures
Application Filed:	October 11, 2019
Appeal Filed:	June 18, 2020
Case Planner:	Aakash Shah, Contract Planner (310) 456-2489, extension 385 <a href="mailto:ashah@malibucity.org">ashah@malibucity.org</a>



For the project identified above with a categorical exemption for environmental review, pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed this proposed project and found that it is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to these projects (CEQA Guidelines Section 15300.2).

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

Copies of all related documents can be reviewed by any interested person by contacting the Case Planner during regular business hours. Oral and written comments may be presented to the Planning Commission at any time prior to the beginning of the public hearing.

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

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Bonnie Blue, Planning Director

Publish Date: July 23, 2020



CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 20-58

A RESOLUTION OF THE CITY OF MALIBU PLANNING COMMISSION, DENYING APPEAL NO. 20-008, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, DENYING APPEAL NO. 20-008 AND APPROVING ADMINISTRATIVE PLAN REVIEW-WOOLSEY FIRE NO. 19-060 AND SITE PLAN REVIEW NO. 19-099 FOR IMPROVEMENTS TO MODIFY A LIKE-FOR-LIKE FIRE REBUILD OF A SINGLE-FAMILY RESIDENCE, SECOND UNIT, GARAGE AND HOBBY/GREENHOUSE DESTROYED BY THE NOVEMBER 2018 WOOLSEY FIRE THAT WAS APPROVED UNDER PLANNING VERIFICATION-WOOLSEY FIRE NO. 19-188 LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 5936 FILAREE HEIGHTS AVENUE (DENKER FAMILY TRUST).

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

SECTION 1. Recitals.

A. In November 2018, the single-family residence and associated development located at 5936 Filaree Heights Avenue was destroyed in the Woolsey Fire.

B. In September 2019, the Planning Director approved Planning Verification-Woolsey Fire (PVWF) No. 19-188 to rebuild the previous residence and associated development including a second unit and hobby/greenhouse.

C. On October 11, 2019, a new application for Administrative Plan Review - Woolsey Fire (APRWF) No. 19-060 and Site Plan Review No. 19-099 was submitted by the applicant, Living Homes on behalf of the property owner, Denker Family Trust, for improvements to modify the previously approved like-for-like rebuild of the destroyed single-family residence, second unit, and hobby/greenhouse. The improvements consist of a relocated and expanded second story addition, new partially underground attached garage, relocated and enlarged swimming pool and pool deck, and a new driveway.

D. On June 10, 2020, Planning Department staff deemed the project complete.

E. On January 9, 2020, a Notice of Application was mailed to all property owners and occupants within a 500-foot radius of the project and to all interested parties.

F. On June 11, 2020, the Planning Director issued a Notice of Decision approving the proposed project.

G. On June 18, 2020, the Planning Director's decision was appealed by Terry Lucoff, Robert Brinkmann, and Stacy Clunies-Ross.

H. On July 23, 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 project site and to all interested parties.

I. On July 24, 2020, Story Poles were reinstalled on the site to demonstrate the project's bulk and mass.



J. On August 17, 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 denied the appeal.

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), (d), and (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. Findings for Denying the Appeal.

The appellants contend that a) relocating and increasing the height of the second story will block primary views, b) the proposed project would alter the character of the neighborhood due to size and the height and location of the second story which adversely affects privacy, c) the proposed underground garage will negatively impact surrounding properties because of an existing underground stream on property, and d) the project should have been considered by the Planning Commission and was not properly noticed .

Based on evidence in the record and in the accompanying Planning Commission Agenda Report for the project, the Planning Commission hereby makes the following findings of fact, denies the appeal 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 Planning Commission Agenda Report, as well as the testimony and materials considered by the Planning Commission are incorporated herein as though fully set forth.

A. The Commission finds that the proposed development meets all of the applicable property development and design standards pursuant to Malibu Municipal Code (MMC) Section 17.40 and Section 17.62.040(A)(17). No evidence has been presented that the proposed development will block protected primary views as documented by primary view determinations (PVDs). The Lucoff PVD for 5938 Filaree Heights Avenue does not extend over the subject property. The Ross property does not currently have a completed single-family residence on it yet, and prior to the Woolsey Fire, no PVD was documented for the previous residence. In addition, the Ross property sits at a higher elevation than the subject property.

B. As demonstrated by the story poles placed on the property, the Commission finds the project's location on the site, and the height and bulk of the second floor 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 range of sizes and with similar orientations to maximize views toward the Pacific Ocean. The proposed relocated and enlarged second story will be over 100 feet away and at a higher elevation than the Brinkmann property (5940 Filaree Heights Avenue). The proposed project complies with the size, bulk and height standards of the MMC, consistent with the RR-2 zoning designation. The project is not expected to negatively impact neighborhood character.



C. The applicant will be required to submit detailed engineered drainage plans for review and approval prior to the issuance of a building permit. This review process will further ensure the proposed project will comply with all applicable requirements of state and local law.

D. The PVWF as approved by the Planning Director is a ministerial approval that is not subject to appeal pursuant to MMC Section 17.60-020(F). A Notice of Application and Notice of Decision for the APRWF with the SPR was properly noticed to all property owners and occupants within 500 feet and to all interested parties. The APRWF and SPR were properly approved by the Planning Director in accordance with MMC Section 17.62.040(A). The appellants' names and addresses were included in the certified mailing data used in the noticing and there is no evidence of returned mailers for those addresses.

In conclusion, the Planning Commission finds that the evidence supports denial of the appeal and all required findings required for approval of the application, as discussed below.

#### SECTION 4. Administrative Plan Review Approval and Site Plan Review Findings.

The proposed project has been reviewed and conditionally approved for conformance with the property development and design standards of MMC Section 17.40.040. The Planning Commission determined that the proposed project conforms to the property development and design standards in the MMC inclusive of the proposed site plan review.

The proposed project is consistent with all applicable City goals and policies.

#### **Site Plan Review No. 19-099 – For construction above 18 feet in height (MMC Section 17.62.040[D])**

SPR No. 19-099 is requested to allow for construction above 18 feet in height, not to exceed 24 feet in height for flat roof. Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for a "height increases over the base 18 feet up to 24 feet in height for a flat roof as measured from finished or natural grade, whichever results in a lower building height." Two of these findings, pertaining to remedial grading and shoreline protective devices, are not applicable to this project. Based on the foregoing evidence contained within the record and pursuant to MMC Section 17.62.040(A)(8), the Planning Commission hereby makes the following findings of fact.

*1. The project is compatible with other development in the adjacent area in relation to size, bulk and height.*

Neighboring properties on Filaree Heights consist of similar single-story, and two-story single-family residences. The proposed replacement structure will be located within the existing building pad and the proposed 711-square foot addition will be 24 feet in height which is three feet, ten inches taller than the previously existing residence, which was 20 feet, two inches in height. While the proposed development will be taller than previous development, other homes in the surrounding neighborhood measure from 24 to 28 feet in height.

In addition, story poles were installed for this parcel on December 29, 2020 and reinstalled on July 24, 2020, and the site inspection by staff was conducted on January 3, 2020. Photographs taken by staff during these site visits are included in the record. 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 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. Furthermore, based on evidence submitted by the applicant, there are both surrounding properties that are developed with both larger and taller residences. A Notice of Application was sent to all properties within a 500-foot radius. As proposed, this development would not hinder the character of the neighborhood.

*2. The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.*

The subject application was reviewed by the Planning Department and the City Biologist, and was determined not to adversely impact environmental resources. The proposed project takes place within the previously developed pad and will slightly increase the overall height of the previously existing structure. Given the location of the subject property, the development does not impact natural hydrology, rock outcroppings, rough terrain or coastal bluffs. Furthermore, the appellants make a claim that there is an underground stream, no evidence to support this has been submitted. Therefore, the project would not cause any impact to natural resources.

*3. The project 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 project scope relocates and enlarges the second story of the previous residence. However, there is no evidence that the project as proposed will obstruct visually impressive scenes of the Pacific Ocean or Santa Monica Mountains in the protected primary view of any surrounding residence. Based on staff's site visit, the proposed development will not block visually impressive scenes from neighboring properties because of its location on the subject site and surrounding topography, even though the overall height of the structure is increasing.

Comments and complaints were received from the neighbors regarding the massing and bulk of the proposed addition and shift to the east of the second story, during the public comment period. Primary View Determinations (PVDs) from neighboring properties that are on file with the City of Malibu were reviewed as part of the evaluation of the subject application. Based on story pole placement, site visits and review of the project plans and topography of the area, the proposed development would not adversely impact protected primary views that were on file with the City.

*4. The project does not affect solar access, as defined by staff.*

The portion of the structure requiring the site plan review lies on the northeastern side of the residence which is located on the eastern side of the property and is not anticipated to impact solar access for neighboring properties. Given the site topography and the relationship between the subject residence and surrounding residences, it is not expected that solar impacts will occur. Therefore, the proposed development over the existing footprint will not affect solar access for neighboring properties.



*5. The project is consistent with the City's General Plan, Local Coastal Program, Municipal Code and City standards.*

The proposed project maintains the previously existing land use and development pattern, including the discretionary request for construction over 18 feet in height for the modified second floor, and conforms to the requirements of the RR-2 zoning district, which is designated for residential use. The project does not conflict with any of the Local Coastal Program's coastal resource protection goals related to public access, biological resources, or public scenic and visual resources. There are no City standards which specifically protect privacy; however, the proposed modified second floor will be over 100 feet away from and will remain at a higher elevation than the Brinkmann property and is not expected to have any greater impact on privacy than the original second floor. Additionally, the proposed development does not adversely affect neighborhood character or environmental resources and therefore, is consistent with the land use goals, policies and objectives of the General Plan, LCP, MMC and City standards.

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

The proposed project was reviewed by the Planning Department, Environmental Sustainability Department, Public Works Department and Los Angeles County Fire Department and was found to be in compliance with all applicable codes. City of Malibu Environmental Sustainability Department building permits will be required prior to construction of the project. The proposed project will comply with all applicable requirements of state and local law.

**SECTION 5. Planning Commission Action.**

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves APRWF No. 19-060 and SPR No. 19-099, subject to the conditions set forth herein.

**SECTION 6. Conditions of Approval.**

**Standard Conditions**

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
  - a. 711-square foot addition;
  - b. New 887-square foot subterranean garage;
    - i. Total development square footage of 5,608-square feet;
  - c. New swimming pool measuring 50 feet long by 12 feet wide swimming pool including a spa measuring nine feet long by seven feet six inches wide;
  - d. New 1,734-square foot of impermeable pool deck;



- e. 1,004 square foot new driveway;
  - f. 543 square feet of non-exempt grading; and
  - g. Site plan review to allow for construction above 18 feet in height, not to exceed 24 feet in height for flat roof.
3. The permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth below. The applicant shall file this form with the Planning Department within 30 days of this decision or prior to issuance of building permits.
  4. The Notice of Decision (including the signed and notarized Acceptance of Conditions Affidavit and all Departmental Review Sheets) shall be copied in its entirety and placed directly onto a separate plan sheet(s) to be included in the development plans prior to submitting for a building permit from the City of Malibu Environmental Sustainability Department. Please submit three copies of these plan sheets to the Planning Department.
  5. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 4 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. The approved administrative plan review shall expire three years from the date of approval, **August 17, 2023**, unless a time extension has been granted, or work has commenced, and substantial progress made (as determined by the Building Official) and the work is continuing under a valid building permit. If no building permit is required, the administrative plan review approval shall expire after three years from the date of final Planning Department approval if construction is not completed. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.
  7. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the plans stamped **June 10, 2020**, and on file with the Planning Department. In the event the project plans conflict with any condition of approval, the condition shall control.
  8. The Planning Director is authorized to make minor changes to the approved plans or any of the conditions if such modifications shall achieve substantially the same results, as would strict compliance with said plans and conditions.
  9. The Planning Director may grant up to four one year extensions of the expiration of an administrative plan review approval, if the Planning Director finds that the conditions, including but not limited to changes in the zoning ordinance, under which the administrative plan review approval was issued have not significantly changed.
  10. Prior to construction, the applicant shall receive Planning Department approval for compliance with conditions of approval.
  11. Prior to final Planning Department approval, the property owner shall provide a copy of a valid Operating Permit pursuant to MMC Section 15.14.030 or an Operating Permit application fee receipt.



12. Prior to signoff for the foundation, a foundation survey shall be prepared by a licensed civil engineer or architect that states the finished building pad elevation, and location on the site. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off.
13. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.

#### *Cultural Resources*

14. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Where, as a result of this evaluation, the Planning Director determines that the project may have an adverse impact on cultural resources, a Phase II Evaluation of cultural resources shall be required pursuant to MMC Section 17.54.040(D)(4)(b).
15. If human bone is discovered, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These require 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.

#### *Construction*

16. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays and federal, state and local holidays.
17. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, will be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

#### *Biology*

18. No new landscaping is proposed with this project; therefore, none is approved. No new landscape or vegetation that has the potential to exceed six feet in height can be planted, unless it is determined to have been legally established before the Woolsey Fire.
19. 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.



*Environmental Health*

20. Existing septic tanks for the main house and second unit must be replaced. The appropriate permit must be obtained by the Building Safety Department prior to final inspection by the Building Safety Department and occupancy of the structure.
21. All final project 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.

The final floor plans must show no more than 4 bedrooms and 47 drainage fixture units.

22. A 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 Building Plan Check review.

*Public Works*

23. 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.
24. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:
  - Public Works Department general notes;
  - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
  - The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
  - 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;
  - 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;
  - The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
  - 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.
25. 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.



26. 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	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

27. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
28. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algacides, or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
- 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 in to the MS4 or to the ASBS (including tributaries)
29. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.
30. 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.
31. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.



**Site Specific Conditions**

32. A new or modified onsite wastewater treatment system or other onsite improvements are NOT authorized under this approval.
33. 543 cubic yards of non-exempt grading is proposed as part of this approval; in no instance shall non-exempt grading exceed 1,000 cubic yards under this approval.

**Prior to Occupancy**


34. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
35. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

**Fixed Conditions**

36. This administrative plan review runs with the land and binds all future owners of the property.
37. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights there under.

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

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of August 2020.

  
\_\_\_\_\_  
JOHN MAZZA, Planning Commission Chair

ATTEST:

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



LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeals shall be emailed to [psalazar@malibucity.org](mailto:psalazar@malibucity.org) and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Appeal forms may be found online at [www.malibucity.org/planningforms](http://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.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-58 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 17<sup>th</sup> day of August 2020, by the following vote:

AYES:	3	Commissioners:	Jennings, Weil, Marx
NOES:	2	Commissioners:	Uhring, Mazza
ABSTAIN:	0		
ABSENT:	0		

  
KATHLEEN STECKO, Recording Secretary



ABBREVIATIONS			
A.B. ABV. A.F.F. ALUM. ANOD. A.V. BEL BLK'G. BM. B.O.S. BOT. BSMT. CAB. CALCS. CEM. CER. TILE CLG. CLR. CMU COL. CONC. CONST. CONT. CONTR. CORR. CPT. DAT. DET. DIA. DIM(S). DR. DWG. D.S. E.J. ELEC. EM.  ELEV. EQ. EQUIP. EXPAN. EXIST. EXT. F.B. F.D. F.F. F.G. FIN. FIXT. FLASH. FLR. FTG. F.O.B. F.O.C. F.O.S. FT. GA. GALV. G.C. GL. GLM. BM. GRD. GWB	ANCHOR BOLT ABOVE ABOVE FINISH FLOOR ALUMINUM ANODIZED AUDIO VISUAL BELOW BLOCKING BEAM BOTTOM OF STRUCTURE BOTTOM BASEMENT CABINET CALCULATIONS CEMENT CERAMIC TILE CEILING CLEAR CONCRETE MASONRY UNIT COLUMN CONCRETE CONSTRUCTION CONTINUOUS CONTRACT / CONTRACTOR CORRIDOR CARPET DATUM DETAIL DIAMETER DIMENSION(S) DOOR DRAWING DOWNSPOUT EXPANSION JOINT ELECTRICAL ELECTRIC METER MAIN PANEL  ELEVATION EQUAL EQUIPMENT EXPANSION EXISTING EXTERIOR FLAT BAR FLOOR DRAIN FINISH FLOOR FIXED GLASS FINISH FIXTURE FLASHING FLOOR FOOTING FACE OF BLOCK FACE OF CONCRETE FACE OF STUD OR STEEL FEET GAUGE GALVANIZED GENERAL CONTRACTOR GLASS GLUE LAMINATED BEAM GRADE GYPSUM WALL BOARD	H.C. H.D. HDWD. H.M. H.P. I.D. INSUL. INT. JT. LAM. LAV. L.P. LT. WT. MACH. MATL. M.B. MECH. MFCTR. ML MOD. MULL (N) N.I.C. N.T.S. O.C. O.D. OPP. PL PLAM. PLAS. PLUMB. PLYWD. PROP. PT PTD. R.A.G. R.D. REF. RET. R.O. S & P SIM. S.O.G. ST. STL. STOR. STRUCT. T & G TEMP. T.O. T.O.C. T.O.M. T.O.P. T.O.R. T.O.S. T.O.W. TYP. U.L.  U.N.O. W/C WD. W.O. W.P.	HOLLOW CORE HOLD DOWN HARDWOOD HOLLOW METAL HIGH POINT INSIDE DIAMETER INSULATION INTERIOR JOINT LAMINATE LAVATORY LOW POINT LIGHT WEIGHT MACHINE MATERIAL MACHINE BOLT MECHANICAL MANUFACTURER MATELINE MODULE MULLION NEW NOT IN CONTRACT NOT TO SCALE ON CENTER OUTSIDE DIAMETER OPPOSITE PROPERTY LINE PLASTIC LAMINATE PLASTER PLUMBING PLYWOOD PROPERTY PRESSURE TREATED PAINTED RETURN AIR GRILL ROOF DRAIN REFERENCE RETAINING ROOF OPENING SHELF AND POLE SIMILAR SLAB ON GRADE STRUCTURAL STEEL STORAGE STRUCTURE TONGUE AND GROOVE TEMPERATURE TOP OF TOP OF CONCRETE TOP OF MASONRY TOP OF PARAPET TOP OF ROOF TOP OF STRUCTURE TOP OF WALL TYPICAL UNDERWRITER'S LABORATORY UNLESS NOTED THERWISE WATER CLOSET WOOD WINDOW OPENING WATERPROOF

VICINITY MAP

APPLICABLE CODES

PLANS SHALL COMPLY WITH THE FOLLOWING:

2016 (CBC) CALIFORNIA BUILDING CODE  
2016 CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11  
2016 (CMC) CALIFORNIA MECHANICAL CODE  
2016 (CPC) CALIFORNIA PLUMBING CODE  
2016 (CRC) CALIFORNIA RESIDENTIAL CODE  
2016 (CEC) CALIFORNIA ELECTRICAL CODE  
INCLUDING ALL OF CITY OF MALIBU AMENDMENTS AS PERATINS TO SITE BUILT SCOPE OF WORK DISCRIBED IN THE PLANS.

4/23/2020 11:22:28 AM

BUILDING INFORMATION

SCOPE OF WORK FOR PV (ORIGINAL TDSF+10%)

- NEW SINGLE-FAMILY FACTORY-BUILT 4 BEDROOM RESIDENCE, FULLY SPRINKLERED (NFPA 13D). STATE-APPROVED BY A 3RD PARTY, AND INSPECTED BY HCD.
- NEW GUEST HOUSE, FACTORY BUILT 1 BEDROOM, FULLY SPRINKLERED (NFPA 13D). STATE APPROVED BY A 3RD PARTY, AND INSPECTED BY HCD.
- NEW HOBBY/POOL HOUSE, FACTORY BUILT, FULLY SPRINKLERED (NFPA 13D). STATE APPROVED BY A 3RD PARTY, AND INSPECTED BY HCD.
- FOUNDATIONS, SUBTERRANEAN GARAGE, EXTERIOR DECKS, DRIVEWAY AND RET. WALLS SHALL BE SITE-BUILT. REFER TO DRAWINGS FOR MORE INFO.
- SOLAR PANELS ARE PROPOSED PER ROOF PLAN.
- SPRINKLER SYSTEMS PER SEPARATE PERMIT W/ THE LOCAL JURISDICTION.
- NO LANDSCAPING IS PROPOSED.

SCOPE OF WORK FOR APR

- MAIN HOUSE SECOND FLOOR TO BE LOCATED ON THE EAST SIDE OF THE MAIN HOUSE VS THE ORIGINAL LOCATION ON THE WEST SIDE. THE TOTAL HEIGHT NOT TO EXCEED 24'.
- NEW SUBTERRANEAN GARAGE WITHIN THE FOOTPRINT OF THE MAIN HOUSE TO REPLACE THE ORIGINAL 700SF ABOVE GRADE DETACHED STRUCTURE.
- NEW POOL RELOCATED FROM ORIGINAL LOCATION.

USES

MAIN HOUSE: SINGLE-FAMILY DWELLING  
GUEST HOUSE: SINGLE FAMILY DWELLING  
SUBTERRANEAN GARAGE UNDER MAIN HOUSE  
HOBBY/POOL HOUSE

OWNERS	PROJECT DESIGNER/ APPLICANT
JEFF AND JENNIFER DENKER 5936 FILAREE HEIGHTS RD. MALIBU, CA 90265	MONDER SHOUFANY PLANTPREFAB, INC. 2910 LINCOLN BLVD. SANTA MONICA, CA 90405 TEL: 310.581.8500 X9

BUILDING DATA

TYPE OF CONSTRUCTION: V-B  
BUILDING CODE OCCUPANCY: R3, U  
SPRINKLERS: YES - NFPA 13D

LEGAL DESCRIPTION

APN: 4469-013-023  
BLOCK: 4020  
BLOCK GROUP: 4  
TRACT: 800408

ZONING INFORMATION

PROJECT ADDRESS: 5936 FILAREE HEIGHTS RD. MALIBU, CA 90265

MMC ZONING: RR2

REQUIRED SETBACKS:

RE:QAC LETTER 12/12/07

FRONT SETBACK: 20% X 334.0' = 66.8' (65.0' MAX)  
REAR SETBACK: 15% X 334'= 50'  
SIDE SETBACKS: 25% X 178.6'= 44.65' COMMULATIVE (10% MIN ONE SIDE) = 17.86'  
MAX HEIGHT ALLOWED: 24'

PROPOSED SETBACKS FOR SFD:

FRONT SETBACK: 83'-4"  
REAR SETBACK: 184'-11"  
SIDE SETBACKS: 57'-6"/ 31'-4"  
HEIGHT: 24'

PROPOSED SETBACKS FOR ACCESSORY BUILDING:

FRONT SETBACK: 273'-10"  
REAR SETBACK: 6'-9" ON ORIGINAL STRUC. FOOTPRINT  
SIDE SETBACKS: 21'-2" ON ORIGINAL STRUC. FOOTPRINT  
HEIGHT: 14'

(E) SETBACKS OF BURNED SFD:

FRONT SETBACK: 84'  
REAR SETBACK: 193'-8"  
SIDE SETBACKS: 22'/ 72'  
HEIGHT: 20'-2"

(E) SETBACKS FOR BURNED GUEST HOUSE:

FRONT SETBACK: 224'-4"  
REAR SETBACK: 6'-9"  
SIDE SETBACKS: 21'-1"/ 83'-8"  
HEIGHT: UNKNOWN

HCD CERTIFIED DESIGN APPROVAL AGENCY (DAA)

RADCO  
3220 EAST 59TH STREET  
LONG BEACH, CA 90805  
562.272.7231

FABRICATOR

PLANT PREFAB  
375 SOUTH CACTUS AVE.  
RIALTO, CA 92376  
909.546.7444

BUILDING INFORMATION

SITE DEVELOPMENT DATA

PROJECT ADDRESS: 5936 FILAREE HEIGHTS RD. MALIBU, CA 90265

ASSESSORS PARCEL NUMBER: 4469-013-023

OWNERS: JEFF AND JENNIFER DENKER

USE: SINGLE FAMILY RESIDENCE  
ZONING: RR2, RURAL RESIDENTIAL  
OCCUPANCY: R3/ U

LOT (GROSS) 55,657 SF  
EASEMENTS 2,387 SF  
SLOPES>1:1 98 SF  
LOT (NET) 53,172 SF

TOTAL ALLOWED SQUARE FOOTAGE CALCULATION PER MALIBU ZONING CODE

PER CITY FORMULA -  
UP TO 1/2 ACRE: 21,780X0.177=3,855+1,000 = 4,855  
1/2 TO 1 ACRE: 43,560-21,780=21,780X0.10 = 2,178  
1 ACRE TO 1-1/2 ACRE: 53,172-43,560=9,612X0.05 = 481

MAXIMUM ALLOWABLE 7,514 SF

	ORIGINAL SF	ORIGINAL +10% SF	PROPOSED SF
MAIN HOUSE FIRST FLR	3,035	3,339	2,993
MAIN HOUSE SECOND FLR	441.62	486	711 (<2/3X1ST FLR)
MAIN HOUSE UNENCLOSED COVERED DECK > 6' DEEP			47
TOTAL MAIN HOUSE		RE: PERMIT # 7198 (FINALED 07/16/99); 2,854.53+239.12+383.13=~ 3,477	3,751
GUEST HOUSE		PER SURVEY MEASUREMENT - 965	650
TOTAL DEVELOPMENT SF - RESIDENTIAL		4,886	4,401

SUBTERRANEAN GARAGE	-	-	887
DETACHED GARAGE	700	770	-
HOBBY GREEN HOUSE	720	792	320

IMPERMEABLE COVERAGE:

IMPERMEABLE COVERAGE CALCULATION: 53,172 X 30% = 15,952 SF

MAXIMUM ALLOWABLE IMPERMEABLE COVERAGE PER PARCEL IS **25,000 SF**.

PROPOSED IMPERMEABLE AREA SCHEDULE

Name	Area
DRIVEWAY	6601 SF
MAIN HOUSE+DECKS	4367 SF
POOL HOUSE	324 SF
GUEST HOUSE + PATIOS	1203 SF
POOL DECK	1734 SF
CONC. WALKWAY	440 SF
GARAGE DRIVEWAY	1004 SF
CONC. DECK	120 SF
CONC. PAD	45 SF
	15837 SF

SHEET INDEX

SHEET INDEX	
#	SHEET NAME
A0.1	TITLE SHEET
A0.4	SURVEY PLAN
A0.10	DWGS OF ORIGINAL MAIN HOUSE - PART I
A0.11	DWGS OF ORIGINAL MAIN HOUSE - PART II
A0.12	ORIGINAL GUEST HOUSE + GREENHOUSE PERMITS
A0.13	DWGS OF ORIGINAL DETACHED GARAGE
A0.14	(E) CDP WAIVERS, (E) OWTS PERMITS
A1.0	SITE PLAN
A1.1	FIRE ACCESS PLAN
A1.2	ROOFS AND SITE DRAINAGE PLAN
A1.3	STORY POLE PLAN
A2.0	SUBTERRANEAN GARAGE
A2.1	FIRST FLR PLAN - MAIN HOUSE
A2.2	SECOND FLR PLAN - MAIN HOUSE
A2.10	GUEST HOUSE PLANS
A2.20	POOL HOUSE PLANS
A3.0	NORTH AND SOUTH ELEVATIONS
A3.1	EAST AND WEST ELEVATIONS
A3.10	GUEST HOUSE ELEVATIONS + SECTION
A3.20	POOL HOUSE ELEVATIONS + SECTION
A4.0	MAIN HOUSE SECTIONS
A4.1	SECTION DETAILS
A5.1.S	ENLARGED PLANS - MAIN HOUSE
A5.2.S	ENLARGED PLANS - MAIN HOUSE
A5.3.S	ENLARGED PLANS - MAIN HOUSE
A5.4.S	ENLARGED PLANS - MAIN HOUSE
A5.5.S	ENLARGED PLANS - GUEST HOUSE
A9.2	ENLARGED STAIR PLANS
A29.1	POOL HOUSE ASSEMBLY DETAILS

Received  
4/24/2020  
Planning Dept.

livinghomes.

2910 lincoln blvd  
santa monica, ca 90405  
p: 310.581.8500 f: 310.496.2167  
www.livinghomes.net

plant

P R E F A B  
375 south cactus ave  
rialto, ca 92376  
p: 909.546.7444 f: 909.546.7411  
www.plantprefab.com

PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE: 08/19/19  
DRAWN BY: MS  
CHECKED BY: MS

REVISIONS

APR SUBMITTAL 9/19/19  
APR RESUBMITTAL 11/13/2020  
REISSUE TO PLANNING 2/19/2020

STATE APPROVAL STAMP

Approved  
June 10, 2020  
Plannig Dept .

SHEET  
NUMBER: A0.1  
TITLE SHEET









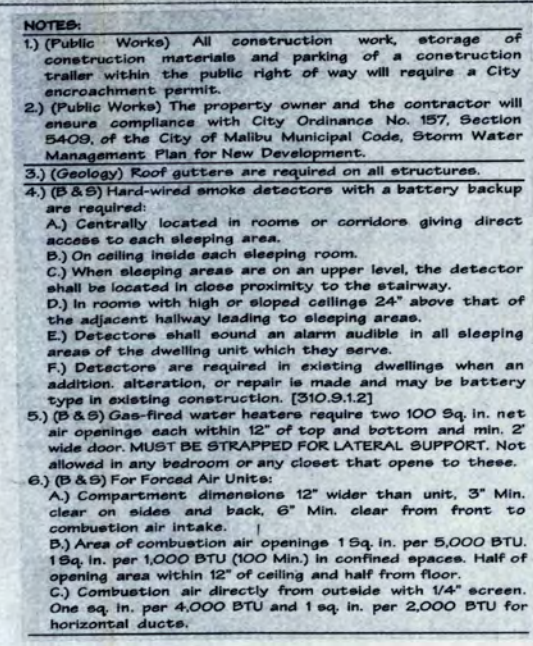
OCT 09 1998

A-04R



OCT 09 1998

DRAWN: D.A.S.  
CHECKED: D.A.S.  
DATE: 10-08-88  
SCALE: 1/4"=1'-0"  
JOB NO.: 238-87  
SHEET NO.:  
**A-03R**  
OF 05 SHEETS



AREA TABULATION:	
EXISTING LOWER LEVEL:	2,412.91 SF
EXISTING UPPER LEVEL:	441.62 SF
TOTAL EXISTING:	2,854.53 SF
ADDED AREAS:	
(LOWER) ENTRY HALL:	73.28 SF
(LOWER) KITCHEN:	272.61 SF
(LOWER) WH/FAU'S:	37.24 SF
TOTAL CONDITIONED:	383.13 SF

(SEE REGIONAL SMT. A103)

OCT 09 1998

DRAWN:	D.A.S.
CHECKED:	D.A.S.
DATE:	04-01-88
SCALE:	1/4"=1'-0"
JOB NO.:	288-97
SHEET NO.:	<b>A-03</b>
	OF _____ SHEETS



## ARCHITECTURAL SHEET INDEX

A=01r.....SITE PLAN; VICINITY MAP; INDEX  
A=03r.....PER PERMIT FLOOR PLAN.  
A=03r.....LOWER LEVEL FLOOR PLAN.  
                  ELEVATIONS & SECTION.  
A=04r.....UPPER LEVEL & ROOF PLAN.

S=01r.....STRUCTURAL DETAILS.  
S=02r.....STRUCTURAL DETAILS/NOTES.  
S=03r.....FOUNDATION PLAN.  
S=04r.....FRAMING PLAN.

REVISED

RECEIVED  
OCT 09 1995  
PLANNING DEPT.

OCT 09 1998

DRAWN:	D.A.S.
CHECKED:	D.A.S.
DATE:	10-07-88
SCALE:	1/8"=1'-0"
JOB NO.:	288-87
SHEET NO.:	
<b>A-01</b>	
OF 08 SHEETS	

DATE: 08/19/19  
DRAWN BY: MS  
CHECKED BY: MS

REVISIONS	
APR SUBMITTAL	9/19/19

STATE APPROVAL STAMP

SHEET  
NUMBER: **A0.10**  
DWGS OF ORIGINAL  
MAIN HOUSE - PART I



The image displays a set of architectural drawings for a single-family residence remodel. The drawings include:

- SOUTHEAST ELEVATION/SECTION D-D:** A side elevation and cross-section showing the entrance, living room, and dining room. Dimensions include 10'-0" for the main floor height and 10'-0" for the upper floor height.
- SOUTHWEST ELEVATION:** A side elevation showing the rear of the house with a balcony and multiple windows. Dimensions include 10'-0" for the main floor height and 10'-0" for the upper floor height.
- SECTION E-E:** A cross-section showing the interior layout, including a living room, dining room, and kitchen. Dimensions include 10'-0" for the main floor height and 10'-0" for the upper floor height.
- NORTHEAST ELEVATION:** A side elevation showing the front of the house with a large window and a door. Dimensions include 10'-0" for the main floor height and 10'-0" for the upper floor height.
- NORTHWEST ELEVATION:** A side elevation showing the rear of the house with a balcony and multiple windows. Dimensions include 10'-0" for the main floor height and 10'-0" for the upper floor height.
- SECTION F-F:** A cross-section showing the interior layout, including a living room, dining room, and kitchen. Dimensions include 10'-0" for the main floor height and 10'-0" for the upper floor height.

There are also two red approval stamps from the City of Malibu:

- APPROVED:** A stamp from the City of Malibu Planning Department, dated 04-01-88, for the project "REMODEL OF SINGLE-FAMILY RESIDENCE FOR JEFF & JENNIFER DENKER".
- CITY OF MALIBU:** A stamp from the City of Malibu Planning Department, dated 04-01-88, for the project "REMODEL OF SINGLE-FAMILY RESIDENCE FOR JEFF & JENNIFER DENKER".

The drawings are signed by Daniel A. Solanet, Architect, and include a title block with the following information:

- DESIGN:** D.A.S.
- CHECKED:** D.A.S.
- DATE:** 04-01-88
- SCALE:** 1/4" = 1'-0"
- JOB NO.:** 228-87
- SHEET NO.:** 1





GUEST HOUSE PHOTOS BEFORE FIRE

1

FRANKLIN COUNTY 5-1-1 APPLICATION FOR BUILDING PERMIT

COUNTY OF LOS ANGELES  
DEPARTMENT OF COUNTY ENGINEER  
BUILDING AND SAFETY DIVISION  
JOHN A. LAMBIE, COUNTY ENGINEER  
WILLIAM A. JENSEN, SUFF. OF BUILDING

**FOR APPLICANT TO FILL IN**

BUILDING ADDRESS: 5936 Filaree Heights Rd  
LOCALITY: Malibu  
DISTRICT NO.: 4-2  
GROUP: 1  
TYPE: 1  
PROCESSED BY: J. DENKER  
NEAREST CROSS ST.: Highway 101  
CLASS NO.: 23 DWELL UNITS: 1  
SEWER MAP: BK PG  
WATER CERTIFICATE: NOT REQUIRED [X] RECEIVED [ ]  
MAP NO.: 4520  
HIGHWAY: STATE MAJOR SECOND. LOCAL  
USE CODE: 12-4  
SPECIAL CONDITIONS: 30M  
BUILDING SETBACK: YARD HWY STREET NAME EXIST. WIDTH  
FRONT: 20' Filaree Hgts 40'  
SIDE: 10'  
REAR: 10'

OWNER: Robert C. Nelson  
ADDRESS: 5936 Filaree Hgts  
ARCHITECT OR ENGINEER: Geo. F. Squire  
ADDRESS: 459 S. Baker St. L.A.  
CONTRACTOR: Louis & Harris  
ADDRESS: 7132 San Fernando Rd L.A.

DESCRIPTION OF WORK

NEW: ADD ALTER REPAIR DEMOLISH  
SQ. FT.: 726 NO. OF STORIES: 1 NO. OF FAMILIES: 1  
USE OF STRUCTURE: HOBBY GREENHOUSE  
SIGNATURE OF APPLICANT: Louis & Harris  
VALUATION \$: 4,100

APPROVALS: DATE: 11/6/15 INSPECTOR'S SIGNATURE: J. DENKER  
FOUNDATION LOCATION: FORMS MATERIALS: 10' 2' 10' 2' 10' 2'  
FRAME TYPE: STOPS: BRACING: STOPS: 10' 2' 10' 2' 10' 2'  
FURNACE LOCATION: GAS VENT: DUCTS: 10' 2' 10' 2' 10' 2'  
LATH. INT.: LATH. EXT.: HOUSE NUMBER COR. REST AND POSTED: 10' 2' 10' 2' 10' 2'

PLAN CHECK VALIDATION: CL. NO. CASH: 11.0012  
PERMIT VALIDATION: CL. NO. CASH: 11.0012

15612 NR 8 1 2200

GREEN HOUSE PERMIT

PROJECT:  
FILAREE HEIGHTS ROAD  
ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265  
OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMJEFF@EARTHLINK.NET

DATE: 08/19/19  
DRAWN BY: MS  
CHECKED BY: MS

REVISIONS  
APR SUBMITTAL 9/19/19

STATE APPROVAL STAMP

SHEET  
NUMBER: A0.12  
ORIGINAL GUEST HOUSE  
+ GREENHOUSE  
PERMITS

1

FRANKLIN COUNTY 5-1-1 APPLICATION FOR BUILDING PERMIT

COUNTY OF LOS ANGELES  
DEPARTMENT OF COUNTY ENGINEER  
BUILDING AND SAFETY DIVISION  
JOHN A. LAMBIE, COUNTY ENGINEER  
WILLIAM A. JENSEN, SUFF. OF BUILDING

**FOR APPLICANT TO FILL IN**

BUILDING ADDRESS: 5936 Filaree  
LOCALITY: Malibu  
DISTRICT NO.: 4-2  
GROUP: 1  
TYPE: 1  
PROCESSED BY: J. DENKER  
NEAREST CROSS ST.: Highway 101  
CLASS NO.: 23 DWELL UNITS: 1  
SEWER MAP: BK PG  
WATER CERTIFICATE: NOT REQUIRED [X] RECEIVED [ ]  
MAP NO.: 4520  
HIGHWAY: STATE MAJOR SECOND. LOCAL  
USE CODE: 12-4  
SPECIAL CONDITIONS: 30M  
BUILDING SETBACK: YARD HWY STREET NAME EXIST. WIDTH  
FRONT: 20' Filaree Hgts 40'  
SIDE: 10'  
REAR: 10'

OWNER: Robert C. Nelson  
ADDRESS: 5936 Filaree Hgts  
ARCHITECT OR ENGINEER: Geo. F. Squire  
ADDRESS: 459 S. Baker St. L.A.  
CONTRACTOR: Louis & Harris  
ADDRESS: 7132 San Fernando Rd L.A.

DESCRIPTION OF WORK

NEW: ADD ALTER REPAIR DEMOLISH  
SQ. FT.: 600 NO. OF STORIES: 1 NO. OF FAMILIES: 1  
USE OF STRUCTURE: STABLE  
SIGNATURE OF APPLICANT: Robert C. Nelson  
VALUATION \$: 6,000

APPROVALS: DATE: 11/6/15 INSPECTOR'S SIGNATURE: J. DENKER  
FOUNDATION LOCATION: FORMS MATERIALS: 10' 2' 10' 2' 10' 2'  
FRAME TYPE: STOPS: BRACING: STOPS: 10' 2' 10' 2' 10' 2'  
FURNACE LOCATION: GAS VENT: DUCTS: 10' 2' 10' 2' 10' 2'  
LATH. INT.: LATH. EXT.: HOUSE NUMBER COR. REST AND POSTED: 10' 2' 10' 2' 10' 2'

PLAN CHECK VALIDATION: CL. NO. CASH: 11.0012  
PERMIT VALIDATION: CL. NO. CASH: 11.0012

15612 NR 8 1 2200

GUEST HOUSE PERMIT

NOTE:  
GUEST HOUSE WAS GRANDFATHERED IN AND WAS ALTERED TO A GUEST HOUSE BEFORE THE ESTABLISHMENT OF THE CITY OF MALIBU. THE STRUCTURE APPEAR AS A GUEST HOUSE ON ALL LATER PERMIT APPLICATIONS (SITE PLANS), RE: DOCUMENTATION OF REST OF THE ORIGINAL STRUCTURES ON SITE.

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2910 lincoln blvd  
santa monica, ca 90405  
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www.livinghomes.net

plant  
P R E F A B  
375 south cactus ave  
rialto, ca 92376  
p: 909.546.7444 f: 909.546.7411  
www.plantprefab.com



Architectural drawings for a building project, including elevations and a floor plan. The drawings are labeled with dimensions and notes. A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU". A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU".

Architectural drawings for a building project, including a site plan and a vicinity map. The drawings are labeled with dimensions and notes. A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU". A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU".

Form titled "REQUIRED BUILDING INSPECTIONS AND APPROVALS". It contains a table with columns for NO., INSPECTION, DATE, and INSPECTOR. The table lists various inspections and their dates. A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU". A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU".

Form titled "BUILDING PERMIT APPLICATION". It contains a table with columns for NO., INSPECTION, DATE, and INSPECTOR. The table lists various inspections and their dates. A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU". A red stamp reads "CITY OF MALIBU PLANNING DEPARTMENT APPROVED". A red stamp reads "RECEIVED MAR 29 2008 CITY OF MALIBU".

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PROJECT:  
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OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMJEFF@EARTHLINK.NET

DATE: 08/19/19  
DRAWN BY: MS  
CHECKED BY: MS

REVISIONS  
APR SUBMITTAL 9/19/19

STATE APPROVAL STAMP

SHEET  
NUMBER: A0.13  
DWGS OF ORIGINAL  
DETACHED GARAGE





## City of Malibu

3255 Civic Center Way, Malibu, California 90265  
310 456-CITY Fax 310 456-3386  
Planning Department  
JENNIFER DENKER  
JENNIFER.DENKER@CITYOFMALIBU.CA.GOV

April 12, 1996

Mr. Raymond Zukaitis  
8067 Woodland Lane  
Los Angeles, CA 90046

Subject: PPR 96-064/5936 Filaree Heights Avenue (Denker)

Dear Mr. Zukaitis:

The UCLA Archaeological Information Center has completed an initial records search and has recommended a Phase I archaeological survey on the subject property. The City of Malibu requires that the Phase I survey be completed by the City Archaeologist at a cost not to exceed \$500.

Before the City Archaeologist can begin work, we need your authorization to proceed. For your convenience, you may sign and return the authorization form at the bottom of this letter.

If you have any questions, please call me at (310) 456-2489, extension 250.

  
Ara Michael Mihranian  
Assistant Planner

### AUTHORIZATION FORM:

I am the owner or applicant for the subject permit and I authorize the City Archaeologist to complete a Phase I archaeology survey on the subject property at a cost not to exceed \$500.

  
Owner/Applicant Signature  
(Please return the entire page)

5/3/96  
Date

ATTN: ARA MIHRANIAN

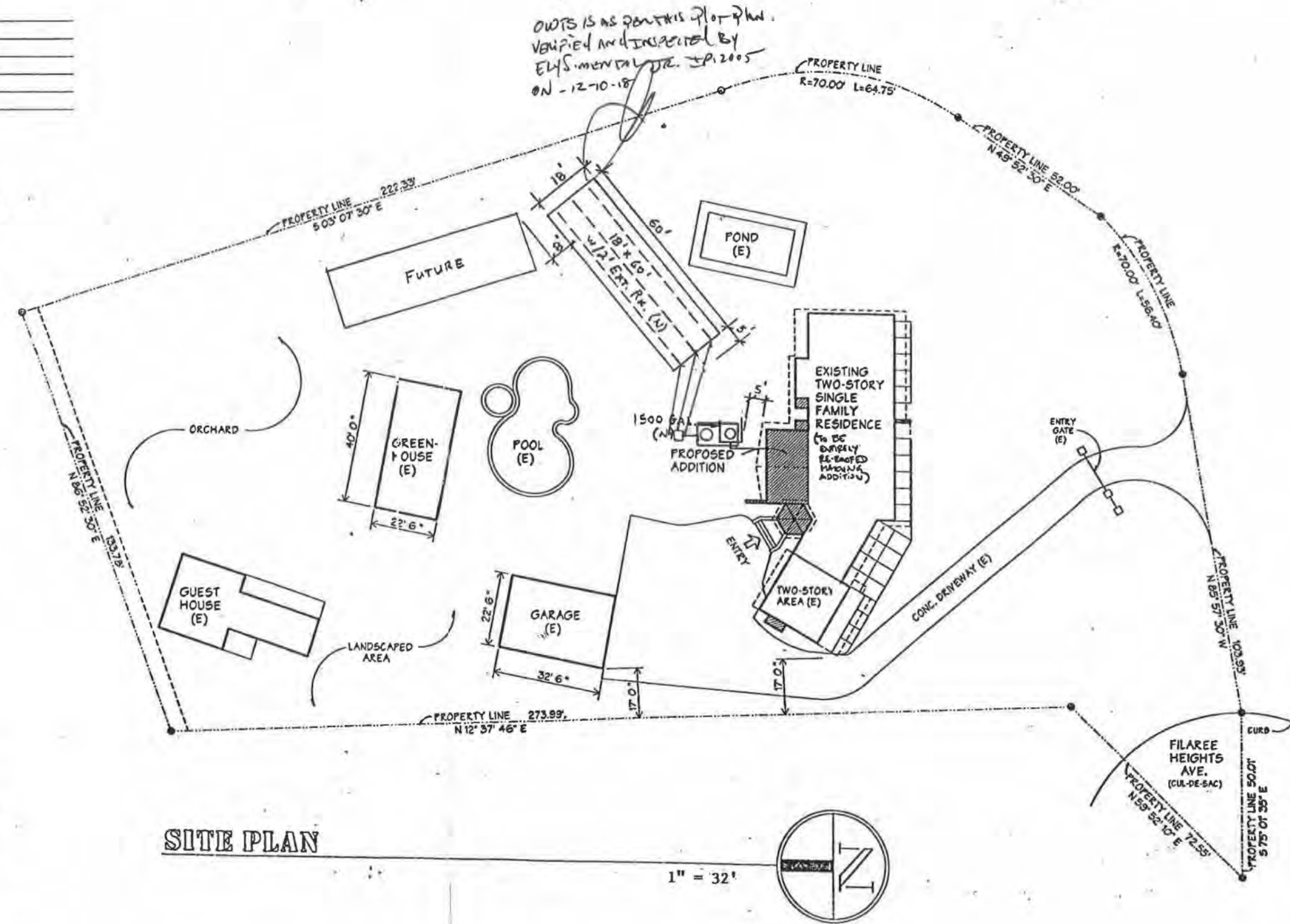
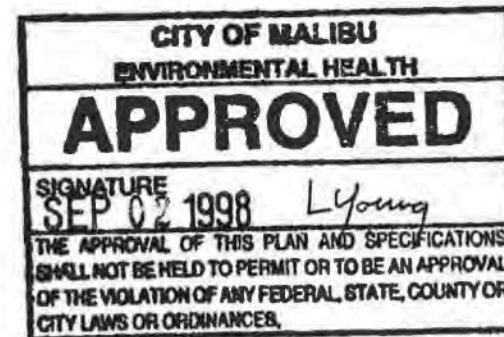
### ARCHAEOLOGICAL REPORT

5936 FILAREE HEIGHTS AVE.  
MALIBU, CA 90265

S.F.D.: 4 Br. - 4 Br. (Remodel)  
SEPTIC TANK: 1500 Gallon (N)  
PRESENT: 1 - 18' X 60' Drainfield  
with 2' Extra Rock (N)  
FUTURE: 100%  
PERC RATE: 21 minutes/inch

### NOTES:

1. This approval is for a 4 bedroom to 4 bedroom single family dwelling remodel. The existing septic tank shall be removed and a new 1500 gallon septic tank installed, as shown. The existing seepage pits shall be located and abandoned. A new 18' X 60' drainfield with 2' extra rock shall be installed, as shown.
2. This approval only relates to the minimum requirements of the City of Malibu Uniform Plumbing Code and does not include an evaluation of any geological, or other potential problems, which may require an alternative method of wastewater disposal.
3. This approval is valid for one year or until City of Malibu Uniform Plumbing Code and/or Administrative Policy changes render it noncomplying.



SITE PLAN

1" = 32'

### OWTS PLOT PLAN VERIFICATION



## City of Malibu

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

### ONSITE WASTEWATER TREATMENT SYSTEM FIRE DAMAGE ASSESSMENT

Each Onsite Wastewater Treatment System (OWTS) proposed to be utilized for sewage disposal following fire damage to a property, is required to be inspected by an OWTS city registered practitioner and approved by the City prior to use. A list of OWTS city registered practitioners can be found at [www.malibucity.org/practitioners](http://www.malibucity.org/practitioners). Submit this form and a copy of the inspection report (if required) to the Environmental Health office.

☐ Occupy Existing Structure (not damaged) ☐ Temporary home ☐ Rebuild Structure

Site Address: 5936 Filaree Heights Ave. APN: 4469-013-023  
Property Owner: JENNIFER DENKER  
Mailing Address: 6936 DUNE DRIVE MALIBU CA 90265  
Email Address: jendenker111@gmail.com Phone: \_\_\_\_\_  
No. of OWTS on the subject property: 1

OWTS Registered Practitioner:  
Name: E.J. SMENTAL JR. License Number: 746011  
Company: E.J. JR'S PUMPING

I certify that I have personally inspected the onsite wastewater treatment system at this address and that the information reported below is true, accurate and complete as of the time of the inspection. I am a city of Malibu OWTS registered practitioner pursuant to Section 15.44.050, of the Malibu Municipal Code.

### Condition of OWTS:

☒ Passes ☐ Conditionally Passes (detailed below) ☐ Fails (detailed below)

Signature of Practitioner: \_\_\_\_\_ Date of Inspection: 12-10-18

Comments (attach additional sheets if necessary):

FIBERGLASS SEPTIC TANK DISTRIBUTION BOX AND DRAINFIELD ARE IN OPERATIONAL STATUS. SEPTIC TANK WILL BE PUMPED OUT AND ADDITIONAL LBS WILL BE REQUIRED. INLET SEWER PIPE WILL BE SUD-O-UT TO GARAGE ON MAIN HOUSE. GUEST HOUSE NEEDS TANK REPLACEMENT.

EH Received: \_\_\_\_\_ Fee Paid Date: \_\_\_\_\_ \*The current fee is \$197.00  
\*If repairs are necessary additional review fees and a building safety permit may be necessary.

OWTS Fire Damage Assessment 181129



### OWTS ASSESSMENT REPORT

### PROJECT: FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMJEFF@EARTHLINK.NET

DATE: 08/20/19  
DRAWN BY: MS  
CHECKED BY: MS

### REVISIONS

APR SUBMITTAL 9/19/19

### STATE APPROVAL STAMP

SHEET  
NUMBER: A0.14  
(E) CDP WAIVERS, (E)  
OWTS PERMITS

4-98-067-X (Solonet)

Page 2

The proposed development involves the installation, testing and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).

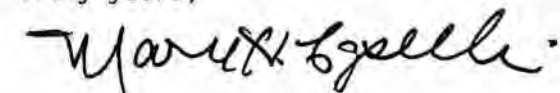
The proposed development is an improvement to a structure other than a single family residence or public works facility and is not subject to a permit requirement (Section 13253 of Administrative Regulations).

The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by natural disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).

Other:

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a coastal development permit is obtained.

Truly yours,



By: Mark H. Capelli

Title: Coastal Program Analyst

8494A

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION  
SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

RECEIVED

SEP 11 1998

PLANNING DEPT.

DATE: July 1, 1998

NAME: Daniel Solonet

LOCATION: 5936 Filaree Heights Ave., Malibu

PROJECT: 345 square foot first floor addition, 125 square foot second floor addition

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A coastal development permit is not necessary for the reasons checked below.

The site is not located within the coastal zone as established by the California Coastal Act of 1976, as amended.

The proposed development is included in Categorical Exclusion No. \_\_\_\_\_ adopted by the California Coastal Commission.

The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities (Section 30610(d) of Coastal Act).

X The proposed development is an improvement to an existing single family residence (Section 30610(a) of the Coastal Act) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code).

The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) but is not a) an increase of 10% or more of internal floor area, b) an increase in height over 10%, or c) a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).

The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Section 30106 of Coastal Act).

(OVER)

E7: 7/90

CDP EXEMPTION LETTER  
JULY 1998

Page 2

The proposed development involves the installation, testing and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).

The proposed development is an improvement to a structure other than a single family residence or public works facility and is not subject to a permit requirement (Section 13253 of Administrative Regulations).

The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by natural disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).

Other:

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a coastal development permit is obtained.

Truly yours,



By: Susan Friend

Title: Staff Analyst

2054M/SPF-VNT

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION  
SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

EXEMPTION LETTER

DATE: June 11, 1996

NAME: Jeffrey and Jennifer Denker  
c/o Raymond Zukaitis  
8067 Woodland Lane  
Los Angeles, CA 90046

LOCATION: 5936 Filaree Heights, City of Malibu; Los Angeles County

PROJECT: Construction of a non-attached two-car garage with no living quarters attached and no grading.

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A coastal development permit is not necessary for the reasons checked below.

The site is not located within the coastal zone as established by the California Coastal Act of 1976, as amended.

The proposed development is included in Categorical Exclusion No. \_\_\_\_\_ adopted by the California Coastal Commission.

The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities (Section 30610(d) of Coastal Act).

XX The proposed development is an improvement to an existing single family residence (Section 30610(a) of the Coastal Act) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code).

The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) but is not a) an increase of 10% or more of internal floor area, b) an increase in height over 10%, or c) a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).

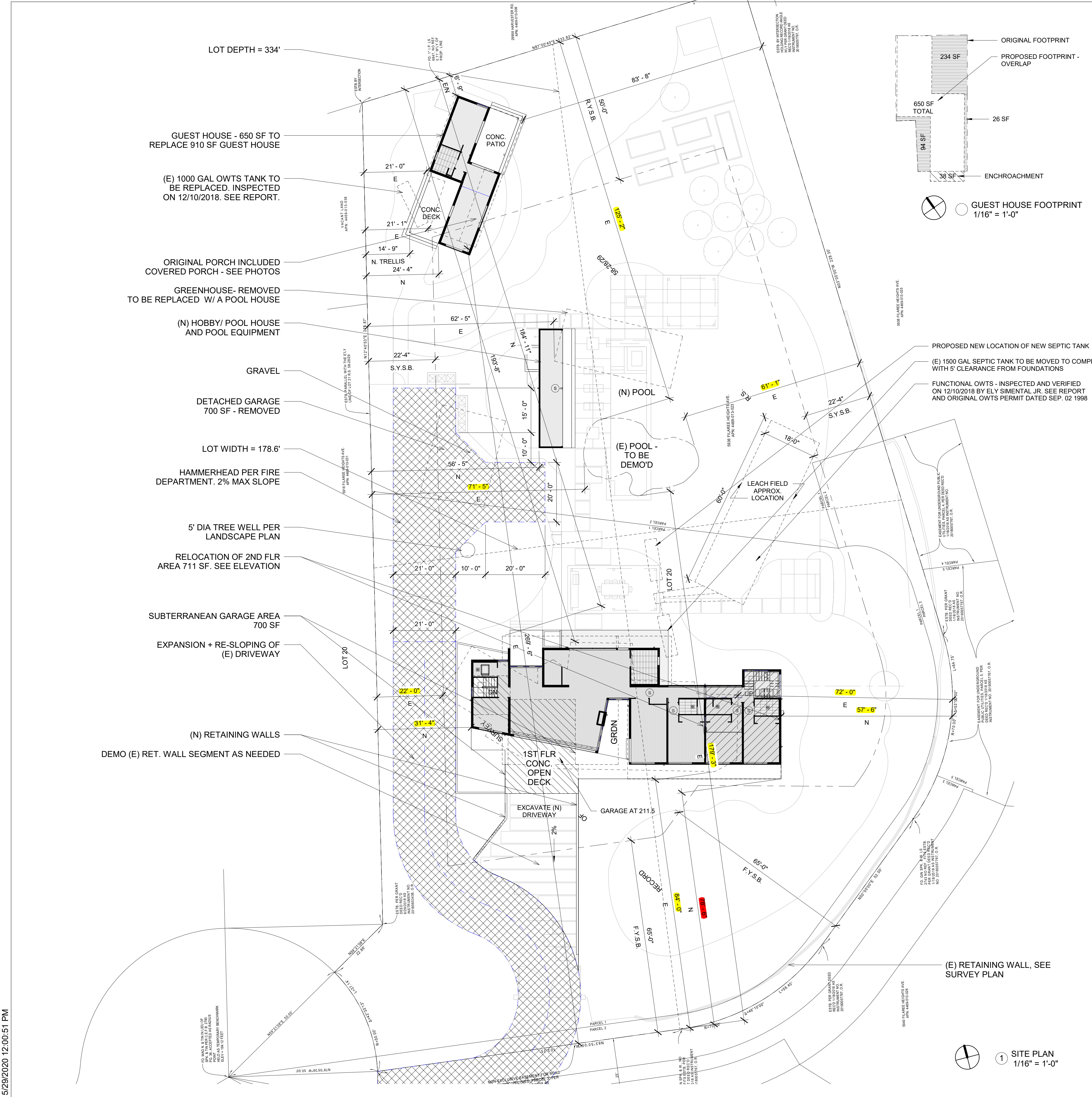
The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Section 30106 of Coastal Act).

(OVER)

E7: 7/90

CDP EXEMPTION LETTER  
JUNE 1996





SITE DEVELOPMENT DATA

PROJECT ADDRESS:	5936 FILAREE HEIGHTS RD. MALIBU, CA 90265
ASSESSORS PARCEL NUMBER:	4469-013-023
OWNERS:	JEFF AND JENNIFER DENKER
USE:	SINGLE FAMILY RESIDENCE
ZONING:	RR2, RURAL RESIDENTIAL
OCCUPANCY:	R3/ U
LOT (GROSS)	55,657 SF
EASEMENTS	2,387 SF
SLOPES>1:1	98 SF
LOT (NET)	53,172 SF

TOTAL ALLOWED SQUARE FOOTAGE CALCULATION PER MALIBU ZONING CODE

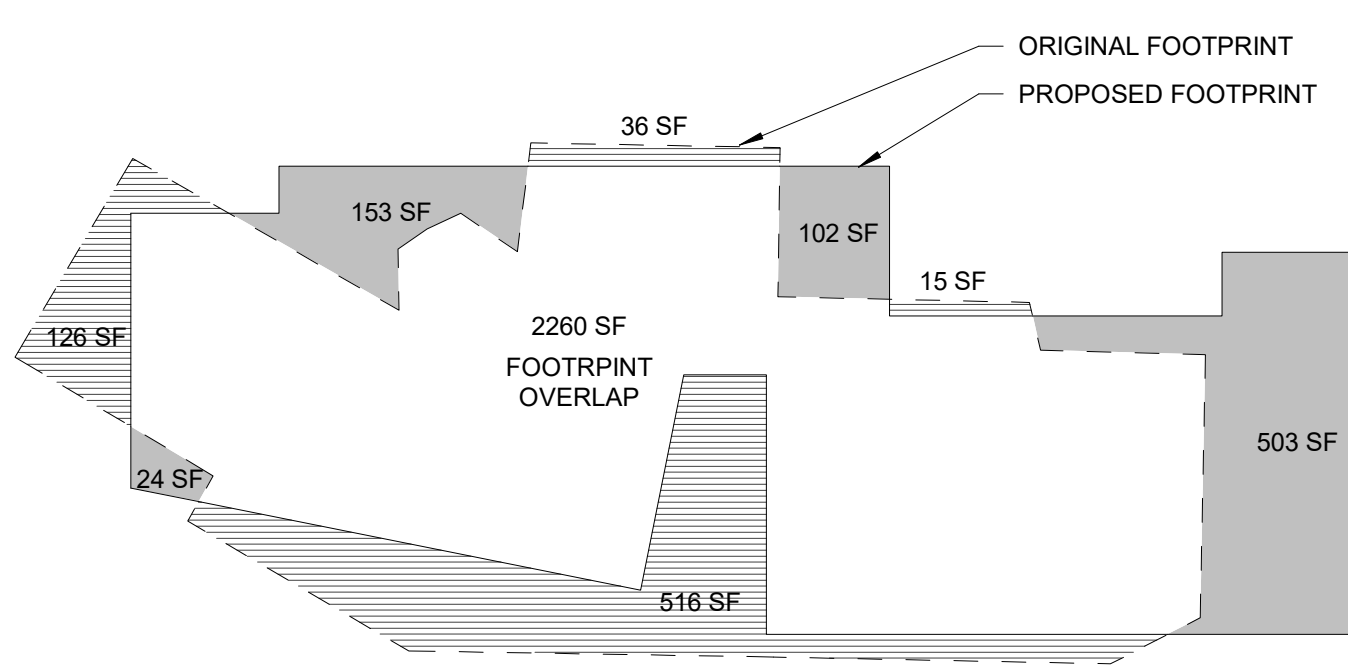
PER CITY FORMULA -			
UP TO 1/2 ACRE:	21,780X0.177=3,855+1,000	= 4,855	
1/2 TO 1 ACRE:	43,560-21,780=21,780X0.10	= 2,178	
1 ACRE TO 1-1/2 ACRE:	53,172-43,560=9,612X0.05	= 481	

MAXIMUM ALLOWABLE 7,514 SF

	ORIGINAL SF	ORIGINAL +10% SF	PROPOSED SF
MAIN HOUSE FIRST FLR	3,035	3,339	2,993
MAIN HOUSE SECOND FLR	441.62	486	711 (<2/3X1ST FLR)
MAIN HOUSE UNENCLOSED COVERED DECK > 6' DEEP			47
TOTAL MAIN HOUSE	RE: PERMIT # 7198 (FINALED 07/16/99): 2,854.53+239.12+ 383.13=~ 3,477	3,824.5	3,751
GUEST HOUSE	PER SURVEY MEASUREMENT - 965	1,062	650
TOTAL DEVELOPMENT SF - RESIDENTIAL		4,886	4,401

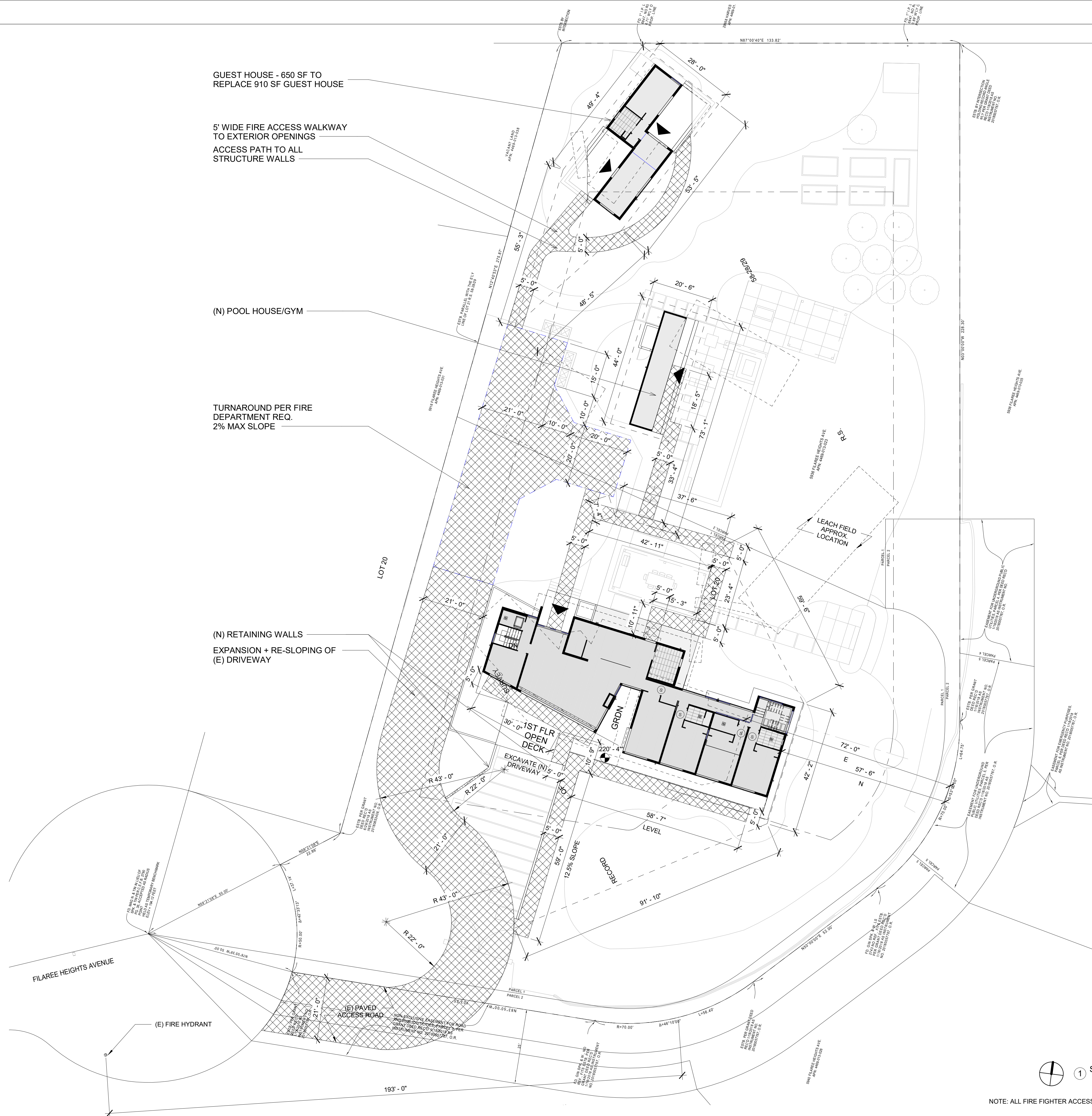
SUBTERRANEAN GARAGE	-	-	887
DETACHED GARAGE	700	770	-
HOBBY GREEN HOUSE	720	792	320

TDSF BREAKDOWN  
1" = 10'-0"



MAIN HOUSE FOOTPRINT COMPARISON  
BREAKDOWN - E. VS N.  
1/16" = 1'-0"





1 SITE PLAN - FIRE ACCESS PLAN  
1/16" = 1'-0"

NOTE: ALL FIRE FIGHTER ACCESS PATH SLOPES ARE SLOPED UP TO 5% U.N.O.

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P R E F A B

375 south cactus ave  
rialto, ca 92376  
p: 909.546.7444 f: 909.546.7411  
www.plantprefab.com

PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE: 08/22/19  
DRAWN BY: MS  
CHECKED BY: MS

REVISIONS

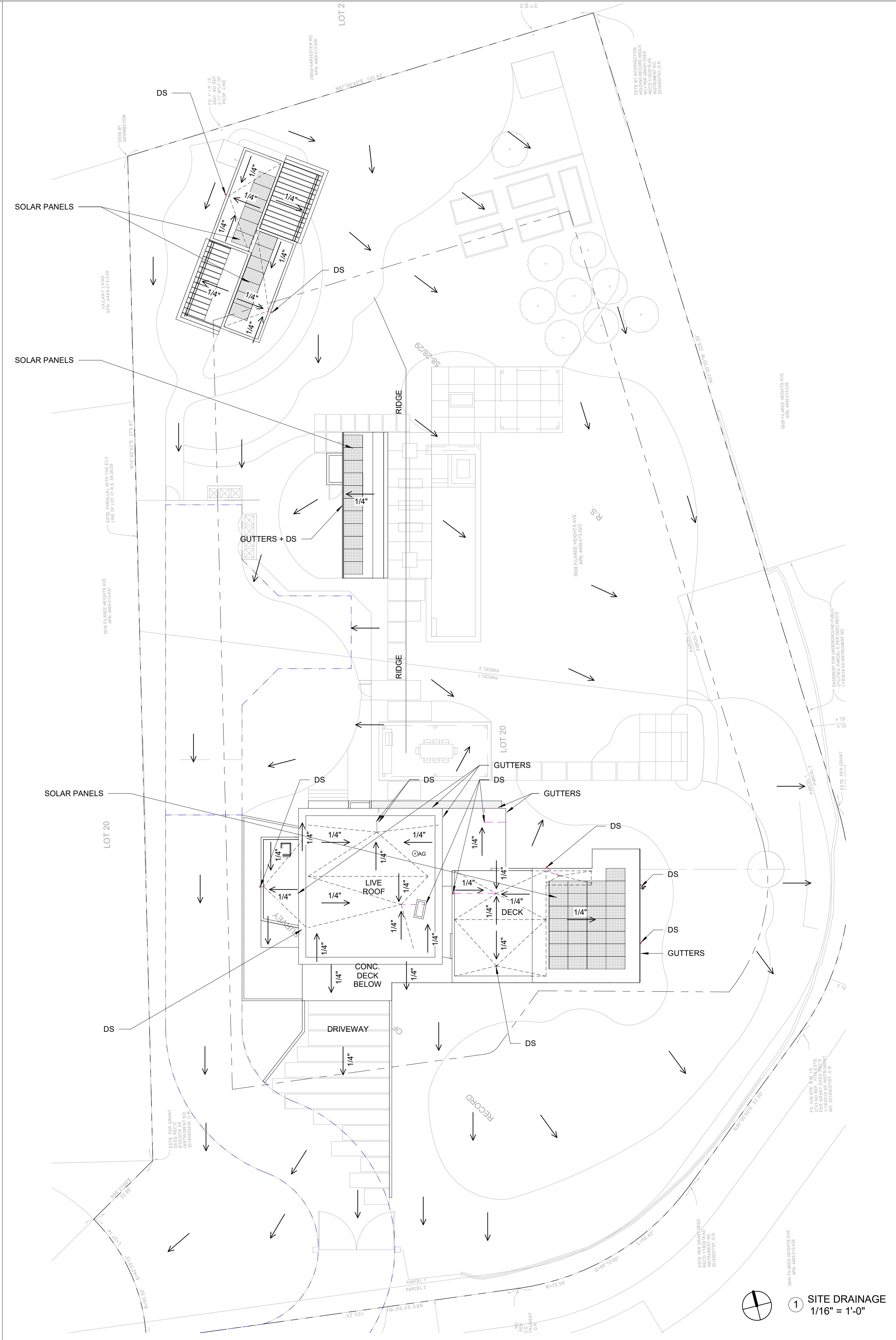
APR SUBMITTAL 9/19/19

STATE APPROVAL STAMP

SHEET  
NUMBER:

A1.1  
FIRE ACCESS PLAN





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DATE: 08/22/19

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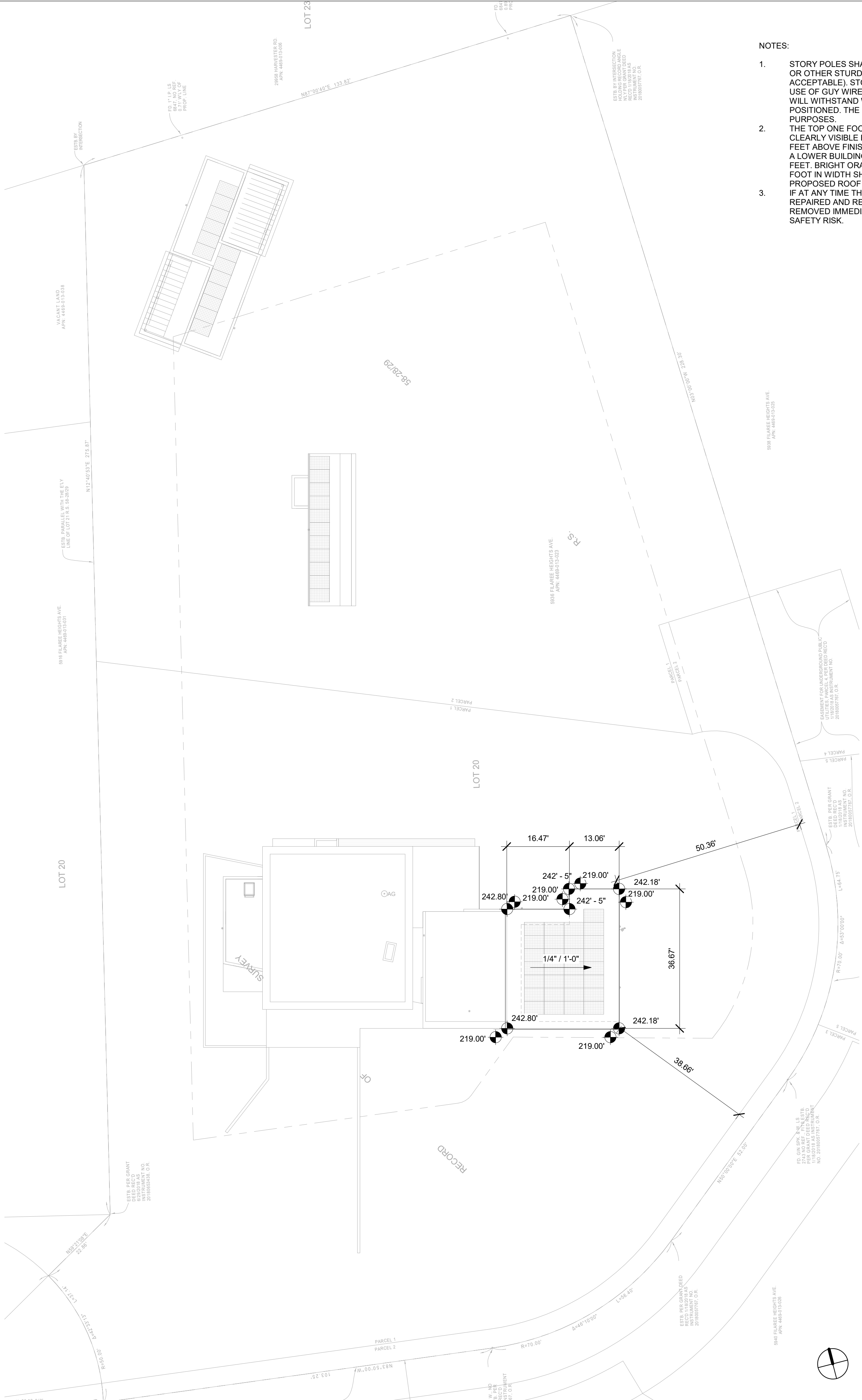
STATE APPROVAL STAMP

SHEET  
NUMBER: A1.2

ROOFS AND SITE  
DRAINAGE PLAN

175





- NOTES:
1. STORY POLES SHALL BE CONSTRUCTED OF 2 INCH X 4-INCH LUMBER OR OTHER STURDY BUILDING MATERIAL (PVC PIPE IS NOT ACCEPTABLE). STORY POLES SHOULD BE BRACED AT THE BASE BY USE OF GUY WIRES OR SUPPORTING BEAMS TO ENSURE THAT THEY WILL WITHSTAND WEATHER AND WILL REMAIN CORRECTLY POSITIONED. THE GUY WIRES SHOULD BE FLAGGED FOR SAFETY PURPOSES.
  2. THE TOP ONE FOOT OF THE STORY POLES SHALL BE PAINTED WITH A CLEARLY VISIBLE BLACK PAINT. MARKINGS SHALL ALSO BE MADE AT 18 FEET ABOVE FINISHED OR NATURAL GRADE, WHICHEVER RESULTS IN A LOWER BUILDING HEIGHT, AND AT ONE FOOT INCREMENTS ABOVE 18 FEET. BRIGHT ORANGE CONSTRUCTION MESH APPROXIMATELY ONE FOOT IN WIDTH SHALL BE PLACED CONNECTING POLES TO SHOW ALL PROPOSED ROOF AND RIDGELINES.
  3. IF AT ANY TIME THE STORY POLES BECOME UNSAFE, THEY SHALL BE REPAIRED AND RESET IMMEDIATELY. THE STORY POLES SHALL BE REMOVED IMMEDIATELY IF DETERMINED BY THE CITY TO BE A PUBLIC SAFETY RISK.



1 STORY POLE PLAN  
1/16" = 1'-0"

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PROJECT:  
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ADDRESS:  
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OWNER:  
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5936 FILAREE HEIGHTS ROAD,  
MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE: 12/04/19  
DRAWN BY: Author  
CHECKED BY: Checker

REVISIONS

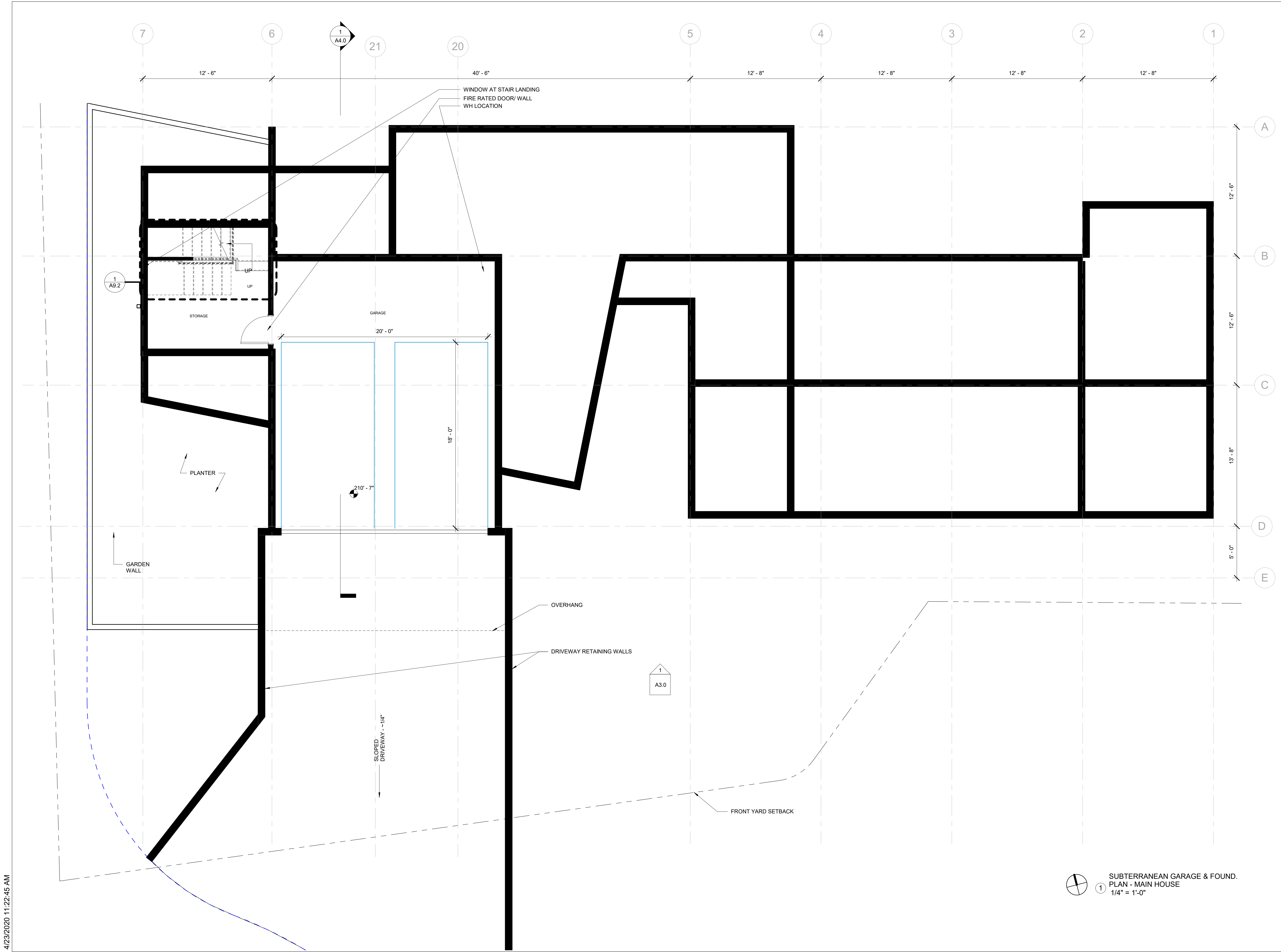
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SHEET  
NUMBER:

STORY POLE PLAN

A1.3





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rialto, ca 92376  
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PROJECT:  
FILAREE HEIGHTS ROAD

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OWNER:  
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MALIBU, CA 90265  
EMAIL:  
JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE: 08/07/19

DRAWN BY: MS

CHECKED BY: MS

REVISIONS

APR SUBMITTAL 9/19/19

REISSUE TO PLANNING 2/19/2020

STATE APPROVAL STAMP

SHEET  
NUMBER:

A2.0

SUBTERRANEAN  
GARAGE



PROJECT:  
FILAREE HEIGHTS ROAD

ADDRESS:  
5936 FILAREE HEIGHTS RD,  
MALIBU, CA 90265

OWNER:  
JEFF DENKER, JENNIFER DENKER  
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MALIBU, CA 90265  
EMAIL:  
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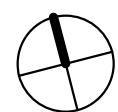
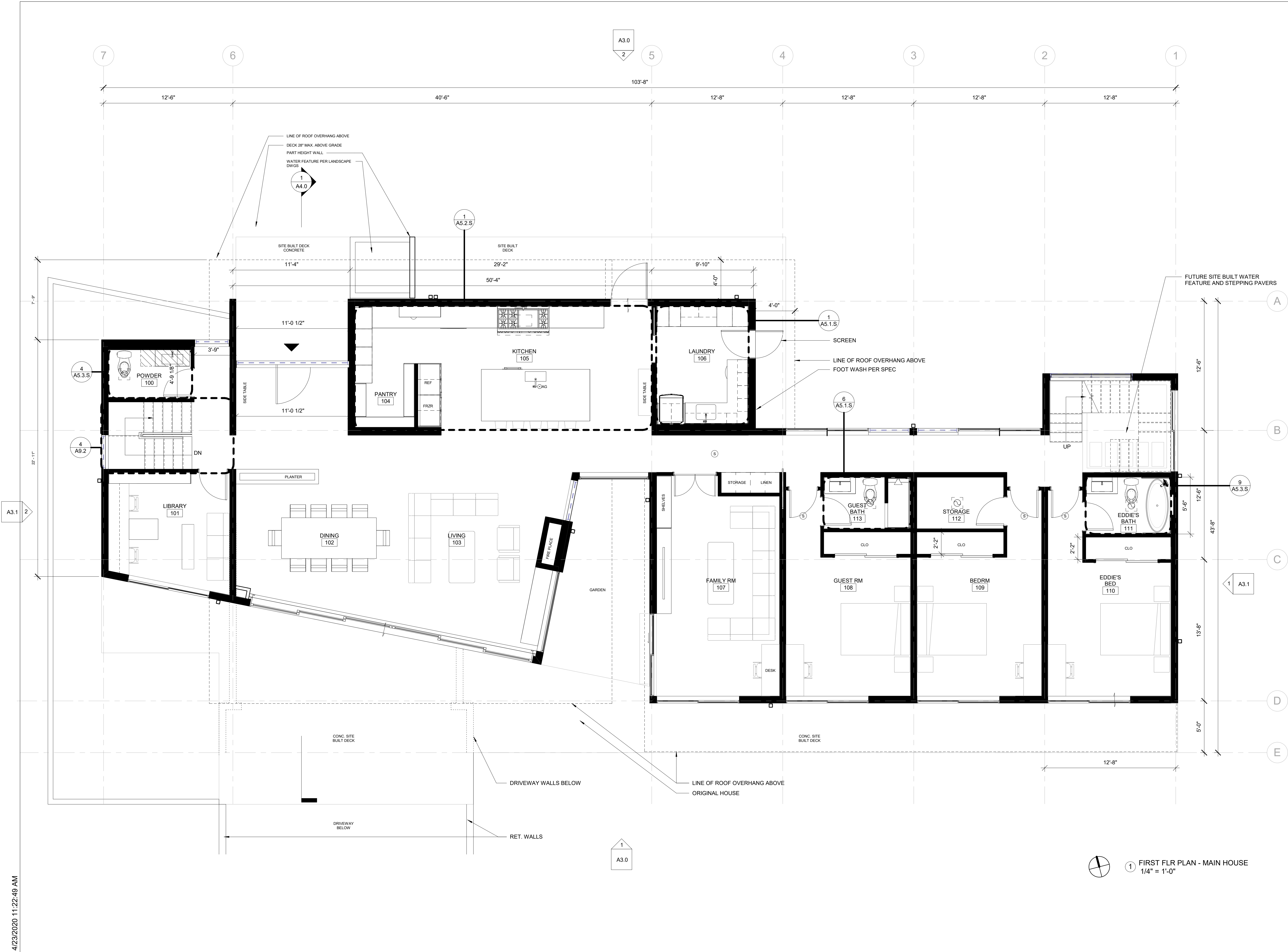
REVISIONS

APR SUBMITTAL 9/19/19

STATE APPROVAL STAMP

SHEET  
NUMBER:  
FIRST FLR PLAN - MAIN  
HOUSE

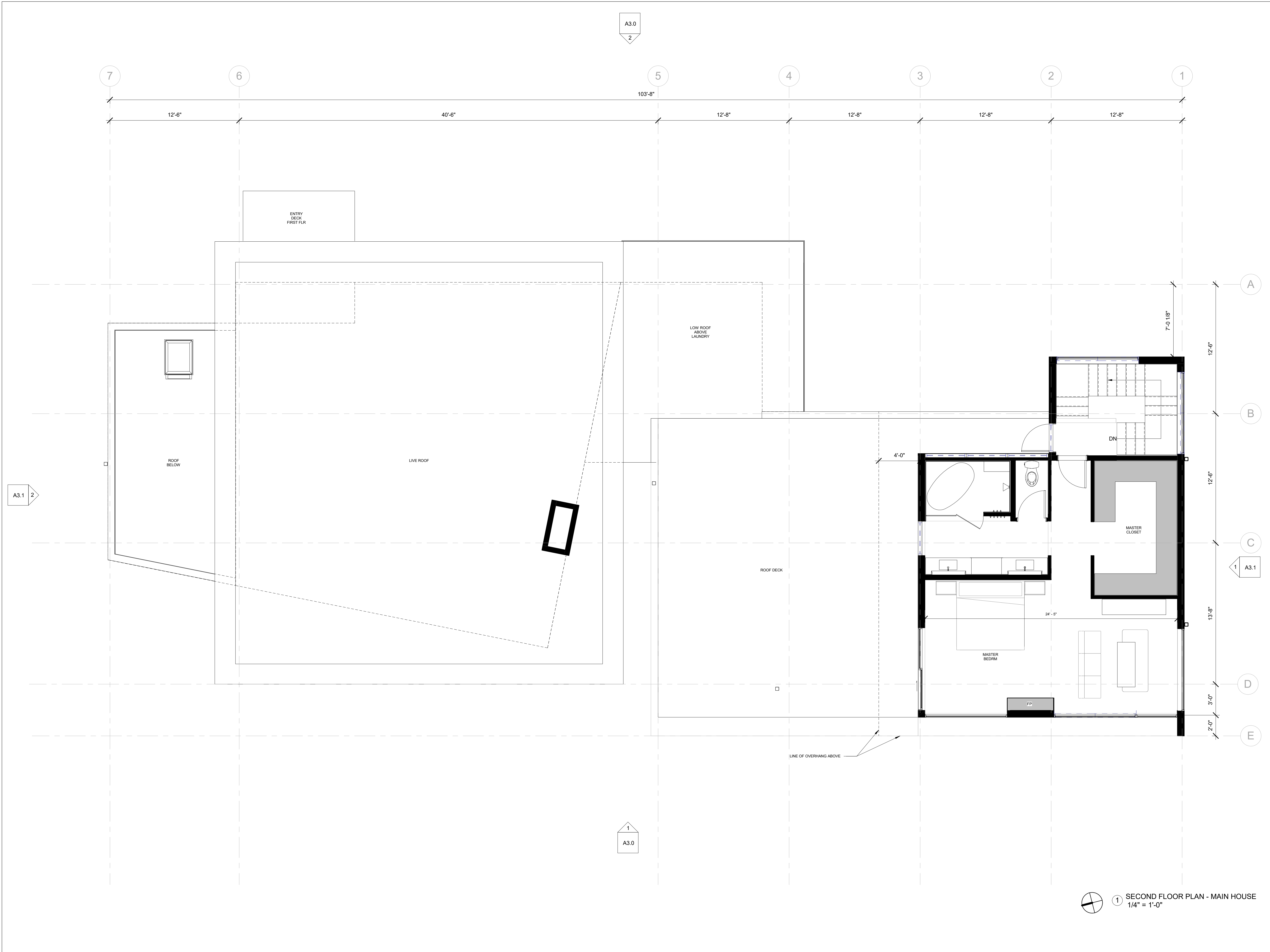
A2.1



1 FIRST FLR PLAN - MAIN HOUSE  
1/4" = 1'-0"



4/23/2020 11:22:50 AM



1 SECOND FLOOR PLAN - MAIN HOUSE  
1/4" = 1'-0"

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REVISIONS

APR SUBMITTAL 9/19/19

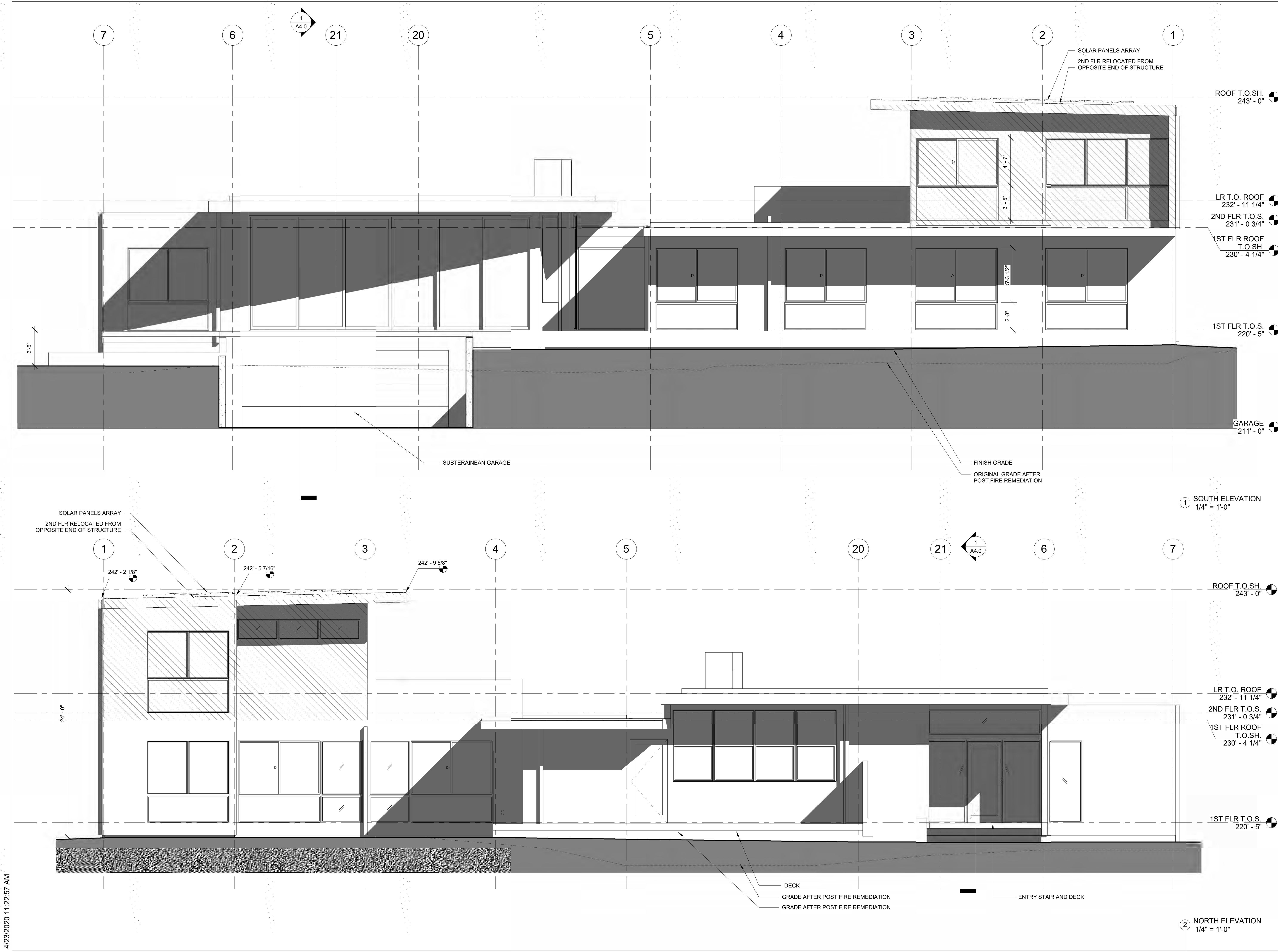
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SHEET  
NUMBER:

A2.2

SECOND FLR PLAN -  
MAIN HOUSE





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PROJECT:

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DATE:

08/07/19

DRAWN BY:

MS

CHECKED BY:

MS

REVISIONS

APR SUBMITTAL 9/19/19

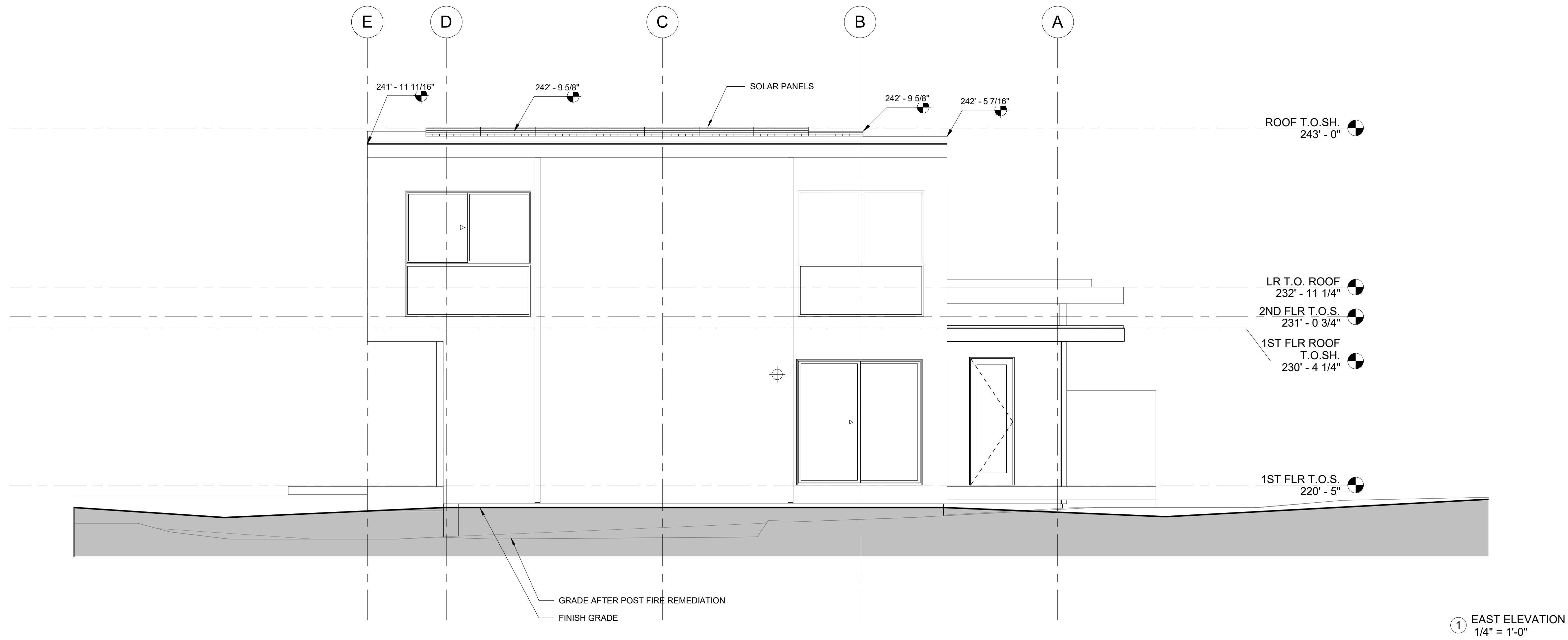
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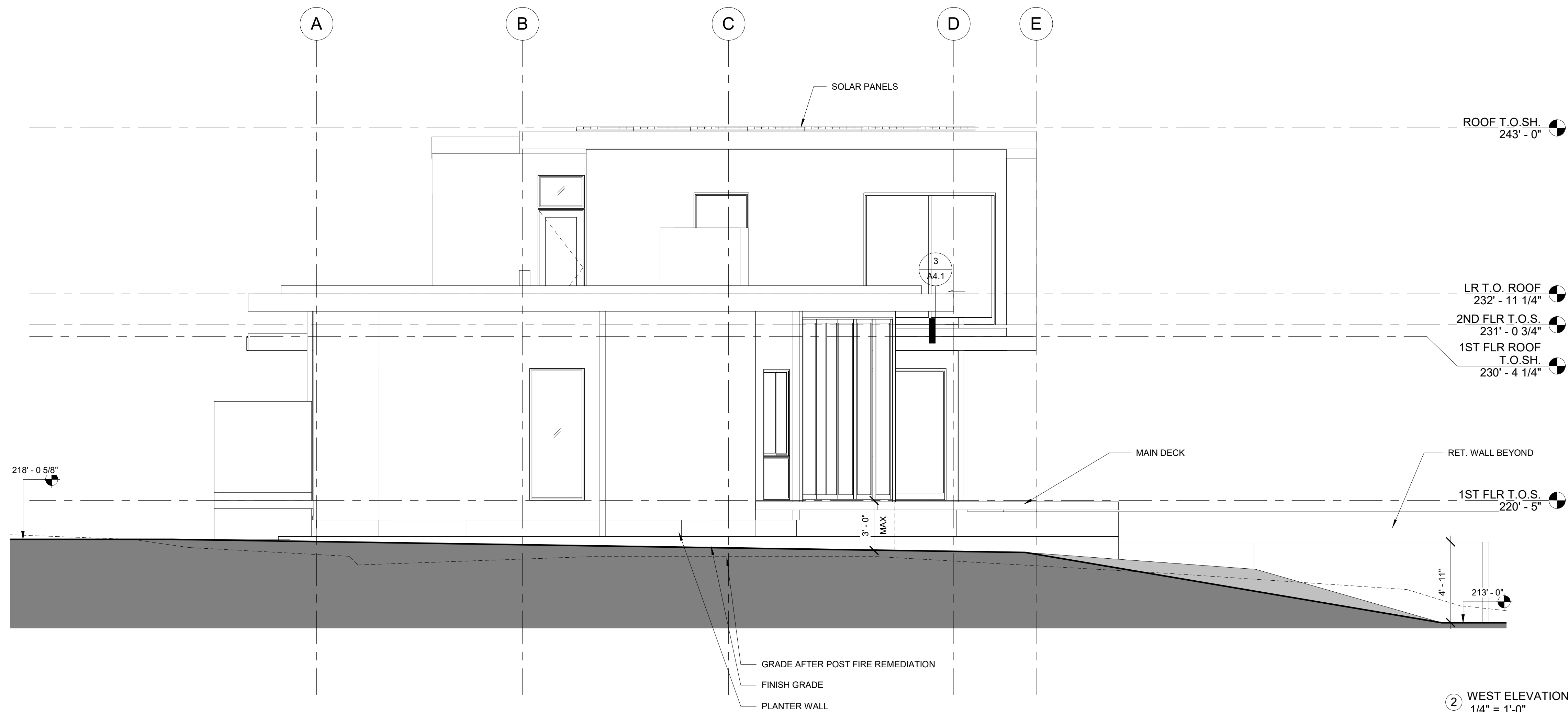
A3.0

NORTH AND SOUTH  
ELEVATIONS





① EAST ELEVATION  
1/4" = 1'-0"



② WEST ELEVATION  
1/4" = 1'-0"

PROJECT:  
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DRAWN BY: MS  
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REVISIONS

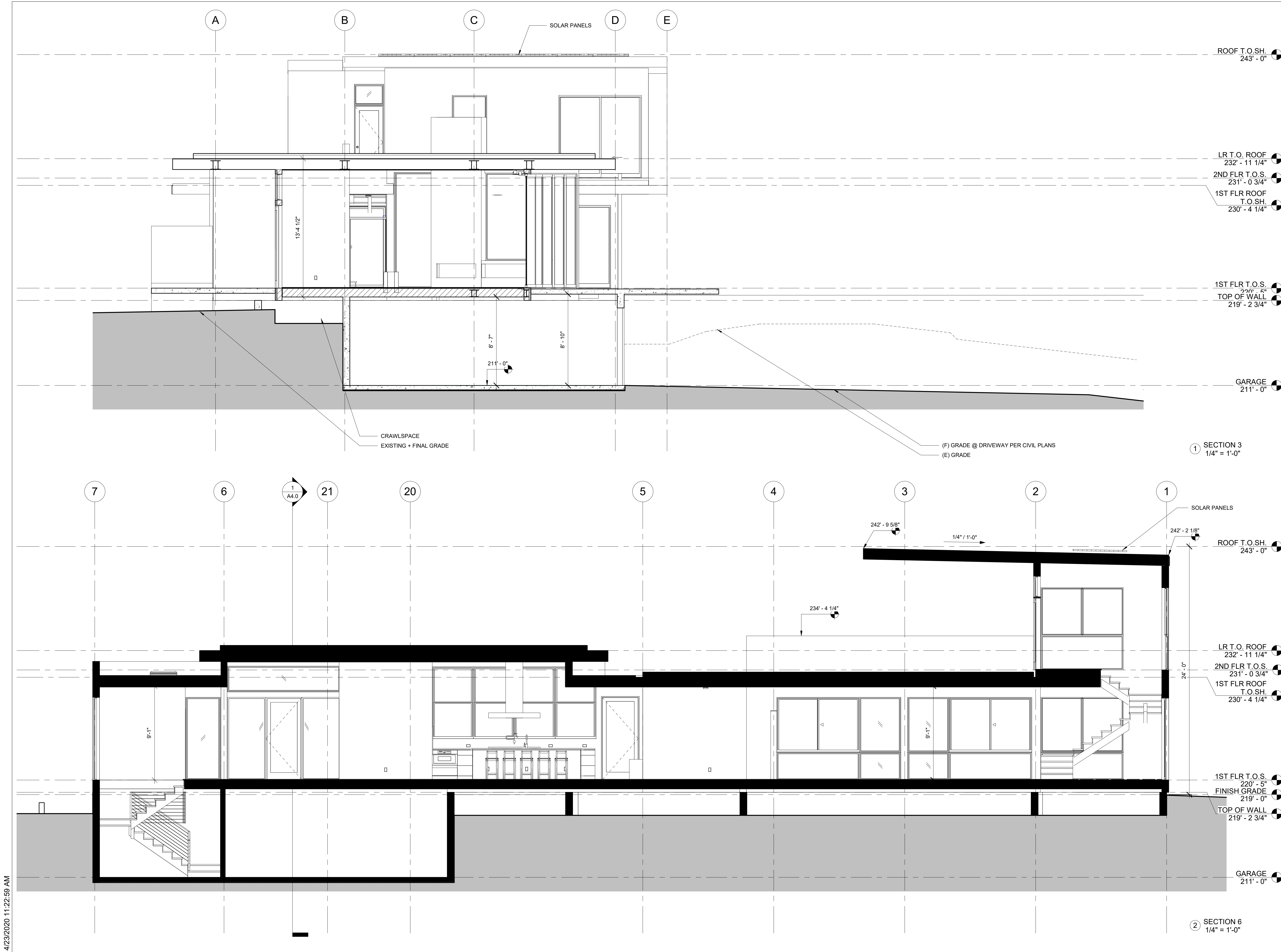
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SHEET  
NUMBER:

A3.1

EAST AND WEST  
ELEVATIONS





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JENDENKER1111@GMAIL.COM,  
IMIJEFF@EARTHLINK.NET

DATE: 08/07/19

DRAWN BY: MS

CHECKED BY: MS

REVISIONS

APR SUBMITTAL 9/19/19

APR RESUBMITTAL 11/13/2020

REISSUE TO PLANNING 2/19/2020

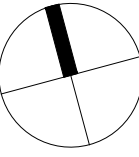
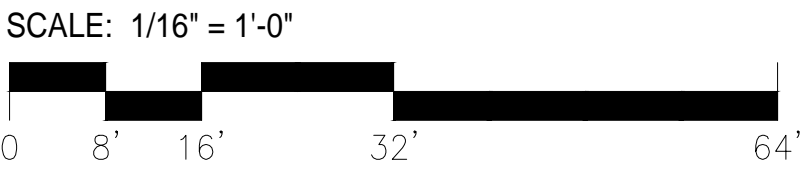
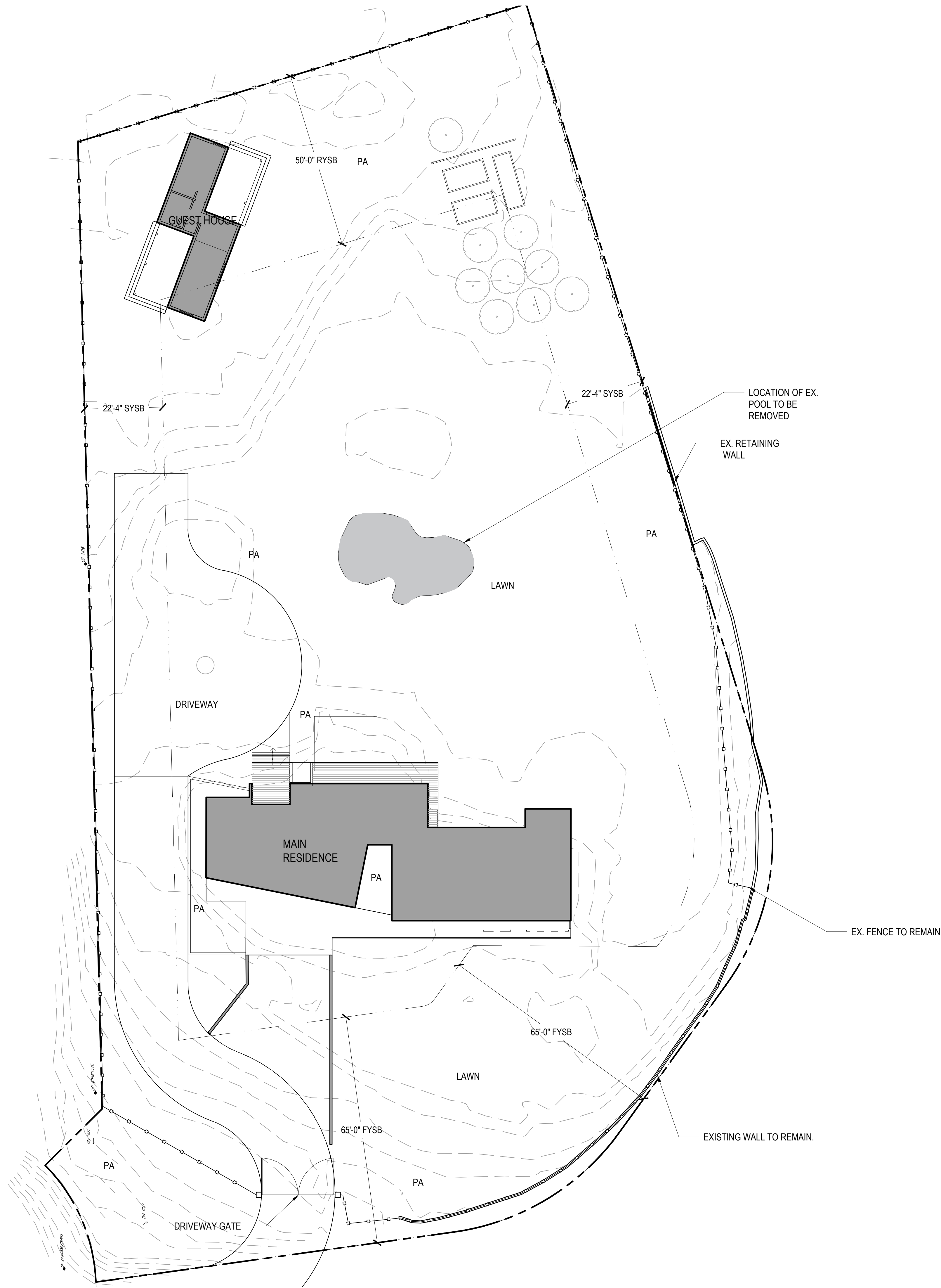
STATE APPROVAL STAMP

SHEET  
NUMBER:

A4.0

MAIN HOUSE SECTIONS





**THE DENKERS RESIDENCE**  
5936 FILAREE HEIGHTS ROAD, MALIBU, CA

REVISIONS

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PRJ # FIL1901

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

DATE: 09/05/19

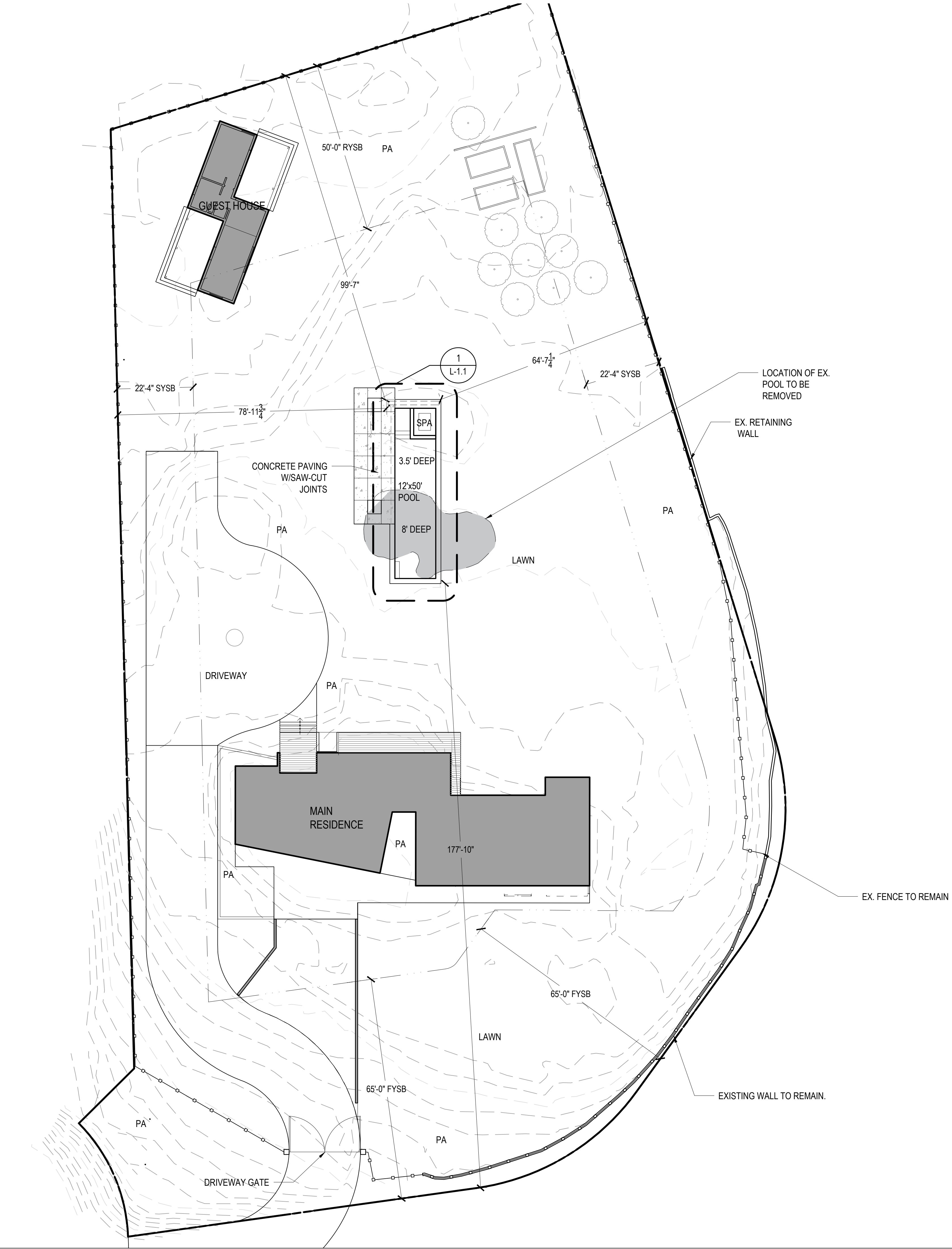
SHEET TITLE

**POOL DEMO PLAN**

SHEET NO.

**L-0.1**





PROJECT DESCRIPTION

PROPOSED POOL & SPA - 800 sf

NOT IN SCOPE OF WORK

- NO NEW PLUMBING FIXTURES
- NO NEW OR CHANGE TO EXISTING LANDSCAPE
- NO LANDFORM ALTERATION
- POOL IS NOT PROPOSED ON 4:1 OR GREATER SLOPES
- NO NEW IMPERMEABLE SURFACES

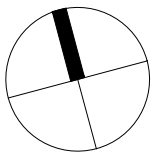
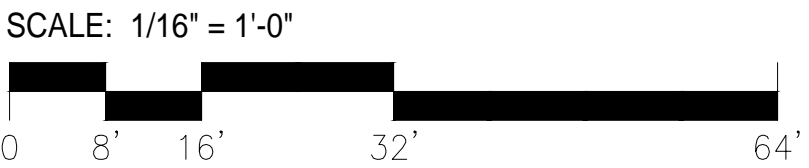
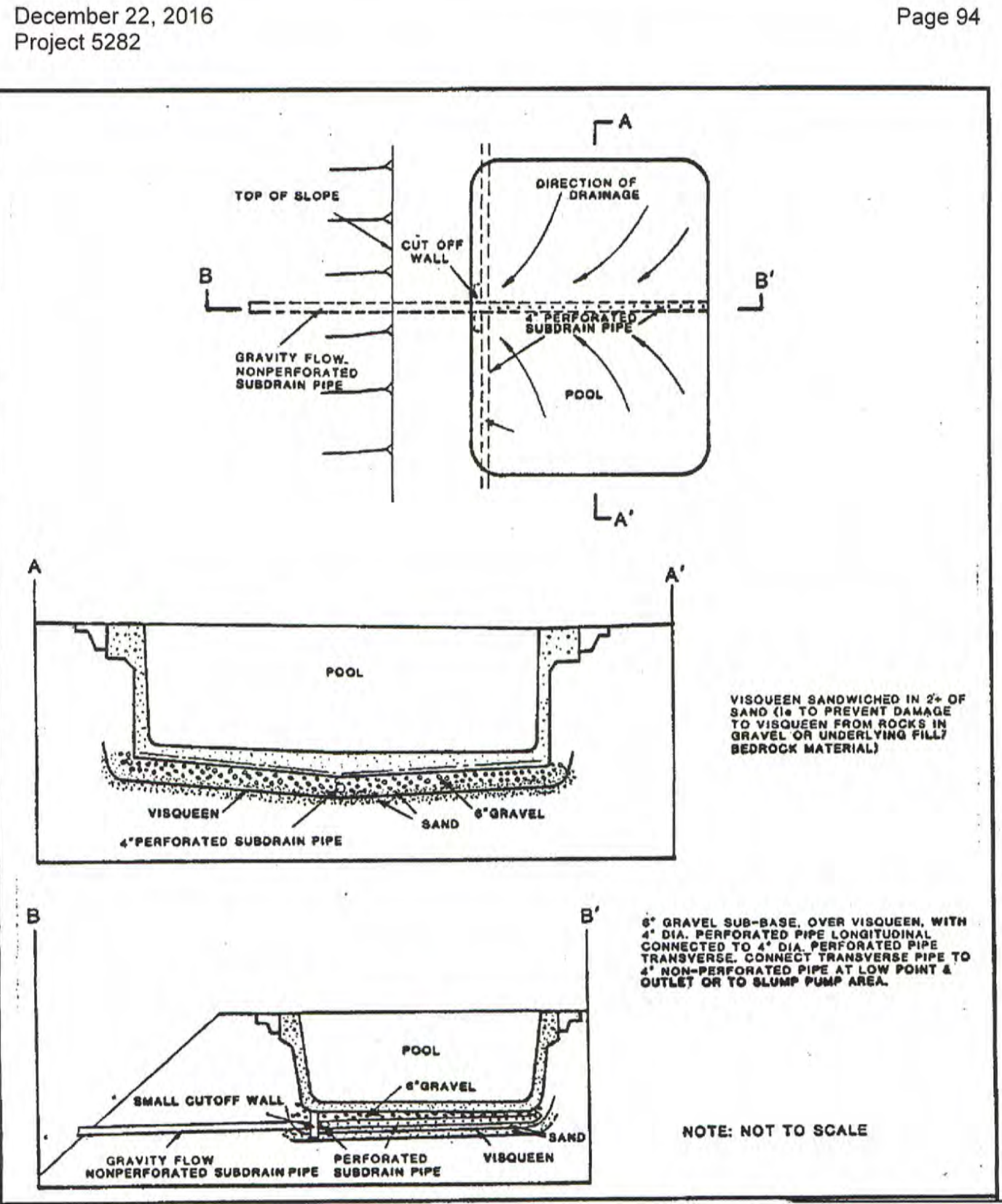
CBC NOTES

- THIS PROJECT SHALL COMPLY WITH TITLE 24 AND 2016 CALIFORNIA RESIDENTIAL CODE (CRC), CALIFORNIA MECHANICAL CODE (CMC), CALIFORNIA PLUMBING CODE (CPC), CALIFORNIA ELECTRICAL CODE (CEC), AND CALIFORNIA ENERGY CODE (CEC).
- THIS PROJECT SHALL COMPLY WITH 2017 LA COUNTY CODE.
- DOORS WITH DIRECT ACCESS TO THE POOL SHALL BE EQUIPPED WITH ALARMS WHICH PRODUCE AN AUDIBLE WARNING WHEN THE DOOR AND ITS SCREEN ARE OPENED. THIS ALARM SHALL BE PERMANENTLY INSTALLED.
- THE SWIMMING POOL/SPA SHALL HAVE AT LEAST TWO CIRCULATION DRAINS PER PUMP THAT ARE SEPARATED BY AT LEAST THREE FEET IN ANY DIRECTION, AND COVERED WITH ANTI-ENTRAPMENT COVERS MEETING ANSI/ASPE-16 2011.
- ANY POOL OR SPA HEATING EQUIPMENT SHALL BE INSTALLED WITH AT LEAST 36" OF PIPE BETWEEN FILTER AND HEATER, OR DEDICATED SUCTION AND RETURN LINES, OR BUILT-UP CONNECTIONS FOR FUTURE SOLAR HEATING.
- POOLS SHALL HAVE DIRECTIONAL INLETS THAT ADEQUATELY MIX THE POOL WATER, AND A TIME SWITCH THAT WILL ALLOW ALL PUMPS TO BE SET OR PROGRAMMED TO RUN ONLY DURING OFF-PEAK ELECTRIC DEMAND PERIODS.
- ALL ELBOWS SHALL BE SWEEP ELBOWS.
- POTABLE WATER SUPPLY TO SWIMMING POOLS OR SPAS SHALL BE PROTECTED BY AN AIR GAP OR A REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER IF THE UNIT IS EQUIPPED WITH A SUBMERGED FILL LINE.
- WALKING SURFACE MATERIAL OF DECKS, PORCHES, BALCONIES AND STAIRS LOCATED WITHIN 10 FEET OF THE BUILDING SHALL BE IGNITION-RESISTANT MATERIAL COMPLYING WITH BOTH SFM 12-7A-4 AND SFM 12-7A-5, EXTERIOR FIRE RETARDANT-TREATED WOOD, NONCOMBUSTIBLE MATERIAL OR MEET THE REQUIREMENTS OF SFM 12-7A-4A WHEN THE EXTERIOR WALL COVERING IS EITHER NONCOMBUSTIBLE OR IGNITION-RESISTANT.
- EQUIPOTENTIAL BONDING SHALL BE IMPLEMENTED TO REDUCE VOLTAGE GRADIENTS IN THE POOL AREA. BOND WIRE IN THESE AREAS SHALL COMPLY WITH CALIFORNIA ELECTRICAL CODE SECTION 680.26.
- NO WOOD ROOFING IS PROPOSED FOR THIS PROJECT.
- PROVIDE ANTI-VORTEX SUCTION OUTLETS.
- GAS LINE TO BE POLYETHYLENE, 1.5" IN SIZE, AND 70' LONG. REFER TO LAYOUT PLAN FOR GAS METER LOCATION.
- EXPOSED UNDERSIDE OF FLOOR PROJECTS OVER AN EXTERIOR WALL SHALL BE APPROVED NONCOMBUSTIBLE MATERIAL, IGNITION-RESISTANT MATERIAL, ONE LAYER OF 5/8" TYPE X GYPSUM BOARD, THE EXTERIOR PORTION OF AN APPROVED ONE-HOUR WALL ASSEMBLY OR HAVE THE HORIZONTAL UNDERSIDE MEET THE PERFORMANCE CRITERIA OF SFM 12-7A-3 OR ASTM E2957. ADDITIONALLY, ALL DECK FRAMING TO BE PRESSURE TREATED, IGNITION-RESISTANT, FIRE-RATED EXTERIOR MATERIAL.
- CHLORINATED WATER FROM POOLS OR SPAS SHALL BE TRUCKED TO A PUBLICLY-OWNED TREATMENT WORKS FACILITY FOR DISCHARGE.
- CONTRACTOR TO INSTALL 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 AT THE FILTRATION AND/OR PUMPING EQUIPMENT AREA FOR THE PROPERTY.

TYPICAL POOL SUBDRAIN

NOT TO SCALE

1



REVISIONS

PRJ # FIL1901

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

DATE: 09/05/19

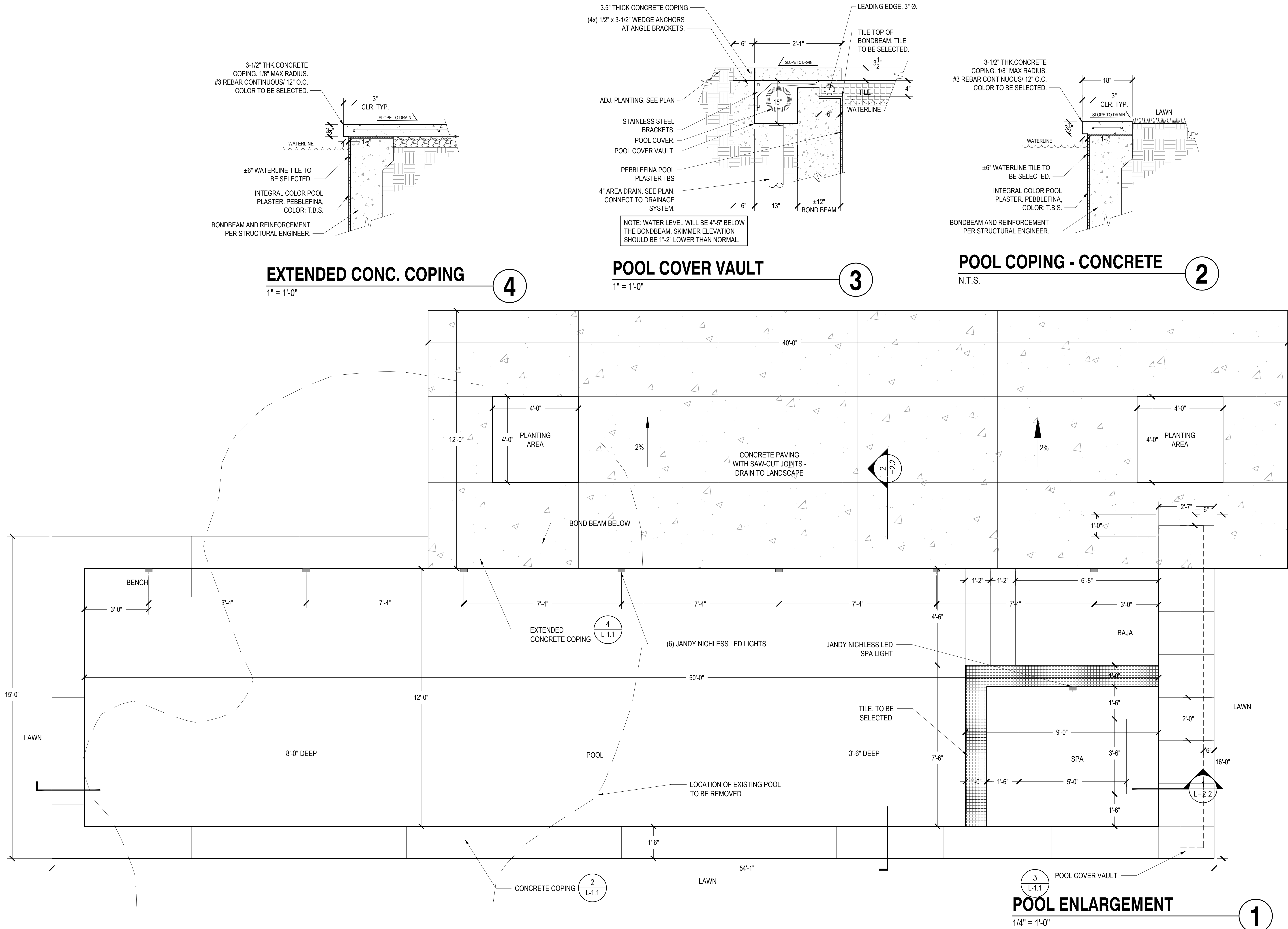
SHEET TITLE

OPTION 1  
SITE PLAN

SHEET NO.

L-1.0







REVISIONS

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PRJ # FIL1901

SCALE: VARIES

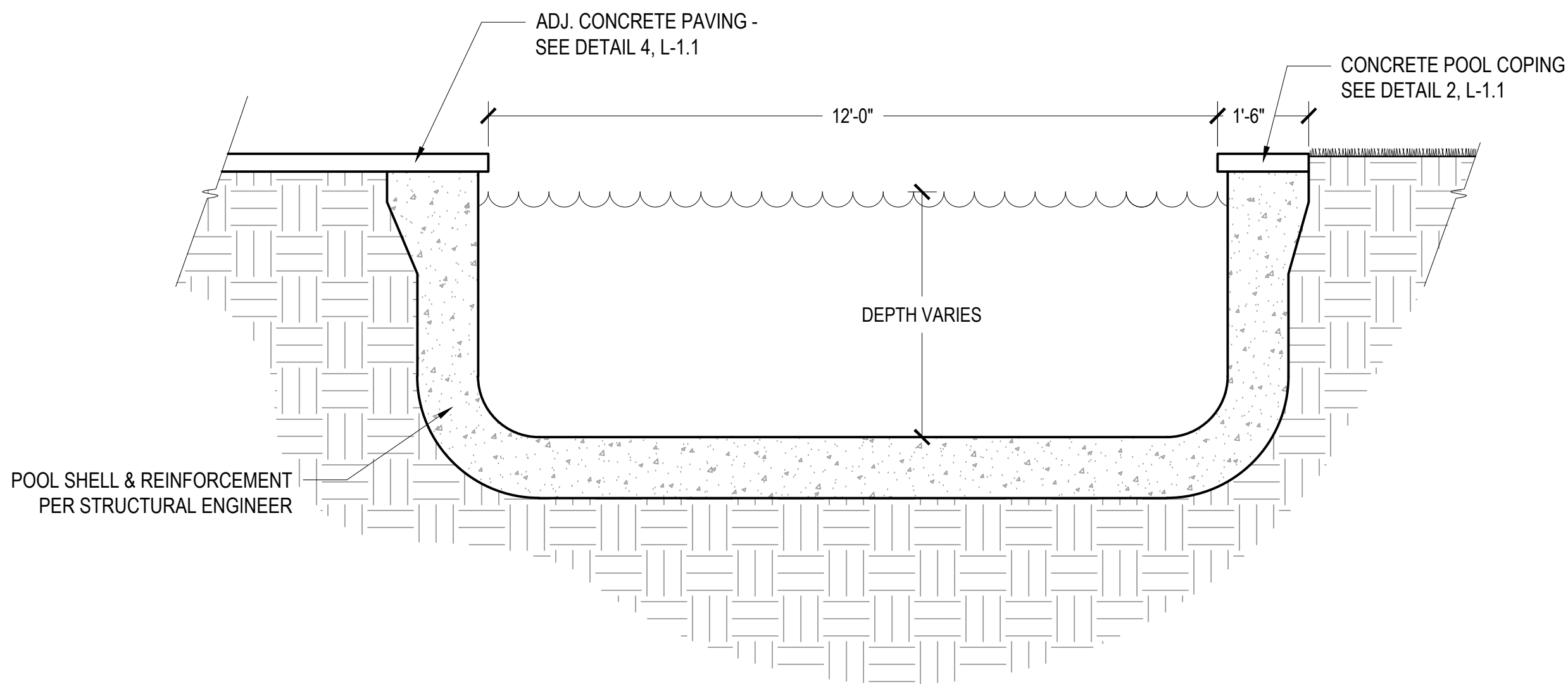
DATE: 09/05/19

SHEET TITLE

POOL  
SECTIONS

SHEET NO.

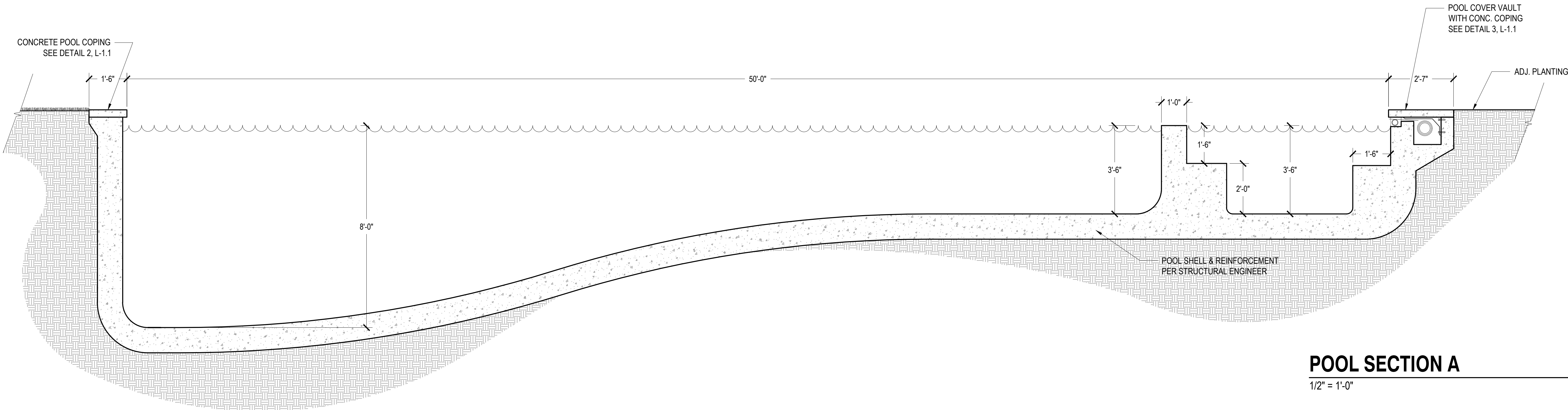
L-2.2



POOL SECTION B

1/2" = 1'-0"

2



POOL SECTION A

1/2" = 1'-0"

1



**NOTICE OF PUBLIC HEARINGS  
CITY OF MALIBU  
CITY COUNCIL**

The Malibu City Council will hold public hearings on **MONDAY, January 25, 2021, at 6:30 p.m.** on the projects identified below. This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and 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. All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

**APPEAL NO. 20-008** - An appeal of the Planning Commission's approval of Administrative Plan Review -Woolsey Fire No. 19-060 and Site Plan Review No. 19-099 for improvements to an in-kind rebuild of a single-family residence, second unit, garage and hobby/greenhouse that was destroyed by the Woolsey Fire. The new improvements proposed under the Administrative Plan Review consist of a relocated and expanded second story addition, new subterranean garage for the main residence, replacement of an existing swimming pool and pool deck, and a new driveway. The application includes a site plan review to allow for construction above 18 feet, not to exceed 24 feet in height for a second story addition that has a flat roof.

Location:	5936 Filaree Heights Avenue
APN:	4469-013-023
Zoning:	Rural Residential-Two Acre (RR-2)
Applicant:	Plant Prefab
Owner:	Denker Family Trust
Appellant:	Stacy Clunies-Ross
Application Filed:	October 11, 2019
Appeal Filed:	August 25, 2020
Environmental Review:	Categorical Exemption CEQA Guidelines Sections 15301(e) and 15303(e)
Case Planner:	Jessica Thompson, Associate Planner (310) 456-2489, extension 280 jthompson@malibucity.org

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



**COASTAL DEVELOPMENT PERMIT NO. 17-043, SITE PLAN REVIEW NO. 17-014, AND DEMOLITION PERMIT NO. 17-013**

– An application for the demolition of an existing single-family residence and associated development, construction of a new single-family residence, swimming pool, installation of a new onsite wastewater treatment system, grading, hardscaping, and landscaping, to allow for construction above 18 feet, not to exceed 28 feet in height for a pitched roof. This application was previously appealed to the City Council and remanded back to the Planning Commission for reconsideration of a revised project design, however, at the September 8, 2020 Planning Commission meeting, the Planning Commission was unable to reach a decision and therefore this item must be heard by the City Council.

Location: 29043 Grayfox Street  
APN: 4466-017-002  
Zoning: Rural Residential-One Acre (RR-1)  
Applicant / Appellant: Schmitz and Associates, Inc.  
Owners: John and Tatiana Atwill  
Environmental Review: Categorical Exemption CEQA Guidelines Sections 15301(l) and 15303(a) and (e)  
Application Filed: March 30, 2017  
Appeal Filed: February 28, 2019  
Case Planner: Raneika Brooks, Associate Planner  
(310) 456-2489, extension 276  
rbrooks@malibucity.org

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

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A written staff report will be available at or before the hearing for the projects. All persons wishing to address the Council regarding these matters will be afforded an opportunity in accordance with the Council's procedures.

Copies of all related documents can be reviewed by any interested person by contacting the Case Planner during regular business hours. Oral and written comments may be presented to the City Council at any time prior to the beginning of the public hearing.

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

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Richard Mollica, Acting Planning Director

Publish Date: December 31, 2020



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**From:** Jen Denker [REDACTED]  
**Sent:** Friday, September 11, 2020 2:07 PM  
**To:** Patricia Salazar <psalazar@malibucity.org>; Richard Mollica <rmollica@malibucity.org>  
**Cc:** Christi Hogin - Office <christi.hogin@bbklaw.com>; Richard Carter [REDACTED]; Jeff Denker [REDACTED]  
**Subject:** 5936 Filaree Hts. - Landscape Limitation Placed on our approval

Hi Patricia,

This letter is in regard to the landscape limitation that the Planning Commission attached to our design approval at the 8/17/2020 hearing.

In Ordinance 450, which I understand to be an amendment to 17.45.150 of the City of Malibu Municipal Code, replacement landscaping in disaster zones is defined as “any proposed landscaping sited in the same location and of the same relative size at maturity as previously existing legal landscaping that was damaged or destroyed by a disaster.”



Although we and the Planning Department agree that we are doing a “like for like plus 10%” rebuild, there was some disagreement among the Commissioners.

We feel it important to point out that the Code here makes no mention of what “type” of rebuild is required in order to be able to replace landscaping at the "same location and same relative size at maturity". Instead, it’s a blanket statement protecting those of us who lost our homes in the disaster. If the City Council were to keep the limitation the Planning Commission attached to our design approval, that would seem to us to both contravene Ordinance 450 and constitute selective enforcement.

With regard to defining “legal landscaping” on our property, 100% of our landscaping of height predated the incorporation of the city which would effectively grandfather our landscape as “legal”.

Thank you,

Jen

Jennifer Denker

**Malibu Beach Real Estate**

Pinnacle Estate Properties- Malibu

m.

e.

w.





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**From:** Stacy Clunies-Ross <[REDACTED]>

**Sent:** Wednesday, November 18, 2020 4:18 PM

**To:** Mikke Pierson <mpierson@malibucity.org>; Skylar Peak <speak@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>

**Cc:** Patricia Salazar <psalazar@malibucity.org>

**Subject:** 5936 Filaree Heights Appeal

Dear City Council members,

Please find attached, a letter regarding an appeal that was supposed to be heard this year. I believe now it will be heard next year. I am hoping that someone will please forward this to all new council members as I do not have their email contacts yet. Thank you.

Stacy Clunies-Ross



Westside Estate Agency

CalBRE#01980245

Realtor®

Cell Phone: [REDACTED]

Email: [REDACTED]

[W](#)



November 18, 2020

Dear members of the City Council,

We are writing to you to object to the approval of the development permit for 5936 Filaree Heights. On January 16<sup>th</sup>, 2020, we wrote a letter of opposition to the city regarding this project. We assumed, that after the planning office received that letter, we would be recognized as an “interested person” and copied on all notices that were sent out going forward. However, we did not receive any notifications regarding this project at all. It was a neighbor who informed us that the project had been approved. We were also confused, that after the letter on January 16<sup>th</sup>, in which we included an invitation to come and view the project from our property when the story poles were first put up, that no one contacted us. Since the proposed structure sits directly in the primary view of our home, we would have thought, that viewing the story poles from this perspective would have been helpful in making a proper evaluation. Unfortunately, our concerns were completely ignored and the project was approved without any input from us or the other neighbors affected.

We lost our home in the Woolsey Fire, as did many neighbors and friends. We are incredibly sympathetic to everyone who lost their homes and are struggling to rebuild. Our intent with these appeals was never to delay the Denker’s rebuild. We believe that everyone should have the opportunity to rebuild their homes in an efficient, expeditious and economical manner. The Denkers have flipped their house 180 degrees and increased the height of a second story master from 18’ to 24’. In a perfect world we would love to have no one in front of us so that we could have unobstructed views. We know that is not realistic, however we would just like our old view restored. Our project is not a fire rebuild. We did lose an existing guesthouse and a barn building, however this new structure (main house) is ground up construction. We started the design process in 2014, and we chose the exact location of the house based on the best view corridor. We were to begin grading the week of the Woolsey fire.

When we objected to the Denker’s new home, the planning commissioners told us that the current ordinance requires a certificate of occupancy before we are able to register for view determination. We find that totally objectionable based on the fact that we had plans and permits approved before the Woolsey fire. But for the fact that our home and the Denkers home burned, we would have been long finished building and had been able to register. The planning commissioners who visited the property before the first appeal agreed that our view was obstructed by the proposed construction. Our home is not in the beginning stages, we are just months away from being finished, and if one visited the property, one would clearly see an actual “home”, not just sticks. We are not asking for primary view corridors to be established over the Denker’s property “that would unfairly limit the size and/or location of the future replacement structures or replacement landscaping damaged or destroyed by a disaster.” We are simply asking that the Denkers position their home on the location where it sat prior to the fire. We would then have our view corridor restored to the original state before the fire. We specifically positioned our new home to look at a view corridor that is now being blocked by the Denker’s proposed construction, which we also strongly contend is not “like-for-like”.



The "like-for-like" provision, which permits residents who lost their homes to the fire to replace the identical structure that was lost (with a potential 10% variance in size around the edges) is a great tool that the city council created to expedite the permitting process and to make the rebuild process run quickly, safely and smoothly. If a resident who lost a home in the fire wants to build a different home (i.e., not the same blueprint as the last home plus 10%), then they are no different than anyone, including us, who wanted to tear down their home and replace it with a new one. We had been in the planning and permitting process for 4 long arduous years prior to the fire. It is clear that the Denkers are not doing a like-for-like rebuild. By allowing the Denkers to do this, the city will establish a precedent that creates a lot of ambiguity in the like-for-like rule and will lead to all sorts of mischief for the hundreds of structures that have not yet been rebuilt.

The Denkers decided to materially alter the structure of their burned home in order to provide themselves with what they believe to be a better view. In doing so, they have impaired our view, which was staked out prior to the Woolsey Fire. We are confident that there is a way for them to build their dream home according the code, as well as show consideration to us and all of the other neighbors who have opposed this project. If the Denkers wish to proceed with their "unlike" for "like" rebuild, they should be required to go through the proper non-expedited process, and we should be provided with our right to contest whatever materially different structure the Denkers might propose. Anything less denies us our rights and is a blatant disregard of the building code.

Sincerely,

Craig and Stacy Clunies-Ross



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**From:** [Patricia Salazar](#)

**Sent:** Wednesday, December 23, 2020 11:30 AM

**To:** [REDACTED]

**Subject:** RE: APRWF 19-060 - 5936 FILAREE HT - 4469-013-023 - CORRESPONDENCE - PUBLIC.pdf

Yes, of course. Thank you for your feedback.

---

**From:** [REDACTED]

**Sent:** Wednesday, December 23, 2020 11:27 AM

**To:** [REDACTED] [REDACTED] [Patricia Salazar](#)

**Subject:** Re: APRWF 19-060 - 5936 FILAREE HT - 4469-013-023 - CORRESPONDENCE - PUBLIC.pdf

Hi Ms Salazar

Stacy Ross E mailed me about the hearing in front of the City Counsel for 5936 Filaree Heights (Denker) on January 25th, 2021

The next door neighbors want to invite the members of the City Counsel to look at the site prior to the hearing.

The Story poles on the property at 5936 Filaree Heights have been blown down in the recent Santa Ana winds and it would make it difficult for the members of the City Counsel to evaluate the site.

Could you please inform the applicants, Jeff and Jenifer Denker to replace



the story poles prior to January 10th so the Counsel can see the view impacts prior to the hearing

BEST REGARDS

TERRY LUCOFF

5938 Filaree Heights

Malibu, Calif 90265

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

From: Stacy Clunies-Ross <[REDACTED]>

To: Terry Lucoff <[REDACTED]>; Robert Brinkmann <[REDACTED]>

Sent: Tue, Dec 22, 2020 11:11 am

Subject: APRWF 19-060 - 5936 FILAREE HT - 4469-013-023 - CORRESPONDENCE - PUBLIC.pdf

I just received a letter from Patricia Salazar saying that they are drafting the appeal for the City Council meeting on January 25. I have submitted this letter. I'm not sure if you guys have submitted anything yet. You may want to contact Patricia Salazar with any information regarding the appeal.

Stacy Clunies-Ross

CalBRE#01980245

Westside Estate Agency

Realtor

[REDACTED]