



# Council Agenda Report

To: Mayor Farrer and Honorable Members of the City Council

Prepared by: Adrian Fernandez, Principal Planner

Reviewed by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: May 20, 2020 Meeting Date: June 8, 2020

Subject: Appeal No. 19-007 - Appeal of Planning Commission Resolution No. 19-20 (21490 Paseo Portola Street; Appellants: James E. Moore, Tracy E. Moore and Rody Castroll; Applicant: Jose Fulginiti; Property Owners: Richard K. Perrin)

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**RECOMMENDED ACTION:** Adopt Resolution No. 20-23 (Attachment A), determining the project is categorically exempt from the California Environmental Quality Act (CEQA), denying Appeal No. 19-007 (Attachment B) and approving Coastal Development Permit (CDP) No. 16-038 for the construction of a new 2,963 square foot, two-story single-family residence with a 434 square foot attached two-car garage, spa and associated equipment, decks, pile-supported retaining wall, landscaping, hardscaping, grading, and construction of a new alternative onsite wastewater treatment system (AOWTS), including Variance (VAR) No. 16-017 for construction on slopes steeper than 1.5 to 1 and VAR No. 18-045 for height of retaining wall in excess of six feet for up to nine feet located in the Single-Family Medium (SFM) zoning district within the La Costa Overlay District at 21490 Paseo Portola Street (Perrin).

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

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

**DISCUSSION:** The matter is an appeal of the Planning Commission's approval of CDP No. 16-038, VAR Nos. 16-017 and 18-045, an application to construct a new two-story, single-family residence and other associated development on a lot that contains foundation remnants of a house destroyed by fire in the 1990s (Attachment C – Project Plans). At the September 3, 2019 Planning Commission meeting, the Commission approved the proposed project and adopted Planning Commission Resolution No. 19-20.

The appellants, Mr. and Mrs. Moore and Ms. Castroll, appealed the Planning Commission's decision to approve the project. Mr. and Mrs. Moore own the residence immediately to the east (21484 Paseo Portola Street) and Ms. Castroll owns the residence immediately to the south (21513 Pacific Coast Highway) of the subject parcel.

**Figure 1 - Aerial Photograph**



Source: GovClarity, 2020

This agenda report sets forth grounds for denying the appeal and approving the project as approved by the Planning Commission. At its September 3, 2019 meeting, the Planning Commission considered concerns regarding the residence's proximity to the westerly ravine, potential visual impacts related to the south-facing retaining wall, and the parcel's geotechnical conditions. These three issues and other concerns were listed by the appellants as items the Planning Commission failed to address and are more fully discussed later in the *Appeal to the City Council* section.

At the Planning Commission meeting staff detailed that the residence was sited on slopes flatter than 1.5 to 1 in conformance with the La Costa Overlay District, except the on-grade steps and related retaining wall were sited on slopes steeper than 1.5 to 1 (used to meet Fire Department requirements). Since the meeting, the applicant has revised the plans to



remove a retaining wall along the westerly property line sited on slopes steeper than 1.5 to 1 and instead placed the steps needed to comply with the required Fire Department walkway on grade. Although a variance for construction on steep slopes is not needed for the steps on grade, a variance for construction on steep slopes is still needed for the retaining wall.

In response to a condition of approval added by the Planning Commission, the applicant revised the landscaping plans to include five-gallon California honeysuckle vines just south of the proposed retaining wall. The vines are expected to grow on the retaining wall to further visually screen it from Pacific Coast Highway. It should also be noted that at the Planning Commission meeting the project geotechnical engineer addressed the geotechnical issues raised by this appeal, and demonstrated why additional changes to the project were not required and that the design and piles used for the project were fulsome and more than sufficient to meet the City's geotechnical requirements.

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

The appellants contend that the findings or conditions are not supported by the evidence, or decision is not supported by the findings, there was a lack of fair or impartial hearing and the decision was contrary to law. Specifically, the appellants contend that the Planning Commission failed to address: 1) geotechnical indemnification to surrounding property owners, 2) elimination of variances with a smaller residence, 3) proximity to the westerly ravine, 4) non-compliant fire access, 5) non-compliant steepness of drip field area, 6) visual impacts from the south-facing retaining wall, 7) depth of pilings supporting the retaining wall, 8) after-the-fact approved grading, 9) outdated posting sign, 10) unfair burden on surrounding properties due to the site's geotechnical conditions, and 11) lack of a fair or impartial hearing based on conversations with a member of the Planning Commission.

The appellants' specific arguments are summarized below in *italics* using phrases taken from the appeal. The full text of the appeal document can be found in Attachment B. Following each statement is staff's response. The Commission Agenda Report is included as Attachment D, and includes a complete overview of the surrounding area, project conformance with the Local Coastal Program (LCP) and Malibu Municipal Code (MMC), including the La Costa Overlay District standards, and a discussion of all findings required to approve the application. The adopted Planning Commission Resolution No. 19-20 is included as Attachment E.

***Appeal Item 1. Surrounding properties should also be provided with indemnification from the property owners, especially given the geological sensitivities and controversial nature of the subject lot with the development still opposed by many neighbors.***

## Staff Response

The subject property is underlain by materials interpreted to be remnants of a prehistoric landslide; however, as stated in Section H, Finding 1 of the Commission Agenda Report dated September 3, 2019, the proposed project, as proposed and with implementation of the project geotechnical engineer's recommendations, will not be subject to increased geologic, flood, or fire hazards due to project design, location or any other reasons nor will the proposed project increase instability of the site or decrease the site's structural integrity. Potential issues related to construction are covered by the contractor's liability insurance or property insurance and are resolved civilly by the affected parties. The City is not responsible or liable for enforcing private property damages, nor would it be appropriate for the City to broker such agreement between private parties.

***Appeal Items 2, 3 and 4 are listed by the appellant as findings that are not supported by substantial evidence.***

***Appeal Item 2.*** *The appeal item references Page 6 of Planning Commission Resolution No. 19-20, Condition No. 2(b) and Findings 1, 3 and 4 of Section A and mentions the following.*

- a. The proposed Total Development Square Footage (TDSF) of 3,397 square feet is consistent with the La Costa Overlay District; however, two variances are required to achieve this size when the original residence was only 2,000 square feet including garage.*
- b. The appellants believe the sole purpose of the additional square footage is to increase the value of the proposed house instead of maintaining consistency with neighboring properties. No plans were submitted to build a smaller structure that would not require any variances.*
- c. The proposed residence extends well beyond the original footprint and dangerously into the arroyo descending from the Calle del Barco landslide. Planning staff incorrectly implied that the proposed structure was virtually within the footprint of the original structure.*
- d. The applicant did not adequately address whether a five-foot wide walkway is provided to comply with the Fire Department requirements.*

## Staff Response

- a,b. The appellants contend that the two variances are necessary due to the size of the proposed residence. The two requested variances are for 1) construction of a retaining wall on slopes steeper than 1.5 to 1; and 2) height of a retaining wall in excess of six feet. However, both variances are related to the siting and design of the septic system's micro-dosed subsurface drip field and a retaining wall is



necessary to achieve the minimum required factors of safety for slope stability. Due to the landslide conditions, a house of any size on this property will require a septic system that would expand beyond the existing building pad onto slopes equal to or steeper than 1.5 to 1 because of the micro-dosing drainfield needed. This type of system is specified for landslide areas because it minimizes the amount of moisture entering the soils, which minimizes adverse slope stability effects. The project geotechnical engineer recommended a pile-supported retaining wall for the septic system and pile foundation for the residence in order to protect the subject property and neighboring properties from slope failure by stabilizing the hillside. Therefore, the variance for the construction of a retaining wall on steep slopes could not be avoided.

Pursuant to the Malibu Plumbing Code (MPC), the typical required setback between a drip field and retaining wall is 15 feet, and between a treatment tank and residence is five feet. The MPC allows for reduced setbacks provided a registered geologist states in writing that the stability of the slope will not be compromised by a reduced setback. The proposed setback between subsurface drip disposal field and the proposed retaining wall will be a minimum of eight feet, and the proposed setback between the treatment tank and the residence will be 16 inches. The project geotechnical engineer stated in writing that the reduced setbacks are acceptable because the proposed residence and retaining wall will be supported on a deepened pile foundation system founded into bedrock, and the retaining wall will be designed to withstand hydro-static pressure. The project geotechnical engineer concluded that the reduced setbacks will not result in an adverse impact on the proposed AOWTS, residence or retaining wall, or any surrounding properties, provided all geotechnical recommendations and those of the project civil/structural engineer are implemented during design and construction.

Given the high absorption rate from all the test pits completed during the wastewater feasibility study, the project septic system designer conservatively designed the drip field system to an area large enough that the loading rate is less than 1/10<sup>th</sup> the loading rate needed to meet the factor of safety. Although it may be technically possible to reduce the size of the drip field area which in turn would either reduce the height of the retaining wall or increase already reduced setbacks, this would also increase the absorption rate and decrease the factor of safety. A smaller residence would not eliminate the need for variances for construction on steep slopes and for a retaining wall over six feet in height.

- c,d. The proposed footprint expands toward the west compared to the original residence destroyed by fire. The proposed footprint is located within slopes flatter than 1.5 to 1 consistent with the applicable Overlay District standards. The Fire Department-required five-foot walkway around the residence extended beyond the footprint to the west on slopes steeper than 1.5 to 1. Since the Planning Commission meeting, the applicant has revised the plans to remove a retaining wall along the westerly property line sited on slopes steeper than 1.5 to 1 and

instead placed the steps needed to comply with the required Fire Department walkway on grade. The revised plans (included as Attachment 3) show the on grade steps in compliance with Fire Department requirement for access around the building and all applicable zoning and development standards. Appellants have not presented any evidence to dispute the geotechnical reports supporting the project, nor have they presented evidence that the design is “dangerous.” Assertions without evidence cannot be used as a basis to deny a project or dispute evidence supporting approval of a project.

**Appeal Item 3.** *The appeal item references Page 6 of Planning Commission Resolution No. 19-20, Condition No. 2(i) stating VAR No. 16-017 for construction on slopes steeper than 1.5 to 1 and Findings 1 and 2 of Section B and states the following:*

*MMC Section 17.42.020(B)(8) of the Overlay District section restricts as follows: “Site of Construction. Structures may be constructed on slopes flatter than 1.5:1.” MMC Section 15.42.130 allows for subsurface drip dispersal, only in “Areas with ground slopes between thirty (30) to forty-five (45) percent.” The drip field on a 2 to 1 slope is on slopes steeper than allowed and is unusual and potentially dangerous to have a micro-dosing system drip field on slopes greater than 3 to 1. The drip field is on a prehistoric landslide with subsurface debris. The appellants disagree with the statement that, “... the project will not result in adverse environmental impacts.” The risks seem great to the neighborhood should there be erosion and surface creep, for instance, from offshore breezes or a settlement of the slide. The appellants also disagree that “...the granting of the variance will not constitute a special privilege to the applicant or property owner.” This variance requires the second variance — VAR No. 18-015.*

*Additionally, many neighbors are concerned about potential odor and health factors from the drip field. A smaller structure would substantially lessen any potential significant adverse impacts of the development on the environment. It is acknowledged that a minor amount of effluent may move vertically downward into the subsurface during various periods of limited sunlight, cold temperatures, and during periods of precipitation. This minor amount of effluent is anticipated to move vertically downward through the subsurface to the groundwater interface. Why was a smaller structure not proposed to potentially eliminate these concerns?*

### Staff Response

Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 18.7 and MMC Section 15.40.040(F), the proposed onsite wastewater treatment system is an alternative system, which permits deviations from a standard system. Alternative systems are used on parcels where site and soil conditions will not support a standard system and are characterized as having increased (i.e., more stringent) design and performance criteria. Alternative systems can be used if the applicant can demonstrate to the City Environmental Health Administrator that it will produce continuous and long-range results equivalent to, and not less than, those from standard



systems based on extensive field and test data as necessary to provide the required assurance.

As an alternative system, the drip field area consists of a 50 percent (2 to 1) slope which is five percent steeper than the maximum required for a standard system. The project geotechnical engineer indicated that a subsurface drip field was recommended and concluded it would be safe on 2 to 1 slopes provided the area was protected with a pile-supported retaining wall designed for withstanding hydro-static pressure. The alternative to this design would be a standard septic system that would have substantially more effluent filtering into the ground, a flatter drip field area with a higher retaining wall or smaller drip field which would increase absorption rate and decrease the factor of safety.

The proposed residence has been designed as a split-level with four bedrooms. A single-story, 2,000 square foot residence (including garage) would occupy about the same footprint as the proposed residence and can accommodate the same number of bedrooms. As the estimated wastewater flow demand is calculated based on number of bedrooms or plumbing fixtures (whichever is more restrictive), a smaller residence would not necessarily constitute a smaller footprint or smaller drip field.

As the effluent will receive secondary and tertiary treatment prior to its gradual release into the drip field, such system is not expected to have an increase in objectionable odor or health factors compared to standard systems. Tertiary treatment is the highest level of treatment residential systems provide.

Furthermore, the proposed residence complies with all applicable development standards and is similar in size to other surrounding residences and consistent with the overlay zone. A smaller residence would deprive the property owner of privileges enjoyed by others. The variances are required to increase slope stability while the micro-dose drip field serves an advanced system that substantially eliminates effluent from percolating into the ground. The proposed micro-dose drip field is conservatively designed to accept only up to 1/10<sup>th</sup> of the site's absorption rate. As stated previously, the size of the proposed drip field area was determined based on the amount of effluent generated from the residence's wastewater flow in compliance with the minimum required factors of safety for slope stability.

***Appeal Item 4.*** *The appeal item references Page 6 of Planning Commission Resolution No. 19-20, Condition No. 2(j) stating VAR No. 18-045 for retaining wall in excess of six feet in height for up to nine feet and Findings 1 through 4, 8 and 9 of Section C and states the following:*

- a. A variance is requested for height of a retaining wall in excess of six feet for a height up to nine feet. The height of this retaining wall was misrepresented at the initial Planning Commission meeting on April 1, 2019 as not exceeding an overall height of six feet.*

- b. This variance would permit a massive, unattractive, u-shaped retaining wall with no relief and highly visible from the Pacific Coast Highway (PCH) scenic view corridor seen by numerous drivers traveling along this corridor. The height of the wall will affect public interest and the appellants disagree with staff that no visual impacts are anticipated as a result of the proposed nine-foot in height retaining wall and that it would not have significant adverse scenic or visual impacts.*
- c. Although the wall will be partially obscured because it would be behind existing development and vegetation, the wall will still be visible from various angles along PCH especially traveling eastbound. The existing tree in front of the wall may not always be there.*
- d. The proposed wall would tower over neighboring houses immediately to the south. It would be like a freeway off-ramp in the backyards of those neighbors. The appellant would prefer two, six-foot in height retaining walls instead of the proposed retaining wall. This would arguably mitigate, at least somewhat, the unattractive view from PCH and fit better into the character and fabric of the neighborhood.*
- e. Should a smaller residence be proposed, it could result in a compliant retaining wall or no retaining wall at all. We believe this constitutes a special privilege being afforded to the applicant.*
- f. An updated landscaping plan should have been presented at the last Planning Commission meeting particularly related to the retaining wall. The Planning Commission added a condition of approval to landscape the wall but no plans showing compliance with this condition have been provided.*
- g. The applicant team stated that a single compliant retaining wall would leave no room for a dispersal field. However, a compliant retaining wall, or no retaining wall at all, was not presented for a smaller structure.*
- h. One of the Planning Commissioners raised the issue at the last meeting that retaining walls cannot extend beyond 25 feet in length at which point the wall must be staggered with vertical cuts. The Planning Commission did not make this a condition of approval and, therefore, we believe this constitutes yet another special privilege to the applicant or property owner.*
- i. The depth of the pilings that would support the retaining wall cannot be determined in advance. Depth can only be projected, yet the applicant is on record that the foundation system is expected to be deep. One of the Planning Commissioners stated that pilings too long can bend like straws adversely affecting the integrity of the wall and therefore the project. Should there be a condition that pilings too long would not be allowed for the retaining wall? A retaining wall did collapse on Hume Road last year located similarly to the wall in this project being toward the bottom of the lot; however, we cannot determine reasons for its collapse.*



## Staff Response

- a. As discussed above in *Staff Response Nos. 1-3*, a pile-supported retaining wall on steep slopes is necessary to protect a septic system of any size. The code permits a height of up to six feet for retaining walls. Most of the retaining wall complies with the maximum height limit. However, a segment of the wall approximately 55 feet in length exceeds six feet and reaches a maximum height of nine feet including a foot of freeboard<sup>1</sup>. Prior to the last Planning Commission meeting, the height of the retaining wall was thought to be six feet in height because it was incorrectly dimensioned on the plans as a measurement from the top of the piles and grade beams to the top of finished surface at the top of wall. However, the code requires that the wall be measured from lower ground level to the top of freeboard. The proposed wall includes a one-foot tall freeboard to reduce top soil erosion over the wall. The error in how the retaining wall was measured was uncovered prior to the last Planning Commission meeting and the Commission approved the project with a variance for the correct height of retaining wall.
- b. The height of wall is controlled by the project geotechnical consultant's recommended 2 to 1 slope for the drip field area as well as the size of the drip field area for compliance with the absorption rate for an acceptable factor of safety. A two-tier retaining wall was also considered by the Planning Commission as an alternative option. However, this option would require two, six-foot tall retaining walls, which will not significantly improve potential visual impacts but would have a substantial increase in construction cost as each wall would be required to be pile-supported embedded into bedrock.
- c,d,f. The segment of the retaining wall in excess of six feet in height is located behind an existing mature tree which helps visually obstruct this portion of the wall from PCH as shown in Figure 2 below. The appellants state that the wall will be visible from various angles along PCH and the existing tree may be removed or trimmed at a later time. While it is true that the segment of the wall over six feet in height will be visible from various other angles along PCH, the wall is compatible with the surrounding built environment and a condition of approval was added by the Planning Commission to plant and maintain a vertical living wall or other similar landscaping along the south face of the retaining wall to help visually screen the wall from PCH. With this condition of approval, the proposed retaining wall will not rely solely on the existing mature tree as the required vegetation will further reduce the wall's potential visual impacts to less than significant.

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<sup>1</sup> Freeboard is the topmost portion of a retaining wall above the soil line used to extend the drainage swale or prevent debris from overtopping the wall.

Figure 2 – Site Photograph



Source: Site Photograph taken on February 12, 2019

- e.g. As discussed above in *Staff Response Nos. 2(a-b) and 3*, a house of any size will require a pile-supported retaining wall to protect a drip field area and a smaller house would not necessarily mean a smaller drip field area as a smaller house can still have the same wastewater flow. Additionally, the drip field area is proposed to have a reduced setback to the retaining wall and a smaller drip field area, which would increase the dosing rate, would decrease the achievable factor of safety.
- h. The section quoted by the appellants from the La Costa Overlay District was intended to apply to the walls of buildings, not retaining walls, as it replaces a section in the Residential Structure Size of the Residential Development Standards in the MMC. The subtitle in the La Costa Overlay District for the replaced section [MMC Section 17.42.20((B)(2) and LIP Section 3.4.1((B)(2)] is “Multi-Story Floor Area”. The same section that provides restrictions to “flat wall facades” continues to state, “(excluding gable ends) without a minimum four-foot offset. Balconies which project from continuous flat wall facades shall not be considered offsets.” Based on the context of this code requirement, it is staff’s opinion that it was meant to provide visual relief from blank, unadorned building facades facing downslope and was not meant to apply to a freestanding wall such as a retaining wall or perimeter walls. However, if the Council chooses to apply this provision to the retaining wall the retaining wall could be designed to be offset but it would result in a taller wall. This is because the wall is already designed to have a reduced setback from the drip field, which means an offset



would require a portion of the retaining wall to extend further down the slope, making it taller.

- i. Engineering judgment is typically used to determine the depth of borings for geotechnical reports and often the bottom of borings does not reach bedrock. In this case, the exploratory test borings and test pits were excavated to a depth of approximately 60 feet below the existing grade. In the most western portion of the subject parcel and below the landslide debris (which is approximately 40 feet deep), sedimentary bedrock with intrusive bedrock were observed. The project geotechnical consultant recommended that the foundation for the proposed residence and retaining wall be comprised of friction piles tied together with structural grade beams. The friction piles are to be a minimum of 24 inches in diameter and founded a minimum of 10 feet into the sedimentary bedrock, or to a depth as specified by the project civil/structural engineer, whichever is deeper. City geotechnical staff, the City's experts, and project geotechnical engineers are satisfied that the recommended depth of proposed friction piles will meet all requirements and no additional conditions are required.

***Appeal Item 5. There was a lack of fair or impartial hearing.***

*In a telephone conversation I had with one of the Planning Commissioners prior to the last Planning Commission meeting, he commented that it is unusual for the Planning Commission meetings to go beyond a second meeting, and that he was uncomfortable with this project going beyond a second meeting. Shortly after a Planning Commission decision on this item and while the meeting was on a break, the same Commissioner who mentioned that he decided to vote in favor of the project as one of the Commissioners was absent from the meeting and, if he voted against the project, it would have resulted in a 2-2 tie possibly resulting in a third meeting. This position regarding his vote respectfully lacks due process in our opinions especially for such a controversial project.*

**Staff Response**

The appellants have not provided substantial evidence that would show a lack of a fair or impartial hearing. The appellants alleged statement from one of the Planning Commissioners does not demonstrate a bias or conflict of interest. The appellants have not identified the Commissioner who made the alleged statements, nor does the alleged statement show bias in favor of the project or against the appellants. The appellants does not allege that the Commissioner in question ever stated he could not make the findings required, but only that had he voted against the project a third meeting would have been required—which is a fact. The appellants do not allege the process itself was flawed or that the appellants were denied notice and the opportunity to present and be heard on the appellants' objections to the project. In addition, any bias or improper action by the Commissioner in question will be cured by the decision of the City Council. The City Council reviews this project de novo and is not bound by the Planning Commission's decision nor required to give it deference.

***Appellant Item 6. The Decision was contrary to law.***

- a. In March 2015, the applicant, a licensed civil engineer in California, significantly graded the lot without a permit and the City subsequently issued a Stop Work Notice. The City required that the lot be restored to its original condition, however, we question if that could have been adequately accomplished. After such significant grading, can natural grade really be determined?*
- b. A new onsite posting sign for the revised plans replaced the old sign on February 5, 2019. It is not clear whether the neighbors were lawfully notified of the proposed changes to these plans.*
- c. In summary, the subject lot is geologically difficult and the applicant knew that going in. The applicant knew of these conditions prior to the purchase of the property. It does not seem reasonable, nor fair, that our neighborhood should inherit the issues related to its difficult conditions.*

**Staff Response**

- a. The City issued a geotechnical exploratory permit for drilling test pits on the subject parcel. Outside the scope of this permit, the applicant graded a temporary dirt driveway to provide access to the drilling rig just below the remnant foundation. Code Enforcement issued a Stop Work Notice since grading for the temporary driveway was not permitted. The City issued an after-the-fact grading permit for restoration of the slope. A building inspector inspected the work and finalized the permit. The slope was restored to match the surrounding topography which resulted primarily in slopes steeper than 1.5 to 1. The restored grading is located entirely within the proposed development and drip area. If the proposed project is approved, the restored area will be regraded and recompact to meet the specifications of the project geotechnical engineer.
- b. Staff provided an updated onsite posting sign to reflect the list of discretionary requests because one of the variances previously requested was eliminated. This variance was for the building's 40-foot lateral projection above 18 feet in height measured from the edge of the building instead of the property line and was eliminated after the first hearing. The variance number was then reassigned to the variance to allow the height of the retaining wall to exceed six feet. The posted project description and information on the sign was correct. Additionally, an up to date public hearing notice was mailed to all property owners and occupants within 500-feet of the subject parcel and was published in a local newspaper more than 21 days in advance of the hearing. Therefore, the sign was proper and the neighbors were lawfully notified of the project and hearings.
- c. As stated previously, the project geotechnical engineer determined that the project, as designed and with the incorporation of the geotechnical recommendations, will not adversely affect neighboring properties. The underlying ancient landslide

encompasses a larger area than the subject property and City LCP standards as well as building code standards require that projects be designed to ensure no adverse impacts to surrounding properties occur from the development. The project has been designed and conditioned in accordance with these requirements. In fact, the substantial stabilizing piles and engineering to be installed on the site will likely improve the stability of the neighborhood rather than negatively impact it.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) and (e) - New Construction. 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).

SUMMARY: The analysis and findings upon which the Planning Commission based its decision to approve CDP No. 16-038, and VAR Nos. 16-017 and 18-045 are based on substantial evidence, and the issues raised by the appellants were considered prior to the decision. The appellants have not provided substantial evidence that the decision was an abuse of discretion, or contrary to law, or that there was a lack of a fair and impartial hearing. Substantial evidence in the record supports the findings and conditions for approval of CDP No. 16-017 and the two variance requests, and the findings support the decision.

Based on the record as a whole, including but not limited to all written and oral testimony offered in connection with this matter, staff recommends that the City Council adopt Resolution No. 20-23, denying AP No. 19-007 and approving CDP No. 16-038, and VAR Nos. 16-017 and 18-045.

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

PUBLIC NOTICE: On May 14, 2020, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and a public notice was mailed to the owners and occupants of all properties within a radius of 500 feet of the subject property (Attachment H).

ATTACHMENTS:

- A. Resolution No. 20-23
- B. Appeal No. 19-007
- C. Project Plans
- D. September 3, 2019 Planning Commission Agenda Report
  - 1. Planning Commission Resolution No. 19-20
  - 2. Revised Project Plans

- 3. Surrounding Residences
- 4. Department Review Sheets
- 5. Story Pole Photographs
- 6. Public Correspondence
- 7. 500-Foot Radius Map
- 8. Public Hearing Notice
- E. Planning Commission Resolution No. 19-20
- F. Public Hearing Notice



## RESOLUTION NO. 20-23

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. 19-007 AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 16-038 FOR THE CONSTRUCTION OF A NEW 2,963 SQUARE FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE WITH A 434 SQUARE FOOT ATTACHED TWO-CAR GARAGE, SPA AND ASSOCIATED EQUIPMENT, DECKS, PILE-SUPPORTED RETAINING WALL, LANDSCAPING, HARDSCAPING, GRADING, AND CONSTRUCTION OF A NEW ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING VARIANCE NO. 16-017 FOR CONSTRUCTION ON SLOPES STEEPER THAN 1.5 TO 1 AND VARIANCE NO. 18-045 FOR HEIGHT OF A RETAINING WALL IN EXCESS OF SIX FEET FOR UP TO NINE FEET LOCATED IN THE SINGLE-FAMILY MEDIUM ZONING DISTRICT WITHIN THE LA COSTA OVERLAY DISTRICT AT 21490 PASEO PORTOLA STREET (PERRIN)

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

### SECTION 1. Recitals.

A. On June 21, 2016, an application for Coastal Development Permit (CDP) No. 16-038 was submitted to the Planning Department by Jose Fulginiti on behalf of property owner, Richard K. Perrin. The application was routed to the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) for review.

B. On July 21, 2017, Planning Department staff conducted a site visit to document site conditions and surrounding area.

C. On June 8, 2018, a Notice of Coastal Development Permit Application was posted on the subject property.

D. On January 15, 2019, the CDP application was deemed complete for processing.

E. On February 5, 2019, an updated Notice of Coastal Development Permit Application was re-posted on the subject property.

F. On February 19, 2019, Planning Department staff conducted a site visit to document story pole installation, site conditions, and surrounding area.

G. On March 7, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

H. On April 1, 2019, the Planning Commission held a public hearing on the subject item and continued the item to a date uncertain to permit the applicant additional time to revise the plans to avoid a variance to exceed the required 40-foot lateral project with portions of the residence over 18 feet in height.

I. On July 12, 2019, staff conducted a story pole inspection after story poles reflecting the revised project plans were erected.

J. On July 25, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

K. On August 19, 2019, the Planning Commission continued the item to the September 3, 2019 Planning Commission meeting.

L. On September 3, 2019, 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 Commission adopted Planning Commission Resolution No. 19-20 to approve the project, subject to conditions.

M. On September 24, 2019, Mr. James E. Moore, Mrs. Tracy E. Moore and Ms. Rody Castroll, the appellants, filed an appeal to Planning Commission's decision.

N. On May 14, 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.

O. On June 8, 2020, the City Council held a duly noticed public hearing on the subject appeal, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

## SECTION 2. Appeal of Action.

The appeal filed by the appellants contends that the findings or conditions are not supported by the evidence, or decision is not supported by the findings, there was a lack of fair or impartial hearing and the decision was contrary to law. In the associated Council agenda report, Planning Department staff analyzed and addressed appellants' contentions.

## SECTION 3. Findings for Denying the Appeal.

Based on evidence in the record and in the Council agenda report for the subject project, the City Council hereby makes the following findings of fact denying the appeal and finds that substantial evidence in the record supports the required findings for approval of the project, and the findings support the decision. In addition, the analysis, findings of fact, and conclusions set forth by staff in the agenda report and Planning Commission staff report, as well as the testimony and materials considered by the Planning Commission and City Council are incorporated herein as though fully set forth.

In regard to the specific grounds for appeal, the appellants contend that the findings or conditions are not supported by the evidence, the Planning Commission decision was not supported by the findings, there was a lack of fair or impartial hearing and the decision was contrary to law. 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. In summary:

- (1) The appellants contend the applicant should have been required to indemnify neighboring property owners does not provide a ground for denial of the project, and would not be appropriate for the City to impose. In addition, evidence in the record shows that with the implementation of the geotechnical engineer's recommendations the proposed project will not increase instability of the site or decrease the site's structural integrity.
- (2) The appellants contend that the two variances are necessary due to the size of the proposed residence and a smaller residence would eliminate the need for variances. Evidence in the record demonstrates that the variances are related to the siting and design of the septic system's micro-dosed subsurface drip field to achieve the minimum required factors of safety for slope stability, which are not related to the size of the proposed residence.
- (3) The appellants contend that the proposed development expands near the westerly ravine. The proposed footprint expands toward the west compared to the original residence destroyed by fire. However, evidence in the record demonstrates that the proposed footprint is located within slopes flatter than 1.5 to 1, which is consistent with the applicable La Costa Overlay District standards.
- (4) The appellants contend that the proposed project does not comply with the Los Angeles County Fire Department (LACFD) five-foot wide walkway requirement. The applicant revised the walkway along the west to place the steps on grade thereby eliminating the need for a retaining wall. The applicant also provided a site plan showing the five-foot wide access around the residence in compliance with the LACFD. The applicant has also provided an LACFD Review Sheet approved by the LACFD.
- (5) The appellants contend that the drip field does not comply with the standard requirement for subsurface drip dispersal in areas with slopes between 30 and 45 percent. The proposed onsite wastewater treatment system is an alternative system, which permits deviations from a standard system. Alternative systems are used on parcels where site and soil conditions will not support a standard system and are characterized as having increased (i.e., more stringent) design and performance criteria. Evidence in the record demonstrates the proposed drip field meets the standards for an alternative system.
- (6) The appellants contend that the portion over six feet in height of the south-facing retaining wall results in an adverse visual impact from PCH. The segment of the retaining wall in excess of six feet in height is located behind an existing mature tree which helps visually obstruct this portion of the wall. Even though the retaining wall will be visible from other angles along PCH and the existing tree may be removed or trimmed in the future, the wall is compatible with the surrounding built environment and a condition of approval was added by the Planning Commission to plant and maintain a vertical living wall or other similar landscaping along the south face of the retaining wall to help visually screen the wall from PCH.
- (7) The appellants contend that the depth of pilings supporting the retaining wall was not determined in advance and pilings that are too long may fail. City geotechnical staff, the City's experts, and project geotechnical engineers are satisfied that the recommended depth of proposed friction piles will meet all requirements and no additional conditions are required.
- (8) The appellants contend that the after-the-fact approved grading was not restored to pre-existing condition. Evidence in the record demonstrates the slope was restored to match pre-existing conditions. The restored grading is located entirely within the proposed development and drip area. If the proposed project is approved, the restored area will be regraded and recompacted to meet the specifications of the project geotechnical engineer.

(9) The appellants contend that the onsite posting sign was outdated. Evidence in the record demonstrates the posting sign was proper and the neighbors were lawfully notified of the project and hearings.

(10) The appellants contend that the proposed project is an unfair burden on surrounding properties due to the site's geotechnical conditions. The project geotechnical engineer determined that the project, as designed and with the incorporation of the geotechnical recommendations, will not adversely affect neighboring properties. The underlying ancient landslide encompasses a larger area than the subject property and City LCP standards as well as building code standards require that projects be designed to ensure no adverse impacts to surrounding properties occur from the development. The project has been designed and conditioned in accordance with these requirements. In fact, the substantial stabilizing piles and engineering to be installed on the site will likely improve the stability of the neighborhood rather than negatively impact it.

(11) The appellants contend that there was a lack of a fair or impartial hearing based on conversations with a member of the Planning Commission. Evidence in the record demonstrates the appellants have not provided substantial evidence that would show a lack of a fair or impartial hearing.

In summary, potential issues related to construction are resolved civilly by the affected parties and the City is not responsible or liable for enforcing private property damages. As discussed in the City Council agenda report, a variance for construction on steep slopes cannot be avoided and a smaller house does not necessarily mean a shorter retaining wall. Furthermore, the drip field is designed to have a reduced setback to the retaining wall and the house is designed to comply with all applicable development standards and is similar in size to many other homes on the same street. The house is sited outside of slopes equal to or steeper than 1.5 to 1 and the plans have been revised to remove a retaining wall along the westerly property line and instead placed the Fire Department-compliant walkway steps on grade.

The proposed septic system is an alternative system, which permits deviations from a standard system when the applicant demonstrates to the City Environmental Health Administrator that the system can produce continuous and long-range result based on extensive field and test data. The increase in the steepness of slope for the proposed drip field area was acceptable to the project geotechnical engineer and approved by City staff as its micro-dosing capability minimizes the amount of effluent into a landslide area. The proposed retaining wall has been conditioned to be landscaped and a two-tier retaining wall is not expected to be a significant visual improvement over the proposed design. The project geotechnical engineer recommends that the depth of the friction piles to reach a minimum of 10 feet into the sedimentary bedrock, or deeper if specified by the project civil/structure engineer. As recommended, the project geotechnical engineer determined that the project will not adversely affect neighboring properties.

The after-the-fact approved grading has been resolved with restorative grading inspected and signed off by City of Malibu Building inspection staff. Soil compaction will be addressed as the area will be recompacted to accommodate the drip field area above it.

The posting sign was updated and replaced prior to the final Planning Commission meeting and the neighbors were properly notified as a public hearing notice was mailed to all property owners and occupants within 500 feet of the subject parcel. The underlying ancient landslide encompasses a larger area than the subject property and City LCP standards as well as building code standards require that projects be designed to ensure no adverse impacts to surrounding properties occur from

the development. The project has been designed and conditioned in accordance with these requirements. The Planning Commission hearing was properly noticed and the appellants did not provide any substantial evidence demonstrating a bias or unfair hearing.

In conclusion, the appellants have not provided evidence that the findings or conditions are not supported by the evidence, or decision is not supported by the findings, there was a lack of fair or impartial hearing and the decision was contrary to law. As discussed in this resolution, the Planning Commission resolution, the agenda reports and the record, the decision is consistent with the Malibu Municipal Code (MMC) and LCP standards and is not contrary to law. Further, evidence in the record supports the findings required for the project, as discussed below.

#### SECTION 4. Environmental Review.

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

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

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the City Council adopts the analysis in the agenda reports, incorporated herein, the findings of fact below, and approves CDP No. 16-038 to construct a new 2,963 square foot, two-story single-family residence, with a 434 square foot attached two-car garage, spa and associated equipment, decks, pile-supported retaining wall, landscaping, hardscaping, grading, and construction of a new alternative onsite wastewater treatment system (AOWTS), including Variance (VAR) No. 16-017 for construction on slopes steeper than 1.5 to 1 and VAR No. 18-045 for height of a retaining wall in excess of six feet for up to nine feet located within the Single-Family Medium Density (SFM) zoning district within the La Costa Overlay District at 21490 Paseo Portola Street.

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

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

1. The project is located in the SFM residential zoning district within the La Costa Overlay District, which is an area designated for residential uses. The project has been reviewed and approved for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, WD29, and the LACFD. As discussed herein, based on submitted reports, project plans, visual analysis, and detailed site investigation, the proposed project with the inclusion of the variances, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

2. Evidence in the record demonstrates that, as conditioned, the project will not result in adverse environmental impacts. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment. Therefore, the project will not result in potentially significant adverse impacts on the physical environment and is the least environmentally damage alternative.

**B. Variance Findings for Construction on Steep Slopes (LIP Section 13.26)**

VAR No. 16-017 from the development standards contained in LIP Section 3.4.1(B)(6) will allow for construction of pile-supported retaining wall and Fire Department-compliant walkway steps on slopes steeper than 1.5 to 1.

1. Exceptional characteristics exist on the subject property that limit the size and location of the proposed development on the subject property. The site contains steep descending slopes and a prehistoric landslide has been mapped on the site. The proposed construction on steep slopes includes only those improvements associated with the slope stability, including the pile-supported retaining wall designed by the consulting geotechnical engineer to protect against erosion and slope failure, and steps to comply with Fire Department requirements. Development on steep slopes are unavoidable in that the subject site and nearby residence are characterized by steep slopes and adjacent properties exhibit development on slopes steeper than 1.5 to 1. Therefore, strict application of the code would deprive the property owner of the ability to develop the property in a manner similar to neighboring properties.

2. The proposed variance will allow for the installation of a pile-supported retaining wall and on-grade steps on slopes steeper than 1.5 to 1. The granting of the proposed variance will substantially improve the safety and welfare by protecting the subject property and neighboring properties from potential slope failure and Fire Department access. The project, as designed and conditioned, will not be detrimental to the public interest safety, health or welfare, nor detrimental or injurious to the property.

3. The proposed project consists of a single-family residence and associated development similar to development on neighboring properties. Approval of the variance will grant relief from a technical development standard, which if strictly applied, would limit single-family development on the subject property and be detrimental to the safety of those on the subject property and surrounding properties. Therefore, the granting of the variance will not constitute a special privilege to the applicant or the property owner.

4. As previously stated, granting the requested variance will allow the necessary improvements to stabilize the hillside on the subject site and prevent slope failure, which is necessary to protect the proposed residence and surrounding residences. The variance will also permit on-grade steps along the westerly side yard to comply with Fire Department access around the proposed residence. Granting the variance would therefore not be contrary to or in conflict with the general purposes and intent of LIP Chapter 13, nor the goals, objectives, and policies of the LCP.

5. The variance request is for development on slopes steeper than 1.5 to 1 to protect against slope failure and to provide a Fire Department-compliant walkway for the construction of a new residence in the SFM zoning district. Further, the proposed single-family residence is consistent with the property's residential zoning designation. The variance request does not authorize a use or activity that is not expressly authorized by the zoning regulations for the subject property.



6. The subject site is physically suitable for the proposed variance in that the proposed project was specifically designed to prevent slope failure and to provide the proper safety measures to stabilize the hillside as recommended by the project's consultant geotechnical engineer. The proposed project has been reviewed and approved by the City geotechnical staff and City Public Works Department as being physically suitable for the proposed variance because a home could not be developed on the site without the pile-supported retaining wall, which improve slope stability.

7. The variance complies with all requirements of state and local laws.

**C. Variance for Height of Retaining Wall in Excess of Six Feet (LIP Section LIP Section 13.26)**

VAR No. 18-045 from the development standards contained in LIP Section 3.4.1(B)(9) will allow for construction of a retaining wall taller than six feet in height.

1. The subject parcel has exceptional physical constraints such as steep slopes and subsurface landslide debris that limit the type of septic system that can be used and placement of development. Without the proposed variance for a nine-foot in height retaining wall, the septic system's drip field for the proposed single-family residence would not be feasible. Therefore, the strict application of the zoning ordinance would deprive the property of a single-family residence, which is a privilege enjoyed by other properties in the vicinity and under the identical zoning classification.

2. The proposed variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zones. The proposed retaining wall will help achieve the minimum required factors of safety for slope stability. Therefore, it is expected to improve site's stability and would be less detrimental or injurious to the property and proposed improvements.

3. The proposed variance will not constitute a special privilege to the applicant or property owner in that the proposed retaining wall is necessary to protect the septic system's micro-dosed subsurface drip field for the proposed single-family residence.

4. The primary goal of the retaining wall height is to provide an area large enough for a micro-dosed subsurface drip field necessary with a maximum slope of 2 to 1 for the proposed residence. The proposed variance will not be contrary to or in conflict with the LCP and no visual impacts are anticipated as a result of the proposed nine-foot in height retaining wall. Instead, the proposed wall will minimize impacts on slopes stability consistent with LCP policies.

5. The variance complies with all requirements of state and local laws.

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

1. Based on an analysis of the project's visual impacts, it was determined that the proposed development is not expected to have significant adverse scenic or visual impacts. While visible from PCH, the proposed structure will be partially obscured because the structure will be notched into the hillside, is surrounded by existing two-story residences, and screened by mature landscaping. Furthermore, the proposed development is similar to past and current development along this stretch of Pacific Coast Highway and, as designed, will not encroach into blue water

views. Therefore, the project as conditioned, will not have significant adverse scenic or visual impacts due to project design, location or other reasons.

2. The project has been designed and conditioned to not have significant adverse scenic or visual impacts. The project has been conditioned to include limitations on lighting and colors of the materials used to prevent any visual impacts to scenic areas and primary views.

3. As previously discussed in Section A, the project is the least environmentally damaging feasible alternative. The proposed new single-family residence is sited on the property to limit landform alteration and potential impacts to steep slopes within the southern portion of the property.

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

5. The proposed project will have less than significant visual impacts to public views from Pacific Coast Highway and will not impact sensitive resources. The proposed development is sited to eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies.

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

1. Geotechnical reports geotechnical reports and addenda prepared by CalWest Geotechnical Engineers indicate that a prehistoric landslide has been mapped on the site and subsurface landslide debris exist on the subject site. The pile-supported retaining wall is designed to stabilize the site and prevent slope failure. The proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed. Thus, the project will not serve to increase the instability or integrity of the site due to geologic, flood, fire, project design or location.

2. Based on substantial evidence contained within the record and subject to the incorporation of all recommendations and/or conditions, the proposed project will be safe, the site of the grading will not be affected by any hazard from landslide and the completed work will not adversely affect adjacent properties. As such, there are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity. Any special conditions from City geotechnical staff and City Public Works Department must be met prior to issuance of a building permit.

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

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

5. The proposed project, as designed and conditioned, will not have adverse impacts on sensitive resources.

SECTION 6. Action.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves CDP No. 16-038 and VAR Nos. 16-017 and 18-045, subject to the following conditions.

SECTION 7. Conditions of Approval.

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

Construction

- a. Construction of a 2,963 square foot, two-story single-family residence, plus a 434 square foot attached two-car garage;
- b. Total Development Square Footage (TDSF) 3,397 square feet;
- c. Installation of a new AOWTS;
- d. Construction of a spa, and associated equipment;
- e. Construction of a pile-supported retaining wall (nine-foot in height maximum);
- f. Construction of first floor and second floor decks;
- g. Installation of new landscaping and hardscaping; and
- h. Grading.

Additional Discretionary Requests

- i. VAR No. 16-017 for construction on slopes steeper than 1.5 to 1; and
  - j. VAR No. 18-045 for a retaining wall in excess of six feet for up to nine feet.
3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **February 14, 2020**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
  4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Department prior to the issuance of any development permits.

5. The applicant shall submit three (3) complete sets of plans, including the items required in Condition No. 6 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
6. This resolution, signed and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, WD29, and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.
12. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.
13. The property owner shall comply with all provisions of the MMC and LIP.

### ***Cultural Resources***

14. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the

Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.

15. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

### ***Site-Specific Conditions***

16. Shrubs proposed in the north portions of the property shall be maintained at a height not to exceed six feet, as described in the Landscape Plans.
17. This project proposes to construct improvements within the public right-of-way. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way.
18. The property owner / applicant is required to install and maintain a vertical living wall or other similar landscape along the south-facing retaining wall to help visually screen the wall from Pacific Coast Highway.

### ***Lighting***

19. 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.
20. Night lighting for sports courts or other private recreational facilities shall be prohibited.
21. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.



22. 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.
23. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
24. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
25. Three sequential violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

### ***Fencing and Walls***

26. The height of fences and walls shall comply with LIP Section 3.5.3(A), except for the rear pile-supported retaining wall which is allowed a maximum height of nine feet, pursuant to Variance No. 18-045.
27. Gates and any proposed fencing along the front property line shall comply with the regulations set forth in LIP Section 3.5.

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

28. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.
29. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.
30. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.
31. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
  - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
  - b. Grading activities shall be planned during the southern California dry season (April through October).
  - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.

- d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
- 32. 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.

### **Colors and Materials.**

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

### **Biology/Landscaping**

- 35. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 9.22). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22.
- 36. Invasive plant species, as determined by the City of Malibu, are prohibited.
- 37. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
- 38. Earthmoving shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct earthmoving activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted to the City Biologist for approval prior to the issuance of a grading permit and implemented prior to initiation of vegetation removal and/or earthmoving activities.

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39. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.
  40. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).
  41. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.
  42. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three sequential violations of this condition will result in a requirement to permanently remove the vegetation from the site.
  43. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet between large woody ( $\geq 10$ -foot canopy) shrubs is recommended by the LACFD. Lawns are prohibited on slopes  $> 5$  percent.
  44. No non-native plant species are allowed greater than 50 feet from the residential structure.

#### ***Public Works***

45. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.
46. 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.

#### ***Grading/Drainage/Hydrology (Geology/ Public Works)***

47. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.

48. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.
49. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:
- Public Works Department general notes;
  - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
  - The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
  - 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.
50. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for

the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

51. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.
52. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
  - a. Is located within or adjacent to ESHA, or
  - b. Includes grading on slopes greater than 4 to 1.

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

53. 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.
54. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be prepared in accordance with the LIP Section 17.3.3 and all other applicable ordinances and regulations. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The following elements shall be included within the WQMP:
  - a. Site Design Best Management Practices (BMPs);
  - b. Source Control BMPs;
  - c. Treatment Control BMPs;
  - d. Drainage improvements;
  - e. Methods for onsite percolation, site re-vegetation and an analysis for off-site project impacts;
  - f. Measures to treat and infiltrate runoff from impervious areas;
  - g. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
  - h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits; and
  - i. The WQMP shall be submitted to the Building Safety Division and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the

technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of building plans for the project.

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

### ***Geology***

56. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.
57. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

### ***Spa***

58. Onsite noise, including that which emanates from swimming pool/spa and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).
59. Pool/spa and air conditioning equipment that will be installed shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall comply with LIP Section 3.5.3(A).
60. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.
61. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool / spa is prohibited. Provide information on the plans regarding the type of sanitation proposed for pool.
  - a. Ozonization systems are an acceptable alternative to chlorine. The discharge of clear water from ozonization systems is not permitted to the street;
  - b. Salt water sanitation is an acceptable alternative to chlorine. The discharge of salt water is not permitted to the street; and
  - c. Chlorinated water from pools or spas shall be trucked to a publicly-owned treatment works facility for discharge.
62. The discharge of chlorinated and non-chlorinated pool / spa water into streets, storm drains, creeks, canyons, drainage channels, or other locations where it could enter receiving waters is prohibited.
63. 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.



***Onsite Wastewater Treatment System***

64. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's onsite wastewater treatment regulations including provisions of MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.
65. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
66. A final design and system specifications shall be submitted as to all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The final OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
67. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.
68. The final design report shall contain the following information (in addition to the items listed above).
  - a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
  - b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
  - c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the

results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics;

- d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department; and
  - e. H2O Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
69. Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building and Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/ waterproofing plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).
70. Prior to final Environmental Health approval, the applicant shall provide engineer's certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to structures (i.e., setbacks less than those shown in MMC Table 15.42.030(E)) must be supported by a letter from the project structural engineer and a letter from the project soils engineer (i.e., a geotechnical engineer or civil engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the structures for which the Table 15.42.030(E) setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced. All proposed reductions in setback from the OWTS to buildings (i.e., setbacks less than those shown in Table 15.42.030(E)) also must be supported by a letter from the project architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California-licensed architect, then the required architect's certification may be supplied by an engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setbacks to the wastewater system. In this case, the engineer must include in his/her letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any

specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback, then the architect or engineer must provide associated construction documents for review and approval during Building Safety Division plan check. The wastewater plans and the construction plans must be specifically referenced in all certification letters.

71. The following note shall be added to the plan drawings included with the OWTS final design: “Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an ‘OWTS Abandonment Permit’ shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.”
72. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS’ proper abandonment in conformance with the MMC.
73. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
74. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
75. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.
76. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
77. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
78. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder’s Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including,

but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the City Environmental Sustainability Department.

79. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
80. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

#### ***Water Quality/ Water Service***

81. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from WD29 to the Planning Department indicating the ability of the property to receive adequate water service.
82. Prior to final inspection (or project sign off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of WD29 have been met, including installation of a meter, if applicable.

#### **Deed Restrictions**

83. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.
84. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 18-24. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

#### **Prior to Occupancy**

85. Prior to, or at the time of a Planning final inspection, the property owner / applicant shall submit to the Planning Department the plumbing permit for the irrigation system installation signed off by the Building Safety Division.

86. Prior to final inspection (or project sign off, as applicable) by the Planning Department, the City Biologist shall inspect the project site and determine that all Planning Department conditions to protect natural resources are in compliance with the approved plans.
87. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled, and state the facilities where all materials were taken.
88. 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.
89. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

**Fixed Conditions**

90. This coastal development permit shall run with the land and bind all future owners of the property.
91. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

SECTION 8. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 8<sup>th</sup> day of June 2020.

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KAREN FARRER, Mayor

ATTEST:

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HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

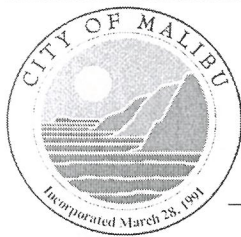
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THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE  
CHRISTI HOGIN, City Attorney

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the City Council’s approval to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at [www.coastal.ca.gov](http://www.coastal.ca.gov) or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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





# City of Malibu

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

RECEIVED  
SEP 12 2019  
PLANNING DEPT.

## COASTAL DEVELOPMENT PERMIT APPEAL SUBMITTAL

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

**Deadline and Fees:** Pursuant to LIP Section 13.20.1, an appeal shall be filed with the City Clerk within 10 days following the date of action for which the appeal is made, as indicated in the decision. If the tenth day falls on a weekend or a City-recognized holiday, the deadline shall extend to the close of business at City Hall on the first business day (whether whole or partial) following the weekend or a City-recognized holiday. Appeals shall be accompanied by the filing fee of \$500 as specified by the City Council.

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

### Part I. Project Information

1. What is the file number of the Coastal Development Permit you are appealing?  
CDP No. 16-038 (and Variances Nos. 16-017 and 18-045)

2. On what date was the decision made which you are appealing?  
September 3, 2019

3. Who made the decision you are appealing?

☐ Planning Director

☒ Planning Commission

4. What is the address of the project site at issue?  
21490 Paseo Portola Street, Malibu, CA 90265

### Part II. Appeal Summary

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

☐ I am the Applicant for the project

☐ I am the neighbor

☒ Other (describe) We are neighbors and co-appellants: James E. Moore, Tracy E. Moore, Rody Castroll

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

The applicant is Jose Fulginiti, Aude-Mar, Inc. (Richard K. Perrin is the owner)

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3. Indicate the nature of your appeal.

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

See Addendum

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

- ☒ The findings or conditions are not supported by the evidence, or the decision is not supported by the findings: or
- ☒ There was a lack of fair or impartial hearing: or
- ☒ The decision was contrary to law.

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

See Addendum

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

See Addendum

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### Part III. Appeal Checklist

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

1. ☒ Completed Appeal Checklist (This form with appellant's signature)
2. ☒ Appeal Fee \$500

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

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

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

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

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

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

#### Part IV. Signature and Appellant Information

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

See Addendum for this Part IV

PRINT APPELLANT'S NAME

APPELLANT'S SIGNATURE

James E. Moore *James E. Moore* 9/12/19

TRACY E. MOORE *Tracy E. Moore* TELEPHONE NUMBER 9-12-19

RODY CASTRO *Rody Castro* DATE 9-12-19

Appellant's mailing address: See attached

Appellant's email address:

#### OFFICE USE ONLY

Action Appealed: CDP 16-038

Appeal Period: 9-4-19 - 9/13/19

Date Appeal Form and required documents submitted: 9-12-19 Received by: P. Salazar

Appeal Completion Date: 9-12-19 by: P. Salazar  
(Name, Title)



# ADDENDUM TO COASTAL DEVELOPMENT PERMIT APPEAL SUBMITTAL

September 12, 2019

This Addendum is made part of, in its entirety, the Coastal Development Permit Appeal Submittal regarding CDP 16-038 (and Variances Nos. 16-017 and 18-045) as follows:

## **I. Page 2, Part II, 3(b).**

### **Page 6 of 20, Section 5(1).**

1. The City of Malibu requires indemnification from property owners. Although perhaps not feasible, it seems reasonable that surrounding properties should also be provided with indemnification from the property owners, especially given the geological sensitivities and controversial nature of the subject lot with the development still opposed by many neighbors.

### **Page 6 of 20, Section 5(2)(b).**

1. Total Development Square Footage (“TDSF”) of 3,397 is within the limits of the Malibu La Costa Overlay District (the “Overlay District”), however, two variances are required to achieve such square footage, and a structure 70% larger than the 2,000 TDSF of the original structure that burned down in the 1993 fire (which TDSF included a garage). [Please note that the TDSF of the original structure was misrepresented as 2,400 square feet in the Staff Report dated August 21, 2019 as follows: “...a 2,000 square foot, two-story single-family residence, with an attached 400 square foot garage...].
2. We believe the sole purpose of the additional square footage is to result in a higher value for this house than similar neighboring properties. No plans were submitted to build a smaller structure that would not require any variances – which is all those of us are asking who are opposed to the project as proposed. We have only asked that the development be sensitive to the arena it is in, and to be developed within the standards of the Malibu Municipal Code (the “Municipal Code”) and the Overlay District.
3. Additionally, the structure extends well beyond the original footprint and building envelope of the original house and dangerously into the arroyo descending from the Calle del Barco landslide. In fact, according to comments by Commissioner Kraig Hill (“Hill”) at the September 3, 2019 Planning Commission meeting, following his onsite observance

of the lot, the story poles at the arroyo touch a 1:1 slope with no setback. We do not recall the precise language expressed by the Planning Department professional at the September 3, 2019 Planning Commission meeting, however, our recollection is that he implied that the proposed structure was virtually within the footprint of the original structure. That would not be factual.

4. Additionally, the Planning Commission noted at the September 3, 2019 meeting that the plans apparently do not show a five (5) foot walkway around the arroyo (west) side of the property required for the fire department. The Planning Department staff made a comment at the meeting that it would be “up to the fire department.” It would be dangerous to our neighborhood not to have a proper walkway for the fire department in the case of a fire, and we believe this was not adequately addressed.

**Page 6 of 20, Section 5(2)(i). VAR No. 16-017.**

1. Section 17.42.020 (B)(8) of the Overlay District section restricts as follows: “Site of Construction. Structures may be constructed on slopes flatter than 1 ½:1.” Section 15.42.130 of the Municipal Code allows for subsurface drip dispersal, only in “Areas with ground slopes between thirty (30) to forty-five (45) percent.” We understand that the area of the drip field would be graded to 2:1, however, that is still steeper than allowed and according to our research it is unusual and potentially dangerous to have a micro-dosing system drip field on slopes greater than 3:1. Part of the slopes are currently steeper than 1:1. Additionally, the drip field is on a prehistoric landslide with subsurface debris. We disagree with the statement on page 3(A)(2) that, “... the project will not result in adverse environmental impacts.” The risks seem great to our neighborhood should there be erosion and surface creep, for instance, from offshore breezes or a settlement of the slide. We disagree with page 3(B)(3) that “...the granting of the variance will not constitute a special privilege to the applicant or property owner.” This variance requires the second variance – VAR No. 18-015.
2. Additionally, many neighbors are concerned about potential odor and health factors from the drip field that we do not believe are adequately addressed. We disagree with the statement on page 3(A)(2) that, “... the project will not result in adverse environmental impacts. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment,” yet a smaller structure was not proposed. Additionally, in the Planning Commission meeting of September 3, 2019, a gentleman who appeared to be part of the applicant’s group commented that most of the evaporation would occur into the air. Conversely, from a Landphases, Inc. report dated November 25, 2014, it states on page 23: “*However, it is acknowledged that a minor amount of effluent may move vertically downward into the subsurface during various periods of limited sunlight, cold temperatures, and during periods of precipitation. The minor amount of effluent which does not evaporate, or is not transpired by the overlying vegetation, is anticipated to move vertically downward through the subsurface to the groundwater interface...*”. Why was a smaller structure not proposed to potentially eliminate these concerns?

**Page 6 of 20, Section 5(2)(j). VAR No. 18-045.**

1. As the retaining wall is a fill rather than a cut, it is clear from section 17.40.040(A)(9)(b) of the Municipal Code, that the Municipal Code prevails over the Overlay District. This section of the Municipal Code is as follows: “Maximum height cut or fill: six feet in height for any one wall, or twelve (12) feet for any combination of walls, where a minimum three foot separation exists between walls..” Therefore, that is the need for this variance for the wall to have height up to nine (9) feet. [Please note that the height of this retaining wall was misrepresented at the initial Planning Commission meeting on April 1, 2019 as not exceeding six (6) feet at any one point.]
2. This variance would require a massive, unattractive, u-shaped retaining wall infrastructure with no relief and highly visible from the Pacific Coast Highway (“PCH”) scenic view corridor seen by numerous drivers traveling along this corridor. This does affect public interest and we disagree with page 4(C)(4) as follow, “... no visual impacts are anticipated as a result of the proposed nine-foot in height retaining wall.” Further on page 5(D)(1), it states, “... it was determined that the proposed development is not expected to have significant adverse scenic or visual impacts.” We believe this to simply be not factual.
3. Page 5(D)(1) states the following: “While visible from PCH, the proposed structure will be partially obscured because the structure will be notched into the hillside, is surrounded by existing two-story residences, and screened by mature landscaping.” This is only partially true as the wall would be seen from many angles along PCH especially traveling eastbound. The primary argument being made in this statement seems to be masking the wall with “screened by mature landscaping” as there is a tree in front of one of the houses on PCH. The tree may not always be there, it could be trimmed significantly, and construction of the wall could damage the tree. It may not be a permanent fixture.
4. Additionally, the wall would tower over neighboring houses below the wall. It would be like a freeway offramp in the backyards of those neighbors. We do not understand why more than one shorter wall, with no wall exceeding six (6) feet in height in compliance with the Municipal Code, could not be proposed with proper separation between the walls? This would arguably mitigate, at least somewhat, the unattractive view from PCH and fit better into the character and fabric of the neighborhood.
5. Page 4(C)(1) states as follows: “Without the proposed variance for a nine-foot in height retaining wall, the septic system’s drip field for the proposed single-family residence would not be feasible.” That may be true but, again, no smaller structure was proposed that could result in a compliant retaining wall or no retaining wall at all. We believe this constitutes a special privilege being afforded to the applicant.
6. At the September 3, 2019 Planning Commission meeting, the Planning Commission asked if there were updated landscaping plans. It was noted by the Planning Department



staff that no updated landscaping plan had been presented since the initial plans were submitted. We believe an updated landscaping plan should have been presented at this meeting particularly related to the retaining wall. [Please note that on page 8, item number 18, there is a requirement that that applicant "...install and maintain a vertical living wall or other similar landscape along the south-facing retaining wall to help visually screen the wall from Pacific Coast Highway." However, no details have been provided.]

7. An argument presented at the Planning Commission meeting on September 3, 2019 is that, for a single compliant retaining wall, there would be no room for a dispersal field. However, a compliant retaining wall, or no retaining wall at all, was not presented for a smaller structure.
8. Additionally, the Planning Commission raised the issue at the September 3, 2019 meeting that retaining walls cannot extend beyond 25 feet in length at which point the wall must to be staggered with vertical cuts. The Planning Commission did not make this a condition of approval and, therefore, we believe this constitutes yet another special privilege to the applicant or property owner.
9. The depth of the pilings that would support the retaining wall cannot be determined in advance. Depth can only be projected yet the applicant is on record that the foundation system is expected to be deep. One of the Planning Commissioners brought up at the April 1, 2019 meeting that pilings too long can bend like straws adversely affecting the integrity of the wall and therefore the project. Should there be a condition that pilings too long would not allow for the retaining wall? A retaining wall did collapse on Hume Road last year located similarly to the wall in this project being toward the bottom of the lot; however, we cannot determine reasons for its collapse.

## **II. Page 2, Part II, 4 – First Box:**

*The findings or conditions are not supported by the evidence, or the decision is not supported by the findings.*

We include all of the above in section "I" of this Addendum, and more specifically:

**Page 6 of 20, Section 5(2)(b).** Numbers 1, 3, 4.

**Page 6 of 20, Section 5(2)(i).** VAR No. 16-017. Numbers 1, 2.

**Page 6 of 20, Section 5(2)(j).** VAR No. 18-045. Numbers 1-4, 8, 9.



### **III. Page 2, Part II, 4 – Second Box:**

*There was a lack of fair or impartial hearing.*

Planning Commissioners are pillars of our city or they would not be in the positions in which they are in, and we respect all of them highly. However, in a telephone conversation I had with one of the Commissioners prior to the September 3, 2019 meeting, he commented that it is unusual for the Planning Commission meetings to go beyond a second meeting, and that he was uncomfortable with this project going beyond a second meeting. Shortly after the conclusion of our agenda portion of the September 3, 2019 meeting, and while the meeting was on a break, I did speak with the same Commissioner who voted in favor of the project. He commented to me that he decided to vote in favor of the project as Commissioner Marx was absent from the meeting and, if he voted against the project, it would have resulted in a 2-2 tie possibly resulting in a third meeting. Although we respect this Commissioner highly, his position regarding his vote respectfully lacks due process in our opinions especially for such a controversial project.

### **IV. Page 2, Part II, 4 – Third Box:**

*The decision was contrary to law.*

In March 2015, the applicant significantly graded the lot illegally as he did not have a permit. This was shocking to us as the applicant claims to be a licensed civil engineer in California and therefore should have known better. A representative of the City of Malibu came to the property and a “Stop All Work Notice” was issued dated March 13, 2015. The City required that the lot be restored to its original condition, however, we question if that could have been adequately accomplished. After such significant grading, can natural grade really be determined? Was the topography and natural grade actually changed? We do not have specific answers to these questions; however, they are concerns that any reasonable person would have.

A new Notice Sign for the revised plans presented at the September 3, 2019 Planning Commission meeting was never posted on the property replacing the sign posted on February 5, 2019. Therefore, we question if our neighbors were lawfully notified of the proposed changes to these plans.

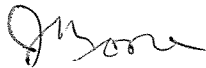
In summary, the subject lot is geologically difficult and the applicant knew that going in. The applicant knew of these conditions prior to the purchase of the property. It does not seem reasonable, nor fair, that our neighborhood should inherit the issues related to its difficult conditions.

V. Page 4, Part IV.

Co-appellants and signatures are as follows. By signing below, each co-appellant certifies that he or she has read this entire Coastal Development Permit Appeal Submittal (which includes this Addendum), is in agreement with it including the language in Part IV "Signature and Appellant Information", and is in agreement with the grounds for appeal.

James E. Moore

[REDACTED]



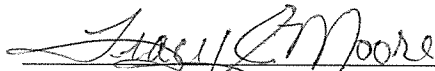
Signature – James E. Moore

9/12/19

Date

Tracy E. Moore

[REDACTED]



Signature – Tracy E. Moore

9-12-19

Date

Rody Castroll

[REDACTED]



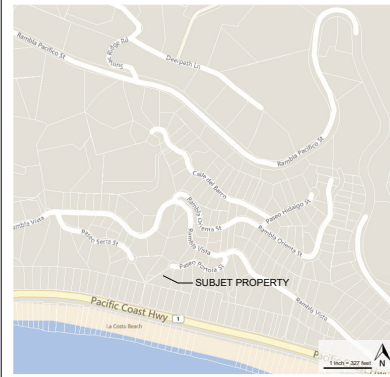
Signature – Rody Castroll

9-12-19

Date

# PERRIN RESIDENCE

21490 PASEO PORTOLA-  
MALIBU CA 90265



VICINITY MAP

owner:  
**Richard Perrin**  
711 N Redwood Dr.  
Lincoln, NE  
818-344-7565

Project Name:  
Paseo Portola

Project ID:  
Revision:  
2-26-20  
Date:

Reviewed By:  
Checked By:  
Drawn By:

Owner/Architect:  
Aude-Mar Inc  
18034 Ventura Blvd Ste 512  
Encino CA 91316  
PH # 818-344-7565

Project Name:  
21490 PASEO PORTOLA  
2-story 3-bedrooms new residence  
with attached 2-car garage and basement

Sheet No:  
COVER SHEET

Sheet No:  
A-1

of

<div>ADDITIONAL ADJUSTABLE ABOVE FINISHED FLOOR AIR CONDITIONING ALTERNATE ARCHITECT (URAL) AREA DRAIN BLOCKING BOARD BUILDING CABINET CEILING CENTER CENTER LINE CERAMIC TILE CLEAR CONCRETE CONCRETE MASONRY UNIT CONSTRUCTION CONTINUOUS CONTROL JOINT DIMENSION DOUBLE DOUBLE HUNG DOWN DRAWING ELECTRIC ELECTRIC PANEL ELEVATOR ENCLOSURE ENGINEER EQUAL EQUIPMENT EXISTING EXTRUDE OR EXTRUSION FABRICATE(ED) FINISH FIXTURE FLOOR FLUORESCENT FOOT FRESH AIR INTAKE (OR INLET) FURNISHED FURNISHING GALVANIZED GAUGE GROUND GYPSUM BOARD HEIGHT HOLLOW METAL HORIZONTAL HOT WATER ID. INSIDE DIAMETER JOINT MANUFACTURE MANUFACTURERS MATERIAL MAXIMUM MECHANICAL METAL MINIMUM MISCELLANEOUS NORTH N.T.S. N.O. N.O. OR # O.C.</div> <div>ADD'L A.F.F. A.R.F. A.C. ALT. ARCH. A.D. BLKG. BD. BLDG. CAB. CLG. CTR. C.L. C.T. C.R. CONC. C.M.U. CONST. CONT. C.J. DM. DBL. D.H. DN. DWG. ELECT. ELECT. PNL. ELEV. ENCL. ENGR. EQ. EQUIP. EXIST. EXTR. FAB. FIN. FLX. FLOOR FLUOR. FT. F.A.I. FURN. FUR. GALV. GAUG. GRND. GYP. BD. HT. H.M. HORIZ. H.W. ID. JT. MFR. MFRS. MATL. MAXIM. MECH. MTL. MIN. MISC. N. N.I.C. N.T.S. N.O. N.O. OR # O.C.</div> <div>ON CENTER OUTSIDE DIAMETER OPENING PAIR PERFORATED(ED) PIECE/PIECES PLANTER AREA QUANTITY RADIUS REFERENCE REFRIGERATOR REINFORCE/REINFORCING REQUIRED ROUGH OPENING SHEET SIMILAR SOUTH SMOKE DETECTOR SPEAKER SPECIFICATIONS SPRINKLER HEAD SQUARE STAINLESS STEEL STANDARD STEEL STRUCTURAL TEL. TV TEMP. T. &amp; G. TYP. U.O.N. VERT. V.C.T.</div> <div>O.D. OPG. PR. PERF. P.C./PCS. P.A. QTY. RAD. REF. REFRIG. REFR. REG. R.A. R.O. R.T. SIM. S. S.D. SPKR. SPICES. S.H. SQ. S.S. STD. STL. STRUCT. TEL. TV TEMP. T. &amp; G. TYP. U.O.N. VERT. V.C.T.</div>	<div><b>OWNER:</b> Richard Perrin 711 N Redwood Dr. Lincoln, NE 68510</div> <div><b>ARCHITECT:</b> Aude-mar Inc Sandra Martin 18034 Ventura blvd. ste 512 Encino Ca 91356 Ph# 818-344-7565</div> <div><b>STRUCTURAL ENGINEER:</b></div> <div><b>SURVEYOR</b> Land and Air Surveying 22741 Pacific Coast Hwy, ste 400A Malibu, CA 90265 310-456-9381</div> <div><b>GEOLOGIST/ SOIL ENGINEER:</b> Calwest Geotechnical Leonard Liston 889 Pierce Court, Ste 101 Thousand Oaks, CA 91360 PH: 818-991-7148</div> <div><b>O.W.T.S. ENGINEER:</b> Ensitu Engineering Inc. 685 Main Street Ste. A Moro Bay, CA 93442 PH: (805) 772-0150</div> <div><b>CIVIL ENGINEER:</b> Jose L Fulginiti Aude-mar Inc. 18034 Ventura Blvd. Ste 512 Encino Ca 91316</div>	<div><b>PROPERTY LEGAL DEScriptON</b>  LOT 132 OF TRACT NO. 10570, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA EXCEPT THAT PORTION OF SAID LOT, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY TERMINUS OF THAT CERTAIN COURSE HAVING A LENGTH OF 162.42 FEET IN THE SOUTHEASTERLY LINE OF SAID LOT, THENCE NORTH 57 DEGREES 26'10" EAST ALONG SAID SOUTHEASTERLY LINE, 71.18 FEET, THENCE NORTH 76 DEGREES 52' 20" WEST 50.97 FEET TO A POINT IN THAT CERTAIN COURSE HAVING A LENGTH OF 155.86 FEET IN THE NORTHWESTERLY LINE OF SAID LOT, DISTANT THEREON NORTH 37 DEGREES 22'49" EAST 3.37 FEET FROM THE SOUTHWESTERLY TERMINUS THEREOF; THENCE ALONG SAID NORTHWESTERLY LINE, SOUTH 37 DEGREES 22' 49" WEST 3.37 FEET TO SAID SOUTHWESTERLY TERMINUS; THENCE SOUTHERLY AND EASTERLY ALONG THE LINES OF SAID LOT TO THE POINT OF BEGINNING. EXCEPT ALL OIL, MINERAL AND OTHER HYDROCARBON SUBSTANCES IN, ON OR UNDER SAID LAND, WITHOUT HOWEVER, THE RIGHT TO ENTER UPON THE SURFACE THEREOF FOR THE PURPOSE OF EXTRACTING OR REMOVING THE SAME, AS RESERVED BY MARBLEHEAD LAND COMPANY, RECORDED JULY 5, 1983 IN BOOK D-2093 PAGE 354, OFFICIAL RECORDS.</div> <div><b>APN No:</b> 4451-023-037 (LOS ANGELES COUNTY)</div> <div><b>BASIS OF BEARINGS:</b> THE BEARING OF N 78°36'10" W ALONG THE CENTERLINE OF PASEO PORTOLA AS SHOWN ON TRACT NO. 10570 IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 161, PAGES 36-42, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.</div> <div><b>BENCH MARK:</b> MALIBU 0005.301 RDBM TAG IN E WALL C B 600MM S/O CF 12M Y 10048 (2005) 0017.392 S CA PACIFIC COAST HWY &amp; 805M E/O CARBON CYN RD @ HSE #21468</div> <div><b>SCOPE OF WORK:</b>  NEW 2 STORY SINGLE FAMILY RESIDENCE 4 BEDROOMS, 4 BATHROOMS AND 1 POWDER RM WITH ATTACHED 2-CAR GARAGE</div> <div><b>PROJECT INFORMATION</b>  OCCUPANCY: R-3, U ZONE: SFM, LA COSTA CONSTRUCTION TYPE: V-B NUMBER OF STORY: 2 FIRE ZONE: VHFHSZ FIRE SPRINKLERS REQUIRED</div> <div><b>LOT TYPE C ( as per La Costa overlay)</b> <b>LOT SIZE:</b> 12,059.10SQ.FT. ( 0.27 ACRES) 20' EASEMENT (within rear yard) 2,950.00 SQ. FT <b>NET LOT AREA</b> 9,109.00 SQ. FT</div> <div><b>MAXIMUM ALLOWABLE FLOOR AREA</b> 3,400.00 Sq. Ft. ( Per la Costa )</div> <div><b>FLOOR AREA ANALYSIS</b> -THIRD LEVEL AREA 340.00 -SECOND LEVEL AREA 1,049.00 SQ. FT. -FIRST LEVEL AREA 1,565.00 SQ. FT. -GARAGE 434.00 SQ. FT. <b>TOTAL PROPOSED AREA</b> 3,388.00 SQ. FT.</div> <div><b>—</b>  BUILDING FOOTPRINT AREA 2,618.00 Sq. Ft. LOT COVERAGE 21.7% TOTAL IMPERMEABLE AREAS 3,837.00 Sq. Ft. Existing Impermeable Areas 1,565.00 Sq. Ft. New Impermeable Areas 380.00 Sq. Ft. ( inc ret walls) 2,457.00 Sq. Ft.  TOTAL PERMEABLE AREA 8,222.10 Sq. Ft. LANDSCAPE AREA 110.00 Sq. Ft.  MAX. BUILDING HEIGHT 35'-00" FT.</div>	<div><b>A-1 COVER SHEET</b></div> <div><b>A-2 SITE PLAN</b></div> <div><b>A-2.1 SITE PLAN- FIRE ACCESS</b></div> <div><b>A-3 THIRD FLOOR PLAN ( UPPER LEVEL)</b></div> <div><b>A-4 SECOND FLOOR PLAN ( MIDDLE LEVEL)</b></div> <div><b>A-5 FIRST FLOOR PLAN ( LOWER LEVEL)</b></div> <div><b>A-6 ROOF PLAN</b></div> <div><b>A-7 ELEVATIONS</b></div> <div><b>A-8 ELEVATIONS</b></div> <div><b>A-9 SECTIONS</b></div> <div><b>A-10 SECTIONS</b></div> <div><b>A-11 ARCHITECTURAL DETAILS</b></div> <div><b>S ARCHITECTURAL SURVEY</b></div> <div><b>SA SLOPE ANALYSIS</b></div> <div><b>FP PRELIMINARY FOUNDATION PLAN</b></div> <div><b>G-1 GRADING COVER SHEET</b></div> <div><b>G-2 GRADING AND DRAINAGE PLAN</b></div> <div><b>G-3 GRADING SECTIONS</b></div> <div><b>E-1 EROSION CONTROL PLAN</b></div> <div><b>L-1 LANDSCAPE PLAN</b></div> <div><b>L-2 IRRIGATION PLAN</b></div> <div><b>L-3 LANDSCAPE DETAILS</b></div>
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ABREVIATIONS

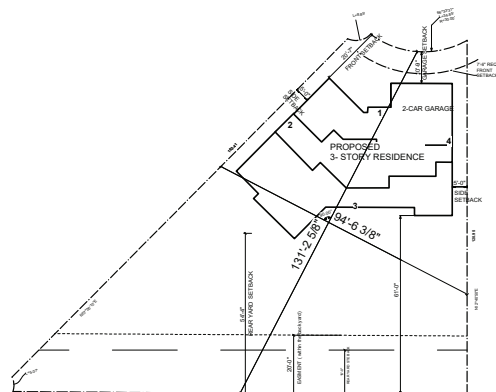
PROJECT TEAM

PROJECT DATA

SHEET INDEX

48

## PASEO PORTOLA



**SITE PLAN**  
scale 1"=20'-0"

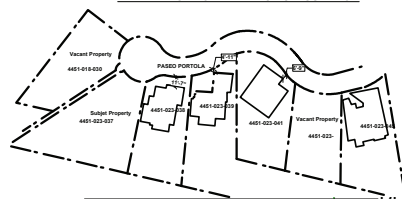
AVERAGE HEIGHT

- 1- 14.0'  
2- 18.0'  
3- 14.5'  
4- 17.0'

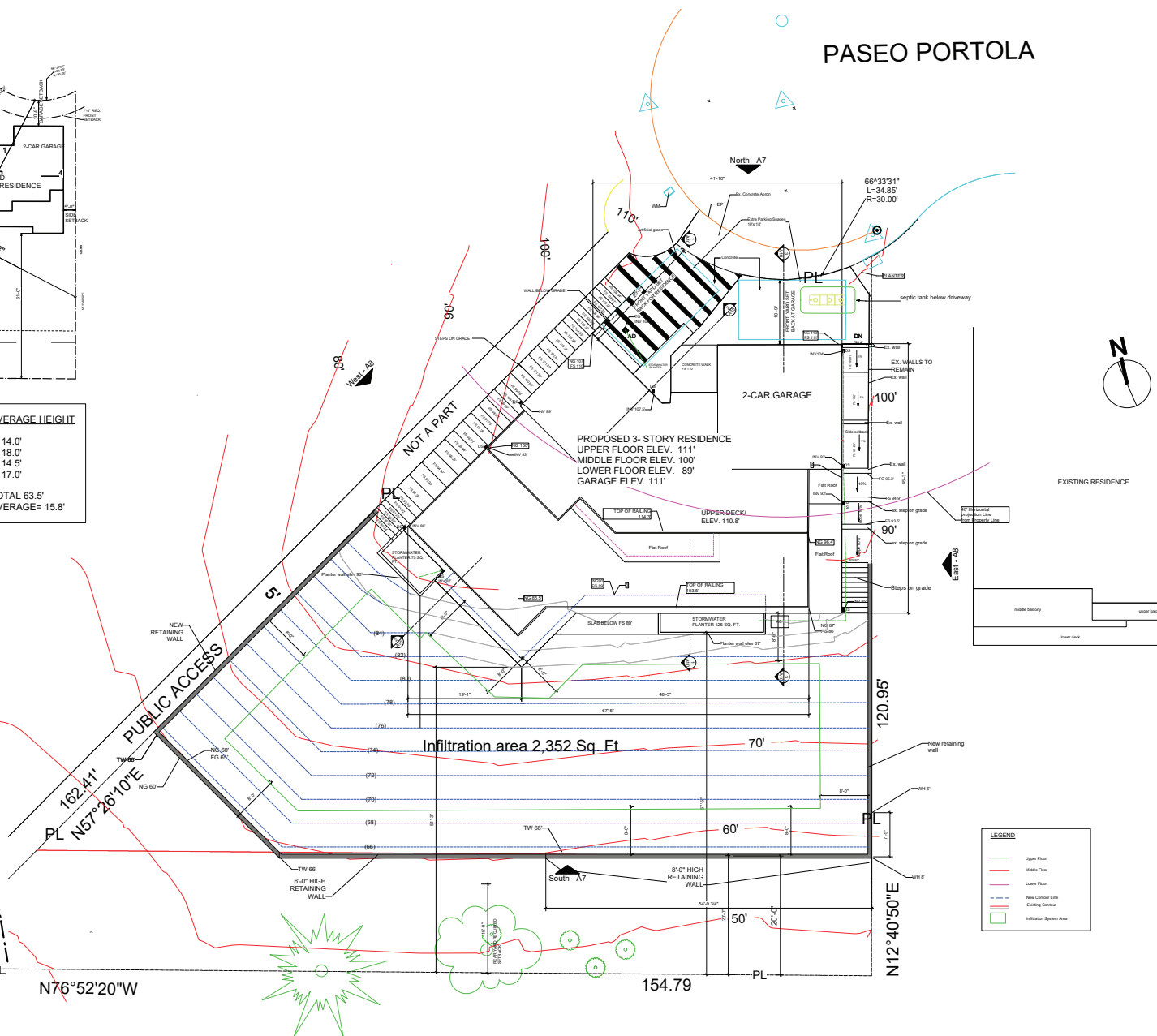
TOTAL 63.5'  
AVERAGE= 15.8'

PROJECT SETBACKS ( per la Costa 17.42.020- B- 3)		
PLACE	REQUIRED	PROPOSED
FRONT YARD	7'-6"	20'-7"
FRONT YARD GARAGE	7'-6"	10'-9"
SIDE YARD(b) 10 % of lot width for lots narrow than 50' measured at street. lot width at street 34.85'	3'-6"	5'-0"
REAR YARD (c)	15'-0"	54'-4"

PREVAILING FRONT SETBACK CALCULATION



AVERAGE FRONT SETBACK OF CONTIGUOUS PROPERTIES:  
 $11'-7" + 4'-11" + 6'-9" = 22'-8" / 3 = 7'-6"$   
 Provided 10'-9" for Garage and 20'-7" for Residence




**LEGEND**

- Upper Floor
- Middle Floor
- Lower Floor
- - - New Contour Line
- Existing Contour
- Infiltration System Area

# Site Plan

Scale 1/8"=1'-0"


21490 PASEO PORTOLA 2-story 4-bedrooms new Residence with attached 2-car garage and basement		Aude-Mar Inc 18034 Ventura Blvd Ste 512 Encino CA 91316 PH # 818-344-7565		Richard Perin 711 N Redwood Dr. Lincoln, NE 818-344-7565
SITE PLAN				
Project No. 21490		Project Name 21490 PASEO PORTOLA		Owner: 
Date 10/1/2010		Revision 2-26-20		
Drawn By A-2		Checked By A-2		

Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4.

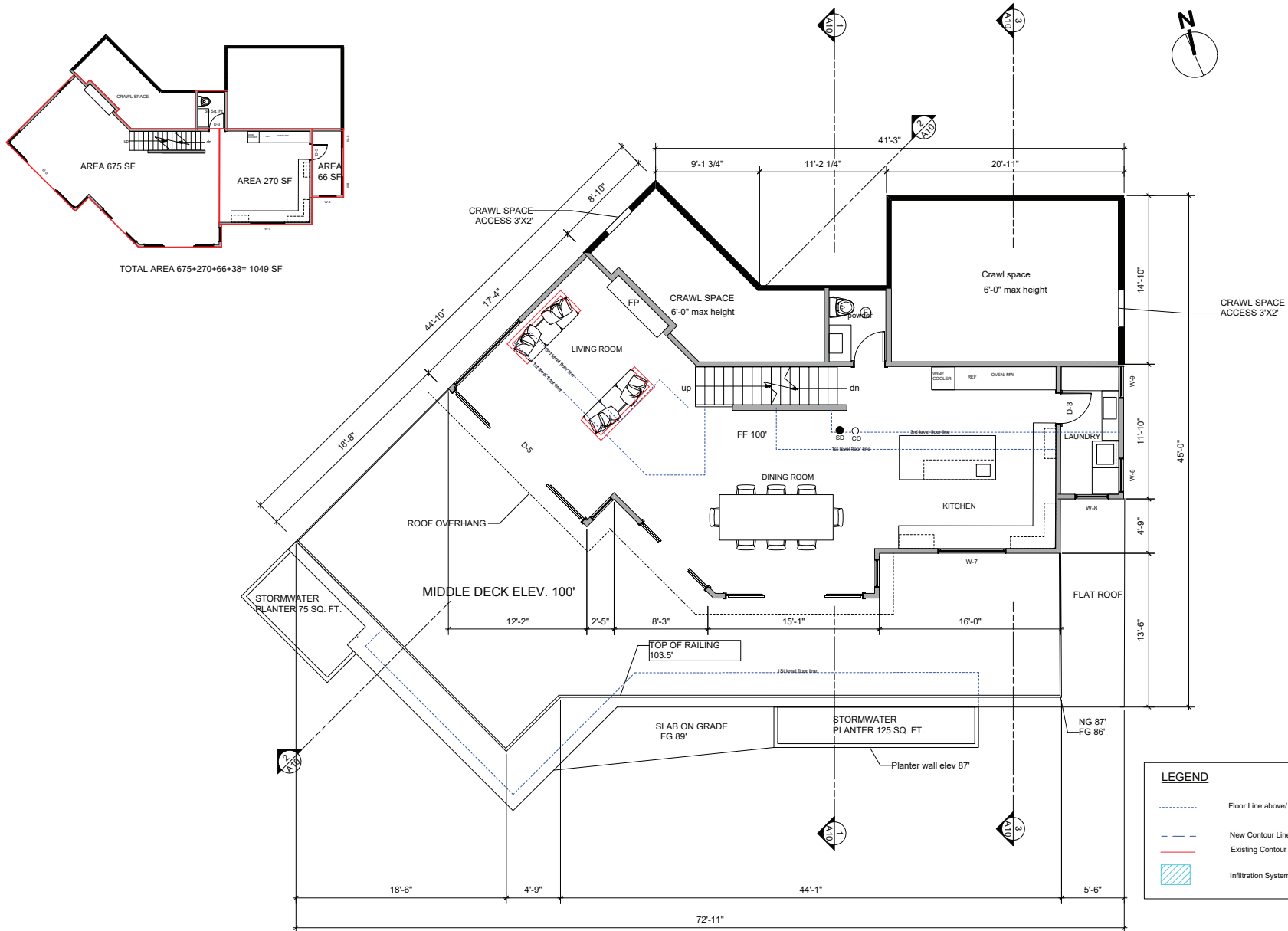
- Provide an approved automatic fire sprinkler system as set forth in 903.3.1, 903.3.2 and Fire Code 501.4. The system shall be supplied with water from a fire department approved source prior to installation. Type of fire sprinkler system: 903.3.1.1, 903.3.1.2, 903.3.3.1.
- Approved building address numbers shall be provided and maintained so as to be plainly visible from the street front from the fire department's view. The numbers shall be on their background, and be a min of 4" high on a min. stroke of 0.5 inch. (Fire Code 505.1).
- Roof valley flashing shall not be less than 0.010 inch (No 26 gage. sheet gage).
- Fire Department shall install a fire department access road on the fire department side of one layer of 70 FT ASTM cap Sheet meeting running the full length of the valley. (Residential Code R327.5.3 and bldg Code 705A.3).
- Roof gutters shall be provided with a means to prevent the accumulation of leaves and debris in order to prevent R327.5.34 and Bldg Code 705A.4.
- Vent shall resist the intrusion of flame and embers through the ventilation openings. Vent openings shall be protected by corrosion resistant, non combustible wire mesh with a min. opening of 1/8" (Fire Code 505.1.1).
- Fire Department shall not be required to be installed in eaves or cornices. (Residential Code R327.6.1 and Bldg Code 706A.1)
- Clearance of brush and vegetative growth shall be maintained per Fire Code 325.
- Smoke alarms shall receive their primary power from the building wiring provided that such wiring is not subject to disconnection by a circuit breaker or equipped with a battery backup. R314.4
- Where more than one smoke alarm is required within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all other alarms.
- An approved carbon monoxide alarm shall be installed in dwellings units and in sleeping units in full-burning appliances are installed and in dwelling unit where has attached garage. Required carbon monoxide alarm shall be installed in sleeping unit with full-burning appliance such as that derived from a commercial source and shall be equipped with a battery back-up. Where more than one carbon monoxide alarm is required to be installed within the dwelling unit or within a sleeping unit the alarm shall be interconnected in a manner that the activation of one alarm shall activate all of the alarms in the individual unit. R315.1.2, BC 420.4.1.
- Single and multiple station carbon monoxide alarms shall be listed as complying with the req. of UL 203 and UL 203A.
- Carbon monoxide alarms required by (Sections R315.1 and R315.2) or (sections 420.1 and 420.4.2 shall be installed in the following locations: 1- outside each separate dwelling unit sleeping area in the immediate vicinity of the bedroom on every level of the dwelling unit.
- In sleeping units, 3- For R-1 in the ceiling of sleeping units with permanently installed full burning appliances. R315.3 BC 420.4.3

Type of construction	VB
Fire zone	VHFHSZ
Size of lot	0.27 acre
Fire flow based on the fire-flow calculation area:	1500 GPM
Reduction fir fire sprinklers ( max 50%)	250 GPM
Total fire flow required	1250 GPM



OWNER:		Richard Perrin 711 N Redwood Dr. Lincoln, NE 818-344-7565	
			
Project Name		Pasero Portola	
CND File Number		Project ID	
Revision		2-26-20	
		Date	
Reviewed By		Checked By	
Drawn By		A	
Client		Aude-Mar Inc 18034 Ventura Blvd Ste 512 Encino CA 91316 PH # 818-344-7565	
Description		21480 PASEO PORTOLA 2-story 4-bedrooms new Residence with attached 2-car garage and basement	
Notes		Site plan -Fire Access	
Sheet Title		A-2.1	

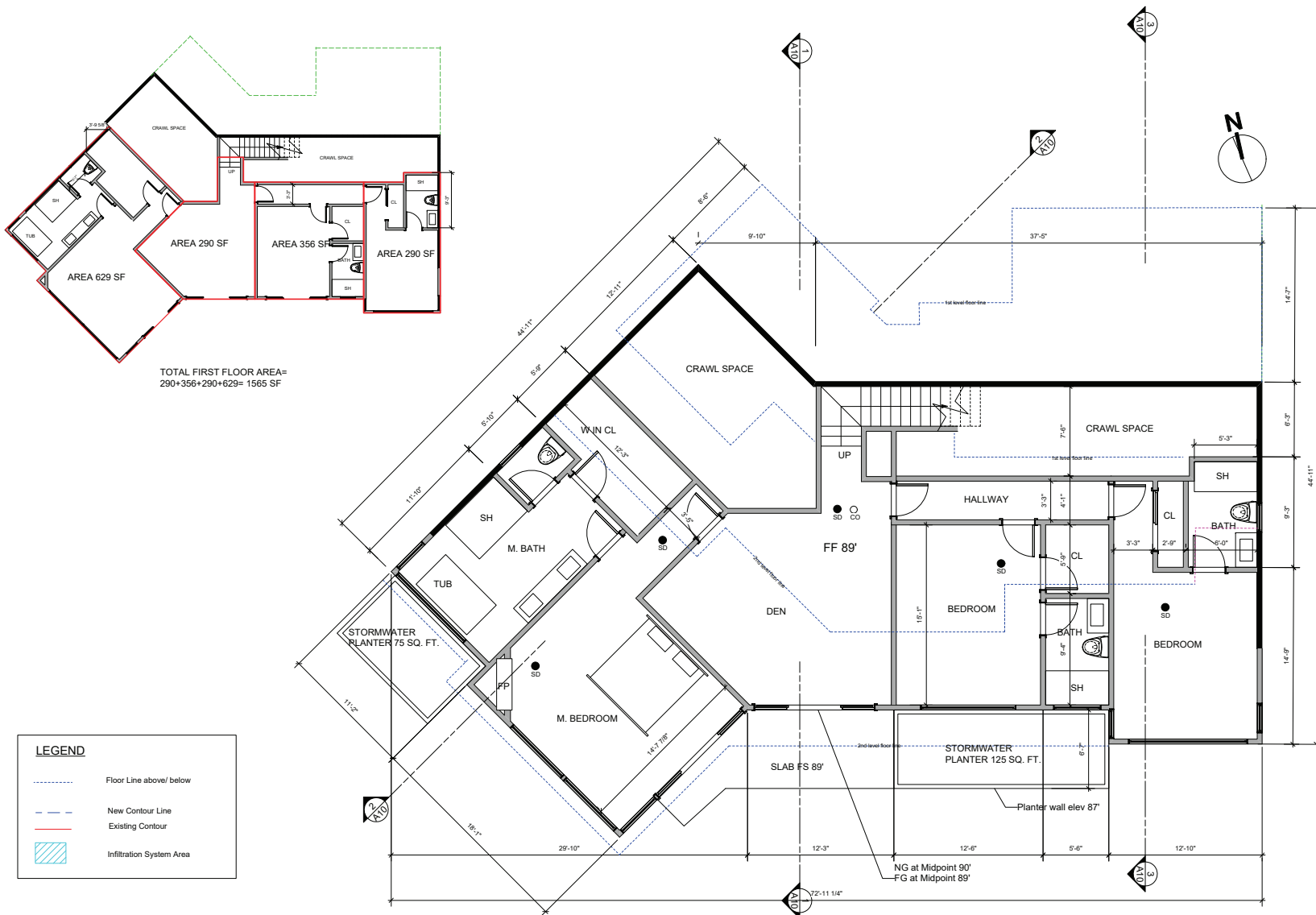




## SECOND/ MIDDLE FLOOR PLAN

Scale: 1/4" = 1'-0"

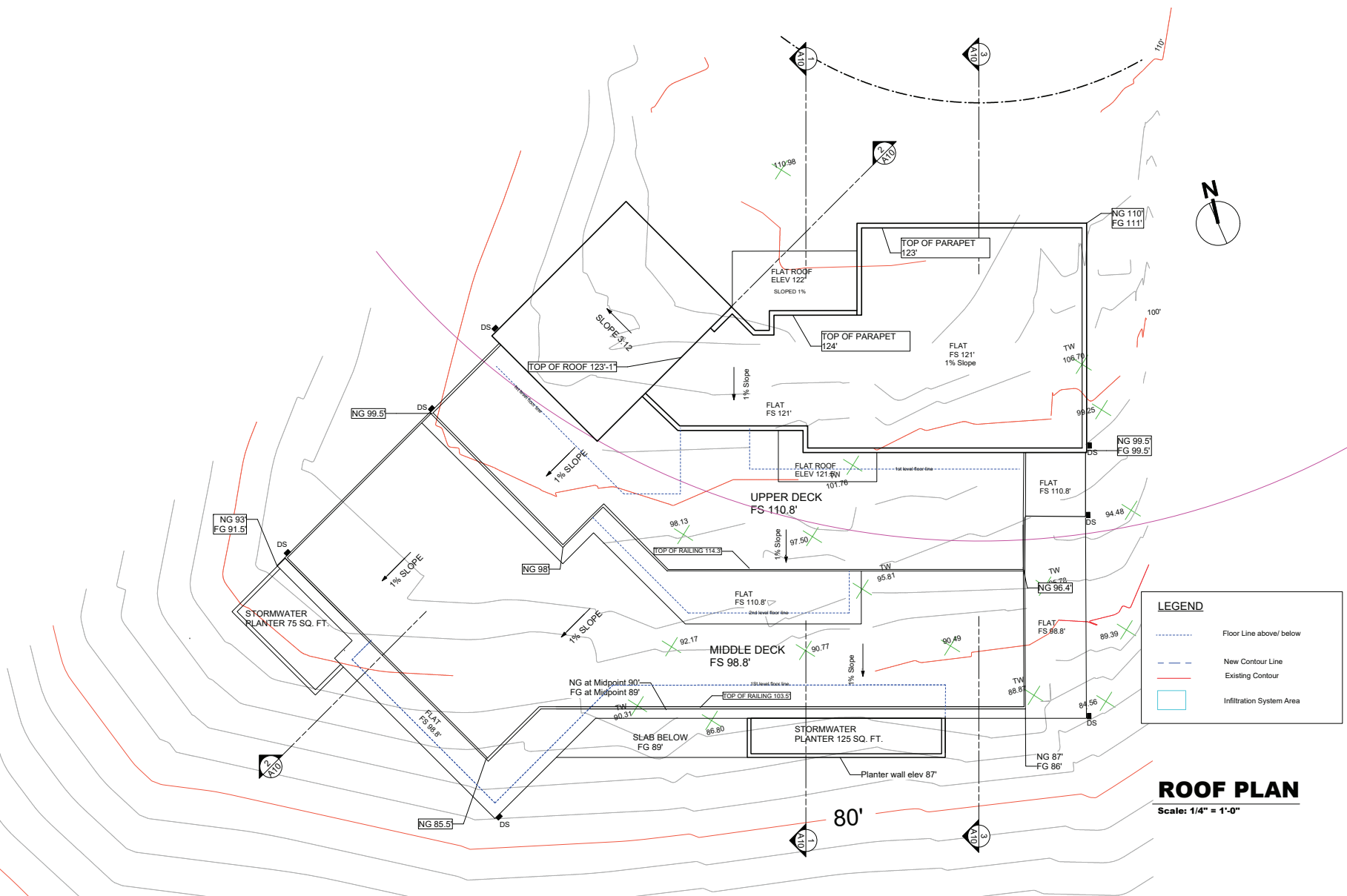
<b>OWNER:</b> Richard Perrin 711 N Redwood Dr. Lincoln, NE 818-344-7565	
<b>APPROVED ARCHITECT:</b> SANDRA DANIELA MARTIN C 32516 REGISTERED ARCHITECT STATE OF CALIFORNIA	
<b>PROJECT:</b> Paseo Portola Project ID: Revision: 2-25-20 Date: Document ID: Checked By: Drawn By:	<b>CLIENT:</b> Audu-Mar Inc 18034 Ventura Blvd Ste 512 Encino CA 91316 PH # 818-344-7565
<b>PROJECT NAME:</b> 21400 PASEO PORTOLA 2-story 3-bedrooms new Residence with attached 2-car garage and basement	
<b>SECOND FLOOR PLAN</b> A-4 of	



**FIRST/ LOWER FLOOR PLAN**  
Scale: 1/4" = 1'-0"

Richard Perrin 711 N Redwood Dr. Lincoln, NE 818-344-7565	
OWNER:	
PREPARED BY:	
PROJECT NO:	
REVISION:	
DATE:	
CHECKED BY:	
DRAWN BY:	
Aude-Mar Inc 18034 Ventura Blvd Ste 512 Encino CA 91316 PH # 818-344-7565	
PROJECT NO: 21490 PASEO PORTOLA 2-story 3-bedrooms new Residence with attached 2-car garage and basement	
<b>FIRST FLOOR PLAN</b>	
A-5 of	



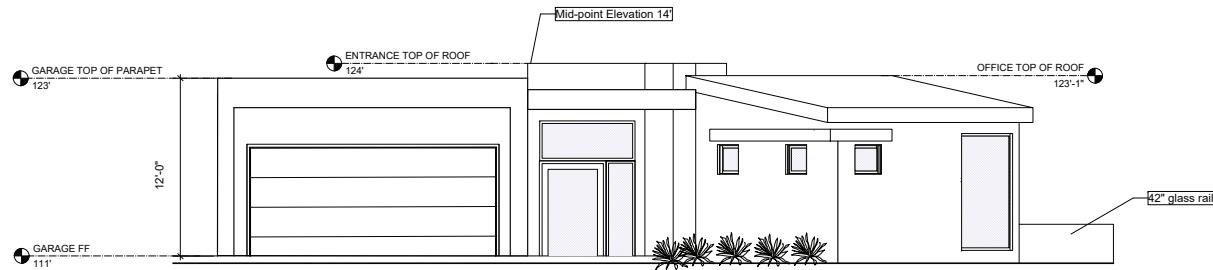


**LEGEND**

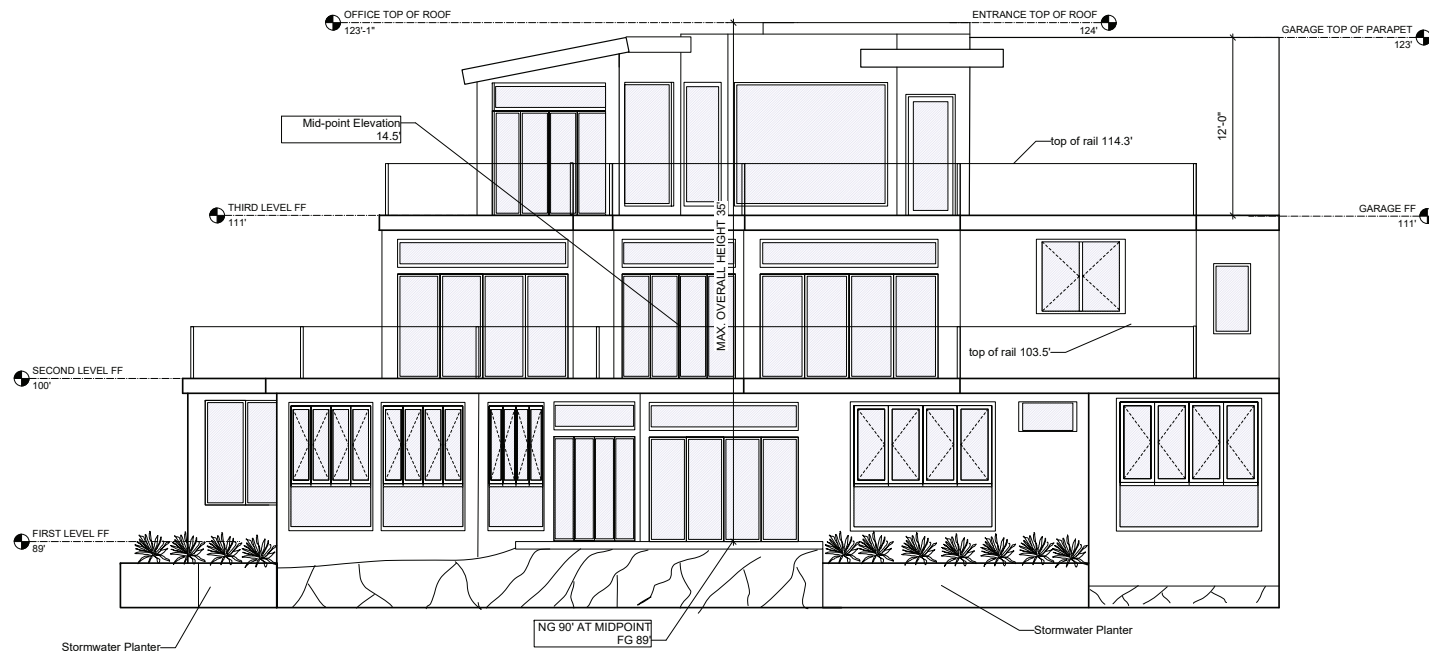
- ..... Floor Line above/ below
- - - - - New Contour Line
- \_\_\_\_\_ Existing Contour
- [ ] Infiltration System Area

**ROOF PLAN**  
Scale: 1/4" = 1'-0"

21490 PASEO PORTOLA 2-story 3-bedrooms new Residence with attached 2-car garage and basement		Richard Perrin 711 N Redwood Dr. Lincoln, NE 818-344-7565	
21490 PASEO PORTOLA 2-story 3-bedrooms new Residence with attached 2-car garage and basement		Audie-Mar Inc 18034 Ventura Blvd Ste 512 Encino CA 91316 PH # 818-344-7565	
Roof Plan		OWNER: SANDRA DANIELA MARTIN C 32516 REGISTERED ARCHITECT STATE OF CALIFORNIA	
Project No. Project Name Project ID Revision Date Drawn By Checked By Date		Date Project Name Project ID Revision Date Drawn By Checked By Date	
A-6 of		A-6 of	



**NORTH ELEVATION**  
scale 1/4" = 1'-0"



**SOUTH ELEVATION**  
scale 1/4" = 1'-0"

owner:  
Richard Perrin  
711 N Redwood Dr.  
Lincoln, NE  
818-344-7565

owner:

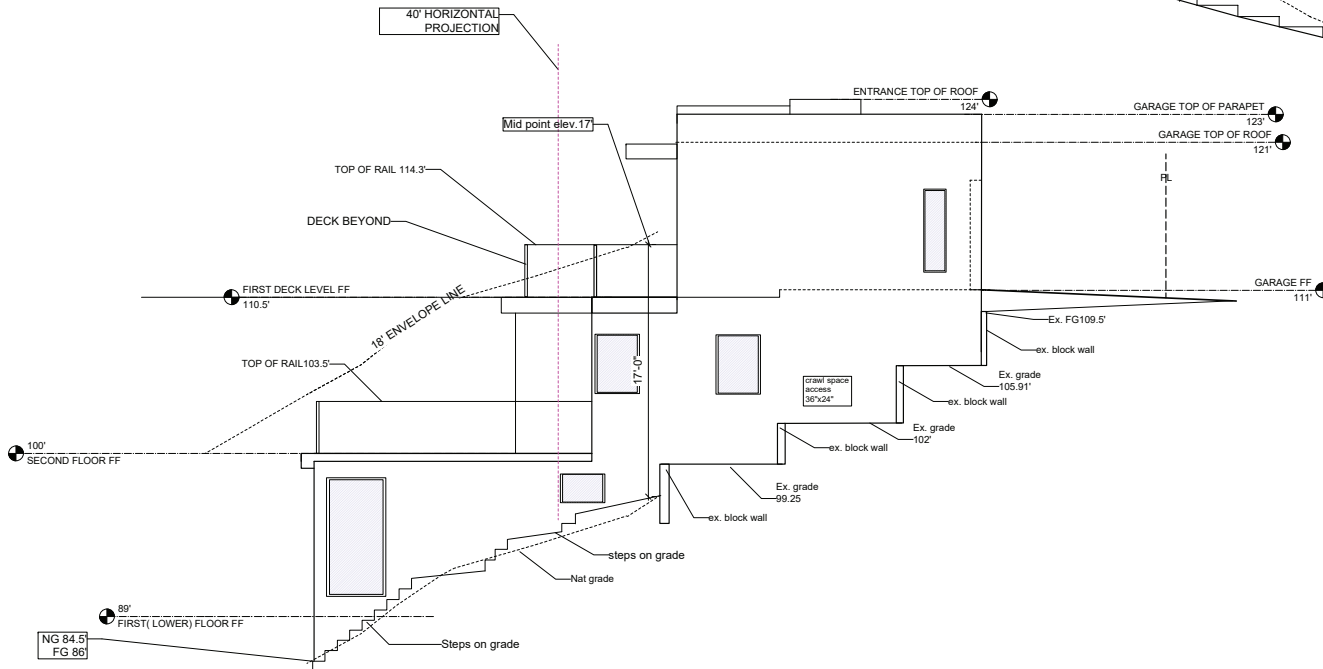
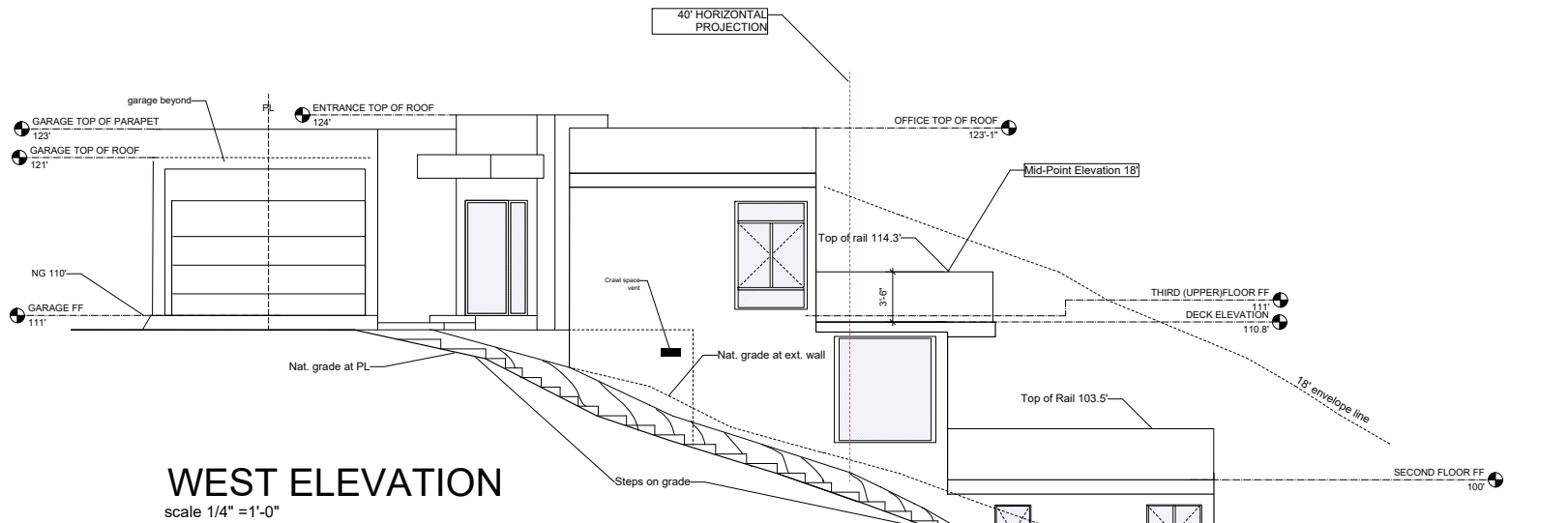


Plot Date	
Client/Name	
Project Portfolio	
Revision	
2-26-20	Drawn
Checked By	
Drawn By	

Owner/Title  
Aude-Mar Inc  
18034 Ventura Blvd Ste 512  
Encino CA 91316  
PH # 818-344-7565

Project Title  
71490 PASEO PORTOLA  
2-story 3-bedrooms new Residence  
with attached 2-car garage and basement

Sheet No.  
A-7  
of



OWNER:  
Richard Perrin  
711 N Redwood Dr.  
Lincoln, NE  
818-344-7565

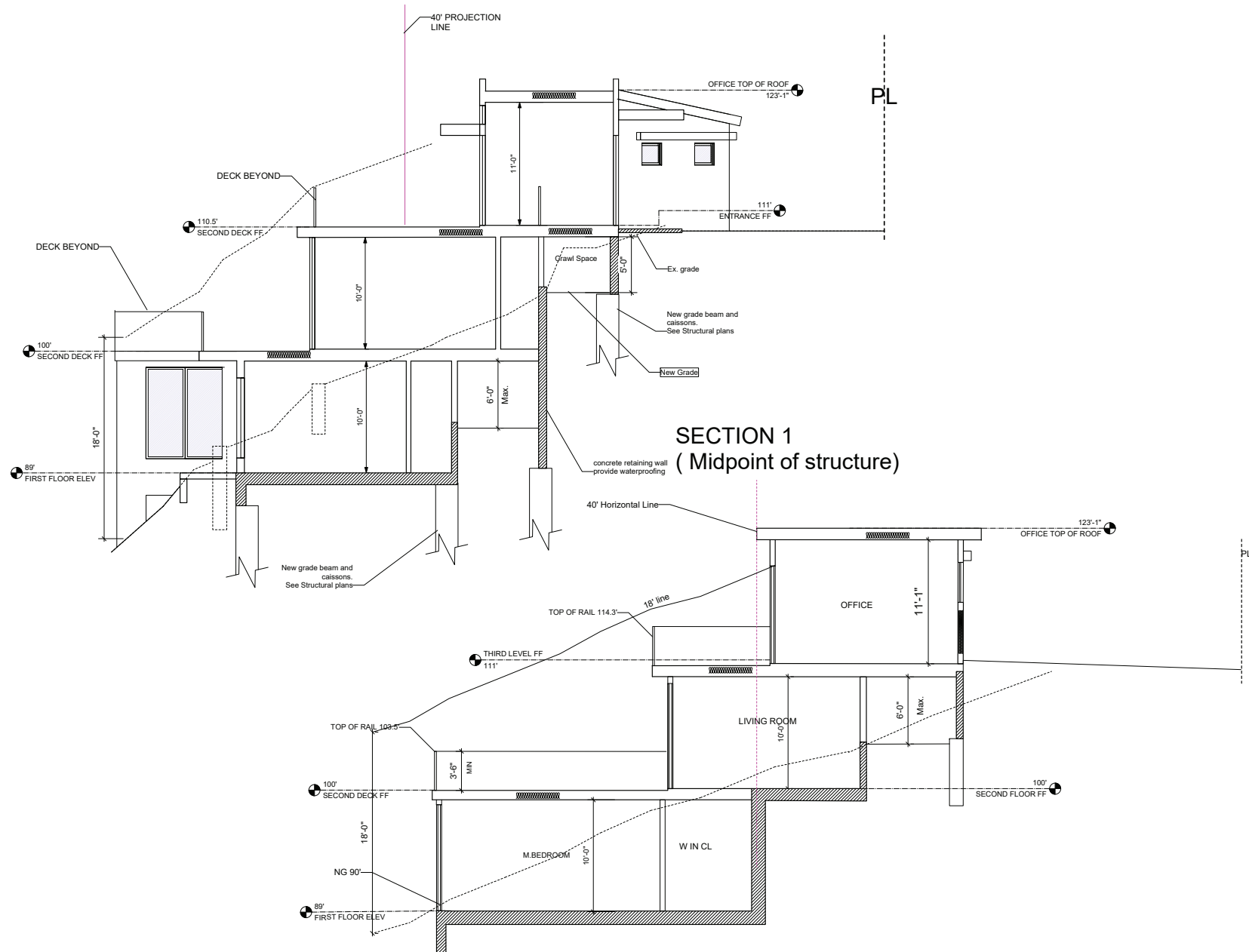


Plot Date  
Cadd/Name  
Paseo Portfolio  
Revision  
2-26-20  
Date  
Reviewed By  
Checked By  
Drawn By

Client Name  
Aude-Mar Inc  
18034 Ventura Blvd Ste 512  
Encino CA 91316  
PH # 818-344-7565

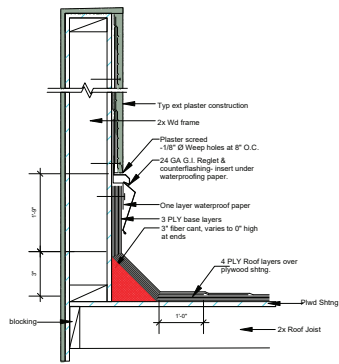
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2-story 3-bedrooms new Residence  
with attached 2-car garage and basement  
Elevations-2

Sheet No.  
A-8  
of

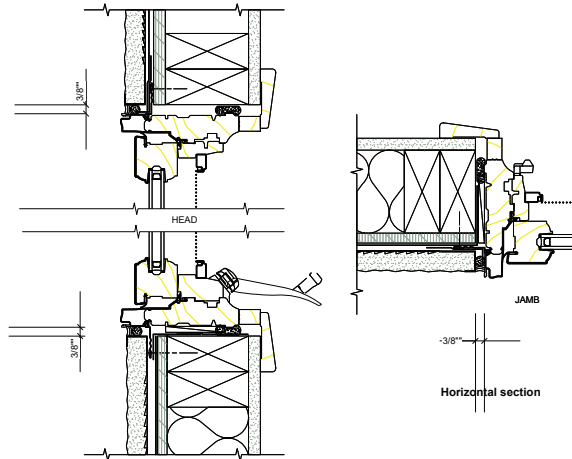


<p>OWNER:</p> <p>Richard Perrin 711 N Redwood Dr. Lincoln, NE 818-344-7565</p>	
<p>REGISTERED ARCHITECT</p> <p>SANDRA DANIELA MARCH C 32516</p> <p>STATE OF CALIFORNIA</p>	
Plot Date	
QC File Name	Paseo Portola
Project ID	
Revision	Revision
Date	2-28-20
Reviewed By	
Checked By	
Drawn By	
<p>Architect:</p> <p>Aude-Mar Inc 18034 Ventura Blvd Ste 512 Encino CA 91316 PH # 818-344-7565</p>	
Project Name	21499 PASEO PORTOLA 2-story, 3-bedrooms new Residence with attached 2-car garage and basement
Section	Sections 1
Sheet No.	A-9

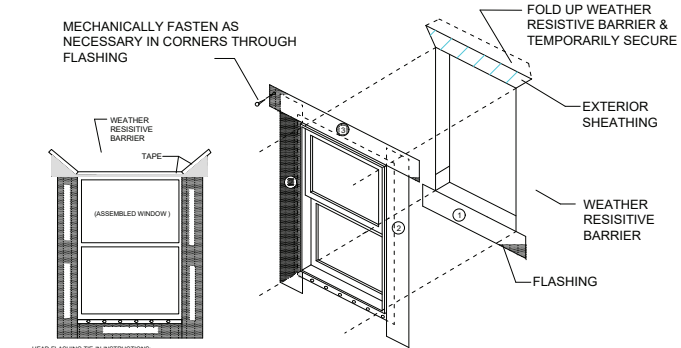




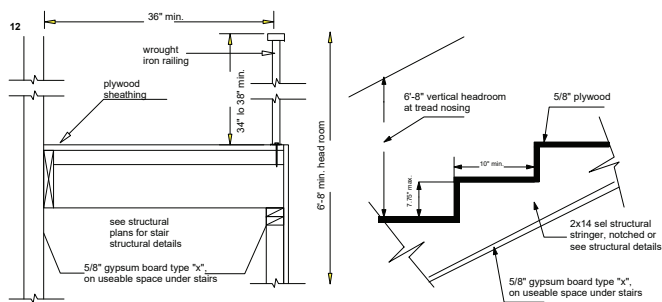
11- PARAPET- ROOF DETAIL



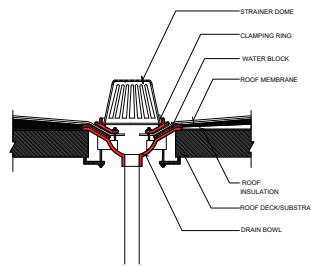
Vertical section  
10- WINDOW DETAIL



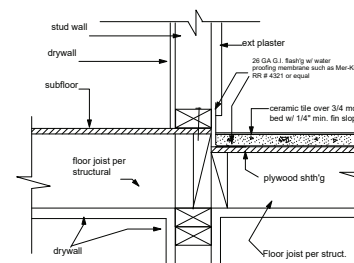
9- WINDOW FLASHING DETAIL



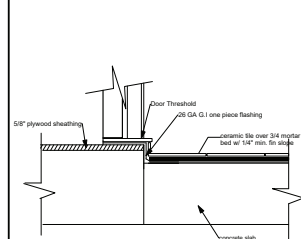
8 STAIR DETAIL



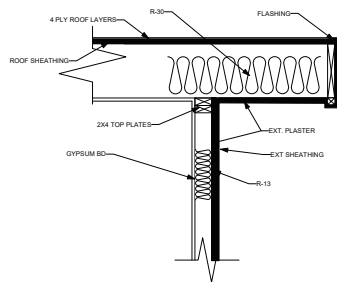
7- ROOF OVERFLOW



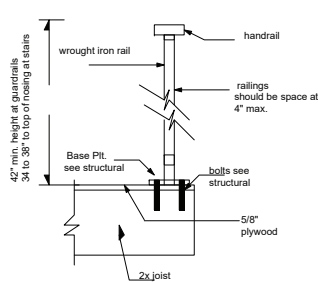
6- EXT DOOR SILL DET.



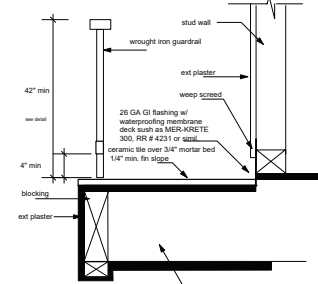
5- EXT. WALL AT FLOOR



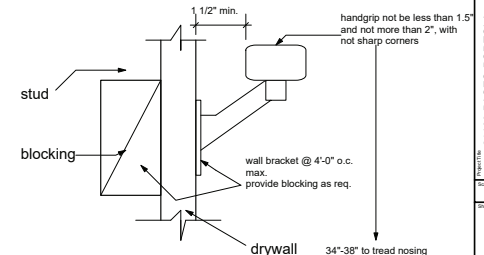
4 ROOF OVERHANG



3 RAILING

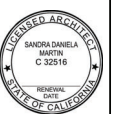


2 BALCONY DTL



1- HANDRAIL

owner:  
Richard Perrin  
711 N Redwood Dr.  
Lincoln, NE  
818-344-7565



Project Name  
Pasero Portola  
Project ID  
Revision  
2-26-20  
Date  
Reviewed By  
Checked By  
Drawn By

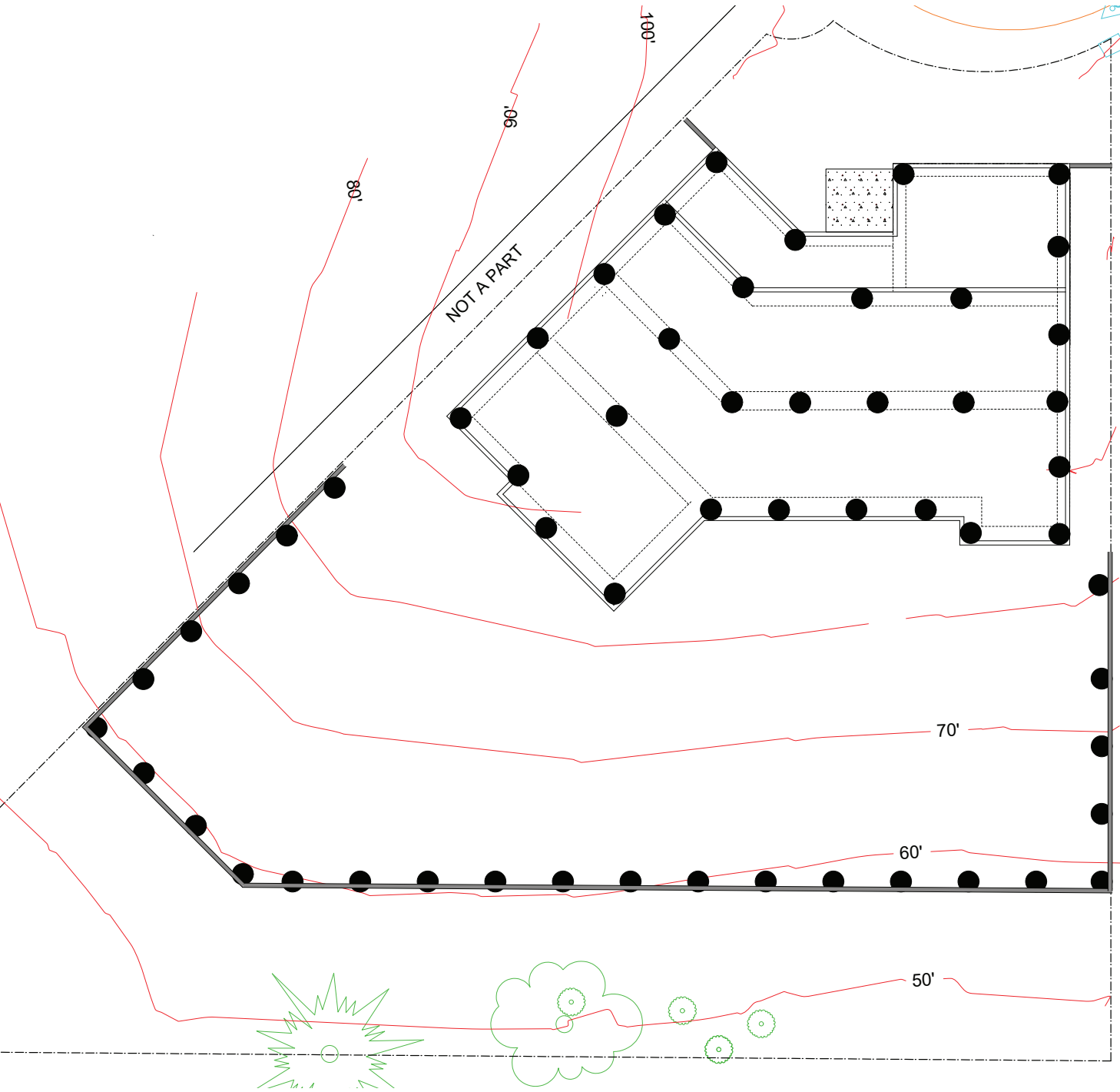
Design Firm  
Aude-Mar Inc  
18034 Ventura Blvd Ste 512  
Encino CA 91316  
PH # 818-344-7565

Project No.  
21490 PASERO PORTOLA  
2-story 3-bedrooms new Residence  
with attached 2-car garage and basement

Architectural details

Sheet No.  
NTS

Scale  
A-11  
of



owner: Richard Perrin 711 N Redwood Dr. Lincoln, NE 818-344-7565	
Project Name Paseo Portola	
Project ID 21450	Revision 2-25-20
Checked By Drawn By	
Design Firm Aude-Mar Inc 18034 Ventura Blvd Ste 512 Encino CA 91316 PH # 818-344-7565	
Project No. 21450 PASEO PORTOLA 2-story 3-bedrooms new Residence with attached 2-car garage and basement	Project Title Preliminary Foundation Plan
Sheet No. FP of	



PROPERTY ADDRESS:

(VACANT) 21490 PASEO PORTOLA  
MALIBU, CA 90265

ASSESSOR'S PARCEL NO.'S:

4451-018-030 & 4451-023-037 (LOS ANGELES COUNTY)

LEGAL DESCRIPTION:

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

PARCEL 1:

LOT 133 OF TRACT NO. 10570, IN THE CITY OF MALIBU, COUNTY OF LOS  
ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 161  
PAGES 36-42 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF  
SAID COUNTY.

PARCEL 2:

LOT 132 OF TRACT NO. 10570, IN THE COUNTY OF LOS ANGELES, STATE  
OF CALIFORNIA EXCEPT THAT PORTION OF SAID LOT, DESCRIBED AS  
FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY TERMINUS OF THAT CERTAIN COURSE  
HAVING A LENGTH OF 162.42 FEET IN THE SOUTHEASTERLY LINE OF SAID  
LOT; THENCE NORTH 57°28'01" EAST ALONG SAID SOUTHEASTERLY LINE,  
71.18 FEET; THENCE NORTH 76°52'20" WEST 50.97 FEET TO A POINT IN  
THAT CERTAIN COURSE HAVING A LENGTH OF 155.86 FEET IN THE NORTH-  
WESTERLY LINE OF SAID LOT, DISTANT THEREON NORTH 37°22'40" EAST  
3.37 FEET FROM THE SOUTHWESTERLY TERMINUS THEREOF; THENCE ALONG  
SAID NORTHWESTERLY LINE, SOUTH 37°22'40" WEST 3.37 FEET TO SAID  
SOUTHWESTERLY TERMINUS; THENCE SOUTHERLY AND EASTERLY ALONG  
THE LINES OF SAID LOT TO THE POINT OF BEGINNING.

EXCEPT ALL OIL, MINERAL AND OTHER HYDROCARBON SUBSTANCES IN, ON  
OR UNDER SAID LAND, WITHOUT HOWEVER, THE RIGHT TO ENTER UPON THE  
SURFACE THEREOF FOR THE PURPOSE OF EXTRACTING OR REMOVING THE  
SAME, AS RESERVED BY MARBLEHEAD LAND COMPANY, RECORDED JULY 5,  
1963 IN BOOK D-2093 PAGE 354, OFFICIAL RECORDS.

BASIS OF BEARINGS:

THE BEARING OF N 78°36'10" W ALONG THE CENTERLINE OF PASEO  
PORTOLA AS SHOWN ON TRACT NO. 10570 IN THE COUNTY OF LOS  
ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 161,  
PAGES 36-42, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, WAS  
USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCH MARK:

MALIBU 0005.301 RDBM TAG IN E WALL C B 600MM S/O OF 12M Y10048  
(2000) 0017.392 S C/L PACIFIC COAST HWY & 805M E/O CARBON  
CYN RD O HSE #21468

ELEVATIONS SHOWN ON THIS MAP ARE BASED ON NAVD 1988 DATUM.

NOTES:

1) TITLE REPORT USED FOR THIS SURVEY WAS PREPARED BY FIDELITY  
NATIONAL TITLE COMPANY ORDER NO. 00013534-994-VNO-SI, DATED  
DECEMBER 20, 2012. EASEMENTS, AS SHOWN ON THIS MAP ARE FROM  
INFORMATION OBTAINED FROM SAID TITLE REPORT.

2) PERTAINING TO SURVEY AND TOPO MAP IF RETAINING WALLS OR  
SIMILAR STRUCTURES ARE TO BE DESIGNED FROM CONTOURS SHOWN  
ON THIS MAP, GROUND ELEVATIONS AT CRITICAL POINTS CONTROLLING  
THE DESIGN SHOULD BE VERIFIED BY DIRECT LOCATION AND LEVELS  
PRIOR TO FINAL DESIGN ADOPTION.

3) UTILITIES, IF LOCATED, ARE BY SURFACE EVIDENCE ONLY.  
(MANHOLES, WATER METERS, GAS METERS, POWER POLES, ETC.)

4) GROSS PARCEL AREA APN 4451-018-030 - 8,960.5 SQ. FT. / 0.20 ACRES  
GROSS PARCEL AREA APN 4451-023-037 - 12,059.1 SQ. FT. / 0.27 ACRES

5) EASEMENT FOR PUBLIC UTILITIES, RECORDED AUGUST 22, 1930 IN BOOK  
10242, PAGE 124, OF O.R. AFFECTS ALL OF TRACT 10570, ITEM #5 OF TITLE  
REPORT.

6) AS PER ITEM # 8 OF SAID TITLE REPORT, UNDERGROUND CONDUIT LINE  
EASEMENTS MAY EXIST BUT ARE NOT PLOTTABLE FROM INFORMATION  
PROVIDED IN THE DOCUMENT CALLED OUT IN SAID ITEM #8.

7) EASEMENT FOR PIPELINE PURPOSES RECORDED IN BOOK 16057, PAGE  
211, OF O.R. NOT PLOTTED FROM INFORMATION PROVIDED.

LEGEND:

PROPERTY LINE:

STREET CENTERLINE:

EASEMENT:

MONUMENT:

STREET LIGHT (ST.L.T.):

ASPHALT (A/C):

BUILDING:

CHAIN LINK FENCE (C.L.F.):

WOOD FENCE:

WIRE FENCE:

WROUGHT IRON-FENCE

CONCRETE (CONC.):

TILE:

SLATE/FLAGSTONE:

GRAVEL:

BRICK (BRK):

MANHOLE (M.H.):

TREES:

PINE

PALM

EUC

OAK

TREE

SYC

PEPPER

CORK

OLIVE

LIST OF ABBREVIATIONS:

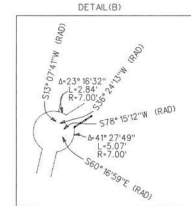
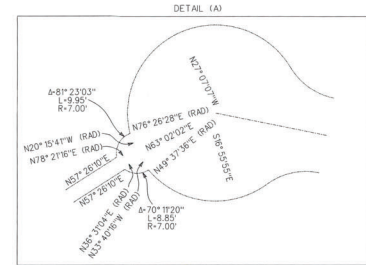
1X2 1"X2" WOOD  
AC UNIT AIR CONDITIONING UNIT  
A/C ASPHALT  
BBQ BARBECUE  
BLK BLOCK  
B.O.B. BASIS OF BEARING  
BRK BRICK  
CLR CLEAR  
CN CONCRETE NAL  
CONC CONCRETE  
DI DRAIN INLET  
DO DRAIN OUTLET  
DOWN DOWN  
ENCR ENCROACHMENT  
ETCH "X" ETCHED OR SCRIBED "X"  
FD FOUND  
FH FIRE HYDRANT  
FF FINISHED FLOOR  
FL FLOW LINE  
FS FINISHED SURFACE  
GM GAS METER  
GV GAS VALVE  
HBT HUB & TACK  
ICV IRRIGATION CONTROL VALVE  
IP IRON PIPE  
L&T LEAD & TACK  
MH MANHOLE  
MHTL MEAN HIGH TIDE LINE  
O/H OVER HANG  
PILE CONC PILE / CAISSON  
PP POWER POLE  
PMX PAINT MARK "X"  
RRT RAIL ROAD TIE  
SP SIGN POST  
SPK SPIKE  
SSCO SANITARY SEWER CLEAN OUT  
SSMH SANITARY SEWER MANHOLE  
TC TOP CURB  
TW TOP WALL  
W WASHER  
WM WATER METER  
WV WATER VALVE

EASEMENT FOR STORM WATER RESERVOIR PURPOSES.  
THIS EASEMENT IS NOT ACCURATELY PLACED DUE TO  
EASEMENT BEING PLACED FROM ASSESSORS MAP.  
ITEM #17 OF TITLE REPORT  
RECORDED ON ASSESSOR'S MAP BOOK 4451 PAGE 018.

LIST OF ABBREVIATIONS:

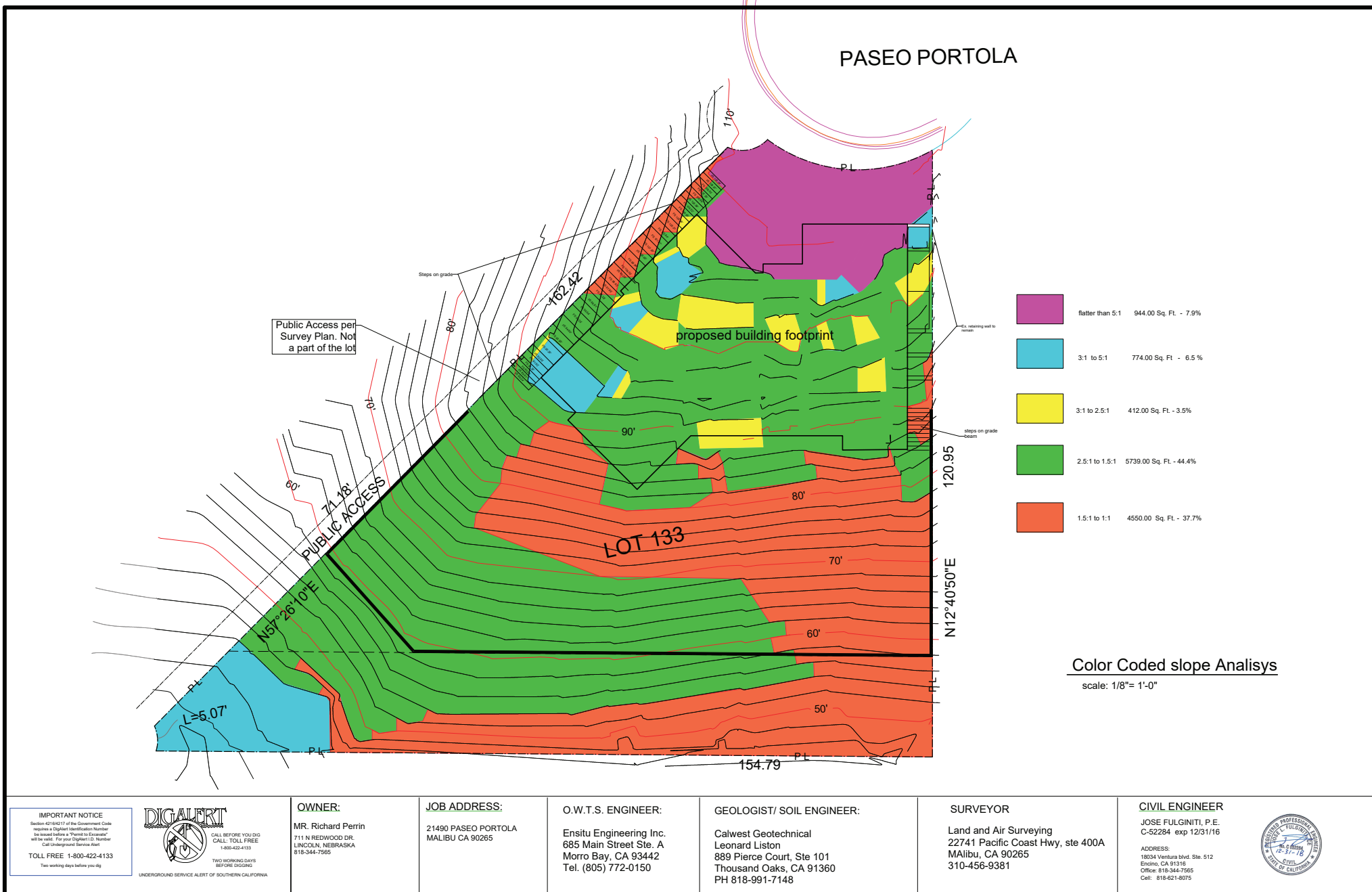
1X2 1"X2" WOOD  
AC UNIT AIR CONDITIONING UNIT  
A/C ASPHALT  
BBQ BARBECUE  
BLK BLOCK  
B.O.B. BASIS OF BEARING  
BRK BRICK  
CLR CLEAR  
CN CONCRETE NAL  
CONC CONCRETE  
DI DRAIN INLET  
DO DRAIN OUTLET  
DOWN DOWN  
ENCR ENCROACHMENT  
ETCH "X" ETCHED OR SCRIBED "X"  
FD FOUND  
FH FIRE HYDRANT  
FF FINISHED FLOOR  
FL FLOW LINE  
FS FINISHED SURFACE  
GM GAS METER  
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HBT HUB & TACK  
ICV IRRIGATION CONTROL VALVE  
IP IRON PIPE  
L&T LEAD & TACK  
MH MANHOLE  
MHTL MEAN HIGH TIDE LINE  
O/H OVER HANG  
PILE CONC PILE / CAISSON  
PP POWER POLE  
PMX PAINT MARK "X"  
RRT RAIL ROAD TIE  
SP SIGN POST  
SPK SPIKE  
SSCO SANITARY SEWER CLEAN OUT  
SSMH SANITARY SEWER MANHOLE  
TC TOP CURB  
TW TOP WALL  
W WASHER  
WM WATER METER  
WV WATER VALVE

Scale 1" = 20'



ARCHITECTURAL SURVEY			
REVISIONS: 02/26/16 FIELD EDIT	SURVEYED FOR: AUDE-MAR, INC. C/O JOSE FULGINITI 18034 VENTURA BLVD., #512 ENCINO, CA 91316	SURVEYED BY: LAND & AIR SURVEYING 30000-100-0000 SUBDIVISION-PARCEL MAP SOUTH PACIFIC COAST HIGHWAY MALIBU, CA 90265 PHONE: (310) 400-9005 FAX: (310) 400-9001	SCALE: 1" = 20' CALC BY: RS CHECK BY: AUDE-116 DS SURVEY DATE: 7/25/13-7/28/13 DS SHEET: 1 OF 1 MDS





## GENERAL NOTES:

- All grading and construction shall conform to the Code adopted by the City of Malibu.
- Any modifications or changes to approved grading plans must be approved by the Building Official.
- No grading shall be started without first notifying the Building Official. A Pre-grading meeting at the site is required before the start of the grading with the following people present: Owner, grading contractor, design civil engineer, soils engineer, geologist, County grading inspector(s) or their representatives, and when required the archeologist or other jurisdictional agencies. Permittee or his agent are responsible for arranging Pre-grade meeting and must notify the Building Official at least two business days prior to proposed pre-grade meeting.
- Approval of these plans reflect solely the review of plans in accordance with the County of Los Angeles Building Code and does not reflect any position by the County of Los Angeles or the Department of Public Works regarding the status of any title issues relating to the land on which the improvements may be constructed. Any disputes relating to title are solely a private matter not involving the County of Los Angeles or the Department of Public Works.
- All grading and construction activities shall comply with County of Los Angeles Code, Title 12, Section 12.12.030 that controls and restricts noise from the use of construction and grading equipment from the hours of 8:00 PM to 6:30 AM, and on Sundays and Holidays. (More restrictive construction activity times may govern, as required by the Department of Regional Planning and should be shown on the grading plans when applicable.)
- California Public Resources Code (Section 5097.98) and Health and Safety Code (Section 7050.5) address the discovery and disposition of human remains. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, the law requires that grading immediately stops and no further excavation or disturbance of the site, or any nearby area where human remains may be located, occur until the following has been measures have been taken:
  - The County Coroner has been informed and has determined that no investigation of the cause of death is required, and
  - If the remains are of Native American origin, the descendants from the deceased Native Americans have made a recommendation for the means of treating or disposing, with appropriate dignity, of the human remains and any associated grave goods.

- The location and protection of all utilities is the responsibility of the Permittee.
- All export of material from the site must go to a permitted site approved by the Building Official or a legal dumpsite. Receipts for acceptance of excess material by a dumpsite are required and must be provided to the Building Official upon request.
- A copy of the grading permit and approved grading plans must be in the possession of a responsible person and available at the site at all times.
- Site boundaries, easements, drainage devices, restricted use areas shall be located per construction staking by Field Engineer or licensed surveyor. Prior to grading, as requested by the Building Official, all property lines, easements, and restricted use areas shall be staked.
- No grading or construction shall occur within the protected zone of any oak tree as required per Title Chapter 22.66 of the County of Los Angeles Zoning Code. The protected zone shall mean that area within the drip line of an oak tree extending there from a point at least five feet above the drip line, or 15 feet from the trunk(s) of a tree, whichever is greater.

- No oak tree permit is obtained. (Add the following Note: )
- All grading and construction within the protected zone of all oak trees shall be per oak tree permit. no \_\_\_\_\_. All recommendations in the permit and associated oak tree report must be complied with and are a part of the grading plan. A copy of the oak tree permit and associated oaks shall be maintained in the possession of a responsible person and available at the site at all times.
- The standard retaining wall details shown on the grading plans are for reference only. Standard retaining walls are not checked, permitted, or inspected per the Grading Permit. A separate retaining wall permit is required for all standard retaining walls.
- Note: This note only applies to standard retaining walls. Geogrid fabric and segmental retaining walls do not require a separate retaining wall permit. Details and construction notes for all Geogrid walls must be on the grading plan.
- A preventive program to protect the slopes from potential damage from burrowing rodents is required per Section J101.8 of the County of Los Angeles Building Code. Owner is to inspect slopes periodically for evidence of burrowing rodents and a first evidence of their existence shall employ an exterminator for their removal.
- Where a grading permit is issued and the Building Official determines that the grading will not be completed prior to November 1, the owner of the site on which the grading is being performed shall, on or before October 1, file or cause to be filed with the Building Official an ESCP per Section J110.8.3 of the County of Los Angeles Building Code.
- Transfer of Responsibility: If the Field Engineer, the Soils Engineer, or the Engineering Geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official in writing of such change prior to the commencement of such grading.

## INSPECTION NOTES

- The permittee or the agent shall notify the Building Official at least one working day in advance of required inspections at following stages of the work. (Section J105.7 of the Building Code.)
- (a) Pre-grade - Before the start of any earth distorting activity or construction.
- (b) Initial - When the site has been cleared of vegetation and unapproved fill has been scarified, benched or otherwise prepared for fill. Fill shall not be placed prior to this inspection. Note: Prior to any construction activities, including grading, all storm water pollution prevention measures including erosion control devices which contain sediments must be installed.
- (c) Rough - When approximate final elevations have been established; drainage terraces, swales and berms installed at the top of the slope; and the statements required in this Section have been received.
- (d) Final - When grading has been completed; all drainage devices installed; slope planting established, irrigation systems installed and the As-Built plans, required statements, and reports have been submitted and approved.
17. In addition to the inspection required by the Building Official for grading, reports and statements shall be submitted to the Building Official in accordance with Section J105 of the County of Los Angeles Building Code.
18. Unless otherwise directed by the Building Official, the Field Engineer for all engineered grading projects shall prepare routine inspection reports as required under Section J105.11 of the County of Los Angeles Building Code. These reports, known as "Report of Grading Activities", shall be submitted to the Building Official as follows:
  - Bi-weekly during all times when grading of 400 cubic yards or more per week is occurring on the site;
  - Monthly, at all other times; and
  - at any time when requested in writing by the Building Official.
- Such "Report of Grading Activities" shall certify to the Building Official that the Field Engineer has inspected the grading site and related activities and has found them in compliance with the approved grading plans and specifications, the building code, all grading permit conditions, and all other applicable ordinances and requirements. This form is available at the following website <http://dpw.lacounty.gov/bdsc/default.aspx>. "Report of Grading Activities" may be scanned and uploaded at the website or faxed to (310) 530-5482. Failure to provide required inspection reports may result in a "Stop Work Order".
19. All graded sites must have drainage swales, berms, and other drainage devices installed prior to rough grading approval per Section J105.7 of the County of Los Angeles Building Code.
20. The grading contractor shall submit the statement to the grading inspector as required by Section J105.12 of the County of Los Angeles Building Code at the completion of rough grading.
21. Final grading must be approved before approval of buildings will be allowed per Section J105 of the County of Los Angeles Building Code.

## DRAINAGE NOTES

22. Roof drainage must be diverted from graded slopes.
23. Provisions shall be made for contributory drainage at all times.
24. All construction and grading within a storm drain easement are to be done per Private Drain PD No. \_\_\_\_\_ or miscellaneous Transfer Drain MTD No. \_\_\_\_\_.
25. All storm drain work is to be done under continuous inspection by the Field Engineer. Status reports required under note 18 and Section J105.11 of the County of Los Angeles Building Code shall include inspection information and reports on the storm drain installation.
26. An encroachment permit from (County of Los Angeles Department of Public Works) (CALTRANS) (City of \_\_\_\_\_) is required for all work within or affecting road right of way. All work within Road right of way shall conform to (County of Los Angeles Department of Public Works)(CALTRANS) (City of \_\_\_\_\_) encroachment permit.
27. An encroachment permit/connection permit is required from the County of Los Angeles Flood Control District for all work within the County of Los Angeles Flood Control District Right of Way. All work shall conform to conditions set by the Permit.
28. Permission to operate in Very High Fire Hazard Severity Zone must be obtained from the Fire Prevention Bureau or the local Fire Station prior to commencing work.
29. All work within the streambed and areas outlined on grading plans shall conform to:
  - Army Corp 404 Permit Number: \_\_\_\_\_
  - California Fish & Wildlife Permit No. \_\_\_\_\_
30. All construction/demolition, grading, and storage of bulk materials must comply with the local AQMD rule 403 for Fugitive Dust. Information on rule 403 is available at AQMD's website <http://www.aqmd.com>.

## GENERAL GEOTECHNICAL NOTES

31. All work must be in compliance with the recommendations included in the geotechnical consultant's report(s) and the approved grading plans and specifications.
32. Grading operations must be conducted under periodic inspections by the geotechnical consultants with monthly inspection reports to be submitted to the Geology and Soils Section. (900 S. Fremont, Alhambra CA 91803 - 3rd Floor.)
33. The Soil Engineer shall provide sufficient inspections during the preparation of the natural ground and the placement and compaction of the fill to be satisfied that the work is being performed in accordance with the plan and applicable Code requirements.
34. Rough grading must be approved by a final engineering geology and soils engineering report. An As-Built Geologic Map must be included in the final geology report. Provide a final report statement that verifies work was done in accordance with report recommendations and code provisions (Section J105.12 of the County of Los Angeles Building Code). The final report(s) must be submitted to the Geotechnical and Materials Engineering Division for review and approval.
35. Foundation, wall and pool excavations must be inspected and approved by the consulting geologist and soil engineer, prior to the placing of steel or concrete.
36. Building pads located in fill/fill transition areas shall be over-excavated a minimum of three (3) feet below the proposed bottom of footing.

## FILL NOTES

37. All fill shall be compacted to the following minimum relative compaction criteria:
  - 90 percent of maximum dry density within 40 feet below finish grade.
  - 93 percent of maximum dry density deeper than 40 feet below finish grade, unless a lower relative compaction (not less than 90 percent) dry density is justified below geotechnical engineer.
- The relative compaction shall be determined by A.S.T.M. soil compaction test D1557-91 where applicable: Where not applicable, a test acceptable to the Building Official shall be used. (Section J107.5 of the County of Los Angeles Building Code.)
- 95 percent of maximum dry density is required for all Fire lanes unless otherwise approved by the Fire Department.
38. Field density shall be determined by a method acceptable to the Building Official. (Section J107.5 of the County of Los Angeles Building Code). However, not less than 10% of the required density test, uniformly distributed, and shall be obtained by the Sand Cone Method.
39. Sufficient tests of the fill soil shall be made to determine the relative compaction of the fill in accordance with the following minimum guidelines:
  - One test for each two-foot vertical lift.
  - One test for each 1,000 cubic yards of material placed.
  - One test at the location of the final fill slope for each building site (lot) in each four-foot vertical lift or portion thereof.
  - One test in the vicinity of each building pad for each four-foot vertical lift or portion thereof. 40. Sufficient tests of fill soils shall be made to verify that the soil properties comply with the design requirements, as determined by the Soil Engineer including soil types, shear strengths parameters and corresponding unit weights in accordance with the following guidelines:
    - Prior and subsequent to placement of the fill, shear tests shall be taken on each type of soil or soil mixture to be used for all fill slopes steeper than three (3) horizontal to one vertical.
    - Shear test results for the proposed fill material must meet or exceed the design values used in the geotechnical report to determine slope stability requirements. Otherwise, the slope must be reevaluated using the actual shear test value of the fill material that is in place.
    - Fill soils shall be free of deleterious materials.
    - Fill shall not be placed until stripping of vegetation, removal of unsuitable soils, and installation of subdrain (if any) have been inspected and approved by the Soil Engineer. The Building Official may require a "Standard Test Method for moisture, ash, organic material, peat or other organic soils" ASTM D-2974-87 on any suspect material. Detrimental amounts of organic material shall not be permitted in fills. Soil containing small amounts of roots to be allowed provided that the roots are in a quantity and distributed in a manner that will not be detrimental to the future use of the site and the soil engineer approves the use of such material.
    - Rock or similar material greater than 12 inches in diameter shall not be placed in the fill unless recommendations for such placement have been submitted by the Soil Engineer and approved in advance by the Building Official. Location, extent, and elevation of rock disposal areas must be shown on an "As Built" grading plan.
    - Continuous inspection by the Soil Engineer, or a responsible representative, shall be provided during all fill placement and compaction operations where fills have a depth greater than 30 feet or slope surface steeper than 2:1. (Section J107.8 of the County of Los Angeles Building Code)
    - Continuous inspection by the Soil Engineer, or a responsible representative, shall be provided during all subdrain installation. (Section J107.2 of the County of Los Angeles Building Code)
    45. All subdrain outlets are to be surveyed for line and elevation. Subdrain information must be shown on an "As Built" grading plan.
    46. Fill slopes in excess of 2:1 steepness ratio are to be constructed by the placement of soil at sufficient distance beyond the proposed finish slope to allow compaction equipment to be operated at the outer limits of the final slope surface. The excess fill is to be removed prior to completion of rough grading. Other construction procedures may be used when it is demonstrated to the satisfaction of the Building Official that the angle of slope, construction method and other factors will have equivalent effect. (Section J107.5 of the County of Los Angeles Building Code.)

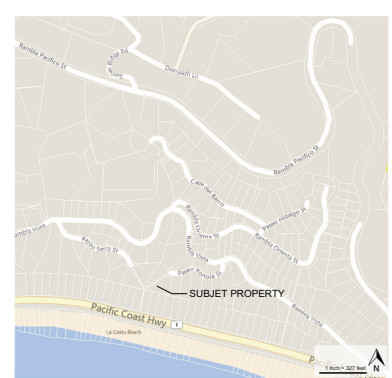
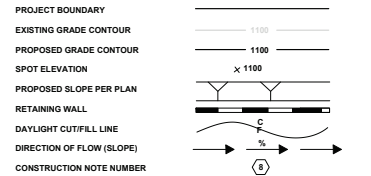
## PUBLIC WORKS DEPARTMENT GENERAL NOTES

1. All work shown on these plans shall be constructed in accordance with the current edition of the Standard Specifications for Public Works Construction (SSPWC) "Green Book."
2. Contractors shall comply with all applicable Division of Industrial Regulations (Cal-OSHA) safety standards. If requested by the Inspector, the Contractor shall provide proof of a permit from said division.
3. Contractor shall call the Public Works Inspector at (310) 456-2489, ext. 341 for Pre-Construction Meeting prior to the commencement of any construction or grading operations. Contractor shall notify the City Public Works Inspector 48 hours prior to commencing any construction and 24 hours in advance of specific inspection necessitating the course of the work.
4. No improvements are proposed within the Public Right-Of-Way.
5. Stenting of any construction materials, construction trailer, and/or parking and any work within the City public right of way shall require a City Encroachment Permit. Call the Public Works Inspector at (310) 456-2489, ext. 341 to apply for a permit.
6. Storage of any construction materials, construction trailer, and/or parking and any work within the Caltrans public right of way shall require a Caltrans Encroachment Permit. Submit a copy of the Caltrans Encroachment Permit to the Public Works Department.
7. All work shall be performed during City working hours and in compliance with theespleans.
8. Contractor shall verify all conditions and dimensions and shall report any discrepancies to the Engineer prior to the commencement of any work.
9. Contractor shall locate, protect, and save any and all survey monuments that will be or may be damaged or destroyed by their operations. Once found, the Contractor shall then notify both the developer's supervising Civil Engineer and the Public Works Inspector. The supervising Civil Engineer shall reset all said monuments per the requirements of the Professional Land Surveyor's Act.
10. The Contractor shall be responsible for protecting all public and private property insofar as it may be affected by these operations.
11. Existing traffic signs are not to be removed without prior notification and approval of the City Engineer. As a minimum, construction work zone traffic signs and striping shall be furnished, installed, and maintained in accordance with the "Work Area Traffic Control Handbook" (the "WATCH Manual"), published by BNI Building News, Inc. A Traffic Control Plan, prepared by the developer, may be required by the City.
12. Dust control shall be maintained at all times.
13. Erosion Control Plans shall be provided for all projects. Grading and clearing is prohibited from November 1 to March 31 for all developments within or adjacent to ESHA and/or including grading on slopes greater than 4:1.
14. All underground utilities and service laterals shall be installed prior to construction of curbs, gutters, sidewalks, and paving unless otherwise permitted by the City Engineer.
- 15 The Developer shall comply with NPDES requirements. The Storm Water Pollution Prevention Plan (SWPPP) shall be available at the construction site at all times and shall be kept updated.
- 16 All recommendations made by the Geotechnical/Soils Engineer and Engineering Geologist, where employed, and contained in the reports referenced herein, as approved or conditioned by the City, shall be considered a part of the Grading Plan.
- 17 All storm drain pipe in the public right-of-way and easements shall be reinforced concrete pipe (RCP).
- 18 Terrace drains, interceptor drains, and down drains shall be constructed of 3" P.C.C. reinforced with 6"x6" x10 ft W.W.M. and shall be either semicircular or triangular cross section. Concrete color shall be "Omaha Tan" or approved equivalent.
- 19 Grading Quantities:
  - Export cu.yd. Fill cu.yd.
  - Export cu.yd. Import cu.yd.
- 20 Total Disturbed Area acres (including grading, clearing, and landscaping area)
- 21 Total Existing Impervious Surface Area sq. ft.
- 22 Total Proposed Impervious Surface Area sq. ft.
- 23 All slopes on private property adjoining streets, drainage channels, or other public facilities shall be graded not steeper than 2:1 for cut and fill unless specifically approved by the City Engineer on recommendation of the project's geotechnical/soils consultant.
- 24 All catch basins and drainage inlets shall be stenciled with the City of Malibu storm drain logo.

## ABBREVIATIONS

AC - ASPHALTIC CONCRETE	NG - NATURAL GROUND
BF - BOTTOM OF FOOTING	NTS - NOT TO SCALE
CB - CATCH BASIN	PL - PROPERTY LINE
CF - CURBS FACE	POB - POINT OF BEGINNING
CL - CENTERLINE	SDWH - STORM DRAIN MANHOLE
CLF - CHAIN LINK FENCE	SMH - SEWER MANHOLE
CO - CLEAN OUT	SS - SANITARY SEWER
DB - DEBRIS BASIN	TB - TOP OF BERM
DL - DAYLIGHT	TF - TOP OF FOOTING
EG - EDGE OF GUTTER	TG - TOP OF GRATE
EP - EDGE OF PAVEMENT	TF - TOP OF CURB
FF - FINISHED FLOOR	TYP - TYPICAL
FG - FINISHED GRADE	WM - WATER METER
FI - FINISH SURFACE	WV - WATER VALVE
FL - FLOWLINE	
HC RMP - HANDICAP RAMP	
HP - HIGH POINT	
INV - INVERT	

## LEGEND AND SYMBOLS



## VICINITY MAP

## PROJECT DATA

OCCUPANCY: R-3, U  
 ZONE: SFM R-1, LA COSTA  
 CONSTRUCTION TYPE: V-B  
 NUMBER OF STORY: 2  
 FIRE ZONE: VHFHSZ  
 FIRE SPRINKLERS REQUIRED

LOT SIZE: 12,059.10 SQ.FT. (0.27 ACRES)  
 20% EASEMENT ON BACK: 2,950.00 SQ. FT.  
 NET LOT AREA: 9,109.00 SQ. FT.

TOTAL PROPOSED BUILDING AREA: 3,397.00 Sq. Ft.  
 BUILDING FOOTPRINT AREA: 2,618.00 Sq. Ft.  
 PROPOSED IMPERMEABLE AREAS: 3,837.00 Sq. Ft.  
 EXISTING IMPERMEABLE AREAS: 380.00 Sq. Ft.  
 NEW IMPERMEABLE AREAS: 3,457.00 Sq. Ft.  
 LOT COVERAGE (IMP AREAS): 32%

BASE OF BEARING: THE BEARING OF N 79°38'10" W ALONG THE CENTERLINE OF PASEO PORTOLA AS SHOWN ON TRACT NO. 19670 IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 161 PAGES 36-42, IN THE OFFICE OF THE RECORDER OF SHERIFF COUNTY, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCH MARK: MALIBU 0005.301; RDM TAG IN E WALL C B 6009M S/O CF 12M Y 10048 (2000) 0017.382 S CL PACIFIC COAST HWY & 800M E/O CARBON C/VN RD HSE #2 1489

**City of Malibu**  
 21252 Street Beach Road • Malibu, California 90263-0601  
 Phone (310) 456-2489 • Fax (310) 456-7650 • [www.malibuca.gov](http://www.malibuca.gov)

**TOTAL GRADING YARDAGE VERIFICATION CERTIFICATE**  
 PLANNING DEPARTMENT REVIEW LEVEL

PROJECT NUMBER: \_\_\_\_\_

PROJECT ADDRESS: **21490 PASEO PORTOLA, MALIBU**

All projects proposing land form alteration which involves more than 100 cubic yards of grading shall complete this form. The completed form must be provided at the time of Planning Department application for grading approval. All applicable cubic yardages shall be completed in the table. **All calculations utilized to estimate the cubic yardages indicated shall be attached to this form.** This form and the required calculations must be prepared by a State of California Licensed Civil Engineer. The form and the calculations shall be stamped and wet signed by the preparing party.

	Exempt		Non-Exempt	Remedial	Total
	R&R	Understructure			
Cut	N/A	505	15	15	520
Export		505	460	460	965
Import				75	75

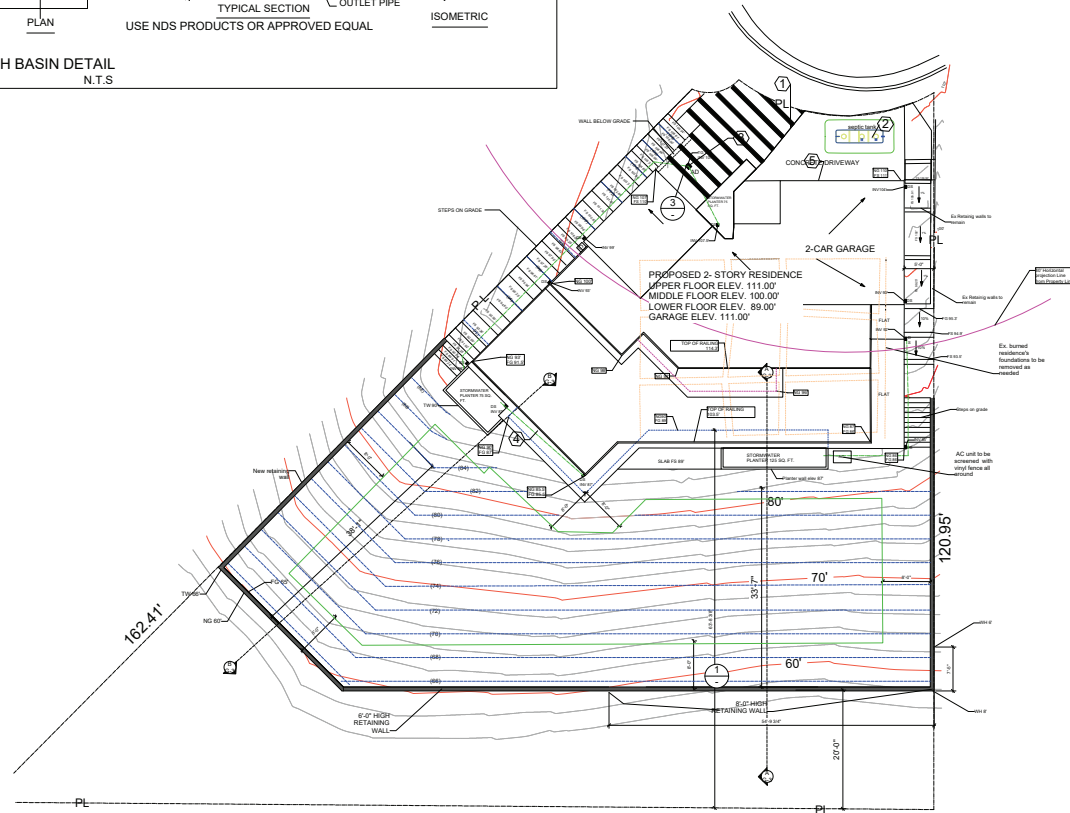
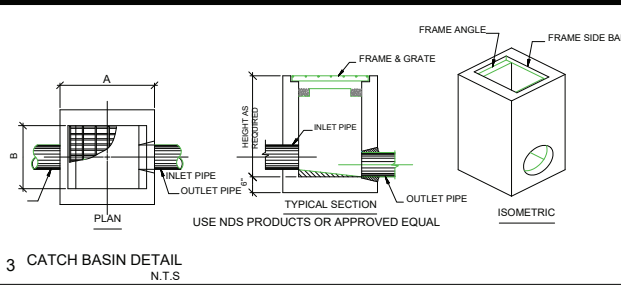
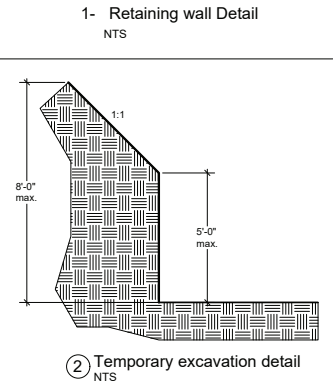
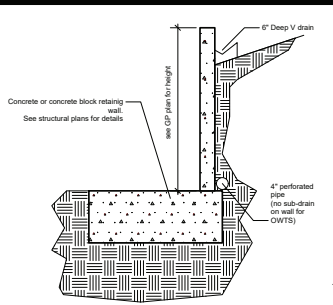
All quantities indicated shall be in cubic yards only.  
 (a) R&R - Removal and Replacement - R&R must be balanced.  
 (b) Understructure - Understructure is required grading for L.A. County Fire Department access approval beyond the 15 foot minimum clearance.  
 (c) Safety - Safety includes tunnels, handrails, barriers, and access roadway widening.  
 (d) Remedial - Remedial is grading recommended by a full site geotechnical or soils report prepared by a licensed geotechnical or soils engineer which is necessary to correct physical deficiencies on the site for the construction of a primary residential structure or access to the lot.  
 (e) Disposal - Disposal means soil that is leaving the site. This information will be used to calculate the number of truck trips for soil disposition.

PREPARED BY: **JOSE L. FULGINITI, PE**

DATE: **10/23/20**

<p><b>IMPORTANT NOTICE</b></p> <p>Section 42184217 of the Government Code requires a Digital Signature Number be issued before a "Power to Execute" will be valid. For your Digital ID, Number Call Undergraduate Service Alert.</p> <p>TOLL FREE 1-800-422-4133</p> <p>Two working days before you dig</p> <p><b>DIGALERT</b></p> <p>CALL BEFORE YOU DIG              CALL TOLL-FREE              1-800-422-4133</p> <p>TWO WORKING DAYS BEFORE YOU DIG</p> <p>UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA</p>	<p><b>OWNER:</b></p> <p><b>MR. Richard Perrin</b></p> <p>711 N REDWOOD DR.              LINCOLN, NEBRASKA              815-344-7565</p>	<p><b>JOB ADDRESS:</b></p> <p>21490 PASEO PORTOLA              MALIBU CA 90265</p>	<p><b>CIVIL ENGINEER</b></p> <p><b>JOSE FULGINITI, P.E.</b>              C-52284 exp 12/31/20</p> <p>ADDRESS:              18034 Ventura Blvd. Ste. 512              Encino, CA 91436              Office: 818-344-7565              Cell: 818-421-8075</p>	<p><b>GEOLOGIST/ SOIL ENGINEER:</b></p> <p><b>Calwest Geotechnical</b>  <b>Leonard Liston</b>              889 Pierce Court, Ste 101              Thousand Oaks, CA 91360              PH # 818-991-7148</p>	<p><b>SURVEYOR</b></p> <p><b>Land and Air Surveying</b>              22741 Pacific Coast Hwy, ste 400A              Malibu, CA 90265              PH # 310-456-9381</p>	<p><b>O.W.T.S. ENGINEER:</b></p> <p><b>Ensitu Engineering Inc.</b>              685 Main Street Ste. A              Morro Bay, CA 93442              PH # (805) 772-0150</p>
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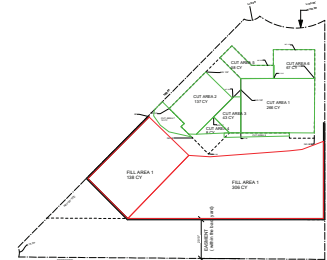
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**LEGEND**

GRADED SLOPE	
EXISTING CONTOUR	
PROPOSED CONTOUR	
PROPOSED ELEVATION	
EXISTING ELEVATION	
SLOPE DIRECTION/ RATE	
PROPERTY LINE	
RETAINING WALL	
FS.	FINISH SURFACE
FG.	FINISH GRADE
FL.	FLOW LINE
NG.	NATURAL GRADE
TW.	TOP OF WALL
DRAIN PIPE TO PLANTERS	
DAYLIGHT LINE	

- CONSTRUCTION NOTES:**
- CONSTRUCT NEW CONCRETE DRIVEWAY.
  - INSTALL SEPTIC TANK UNDER DRIVEWAY. SEE OWTS PLANS
  - CONSTRUCT NEW 12" SQ. CATCH BASIN w/ FOSSIL FILTER PER DETAIL# 3 SHOWN ON PG G-4.
  - INSTALL NEW 3"Ø SCHED. 40 PVC LINE, MIN. 1% SLOPE
  - CONSTRUCT NEW FRENCH DRAIN AT GARAGE.
- C** HUNTER SMART PCC-1500 ELECTROMECHANICAL CONTROLLER, 15 STATIONS, OUTDOOR MODEL WITH PLASTIC CABINET WITH HUNTER SOLAR-SYNC, RAIN FREEZE SENSOR

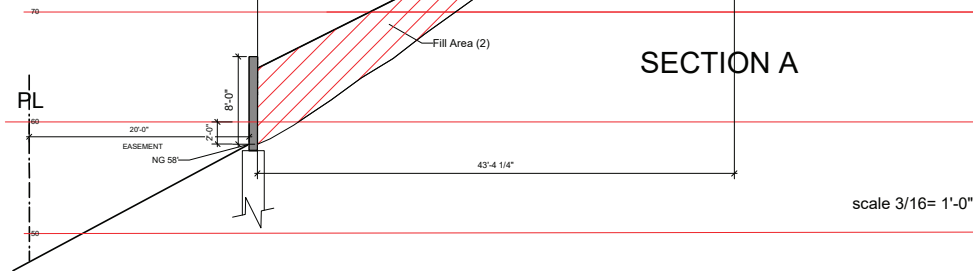
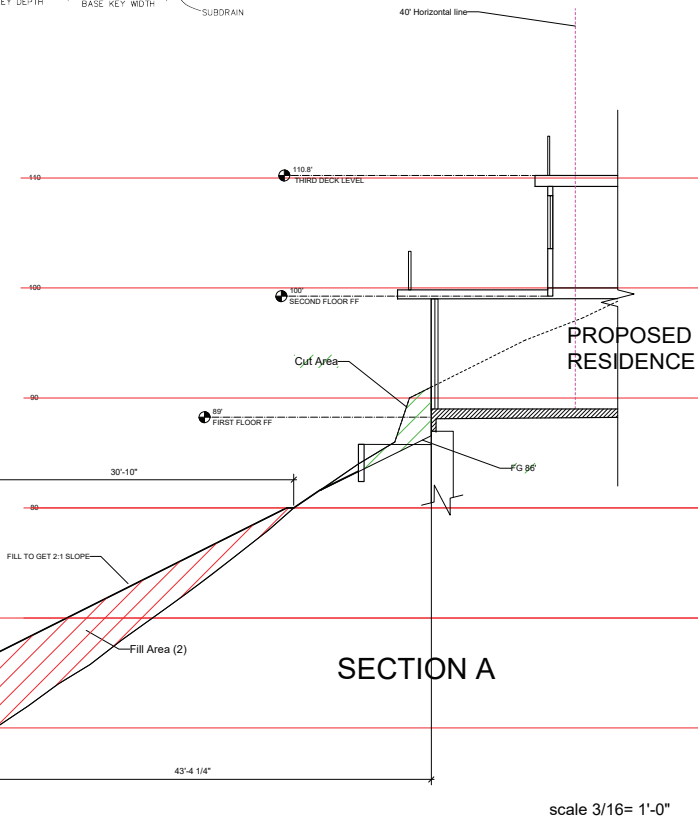
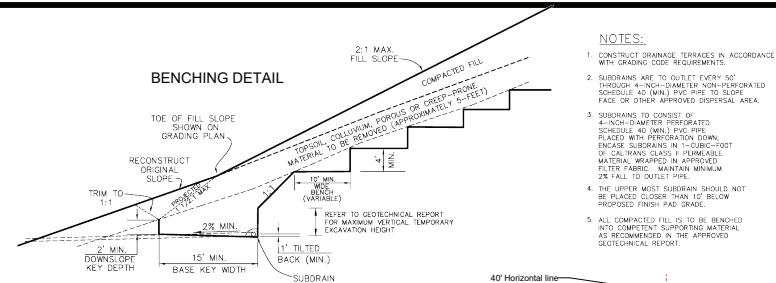


**cut and fill areas**

cut area #	area	avg height	cu ft	yards
1	1026	7	7182	266.00
2	510	7	3570	132.22
3	166	7	1162	43.04
4	70	2	140	5.11
5	218	7.25	1580.5	58.54
6	304	6	1824	67.56
<b>total exempted cuts</b>			<b>504.98</b>	
7	140	2	280	10.35
8	100	1	100	3.70
<b>total non exempted cuts</b>			<b>14.07</b>	
fill area #	area	avg height	cu ft	yards
1	1245	3	3735	138.15
2	2761	3	8283	306.78
<b>total fill</b>			<b>12018</b>	<b>445.11</b>

**GRADING AND DRAINAGE PLAN**  
Scale 1"=10'-0"

<p><b>IMPORTANT NOTICE</b></p> <p>Section 621610217 of the Government Code requires a Digital Identification Number be issued before a "Permit to Excavate" will be valid. For your Digital ID Number, Call Underground Service Alert</p> <p>TOLL FREE 1-800-422-4133</p> <p>Two working days before you dig</p>	<p><b>DIGIAlert</b></p> <p>CALL BEFORE YOU DIG CALL: TOLL FREE 1-800-422-4133</p> <p>TWO WORKING DAYS BEFORE DIGGING</p> <p>UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA</p>	<p><b>OWNER:</b></p> <p>MR. Richard Perrin 711 N REDWOOD DR. LINCOLN, NEBRASKA 818-344-7555</p>	<p><b>JOB ADDRESS:</b></p> <p>21490 PASEO PORTOLA MALIBU CA 90265</p>	<p><b>CIVIL ENGINEER</b></p> <p>JOSE FULGINITI, P.E. C-52284 exp 12/31/20</p> <p>ADDRESS: 18034 Ventura blvd. Ste. 512 Encino, CA 91316 Office: 818-344-7555 Cell: 818-621-8075</p>	<p><b>GEOLOGIST/ SOIL ENGINEER:</b></p> <p>Calwest Geotechnical Leonard Liston 889 Pierce Court, Ste 101 Thousand Oaks, CA 91360 PH 818-991-7148</p>	<p><b>SURVEYOR</b></p> <p>Land and Air Surveying 22741 Pacific Coast Hwy, ste 400A Malibu, CA 90265 310-456-9381</p>	<p><b>O.W.T.S. ENGINEER:</b></p> <p>Ensitu Engineering Inc. 685 Main Street Ste. A Morro Bay, CA 93442 Tel. (805) 772-0150</p>	<p><b>G-2</b></p> <p>2 OF 4</p>
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scale 3/16= 1'-0"

**IMPORTANT NOTICE**  
Section 4216/4217 of the Government Code requires a DigAlert Identification Number be issued before a "Permit to Excavate" will be valid. For your DigAlert I.D. Number Call Underground Service Alert  
**TOLL FREE 1-800-422-4133**  
Two working days before you dig



UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

**OWNER:**  
MR. Richard Perrin  
711 N REDWOOD DR.  
LINCOLN, NEBRASKA  
818-344-7565

JOB ADDRESS:  
21490 PASEO PORTOLA  
MALIBU CA 90265

**CIVIL ENGINEER**  
JOSE FULGINITI, P.E.  
C-52284 exp 12/31/20

ADDRESS:  
18034 Ventura blvd. Ste. 512  
Encino, CA 91316  
Office: 818-344-7565  
Cell: 818-621-8075

**GEOLOGIST/ SOIL ENGINEER:**  
Calwest Geotechnical  
Leonard Liston  
889 Pierce Court, Ste 101  
Thousand Oaks, CA 91360  
PH 818-991-7148

**SURVEYOR**  
Land and Air Surveying  
22741 Pacific Coast Hwy, ste 400A  
MALibu, CA 90265  
310-456-9381

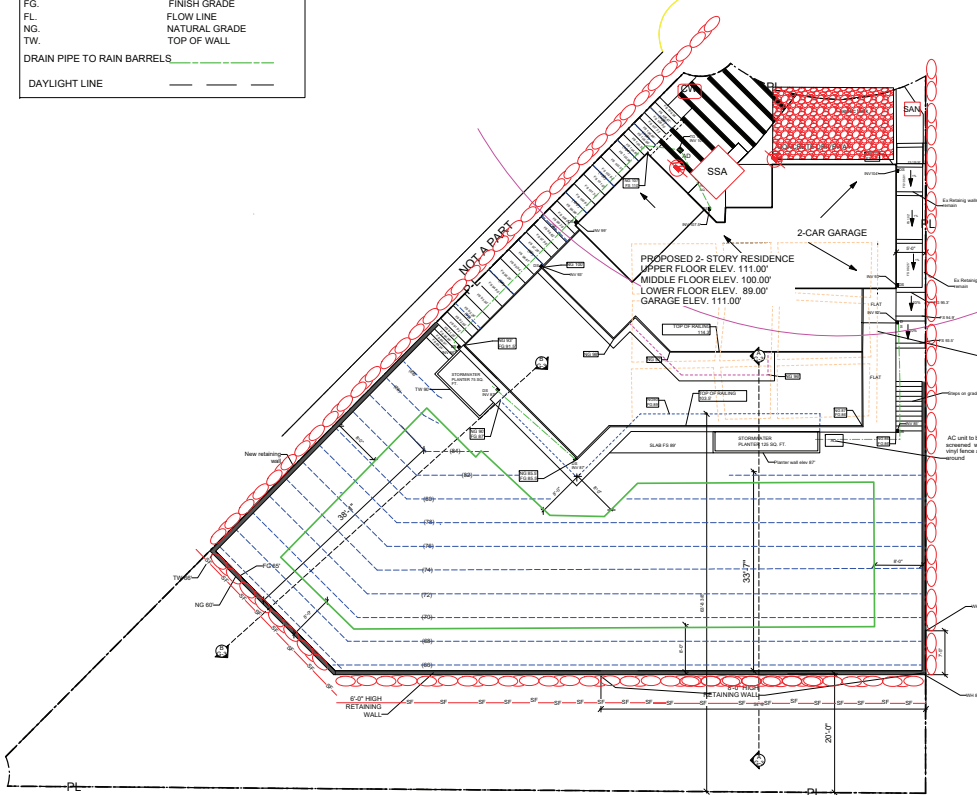
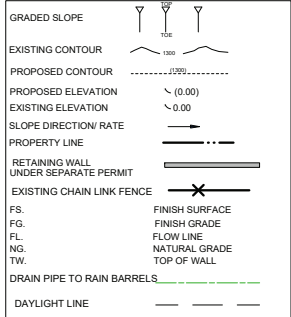
O.W.T.S. ENGINEER:  
Ensitu Engineering Inc.  
685 Main Street Ste. A  
Morro Bay, CA 93442  
Tel. (805) 772-0150

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3 OF 4



# LEGEND



PROPOSED EROSION CONTROL  
SCALE = 1"=10'

23. The following BMPs from the "CASQA Construction BMP Online Handbook" must be implemented for all construction activities as applicable. As an alternative, details from "Caltrans Stormwater Quality Handbooks, Construction Site Best Management Practices (BMP) Manual" may be used. Additional measures may be required if deemed appropriate by the Building Official.

EROSION CONTROL	TEMPORARY TRACKING CONTROL
EC1 - SCHEDULING	TC1 - STABILIZED CONSTRUCTION ENTRANCE EXIT
EC2 - PRESERVATION OF EXISTING VEGETATION	TC2 - STABILIZED CONSTRUCTION ROADWAY
EC3 - HYDRAULIC MULCH	TC3 - ENTRANCE/GULLET TIRE WASHON-STORMWATER MANAGEMENT
EC4 - HYDROSEEDING	NS1 - WATER CONSERVATION PRACTICES
EC5 - SOIL BINDERS	NS2 - WATERING OPERATIONS
EC6 - STRAW MULCH	NS3 - PAVING AND GRINDING OPERATIONS
EC7 - GEOTEXTILES & MATS	NS4 - TEMPORARY STREAM CROSSING
EC8 - WOOD MULCHING	NS5 - CLEAR WATER DIVERSION
EC9 - EARTH DIKES AND DRAINAGE SWALES	NS6 - ILLICIT CONNECTION/DISCHARGE
EC10 - VELOCITY DISSIPATION DEVICES	NS7 - POTABLE WATER IRRIGATION
EC11 - SLOPE DRAINS	NS8 - VEHICLE AND EQUIPMENT CLEANING
EC12 - STREAMBANK STABILIZATION	NS9 - VEHICLE AND EQUIPMENT FUELING
EC13 - RESERVED	NS10 - VEHICLE AND EQUIPMENT MAINTENANCE
EC14 - COMPOST BLANKETS	NS11 - PILE DRIVING OPERATIONS
EC15 - SOIL PREPARATION/ROUGHENING	NS12 - CONCRETE CURING
EC16 - NON-VEGETATED STABILIZATION	NS13 - CONCRETE FINISHING
TEMPORARY SEGMENT CONTROL	NS14 - MATERIAL AND EQUIPMENT USE
SE1 - SILT FENCE	NS15 - DEMOLITION ADJACENT TO WATER
SE2 - SEDIMENT BASIN	NS16 - TEMPORARY BATCH PLANTS
SE3 - SEDIMENT TRAP	WM1 - MATERIAL DELIVERY AND STORAGE
SE4 - CHECK DAM	WM2 - MATERIAL USE
SE5 - FIBER ROLLS	WM3 - STOCKPILE MANAGEMENT
SE6 - GRAVEL BAG BERM	WM4 - SPILL PREVENTION AND CONTROL
SE7 - STREET SWEEPING AND VACUUMING	WM5 - SOLID WASTE MANAGEMENT
SE8 - SANDBAG BARRIER	WM6 - HAZARDOUS WASTE MANAGEMENT
SE9 - STRAW BALE BARRIER	WM7 - CONTAMINATION SOIL MANAGEMENT
SE10 - STORM DRAIN INLET PROTECTION	WM8 - CONCRETE WASTE MANAGEMENT
SE11 - ACTIVE TREATMENT SYSTEM	WM9 - SANITARY/SEPTIC WASTE MANAGEMENT
SE12 - TEMPORARY SILT DIKE	WM10 - LIQUID WASTE MANAGEMENT
SE13 - COMPOST SOCKS & BERMS	
SE14 - BIOFILTER BAGS	
WIND EROSION CONTROL	
WE1 - WIND EROSION CONTROL	

LEGEND		
KEY	SYMBOLS	
SE1 - SILT FENCE	SF	SF
SE8 - SANDBAG	SB	SB
SE10 - INLET PROTECTION	IP	IP
TC1 - VEHICLE TRACKING CONTROL	VTC	VTC
WM1, WM2, WM3 - STABILIZED STAGING AREA MATERIAL / EQUIPMENT STORAGE	SSA	SSA
WM8 - CONCRETE WASHOUT AREA	CW	CW
WM9 - SANITARY FACILITIES	SAN	SAN

NOTE:  
REFER TO THE CALIFORNIA BMP HANDBOOK (CONSTRUCTION) FOR PROPER IMPLEMENTATION AND MAINTENANCE OF BEST MANAGEMENT PRACTICES SHOWN HEREON.

## EROSION AND SEDIMENT CONTROL PLAN (ESCP) GENERAL NOTES:

- In case of emergency, call (JOSE FULGINITI) at (818-344-7565).
- Please fill in name and number.
- Total Disturbed Area.
- Stand-by crew for emergency work shall be available at all times during the rainy season (November 1 to April 15). Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of emergency devices when rain is imminent.
- Erosion control devices shown on this plan may be removed when approved by the Building Official if the grading operation has progressed to the point where they are no longer required.
- Graded areas adjacent to fill slopes located at the site perimeter must drain away from the top of slope at the conclusion of each working day. All loose soils and debris that may create a potential hazard to off-site property shall be stabilized or removed from the site on a daily basis.
- All soil and debris shall be removed from all devices within 24 hours after each rainstorm and be disposed of properly.
- A guard shall be posted on the site whenever the depth of water in any device exceeds two feet. The device shall be drained or pumped dry within 24 hours after each rainstorm. Pumping and draining of all basins and drainage devices must comply with the appropriate BMP dewatering operations.
- The placement of additional devices to reduce erosion damage and contain pollutants within the site is left to the discretion of the Field Engineer. Additional devices as needed shall be installed to contain sediments and other pollutants on site.
- Drainage basins may not be removed or made inoperable between November 1 and April 15 of the following year without the approval of the Building Official.
- Storm Water Pollution and Erosion Control devices are the responsibility of the field engineer. Plans representing changes must be submitted for approval if requested by the Building Official.
- Every effort should be made to eliminate the discharge of non-storm water from the project site at all times.
- Eroded sediments and other pollutants must be retained on-site and may not be transported from the site via sheet flow, swales, area drains, natural drainage courses, or wind.
- Stockpiles of earth and other construction-related materials must be protected from being transported from the site by the forces of wind or water.
- Fuels, oils, solvents, and other toxic materials must be stored in accordance with their listing and are not to contaminate the soils and surface waters. All approved storage containers are to be protected from the weather. Spills must be cleaned up immediately and disposed of in a proper manner. Spills may not be washed into the drainage system.
- Excess or waste concrete may not be washed into the public way or any other drainage system. Provisions shall be made to retain concrete wastes on-site until they can be disposed of as solid waste.
- Developers/contractors are responsible to inspect all Erosion Control Devices and BMPs are installed and functioning properly if there is a 50% or greater probability of predicted precipitation and after actual precipitation. A construction site inspection checklist and inspection log shall be maintained at the project site at all times and available for review by the Building Official (copies of the self-inspection check list and inspection logs are available upon request).
- Trash and construction-related solid wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.
- Sediments and other materials may not be tracked from the site by vehicle traffic. The construction entrance roadways must be stabilized so as to inhibit sediments from being deposited into the public way. Accidental depositions must be swept up immediately and may not be washed down by rain or other means.
- Any slopes with disturbed soils or denuded of vegetation must be stabilized so as to inhibit erosion by wind and water.
- As the engineer/QSD of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness.

## Civil Engineer/QSD Signature Date

21. As the project owner or authorized agent of the owner, I certify that this document and all attachments were prepared under my direction or supervision in accordance with the system designed to ensure that a qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that submitting false and/or inaccurate information, failing to update the ESCP to reflect current conditions, or failing to properly and/or adequately implement the ESCP may result in revocation of grading and/or other permits or other sanctions provided by law.

## Owner or Authorized Representative (Permittee) Date

22. Developers/contractors are responsible to inspect all Erosion Control Devices and BMPs are installed and functioning properly as required by the State Construction General Permit. A construction site inspection checklist and inspection log shall be maintained at the project site at all times and available for review by the Building Official (copies of the self-inspection check list and inspection logs are available upon request).

16. Developers/contractors are responsible to inspect all Erosion Control Devices and BMPs are installed and functioning properly if there is a 50% or greater probability of predicted precipitation and after actual precipitation. A construction site inspection checklist and inspection log shall be maintained at the project site at all times and available for review by the Building Official (copies of the self-inspection check list and inspection logs are available upon request).

17. Trash and construction-related solid wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.

18. Sediments and other materials may not be tracked from the site by vehicle traffic. The construction entrance roadways must be stabilized so as to inhibit sediments from being deposited into the public way. Accidental depositions must be swept up immediately and may not be washed down by rain or other means.

19. Any slopes with disturbed soils or denuded of vegetation must be stabilized so as to inhibit erosion by wind and water.

20. As the engineer/QSD of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness.

## 21. The following notes must be on the plan:

As the project owner or authorized agent of the owner, I certify that this document and all attachments were prepared under my direction or supervision in accordance with the system designed to ensure that a qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that submitting false and/or inaccurate information, failing to update the ESCP to reflect current conditions, or failing to properly and/or adequately implement the ESCP may result in revocation of grading and/or other permits or other sanctions provided by law.

## Owner or Authorized Representative (Permittee) Date

22. Developers/contractors are responsible to inspect all Erosion Control Devices and BMPs are installed and functioning properly as required by the State Construction General Permit. A construction site inspection checklist and inspection log shall be maintained at the project site at all times and available for review by the Building Official (copies of the self-inspection check list and inspection logs are available upon request).

IMPORTANT NOTICE  
Section 421841 of the Government Code requires a Digital Identification Number be entered before a Permit is Issued will be valid. For your Digital ID Number Call Underground Service Alert  
TOLL FREE 1-800-422-4133  
Two working days before you dig



TWO WORKING DAYS BEFORE DIGGING  
UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

## OWNER:

MR. Richard Perrin  
711 N REDWOOD DR  
LINCOLN, NEBRASKA  
818-344-7565

## JOB ADDRESS:

21490 PASEO PORTOLA  
MALIBU CA 90265

## CIVIL ENGINEER

JOSE FULGINITI, P.E.  
C-52284 exp 12/31/20

ADDRESS:  
18034 Ventura Blvd. Ste. 152  
Encino, CA 91436  
Office: 818-344-7565  
Cell: 818-621-8075

## GEOLOGIST/ SOIL ENGINEER:

Calwest Geotechnical  
Leonard Liston  
889 Pierce Court, Ste 101  
Thousand Oaks, CA 91360  
PH 818-991-7148

## SURVEYOR

Land and Air Surveying  
22741 Pacific Coast Hwy, ste 400A  
Malibu, CA 90265  
310-456-9381

## O.W.T.S. ENGINEER:

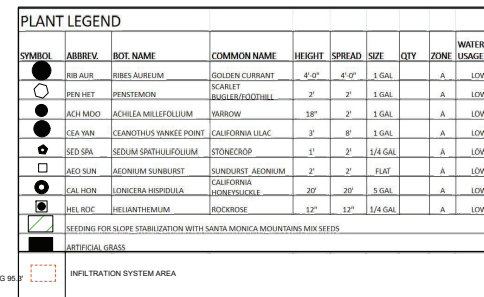
Ensit Engineering Inc.  
685 Main Street Ste. A  
Morro Bay, CA 93442  
Tel. (805) 772-0150

E-1

4 OF 4


- 1- The contractor shall verify all plant material quantities prior to plant installation. Plant material quantities are listed for the convenience of the contractor. Actual number of plants may change during installation.
- 2- All plant materials shall be subject to approval by the Architect and/or owner prior to installation. No substitutions allowed without approval.
- 3- Final layout of all plant materials shall be subject to approval by Architect and / or owner.
- 4- Groundcover planting shall be triangular spaced and continuous under all trees and shrub masses.
- 5- All landscape areas shall be finish graded to remove rocks and to insure surface drainage away from buildings.
- 6- All finish grades in planted areas shall be 1" below adjacent paving unless noted.
- 7- The following amendments shall be uniformly broadcasted and thoroughly incorporated by means of a rototiller to a depth of 6":
  - 3 Cu. Yds. Nitrogen stabilized sawdust
  - 20 Lbs. 12-12-12 fertilizer
- 8- Fertilizer tablets shall be Agriform, 21 Gram tablet (20-10-5) in quantities as follows:

- |                |   |
|----------------|---|
| 1 gallon shrub | 2 |
| 5 gallon shrub | 3 |
- Place tablet at half the depth of the rootball



Note: The proposed plants are drought tolerant plants. Use only draught tolerant plant types. All plant areas will be covered with mulch.

TOTAL LANDSCAPE AREA: 110 Sq. Ft.  
TOTAL IRRIGATED AREA: 3,510 Sq. Ft.  
HARDSCAPE AREA: 362 Sq. Ft.

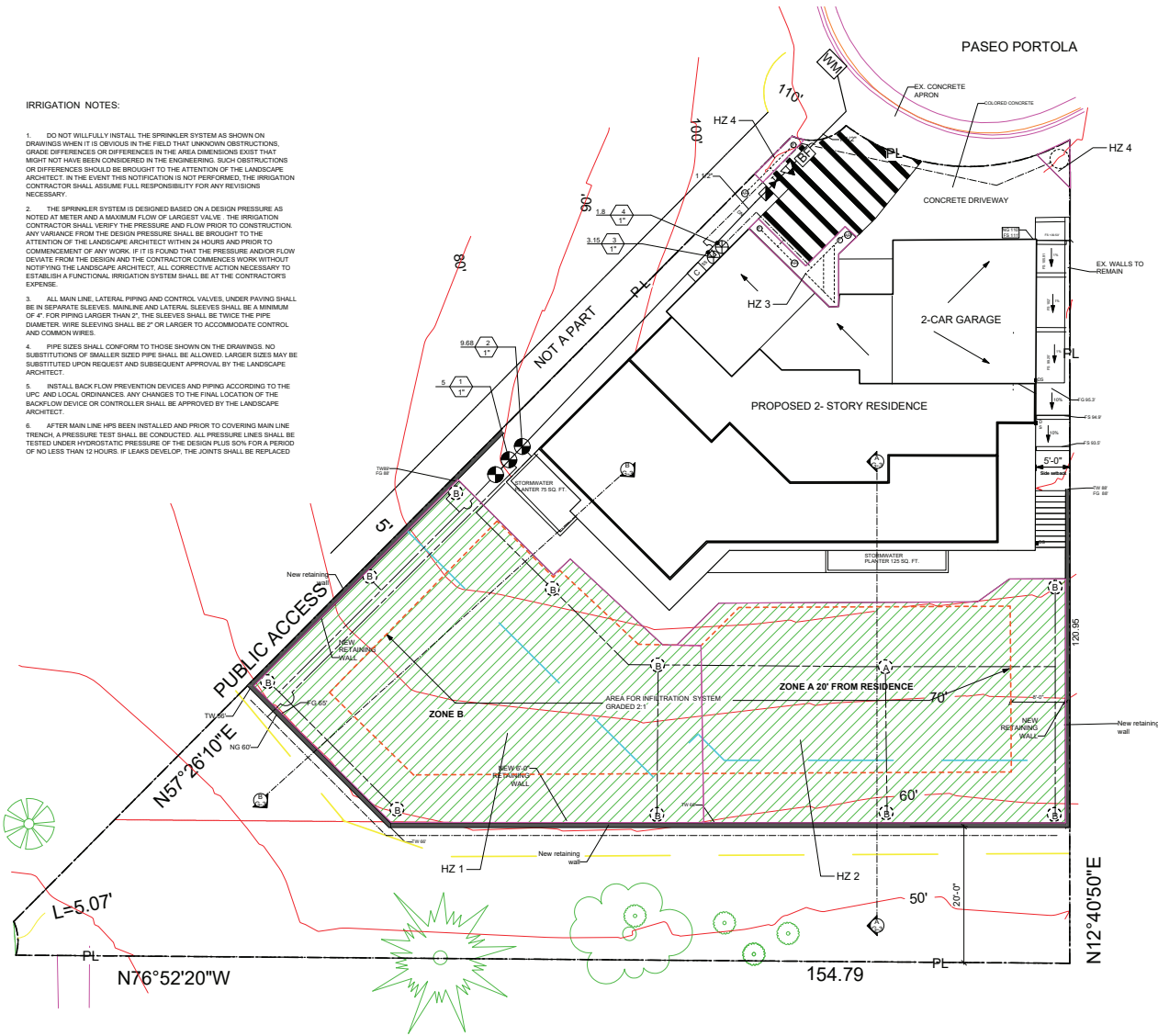
Project No: <b>21480 PASEO PORTOLA</b> 2-story, bedrooms new Residence with attached 2-car garage and basement  Scale: _____  Date: _____	21480 PASEO PORTOLA 2-story, bedrooms new Residence with attached 2-car garage and basement  LANDSCAPE PLAN	Project Name: <b>Aude-Mar Inc</b> 18034 Ventura Blvd Ste 512 Encino CA 91316 PH #818-344-7585		OWNER:	<b>Richard Perrin</b> <b>711 N Redwood Dr.</b> <b>Lincoln, NE</b> <b>818-344-7585</b>
				Plot Name:	
				CAD File Name:	Paseo Portola
				Revision	
				2-25-20	Date
					Check
					Drawn
					Client

# IRRIGATION NOTES:














- DO NOT FULLY INSTALL THE SPRINKLER SYSTEM AS SHOWN ON DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT UNKNOWN OBSTRUCTIONS, GRADE DIFFERENCES OR DIFFERENCES IN THE AREA DIMENSIONS EXIST THAT MIGHT NOT HAVE BEEN CONSIDERED IN THE ENGINEERING. SUCH OBSTRUCTIONS OR DIFFERENCES SHOULD BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT. IN THE EVENT THIS NOTIFICATION IS NOT PERFORMED, THE IRRIGATION CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY REVISIONS NECESSARY.
- THE SPRINKLER SYSTEM IS DESIGNED BASED ON A DESIGN PRESSURE AS NOTED AT METER AND A MAXIMUM FLOW OF LARGEST VALVE. THE IRRIGATION CONTRACTOR SHALL VERIFY THE PRESSURE AND FLOW PRIOR TO CONSTRUCTION. ANY VARIANCE FROM THE DESIGN PRESSURE SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT WITHIN 24 HOURS AND PRIOR TO COMMENCEMENT OF ANY WORK. IF IT IS FOUND THAT THE PRESSURE AND/OR FLOW DEVIATE FROM THE DESIGN AND THE CONTRACTOR COMMENCES WORK WITHOUT NOTIFYING THE LANDSCAPE ARCHITECT, ALL CORRECTIVE ACTION NECESSARY TO ESTABLISH A FUNCTIONAL IRRIGATION SYSTEM SHALL BE AT THE CONTRACTOR'S EXPENSE.
- ALL MAIN LINE, LATERAL PIPING AND CONTROL VALVES, UNDER PAVING SHALL BE IN SEPARATE SLEEVES. MAINLINE AND LATERAL SLEEVES SHALL BE A MINIMUM OF 4" FOR PIPING LARGER THAN 2". THE SLEEVES SHALL BE TWICE THE PIPE DIAMETER. WIRE SLEEVING SHALL BE 2" OR LARGER TO ACCOMMODATE CONTROL AND COMMON WIRES.
- PIPE SIZES SHALL CONFORM TO THOSE SHOWN ON THE DRAWINGS. NO SUBSTITUTIONS OF SMALLER SIZED PIPE SHALL BE ALLOWED. LARGER SIZES MAY BE SUBSTITUTED UPON REQUEST AND SUBSEQUENT APPROVAL BY THE LANDSCAPE ARCHITECT.
- INSTALL BACK FLOW PREVENTION DEVICES AND PIPING ACCORDING TO THE UPC AND LOCAL ORDINANCES. ANY CHANGES TO THE FINAL LOCATION OF THE BACKFLOW DEVICE OR CONTROLLER SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.
- AFTER MAIN LINE HPS BEEN INSTALLED AND PRIOR TO COVERING MAIN LINE TRENCH, A PRESSURE TEST SHALL BE CONDUCTED. ALL PRESSURE LINES SHALL BE TESTED UNDER HYDROSTATIC PRESSURE OF THE DESIGN PLUS 50% FOR A PERIOD OF NO LESS THAN 12 HOURS. IF LEAKS DEVELOP, THE JOINTS SHALL BE REPLACED

## GENERAL DRIP IRRIGATION NOTES

- Drip lines to be covered w/ min. 2" layer of mulch.
- Irrigation sub main and end pipe under concrete to be PVC SCH 40
- Prevent kinking of tube, use elbows where tight bends are encountered.
- "Snake" laterals about landscape area to allow for expansion and contraction due to temperature variations.
- Do not use detergent or lubricants in polyethylene hose connections as they may cause accelerated deterioration of the hose.
- Make all hose cuts squarely with a sharp knife or shears.
- Dirt or other contaminants should be kept out of emission area by placing tape over ends that are not immediately secured.
- Flush all mains, sub mains, and laterals prior to emitter installation.
- Verify correct pressure regulator downstream pressure setting.
- Before operation, open tubing end caps, turn on water and allow it to flow freely for several minutes to flush lines clean. Do not bury tubing until emitters are places correctly around or beside each plant.



## IRRIGATION LEYEND

SYMBOL	MFG- MODEL
	RAIN BIRD- PEB 1" 1/2", 2" PLASTIC INDUSTRIAL VALVES, LOW FLOW OPERATING CAPABILITY, GLOBE CONFIGURATION
	RAIN BIRD X2ZF- 100 PWF 1" DVP VALVE W/ 3/4" PRESSURE REGULATOR RBY FILLER AND MDCF FITTING
	1" WATER METER, VERIFY SIZE AND LOCATION
	PRESSURE REDUCING VALVE ZURN WILKINS MODEL 500XL PRESSURE LIMITED TO 63.37 PSI, FACTORY SET AT 65
	RAIN BIRD 44 LRC 1" BRASS QUICK-COUPING VALVE WITH CORROSION RESISTANT STAINLESS STEEL SPRING, LOCKING THERMOPLASTIC RUBBER COVER AND 2 PIECE BODY.
	NIBCO T-113-K CLASS 125 BRONZE SHUT OFF VALVE WITH CROSS HANDLE, SAME SIZE AS MAIN LINE PIPE DIAMETER AT VALVE LOCATION. SIZE RANGE 1/4"-3"
	FEBCO 825Y-1 REDUCE PRESSURE BACK FLOW PREVENTER
	HUNTER SOLAR-SYNC SOLAR, RAIN FREEZE SENSOR WITH OUTDOOR INTERFAS, CONNECTS TO HUNTER PCC, PRO-Z, AND I-CORE CONTROLLERS, INSTALL AS NOTED. INCLUDE A TEN YEAR LITHIUM BATTERY AND RUBBER MODULE COVER, WIRED
	HOSE BIB ON RISER
	AREA DRAIN
	FLUSH VALVE
	AIR RELIEF VALVE, AR V500
	MAINLINE, PVC SCH 40 FOR 3/4" THROUGH 1 1/4" CLASS 315
	LATERAL LINE CLASS 200 PVC

	HUNTER MP3000 PROS-12-PRS40-CV (UP TO 30' RAD) SHRUB ROTATOR, 12" (30.48 CM) POP-UP WITH CHECK VALVE, PRESSURE REGULATED TO 40 PSI (2.76 BSAR, MP ROTARY NOZZLE SHRUB-AQU ARC 90-150, YOYELLOW ADU ARC 210-270, A-GRAY 360 ARC ON PRS40 BODY.
	HUNTER PCC-1500 ELECTROMECHANICAL CONTROLLER, 15 STATIONS, OUTDOOR MODEL WITH PLASTIC CABINET.

## NOTES:

Provide 2" mulch on all exposed soil surfaces, except areas covered by groundcovers.

## HYDROZONE WATER USAGE WORKSHEET

### ESTIMATE TOTAL WATER USE

$$ETWU = (Eto) (0.62) [(Pf \times H_A) / IE + SLA)]$$

HZ	PLANT USE TYPE	PLANT FACTOR	AREA SQ. FT.	PF X HZ AREA	SYS. EFFIC.	PF X HZ / IE	HZ ETWU	TOTAL GAL X YEAR
1	LW	0.2	1800	360	0.71	507.04	15,617.71	
2	LW	0.2	1500	300	0.71	422.54	13,014.76	
3	LW	0.2	40	8	0.9	8.89	273.79	
4	LW	0.2	70	14	0.9	15.56	479.14	29,385.40
TOTAL AREA			1110					

### MAXIMUM APPLIED WATER ALLOWANCE (MAWA)

$$MAWA = (Eto) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

ETO	COEF	PF	AREA	SLA	TOTAL
55.00	0.62	0.71	3,300.00	0.00	79,896.30
55.00	0.62	0.90	110.00	0.00	3,375.90
			TOTAL		83,272.20

$$ETWU = 29,385.40 < MAWA 83,272.20$$

scale 3/16= 1'-0"

Richard Perrin  
711 N Redwood Dr.  
Lincoln, NE  
818-344-7565

OWNER:



Plot Date	
CDD City Name	Paseo Portola
Project ID	
Revision	
Station	
Date	2-28-20
Reviewed By	
Checked By	
Drawn By	

Aude-Mar Inc  
18034 Ventura Blvd Ste 512  
Encino CA 91416  
PH # 818-344-7565

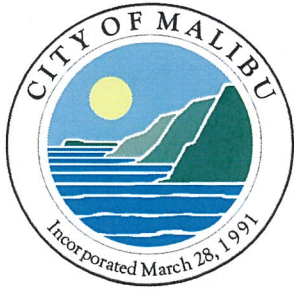
21499 PASEO PORTOLA  
2-story bedrooms new Residence  
with attached 2-car garage and basement  
IRRIGATION PLAN

Scale

L-2  
of







# Commission Agenda Report

Planning Commission  
Meeting  
09-03-19

**Item  
4.A.**

To: Chair Uhring and Members of the Planning Commission

Prepared by: Adrian Fernandez, Principal Planner *a.f.*

Approved by: Bonnie Blue, Planning Director *sc for BB*

Date prepared: August 21, 2019 Meeting date: September 3, 2019

Subject: Coastal Development Permit No. 16-038 and Variance Nos. 16-017 and 18-045 – An application for a new single-family residence and associated development (Continued from August 20, 2019)

Location: 21490 Paseo Portola Street, within the appealable coastal zone

APN: 4451-023-037

Owner: Richard K. Perrin

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 19-20 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 16-038 to construct a new 2,963 square foot, two-story single-family residence, with a 434 square foot attached two-car garage, spa and associated equipment, decks, pile-supported retaining walls, landscaping, hardscaping, grading, and construction of a new onsite wastewater treatment system (OWTS), including Variance (VAR) No. 16-017 for construction on slopes steeper than 1.5 to 1 and VAR No. 18-045 for height of retaining wall in excess of six feet for up to nine feet located in the Single-Family Medium (SFM) zoning district within the La Costa Overlay District at 21490 Paseo Portola Street (Perrin).

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

## **Project Overview**

On April 1, 2019, the Planning Commission held a public hearing on the subject item and directed the applicant to revise the proposed residence so as to avoid a variance to exceed a 40-foot lateral projection as measured from the front property line for building height over 18 feet pursuant to the applicable La Costa Overlay District standards. Since then, the applicant has revised the plans in accordance with the Commission's direction. In doing so, the previously proposed 1,000 square foot basement was entirely eliminated.

The subject site consists of a previously disturbed and developed lot that contains remnants of a building foundation, located within the northernmost portion of the subject parcel. The foundation was left from the original residence which was destroyed in the wildfires of the early 1990's. The subject property was previously developed with a 2,000 square foot, two-story single-family residence, with an attached 400 square foot garage, hardscape, landscape, and OWTS. According to building permit records, the previous residence was constructed in 1962. After the residence was destroyed by the fires, the previous owner obtained an approval under Planning Verification (PV) No. 94-99 to rebuild the residence, however, that associated building permit expired on December 13, 1995 before any construction took place. The project plans associated with PV No. 94-99 demonstrate that the previous residence was of similar size, height, and scale to the proposed residence.

The proposed project involves the construction of a new 3,397 square foot, two-story single-family residence that includes a 434 square foot two-car garage, spa, decks, pile supported retaining walls, landscaping, hardscaping, grading, and new OWTS (Attachment 2 - Project Plans).

The residence has been sited on an existing building pad to avoid steep slopes, minimize land disturbance and impacts on public and private scenic views. The project does not include a site plan review for construction above 18 feet as the La Costa Overlay District permits height over 18 feet within the initial 40-foot lateral project without any discretionary requests. However, a pile-supported retaining wall along the southern portion of the property is up to nine feet in height and is sited within slopes steeper than 1.5 to 1. This wall is required for the septic system's micro-dosed subsurface drip field in order to achieve the minimum required factors of safety for slope stability. Variances are included for height of retaining wall in excess of six feet and construction on slopes steeper than 1.5 to 1.

Pursuant to LCP Local Implementation Plan (LIP) Sections 3.4.1(B)(9), retaining walls in the La Costa Overlay District are subject to typical height requirements. However, wall height is allowed up to 14 feet but only when a wall is an integral part of a structure which is not the case here. In any event, a variance is proposed should the most conservative application of the code applies. Due to existing site conditions, the retaining wall at its



proposed height and location is necessary to stabilize the hillside, and protect the proposed residence and surrounding properties from potential slope failure.

### Surrounding Land Uses and Project Setting

As shown on Figure 1, the subject property is a pie shaped lot located at the end of the cul-de-sac of Paseo Portola Street, within a developed residential neighborhood. Pacific Coast Highway and a row of single-family homes lie to the south of the property. The building site was disturbed in the past to accommodate a previous two-story single-family residence and the property takes direct access from Paseo Portola Street. Due to previous development, the subject site currently consists of a relatively flat building pad area within the northern portion the site, closest to the street. However, beyond the building pad the site has a constant slope that descends steeply towards existing residential development downslope and to the south.

**Figure 1 – Aerial Map**



Source: GovClarity, 2019

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

<b>Table 1 – Total Property Data</b>	
Lot Depth	131.16 feet
Lot Width	94.5 feet
Gross Lot Area	12,059 square feet (0.27 acre)
Net Lot Area*	9,109 square feet (0.20 acre)

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

The subject property and properties in the vicinity are zoned Single-Family Medium within the La Costa Overlay District. A table showing the Los Angeles County Tax Assessor's Records, for properties within a 500-foot radius of the subject property, is included as Attachment 3. As shown in Table 2, surrounding land uses consist of single-family residences within the La Costa Overlay District SFM zoning designation.

<b>Table 2 – Surrounding Land Uses</b>				
<b>Direction</b>	<b>Address/ Parcel No.</b>	<b>Size</b>	<b>Zoning</b>	<b>Land Use</b>
<b>Northwest</b>	21470 Rambla Vista Dr.	21,964 sq. ft. (0.5 acre)	SFM	Residential
<b>Northeast</b>	21466 Rambla Vista Dr.	7,840 sq. ft. (0.18 acre)	SFM	Residential
<b>East</b>	21484 Paseo Portola St.	9,087 sq. ft. (0.21 acre)	SFM	Residential
<b>South</b>	21519 PCH	7,452 sq. ft. (0.17 acre)	SFM	Residential
<b>Southeast</b>	21513 PCH	7,279 sq. ft. (0.17 acre)	SFM	Residential
<b>West</b>	APN 4451-018-030	9,072 sq. ft. (0.21 acre)	SFM	Residential

Source: GovClarity, 2019

The subject property is located within the Appeal Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map. No planned or mapped trails are located on or near the project site. The subject parcel is located approximately 160 feet north of Pacific Coast Highway (PCH), which is an LCP-designated scenic highway, and 310 feet north of the beach. Although there are views of the Pacific Ocean over the subject property, view impacts are not expected to result from the project in that the proposed residence will be sited in line with existing development along the south side of Paseo Portola Street, the residence is located on a site previously disturbed to accommodate a two-story residence and complies with all applicable development standards (see Figure 2).



**Figure 2 – Project Setting Aerial**



Source: Google Earth, 2019

## **Project Description**

The revised project plans are included as Attachment 2. The project consists of:

### Construction

- a. Construction of a 2,963 square foot, two-story single-family residence, plus a 434 square foot attached two-car garage;
- b. Total Development Square Footage (TDSF) of 3,397 square feet;
- c. Installation of a new OWTS;
- d. Construction of a spa, and associated equipment;
- e. Construction of pile supported retaining walls (nine-foot in height maximum);
- f. Construction of first floor and second floor decks;
- g. Installation of new landscaping and hardscaping; and
- h. Grading.

### Additional Discretionary Requests

- i. VAR No. 16-017 for construction on slopes steeper than 1.5 to 1<sup>1</sup>; and
- j. VAR No. 18-045 for retaining wall in excess of six feet for up to nine feet.

The landscaping associated with the project is subject to the Landscape Water Conservation Ordinance (LWCO) per MMC Chapter 9.22. The City Biologist approved the proposed project and determined that the project is in compliance with the LWCO.

### **LCP Analysis**

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

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters are discussed in the *LIP Conformance Analysis* section.

The nine remaining LIP chapters do contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division.

For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only the following chapters and associated findings are applicable to the project: Coastal Development Permit (including the required findings for VARs), Scenic, Visual and Hillside Resource Protection, and Hazards.<sup>2</sup> These chapters are discussed in the *LIP Findings* section of this report.

### ***LIP Conformance Analysis***

The project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) (Attachment 4 – Department Review Sheets). WD29 provided a Will Serve Letter to the applicant stating that WD29 can serve water to the property. The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies.

---

<sup>1</sup> La Costa Overlay District development standard pursuant to LIP Section 3.4.1(B)(8).

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

### Zoning (LIP Chapter 3)

The project is subject to development and design standards set forth under LIP Sections 3.4, 3.5, and 3.6. Table 3 provides a summary and indicates the project meets those standards, inclusive of the variance requests.

<b>Table 3 – Zoning Conformance (La Costa Overlay District)</b>			
<b>Development Requirement</b>	<b>Allowed/ Required</b>	<b>Proposed</b>	<b>Comments</b>
<b>SETBACKS (ft.)</b>			
Front Yard	7.5	10.75	Complies
Rear Yard	15	62.4	Complies
Side Yard (Minimum 10%)	3.5	5	Complies
<b>PARKING SPACES</b>			
Enclosed (10 ft. x 18 ft.)	2	2	Complies
Unenclosed (10 ft. x 18 ft.)	2	2	Complies
<b>TDSF (sq.ft.)</b>	3,400	3,397	Complies
<b>1<sup>st</sup> Floor x 2/3<sup>rd</sup> = 2<sup>nd</sup> Floor (sq. ft.)</b>	N/A	N/A	N/A
<b>HEIGHT (ft.)</b>			
From Front Lot Line	14	14	Complies
From Front Setback	18	14	Complies
Overall	35	35	Complies
Beyond Lateral Projection	18	18	Complies
Average Height	32	32	Complies
<b>LATERAL PROJECTION (ft.)</b>	40	40	Complies
<b>PERMEABLE COVERAGE (sq.ft.)</b>	1,000 (min.)	9,155	Complies
<b>CONSTRUCTION ON SLOPES</b>	<i>1.5 to 1 and flatter</i>	<i>1.5 to 1 and steeper</i>	<b>VAR No. 16-017</b>
<b>RETAINING WALL HEIGHT (ft.)</b>	6	9	<b>VAR No. 18-045</b>

Due to existing site constraints, the proposed retaining wall height and its location on slopes steeper than 1.5 to 1 could not be avoided. Furthermore, the pile-supported retaining wall is necessary to stabilize the site from any potential slope erosion or failure that may result from the proposed development. Inclusive of the proposed variances, the project has been determined to be consistent with all applicable LCP codes, standards, goals, and policies.

### Grading (LIP Chapter 8)

LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel. As summarized in Table 4, the project includes 460 cubic yards of non-exempt grading and 505 cubic yards of exempt understructure grading. The project proposes 75 cubic yards of earth material to be



exported offsite. As the project proposes less than 1,000 cubic yards of non-exempt grading, the project complies with grading requirements set forth under LIP Section 8.3

<b>Table 4 – LCP Grading Conformance</b>						
	<b>Exempt**</b>			<b>Non-Exempt</b>	<b>Remedial</b>	<b>Total</b>
	<b>R&amp;R*</b>	<b>Understructure</b>	<b>Safety</b>			
<b>Cut</b>	0 cy	505 cy	0 cy	15 cy	0 cy	520 cy
<b>Fill</b>	0 cy	0 cy	0 cy	445 cy	0 cy	445 cy
<b>Total</b>	0 cy	505 cy	0 cy	<b>460 cy</b>	0 cy	<b>965 cy</b>
<b>Import</b>	0 cy	0 cy	0 cy	0 cy	0 cy	0 cy
<b>Export</b>	0 cy	0 cy	0 cy	0 cy	0 cy	75 cy

\*Note: R&R= Removal and Recompaction; cy = cubic yards

\*\*Exempt grading includes all Removal and Recompaction (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 Los Angeles County Fire Department).

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

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. The project site has been evaluated for potential impacts to archeological resources per the adopted City of Malibu Cultural Resources Map. It has been determined that the site has a very low probability containing archeological resources, due to previous development on the site and the scope of the project.

Nevertheless, a condition of approval is included in the resolution which states that in the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources, and until the Planning Director can review this information.

### Water Quality (LIP Chapter 17)

The City Public Works Department has reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval require that prior to permit issuance, a Local Storm Water Pollution Prevention Plan be submitted and a WQMP recorded. With the implementation of these conditions, the project conforms to the Water Quality Protection standards of LIP Chapter 17.

### Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The proposed project includes an OWTS to serve the proposed development. This new OWTS consists of a 3,634-gallon MicroSepTec ES12 with Ultraviolet Disinfection Unit, and drip dispersal field. The new OWTS will be located



at the front of the residence within the northeastern portion of the site and the 2,628 square foot dispersal field will be located immediately south of the proposed residence. Details for the proposed system are described on the Environmental Health Review Sheet (Attachment 4). The City Environmental Health Administrator has reviewed the proposed OWTS and determined that the subject system will meet all applicable requirements of the Malibu Plumbing Code, the MMC and the LCP. The applicant is required to record a covenant indicating the proper operation and maintenance of the OWTS. In addition, conditions of approval have been included for the proposed project to require continued operation, maintenance and monitoring of subject system.

### ***LIP Findings***

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

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

*Finding 1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.*

The proposed project is located in the SFM residential zoning district within the La Costa Overlay District, which is an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, WD29, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards, inclusive of the discretionary requests.

*Finding 2. If the project is located between the first public road and the sea, that the project is in conformity to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).*

The project is not located between the first public road and the sea. Therefore, this finding is not applicable.

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

The following alternatives to the proposed project were considered.

Alternate Project – On February 12, 2019 and July 12, 2019, staff visited the project site to document the story poles, and reviewed alternate site locations for the proposed project. Story pole photographs are included as Attachment 5. The project was revised to comply

with the required 40-foot lateral projection as measured from the front property line for the portion of the residence that may exceed 18 feet in height. In order to comply with the 40-foot lateral projection, the basement was entirely removed from the proposed project. Due to previous comments from the Planning Commission, the applicant agreed to make these changes.

Due to the presence of steep descending slopes on the rear of the property, alternative site locations for the proposed development are limited and practically infeasible. The residence has been sited closest to the street and on the flattest portion of the site. The proposed residence is sited on an existing graded building pad minimizing grading and land disturbance, which reduces potential environmental impacts to the subject property. A smaller project could be proposed on the project site. However, the project complies with the maximum allowable TDSF, impermeable coverage, and height limitations per the LIP and La Costa Overlay District. The structure has been designed to remain predominantly within the previously disturbed areas of the site and sited similar to other buildings on the south side of Paseo Portola Street.

Proposed Project – The proposed project consists of the construction of a new single-family residence and associated development, all of which are permitted uses within the property's SFM residential zoning district within the La Costa Overlay District. The proposed development consists of a new 2,963 square foot, two-story, single-family residence with an attached 434 square foot garage, and new OWTS. The project complies with the size, height and location requirements of the LCP and La Costa Overlay District, inclusive of the variance request. The selected location and proposed scope of work have been reviewed and conditionally approved by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, WD29, and LACFD and meets the City's residential development policies of the LCP. The proposed development is consistent with existing development in the area, and has been determined not to result in adverse biological, scenic or visual resource impacts, and is the least environmentally damaging feasible alternative.

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

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

**B. Variance for Construction on Slopes Steeper than 1.5 to 1 (LIP Section 13.26)**

The proposed project includes a request to allow pile supported retaining walls on slopes steeper than 1.5 to 1. The subject property is located within the La Costa Overlay District, which requires that structures be constructed on slopes flatter than 1.5 to 1. The pile supported retaining walls are designed to stabilize the site from any potential slope erosion or failure that may result from the proposed development. Based on the foregoing evidence contained within the record, the required findings for VAR No. 16-017 are made as follows:

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

The southern rear portion of the property beyond the existing building pad contains steep descending slopes. Due to site topography, the previous residence and proposed residence have been sited on the flattest portions of the subject site, towards the north and closer to the street. Geotechnical reports submitted for the project indicate that a prehistoric landslide has been mapped on the site and subsurface landslide debris exist on the subject site. Although there has not been any recent landslide activity, the project geologist recommends pile supported retaining walls along the west, south and eastern limits of the subject site for purposes of mitigating earthquake induced landsliding. The proposed construction on these steep slopes includes only those improvements associated with the slope stability. The pile supported retaining walls have been specifically designed by the project's consultant geotechnical engineer to protect against erosion and slope failure. Development on steep slopes is unavoidable in that the subject site and nearby residences are characterized by steep slopes and adjacent properties exhibit development on slopes steeper than 1.5 to 1. The proposed pile supported retaining wall will stabilize the site, thereby allowing for the development of a single-family residence while protecting the subject property and nearby properties. Therefore, the strict application of the code would deprive the subject properties of privileges enjoyed by other surrounding property owners.

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

The proposed variance will allow the installation of pile supported retaining walls on slopes steeper than 1.5 to 1. The proposed residential development and associated retaining walls will not be detrimental to the public's interest, safety, health or welfare and will not be detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property. The project geotechnical consultant has identified a prehistoric landslide on the subject property and the granting of the proposed variance to construct

the pile supported retaining walls will substantially improve the safety and welfare of the subject property owners and other surrounding homeowners as the proposed construction on steep slopes is designed to protect the hillside from erosion impacts, including slope failure. Furthermore, the project has been reviewed and approved by the City geotechnical staff, City Biologist, City Environmental Health Administrator, and City Public Works Department for conformance with the LCP and determined not to be detrimental to the public interest safety, health or welfare, nor detrimental or injurious to the property.

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

As previously stated the site's topography contains very steep descending slopes beyond the existing building pad toward the rear of the property. Development on steep slopes is limited to portions of the proposed retaining walls. The proposed residence is sited within the northern portion of the site, substantially within the limits of the existing building pad, and notched into the hillside with a split level design to minimize construction on steep slopes and further land disturbance downslope. Nearby properties are characterized by steep slopes and have been developed with similar single-family residences. The proposed development is consistent with surrounding properties in the SFM zoning district. Approval of the variance will grant relief from a technical development standard, which if strictly applied, would be detrimental to the safety of those on the subject property and surrounding properties because the proposed retaining walls will serve to stabilize the hillside from potential slope failure. Therefore, the granting of the variance will not constitute a special privilege to the applicant or the property owner.

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

The granting of the proposed variance will not be contrary to or in conflict with the LCP as the subject site is characterized by steep slopes and the proposed retaining walls allow development on the subject site while preventing slope failure and protect the proposed residence and surrounding residences. As previously stated in Section A, with the inclusion of the variance, the project is consistent with the LCP, the Coastal Act, and other applicable regulations. The granting of the variance will not be contrary to or in conflict with the general purposes and intent of LIP Chapters 8 and 13, nor the goals, objectives, and policies of the LCP.

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

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

*Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.*

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

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

The variance request is for development on slopes steeper than 1.5 to 1 to protect against slope failure for the construction of a new residence in the SFM zoning district. Furthermore, the variance request does not authorize a use or activity that is not expressly authorized by the zoning regulations for the subject property.

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

The subject site is physically suitable for the proposed variance in that the associated pile supported retaining walls were specifically designed to provide the proper safety measures to stabilize the hillside and avoid potential slope failure as recommended by the project's consultant geotechnical engineer and civil engineer. Furthermore, the proposed project has been reviewed and approved by City geotechnical staff and City Public Works Department for structural integrity and stability, and determined that the project site as being physically suitable for the proposed variance.

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

The proposed project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu. Installation of the pile supported retaining walls will comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

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

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

**C. Variance for Height of Retaining Wall in Excess of Six Feet (LIP Section LIP Section 13.26)**

The proposed project includes a request to allow height of retaining wall in excess of six feet up to nine feet. The subject property is located within the La Costa Overlay District, which requires height of retaining walls to be consistent with LIP Section 3.5.3(A) which limits height to six feet for single walls when not otherwise integral to the structure. Based on the foregoing evidence contained within the record, the required findings for VAR No. 18-045 are made as follows:

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

The project geotechnical consultants recommend minimizing infiltration into the steep slopes. As previously discussed in Finding 1 of Section B, the subject parcel has exceptional physical constraints such as steep slopes and subsurface landslide debris that limit the type of septic system that can be used and placement of development. In order to achieve the minimum required factors of safety for slope stability, the proposed pile-supported retaining wall is required to protect the septic system's micro-dosed subsurface drip field and the height permits an adequate size drip field area for the proposed residence. The height of the wall is driven by the size of the drip field, its required eight-foot setback to buildings or structures and the site's current steepness. Without the proposed variance for a nine-foot in height retaining wall, the septic system's drip field for the proposed single-family residence would not be feasible. Therefore, the strict application of the zoning ordinance would deprive the property of a single-family residence, which is a privilege enjoyed by other properties in the vicinity and under the identical zoning classification.

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

As previously discussed in Finding 2 of Section B, the proposed variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zones. The proposed retaining wall will help achieve the minimum required factors of safety for slope stability. Therefore, it is expected to improve site's stability and would be less detrimental or injurious to the property and proposed improvements.

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

The proposed variance will not constitute a special privilege to the applicant or property owner in that the proposed retaining wall is necessary to protect the septic system's micro-dosed subsurface drip field for the proposed single-family residence.

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

The primary goal of the retaining wall height is to provide an area large enough for a micro-dosed subsurface drip field necessary with a maximum slope of 2 to 1 for the proposed residence. As previously discussed in Findings 2 of Section B, the proposed variance will not be contrary to or in conflict with the LCP and no visual impacts are anticipated as a result of the proposed nine-foot in height retaining wall. Instead, the proposed wall will minimize impacts on slopes stability consistent with LCP policies.

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

As previously discussed in Finding 1 of Section B, the proposed variance is not for ESHA standards or other ESHA protection standards. Therefore, this finding does not apply.

*Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.*

The proposed variance is not for a deviation of stringline standards; therefore, this finding does not apply.

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

As previously discussed in Finding 7 of Section B, the proposed project is consistent with the applicable zoning designation.

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

As previously discussed in Finding 8 of Section B, the subject parcel is physically suitable for the proposed variance.

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

In addition to being consistent with the LCP, the proposed project, as designed and conditioned, will comply with all State and local law in that the proposed project will be required to obtain applicable permits from the Building Safety Division prior to construction.

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

The proposed project does not include any reduction or elimination of public parking; therefore, this finding does not apply.

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

As previously mentioned in Finding 4 of Section A, the subject property is not in a designated ESHA, or ESHA buffer. Therefore, the findings of LIP Chapter 4 are not applicable.

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

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

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

The Scenic, Visual and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The project site is visible from PCH, an LCP designated scenic road. Therefore, LIP Chapter 6 applies and the five findings set forth in LIP Section 6.4 are made as follows.

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

The proposed project is a new two-story, single-family residence and associated development. Story poles were placed on the project site to demonstrate the size, mass, height, and bulk of the proposed development. An analysis of the project's visual impact was conducted through site inspections, architectural plans and review of neighborhood character. While visible from PCH, the proposed building is located approximately 310 feet north of PCH and does not project above prominent ridge features. The proposed building will be partially obscured because the structure will be notched into the hillside, is surrounded by existing two-story residences, and screened by mature landscaping. Furthermore, the proposed residence is designed as a split level, two-story residence that follows the descending topography, thereby reducing the visibility of the residence. The



proposed building will be sited in the same location as the previous residence, thus reducing landform alteration on the subject property. Adjacent properties exhibit similar steep descending topography and are developed in a similar pattern. The upper floors of the proposed residence will be located a few feet landward compared to the buildings located immediately to the east, along the south side of Paseo Portola Street. Based upon site inspections, review of permits of the previously existing structure and surrounding development, it has been determined that the proposed residence will blend in with the surrounding environment and will be compatible with surrounding development. Therefore, the project as conditioned will not have significant adverse scenic or visual impacts due to project design, location or other reasons.

*Finding 2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.*

The project has been designed to avoid any adverse or scenic impacts. The proposed structure has been conditioned to utilize colors and materials and lighting that will be compatible with the surrounding natural scenic and residential character of the surrounding neighborhood. Additionally, the project has been conditioned to restrict exterior lighting per the requirements of LIP Section 6.5(G). Therefore, the proposed development will not result in significant adverse scenic visual impacts.

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

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

*Finding 4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.*

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

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

As discussed in Findings 1 and 2, the project, as proposed and conditioned, will result in less than significant impacts on scenic and visual resources. The location proposed for development would result in a less than significant visual impacts to public views from PCH and will not impact sensitive resources. Therefore, the proposed development, as designed, is sited to eliminate, minimize or otherwise contribute to conformance to sensitive resources.

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

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

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

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards listed in LIP Section 9.2(A) must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project has the potential to create adverse impacts upon site stability or structural integrity.

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 and has been reviewed and approved for conformance with all relevant policies and regulations of the LCP and MMC by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and LACFD. The required findings are made as follows:

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

Analysis for potential hazards included review of the submitted geotechnical reports and addenda prepared by CalWest Geotechnical Engineers, dated March 13, 2015, and May 4, 2017, and Land Phases, Inc., dated November 25, 2014 and August 25, 2016. The reports evaluate site-specific conditions and recommendations are provided to address any pertinent issues. According to the geotechnical reports the proposed development was determined to not increase instability of the site or structural integrity from a geologic, flood or fire hazards perspective. The reports determined that the proposed pile supported retaining walls and pile foundation for the residence will protect the subject property and neighboring properties from slope failure by stabilizing the hillside. Based on review of the project plans and associated geotechnical reports by City Environmental Health Administrator, City geotechnical staff, and LACFD, these specialists determined that adverse impacts to the project site related to the proposed development are not expected. In summary, the project, including the new OWTS, is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

All recommendations of the City geotechnical staff, City Public Works Department, and LACFD shall be incorporated into the final design and construction including foundations and grading. Final plans shall be reviewed and approved by the City geotechnical staff and City Public Works Department prior to the issuance of a grading permit.

## Landslide and Slope Stability

The State of California has prepared Seismic Hazard Evaluation reports to generally map areas of potential increased risk of permanent ground displacement based on historic occurrence of landslide movement, local topographic expression, and geological and geotechnical subsurface conditions. The site is not located within an area subject to earthquake induced liquefaction, and due to bedrock conditions within the western portion of the site and depth of groundwater, liquefaction potential is unlikely. However, the property is mostly within a State-mapped landslide area.

The applicant submitted geotechnical reports indicating that subsurface material within the central and eastern limits of the subject site consist predominantly of colluvial deposits that overlie landslide debris and sedimentary bedrock. The geotechnical reports further state that a prehistoric landslide has been mapped on the site, however, there has not been any recent landslide activity. Due to substandard factors of safety for potential failures within the subsurface landslide debris, the project geologist recommends a pile-supported retaining wall or soldier piles along the west, south and eastern limits of the project site. The foundation system for the proposed residence is to consist of a deepened foundation system founded entirely into bedrock. The project geologist concluded that the project is feasible from an engineering geologic standpoint, provided their recommendations and those of the project geotechnical engineer are incorporated into the plans and implemented during construction, and the subject property and proposed structures are properly maintained.

## Fire Hazard

The entire city limits of Malibu are within an identified fire hazard zone. The subject property is currently subject to wildfire and development of a residence on the subject property will not increase the site's susceptibility to wildfire. The scope of work proposed as part of this application is not expected to have an impact on wildfire hazards. The proposed development may actually decrease the site's susceptibility to wildfire through the use of appropriate building materials during construction.

The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has "mutual aid agreements" with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Conditions of approval have been included in the resolution to require compliance with all LACFD development standards. As such, the proposed project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wildfire hazards.

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

As stated in Finding 1, the project as designed, conditioned, and approved by the City geotechnical staff and City Public Works Department, does not have any significant adverse impacts on the site stability or structural integrity from geologic or fire hazards due to the project design.

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

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

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

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD. These specialists and agencies determined that the proposed project does not impact site stability or structural integrity. As previously discussed in Section A, Finding 3, there are no feasible alternatives to the proposed development that would result in less site disturbance.

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

As previously discussed in Section A, the proposed project, as designed and conditioned, will not have adverse impacts on sensitive resources.

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

The project site is not located on or along the shoreline, a coastal bluff or bluff top fronting the shoreline. Therefore, the findings of LIP Chapter 10 are not applicable.

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

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

- A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.
- B. New development between the nearest public roadway and the sea.

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

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

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

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

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

CORRESPONDENCE: On December 2, 2016, a neighboring resident expressed no support for the proposed project and cited primary concerns regarding site grading, landslide potential, and height impacts that may result from the proposed project (Attachment 6). The concerns have been addressed within the conformance review and findings sections of this report. The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies, inclusive of the discretionary requests.

At the August 19, 2016 Planning Commission meeting, the same neighbor submitted under public correspondence a neighbors petition expressing concerns about the revised project, including the two variances, a photo of the green posting sign, Stop Work Notice for grading related to geological testing and an article on a potential thread of a landslide on the 2800 block of Hume Road just north of the City. As stated previously, the variances are required to provide an acceptable factor of safety for both the proposed residence and associated septic system's dispersal field. Denying the variances would deprive the owner of property rights enjoyed by others in the vicinity. As green posting signs are posted

as early as possible to notify neighbors of upcoming projects, oftentimes project descriptions are modified through the public hearing process but these signs are not constantly replaced to reflect these changes. However, in this case as a courtesy, staff prepared an updated posting sign after the August 19, 2019 Planning Commission meeting, which the applicant subsequently posted on the property. The Stop Work Notice has since been lifted as the property owner subsequently acquired the proper permits and the property was restored. As stated in the Section H above, the pile-supported retaining wall and deepened foundation into bedrock are recommendations from the project geotechnical engineer. With the implementation of the recommendations in the geotechnical report, the project geotechnical engineer concluded that the project is feasible from an engineering geologic standpoint.

PUBLIC NOTICE: On July 25, 2019, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property. The 500-foot radius map is included as Attachment 7 and the Notice of Public Hearing is included as Attachment 8. The notice was for a public hearing to be held on the August 19, 2019 Planning Commission meeting. At the meeting, the Planning Commission continued the item to the September 3, 2019 meeting.

SUMMARY: The required findings can be made that the proposed project complies with the LCP. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 19-20. The proposed project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 19-20
2. Revised Project Plans
3. Surrounding Residences
4. Department Review Sheets
5. Story Pole Photographs
6. Public Correspondence
7. 500-Foot Radius Map
8. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 19-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 16-038 TO CONSTRUCT A NEW 2,963 SQUARE FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE, WITH A 434 SQUARE FOOT ATTACHED TWO-CAR GARAGE, SPA AND ASSOCIATED EQUIPMENT, DECKS, PILE-SUPPORTED RETAINING WALLS, LANDSCAPING, HARDSCAPING, GRADING, AND A NEW ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING VARIANCE NO. 16-017 FOR CONSTRUCTION ON SLOPES STEEPER THAN 1.5 TO 1 AND VARIANCE NO. 18-045 FOR HEIGHT OF RETAINING WALL IN EXCESS OF SIX FEET UP TO NINE FEET LOCATED IN THE SINGLE-FAMILY MEDIUM DENSITY ZONING DISTRICT WITHIN THE LA COSTA OVERLAY DISTRICT AT 21490 PASEO PORTOLA STREET (PERRIN)

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

SECTION 1. Recitals.

A. On June 21, 2016, an application for Coastal Development Permit (CDP) No. 16-038 was submitted to the Planning Department by Jose Fulginiti on behalf of property owner, Richard K. Perrin. The application was routed to the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) for review.

B. On July 21, 2017, Planning Department staff conducted a site visit to document site conditions and surrounding area.

C. On June 8, 2018, a Notice of Coastal Development Permit Application was posted on the subject property.

D. On January 15, 2019, the CDP application was deemed complete for processing.

E. On February 5, 2019, a Notice of Coastal Development Permit Application was re-posted on the subject property.

F. On February 19, 2019, Planning Department staff conducted a site visit to document story pole installation, site conditions, and surrounding area.

G. On March 7, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

H. On April 1, 2019, the Planning Commission held a public hearing on the subject item and continued the item to a date uncertain to permit the applicant additional time to revise the plans to avoid a variance to exceed the required 40-foot lateral project with portions of the residence over 18 feet in height.

I. On July 12, 2019, staff conducted a story pole inspection after story poles reflecting the revised project plans were erected.

J. On July 25, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

K. On August 19, 2019, the Planning Commission continued the item to the September 3, 2019 Planning Commission meeting.

L. On September 3, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

## SECTION 2. Environmental Review.

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

## SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 16-038 to construct a new 2,963 square foot, two-story single-family residence, with a 434 square foot attached two-car garage, spa and associated equipment, decks, pile supported retaining walls, landscaping, hardscaping, grading, and construction of a new onsite wastewater treatment system (OWTS), including Variance (VAR) No. 16-017 for construction on slopes steeper than 1.5 to 1 and VAR No. 18-045 for height of retaining wall in excess of six feet for up to nine feet located within the Single-Family Medium Density (SFM) zoning district within the La Costa Overlay District at 21490 Paseo Portola Street.

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

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

1. The project is located in the SFM residential zoning district within the La Costa Overlay District, which is an area designated for residential uses. The project has been reviewed and approved for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff,



WD29, and the LACFD. As discussed herein, based on submitted reports, project plans, visual analysis, and detailed site investigation, the proposed project with the inclusion of the variances, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

2. Evidence in the record demonstrates that, as conditioned, the project will not result in adverse environmental impacts. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment. Therefore, the project will not result in potentially significant adverse impacts on the physical environment and is the least environmentally damage alternative.

#### **B. Variance Findings for Construction on Steep Slopes (LIP Section 13.26)**

VAR No. 16-017 from the development standards contained in LIP Section 3.4.1(B)(6) will allow for construction of pile supported retaining walls on slopes steeper than 1.5 to 1.

1. Exceptional characteristics exist on the subject property that limit the size and location of the proposed development on the subject property. The site contains steep descending slopes and a prehistoric landslide has been mapped on the site. The proposed construction on steep slopes includes only those improvements associated with the slope stability, including the pile supported retaining walls designed by the consulting geotechnical engineer to protect against erosion and slope failure. Development on steep slopes are unavoidable in that the subject site and nearby residence are characterized by steep slopes and adjacent properties exhibit development on slopes steeper than 1.5 to 1. Therefore, strict application of the code would deprive the property owner of the ability to develop the property in a manner similar to neighboring properties.

2. The proposed variance will allow for the installation of pile supported retaining walls on slopes steeper than 1.5 to 1. The granting of the proposed variance will substantially improve the safety and welfare by protecting the subject property and neighboring properties from potential slope failure. The project, as designed and conditioned, will not be detrimental to the public interest safety, health or welfare, nor detrimental or injurious to the property.

3. The proposed project consists of a single-family residence and associated development similar to development on neighboring properties. Approval of the variance will grant relief from a technical development standard, which if strictly applied, would limit single-family development on the subject property and be detrimental to the safety of those on the subject property and surrounding properties. Therefore, the granting of the variance will not constitute a special privilege to the applicant or the property owner.

4. As previously stated, granting the requested variance will allow the necessary improvements to stabilize the hillside on the subject site and prevent slope failure, which is necessary to protect the proposed residence and surrounding residences. Granting the variance would therefore not be contrary to or in conflict with the general purposes and intent of LIP Chapter 13, nor the goals, objectives, and policies of the LCP.

5. The variance request is for development on slopes steeper than 1.5 to 1 to protect against slope failure for the construction of a new residence in the SFM zoning district. Further, the proposed single-family residence is consistent with the property's residential zoning designation. The variance request does not authorize a use or activity that is not expressly authorized by the zoning regulations for the subject property.

6. The subject site is physically suitable for the proposed variance in that the proposed project was specifically designed to prevent slope failure and to provide the proper safety measures to stabilize the hillside as recommended by the project's consultant geotechnical engineer. The proposed project has been reviewed and approved by the City geotechnical staff and City Public Works Department as being physically suitable for the proposed variance because a home could not be developed on the site without the pile supported retaining walls, which improve slope stability.

7. The variance complies with all requirements of state and local laws.

**C. Variance for Height of Retaining Wall in Excess of Six Feet (LIP Section LIP Section 13.26)**

1. The subject parcel has exceptional physical constraints such as steep slopes and subsurface landslide debris that limit the type of septic system that can be used and placement of development. Without the proposed variance for a nine-foot in height retaining wall, the septic system's drip field for the proposed single-family residence would not be feasible. Therefore, the strict application of the zoning ordinance would deprive the property of a single-family residence, which is a privilege enjoyed by other properties in the vicinity and under the identical zoning classification.

2. The proposed variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zones. The proposed retaining wall will help achieve the minimum required factors of safety for slope stability. Therefore, it is expected to improve site's stability and would be less detrimental or injurious to the property and proposed improvements.

3. The proposed variance will not constitute a special privilege to the applicant or property owner in that the proposed retaining wall is necessary to protect the septic system's micro-dosed subsurface drip field for the proposed single-family residence.

4. The primary goal of the retaining wall height is to provide an area large enough for a micro-dosed subsurface drip field necessary with a maximum slope of 2 to 1 for the proposed residence. The proposed variance will not be contrary to or in conflict with the LCP and no visual impacts are anticipated as a result of the proposed nine-foot in height retaining wall. Instead, the proposed wall will minimize impacts on slopes stability consistent with LCP policies.

5. The variance complies with all requirements of state and local laws.

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

1. Based on an analysis of the project's visual impacts, it was determined that the proposed development is not expected to have significant adverse scenic or visual impacts. While visible from PCH, the proposed structure will be partially obscured because the structure will be notched into the hillside, is surrounded by existing two-story residences, and screened by mature landscaping. Furthermore, the proposed development is similar to past and current development along this stretch of Pacific Coast Highway and, as designed, will not encroach into blue water views. Therefore, the project as conditioned, will not have significant adverse scenic or visual impacts due to project design, location or other reasons.

2. The project has been designed and conditioned to not have significant adverse scenic or visual impacts. The project has been conditioned to include limitations on lighting and colors of the materials used to prevent any visual impacts to scenic areas and primary views.

3. As previously discussed in Section A, the project is the least environmentally damaging feasible alternative. The proposed new single-family residence is sited on the property to limit land form alteration and potential impacts to steep slopes within the southern portion of the property.

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

5. The proposed project will have less than significant visual impacts to public views from Pacific Coast Highway and will not impact sensitive resources. The proposed development is sited to eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies.

**E. Hazards (LIP Chapter 9)**

1. Geotechnical reports geotechnical reports and addenda prepared by CalWest Geotechnical Engineers indicate that a prehistoric landslide has been mapped on the site and subsurface landslide debris exist on the subject site. The pile supported retaining walls are designed to stabilize the site and prevent slope failure. The proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed. Thus, the project will not serve to increase the instability or integrity of the site due to geologic, flood, fire, project design or location.

2. Based on substantial evidence contained within the record and subject to the incorporation of all recommendations and/or conditions, the proposed project will be safe, the site of the grading will not be affected by any hazard from landslide and the completed work will not adversely affect adjacent properties. As such, there are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity. Any special conditions from City geotechnical staff and City Public Works Department must be met prior to issuance of a building permit.

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

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

5. The proposed project, as designed and conditioned, will not have adverse impacts on sensitive resources.

#### SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 16-038 and VAR Nos. 16-017 and 18-045, subject to the following conditions.

#### SECTION 5. Conditions of Approval.

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

##### Construction

- a. Construction of a 2,963 square foot, two-story single-family residence, plus a 434 square foot attached two-car garage;
- b. Total Development Square Footage (TDSF) 3,397 square feet;
- c. Installation of a new OWTS;
- d. Construction of a spa, and associated equipment;
- e. Construction of pile supported retaining walls (nine-foot in height maximum);
- f. Construction of first floor and second floor decks;
- g. Installation of new landscaping and hardscaping; and
- h. Grading.

##### Additional Discretionary Requests

- i. VAR No. 16-017 for construction on slopes steeper than 1.5 to 1; and
- j. VAR No. 18-045 for retaining wall in excess of six feet for up to nine feet.

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3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **May 15, 2019**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
  4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Department prior to the issuance of any development permits.
  5. The applicant shall submit three (3) complete sets of plans, including the items required in Condition No. 6 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
  6. This resolution, signed and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
  7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
  8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
  9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, WD29, and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
  10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.
12. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.
13. The property owner shall comply with all provisions of the MMC and LIP.

### ***Cultural Resources***

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

### ***Site-Specific Conditions***

16. Shrubs proposed in the north portions of the property shall be maintained at a height not to exceed six feet, as described in the Landscape Plans.
17. This project proposes to construct improvements within the public right-of-way. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way.

### ***Lighting***

18. 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.
19. Night lighting for sports courts or other private recreational facilities shall be prohibited.
20. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.
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.
22. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
23. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
24. Three sequential violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

### ***Fencing and Walls***

25. The height of fences and walls shall comply with LIP Section 3.5.3(A), except for the rear pile-supported retaining wall which is allowed a maximum height of nine feet.
26. Gates and any proposed fencing along the front property line shall comply with the regulations set forth in LIP Section 3.5.

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

27. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.
28. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.
29. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

30. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
- a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
  - b. Grading activities shall be planned during the southern California dry season (April through October).
  - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
  - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
31. 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.

### **Colors and Materials.**

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

### **Biology/Landscaping**

34. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 9.22). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22.



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35. Invasive plant species, as determined by the City of Malibu, are prohibited.
  36. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
  37. Earthmoving shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct earthmoving activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted to the City Biologist for approval prior to the issuance of a grading permit and implemented prior to initiation of vegetation removal and/or earthmoving activities.
  38. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.
  39. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).
  40. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.
  41. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three sequential violations of this condition will result in a requirement to permanently remove the vegetation from the site.
  42. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet between large woody ( $\geq 10$ -foot canopy) shrubs is recommended by the LACFD. Lawns are prohibited on slopes  $> 5$  percent.
  43. No non-native plant species is allowed greater than 50 feet from the residential structure.

#### ***Public Works***

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

45. 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.

***Grading/Drainage/Hydrology (Geology/ Public Works)***

46. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.
47. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.
48. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:
- a. Public Works Department general notes;
  - b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
  - c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
  - d. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
  - e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
  - f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
  - g. Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.

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

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

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

50. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.
51. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
- Is located within or adjacent to ESHA, or
  - Includes grading on slopes greater than 4 to 1.

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

52. 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.

53. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be prepared in accordance with the LIP Section 17.3.3 and all other applicable ordinances and regulations. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The following elements shall be included within the WQMP:
- a. Site Design Best Management Practices (BMPs);
  - b. Source Control BMPs;
  - c. Treatment Control BMPs;
  - d. Drainage improvements;
  - e. Methods for onsite percolation, site re-vegetation and an analysis for off-site project impacts;
  - f. Measures to treat and infiltrate runoff from impervious areas;
  - g. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
  - h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits; and
  - i. The WQMP shall be submitted to the Building Safety Division and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of building plans for the project.
54. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.

### ***Geology***

55. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.
56. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

### ***Spa***

57. Onsite noise, including that which emanates from swimming pool/spa and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).
58. Pool/spa and air conditioning equipment that will be installed shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall comply with LIP Section 3.5.3(A).

59. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.
60. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool / spa is prohibited. Provide information on the plans regarding the type of sanitation proposed for pool.
  - a. Ozonization systems are an acceptable alternative to chlorine. The discharge of clear water from ozonization systems is not permitted to the street;
  - b. Salt water sanitation is an acceptable alternative to chlorine. The discharge of salt water is not permitted to the street; and
  - c. Chlorinated water from pools or spas shall be trucked to a publicly-owned treatment works facility for discharge.
61. The discharge of chlorinated and non-chlorinated pool / spa water into streets, storm drains, creeks, canyons, drainage channels, or other locations where it could enter receiving waters is prohibited.
62. 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.

#### ***Onsite Wastewater Treatment System***

63. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's onsite wastewater treatment regulations including provisions of MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.
64. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
65. A final design and system specifications shall be submitted as to all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The final OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).

66. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.
67. The final design report shall contain the following information (in addition to the items listed above).
- a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
  - b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
  - c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics;
  - d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department; and
  - e. H2O Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
68. Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building and Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal

of a separate waterproofing plan may be required. The architectural/structural/ waterproofing plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

69. Prior to final Environmental Health approval, the applicant shall provide engineer's certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to structures (i.e., setbacks less than those shown in MMC Table 15.42.030(E)) must be supported by a letter from the project structural engineer and a letter from the project soils engineer (i.e., a geotechnical engineer or civil engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the structures for which the Table 15.42.030(E) setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced. All proposed reductions in setback from the OWTS to buildings (i.e., setbacks less than those shown in Table 15.42.030(E)) also must be supported by a letter from the project architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California-licensed architect, then the required architect's certification may be supplied by an engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setbacks to the wastewater system. In this case, the engineer must include in his/her letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback, then the architect or engineer must provide associated construction documents for review and approval during Building Safety Division plan check. The wastewater plans and the construction plans must be specifically referenced in all certification letters.
70. The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."
71. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MMC.
72. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.



- 
73. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
74. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.
75. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
76. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
77. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the City Environmental Sustainability Department.
78. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
79. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

***Water Quality/ Water Service***

80. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from WD29 to the Planning Department indicating the ability of the property to receive adequate water service.

81. Prior to final inspection (or project sign off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of WD29 have been met, including installation of a meter, if applicable.

#### **Deed Restrictions**

82. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.
83. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 18-24. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

#### **Prior to Occupancy**

84. Prior to, or at the time of a Planning final inspection, the property owner / applicant shall submit to the Planning Department the plumbing permit for the irrigation system installation signed off by the Building Safety Division.
85. Prior to final inspection (or project sign off, as applicable) by the Planning Department, the City Biologist shall inspect the project site and determine that all Planning Department conditions to protect natural resources are in compliance with the approved plans.
86. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled, and state the facilities where all materials were taken.
87. 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.
88. 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**

89. This coastal development permit shall run with the land and bind all future owners of the property.
90. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 3<sup>rd</sup> day of September 2019.

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STEVE UHRING, Planning Commission Chair

ATTEST:

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KATHLEEN STECKO, Recording Secretary

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

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s approval to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at [www.coastal.ca.gov](http://www.coastal.ca.gov) or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 19-20 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 3<sup>rd</sup> day of September 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

KATHLEEN STECKO, Recording Secretary

21490 PASEO PORTOLA-  
MALIBU CA 90265



Richard Perrin  
711 N Redwood Dr.  
Lincoln, NE  
818-344-7565



Aude-Mar Inc  
18034 Ventura Blvd Ste 512  
Encino CA 91316  
PH # 818-344-7565

$$\frac{4.7}{10}$$

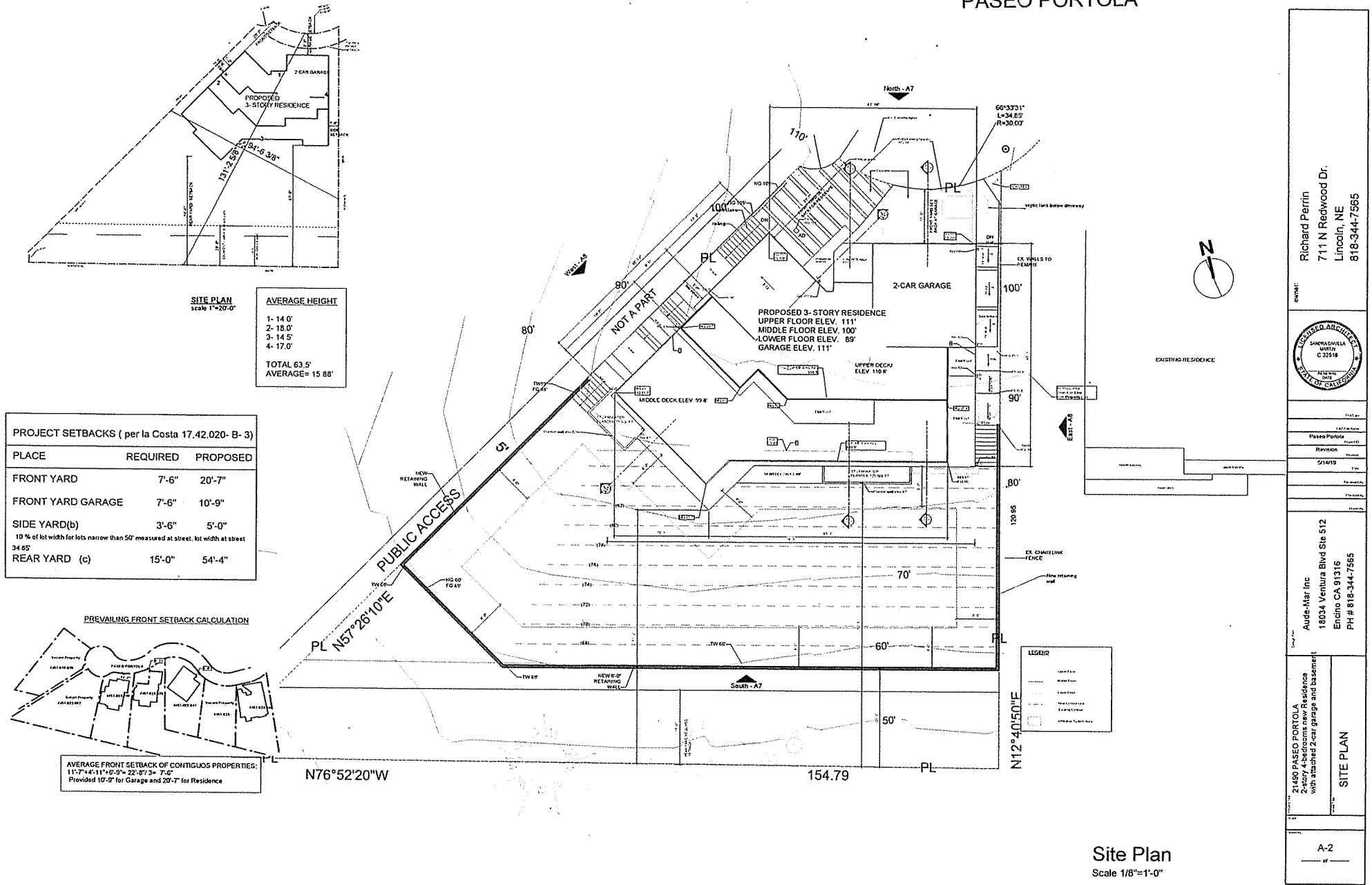
1490 PASEO PORTOLA  
2-story 3-bedrooms new Residence  
with attached 2-car garage and basement

COVER SHEET

A-1

112

PASEO PORTOLA



Richard Perrin  
711 N Redwood Dr.  
Lincoln, NE  
818-344-7565

SHARON GARCIA  
MARTIN  
C 33518  
ARCHITECT  
STATE OF CALIFORNIA

Paseo Portola  
Revision  
5/14/19

Aude-Mar Inc  
18034 Ventura Blvd Ste 512  
Encino CA 91316  
PH # 818-344-7565

21450 PASEO PORTOLA  
2-Story Residence  
with attached 2-car garage and basement

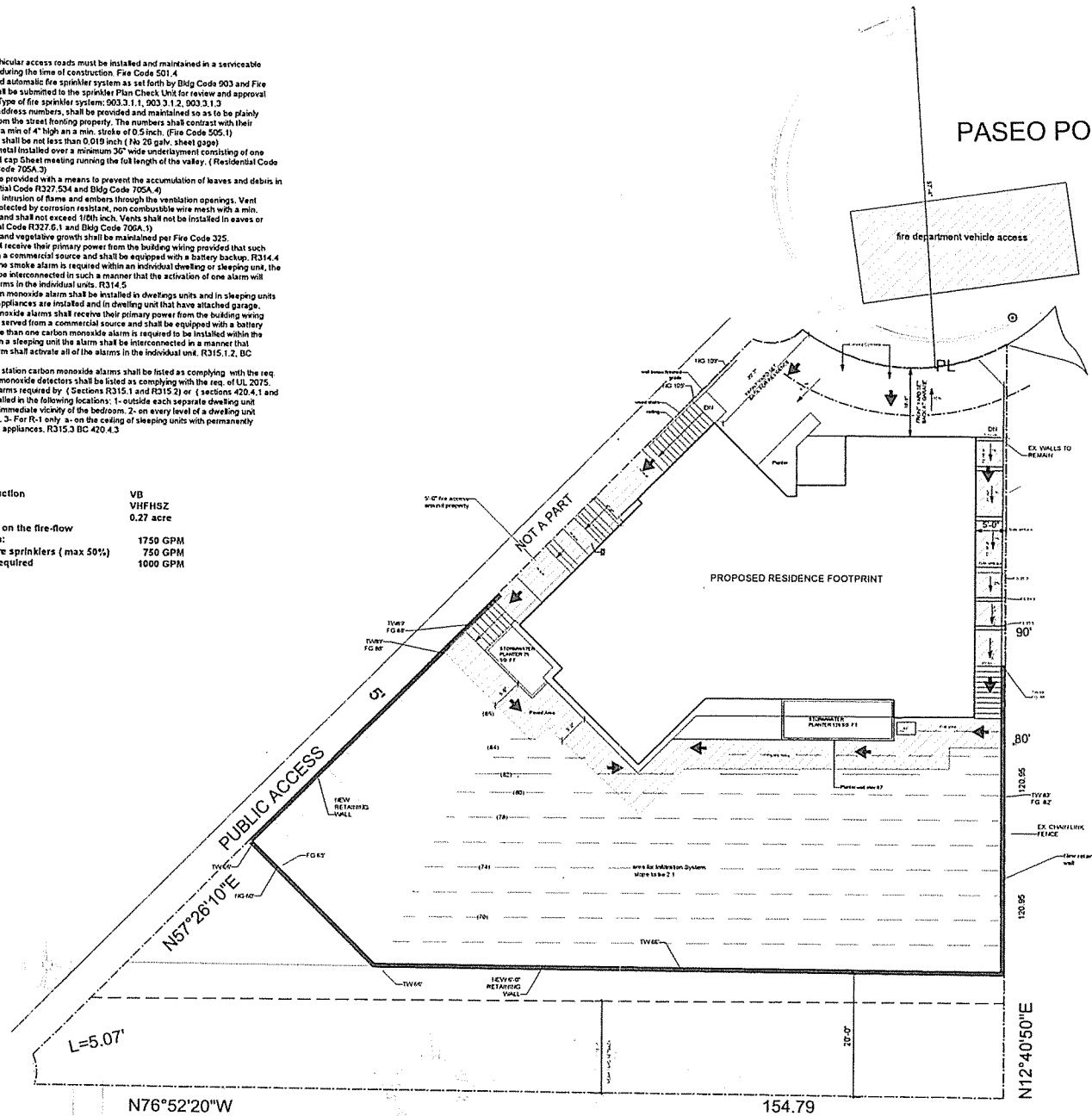
SITE PLAN

A-2

# Fire Notes:

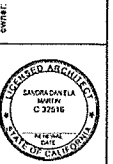
- Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
- Provide an approved automatic fire sprinkler system as set forth by Bldg Code 903 and Fire Code 903. Plans shall be submitted to the sprinkler Plan Check Unit for review and approval prior to installation. Type of fire sprinkler system: 903.3.1.1, 903.3.1.2, 903.3.1.3
- Approved building address numbers, shall be provided and maintained so as to be plainly visible and legible from the street fronting property. The numbers shall contrast with their background, and be a min of 4" high on a min. stroke of 0.5 inch. (Fire Code 505.1)
- Roof valley flashing shall be not less than 0.019 inch (No 20 galv. sheet gage) corrosion-resistant metal installed over a minimum 30" wide underlayment consisting of one layer of No 72 ASTM cap sheet meeting running the full length of the valley. (Residential Code R327.5.3 and Bldg Code 705A.3)
- Roof gutters shall be provided with a means to prevent the accumulation of leaves and debris in the gutter. (Residential Code R327.5.34 and Bldg Code 705A.4)
- Vents shall resist the intrusion of flame and embers through the ventilation openings. Vents shall be protected by corrosion resistant, non combustible wire mesh with a min. 1/16th inch opening and shall not exceed 1/8th inch. Vents shall not be installed in eaves or cornices. (Residential Code R327.5.1 and Bldg Code 706A.1)
- Clearance of brush and vegetative growth shall be maintained per Fire Code 325.
- Smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. R314.4
- Where more than one smoke alarm is required within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual units. R314.5
- An approved carbon monoxide alarm shall be installed in dwellings units and in sleeping units within fuel-burning appliances are installed and in dwelling unit that have attached garage. Required carbon monoxide alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Where more than one carbon monoxide alarm is required to be installed within the dwelling unit or within a sleeping unit the alarm shall be interconnected in a manner that activation of one alarm shall activate all of the alarms in the individual unit. R315.1.2, BC 420.4.1
- Single and multiple station carbon monoxide alarms shall be listed as complying with the req. of UL 2034. Carbon monoxide detectors shall be listed as complying with the req. of UL 2075. Carbon monoxide alarms required by (Sections R315.1 and R315.2) or (sections 420.4.1 and 420.4.2 shall be installed in the following locations: 1- outside each separate dwelling unit sleeping area in the immediate vicinity of the bedroom, 2- on every level of a dwelling unit including basements, 3- For R-1 only a- on the ceiling of sleeping units with permanently installed fuel burning appliances. R315.3 BC 420.4.3

Type of construction VB  
Fire zone VHFHSZ  
Size of lot 0.27 acre  
Fire flow based on the fire-flow calculation area: 1750 GPM  
Reduction for fire sprinklers (max 50%): 750 GPM  
Total fire flow required 1000 GPM



FIRE ACCESS PLAN  
SCALE = 1/8" = 1'-0"

Richard Perrin  
711 N Redwood Dr.  
Lincoln, NE  
818-344-7565

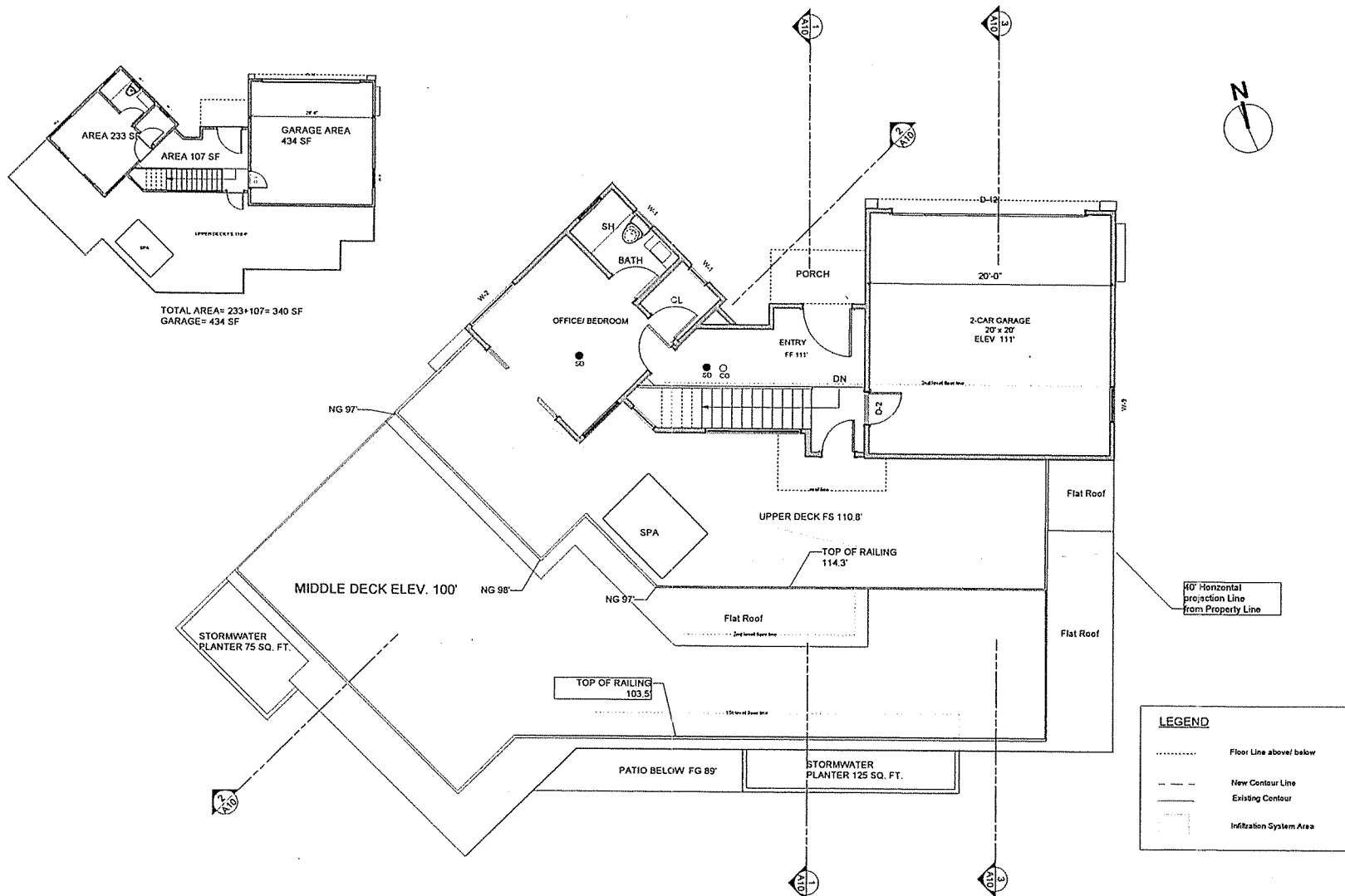


Paseo Portola  
Revision  
5/16/19

Aude-Mar Inc  
18034 Ventura Blvd Ste 512  
Encino CA 91316  
PH # 818-344-7565

21450 PASEO PORTOLA  
2-story 4-bedrooms new Residence  
with attached 2-car garage and basement  
Site plan - Fire Access

A-2.1

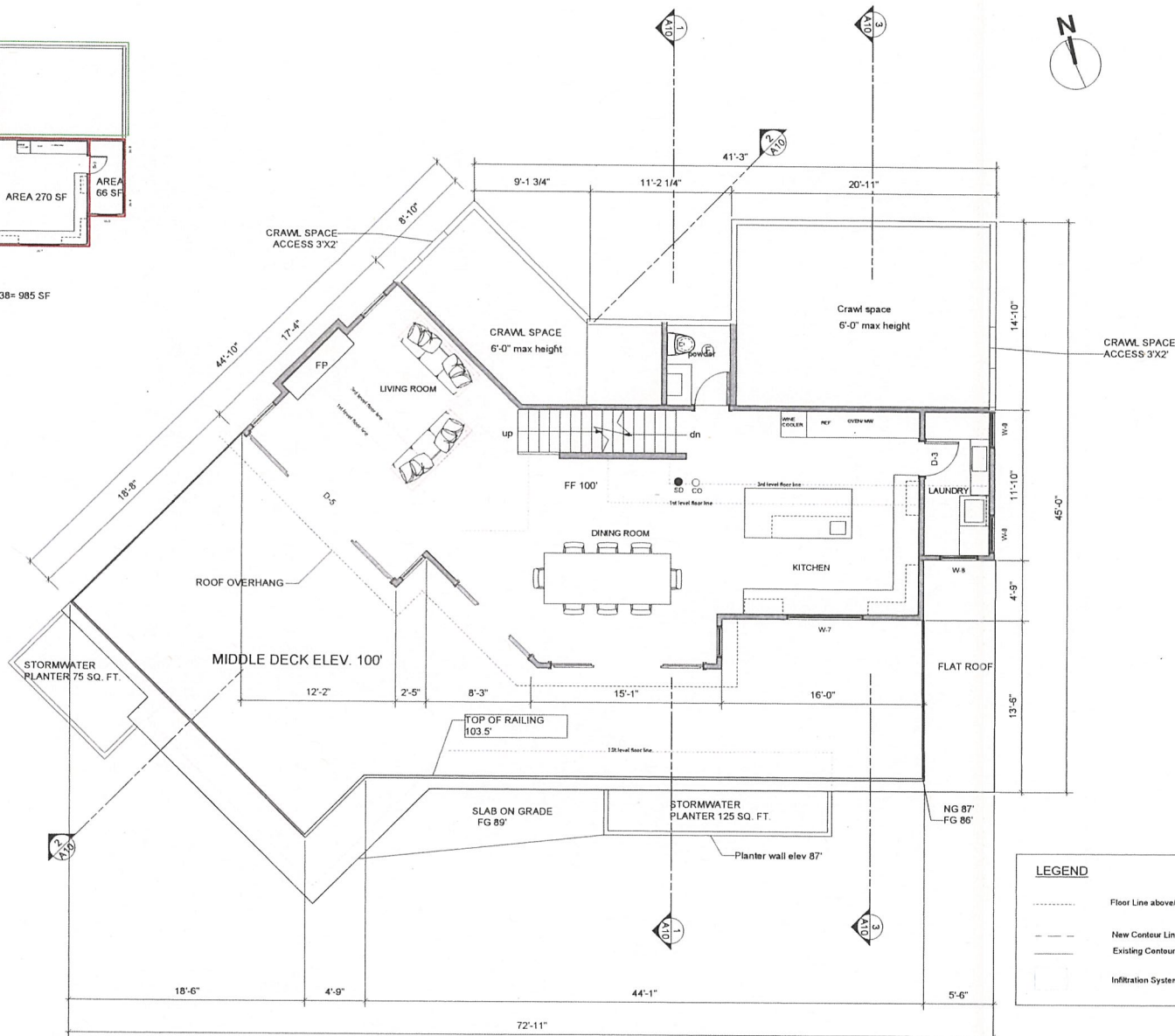


owner: Richard Perrin 711 N Redwood Dr. Lincoln, NE 818-344-7565	
REGISTERED ARCHITECT SAOMC/CANELA NORTH C 32316 FIDELITY STATE OF CALIFORNIA	
Project No.	21430 PASEO PORTOLA
Project Name	21430 PASEO PORTOLA
Project Location	21430 PASEO PORTOLA
Project Date	5/14/19
Project Status	Final
Project Description	21430 PASEO PORTOLA
Project Address	18034 Ventura Blvd Ste 512
Project City	Encino CA 91316
Project Phone	PH # 818-344-7565
Project Email	
Project Website	
Project Notes	
Project Title	THIRD FLOOR PLAN
Project Sheet	A-3





TOTAL AREA 611+270+66= 985 SF

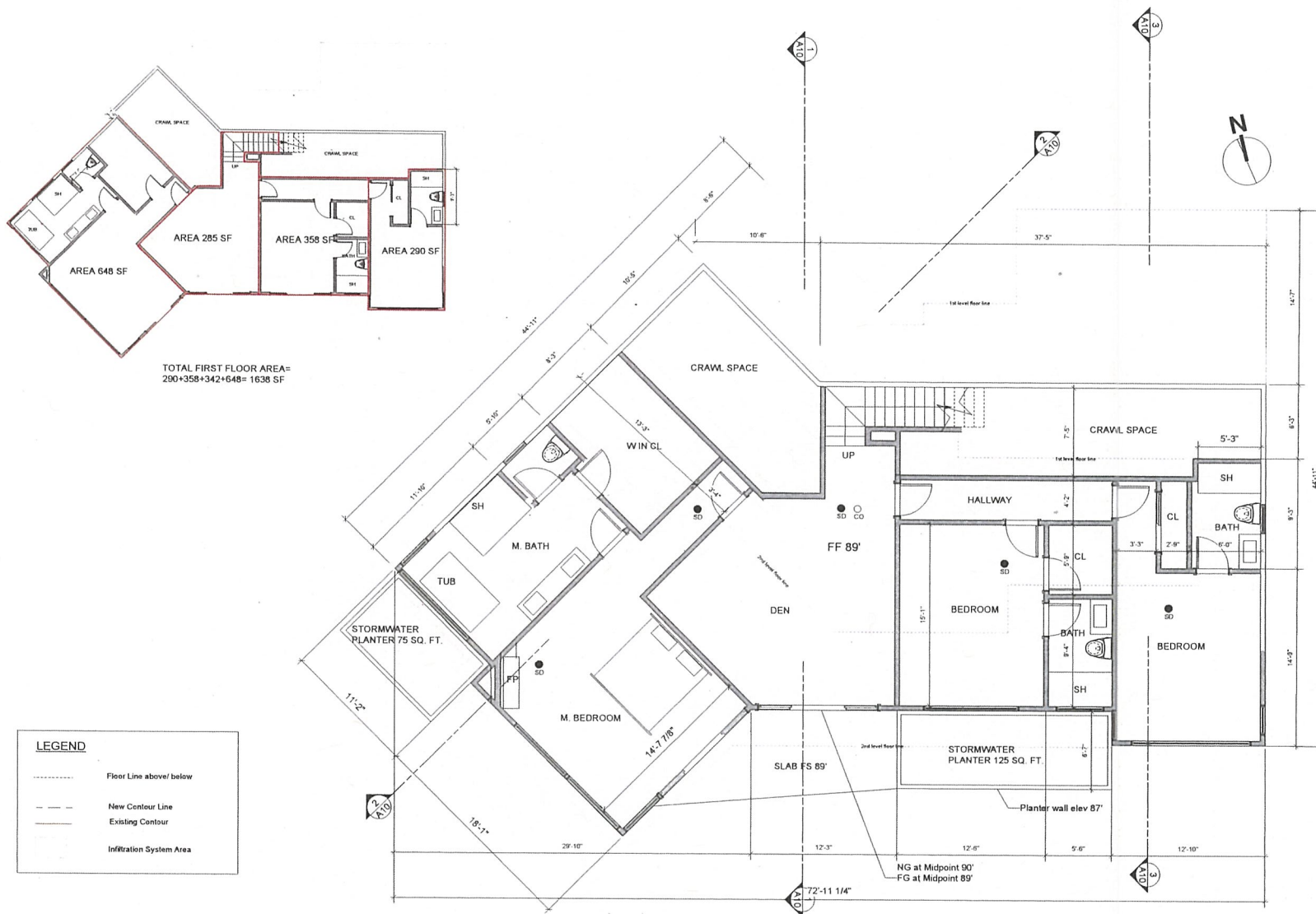


LEGEND	
.....	Floor Line above/ below
---	New Contour Line
---	Existing Contour
---	Infiltration System Area

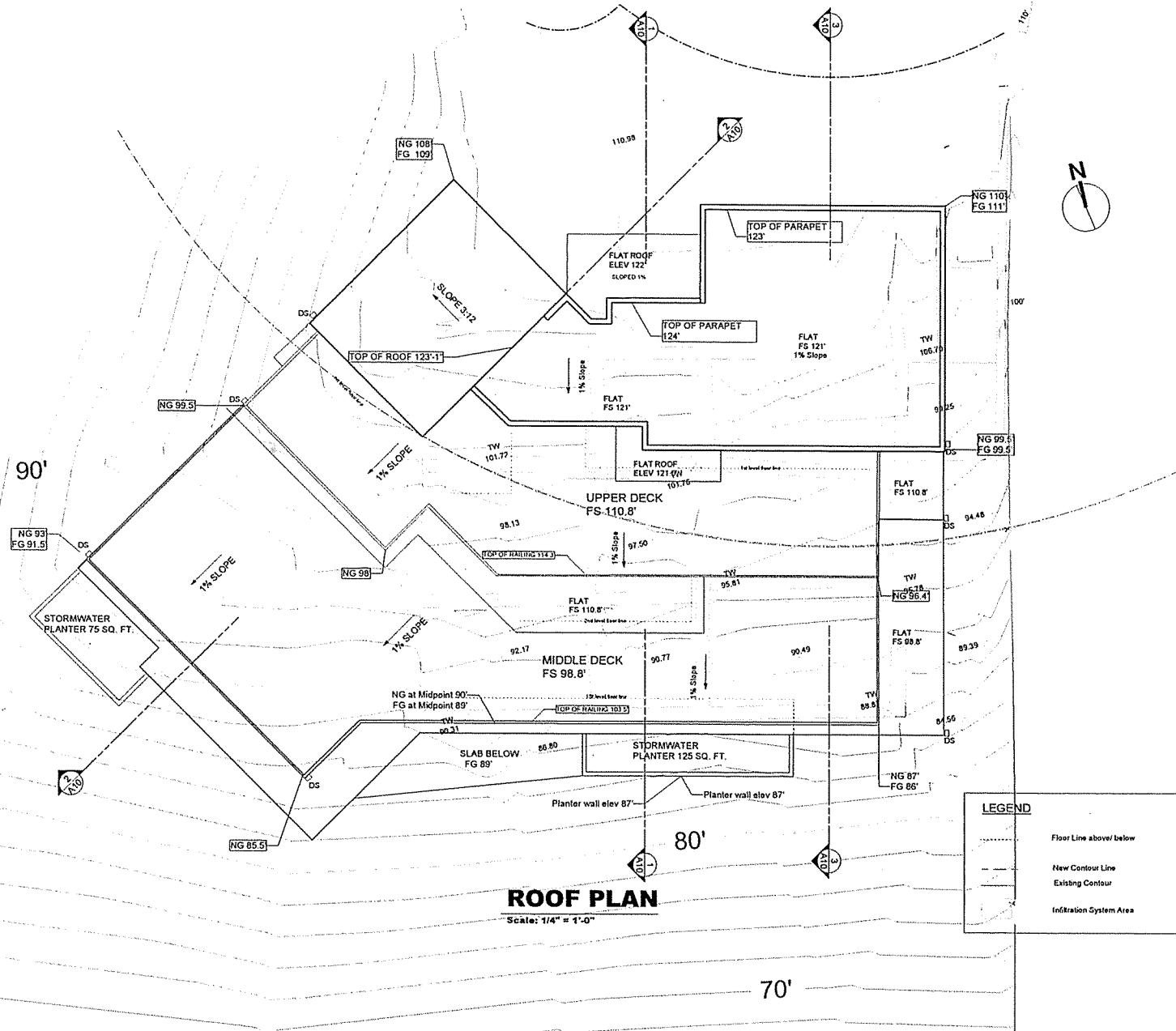
## SECOND/ MIDDLE FLOOR PLAN

Scale: 1/4" = 1'-0"

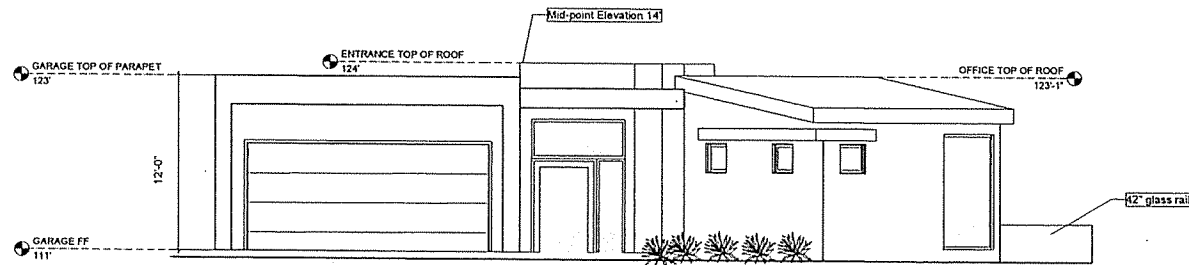
owner: Richard Perrin 711 N Redwood Dr. Lincoln, NE 818-344-7565	
Project: 21450 PASEO PORTOLA 2-story 3-bedrooms new Residence with attached 2-car garage and basement	Design: Aude-Mar Inc 18034 Ventura Blvd Ste 512 Encino CA 91316 PH # 818-344-7565
SECOND FLOOR PLAN	
A-4 of	



owner: Richard Perin 711 N Redwood Dr. Lincoln, NE 818-344-7565	
Project Name	21480 PASEO PORTOLA
Client Name	Aude-Mar Inc
Address	18034 Ventura Blvd Ste 512 Encino CA 91316
Phone	PH # 818-344-7565
Project Description	2-story 3-bedrooms new Residence with attached 2-car garage and basement
Project Type	FIRST FLOOR PLAN
Sheet No.	A-5

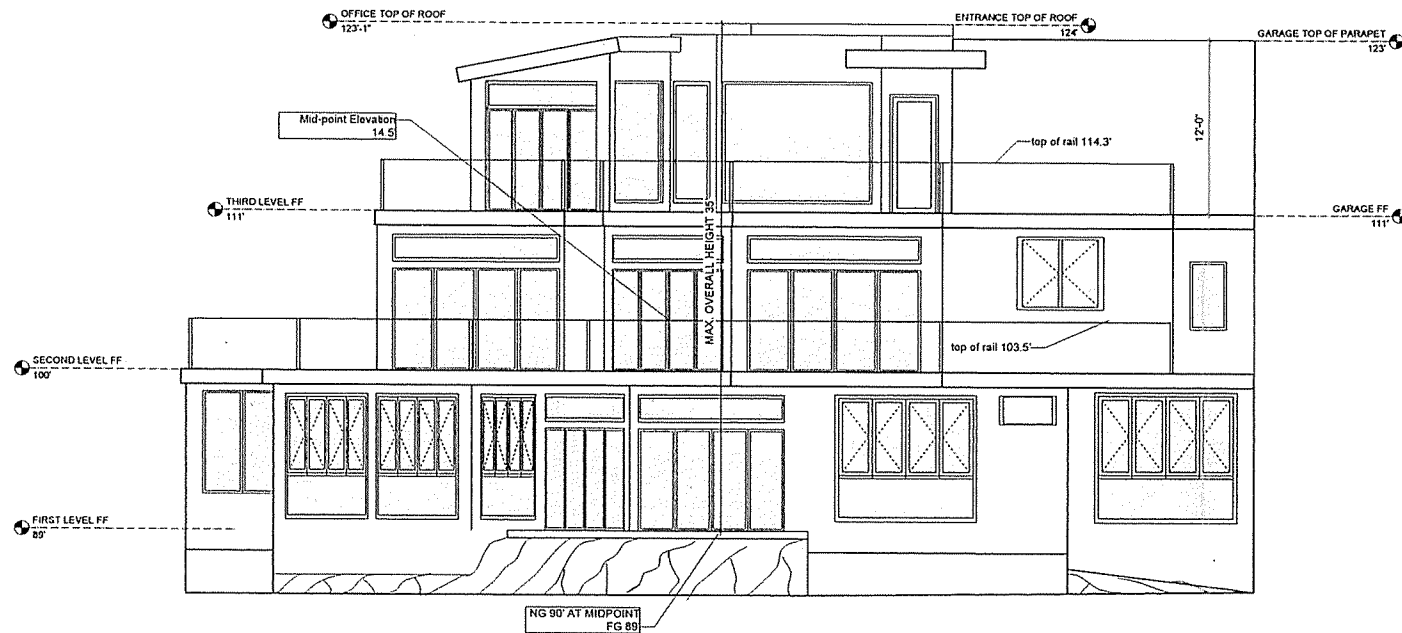


owner Richard Perrin 711 N Redwood Dr. Lincoln, NE 818-344-7565	
REGISTERED ARCHITECT SANDRA GAYLEA NORTH C 37518 STATE OF CALIFORNIA	
Project Paved Portola	Revision 2/14/19
Designer Aude-Mar Inc 18034 Ventura Blvd Ste 512 Encino CA 91316 PH # 818-344-7565	
21450 PASEO PORTOLA 2nd Floor with attached 2-car garage and basement	Roof Plan
A-6	



**NORTH ELEVATION**

scale 1/4" = 1'-0"



**SOUTH ELEVATION**

scale 1/4" = 1'-0"

Richard Perin  
711 N Redwood Dr.  
Lincoln, NE  
818-344-7565

Owner:



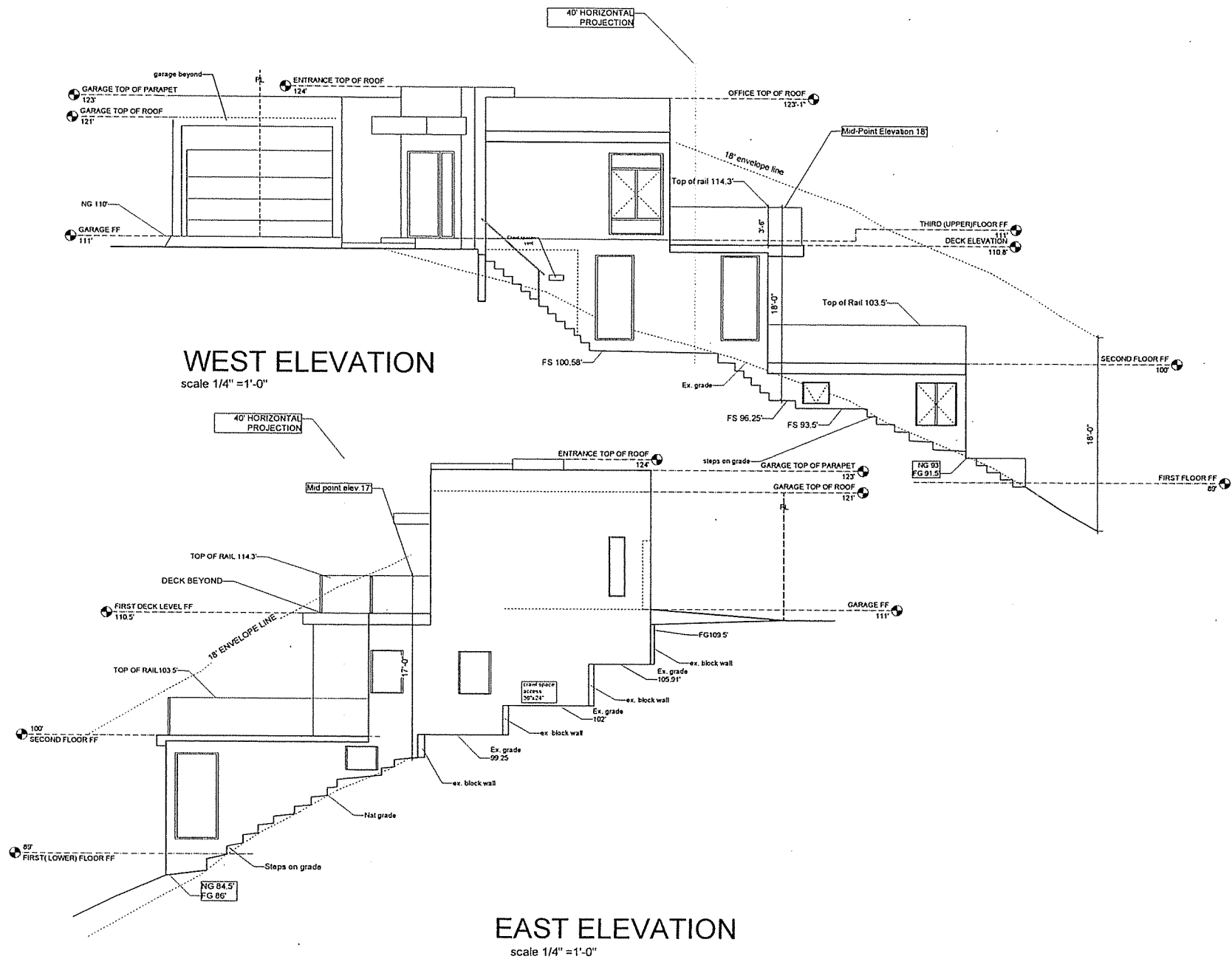
Project:  
Pasco Portola  
Revision  
5/14/19  
Date  
Drawn By  
Checked By  
Vetted By

Aude-Mar Inc  
18034 Ventura Blvd Ste 512  
Encino CA 91316  
PH # 818-344-7565

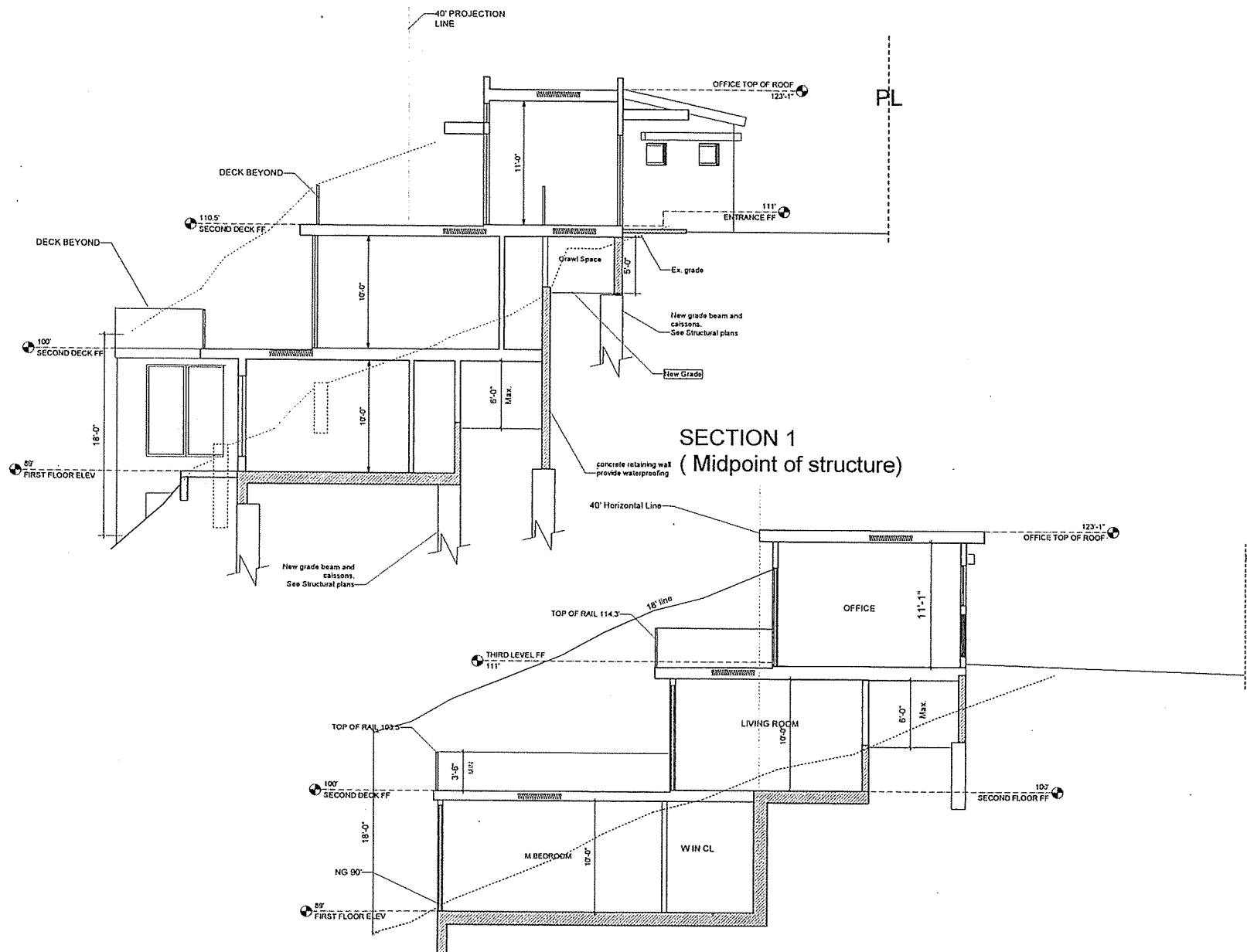
21490 PASCO PORTOLA  
Pasco Portola new residence  
and attached 2 car garage and basement

Elevations1

A-7  
of



Richard Perin 711 N Redwood Dr. Lincoln, NE 818-344-7565	
REGISTERED ARCHITECT SANDRA DELA NORTH C 32516 FURNISH STATE OF CALIFORNIA	
Project Name Paseo Portola	
Revision S1419	
Date 11/11/11	
Drawn By R. Perin	
Check By S. Dela	
Date 11/11/11	
Project Name Aude-Mar Inc 18034 Ventura Blvd Ste 512 Encino CA 91316 PH # 818-344-7565	
Project Name 21450 PASEO PORTOLA 21450 PASEO PORTOLA with attached 2-car garage and basement	
Elevations-2	
A-8 of	



SECTION 2

scale 1/4" = 1'-0"

Richard Perrin  
711 N Redwood Dr.  
Lincoln, NE  
818-344-7565

OWNER:



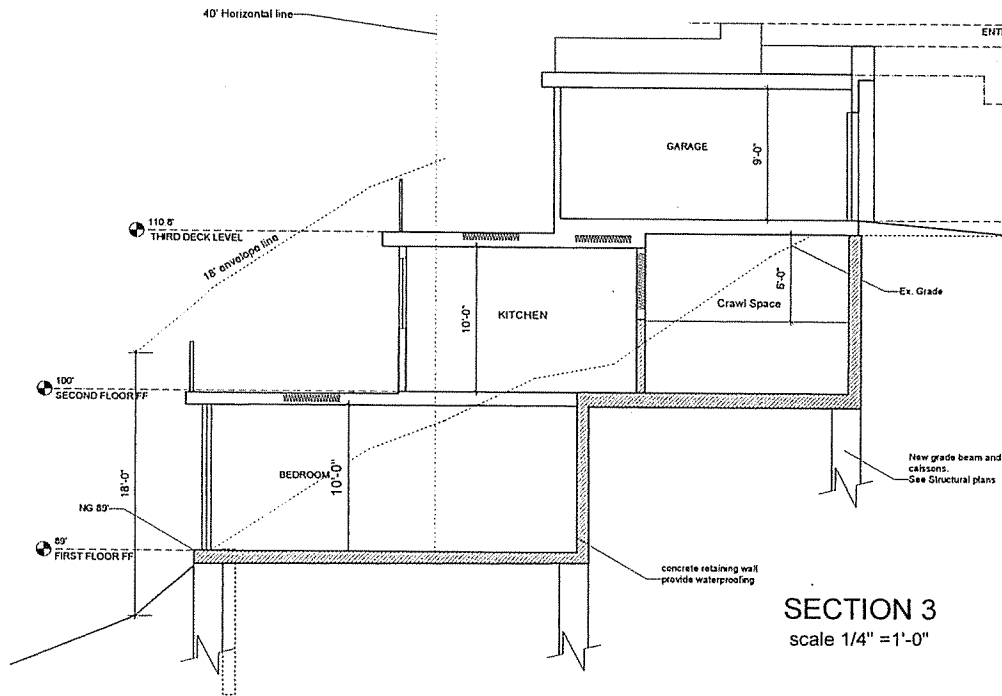
PROJECT	21490 PASEO PORTOLA
DATE	01/14/19
DESIGNER	Paseo Portola
REVISION	
DATE	01/14/19
DESIGNER	
DATE	
DESIGNER	
DATE	

Aude-Mar Inc  
18034 Ventura Blvd Ste 512  
Encino CA 91316  
PH # 818-344-7565

21490 PASEO PORTOLA  
2-story 3-bedrooms new Residence  
with attached 2-car garage and basement

Sections 1

A-9



SECTION 3  
scale 1/4" = 1'-0"

ID	WIDTH	HEIGHT	LOCATION	OPENING/ MATERIAL	COMMENTS
W1	18"	8' 0"	OFFICE	FIX	TEMPERED
W2	5'0"	9'0"	OFFICE	CASEMENT/FIX COMBINATION	TEMPERED
W3	18"	9'0"	OFFICE	CASEMENT/FIX COMBINATION	TEMPERED
W4	4'0"	8'0"	LIVING RM	FIX	TEMPERED
W4.1	4'0"	SEE DETAIL	LIVING RM	FIX	TEMPERED OUTSIDE
W4.2	4'0"	SEE DETAIL	LIVING RM	FIX	TEMPERED OUTSIDE
W5	3'6"	9'0"	LIVING RM	FIX	TEMPERED
W6	3'0"	9'0"	KITCHEN	FIX	TEMPERED
W7	6'0"	4'	KITCHEN	CASEMENT	OUTSIDE GLASS TEMPERED
W8	3'0"	5'0"	LAUNDRY	CASEMENT	OUTSIDE GLASS TEMPERED
W9	7'0"	6'0"	GARAGE	FIX	OUTSIDE GLASS TEMPERED
W10	7'0"	6'0"	POWDER	CASEMENT	TEMPERED
W11	6'0"	14"	ROOF	FIX	TEMPERED OUTSIDE
W12	6'0"	5'0"	BEDROOM	CASEMENT/EGRESS REQ	TEMPERED OUTSIDE
W13	7'0"	5'0"	BEDROOM	FIX	OUTSIDE GLASS TEMPERED
W14	7'0"	5'0"	BATH	CASEMENT	OUTSIDE GLASS TEMPERED
W15	3'0"	9'0"	BEDROOM	FIX	TEMPERED
W16	15'0"	9'0"	BEDROOM	CASEMENT/FIX-EGRESS REQ	TEMPERED
W17	5'0"	9'0"	BEDROOM	FIX	TEMPERED
W18	4'0"	9'0"	FAMILY RM	FIX	TEMPERED
W19	7'0"	9'0"	FAMILY RM	FIX	TEMPERED
W20	3'6"	9'0"	M BEDROOM	FIX	TEMPERED
W21	3'0"	9'0"	M BEDROOM	FIX	TEMPERED
W22	7'0"	9'0"	M BATH	FIX	TEMPERED
W23	4'0"	9'0"	M BATH	CASEMENT/FIX	TEMPERED
W24	5'0"	14"	M BATH	AWNING	TEMPERED OUTSIDE
W25	8'0"	4'0"	BASEMENT	SLIDING	TEMPERED
W26	3'0"	4'0"	BASEMENT	FIX	TEMPERED

Mark	Width	Height	Location	Door Operation	Glaz. Style	Notes/materials
1	3'-0"	6'-8"	Entry	Swing Simple	tempered	one glass lite
2	2'-8"	6'-8"	garage	Swing Simple	None	Solid-1 hr fire resistant/self closing
3	2'-8"	6'-8"	varies	Swing Simple	None	Solid
4	12'-0"	7'-0"	patio	Slider	tempered	one glass lite, exterior/ w window on top
5	14'-8"	7'-0"	patio	Slider	tempered	one glass lite, exterior/ w window on top
6	5'-0"	6'-8"	closet	Slider	None	Solid
7	7'-0"	6'-8"	closet	Swing Simple	None	Solid
8	4'-0"	6'-8"	bath	Pocket Simple	None	Solid
9	5'-0"	7'-0"	bedroom	Slider	tempered	one glass lite, exterior/ w window on top
10	5'-0"	7'-0"	kitchen	Slider	tempered	one glass lite, exterior/ w window on top
11	10'-0"	8'-0"	patio	Slider	tempered	one glass lite, exterior
12	16'-0"	6'-8"	garage	Overhead	None	panelized aluminum

Richard Perrin  
711 N Redwood Dr.  
Lincoln, NE  
818-344-7565

OWNER:



Project Name

Project Address

Project City

Project State

Project Zip

Project Phone

Project Email

Project Fax

Project Web

Project Notes

Project Description

Project Location

Project Date

Project Status

Project Budget

Project Cost

Project Profit

Project Margin

Project Return

Project Risk

Project Opportunity

Project Challenge

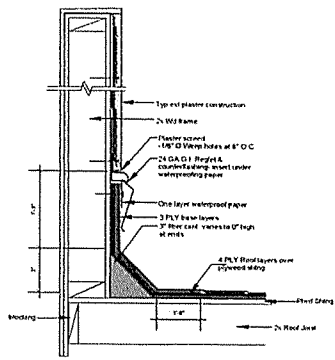
Project Solution

Project Conclusion

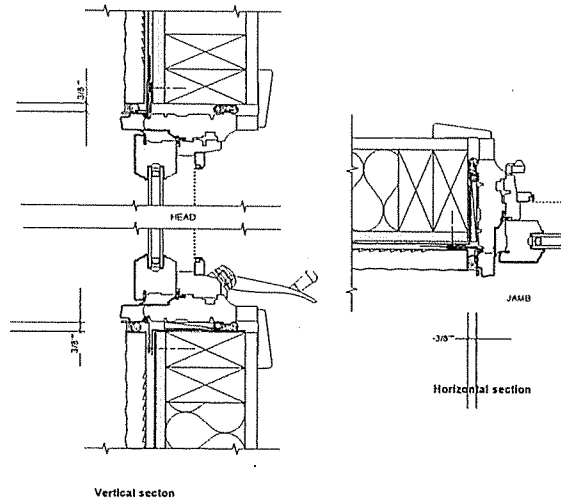
Project Summary

Project Footer

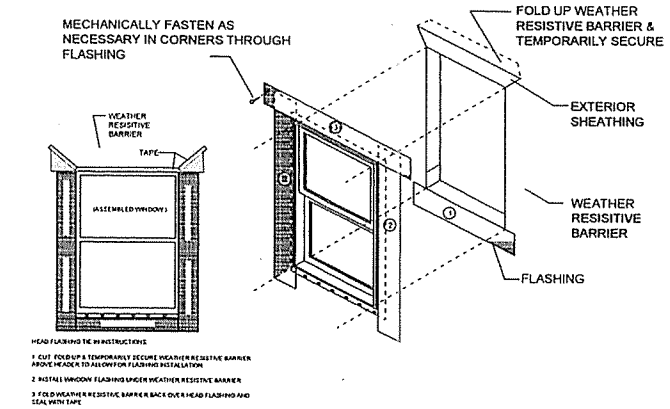




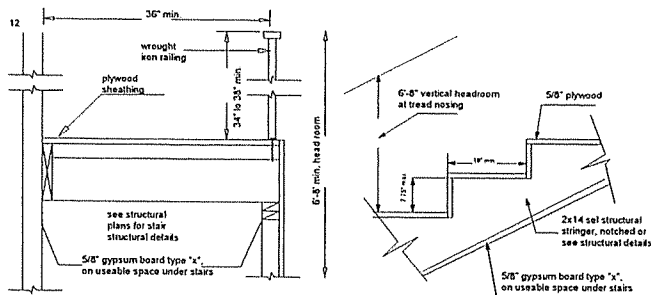
11- PARAPET- ROOF DETAIL



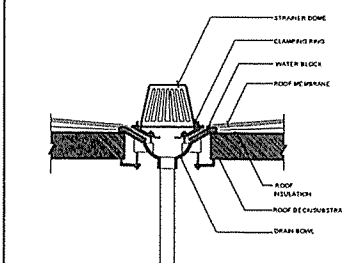
10- WINDOW DETAIL



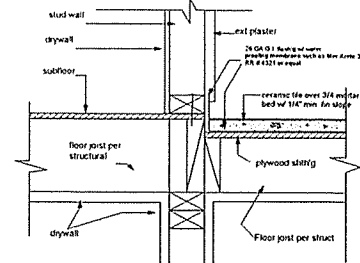
9- WINDOW FLASHING DETAIL



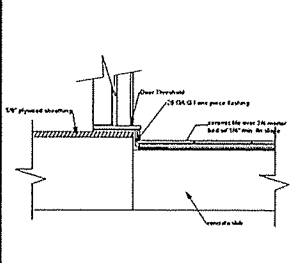
8 STAIR DETAIL



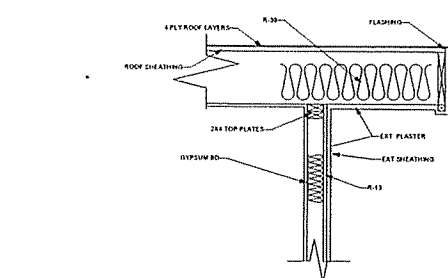
7- ROOF OVERFLOW



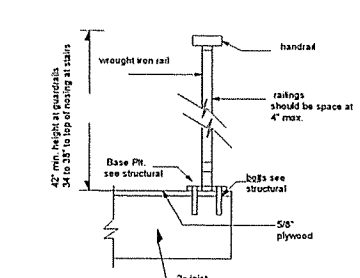
6- EXT DOOR SILL DET.



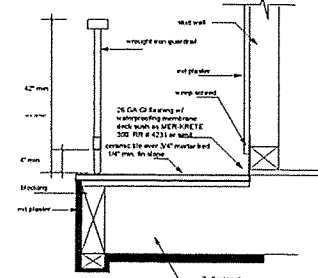
5- EXT. WALL AT FLOOR



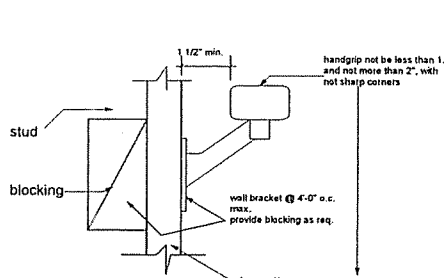
4 ROOF OVERHANG



3 RAILING



2 BALCONY DTL



1- HANDRAIL

Richard Perin 711 N Redwood Dr. Lincoln, NE 818-344-7565	
21450 PASEO PORTOLA 2-story 3-bedrooms new Residence with attached 2-car garage and basement	Architectural details
NTS A-11	21450 PASEO PORTOLA 2-story 3-bedrooms new Residence with attached 2-car garage and basement



## GENERAL NOTES:

- All grading and construction shall conform to the Code adopted by the City of Malibu.
- Any modifications or changes to approved grading plans must be approved by the Building Official.
- No grading shall be started without first notifying the Building Official. A Pre-grading meeting at the site is required before the start of the grading with the following people present: Owner, grading contractor, design civil engineer, soils engineer, geologist, County grading inspector(s) or their representatives, and when required the archeologist or other jurisdictional agencies. Permittee or his agent are responsible for arranging Pre-grade meeting and must notify the Building Official at least two business days prior to proposed pre-grade meeting.
- Approval of these plans reflects solely the review of plans in accordance with the County of Los Angeles Building Codes and does not reflect any position by the County of Los Angeles or the Department of Public Works regarding the status of the grading or the land on which the improvements may be constructed. Any disputes relating to this are solely a private matter not involving the County of Los Angeles or the Department of Public Works.
- All grading and construction activities shall comply with County of Los Angeles Code, Title 12, Section 12.12.030 that controls and restricts noise from the use of construction and grading equipment from the hours of 8:00 PM to 6:30 AM and on Sundays and Holidays. (More restrictive construction activity times may govern, as required by the Department of Regional Planning and should be shown on the grading plans when applicable.)
- California Public Resources Code (Section 5007.59) and Health and Safety Code (Section 70550.5) address the discovery and disposition of human remains. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, the law requires that grading immediately stops and no further excavation or disturbance of the site, or any nearby area where human remains may be located, occur until the following has been measures been taken:
  - The County Coroner has been informed and has determined that no investigation of the cause of death is required, and
  - If the remains are of Native American origin, the descendants from the deceased Native Americans have made a recommendation for the means of treating or disposing, with appropriate dignity, of the human remains and any associated grave goods.
- The location and protection of all utilities is the responsibility of the Permittee.
- All report of material from the site must go to a permitted site approved by the Building Official or a legal dumpsite. Receipts for acceptance of excess material by a dumpsite are required and must be provided to the Building Official upon request.
- A copy of the grading permit and approved grading plans must be in the possession of a responsible person and available at the site at all times.
- Site boundaries, easements, drainage ditches, restricted use areas shall be located per construction staking by Field Engineer or licensed surveyor. Prior to grading, as requested by the Building Official, all property lines, easements, and restricted use areas shall be staked.
- No grading or construction shall occur within the protected zone of any oak tree as required per Title Chapter 22.56 of the County of Los Angeles Zoning Code. The protected zone shall mean that area within the drip line of an oak tree extending there from a point at least five feet outside the drip line, or 15 feet from the trunk(s) of a tree, whichever is greater.

If an oak tree permit is obtained: (Add the following Note.)  
 All grading and construction within the protected zone of all oak trees shall be per oak tree permit no. \_\_\_\_\_, All recommendations in the permit and associated oak tree report must be complied with and are a part of the grading plan. A copy of the oak tree permit and associated reports shall be maintained in the possession of a responsible person and available at the site at all times.

12. The standard retaining wall details shown on the grading plans are for reference only. Standard retaining walls are not checked, permitted, or inspected per the Grading Permit. A separate retaining wall permit is required for all standard retaining walls.

Note: This note only applies to standard retaining walls. Geogrid fabric and segmented retaining walls do not require a separate retaining wall permit. Details and construction notes for all Geogrid walls must be on the grading plan.

13. A preventive program to protect the slopes from potential damage from burrowing rodents is required per Section 1101.8 of the County of Los Angeles Building Code. Owner is to inspect slopes periodically for evidence of burrowing rodents and a first evidence of their existence shall employ an exterminator for their removal.

14. Where a grading permit is issued and the Building Official determines that the grading will not be completed prior to November 1, the owner of the site on which the grading is being performed shall, on or before October 31, file or cause to be filed with the Building Official an ESCP per Section 1101.8.3 of the County of Los Angeles Building Code.

15. Transfer of Responsibility: If the Field Engineer, the Soils Engineer, or the Engineering Geologist of record is changed during grading, the work shall be stopped until the replacement is agreed in writing to accept the responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official in writing of such change prior to the commencement of such grading.

## INSPECTION NOTES

- The permittee or his agent shall notify the Building Official at least one working day in advance of required inspections at following stages of the work. (Section 1105.7 of the Building Code.)
  - Pre-grade – Before the start of any earth disturbing activity or construction.
  - Initial – When the site has been cleared of vegetation and unapproved fill has been scarified, benched or otherwise prepared for fill. Fill shall not be placed prior to this inspection. Note: Prior to any construction activities, including grading, all storm water pollution prevention measures including erosion control devices which contain sediments must be installed.
  - Rough – When approximate final elevations have been established, drainage terraces, swales and berms installed at the top of the slope, and the statements required in this Section have been received.
  - Final – When grading has been completed, all drainage devices installed, slope planting established, irrigation systems installed and the As-Built plans, required statements, and reports have been submitted and approved.
- In addition to the inspection required by the Building Official for grading, reports and statements shall be submitted to the Building Official in accordance with Section 1105 of the County of Los Angeles Building Code.
- Unless otherwise directed by the Building Official, the Field Engineer for all engineered grading projects shall prepare routine inspection reports as required under Section 1105.11 of the County of Los Angeles Building Code. These reports, known as "Report of Grading Activities", shall be submitted to the Building Official as follows:
  - Bi-weekly during all times when grading of 400 cubic yards or more per week is occurring on the site,
  - Monthly, at all other times, and
  - at any time when requested in writing by the Building Official.
- Such "Report of Grading Activities" shall certify to the Building Official that the Field Engineer has inspected the grading site and related activities and has found them in compliance with the approved grading plans and specifications, the building code, all grading permit conditions, and all other applicable ordinances and requirements. This form is available at the following website <http://www.lapublic.gov/bds/default.aspx>. "Report of Grading Activities" shall be submitted to the Building Official or faxed to (310) 530-5482. Failure to provide required inspection reports will result in a "Stop Work Order".
- All graded sites must drain swales, berms, and other drainage devices installed prior to rough grading approval per Section 1105.7 of the County of Los Angeles Building Code.
- The grading contractor shall submit the statement to the grading inspector as required by Section 1105.12 of the County of Los Angeles Building Code at the completion of rough grading.
- Final grading must be approved before occupancy of buildings will be allowed per Section 1105 of the County of Los Angeles Building Code.

## DRAINAGE NOTES

- Roof drainage must be diverted from graded slopes.
- Provisions shall be made for contributory drainage at all times.
- All construction and grading within a storm drain easement are to be done per Private Drain PD No. \_\_\_\_\_ or miscellaneous Transfer Drain MTD No. \_\_\_\_\_.
  - All storm drain work is to be done under continuous inspection by the Field Engineer. Status reports required under 18 and Section 1105.11 of the County of Los Angeles Building Code shall include inspection information and reports on the storm drain installation.
  - An encroachment permit from (County of Los Angeles Department of Public Works) (CALTRANS) (City of \_\_\_\_\_) is required for all work within or affecting road right of way. All work within Road right of way shall conform to (County of Los Angeles Department of Public Works)(CALTRANS) (City of \_\_\_\_\_) encroachment permit.
  - An encroachment permit/connection permit is required from the County of Los Angeles Flood Control District for all work within the County of Los Angeles Flood Control District Right of Way. All work shall conform to conditions set by the Permit.
  - Permission to operate in Very High Fire Hazard Severity Zone must be obtained from the Fire Prevention Bureau or the local Fire Station prior to commencing work.
  - All work within the streambed and areas outlined on grading plans shall conform to:
    - Army Corp 404 Permit Number: \_\_\_\_\_
    - California Fish & Wildlife Permit No. \_\_\_\_\_
  - All construction/demolition, grading, and storage of bulk materials must comply with the local AQMD rule 403 for Fugitive Dust. Information on rule 403 is available at AQMD's website <http://www.aqmd.com>.

## GENERAL GEOTECHNICAL NOTES

- All work must be in compliance with the recommendations included in the geotechnical consultant's report(s) and the approved grading plans and specifications.
- Grading operations must be conducted under periodic inspections by the geotechnical consultants with manually inspection reports to be submitted to the Geology and Soils Section (900 S. Fremont, Alhambra CA 91803 – 3rd Floor).
- The Soil Engineer shall provide sufficient inspections during the preparation of the natural ground and the placement and compaction of the fill to be satisfied that the work is being performed in accordance with the plan and applicable Code requirements.
- Rough grading must be approved by a final engineering geology and soils engineering report. An As-Built Geologic Map must be included in the final geology report. Provide a final report statement that verifies work done in accordance with report recommendations and code provisions (Section 1105.12 of the County of Los Angeles Building Code). The final report(s) must be submitted to the Geotechnical and Materials Engineering Division for review and approval.
- Foundation, wall and pool excavations must be inspected and approved by the consulting geologist and soil engineer, prior to the placing of steel or concrete.
- Building pads, located in cut/fill transition areas shall be over-excavated a minimum of three (3) feet below the proposed bottom of footing.

## FILL NOTES

- All fill shall be compacted to the following minimum relative compaction criteria:
  - 90 percent of maximum dry density within 40 feet below finish grade.
  - 93 percent of maximum dry density deeper than 40 feet below finish grade, unless a lower relative compaction (not less than 90 percent of maximum dry density) is justified by the geotechnical engineer.
- The relative compaction shall be determined by a S.T.M. soil compaction test (1155-71) where applicable. Where not applicable, a test acceptable to the Building Official shall be used. (Section 1107.5 of the County of Los Angeles Building Code.)
- 95 percent of maximum dry density is required for all Fill lanes unless otherwise approved by the Fire Department.
- Field density shall be determined by a method acceptable to the Building Official (Section 1107.5 of the County of Los Angeles Building Code). However, not less than 10% of the required density test, uniformly distributed, and shall be obtained by the Sand Cone Method.
- Sufficient tests of the fill soils shall be made to determine the relative compaction of the fill in accordance with the following minimum guidelines:
  - One test for each two-foot vertical lift.
  - One test for each 1,000 cubic yards of material placed.
  - One test at the location of the final fill slope for each building site (b) in each four-foot vertical lift or portion thereof.
  - One test in the vicinity of each building pad for each four-foot vertical lift or portion thereof.
40. Sufficient tests of the fill soils shall be made to verify that the soil properties comply with the design requirements, as determined by the Soil Engineer including soil types, shear strengths parameters and corresponding unit weights in accordance with the following guidelines:
  - Prior and subsequent to placement of the fill, shear tests shall be taken on each type of soil or soil mixture to be used for all fill slopes steeper than three (3) horizontal to one vertical.
  - Shear test results for the proposed fill material must meet or exceed the design values used in the geotechnical report to determine slope stability requirements. Otherwise, the slope must be reevaluated using the actual shear test value of the fill material that is in place.
- Fill soils shall be free of deleterious materials.
- Fill shall not be placed until stripping of vegetation, removal of unsuitable soils, and installation of subdrain (if any) have been inspected and approved by the Soil Engineer. The Building Official may require a "Standard Test Method for moisture, ash, organic matter, peat or other organic soils" ASTM D-2974-87 on any suspect material. Detrital amounts of organic material shall not be permitted in fills. Soil containing small amounts of roots may be allowed provided that the roots are in a quantity and distributed in a manner that will not be detrimental to the future use of the site and the soils engineer approves the use of such material.
- Rock or similar material greater than 12 inches in diameter shall not be placed in the fill unless recommendations for such placement have been submitted by the Soil Engineer and approved in advance by the Building Official. Location, extent, and elevation of rock disposal areas must be shown on an "As Built" grading plan.
- Continuous inspection by the Soil Engineer, or a responsible representative, shall be provided during all fill placement and compaction operations where fills have a depth greater than 30 feet or slope surface steeper than 2:1. (Section 1107.8 of the County of Los Angeles Building Code.)
- Continuous inspection by the Soil Engineer, or a responsible representative, shall be provided during all subdrain installation. (Section 1107.2 of the County of Los Angeles Building Code.)
- All subdrain outlets are to be surveyed for line and elevation. Subdrain information must be shown on an "As Built" grading plan.
- Fill slopes in excess of 2:1 steepness ratio are to be constructed by the placement of soil at sufficient distance beyond the proposed finish slope to allow compaction equipment to be operated at the outer limits of the final slope surface. The excess fill is to be removed prior to completion of rough grading. Other construction procedures may be used when it is demonstrated to the satisfaction of the Building Official that the angle of slope, construction method and other factors will have equivalent effect. (Section 1107.5 of the County of Los Angeles Building Code.)

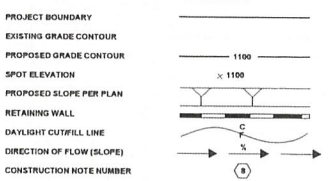
## PUBLIC WORKS DEPARTMENT GENERAL NOTES

- All work shown on these plans shall be constructed in accordance with the current edition of the Standard Specifications for Public Works Construction (SSPWC) "Green Book."
- Contractors shall comply with applicable Division of Industrial Regulations (Cal-OSHA) safety standards. If requested by the Inspector, the Contractor shall provide proof of a permit from said division.
- Contractor shall call the Public Works Inspector at (310) 456-2489, ext. 341 for Pre-Construction Meeting prior to the commencement of any construction or grading operations. Contractor shall notify the City Public Works Inspector 48 hours prior to commencing any construction and 24 hours in advance of specific inspection/measuring during the course of the work.
- No improvements are proposed within the Public Right-Of-Way.
- Storage of any construction materials, construction trailer, and/or parking and any work within the City public right of way shall require a City Encroachment Permit. Call the Public Works Inspector at (310) 456-2489, ext. 341 to apply for a permit.
- Storage of any construction materials, construction trailer, and/or parking and any work within the Caltrans public right of way shall require a Caltrans Encroachment Permit. Submit a copy of the Caltrans Encroachment Permit to the Public Works Department.
- All work shall be performed during City working hours and in compliance with these plans.
- Contractor shall verify all conditions and dimensions and shall report any discrepancies to the Engineer prior to the commencement of any work.
- Contractor shall locate, protect, and save any and all survey monuments that will be or may be damaged or destroyed by their operations. Once found, the Contractor shall then notify both the developer's supervising Civil Engineer and the Public Works Inspector. The supervising Civil Engineer shall resist all said monuments per the requirements of the Professional Land Surveyor's Act.
- The Contractor shall be responsible for protecting all public and private property insofar as it may be affected by these operations.
- Existing traffic signs are not to be removed without prior notification and approval of the City Engineer. As a minimum, construction work zone traffic signs and striping shall be furnished, installed, and maintained in accordance with the "Work Area Traffic Control Handbook" (the "WATCH Manual"), published by Bili Building News, Inc. A Traffic Control Plan, prepared by the developer, may be required by the City.
- The Developer shall comply with HPOCS requirements. The Storm Water Pollution Prevention Plan (SWPPP) shall be available at the construction site at all times and shall be kept updated.
- All recommendations made by the Geotechnical/Soils Engineer (and Engineering Geologist, where employed), and contained in the reports referenced herein, as approved or confirmed by the City, shall be considered a part of the Grading Plan.
- All storm drain pipe within the public right-of-way and easements shall be reinforced concrete pipe (RCP).
- 18 Terrace drains, interceptor drains, and down drains shall be constructed of 27" P.C.C. reinforced with 6"x6"x10 W.W.M. and shall be either semicircular or triangular cross section. Concrete cover shall be "Omaha Tan" or approved equivalent.
- Grading Quantities:
  - Cut cu yd. Fill cu yd.
  - Export cu yd. Import cu yd.
- 20 Total Disturbed Area (including grading, clearing, and landscaping area)
- Total Existing Impervious Surface Area sq. ft.
- Total Proposed Impervious Surface Area sq. ft.
- All slopes on private property adjoining streets, drainage channels, or other public facilities shall be graded not steeper than 2:1 for cut and fill unless specifically approved by the City Engineer on recommendation of the project's geotechnical/soils consultant.
- All catch basins and drainage inlets shall be stenciled with the City of Malibu storm drain logo.

## ABBREVIATIONS

- |                         |                            |
|-------------------------|----------------------------|
| AC - ASPHALTIC CONCRETE | NO - NATURAL GROUND        |
| BF - BOTTOM OF FOOTING  | NTS - NOT TO SCALE         |
| CB - CATCH BASIN        | PL - PROPERTY LINE         |
| CF - CURB FACE          | POB - POINT OF BEGINNING   |
| CE - CENTERLINE         | SDMI - STORM DRAIN MANHOLE |
| CLF - CHAIN LINK FENCE  | SMH - SEWER MANHOLE        |
| CO - CLEAN OUT          | SS - SANITARY SEWER        |
| CR - CEMENT BASIN       | TB - TOP OF BERM           |
| DA - DAYLIGHT           | TC - TOP OF CURB           |
| ED - EDGE OF GUTTER     | TF - TOP OF FOOTING        |
| EP - EDGE OF PAVEMENT   | TO - TOP OF GRADE          |
| FF - FINISHED FLOOR     | TP - TOP OF WALL           |
| FG - FINISHED GRADE     | TYP - TYPICAL              |
| FI - FILL HYDRAUNT      | WM - WATER METER           |
| FL - FLOWLINE           | WW - WATER VALVE           |
| FS - FINISH SURFACE     |                            |
| HC RMP - HANDICAP RAMP  |                            |
| HP - HIGH POINT         |                            |
| INV - INVERT            |                            |

## LEGEND AND SYMBOLS



### City of Malibu

21421 Street Ranch Road, Malibu, California 90263-4861  
 Phone (310) 476-2489 Fax (310) 476-7478 [www.cityofmalibu.org](http://www.cityofmalibu.org)

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**TOTAL GRADING YARDAGE VERIFICATION CERTIFICATE**  
 PLANNING DEPARTMENT REVIEW LEVEL

PROJECT NUMBER: \_\_\_\_\_  
 PROJECT ADDRESS: **21400 PASEO PORTOLA, MALIBU**

All projects preparing land from attention which involves more than 100 cubic yards of grading shall complete this form. The completed form must be provided at the time of Planning Department application for grading approval. All applicable code violations shall be completed in the table. All calculations intended to estimate the cubic yardages indicated shall be attached to this form. The form and the required calculations must be prepared by a State of California Licensed Civil Engineer. The form and the calculations shall be stamped and wet signed by the preparing party.

	Example	Non-Example	Remained	Total
Cut	100	500	15	520
Fill	100	445	445	990
Total	200	945	960	965
Import				
Export				75

All quantities indicated shall be in cubic yards only.  
 E&P - Estimated and based on information provided by the client.  
 L&S - Grading is required grading by L.A. County Fire Department across approved by the 15 foot minimum and 10 foot maximum. L&S - Grading is required grading by L.A. County Fire Department across approved by the 15 foot minimum and 10 foot maximum. L&S - Grading is required grading by L.A. County Fire Department across approved by the 15 foot minimum and 10 foot maximum.

PREPARED BY: **JOSE L. FULGINITI, P.E.**

DATE: **10/23/18**

## VICINITY MAP

PROJECT LOCATION: 21400 PASEO PORTOLA, MALIBU

PROJECT ADDRESS: 21400 PASEO PORTOLA, MALIBU

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**IMPORTANT NOTICE**

Section 1105.11 of the County of Los Angeles Building Code requires a Digital Information Statement for all projects requiring a "Permit to Grading". This form must be submitted to the Building Official at the time of application for a grading permit. For your Digital ID Number, call (800) 422-4133.

TOLL FREE: 1-800-422-4133

For working days before you dig.

**DIGAlert**

CALL BEFORE YOU DIG  
 CALL TOLL FREE  
 1-800-422-4133

UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

**OWNER:**  
 MR. Richard Perrin  
 7111 H REDWOOD DR  
 LINCOLN, NEBRASKA  
 68134-7555

**JOB ADDRESS:**  
 21400 PASEO PORTOLA  
 MALIBU CA 90265

**CIVIL ENGINEER:**  
 JOSE FULGINITI, P.E.  
 C-52284 exp 12/31/18

ADDRESS:  
 1825A Ventura Blvd Ste 512  
 Encino, CA 91436  
 Office 818-344-7265  
 Cell 818-621-8075

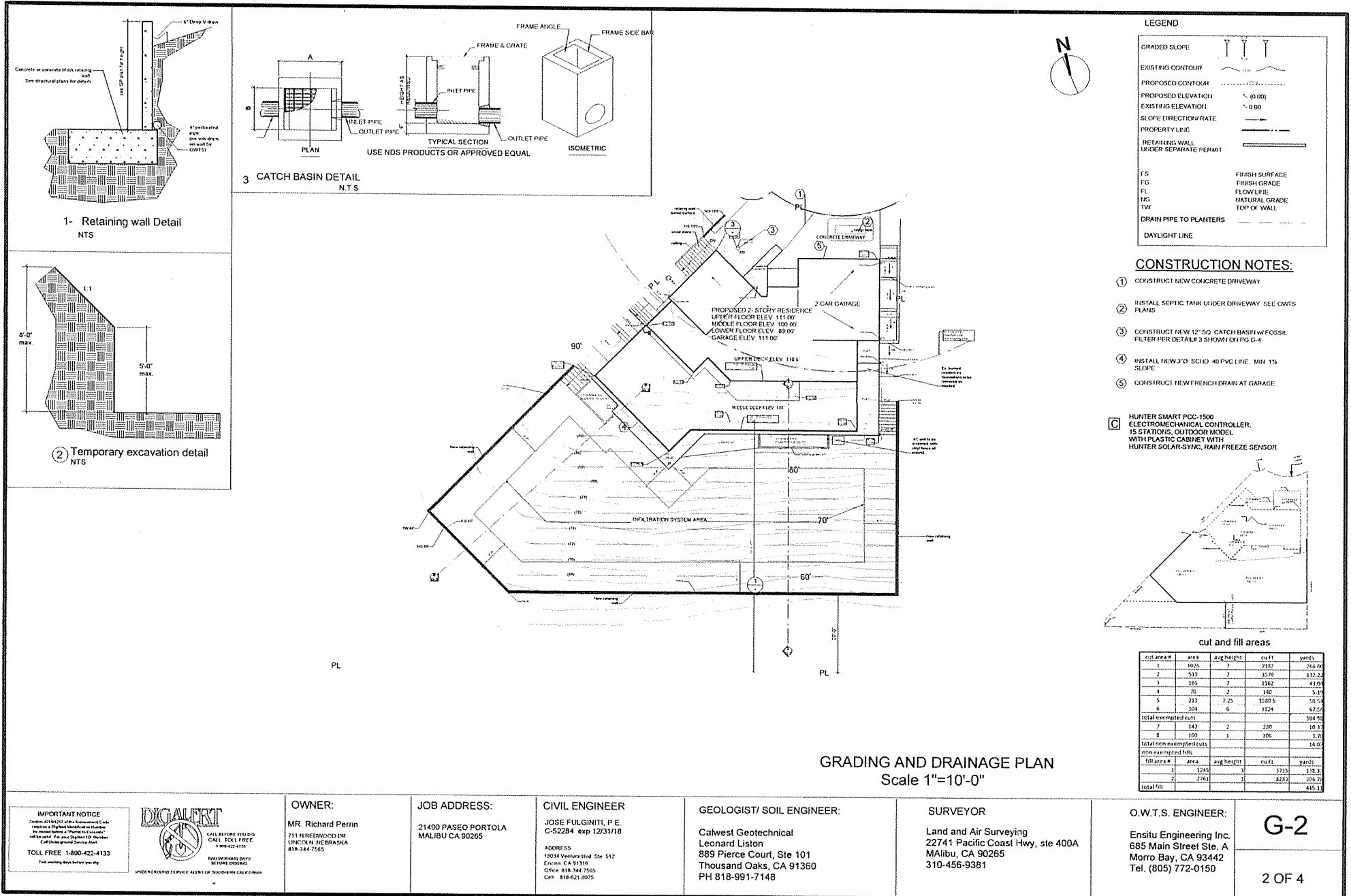
**GEOLOGIST/ SOIL ENGINEER:**  
 Calwest Geotechnical  
 Leonard Liston  
 889 Pierce Court, Ste 101  
 Thousand Oaks, CA 91360  
 PH # 818-991-7148

**SURVEYOR**  
 Land and Air Surveying  
 22741 Pacific Coast Hwy, Ste 400A  
 Malibu, CA 90265  
 PH # 310-456-9381

**O.W.T.S. ENGINEER:**  
 Ensitu Engineering Inc.  
 685 Main Street Ste. A  
 Morro Bay, CA 93442  
 PH # (805) 772-0150

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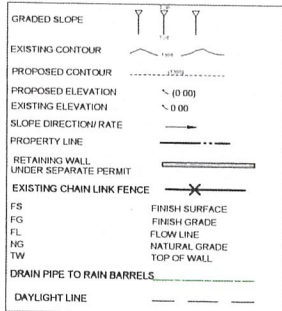
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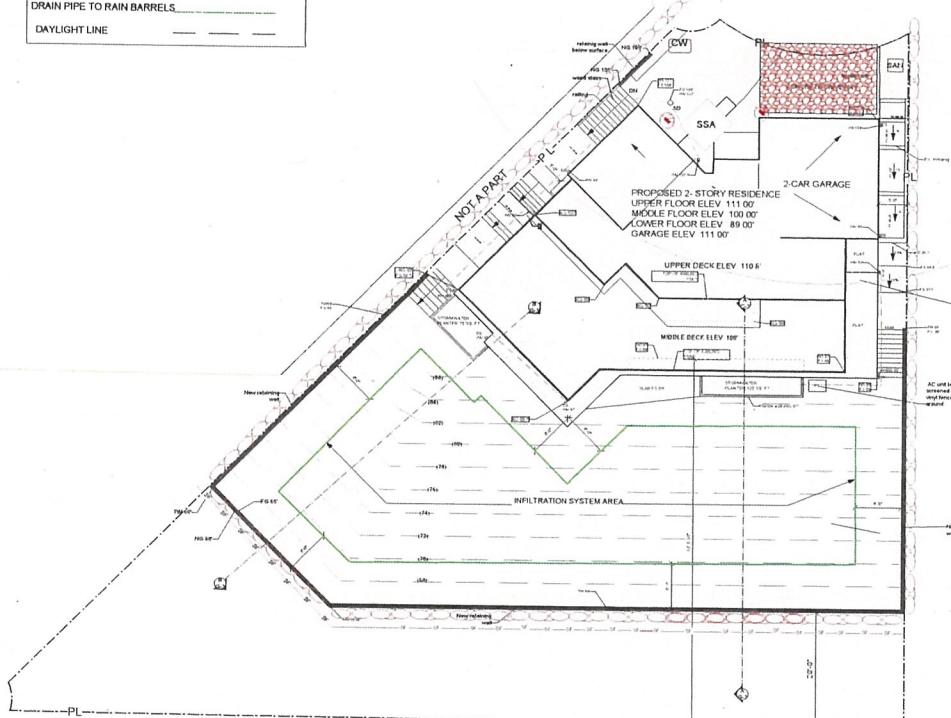


# LEGEND



23 The following BMPs from the "CAGSIA Construction BMP Handbook" must be implemented for all construction activities as applicable. An alternative details from "California Stormwater Quality Handbook, Construction Site Best Management Practices (BMP) Manual" may be used. Additional measures may be required if deemed appropriate by the Building Official.

- EROSION CONTROL**
  - EC1 - SCHEDULING
  - EC2 - PRESERVATION OF EXISTING VEGETATION
  - EC3 - HYDRAULIC MULCH
  - EC4 - HYDROSEEDING
  - EC5 - SOIL BARRIERS
  - EC6 - STRAW MULCH
  - EC7 - GEOTEXTILES & MATS
  - EC8 - WOOD MULCHING
  - EC9 - EARTH DYES AND DRAINAGE SWALES
  - EC10 - VELOCITY DISPERAL DEVICES
  - EC11 - SLOPE DRAINS
  - EC12 - STREAMBANK STABILIZATION
  - EC13 - RESERVED
  - EC14 - COMPOST BLANKETS
  - EC15 - SOIL PREPARATION/ROUGHENING
  - EC16 - NON-VEGETATED STABILIZATION
  - TEMPORARY SECONDARY CONTROL
  - SE1 - SILT FENCE
  - SE2 - SEDIMENT BASIN
  - SE3 - SEDIMENT TRAP
  - SE4 - CHECK DAM
  - SE5 - CHECK DAM
  - SE6 - TRAVEL BAY BERM
  - SE7 - STREET SWEEPING AND VACUUMING
  - SE8 - SANDBAG BARRIER
  - SE9 - STRAW BALE BARRIER
  - SE10 - STORM DRAIN INLET PROTECTION
  - SE11 - ACTIVE TREATMENT SYSTEMS
  - SE12 - TEMPORARY SILT DUNE
  - SE13 - COMPOST SOCKS & BERMS
  - SE14 - BOILER BAGS
  - WH1 - WASHOUT CONTROL
  - WH2 - WASHOUT CONTROL
  - WH3 - WASHOUT CONTROL
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  - WH99 - WASHOUT CONTROL
  - WH100 - WASHOUT CONTROL
- TEMPORARY TRACKING CONTROL**
  - TC1 - STABILIZED CONSTRUCTION ENTRANCE
  - TC2 - STABILIZED CONSTRUCTION ROADWAY
  - TC3 - ENTRANCE/EXIT TIRE WASHOUT/STORMWATER MANAGEMENT
  - TC4 - WATER CONSERVATION PRACTICES
  - TC5 - DEWATERING OPERATIONS
  - TC6 - PAVING AND GRADING OPERATIONS
  - TC7 - TEMPORARY STREAM CROSSING
  - TC8 - CLEAR WATER DIVERSION
  - TC9 - ILLUST. CORRECTION/RECHARGE
  - TC10 - POTABLE WATER/IRRIGATION
  - TC11 - VEHICLE AND EQUIPMENT CLEANING
  - TC12 - VEHICLE AND EQUIPMENT FUELING
  - TC13 - VEHICLE AND EQUIPMENT MAINTENANCE
  - TC14 - PILE DRIVING OPERATIONS
  - TC15 - CONCRETE CURING
  - TC16 - CONCRETE FINISHING
  - TC17 - MATERIAL AND EQUIPMENT USE
  - TC18 - SEDIMENTATION ADJUSTMENT TO WATER
  - TC19 - TEMPORARY BUTCH PLANTS
  - TC20 - WASTE MANAGEMENT / MATERIAL POLLUTION CONTROL
  - TC21 - MATERIAL DELIVERY AND STORAGE
  - TC22 - MATERIAL USE
  - TC23 - STOCKPILE MANAGEMENT
  - TC24 - SPILL PREVENTION AND CONTROL
  - TC25 - SOLID WASTE MANAGEMENT
  - TC26 - HAZARDOUS WASTE MANAGEMENT
  - TC27 - CONTAMINATED SOIL MANAGEMENT
  - TC28 - CONCRETE WASTE MANAGEMENT
  - TC29 - SANITARY WASTE MANAGEMENT
  - TC30 - LIQUID WASTE MANAGEMENT



PROPOSED EROSION CONTROL  
SCALE = 1"=10'

## LEGEND

KEY	SYMBOLS
SE1 - SILT FENCE	SF
SE8 - SANDBAG	SB
SE10 - INLET PROTECTION	IP
TC1-VEHICLE TRACKING CONTROL	VTC
WM1, WM2, WM3 - STABILIZED STAGING AREA MATERIAL / EQUIPMENT STORAGE	SSA
WM8-CONCRETE WASHOUT AREA	CW
WM9 SANITARY FACILITIES	SAN

NOTE:  
REFER TO THE CALIFORNIA BMP HANDBOOK (CONSTRUCTION) FOR PROPER IMPLEMENTATION AND MAINTENANCE OF BEST MANAGEMENT PRACTICES SHOWN HEREIN.

## EROSION AND SEDIMENT CONTROL PLAN (ESCP) GENERAL NOTES

- In case of emergency, call (805) 746-7600.
- Phase fill in name and number.
- Total disturbed area.
- WQD #.
- Risk Level 1, 2, 3 (circle one as determined by State General Permit for sites greater than 1 acre).
- A stand by crew for emergency work shall be available at all times during the rainy season (November 1 to April 15). Necessary materials shall be available on site and stockpiled at convenient locations to facilitate rapid construction of emergency devices when rain is imminent.
- Erosion control devices shown on this plan may be removed when approved by the Building Official if the grading operation has progressed to the point where they are no longer required.
- Graded areas adjacent to fill slopes located at the site perimeter shall be no longer required if the completion of each working day. All loose soils and debris that may create a potential hazard to off-site property shall be stabilized or removed from the site on a daily basis.
- All soil and debris shall be removed from all devices within 24 hours after each rainstorm and be replaced as needed.
- A guard shall be posted on the site whenever the depth of water in any device exceeds two feet. The device shall be drained or pumped dry within 24 hours after each rainstorm. Pumping and draining of all basins and drainage devices must comply with the appropriate BMP.
- The placement of additional devices to reduce erosion damage and contain pollutants within the site is left to the discretion of the Field Engineer. Additional devices as needed shall be installed within sediments and other pollutants on site.
- Denial of basins may not be removed or made impermeable between November 1 and April 15.
- The following year without the approval of the Building Official.
- Storm Water Pollution and Erosion Control devices are to be modified, as needed, as the project progresses, the design and placement of these devices is the responsibility of the field engineer. Plans representing changes must be submitted for approval if requested by the Building Official.
- Every effort should be made to eliminate the discharge of non-storm water from the project at all times.
- Excess sediments and other pollutants must be retained on site and may not be transported from the site via sheet flow, means, area drains, natural drainage courses, or road.
- Discharges of earth and other construction related materials must be protected from being transported from the site by the forces of wind or water.
- Fuels, oils, solvents, and other toxic materials must be stored in accordance with their labeling and are not to be contained with soils and surface waters. All approved storage containers are to be protected from the weather. Spills must be cleaned up immediately and disposed of in a proper manner. Spills may not be washed into the drainage system.
- Excess or waste concrete may not be washed into the public way or any other drainage system. Deviations shall be made to retain concrete wastes on-site until they can be disposed of as solid waste.
- Developers/contractors are responsible to inspect all Erosion Control Devices and BMPs and installed and functioning properly if there is a 50% or greater probability of predicted precipitation and after actual precipitation. A construction site inspection checklist and inspection log shall be maintained at the project site at all times and available for review by the Building Official (copies of the self-inspection checklist and inspection log are available upon request).
- Trash and construction related solid wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.
- Sediments and other materials may not be tracked from the site by vehicle traffic. The construction entrance roadways must be stabilized so as to inhibit sediments from being deposited into the public way. Accidental depositions must be swept up immediately and may not be washed down by rain or other means.
- Any slopes with disturbed soils or denuded of vegetation must be stabilized so as to inhibit erosion by wind and water.
- As the engineer/3D of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness.

## Civil Engineer/3D Signature Date

21. As the project owner or authorized agent of the owner, I certify that this document and all attachments were prepared under my direction or supervision in accordance with the system designed to ensure that a qualified person properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that submitting false and/or inaccurate information, failing to update the ESCP to reflect current conditions, or failing to properly and/or adequately implement the ESCP may result in revocation of grading and/or other permits or other sanctions provided by law.

## Owner or Authorized Representative (Permitted) Date

22. Developers/contractors are responsible to inspect all Erosion Control Devices and BMPs and installed and functioning properly as required by the State Construction General Permit. A construction site inspection checklist and inspection log shall be maintained at the project site at all times and available for review by the Building Official.

23. Developers/contractors are responsible to inspect all Erosion Control Devices and BMPs and installed and functioning properly if there is a 50% or greater probability of predicted precipitation and after actual precipitation. A construction site inspection checklist and inspection log shall be maintained at the project site at all times and available for review by the Building Official (copies of the self-inspection checklist and inspection log are available upon request).

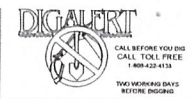
24. Trash and construction related solid wastes must be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.

25. Sediments and other materials may not be tracked from the site by vehicle traffic. The construction entrance roadways must be stabilized so as to inhibit sediments from being deposited into the public way. Accidental depositions must be swept up immediately and may not be washed down by rain or other means.

26. Any slopes with disturbed soils or denuded of vegetation must be stabilized so as to inhibit erosion by wind and water.

27. As the engineer/3D of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness.

**IMPORTANT NOTICE**  
Section 4268017 of the Government Code requires a Digital Identification Number be included on all documents. For your Digital ID Number call (805) 746-7600.  
TOLL FREE 1-800-422-4133  
Two working days before you dig.



**OWNER:**  
MR. Richard Perrin  
7111 N REDWOOD DR  
LINCOLN, NEBRASKA  
818-344-7565

**JOB ADDRESS:**  
21490 PASEO PORTOLA  
MALIBU CA 90265

**CIVIL ENGINEER**  
JOSE FULGINITI, P.E.  
C-52284 exp 12/31/18  
ADDRESS  
18034 Ventura Blvd Ste 512  
Encino, CA 91316  
Office 818-344-7565  
Cell 818-621-9075

**GEOLOGIST/ SOIL ENGINEER:**  
Calwest Geotechnical  
889 Pierce Court, Ste 101  
Thousand Oaks, CA 91360  
PH 818-991-7148

**SURVEYOR**  
Land and Air Surveying  
22741 Pacific Coast Hwy, ste 400A  
MALIBU, CA 90265  
310-456-9381

**O.W.T.S. ENGINEER:**  
Ensu Engineering Inc.  
685 Main Street Ste. A  
Morro Bay, CA 93442  
Tel. (805) 772-0150

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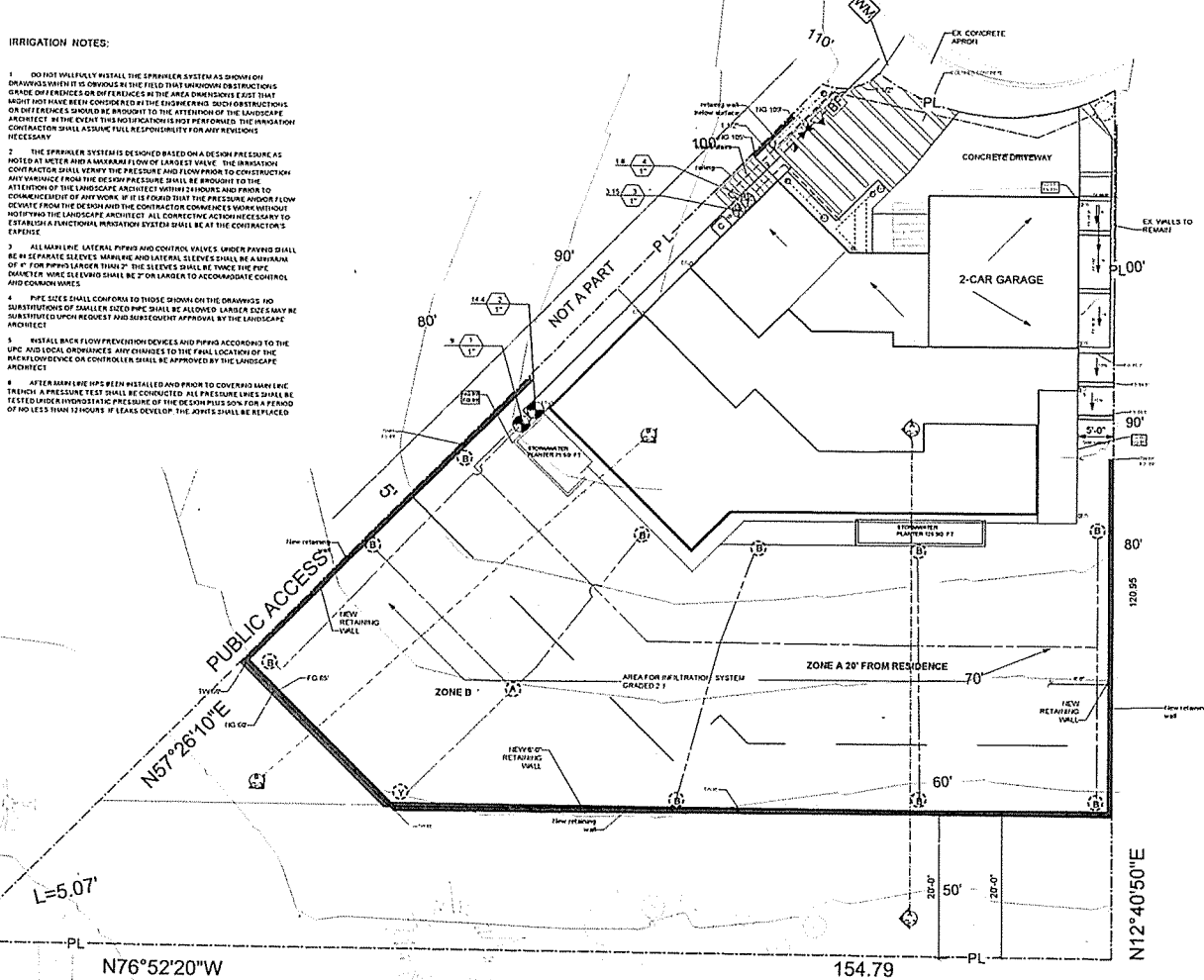
# IRRIGATION NOTES:

- DO NOT UNWITTINGLY INSTALL THE SPRINKLER SYSTEM AS SHOWN ON DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT UNKNOWN OBSTRUCTIONS OR DIFFERENCES IN THE AREA DIMENSIONS EXIST THAT MIGHT NOT HAVE BEEN CONSIDERED BY THE ENGINEER. SUCH OBSTRUCTIONS OR DIFFERENCES SHOULD BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT. IN THE EVENT THIS NOTIFICATION IS NOT PERFORMED, THE IRRIGATION CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY REVISIONS NECESSARY.
- THE SPRINKLER SYSTEM IS DESIGNED BASED ON A DESIGN PRESSURE AS NOTED AT METER AND A MAXIMUM FLOW OF LARGEST VALVE. THE IRRIGATION CONTRACTOR SHALL VERIFY THE PRESSURE AND FLOW PRIOR TO CONSTRUCTION. ANY VARIANCE FROM THE DESIGN PRESSURE SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT WITHIN 30 DAYS AND PRIOR TO COMMENCEMENT OF ANY WORK. IF IT IS FOUND THAT THE PRESSURE AND/OR FLOW DEVIATE FROM THE DESIGN AND THE CONTRACTOR CONSIDERS WORK WITHOUT NOTIFYING THE LANDSCAPE ARCHITECT, ALL CORRECTIVE ACTION NECESSARY TO ESTABLISH A FUNCTIONAL IRRIGATION SYSTEM SHALL BE AT THE CONTRACTOR'S EXPENSE.
- ALL MAINLINE, LATERAL PIPING AND CONTROL VALVES, UNDER PAVED AREAS SHALL BE IN SEPARATE SLEEVES. MAINLINE AND LATERAL SLEEVES SHALL BE A MINIMUM OF 1" FOR PIPES LARGER THAN 2". THE SLEEVES SHALL BE TWICE THE PIPE DIAMETER. MORE SLEEVES SHALL BE 2" OR LARGER TO ACCOMMODATE CONTROL AND COMMON LINES.
- PIPE SIZES SHALL CONFORM TO THOSE SHOWN ON THE DRAWINGS. NO SUBSTITUTIONS OF SMALLER SIZED PIPE SHALL BE ALLOWED. LARGER SIZES MAY BE SUBSTITUTED UPON REQUEST AND SUBSEQUENT APPROVAL BY THE LANDSCAPE ARCHITECT.
- INSTALL BACK FLOW PREVENTION DEVICES AND PIPING ACCORDING TO THE UPC AND LOCAL ORDINANCES. ANY CHANGES TO THE FINAL LOCATION OF THE BACKFLOW DEVICE OR CONTROLLER SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.
- AFTER MAINLINE PIPES ARE INSTALLED AND PRIOR TO COVERING MAIN LINE TRENCH, A PRESSURE TEST SHALL BE CONDUCTED. ALL PRESSURE LINES SHALL BE TESTED UNDER HYDROSTATIC PRESSURE OF THE DESIGN PLUS 50% FOR A PERIOD OF NO LESS THAN 1 HOUR. IF LEAKS DEVELOP, THE JOINTS SHALL BE REPLACED.

## GENERAL DRIP IRRIGATION NOTES:

- Drip lines to be covered w/ min. 2" layer of mulch.
- Irrigation sub main and end pipe under concrete to be PVC SCH 40.
- Prevent kinking of tube, use elbows where tight bends are encountered.
- "Snake" laterals about landscape area to allow for expansion and contraction due to temperature variations.
- Do not use detergent or lubricants in polyethylene hose connections as they may cause accelerated deterioration of the hose.
- Make all hose cuts squarely with a sharp knife or shears.
- Det or other contaminants should be kept out of emission area by placing tape over ends that are not immediately secured.
- Flush all main, sub mains, and laterals prior to emitter installation.
- Verify correct pressure regulator downstream pressure setting.
- Before operation, open tubing end caps, turn on water and allow it to flow freely for several minutes to flush lines clean. Do not bury tubing until emitters are placed correctly around or beside each plant.

## PASEO PORTOLA



## IRRIGATION LEYEND

SYMBOL	MFG. MODEL
	RAB-RIBD-PEB 1" 1/2" 2" PLASTIC INDUSTRIAL VALVES LOW FLOW OPERATING CAPABILITY GLOBE CONFIGURATION
	RAB-RIBD-1000 1" 1/2" VALVE W/ 3/4" PRESSURE REGULATOR RBF FILLER AND HOSE FITTING
	1" WATER METER VERIFY SIZE AND LOCATION
	PRESSURE REDUCING VALVE ZURBACH VALVE MODEL 300AL PRESSURE LIMITED TO 42.37 PSI FACTORY SET AT 45
	RAB-RIBD-44-LRC 1" BRASS QUICK-COUPLED VALVE WITH CORROSION RESISTANT STAINLESS STEEL SPRING LOADING THERMOPLASTIC RUBBER COVER AND 2 PIECE BODY
	HRCO-1-115A CLASS 125 BRONZE SHUT OFF VALVE WITH CROSS HANDLE, SAME SIZE AS MAIN LINE PIPE DIAMETER AT VALVE LOCATION SIZE RANGE 1/2" TO 2"
	FERCO-8257 1" REDUCE PRESSURE BACK FLOW PREVENTER
	HARTER SOLAR-3710 SOLAR RAIN FREEZE SENSOR WITH OUTDOOR INTERFACE CONNECTS TO HARTER PCC-PRO-C AND I-CORE CONTROLLERS. INSTALL AS NOTED. INCLUDE A TEN YEAR LITHIUM BATTERY AND RUBBER MODULAR COVER W/LED
	RAB-RIBD-3/4-20-PSI (2) 1 BAR/1 PRESSURE REGULATOR FOR LOW FLOW HOSE END RISER
	AD AREA DRAIN
	FLUSH VALVE
	AIR RELIEF VALVE AIR VSD
	MAINLINE PVC SCH 40 FOR 3/4" THROUGH 1 1/2" CLASS 315
	LATERAL LINE CLASS 200 PVC
	10' PRESSURE COMPENSATING EMITTER TUBING
	1/4" EMITTER TUBING
	HARTER MP-000 PROS-12 PRESS-40 CY (UP TO 30 RAD) SENSING ROTATOR 1/2" 30-48 CH FOR UP WITH CHECK VALVE PRESSURE REGULATED TO 40 PSI (2.76 BAR) MP ROTARY HOZZLE 1/2" BLUE 400 ARC 30-310 1/2" YELLOW 400 ARC 210-270 1/2" GRAY 300 ARC ON PRESS-40 BODY
	HARTER PCC-1500 ELECTRONIC HYDRA-CONTROL CONTROLLER 15 STATION 5 OUTDOOR MODEL WITH PLASTIC CABINET

## NOTES:

Provide 2" mulch on all exposed soil surfaces, except areas covered by ground covers.

## HYDROZONE WATER USAGE WORKSHEET

ESTIMATE TOTAL WATER USE  
ETWU = (Eto) (0.62) [(PF x HA) / (IE + SLA)]

HZ	PLANT WATER USE TYPE	PLANT FACTOR	AREA SQ. FT.	PF X HZ AREA	SYS. EFFIC.	PF X HZ / IE	HZ ETWU	TOTAL GAL X YEAR
1	LW	0.2	1800	360	0.71	507.04	15,617.71	
2	LW	0.2	1500	300	0.71	422.54	13,014.76	
3	LW	0.2	40	8	0.9	8.89	273.79	
4	LW	0.2	70	14	0.9	15.56	477.14	29,385.40
TOTAL AREA								110

## MAXIMUM APPLIED WATER ALLOWANCE (MAWA)

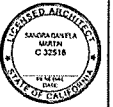
ETO	COEF	PF	AREA	SLA	TOTAL
55.00	0.62	0.71	3,300.00	0.00	79,896.30
55.00	0.62	0.90	110.00	0.00	3,375.90
TOTAL					83,272.20

ETWU = 29,385.40 < MAWA 83,272.20

scale 3/16" = 1'-0"

Richard Perrin  
711 N Redwood Dr.  
Lincoln, NE  
818-344-7565

owner:



Paseo Portola  
Revision  
5/14/19  
Drawn By  
Checked By

Aude-Mar Inc  
18034 Ventura Blvd Ste 512  
Encino CA 91316  
PH # 818-344-7565

21450 PASEO PORTOLA  
2-story bedrooms new Residence  
with attached 2-car garage and basement  
IRRIGATION PLAN

Sheet No.

L-2

of

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### Nearby Residences within 500 Feet

This table summarizes square footage of nearby residences, parcel sizes and year built based on data obtained from the Los Angeles County Assessor. The building square footage is the habitable area only, and does not include garages, covered patios and some other accessory structures. Note that the Assessor's data may not reflect all additions or other changes made to the property (permitted or unpermitted). Properties along Pacific Coast Highway and undeveloped parcels have been excluded from the table.

<b>Nearby Residences – Habitable Area</b>			
<b>Address / APN</b>	<b>Habitable Area Only (sq. ft.)</b>	<b>Parcel Size (sq. ft.)</b>	<b>Yr. Built</b>
21434 Calle Del Barco	3,085	5,481	1996
21426 Calle Del Barco	2,893	5,890	1990
21442 Paseo Portola	2,637	2,637	1996
21476 Paseo Portola	2,732	2,732	1994
21466 Paseo Portola	2,516	10,101	1990
21452 Paseo Portola	3,359	12,179	1995
21460 Paseo Portola	2,500	7,822	1993
21569 Paseo Serra	3,740	8,091	1932
21590 Paseo Serra	6,031	31,026	2012
21566 Paseo Serra	2,342	23,626	1959
21550 Paseo Serra	2,186	5,739	1978
21584 Paseo Serra	2,043	7,665	1996
21540 Paseo Serra	2,024	5,760	1935
21532 Paseo Serra	2,363	10,258	1932
21533 Paseo Serra	1,744	14,070	1932
3958 Rambla Orienta	2,783	5,422	1996
3942 Rambla Orienta	4,150	6,182	2003
3936 Rambla Orienta	3,546	6,014	1999
3949 Rambla Orienta	2,085	6,951	1994
3947 Rambla Orienta	1,656	5,106	1995
3950 Rambla Orienta	2,891	6,133	1997
3930 Rambla Orienta	3,677	5,717	2002
3922 Rambla Orienta	3,265	6,289	2001
21400 Rambla Vista	2,584	15,797	1960
21570 Rambla Vista	3,258	4,022	2002
21566 Rambla Vista	3,317	4,616	1996
21551 Rambla Vista	4,570	12,158	2000
21547 Rambla Vista	3,943	12,349	1997
21544 Rambla Vista	2,767	3,883	1932
21536 Rambla Vista	2,257	12,417	1960
21470 Rambla Vista	3,205	21,964	1997
21466 Rambla Vista	2,151	7,840	1995
21458 Rambla Vista	3,233	6,074	1997
21446 Rambla Vista	3,173	6,058	1996
21420 Rambla Vista	2,600	13,830	1997
21421 Rambla Vista	2,978	5,679	1992
21410 Rambla Vista	3,021	17,301	1985







# City of Malibu

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

RECEIVED  
APR 25 2019  
PLANNING DEPT.

## BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu Biologist  
FROM: City of Malibu Planning Department

DATE: 6/21/2016

PROJECT NUMBER: CDP 16-038  
JOB ADDRESS: 21490 PASEO PORTOLA ST  
APPLICANT / CONTACT: Jose Fulginiti  
APPLICANT ADDRESS: 18034 Ventura Blvd #512  
Encino, CA 91316  
APPLICANT PHONE #: (818)621-8075  
APPLICANT FAX #:  
APPLICANT EMAIL: josefulginiti@gmail.com  
PLANNER: Adrian Fernandez  
PROJECT DESCRIPTION: NSFR, basement, OWTS, grading, landscaping

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).

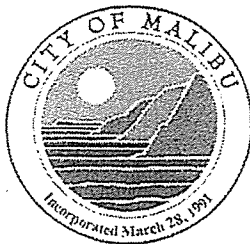
\_\_\_\_\_  
Signature

7/29/19  
\_\_\_\_\_  
Date

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)	Jose Fulginiti josefulginiti@gmail.com	
Project Address:	21490 Paseo Portola Street Malibu, CA 90265	
Planning Case No.:	CDP 16-038	
Project Description:	NSFR, basement, OWTS, grading, landscaping (REVISED)	
Date of Review:	July 23, 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:	
Site Survey:	
Planting Plan:	4/25/19
Irrigation/Hydrozone/ water budget Plan:	4/25/19
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





DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 83,272 gallons per year. The Estimated Applied Water Use (EAWU) totals 29,385 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

RECOMMENDATIONS:

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

**Nima Parsa**

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

Email: [Nparsa@DPW.LACOUNTY.GOV](mailto:Nparsa@DPW.LACOUNTY.GOV) (preferred)

Phone: (310) 317-1389

**Please note this action may require several weeks. As such, the applicant should submit their approved landscape plans to DPW as soon as feasible in order to avoid a delay at plan check.**

- E. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.
- F. Vegetation shall be situated on the property so as not to obstruct the primary view from private property at any given time (given consideration of its future growth).
- G. Invasive plant species, as determined by the City of Malibu, are prohibited.



- H. No non-native plant species shall be approved greater than 50 feet from the residential structure.
- I. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet between large woody ( $\geq 10$ -foot canopy) shrubs is recommended by the Fire Department.
- J. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.
- K. Grading/excavation/vegetation removal scheduled between February 1 - September 15 will require nesting bird surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than five days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within two business days of completion of surveys.
- L. 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.
- M. Up-lighting of landscaping is prohibited

**PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY**, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

-o0o-

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

cc: Planning Project file  
Planning Department





# City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861  
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## GEOTECHNICAL REVIEW SHEET

<u>Project Information</u>			
Date:	September 5, 2017	Review Log #:	3902
Site Address:	21490 Paseo Portola		
Lot/Tract/PM #:	n/a	Planning #:	CDP 16-038
Applicant/Contact:	Jose Fulginiti / josefulginiti@gmail.com	BPC/GPC #:	
Contact Phone #:	(818) 621-8075	Fax#:	
		Planner:	C. Contreras
Project Type:	NSFR, basement, NAOWTS, grading, landscaping		

<u>Submittal Information</u>	
Consultant(s)/ Report Date(s):	Landphases, Inc. (Holt, CEG 2282): 5-1-17, 8-25-16; 11-25-2014
(Current submittal(s) in Bold.)	Calwest Geotechnical (Liston, RCE 31902): 5-4-17; 9-12-16; 3-13-2015
	Architectural plans prepared by Aude-Mar Inc. dated 5-6-16
	Grading plan prepared by Jose Fulginiti, PE, undated
	Architectural Survey by Land & Air Surveying, dated 2-6-16
	AOWTS CR-Site Plan by Ensitu Engineering Inc., dated 6-21-17.
Previous Reviews:	7-31-16, 3-14-17

<u>Review Findings</u>	
<u>Coastal Development Permit Review</u>	
<input checked="" type="checkbox"/>	The residential project is <b>APPROVED</b> from a geotechnical perspective.
<input type="checkbox"/>	The residential 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"/>	<u>Awaiting Building plan check submittal.</u> Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.

### Remarks

The referenced response reports (Calwest Geotechnical, 5-4-17; Landphases, Inc., 5-1-17) and revised AOWTS plan were reviewed by the City from a geotechnical perspective. The project consists of a new two-story single-family residence with attached 2-car garage and basement, comprising a total floor area of 3,400 square feet. A residence previously existed on the site but was lost in the 1993 Malibu Fire. Remnant foundation elements exposed at the surface (i.e., slabs, grade beams, walls) are proposed to be demolished; however, it is proposed to leave existing deep foundation elements (caissons) in place. Proposed grading will consist of 453 cubic yards of exempt understructure cut, 40 cubic yards of non-exempt cut, 461 cubic yards of non-exempt fill, and 32 cubic yards of export. The proposed alternative onsite wastewater treatment system (NAOWTS) will consist of a treatment tank and micro-dosed subsurface drip dispersal field with a footprint area of 2,628 square feet. The drip dispersal field will be built in a reconstructed 2:1 gradient fill slope south of the proposed residence. The geotechnical consultants have identified that the subject property is underlain by materials interpreted to be remnants of a prehistoric landslide. In order to achieve the minimum

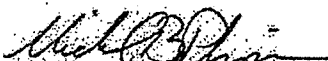
required factors of safety for slope stability, a pile-supported retaining wall is proposed around the west, south and eastern limits of the site and several rows of soldier piles are proposed. The residence is proposed to be constructed on a deepened foundation system which penetrates the landslide material and is founded entirely within the site bedrock.

**Building Plan-Check Stage Review Comments:**

1. Slope stability analyses on Cross-Section A-A' indicates that four rows of soldier piles along the section will be needed to obtain the required factors of safety and slope deformation in compliance with the City of Malibu Guidelines; however, the geotechnical map shows only two rows, A and B. The Consultant should depict the location of the proposed soldier piles (all four rows) on the geotechnical map, and these should also be shown on the foundation plan.
2. Some of the soldier piles will be supporting structures (buildings and retaining walls) and could be subjected to significant shear forces and bending moments at the Geotechnical Foundation Setback Plane level. Hence, the deformation (horizontal deformation and rotation) of the piles at the structural foundation level should be evaluated when foundation plans and forces become available. Additional mitigation measures may be necessary if excessive deformation/rotation is estimated.
3. Please see the attached "Geotechnical Notes for Building Plan Check" for standard items that should be included on building plan submittals.
4. One set of grading, retaining wall, OWTS, swimming pool and spa, 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, along with a geotechnical building plan check review fee of \$957. Additional review comments may be raised at that time that may require a response.

Please direct questions regarding this review sheet to City Geotechnical staff listed below.

Engineering Geology Review by:

  
Michael B. Phipps, C.E.G. #1832, Exp. 7-31-18  
Engineering Geology Reviewer, ext 269  
Email: [mphipps@malibucity.org](mailto:mphipps@malibucity.org)

9-5-17

Date

Geotechnical Engineering Review by:

  
Ali Abdel-Haq, G.E.#2308, Exp. 12-31-17  
Geotechnical Engineering Reviewer (805-496-1222)  
Email: [ali@geodynamics-inc.com](mailto:ali@geodynamics-inc.com)

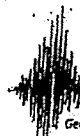
9-5-17

Date

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



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



**GeoDynamics, Inc.**

Applied Earth Sciences  
Geotechnical Engineering & Engineering Geology Consultants



# City of Malibu

– GEOTECHNICAL –

## NOTES FOR BUILDING PLAN-CHECK

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

1. One set of grading, retaining wall, OWTS, swimming pool and spa, and residence plans, incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. Additional review comments may be raised at that time that may require a response.
2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Building Plans.
3. Include the following note on Grading and Foundation Plans: *"Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Project Geotechnical Consultant, as appropriate."*
4. Include the following note on the Foundation Plans: *"All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel."*
5. The Foundation Plans for the proposed project shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
6. Show the onsite wastewater treatment system on the Site Plan.
7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
8. A comprehensive Site Drainage Plan, incorporating the Project Geotechnical Consultant's recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

### Grading Plans (as Applicable)

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

### Retaining Walls (As Applicable)

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



# City of Malibu

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(310) 456-2489 FAX (310) 317-1950 www.malibucity.org

## ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

PLANNING DEPT.  
OCT 2 2016

TO: City of Malibu Environmental Health Administrator DATE: 6/21/2016  
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 16-038  
JOB ADDRESS: 21490 PASEO PORTOLA ST  
APPLICANT / CONTACT: Jose Fulginiti  
APPLICANT ADDRESS: 18034 Ventura Blvd #512  
APPLICANT PHONE #: (818)621-8075  
APPLICANT FAX #:  
APPLICANT EMAIL: josefulginiti@gmail.com  
PROJECT DESCRIPTION: NSFR, basement, OWTS, grading, landscaping

TO: Malibu Planning Department and/or Applicant  
FROM: City of Malibu Environmental Health Reviewer

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

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

OWTS Plot Plan: ☐ NOT REQUIRED  
☒ REQUIRED (attached hereto) ☐ REQUIRED (not attached)

Signature

*Mathew...*

Date

OCTOBER 10, 2017

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not an onsite wastewater treatment system (OWTS) Plot Plan approval is required.

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.

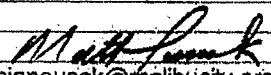


# City of Malibu

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

## ENVIRONMENTAL HEALTH REVIEW SHEET

### PROJECT INFORMATION

Applicant: (name and email address)	Jose Iujvidin <a href="mailto:jose@joseconsults.com">jose@joseconsults.com</a>	
Project Address:	21490 Paseo Portola Street Malibu, CA 90265	
Planning Case No.:	CDP 16-038	
Project Description:	NSFR, basement, OWTS, grading, landscaping	
Date of Review:	October 10, 2017	
Reviewer:	Matt Janousek	Signature: 
Contact Information:	Phone: (310) 456-2489 x 307	Email: <a href="mailto:mjanousek@malibucity.org">mjanousek@malibucity.org</a>

### SUBMITTAL INFORMATION

Architectural Plans:	Aude-Mar: Plans dated 5-6-2016 (submitted to Planning 6-21-2016); revised architectural and landscape plans dated 4-25-2017
Grading Plans:	Land and Air Surveying: Plans dated 5-6-2016; revised plans received 9-26-2017
OWTS Plan:	Ensitu: OWTS plot plan dated 6-29-2016; revised plan dated 7-10-2017
OWTS Report:	Ensitu: OWTS design report dated 6-27-2016; revised report dated 7-10-2017
Geology Report:	LandPhases: Engineering geology report dated 11-25-2014; Add. 2 geology report dated 5-1-2017. CalWest: Geotechnical engineering report dated 3-15-2014; Setback reduction letter dated 7-17-2017.
Miscellaneous:	Barton Slutsky: Percolation report dated 12-16-2014; Update report dated 2-9-2017.
Previous Reviews:	6-28-2016, 7-26-2016

### REVIEW FINDINGS

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

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new alternative onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed OWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2016 Edition with City of Malibu local amendments (Malibu Municipal Code Section 15.12; hereinafter MPC), and the City of Malibu Local Coastal Program/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.



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

**Conditions of Planning Conformance Review for Building Plan Check Approval**

- 1) **Final OWTS Plot Plan:** A final plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MPC, and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).
- 2) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by the California-registered Civil Engineer, Registered Environmental Health Specialist, or Professional Geologist who is responsible for the design, and is a registered practitioner with the City of Malibu. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

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

- a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture schedule, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.
- b. Sewage and effluent pump design calculations (as applicable).
- c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.
- d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or



percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gpsf). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.

- e. *Several feet of additional fill will be placed on the hillside to achieve design grade in the dispersal area. The final OWTS report must include discussions of: (1) the surficial stability of the dispersal area, and (2) the type of materials (soil or otherwise) that will comprise the area into which the wastewater will be dispersed, including any slope stability fabric and/or anchors. The final OWTS plan must also clearly show any proposed slope stability and anchoring measures.*
  - f. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]
- 3) **Existing OWTS to be Abandoned:** Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MPC.
  - 4) **Worker Safety Note and Abandonment of Existing OWTS:** The following note shall be added to the plan drawings included with the OWTS final design. "Prior to commencing work to abandon, remove, or replace existing Onsite Wastewater Treatment System (OWTS) components an "OWTS Abandonment Permit" shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal, or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."
  - 5) **Building Plans:** All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
  - 6) **Architect / Engineer Certification for Reduction in Setbacks to Buildings or Structures:**  
All proposed reductions in setback from the onsite wastewater treatment system to structures (i.e., setbacks less than those shown in Malibu Plumbing Code Table H 101.8) must be supported by a letter from the project Structural Engineer and a letter from the project Soils Engineer (i.e., a Geotechnical Engineer or Civil Engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the onsite wastewater treatment system, and will not adversely affect the structural integrity of the structures for which the Table H 101.8 setback is reduced.



All proposed reductions in setback from the onsite wastewater treatment system to buildings (i.e., setbacks less than those shown in Table H-101.8) also must be supported by a letter from the project Architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California licensed architect, then the required Architect's certification may be supplied by an Engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setback to the wastewater system; in this case the Engineer must include in his letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback(s), then the Architect (or Engineer) must provide associated construction documents for review and approval during Building Plan Check.

The wastewater plans and the construction plans must be specifically referenced in all certification letters. The construction plans for all structures and/or buildings with reduced setback must be approved by City of Malibu Building and Safety prior to Environmental Health final approval. The architectural and/or structural plans submitted for Building and Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/waterproofing plans must show the location of onsite wastewater treatment system components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

- 7) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.
- 8) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the OWTS designer shall be submitted. This shall be the same operations and maintenance manual proposed for later submission to the owner and/or operator of the proposed alternative onsite wastewater disposal system.
- 9) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed alternative onsite wastewater disposal system after construction shall be submitted. **Please note only original "wet signature" documents are acceptable.**
- 10) **OWTS Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an alternative method of sewage disposal pursuant to the City of Malibu Uniform Plumbing Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. **Please submit a certified copy issued by the City of Malibu Recorder.**
- 11) **Covenant to Forfeit 100% Expansion Effluent Disposal Area:** A covenant running with the land shall be executed by the property owner and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that (1) the private sewage disposal system serving the development on the property does not have a 100% expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)) and (2) if the primary



effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through an operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental Sustainability Department. Please submit a certified copy issued by the City of Malibu Recorder.

- 12) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.
- 13) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
- 14) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.
- 15) **Operating Permit Application and Fee:** In accordance with M.M.C. Chapter 15.14, an application shall be made to the Environmental Health office for an OWTS operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

-o0o-

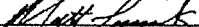
If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

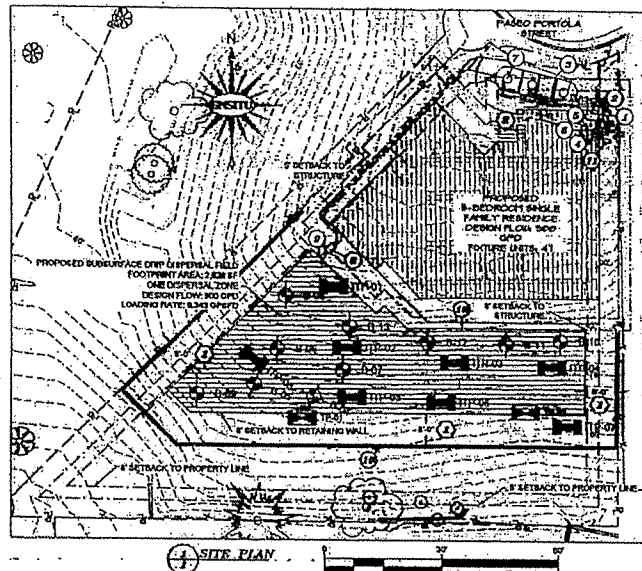
cc: Environmental Health file  
Planning Department



S.F.D.: 5 Bedrooms/47 Fixture Units (N)  
TREATMENT: 3,634 Gallon MicroSepTec ES12  
TANK: w/ UV-Disinfection Unit: (N)  
ACTIVE: 2,628-sf Drip Dispersal Field (N)  
FUTURE: N/A  
PERC RATE: 0.343 gpcf  
DESIGNER: John Yaroslaski, PE (60149)  
REFERENCE: Ensite: OWS reports dated 6-27-2016,  
7-10-2017  
LandPhases: Engineering geology  
reports dated 11-25-2014, 5-1-2017  
CalWest: Geotechnical engineering  
report dated 3-15-2014

1. This conformance review is for a 5 bedroom (47 fixture units) new single family dwelling. The alternative onsite wastewater treatment system conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).
2. This review relates only to the minimum requirements of the MPC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of review/treatment.
3. This review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU ENVIRONMENTAL SUSTAINABILITY DEPT ENVIRONMENTAL HEALTH
<b>CONFORMANCE REVIEW</b>
OCT 10 2017
SIGNATURE: 
THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS.

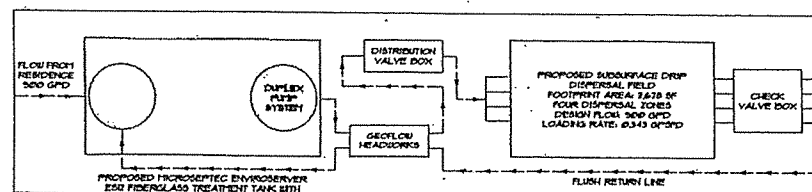







EQUIPMENT SCHEDULE			
ITEM	QTY.	DESCRIPTION	MFPGART NUMBER
1	1	CONNECTION TO BUILDING SEWER	
2	1	GRAVITY CLEAN OUT	
3	1	TREATMENT TANK	MCROSEPTED E612
4	2	AIR COMPRESSOR	MCROSEPTED
5	1	REMOTE TELEMETRY CONTROL UNIT DEDICATED COMMUNICATION AND POWER AS OUTLINED IN BID INQUIRY AND INSTALLATION GUIDELINES	MCROSEPTED
6	1	CONTROL UNIT DEDICATED COMMUNICATION AND POWER AS OUTLINED IN INQUIRY AND INSTALLATION GUIDELINES	GEOPLOW
7	1	DUPLEX PUMP SYSTEM	MCROSEPTED
8	1	DISPENSAL FIELD HEADWORKS	GEOPLOW
9	1	DISPENSAL FIELD ISOLATION CHECK VALVE ASSEMBLY	BRWANS
10	2	API VENT/VALEUM RELEASE ASSEMBLY	GEOPLOW
11	1	WENT ASSEMBLY	OPENED
<p>ALL ELECTRICAL APPLIANCES INCLUDING BUT NOT LIMITED TO, CONDUIT, CONDUCTOR, CONTROL PANELS, CONTACTORS, FLOATE, PUMP, SENSORS, SWITCHES, AND COMMUNICATION DEVICES SHALL COMPLY WITH CURRENT LOCAL, STATE, AND FEDERAL REGULATIONS AND ALL APPLICABLE NATIONAL, ELECTRIC CODE, CONDUIT AND CONDUCTOR RULES AND BEING BOUND BY ALL PLANS AND AGREEMENT AND NOT ESTIMATOR. ELECTRICAL CONTRACTOR SHALL SPECIFY ALL ELECTRICAL APPLIANCES, CONDUCTOR AND POWER CABLES TO BE USED.</p>			

OWTS MAX. DESIGN CAPACITY	
COMPONENT	CAPACITY
TANK	105 FUTURE UNITS
TREATMENT	1200 GPD / 7 BEDROOMS
DISINFECTION	1200 GPD / 7 BEDROOMS
DISPENSAL	1200 GPD / 7 BEDROOMS

THESE PLANS SHOULD BE SENT TO ALL THE DESIGN CONSULTANTS FOR THE ABOVE PROJECT INCLUDING:  
 ARCHITECT; STRUCTURAL ENGINEER; GEOLOGIST;  
 GEOTECHNICAL ENGINEER; COASTAL ENGINEER; CIVIL  
 ENGINEER; AND OTHERS

SETBACK REDUCTIONS				
	COMPONENT	SITE ELEMENT	CODE REQUIREMENT	ACTUAL
1	DISPERSAL FIELD	SITE WALL (DAYLIGHT)	15'	8'-0"
2	TREATMENT TANK	STRUCTURE	5'	1'-4"



LEGEND	
	B-XX BORING LOCATION
	ITP-XX INFILTRATION TEST LOCATION
	TP-XX TEST PIT LOCATION
	PROPOSED: DISPERSAL FIELD WITH PYRAMAT: (ANCHOR MAT) EROSION CONTROL SYSTEM
	STRUCTURES

PIPING SCHEDULE		
TAG	DESCRIPTION	SPECIFICATION
GSL	PROPOSED GRAVITY SEWER	4" SCH40
PVL	PROPOSED AIR VENT	4" SCH40
PAL	PROPOSED AIR COMPRESSOR	1" SCH40
DOF	PROPOSED SUBSURFACE LEADER	1/2" SCH40
DOF	PROPOSED SUBSURFACE FLUSH	1/2" SCH40

- [illegible]

Learning Field Calculations					
Plot Substrate Irregular Loading		$R_{in}$	0.238	gprk	
Plot Substrate Irregular Loading Rate, $L_r$			9.5	gprk/L	
Plot Square Foot of Loading Area Rectangular, $A_r$			10.3	m <sup>2</sup>	
Plot Square Foot of Loading Area Rectangular, $A_r$			1094	m <sup>2</sup>	
In Design Area Substrate ( $A_r > A_p$ )			2610	m <sup>2</sup>	
			Yes		
Actual Loading Rate, $L_a$			0.343	gprk	

Specific Toxic (STX) Calculations		
Total Soluble Phosphorus Urea	9	
Total Propagated Phosphorus Urea	47	
Total Phosphorus Urea	47	
Phosphorus Specific Toxin Dosage based on Phosphorus	3750	nd
Number of Endpoints Urea	5	
The Index of Endpoints	5	Index
Phosphorus Specific Toxin Dosage based on Endpoints	1500	nd
Phosphorus Specific Toxin Dosage	1500	

Test Pit Number	Depth, ft	Point's Loading Factor
1	2.5	5
2	4	5
3	4.5	6
4	5	5
5	4	5
6	4.5	5
7	4	6
8	2.5	5
Average Pointing Ratio		5.56
Leaky Factor		10
Pointing Acceptance Ratio		0.578
Minimum Safety Factor		9.25

Flow Calculations (Q) Calculations		
Peak Flow, Q	= 900	ft
Average Flow, Q	= 600	
Lowest Flow, Q	= 300	

PLANNING DEPT.

FINAL FOR APPROVAL  
ISSUED  
07/10/2017

JOHN N. YAROSLASKI  
PRINCIPAL ENGINEER

[illegible]



# City of Malibu

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

MAY 03 2017

## PUBLIC WORKS REVIEW PLANNING DEPT. REFERRAL SHEET

TO: Public Works Department  
FROM: City of Malibu Planning Department

DATE: 6/21/2016

PROJECT NUMBER: CDP 16-038  
JOB ADDRESS: 21490 PASEO PORTOLA ST  
APPLICANT / CONTACT: Jose Iujvidin, Jose Iujvidin Consulting  
APPLICANT ADDRESS: 2420 Sirius Street  
Thousand Oaks, CA 91360  
APPLICANT PHONE #: (310) 418-0766  
APPLICANT FAX #: (310) 867-8582  
APPLICANT EMAIL: jose@joseconsults.com  
PROJECT DESCRIPTION: NSFR, basement, OWTS, grading, landscaping

TO: Malibu Planning Department and/or Applicant  
FROM: Public Works Department

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

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

SIGNATURE

DATE

5/12/17



# City of Malibu

## MEMORANDUM

To: Planning Department

From: Public Works Department  
Jorge Rubalcava, Assist. Civil Engineer

Date: May 12, 2017

Re: Proposed Conditions of Approval for 21490 Paseo Portola Street CDP 16-038

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

### STREET IMPROVEMENTS

1. This project proposes to construct a new driveway within the City's right-of-way. Prior to the Public Works Department's approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed driveway. The driveway shall be constructed of either 6-inches of concrete over 4-inch of aggregate base, or 4-inches of asphalt concrete over 6-inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

### GRADING AND DRAINAGE

2. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development LIP Section 17.3.1 that:
  - Is located within or adjacent to ESHA, or
  - Includes grading on slopes greater than 4:1
  - Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4:1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading





resumes after March 31, unless the City determines that completion of grading would be more protective of resources

3. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's LIP Section 8.3. **A note shall be placed on the project that addresses this condition.**
4. 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.
5. 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

6. A Local Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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

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

7. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's Local Implementation Plan Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP's) that have been implemented in the design of the project (See LIP Chapter 17 Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading/building permits for this project.
8. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
- Site Design Best Management Practices (BMP's)



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

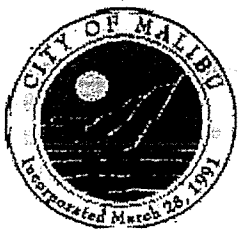
#### MISCELLANEOUS

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

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

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





# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4800  
(310) 456-2489 FAX (310) 456-7650

## FIRE DEPARTMENT REVIEW

### REFERRAL SHEET

RECEIVED

MAY 03 2017

PLANNING DEPT.

TO: Los Angeles County Fire Department

FROM: City of Malibu Planning Department

DATE:

6/21/2016

PROJECT NUMBER: CDP 16-038

JOB ADDRESS: 21490 PASEO PORTOLA ST

APPLICANT / CONTACT: Jose Iujvidin, Jose Iujvidin Consulting

APPLICANT ADDRESS: 2420 Sirius Street  
Thousand Oaks, CA 91360

APPLICANT PHONE #: (310) 418-0766

APPLICANT FAX #: (310) 867-8582

PROJECT DESCRIPTION: NSFR, basement, OWTS, grading, landscaping

TO: Malibu Planning Department and/or Applicant

FROM: Fire Prevention Engineering Assistant

Compliance with the conditions checked below is required prior to Fire Department approval.

The project DOES require Fire Department Plan Review and Developer Fee payment ☒

The project DOES NOT require Fire Department Plan Review ☐

The required fire flow for this project is 1000 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.) ☒

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

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

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

Required Fire Department vehicular access (including width and grade %)  
as shown from the public street to the proposed project.

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

\*County of Los Angeles Fire Department Approval Expires with City Planning permits expiration, revisions to the County of Los Angeles Fire Code or revisions to Fire Department regulations and standards.

\*\*Minor changes may be approved by Fire Prevention Engineering, provided such changes achieve substantially the same results and the project maintains compliance with the County of Los Angeles Fire Code valid at the time revised plans are submitted. Applicable review fees shall be required.

SIGNATURE

DATE

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

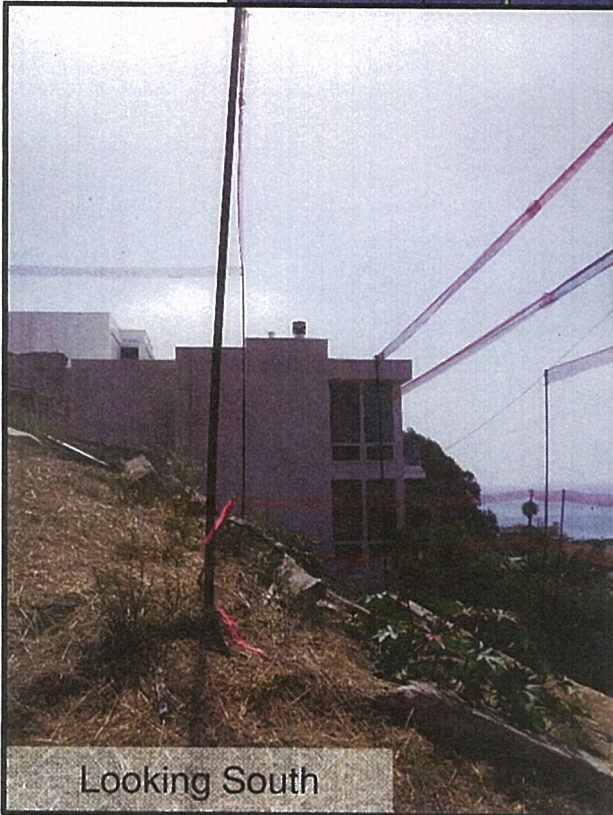


# Photographs

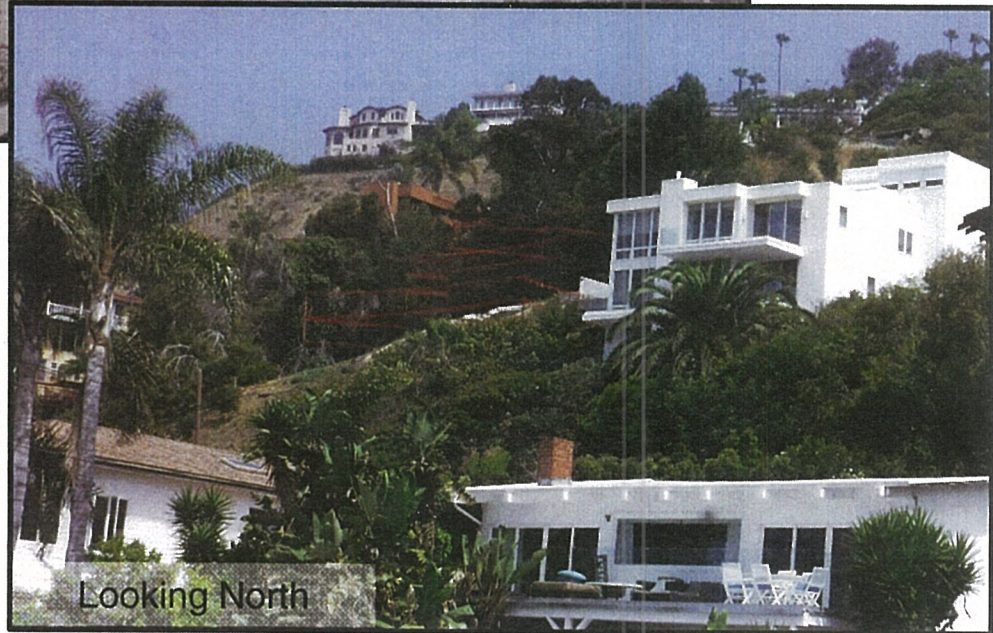
Looking Southwest



Looking South



Looking North



## Carlos Contreras

---

**From:** James E. Moore [REDACTED]  
**Sent:** Friday, December 02, 2016 4:27 PM  
**To:** Chris Dean; Carlos Contreras  
**Subject:** FW: 21490 Paseo Portola  
**Attachments:** photo (50).JPG; photo (53).JPG; photo (55).JPG; photo (58).JPG; photo (59).JPG; photo 2 (2).JPG; photo 5.JPG

Hi Chris and Carlos,

I sent the email below with attached pictures back in March 2014 when the grading was being done on the 21490 Paseo Portola lot – initially without a permit and then subsequently upon restoration after the City shut them down and forced restoration. Please take into account the loose dirt around the property as explained below. I want to be sure that the real natural grade is taken into account in the new plans, and that the developers don't try to argue differently.

Thanks, and have a great weekend!

Jim

---

**From:** James E. Moore [REDACTED]  
**Sent:** Saturday, March 29, 2014 12:03 PM  
**To:** CGeorge@malibucity.org; CDean@malibucity.org  
**Subject:** Thanks!

Dear Craig and Chris,

Thank you again for all your help regarding our neighboring property at 21490 Paseo Portola.

Please understand that we have no problem with anyone building on the lot next to us. We respect everyone's right to build. As evidence of this, we did not approach the city for the two operations we are aware of over the past year that were also performed in an attempt to get the property to perc adequately. In fact, we even offered water and any other courtesies we could provide to the workmen (including the workmen in the recent operation). We have also had real estate brokers tell us that the value of our property would increase if someone builds on this lot and cleans up the eyesore.

Our concerns, and those of our neighbors, are to be sure that liberties are not taken and that the stability of our properties stays intact. This new group from out of town seems to have come in and brazenly done things the way they want without much regard for the neighbors and the city. These are our real concerns.

The properties in this area are relatively small, many test holes have now been dug on it, apparently there is a known landslide on this property in which effluent debris could flow into it, apparently there is a lawsuit on Paseo Serra from homes on PCH regarding the grading done by a home above them, one of the potential owners of this property has represented himself as a civil engineer without any record of him being licensed in California, and so forth.

With this in mind, we believe that this new group continued grading after the Stop Work Order. If you gave them permission to continue grading in this one area, then we understand. If not, please at least keep this in mind as further evidence of the apparent mindset of these people. The one area was on the up coast side of the foundation where the rig had to make the turn around the foundation to both go up and down the hill. We noted that, following the Stop Work Order, it took them a long time to get the rig up the hill through this area as the dirt had such little compaction that the tractor kept spinning in this dirt. Subsequent to finally getting the rig up the hill, we witnessed them continuing to work in this area.

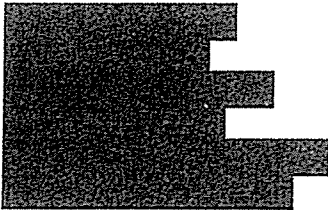
I have attached the best pictures we could find of this area. They are not perfect pictures, but at the time we were not anticipating further grading in this area. The first 5 pictures were taken on March 13, 2014, the same day the Stop Work Order was issued and after it was issued. The last two pictures were taken on March 27, 2014 after the erosion control was in place. You will see that this area is not the same between the time the Stop Work Order was issued and the erosion control was put in place. Again, if you gave them permission to continue grading in this area we are fine with it. But, we thought we should at least inform you of this in case you are not aware of it.

Thank you again for all you are doing to protect our neighbors and us.

Sincerely,

Jim

James E. Moore





**To:** CGeorge@malibucity.org; CDean@malibucity.org  
**Subject:** Thanks!

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Please understand that we have no problem with anyone building on the lot next to us. We respect everyone's right to build. As evidence of this, we did not approach the city for the two operations we are aware of over the past year that were also performed in an attempt to get the property to perc adequately. In fact, we even offered water and any other courtesies we could provide to the workmen (including the workmen in the recent operation). We have also had real estate brokers tell us that the value of our property would increase if someone builds on this lot and cleans up the eyesore.

Our concerns, and those of our neighbors, are to be sure that liberties are not taken and that the stability of our properties stays intact. This new group from out of town seems to have come in and brazenly done things the way they want without much regard for the neighbors and the city. These are our real concerns.

The properties in this area are relatively small, many test holes have now been dug on it, apparently there is a known landslide on this property in which effluent debris could flow into it, apparently there is a lawsuit on Paseo Serra from homes on PCH regarding the grading done by a home above them, one of the potential owners of this property has represented himself as a civil engineer without any record of him being licensed in California, and so forth.


With this in mind, we believe that this new group continued grading after the Stop Work Order. If you gave them permission to continue grading in this one area, then we understand. If not, please at least keep this in mind as further evidence of the apparent mindset of these people. The one area was on the up coast side of the foundation where the rig had to make the turn around the foundation to both go up and down the hill. We noted that, following the Stop Work Order, it took them a long time to get the rig up the hill through this area as the dirt had such little compaction that the tractor kept spinning in this dirt. Subsequent to finally getting the rig up the hill, we witnessed them continuing to work in this area.

I have attached the best pictures we could find of this area. They are not perfect pictures, but at the time we were not anticipating further grading in this area. The first 5 pictures were taken on March 13, 2014, the same day the Stop Work Order was issued and after it was issued. The last two pictures were taken on March 27, 2014 after the erosion control was in place. You will see that this area is not the same between the time the Stop Work Order was issued and the erosion control was put in place. Again, if you gave them permission to continue grading in this area we are fine with it. But, we thought we should at least inform you of this in case you are not aware of it.

Thank you again for all you are doing to protect our neighbors and us.

Sincerely,

Jim

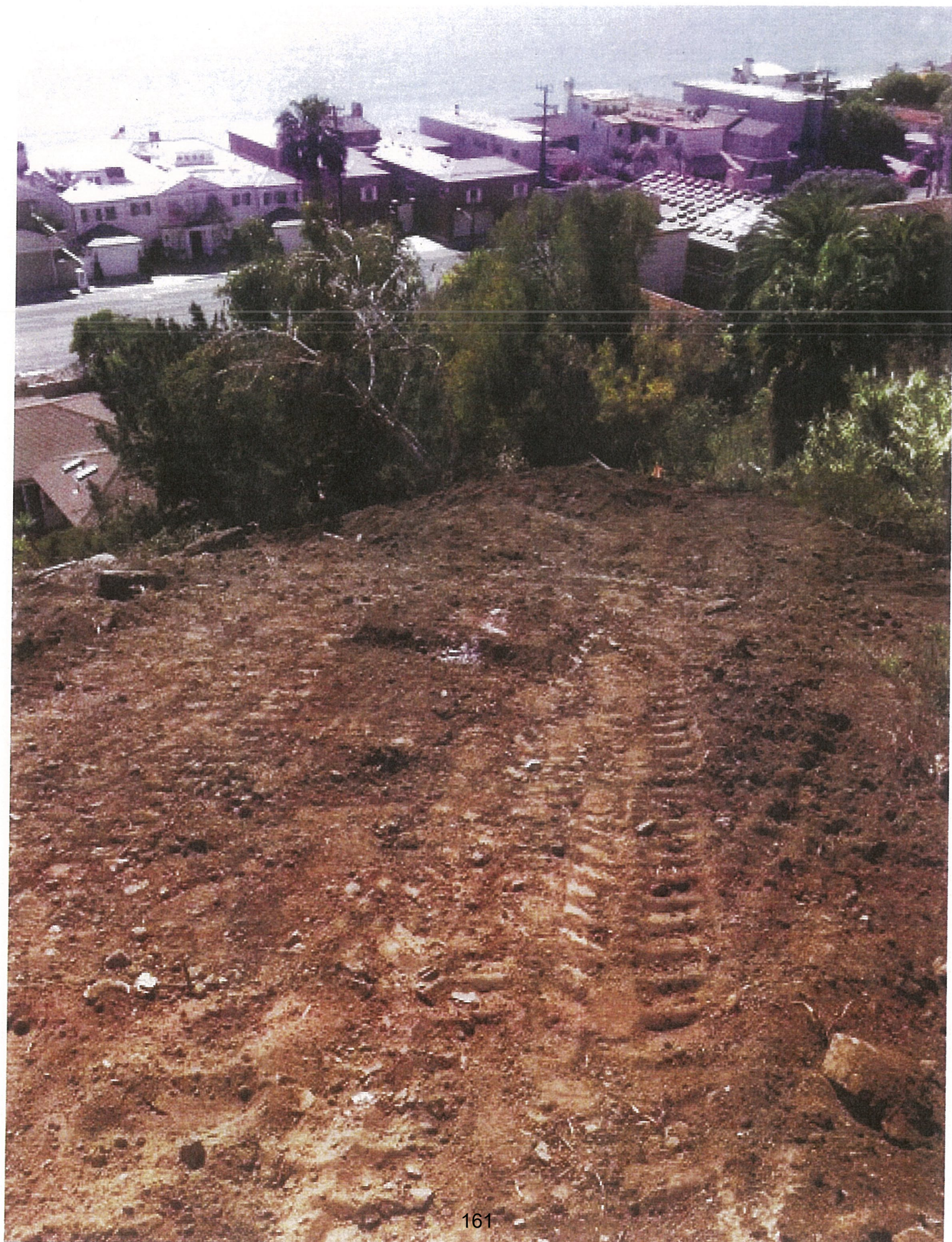
James E. Moore  






























# NEIGHBORS AFFECTED BY THE REVISED PROPOSED PROJECT

21490 PASAEO PORTOLA STREET, MALIBU, CA 90265

August 19, 2019

**TO:**

City of Malibu  
Planning Commission  
23825 Stuart Ranch Road  
Malibu, CA 90265-4861

**Members:** Steve Uhring, Chair; Jeffrey Jennings, Vice Chair; Kraig Hill; Chris Marx; and John Mazza

**Regarding the Revised Proposed Development Project at:** 21490 Paseo Portola Street, Malibu, CA 90265-5110. APN 4451-023-037 (the "Revised Project")

The following residents wish to express their concerns by signing below regarding the Revised Project, including the two (2) variances being requested and the special privileges being considered for the applicant.

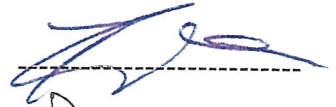
NAME	ADDRESS	DATE	SIGNATURE
DWIGHT WEST		8/15/19	DWIGHT WEST
Kellene West		8/15/19	Kellene West
Dan King		8/17/19	Dan King
DAVID GOLOSTEIN		8/17/19	DAVID GOLOSTEIN

8/18/19

Dorothy Lucy Shiny

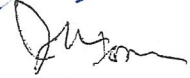
Kaitlin Moore

8/18/19



James Moore

8/18/19



Matt Peterson

8/18/19

Matt

NEIGHBORS AFFECTED BY THE REVISED PROPOSED PROJECT

21490 PASAEO PORTOLA STREET, MALIBU, CA 90265

August 19, 2019

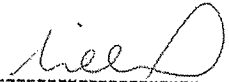
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NAME	ADDRESS	DATE	SIGNATURE
Mark Mikhael		8/17/19	

**NEIGHBORS AFFECTED BY THE REVISED PROPOSED PROJECT**

**21490 PASAEO PORTOLA STREET, MALIBU, CA 90265**

August 19, 2019

**TO:**

City of Malibu  
Planning Commission  
23825 Stuart Ranch Road  
Malibu, CA 90265-4861

**Members:** Steve Uhring, Chair; Jeffrey Jennings, Vice Chair; Kraig Hill; Chris Marx; and John Mazza

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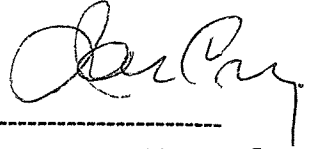

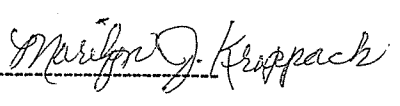
NAME	ADDRESS	DATE	SIGNATURE
JEAN CRAIG		8-18-19	
Tracy E Moore		8-18-19	
MARILYN S. KRUPPACH		8/18/19	



PHOTO TAKEN  
AUGUST 15, 2019

## NOTICE OF APPLICATION FOR COASTAL DEVELOPMENT PERMIT

NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the following:

**Coastal Development Permit No. 16-038, Variance Nos. 16-017, and 18-045** – An application for the construction of a new 3,264 square foot, two story single-family residence, and a new onsite wastewater treatment system, including a variance for a reduction of the required 40-foot lateral projection into the lot and a variance for construction on slopes steeper than 1.5 to 1.

**PROJECT APPLICANT:** Jose Fulginiti  
**OWNER:** Richard K. Perrin  
**PROJECT LOCATION:** 21490 Paseo Portola Drive  
**CASE PLANNER:** Carlos Contreras

The application is available for review at the City of Malibu, Planning Department, 23825 Stuart Ranch Road, Malibu, California 90265 and during regular business hours. Please contact Carlos Contreras, Associate Planner, in the Planning Department at (310) 456-2489, extension 265, or by e-mail at [ccontreras@malibucity.org](mailto:ccontreras@malibucity.org) for further information.



**City of Malibu**  
23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489  
Fax (310) 456-7650  
[www.malibucity.org](http://www.malibucity.org)

Date Prepared: January 28, 2019

By:   
Carlos Contreras, Associate Planner





**CITY OF MALIBU**  
ENVIRONMENTAL SUSTAINABILITY DEPARTMENT  
23825 STUART RANCH RD. • MALIBU, CA 90265-4861  
INSPECTION REQUEST (310) 456-2489 • EXT. 312  
www.malibucity.org

## NOTICE

Address / Location: 21490 PARKO  
PORTOLA

Owner: JASE [REDACTED] [REDACTED]

NOTICE IS HEREBY GIVEN THAT THE FOLLOWING VIOLATION(S)  
OF THE MALIBU MUNICIPAL CODE HAVE BEEN IDENTIFIED ON  
THE REFERENCED PROPERTY.

☒ **STOP ALL WORK!** (BUILDING CODE SECTION 104.3)

☐ **PERMITS REQUIRED**

Malibu Building Code Section 106.1, 106.4.1.

☐ Building ☐ Plumbing ☐ Electrical  
☐ Mechanical ☒ Grading ☐ Septic

☐ Malibu Building Code Chapter 99  
SUBSTANDARD BUILDING /CONDITIONS/PROPERTY

☐ Malibu Plumbing Code Section 303.0  
DISPOSAL OF LIQUID WASTE

☐ Malibu Municipal Code Section 17.62.020  
DEVELOPMENT WITHOUT PERMITS

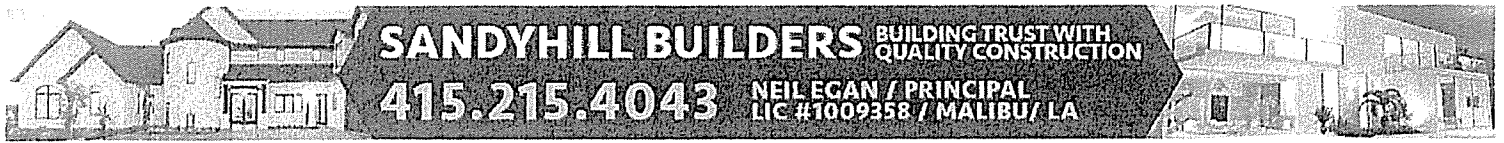
GRADING OUTSIDE  
WORK SCOPE OF  
"DIG" PERMIT

Failure to comply with this Notice is a misdemeanor and is punishable  
by a fine, or imprisonment, or both and is a separate offense for  
each day in violation. (MMC Section 1.16.010).

3-13-15  
DATE  
1:55  
TIME

[Signature]  
INSPECTOR / OFFICER  
[Signature]  
Signature

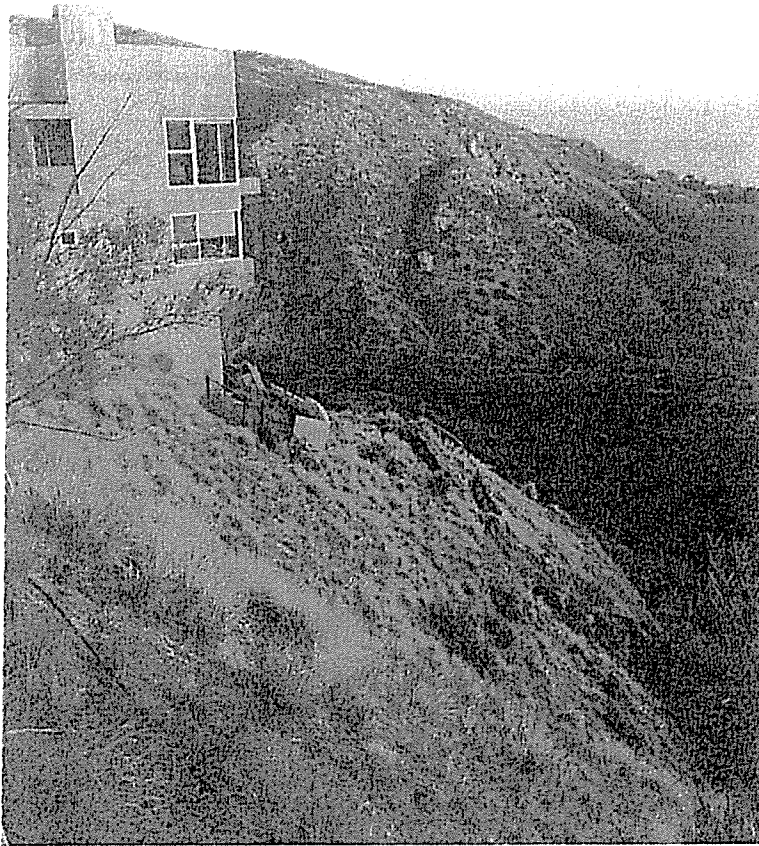




[http://www.malibutimes.com/news/article\\_90e03448-fbf0-11e7-baae-172f3ff250ea.html](http://www.malibutimes.com/news/article_90e03448-fbf0-11e7-baae-172f3ff250ea.html)

# Landslide Threatens Three Story Home on Hume Road

By Judy Abel and Shivani Patel / The Malibu Times Jan 17, 2018



The three-story home, located on lower Hume Road is threatened by an active landslide.

Judy Abel / TMT

**[Update: 6:10 p.m.]:** A spokesperson from Lost Hills/Malibu Sheriff's Station said "only one home is being affected" by the landslide. No major road closures have taken effect so far; any resulting road closures will be handled by California Highway Patrol.

At this time, evacuations are not being ordered for the area.

**[Update: 5:30 p.m.]:** A home on the 2800 block of Hume Road in Malibu has been red tagged after its retaining wall gave way this afternoon.

Inspector Gustavo Medina from the Los Angeles County Fire Department said, "[City of Los Angeles] Building and Safety is on scene," and that they were working with fire personnel.

Just before 4:00 p.m., reports were called into the fire department that the home's back retaining wall had cracked and a small landslide had occurred dangerously close to the home on lower Hume Road. No one was in the home, which is now off limits.

Sheriff's officials have blocked the road at lower Rambla Pacifico and were barring residents from driving through this afternoon while they assessed the damage.

Fire officials on the scene said it's possible the home's foundation could be compromised.

Dirt from the landslide fell into a canyon below with no homes threatened. A neighbor trying to access the street said he believed the home's owners may have been out of town and could have left their sprinklers on. That coupled with the monster rain storm from last week may have been too much moisture for the land to hold, according to an official on the scene.

A landslide has threatened a three-story home on Hume Road in Malibu, according to the Los Angeles County Fire Department social media.

As of 5 p.m., City of Malibu Public Safety Manager Susan Dueñas confirmed the location of the landslide.

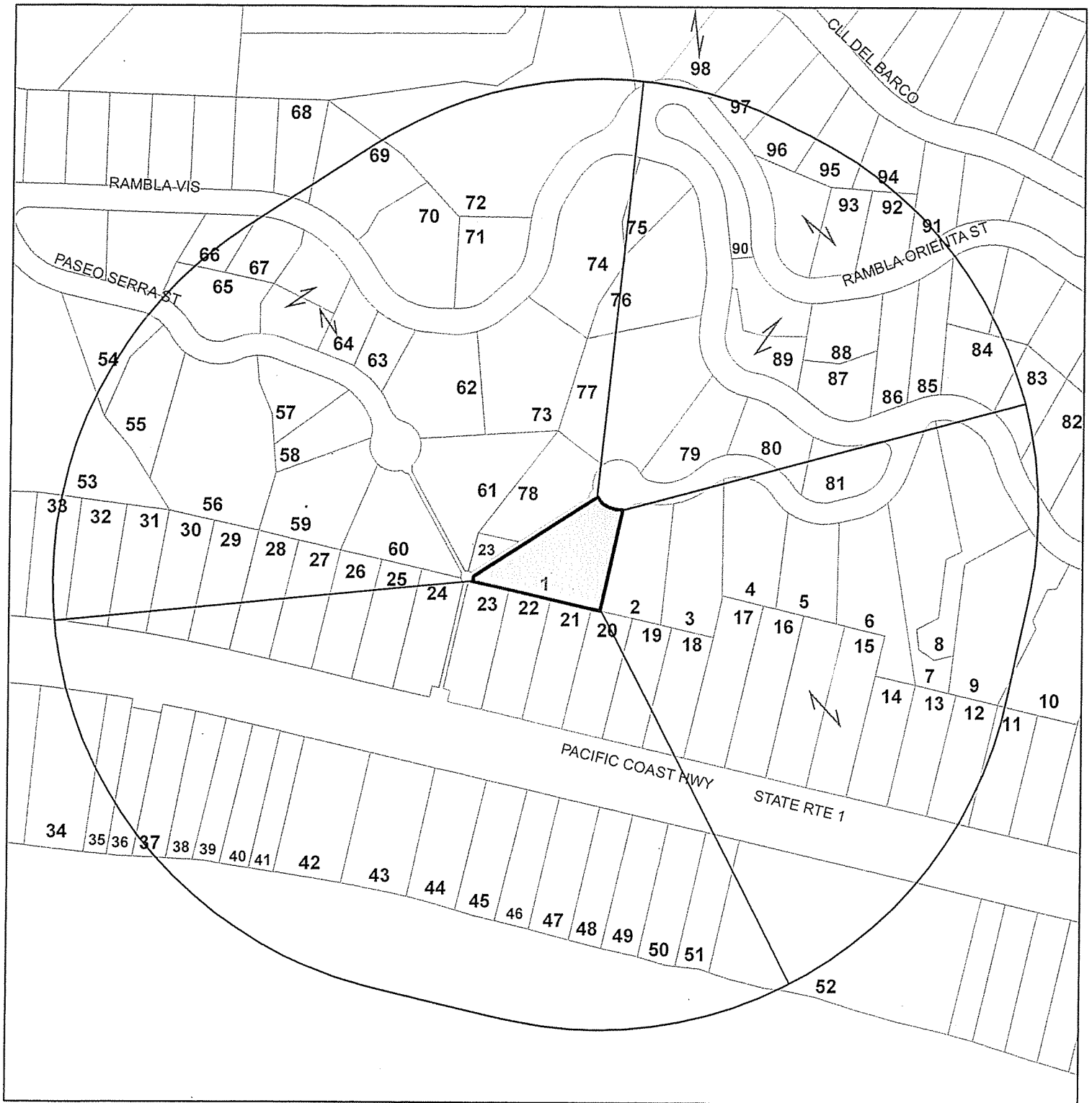
"We haven't been alerted to any road closures or impact [to] other locations," she said, in a phone call with The Malibu Times. "We're still waiting. We have a couple of our folks on their way out there."

A spokesperson for the Lost Hills/Malibu Sheriff's Station confirmed that it was "sending a deputy out there" at 5:03 p.m.

*This story will be updated as more information becomes available.*

judyabel

Shivani Patel



SCALE: 1" = 200'

RADIUS MAP  
21490 PASEO PORTOLA  
MALIBU, CA 90265  
APN: 4451-023-037  
500' RADIUS  
DATE: 01-25-2019





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

**PLANNING DEPARTMENT**  
**NOTICE OF PUBLIC HEARING**



**NOTICE OF PUBLIC HEARING**

The Malibu Planning Commission will hold a public hearing on **Monday, August 19, 2019, at 6:30 p.m.** in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

**COASTAL DEVELOPMENT PERMIT NO. 16-038 AND VARIANCE NOS. 16-017 AND 18-045** - An application to construct a new 2,963 square foot, two-story single-family residence, with a 434 square foot attached two-car garage, spa and associated equipment, decks, pile-supported retaining walls, landscaping, hardscaping, grading, and construction of a new onsite wastewater treatment system, including variances for construction on slopes steeper than 1.5 to 1 and for height of a retaining wall in excess of six feet for up to nine feet

**LOCATION / APN / ZONING:** 21490 Paseo Portola St / 4451-023-037 / Single-family Medium (SFM)  
**APPLICANT / OWNER(S):** Aude-Mar Inc. / Richard K. Perrin  
**APPEALABLE TO:** City Council and California Coastal Commission  
**ENVIRONMENTAL REVIEW:** Categorical Exemption CEQA Guidelines Section 15303(a) and (e)  
**APPLICATION FILED:** June 21, 2016  
**CASE PLANNER:** Adrian Fernandez, Principal Planner, [afernandez@malibucity.org](mailto:afernandez@malibucity.org)  
(310) 456-2489, ext. 482

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

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

**COASTAL COMMISSION APPEAL** - An aggrieved person may appeal the Planning Commission's approval directly to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. More information may be found online at [www.coastal.ca.gov](http://www.coastal.ca.gov) or by calling 805-585-1800.

BONNIE BLUE, Planning Director

Date: July 25, 2019



CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 19-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 16-038 TO CONSTRUCT A NEW 2,963 SQUARE FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE, WITH A 434 SQUARE FOOT ATTACHED TWO-CAR GARAGE, SPA AND ASSOCIATED EQUIPMENT, DECKS, PILE-SUPPORTED RETAINING WALLS, LANDSCAPING, HARDSCAPING, GRADING, AND A NEW ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING VARIANCE NO. 16-017 FOR CONSTRUCTION ON SLOPES STEEPER THAN 1.5 TO 1 AND VARIANCE NO. 18-045 FOR HEIGHT OF RETAINING WALL IN EXCESS OF SIX FEET UP TO NINE FEET LOCATED IN THE SINGLE-FAMILY MEDIUM DENSITY ZONING DISTRICT WITHIN THE LA COSTA OVERLAY DISTRICT AT 21490 PASEO PORTOLA STREET (PERRIN)

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

SECTION 1. Recitals.

A. On June 21, 2016, an application for Coastal Development Permit (CDP) No. 16-038 was submitted to the Planning Department by Jose Fulginiti on behalf of property owner, Richard K. Perrin. The application was routed to the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) for review.

B. On July 21, 2017, Planning Department staff conducted a site visit to document site conditions and surrounding area.

C. On June 8, 2018, a Notice of Coastal Development Permit Application was posted on the subject property.

D. On January 15, 2019, the CDP application was deemed complete for processing.

E. On February 5, 2019, a Notice of Coastal Development Permit Application was re-posted on the subject property.

F. On February 19, 2019, Planning Department staff conducted a site visit to document story pole installation, site conditions, and surrounding area.

G. On March 7, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

H. On April 1, 2019, the Planning Commission held a public hearing on the subject item and continued the item to a date uncertain to permit the applicant additional time to revise the plans to avoid a variance to exceed the required 40-foot lateral project with portions of the residence over 18 feet in height.

I. On July 12, 2019, staff conducted a story pole inspection after story poles reflecting the revised project plans were erected.

J. On July 25, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

K. On August 19, 2019, the Planning Commission continued the item to the September 3, 2019 Planning Commission meeting.

L. On September 3, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

## SECTION 2. Environmental Review.

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

## SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 16-038 to construct a new 2,963 square foot, two-story single-family residence, with a 434 square foot attached two-car garage, spa and associated equipment, decks, pile supported retaining walls, landscaping, hardscaping, grading, and construction of a new onsite wastewater treatment system (OWTS), including Variance (VAR) No. 16-017 for construction on slopes steeper than 1.5 to 1 and VAR No. 18-045 for height of retaining wall in excess of six feet for up to nine feet located within the Single-Family Medium Density (SFM) zoning district within the La Costa Overlay District at 21490 Paseo Portola Street.

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

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

1. The project is located in the SFM residential zoning district within the La Costa Overlay District, which is an area designated for residential uses. The project has been reviewed and approved for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff,

WD29, and the LACFD. As discussed herein, based on submitted reports, project plans, visual analysis, and detailed site investigation, the proposed project with the inclusion of the variances, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

2. Evidence in the record demonstrates that, as conditioned, the project will not result in adverse environmental impacts. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment. Therefore, the project will not result in potentially significant adverse impacts on the physical environment and is the least environmentally damage alternative.

**B. Variance Findings for Construction on Steep Slopes (LIP Section 13.26)**

VAR No. 16-017 from the development standards contained in LIP Section 3.4.1(B)(6) will allow for construction of pile supported retaining walls on slopes steeper than 1.5 to 1.

1. Exceptional characteristics exist on the subject property that limit the size and location of the proposed development on the subject property. The site contains steep descending slopes and a prehistoric landslide has been mapped on the site. The proposed construction on steep slopes includes only those improvements associated with the slope stability, including the pile supported retaining walls designed by the consulting geotechnical engineer to protect against erosion and slope failure. Development on steep slopes are unavoidable in that the subject site and nearby residence are characterized by steep slopes and adjacent properties exhibit development on slopes steeper than 1.5 to 1. Therefore, strict application of the code would deprive the property owner of the ability to develop the property in a manner similar to neighboring properties.

2. The proposed variance will allow for the installation of pile supported retaining walls on slopes steeper than 1.5 to 1. The granting of the proposed variance will substantially improve the safety and welfare by protecting the subject property and neighboring properties from potential slope failure. The project, as designed and conditioned, will not be detrimental to the public interest safety, health or welfare, nor detrimental or injurious to the property.

3. The proposed project consists of a single-family residence and associated development similar to development on neighboring properties. Approval of the variance will grant relief from a technical development standard, which if strictly applied, would limit single-family development on the subject property and be detrimental to the safety of those on the subject property and surrounding properties. Therefore, the granting of the variance will not constitute a special privilege to the applicant or the property owner.

4. As previously stated, granting the requested variance will allow the necessary improvements to stabilize the hillside on the subject site and prevent slope failure, which is necessary to protect the proposed residence and surrounding residences. Granting the variance would therefore not be contrary to or in conflict with the general purposes and intent of LIP Chapter 13, nor the goals, objectives, and policies of the LCP.

5. The variance request is for development on slopes steeper than 1.5 to 1 to protect against slope failure for the construction of a new residence in the SFM zoning district. Further, the proposed single-family residence is consistent with the property's residential zoning designation. The variance request does not authorize a use or activity that is not expressly authorized by the zoning regulations for the subject property.

6. The subject site is physically suitable for the proposed variance in that the proposed project was specifically designed to prevent slope failure and to provide the proper safety measures to stabilize the hillside as recommended by the project's consultant geotechnical engineer. The proposed project has been reviewed and approved by the City geotechnical staff and City Public Works Department as being physically suitable for the proposed variance because a home could not be developed on the site without the pile supported retaining walls, which improve slope stability.

7. The variance complies with all requirements of state and local laws.

**C. Variance for Height of Retaining Wall in Excess of Six Feet (LIP Section LIP Section 13.26)**

1. The subject parcel has exceptional physical constraints such as steep slopes and subsurface landslide debris that limit the type of septic system that can be used and placement of development. Without the proposed variance for a nine-foot in height retaining wall, the septic system's drip field for the proposed single-family residence would not be feasible. Therefore, the strict application of the zoning ordinance would deprive the property of a single-family residence, which is a privilege enjoyed by other properties in the vicinity and under the identical zoning classification.

2. The proposed variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zones. The proposed retaining wall will help achieve the minimum required factors of safety for slope stability. Therefore, it is expected to improve site's stability and would be less detrimental or injurious to the property and proposed improvements.

3. The proposed variance will not constitute a special privilege to the applicant or property owner in that the proposed retaining wall is necessary to protect the septic system's micro-dosed subsurface drip field for the proposed single-family residence.

4. The primary goal of the retaining wall height is to provide an area large enough for a micro-dosed subsurface drip field necessary with a maximum slope of 2 to 1 for the proposed residence. The proposed variance will not be contrary to or in conflict with the LCP and no visual impacts are anticipated as a result of the proposed nine-foot in height retaining wall. Instead, the proposed wall will minimize impacts on slopes stability consistent with LCP policies.

5. The variance complies with all requirements of state and local laws.

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

1. Based on an analysis of the project's visual impacts, it was determined that the proposed development is not expected to have significant adverse scenic or visual impacts. While visible from PCH, the proposed structure will be partially obscured because the structure will be notched into the hillside, is surrounded by existing two-story residences, and screened by mature landscaping. Furthermore, the proposed development is similar to past and current development along this stretch of Pacific Coast Highway and, as designed, will not encroach into blue water views. Therefore, the project as conditioned, will not have significant adverse scenic or visual impacts due to project design, location or other reasons.

2. The project has been designed and conditioned to not have significant adverse scenic or visual impacts. The project has been conditioned to include limitations on lighting and colors of the materials used to prevent any visual impacts to scenic areas and primary views.

3. As previously discussed in Section A, the project is the least environmentally damaging feasible alternative. The proposed new single-family residence is sited on the property to limit land form alteration and potential impacts to steep slopes within the southern portion of the property.

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

5. The proposed project will have less than significant visual impacts to public views from Pacific Coast Highway and will not impact sensitive resources. The proposed development is sited to eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies.

**E. Hazards (LIP Chapter 9)**

1. Geotechnical reports geotechnical reports and addenda prepared by CalWest Geotechnical Engineers indicate that a prehistoric landslide has been mapped on the site and subsurface landslide debris exist on the subject site. The pile supported retaining walls are designed to stabilize the site and prevent slope failure. The proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed. Thus, the project will not serve to increase the instability or integrity of the site due to geologic, flood, fire, project design or location.

2. Based on substantial evidence contained within the record and subject to the incorporation of all recommendations and/or conditions, the proposed project will be safe, the site of the grading will not be affected by any hazard from landslide and the completed work will not adversely affect adjacent properties. As such, there are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity. Any special conditions from City geotechnical staff and City Public Works Department must be met prior to issuance of a building permit.



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

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

5. The proposed project, as designed and conditioned, will not have adverse impacts on sensitive resources.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 16-038 and VAR Nos. 16-017 and 18-045, subject to the following conditions.

SECTION 5. Conditions of Approval.

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

Construction

- a. Construction of a 2,963 square foot, two-story single-family residence, plus a 434 square foot attached two-car garage;
- b. Total Development Square Footage (TDSF) 3,397 square feet;
- c. Installation of a new OWTS;
- d. Construction of a spa, and associated equipment;
- e. Construction of pile supported retaining walls (nine-foot in height maximum);
- f. Construction of first floor and second floor decks;
- g. Installation of new landscaping and hardscaping; and
- h. Grading.

Additional Discretionary Requests

- i. VAR No. 16-017 for construction on slopes steeper than 1.5 to 1; and
- j. VAR No. 18-045 for retaining wall in excess of six feet for up to nine feet.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **May 15, 2019**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Department prior to the issuance of any development permits.
5. The applicant shall submit three (3) complete sets of plans, including the items required in Condition No. 6 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
6. This resolution, signed and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, WD29, and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.
12. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.
13. The property owner shall comply with all provisions of the MMC and LIP.

#### ***Cultural Resources***

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

#### ***Site-Specific Conditions***

16. Shrubs proposed in the north portions of the property shall be maintained at a height not to exceed six feet, as described in the Landscape Plans.
17. This project proposes to construct improvements within the public right-of-way. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way.
18. The property owner / applicant is required to install and maintain a vertical living wall or other similar landscape along the south-facing retaining wall to help visually screen the wall from Pacific Coast Highway.

#### ***Lighting***

19. 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.
20. Night lighting for sports courts or other private recreational facilities shall be prohibited.
21. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.
22. 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.
23. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
24. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
25. Three sequential violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

### ***Fencing and Walls***

26. The height of fences and walls shall comply with LIP Section 3.5.3(A), except for the rear pile-supported retaining wall which is allowed a maximum height of nine feet.
27. Gates and any proposed fencing along the front property line shall comply with the regulations set forth in LIP Section 3.5.

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

28. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.
29. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.
30. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as

feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

31. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
  - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
  - b. Grading activities shall be planned during the southern California dry season (April through October).
  - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
  - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
32. 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.

### **Colors and Materials.**

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



***Biology/Landscaping***

35. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 9.22). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22.
36. Invasive plant species, as determined by the City of Malibu, are prohibited.
37. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
38. Earthmoving shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct earthmoving activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted to the City Biologist for approval prior to the issuance of a grading permit and implemented prior to initiation of vegetation removal and/or earthmoving activities.
39. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.
40. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).
41. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.
42. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three sequential violations of this condition will result in a requirement to permanently remove the vegetation from the site.
43. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet between large woody ( $\geq 10$ -foot canopy) shrubs is recommended by the LACFD. Lawns are prohibited on slopes  $> 5$  percent.
44. No non-native plant species is allowed greater than 50 feet from the residential structure.

***Public Works***

45. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.
46. 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.

***Grading/Drainage/Hydrology (Geology/ Public Works)***

47. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.
48. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.
49. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:
  - a. Public Works Department general notes;
  - b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
  - c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
  - d. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
  - e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
  - f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
  - g. Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.

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

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

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

51. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.
52. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
- Is located within or adjacent to ESHA, or
  - Includes grading on slopes greater than 4 to 1.

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

53. 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.

54. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be prepared in accordance with the LIP Section 17.3.3 and all other applicable ordinances and regulations. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The following elements shall be included within the WQMP:
- a. Site Design Best Management Practices (BMPs);
  - b. Source Control BMPs;
  - c. Treatment Control BMPs;
  - d. Drainage improvements;
  - e. Methods for onsite percolation, site re-vegetation and an analysis for off-site project impacts;
  - f. Measures to treat and infiltrate runoff from impervious areas;
  - g. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
  - h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits; and
  - i. The WQMP shall be submitted to the Building Safety Division and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of building plans for the project.
55. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.

### ***Geology***

56. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.
57. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

### ***Spa***

58. Onsite noise, including that which emanates from swimming pool/spa and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).
59. Pool/spa and air conditioning equipment that will be installed shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall comply with LIP Section 3.5.3(A).

60. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.
61. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool / spa is prohibited. Provide information on the plans regarding the type of sanitation proposed for pool.
- a. Ozonization systems are an acceptable alternative to chlorine. The discharge of clear water from ozonization systems is not permitted to the street;
  - b. Salt water sanitation is an acceptable alternative to chlorine. The discharge of salt water is not permitted to the street; and
  - c. Chlorinated water from pools or spas shall be trucked to a publicly-owned treatment works facility for discharge.
62. The discharge of chlorinated and non-chlorinated pool / spa water into streets, storm drains, creeks, canyons, drainage channels, or other locations where it could enter receiving waters is prohibited.
63. 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.

#### ***Onsite Wastewater Treatment System***

64. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu’s onsite wastewater treatment regulations including provisions of MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.
65. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
66. A final design and system specifications shall be submitted as to all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The final OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer’s wet signature, professional registration number and stamp (if applicable).



67. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.
68. The final design report shall contain the following information (in addition to the items listed above).
- a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
  - b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
  - c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics;
  - d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department; and
  - e. H2O Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
69. Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building and Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.).<sup>192r</sup> complex waterproofing installations, submittal

of a separate waterproofing plan may be required. The architectural/structural/ waterproofing plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

70. Prior to final Environmental Health approval, the applicant shall provide engineer's certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to structures (i.e., setbacks less than those shown in MMC Table 15.42.030(E)) must be supported by a letter from the project structural engineer and a letter from the project soils engineer (i.e., a geotechnical engineer or civil engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the structures for which the Table 15.42.030(E) setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced. All proposed reductions in setback from the OWTS to buildings (i.e., setbacks less than those shown in Table 15.42.030(E)) also must be supported by a letter from the project architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California-licensed architect, then the required architect's certification may be supplied by an engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setbacks to the wastewater system. In this case, the engineer must include in his/her letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback, then the architect or engineer must provide associated construction documents for review and approval during Building Safety Division plan check. The wastewater plans and the construction plans must be specifically referenced in all certification letters.
71. The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."
72. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MMC.
73. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

74. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
75. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.
76. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
77. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
78. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the City Environmental Sustainability Department.
79. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
80. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

#### ***Water Quality/ Water Service***

81. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from WD29 to the Planning Department indicating the ability of the property to receive adequate water service.

82. Prior to final inspection (or project sign off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of WD29 have been met, including installation of a meter, if applicable.

### **Deed Restrictions**

83. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.
84. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 18-24. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

### **Prior to Occupancy**

85. Prior to, or at the time of a Planning final inspection, the property owner / applicant shall submit to the Planning Department the plumbing permit for the irrigation system installation signed off by the Building Safety Division.
86. Prior to final inspection (or project sign off, as applicable) by the Planning Department, the City Biologist shall inspect the project site and determine that all Planning Department conditions to protect natural resources are in compliance with the approved plans.
87. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled, and state the facilities where all materials were taken.
88. 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.
89. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

**Fixed Conditions**

90. This coastal development permit shall run with the land and bind all future owners of the property.
91. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 3<sup>rd</sup> day of September 2019.

  
STEVE UHRING, Planning Commission Chair

ATTEST:

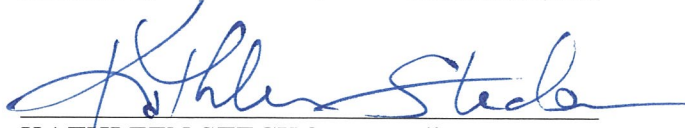
  
KATHLEEN STECKO, Recording Secretary

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

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s approval to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at [www.coastal.ca.gov](http://www.coastal.ca.gov) or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 19-20 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 3<sup>rd</sup> day of September 2019 by the following vote:

AYES:	3	Commissioners:	Mazza, Jennings, Uhring
NOES:	1	Commissioner:	Hill
ABSTAIN:	0		
ABSENT:	1	Commissioner:	Marx

  
KATHLEEN STECKO, Recording Secretary





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

**PLANNING DEPARTMENT**  
**NOTICE OF PUBLIC HEARING**



**NOTICE OF PUBLIC HEARING**

The Malibu City Council will hold a public hearing on **MONDAY, June 8, 2020, at 6:30 p.m.** on the project identified below which will be held via teleconference only in order to reduce the risk of spreading COVID-19 & pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order.

**APPEAL NO. 19-007** - An appeal of Planning Commission Resolution No. 19-20 which approved Coastal Development Permit No. 16-038 and Variance Nos. 16-017 and 18-045, allowing the construction of a new 2,963 square foot, two-story single-family residence, with a 434 square foot attached two-car garage, spa and associated equipment, decks, pile-supported retaining walls, landscaping, hardscaping, grading, and a new onsite wastewater treatment system, including variances for construction on slopes steeper than 1.5 to 1 and for height of a retaining wall in excess of six feet, up to nine feet located in the Single-Family Medium Density zoning district within the La Costa Overlay District

<b>LOCATION / APN / ZONING:</b>	<b>21490 Paseo Portola Street</b> / 4451-023-037 / Single-family Medium Density (SFM)
<b>APPLICANT / OWNER(S):</b>	Aude-Mar Inc. / Richard K. Perrin
<b>APPELLANTS:</b>	James Moore, Tracy E. Moore, and Rody Castroll
<b>APPEALABLE TO:</b>	California Coastal Commission
<b>ENVIRONMENTAL REVIEW:</b>	Categorical Exemption CEQA Guidelines Sections 15303(a) and (e)
<b>APPLICATION FILED:</b>	June 21, 2016
<b>APPEAL FILED:</b>	September 12, 2019
<b>CASE PLANNER:</b>	Adrian Fernandez, Principal Planner, <a href="mailto:afernandez@malibucity.org">afernandez@malibucity.org</a> (310) 456-2489, ext. 482

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

**COASTAL COMMISSION APPEAL** - An aggrieved person may appeal the City Council's approval directly to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. More information may be found online at [www.coastal.ca.gov](http://www.coastal.ca.gov) or by calling 805-585-1800.

BONNIE BLUE, Planning Director

Date: May 14, 2020

Attachment F