



Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

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Reviewed: Richard Mollica, Planning Director

Date prepared: August 5, 2021 Meeting date: August 16, 2021

Subject: Coastal Development Permit No. 19-052, Variance Nos. 19-047, 19-048 and 19-060, Demolition Permit No. 20-020 and Code Violation No. 19-039 - An application for an after-the-fact replacement of an existing single-family residence due to the unpermitted demolition/replacement of exterior walls in excess of 50 percent, garage addition and associated development

Location: 25429 Malibu Road, within the appealable coastal zone
APN: 4459-014-014
Owner: The Celestial Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 21-39 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 19-052 and Demolition Permit (DP) No. 20-020 for an after-the-fact replacement of an existing single-family residence due to the unpermitted demolition/replacement of exterior walls in excess of 50 percent, including an after-the-fact replacement of the attached garage with a new garage, rear on-grade deck extension, and associated development; including Variance (VAR) No. 19-047 for construction on slopes steeper than 2.5 to 1, VAR No. 19-048 for the reduction of the required side yard setbacks and cumulative side yard setbacks and VAR No. 19-060 from the City's geotechnical standards for factor of safety located in the Rural Residential, Two-Acre (RR-2) zoning district at 25429 Malibu Road (The Celestial Trust).

DISCUSSION: The subject item was scheduled for the May 3, 2021 Planning Commission meeting. The item was then continued to permit staff additional time to research whether a variance for factor of safety applied to the project. Since then, VAR No. 19-060 has been

assigned to the project for the replacement residence not to provide the code-required 1.5 static and 1.1 pseudostatic factors of safety pursuant to LIP Section 9.4(D).

It has been the City's past practice not to apply this section of the LIP to projects that are exempt from geotechnical analysis pursuant to Malibu Building Code Sections 110 and 111. However, LIP Section 9.2(B) states that LIP Chapter 9 (Hazards) applies to all development requiring a CDP located on or near any area subject to hazards that present substantial risks to life and property. Staff believes that LIP Section 9.4(D) was not meant to apply to all development, including but not limited to new fencing, landscaping, decks, covered patios, interior remodels and other projects that are exempt from a geotechnical analysis particularly because a geotechnical analysis would determine whether a project is consistent with the code-required factor of safety.

From an LCP perspective, the unpermitted substantial remodel to the existing residence classifies it as a replacement residence but, from a Malibu Building Code, it is classified as a remodel and therefore, a geotechnical analysis was not required. While we do not have a geotechnical report for the subject property, we do have geotechnical reports for new residences on immediately adjacent lots and the reports for those residences indicate that the area is in a landslide where a factor of safety could not be met. As a result, staff decided to take a more conservative approach compared to past practice and applied a variance from LIP Section 9.4(D). Additionally, a condition of approval was added for the property owner to record an Assumption of Risk and Release for potential geotechnical hazard to remain.

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

Project Overview

The subject application is for an after-the-fact consideration of a replacement residence (including new garage addition), rear deck extension, and other associated development (Attachment 2). Planning and Code Enforcement staff conducted a series of inspections that led to the opening of a code enforcement case due to work in progress without the benefit of permits. New sliding glass doors, enlarged windows openings and an addition/height increase to the attached garage indicated an extensive amount of exterior walls had been replaced/alterd. However, the total amount of walls that were replace/alterd could not be verified because both the drywall and exterior siding had been installed, which prevented staff from seeing the full extent of the work. The owner of the property, who is also a licensed contractor, agreed to proceed with the presumption that

more than 50 percent of the exterior walls were replaced/altered and therefore, the existing residence is considered a replacement building, which is required to be brought into conformance with all current design and development standards.

Other unpermitted work included landscaping and fencing within the Malibu Road public right-of-way, treated timber retaining walls, stairs and a deck extension founded on steep slope between the residence and Malibu Road. VAR No. 19-047 is included for the treated timber retaining walls, stairs and deck extension on slopes steeper than 2.5 to 1. The fencing and landscaping within the Malibu public right-of-way will be removed as this work was not approved by the City Public Works Department.

VAR No. 19-048 is requested to allow the structure to maintain the existing non-conforming side yard setbacks. LCP Local Implementation Plan (LIP) Section 3.6(F)(2) requires side yard setbacks to be at least 25 percent of the lot width and no less than 10 percent on any one side. The required cumulative side yard setback is 19 feet, 10 inches and the proposed/existing cumulative side yard setback is 9 feet, 9 inches. Also, the required single side yard setback is 7 feet, 9 inches and each of the proposed/existing side yard setbacks are 4 feet, 7 inches (west) and 5 feet, 2 inches (east).

The project consists of a more than 50 percent remodel resulting in a replacement structure relevant to zoning requirements. However, the Los Angeles County Fire Department (LACFD) does not consider the proposed development as a new residence and therefore did not impose the access improvements that were required on four other relatively new residences immediately adjacent to the subject property that were required to widen Bayshore Drive to 25 feet within the access road easement. Planning staff is recommending a condition of approval that will require the owner of the subject property to widen Bayshore Drive to 25 feet. This will result in a small retaining wall on the northern side of Bayshore Drive to accommodate the width increase. The required retaining wall will be sited on slopes steeper than 2.5 to 1.

Surrounding Land Uses and Project Setting

The subject parcel is a rectangular shaped lot and abuts Malibu Road to the south (Figure 1). Access to the property is via Bayshore Drive, which is a private street that bisects the northern third of the property. The property consists of steep descending slopes between the residence and Malibu Road and steep ascending between Bayshore Drive and the northerly property line. According to information from the Los Angeles County Tax Assessor's records, the pre-existing single-family residence was constructed in 1960.

Figure 1 – Aerial Photograph



Source: GovClarity 2020

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

Table 1 – Property Data	
Lot Depth	154.7 feet
Lot Width	79.4 feet
Gross Lot Area	12,156 square feet (0.286 acre)
Access Easement	1,366 square feet (0.038 acre)
Net Lot Area*	10,790 square feet (0.248 acre)

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

The parcel's surrounding area contains a mix of one- and two-story, single-family residential development with mature landscaping, and a few undeveloped lots. As shown in Table 2, the immediately surrounding land uses consist of single-family residential homes and undeveloped lots within the RR-2 and Multi-Family Beach Front (MFBF) zoning districts.

Table 2 – Surrounding Land Uses				
Direction	Address/ Parcel No.	Size	Zoning	Land Use
North	25200 Pacific Coast Hwy / 4459-014-018	115,304 sq. ft.	RR2	Undeveloped ¹
East	25423 Malibu Rd	10,546 sq. ft.	RR-2	SFR ²
South	25426 Malibu Rd	8,112 sq. ft.	MFBF	BF-SFR ³
	25422 Malibu Rd	8,564 sq. ft.	MFBF	BF-SFR
West	25439 Malibu Rd	22,779 sq. ft.	RR-2	SFR

Project Description

The proposed scope of work is for the after-the-fact construction, as follows:

- a. A 2,592 square foot, single-story, replacement single-family residence, including an attached two-car garage;
- b. Rear deck extension;
- c. Landscaping and hardscape; and
- d. Treated timber retaining walls and stairs.

Staff is recommending a condition of approval to widen Bayshore Drive to 25 feet within the access road easement. These road improvements will result in a retaining wall on slopes steeper than 2.5 to 1.

Additional Discretionary Requests

- a. VAR No. 19-047 for construction on slopes steeper than 2.5 to 1;
- b. VAR No. 19-048 for the reduction of the required side yard setbacks and cumulative side yard setback;
- c. VAR No. 19-060 from the City's geotechnical standards for factor of safety; and
- d. DP No. 20-020 for the substantial demolition of the existing residence.

¹ An application was filed with the City for the construction of a new single-family residence and associated development. The application remains incomplete.

² SFR = Single-Family Residence

³ BF-SFR = Beachfront, Single-Family Residence

LCP Analysis

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

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters are discussed in the *LIP Conformance Analysis* section. The nine remaining LIP chapters do contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division.

For the reasons described in this report, including the project site, scope of work and substantial evidence in the record, only the following chapters and associated findings are applicable to the project: Coastal Development Permit (including the required findings for the VARs), Scenic Visual and Hillside Resource Protection and Hazards. These chapters are discussed in the *LIP Findings* section of this report. The findings required by MMC Section 17.70.060 for the demolition permit are also discussed.

LIP Conformance Analysis

The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Waterworks District No. 29 (WD29), and LACFD (Attachment 4 – Department Review Sheets). The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies with the inclusion of VAR Nos. 19-047 and 19-048.

Zoning (LIP Chapter 3)

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

Table 3 – LCP Zoning Conformance			
Development Requirement	Allowed/ Required	Proposed	Comments
SETBACKS (ft.)			
<i>Front Yard (20% or 65 ft., whichever is less)</i>	30 ft., 11 in.	63 ft., 1 in.	Complies
Rear Yard	23 ft., 2 in.	42 ft., 10 in.	Complies
<i>Side Yard (10% - Min)</i>	7 ft., 9 in.	4 ft., 7 in. (west) 5 ft., 2 in. (east)	VAR No. 19-048
<i>Side Yard (25% - Cumulative)</i>	19 ft., 10 in.	9 ft., 9 in.	VAR No. 19-048
PARKING			
Enclosed	2	2	Complies
Unenclosed	2	2	Complies
TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)	2,910 sq. ft.	2,592 sq. ft.	Complies
2/3rds Rule (1st Floor x 2/3rds = 2nd Floor sq. ft.)	2,592 sq. ft. x 2/3 = 1,728 sq. ft.	N/A	Complies
IMPERMEABLE COVERAGE	4,856 sq. ft.	4,741 sq. ft.	Complies
HEIGHT (ft.)	18 ft.	14 ft.	Complies
SITE OF CONSTRUCTION	< 3:1	>2.5 to 1	VAR No. 19-047
FENCES/WALLS/HEDGES/GATES			
Front Yard	6 ft.; lower 42 in. view impermeable	None Proposed	Complies
Rear Yard	6 ft.	None Proposed	Complies
Side Yards	6 ft.	None Proposed	Complies
Retaining Walls	6 ft.	None Proposed*	Complies

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 applicant provided a total grading verification certificate on Sheet C1 of the project plans. The certificate indicates that the project does not include any non-exempt grading and proposes four cubic yards of remedial grading. However, it is evident from the before and after site plan (Sheet A3) that a series of tier treated timber retaining walls were constructed between the residence and Malibu Road resulting in landform alteration. The exact amount of non-exempt grading is unknown, but it is expected to be less than 100 cubic yards. An amount far less than the maximum allowed.

The unpermitted treated timber retaining walls located within the Malibu Road public right-of-way will be removed and the related soil will be removed and recompact (exempt grading), which is miscategorized in the certificate as remedial grading. No remedial grading is proposed as part of this application. As conditioned, additional grading will be required to accommodate a 20-foot wide roadway along the Bayshore Drive road easement. This amount of grading falls under the safety category which is a type of exempt category. Therefore, the proposed 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. The project site has been evaluated for potential impacts to archaeological resources per the adopted City of Malibu Cultural Resources Map and it has been determined the site has low probability of containing archaeological resources and the development should have no impact on cultural resources due to the limited landform alterations proposed and previous grading.

Nevertheless, a condition of approval has been incorporated into the proposed project which states that in the event that potentially important cultural resources be 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. The project has been conditioned to meet this requirement and complies with LIP Chapter 11.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the proposed project for conformance to LIP Chapter 17 requirements for water quality protection. A standard condition of approval for this project requires that prior to the issuance of any development permit, a Local Storm Water Pollution Prevention Plan incorporating construction-phase Erosion and Sediment Control Plan and Best Management Practices, must be approved by the City Public Works Department. With the implementation of this condition, the proposed project conforms to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project does not include the installation of new OWTS or modifications to the existing OWTS. Therefore, LIP Chapter 18 does not apply to the proposed project.

LIP Findings

A. General Coastal Development Permit (LIP Chapter 13)

Pursuant to LIP Section 13.9, the following four findings need to be made on all coastal development permits.

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

The project is located in the RR-2 zoning district, an area designated for rural residential uses. A single-family residence and associated development are permitted uses. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigations, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards with the inclusive of the requested variances.

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

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

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

The following alternatives to the proposed project were considered.

Alternative Project – The project may be revised to comply with side yard setbacks and eliminate the optional construction on steep slopes. However, the project is a result of unpermitted work and the existing residence will maintain the existing side yard setbacks, except for a small expansion of the garage which will result in new construction within west side yard setback. However, the garage addition will be in line with the existing residence and will not encroach any closer. The optional construction on steep slopes already exists and is similar to existing development on surrounding development. The demolition of existing development to meet setbacks and avoid construction on slopes may result in some air and water quality degradation. The retaining walls help with top-soil erosion that would end up in the ocean. Therefore, an alternative project that would avoid variances would not provide an environmental advantage and would not meet the project objectives.

Proposed Project – The project consists of an after-the-fact replacement residence and associated development. The adjacent lots have been developed with two-story residence all with building pads immediately south of Bayshore Drive. The replacement residence's single-story design would be less visible from Dan Blocker Beach, a scenic area. The subject parcel does not have any ESHA and the project site is not located near ESHA, ESHA buffer or stream. Less than significant environmental impacts are expected as a result of the proposed project and is the least environmentally damaging alternative.

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

The subject parcel is not designated as environmentally sensitive habitat area (ESHA) and is not located in the vicinity of ESHA according to the LCP ESHA and Marine Resources Map. As such, this finding does not apply.

B. Variance for Construction on Slopes Steeper than 2.5 to 1 (LIP Section 13.26.5)

A variance pursuant to LIP Section 3.6(J) is proposed for construction on slopes steeper than 2.5 to 1 for the after-the-fact deck extension, stairs and retaining walls between the residence and Malibu Road and, as conditioned, a retaining wall to widen Bayshore Drive LIP Section 13.26.5 requires that the City make ten findings in consideration and approval of a variance. Based on the foregoing evidence contained within the record, the required findings for VAR No. 19-047 are made as follows.

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

Special circumstances and exceptional characteristics applicable to the subject property are that besides the existing building pad, required off-street unenclosed parking spaces and the currently improved portion of Bayshore Drive, the entire property consists of slopes steeper than 2.5 to 1. The applicant is requesting a variance for after-the-fact consideration of the unpermitted widening of the rear deck, treated timber retaining walls and stairs between the residence and Malibu Road as well as to comply with a recommended condition of approval for the widening of Bayshore Drive to 25 feet in order to meet LACFD requirement for fire lane on slopes steeper than 2.5 to 1. The proposed rear deck is similar in size and projection into the slopes to others in the surrounding area. Other surrounding properties have similar stairs on the slope and retaining walls.

Bayshore Drive consists of a 25-foot wide road easement of which 17.5 to 25 feet is currently paved within the subject parcel. Because 22 residential lots use Bayshore Drive as their primary access, the LACFD requires that all new residences widen the portion of the road within each corresponding parcel to its entire width of 25 feet. The variance is necessary because the steep topography immediately north of Bayshore Drive is such that the strict application of the zoning ordinance prevents retaining walls necessary to widen the existing primary access to meet LACFD requirements.

Development regulations limiting construction on slopes were written on a citywide basis and cannot take into account the individual and unique characteristics a property may exhibit. In this instance, the strict application of the ordinance would preclude development similar to other parcels in the vicinity and safety measures from being implemented to protect the existing and proposed development onsite. Without granting this variance, Bayshore Drive could not be widened to meet LACFD requirements to provide a safer access. Denial of the variance would deprive the property owner of privileges enjoyed by other properties in the vicinity and under the identical zoning classification, as well as feasible measures that are necessary to increase the safety and stability of the ascending and descending slopes on the property.

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 granting of the proposed variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located. The City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD have reviewed the proposed project and determined it was consistent with all applicable safety, health or welfare regulations and policies.

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

The granting of the variance will not constitute a special privilege to the applicant or property owner. Approval of the variance will grant relief from a technical development standard (that construction is limited to flat areas to minimize landform alteration and visual impacts), which if strictly applied, would be detrimental to the safety of those on the subject parcel and surrounding properties and prohibit the development of a new single-family residence on the site. No feasible alternatives exist for the widening of Bayshore Drive due to the steep topography within the road easement. Furthermore, the unpermitted deck extension, stairs and treated timber retaining walls are similar to other development in the vicinity on similar slopes.

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.

As previously discussed in Section A, Finding 1, the proposed variance will not be contrary to or in conflict with the goals, objectives and policies of the LCP. As previously discussed in Finding 1, the subject parcel has exceptional physical constraints that limit the location of development such as steep slopes in between the building pad and Malibu Road and immediately north of Bayshore Drive. The proposed variance will allow development in a similar manner to surrounding properties and compliance with LACFD access requirements.

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 proposed variance is not related to ESHA buffer standards or other ESHA protection standards; therefore, this finding does not apply.

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

The proposed variance is not related to stringline standards; therefore, this finding does not apply.

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

The proposed variance is for relief from a specific development standard and does not authorize a use not otherwise permitted in the applicable zoning district. The proposed residence and accessory structures are permitted uses in the applicable zoning district.

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

The proposed variance will allow after-the-fact development similar to surrounding properties and widening of Bayshore Drive to meet LACFD access requirements on slopes equal to or steeper than 2.5 to 1. The subject parcel is physically suitable for the proposed variance in that the after-the-fact construction has remained there for several months without any issues and Bayshore Drive may be widened to 25 feet in the existing private

road easement. As previously stated, the project has been reviewed by applicable City specialists and was found to be consistent with the LCP.

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

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

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

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

C. Variance for a Greater than 20 Percent Reduction of the Side Yard Setbacks (LIP Section 13.26)

A variance is requested to maintain the existing non-conforming side yard setbacks. LIP Section 3.6(F)(2) requires side yard setbacks to be at least 25 percent of the lot width and no less than 10 percent on any one side. The required cumulative side yard setbacks is 19 feet, 10 inches and proposed/existing is 9 feet, 9 inches. Also, the required single side yard setback is 7 feet, 9 inches and each of the proposed/existing side yard setbacks are 4 feet, 7 inches (west) and 5 feet, 2 inches (east). Based on the foregoing evidence contained within the record, the required findings for VAR No. 19-048 are made as follows.

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

Special circumstances and exceptional characteristics applicable to the subject parcel consist of Bayshore Drive bisecting across the upper one-third of parcel, steep slopes north of the Bayshore Drive and south of the building pad and pre-existing development, and the fact that the development is already there. The proposed building pad is surrounded by slopes steeper than 2.5 to 1. As proposed, the residence will maintain a 4-foot, 7-inch (west) and 5-foot, 2-inch (east) side yard setbacks for a proposed TDSF of 2,592 square feet. Without reduced side yard setbacks, there would not be sufficient space to site a single-family residence of the same size without further expanding into adjacent steep slopes. The proposed development will minimize potential visual impacts that may result from a two-story residence or additional construction on steep slopes and would allow the pre-existing residence to remain onsite similar to other nearby properties. Due to these special circumstances and exceptional characteristics, the strict application of the

zoning ordinance would deprive the property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

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

As previously discussed in Section B, Finding 2, the proposed project 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.

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

The granting of the variance will not constitute a special privilege to the applicant or property owner as at the time of construction for the original home the County of Los Angeles required five-foot side yard setbacks and many of the older residences in the neighborhood have similar setbacks. Additionally, the project consists of a more than 50 percent remodel of an existing residence, will preserve the pre-existing side yard setbacks and most of the proposed construction is already completed. There will be no changes to the existing building. Therefore, the proposed 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. The proposed variance would allow the pre-existing residence to remain on the subject parcel with reduced side yard setbacks. The reduction of the required side yard setbacks would allow the pre-existing residence and garage to be sited on the flat, disturbed portions of the property and with reduced additional construction on steep slopes. By doing so, the proposed project will minimize landform alteration consistent with LIP Section 8.3(A). The City Biologist, City Environmental Health Administrator, City geotechnical staff and City Public Works Department deemed the proposed project consistent with the LCP and applicable goals and policies.

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

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

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

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

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

The proposed uses are consistent with the permitted uses in the applicable RR-2 zoning district. The proposed variance would not authorize an unpermitted use or activity.

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

The subject parcel is physically suitable for the proposed variance in that it would permit the pre-existing residence to remain and maintain the existing side yard setbacks similar to residences in the vicinity that constructed prior to City incorporation. Expanding the footprint would result in additional construction on steep slopes and relocation a portion of the residence on the second floor may increase potential visual impacts.

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

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

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.

D. Variance from the Required Geologic Factor of Safety (LIP Section 13.26.5)

VAR No. 19-060 is requested for new development not to provide the code-required 1.5 static and 1.1 pseudostatic factors of safety pursuant to LIP Section 9.4(D). The evidence

in the record supports approval of VAR No. 19-060 and all of the required findings of fact can be made as follows:

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

The proposed development does not meet the minimum factor of safety required by LIP Section 9.4(D). The replacement residence and deck extension do not adversely affect local stability and are not subject to a geotechnical analysis pursuant to Malibu Building Code Sections 110 and 111. It is infeasible to maintain the replacement restaurant on the subject property in a fashion that would provide the code-required 1.5 static and 1.1 pseudostatic factors of safety specified by LIP Section 9.4(D).

The location, topography and surroundings of the subject property are special circumstances and exceptional characteristics, which if the requirements of LIP Section 9.4(D) were applied, no development on the property would be permitted.

Requiring the proposed development to provide a factor of safety of 1.5 (static) and a factor of safety of 1.1 (pseudostatic) would likely constitute a taking of private property. Therefore, the proposed project should be allowed to avoid a taking and/or to conduct safety measures such as Fire Department-required access. As discussed in Section A above and Section I below, the project is consistent with all LIP provisions, including findings assuring site stability and structural integrity, and ensuring that the project would not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. Strict application of the requirement to meet the slope stability factor of safety would deprive the property owner of privileges enjoyed by other properties located in the vicinity and under similar zoning classification.

There are nearby properties improved with similar development on the same landslide with similar factor of safety conditions. Any development on the subject site would require a variance from this standard.

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 intent of LIP Chapter 9 (Hazards) is to ensure that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. This section of the LIP requires that permitted development be sited and designed to assure site stability and structural integrity, and neither create nor contribute significantly to erosion, geologic

instability, or destruction of the site or surrounding area. The site/structural design measures implemented in the proposed project meet the intent of LIP Chapter 9.

The proposed project will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zones in which the property is located provided that the recommendations of the Project Civil/Structural Engineers are properly incorporated into the plans and implemented during construction and the subject property and proposed development are properly maintained.

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

The granting of the variance will not constitute a special privilege to the applicant or property owner in that the replacement residence is in the same location of the existing residence and it would permit the safety measures to be implemented such as compliance with Fire Department access. Other development on nearby properties is sited on the same landslide with similar non-conforming factors of safety. Approval of the subject variance will grant relief from a technical development standard and would not grant a special privilege to the property owner. The variance is only granted for site-specific conditions on the subject property and shall not be determined to be precedent setting.

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 variance from the code-required 1.5 static and 1.1 pseudostatic factors of safety will not be contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP. As discussed in Findings 1 and 3, granting the requested variance will allow the subject property to be developed in a similar manner to its existing condition and to other nearby properties. No feasible alternatives exist that would eliminate the need for the requested variance. The proposed project has been reviewed and approved for conformance with the LCP and applicable City and County goals and policies by the LACFD and City staff.

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 for an ESHA or ESHA buffer standard. Therefore, this finding does not apply.

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

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

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

As previously discussed in Section B, Finding 7, the proposed development is consistent with the purpose and intent of the underlying zone. The proposed variance would permit the replacement restaurant which is a conditionally permitted use.

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

The project will consist of a replacement residence on the same footprint of the existing residence with a 140 square feet expansion to the attached garage. The subject property is physically suitable for the replacement residence and deck extension because they will affect local stability to the existing development.

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

The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

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

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

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

As discussed in Section A, Finding 4, the subject parcel is not located in the ESHA or ESHA buffer. Therefore, according to LIP Section 4.7.6, the supplemental ESHA findings do not apply.

F. Native Tree Protection (LIP Chapter 5)

No protected native trees exist within the project area. Therefore, the findings contained in LIP Chapter 5 do not apply.

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

The Scenic, Visual, and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel that is located along, within, provides views to or is visible from any scenic area, scenic road, or public viewing area. LIP policies require that new development not be visible from scenic roads or public viewing areas. Where this is not feasible, new development must minimize impacts through siting and by incorporating design measures to ensure visual compatibility with the character of surrounding areas. On June 27, 2013, Planning staff visited the subject parcel after story poles representing the height, location and bulk of the proposed buildings were installed. Based on the site visit, staff determined that the proposed residence would be visible from PCH, an LCP-designated scenic highway, and Dan Blocker Beach located immediately to the south of Malibu Road. Therefore, LIP Chapter 6 applies and the five findings in LIP Section 6.4 are made as follows.

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

Public views from Dan Blocker Beach are not adversely impacted due to existing residential development, landscaping in the area and single-story nature of the replacement residence. Nevertheless, the replacement residence and retaining walls are conditioned to use earth-tone colors to match the immediately surrounding natural environment. The exterior materials of the replacement residence are limited to brick, wood, stucco, metal, concrete or other similar materials and non-glare glass for windows. The proposed project is also limited to the lighting requirements in LIP Section 6.5(G) and the proposed project is conditioned to execute a deed restriction stipulating conformance with the lighting requirements. Based on staff's site visit, applicable development and design standards, and review of the project plans, it has been determined that the proposed project will have no significant adverse scenic impacts to significant public views.

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

As previously discussed in Finding 1, the replacement residence, as conditioned, will not have significant adverse scenic or visual impacts because it blends in with the existing surrounding built environment as viewed from Dan Blocker Beach.

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

As previously discussed in Section A, Finding 3, the proposed project, as designed 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 previously discussed in Finding 1, the proposed project, as designed and conditioned, is not anticipated to have significant adverse impacts on scenic and visual resources.

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

As previously discussed in Finding 1, no significant adverse impacts on scenic and visual resources are anticipated to result from the project.

H. Transfer of Development Credits (LIP Chapter 7)

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

I. Hazards (LIP Chapter 9)

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

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

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

On February 14, 2020, City geotechnical staff determined that the proposed development is consistent with all applicable geotechnical requirements. Based on review of the project plans by City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD, these specialists and agency determined that adverse impacts to the project site related to the proposed development are not expected.

Fire Hazard

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

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

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

The project does not have any significant adverse impacts on site stability or structural integrity from geologic or fire hazards due to the project design.

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

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

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

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD. These specialists and agency determined that the proposed project does not impact site stability or structural integrity. As previously discussed in

Section A, there are no feasible alternatives to the proposed development that would result in less site disturbance.

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

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

J. Shoreline and Bluff Development (LIP Chapter 10)

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

K. Public Access (LIP Chapter 12)

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

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

No official LCP trail is mapped on the subject property. Additionally, the subject property is not located between the first public road and the sea or on a bluff. Therefore, the requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

L. Land Division (LIP Chapter 15)

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

M. Demolition Permit Findings (MMC Chapter 17.70)

MMC Section 17.70.060 requires that a demolition permit be issued for projects that result in the demolition of any building or structure. The findings for DP No. 20-020 are made as follows:

Finding 1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

Conditions of approval, including the recycling of demolished materials, have been included to ensure that the proposed project will not create significant adverse environmental impacts.

Finding 2. A development plan has been approved or the requirement waived by the City.

This CDP application is being processed concurrently with DP No. 20-020, and approval of the demolition permit is subject to the approval of CDP No. 19-052.

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 15301(l) – Existing Facilities and 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: Several neighbors have submitted letters in support of the project. The letters are included herein as Attachment 5.

PUBLIC NOTICE: On July 22, 2021, staff published a Notice of Public Hearing Notice in a newspaper of general circulation within the City of Malibu and mailed the notice to property owners and occupants within a 500-foot radius of the subject property.

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. 21-39. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department and appropriate City departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 21-39
2. Project Plans
3. Department Review Sheets
4. Site Photographs
5. Public Correspondence
6. 500-Foot Radius Map
7. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 21-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 19-052 AND DEMOLITION PERMIT NO. 20-020 FOR AN AFTER-THE-FACT REPLACEMENT OF AN EXISTING SINGLE-FAMILY RESIDENCE DUE TO THE UNPERMITTED DEMOLITION/REPLACEMENT OF EXTERIOR WALLS IN EXCESS OF 50 PERCENT, INCLUDING AN AFTER-THE-FACT REPLACEMENT OF THE ATTACHED GARAGE WITH A NEW GARAGE, REAR ON-GRADE DECK EXTENSION, AND ASSOCIATED DEVELOPMENT; INCLUDING VARIANCE NOS. 19-047 FOR CONSTRUCTION ON SLOPES STEEPER THAN 2.5 TO 1, VARIANCE NO. 19-048 FOR THE REDUCTION OF THE REQUIRED SIDE YARD SETBACKS AND CUMULATIVE SIDE YARD SETBACKS AND VARIANCE NO. 19-060 FROM THE CITY'S GEOTECHNICAL STANDARDS FOR FACTOR OF SAFETY LOCATED IN THE RURAL RESIDENTIAL, TWO-ACRE ZONING DISTRICT AT 25429 MALIBU ROAD (THE CELESTIAL TRUST)

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

SECTION 1. Recitals.

A. On June 11, 2019, an application for Administrative Plan Review (APR) No. 19-115 was submitted by Matt Eskan, the property owner, for an after-the-fact interior and exterior remodel of an existing residence and associated development. On July 29, 2019, APR No. 19-115 was replaced with Coastal Development Permit (CDP) No. 19-052 and the remodel was presumed to exceed more than 50 percent. The application was routed to the City Biologist, City geotechnical staff, City Environmental Health Administrator, City Public Works Department, and the Los Angeles County Fire Department for review.

B. On July 22, 2019, Planning Department staff conducted a site visit to document site conditions, the property and surrounding area.

C. On November 28, 2019, Variance (VAR) Nos. 19-047 and 19-048 were added to the project for construction on slopes steeper than 2.5 to 1 and encroachments into the required side yard setbacks.

D. On June 30, 2020, a Notice of Coastal Development Permit Application was posted on the subject property.

E. On August 11, 2020, Demolition Permit (DP) No. 20-020 was added to the project.

F. On December 12, 2020, staff deemed the project complete.

G. On April 8, 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.

H. On May 3, 2021, prior to a public hearing, the Planning Commission continued the item to a date uncertain to permit staff additional time to search whether a variance for factor of safety applied to the project. VAR No. 19-060 has been assigned to the project for the replacement residence not to provide the code-required 1.5 static and 1.1 pseudostatic factors of safety pursuant to LIP Section 9.4(D).

G. On July 22, 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.

I. On August 16, 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.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301(l) Existing Facilities and 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 LIP including Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 19-052, DP No. 20-020 for an after-the-fact replacement of an existing single-family residence due to the unpermitted demolition/replacement of exterior walls in excess of 50 percent, including an after-the-fact replacement of the attached garage with a new garage, rear on-grade deck extension, and associated development; including VAR No. 19-047 for construction on slopes steeper than 2.5 to 1, VAR No. 19-048 for the reduction of the required side yard setbacks and cumulative side yard setbacks and VAR No. 19-060 from the City's geotechnical standards for factor of safety located in the Rural Residential, Two-Acre (RR-2) zoning district at 25429 Malibu Road.

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

A. General Coastal Development Permit (LIP Chapter 13)

1. The project is located in the RR-2 zoning district, an area designated for rural residential uses. A single-family residence and associated development are permitted uses. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and Los Angeles County Fire Department (LACFD). As discussed herein, based on

submitted reports, project plans, visual analysis and site investigations, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards with the inclusive of the requested variances.

2. Evidence in the record demonstrates that the project as proposed and conditioned, is the least environmentally damaging alternative. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment.

B. Variance for Construction on Slopes Steeper than 2.5 to 1 (LIP Section 13.26.5)

1. Special circumstances and exceptional characteristics applicable to the subject property are that besides the existing building pad, required off-street unenclosed parking spaces and the currently improved portion of Bayshore Drive, the entire property consists of slopes steeper than 2.5 to 1. The applicant is requesting a variance for an after-the-fact consideration of unpermitted widening of the rear deck, railroad tie retaining walls and stairs between the residence and Malibu Road as well as to comply with a recommended condition of approval for the widening of Bayshore Drive to 25 feet in order to meet LACFD requirement for firelane on slopes steeper than 2.5 to 1. The proposed rear deck is similar in size and projection into the slopes to others in the surrounding area. Other surrounding properties have similar stairs on the slope and retaining walls. Due to these special circumstances and exceptional characteristics, the strict application of the zoning ordinance would deprive the property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

2. The granting of the proposed variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located. The City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD have reviewed the proposed project and determined it was consistent with all applicable safety, health or welfare regulations and policies.

3. The granting of the variance will not constitute a special privilege to the applicant or property owner. Approval of the variance will grant relief from a technical development standard (that construction is limited to flat areas to minimize landform alteration and visual impacts), which if strictly applied, would be detrimental to the safety of those on the subject parcel and surrounding properties and prohibit the development of a new single-family residence on the site. No feasible alternates exist for the widening of Bayshore Drive due to the steep topography within the road easement. Furthermore, the unpermitted deck extension, stairs and railroad-tie retaining walls are similar to other development in the vicinity on similar slopes.

4. The proposed variance will not be contrary to or in conflict with the goals, objectives and policies of the LCP. As previously discussed in Finding 1, the subject parcel has exceptional physical constraints that limit the location of development such as steep slopes in between the building pad and Malibu Road and immediately north of Bayshore Drive. The proposed variance will allow development in a similar manner to surrounding properties and compliance with LACFD access requirements.

5. The proposed variance is for relief from a specific development standard and does not authorize a use not otherwise permitted in the applicable zoning district. The proposed residence and accessory structures are permitted uses in the applicable zoning district.

6. The proposed variance will allow after-the-fact development similar to surrounding properties and widening of Bayshore Drive to meet LACFD access requirements on slopes equal to or steeper than 2.5 to 1. The subject parcel is physically suitable for the proposed variance in that the after-the-fact construction has remained there for several months without any issues and Bayshore Drive may be widened to 25 feet in the existing private road easement. As previously stated, the project has been reviewed by applicable City specialists and was found to be consistent with the LCP.

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

C. Variance for a Greater than 20 Percent Reduction of the Side Yard Setbacks (LIP Section 13.26)

1. Special circumstances and exceptional characteristics applicable to the subject parcel consist of Bayshore Drive bisecting across the upper one-third of parcel, steep slopes north of the Bayshore Drive and south of the building pad and pre-existing development, and the fact that the development is already there. The proposed building pad is surrounded by slopes steeper than 2.5 to 1. As proposed, the residence will maintain a 4-foot, 7-inch (west) and 5-foot, 2-inch (east) side yard setbacks for a proposed TDSF of 2,592 square feet. Without a reduced side yard setbacks, there would not be sufficient space to site a single-family residence of the same size without further expanding into adjacent steep slopes. The proposed development will minimize potential visual impacts that may result from a two-story residence or additional construction on steep slopes and would allow the pre-existing residence to remain onsite similar to other nearby properties. Due to these special circumstances and exceptional characteristics, the strict application of the zoning ordinance would deprive the property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

2. Evidence in the record demonstrates that the proposed project 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.

3. The granting of the variance will not constitute a special privilege to the applicant or property owner as the County of Los Angeles required five-foot side yard setbacks and many of the older residences in the neighborhood have similar setbacks. Additionally, the project consists of a more than 50 percent remodel of an existing residence, will preserve the pre-existing side yard setbacks and most of the proposed construction is already completed. There will be no changes to the existing building. Therefore, the proposed 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. The proposed variance would allow the pre-existing residence to remain on the subject parcel with reduced side yard setbacks. The reduction of the required side yard setbacks would allow the pre-existing residence and garage to be sited on the flat, disturbed portions of the property and with reduced additional construction on steep slopes. By doing so, the proposed project will minimize

landform alteration consistent with LIP Section 8.3(A). The City Biologist, City Environmental Health Administrator, City geotechnical staff and City Public Works Department deemed the proposed project consistent with the LCP and applicable goals and policies.

5. The proposed uses are consistent with the permitted uses in the applicable RR-2 zoning district. The proposed variance would not authorize an unpermitted use or activity.

6. The subject parcel is physically suitable for the proposed variance in that it would permit the pre-existing residence to remain and maintain the existing side yard setbacks similar to residences in the vicinity that constructed prior to City incorporation. Expanding the footprint would result in addition construction on steep slopes and relocation a portion of the residence on the second floor may increase potential visual impacts.

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

D. Variance from the Required Geologic Factor of Safety (LIP Section 13.26.5)

1. The proposed development does not meet the minimum factor of safety required by LIP Section 9.4(D). The replacement residence and deck extension do not adversely affect local stability and are not subject to a geotechnical analysis pursuant to Malibu Building Code Sections 110 and 111. It is infeasible to maintain the replacement restaurant on the subject property in a fashion that would provide the code-required 1.5 static and 1.1 pseudostatic factors of safety specified by LIP Section 9.4(D). The location, topography and surroundings of the subject property are special circumstances and exceptional characteristics, which if the requirements of LIP Section 9.4(D) were applied, no development on the property would be permitted. Strict application of the requirement to meet the slope stability factor of safety would deprive the property owner of privileges enjoyed by other properties located in the vicinity and under similar zoning classification.

2. The intent of LIP Chapter 9 (Hazards) is to ensure that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. This section of the LIP requires that permitted development be sited and designed to assure site stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The site/structural design measures implemented in the proposed project meet the intent of LIP Chapter 9.

3. The proposed project will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zones in which the property is located provided that the recommendations of the Project Civil/Structural Engineers are properly incorporated into the plans and implemented during construction and the subject property and proposed development are properly maintained.

3. The granting of the variance will not constitute a special privilege to the applicant or property owner in that the replacement residence is in the same location of the existing residence and it would permit the safety measures to be implemented such as compliance with Fire Department access. Other development on nearby properties is sited on the same landslide with similar non-conforming factors of safety. Approval of the subject variance will grant relief from a technical

development standard and would not grant a special privilege to the property owner. The variance is only granted for site-specific conditions on the subject property and shall not be determined to be precedent setting.

4. The granting of the variance from the code-required 1.5 static and 1.1 pseudostatic factors of safety will not be contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP. As discussed in Findings 1 and 3, granting the requested variance will allow the subject property to be developed in a similar manner to its existing condition and to other nearby properties. No feasible alternatives exist that would eliminate the need for the requested variance. The proposed project has been reviewed and approved for conformance with the LCP and applicable City and County goals and policies by the LACFD and City staff.

5. Evidence in the record demonstrates that the proposed development is consistent with the purpose and intent of the underlying zone. The proposed variance would permit the replacement restaurant which is a conditionally permitted use.

6. The project will consist of a replacement residence on the same footprint of the existing residence with a 140 square feet expansion to the attached garage. The subject property is physically suitable for the replacement residence and deck extension because they will affect local stability to the existing development.

7. The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

E. Scenic, Visual and Hillside resource Protection (LIP Chapter 6)

1. Public views from Dan Blocker Beach are not adversely impacted due to existing residential development, landscaping in the area and single-story nature of the replacement residence. Nevertheless, the replacement residence and retaining walls are conditioned to use earth-tone colors to match the immediately surrounding natural environment. The exterior materials of the replacement residence are limited to brick, wood, stucco, metal, concrete or other similar materials and non-glare glass for windows. The proposed project is also limited to the lighting requirements in LIP Section 6.5(G) and the proposed project is conditioned to execute a deed restriction stipulating conformance with the lighting requirements. Based on staff's site visit, applicable development and design standards, and review of the project plans, it has been determined that the proposed project will have no significant adverse scenic impacts to significant public views.

2. Evidence in the record demonstrates that the replacement residence, as conditioned, will not have significant adverse scenic or visual impacts because it blends in with the existing surrounding built environment as viewed from Dan Blocker Beach.

3. Evidence in the record demonstrates that the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

4. Evidence in the record demonstrates that the proposed project, as designed and conditioned, is not anticipated to have significant adverse impacts on scenic and visual resources.

5. Evidence in the record demonstrates that no significant adverse impacts on scenic and visual resources are anticipated to result from the project.

F. Hazards (LIP Chapter 9)

1. On February 14, 2020, City geotechnical staff determined that the proposed development is consistent with all applicable geotechnical requirements. Based on review of the project plans by City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD, these specialists and agency determined that adverse impacts to the project site related to the proposed development are not expected.

2. The project does not have any significant adverse impacts on site stability or structural integrity from geologic or fire hazards due to the project design.

3. Evidence in the record demonstrates the project is the least environmentally damaging alternative.

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and the LACFD. These specialists and agency determined that the proposed project does not impact site stability or structural integrity.

5. Evidence in the record demonstrates that the proposed project is not expected to have adverse impacts on sensitive resources.

G. Demolition Permit Findings (MMC Chapter 17.70)

1. Conditions of approval, including the recycling of demolished materials, have been included to ensure that the proposed project will not create significant adverse environmental impacts.

2. This CDP application is being processed concurrently with DP No. 20-020, and approval of the demolition permit is subject to the approval of CDP No. 19-052.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 19-052, VAR Nos. 19-047, 19-048 and 19-060, and DP No. 20-020, subject to the following conditions.

SECTION 5. Conditions of Approval.

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

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
 - a. A 2,592 square foot, single-story, replacement single-family residence, including an attached two-car garage;
 - b. Rear deck extension;
 - c. Landscaping and hardscape;
 - d. Railroad tie retaining walls and stairs; and
 - e. Discretionary Requests:
 - i. VAR No. 19-047 for construction on slopes steeper than 2.5 to 1;
 - ii. VAR No. 19-048 for the reduction of the required side yard setbacks and cumulative side yard setbacks;
 - iii. VAR No. 19-060 from the City's geotechnical standards for factor of safety; and
 - iv. DP No. 20-020 for the substantial demolition of the existing residence.
3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **September 3, 2020**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.
5. The applicant shall digitally submit a complete set of plans, including the items required in Conditions No. 6 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Waterworks District No. 29 and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured. Notwithstanding this review, all required permits shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.
12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

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.

Lighting

15. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:

- a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
 - b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
 - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
 - d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
 - e. Site perimeter lighting shall be prohibited; and
 - f. Outdoor decorative lighting for aesthetic purposes is prohibited.
16. Night lighting for sports courts or other private recreational facilities shall be prohibited.
 17. 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.
 18. 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.
 19. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
 20. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
 21. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

Site-Specific Conditions

22. The property owner is required to widen Bayshore Drive to the full extent of the easement.
23. Garage must be modified to include a two-car door opening.
24. No exterior lighting is proposed as part of this project; therefore, no new exterior lighting is permitted as part of this project.
25. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting.

View Corridor

26. Pursuant to LIP Section 6.5(E)(1)(e) and in order to ensure the protection of scenic and visual resources, the project is conditioned as follows:

- a. Structures shall extend no higher than the road grade of PCH adjacent to the project site.
- b. Fences or walls shall be no higher than adjacent road grade of PCH, with the exception of fences that are composed of visually permeable design and material.
- c. The project site shall be landscaped with native vegetation types that have a maximum growth height at maturity and are located such that landscaping will not extend above PCH road grade.
- d. Existing vegetation shall be removed, or trimmed and maintained in perpetuity so as not to extend above the adjacent road elevation of PCH.

Construction / Demolition Conditions

Demolition/Solid Waste

27. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.
28. 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.
29. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.
30. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.
31. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.
32. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.
33. Upon completion of demolition activities, the applicant shall request a final inspection by the Planning Department.

Construction / Framing

34. Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.

35. A construction staging plan shall be reviewed and approved by the Building Official prior to plan check submittal.
36. 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.
37. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

Colors and Materials

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

Biology/Landscaping

39. 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.
40. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting.
41. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three violations of this condition will result in a requirement to permanently remove the vegetation from the site.

Environmental Health

42. All final project plans shall be submitted for Environmental Health review and approval. The plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval. The final site plan must show the OWTS. The final floor plan must show no more than three bedrooms and 27 plumbing fixture units. Depict all plumbing fixtures including the dishwasher on the final plans.

Geology

43. 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 geotechnical staff prior to the issuance of a grading permit.
44. 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 a CDP amendment or a new CDP.

Prior to Occupancy

45. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled and state the facilities where all materials were taken.
46. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental and Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.

Fixed Conditions

47. This coastal development permit shall run with the land and bind all future owners of the property.
48. 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.

Deed Restrictions

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

49. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.
50. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 15-21. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

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

PASSED, APPROVED AND ADOPTED this 16th day of August 2021.

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

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

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s approval to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov 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. 21-39 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 16th day of August 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

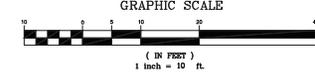
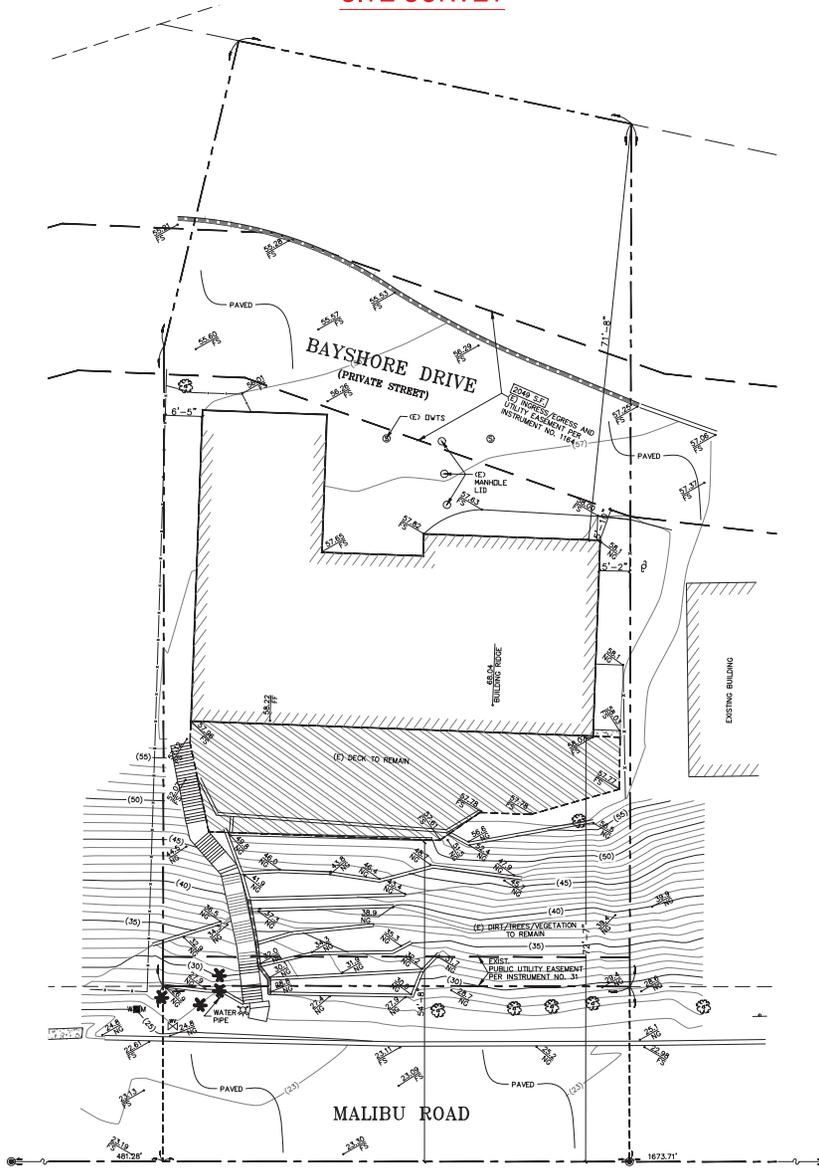
KATHLEEN STECKO, Recording Secretary

SCALE= 1" = 10'-0"

SITE SURVEY

LEGEND

- PROPERTY LINE
- - - CENTERLINE
- ===== FENCE LINE
- (C) RET. WALL
- ▭ EXISTING BUILDING
- ▨ FINISHED SURFACE
- ▩ FINISHED FLOOR
- DRT
- FOUND OR SET MONUMENT AS NOTED
- ⊕ FIRE HYDRANT
- ⊕ UTILITY POLE
- ⊕ SANITARY SEWER MANHOLE
- SON
- ⊕ WATER METER
- ⊕ WATER VALVE
- ⊕ PALM TREE
- ⊕ TREE

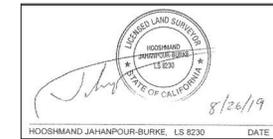


PROJECT DESCRIPTION
 APN: 4459-14-14
 OWNER: MATT ESKAN
 25429 MALIBU RD.
 MALIBU, CA 90265

LEGAL DESCRIPTION:
 A PORTION OF THE RANCHO TOPANGA MALIBU SEQUITAS CONFIRMED TO MATTHEW KELLER, BY PATENT RECORDED IN BOOK 1 OF MAPS, PAGE 407, ET SEQ. OF PATENTS OF THE LOS ANGELES COUNTY OFFICIAL RECORDS.

BENCHMARK:
 COUNTY OF LOS ANGELES BENCHMARK NO. DY11379.
 FOUND NGSB DISC MON IN NW COR BRIDGE OVER CORRAL CREEK,
 12M(SF) NIO CL PACIFIC COAST HWY & 945M(0.5M) W/O PUERCO CYN N
 MKD (F 1052 RESET 1987)
 ELEVATION= 18.927

NOTE:
 THIS CAD DRAWING WAS PREPARED SOLELY FOR H.J. BURKE, INC'S CONTRACTED CLIENT ON FILE AND IS FOR EXAMINATION PURPOSES ONLY. ALL WARRANTIES AND REPRESENTATIONS OF ANY KIND WITH REGARD TO CAD FILE AND SOFTWARE ARE DISCLAIMED, INCLUDING ANY IMPLIED WARRANTIES OR FITNESS FOR A PARTICULAR USE. H.J. BURKE, INC ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES MADE BY ANYONE OTHER THAN H.J. BURKE, INC OR FROM ANY USE, TRANSFER OR REUSE OF THE ELECTRONIC FILE OR FOR ANY INCONSISTENCIES OR DISCREPANCIES BETWEEN THIS FILE AND THE PRINTED PLANS ON FILE IN THE H.J. BURKE, INC OFFICE.



09/13/2019

APPROVED BY:	REVISIONS	DATE
	ADD/DDED EASEMENTS	08-24-19

H.J. BURKE, INC.
 4079 N RANCHO DR # 100 LAS VEGAS, NEVADA 89180
 T: (302) 553-1433 F: (702) 562-9076 EMAIL: hjb@hjb.com
 DRAWN BY: ATL DATE OF SURVEY: 04-11-2019
 CHECKED BY: JOHN IMG. NAME: 25429 MALIBU RD

TOPOGRAPHIC SURVEY
 25429 MALIBU ROAD
 MALIBU, CALIFORNIA

SHEET:
 1 OF 1

REVISIONS	
DATE	NO

BMI Engineering, Inc. ESTABLISHED 1989
 CONSULTING ENGINEERS, PLANNERS, SURVEYORS, EXPEDITORS
 1737 Ventura Blvd. Ste. 112 Encino, CA 91436
 TEL: 818.561.8055 E-MAIL: info@bmieng.com



SITE SURVEY

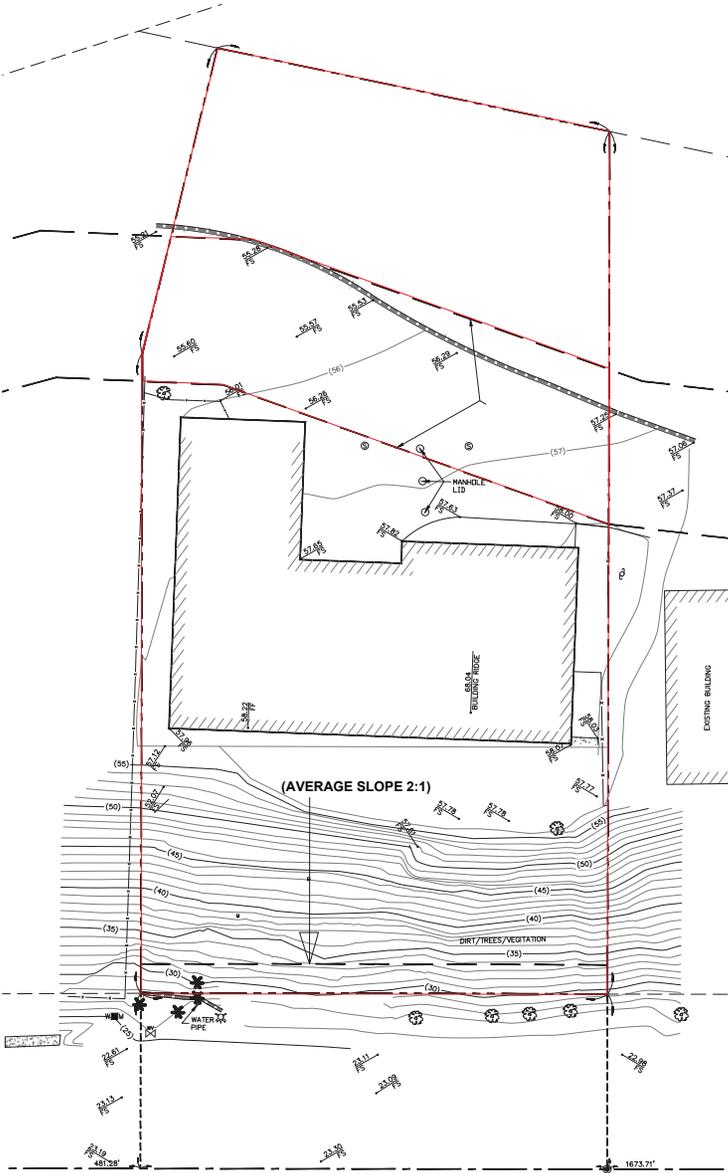
ESKAN RESIDENCE
 25429 MALIBU RD.
 MALIBU, CA 90265

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

SHEET:
A2
 2 OF 6 SHEETS

SCALE= 1" = 10'-0"

(BEFORE) SITE PLAN



(AVERAGE SLOPE 2:1)

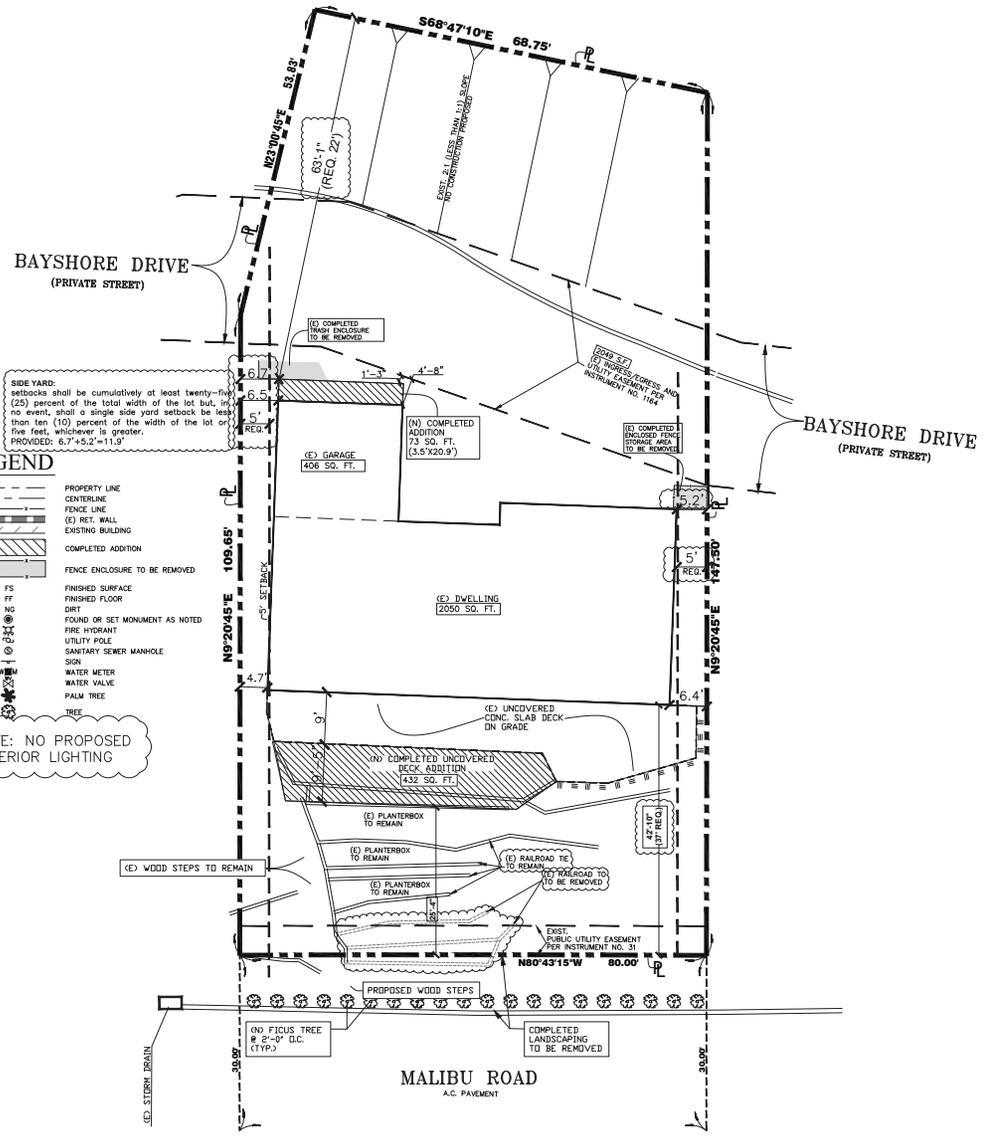
LEGEND

- PROPERTY LINE
- - - CENTERLINE
- FENCE LINE
- (E) RET. WALL
- EXISTING BUILDING
- COMPLETED ADDITION
- FENCE ENCLOSURE TO BE REMOVED
- FS FINISHED SURFACE
- FF FINISHED FLOOR
- NG DIRT
- ND FOUND OR SET MONUMENT AS NOTED
- FI FIRE HYDRANT
- UP UTILITY POLE
- SM SANITARY SEWER MANHOLE
- SI SIGN
- WM WATER METER
- WV WATER VALVE
- PT PALM TREE
- TREE TREE

NOTE: NO PROPOSED EXTERIOR LIGHTING

(E) SITE PLAN

09/13/2019



SIDE YARD setbacks shall be cumulatively at least twenty-five (25) percent of the total width of the lot but, in no event, shall a single side yard setback be less than ten (10) percent of the width of the lot or five feet, whichever is greater. PROVIDED: 6.7'-5.2'-11.9'

REVISIONS	
DATE	NO

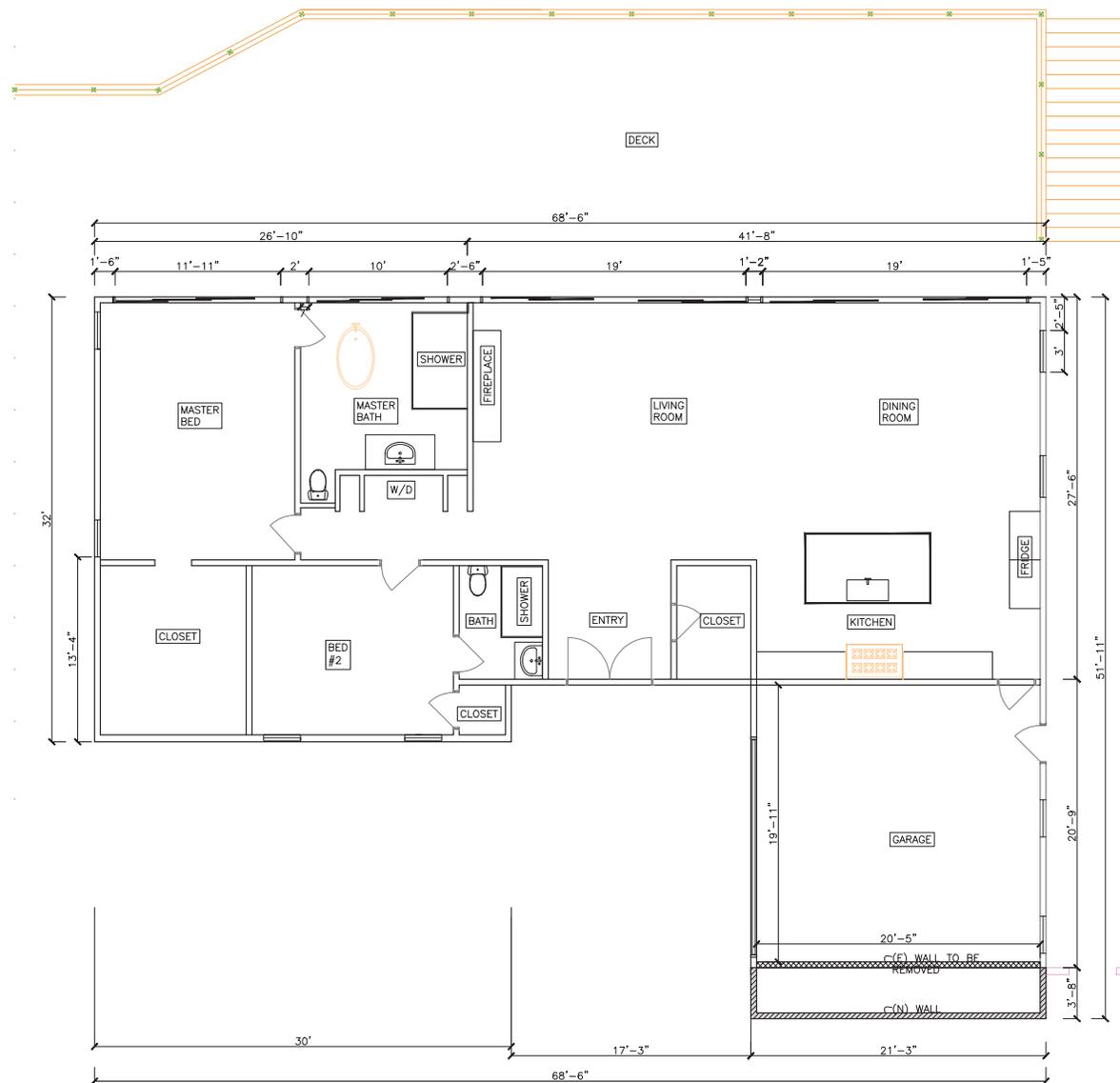
BMI Engineering, Inc. ESTABLISHED 1989
 CONSULTING ENGINEERS, PLANNERS, SURVEYORS, EXPEDIENTS
 1737 Ventura Blvd. Ste. 112 Encino, CA 91436
 TEL: 818.501.8055 E-MAIL: bmaltdirector@aigmail.com



SITE PLAN

ESKAN RESIDENCE
 25429 MALIBU RD.
 MALIBU, CA 90265

DATE:
 SCALE: 1/4"=1'-0"
 JOB:
 SHEET:



NEW FLOOR PLAN

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

LEGEND

- (N) WALL
- (E) WALL TO REMAIN
- (E) WALL TO BE REMOVED

NO EXTERIOR LIGHTING IS PROPOSED

EXISTING RESIDENT SQ. FT. = 2,050 SQ. FT.
 EXISTING GARAGE SQ. FT. = 406 SQ. FT.
 TOTAL: 2,456 SF.FT
 NEW REMODELED HOUSE = 2050 SQ. FT.
 NEW ADDITION (GARAGE) = 73 SQ. FT.
 TOTAL: 2,529 SQ. FT.

REVISIONS	
DATE	NO

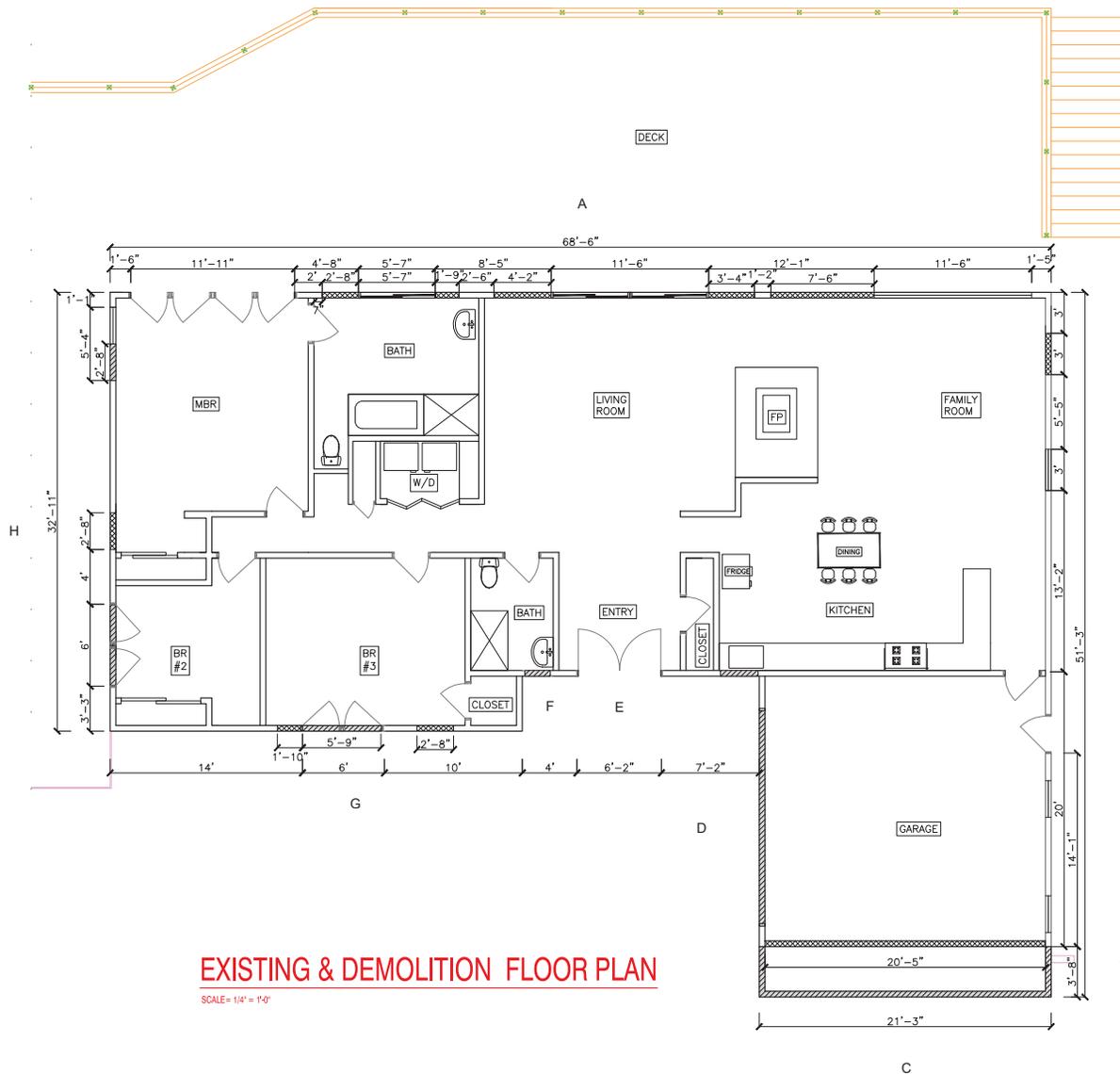
BMI Engineering, Inc. ESTABLISHED 1989
 CONSULTING ENGINEERS, PLANNERS, SURVEYORS, EXPEDITORS
 1737 Ventura Blvd. Ste. 112 Encino, CA 91316
 TEL: 818.351.8055 E-MAIL: bmalinor@aigmail.com



NEW FLOOR PLAN

ESKAN RESIDENCE
 25429 MALIBU RD.
 MALIBU, CA 90265

DATE: _____
 SCALE: 1/4" = 1'-0"
 JOB: _____
 SHEET: _____



REVISIONS	
DATE	NO

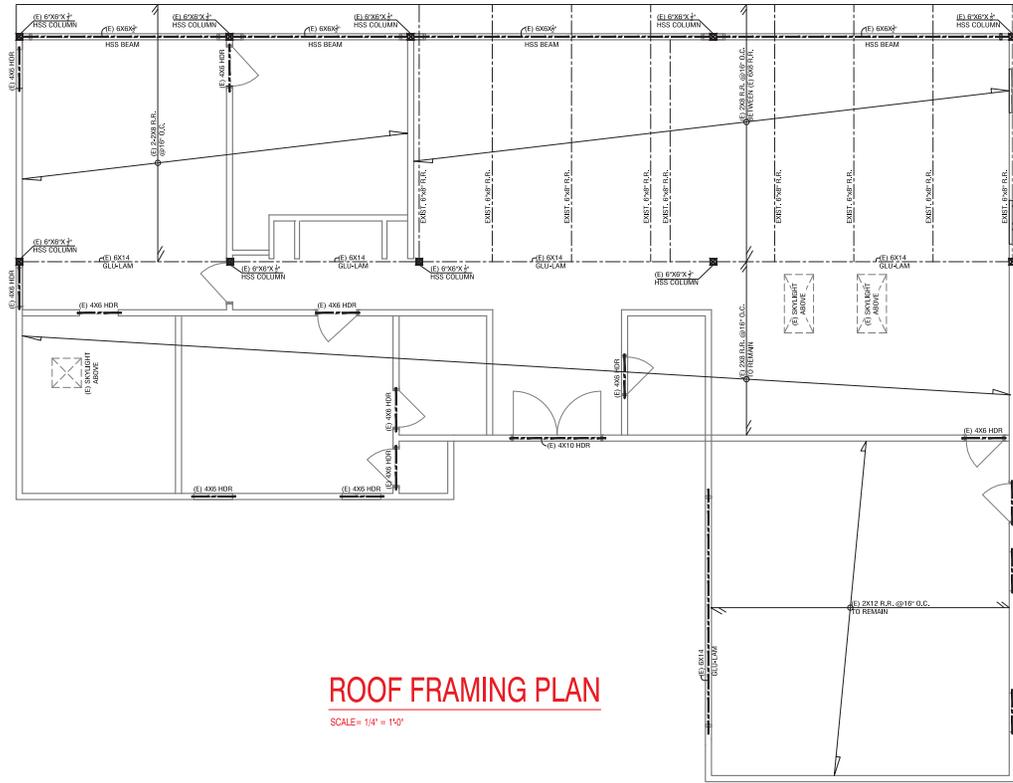
BMI Engineering, Inc. ESTABLISHED 1989
 CONSULTING ENGINEERS, PLANNERS, SURVEYORS, EXPEDITORS
 1737 Ventura Blvd. Ste. 112 Encino, CA 91316
 TEL: 818.501.8055 FAX: 818.501.8055



EXISTING FLOOR PLAN

ESKAN RESIDENCE
 25429 MALIBU RD.
 MALIBU, CA 90265

DATE: _____
 SCALE: 1/4" = 1'-0"
 JOB: _____
 SHEET: _____



ROOF FRAMING PLAN

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

REVISIONS	
DATE	NO

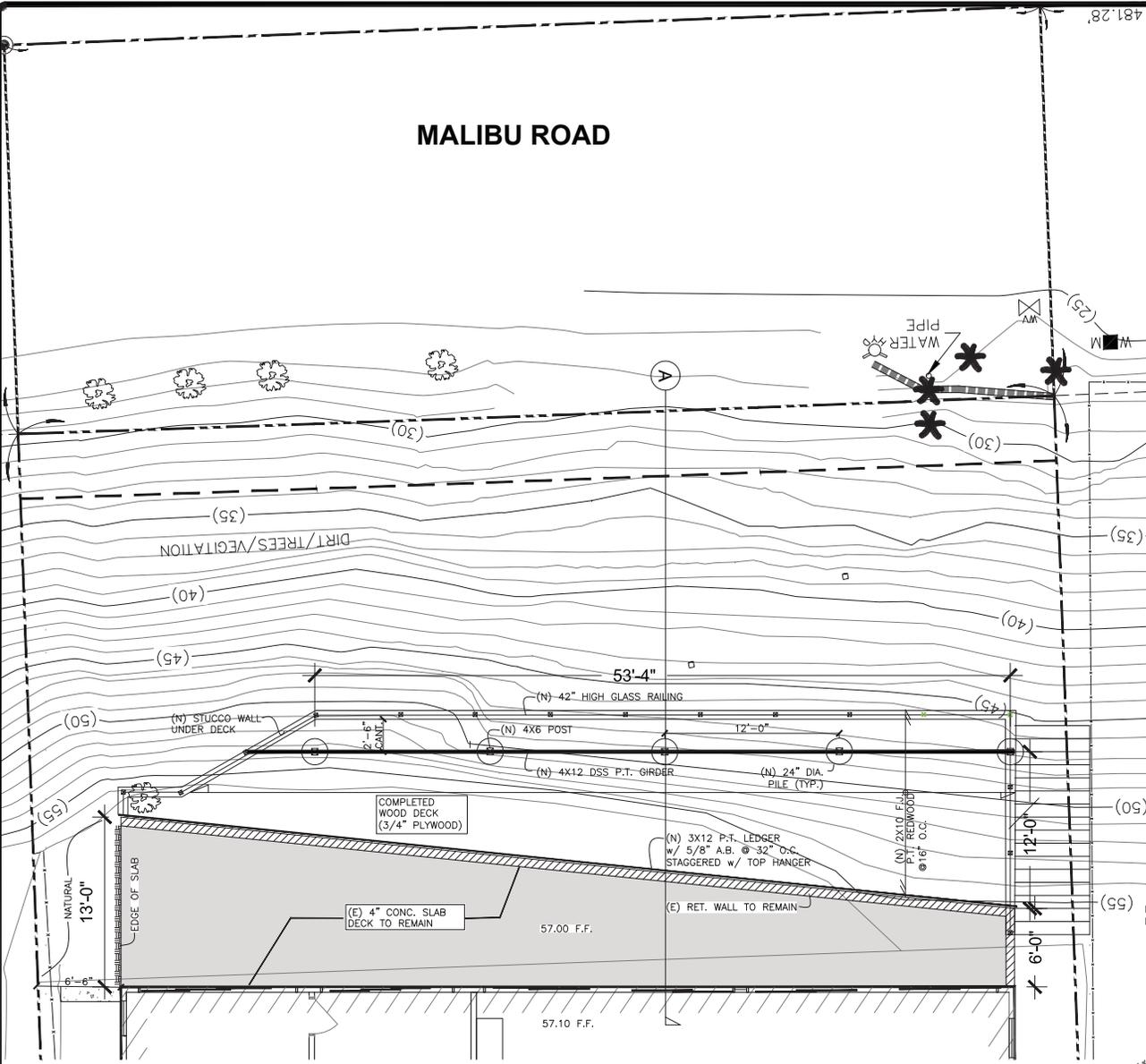
BM Engineering, Inc. ESTABLISHED 1989
 CONSULTING ENGINEERS, PLANNERS, SURVEYORS, EXPEDITORS
 1737 Ventura Blvd. Ste. 112 Encino, CA 91316
 TEL: 818.561.8055 FAX: 818.561.8056



ROOF FRAMING

ESKAN RESIDENCE
 25429 MALIBU RD.
 MALIBU, CA 90265

DATE:
 SCALE: 1/4" = 1'-0"
 JOB:
 SHEET:

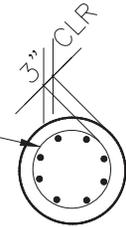


DECK EXTENSION PLAN

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

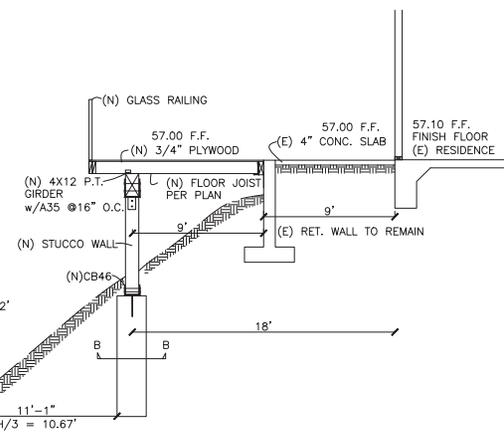
DECK EXTENSION PLAN

3500 PSI CONC.
8-#4 w/#4 TIES@6" O.C.



SECTION B-B

SCALE= N.T.S.



SECTION A-A

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

F.J. FLOOR JOIST
P.T. PRESSURE TREATED

REVISIONS	
DATE	NO

BMI Engineering, Inc. ESTABLISHED 1989
CONSULTING ENGINEERS, PLANNERS, SURVEYORS, EXPEDITORS
1737 Ventura Blvd. Ste. 112 Encino, CA 91436
TEL: 818.351.805 FAX: 818.351.806



DECK EXTENSION PLAN

ESKAN RESIDENCE
25429 MALIBU RD.
MALIBU, CA 90265

DATE:
SCALE= 1/4" = 1'-0"
JOB:
SHEET:



City of Malibu

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

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu Biologist DATE: 6/11/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER: APR 19-115

JOB ADDRESS: 25429 MALIBU RD

APPLICANT / CONTACT: Matt Eskan

APPLICANT ADDRESS: 25429 Malibu Road
Malibu, CA 90265

APPLICANT PHONE #: (310)420-2332

APPLICANT FAX #: _____

APPLICANT EMAIL: matteskan55@gmail.com

PLANNER: To Be Assigned

PROJECT DESCRIPTION: REMODEL, ADDITION

TO: Malibu Planning Department and/or Applicant

FROM: City Biologist, Dave Crawford

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

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

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

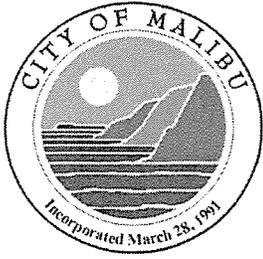
[Signature]
Signature

7/9/19
Date

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

Contact Information:

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



City of Malibu

Biology • Planning Department

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

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Matt Eskan Matteskan55@gmail.com	
Project Address:	25429 Malibu Road Malibu, CA 90265	
Planning Case No.:	APR 19-115	
Project Description:	Remodel and addition	
Date of Review:	July 9, 2019	
Reviewer:	Dave Crawford	Signature: 
Contact Information:	Phone: (310) 456-2489 ext. 307	Email: dcrawford@malibucity.org

SUBMITTAL INFORMATION

Site Plans:	6/11/19
Site Survey:	6/11/19
Planting Plan:	
Irrigation/Hydrozone/ water budget Plan:	
Grading Plans:	
OWTS Plan:	
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan	
Other:	
Previous Reviews:	

REVIEW FINDINGS

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



RECOMMENDATIONS:

1. The project is recommended for APPROVAL with the following conditions:
 - A. No new landscaping is proposed with this project. Therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six (6) feet in height, or change 2,500 sq.ft. or more of the existing landscaping, a detailed landscape plan shall be submitted for review and approval prior to any planting.
 - B. Grading/excavation/vegetation removal scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than 5 days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within 2 business days of completion of surveys.
 - C. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas.

-o0o-

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

cc: Planning Project file
Planning Department





City of Malibu

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

ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

12/17/19

TO: City of Malibu Environmental Health Administrator DATE: 6/11/2019
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 19-052
JOB ADDRESS: 25429 MALIBU RD
APPLICANT / CONTACT: Matt Eskan
APPLICANT ADDRESS: 25429 Malibu Road
Malibu, CA 90265
APPLICANT PHONE #: (310)420-2332
APPLICANT FAX #:
APPLICANT EMAIL: matteskan55@gmail.com
PROJECT DESCRIPTION: An application for an interior/exterior remodel,
garage addition, height increase above 10 percent,
more than 50 percent exterior remodel and
associated development

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

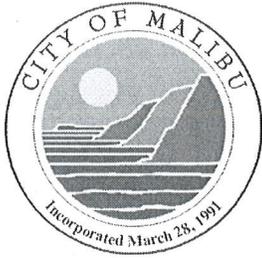
Conformance Review Complete for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or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

Melinda Talent
Signature

122619
Date



City of Malibu

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

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Matt Eskan matteskan@gmail.com	
Project Address:	25429 Malibu Road Malibu, California 90265	
Planning Case No.:	CDP 19-052	
Project Description:	Remodel, Addition to Garage, height increase	
Date of Review:	December 26, 2019	
Reviewer:	Melinda Talent	Signature: <i>Melinda Talent</i>
Contact Information:	Phone: (310) 456-2489 ext. 364	Email: mtalent@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	New Floor Plan dated 7-2-2019. Updated plan by BMI Engineering Inc. dated 4-24-19 (received 12-17-19)
Fixture Worksheet:	Plans Stamped by Ely Jr
Operating Permit:	Active – Expires 6-17-2024
Miscellaneous:	OWTS Plan signed by Ely Jr
Previous Approval:	City of Malibu: EH Approval for expansion pit dated 6-21-2000. Plumbing Permit 00-330 finalized 3-6-2000. LA County: OWTS Approval dated 1-4-1960. Plumbing Permit dated 3-1960
Previous Reviews:	APR 19-115 EH CRC dated 7-15-19

REVIEW FINDINGS

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

Environmental Health **conformance review** has been completed for the development proposal described in the project description provided by the Planning Department and the project plans and reports submitted to this office. Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

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



Conditions of Planning Conformance Review for Building Plan Check Approval:

- 1) Building Plans:** All final project plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

The Final Site Plan must show the OWTS. The final floor plans must show no more than 3 bedrooms and 27 plumbing fixture units. Depict all plumbing fixtures including the dishwasher on the final plan.

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

-o0o-

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

cc: Environmental Health file
Planning Department



25429 MALIBU ROAD (CDP 19-052)

MALIBU, CA 90265

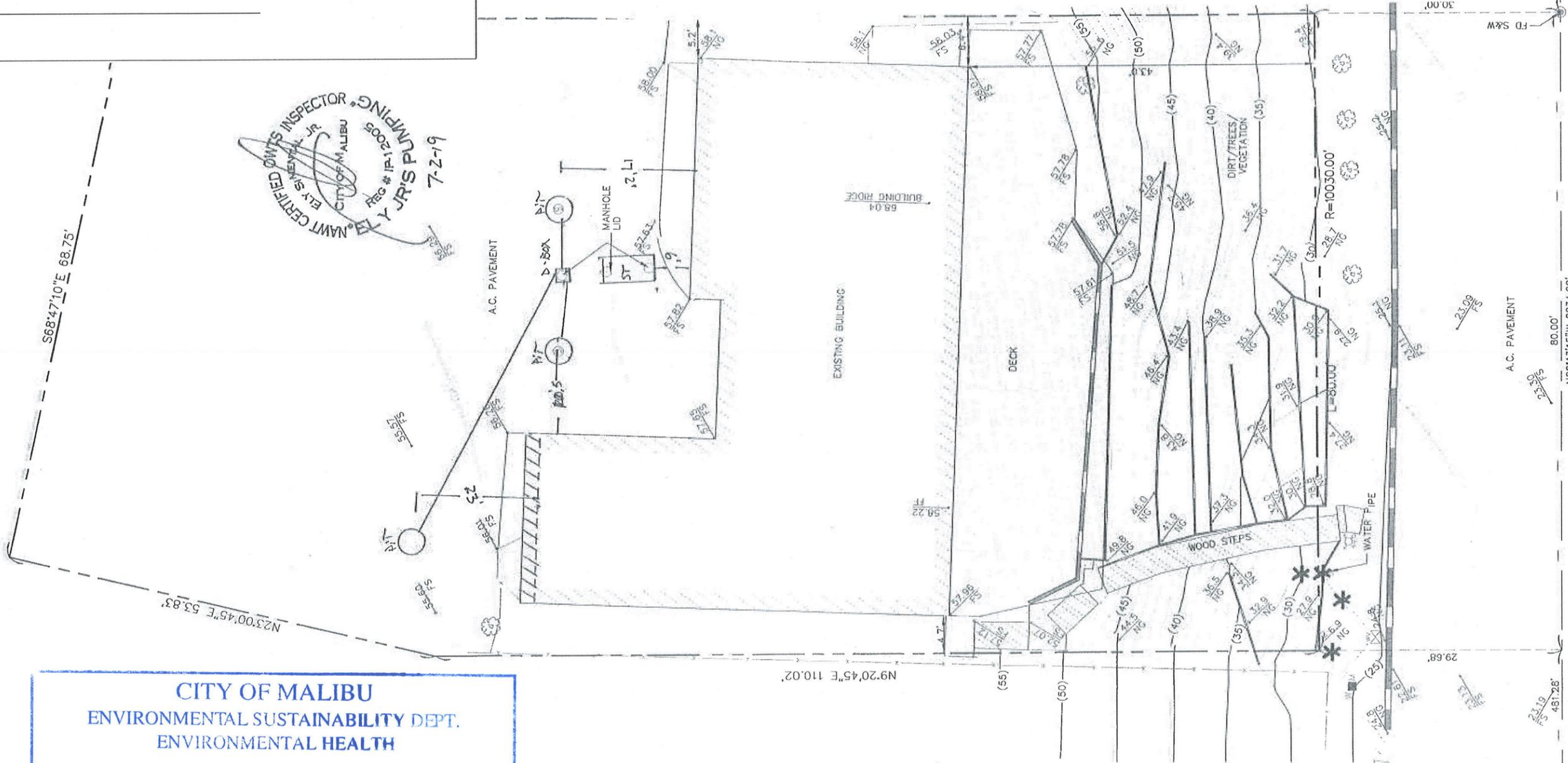
S.F.D.:	3 Bedrooms/27 Fixture Units (R)
SEPTIC TANK:	1,000 Gallon (E)
ACTIVE:	1 - 5' x 27' (E)
	1 - 5' x 28' (E)
	1 - 5' x 30' (E)
FUTURE:	N/A
PERC RATE:	Unknown

NOTES:

1. This conformance review is for a garage addition and a 3 bedroom (27 fixture units) to 3 bedroom (27 fixture units) interior remodel to an existing single family dwelling. No renovation to the existing conventional onsite wastewater treatment system is required.

2. This review relates only to the minimum requirements of the Malibu Municipal Code (MMC), and the Local Coastal Program (LCP), and does not include an evaluation of any geological or other potential problems, which may require an alternative method of wastewater treatment.

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



CITY OF MALIBU
 ENVIRONMENTAL SUSTAINABILITY DEPT.
 ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: *Melinda Talbot* DATE: *12/26/19*

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

25429 MALIBU RD. INTERIOR REMODELING WITH 13'S ADDITION TO GARAGE

MALIBU ROAD



City of Malibu

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

FIRE DEPARTMENT REVIEW REFERRAL SHEET

TO: Los Angeles County Fire Department DATE: 6/11/2019
 FROM: City of Malibu Planning Department
 PROJECT NUMBER: CDP 19-052
 JOB ADDRESS: 25429 MALIBU RD
 APPLICANT / CONTACT: Matt Eskan
 APPLICANT ADDRESS: 25429 Malibu Road
 Malibu, CA 90265
 APPLICANT PHONE #: (310)420-2332
 APPLICANT FAX #: _____
 PROJECT DESCRIPTION: An application for an interior/exterior remodel, garage addition, height increase above 10 percent, more than 50 percent exterior remodel and associated development

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

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

The project DOES require Fire Department Plan Review and Developer Fee payment _____
 The project DOES NOT require Fire Department Plan Review 73 sq.ft Addition only
 The required fire flow for this project is _____ gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.) _____
 The project is required to have an interior automatic fire sprinkler system. _____
 Final Fuel Modification Plan Approval is required prior to Fire Department Approval _____

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

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

Not Req.

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

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

[Signature]
SIGNATURE

12/17/2019
DATE



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

DATE: 6/11/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER: APR 19-115

JOB ADDRESS: 25429 MALIBU RD

APPLICANT / CONTACT: Matt Eskan

APPLICANT ADDRESS: 25429 Malibu Road
Malibu, CA 90265

APPLICANT PHONE #: (310)420-2332

APPLICANT FAX #:

APPLICANT EMAIL: matteskan55@gmail.com

PROJECT DESCRIPTION:

TO: Malibu Planning Department and/or Applicant

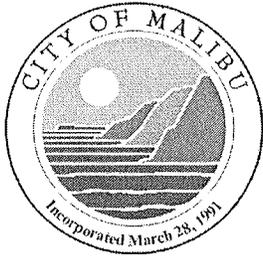
FROM: Public Works Department

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

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


SIGNATURE

7/10/19
DATE



City of Malibu

MEMORANDUM

To: Planning Department

From: Public Works Department
Ryan Lim, Assistant Civil Engineer *RL*

Date: July 10, 2019

Re: Proposed Conditions of Approval for 25429 Malibu Road (APR 19-115)

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

GRADING AND DRAINAGE

1. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development LIP Section 17.3.1 that:
 - Is located within or adjacent to ESHA, or
 - Includes grading on slopes greater than 4:1
 - Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4:1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources
2. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's LIP Section 8.3. **A note shall be placed on the project that addresses this condition.**
3. A grading and drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.



- Public Works Department General Notes
- The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
- The limits of land to be disturbed during project development shall be delineated on the grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
- The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
- If the property contains trees that are to be protected they shall be highlighted on the grading plan.
- If the property contains rare and endangered species as identified in the resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
- Private storm drain systems shall be shown on the grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
- Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.

STORMWATER

4. A Local Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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



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

MISCELLANEOUS

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





City of Malibu

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

LOS ANGELES COUNTY WATERWORKS DISTRICTS REVIEW REFERRAL SHEET

FROM: City of Malibu Planning Department

DATE: 6/11/2019

PROJECT NUMBER: CDP 19-052

JOB ADDRESS: 25429 MALIBU RD

APPLICANT / CONTACT: Matt Eskan

APPLICANT EMAIL: matteskan55@gmail.com

APPLICANT PHONE #: (310)420-2332

PLANNER: Adrian Fernandez

PROJECT DESCRIPTION: **An application for after-the-fact replacement residence, deck extension and other associated development**

TO: **Malibu Planning Department and/or Applicant**

FROM: **LACWD No. 29, Malibu**

Compliance with the conditions checked below is required prior to Waterworks District approval

- The project **DOES NOT** require any system improvements for domestic and/or fire flow conditions X
 - The project **DOES NOT** require capital improvement fees and/or participation fees X
 - The project **DOES** require a Will Serve Letter (Final Waterworks Districts approval) X
 - The project **DOES** require capital improvement fees and/or participation fees _____
 - The project **DOES** require the owner to execute an agreement and participate financially in the design and construction of a future water system to increase local storage and conveyance capacity in the event of an interruption of the primary water supply _____
 - The project **DOES** require private contract water system improvements for domestic and/or fire flow conditions _____
 - The required fire flow for this project set by the Fire Department is * _____ gallons per minute at 20 pounds per square inch for a * _____ hour duration * NO FIRE FLOW REQUIRED
- Scope of water system improvements required: _____

Note: Los Angeles County Waterworks District No. 29, Malibu approval expires upon the earliest of the following: 1) Two years from the date of this form; 2) Expiration date of the City Planning permit(s), or 3) Date County adopts changes to the county of Los Angeles Fire Code and makes revisions to apply fire Department regulations and standards.

11/30/2020

Site Photographs



North view of the replacement garage taken from Bayshore Drive



West view of the replacement garage taken from Bayshore Drive



South view of the east side yard



Southeast view of the unpermitted railroad-tie retaining walls

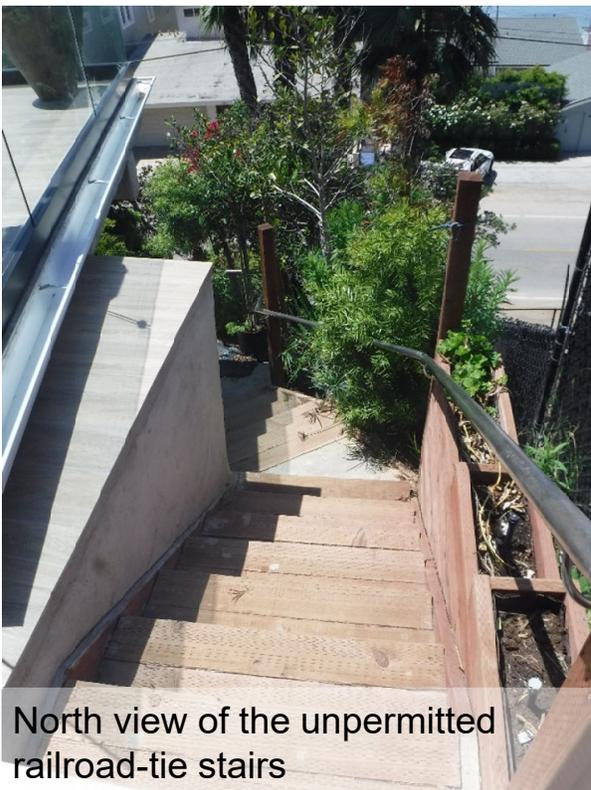
Site Photographs



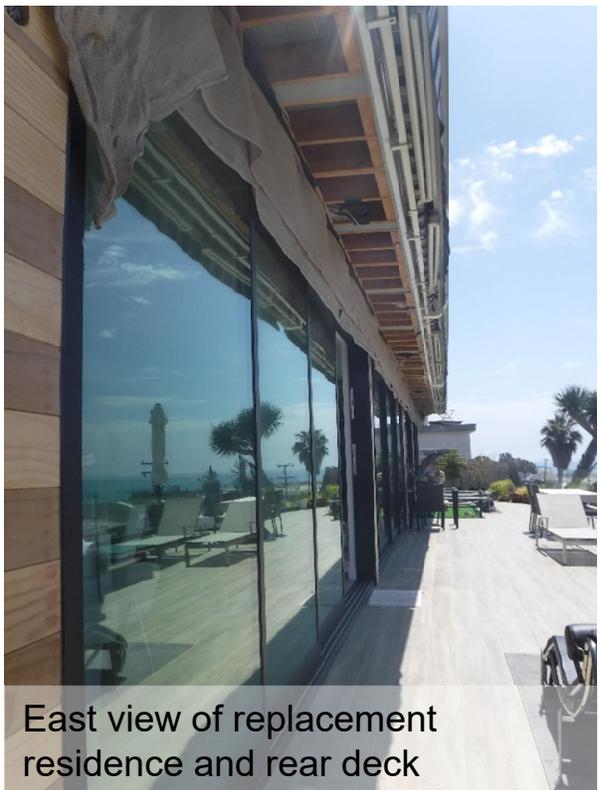
North view of the unpermitted railroad-tie stairs taken from Malibu Road



South view of the west side yard



North view of the unpermitted railroad-tie stairs



East view of replacement residence and rear deck

From: [REDACTED]
To: [Didier Murillo](#)
Subject: 25429 Malibu Road CDP
Date: Saturday, August 1, 2020 1:47:51 PM

Re: Coastal Development Permit (CDP) No. 19-052, 25429 Malibu Road, Malibu, CA 90265

Dear Mr. Murillo:

My wife, Holly, and I are neighbors of Wendy Carroll and Matt Eskan, and we are writing to say that we fully support the issuance of their requested CDP.

They are thoughtful, mindful neighbors and we believe the completion of their new home will provide a lovely, aesthetically pleasing addition to our neighborhood.

Please feel free to contact us if you have any questions.

Cordially,
Tom Sawyer

Kathleen Stecko

Subject: Regarding CDP # 19-052

Received

4/23/21

Planning Dept.

From: Holly Sawyer [REDACTED]
Sent: Friday, April 23, 2021 9:36 AM
To: Adrian Fernandez <afernandez@malibucity.org>
Cc: Richard Mollica <rmollica@malibucity.org>
Subject: Regarding CDP # 19-052

Dear Mr. Fernandez,
My husband Tom and I are neighbors of Wendy Carroll and her husband Matt Eskan on Malibu Road. We are writing to support the issuance of their requested CDP at 25429 Malibu Road. They are wonderful neighbors and we believe that their home project will enhance our neighborhood. We see only a positive impact from their improvements.

Please get in touch if you have any questions.

Thank you,

Holly and Tom Sawyer
[REDACTED]

CC: Planning Commission, PD,
Recording Secretary, File

Date Received 4/23/21 Time 2:00 PM
Planning Commission meeting of 5/3/21
Agenda Item No. 5A
Total No. of Pages 1

David Delrahim

August 3, 2020

Via GSO and Email to Dmurillo@malibucity.org

Didier Murillo, Assistant Planner

City of Malibu

23825 Stuart Ranch Road

Malibu, CA 90265

Re: Coastal Development Permit (CDP) No. 19-052, 25429 Malibu Road, Malibu 90265

Dear Mr. Murillo:

My wife, Orna Delrahim, and I reside at [REDACTED] Matt Eskan and Wendy Carroll, his wife, are our neighbors.

We completely support the issuance of their requested CDP. They are responsible, good neighbors and we believe that the completion of their home project will only improve the area.

Thank you for this consideration and please feel free to contact me with questions.

Regards,



David Delrahim

Chris & Pat Reed

August 1, 2020

Via: email at Dmurillo@malibucity.org

Mr. Didier Murillo, Assistant Planner

CITY OF MALIBU

23825 Stuart Ranch Road

Malibu, CA 90265

**Re: Coastal Development Permit (CDP) # 19-052, 25429 Malibu Road, Malibu
90265**

Dear Mr. Murillo.

We live at [REDACTED] and are neighbors of Matt Eskan and his wife, Wendy Carroll. Their home, ours, and several others are on a bluff overlooking Malibu Road. On "our" bluff, we are very conscious of our neighbors and their properties, and enjoy the pride of ownership that we all experience.

Please issue their requested CDP so that they can complete the renovation of their home and improve our neighborhood's aesthetics.

Chris & Pat Reed

Chris & Pat Reed

July 13, 2020

Via: GSO and Email at Dmurillo@malibucity.org

Didier Murillo, Assistant Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, California. 90265

Re: Coastal Development Permit (CDP) No. 19-052, 25429 Malibu Road, Malibu 90265

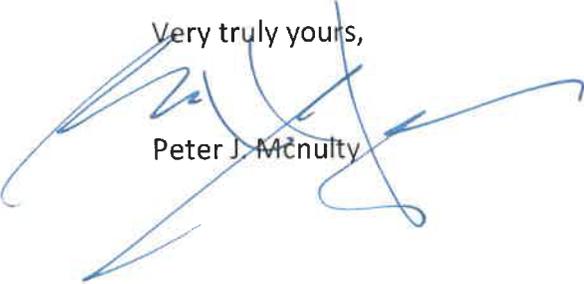
Dear Mr. Murillo:

My wife, Nanette James, and I reside at our home located at [REDACTED] Matt Eskan and his wife, Wendy Carroll, are our next door neighbors to the east.

We fully support the issuance of their requested CDP. They are thoughtful, good neighbors and the completion of their home project will enhance our neighborhood's aesthetics significantly.

Thank you for your kind attention. Should you have any questions, feel free to call or email me.

Very truly yours,


Peter J. McNulty



MCNULTY LAW FIRM



April 23, 2021

Received
4/23/21
Planning Dept.

VIA E-MAIL: afernandez@malibucity.org and rmollica@malibucity.org
Adrian Fernandez, City Planner
Richard Mollica, City Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, California. 90265

Re: Coastal Development Permit (CDP) No. 19-052, 25429
Malibu Road, Malibu 90265

Dear Mr. Fernandez and Mr. Mollica:

My wife, Nanette James, and I reside at our home located at [REDACTED] Matt Eskan and his wife, Wendy Carroll, are our next door neighbors to the East.

We fully support the issuance of their requested CDP. They are thoughtful, good neighbors and the completion of their home project will enhance our neighborhood's aesthetics significantly.

Thank you for your kind attention. Should you have any questions, feel free to call or email me.

Very truly yours,

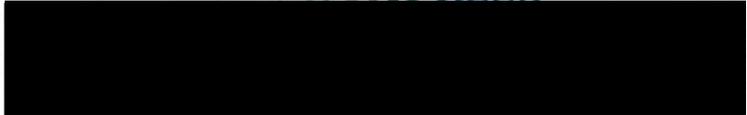
Peter J. McNulty

Cc: Matt Eskan and Wendy Carroll (VIA E-MAIL)

Date Received 4/23/21 Time 2:00 PM
Planning Commission meeting of 5/3/21
Agenda Item No. 5A
Total No. of Pages 1

CC: Planning Commission, PD,
Recording Secretary, File

CHRIS & PAT REED



April 24, 2021

Via: email at afernandez@malibucity.org

Mr. Adrian Fernandez
CITY OF MALIBU
23825 Stuart Ranch Road
Malibu, CA 90265

Received

4/23/21

Planning Dept.

**Re: Coastal Development Permit (CDP) #19-052, 25429 Malibu Rd,
Malibu, CA 90265**

Dear Mr. Fernandez.

We live at [REDACTED] and are neighbors of Matt Eskan and his wife, Wendy Carroll. Their home, ours, and several others are on a bluff overlooking Malibu Road. On "our" bluff, we are very conscious of our neighbors and their properties, and enjoy the pride of ownership that we all experience.

Please issue their requested CDP so that they can complete the renovation of their home and improve our neighborhood's aesthetics.

Sincerely,

Chris & Pat Reed

Date Received 4/23/21 Time 10:03 PM
Planning Commission meeting of 5/3/21
Agenda Item No. 5A
Total No. of Pages 1

CC: Planning Commission, PD,
Recording Secretary, File

TREES, etc.

[a division of RDI & Associates, Inc.]
P.O. Box 4583
Thousand Oaks, CA 91359
E-Mail: richard.treesetc@gmail.com
Cell/Office/TEXT: 805-558-TREE (8733)
Fax: 805-832-6398

May 7, 2021

Mr. Matt Eskan

(matteskan55@gmail.com)

ESKAN GROUP

2932 Wilshire Blvd., Ste. 205
Santa Monica, Ca 90404

re: **Slope Planting Review**
25429 Bayshore Dr., Malibu
RDI Project No.: 1079-2-21

Dear Mr. Eskan:

On Tuesday, May 4, 2021, I reviewed the current health status of trees, shrubs & groundcover above & below your house at this address. All of these plants were planted many years ago. Including this letter, you will find two [2] photographs showing the planted slope below your house.

Other trees found at the lower portion of this site were a few Brazilian Peppers (*Schinus terebinthifolius*) & Mexican Fan Palms (*Washingtonia robusta*).

It should be noted that Brazilian Pepper is native to Brazil. This tree can grow as single trunk or multiple trunk tree & it can grow moderately to thirty [30] feet tall & as wide. This Brazilian Pepper is not known to be a fire hazard like its "family member" -- the "gracefully looking" California Pepper (*Schinus molle*).

The California Pepper is not native to California, but rather to the Peruvian Andes, Chile & Bolivia. This tree is very fast growing to twenty-five [25] to forty [40] feet tall & as wide.

If you have any further questions, please do not hesitate to notify **RDI & Associates, Inc.** (dba **TREES, etc.**).

Sincerely,
RDI & Associates, Inc.
dba **TREES, etc.**



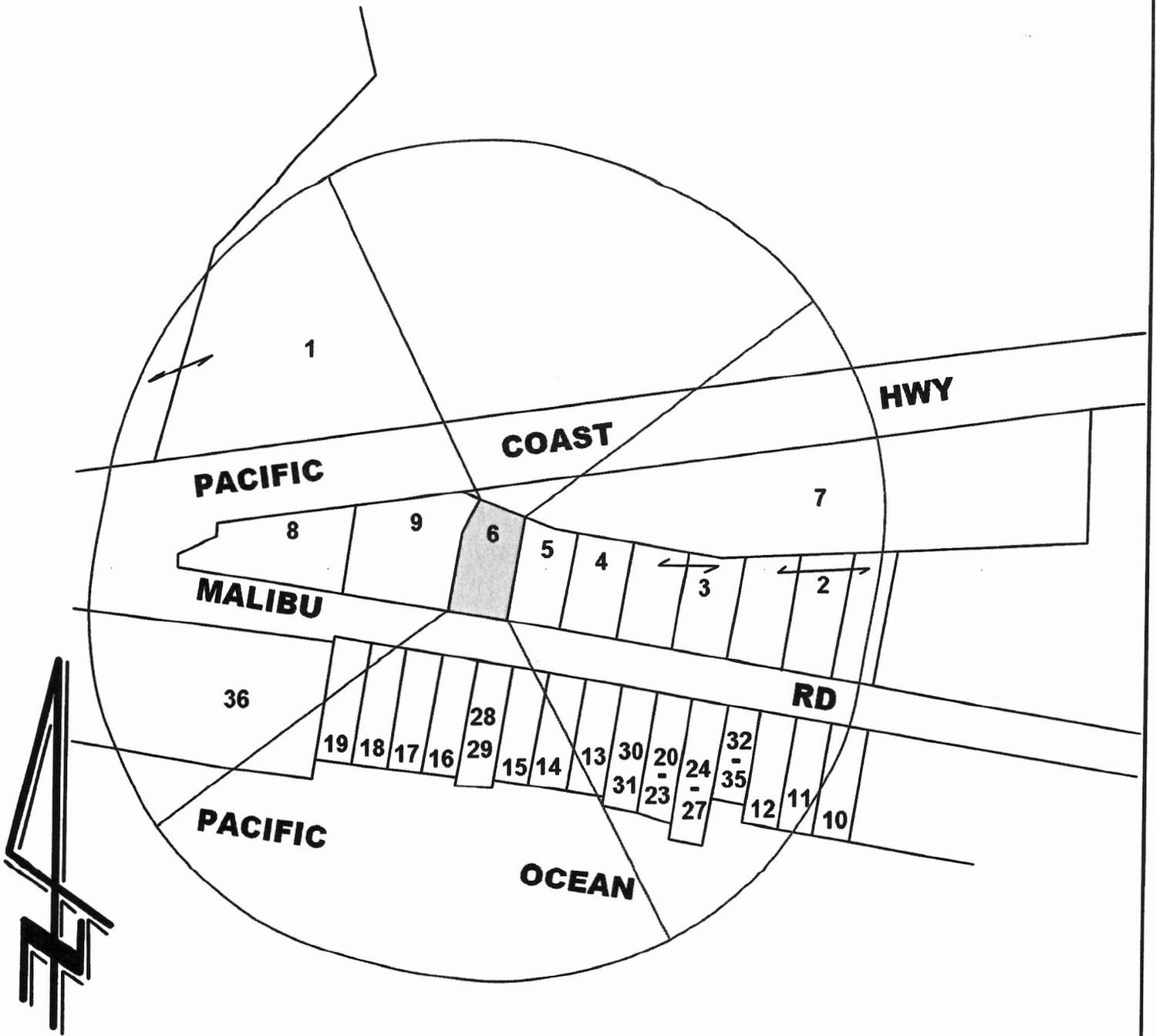
Richard Ibarra, President
CONSULTING ARBORIST / HORTICULTURIST

1079let-2-21[a]

PLANT PHOTOGRAPHS

(of slope planting below your house)





1" = 200FT

500 FOOT RADIUS MAP

CONTINENTAL MAPPING SERVICE

LOCATED AT:

**6315 VAN NUYS BLVD #208
VAN NUYS CA 91401
(818) 787-1663**

SUBJECT PROPERTY:

25429 MALIBU RD

**DATE: 3-9-2021
CMS 20-7959**



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

PLANNING DEPARTMENT
NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, May 3, 2021, at 6:30 p.m.** or 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. 19-052, CODE VIOLATION NO. 19-039, VARIANCE NOS. 19-047 AND 19-048, AND DEMOLITION PERMIT NO. 20-020 - An application for an after-the-fact replacement of an existing single-family residence due to the unpermitted demolition/replacement of exterior walls in excess of 50 percent, including an after-the-fact replacement of the attached garage with a new garage, rear on-grade deck extension, and associated development; including variances for construction on slopes steeper than 2.5 to 1, and for the reduction of the required side yard setbacks and cumulative side yard setbacks

LOCATION / APN / ZONING: 25429 Malibu Road / 4459-014-014 / Rural Residential-Two Acre (RR-2)
APPLICANT / OWNER: The Celestial Trust
APPEALABLE TO: City Council and California Coastal Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15301(a) & (e) and 15303(a) & (e)
APPLICATION FILED: June 11, 2019
CASE PLANNER: Adrian Fernandez, Principal Planner, afernandez@malibucity.org (310) 456-2489, ext. 482

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center: <http://www.malibucity.org/agendacenter>. Related documents are available for review 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.

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

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 or by calling 805-585-1800.

RICHARD MOLLICA, Planning Director

Date: April 8, 2021

ATTACHMENT 7



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

PLANNING DEPARTMENT
NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, August 16, 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.

COASTAL DEVELOPMENT PERMIT NO. 19-052, VARIANCE NOS. 19-047, 19-048, AND 19-060, DEMOLITION PERMIT NO. 20-020, AND CODE VIOLATION NO. 19-039 - An application for an after-the-fact replacement of an existing single-family residence due to the unpermitted demolition/replacement of exterior walls in excess of 50 percent, including an after-the-fact replacement of the attached garage with a new garage, rear on-grade deck extension, and associated development; including variances for construction on slopes steeper than 2.5 to 1, and for the reduction of the required side yard setbacks and cumulative side yard setbacks

LOCATION / APN / ZONING: 25429 Malibu Road / 4459-014-014 / Rural Residential-Two Acre (RR-2)
APPLICANT / OWNER: The Celestial Trust
APPEALABLE TO: City Council and California Coastal Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15301(a) & (e) and 15303(a) & (e)
APPLICATION FILED: June 11, 2019
CASE PLANNER: Adrian Fernandez, Principal Planner, afernandez@malibucity.org
(310) 456-2489, ext. 482

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center: <http://www.malibucity.org/agendacenter>. Related documents are available for review 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.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planningforms or in person, or by calling (310) 456-2489, extension 245.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission's approval directly to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1800.

RICHARD MOLLICA, Planning Director

Date: July 22, 2021