



# Council Agenda Report

To: Mayor Grisanti and Honorable Members of the City Council

Prepared by: Philip Coronel, Assistant Planner

Reviewed by: Richard Mollica, Planning Director

Approved by: Steve McClary, Interim City Manager

Date prepared: July 29, 2021 Meeting Date: August 9, 2021

Subject: Appeal No. 21-007 - Appeal of Planning Commission Resolution No. 21-46 (24266 Malibu Road; Owner/Appellant, Malibu Road #3, LLC/ Lester Tobias)

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**RECOMMENDED ACTION:** Adopt Resolution No. 21-44 (Attachment A), determining the project is categorically exempt from the California Environmental Quality Act (CEQA); and denying Appeal No. 21-007 (Attachment B) and approving Coastal Development Permit (CDP) No. 16-066 to allow for the construction of a new 4,722 square foot, two-story, beachfront single-family residence with an attached two-car garage, swimming pool, spa, decks, seawall, 18-foot wide view corridor and fencing, and onsite wastewater treatment system, including Variance No. 16-066 for construction on steep slopes, Demolition Permit No. 21-009 for the removal of wood retaining walls, and Offer-to-Dedicate No. 21-003 for public lateral access on the beach located in the Single-Family Medium (SFM) zoning district at 24266 Malibu Road (Malibu Road #3, LLC).

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

**WORK PLAN:** This item is not included in the Adopted Work Plan for Fiscal Year 2020-2021. Processing this application is part of normal staff operations.

**DISCUSSION:** The matter is an appeal of the Planning Commission's approval of CDP No. 16-066, an application for a proposed new single-family residence and associated development.

The proposed project includes the construction of a new single-family residence consisting of a 2,308 square foot first floor with an attached two-car garage and 2,414 square foot second floor. As proposed, the residence will not exceed 28 feet in height as measured from the centerline elevation of Malibu Road for the street-side half of the residence and

28 feet in height as measured from the lowest recommended finished floor elevation on the Ocean-side half of the residence. Both sides of the residence consists of a pitched roof. Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 3.6, the height of the structure conforms to the beachfront residential development standards and no discretionary request for height is included. Although the proposed developed is sited mostly on the flattest portion of the lot, a portion of the development is also being proposed on slopes steeper than 2.5 to 1 which is common for beachfront development. Therefore, the applicant is requesting VAR No. 18-036 for construction on steep slopes.

**Proposed Total Development Square Footage (TDSF)**

• Lower Level (including the attached garage)	2,308 sq. ft.
• <u>Upper Level</u>	<u>2,414 sq. ft.</u>
Total: 4,722 sq. ft.	

The project plans are included as Attachment C(2). The full description of the project site and surrounding land uses can be found in the June 7, 2021, Planning Commission Agenda Report (Attachment C). The analysis and findings in the Planning Commission agenda report demonstrate that the project complies with the LCP and Malibu Municipal Code (MMC).

On June 7, 2021, the Planning Commission held a public hearing on the project and determined that the proposed project was consistent with the LCP. The main discussion for the project was focused on staff's interpretation on what constitutes as a pitched roof. Staff has been consistent with allowing roofs with a 3:12 pitch to be classified as a pitched roof. Anything less will constitute as a flat roof. In this case, the applicant is proposing a butterfly roof with heights reaching a maximum height of 28 feet with a 3:12 pitch. While the code does not explicitly approve butterfly roofs or a specific pitch to comply with slope roofs, staff has relied on informal interpretations. There has been some inconsistency in whether butterfly roofs have been permitted and the rule of thumb has been whether a butterfly roof would have a similar or less massing on building compared to a traditional gable roof. In this case, it was determined that the butterfly roof does not add any additional massing to the residence compared to a gable roof. Furthermore, other properties have been approved with the same pitch and butterfly style roof throughout Malibu Road and the City.

**APPEAL TO THE CITY COUNCIL**

The appellant argues that the proposed roof does not meet the MMC and LCP's interpretation of a pitched roof. The appellant also argues that a re-evaluation of the building stringlines should take place since his property (24300 Malibu Road) has completed construction, however, the project has not yet acquired the Certificate of Occupancy from the Building Safety Division. 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 the appellants' stated appeal argument is a staff summary and response. The Planning Commission agenda report, in which staff recommended approval of the project, is included as Attachment C. The Planning Commission agenda report includes a complete overview of the surrounding area, project conformance with the LCP and MMC, and a discussion of all findings required to approve the application. The adopted Planning Commission Resolution No. 21-46 approving the project is included as Attachment D.

**APPEAL ITEM 1:** *The appellant states the "Planning staff violated their own threshold for re-establishing a stringline by stating that my house was not completed prior to the applicant's submittal being deemed complete. I submitted photo documentation and a timeline as proof that my house was completed before the applicant's project was deemed complete, but it was ignored."*

#### Staff Response

At the time of Planning review for the proposed project, the appellant's project located at 24300 Malibu Road was still under construction and did not have a Certificate of Occupancy. Pursuant to MMC Section 17.40.040, the stringline shall be drawn from a point on the closest upcoast and downcoast property with the same type of structure. Stringlines were drawn from the next adjacent neighbor to the east (24254 Malibu Road) and west (24314 Malibu Road). Construction for 24300 Malibu Road (residence immediately to the west) had not been completed when the project was deemed complete, therefore a stringline endpoint was taken from 24314 Malibu Road. On February 18, 2021, the appellant requested a final inspection for 24300 Malibu Road; however, the project was not signed off by Planning due to unpermitted construction that was not approved in the original CDP application. On May 10, 2021, staff deemed CDP No. 16-066 complete and was scheduled for a Planning Commission hearing. The project was then approved at the June 7, 2021 Planning Commission meeting. On July 2, 2021, the applicant for 24300 Malibu Road finally resolved the zoning issues. On July 6, 2021, the project was signed off by Planning staff and is pending the issuance of a Certificate of Occupancy from Building Safety Division. Since 24266 Malibu Road has been approved by the Planning Commission prior to the issuance of the Certificate of Occupancy for 24300 Malibu Road, the appellant's claim that their project has been complete is not entirely correct.

**APPEAL ITEM 2:** *The appellant argues that "the stringline should have been re-established when the applicant "re-applied" three years after his original application. When asked by the commission what was meant by a "re-application", the planner had no idea, and basically riffed and said that it was just the applicant responding to the various incomplete letters. In fact, the re-application was because the applicant substantially changed the project. Part of that change was to flip the 20-foot-wide view corridor to the eastern side of the parcel, which moved his structure fifteen feet closer to mine. Had this been disclosed I believe that my argument that the degree of completion of my project, three years after the original submittal, combined with the substantial change to the*

*applicant's project would have won the argument with the commission. So, the planner withheld critical information."*

#### Staff Response

The appellant contends that the stringline be re-established with every "re-application" that is made by the applicant. The applicant of 24266 Malibu Road submitted a substantial conformance on December 15, 2020, flipping the orientation of the house so that the 18-foot view corridor was on the east side of the property. This is treated as a plan revision and not a full re-application of the project. Furthermore, the revised residence did not modify the stringlines nor the total development square footage. The applicant also submitted responses to outstanding items from the various City departments. The project did not significantly change from the original submittal.

***APPEAL ITEM 3:*** *The appellant states that "The planning staff incorrectly applied the height section of the LIP to this project, and three of the five commissioners were too bored, and lazy and sleepy to figure it out. This ruling will have far reaching implications for every homeowner in Malibu, and it needs to be addressed by the city council."*

#### Staff Response

The appellant contends that Planning staff's interpretation of building height was incorrectly applied to this project in that only a conventional pitched roof constitutes as a pitched roof. The applicant proposes a butterfly roof that extends up to 28 feet in height but maintains a pitched roof with a 3:12 slope. The MMC and LIP does not specifically mention where the top of the ridge has to be in regard to overall building height. It is worth noting that numerous homes throughout Malibu Road and throughout Malibu also feature the same roof and is still classified as a pitched roof because of the 3:12 slope. It is also worth noting that the appellant was the original applicant and designer of this project and had previously proposed a roof top deck with a flat roof with a slight pitched roof component as well. The project was then redesigned to comply with the MMC/LIP requirement of a pitch roof requiring a 3:12 slope not to exceed 28 feet in height.

***APPEAL ITEM 4:*** *The appellant is concerned "about the connection of Malibu Road to the project because the applicant is utilizing the same design that I developed for my house next door. I warned the commission that public works must review and approve the right-of-way work now, before the project is approved. If they do not, I know for a fact that the project will end up with a totally screwed up right-of-way that will not allow for the required off street parking to be accessed. At the hearing Don Schmitz rebutted by telling the commissioners that the improvements to the road were done, approved, and included in the agenda packet. They were not. I checked at Public Works the next day, and as I suspected, it has not been done. So false testimony was used by the applicant to quash an in-depth discussion of a critical matter."*



## Staff Response

The City Public Works Department has reviewed the project and issued a Department Review Sheet explaining that the project was reviewed and was found to be in conformance with the City's Public Works Department requirements and LCP policies. It was conditioned that prior to the issuance of building and grading permits, the applicant shall comply with all conditions set forth by the Public Works Department (Attachment C[3]). The Public Works Department determined that the project can proceed to Building Plan Check without further issues.

ENVIRONMENTAL REVIEW: In accordance with the Planning Commission's determination, the evidence in the record demonstrates 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(e) – New Construction or Conversion of Small Structures. It also shows that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

PUBLIC CORRESPONDENCE: No correspondence has been received since the filing of the appeal.

PUBLIC NOTICE: On July 14, 2021, 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 D).

SUMMARY: Based on the record as a whole, including but not limited to all written and oral testimony offered in connection with this matter, staff recommends that the City Council adopt Resolution No. 21-44, denying the appeal and approving Coastal Development Permit (CDP) No. 16-066.

## ATTACHMENTS:

- A. Resolution No. 21-44
- B. Appeal No. 21-007
- C. June 7, 2021, Planning Commission Agenda Report
  - 1. Planning Commission Resolution No. 21-46
  - 2. Project Plans
  - 3. Department Review Sheets
  - 4. Story Pole Installation Pictures
  - 5. Mailing Data Radius Map
  - 6. Public Hearing Notice
- D. Public Hearing Notice

## RESOLUTION NO. 21-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND DENYING APPEAL NO. 21-007 AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 16-066 TO ALLOW FOR THE CONSTRUCTION OF A NEW 4,722 SQUARE FOOT, TWO-STORY, BEACHFRONT SINGLE-FAMILY RESIDENCE WITH AN ATTACHED TWO-CAR GARAGE, SWIMMING POOL, SPA, DECKS, SEAWALL, 18-FOOT WIDE VIEW CORRIDOR AND FENCING, AND ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING VARIANCE NO. 16-066 FOR CONSTRUCTION ON STEEP SLOPES, DEMOLITION PERMIT NO. 21-009 FOR THE REMOVAL OF WOOD RETAINING WALLS, AND OFFER-TO-DEDICATE NO. 21-003 FOR PUBLIC LATERAL ACCESS ON THE BEACH LOCATED IN THE SINGLE-FAMILY MEDIUM (SFM) ZONING DISTRICT AT 24266 MALIBU ROAD (MALIBU ROAD #3, LLC)

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

### SECTION 1. Recitals.

- A. On November 3, 2016, an application for Coastal Development Permit (CDP) No. 16-066 was submitted to the Planning Department on behalf of the property owner, Malibu Road #3, LLC. The application was routed to the City Biologist, City Coastal Engineer, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and the Los Angeles County Fire Department (LACFD) for review.
- B. On November 13, 2019, the notice of application was posted onsite.
- C. On May 7, 2021, story poles were installed on the subject property and photo documented by staff.
- D. On May 10, 2021, the CDP application was deemed complete for processing.
- E. On May 13, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.
- F. On May 26, 2021, story poles were taken down due to safety issues.
- G. On June 7, 2021, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.
- H. On June 14, 2021, the appellant, Lester Tobias, filed an appeal of the Planning Commission's decision.
- I. On July 14, 2021, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a radius of 500-feet from the subject property and all interested parties.

J. On August 9, 2021, the City Council held a duly noticed public hearing on the subject appeal, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

## SECTION 2. Appeal of Action.

The appellant contends that the proposed roof does not meet the Malibu Municipal Code (MMC) and Local Coastal Program (LCP)'s interpretation of a pitched roof. The appellant also argues that a re-evaluation of the building stringlines should take place since the property located at 24300 Malibu Road has completed construction. However, the project did not obtain the Certificate of Occupancy from the Building Safety Division at the time when the subject property was approved by the Planning Commission.

## SECTION 3. Findings for Denying the Appeal.

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

1. The Council finds that at the time of Planning review for the proposed project, the appellant's project on 24300 Malibu Road was still under construction. The stringlines were drawn from the corners of the two nearest upcoast and downcoast neighbors. Stringlines were drawn from the next adjacent neighbors to the east (24254 Malibu Road) and west (24314 Malibu Road). Construction for 24300 Malibu Road (residence immediately to the west) had not been completed when the project was deemed complete; therefore, stringline endpoint was taken from 24314 Malibu Road. On February 18, 2021, the appellant requested a final inspection for 24300 Malibu Road; however, the project was not signed-off by Planning due to unpermitted construction that was not included in the original CDP. On the June 7, 2021, the Planning Commission approved the project. On July 2, 2021, the applicant for 24300 Malibu Road finally resolved the zoning issues. On July 6, 2021, the project was signed off by Planning staff and a Certificate of Occupancy from the Building Safety Division is still pending. Since 24266 Malibu Road has been approved by the Planning Commission prior the issuance of the Certificate of Occupancy for 24300 Malibu Road, the appellant's claim that their project has been complete is not entirely correct.

2. The appellant insists that the stringline be re-established with every "re-application" that is made by the applicant. The applicant of 24266 Malibu Road submitted a substantial conformance on December 15, 2020, flipping the orientation of the house so that the 18-foot view corridor was on the east side of the property. This is treated as a plan revision and not a full re-application of the project. Furthermore, the revisions did not include modifications to the stringlines the total development square footage. The applicant also submitted responses to outstanding items from various City agencies. The Council finds the project did not significantly change from the original submittal.

3. The appellant believes that Planning staff's interpretation of building height was incorrectly applied to this project in that only a conventional pitched roof constitutes as a pitched roof. The applicant proposes a butterfly roof that extends up to 28 feet in height with a 3:12 slope.

The MMC and LCP Local Implementation Plan (LIP) does not specifically mention where the top of the ridge must be in regard to overall building height. Furthermore, other homes on Malibu Road and throughout Malibu also feature the same roof and is still classified as a pitched roof because of the 3:12 slope. The project was then redesigned to comply with the MMC/LIP requirement of a pitch roof requiring a 3:12 slope with a maximum height of 28 feet. The Council finds the project height was measured correctly and does not exceed 28 feet in height for a pitched roof.

4. The City Public Works Department reviewed the project and issued a Department Review Sheet detailing the project was reviewed and was found to be in conformance with the City's Public Works Department and LCP policies. It was conditioned that prior to the issuance of building and grading permits, that the applicant shall comply with conditions set forth by the Public Works department which does not deter the approval by the Planning Commission. The City Public Works department determined that the project can proceed to building Plan Check without further issues.

#### SECTION 4. Environmental Review.

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

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

Based on substantial evidence contained within the record and pursuant to LIP including Sections 13.7(B) and 13.9, the City Council adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 16-066 allow for the construction of a new 4,722 square foot, two-story, beachfront single-family residence with an attached two-car garage, swimming pool, spa, decks, seawall, 18-foot wide view corridor and fencing, and onsite wastewater treatment system, including Variance No. 16-066 for construction on steep slopes, Demolition Permit No. 21-009 for the removal of wood retaining walls, and Offer-to-Dedicate No. 21-003 for public lateral access on the beach located in the Single-Family Medium (SFM) zoning district at 24266 Malibu Road ).

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

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

1. The project has been reviewed for conformance with the LCP by the Planning Department, the City biologist, City Coastal Engineer, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, CSLC, and the LACFD. The proposed

project, as conditioned, conforms to the LCP in that it meets all of the required beachfront residential development standards of the SFM residential zoning district.

2. The project is located between the first public road and the sea. Vertical public access exists approximately 184 feet to the west and a lateral public access easement was previously recorded on the properties adjacent to the west and east of the subject property. In addition, the property owner has voluntarily offered to provide an OTD for a lateral public access easement to accommodate a wider public access along the shoreline landward of the MHTL. Therefore, no potential project-related or cumulative impact on public access and/or recreation is anticipated to result from the proposed project. The proposed project conforms to the public access and recreational policies in Chapter 3 of the Coastal Act.

3. The proposed single-family residence is located on the same site as a previously demolished single-family residence. The proposed project will provide the required view corridor and includes the installation of a code compliant OWTS. The proposed project meets the development policies of the LCP and has been determined to be the least environmentally damaging feasible alternative.

**B. Variance for Construction on Slopes Steeper than 2.5 to 1 (LIP Section 13.26)**

1. The subject property consists of steep slopes along Malibu, with the majority of the parcel being flatter than 4 to 1. Due to these site characteristics, the proposed development will be situated more landward towards Malibu Road in order for the proposed residence to meet the required setback from the 1928 Mean High tide Line. Other proposed development located in areas of steep slopes include the proposed driveway with the required unenclosed parking stalls, site fencing, and a proposed deck. Residential development on the subject property would not be feasible without granting a variance for construction on slopes steeper than 2.5 to 1.

2. The proposed variance will allow construction of a single-family residence. The proposed development 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. Furthermore, the project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City geotechnical staff 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.

3. As previously stated, the site's topography contains steep slopes in the portion of the lot where development can occur that is farthest away from the beach and mean high tide line. There is no alternative development pad on the property that would avoid construction on steep slopes. Therefore, approval of the variance will grant relief from a technical development standard, which if strictly applied, could limit single-family development completely on the subject properties. The proposed development is consistent with surrounding properties and in the SFM zoning district. Therefore, the granting of the variance will not constitute a special privilege to the applicant or the property owner.

4. The granting of the proposed variance will not be contrary to or in conflict with the LCP as the improvements, consisting of a single-family residence and associated development are allowed in the SFM zoning district. 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.

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

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

7. The variance request is for development on slopes steeper than 2.5 to 1 for the construction of a single-family residence in the SFM zoning district. Therefore, the variance request does not authorize a use or activity that is not expressly authorized by the zoning regulations for the subject property.

8. The subject site is physically suitable for the proposed variance. The proposed development is sited on the disturbed portion of the subject site, however, construction on slopes steeper than 2.5 to 1 cannot be avoided. In addition, 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 is physically suitable for the proposed variance. Construction on steep slopes is also common for beachfront lots, especially neighboring properties along Malibu Road.

9. The proposed project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals and permits. Construction of the single-family residence and associated development is conditioned to comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

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

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

1. Due to the lot dimensions, view corridors and setbacks, there is no feasible alternative building site location where the development would not have the potential to be visible from Malibu Road or the beach, which are public viewing areas. With the inclusion of the conditions set forth in Section 5 of this resolution, pertaining to permissible exterior colors, materials and lighting restrictions, the required view corridor pursuant to LIP Section 6.5, and conformance with LIP beachfront development standards, the project will blend in with the surrounding environment.

2. With the implementation of the conditions set forth in Section 5 of this resolution, the project, as proposed and conditioned, will not have significant adverse scenic or visual impacts.

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

4. The project has been designed to minimize any adverse or scenic impacts from the beach and adjacent structures by providing the required view corridor pursuant to LIP Section 6.5. The project incorporates a 18-foot wide view corridor on the east side of the property.

5. The location proposed for development would result in a less than significant visual impact to public views from the beach and will not impact sensitive resources. All proposed development conforms to the view corridor requirement and will be constructed landward of the required building stringline and deck stringline, and set back 10 feet from the most landward MHTL. The project, as proposed and conditioned, will result in less than significant impacts on scenic and visual resources.

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

1. Based on review of project plans, geotechnical reports and wave uprush studies, the project engineers concluded the project, as proposed, is feasible from an engineering geologic standpoint, will be free from geologic hazards, and will not have an adverse effect upon the stability of the site or adjacent properties provided their recommendations and those of the project Geotechnical Engineer are incorporated into the plans, and implemented during construction, and the subject property and proposed structures are properly maintained. The project geotechnical engineer determined that the project is located within an existing Federal Emergency Management Agency (FEMA) identified Zone X. The property owner is required to sign a waiver indemnifying the City of Malibu from liability or claims resulting from wave action. The project site is subject to wave action and the entire city limits of Malibu are located within a high fire hazard area.

The project, including the foundations, AOWTS and drainage, as conditioned, will incorporate all recommendations contained in the geotechnical report and wave uprush report and conditions required by the City Coastal Engineer, City geotechnical staff, City Public Works Department and LACFD. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards. Additionally, there are conditions included in Section 5 of this resolution that require the property owner to acknowledge the potential for damage or destruction from wildfire and that the property is subject to wave action, erosion, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.

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

3. There are no feasible alternatives that would avoid or substantially lessen impacts on site stability or structural integrity.

4. No adverse impacts to sensitive resources are expected.

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

1. The proposed project includes the removal of wood retaining walls and a concrete footing and the construction of a new two-story, single-family residence, and AOWTS. The proposed seawall is only for the protection of the AOWTS. The residence and all accessory development is designed with a pile foundation that does not require a shoreline protection device for the life of the project. The proposed development is sited 10 feet from the MHTL, a location

as landward as feasible. Due to the project design, the project is not anticipated to result in significant adverse impacts to public access, shoreline sand supply or other resources. The project site currently provides no lateral public access. However, the property owner has offered to record an OTD for a public lateral access easement allowing public access across the width of the lot. Therefore, the proposed project will improve public access.

2. The proposed location of the AOWTS and seawall have been reviewed and conditionally approved by the City Coastal Engineer, City geotechnical staff and City Environmental Health Administrator for compliance with LIP Chapter 10. The proposed project, as designed and conditioned, will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

3. The proposed project, as designed and conditioned, will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

4. The seawall will protect the new AOWTS only. The proposed shoreline protection device is located in the most landward location feasible on the project site and is in compliance with LIP Section 10.4. A condition is included in Section 5 of this resolution that requires the property owner to acknowledge, by recordation of a deed restriction that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235. The deed restriction shall also acknowledge that the intended purpose of the shoreline protection structure is solely to protect the proposed septic disposal system and that any future development on the subject site landward of the shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new structure shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the City determines that such activities are minor.

#### SECTION 6. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves CDP No. 16-066, VAR No. 18-036, and OTD No. 21-003 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 following:



Demolition

- a. Wood retaining walls and concrete footings.

Construction

- b. A new 4,722 - square foot, two-story, single-family residence with an attached two-car garage;
- c. Swimming pool and decks;
- d. An uninhabitable understructure mechanical platform with a 5.29 foot height clearance between the lowest structural member and the top of the platform;
- e. New seawall with top of wall elevation of 18 feet, five inches and return walls;
- f. New pile foundations;
- g. Fencing and gates;
- h. OWTS;
- i. 18-foot wide view corridor on the east side of the property; and
- j. OTD No. 21-003 offering to dedicate a lateral public access easement along the shore.

Additional Discretionary Requests

- k. VAR No. 18-036 for construction on slopes steeper than 2.5:1 but less than 1:1.
- 3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **January 13, 2021**. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
  - 4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.
  - 5. The applicant shall submit a digital copy of the plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
  - 6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.
  - 7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.
  - 8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
  - 9. All structures shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City geotechnical staff,

City Environmental Health Administrator, 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 MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the CDP approved by the City is void.
12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

### ***Cultural Resources***

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

### ***Demolition/Solid Waste***

15. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals and drywall.
16. An Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) signed by the Owner or Contractor shall be submitted to the Environmental and Sustainability Department for review and approval. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.
17. Prior to Final Building inspection, the applicant shall provide the Public Works Department with a Final Waste Reduction and Recycling Summary Report (Summary Report). The Final Summary Report shall designate all material that were land filled or recycled, broken

down by material types. The Public Works Department shall approve the final Summary Report.

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

18. 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.
19. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the highest roof member elevation, lowest finish floor elevation and elevation of centerline of Malibu Road. 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.
20. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.
21. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
22. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
  - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time;
  - b. Grading activities shall be planned during the Southern California dry season (April through October);
  - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination; and
  - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

### ***Biology***

23. This is a beachfront property and no new landscaping is proposed with this project. Therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height, or change 2,500 square feet or more the existing landscaping area, a detailed landscape plan shall be submitted for review and approval prior to any planting.
24. Grading shall be scheduled only during the dry season from April 1 – October 31. If it becomes necessary to conduct grading activities from November 1 – March 31, a

comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

25. 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.
26. Lighting of the shore is prohibited.
27. No storage or staging of construction materials or equipment shall occur on the beach at any time.
28. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

### ***Coastal Engineering***

29. The property owner shall comply with the requirements for recorded documents and deed restrictions outlined in LIP Sections 10.6(A).
30. The consultant's report (GeoSoils, INC., 9-26-16) contains a Shore Protection Monitoring Program that is consistent with the City's requirements. The property owner shall record a "Covenant and Agreement Regarding Maintenance of the Shoreline Protection Device and the Use and Transfer of Ownership of Property", informing any successors-in-interest to the property of these SPD monitoring requirements. The Shore Protection Monitoring Program shall be attached to the covenant as Exhibit B. A template for this covenant is available at the City. This item shall be made a condition of approval and shall be completed prior to building plan check stage approval.

### ***Environmental Health***

31. Final Onsite Wastewater Treatment System (OWTS) Plot Plan: A final plot plan by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot 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).

32. Final OWTS Design Report, Plan, and System Specifications: A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed of use in the construction of the OWTS. All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).
33. The final OWTS 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. Sewage and effluent pump design calculations (as applicable);
  - c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
  - d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Provide seepage pit cap depth relative to original and finished grades. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and
  - e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheet 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 are required for review by the Building Safety Division and/or the Planning Department.

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34. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the Malibu Plumbing Code.
  35. 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 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."
  36. 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.
  37. All proposed reductions in setbacks from the onsite wastewater treatment system to structure or other features less than those shown in Malibu Municipal Code (MMC) Section 15.42 must be supported by letters from the project consultants. 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 Safety prior to Environmental Health final approval. The architectural and/or structural plans submitted for Building Safety plan check must detail methods of construction that will compensate of the reduction in setback (e.g. waterproofing, concrete additives). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. All 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).
    - a. Structures – All proposed reductions in setback from the onsite wastewater treatment system to structures (i.e. setbacks less than those in MMC Section 15.42) 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 setback is reduced.
    - b. Buildings – All proposed reduction in setback from the onsite wastewater treatment system to building (i.e., setbacks less than those shown in MMC Section 15.42) 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 potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the

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reduced setback(s), then the Architect (or Engineer) must provide associated construction documents for review and approval during Building Plan Check.

38. Waterproofing Plan: A waterproofing plan in conformance with the project consultants' recommendations must be submitted.
39. Proof of ownership of subject property shall be submitted.
40. 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.
41. A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. Please note only original "wet signature" documents are acceptable.
42. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive, notice to any future purchaser for value that the OWTS serving subject property is an advanced method of onsite wastewater disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. Please submit a certified copy issued by the City of Malibu Recorder.
43. 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 percent expansion effluent dispersal area (i.e., replacement disposal fields(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 dispersal 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 dispersal system and therefore, any buildings(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.
44. Project Geologist/Geotechnical Consultant Approval: Project Geologist/Geotechnical Consultant final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.
45. City of Malibu Geotechnical Approval: City of Malibu geotechnical staff final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.

46. Project Coastal Engineer Approval: Project Coastal Engineer Consultant final approval of the Onsite wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.
47. City of Malibu Coastal Engineering Approval: City of Malibu Coastal Engineering final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.
48. City of Malibu Planning Approval: City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
49. 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.
50. Operating Permit Application and Fee: IN accordance with Malibu Municipal Code, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

### ***Geology***

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

### ***Public Works***

#### ***Street Improvements***

53. The project proposes to construct 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 work within the City's right-of-way.
54. 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-inches 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.
55. Several existing private improvements are located within the City's right-of-way, such as (but not limited to) landscaping, railroad ties, fencing. These improvements are required to



be removed as part of this project and must be shown on the plans. The applicant shall place notes on the plans for the removal of existing encroachments 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 removal of the private improvements within the City's right-of-way.

#### *FEMA*

56. Proposed improvements are located within the Special Flood Hazard Area (SFHA). An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The survey map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum, and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided to the Public Works Department prior to final approval of the construction.
57. The proposed pool is located within a SFHA, Zone VE. The proposed pool must be elevated above one foot above the base flood elevation (BFE), the structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. All pool equipment shall be placed above the BFE. A professional engineer must certify by that these standards have been satisfied.
58. The proposed septic system is located within a SFHA, Zone VE. The proposed septic system shall be designed to eliminate infiltration of flood waters into the system and discharges from the system into flood waters. The septic system shall be located to avoid impairment or contamination during flooding. The septic system shall be buried below the expected depth of erosion and scour. The tank shall be anchored to prevent a buoyancy failure. Septic system tanks must not be structurally attached to building foundations. All septic lines shall be protected from water and debris damage. Riser lines shall be located on the landward side of a pile or other vertical structural member or inside an enclosure designed to withstand the forces from the event.

#### *Grading and Drainage*

59. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development pursuant to LIP Section 17.3.1:
  - a. Is located within or adjacent to ESHA, or
  - b. Includes grading on slopes greater than 4:1,
  - c. 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.

60. Exported soils shall be taken to the County Landfill, or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3. A note shall be placed on the project plans that addresses this condition.
61. A Grading and Drainage Plan for the excavation containing the following information shall be reviewed and approved by the Public Works Department, prior to the issuance of grading permits for the project:
- 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 buttresses, and over-excavation for fill slopes shall be shown;
  - 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 drains, and systems greater than 12-inch diameter shall also include a plan and profile; and
  - Public storm drain modifications shown on the grading plan shall require approval by the Public Works Department prior to the issuance of the grading permit.
62. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private streets, and any drainage easements.
63. All City/County storm drain inlets within 250 feet from each property line shall be labeled per the City of Malibu's standard label template. A note shall be placed on the project plans to address this condition.

### ***Stormwater***

64. 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

65. All BMPs shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.
66. 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 LCP 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 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/building permits for this project.
67. 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 WAMP 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 BMPs;
  - Source Control BMPs;
  - Treatment Control BMPs that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
  - Drainage Improvements;
  - A plan for the maintenance and monitoring of the proposed treatment BMP 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 the Public Works Department and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the

applicant shall verify the installation of the BMPs, 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.

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

Discharges not meeting the above0mentioned 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.

### **Site Specific Conditions**

70. All air conditioning equipment shall be screened from view by a solid wall or fence on all four sides at a height not to exceed 24 feet. The fence or walls shall comply with LIP Section 3.5.3(A). All rooftop equipment shall comply with the LIP Section 3.6.3 height requirements.

### **Colors and Materials**

71. The residence shall have an exterior siding of brick, wood, stucco, metal, concrete or other similar material. Reflective glossy, polished and/or roll-formed type metal siding is prohibited.
72. New structures shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
  - a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones;
  - b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible; and
  - c. All windows shall be comprised of non-glare glass.

### ***Lighting***

73. 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 and lighting of the shore are prohibited.
74. Night lighting for sports courts or other private recreational facilities shall be prohibited.
75. 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.
76. 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.
77. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
78. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
79. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor lighting fixture(s) from the site.

### ***Water Service***

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

### ***U.S. Army Corps of Engineers***

81. The applicant/property shall obtain all required permits, if any, including any necessary permits from the U.S. Army Corps of Engineers, prior to commencement of construction.

### ***Shoreline Construction Protection***

82. No stockpiling of dirt or construction materials shall occur on the beach.

83. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking, and construction equipment shall not be cleaned on the beach.
84. No machinery shall be allowed in the intertidal zone at any time unless necessary for protection of life and/or property.
85. The applicant/property owner shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion.
86. The applicant/property owner shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion, and all construction debris shall be removed from the beach daily and at the completion of development.

#### ***View Corridor***

87. Pursuant to LIP Section 6.5(E)(2) and in order insure the protection of scenic and visual resources, the applicant is required to maintain:
  - a. A view corridor a minimum of 18 feet wide across the linear frontage of the lot on the east side property line.
  - b. No portion of any structure shall extend into the view corridor above the elevation of the adjacent street.
  - c. Any fencing across the view corridor shall be permanently maintained as visually permeable including safety fencing proposed for the swimming pool. Tinted or frosted glass, and louvered or slatted screen fences are not permitted.
  - d. Any landscaping in this area shall include only low-growing species that will not obscure or block bluewater views.
  - e. If at any time the property owner allows the view corridor to become impaired or blocked, it would constitute a violation of the coastal development permit and the Coastal Act and be subject to all civil and criminal remedies.

#### **Offer to Dedicate/Deed Restrictions**

88. In order to effectuate the property owner's offer to dedicate an easement for lateral public access and passive recreational use along the shoreline, prior to issuance of the permit, the property owner shall execute and record a document, in a form and content acceptable to the Planning Director and CCC, irrevocably offering to dedicate to a public agency or private association approved by the City and CCC, an easement for lateral public access and passive recreational use along the shoreline. The easement shall be located along the entire width of the property from the ambulatory mean high tide line landward to the most seaward projection of the project. The document shall be recorded free of prior liens and any other encumbrances which the CCC determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of California, binding all successors and assigns, and this offer shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include a formal legal description and graphic depiction, prepared by a licensed survey, of both the property owner's entire parcel and the easement area. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer,

to interfere with any rights of public access acquired through use which may exist on the property

89. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final Planning Department approval.
90. 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 Department approval.
91. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth previously under Lighting. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final Planning Department approval.
92. The property owner is required to acknowledge, by the recordation of a deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235. Said deed restriction shall be submitted to the Planning Department for approval prior to recordation. The deed restriction shall also acknowledge that the intended purpose of the shoreline protection structure is solely to protect the proposed septic disposal system and that any future development on the subject site landward of the subject shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new residence shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the City determines that such activities are minor.

### **Prior to Occupancy**

93. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental and Sustainability Department. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this CDP. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.

94. 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.
95. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a Waste Reduction and Recycling Plan Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.

**Fixed Conditions**

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

SECTION 8. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 9<sup>th</sup> day of August 2021.

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PAUL GRISANTI, Mayor

ATTEST:

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KELSEY PETTIJOHN, Acting City Clerk  
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE  
\_\_\_\_\_  
JOHN COTTI, Interim 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 by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code



of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.



# City of Malibu

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

Received

June 14, 2021

Planning Dept.

## PLANNING DEPARTMENT COASTAL DEVELOPMENT PERMIT NOTICE OF APPEAL CHECKLIST

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

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

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

### Part I. Project Information

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

16-066

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

06/07/2021

3. Who made the decision you are appealing?

☐

Planning Director

☒

Planning Commission

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

24266 Malibu Road

### Part II. Appeal Summary

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

☐ I am the Applicant for the project

☐ I am the neighbor

☒ Other (describe)

I am the architect of the adjacent residence, and a concerned citizen.

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

Don Schmitz (who else?)

3. Indicate the nature of your appeal.

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

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

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

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

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

☒ The decision was contrary to law.

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

See attached.

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.)

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### Part III. Appeal Checklist

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

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

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

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

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

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

\*Mailing data requirement waived. **PS**

#### 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.*

Lester Tobias  
PRINT APPELLANT'S NAME



TELEPHONE NUMBER

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

06/13/2021  
DATE

Appellant's mailing address: 29160 Heathercliff Road Suite 400 Malibu CA 90265

Appellant's email address: lester@tobiasarchitecture.com

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#### OFFICE USE ONLY

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

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

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

Appeal Completion Date: \_\_\_\_\_ by: \_\_\_\_\_  
(Name, Title)

Points of Appeal of the Planning Commission's approval of CDP No. 16-006.  
24266 Malibu Road

Appeal #1: The planning staff violated their own threshold for re-establishing a stringline by stating that my house was not completed prior to the applicant's submittal being deemed complete. I submitted photo documentation and a timeline as proof that my house was completed before the applicant's project was deemed complete, but it was ignored.

Appeal #2: I argued that the stringline should have been re-established when the applicant "re-applied" three years after his original application. When asked by the commission what was meant by a "re-application", the planner had no idea, and basically riffed and said that it was just the applicant responding to various incomplete letters. In fact, the re-application was because the applicant substantially changed the project. Part of that change was to flip the 20 foot wide view corridor to the eastern side of the parcel, which moved his structure fifteen feet closer to mine. Had this been disclosed I believe that my argument that the degree of completion of my project, three years after the original submittal, combined with the substantial change to the applicant's project would have won the argument with the commission. So the planner withheld critical information.

Appeal #3: The planning staff incorrectly applied the height section of the LIP to this project, and three of the five commissioners were too bored, and lazy and sleepy to figure it out. This ruling will have far reaching implications for every homeowner in Malibu, and it needs to be addressed by the city council.

Appeal #4: I brought up serious concerns about the connection of Malibu Road to the Project because the applicant is utilizing the same design that I developed for my house next door. I warned the commission that public works must review and approve the right-of-way work now, before the project is approved. If they don't I know for a fact that the project will end up with a totally screwed up right-of-way that will not allow for the required off street parking to be accessed. At the hearing Don Schmitz rebutted by telling the commissioners that the improvements to the Road were done, approved, and included in the agenda packet. They weren't. I checked at Public Works the next day, and as I suspected, it has not been done. So false testimony was used by the applicant to quash an in-depth discussion of a critical matter.



# Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Philip Coronel, Assistant Planner

Approved by: Richard Mollica, Planning Director

Date prepared: May 27, 2021 Meeting date: June 7, 2021

Subject: Coastal Development Permit No. 16-066, Offer-to-Dedicate No. 21-003, and Variance No. 18-036 – An application for a new two-story, beachfront single-family residence and associated development

Location: 24266 Malibu Road, within the appealable coastal zone

APN: 4458-011-010

Owner: Malibu Road #3, LLC

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 21-46 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 16-066 for the construction of a new 4,722 square foot, two-story, beachfront single-family residence with attached two-car garage, swimming pool, spa, decks, seawall, 18-foot wide view corridor and fencing, installation of a new onsite wastewater treatment system (OWTS), an Offer-to-Dedicate (OTD) for public lateral access on the beach, with a variance for construction on steep slopes and removal of wood retaining walls located on the shore in the Single-Family Medium (SFM) zoning district at 24266 Malibu Road (Malibu Road #3, LLC).

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

## Project Overview

The beachfront parcel is zoned SFM for residential uses and is located along the south side of Malibu Road (Figure 1).

**Figure 1 – Aerial Photograph**



Source: City GIS

The proposed project includes the construction of a new single-family residence consisting of a 2,308 square foot first floor with an attached two-car garage and 2,414 square foot second floor. As proposed, the residence will not exceed 28 feet in height as measured from the centerline elevation of Malibu Road for the landward-side and 28 feet in height as measured from the lowest recommended finished floor elevation on the seaward-side. Both landward and seaward-side of the structure consists of a pitched roof. Pursuant to LCP Local Implementation Plan (LIP) Section 3.6, the height of the structure conforms to the beachfront residential development standards and no discretionary requests are included. The project plans are included as Attachment 2.

Although the proposed developed is sited mostly on the flattest portion of the lot, a portion of the development is also being proposed on slopes steeper than 2.5 to 1 which is common for beachfront development. Therefore, the applicant is requesting VAR No. 18-036 for construction on steep slopes.



## ***Project Setting***

The subject property is a beachfront lot on the seaward-side of Malibu Road. The parcel has a 90-foot-wide street frontage along Malibu Road with a lot depth of 59 feet, as measured from the 1928 mean high tide line (MHTL). Table 1 provides a summary of property data for the project site.

<b>Table 1 - Property Data</b>	
Lot Depth	59.73 ft.
Lot Width	90.04 ft.
Malibu Road Frontage	90.04 ft.
Gross Lot Area	7,110 sq. ft.
Area of 1 to 1 slopes	None
Net Lot Area*	5,385 sq. ft.

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

The subject parcel was previously developed with a 2,001 square foot single-family residence built in 1956. In 2006, the Planning Commission approved CDP No. 05-014 and associated requests for a new 2,551-square foot, two-story single-family residence with 1,068 square feet deck area, stacked garage, new bulkhead, piles and AOWTS. In January 2007, prior to the issuance of building permits and prior to demolition for the new residence approved under CDP No. 05-014, the existing residence was destroyed by a wildfire. A demolition permit was obtained for the fire damaged structure and the CDP project was abandoned. Wooden retaining walls are all that is left from the previous fire destroy structure. As part of the proposed project, the wooden retaining walls will be removed and a code compliant seawall will be constructed.

The project site contains slopes adjacent to Malibu Road which are typical of the area and resulted from the construction of Malibu Road; however, these variance slopes are affected by the development of the residence. The project site is entirely within the Appeal Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map. The site does not contain Environmentally Sensitive Habitat Area (ESHA) as shown on LCP ESHA and Marine Resources Map. No trails are shown on or near the property on the LCP Park Lands Map.

## ***Surrounding Land Uses***

Beachfront properties in the immediate area are developed with single-family and multi-family residences with understructure shoreline protection devices. Table 2 provides a summary of surrounding land uses.

<b>Table 2 – Surrounding Land Uses</b>				
<b>Direction</b>	<b>Address</b>	<b>Parcel Size</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	APN: 4458-018-903	158,347 sq. ft. (3.63 acres)	OS	Malibu Bluffs State Park
<b>East</b>	24254 Malibu Road	7,150 sq. ft. (0.16 acres)	SFM	Vacant
<b>South</b>	Pacific Ocean	NA	NA	NA
<b>West</b>	24300 Malibu Road	7,187 sq. ft. (0.17 acres)	SFM	Residential

Pursuant to LIP Section 3.6, new construction on beachfront properties shall not extend seaward of the dwelling stringline for structures and the deck stringline for decks and patios. The stringlines are drawn from the corners of the two nearest upcoast and downcoast neighbors. Stringlines were drawn from the next adjacent neighbor to the east (24254 Malibu Road) and west (24314 Malibu Road). Construction for 24300 Malibu Road (residence immediately to the west) has not been completed when the project was deemed complete, therefore stringline endpoint was taken from 24314 Malibu Road. Similarly, the shoreline protection devices shall be sited as far landward as feasible and shall not extend seaward of the shoreline protection device stringline. The shoreline protection device stringline was drawn from the neighboring properties located at 24254 and 24314 Malibu Road. The City Environmental Health Administrator and City Coastal Engineer have reviewed the subject application and determined that the proposed shoreline protection device is sited as far landward as feasible and complies with all current beachfront development standards.

### ***Project Description***

The proposed scope of work is as follows:

#### Demolition

- Wood retaining walls and concrete footing;

#### Construction

- A new 4,722-square foot, two-story, single-family residence with an attached two-car garage;
- Swimming pool and decks;
- An uninhabitable understructure mechanical platform with a 5.29 foot height clearance between the lowest structural member and the top of the platform;
- New seawall with a top of wall elevation of 18 feet, 5 inches and return walls;
- New pile foundations;
- Fencing and gates;
- AOWTS;
- 18-foot wide view corridor on the east side of the property; and
- OTD No. 21-003 for public lateral access on the beach.

### Additional Discretionary Requests

- VAR No. 18-036 for construction on slopes steeper than 2.5:1 but less than 1:1.

### **Proposed Total Development Square Footage (TDSF)**

• Lower Level (including the attached garage)	2,308 sq. ft.
• Upper Level	2,414 sq. ft.
<hr/>	
Total: 4,722 sq. ft.	

### ***LCP Analysis***

The LCP consists of the Land Use Plan (LUP) and the Local Implementation Plan (LIP). The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP carries out the LUPs policies, and contains specific requirements 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) Wastewater Treatment System Standards. These chapters are discussed in the *LIP Conformance Analysis* section.

The nine remaining LIP chapters contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only the following chapters and associated findings are applicable to the project: Coastal Development Permit, Scenic Visual and Hillside Resource Protection, Shoreline and Bluff Development, and Hazards. These chapters are discussed in the *LIP Findings* section of this report.

### **LIP Conformance Analysis**

The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City Coastal Engineer, City geotechnical staff, City Public Works Department, California State Lands Commission (CSLC), Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) (Attachment 3 – Department Review Sheets). The project has been conditioned to provide a WD29 approval letter prior to issuance of a building permit. The CSLC issued a letter acknowledging the proposed project does not fall within the 10-foot setback from the most landward MHTL. The other specialists determined the project, as proposed and conditioned, to be consistent with all applicable LCP codes, standards, goals and policies.

## Zoning (LIP Chapter 3)

The project is subject to development and design standards set forth under LIP Sections 3.5 and 3.6 concerning residential beachfront development standards. Table 3 provides a summary and indicates the proposed project meets those standards.

<b>Table 3 – LCP Zoning Conformance</b>			
<b>Development Requirement</b>	<b>Allowed/ Required</b>	<b>Proposed</b>	<b>Comments</b>
<b>SETBACKS (ft.)</b>			
Front Yard (20 ft. or avg. of 2 immediate neighbors)	7 ft.	7 ft.	Complies
• Neighbor 1 (East)	10 ft., 9 in.		
• Neighbor 2 (West)	3 ft., 3 in.		
Rear Yard (Stringline)			
• Building	Nearest Corners on Nearest Adjacent Buildings	Nearest Corners on Nearest Adjacent Buildings	Complies
• Deck	Nearest Corners on Nearest Adjacent Decks	Nearest Corners on Nearest Adjacent Decks	Complies
• Seawall/Bulkhead	Nearest Corners on Nearest Adjacent Seawalls	Nearest Corners on Nearest Adjacent Seawall	Complies
Rear Yard (from 1928 MHTL)	10 ft.	10 ft.	Complies
Side Yard			
Side Yard (East)	5 ft.	18 ft.	Complies
Side Yard (West)	5 ft.	5 ft.	Complies
View Corridor (20% of lineal frontage of lot)	20 ft.	20 ft.	Complies
<b>PARKING</b>			
Enclosed	2	2	Complies
Unenclosed	2	2	Complies
<b>TOTAL DEVELOPMENT SQUARE FOOTAGE</b>	NA	4,722 sq. ft.	Complies
<b>IMPERMEABLE COVERAGE</b>	NA	NA	Complies
<b>HEIGHT (ft.)</b>			

<b>Table 3 – LCP Zoning Conformance</b>			
<b>Development Requirement</b>	<b>Allowed/ Required</b>	<b>Proposed</b>	<b>Comments</b>
Seaward-side of Structure - measured from lowest recommended finished floor elevation (26.3 ft.)	28-foot pitched roof	28-foot pitched roof	Complies
Landward-side of Structure - measured from centerline of Malibu Road (28.58 ft.)	28-foot pitched roof	28-foot pitched	Complies
<b><i>SITE OF CONSTRUCTION</i></b>	<b><i>&lt; 3 to 1</i></b>	<b><i>&gt;2.5 to 1</i></b>	<b><i>VAR No. 18-036</i></b>
<b>FENCES/WALLS/HEDGES/ GATES</b>			
Front Yard			
• Solid	42 in.	42 in.	Complies
• View Permeable	6 ft.	30 in.	Complies
Side Yard	6 ft.	42 in. solid/30 in. view permeable	Complies
View Corridor			
• Solid	Not permitted	None proposed	Complies
• View Permeable	6 ft.	6 ft.	Complies

As shown in Table 3, the proposed project complies with all applicable development standards set forth in the LIP and MMC. The proposed development complies with all required beachfront setbacks and incorporates an 18-foot wide view corridor on the east side of the property. No visually impermeable fencing, walls or gates are proposed within the view corridor. Additionally, a condition of approval has been added to Planning Commission Resolution No. 21-46 that restricts development within the view corridor, including safety fencing around the swimming pool, to be visually permeable with a maximum height of six feet pursuant to LIP Section 3.5.

#### Grading (LIP Chapter 8)

LIP Section 8.3, ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel. The proposed grading includes 150 cubic yards of exempt, understructure grading, which is less than the maximum allowable, therefore, the project complies with grading requirements set forth under LIP Section 8.3.

## Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. According to the City's Cultural Resources Map, the project site has a very low potential to contain archaeological resources. Additionally, the proposed development is within an already disturbed development envelope. Therefore, staff has determined that no further study is required at this time.

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

## Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval include the implementation of approved storm water management plans during construction activities and to manage runoff from the development including a water quality mitigation plan recorded against the property. With the implementation of these conditions, the project conforms to the water quality protection standards of LIP Chapter 17.

## Wastewater Treatment Systems Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes an OWTS to serve the proposed development, which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code (MPC), the MMC and the LCP. The proposed OWTS has been approved for installation by the City Environmental Health Administrator having met all applicable requirements. Conditions of approval have been included in the resolution, which require continued operation, maintenance, and monitoring of onsite facilities.

## **LIP Findings**

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

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

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

The project is located in the SFM residential zoning district along the shore, an area designated for beachfront residential uses. A single-family residence and associated development are permitted uses within the SFM residential zoning district. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Coastal Engineer, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, CSLC, WD29, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable beachfront residential development standards.

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

The project is located between the first public road and the sea. However, the proposed project and related construction activities are not anticipated to interfere with the public's right to access the coast as the site offers no direct or indirect beach access. There is an existing vertical public access way to the beach located 184 feet west of the site. In addition, the property owner has voluntarily offered to provide an OTD for a lateral public access easement to accommodate a wider public access along the shoreline landward of the MHTL.

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

Alternative Project – A smaller structure could be proposed on the project site. However, the project complies with heights, view corridors and setback requirements as demonstrated in Table 3. The project is also similar in size and scope to existing development throughout the neighborhood. It is not anticipated that a smaller structure would be an environmentally superior alternative. A smaller project would also not accomplish the project objectives requested by the property owner.

Proposed Project – The proposed project consists of the demolition of the remaining wooden retaining walls and concrete footing and the construction of a new single-family residence and associated development. The proposed project will provide the required view corridor on the east side of the residence. The view corridor preserves views in perpetuity. Minimal grading is proposed with the project. As discussed in Finding 1, the project has been reviewed and conditionally approved by the applicable City, County and State departments and agencies, and meets the residential beachfront development standards of the LCP and MMC. The proposed project has been determined to be the least environmentally damaging feasible alternative. The proposed new development meets the beachfront development requirements of LIP Chapters 3 and 6 and will comply with all applicable requirements of state and local law.

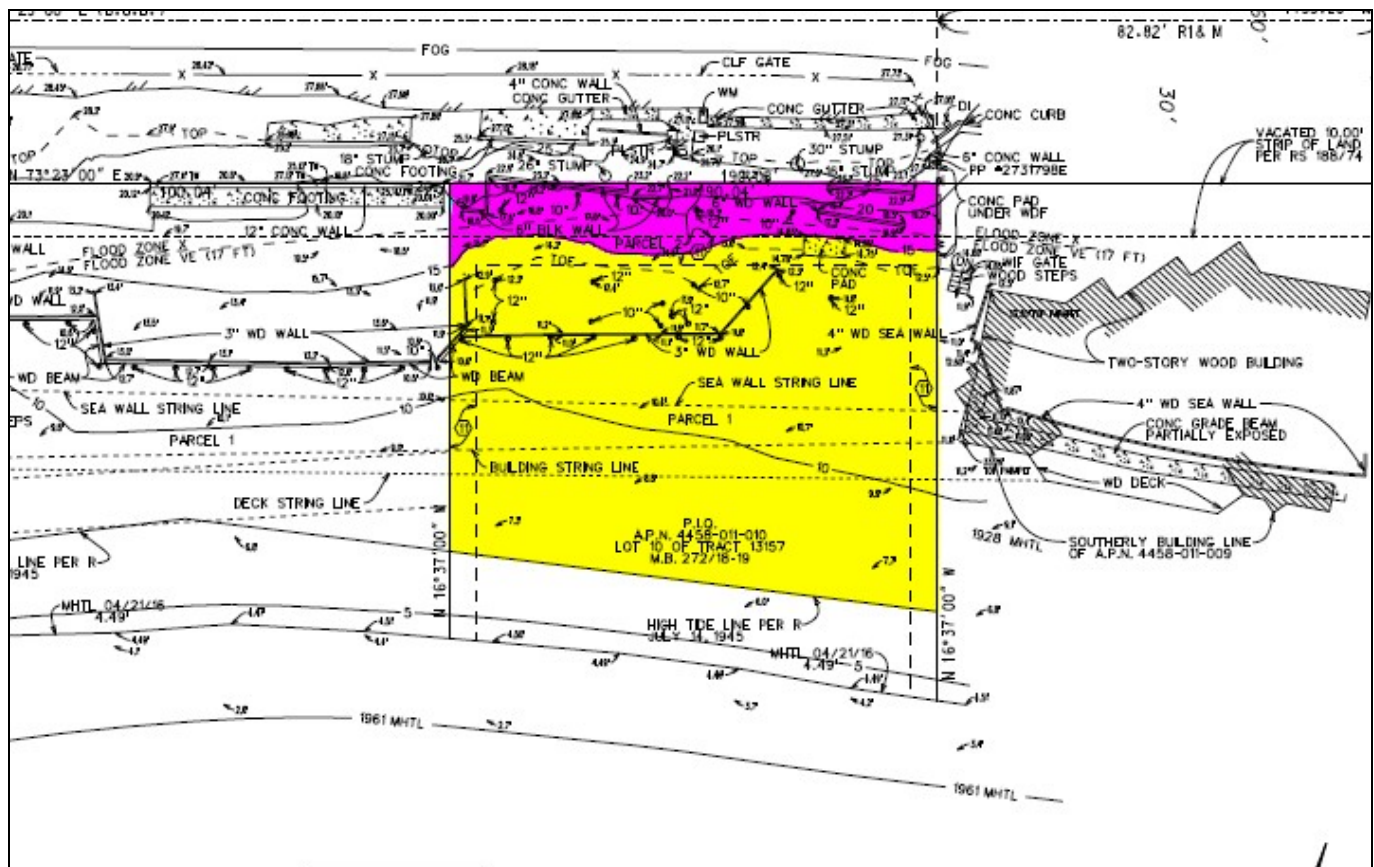
*Finding 4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP [Environmentally Sensitive Habitat Area (ESHA)] Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform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

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

## **B. Variance for Construction on Slopes Steeper than 2.5 to 1 (LIP Section 13.26)**

A variance is proposed to allow construction of the single-family residence and associated development on slopes steeper than 2.5 to 1 (shown in purple in Figure 2). Slopes shown in yellow represents slopes that are 3 to 1 or flatter. LIP Section 13.26.5 requires that the City makes ten findings in consideration and approval of a variance. Based on the foregoing evidence contained within the record, the required findings for VAR NO. 18-036 are made as follows:

**Figure 2 – Color Coded Slope Analysis**





*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 subject property consists of steep slopes along Malibu Road (shown in purple in Figure 2), with the majority of the parcel being flatter than 4 to 1. Due to these site characteristics, the proposed development will be situated more landward towards Malibu Road in order for the proposed residence to meet the required setback from the 1928 Mean High tide Line. Other proposed development located in areas of steep slopes include the proposed driveway with the required unenclosed parking stalls, site fencing, and a proposed deck. Residential development on the subject property would not be feasible without granting a variance for construction on slopes steeper than 2.5 to 1.

*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 construction of a single-family residence. The proposed development 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. Furthermore, the project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City geotechnical staff 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 steep slopes in the portion of the lot where development can occur that is farthest away from the beach and mean high tide line. There is no alternative development pad on the property that would avoid construction on steep slopes. Therefore, approval of the variance will grant relief from a technical development standard, which if strictly applied, could limit single-family development completely on the subject properties. The proposed development is consistent with surrounding properties and in the SFM zoning district. 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 improvements, consisting of a single-family residence and associated development are allowed in the SFM zoning district. 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 any stringline. 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 2.5 to 1 for the construction of a single-family residence in the SFM zoning district. Therefore, 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. The proposed development is sited on the disturbed portion of the subject site, however, construction on slopes steeper than 2.5 to 1 cannot be avoided. In addition, 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 is physically suitable for the proposed variance. Construction on steep slopes is also common for beachfront lots, especially neighboring properties along Malibu Road.

*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 and permits. Construction of the single-family residence and associated development is conditioned to 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. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)**

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

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

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

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

The Scenic, Visual, and Hillside Resource Protection Chapter governs those 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 Malibu Road an LUP-designated scenic area. As a result, the Scenic, Visual and Hillside Resource Protection Chapter applies, and the five findings set forth in LIP Section 6.4 are made below.

*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 single-family residence on a parcel zoned for single-family beachfront residential development. The neighborhood is predominantly built out with single-family and multi-family residential buildings along the ocean. Story poles were placed on the project site to demonstrate the size, mass, height, and bulk of the proposed project, and photos of the site with the story poles in place are included as Attachment 4. An analysis of the project's visual impact from both the beach and Malibu Road was conducted through site inspections, architectural plans and review of neighborhood character.

Due to the lot size constraints, view corridors and setback requirements, there is no feasible alternative building site location where the development would not be visible from a scenic area. Furthermore, the project has been designed and conditioned to minimize any adverse or scenic impacts. The project provides the required view corridor pursuant to LIP Section 6.5, providing public ocean views on the east side of the residence. The project incorporates a total of 18 feet of view corridor pursuant to LIP Section 6.5(E)(2)(a).

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

*Finding 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 and 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.*

As discussed in Finding 1, the proposed project will be visible from a public viewing area. However, the site is an infill lot and the project complies with the required view corridor ordinance and will not protrude further seaward than the previously established building and deck stringlines.

*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 impact to public views from the beach and will not impact sensitive resources. All proposed development conforms to the view corridor requirements, and will be constructed landward of the required building and deck stringlines, and the 10-foot MHTL setback.

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

According to LIP Section 7.2, transfer of development credit applies to land divisions and multi-family development in specified zones. The proposed project does not include a

land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.

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

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards listed in LIP Sections 9.2(A)(1-7) must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity.

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 and has been reviewed and approved for conformance with all relevant policies and regulations of the LCP and MMC by the Planning Department, City Biologist, City Coastal Engineer, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, CSLC, WD29, 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 prepared by GeoConcepts, Inc. dated November 30, 2016 and April 26, 2017. Wave Uprush studies, prepared by GeoSoils, Inc., dated September 26, 2016 and January 17, 2017 were also reviewed. According to the geotechnical reports the proposed development was determined not to increase instability of the site or structural integrity from a geologic, flood or fire hazards perspective and to be sited the most landward feasible.

The Wave Uprush Study, dated August 31, 2020, addresses the MHTL and depth of beach scour. The study also addresses questions regarding sea level rise and the recommended finished floor elevation (+26.33 feet NAVD88<sup>1</sup>). The City Coastal Engineer has reviewed and conditionally approved the proposed project based on the California Coastal Commission Sea Level Rise Policy Guidance (November 7, 2018). Conditions of approval have been incorporated in the resolution requiring that a shoreline protection monitoring program be provided and that the proposed design of the seawall be amenable to adaptation strategies in the future should the maximum projected sea level rise occur. The Wave Uprush Study recommends an elevation of +18.5 NAVD88 for the proposed seawall and +20.04 NAVD88 for the proposed mechanical platform. The maximum sea level rise is not anticipated to affect the

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<sup>1</sup> North American Vertical Datum 1988 (NAVD88) is the vertical control datum of height established for surveying in the US.

recommended finish floor elevation of +26.33 feet, and therefore, not anticipated to affect the proposed building envelope.

#### Liquefaction / Landslide

Based on the liquefaction analysis, the project geotechnical engineer included specific recommendations for the proposed piles on the beach side of the seawall to be designed for a lateral pressure of 300 pounds per square foot due to lateral spreading. Additionally, the upper ten feet of the proposed shoring and retaining walls adjacent to the street, driveways or parking areas are designed to resist an assumed 300 pounds per square foot of pressure due to traffic loads. These recommendations have been reviewed and conditionally approved by City geotechnical staff.

#### Flood Hazard/Tsunami

As confirmed by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the site is located in the existing FEMA Zone X. As such, the property owner is required to sign a waiver indemnifying the City of Malibu against any liability or claims for wave damage. The proposed finished floor elevation of the building pad has been reviewed by the City's Public Works Department and City Coastal Engineer and has been given a conditional approval. The proposed residence is designed to meet the lowest recommended finish floor elevation (+26.33 feet NAVD88) as outlined in the Wave Uprush Study prepared by GeoSoils, Inc., dated August 31, 2020.

#### Fire Hazard

The entire city limits of Malibu are within an identified fire hazard zone. The property is currently subject to wildfires. 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 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.

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

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

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

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

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

As discussed in Section A Finding 3, there are no feasible alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

*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 discussed in Section A Finding 3, the proposed project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

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

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

*Finding 1. The project, as proposed, will have no significant adverse impacts on public access, shoreline sand supply or other resources due to project design, location on the site or other reasons.*

The proposed project includes the removal of existing wood retaining walls and a concrete footing and the construction of a new residence and OWTS. The proposed seawall is only for the protection of the OWTS. The residence and all accessory development is designed with a pile foundation that does not require a shoreline protection device for the life of the project pursuant to LIP Section 10.4(H). As previously

discussed in this report, the proposed development is sited 10 feet landward of the 1928 MHTL and, as such, will not result in negative impacts to public access or other resources. The proposed location of the OWTS and seawall have been reviewed and conditionally approved by the City Coastal Engineer, City Environmental Health Administrator and City geotechnical staff and determined to be sited as landward as feasible. The project is not anticipated to result in significant adverse impacts to public access, shoreline sand supply or other resources.

*Finding 2. The project, as conditioned, will not have significant adverse impacts on public access, shoreline sand supply or other resources due to required project modifications or other conditions.*

As discussed in Finding 1, the proposed project, as designed and conditioned, and approved by the City Coastal Engineer, City Environmental Health Administrator and City geotechnical staff, will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

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

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

*Finding 4. There are no alternatives to the proposed development that would avoid or substantially lessen impacts on public access, shoreline sand supply or other resources.*

As previously discussed in Section A Findings 3 and Finding 1, the proposed project, as designed and conditioned, will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

*Finding 5. The shoreline protective device is designed or conditioned to be sited as far landward as feasible to eliminate or mitigate to the maximum feasible extent adverse impacts on local shoreline sand supply and public access, and there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources and it is the least environmentally damaging alternative.*

As previously discussed in Finding 1, the proposed OWTS has been sited in the most landward feasible location and the proposed seawall complies with the shoreline protection device stringline requirements. Additionally, the seawall will be under the new residence where it will not obstruct public access or affect shoreline sand supply. Nonetheless, pursuant to LIP Section 10.6, as a condition of approval, the property owner is required to acknowledge, by the recordation of deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he / she expressly waives any right to such



activities that may exist under Coastal Act Section 30235. Said deed restriction shall be submitted to the Planning Department for approval prior to recordation.

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

The subject site is located seaward of the first public road (Malibu Road). No lateral access easement has been previously recorded on the subject property. The applicant has volunteered to Offer to Dedicate (OTD) for public lateral access easement. A vertical access easement exists approximately 184 feet to the west. Due to the close proximity of available public vertical access, no potential project-related or cumulative impacts on public access are anticipated. Furthermore, the proposed development is setback the required 10 feet from the 1928 MHTL. Based on these factors, the project is not expected to affect the public's ability to cross the sand. Therefore, the project conforms to LIP Chapter 12 and the findings do not apply.

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

This project does not involve a division of land as defined in LIP Section 15.1; therefore, LIP Chapter 15 does not apply.

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

PUBLIC NOTICE: On May 13, 2021, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 5).

SUMMARY: The required findings can be made that the project complies with the LCP. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 21-46. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City, state and county departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 21-46
2. Project Plans
3. Department Review Sheets
4. Story Poles Photographs
5. 500-Foot Radius Map
6. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 21-46

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 16-066 FOR THE CONSTRUCTION OF A NEW 4,722-SQUARE FOOT, TWO-STORY, BEACHFRONT SINGLE-FAMILY RESIDENCE WITH ATTACHED TWO-CAR GARAGE, SWIMMING POOL, SPA, DECKS, SEAWALL, 18-FOOT WIDE VIEW CORRIDOR AND FENCING, INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM, OFFER-TO-DEDICATE NO. 21-003 OFFERING TO DEDICATE A PUBLIC LATERAL ACCESS EASEMENT ALONG THE SHORELINE, WITH A VARIANCE FOR CONSTRUCTION ON STEEP SLOPES AND REMOVAL OF WOOD AND CONCRETE RETAINING WALLS, LOCATED ON THE SHORE IN THE SINGLE-FAMILY MEDIUM ZONING DISTRICT AT 24266 MALIBU ROAD (MALIBU ROAD #3, LLC)

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

SECTION 1. Recitals.

- A. On November 3, 2016, an application for Coastal Development Permit (CDP) No. 16-066 was submitted to the Planning Department on behalf of property owner, Malibu Road #3, LLC. The application was routed to the City Biologist, City Coastal Engineer, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, California State Lands Commission (CSLC), Los Angeles County Fire Department (LACFD) and Los Angeles County Waterworks District No. 29 (WD29) for review.
- B. On November 13, 2019, the notice of application was posted on-site.
- C. On May 7, 2021, story poles were installed on the subject property and photo documented by staff.
- D. On May 10, 2021, the CDP application was deemed complete for processing.
- E. On May 13, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.
- F. On May 26, 2021, story poles were taken down due to safety issues.
- G. On June 7, 2021, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

ATTACHMENT 1

## SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to 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 apply to this project (CEQA Guidelines Section 15300.2).

## SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission hereby adopts the findings in the agenda report, the findings of fact below for CDP No. 16-066 for the construction of a new 4,722-square foot, two-story, beachfront single-family residence with attached two-car garage, swimming pool, spa, decks, seawall, a 18-foot wide view corridor, installation of a new onsite wastewater treatment system (OWTS), with a variance for construction on steep slopes, and removal of wood and concrete retaining walls, located in the Single-Family Medium (SFM) residential zoning district at 24266 Malibu Road.

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

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

1. The project has been reviewed for conformance with the LCP by the Planning Department, the City Biologist, City Coastal Engineer, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, CSLC, WD29 and the LACFD. The proposed project, as conditioned, conforms to the LCP in that it meets all of the required beachfront residential development standards of the SFM residential zoning district.

2. The project is located between the first public road and the sea. Vertical public access exists approximately 184 feet to the west and a lateral public access easement was previously recorded on the properties adjacent to the west and east of the subject property. In addition, the property owner has voluntarily offered to provide an OTD for a lateral public access easement to accommodate a wider public access along the shoreline landward of the MHTL. Therefore, no potential project-related or cumulative impact on public access and/or recreation is anticipated to result from the proposed project. The proposed project conforms to the public access and recreational policies in Chapter 3 of the Coastal Act.

3. The proposed single-family residence is located on the same site as a previously demolished single-family residence. The proposed project will provide the required view corridor and includes the installation of a code compliant AOWTS. The proposed project meets the

development policies of the LCP and has been determined to be the least environmentally damaging feasible alternative.

**B. Variance for Construction on Slopes Steeper than 2.5 to 1 (LIP Section 13.26)**

1. The subject property consists of steep slopes along Malibu, with the majority of the parcel being flatter than 4 to 1. Due to these site characteristics, the proposed development will be situated more landward towards Malibu Road in order for the proposed residence to meet the required setback from the 1928 Mean High tide Line. Other proposed development located in areas of steep slopes include the proposed driveway with the required unenclosed parking stalls, site fencing, and a proposed deck. Residential development on the subject property would not be feasible without granting a variance for construction on slopes steeper than 2.5 to 1.

2. The proposed variance will allow construction of a single-family residence. The proposed development 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. Furthermore, the project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City geotechnical staff 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.

3. As previously stated, the site's topography contains steep slopes in the portion of the lot where development can occur that is farthest away from the beach and mean high tide line. There is no alternative development pad on the property that would avoid construction on steep slopes. Therefore, approval of the variance will grant relief from a technical development standard, which if strictly applied, could limit single-family development completely on the subject properties. The proposed development is consistent with surrounding properties and in the SFM zoning district. Therefore, the granting of the variance will not constitute a special privilege to the applicant or the property owner.

4. The granting of the proposed variance will not be contrary to or in conflict with the LCP as the improvements, consisting of a single-family residence and associated development are allowed in the SFM zoning district. 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.

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

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

7. The variance request is for development on slopes steeper than 2.5 to 1 for the construction of a single-family residence in the SFM zoning district. Therefore, the variance request

does not authorize a use or activity that is not expressly authorized by the zoning regulations for the subject property.

8. The subject site is physically suitable for the proposed variance. The proposed development is sited on the disturbed portion of the subject site, however, construction on slopes steeper than 2.5 to 1 cannot be avoided. In addition, 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 is physically suitable for the proposed variance. Construction on steep slopes is also common for beachfront lots, especially neighboring properties along Malibu Road.

9. The proposed project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals and permits. Construction of the single-family residence and associated development is conditioned to comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

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

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

1. Due to the lot dimensions, view corridors and setbacks, there is no feasible alternative building site location where the development would not have the potential to be visible from Malibu Road or the beach, which are public viewing areas. With the inclusion of the conditions set forth in Section 5 of this resolution, pertaining to permissible exterior colors, materials and lighting restrictions, the required view corridor pursuant to LIP Section 6.5, and conformance with LIP beachfront development standards, the project will blend in with the surrounding environment.

2. With the implementation of the conditions set forth in Section 5 of this resolution, the project, as proposed and conditioned, will not have significant adverse scenic or visual impacts.

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

4. The project has been designed to minimize any adverse or scenic impacts from the beach and adjacent structures by providing the required view corridor pursuant to LIP Section 6.5. The project incorporates a 20-foot wide view corridor on the east side of the property.

5. The location proposed for development would result in a less than significant visual impact to public views from the beach and will not impact sensitive resources. All proposed development conforms to the view corridor requirement and will be constructed landward of the required building stringline and deck stringline, and set back 10 feet from the most landward MHTL. The project, as proposed and conditioned, will result in less than significant impacts on scenic and visual resources.

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

1. Based on review of project plans, geotechnical reports and wave uprush studies, the project engineers concluded the project, as proposed, is feasible from an engineering geologic standpoint, will be free from geologic hazards, and will not have an adverse effect upon the stability of the site or adjacent properties provided their recommendations and those of the project Geotechnical Engineer are incorporated into the plans, and implemented during construction, and the subject property and proposed structures are properly maintained. The project geotechnical engineer determined that the project is located within an existing Federal Emergency Management Agency (FEMA) identified Zone X. The property owner is required to sign a waiver indemnifying the City of Malibu from liability or claims resulting from wave action. The project site is subject to wave action and the entire city limits of Malibu are located within a high fire hazard area.

The project, including the foundations, AOWTS and drainage, as conditioned, will incorporate all recommendations contained in the geotechnical report and wave uprush report and conditions required by the City Coastal Engineer, City geotechnical staff, City Public Works Department and LACFD. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards. Additionally, there are conditions included in Section 5 of this resolution that require the property owner to acknowledge the potential for damage or destruction from wildfire and that the property is subject to wave action, erosion, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.

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

3. There are no feasible alternatives that would avoid or substantially lessen impacts on site stability or structural integrity.

4. No adverse impacts to sensitive resources are expected.

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

1. The proposed project includes the removal of wood retaining walls and a concrete footing and the construction of a new two-story, single-family residence, and AOWTS. The proposed seawall is only for the protection of the AOWTS. The residence and all accessory development is designed with a pile foundation that does not require a shoreline protection device for the life of the project. The proposed development is sited 10 feet from the MHTL, a location as landward as feasible. Due to the project design, the project is not anticipated to result in significant adverse impacts to public access, shoreline sand supply or other resources. The project site currently provides no lateral public access. However, the property owner has offered to record an OTD for a

public lateral access easement allowing public access across the width of the lot. Therefore, the proposed project will improve public access.

2. The proposed location of the AOWTS and seawall have been reviewed and conditionally approved by the City Coastal Engineer, City geotechnical staff and City Environmental Health Administrator for compliance with LIP Chapter 10. The proposed project, as designed and conditioned, will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

3. The proposed project, as designed and conditioned, will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

4. The seawall will protect the new AOWTS only. The proposed shoreline protection device is located in the most landward location feasible on the project site and is in compliance with LIP Section 10.4. A condition is included in Section 5 of this resolution that requires the property owner to acknowledge, by recordation of a deed restriction that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235. The deed restriction shall also acknowledge that the intended purpose of the shoreline protection structure is solely to protect the proposed septic disposal system and that any future development on the subject site landward of the shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new structure shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the City determines that such activities are minor.

#### SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 16-066, OTD No. 21-003, and VAR No. 18-036, subject to the following conditions.

#### SECTION 5. Conditions of Approval.

##### **Standard Conditions**

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



Demolition

- a. Wood retaining walls and concrete footings.

Construction

- b. A new 4,722 - square foot, two-story, single-family residence with an attached two-car garage;
- c. Swimming pool and decks;
- d. An uninhabitable understructure mechanical platform with a 5.29 foot height clearance between the lowest structural member and the top of the platform;
- e. New seawall with top of wall elevation of 18 feet, five inches and return walls;
- f. New pile foundations;
- g. Fencing and gates;
- h. AOWTS;
- i. 18-foot wide view corridor on the east side of the property; and
- j. OTD No. 21-003 offering to dedicate a lateral public access easement along the shore.

Additional Discretionary Requests

- k. VAR No. 18-036 for construction on slopes steeper than 2.5:1 but less than 1:1.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **January 13, 2021**. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
  4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.
  5. The applicant shall submit a digital copy of the plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
  6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.
  7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All structures shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City geotechnical staff, City Environmental Health Administrator, 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 MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the CDP approved by the City is void.
12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

#### ***Cultural Resources***

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

#### ***Demolition/Solid Waste***

15. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals and drywall.

16. An Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) signed by the Owner or Contractor shall be submitted to the Environmental and Sustainability Department for review and approval. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.
17. Prior to Final Building inspection, the applicant shall provide the Public Works Department with a Final Waste Reduction and Recycling Summary Report (Summary Report). The Final Summary Report shall designate all material that were land filled or recycled, broken down by material types. The Public Works Department shall approve the final Summary Report.

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

18. 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.
19. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the highest roof member elevation, lowest finish floor elevation and elevation of centerline of Malibu Road. 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.
20. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.
21. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
22. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
  - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time;
  - b. Grading activities shall be planned during the Southern California dry season (April through October);

- c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination; and
- d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

### ***Biology***

- 23. This is a beachfront property and no new landscaping is proposed with this project. Therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height, or change 2,500 square feet or more the existing landscaping area, a detailed landscape plan shall be submitted for review and approval prior to any planting.
- 24. Grading shall be scheduled only during the dry season from April 1 – October 31. If it becomes necessary to conduct grading activities from November 1 – March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.
- 25. 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.
- 26. Lighting of the shore is prohibited.
- 27. No storage or staging of construction materials or equipment shall occur on the beach at any time.
- 28. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to degrade biological resources shall be prohibited for this project site. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and use for a limited time.

### ***Coastal Engineering***

- 29. The property owner shall comply with the requirements for recorded documents and deed restrictions outlined in LIP Sections 10.6(A) of the City of Malibu LCP/LIP. A template for this document is available at the City. This item shall be made a condition of approval, and shall be completed prior to building plan check stage approval.

30. The Consultant's report (GeoSoils, INC., 9-26-16) contains a Shore Protection Monitoring Program that is consistent with the City's requirements. The property owner shall record a "Covenant and Agreement Regarding Maintenance of the Shoreline Protection Device and the Use and Transfer of Ownership of Property", informing any successors-in-interest to the property of these SPD monitoring requirements. The Shore Protection Monitoring Program shall be attached to the covenant as Exhibit B. A template for this covenant is available at the City. This item shall be made a condition of approval and shall be completed prior to building plan check stage approval.

### ***Environmental Health***

31. Final Onsite Wastewater Treatment System (OWTS) Plot Plan: A final plot plan by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot 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).
32. Final OWTS Design Report, Plan, and System Specifications: A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed of use in the construction of the OWTS. All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).
33. The final AOWTS design report shall contain the following information (in addition to the items listed above).
- a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
  - b. Sewage and effluent pump design calculations (as applicable);
  - c. Description of proposed wastewater treatment and/or disinfection system equipment.

- State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
- d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Provide seepage pit cap depth relative to original and finished grades. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and
  - e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheet 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 are required for review by the Building Safety Division and/or the Planning Department.
34. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the Malibu Plumbing Code.
35. 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 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."
36. 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.
37. All proposed reductions in setbacks from the onsite wastewater treatment system to structure or other features less than those shown in Malibu Municipal Code (MMC) Section 15.42

must be supported by letters from the project consultants. 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 Safety prior to Environmental Health final approval. The architectural and/or structural plans submitted for Building Safety plan check must detail methods of construction that will compensate of the reduction in setback (e.g. waterproofing, concrete additives). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. All 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).

- Structures – All proposed reductions in setback from the onsite wastewater treatment system to structures (i.e. setbacks less than those in MMC Section 15.42) 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 setback is reduced.
- Buildings – All proposed reduction in setback from the onsite wastewater treatment system to building (i.e., setbacks less than those shown in MMC Section 15.42) 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 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.

38. Waterproofing Plan: A waterproofing plan in conformance with the project consultants' recommendations must be submitted.
39. Proof of ownership of subject property shall be submitted.
40. 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.
41. A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite

wastewater treatment system shall be submitted prior to Environmental Health approval. **Please note only original “wet signature” documents are acceptable.**

42. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder’s Office. Said covenant shall serve as constructive, notice to any future purchaser for value that the OWTS serving subject property is an advanced method of onsite wastewater disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. **Please submit a certified copy issued by the City of Malibu Recorder.**
43. 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 percent expansion effluent dispersal area (i.e., replacement disposal fields(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 dispersal 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 dispersal system and therefore, any buildings(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.**
44. Project Geologist/Geotechnical Consultant Approval: Project Geologist/Geotechnical Consultant final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.
45. City of Malibu Geotechnical Approval: City of Malibu geotechnical staff final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.
46. Project Coastal Engineer Approval: Project Coastal Engineer Consultant final approval of the Onsite wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.
47. City of Malibu Coastal Engineering Approval: City of Malibu Coastal Engineering final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.



48. City of Malibu Planning Approval: City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
49. 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.
50. Operating Permit Application and Fee: IN accordance with Malibu Municipal Code, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

### ***Geology***

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

### ***Public Works***

#### ***Street Improvements***

53. The project proposes to construct 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 work within the City's right-of-way.
54. 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-inches 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.
55. Several existing private improvements are located within the City's right-of-way, such as (but not limited to) landscaping, railroad ties, fencing. These improvements are required to be removed as part of this project and must be shown on the plans. The applicant shall place notes on the plans for the removal of existing encroachments 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 removal of the private improvements within the City's right-of-way.

#### *FEMA*

56. Proposed improvements are located within the Special Flood Hazard Area (SFHA). An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The survey map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum, and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided to the Public Works Department prior to final approval of the construction.
57. The proposed pool is located within a SFHA, Zone VE. The proposed pool must be elevated above one foot above the base flood elevation (BFE), the structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. All pool equipment shall be placed above the BFE. A professional engineer must certify by that these standards have been satisfied.
58. The proposed septic system is located within a SFHA, Zone VE. The proposed septic system shall be designed to eliminate infiltration of flood waters into the system and discharges from the system into flood waters. The septic system shall be located to avoid impairment or contamination during flooding. The septic system shall be buried below the expected depth of erosion and scour. The tank shall be anchored to prevent a buoyancy failure. Septic system tanks must not be structurally attached to building foundations. All septic lines shall be protected from water and debris damage. Riser lines shall be located on the landward side of a pile or other vertical structural member or inside an enclosure designed to withstand the forces from the event.

#### *Grading and Drainage*

59. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development pursuant to LIP Section 17.3.1:
  - a. Is located within or adjacent to ESHA, or
  - b. Includes grading on slopes greater than 4:1,
  - c. 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.

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60. Exported soils shall be taken to the County Landfill, or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3. A note shall be placed on the project plans that addresses this condition.
61. A Grading and Drainage Plan for the excavation containing the following information shall be reviewed and approved by the Public Works Department, prior to the issuance of grading permits for the project:
- a. Public Works Department general notes;
  - b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking tennis courts and pool decks);
  - c. The limits of land to be disturbed during project development shall be delineated 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.
  - d. The grading limits shall include the temporary cuts made for buttresses, and over-excavation for fill slopes shall be shown;
  - e. If the property contains trees that are to be protected, they shall be highlighted on the grading plan;
  - f. If the property contains rare and endangered species as identified in the resources study, the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
  - g. Private storm drains, and systems greater than 12-inch diameter shall also include a plan and profile; and
  - h. Public storm drain modifications shown on the grading plan shall require approval by the Public Works Department prior to the issuance of the grading permit.
62. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private streets, and any drainage easements.
63. All City/County storm drain inlets within 250 feet from each property line shall be labeled per the City of Malibu's standard label template. A note shall be placed on the project plans to address this condition.

### ***Stormwater***

64. 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

65. All BMPs shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.
66. 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 LCP 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 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/building permits for this project.
67. 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 WAMP 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 BMPs;
  - Source Control BMPs;
  - Treatment Control BMPs that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
  - Drainage Improvements;
  - A plan for the maintenance and monitoring of the proposed treatment BMP for the expected life of the structure;

- f. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits;
  - g. The WQMP shall be submitted to the Public Works Department and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMPs, 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.
68. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
69. The discharge of swimming pool, spa, and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
- a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
  - b. There are sufficient BMPs in place to prevent soil erosion; and
  - c. The discharge does not reach 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.

### **Site Specific Conditions**

70. All air conditioning equipment shall be screened from view by a solid wall or fence on all four sides at a height not to exceed 24 feet. The fence or walls shall comply with LIP Section 3.5.3(A). All rooftop equipment shall comply with the LIP Section 3.6.3 height requirements.

***Colors and Materials***

71. The residence shall have an exterior siding of brick, wood, stucco, metal, concrete or other similar material. Reflective glossy, polished and/or roll-formed type metal siding is prohibited.
72. New structures shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
  - a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones;
  - b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible; and
  - c. All windows shall be comprised of non-glare glass.

***Lighting***

73. 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 and lighting of the shore are prohibited.
74. Night lighting for sports courts or other private recreational facilities shall be prohibited.
75. 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.
76. 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.

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

#### ***Water Service***

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

#### ***U.S. Army Corps of Engineers***

- 81. The applicant/property shall obtain all required permits, if any, including any necessary permits from the U.S. Army Corps of Engineers, prior to commencement of construction.

#### ***Shoreline Construction Protection***

- 82. No stockpiling of dirt or construction materials shall occur on the beach.
- 83. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking, and construction equipment shall not be cleaned on the beach.
- 84. No machinery shall be allowed in the intertidal zone at any time unless necessary for protection of life and/or property.
- 85. The applicant/property owner shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion.
- 86. The applicant/property owner shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion, and all construction debris shall be removed from the beach daily and at the completion of development.

#### ***View Corridor***

- 87. Pursuant to LIP Section 6.5(E)(2) and in order insure the protection of scenic and visual resources, the applicant is required to maintain:
  - a. A view corridor a minimum of 18 feet wide across the linear frontage of the lot on the east side property line.
  - b. No portion of any structure shall extend into the view corridor above the elevation of the adjacent street.
  - c. Any fencing across the view corridor shall be permanently maintained as visually permeable including safety fencing proposed for the swimming pool. Tinted or

- frosted glass, and louvered or slatted screen fences are not permitted.
- d. Any landscaping in this area shall include only low-growing species that will not obscure or block bluewater views.
  - e. If at any time the property owner allows the view corridor to become impaired or blocked, it would constitute a violation of the coastal development permit and the Coastal Act and be subject to all civil and criminal remedies.

### **Offer to Dedicate/Deed Restrictions**

88. In order to effectuate the property owner's offer to dedicate an easement for lateral public access and passive recreational use along the shoreline, prior to issuance of the permit, the property owner shall execute and record a document, in a form and content acceptable to the Planning Director and CCC, irrevocably offering to dedicate to a public agency or private association approved by the City and CCC, an easement for lateral public access and passive recreational use along the shoreline. The easement shall be located along the entire width of the property from the ambulatory mean high tide line landward to the toe of the slope. The document shall be recorded free of prior liens and any other encumbrances which the CCC determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of California, binding all successors and assigns, and this offer shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include a formal legal description and graphic depiction, prepared by a licensed survey, of both the property owner's entire parcel and the easement area. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property
89. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final Planning Department approval.
90. 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 Department approval.
91. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth previously under Lighting.



The property owner shall provide a copy of the recorded document to Planning Department staff prior to final Planning Department approval.

92. The property owner is required to acknowledge, by the recordation of a deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235. Said deed restriction shall be submitted to the Planning Department for approval prior to recordation. The deed restriction shall also acknowledge that the intended purpose of the shoreline protection structure is solely to protect the proposed septic disposal system and that any future development on the subject site landward of the subject shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new residence shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the City determines that such activities are minor.

#### **Prior to Occupancy**

93. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental and Sustainability Department. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this CDP. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
94. 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.
95. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a Waste Reduction and Recycling Plan Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.

#### **Fixed Conditions**

96. This coastal development permit shall run with the land and bind all future owners of the property.
97. 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 7<sup>th</sup> day of June 2021.

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JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

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KATHLEEN STECKO, Recording Secretary

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

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 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. 21-46 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 7<sup>th</sup> day of June, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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KATHLEEN STECKO, Recording Secretary



FIXTURE UNIT COUNT

DEVELOPMENT ANALYSIS

PROJECT TEAM

PROJECT INFO.

REVISIONS:	

SCOTT GILLEN  
**UNVARNISHED**  
DIRECTOR, BUILDER, THINKER, CREATOR

3906 CROSS CREEK ROAD, UNIT C, MALIBU, CA 90265 (310) 985-5665

UNVARNISHED IS AN EQUAL OPPORTUNITY FIRM. ALL WORK SHALL BE PERFORMED USING ANY OTHER WORK OR DISCLOSED TO OTHERS EXCEPT BY WRITTEN APPROVAL FROM UNVARNISHED.

24266 MALIBU ROAD  
MALIBU, CA 90265


SHEET NAME:

TITLE SHEET

DATE 5/18/21

SHEET NUMBER:

T-1.1



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

**ONSITE WASTEWATER TREATMENT SYSTEM  
BEDROOM AND FIXTURE UNIT WORKSHEET**

This worksheet shall be used to determine the existing fixture unit count and the proposed fixture unit count for all planned alterations to existing structures. Floor plans may be required to confirm both existing and proposed conditions. When a new OWTS system only is proposed, complete only the proposed column of the worksheet. The completed worksheet shall be certified by an Architect, Civil Engineer, Environmental Health Specialist, City of Malibu Registered Practitioner, or an “A”, “C-42”, “C-36” Licensed Contractor.

Date: 01-18-2019

Planning Division Reference Number: \_\_\_\_\_

Applicant: Unvarnished Inc.

Worksheet Certification by: \_\_\_\_\_

Project Address: 24266 Malibu Road

Print name \_\_\_\_\_ Signature \_\_\_\_\_

Number of Bedrooms (Existing): 0

Applicable California State License or Registration Type \_\_\_\_\_

Number of Bedrooms (Future): 4

State License or Registration Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Type of Plumbing Fixture	Existing Fixtures	+	Proposed Fixtures	=	Total Fixtures	x	Unit Value	=	Existing Fixture Units	Total Future Fixture Units
"A"	"B"		"C"		"(A + B)"		"C"		"A x C"	"(A + B) x C"
Bathtub or Combination Bath/Shower	0	+	1	=	1	x	2	=	2	2
Bidet	0	+	0	=	0	x	2	=	0	0
Bar Sink	0	+	0	=	0	x	1	=	0	0
Clothes Washer	0	+	1	=	1	x	3	=	3	3
Dishwasher	0	+	1	=	1	x	2	=	2	2
Laundry Sink	0	+	0	=	0	x	2	=	0	0
Lavatory (Wash Basin)	0	+	5	=	5	x	1	=	5	6
Kitchen Sink	0	+	2	=	2	x	2	=	4	4
Shower (Single Head)	0	+	4	=	4	x	2	=	8	8
Water Closet (Flush Toilet)	0	+	5	=	4	x	6	=	24	24
Other (MPC Table 7-3)	0	+	6	=	6	x		=	6	6
Other (MPC Table 7-3)		+		=		x		=		

TOTAL EXISTING FIXTURE UNITS 54

TOTAL FUTURE FIXTURE UNITS 54

Notes

\*The fixture units listed on this form may not reflect the permitted number of fixture units on file with the City. Please consult with City staff to determine the approved number of fixture units for the building(s).

- In completing this form, a room is considered a bedroom if it provides privacy, has an associated closet, and is in close proximity to a bathroom with bathtub and/or shower fixtures.
- If an existing fixture is to be deleted from the project, indicate the fixture with a minus sign ( - ) next to the proposed fixture quantity in column "B".
- For plumbing fixtures not shown in this table please refer to California Plumbing Code.

Fixture Unit Worksheet 180919

Recycled Paper

Received  
01/13/2021  
Planning Dept.

GROSS PARCEL SIZE	5,385 SQ. FT.
PROPOSED T.D.S.F.	4,722 SQ. FT.
MAXIMUM BLDG. HEIGHT	28'-0" PITCHED ROOF (3:12) MEASURED FROM MALIBU ROAD MEDIAN, 28'-0" PITCHED ROOF(3:12) FROM FIRST FLOOR FF., ON BUILDING CENTER
FRONT YARD SETBACK	7'-0"
REAR YARD SETBACK	10' SETBACK FROM 1928 MHTL
EAST SIDE YARD SETBACK	18'-0"
WEST SIDE YARD SETBACK	5'-0"
VIEW CORRIDOR	18'-0" (90' LOT WIDTH x 20% = 18')

PROPOSED AREA CALCULATIONS	
FIRST FLOOR	1,886 SQ. FT.
SECOND FLOOR	2,414 SQ. FT.
GARAGE	422 SQ. FT.
PROPOSED TDSF 4,722 SQ. FT.	
DECK	1,641 SQ. FT.
POOL	324 SQ. FT.
TOTAL DECK	1,965 SQ. FT.

PARKING ANALYSIS:	
REQUIRED =	2 ENCLOSED, 2 UNENCLOSED
PROPOSED =	2 ENCLOSED, 2 UNENCLOSED

OWNER:	MALIBU ROAD #3 LLC P.O. BOX 2833 MALIBU, CA 90265
DESIGNER / APPLICANT:	SCOTT GILLEN (UNVARNISHED, INC.) P.O. BOX 2833 MALIBU, CA 90265 unv.expd@directorsla.com
LAND SURVEYOR:	CLEMONS LAND SURVEYING 3525 OLD CONEJO ROAD SUITE 108 NEWBYRY PARK, CA 91320 805-498-5335
RADIUS MAPS	HERON MAPS 20756 SEABOARD ROAD MALIBU, CA 90265 310-317-1515
COASTAL ENGINEER	GEOISOILS INC. 5741 PALMER WAY, SUITE D CARLSBAD, CA 92010 760-438-3155
GEOTECHNICAL ENGINEER	GEOCONCEPTS 14401 GILMORE STREET #200 VAN NUYS, CA 91401 818-994-8895 mark@geoconceptsinc.com
OWTS CONSULTANT:	ENSITU Engineering 685 Main St. Morro Bay, CA 93442 805-772-0150 JYaroslaski@ensitu.com
STRUCTURAL ENGINEER	LC ENGINEERING 889 PIERCE COURT SUITE 101 THOUSAND OAKS, CA 91360 MALIBU, CA 90265 805-497-7148
CIVIL ENGINEER	LC ENGINEERING 889 PIERCE COURT SUITE 101 THOUSAND OAKS, CA 91360 MALIBU, CA 90265 805-497-7148
ENERGY CONSULTANT:	

PROJECT DESRIPTON

NEW TWO STORY, BEACHFRONT SINGLE FAMILY RESIDENCE  
- 4 BEDROOM, 4-1/2 BATH  
- ATTACHED TWO CAR GARAGE  
- NEW SEA WALL AND PILE FOUNDATIONS  
- NEW A.O.W.T.S.  
- NEW SWIMMING POOL AND POOL DECK  
- NO LANDSCAPING IS PROPOSED.



PROJECT ADDRESS	24266 MALIBU ROAD, MALIBU CA 90265
A.P.N.	4458-011-010
LEGAL DESCRIPTION	TRACT NO 13157 VAC ST ADJ ON NW AND LOT 10
LOT AREA	GROSS = 7,110 SQ. FT.; NET = 5,385 SQ.FT. (R.O.W. TO 1928 MHTL)
LOT SIZE	WIDTH = 90.04' DEPTH = 59.73' (R.O.W. TO 1928 MHTL)
TSUNAMI ZONE	YES
ESHA	NO
FLOOD ZONE	VE
FEMA FLOOD ZONE	YES
SPECIAL FLOOD HAZARD AREA	IN
APPLICABLE CODES	
ZONING	2002 LOCAL IMPLEMENTATION PLAN WITH AMENDMENTS
BUILDING CODE	LA COUNTY BUILDING CODE, 2019 EDITION
ELECTRICAL CODE	LA COUNTY ELECTRICAL CODE, 2019 EDITION
PLUMBING CODE	LA COUNTY PLUMBING CODE, 2019 EDITION
MECHANICAL CODE	LA COUNTY MECHANICAL CODE, 2019 EDITION
ADDITIONAL	LA COUNTY RESIDENTIAL CODE, 2019 EDITION
ADDITIONAL	LA COUNTY ENERGY CODE, 2019 EDITION
PLANNING PERMIT TYPE	CDP

SHEET INDEX

ARCHITECTURAL

T-1.1 TITLE SHEET  
T-1.2 GENERAL NOTES  
T-1.3 FUEL MOD NOTES AND SITE PHOTOS

SURVEY  
SLOPE ANALYSIS  
OWTS PLAN

A-1.1 SITE PLAN

A-2.1 FOUNDATION / SEA WALL PLAN  
A-2.2 FIRST FLOOR PLAN  
A-2.3 SECOND FLOOR PLAN  
A-2.4 ROOF PLAN

A-3.1 NORTH & SOUTH ELEVATIONS  
A-3.2 EAST & WEST ELEVATIONS

A-4.1 SECTION 1  
A-4.2 SECTION 2  
A-4.3 SECTION 3

ATTACHMENT 2



General:

1. All design and construction materials and workmanship shall be in accordance with the latest adopted version of the CMC, CBC, CFC, & local city codes and 2013 CRC.
2. All details, sections, and notes shown on architectural drawings are intended to be typical and shall apply to similar situations elsewhere unless noted otherwise.
3. All contractors shall verify all work, conditions, dimensions and details and report any and all omissions and discrepancies to the designer/owner immediately before commencing work.
4. All omissions or conflicts between the various elements of the working drawings and/or specifications shall be brought to the attention of the designer and the structural engineer before proceeding with any work involved.
5. The contractor shall coordinate and verify with architectural, mechanical, plumbing, and electrical drawings for size and location of wall, floor, and roof openings, wall offsets, provisions, for present and future equipment, attached details, pipe, vent, duct and other openings shown in the drawings.
6. Contractor to provide adequate shoring and bracing to support all loads during construction when required.
7. During construction and prior to the incorporation of all changes, revisions, modifications, and/or deviations from the structural drawings shall be brought to the attention of, and obtain approval from the designer, structural engineer and the governing building department.
8. All contractors shall consult with representatives of the Department of Building and Safety and all utility companies concerning available utilities and connections requirements before commencing work.
9. Each trade shall be fully responsible to insure strict adherence to the OSHA Safety Guidelines.
10. All manufactured articles, materials and equipment shall be applied, installed, connected, and erected per manufacturer's directions and instructions.
11. Written dimensions shall have precedence over scaled dimensions.
12. The general contractor shall provide, pay for, and remove when no longer required all temporary facilities such as gas, water, electricity, and telephone, if required for performance of the work. In addition, contractor shall provide temporary toilet facilities for use of all workers as required by the Health Department.
13. General contractor to verify any and all existing conditions such as location of existing outlets, switches, heating, ducts, roof bracing, etc. and make necessary changes where need be to tie in with remodeled and addition areas if plan does not show them.
14. Contractor shall post the installation certificate (CF-6R) form and insulation certificate (IC-1) form in a conspicuous or kept with the plans and made available to the inspector.
15. Contractor shall provide copies of the CF-IR, MF-IR, CF-6R, and IC-1 forms to the building owner.

**Heating & Air Conditioning:**

1. Furnace installation to conform to Chapter 7 in CMC and shall be controlled by a setback thermostat.
2. Provide the following on attic F.A.U. installations:
  - 2.1. Attic access 30"x30" not more than 20 feet from equipment.
  - 2.2. Unobstructed passage 24 in. wide of solid continuous flooring from attic access to equipment and its controls.
  - 2.3. Unobstructed work space of 30 in. Minimum depth in front of equipment.
  - 2.4. Light over equipment with switch at attic access.
  - 2.5. Electrical outlet.
  - 2.6. Condensate drain if applicable to approved plumbing fixture.
  - 2.7. Circulating air supply opening or duct of 2 sq. in. Per 1000 B.T.U. is required.
  - 2.8. Vent through roof a minimum of 5 feet above the highest vent collar which it serves.
  - 2.9. Double joists supporting the unit.
  - 2.10. Seismic sway braces or anchor to platform.
3. Space heating equipment shall comply with efficiency standards.
4. All exhaust fans shall have backflow dampers.
5. Gas appliances having standing pilot lights or prohibited (must have intermittent ignition devices).
6. Insulation of ducts shall conform to the provision of Chapter 6 of the U.M.C.
7. Joints – all traverse ducts, plenums, and fittings joints shall be sealed with pressure sensitive tape or mastic to prevent air loss.
8. Registers shall be heavy duty louver with damper. Return air ducts shall be lined and baffled as necessary for quiet operation.
9. Use transit under slab floors.
10. All kitchen range and interior bath exhaust fans shall be connected by this contractor.
11. Testing to conform to section 1603 of Appliance Efficiency Regulations.
12. All gas fired storage water heating equipment shall comply to T-20-1806. Recovery efficiency to not be less than 78% and standby loss not exceeding 2+3.6/7capacity (gal.).
13. Heating and venting contractor shall submit layout, duct sizes and any required calculation, etc. As required by building department.
14. F.A.U. compartment shall be 12" wider than forced air unit and shall have minimum clearance of 3" on back and sides and 6" at front.
15. Approximately one-half of the required combustion air opening area shall be located within the upper 12" of the enclosure and approximately one-half of the opening area shall be located within the lower 12" of the enclosure.
16. Provide minimum 1" insulation at heating/air conditioning ducts located outside the building envelope. All prefabricated metal fireplace shall show I.C.C or UL approval number.

Electrical:

1. Electrical installation to be approved "Romex" unless noted otherwise.
2. Provide Ufer ground per CEC Art. 250-50c and city ordinance.
3. Temporary power poles to be braced prior to inspection.
4. Convenience outlets in bathrooms, kitchen counter tops within 60" of a sink, all exterior locations, and in garages and basements (other than for laundry and similar equipment) shall be protected with a ground fault interrupter.
5. All fluorescent lights shall be rapid start type.
6. Electrical work shall be per local code and the latest adopted California Electrical Code.
7. Switches shall be silent type.
8. Electrical contractor shall obtain utility company approval of meter location and shall connect underground service or provide conduct connection in accordance with utility company requirements.
9. All meters and exterior switching equipment shall be flush mounted exterior recessed type, with circuit breakers.
10. The location of outlets, lighting fixtures, etc. As shown on the drawings is merely a guide. Verify and approve all locations with owner.
11. Electrical contractor shall provide low voltage conduit and wiring as required to install the furnace and/or air conditioning equipment.
12. Electrical contractor shall provide and install television outlets per owner's specifications.
13. Electrical contractor shall connect and install all the owner's equipment which requires electrical connections.
14. Verify with owner for need of 220-volt outlets for dryer, range top, and other locations.
15. All wall switches to be mounted 48 inches from floor. All convenience outlets to be mounted 12 inches from floor unless noted otherwise.
16. All bathroom heater to be ceiling mounted and supplied and installed by this contractor.
17. Solid copper wire to be used in circuitry. No aluminum allowed.
18. Electric meter not to be on bedroom wall.
19. Laundry facilities shall be on a separate circuit.
20. Any fixed appliance such as a disposal, dishwasher, clothes washer, dryer, built-in heaters, or any other fixed appliance with 1/4 h.p. motor or larger, shall be on a separate #12 awg wire branch circuit. Each dwelling unit shall have installed therein an individual disposal circuit supplied with minimum #12 awg wire and 115-amp indicating-type switch.

21. The following locations of light fixtures are permitted in a closet:
  - 21.1. Surface-mounted incandescent fixture installed on the wall above the door or on the ceiling provided there is a minimum clearance of 12" between the fixture and the nearest point of a storage area.
  - 21.2. Surface mounted fluorescent fixtures installed on the wall above the door or on the ceiling provided there is a minimum clearance of 6" between the fixture and the nearest point of a storage area.
  - 21.3. Recessed incandescent fixtures with a completely enclosed lamp installed in the wall or ceiling providing there is a minimum clearance of 6" between the fixture and the nearest point of a storage area.
  - 21.4. Recessed fluorescent fixture installed in the wall or on the ceiling providing there is a minimum clearance of 6" between the fixture and the nearest point of a storage area.
22. Light fixtures within 50" of an indoor spa shall have ground fault interrupter, a glass or plastic globe and a non-metallic body CEC 680-41(b).
23. Receptacle outlets shall be spaced @ 12 ft. o.c. maximum and shall be located with 6 feet of door openings (e.g. closet doors, etc.) Also, ever 2 foot or wider walls. Outlets also required for countertops @ 4 feet o.c. and within 2 feet of ends of breaks or counters, CEC.
24. Bathroom receptacles shall be served by dedicated 20-amp circuit. CEC Section 210-11c.
25. All branch circuits that supply 125-volt, single phase, 15 & 20 ampere receptacle outlets installed in bedrooms shall be protected by arc-fault circuit interrupter(s). CEC Section 210-12(b).

Energy Conservation Notes:

3. The following represents the mandatory measures for all buildings in the state of California. The person responsible for construction the installer of equipment must post near the building permit a certificate for each installed appliance. In addition, an insulation certificate must also be posted by the insulation installer in a conspicuous location.
2. Certified conditioning equipment shall be sized appropriately, based on design loads.
3. Provide intermittent ignition devices on gas cooking appliances, clothes dryers, furnaces and pool heaters.
4. Covered appliances to be certified and labeled.
5. Ducts to be installed per Chapter 10 of the C.M.C.
6. Provide R-4 insulation on the first 5 feet of inlet and outlet pipes of storage tank water heaters.
7. Unless noted otherwise the following minimum certified insulation standards will apply: walls R-13, under floors R-19, ceiling/roofs R-30.
8. Kitchen and bathroom lighting to be controlled by the most convenient switch. Recessed lighting fixtures to be IC (insulation cover) approved.
9. Joists and penetrations to be caulked and sealed.
10. Manufactured doors and windows shall be certified as meeting air leakage standards and certified as to U-value, site built doors and windows shall be weather-stripped.
11. All heating and/or cooling systems must have an automatic setback thermostats with a clock mechanism that shuts the system off during periods of non-use and that allow the building occupant to automatically set back the thermostat set points for at least two periods within 24 hours.
12. Masonry and factory built fireplaces shall have closeable doors. Outside air intake (min. 6 sq. In. In area), with a readily accessible damper and control.
13. Unfired (indirect) hot water tanks must be wrapped with external insulation having a value of at least R-12 or be equipped with internal insulation rated R-16 and be appropriately labeled.
14. Shower heads, lavatory faucets and sinks shall meet the flow requirements outlined in the appliance efficiency standards.
15. All fan systems exhausting air to outside shall have back draft or automatic dampers.
16. The contractor shall provide the building owner a list of the HVAC, water heating lighting components and mechanical devices, conservations or solar devices installed in the building and instructions on how to use them correctly.
17. All metal, windows & sliding glass doors labeled certifying compliance with section 116, Table I-E standards for doors & windows, of the standards.
18. Electric resistance heating is prohibited. All new lighting must comply with 2013 C.E.N.C energy standards. Re-circulating hot water piping in attics, garages, crawl spaces or unheated spaces shall be insulated.

### Plumbing:

1. Water service from meter to building shall be 1-½ in. diameter copper pipe and shall be buried a minimum of 18 in. below finish grade.
2. All water lines to be copper with dielectric connections at dissimilar material joints. Gas lines to be standard weight black steel pipe.
3. Water line to be furnished at refrigerator.
4. Consult framing contractor and general contractor before notching or cutting any bearing wood members and take responsibility to replace any member cut or notched without consulting them.
5. All cleanout locations to be approved by owners.
6. All plumbing fixtures to be American standard building type or prior approved unless noted otherwise.
7. Hose bibs to be mounted 12 in. above grade and to be equipped with a backflow prevention device.
8. Install water lines with vibration attachments.
9. Provide a pressure regulator if water pressure is over 80 PSI. If required, owner shall pay for regulator and installation.
10. A 4" sewer lateral is required for residences that have 4 or more water closets.
11. Combine all vents where possible and carry to roof (i.e., out of view).
12. Provide protective covering for bathtubs.
13. Provide water saving/low flush water closets 1.28 gallons maximum flush.
14. Provide a 12 in. square (minimum) access panel to bathtub trap connection except where concealed fixture connections are made of brass and without slip joints.
15. Gas fired water heater requires 50 sq. in. combustion air opening within 12 in. of ceiling and 50 sq. in. within 12 in. of floor and a compartment door 2'-0" minimum wide, (not permitted in any bedroom, bathroom, or clothes closet) Water heaters with non-rigid water connections shall be strapped for lateral support with (2) 2"x18" ga. seismic straps per C.P.C. Section 507.3 (1/3 from top and bottom lower strap shall be 4" above controls.) Vent water heater to outside air.
16. Water heater installed in garage shall have the pilots, burners, heating elements, and switches at least 18 in. above the floor level. Water heaters with non-rigid water connections shall be strapped for lateral support with (2) 2"x18" ga. seismic straps per C.P.C. Section 507.3 (1/3 from top and bottom, lower strap shall be 4" above controls.) Vent water heater to outside air.
17. All shower compartments, regardless of shape, shall have a finished interior of 1024 square inches and shall be capable of encompassing a 30-inch circle. The minimum required area and dimensions shall be measured at a height equal to the top of the threshold and at a point tangent to its centerline. The minimum area and dimensions shall be maintained to a point 70 in. above the shower head and safety bars or rails. Shower wall covering shall be of cement plaster, tile or approved equal. Shower doors to be a minimum 24 in. wide, category 11, swing door outward.
18. Control valves for shower and tub-shower shall be of the pressure balance or thermostatic mixing valve type, C.P.C. Section 420.0.
19. Inside finished clear dimensions of the water closet compartment shall be minimum 30 in. in width with a minimum clear space in front of the water closet of 24 in.
20. Provide drip pans or other devices for laundry room, water heaters, and dishwashers.
21. Use 2x6 minimum studs for plumbing.
22. Provide water saving/showerheads - 2.0 GPM
23. Provide water saving/sink faucets - 1.5 GPM
24. Provide water saving/laundry faucets -1.5 GPM

Ventilation:

1. Underfloor vents: Provide vents equal to 1 square foot for each 150 square feet of underfloor areas. Openings shall be located as close to corner's as practical and shall provide cross ventilation. Vents shall be covered with corrosion-resistant wire mesh with mesh opening of 1/4 inch in dimension.
2. Garage vents: provide one 6"x14" louver vent for each enclosed parking space to outside air within 6" of floor.
3. Roof ventilation: provide minimum 1/150 of attic space footage in ventilation area.
4. Provide combustion air vent equal to 2 sq. in. for each 1000 B.T.U. of attic F.A.U.
5. Eave vents shall be greater than 3'-0" laterally from doors and windows.
6. Bathroom switch windows to be vented by an approved five air changes per hour exhaust fan. Switch exhaust with light when no window is provided in room. Provide back flow damper. The point of discharge of bathroom exhaust air shall be at least 3 feet from any opening into the building.
7. All ovens to be vented outside. Consult manufacturer's specifications.
8. Locate attic vents to rear of structure (i.e., out of view).
9. Clothes dryer located in an area that is habitable or containing other fuel burning appliances shall be exhausted to the outside or to an area which is not habitable and does not contain other fuel burning appliances (not beneath or in attic area).
10. Clothes dryer moisture exhaust duct is limited to 14 feet with 2 elbows from clothes dryer to the point of termination. Reduce this length by 2 feet for every elbow in excess of 2, minimum 4 inch diameter.
11. Provide minimum 100 square inches of make-up air from outside laundry area.

Lath & Plaster, Drywall:

1. Lath and plaster application and material shall conform to chapter 25 in the latest adopted version of the C.B.C.
2. Provide minimum 15# felt on all exterior walls.
3. Two layers of grade D paper shall be applied over all wood base sheathing.
4. Inspection required on lath prior to plastering, both interior and exterior.
5. Prior to installation of any lath and plaster or drywall, this contractor shall inspect and approve all framing for alignment, twisting, etc. which could impair the quality of the finish surface, otherwise he shall be responsible for all covered defects. This contractor shall take full responsibility to patch all holes where were made by other trades due to this contractor covering outlets and access which cannot be readily located.
6. All Gypsum drywall shall be min. 1/2" thick U.S.G. sheetrock or 5/8" type "x" as noted. Provide waterproof gypsum drywall in bathrooms.
7. All interior finish materials to meet class III flame spread classifications.
8. Useable enclosed space under stairs to have 5/8" type "x" Gypsum drywall.
9. Garage walls and ceiling adjacent to and or under dwelling to receive 5/8" type "x" Gypsum drywall.
10. Exterior wall stucco wire to be attached to top plates and mudsills with 8d at 6" o.c. nailing.
11. For lath and plaster, provide an 8"x8" metal lath strip nailed diagonally over all openings. Nail to lath only, not to framing.
12. A corrosion resistant weep screen which will allow trapped water to drain to the exterior of the building is required below the stucco at the foundation plate line.

Special:

3. Provide state approved garage door springs with break retainers and manufacturer's labels. Garage door springs shall comply with California Administrative Code Title-24, Part 2.
2. The center of all flashings for vent pipes, heater pipes, electrical service connections, etc. shall not be less than 12 in. from the center of any valley or peak or any hip or ridge.
3. Guardrails on stair and balcony to resist 20 lbs. per linear foot horizontal force at top. Intermediate members shall not allow 4-inch diameter object to pass through.
4. All accessories to be approved by building department.
5. Provide smoke detectors as specified on plan. These include:
  - 5.1. In each sleeping room.
  - 5.2. At a point centrally located in the corridor or area giving access to each separate sleep area.
  - 5.3. At each story and basement.
  - 5.4. Over stairway.
  - 5.5. Other locations may be required by City inspector upon site inspection.
6. Provide smoke alarms in each new and existing sleeping room and at a point on the ceiling or wall outside of each separate sleeping area in the immediate.
7. For new construction, an approved carbon monoxide alarm shall be installed in dwelling units and in sleeping units within which fuel burning appliances are installed and in dwelling units that have attached garages. Alarms shall be installed outside of each separate dwelling unit sleeping area in the immediate vicinity of the bedroom(s) & on every level of a dwelling unit including basements.
8. In new construction, the required smoke & carbon monoxide alarm shall receive their primary power from the building wiring and shall be equipped with a battery backup & low battery signal. Alarms are permitted to be solely battery operated in existing areas of building undergoing alternations or repairs that do not result in the removal if interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.
9. Where more than one smoke or carbon monoxide alarm is required to be installed within an individual dwelling or sleeping unit, the alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly available in all bedrooms over the background noise levels with all intervening doors closed.
10. Garage walls less than 3 feet from property line shall have one-hour fire resistive protection.
11. Doors that swing over a landing or porch require a landing equal to the width of the door in length and not more than 1/2" below threshold. Doors that do not swing over a top step that is not more than 7 3/4" below floor level.
12. Pipes, ducts, and other non-structural construction shall not interfere with accessibility to or within underfloor area.
13. In buildings of type V construction, chutes and dumbwaiter shafts with a cross-sectional area of not more than 9 square feet may be either of approved fire-resistive wall construction or may have the inside layers of the approved fire-resistive assembly replaced by a lining of not less than 0.019-in (26 gage) galvanized sheet metal with all joints lock lapped. The outside layers of the wall shall be as required for the approved construction. All openings into any such enclosure shall be protected by not less than a self-closing solid wood door 1-3/8 in. thick or equivalent.
14. Habitable spaces shall have a minimum ceiling height if 7'-6". All other rooms shall have a minimum ceiling height of 7'-0".
15. In all bedroom provide one window with an openable area of not less than 5.7 sq. ft. A clearance of 24" in height and 20" in width with a sill height not over 44" above the finished floor.
16. Handrails at stair shall be 34" to 38" above nosing line, 1-1/2" clearance to wall, 2" maximum width, ends turned to wall or have a newel post or safety terminals. Open sides to have intermediate rails or balusters spaced so that a four-inch diameter object may not pass through.
17. A single swinging door, active leaf of a pair of and the bottom lead of Dutch doors shall be equipped with a latch and deadbolt key operated from the outside. If latch has a key locking feature it shall be dead latch type.
18. The inactive leaf of a pair of doors or the upper leaf of Dutch doors shall have hardened deadbolt top and bottom with 1/2 in. Embedment.
19. Panels of wood doors shall be 9/16 in. thick and not more than 300 sq. in. in size. Stiles and rails to be 1-3/8 in. Thick and 3'-0" minimum in width (exterior use) Stiles and rails to be 1-3/8 in. Thick and 3'-0" minimum in width (exterior use).
20. Overhead and sliding garage doors shall be secure with a cylinder lock, padlock with a hardened steel shackle or equal, when not otherwise locked by electric power operation. Jamb locks shall be on both jambs when doors exceed 9'-0" in width.

REVISIONS:


SCOTT GILLEN  
**UNVARNISHED**  
DIRECTOR, BUILDER, THINKER, CREATOR  
3806 CROSS CREEK ROAD, UNIT C, MALIBU, CA 90265 (310) 960-5965

**24266 MALIBU ROAD  
MALIBU, CA 90265**

SHEET NAME:

GENERAL NOTES

DATE 10/22/19

SHEET NUMBER:

T-1.2





DARYL L. OSBY  
FIRE CHIEF  
FORESTER & FIRE WARDEN

COUNTY OF LOS ANGELES  
FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294  
(323) 881-2401  
www.fire.lacounty.gov

"Proud Protectors of Life, Property, and the Environment"

BOARD OF SUPERVISORS

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FOURTH DISTRICT  
KATHRYN BARGER  
FIFTH DISTRICT

FUEL MODIFICATION PLAN NOTES

Zone A – Setback Zone

- Extends 20 feet beyond the edge of any combustible structure, accessory structure, appendage or projection. Overhangs or other parts of the structure not accurately reflected on the plans may negate the approval of plant location on the approved plan.
- Irrigation by automatic or manual systems shall be provided to landscaping to maintain healthy vegetation and fire resistance.
- Landscaping and vegetation in this zone shall consist primarily of green lawns, ground covers not exceeding 6 inches in height, and adequately spaced shrubs. The overall characteristics of the landscape shall provide adequate defensible space in a fire environment.
- Plants in Zone A shall be inherently highly fire resistant and spaced appropriately. Species selection should be made referencing the Fuel Modification Plant List. Other species may be utilized subject to approval. Final or revised Plans submitted after 6 months from the initial submittal will have plants in all zones evaluated based on the most current Fuel Modification Plant List available from the Fuel Modification Unit.
- Except for dwarf varieties or mature trees small in stature, trees are generally **not recommended** within Zone A.
- Target species will typically not be allowed within 30 or more feet of combustible structures and may require removal if existing on site.
- Vines and climbing plants shall not be allowed on any combustible structure requiring review.

Zone B – Irrigated Zone

- Extends from the outermost edge of Zone A to 100 feet from structure.
- Irrigation by automatic or manual systems shall be provided to landscaping to maintain healthy vegetation and fire resistance.
- Landscaping and vegetation in this zone shall typically consist primarily of green lawns, ground covers, and adequately spaced shrubs and trees.
- Unless otherwise approved, Ground covers shall be maintained at a height not to exceed 6 inches in Zone A and B. If on a slope 12 inches is acceptable in Zone B within 50 feet of a structure and 18 inches beyond 50 feet. The overall characteristics of the landscape shall provide adequate defensible space in a fire environment. Specimen native plants may be approved to remain if properly maintained for adequate defensible space. Annual grasses and weeds shall be maintained at a height not to exceed 3 inches.
- Plants in Zone B shall typically be fire resistant and spaced appropriately. Species selection should be made referencing the Fuel Modification Plant List. Other species may be utilized subject to approval.
- Vegetation in this zone may consist of modified existing native plants, adequately spaced ornamental shrubs and trees, or both. There may also be replacement landscape planting with ornamental or native species to meet minimum slope coverage requirements of City or County agencies or other Landscape or Hillside ordinances. In all cases the overall characteristics of the landscape shall provide adequate defensible space in a fire environment.

- Target species will typically not be allowed within 30 or more feet of combustible structures and may require removal if existing on site. This distance may extend to 50 feet if the situation dictates.
- Irrigation systems are not required for this zone if it consists entirely of native plants. (Native plants are generally not compatible with regular, un-seasonal supplemental water.)
- All trees, unless otherwise approved, shall be planted far enough from structures and Fire Department accesses as to not overhang any structure or access at maturity.

Zone C – Native Brush Thinning Zone

- Extends from the outermost edge of Zone B up to 200 feet from structure or to property line
- Required thinning and clearance will be determined upon inspection. Required clearance may increase to the maximum allowed by the Fire Code as needed because of vegetation growth.
- Irrigation systems are not required for this zone if it consists entirely of native plants. (Native plants are generally not compatible with regular, un-seasonal supplemental water.)
- Vegetation in this zone may consist of modified existing native plants, adequately spaced ornamental shrubs and trees, or both. There may also be replacement landscape planting with ornamental or native species to meet minimum slope coverage requirements of City or County agencies or other Landscape or Hillside ordinances. In all cases the overall characteristics of the landscape shall provide adequate defensible space in a fire environment
- Plants in Zone C shall be spaced appropriately. Existing native vegetation shall be modified by thinning and removal of those species constituting a fire risk. These species include, but are not limited to chamise, sage, sage brush, and buckwheat.
- Annual grasses and weeds shall be maintained at a height not to exceed 3 inches.
- General spacing for existing native shrubs or groups of shrubs is 15 feet between canopies. Native plants may be thinned by reduced amounts as the distance from development increases.
- General spacing for existing native trees or groups of trees is 30 feet between canopies. This distance may increase or decrease depending on the slope, arrangement of the trees in relation to slope, and the species of tree.

Fire Access Road Zone

- Extends a minimum of 10 feet from the edge of any public or private roadway that may be used as access for fire-fighting apparatus or resources.
- Clear and remove flammable growth for a minimum of 10 feet on each side of Fire Access Roads. (Fire Code 325.10) Additional clearance beyond 10 feet may be required upon inspection.
- Fire access roads, driveways and turnarounds shall be maintained in accordance with fire code. Fire Access Roads shall have unobstructed vertical clearance for a width of 20 feet. (Fire Code 503.2.1)
- Landscaping and native plants within the Fire Access Road Zone shall be appropriately spaced and maintained to provide safe egress in wildland fire environments.
- All trees, unless otherwise approved, shall be planted far enough from structures and Fire Department accesses as to not overhang any structure or access at maturity.

Maintenance

- Routine maintenance shall be regularly performed in all zones. Requirements include but are not limited to those items in the Fuel Modification Guidelines and those outlined below:
- Removal or thinning of undesirable combustible vegetation and removal of dead or dying landscaping to meet minimum brush clearance requirements.
  - Pruning and thinning to reduce the overall fuel load and continuity of fuels.
  - Fuel loads shall be reduced by pruning lower branches of trees and tree-form shrubs to 1/3 of their height, or 6 feet from lowest hanging branches to the ground, to help prevent fire from spreading and make maintenance easier. Trees with understory plants should be limbed up at least three times the height of the underlying vegetation or up to a height of 40 feet, whichever is less, to help prevent fire from spreading upward into the crown.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	CALABASAS	EL MONTE	INDUSTRY	LAWNDALE	PARAMOUNT	SIGNAL HILL
ARTESIA	CANOGA	INGLEWOOD	IRVINDALE	LOMITA	PICO RIVERA	SOUTH EL MONTE
AZUSA	CERRITOS	GLENDORA	LA CANADA	LYNNWOOD	POMONA	SOUTH GATE
BALDWIN PARK	CLAREMONT	HAWTHORNE	LA HABRA	MALIBU	RANCHO PALOS VERDES	TEMPLE CITY
BELL	COMMERCE	HERNDON BEACH	LA PUENTE	MAYWOOD	ROLLING HILLS ESTATES	WALNUT
BELL GARDENS	COVINA	HIDDEN HILLS	LANCASTER	NORWALK	WEST HOLLYWOOD	WEST LAKE VILLAGE
BELLFLOWER	DOWNEY	HUNTINGTON PARK	LANCASTER	PALMDALE	SAN DIMAS	WHITTIER
BRADLEY	DUNSMITH			PALOS VERDES ESTATES	SANTA CLARITA	

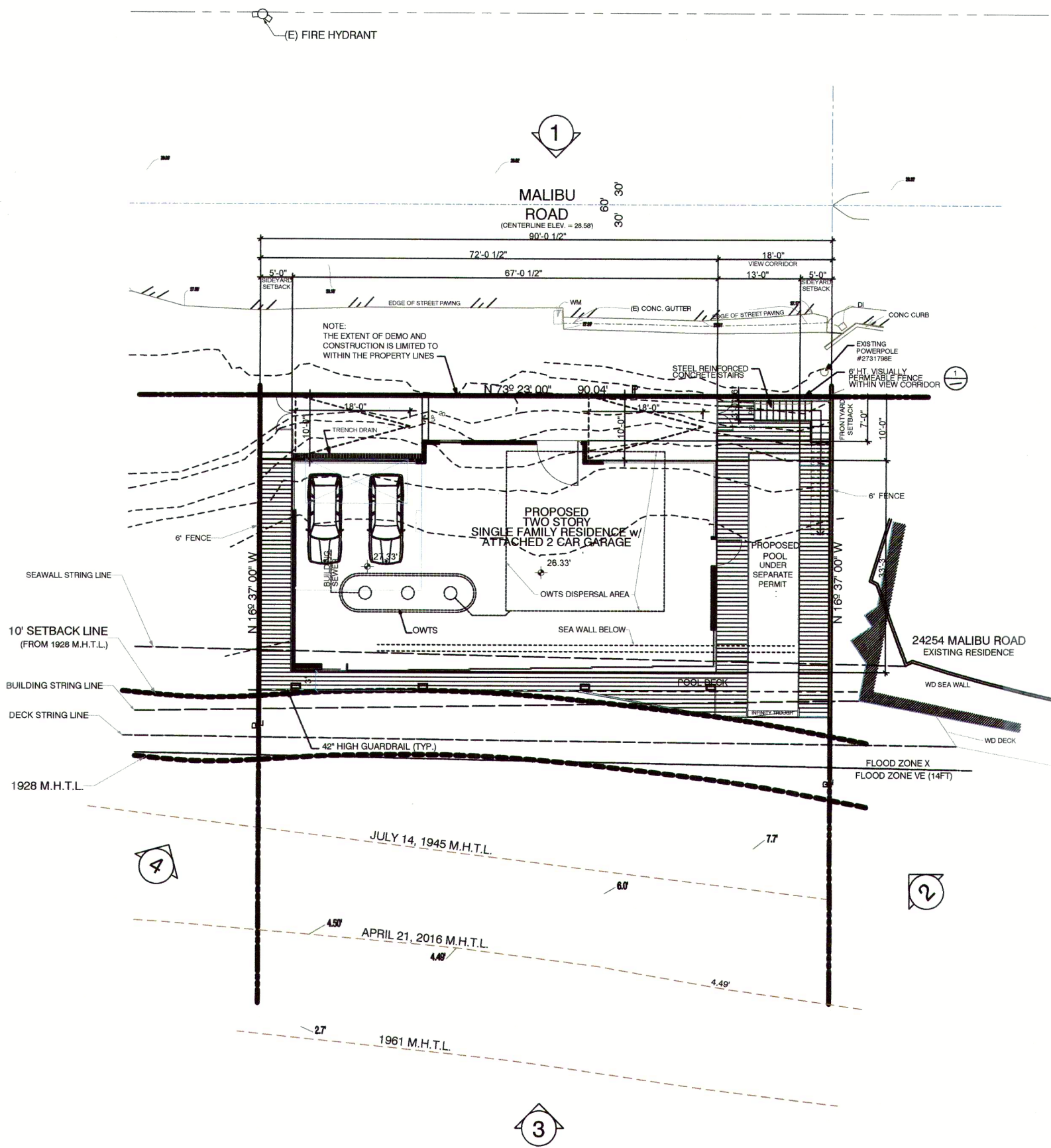
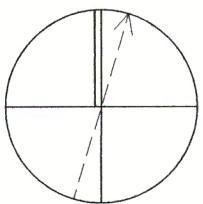


PHOTO PERSPECTIVE DIAGRAM

SCALE: 1" = 20'

PLAN  
NORTH



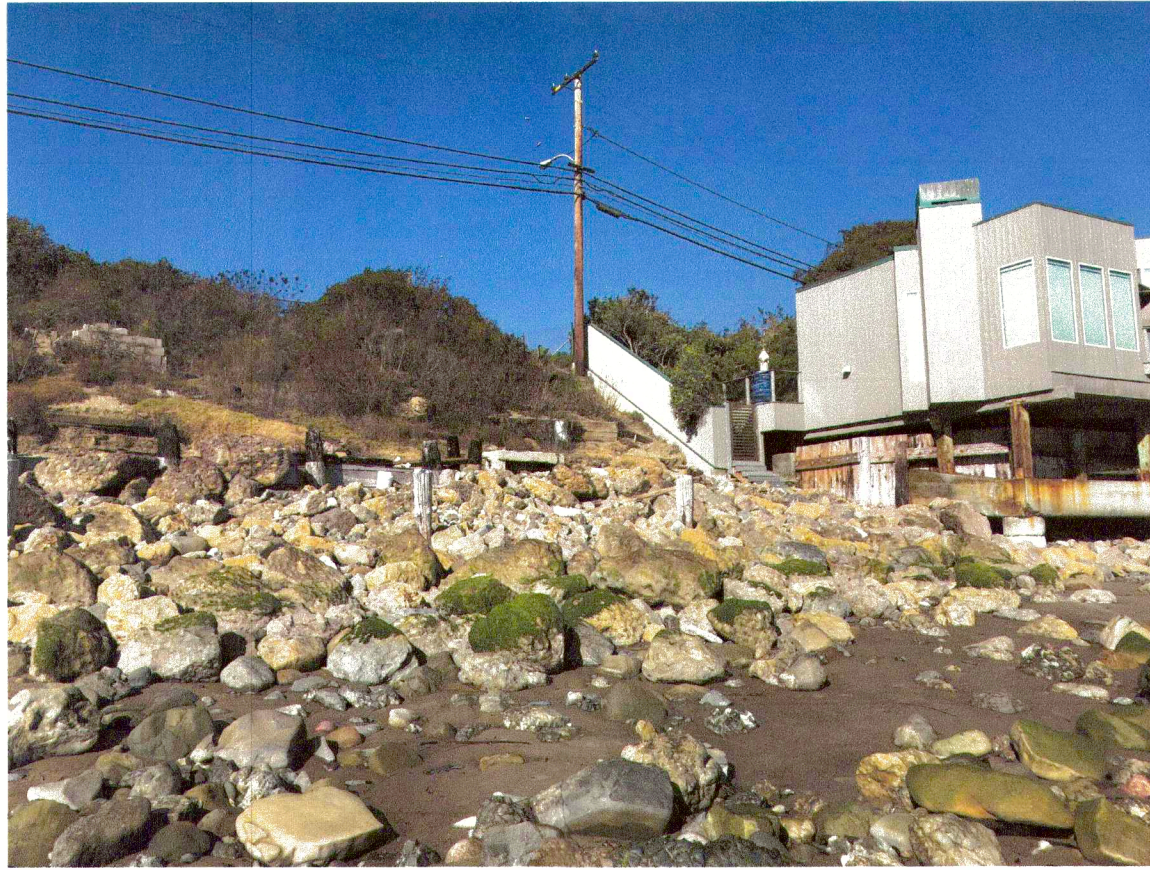
1



3



2



4

REVISIONS:


SCOTT GILLEN  
UNVARNISHED  
DIRECTOR, BUILDER, THINKER, CREATOR

3800 CROSS CREEK ROAD UNIT C, MALIBU, CA 90265 (310) 960-5965  
THIS PLAN IS THE PROPERTY AND COPYRIGHT OF UNVARNISHED AND SHALL NOT BE  
REPRODUCED, USED IN ANY OTHER WORK OR DISCLOSED TO OTHERS EXCEPT BY  
WRITTEN APPROVAL FROM UNVARNISHED.

24266 MALIBU ROAD  
MALIBU, CA 90265

SHEET NAME:  
FUEL MOD NOTES & SITE  
PHOTOS

DATE 7/16/19

SHEET NUMBER:

T-1.3



PROPERTY ADDRESS:

24266 MALIBU ROAD  
MALIBU, CA 90265

ASSESSOR'S PARCEL NO.'S:

4458-011-010

LEGAL DESCRIPTION:

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

PARCEL 1:

LOT 10 OF TRACT 13157, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 272 PAGES 18 AND 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LANDS AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD COMPANY, IN DEED RECORDED APRIL 3, 1946 IN BOOK 22989 PAGE 272, OFFICIAL RECORDS.

PARCEL 2:

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE 407, ET SEQ., OF PATENTS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED ON THE NORTH BY THE 60 FOOT STRIP OF LAND RELINQUISHED TO COUNTY OF LOS ANGELES BY RESOLUTION OF THE CALIFORNIA STATE HIGHWAY COMMISSION RECORDED MARCH 16, 1949 IN BOOK 29600 PAGE 281, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; BOUNDED ON THE SOUTH BY THE NORTHERLY LINE OF LOT 10 OF TRACT 13157, AS PER MAP RECORDED IN BOOK 272 PAGES 18 AND 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; BOUNDED ON THE EAST BY THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 10; AND BOUNDED ON THE WEST BY THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 10.

EXCEPT ANY PORTION OF SAID LAND LYING OUTSIDE OF THE PATENT LINES OF RANCHO TOPANGA MALIBU SEQUIT, AS SUCH LINES EXISTED AT THE TIME OF THE ISSUANCE OF THE PATENT, WHICH WAS NOT FORMED BY THE DEPOSIT OF ALLUVIUM FROM NATURAL CAUSES AND BY IMPERCEPTIBLE DEGREES.

BASIS OF BEARINGS:

THE BEARING OF N 73°23'00" E ALONG THE CENTERLINE OF MALIBU ROAD AS SHOWN ON TRACT NO. 13157 AS RECORDED IN BOOK 272 PAGE 18 & 19 OF MAPS IN THE OFFICE OF THE RECORDER OF LOS ANGELES COUNTY, STATE OF CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

NOTES:

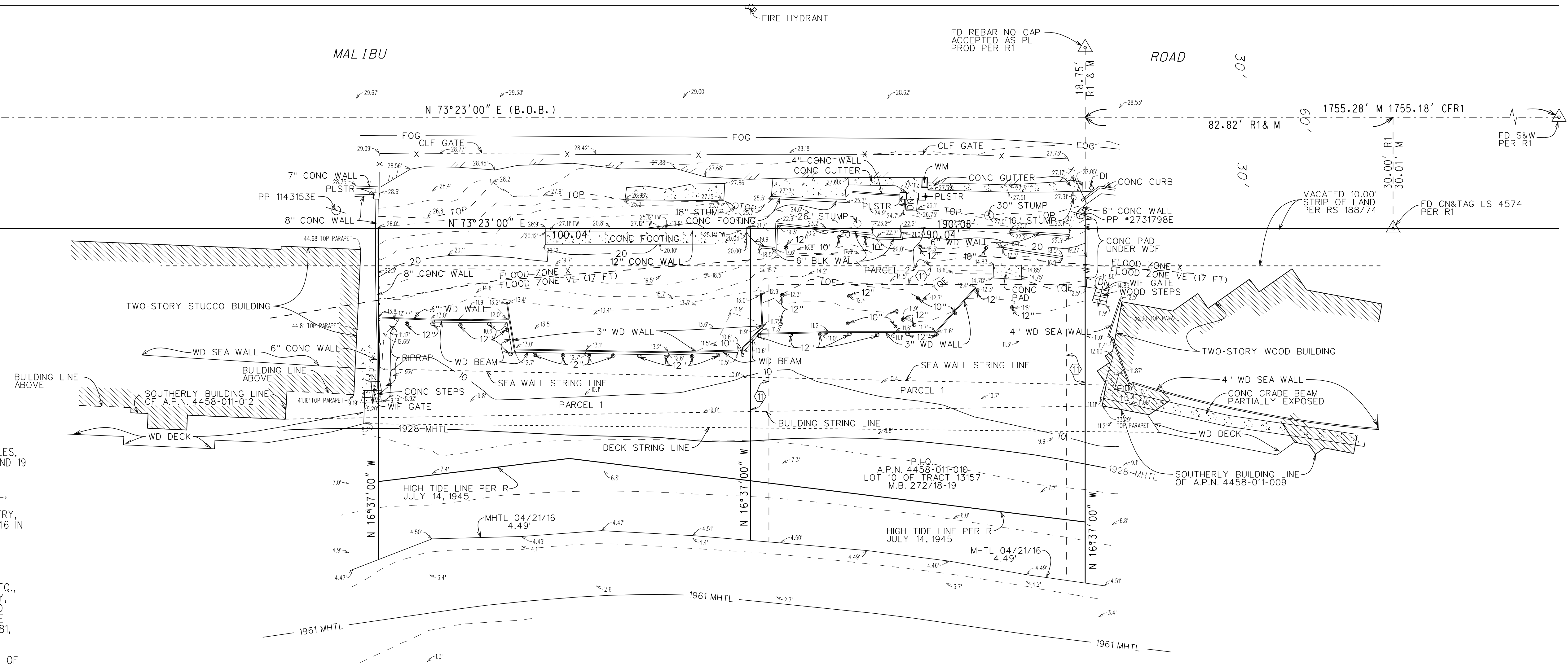
- 1) UTILITIES LOCATED, ARE BY SURFACE EVIDENCE ONLY. (MANHOLES, WATER METERS, GAS METERS, POWER POLES, ETC.) NO STUDY OF RECORD UNDERGROUND UTILITIES HAS BEEN PERFORMED AS PART OF THIS SURVEY UNLESS NOTED OTHERWISE.
- 2) SURVEY BASED ON A PRELIMINARY TITLE REPORT BY CHICAGO TITLE COMPANY DATED MARCH 4, 2016, TITLE NO. 111507293- MD.
- 3) STRING LINES SHOWN HEREON TO BE VERIFIED BY ARCHITECT PRIOR TO DESIGN ADOPTION TO BE CONSISTENT WITH LATEST CITY STANDARDS.
- 4) FLOOD ZONES DIGITIZED FROM FEMA MAP PANEL 06037C1539F, EFFECTIVE DATE 9/26/2008.
- 5) 1961 MHTL DIGITIZED FROM STATE LANDS COMMISSION HISTORIC MEAN HIGH TIDE LINES MAP CB1422.
- 6) 1928 MHTL DIGITIZED FROM COUNTY SURVEYORS' MAP B-307 SHEET 4 OF 10.

BENCH MARK:

18.025' Y10046 MALIBU 2008  
L&BN IN S CB 300MM(1') E/O BCR @ SE COR PACIFIC COAST HWY & WEBB WY.  
ELEVATIONS SHOWN ON THIS MAP ARE BASED ON NAVD 88 DATUM.

REFERENCES:

R = TRACT NO. 13157 MB 272/18-19  
R1 = RS 188/74



EASEMENT LEGEND:

- REFERS TO ITEM NO. OF TITLE REPORT SCHEDULE B  
⑪ 5' UTILITY EASEMENT PER 22989 PG 272, O.R.

LEGEND:

PROPERTY LINE:

STREET CENTERLINE:

EASEMENT:

MONUMENT:

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

ENCROACHMENT: (ENCR.)

CLEAR: (CLR.)

STREET LIGHT (ST.LT.):

ASPHALT (A/C):

BURNED WOOD PILE:

PROPERTY LINE:

STREET CENTERLINE:

EASEMENT:

MONUMENT:

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

ENCROACHMENT: (ENCR.)

CLEAR: (CLR.)

STREET LIGHT (ST.LT.):

ASPHALT (A/C):

BURNED WOOD PILE:

BUILDING:

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

WOOD FENCE:

WIRE FENCE:

WROUGHT IRON FENCE:

CONCRETE (CONC.):

MANHOLE (M.H.):

IRRIGATION CONTROL VALVE: I.C.V.

TREES:

PINE

PALM

EUC

OAK

MISC

BUILDING:

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

WOOD FENCE:

WIRE FENCE:

WROUGHT IRON FENCE:

CONCRETE (CONC.):

MANHOLE (M.H.):

IRRIGATION CONTROL VALVE: I.C.V.

TREES:

PINE

PALM

EUC

OAK

MISC

LIST OF ABBREVIATIONS

BLK = BLOCK  
CLF = CHAIN LINK FENCE  
CONC = CONCRETE  
DI = DRAIN INLET  
DN = DOWN  
FL = FLOW LINE  
FOG = FOG STRIP  
MHTL = MEAN HIGH TIDE LINE  
PLSTR = PILASTER  
PP = POWER POLE  
TW = TOP WALL  
WD = WOOD  
WDF = WOOD FENCE  
WIF = WROUGHT IRON FENCE  
WM = WATER METER

ARCHITECTURAL SURVEY

REVISIONS: SEE NOTE 7	SURVEYED FOR:  UNVARNISHED, INC 3806 CROSS CREEK RD. UNIT C MALIBU, CA 90265	SURVEYED BY:  CLEMONS LAND SURVEYING 3525 OLD CONEJO RD. STE., 108 NEWBURY PARK, CA 91320 PHONE (805)498-5332 FAX (805)498-5338	SCALE: 1" = 16' JOB NO: PACVIEW-116 SURVEY DATE: 04/21/16 SHEET: 1 OF 1
DRAWN BY: TW/PC			



PROPERTY ADDRESS:

24266 MALIBU ROAD  
MALIBU, CA 90265

ASSESSOR'S PARCEL NO.'S:

4458-011-010

LEGAL DESCRIPTION:

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

PARCEL 1:

LOT 10 OF TRACT 13157, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 272 PAGES 18 AND 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LANDS AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD COMPANY, IN DEED RECORDED APRIL 3, 1946 IN BOOK 22989 PAGE 272, OFFICIAL RECORDS.

PARCEL 2:

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE 407, ET SEQ., OF PATENTS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED ON THE NORTH BY THE 60 FOOT STRIP OF LAND RELINQUISHED TO COUNTY OF LOS ANGELES BY RESOLUTION OF THE CALIFORNIA STATE HIGHWAY COMMISSION RECORDED MARCH 16, 1949 IN BOOK 29600 PAGE 281, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; BOUNDED ON THE SOUTH BY THE NORTHERLY LINE OF LOT 10 OF TRACT 13157, AS PER MAP RECORDED IN BOOK 272 PAGES 18 AND 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; BOUNDED ON THE EAST BY THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 10; AND BOUNDED ON THE WEST BY THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 10.

EXCEPT ANY PORTION OF SAID LAND LYING OUTSIDE OF THE PATENT LINES OF RANCHO TOPANGA MALIBU SEQUIT, AS SUCH LINES EXISTED AT THE TIME OF THE ISSUANCE OF THE PATENT, WHICH WAS NOT FORMED BY THE DEPOSIT OF ALLUVIUM FROM NATURAL CAUSES AND BY IMPERCEPTIBLE DEGREES.

BASIS OF BEARINGS:

THE BEARING OF N 73°23'00" E ALONG THE CENTERLINE OF MALIBU ROAD AS SHOWN ON TRACT NO. 13157 AS RECORDED IN BOOK 272 PAGE 18 & 19 OF MAPS IN THE OFFICE OF THE RECORDER OF LOS ANGELES COUNTY, STATE OF CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

NOTES:

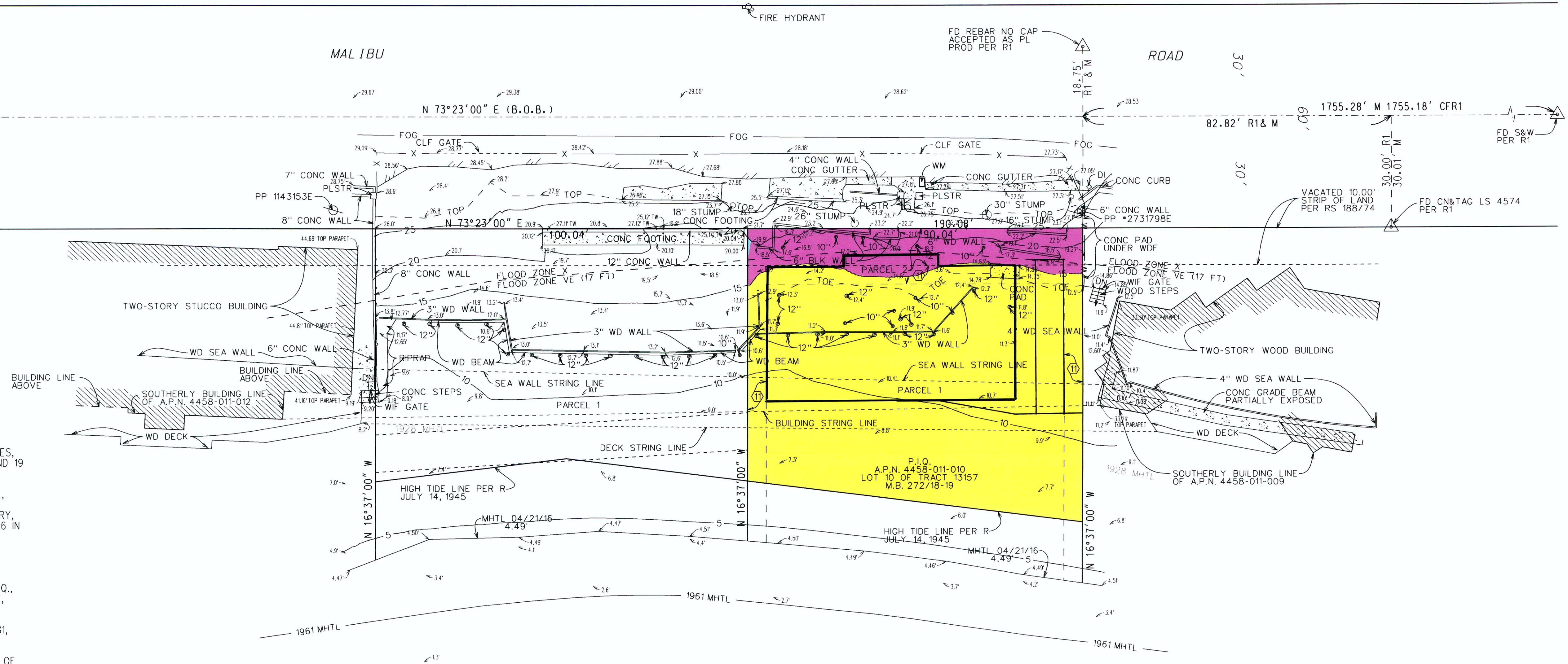
- 1) UTILITIES LOCATED, ARE BY SURFACE EVIDENCE ONLY. (MANHOLES, WATER METERS, GAS METERS, POWER POLES, ETC.) NO STUDY OF RECORD UNDERGROUND UTILITIES HAS BEEN PERFORMED AS PART OF THIS SURVEY UNLESS NOTED OTHERWISE.
- 2) SURVEY BASED ON A PRELIMINARY TITLE REPORT BY CHICAGO TITLE COMPANY DATED MARCH 4, 2016. TITLE NO. 111507293- MD.
- 3) STRING LINES SHOWN HEREON TO BE VERIFIED BY ARCHITECT PRIOR TO DESIGN ADOPTION TO BE CONSISTENT WITH LATEST CITY STANDARDS.
- 4) FLOOD ZONES DIGITIZED FROM FEMA MAP PANEL 06037C1539F, EFFECTIVE DATE 9/26/2008.
- 5) 1961 MHTL DIGITIZED FROM STATE LANDS COMMISSION HISTORIC MEAN HIGH TIDE LINES MAP CB1422.
- 6) 1928 MHTL DIGITIZED FROM COUNTY SURVEYORS' MAP B-307 SHEET 4 OF 10.
- 7) PLOTTED PRELIMINARY FLOOD ZONE DATA 04/24/18.

BENCH MARK:

18.025' Y10046 MALIBU 2008  
L&BN IN S. CB 300MM(1") E/O BCR @ SE COR PACIFIC COAST HWY & WEBB WY.  
ELEVATIONS SHOWN ON THIS MAP ARE BASED ON NAVD 88 DATUM.

REFERENCES:

R = TRACT NO. 13157 MB 272/18-19  
R1 = RS 188/74



EASEMENT LEGEND:

- REFERS TO ITEM NO. OF TITLE REPORT SCHEDULE B
- Ⓢ 5' UTILITY EASEMENT PER 22989 PG 272, O.R.

SLOPE ANALYSIS LEGEND:

- FLATTER THAN 4:1 = 5,600 SQ. FT.
- 4:1 TO 3:1 = 0 SQ. FT.
- 3:1 TO 2.5:1 = 0 SQ. FT.
- 2.5:1 TO 1:1 = 1005 SQ. FT.
- 1:1 AND STEEPER = 0 SQ. FT.

STREET EASEMENT = 0 SQ. FT.  
GROSS AREA = 6,605 SQ. FT. 0.15 ACRES  
NET AREA (GROSS MINUS STREET EASEMENTS AND SLOPES 1:1 AND STEEPER) = 6,605 SQ. FT.

LEGEND:

- PROPERTY LINE: ———
- STREET CENTERLINE: - - - C - - -
- EASEMENT: - - - - -
- MONUMENT: △
- BASIS OF BEARINGS: (B.O.B.)
- ENCROACHMENT: (ENCR.)
- CLEAR: (CLR.)
- STREET LIGHT (ST.LT.): ———
- ASPHALT (A/C): ———
- BURNED WOOD PILE: ———

- BUILDING: ———
- CHAIN LINK FENCE (C.L.F.): ——— X ———
- WOOD FENCE: ——— W ———
- WIRE FENCE: ——— II ———
- WROUGHT IRON FENCE: ——— WIF ———
- CONCRETE (CONC.): ———
- MANHOLE (M.H.): ———
- IRRIGATION CONTROL VALVE: I.C.V.
- TREES: PINE PALM EUC OAK MISC

LIST OF ABBREVIATIONS:

- BLK = BLOCK
- CLF = CHAIN LINK FENCE
- CONC = CONCRETE
- DI = DRAIN INLET
- DN = DOWN
- FL = FLOW LINE
- FOG = FOG STRIP
- MHTL = MEAN HIGH TIDE LINE
- PLSTR = PLASTER
- PP = POWER POLE
- TW = TOP WALL
- WD = WOOD
- WDF = WOOD FENCE
- WIF = WROUGHT IRON FENCE
- WM = WATER METER



SLOPE ANALYSIS

REVISIONS: SEE NOTE 7	SURVEYED FOR:  UNVARNISHED, INC 3806 CROSS CREEK RD. UNIT C MALIBU, CA 90265	SURVEYED BY:  CLEMONS LAND SURVEYING 3525 OLD CONEJO RD. STE., 108 NEWBURY PARK, CA 91320 PHONE (805)498-5332 FAX (805)498-5338	SCALE: 1" = 16' JOB NO: PACVIEW-116 SURVEY DATE: 04/21/16 SHEET: 1 OF 1
DRAWN BY: TW/PC			







FIRE DEPT. NOTES:

- 1- 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. RESIDENTIAL CODE R314.4
- 2- AN APPROVED CORBON MONOXIDE ALARM SHALL BE INSTALLED IN DWELLING UNITS THAT HAVE ATTACHED GARAGES. 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 THE ALARMS IN THE INDIVIDUAL UNIT. RESIDENTIAL CODE R315.1.2, BUILDING CODE 420.4.1
- 3- ALL ROOF COVERINGS SHALL BE CLASS "A" AS SPECIFIED IN BUILDING CODE 1505.1.1 (RESIDENTIAL CODE R3275.2. & R902
- 4- ROOF GUTTERS SHALL BE PROVIDED WITH A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER. (RESIDENTIAL CODE R327.534 AND BUILDING CODE 705A-4.)
- 5- CLEARNCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED PER FILE CODE 325

FIRE FLOW CALCULATIONS:

TYPE OF CONSTRUCTION PER THE BUILDING CODE: VB  
VHFHSZ: YES  
SIZE OF LOT: LESS THAN AN ACRE  
FIRE FLOW BASED ON THE FIRE FLOW CALCULATION AREA: 2000 GPM  
REDUCTION OF FIRE SPRINKLERS: 750 GPM  
TOTAL FIRE FLOW REQUIRED: 1,250 GPM

NOTE:

THIS PROJECT TO BE PROVIDED WITH AN APPROVED FIRE SPRINKLER SYSTEM AS SET FORTH BY BUILDING CODE 903 AND FIRE CODE 903. PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN-CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.

REASON: RESIDENTIAL CODE & FIRE CODE 903.2.11.7 & FIREFLOW REDUCTION.

TYPE OF SPRINKLER SYSTEM: 903.1.1, 903.3.1, 903.1.3

SETBACK CALCULATIONS PER MALIBU LCP:  
(SEE SITE PLAN ABOVE FOR ADJACENT PROPERTY FRONT YARD SETBACKS)

EXISTING FRONT YARD SETBACK FOR 24254 MALIBU ROAD: 10'-9"

EXISTING FRONT YARD SETBACK FOR 24314 MALIB ROAD: 3'-3"

$10'-9" + 3'-3" = 14'-0"$   
 $14'-0" / 2 = 7'-0"$

FRONT YARD SETBACK = 7'-0"

24300 MALIBU ROAD  
UNDER CONSTRUCTION w/  
APPROVED CDP (#16-060)

NOTE:

NO PORTION OF THE STRUCTURE, INCLUDING THE OVERHANG SHALL NOT ENCROACH INTO THE REQUIRED VIEW CORRIDOR.

SEAWALL STRING LINE

10' SETBACK LINE  
(FROM 1928 M.H.T.L.)

BUILDING STRING LINE

DECK STRING LINE

1928 M.H.T.L.

JULY 14, 1945 M.H.T.L.

APRIL 21, 2016 M.H.T.L.

1961 M.H.T.L.

PLAN  
NORTH

SITE PLAN

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

REVISIONS:

UNVARNISHED  
DIRECTOR, BUILDER, THINKER, CREATOR

3885 CROSS CREEK ROAD UNIT C, MALIBU, CA 90265 (310) 884-5665  
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24266 MALIBU ROAD  
MALIBU, CA 90265

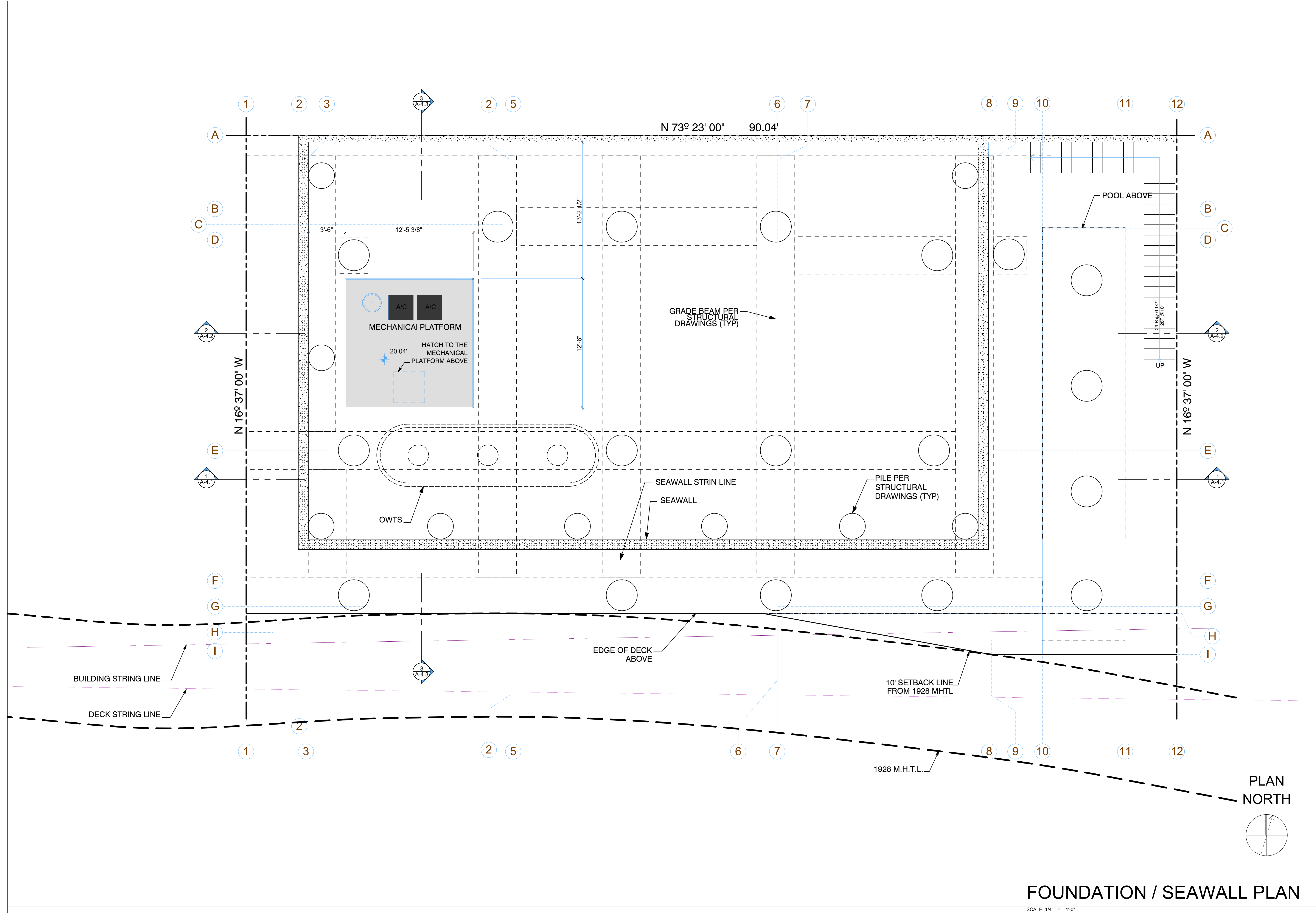
SITE PLAN

SHEET NAME:

DATE 12/1/20

SHEET NUMBER:

A-1.1



REVISIONS:	

SCOTT GILLEN

**UNVARNISHED**

DIRECTOR, BUILDER, THINKER, CREATOR

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24266 MALIBU ROAD

MALIBU, CA 90265

SHEET NAME:

FOUNDATION / SEAWALL  
PLAN

DATE

12/1/20

SHEET NUMBER:

A-2.1

FOUNDATION / SEAWALL PLAN

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

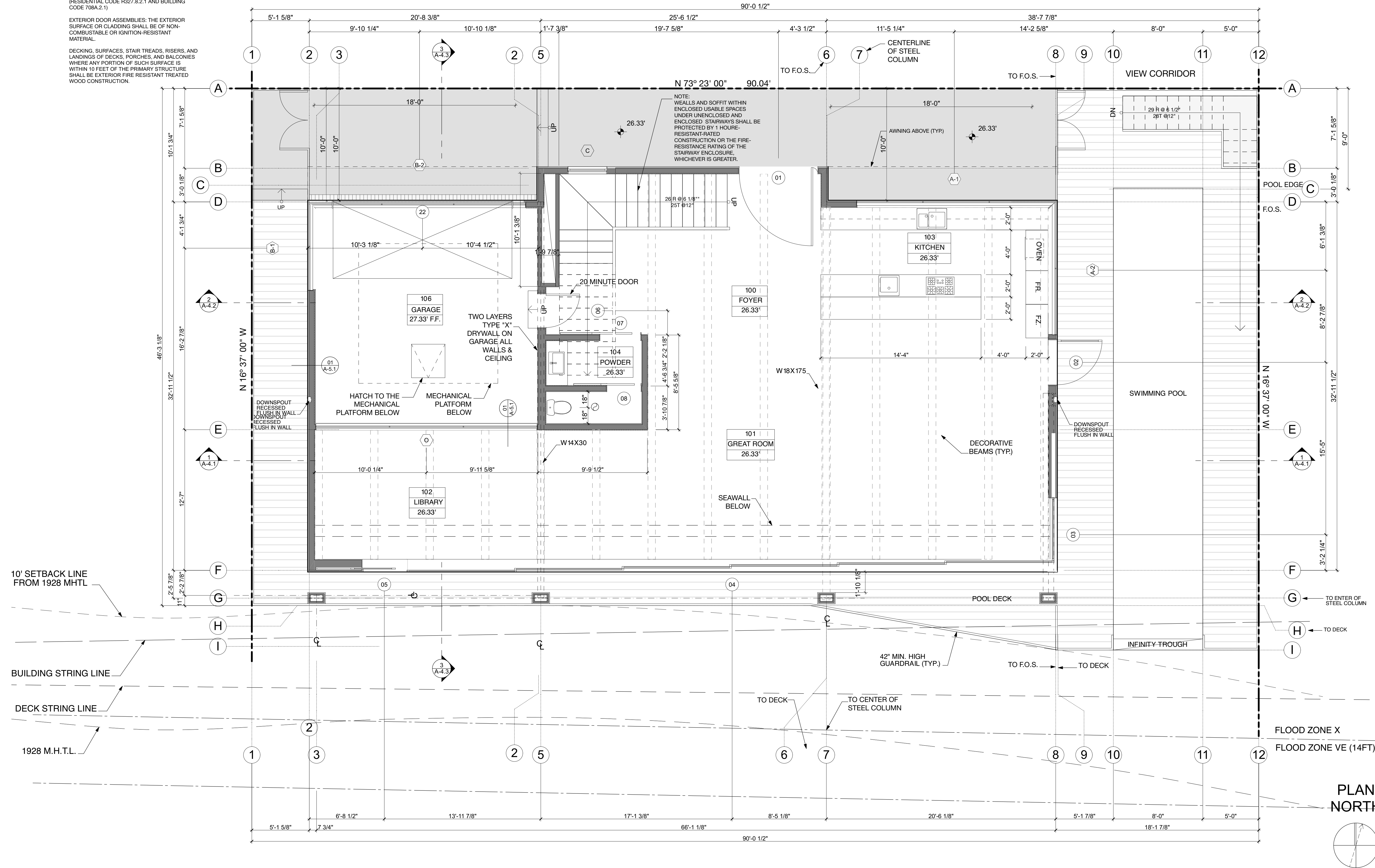


FIRE DEPT. NOTES:

EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOORS, AND GLAZED OPENINGS WITHIN EXTERIOR DOORS SHALL MEET THEIR PERFORMANCE STANDARDS OF SFM 12-7A-2 (RESIDENTIAL CODE R327.8.2.1 AND BUILDING CODE 708A.2.1)

EXTERIOR DOOR ASSEMBLIES: THE EXTERIOR SURFACE OR CLADDING SHALL BE OF NON-COMBUSTIBLE OR IGNITION-RESISTANT MATERIAL.

DECKING, SURFACES, STAIR TREADS, RISERS, AND LANDINGS OF DECKS, PORCHES, AND BALCONIES WHERE ANY PORTION OF SUCH SURFACE IS WITHIN 10 FEET OF THE PRIMARY STRUCTURE SHALL BE EXTERIOR FIRE RESISTANT TREATED WOOD CONSTRUCTION.



FIRST FLOOR PLAN

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

REVISIONS:


UNVARNISHED

24266 MALIBU ROAD  
MALIBU, CA 90265

FIRST FLOOR PLAN

SHEET NAME:

DATE 10/22/19

SHEET NUMBER:

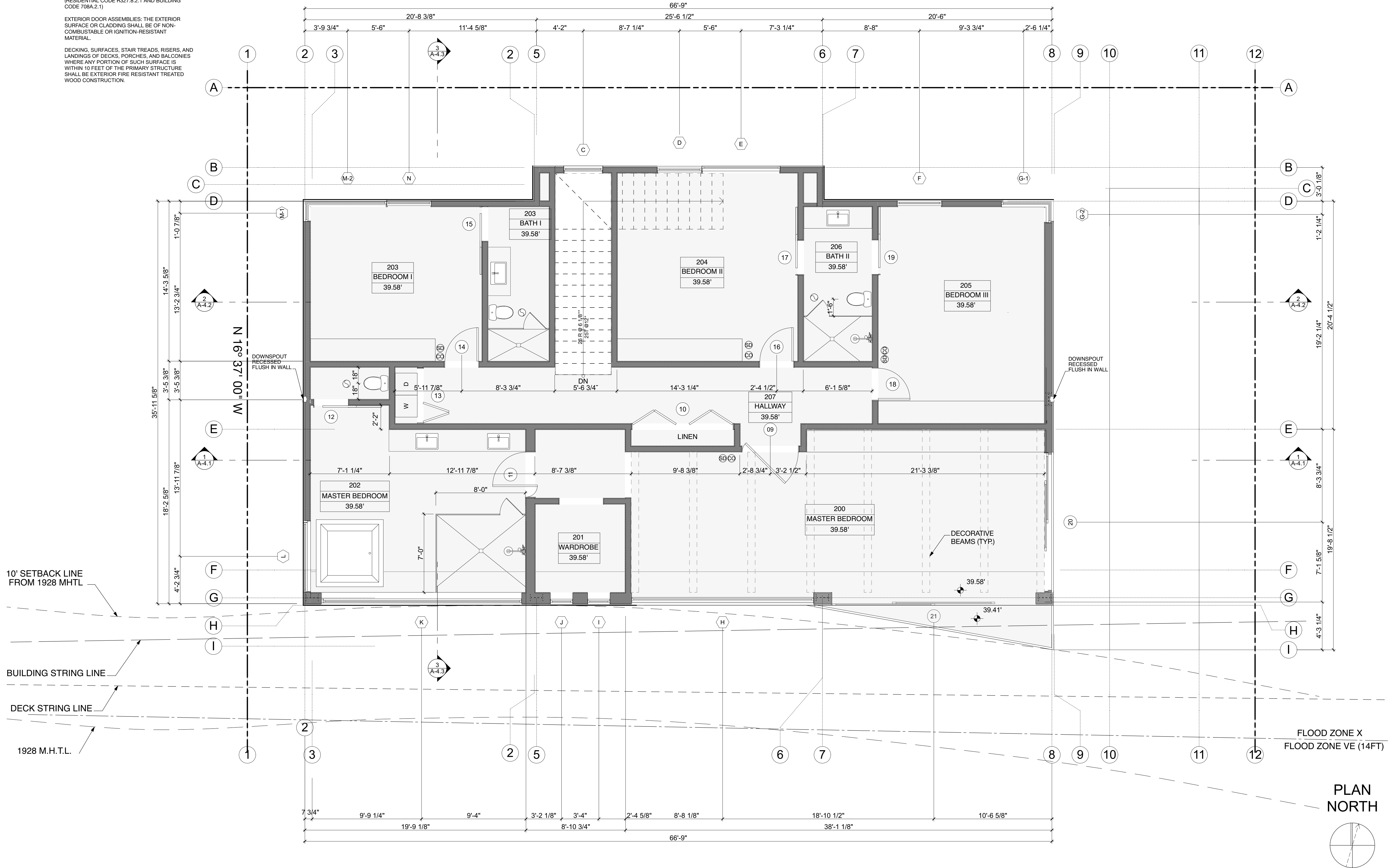
A-2.2

FIRE DEPT. NOTES:

EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOORS, AND GLAZED OPENINGS WITHIN EXTERIOR DOORS SHALL MEET THEIR PERFORMANCE STANDARDS OF SFM 12-7A-2 (RESIDENTIAL CODE R327.8.2.1 AND BUILDING CODE 708A.2.1)

EXTERIOR DOOR ASSEMBLIES: THE EXTERIOR SURFACE OR CLADDING SHALL BE OF NON-COMBUSTABLE OR IGNITION-RESISTANT MATERIAL.

DECKING, SURFACES, STAIR TREADS, RISERS, AND LANDINGS OF DECKS, PORCHES, AND BALCONIES WHERE ANY PORTION OF SUCH SURFACE IS WITHIN 10 FEET OF THE PRIMARY STRUCTURE SHALL BE EXTERIOR FIRE RESISTANT TREATED WOOD CONSTRUCTION.



SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

REVISIONS:	

SCOTT GILLEN  
**UNVARNISHED**  
DIRECTOR, BUILDER, THINKER, CREATOR  
3804 CROSS CREEK ROAD UNIT C, MALIBU, CA 90265 (310) 860-6665  
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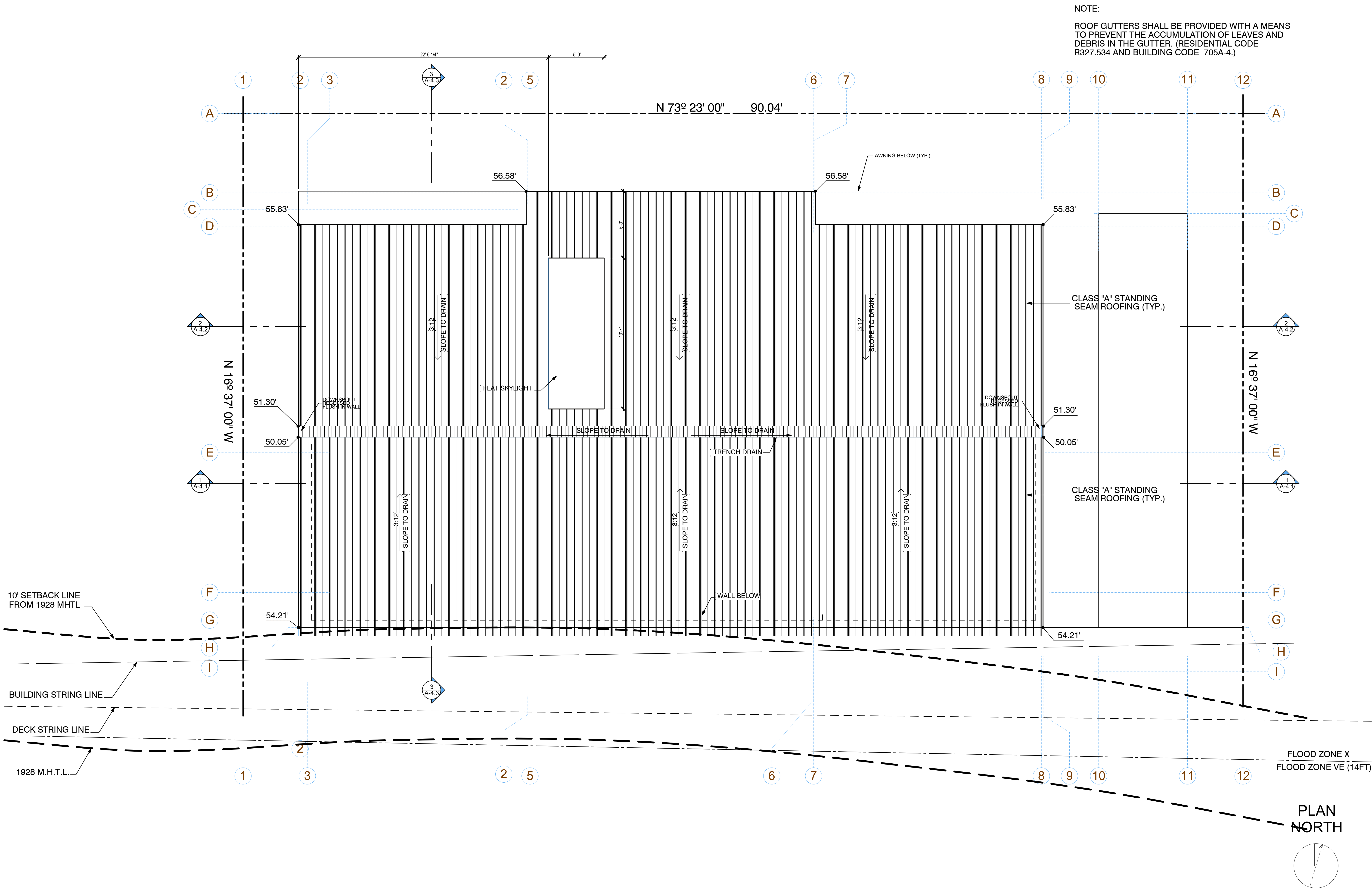
24266 MALIBU ROAD  
MALIBU, CA 90265

SHEET NAME:  
**SECOND FLOOR PLAN**

DATE 10/22/19

SHEET NUMBER:

A-2.3



REVISIONS:	

SCOTT GILLEN  
**UNVARNISHED**  
DIRECTOR, BUILDER, THINKER, CREATOR

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24266 MALIBU ROAD  
MALIBU, CA 90265

ROOF PLAN

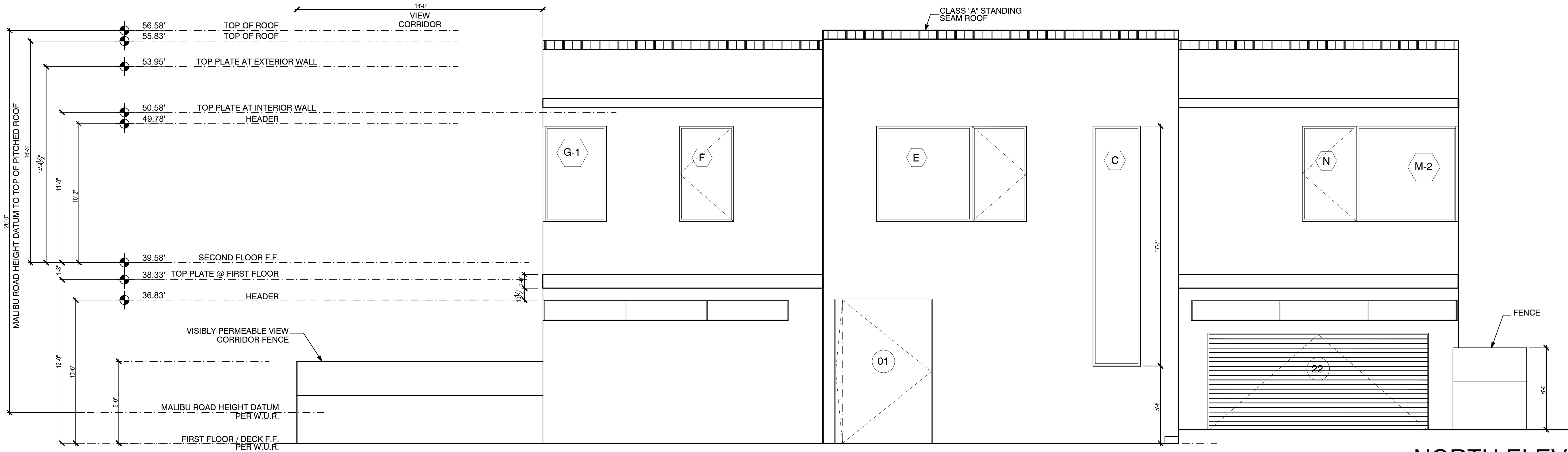
SHEET NAME:

DATE 12/1/20

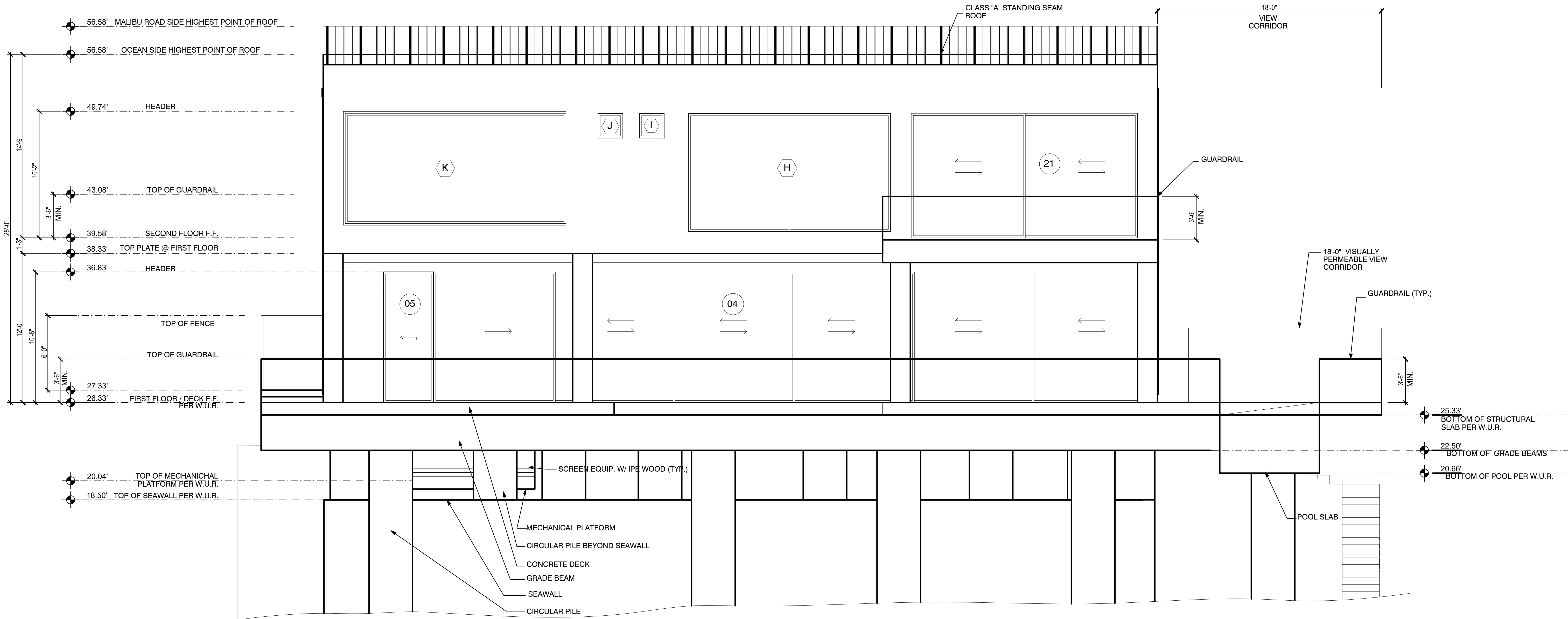
SHEET NUMBER:

A-2.4

ROOF PLAN  
SCALE: 1/4" = 1'-0"



NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

REVISIONS:	

SCOTT GILLEN  
**UNVARNISHED**  
DIRECTOR, BUILDER, THINKER, CREATOR

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24266 MALIBU ROAD  
MALIBU, CA 90265

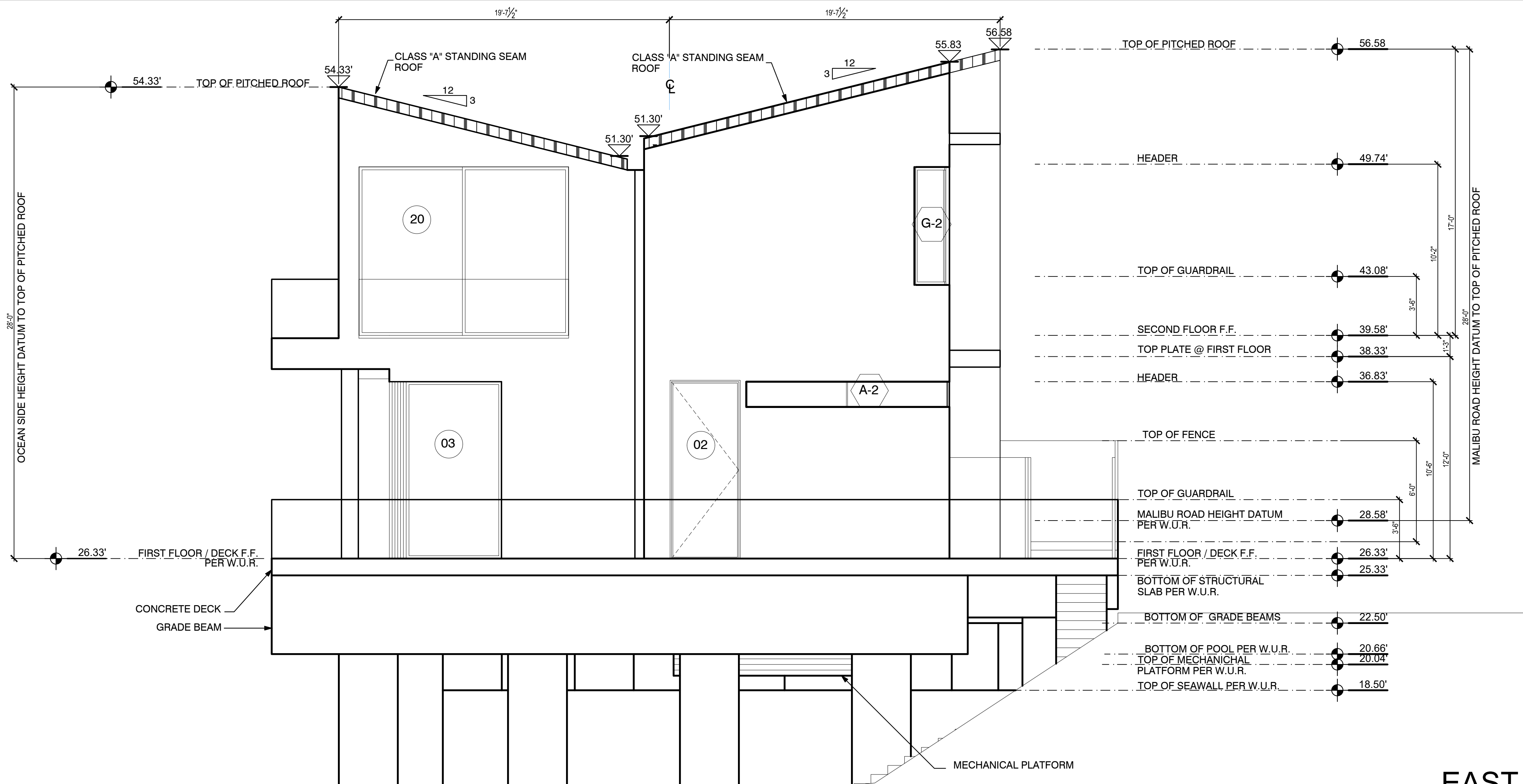
SHEET NAME:  
NORTH & SOUTH  
ELEVATIONS

DATE 12/1/20

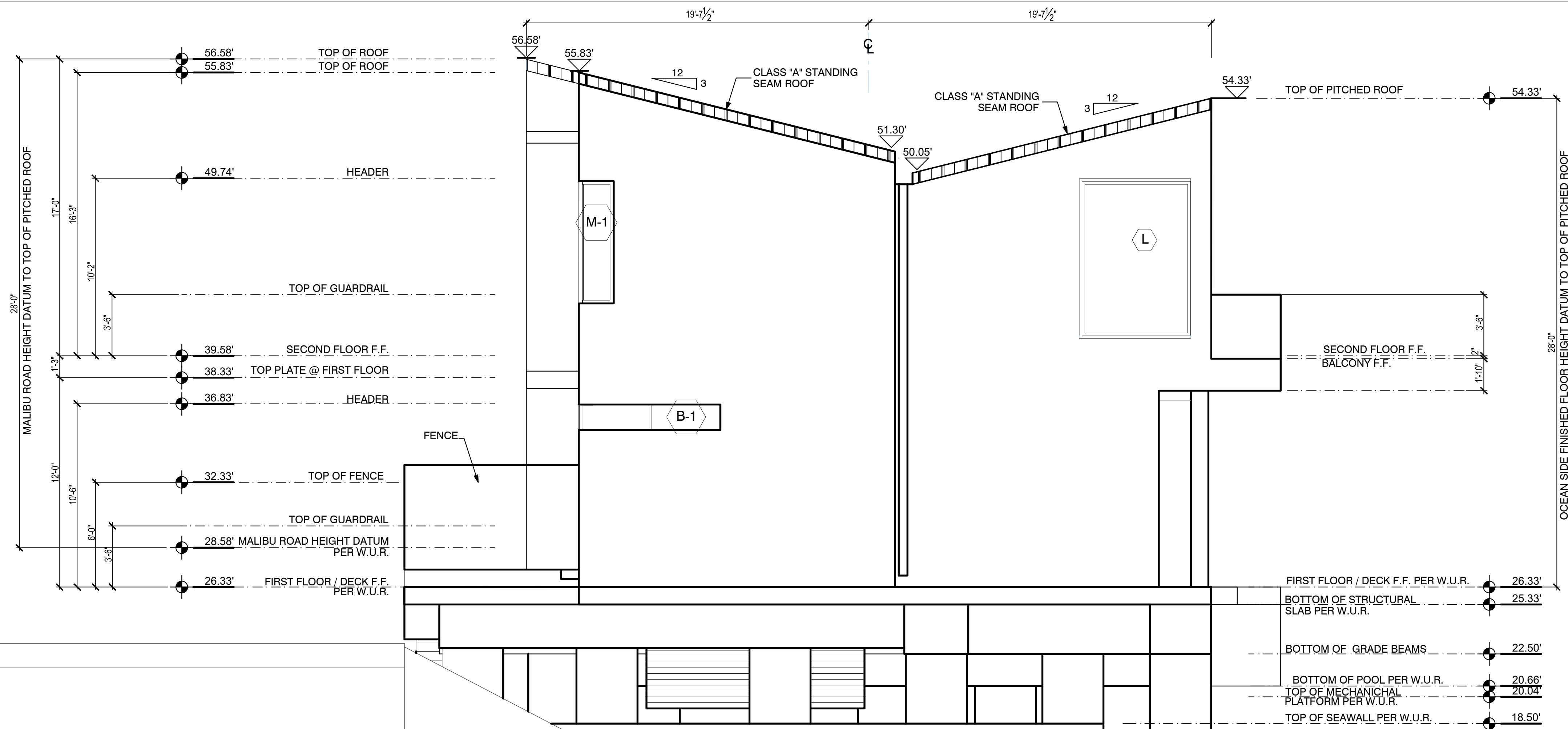
SHEET NUMBER:

A-3.1





EAST ELEVATION  
SCALE: 1/4" = 1'-0"



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

REVISIONS:	

SCOTT GILLEN  
**UNVARNISHED**  
DIRECTOR, BUILDER, THINKER, CREATOR  
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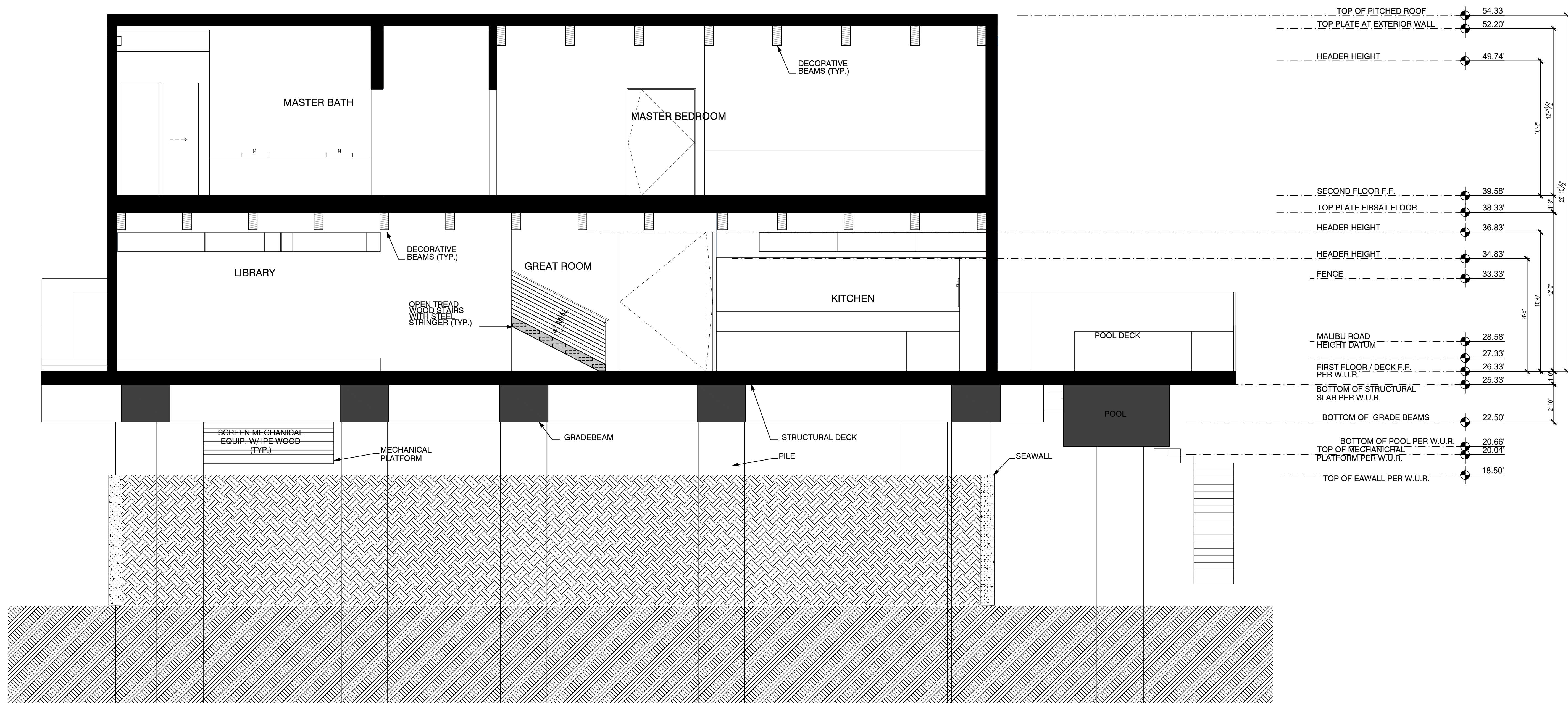
24266 MALIBU ROAD  
MALIBU, CA 90265

SHEET NAME:  
**EAST & WEST ELEVATION**

DATE 12/1/20

SHEET NUMBER:

A-3.2



SECTION 1  
SCALE: 1/4" = 1'-0"

REVISIONS:	

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**UNVARNISHED**  
DIRECTOR, BUILDER, THINKER, CREATOR

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24266 MALIBU ROAD  
MALIBU, CA 90265

SHEET NAME:

SECTION 1

DATE 12/1/20

SHEET NUMBER:

A-4.1



REVISIONS:	

SCOTT GILLEN

UNVARNISHED

DIRECTOR, BUILDER, THINKER, CREATOR

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24266 MALIBU ROAD

MALIBU, CA 90265

SHEET NAME:

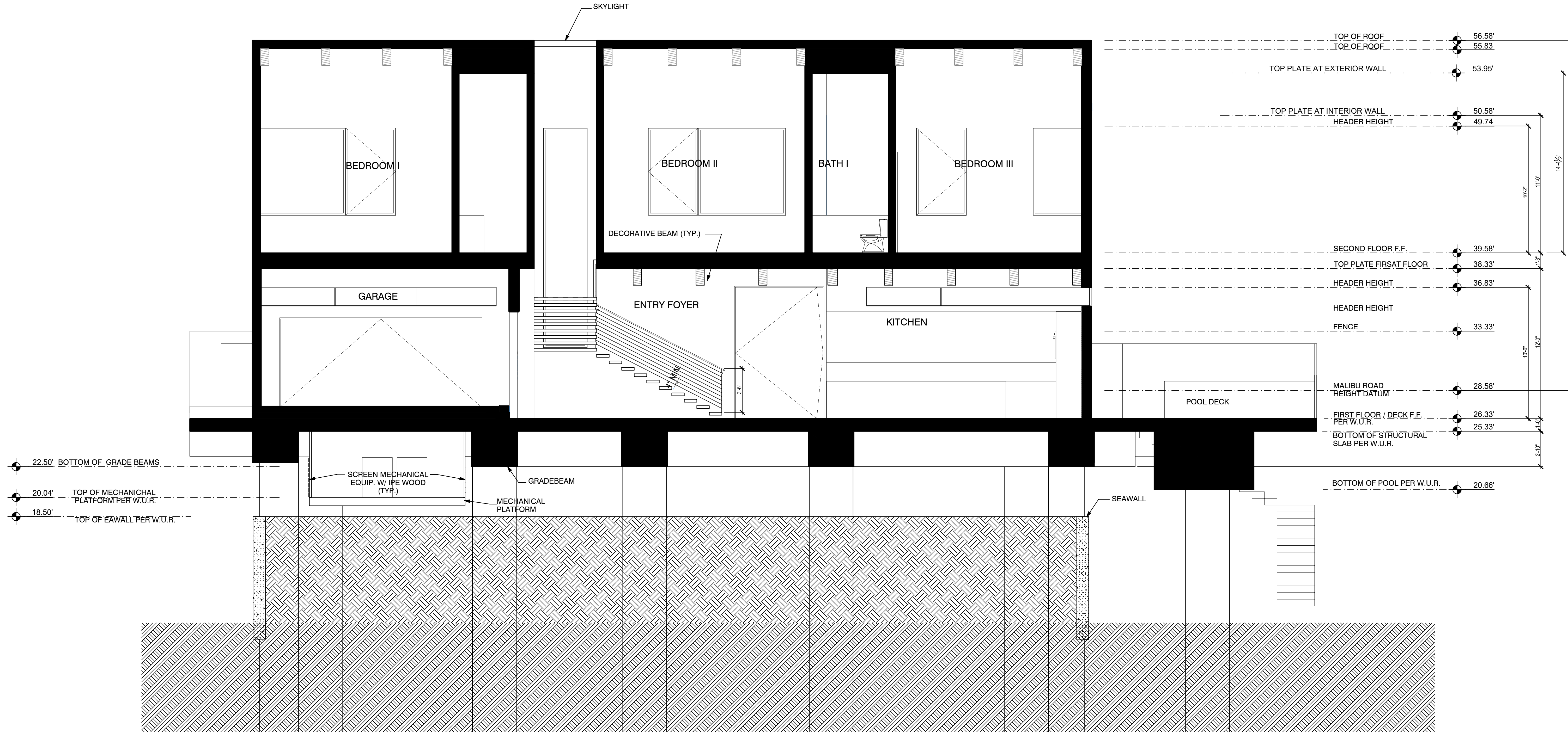
SECTION 2

DATE

12/1/20

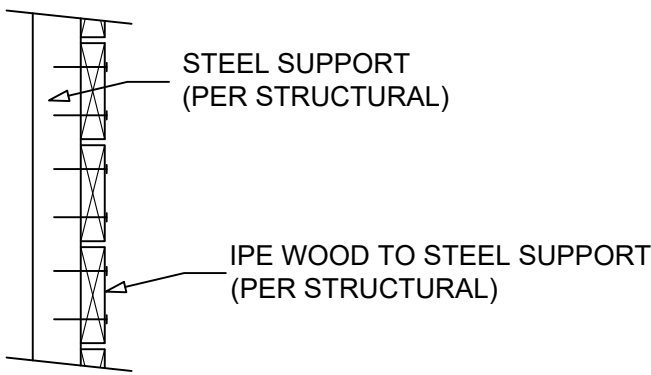
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A-4.2



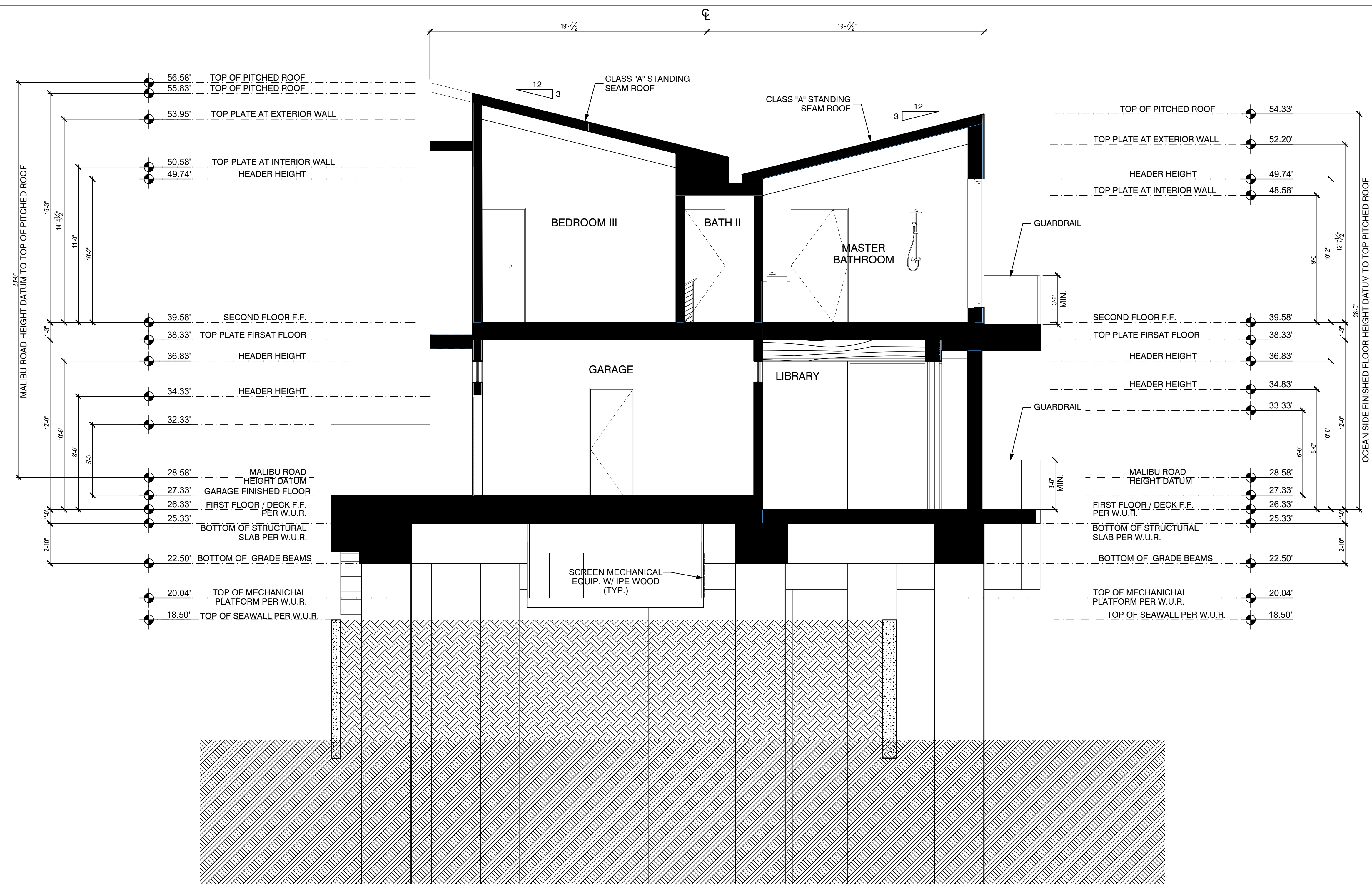
SECTION 2

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



TYPICAL SCREENING DETAIL

1



SECTION 3  
SCALE: 1/4" = 1'-0"

REVISIONS:	

SCOTT GILLEN  
**UNVARNISHED**  
DIRECTOR, BUILDER, THINKER, CREATOR

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MALIBU, CA 90265

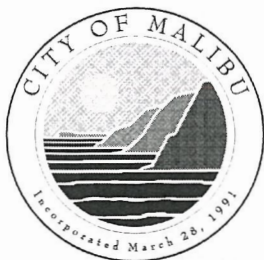
SHEET NAME:  
**SECTION 3**

DATE 12/1/20

SHEET NUMBER:

A-4.3





# City of Malibu

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

## BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu City Biologist DATE: 11/3/2016  
FROM: City of Malibu Planning Department  
PROJECT NUMBER: CDP 16-066  
JOB ADDRESS: 24266 MALIBU RD  
APPLICANT / CONTACT: Roya de Stefanis, Tobias Architecture  
APPLICANT ADDRESS: 22221 Pacific Coast Highway  
Malibu, CA 90265  
APPLICANT PHONE #: (310)317-0507  
APPLICANT FAX #:  
APPLICANT EMAIL: roya@tobiasarchitecture.com  
PROJECT DESCRIPTION: NSFR

TO: Malibu Planning Division and/or Applicant  
FROM: Dave Crawford, City Biologist

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

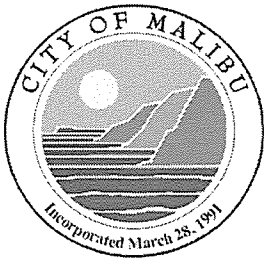
X\_\_\_\_\_ The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process.

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

SIGNATURE

DATE

Additional requirements/conditions may be imposed upon review of plan revisions. Dave Crawford City Biologist, may be contacted on Tuesday between 9:00 am and 11:00 am at the City Hall Public counter, by leaving an e-mail at [dcrawford@malibucity.org](mailto:dcrawford@malibucity.org) or by leaving a detailed voice message at (310) 456-2489, extension 277.



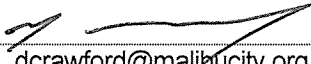
# City of Malibu

Biology • Planning Department

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

## BIOLOGY REVIEW SHEET

### PROJECT INFORMATION

Applicant: (name and email)	Roya de Stefanis roya@tobiasarchitecture.com	
Project Address:	<b>24266 Malibu Road</b> Malibu, CA 90265	
Planning Case No.:	CDP 16-066	
Project Description:	NSFR	
Date of Review:	11/15/16	
Reviewer:	Dave Crawford	Signature: 
Contact Information:	Phone: (310) 456-2489 ext. 277	Email: <a href="mailto:dcrawford@malibucity.org">dcrawford@malibucity.org</a>

### SUBMITTAL INFORMATION

Site Plans:	11/3/16
Landscape Package:	
Site Survey:	11/3/16
Grading Plans:	
OWTS Plan:	11/3/16
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan	
Miscellaneous:	
Previous Reviews:	

### REVIEW FINDINGS

Review Status:	<input type="checkbox"/> <b>NOT APPROVED</b> Please respond to the listed review comments and provide any additional information requested.
	<input type="checkbox"/> <b>COMPLETE</b> All required information has been received and conformance review shall be completed within the next 30 days.
	<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



CONDITIONS FOR COMPLETE APPLICATIONS:

The project is recommended for **APPROVAL** with the following conditions:

- A. This is a beachfront property and no new landscaping is proposed with this project. Therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height, or change 2,500 square feet or more of the existing landscaping area, a detailed landscape plan shall be submitted for review and approval prior to any planting.
- B. Grading shall be scheduled only during the dry season from April 1 - October 31. If it becomes necessary to conduct grading activities from November 1 – March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.
- C. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so there is no offsite glare or lighting.
- D. Lighting of the shore is prohibited
- E. No storage or staging of construction materials or equipment shall occur on the beach at any time.

-o0o-

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

cc: Planning Project file  
Planning Department







# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-3356

## COASTAL ENGINEERING REVIEW REFERRAL SHEET

CDP 16-066

TO: City of Malibu Coastal Engineer Staff

FROM: City of Malibu Planning Department

REVISED DATE 12/15/2020

PROJECT NUMBER: CDP 16-066

JOB ADDRESS: 24266 MALIBU RD

APPLICANT / CONTACT: Cynthia Martin, Schmitz and Associates

APPLICANT ADDRESS: 29350 W. Pacific Coast Highway  
Malibu, CA 90265

APPLICANT PHONE #: (310) 359-0773

APPLICANT FAX #: (310) 359-0353

APPLICANT EMAIL: cmartin@schmitzandassociates.net

PROJECT DESCRIPTION: NSFR with attached garage, NOWTS and pool

TO: Malibu Planning Division and/or Applicant

FROM: Coastal Engineering Reviewer

☒ The project is feasible and CAN proceed through the Planning process. \*

☐ The project CANNOT proceed through the planning process until coastal engineering feasibility is determined. Depending upon the nature of the project, this may require submittal of coastal engineering reports and/or wave run-up studies which evaluate the coastal environment setting, processes, and hazards.

SIGNATURE

DATE

3/10/2021

Determination of Coastal Engineering feasibility is not approval of building and/or grading plans. Plans and/or reports must be submitted for Building Department approval, and may require approval of both the City Geotechnical Engineer, and City Coastal Engineer. Additional requirements/conditions may be imposed at the time of building and/or grading plans are submitted for review. Geotechnical reports may also be required.

City Coastal Engineering Staff may be contacted on Tuesday and Thursday between 8:00 am and 11:00 am at the City Hall Public counter, or by calling (310) 456-2489, extension 269.

\* see attached Coastal Engineering Review Sheet for conditions of approval and preliminary BPC comments.





# City of Malibu

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

## COASTAL ENGINEERING REVIEW SHEET

### Project Information

<b>Date:</b> March 10, 2021	<b>Review Log #:</b> C494
<b>Site Address:</b> 24266 Malibu Road	<b>Lat:</b>
<b>Lot/Tract/PM #:</b>	<b>Lon:</b>
<b>Applicant:</b> Cynthia Martin, Schmitz and Associates	<b>Planning #:</b> CDP 16-066
<b>Phone #:</b> (310) 359-0773	<b>BPC/GPC #:</b> N/A
<b>Email:</b> cmartin@schmitzandassociate s.net	<b>Planner:</b> P. Coronel
<b>Project Type:</b> NSFR, NOWTS, New Shore Protection	

### Submittal Information

**Consultant(s):** GeoSoils, Inc. (David W. Skelly, RCE 47857)  
**Report Date(s):** 8-31-20, 1-17-17, 9-6-16  
**Project Plan(s):** Revised Plan Submittal 12-9-20, 11-14-19 and 7-15-20 (Unvarnished, Inc., 10-22-19)  
**Previous Reviews:** 8-6-20, 1-15-18, 12-16-16; 4-5-17 (CSLC)  
**FEMA SFHA:** X/VE (BFE = +17 ft NAVD88, FEMA 2016)

### Review Findings

#### **Planning Stage**

- ☒ **APPROVED** in **PLANNING**-stage from a coastal engineering perspective, with conditions. The listed Building Plan-Check Coastal Review Comments shall be addressed prior to Building Plan-Check approval.
- ☐ **NOT APPROVED** in **PLANNING**-stage from a coastal engineering perspective. The listed Planning Stage Coastal Review Comments shall be addressed prior to Planning-stage approval.

### Remarks:

The referenced revised plans and addendum coastal engineering report were reviewed by the City from a coastal engineering perspective relative to the requirements of the following City codes and guidelines:

- City of Malibu Local Coastal Program – Land Use Plan and Local Implementation Plan (LCP-LUP and LCP-LIP)
- Malibu Municipal Code – Title 15, Buildings and Construction
- City of Malibu Guidelines for the Preparation of Coastal Engineering Reports and Procedures for Report Submittal. (referred to herein as *Coastal Engineering Report Guidelines*), and
- California Coastal Commission Sea Level Rise Policy Guidance, Final Adopted Science Update, November 7, 2018

The proposed project consists of a new two-story single-family residence comprising 4,666 square feet, a lap pool, new onsite wastewater treatment system, and new shore protection consisting of a concrete seawall. The proposed development is located in FEMA Zone X, immediately north of the FEMA VE Special Flood Hazard Area having a Base Flood Elevation of +14 feet NAVD88 (FEMA, 2008). Recent

preliminary flood hazard mapping (FEMA, 2016) indicates the revised (preliminary) VE zone will extend further landward into the proposed development footprint, with a Base Flood Elevation of +17 feet NAVD88. A single-family residence, originally constructed in 1956-57, previously occupied the property but was destroyed by fire in 2007. Remnants of a previous bulkhead seawall are present on the property.

The property has been the subject of several previous coastal engineering investigations (David C. Weiss, (8-5-04, 7-17-12, 12-7-12, 12-8-12, 2-2-13 and 3-11-13) and development proposals (e.g., CDP 07-091, CDP 12-034), and the adjacent property at 24300 has had four prior coastal engineering reports prepared for previously proposed projects.

The project building footprint was revised based upon the California State Lands Commission determination (CSLC, 4-5-17) that the 1928 Los Angeles County MHTL represents the most landward surveyed MHTL for purposes of application of the Malibu LCP/LIP minimum 10-foot setback.

Due to site constraints and beachfront location, the new onsite wastewater treatment system (NOWTS) will need to be located beneath the residence, in an area subject to beach scour and wave run-up. Shore protection, in the form of a vertical seawall, is proposed to protect the NOWTS. The Project Coastal Engineer has incorporated a sea level rise of 3.0 feet and 7.9 feet on top of an extreme design tide into the wave run-up and overtopping analysis and concluded that the new seawall will not be subject to overtopping under present day extreme oceanographic conditions but will be subject to overtopping decades into the future should the assumed sea level rise occur. The Project Coastal Engineer also indicates that potential future overtopping decades into the future (if sea level rises as modeled) can be mitigated through construction of a reentrant feature on the seawall. The need for the future reentrant feature would be determined by the required Shore Protection Device Monitoring Program.

Revised plan sheet A-2.1 indicates that the residence foundations will be structurally separate from the seawall and seawall foundations, consistent with Section 4.7 of ASCE 24-05. The project was previously reviewed and approved from a coastal engineering perspective on January 15, 2018 and that review was performed in accordance with the California Coastal Commission's Sea Level Rise Policy Guidance adopted in August 2015. The revised plans were submitted for substantial conformance review in November 2019, with additional revisions submitted in July and December 2020. A revised wave uprush study was performed utilizing an updated Sea Level Rise estimate of 7.9 feet, which is an average of the low and high emissions in 2120 for Medium to High risk aversion in accordance with updated sea level rise policy guidance by the California Coastal Commission, which became effective in November 2018. This sea level rise was superimposed upon a design tide of +8.3 feet NAVD88 (which is the highest water level ever recorded at the Santa Monica Tide Gauge), resulting in a design still water elevation of +16.2 feet NAVD88. Recommendations for adaptability have been addressed which include future raising of the seawall at or near the design life of the project, and incorporating revised wave forces due to projected conditions evaluated for 2120 into the current structural design.

#### **Planning Conditions of Approval:**

1. The property owner shall comply with the requirement for a recorded document and deed restriction outlined in Section 10.6A of the City of Malibu LCP/LIP. A template for this document is available at the City. This item shall be made a condition of approval, and shall be completed prior to building plan check stage approval.
2. The Consultant's report (GeoSoils, Inc., 9-26-16) contains a Shore Protection Monitoring Program that is consistent with the City's requirements. The property owner shall record a "*Covenant and Agreement Regarding Maintenance of the Shoreline Protection Device and the Use and Transfer of Ownership of Property*", informing any successors-in-interest to the property of these SPD monitoring requirements. The Shore Protection Monitoring Program shall be attached to the covenant as Exhibit B. A template for this covenant is available at the City. This item shall be made a condition of approval and shall be completed prior to building plan check stage approval.



### **Preliminary Building Plan Check Comments**

1. Upon submittal to Building Plan Check, please include a set of plans for review by Coastal Engineering staff, and a plan check review fee of \$750.
2. The Project Coastal Engineer states *“Dr. Reinhard Flick from the Scripps Institution of Oceanography has provided information that global sea level from 1992 to 2018 has resulted in 8.32 centimeters of relatively uniform SLR in the past 26 years. This information is shown on Figure 2 taken from the CCC SLR Guidance (2015). This current measurement shows that SLR is tracking more on the intermediate SLR prediction curves, which is more like a 5% to 50% (median) probability SLR in the year 2120, as shown in Figure 1”*. The data plotted represents a single dot on the curves, yet purportedly represents 28 years of data. Please plot at an appropriate horizontal and vertical scale to demonstrate the trend described in the report.
3. Based upon the revised coastal engineering analysis of August 2020, and revised plans dated December 2020, the Consultant should review the current project plans and provide revised recommendations for the project design, as appropriate for all aspects of the project, including inundation by overtopping as well as revised lateral and uplift forces on the pool, new OWTS, sea wall, piles, etc.
4. All previous coastal engineering reports and design addendums should be referenced in the final design recommendations provided for building plan check, including the design beach profile.
5. The pool shell is a structural member and extends out to the edge of the deck stringline, and below the recommended lowest elevation of structural members. Recommended bottom of lowest structural member is El. +22.5 NAVD88 feet for the house. However, the pool is structurally separate, and the bottom of the pool is at El. +20.66 feet. Wave uprush is estimated to El. +22.5 feet NAVD88, and the pool is not protected by the sea wall. Lateral loads and upward forces must be addressed by the updated wave uprush.
6. Based on the submitted coastal engineering reports, the sea wall will be overtopped decades into the future (if projected sea level rise actually occurs) and the leach field and septic tank are behind it. Greater overtopping will result from higher sea level rise. How will this be accommodated in the design? This needs to be addressed with respect to water exiting the area behind the sea wall once overtopping has occurred and also erosion control for the area behind the sea wall to address potential flooding of the OWTS tank and mechanical platform.
7. Plans should clearly state that all elevations are referenced to the NAVD88 vertical datum.
8. Show the Project Coastal Engineer’s design beach (scour) profile and wave uprush limit for an unprotected beach on the north-south oriented architectural section.
9. Identify the Special Flood Hazard Area designation applicable to the proposed development on the structural plans.
10. Structural plans shall include a reference to the coastal engineering report(s) containing the design wave loading criteria utilized in the structural design.
11. Structural plans shall include the following note in accordance with Section 1612.5 of the California Building Code: *“This building is designed in accordance with ASCE 24, including that the pile or column foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16.”*

Please do not hesitate to contact the undersigned with any questions regarding this review sheet.

Reviewed by:

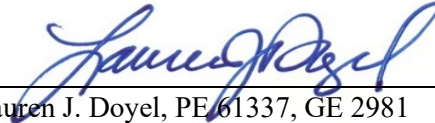


Michael B. Phipps, PG 5748, CEG 1832  
Coastal Engineering Review Consultant (x269)

March 10, 2021

Date

Reviewed by:



Lauren J. Doyel, PE 61337, GE 2981  
Coastal Engineering Review Consultant (x384)

March 10, 2021

Date

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



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



**GeoDynamics, Inc.**

Applied Earth Sciences  
Geotechnical Engineering & Engineering Geology Consultants



# City of Malibu

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

## ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator 12-15-2020  
FROM: City of Malibu Planning Department DATE: ~~11/3/2016~~

PROJECT NUMBER: CDP 16-066  
JOB ADDRESS: 24266 MALIBU RD  
APPLICANT / CONTACT: Cynthia Martin, Schmitz and Associates  
APPLICANT ADDRESS: 29350 W. Pacific Coast Highway  
Malibu, CA 90265  
APPLICANT PHONE #: (310) 359-0773  
APPLICANT FAX #: (310) 359-0353  
APPLICANT EMAIL: cmartin@schmitzandassociates.net  
PROJECT DESCRIPTION: NSFR with attached garage, NOWTS and pool

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



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



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

**OWTS Plot Plan:**

☐

**NOT REQUIRED**



**REQUIRED (attached hereto)**

☐

**REQUIRED (not attached)**

*Mo Linda Talbot*

Signature

12-18-2020

Date

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

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



# City of Malibu


Environmental Health • Environmental Sustainability Department

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

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

## ENVIRONMENTAL HEALTH REVIEW SHEET

### PROJECT INFORMATION

Applicant: (name and email address)	Cynthia Margin, Schmitz and Associates <a href="mailto:cmartin@schmitzandassociates.net">cmartin@schmitzandassociates.net</a>	
Project Address:	24266 Malibu Road Malibu, California 90265	
Planning Case No.:	CDP 16-066	
Project Description:	NSFR, pool, new OWTS	
Date of Review:	December 18, 2020	
Reviewer:	Melinda Talent	Signature: 
Contact Information:	Phone: (310) 456-2489 x 364	Email: <a href="mailto:mtalent@malibucity.org">mtalent@malibucity.org</a>

### SUBMITTAL INFORMATION

Architectural Plans:	Unvarnished: Plans dated 10-31-16; revised plans dated 10-22-19, revised plans dated 12-1-20.
Grading Plans:	n/a
OWTS Plan:	Ensitu: OWTS plot plan dated 10-24-16; revised plan dated 3-23-16, revised plan dated 9-12-20
OWTS Report:	Ensitu: OWTS design report dated 10-28-16; revised report dated 3-23-16, revised report dated 9-12-20
Geology Report:	GeoConcepts: Updated OWTS report dated 10-19-16; Updated Geology and Geotechnical report dated 10-18-16; OWTS supplemental report dated 12-1-16; Reduced setback letter dated 11-30-16
Miscellaneous:	City of Malibu: Plumbing permit 5581 dated 12-1-1998; LA County plumbing permit dated 1965. Prohibition Policy Acknowledgment dated 11-17-16. GeoSoils: Coastal Hazard and Wave Runup Study dated 9-6-16. Parker Resnick: Reduction in setback letter dated 4-29-18.
Previous Reviews:	11-15-16, 4-18-17, 5-17-18 CRC, 11-26-19 CRI

### REVIEW FINDINGS

Planning Stage:	<input checked="" type="checkbox"/> <b>CONFORMANCE REVIEW COMPLETE</b> for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	<input type="checkbox"/> <b>CONFORMANCE REVIEW INCOMPLETE</b> for the City of Malibu LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	<input type="checkbox"/> <b>NOT REQUIRED</b>
	<input 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 advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). Please distribute this review sheet to all of the



project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

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

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

**1) Final Onsite Wastewater Treatment System (OWTS) Plot Plan:** A final plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot 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 large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS.

All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

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

- a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture units, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.
- b. Sewage and effluent pump design calculations (as applicable).
- c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.



- d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gpsf). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.
  - e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).  
[Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]
- 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 Malibu Municipal Code.
  - 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) **Notice of Decision:** The final onsite wastewater treatment system plans shall include the Conditions of Approval sections of the Notice of Decision (NOD) from the Planning Department.
  - 7) **Architect / Engineer Certification for Reduction in Setbacks to Buildings or Structures:**  
All proposed reductions in setbacks from the onsite wastewater treatment system to structures or other features less than those shown in Malibu Municipal Code (MMC) Section 15.42 must be supported by letters from the project consultants. 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 Safety prior to Environmental Health final approval. The architectural and/or structural plans submitted for Building Safety plan check must detail methods of construction that will compensate for the reduction in



setback (e.g., waterproofing, concrete additives). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. All 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).

- **Structures** – All proposed reductions in setback from the onsite wastewater treatment system to structures (i.e., setbacks less than those shown in MMC Section 15.42) 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 setback is reduced.
- **Buildings** – All proposed reductions in setback from the onsite wastewater treatment system to buildings (i.e., setbacks less than those shown in MMC Section 15.42) 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 the 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.

- 8) **Waterproofing Plan:** A waterproofing plan in conformance with the project consultants' recommendations must be submitted.
- 9) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.
- 10) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.
- 11) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. **Please note only original "wet signature" documents are acceptable.**
- 12) **Advanced Onsite Wastewater Treatment System (OWTS) Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. **Please submit a certified copy issued by the City of Malibu Recorder.**



- 13) 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.**
- 14) Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.
- 15) City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.
- 16) Project Coastal Engineer Approval:** Project Coastal Engineer Consultant final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.
- 17) City of Malibu Coastal Engineering Approval:** City of Malibu Coastal Engineering final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.
- 18) City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
- 19) 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.
- 20) Operating Permit Application and Fee:** In accordance with Malibu Municipal Code, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

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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

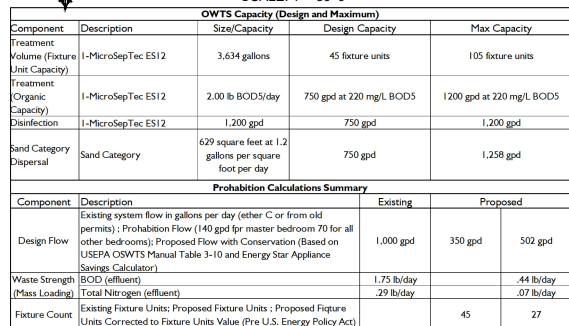












GeoConcepts: Updated OWTs reports dated 10-19-16, 12-1-16

GeoSoils: Coastal Hazard and Wave Runup Study dated 9-6-16

3. This review is valid for one year, or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

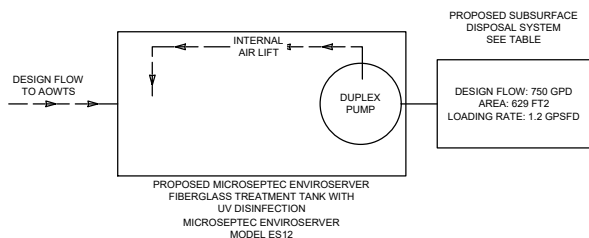
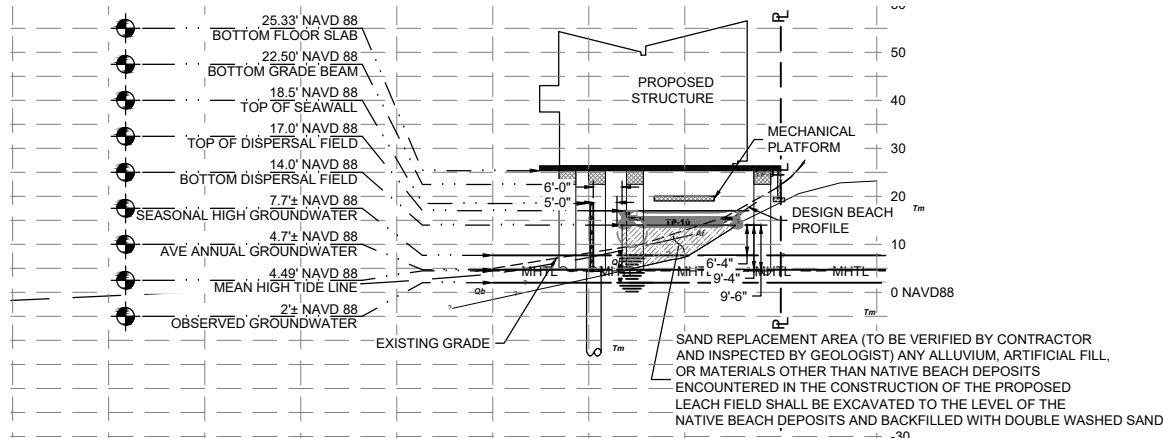


Variable	Units	Value	Explanation of Variable
$C$	gal/lens/day (gpd)	1000	Ryan's Formula C or Septic Tank Size (if available)
$S_{BOD}$	mg/L	210	Existing concentration of BOD <sub>5</sub> in effluent
$Mass_{BOD}$	lb/day	1.75	Existing Mass loading BOD <sub>5</sub> in effluent
$S_{TN}$	mg/L	35	Existing concentration of Total Nitrogen in effluent
$Mass_{TN}$	lb/day	0.29	Existing Mass loading Total Nitrogen in effluent
$Reduction_{BOD}$	Unitless	50%	Reduction in BOD in treatment process <sup>(1)(2)</sup>
$Reduction_{TN}$	Unitless	50%	Reduction in BOD in treatment process <sup>(1)(2)</sup>
$S_{BOD}$	mg/L	105	Proposed concentration of BOD <sub>5</sub> in effluent
$Mass_{BOD}$	lb/day	0.44	Proposed Mass loading BOD <sub>5</sub> in effluent
$S_{TN}$	mg/L	17.5	Proposed concentration of Total Nitrogen in effluent
$Mass_{TN}$	lb/day	0.07	Proposed Mass loading Total Nitrogen in effluent
$Q_{10}$	gpd	1000	Existing system flow in gallons per day (either C or from old permits)
$Q_{10}$	gpd	350	Prohibition Flow (140 gpd for master bedroom 70 for all other bedrooms)
$Q_{10}$	gpd	750	Proposed system flow without water conservation in gallons per day
$Q_{10}$	gpd	50	Proposed system flow with water conservation in gallons per day

EQUIPMENT SCHEDULE			
ITEM	QTY	DESCRIPTION	MFG/PART NUMBER
1	1	CONNECTION TO BUILDING SEWER <sup>[1]</sup>	
2	1	GRAVITY CLEAN-OUT AND BACKWATER VALVE <sup>[1]</sup>	INDUSTRIAL BACKWATER VALVE (SPEARS MODEL S475P FOR 4") 8" I.D. VALVE BOX (CHRISTY MODEL F08)
3	1	TREATMENT TANK <sup>[1][2]</sup>	
4	2	AIR COMPRESSOR <sup>[1][2]</sup>	MICROSEPTIC
5	1	REMOTE TELEMETRY CONTROL UNIT DEDICATED COMMUNICATION AND POWER AS OUTLINED IN MANUFACTURER INSTALLATION GUIDELINES <sup>[1][2]</sup>	MICROSEPTIC
6	1	CONTROL UNIT DEDICATED COMMUNICATION AND POWER AS OUTLINED IN MANUFACTURER INSTALLATION GUIDELINES <sup>[1][2]</sup>	GEOFLOW
7	1	DUPLEX PUMP SYSTEM <sup>[1][2]</sup>	MICROSEPTIC
8	1	VENT ASSEMBLY <sup>[1][2]</sup>	ORENCO
9	8	DISPERSAL FIELD PRESSURE CLEANOUT	SPEARS AND CARSON MODEL 011
[1]	ALL PLUMBING APPURTENANCES AND WORK SHALL COMPLY WITH CURRENT LOCAL, COUNTY, AND STATE PLUMBING CODES. APPURTENANCES AND WORK INCLUDE, BUT ARE NOT LIMITED TO, CONNECTION TO BUILDING PLUMBING, VENTILATION, ISOLATION, BACKWATER VALVES, CLEANOUTS, AND FITTINGS.		
[2]	ALL ELECTRICAL APPURTENANCES INCLUDING BUT NOT LIMITED TO; CONDUIT, CONDUCTOR, CONTROL PANELS, CONTACTORS, FLOATS, PUMPS, DISCONNECTS, AND COMMUNICATION DEVICES SHALL COMPLY WITH CURRENT LOCAL, COUNTY, AND STATE ELECTRICAL CODE AND CURRENT NATIONAL ELECTRICAL CODE. CONDUIT AND CONDUCTOR RUNS AND SIZING SHOWN ON PLAN ARE FOR ALIGNMENT AND COST ESTIMATION. ELECTRICAL CONTRACTOR SHALL SPECIFY ALL ELECTRICAL APPURTENANCES. CONTROL AND POWER CONDUCTORS SHALL BE PLACED IN SEPARATE CONDUIT.		
LEGEND			
	PROPOSED DISPERSAL FIELD: SAND REPLACEMENT AREA (TO BE VERIFIED BY CONTRACTOR AND INSPECTED BY GEOLOGIST) ANY ALLUVIUM, ARTIFICIAL FILL, OR MATERIALS OTHER THAN NATIVE BEACH DEPOSITS ENCOUNTERED IN THE CONSTRUCTION OF THE PROPOSED LEACH FIELD SHALL BE EXCAVATED TO THE LEVEL OF THE NATIVE BEACH DEPOSITS AND BACKFILLED WITH DOUBLE WASHED SAND		
	BUILDINGS AND STRUCTURES		
	SHORELINE PROTECTION DEVICE		
	SITE WALL		
	FOUNDATION		
	MECHANICAL PLATFORM		
	STORMWATER INFILTRATION BED		
	POOL		

Fixture Units Summary		
Total Proposed Fixture Units	45	
Total Fixture Units	45	
Dwelling Units Summary		
Total Proposed Dwelling Units	1	
Proposed Bedroom Summary		
Total Proposed Bedrooms	4	bedrooms
Number of Proposed Master Bedrooms	1	bedrooms
Number of Proposed Standard Bedrooms	3	bedrooms
Flow Calculations (Q)		
Peak Flow per Master Bedroom	300	gpd
Peak Flow per Standard Bedroom	150	gpd
Average Flow per Master Bedroom	200	gpd
Average Flow per Standard Bedroom	100	gpd
Flow Calculations Proposed (Q <sub>p</sub> )		
Peak Flow, Q <sub>p</sub>	750	gpd
Average Flow, Q <sub>a</sub>	500	gpd
Leaching Field Design Flow, Q <sub>l</sub>	750	gpd
Flow Calculations RWB (Proposed) (Q <sub>rw</sub> )		
Prohibition Flow, Q <sub>rw</sub>	350	gpd

Septic Tank (ST) Calculations		
Total Existing Fixture Units		
Total Proposed Fixture Units	45	
Total Fixture Units	45	
Minimum Septic Tank Size based on F	2000	gal
Number of Dwelling Units	1	
Number of Bedrooms	4	bedrooms
Minimum Septic Tank Size based on Bedrooms	1500	gal
Design Septic Tank Size	3634	gal



GENERAL NOTES:

1. EXISTING OWTS COMPONENTS LOCATION AND ABANDONMENT:
  - 1.1. CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) COMPONENTS. THE LOCATIONS ON THE ENGINEERING PLANS ARE INFORMATIONAL AND MAY NOT INCLUDE ALL COMPONENTS OF THE OWTS. MANY ITEMS, SUCH AS TANKS, PIPING, DISTRIBUTION DEVICES, SEEPAGE OR DISPERSED FIELD MATERIAL, FILL, AND BACKFILL, ARE BURIED AND NOT LOCATABLE BY THE SURVEYOR OR UTILITIES LOCATOR.
  - 1.2. 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 CITY OF MALIBU SHALL BE IN THE DESIGNATED 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 ANY TYPE OF WORK SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND THEIR AGENTS.
  - 1.3. THE EXISTING OWTS COMPONENTS INCLUDING: SEPTIC TANK(S), PIPING, CLEANOUT(S) SEEPAGE PIT(S), DISPERSED FIELD(S), AND ALL OTHER APPURTENANCES SHALL BE PROPERLY ABANDONED PURSUANT TO CITY OF MALIBU ORDINANCE 435, SECTION 15.40.170.0 AND SECTION 15.40.170.0, TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND POLICIES. METHOD OF ABANDONMENT SHALL BE DETERMINED BY THE ENGINEER AND/OR THE OWNER'S REPRESENTATIVE.
2. SEWER PIPE SHALL BE BEDDED IN ACCORDANCE WITH SPECIFICATIONS AND TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND ORDINANCES.
3. SYSTEM COMPONENTS AND APPURTENANCES (INCLUDING CLEAN-OUTS, VENTS, BACKWATER VALVES, ETC.) SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND POLICIES.
4. ELECTRICAL COMPONENTS AND APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA ELECTRICAL CODE, LOCAL ELECTRICAL CODE, AND ORDINANCES.
5. A REGISTERED GEOTECHNICAL ENGINEER, UNDER THE DIRECTION OF THE OWNER, SHALL DETERMINE IF THE WASTEWATER LOADING RATE WILL CAUSE THE EXISTING OR PROPOSED FOUNDATION TO BE OVERSTRESSED. IF THE ENGINEER IS NOT A GEOTECHNICAL ENGINEERING FIRM, THEREFORE, WE CAN NOT PREDICT AND/OR DETERMINE THE STABILITY OF THE EXISTING SLOPE.
6. THE PROJECT ENGINEERING GEOLOGIST SHALL OBSERVE THE INSTALLATION OF THE TANK AND DISPERSED, SYSTEM COMPONENTS OF THE AOWITS (INCLUDING BUT NOT LIMITED TO: (A) TANK EXCAVATION, (B) TANK AND BACKFILL, (C) SEEPAGE PITS EXCAVATION, CONSTRUCTION, AND BACKFILL, (C) SUBSURFACE DISPERSED SYSTEM BEDDED, FILL MATERIAL, CONSTRUCTION, AND BACKFILL) AND PROVIDE THE CITY INSPECTOR WITH A FIELD MEMORANDUM(S) DOCUMENTING AND VERIFYING THAT THE TANK AND DISPERSED, SYSTEM COMPONENTS WERE INSTALLED PER APPROVED AOWITS PLANS.
7. LEACH FIELDS AND DISPERSED SYSTEMS DESIGNATED AS SAND CATEGORY: ANY REMAINING FILL MATERIAL AND ANY BEACH SAND SEDIMENT THAT MIGHT HAVE REDUCED PERMEABILITY FROM EXISTING LEACH FIELD OPERATIONS ENCOUNTERED BELOW THE BOTTOM OF THE PROPOSED LEACH FIELD OR ANY MATERIAL ENCOUNTERED IN THE CONSTRUCTION OF THE LEACH FIELD SHALL BE RECORDED AS BEACH SAND DEPOSITS SHALL BE EXCAVATED TO THE LEVEL OF THE NATIVE BEACH SAND DEPOSITS AND REPLACED WITH DOUBLE- WASHED SAND. THE PROJECT ENGINEERING GEOLOGIST SHALL OBSERVE THE EXCAVATION OF THE LEACH FIELD AND CONFIRM IN WRITING THAT ALL THE DELETED BEACH FILL AND NON-BEACH SAND MATERIALS BELOW THE LEACH FIELD HAVE BEEN REMOVED AND REPLACED WITH CLEAN SAND AND THE LEACH FIELD WAS CONSTRUCTED IN ACCORDANCE WITH THE APPROVED OWTS PLANS.
8. SUBSURFACE DRIP LINE SHALL BE PLACED IN UNCOMPACTED NATIVE SOILS RIPPED AND TILLED A MINIMUM OF 18 INCHES. SOIL SHALL BE AMENDED TO BE 30% SAND, 30% MEDIUM TO FINE SAND, AND 40% ORGANIC MATTER. THE CONTRACTOR SHALL ADVISE CONTRACTOR ON TYPE OF TOPSOIL TO IMPORT FOR MINIMUM BURIAL DEPTH. DISPERSED FIELD SHALL BE PLANTED AND ESTABLISHED PRIOR TO OCCUPANCY (ENGINEER TO VERIFY)
9. ALL DIMENSIONS AND GRADES SHALL BE VERIFIED BY CONTRACTOR PRIOR TO SYSTEM INSTALLATION. BUILDING SEWER DEPTH OR CONNECTION POINT WAS NOT PROVIDED AND SHALL BE DETERMINED BY THE CONTRACTOR TO MEET CITY OF MALIBU CODE.
10. CONTRACTOR TO VERIFY DEPTH AND LOCATION OF BUILDING SEWER CONNECTION. MINIMUM 2% SLOPE FROM STRUCTURE TO CONNECTION POINT.
11. ONSITE WASTEWATER TREATMENT SYSTEM SHALL BE VENTED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND POLICIES.
12. THE OWTS IS SITED AS FAR LANDWARD AS FEASIBLE.

PIPING SCHEDULE		
	TAG	SPECIFICATION
	GSL	PROPOSED GRAVITY SEWER LINE 4" SCH40 PVC
	PAL	PROPOSED AIR COMPRESSOR LINE 1" SCH80 PVC
	PVL	PROPOSED AIR VENT LINE 4" SCH40 PVC
	RCRC	REIRCULATION RETURN LINE 1/2" SCH80 PVC
	LFH	DISPERSAL FIELD HEADER 1/2" SCH80 PVC
	LFL	DISPERSAL FIELD LATERAL 1/4" SCH80 PVC

Minimum Square Feet of Leaching Area Required, $A_m$	375	ft <sup>2</sup>
Preferred Square Feet of Leaching Area Required, $A_p$	429	ft <sup>2</sup>
Footprint Area, $A_f$	629	ft <sup>2</sup>
Actual Loading Rate, $L_a$	1.2	gpsfd
Maximum Allowable Flow Based on Design Area and Maximum Loading Rate	1258	gpd

MicroSepTec Design		
Design Flow	750	gpd
Design Influent BOD	220	mg/L
Design Effluent BOD	20	mg/L
Design Organic Loading BOD	1.25	lb BOD <sub>5</sub> /day
MicroSepTec Model Specified	ES12	
MicroSepTec Tank Volume	3634	gal
MicroSepTec ES12 Base Organic Removal (1)	2.00	lb BOD <sub>5</sub> /day
Minimum Number of MicroSepTec ES12 Required	1	units
Design Organic Removal	2.00	lb BOD <sub>5</sub> /day
Design Tank Volume	3634	gal
Maximum Effluent Flow Based on Organic Loading	1200	gpd
Maximum Effluent Flow Based on Hydraulic Loading	1200	gpd
Maximum Features Based on Design Tank Volume	105	

**FINAL FOR APPROVAL  
ISSUED  
9/12/2020**

*JOHN N. YAROSLASKI*  
*PRINCIPAL ENGINEER*

24266 MALIBU ROAD AOWTS CONFORMANCE  
REVIEW [FINAL DESIGN PLANS]  
CR-SITE PLANS AND TABLES 11x17  
MALIBU, CALIFORNIA

DATE: 9/12/2020  
DESIGNED BY: JNY  
DRAWN BY: JNY  
CHECKED BY: JNY

**JOB NO.**  
**573-05**

1 OF 1



# City of Malibu

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

## FIRE DEPARTMENT REVIEW REFERRAL SHEET

TO: Los Angeles County Fire Department

FROM: City of Malibu Planning Department

REVISED DATE 07/10/2020

PROJECT NUMBER: CDP 16-066  
JOB ADDRESS: 24266 MALIBU RD  
APPLICANT / CONTACT: Ryan Hughes, Unvarnished Co.  
APPLICANT ADDRESS: 27724 Pacific Coast Highway  
Malibu, CA 90265  
APPLICANT PHONE #: (424)346-3288  
APPLICANT FAX #: \_\_\_\_\_  
PROJECT DESCRIPTION: NSFR

TO: Malibu Planning Department and/or Applicant  
FROM: Fire Prevention Engineering Assistant

Compliance with the conditions checked below is required prior to Fire Department approval.

The project DOES require Fire Department Plan Review and Developer Fee payment	<u>X</u>
The project DOES NOT require Fire Department Plan Review	<u>X</u>
The required fire flow for this project is <u>1,250</u> gallons per minute at 20 pounds per square inch for a <u>1</u> hour duration. (Provide flow information from the water dept.)	_____
The project is required to have an interior automatic fire sprinkler system.	<u>X</u>
Final Fuel Modification Plan Approval is required prior to Fire Department Approval	<u>X</u>

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

	App'd	N/app'd
Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project.	<u>X</u>	_____
Required and/or proposed Fire Department Vehicular Turnaround	<u>X</u>	_____
Required 5 foot wide Fire Department Walking Access (including grade %)	<u>X</u>	_____
Width of proposed driveway/access roadway gates	<u>X</u>	_____

\*County of Los Angeles Fire Department Approval Expires with City Planning permits expiration, revisions to the County of Los Angeles Fire Code or revisions to Fire Department regulations and standards.

\*\*Minor changes may be approved by Fire Prevention Engineering, provided such changes achieve substantially the same results and the project maintains compliance with the County of Los Angeles Fire Code valid at the time revised plans are submitted. Applicable review fees shall be required.

C. KENNELLY

8-12-2020

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



# COUNTY OF LOS ANGELES FIRE DEPARTMENT

FUEL MODIFICATION UNIT  
605 NORTH ANGELENO AVENUE  
AZUSA, CA 91702  
(626) 969-5205

[www.fire.lacounty.gov/forestry-division/forestry-fuel-modification/](http://www.fire.lacounty.gov/forestry-division/forestry-fuel-modification/)

*"Proud Protectors of Life, Property, and the Environment"*

DARYL L. OSBY  
FIRE CHIEF  
FORESTER & FIRE WARDEN

## BOARD OF SUPERVISORS

HILDA L. SOLIS  
FIRST DISTRICT

HOLLY J. MITCHELL  
SECOND DISTRICT

SHEILA KUEHL  
THIRD DISTRICT

JANICE HAHN  
FOURTH DISTRICT

KATHRYN BARGER  
FIFTH DISTRICT

December 8, 2020

Cynthia Martin  
28118 Agoura Rd. Suite 103  
Agoura Hills, CALIFORNIA 91301

Dear Cynthia Martin:

### **FUEL MODIFICATION PLAN – 24266 MALIBU ROAD, MALIBU PARCEL # 4458011010 FM PROJECT #7476 – FFFM # 201900226**

The Final Fuel Modification Plan has been reviewed and approved. Inspections are to be performed by Forestry Division personnel.

Questions regarding this response should be directed to the Fuel Modification Unit. Office hours are Monday through Thursday, from 8:00 a.m. to 4:00 p.m. for plan submittal and general questions. Plan checkers are available 8:00 a.m. to 10:00 a.m. and by appointment. The Fuel Modification Unit may be reached at (626) 969-5205.

Very truly yours,

KEVIN T. JOHNSON, ASSISTANT CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

LP:ds

Enclosures

#### SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS  
ARTESIA  
AZUSA  
BALDWIN PARK  
BELL  
BELL GARDENS  
BELLFLOWER  
BRADBURY  
CALABASAS

CARSON  
CERRITOS  
CLAREMONT  
COMMERCE  
COVINA  
CUDAHY  
DIAMOND BAR  
DUARTE

EL MONTE  
GARDENA  
GLEN DORA  
HAWAIIAN GARDENS  
HAWTHORNE  
HERMOSA BEACH  
HIDDEN HILLS  
HUNTINGTON PARK  
INDUSTRY

INGLEWOOD  
IRVINDALE  
LA CANADA-FLINTRIDGE  
LA HABRA  
LA MIRADA  
LA PUENTE  
LAKEWOOD  
LANCASTER

LAWDALE  
LOMITA  
LYNWOOD  
MALIBU  
MAYWOOD  
NORWALK  
PALMDALE  
PALOS VERDES ESTATES  
PARAMOUNT

PICO RIVERA  
POMONA  
RANCHO PALOS VERDES  
ROLLING HILLS  
ROLLING HILLS ESTATES  
ROSEMEAD  
SAN DIMAS  
SANTA CLARITA

SIGNAL HILL  
SOUTH EL MONTE  
SOUTH GATE  
TEMPLE CITY  
VERNON  
WALNUT  
WEST HOLLYWOOD  
WESTLAKE VILLAGE  
WHITTIER





# City of Malibu

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

## GEOTECHNICAL REVIEW SHEET

### Project Information

<b>Date:</b>	October 20, 2017	<b>Review Log #:</b>	3953
<b>Site Address:</b>	24266 Malibu Road		
<b>Lot/Tract/PM #:</b>	n/a	<b>Planning #:</b>	CDP 16-066
<b>Applicant/Contact:</b>	Andrew Ferguson, ubilaminc@gmail.com	<b>BPC/GPC #:</b>	
<b>Contact Phone #:</b>	323-605-7388	<b>Fax #:</b>	
<b>Planner:</b>	Carlos Contreras		
<b>Project Type:</b>	New single-family residence, lap pool, onsite wastewater treatment system (OWTS), seawall, grading and drainage		

### Submittal Information

**Consultant(s) / Report Date(s):** GeoConcepts, Inc. (Walter, GE 2476; Barrett, CEG 2088): **4-26-17, 11-30-16, 10-19-16, 10-18-16**; Ref: 5-14-12, 8-23-07, 6-25-07  
(Current submittal(s) in **Bold**.) EnSitu Engineering, Inc. (Yaroslaski, RCE 60149): **3-23-16 (2017?)**, 10-28-16

Building plans prepared by Tobias Architecture dated October 31, 2016.  
**OWTS final plan prepared by EnSitu Engineering, Inc. dated March 23, 2017.**  
**Grading plans prepared by LC Engineering Group, Inc. dated September 11, 2017.**

**Previous Reviews:** Environmental Health Review Sheet dated April 18, 2017, 11-28-16, Environmental Health Review Sheet dated November 15, 2016; Ref: 6-11-12, 9-12-07, 8-14-07

### Review Findings

#### Coastal Development Permit Review

- ☒ The residential development project is **APPROVED** from a geotechnical perspective.
- ☐ The residential development project is **NOT APPROVED** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.

#### Building Plan-Check Stage Review

- ☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.
- ☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.
- ☐ **NOT APPROVED** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

**Remarks**

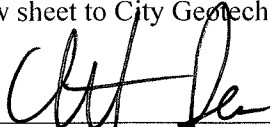
The supplemental geotechnical reports, reduced setback letter, OWTS report, OWTS plans, and grading plans were reviewed by the City from a geotechnical perspective. The project includes constructing a new 5,174 square foot 2-story single-family residence and attached garage, a lap swimming pool, decking, a new seawall, and OWTS that consists of a new treatment tank system and 578 square foot leach field. The design flow is 750 gpd and the loading rate is 1.3 gpsfd. The existing wood seawall and concrete retaining wall will be removed from the site. Grading consists of 150 yards of cut under structure and 150 yards of export.

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

1. Please submit a fee of \$957.00 to City geotechnical staff for building plan check review.
2. The Project Geotechnical Engineer has provided a pile capacity design chart (page 8) showing allowable pile capacity after deduction for down-drag forces on piles due to potential liquefaction and/or seismic settlement of the existing overburden soils as function of pile embedment depth into the bearing soil. The computed reduced pile capacities for drag-down, however, appear to be *greater* than the pile capacities given in the prior October 18, 2016 report that do not include reductions for drag-down. Please reconcile.
3. Please clearly show and note on the final plans the recommended imaginary 2:1 (horizontal to vertical) inclined setback plane extending upward from the base of landslide projected to the easterly property line as given by the Project Geotechnical Engineer for design of the proposed building foundations for landslide active pressures and creep.
4. The Grading plans indicate 150 yards of cut under structure and 150 yards of export. However, sections across the site on the plans show only fill behind the proposed seawall for the OWTS. Please clarify and correct, accordingly.
5. Please provide reduced setback letters from the coastal, and structural consultants for any reduced setbacks between the OWTS components and foundations, as applicable.
6. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. The Consultant recommends a vapor barrier thickness of 15 mil. Building plans shall reflect this requirement.
7. Please include the following note on the plans: *"The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, depth to groundwater, and a map depicting the locations of the piles."*
8. Two sets of final grading, retaining wall, seawall, lap swimming pool, OWTS, and residence plans **(APPROVED BY BUILDING AND SAFETY)** incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer**. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

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

Engineering Geology Review by:

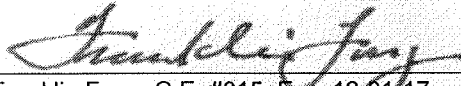


Christopher Dean, C.E.G. #1751, Exp. 9-30-18  
Engineering Geology Reviewer  
(310-456-2489, x306)  
Email: cdean@malibucity.org

Date

10/20/17

Geotechnical Engineering Review by:



Franklin Fong, G.E. #315, Exp. 12-31-17  
Geotechnical Engineering Reviewer  
(909-860-7515)  
Email: ffong@ffongge.com

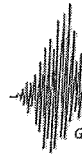
Date

10/20/2017

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, seawall, 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, Seawall, and Grading 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.

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.

### **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



# City of Malibu

23825 Stuart Ranch Road  
Malibu, California 90265  
(310) 456-2489 Fax (310) 317-1950

## GEOTECHNICAL REVIEW FIXED FEE FORM

PROJECT OWNER/APPLICANT: Roya de Stefanis  
PROJECT ADDRESS: 24266 Malibu Road  
GEOTECHNICAL LOG NO: 3953  
PLANNING NO: CDP 16-066  
PLAN CHECK NO: \_\_\_\_\_

ITEM	STATUS	DATE	DEPOSIT	CHARGE	BALANCE	COMMENTS
FIXED FEE BY: Roya de Stefanis		11/3/2016	\$4,260.00	\$0.00	\$0.00	Fixed Fee
Initial Review, CDP 06-066	Response Required	11/28/2016		\$0.00	\$0.00	
Second review, CDP 16-066	Approved	10/20/2017			\$0.00	Planning Only
Additional Reviews: Time & Material						
Third review						
Fourth review						
Applicant Paid Balance Due						
Fifth review						
Applicant Paid Balance Due						
					\$0.00	
REFUND DUE APPLICANT						REFUND # _____
BALANCE DUE CITY OF MALIBU						

### NOTE:

The Fixed Fee incorporates the initial and one subsequent geotechnical review. Subsequent reviews will be performed in accordance with the City's time and materials rate of \$207.00 per hour.





# City of Malibu

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

## PUBLIC WORKS REVIEW REFERRAL SHEET

TO: Public Works Department

FROM: City of Malibu Planning Department

REVISED DATE 01/13/2021

PROJECT NUMBER: CDP 16-066

JOB ADDRESS: 24266 MALIBU RD

APPLICANT / CONTACT: Cynthia Martin, Schmitz and Associates

APPLICANT ADDRESS: 29350 W. Pacific Coast Highway  
Malibu, CA 90265

APPLICANT PHONE #: (310) 359-0773

APPLICANT FAX #: (310) 359-0353

APPLICANT EMAIL: cmartin@schmitzandassociates.net

PROJECT DESCRIPTION: NSFR with attached garage, NOWTS and pool

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

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

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

Edward Rodriguez

SIGNATURE

January 28, 2021

DATE



# City of Malibu

## MEMORANDUM

To: Planning Department

From: Public Works Department  
Edward Rodriguez, Associate Civil Engineer

Date: January 28, 2021

Re: Conditions of Approval for 24266 Malibu Rd., CDP 16-066

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.
2. Several **existing** private improvements **are** located within the City's right-of-way, such as (but not limited to) landscaping, railroad ties, fencing. These improvements are required to be removed as part of this project and must be shown on the plans. The applicant shall place notes on the plans for the removal of existing encroachments 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 removal of the private improvements within the City's right-of-way.

### GRADING AND DRAINAGE

3. 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
4. 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.**
5. 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.
6. 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.

7. The applicant shall label all City/County storm drain inlets within 250 feet from each property line per the City of Malibu's standard label template. A note shall be placed on the project plans that address this condition.

## STORMWATER

If total disturbed area is less than one acre:

8. 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.

9. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's Local Implementation Plan Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP's) that have been



implemented in the design of the project (See LIP Chapter 17 Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading/building permits for this project.

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

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

## FEMA

11. Proposed improvements are located within the Special Flood Hazard Area (SFHA). An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The survey map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum, and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided to the Public Works Department prior to final approval of the construction.



12. The proposed pool is located within a SFHA, Zone VE. The proposed pool must be elevated above one foot above the base flood elevation (BFE), the structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. All pool equipment shall be placed above the BFE. A professional engineer must certify by that these standards have been satisfied.
13. The proposed septic system is located within a SFHA, Zone VE. The proposed septic system shall be designed to eliminate infiltration of flood waters into the system and discharges from the system into flood waters. The septic system shall be located to avoid impairment or contamination during flooding. The septic system shall be buried below the expected depth of erosion and scour. The tank shall be anchored to prevent a buoyancy failure. Septic system tanks must not be structurally attached to building foundations. All septic lines shall be protected from water and debris damage. Riser lines shall be located on the landward side of a pile or other vertical structural member or inside an enclosure designed to withstand the forces from the event.

## MISCELLANEOUS

14. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
15. 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.





**24266 Malibu Road Story Pole Installation (05/07/2021)**

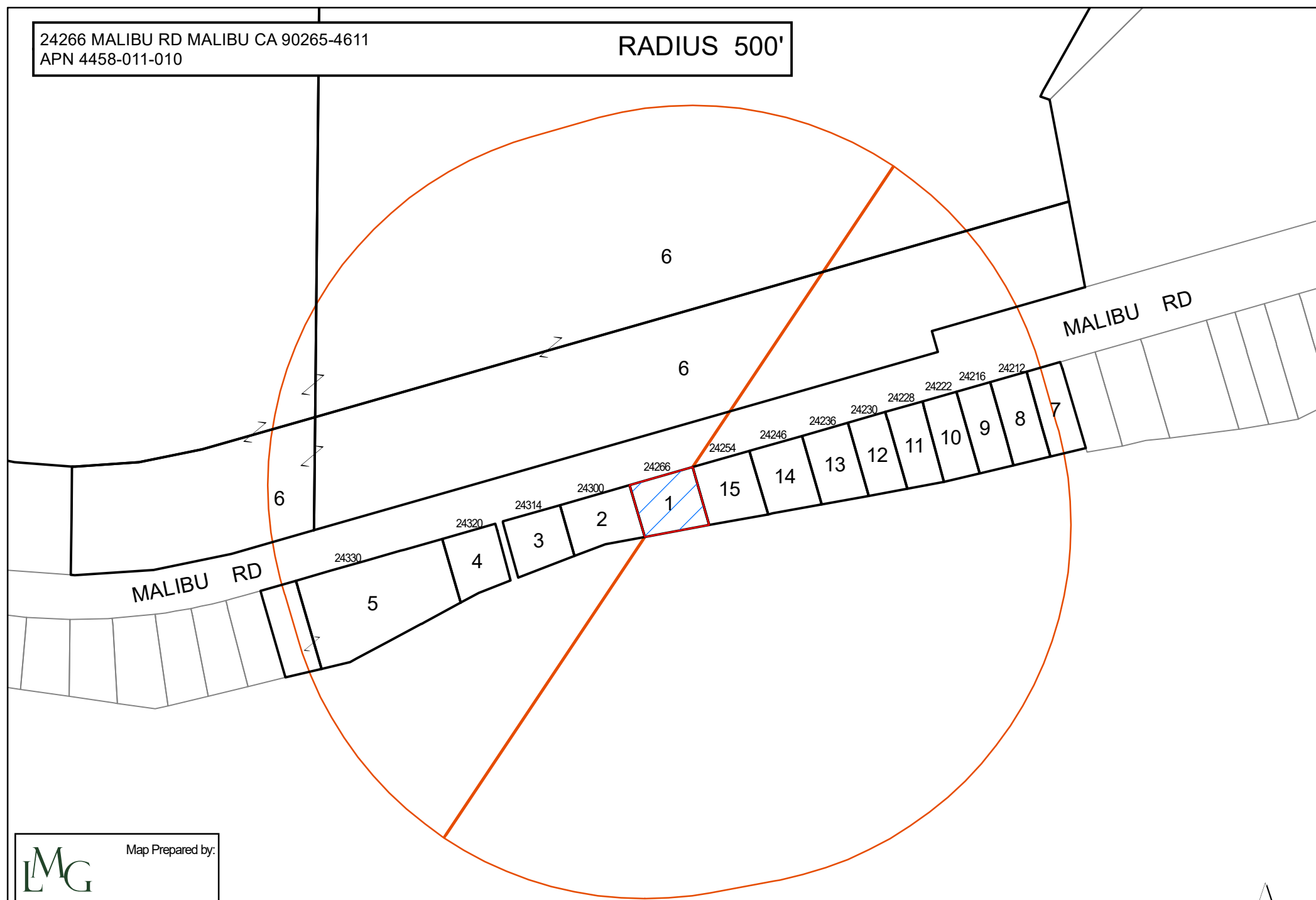






24266 MALIBU RD MALIBU CA 90265-4611  
APN 4458-011-010

RADIUS 500'



Map Prepared by:

818-235-7649  
leonmapping@hotmail.com  
www.laradiusmaps.com  
Leon Mapping & GIS Services  
15031 Chatsworth St, Ste 17  
Mission Hills, CA 91345

LEGAL DESC; TRACT NO 13157 VAC ST ADJ ON NW AND LOT 10  
CONTACT: UNVARNISHED, INC.  
PHONE : (424) 425-4110

125

ATTACHMENT 5

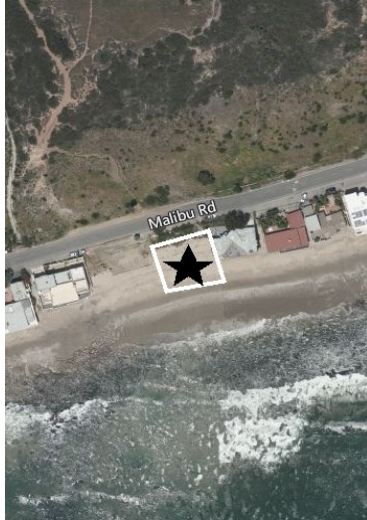
ACREAGE: 0.16  
DATE: 10/06/2016





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

**PLANNING DEPARTMENT**  
**NOTICE OF PUBLIC HEARING**



**NOTICE OF PUBLIC HEARING**

The Malibu Planning Commission will hold a public hearing on **Monday, June 7, 2021, 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 & N-29-20 & the County of Los Angeles Public Health Officer's Safer at Home Order

**COASTAL DEVELOPMENT PERMIT NO. 16-066 AND VARIANCE NO. 18-036** - An application for the construction of a new 4,722 square foot, two-story, beachfront single-family residence with attached two-car garage, swimming pool, spa, decks, seawall, 18-foot wide view corridor and fencing, installation of a new alternative onsite wastewater treatment system including a variance for construction on steep slopes

**LOCATION / APN / ZONING:** 24266 Malibu Road / 4458-011-010 / Single-family Medium (SFM)  
**APPLICANT / OWNER:** Schmitz and Associates / Malibu Road #3 LLC  
**APPEALABLE TO:** City Council and California Coastal Commission  
**ENVIRONMENTAL REVIEW:** Categorical Exemption CEQA Guidelines Section 15303(a)  
**APPLICATION FILED:** November 3, 2016  
**CASE PLANNER:** Philip Coronel, Assistant Planner, [pcoronel@malibucity.org](mailto:pcoronel@malibucity.org) (310) 456-2489, ext. 373

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

**LOCAL APPEAL** - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be emailed to [psalazar@malibucity.org](mailto:psalazar@malibucity.org) within ten days following the date of action and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms). If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

**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.

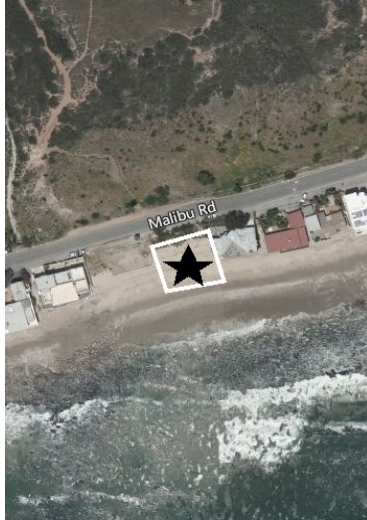
RICHARD MOLLICA, Planning Director

Date: May 13, 2021



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, August 9, 2021, at 6:30 p.m.** on the project identified below via teleconference only in order to reduce the risk of spreading COVID-19, pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order.

**APPEAL NO. 21-007** - An appeal of the Planning Commission's approval of Coastal Development Permit No. 16-066, Variance No. 18-036, Demolition Permit No. 21-009, and Offer-to-Dedicate No. 21-003 for the construction of a new 4,722 square foot, two-story, beachfront single-family residence with an attached two-car garage, swimming pool, spa, decks, seawall, 18-foot wide view corridor and fencing, installation of a new onsite wastewater treatment system and removal of wood and concrete retaining walls, including a variance for construction on steep slopes than 2.5 to 1 and an offer to dedicate a public lateral access easement along the shoreline

<b>LOCATION / APN / ZONING:</b>	<b>24266 Malibu Road / 4458-011-010 / Single-family Medium Density (SFM)</b>
<b>APPLICANT / OWNER:</b>	Schmitz and Associates / Malibu Road #3 LLC
<b>APPELLANT:</b>	Lester Tobias
<b>ENVIRONMENTAL REVIEW:</b>	Categorical Exemption CEQA Guidelines Sections 15303(a) and (e)
<b>APPLICATION FILED:</b>	November 3, 2016
<b>APPEAL FILED:</b>	June 14, 2021
<b>APPEALABLE TO:</b>	California Coastal Commission
<b>CASE PLANNER:</b>	Philip Coronel, Assistant Planner, <a href="mailto:pcoronel@malibucity.org">pcoronel@malibucity.org</a> (310) 456-2489, ext. 373

A written staff report will be available at or before the hearing; typically 10 days before the hearing in the Agenda Center: <http://www.malibucity.org/agendacenter>. All persons wishing to address the Council regarding these matters will be afforded an opportunity in accordance with the Council's procedures. Related documents are available for review by contacting the case planner during regular business hours. 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 [www.malibucity.org/virtualmeeting](http://www.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.

RICHARD MOLLICA, Planning Director

Date: July 15, 2021