



City Council Meeting  
07-13-20

**Item  
4.A.**

# Council Agenda Report

To: Mayor Farrer and Honorable Members of the City Council

Prepared by: Lilly Rudolph, Contract Planner

Reviewed by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: July 2, 2020                              Meeting date: July 13, 2020

Subject: Appeal No. 20-003 - Appeal of Planning Commission Resolution No. 20-11 (33608 Pacific Coast Highway; Appellant: Michael Price; Applicant: Burdge and Associates Architects, Inc.; Property Owner: Michael Price)

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**RECOMMENDED ACTION:** Adopt Resolution No. 20-39 (Exhibit A), determining the project is categorically exempt from the California Environmental Quality Act (CEQA), granting Appeal No. 20-003 and approving Coastal Development Permit (CDP) No. 17-071 to allow an interior and exterior remodel of, and additions to, an existing two-story, single-family residence; including Site Plan Review (SPR) No. 17-036 for construction up to 24 feet in height with flat roofs located in the Rural Residential-Two Acre (RR-2) zoning district at 33608 Pacific Coast Highway (Price).

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

**WORK PLAN:** This item is not included in the Adopted Work Plan for Fiscal Year 2020-2021.

**DISCUSSION:** The matter is an appeal of the Planning Commission's denial of CDP No. 17-071, an application to allow an interior and exterior remodel of, and 1,159 square feet of additions to, an existing 2,547-square-foot, two-story, single-family residence. The remodel would involve demolition of approximately 15 percent of the residence's exterior walls. The application includes SPR No. 17-036 for construction up to 24 feet in height with flat roofs for the residence (Exhibit B – Appeal).

On February 18, 2020, Planning Department staff recommended approval of the project as proposed by the applicant/appellant because the proposed project, including the SPR, was determined by staff to be consistent with applicable requirements of the Local Coastal Program (LCP) and the Malibu Municipal Code (MMC).

The majority of the Planning Commission disagreed in a 3-2 vote.<sup>1</sup> On March 2, 2020, the Planning Commission adopted Resolution No. 20-11 (Exhibit C) denying the project because it determined:

1. The project failed to comply with the LCP. Specifically, the architectural plans did not comply with the two-thirds rule [Local Implementation Plan (LIP) Section 3.6(K)(2)]; and
2. All of the required findings to grant the site plan review cannot be made. Specifically, the project will adversely affect neighborhood character due to the amount of building square footage proposed which is significantly greater than that shown in the Los Angeles County Tax Assessor website for surrounding properties.

With regard to the first finding, the Planning Commission's decision is based on interpreting the term "area" in the two-thirds rule as meaning "gross floor area" rather than TDSF. This is a result of reading the code language in the LCP stating "any portion of the structure above 18 feet in height shall not exceed 2/3rds the first floor area ..." as meaning the second floor shall not exceed 2/3 of the first floor's "floor area," and then using the definition of "gross floor area" to calculate that area. The Commission interpreted the MMC the same way.

The LCP and MMC both contain the same definition for the term "floor area, gross." The definition states that "floor area, gross" is measured from the interior face of exterior walls and excludes interior parking, loading space and vehicle maneuvering areas.<sup>2</sup> Using this definition, the Commission determined that outdoor covered decks should be excluded from the two-thirds calculation.

This reading of the code causes several issues, and has never been used by the City. First, if the two-thirds rule was intended to be based on gross floor area, it would likely have been written as "The gross floor area of the second floor" or "the second floor's gross floor area" since "second floor" and "first floor" would be descriptors of the term "floor area." Staff has always interpreted the terms as "first floor" area and "second floor" area and calculated compliance using the TDSF, not gross floor area, of each floor to determine compliance.

The second issue is that the term "gross floor area" exclusively pertains to commercial development standards and is used solely for the calculation of FAR, or the floor area ratio. The sections of the MMC and LCP that deal with residential development do not contain FAR requirements and do not include the term "gross floor area" at all. That floor area is a commercial development standard is reinforced by the fact that the definition of "gross floor area" also references "loading space." Loading space is not a development standard that applies to a residential project; it applies to commercial and institutional

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<sup>1</sup> Commissioners Mazza, Uhring, and Hill voted to direct staff to come back with a resolution denying the project; Jennings and Marx dissented.

<sup>2</sup> LIP Section 2.1 and MMC Section 17.02 Definitions of "Floor area, gross:" the sum of the gross horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six feet.

projects only.<sup>3</sup> Staff has no record of floor area being used to calculate the two-thirds rule for a residential project.

Application of “gross floor area” for evaluating residential projects would be inappropriate without direction from City Council and proper noticing to amend the LCP and MMC to revise the method by which the size of residential projects is calculated.

The appellant has appealed the project denial and contends that these findings were not supported by the evidence, and that the decision was contrary to law.

## **Project Description**

### *Demolition*

- a. Approximately 15 percent demolition of exterior walls (cumulative total of 30 percent including Over-the-Counter (OC) No. 13-097 and CDP No. 13-050).<sup>4</sup>

### *Construction*

- b. An interior and exterior remodel of an existing two-story, single-family residence, including additions of:
  - i. 366 sq. ft. of additions to the second story; and
  - ii. 793 sq. ft. of covered decks.

**Total additions: 1,159 sq. ft.**

### *Additional Discretionary Request*

- c. SPR No. 17-036 for construction up to 24 feet in height for a flat roof.

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

• Main House Enclosed Sq. Ft. (2,547 existing + 366 proposed)	2,913 sq. ft.
• Main House Covered Areas > 6 Ft. (351 existing + 793 proposed)	1,144 sq. ft.
• Detached Guest House	868 sq. ft.
• Detached Garage	465 sq. ft.
<b>Total: 5,390 sq. ft.</b>	

The project plans are included as Attachment 2 in Exhibit D. A full description of the project site and surrounding land uses can be found in the February 18, 2020, Commission Agenda Report (Attachment 1 of Exhibit D). The analysis and findings in the Planning Commission agenda report demonstrate that the project complies with the LCP and MMC.

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<sup>3</sup> LIP Section 3.14.6, Loading, allocates requirements for loading spaces based on the gross floor area of commercial and institutional buildings.

<sup>4</sup> The LCP states that removal of more than 50 percent of exterior walls results in a new replacement structure (LIP Section 13.4.2(D)). Such a structure must be brought into conformance with all current LCP development standards. The cumulative total of 30 percent accounts for walls demolished under two prior approvals.

## **APPEAL TO THE CITY COUNCIL**

The appellant contends that the findings for denial are not supported by the evidence and that the decision was contrary to law. The appellant's specific arguments are summarized below in *italics*. The full text of the appeal document can be found in Exhibit B. Following each statement is staff's response.

### ***Appeal Item 1. The Planning Commission incorrectly applied the two-thirds rule in violation of the LIP, MMC, and longstanding Planning Department policy.***

*The Planning Commission, in violation of the LIP, the Municipal Code and longstanding Planning Department policy, erroneously determined that the 2/3rds Rule should be calculated based on "gross square footage," which is a commercial development standard that does not apply to this single-family home. Contrary to the Planning Commission's decision, as a matter of law the 2/3rds Rule is calculated based on TDSF and the City's residential development standards, which includes covered areas more than six feet from the structure.*

#### **Staff Response**

The subject application concerns only improvements to the main residence, not the detached guest house or detached garage. The application includes 366 square feet of additions to the main residence second story and the addition of 793 square feet of covered decks deeper than six feet to the first story. As calculated by staff, these additions result in TDSF of 2,435 square feet on the first floor and 1,622 square feet on the second floor.

TDSF is defined in LIP Chapter 2 (Definitions) as:

"The calculation of the interior space of the primary and accessory structures (including interior and exterior walls). Accessory structures shall include, but are not limited to, guest houses, garages, barns, sheds, gazebos, cabanas. Decks, terraces and balconies shall not be included in total square footage calculations when they are a part of a primary or accessory structure and are open on all sides." [Emphasis added]

LIP Section 3.6(K), Residential Structure Size, includes the formula for calculating TDSF based on lot size and is included for reference as Exhibit E. Based upon input from the City Council Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES), staff issued a memo dated March 12, 2008 describing direction for an interpretation that would exempt covered areas up to six feet deep from TDSF and count in TDSF covered areas that extend more than six feet from a building (Exhibit F).<sup>5</sup> The memo also indicates that the volume of the covered area will be included when calculating the two-thirds rule for a proposed structure in order to prevent a box-like appearance. While subsequent analysis was conducted to ensure that this new interpretation would facilitate passive solar design, a formal interpretation policy was never prepared due to

<sup>5</sup> In 2007, Interpretation No. 18 was implemented, which included a TDSF exemption for outdoor covered areas and was retracted approximately a year later, as it resulted in more square footage than was previously considered allowable and because the two-thirds rule was being violated in concept by excluding covered areas.

staffing shortages and shifting priorities. However, staff and applicants have consistently applied this interpretation of TDSF and the two-thirds rule since issuance of the memo in 2008 and before the 2007 policy.

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

The LCP language reads as follows:

Notwithstanding any other provision of this Chapter, the total development square footage for a structure greater than 18 feet in height shall not be greater than permitted for single-story construction. Any portion of the structure above 18 feet in height shall not exceed 2/3rds the first floor area, and shall be oriented so as to minimize view blockage from adjacent properties.

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

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

The difference in the LCP and MMC language did not affect the way staff prepared the two-thirds calculations using TDSF as described in the 2008 memo:

Maximum allowable second floor area = 2,435 sq. ft. x 2/3 = 1,623 sq. ft.

Proposed second floor area = 1,622 sq. ft. = COMPLIES

Axonometric renderings of the existing residence and proposed additions demonstrate the project's compliance with the two-thirds rule (Exhibit G). For clarity, the covered patios and fully enclosed space are not differentiated and are both included in the first floor footprint.

How the "area" of the first and second floor is to be measured is not defined in the code, but TDSF is specifically cited in the prior sentence, all other standards in Section K of the LIP and MMC Section 17.40.040(A)(13) refer to TDSF, and the TDSF limits for all residential development are included in Section K.

The project was properly designed for conformance with the two-thirds rule, as applied consistently since 2008 (and prior to the 2007 interpretation) and is consistent with the LCP and MMC.

**Appeal Item 2. *The Planning Commission incorrectly found that the project will adversely affect neighborhood character.***

*The Planning Commission's second finding is not supported by evidence and is contrary to law. The Commission incorrectly found that the Los Angeles County Tax Assessor parcel data supports a finding that the project's building square footage is significantly greater than other properties. The project will not be visible from scenic roads, nor will it be within primary views of neighboring properties. The proposed project blends in with the surrounding one- and two-story residences in the neighborhood.*

**Staff Response**

The approval of the site plan review for height up to 24 feet requires making the finding that the proposed project does not adversely affect neighborhood character. Planning Commission Resolution No. 20-11 states:

All of the required findings to grant the site plan review cannot be made. Specifically, the project will adversely affect neighborhood character due to the amount of building square footage proposed which is significantly greater than that shown in the Los Angeles County Tax Assessor website for surrounding properties.

The neighborhood is comprised of one- and two-story single-family residences. The proposed two-story residence complies with TDSF limits and both the home, and the portion of the home above 18 feet, are compatible with the character of the neighborhood.

The Planning Commission's finding was based upon its review of a table showing the Los Angeles County Tax Assessor's Records for properties within a 500-foot radius of the subject property (Attachment 3 of Exhibit D). While the term "neighborhood character" is not defined in the LCP, over the last several years, some of the commissioners have relied on the size of surrounding homes as a measure of neighborhood character when evaluating a site plan review, even when a project meets the code's TDSF standard. Accurate TDSF data is often not available for surrounding homes and is time consuming to gather. Staff has provided more readily available data from the Los Angeles County Assessor's website for surrounding properties.

This County square footage information is not the equivalent of the City's TDSF metric since it is based on the assessor's rules for property valuation and not TDSF specifically. This is acknowledged on the notes on the table presenting the data which state, "This table summarizes square footage of nearby residences, parcel sizes and year built based on data obtained from the Los Angeles County Assessor. The building square footage is the habitable area only, and does not include garages, covered patios and some other accessory structures. Vacant parcels have been excluded from the neighborhood." This data is not an accurate comparison to a project's TDSF or habitable area because it has been shown to vary greatly from the TDSF of built residences.

Nevertheless, during the Commission's deliberations, it compared the project's overall TDSF of 5,390 square feet to the average of the square footages shown in the table. The project TDSF consists of:

Residence	4,057
Detached Guest House	868
<u>Detached Garage</u>	465
TDSF =	5,390

As shown above, the proposed residence alone has 4,057 square feet of TDSF. If the covered patios deeper than six feet are excluded (covered patios are not included in Assessor square footage), then the residence as proposed is 2,913 square feet. The average square footage of the homes shown in the table is 3,716 square feet. This is a difference of 341 square feet from the project residence TDSF, including 1,144 square feet of covered areas, and a difference of 813 square feet when the project covered patios are excluded from the residence. Even if the Assessor's data were a comparable metric to TDSF, a square footage that is less than 10 percent more than the average is not substantially different enough from that of the surrounding homes to create an adverse impact on neighborhood character. The proposed project does not stand out from the neighborhood in terms of size. Also significant is the fact that the smallest homes were built between the 1950s and 1970s. These are likely to be replaced with larger residences at some point in the future as the existing homes reach the end of their economic life. The habitable areas of two newer residences (33616 and 33550 Pacific Coast Highway) substantially exceed the average habitable area of the surrounding older homes.

The focus on house size in the decision on the neighborhood character finding for this project (and others) raises a difficult issue in review of applications. Neighborhood character is not defined in the code. The only standard codified for determining code compliance for residential square footage is TDSF. In any event, the required finding that the project does not adversely affect neighborhood character should not rely solely on residential structure size. Other, equally important factors that affect neighborhood character, among other things, are visibility of the residence from public viewing places, height, and massing.

**Figure 1 – Aerial Photo**



Source: ConnectExplorer 2020

Figure 1 is an aerial view of the project area, with the subject property outlined in blue. Based on its physical characteristics and setting in relation to the homes in the surrounding area, granting the site plan review to allow additions up to 24 feet in height will not adversely affect neighborhood character for the following reasons:

- (1) As discussed in the February 18, 2020 Planning Commission agenda report, the proposed project would not be visible from Pacific Coast Highway. The project would be visible from the beach, but the new development would occur on an existing approved development pad and would not expand the footprint seaward of the existing residence.
- (2) The project site is a lot along the beach at the base of a steep slope where there are patches of mature tall landscaping.
- (3) Adjacent homes along the beach have views oriented south toward the ocean.
- (4) Surrounding homes to the north are at a significantly higher elevation and look over the property.
- (5) The 366 square foot second story addition is relatively small and would be located towards the north (landward) side of existing residence. The 793 square feet of new covered patios are also located on the landward side of the project.

For these reasons the project will have no significant adverse scenic or visual impacts to public or private views, and no impacts on the privacy of nearby properties. Furthermore, the aerial photo in Figure 1 demonstrates that most other homes in the surrounding area have two-story construction. No objections to the project have been received from surrounding property owners.

The zoning conformance table included in the Commission agenda report (Table 3 on page 6 of the report included in Attachment D) demonstrates that the project complies with

all the development standards applicable to the RR-2 zone. Because it meets the development standards applicable to the subject property, is sited in a manner that does not obstruct public or private views, or impact privacy and has a two-story design similar to neighboring residences, the proposed project would not adversely affect neighborhood character.

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(a) and (e) – Existing Facilities. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

PUBLIC CORRESPONDENCE: To date, no correspondence has been received regarding the proposed development.

PUBLIC NOTICE: On June 18, 2020, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and a public notice was mailed to the owners and occupants of all properties within a radius of 500 feet of the subject property (Exhibit F).

SUMMARY: Based on the record as a whole, including but not limited to all written and oral testimony offered in connection with this matter, staff recommends that the City Council adopt Resolution No. 20-39 granting the appeal and approving CDP No. 17-071 and SPR No. 17-036.

EXHIBITS:

- A. City Council Resolution No. 20-39
- B. Appeal No. 20-003
- C. Planning Commission Resolution No. 20-11
- D. LIP Section 3.6(K)(2)
- E. February 18, 2020 Planning Commission Agenda Report
  - 1. Planning Commission Resolution No. 20-11 (DRAFT)
  - 2. Project Plans
  - 3. Nearby Residences within 500 Feet
  - 4. Department Review Sheets
  - 5. Story Poles Photographs
  - 6. 500-Foot Radius Map
  - 7. Public Hearing Notice
- F. Staff Memo Rescinding Interpretation 18, dated March 12, 2008
- G. Axonometric renderings
- H. Public Hearing Notice

RESOLUTION NO. 20-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, GRANTING APPEAL NO. 20-003 AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 17-071 TO ALLOW AN INTERIOR AND EXTERIOR REMODEL OF AND 1,159 SQUARE FEET OF ADDITIONS TO AN EXISTING 2,547-SQUARE-FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE; INCLUDING SITE PLAN REVIEW NO. 17-036 FOR CONSTRUCTION UP TO 24 FEET IN HEIGHT WITH FLAT ROOFS FOR THE RESIDENCE LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 33608 PACIFIC COAST HIGHWAY (PRICE)

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

SECTION 1. Recitals.

A. On June 21, 2017, an application for Coastal Development Permit (CDP) No. 17-071 and Site Plan Review (SPR) No. 17-036 was submitted to the Planning Department by the applicant, Burge and Associates Architects, Inc., on behalf of the property owner, Michael Price. The application was routed to the City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and Los Angeles County Fire Department (LACFD) for review.

B. On October 22, 2019, Planning Department staff conducted a site visit to document the story poles.

C. On January 9, 2020, a Notice of Coastal Development Permit (CDP) Application was posted on the subject property.

D. On January 9, 2020, the CDP application was deemed complete for processing.

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

F. On February 3, 2020, the Planning Commission continued the item to the February 18, 2020 regular Planning Commission meeting.

G. On February 18, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. At the conclusion of the hearing, the Commission directed staff to return with an updated resolution denying the project and reflecting its findings that, as designed, the proposed project does not comply with the 2/3rds rule and will adversely affect neighborhood character.

H. On March 2, 2020, the Planning Commission adopted Planning Commission Resolution No. 20-11, denying the project.

I. On March 11, 2020, an appeal of the project was timely filed by the property owner, Michael Price.

J. On June 25, 2020, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a radius of 500 feet from the subject property and all interested parties.

K. On July 13, 2020, the City Council held a duly noticed public hearing on the subject appeal, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

## SECTION 2. Appeal of Action.

The appeal filed by the Appellant contends that the findings were not supported by the evidence, and the decision was contrary to law. Specifically, the Appellant contends that: a) The Planning Commission incorrectly applied the two-thirds rule in violation of the LIP, MMC, and longstanding Planning Department policy; and b) The Planning Commission incorrectly found that the project will adversely affect neighborhood character.

In the associated Council agenda report, Planning Department staff responded to each of the Appellant's contentions.

## SECTION 3. Findings for Granting the Appeal.

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

A. The proposed project complies with the two-thirds rule. The methodology used to calculate conformance with the two-thirds rule, by including outdoor covered areas with a depth greater than six feet, is consistent with direction provided by ZORACES in 2008 and has been the accepted methodology since.

B. The project will not adversely affect neighborhood character. The square footage information provided by the Los Angeles County Tax Assessor's records is not the equivalent of the City's total development square footage (TDSF) metric since it is based on the Assessor's rules for property valuation, and as such, should not be used as a primary means of evaluating neighborhood character. Because the project is proportional to its lot size and has a similar two-story design to other properties in the area, no adverse impacts to neighborhood character are expected.

C. As demonstrated in the previous Commission agenda report, the accompanying Council agenda report and the findings below, the evidence in the record supports the required findings to grant the appeal and approve the application.

#### SECTION 4. 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 has 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 according to CEQA Guidelines Sections 15301(a) and (e) – Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

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

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9 and Malibu Municipal Code (MMC) Section 17.62.070, the Planning Commission adopts and approves the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 17-071 to allow an interior and exterior remodel of and 1,159 square feet of additions to an existing 2,547 square foot, two-story, single-family residence; including SPR No. 17-036 for construction up to 24 feet with flat roofs for the residence located in the Rural Residential-Two Acre (RR-2) zoning district at 33608 Pacific Coast Highway.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment requirements. With the inclusion of the proposed site plan review, 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 residential uses. The project has been reviewed for conformance with the LCP by the Planning Department, the City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and LACFD. The proposed project, with the inclusion of the site plan review, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

2. Evidence in the record demonstrates that the proposed project conforms to the public access and recreational policies in Chapter 3 of the Coastal Act as the subject parcel contains an existing lateral access easement and vertical beach access exists nearby.

3. The proposed project meets the development policies of the LCP and MMC, with the inclusion of the site plan review and has been determined to be the least environmentally damaging feasible alternative. The proposed development has been sited on an existing, approved development pad, limiting environmental impacts such as grading and landform alteration. Additionally, there are no significant adverse impacts anticipated as a result of the proposed development. Therefore, the proposed project has been determined to be the least environmentally damaging feasible alternative.

**B. Site Plan Review for Construction in Excess of 18 Feet in Height (LIP Section 13.27.5)**

SPR No. 17-036 from the development standards contained in LIP Section 13.27 will allow construction over 18 feet in height for flat roofs up to 24 feet for the proposed additions to the existing single-family residence.

1. The project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and a detailed site investigation, the project is consistent with all policies and provisions of the LCP and MMC.

2. Story poles were installed in October 2019 and demonstrate that the project is compatible with the surrounding development. Surrounding properties are developed with one- and two-story residential structures. As demonstrated by the story poles, the proposed development will not be visible from a public viewing area and will not block bluewater views from neighboring properties. Therefore, the project will not be more impactful than the surrounding development with regards to neighborhood character and is not anticipated to adversely affect neighborhood character.

3. As designed, the proposed development will be lower in elevation than the adjacent property to the north, thereby providing views over the residence toward the Pacific Ocean. Due to the steep topography on the lot and existing mature vegetation, the proposed development will not block views from Pacific Coast Highway. Therefore, the proposed development is designed to not block views from a scenic area or scenic road.

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

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use. The proposed project is consistent with the LCP in that it conforms to the residential land use designation and all applicable development standards.

6. The proposed development is not expected to obstruct visually impressive scenes from private property as all nearby residences have views oriented away from, or over, the subject property.

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

1. Based on an analysis of the project's visual impacts, it was determined that the proposed development is not expected to have significant adverse scenic or visual impacts. The proposed development will be visible from the beach, however, with the inclusion of the conditions set forth in this resolution, pertaining to permissible exterior colors, materials and lighting restrictions, the project will blend in with the surrounding developed environment. As demonstrated by the story poles, the proposed development will not have significant adverse scenic or visual impacts as the proposed development is located landward of the mean high tide line and on an existing, approved development pad. Standard conditions of approval have been included for colors, materials, and lighting.

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

3. As previously discussed in Section A, the project is the least environmentally damaging alternative. The proposed development is sited on an existing, approved development pad and does not propose any grading or landform alteration. Therefore, the project, as proposed and conditioned, is the least environmentally damaging alternative.

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

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

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

1. Evidence in the record demonstrates that the project will neither be subject to nor increase the instability of the site from geologic, flood, or fire hazards. The proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

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

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

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

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

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

1. The subject property is located in a developed neighborhood and neighboring properties contain similarly sized residential development. The proposed development complies with the development standards of LIP Chapter 10 as all proposed development is sited landward of the mean high tide line and no work is proposed on the sand. Additionally, no new encroachments are proposed on the bluff. The project as designed and conditioned, is not expected to have significant adverse impacts on public access, shoreline sand supply or other resources.

2. The project, as designed and conditioned, is not expected to have any significant adverse impacts on public access or shoreline sand supply or other resources as the proposed

development is sited landward of the mean high tide line and on the existing, approved development pad.

3. The project, as designed and conditioned, is the least environmentally damaging alternative as the proposed additions are sited on the existing graded pad and no additional grading or landform alterations are proposed.

4. The project, as designed and conditioned, is not expected to have any significant adverse impacts on public access or shoreline sand supply or other resources.

#### SECTION 6. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves CDP No. 17-071 and SPR No. 17-036 subject to the following conditions.

#### SECTION 7. Conditions of Approval.

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

##### Demolition

- a. 15 percent demolition of exterior walls (cumulative total of 30 percent including Over-the-Counter Permit No. 13-097 and CDP No. 13-050).

##### Construction

- b. An interior and exterior remodel of an existing two-story, single-family residence including:
  - i. 366 square feet of additions to the second story; and
  - ii. 793 square feet of covered decks.Total: 1,159 square feet

##### Additional Discretionary Request

- c. SPR No. 17-036 for construction up to 24 feet in height for a flat roof.
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 June 20, 2019. The proposed development shall further comply with all

conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Department prior to the issuance of any development permits.
5. The applicant shall submit three (3) complete sets of plans, including the items required in Condition No. 6 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
6. This resolution, signed and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Waterworks District No. 29 and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.

12. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

### ***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.

### ***Colors and Materials***

15. 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.
16. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color of driveways and retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.

### ***Lighting***

17. 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.
18. 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.
19. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas.
20. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
21. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
22. Three sequential violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

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

- 23. All construction debris shall be removed from the beach daily and at the completion of development.
- 24. No stockpiling of dirt or construction materials shall occur on the beach.
- 25. Measures to control erosion, runoff, and siltation shall be implemented at the end of each day's work.
- 26. The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion.
- 27. No machinery shall be placed, stored or otherwise located in the intertidal zone at any time, unless necessary for protection of life and/or property.
- 28. Construction equipment shall not be cleaned on the beach.
- 29. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

## Biology/Landscaping

30. 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.
31. Grading, excavation and vegetation removal scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Surveys shall be completed no more than five days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within two business days of completion of surveys.
32. Construction fencing shall be placed at the top of the rock revetment. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the beach.
33. 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.
34. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and use for a limited time.

## Coastal Engineering

35. The property owner shall comply with the requirements for recorded documents and deed restrictions outlined in LIP Sections 10.6(A) and 10.6(B)(1).
36. The Project Coastal Engineer shall submit a Shore Protection Device (SPD) Monitoring Program for the existing rock revetment that is consistent with the City's requirements. The property owner is required to record a "Covenant and Agreement regarding Maintenance of the Shoreline Projection Device and the Use and Transfer of Ownership of Property," informing any successors-in-interest to the property of these SPD monitoring requirements for the onsite rock revetment.

## Geology

37. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans

shall be reviewed and approved by the City geotechnical staff prior to the issuance of permits.

38. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

## **Public Works**

39. The consulting engineer shall sign the final plans prior to the issuance of permits.

### ***Grading/Drainage/Hydrology***

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

### ***Stormwater***

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

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

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

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

42. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.

43. 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.
44. 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.
45. 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.
46. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six-month period. Dust control measures must be in place if construction does not commence within 30 days.
47. 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.
48. 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.
49. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.
50. Fifty percent or more of exterior walls must remain in place during construction. Pursuant to LCP LIP Section 13.4.2, the replacement of 50 percent or more of a single-family residence is not repair and maintenance, but instead constitutes a replacement structure requiring a coastal development permit. A major remodel agreement acknowledging this shall be required prior to issuance of building permits for the project. Contact Planning Department staff to discuss options PRIOR TO DEMOLITION of more than 50 percent of the existing exterior walls, should any questions or issues concerning exterior wall demolition come up during construction. Demolition of exterior walls will be determined based on LCP Policy 3 (Remodels and Additions).

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

51. 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.

52. 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.
53. 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.
54. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.
55. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
56. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
  - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time;
  - b. Grading activities shall be planned during the Southern California dry season (April through October);
  - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination; and
  - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

#### ***Deed Restrictions***

57. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final Planning Department approval.
58. 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. 17 a-

f - 22. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

59. The garage and storage area shall be limited to accessory use as defined by the City of Malibu Local Coastal Plan (LCP). The garage and storage area cannot be converted into habitable space at any time in the future. Prior to issuance of building permits, the application is required to execute and record a deed restriction to this effect.

***Prior to Final Sign-Off***

60. Prior to, or at the time of final inspection, the City Biologist shall inspect the project site and determine that all Planning Department conditions to protect natural resources are in compliance with the approved plans.
61. 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.
62. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

***Fixed Conditions***

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

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

PASSED, APPROVED AND ADOPTED this 13<sup>th</sup> day of July 2020.

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\_\_\_\_\_, Mayor

ATTEST:

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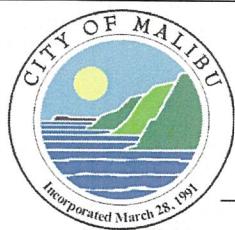
HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

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

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

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



AP 20-003

RECEIVED

MAR 11 2020

PLANNING DEPT.

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

## COASTAL DEVELOPMENT PERMIT APPEAL SUBMITTAL

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

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

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

### Part I. Project Information

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

Coastal Development Permit No. 17-071; Site Plan Review No. 17-036

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

March 2, 2020

3. Who made the decision you are appealing?

Planning Director       Planning Commission

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

33608 Pacific Coast Highway

### Part II. Appeal Summary

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

I am the Applicant for the project  
 I am the neighbor  
 Other (describe) \_\_\_\_\_

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

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3. Indicate the nature of your appeal.

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

n/a

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

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

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

See Attachment.

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

See Attachment.

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### **Part III. Appeal Checklist**

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

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

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

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

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

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

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

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



#### Part IV. Signature and Appellant Information

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

Michael Price

PRINT APPELLANT'S NAME



APPELLANT'S SIGNATURE

[REDACTED] TELEPHONE NUMBER

3/12/2020

[REDACTED] DATE

Appellant's mailing address: [REDACTED]

Appellant's email address: [REDACTED]

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#### OFFICE USE ONLY

ActionAppealed: PC 3/2/20 denial of CDP 17-071

Appeal Period: 3/3/20 - 3-12-20

Date Appeal Form and required documents submitted: 3-11-20 Received by: Kathleen Stecko

Appeal Completion Date: 3/11/20 by: Kathleen Stecko, Administrative Assistant  
(Name, Title)

MAR 11 2020

**Attachment to Coastal Development Permit Appeal Submittal****PLANNING DEPT.****Appeal of the Planning Commission Denial of Coastal Development Permit No. 17-071 and Site Plan Review No. 17-036 – an Application for an Interior and Exterior Remodel Of, and Addition To, an Existing Single Family Home (33608 Pacific Coast Highway; Price)**

On March 2, 2020, the Planning Commission denied Coastal Development Permit No. 17-071 and Site Plan Review No. 17-036 (the “Application”) for an interior and exterior remodel of, and an addition to, an existing single-family residence (the “Project) located at 33608 Pacific Coast Highway (the “Property”). The Planning Department recommended approving the Project, but the Planning Commission, by a 3 to 2 vote, rejected years of City precedent and the Planning Department’s recommendation and denied the Application.

The Planning Commission’s findings in denying the Application are not supported by the evidence, and the denial was contrary to law. The Planning Commission’s conclusions that (1) the Project fails to comply with LIP Section 3.6(K)(2) and Malibu Municipal Code Section 17.40.040(A)(13)(b) (the “2/3rds Rule”) and (2) the Commission could not make the required finding that the Project would not adversely affect the neighborhood character, are both mistaken. For the reasons set forth below, we respectfully request that the City Council adopt the Planning Department’s recommendation and approve the Application and Project.

**Project Overview**

The Project proposes an interior and exterior remodel of, and 1,159 square feet of additions to, an existing 2,547 square foot, two-story, single-family residence. The 1,159 square feet of additions includes the addition of 793 square feet of covered porches to the first story and 366 square feet of living space to the second story. The Site Plan Review is required for construction up to 24 feet in height with flat roofs. While not a part of the Application, the Property also includes a detached guest house and detached garage.

**The Planning Commission Incorrectly Applied the 2/3rds Rule in Violation of the LIP and Municipal Code and Longstanding Planning Department Policy**

The Planning Commission’s first finding in denying the application is not supported by evidence and is contrary to law:

The project fails to comply with the LCP and the Malibu Municipal Code. Specifically, the architectural plans do not comply with the two-thirds rule (Local Implementation Plan (LIP) Section 3.6(K)(2) and Municipal Code Section 17.40.040(A)(13)(b)).

The City’s residential development standards calculate residential structure size based on total development square footage (“TDSF”). (See LIP § 3.6.K and Municipal Code § 17.40.040.) For multi-story structures greater than 18 feet in height, the 2/3rds Rule provides that “[a]ny portion of [a] structure above 18 feet in height shall not exceed 2/3rds the first floor area.” (LIP § 3.6(K)(2); see also Municipal Code § 17.40.040(A)(13)(b).)

The Project proposes a 2,435 square foot first floor, including 1,144 square feet of covered porches, and a 1,622 square foot second floor, in compliance with the 2/3rds Rule. City staff stated during the February 18, 2020 hearing that “it has been the policy in the Planning Department since 2008 to include covered areas that extend more than six feet from a structure in the TDSF calculation. It has also been the policy since 2008 to include the volume of those covered areas when calculating the 2/3rds Rule.”

The Planning Commission, in violation of the LIP, the Municipal Code and longstanding Planning Department policy, erroneously determined that the 2/3rds Rule should be calculated based on “gross square footage,” which is a commercial development standard that does not apply to this single-family home. Contrary to the Planning Commission’s decision, as a matter of law the 2/3rds Rule is calculated based on TDSF and the City’s residential development standards, which includes covered areas more than six feet from the structure.

### **The Planning Commission Incorrectly Found that the Project will Adversely Affect Neighborhood Character**

The Planning Commission’s second finding in denying the application is not supported by evidence and is contrary to law:

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

This finding is not supported by evidence. The evidence before the Planning Commission supports a finding that the Project does not adversely affect neighborhood character, which was demonstrated with story pole photographs. Due to the Property’s size, shape, and topography, the Project will not be visible from scenic roads nor will it be within primary views of neighboring properties. Further, based on the existing development in the surrounding neighborhood, which has a mix of one- and two-story residential structures of similar size with mature landscaping, the Project will blend with the surrounding built environment.

The Planning Commission incorrectly found that the “Nearby Residences Within 500 Feet” table included as Attachment C to the Commission Agenda Report supports a finding that the Project’s building square footage is significantly greater than the surrounding properties. As noted on Attachment 3, the “building square footage [in the table] is the habitable area only and does not include garages, covered patios and some other accessory structures.” Accordingly, in response to the Commission comparing the Project’s TDSF to the “habitable area” in the table, City staff stated it is “apples and oranges” and “not an accurate comparison,” as the TDSF listed in the Application includes non-habitable area. Looking at the Project, the habitable area is 3,781 square feet. This square footage is just slightly above the average of the residences within 500 feet, which is 3,716 square feet. When comparing the Project to the adjacent residence immediately north of the Property, 33616 Pacific Coast Highway has 7,500 square feet of habitable area.

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 20-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND DENYING COASTAL DEVELOPMENT PERMIT NO. 17-071 TO ALLOW AN INTERIOR AND EXTERIOR REMODEL OF AND 1,159 SQUARE FEET OF ADDITIONS TO AN EXISTING 2,547 SQUARE FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE, INVOLVING 15 PERCENT DEMOLITION OF EXTERIOR WALLS; INCLUDING SITE PLAN REVIEW NO. 17-036 FOR CONSTRUCTION UP TO 24 FEET IN HEIGHT WITH FLAT ROOFS FOR THE RESIDENCE LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 33608 PACIFIC COAST HIGHWAY (PRICE)

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

SECTION 1. Recitals.

A. On June 21, 2017, an application for Coastal Development Permit (CDP) No. 17-071 and Site Plan Review (SPR) No. 17-036 was submitted to the Planning Department by the applicant, Burdge and Associates Architects, Inc., on behalf of the property owner, Michael Price. The application was routed to the City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and Los Angeles County Fire Department (LACFD) for review.

B. On October 22, 2019, Planning Department staff conducted a site visit to document the story poles.

C. On January 9, 2020, a Notice of Coastal Development Permit (CDP) Application was posted on the subject property.

D. On January 9, 2020, the CDP application was deemed complete for processing.

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

F. On February 3, 2020, the Planning Commission continued the item to the February 18, 2020 regular Planning Commission meeting.

G. On February 18, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. At the conclusion of the public hearing, the Commission voted 3-2 (Jennings and Marx dissenting) to direct staff to return with a resolution on the Consent Calendar denying the application and memorializing its findings and decision.

H. On March 2, 2020, the Planning Commission considered the subject resolution.

## SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. Pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

## SECTION 3. Coastal Development Permit Findings for Denial.

Based on evidence in the record for the subject project presented at the February 18, 2020, Planning Commission meeting, the Planning Commission hereby makes the following findings denying the application:

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

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

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

PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of March 2020.



JEFFREY JENNINGS, Planning Commission Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary

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

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-11 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 2<sup>nd</sup> day of March 2020 by the following vote:

AYES:	3	Commissioners:	Uhring, Mazza, Jennings
NOES:	0		
ABSTAIN:	1	Commissioner:	Weil
ABSENT:	1	Commissioner:	Marx



KATHLEEN STECKO, Recording Secretary



# Commission Agenda Report

Planning Commission  
Meeting  
02-18-20

# Item

## 4.B.

To: Chair Jennings and Members of the Planning Commission

Prepared by: Jessica Cleavenger, Associate Planner JC

Reviewed: Bonnie Blue, Planning Director BBS

Date prepared: February 6, 2020 Meeting date: February 18, 2020

Subject: Coastal Development Permit No. 17-071 and Site Plan Review No. 17-036 - An application for an interior and exterior remodel of, and addition to, an existing single-family residence (Continued from February 3, 2020)

Location: 33608 Pacific Coast Highway, within the appealable coastal zone

APN: 4473-021-010

Owner: Michael Price

**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 20-11 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 17-071 to allow an interior and exterior remodel of, and 1,159 square feet of additions to, an existing 2,547 square foot, two-story, single-family residence, involving 15 percent demolition of exterior walls; including Site Plan Review (SPR) No. 17-036 for construction up to 24 feet in height with flat roofs for the residence located in the Rural Residential-Two Acre (RR-2) zoning district at 33608 Pacific Coast Highway (Price).

**DISCUSSION:** 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.

On February 3, 2020, the Planning Commission continued the item to the February 18, 2020 Regular Planning Commission meeting to allow time for Planning Commissioners to complete a site visit with the applicant present.

### ***Project Overview***

The subject property is the most seaward of two parcels that are between the Pacific Ocean and Pacific Coast Highway located in western Malibu, approximately .75 miles west of Decker Canyon Road (Figure 1). The subject site is on a previously graded coastal bluff that extends from Pacific Coast Highway to the ocean. There is a curved common access driveway that begins at Pacific Coast Highway on vacant property northeast of the subject property and cuts through the slope, and then terminates at the subject property. The project site is located on a flat pad between the beach and the access driveway, which abuts a steep ascending slope. The property is developed with a two-story, single-family residence and a detached, two-story guest house and garage. Non-beachfront development standards are applied to the subject property due to its Rural Residential zoning designation. However, because the property abuts the shoreline, the rear yard setback is measured from the mean high tideline or stringline, whichever is more restrictive.

According to the Los Angeles County Assessor, the property was initially developed in 1955. In 1987, the California Coastal Commission approved CDP No. 5-86-594 for a remodel of the existing single-family residence, addition of a gym and guest house, and repair of the rock revetment. In 1999, the California Coastal Commission approved CDP No. 4-98-190 for the repair of a driveway destroyed by a landslide, including construction of a 12-foot-tall retaining wall on soldier piles, remedial grading, and the installation of dewatering wells. Portions of the subsurface dewatering well are depicted as a “stream” and two “waterfalls” on the project plans (Attachment 2). According to the wave uprush reports dated May 10, 2013, March 21, 2018 and July 11, 2018, by the project coastal engineer, David C. Weiss, the existing rock revetment provides protection for the existing residential structures. There are no repair or maintenance activities proposed to the rock revetment under the subject application. Additionally, to mitigate the construction of the rock revetment, CDP No. 4-98-190 included an offer to dedicate an easement for lateral public access and passive recreational use along the shoreline.

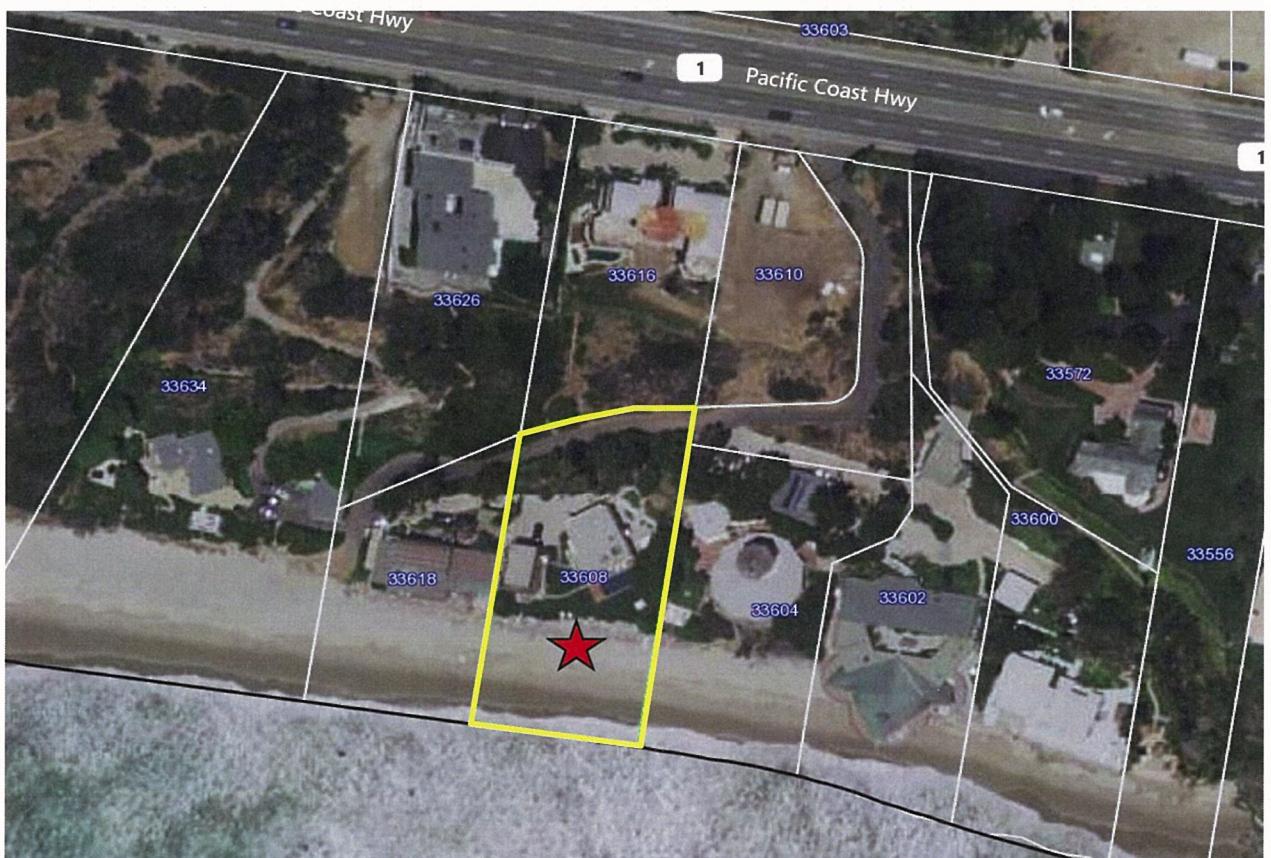
In 2013, the City of Malibu approved Over-the-Counter (OC) No. 13-097, for an interior remodel of the existing single-family residence and detached guest house on the subject property. The approved remodel included demolition of 1.4 percent of exterior walls of the existing single-family residence.

On October 20, 2014, the City of Malibu approved CDP No. 13-050, to allow for the construction a new swimming pool and spa, installation of a new alternative onsite wastewater treatment system (AOWTS), new stone pavers, new on-grade wood decks

and a new fire pit, remodel of the existing single-family residence and detached guest house, and demolition of 13.6 percent of the exterior walls of the existing single-family residence.

Pursuant to Local Implementation Plan (LIP) Section 13.4.2(D), the replacement of 50 percent or more of a single-family residence, as measured by 50 percent of exterior walls, is not repair and maintenance, but instead constitutes a replacement structure, which is required to be brought into conformance with the policies and standards of the LCP. The proposed project also includes the replacement of 15 percent of exterior walls. However, as the cumulative total of exterior walls replaced for the single-family residence is less than 50 percent (30 percent), the project qualifies as repair and maintenance. The project has been conditioned to require the owner to sign a major remodel agreement to ensure that at least 50 percent of exterior walls are maintained.

**Figure 1 – Aerial Photo**



Source: GovClarity 2019

The subject application includes 366 square feet of additions to the second story of the existing two-story, single-family residence and the addition of 793 square feet of covered decks to the first story. The application also includes a site plan review for construction up to 24 feet in height with flat roofs.

## ***Surrounding Land Uses and Project Setting***

The entire site is located within the Appealable Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map and no trails are shown on or adjacent to the subject property according to the LCP Park Lands Map. The subject site does not contain environmentally sensitive habitat area (ESHA).

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

<b>Table 1 – Property Data</b>	
Lot Depth	241.5 feet
Lot Width	125 feet
Gross Lot Area	29,815 square feet (.66 acre)
Net Lot Area*	27,130 square feet (0.63 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. A table showing the Los Angeles County Tax Assessor's Records, for properties within a 500-foot radius of the subject property, is included as Attachment 3. Table 2 includes a description of the adjacent land uses.

<b>Table 2 – Surrounding Land Uses</b>				
	<b>Address</b>	<b>Size</b>	<b>Zone</b>	<b>Land Use</b>
<b>North</b>	33616 Pacific Coast Highway	.67 Acre	RR-2	Vacant
<b>South</b>	Pacific Ocean			
<b>West</b>	33618 Pacific Coast Highway	.57 Acre	RR-2	Single-Family Residential
<b>East</b>	33604 Pacific Coast Highway	.75 Acre	RR-2	Single-Family Residential

## ***Project Description***

The proposed scope of work is as follows:

### **Demolition**

- a. 15 percent demolition of exterior walls (cumulative total of 30 percent including OC No. 13-097 and CDP No. 13-050).

### **Construction**

- b. An interior and exterior remodel of an existing two-story, single-family residence including:

- i. 366 sq. ft. of additions to the second story; and
  - ii. 793 sq. ft. of covered decks.
- Total: 1,159 sq. ft.**

#### Additional Discretionary Request

- c. SPR No. 17-036 for construction up to 24 feet in height for a flat roof.

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

• Main House (2,547 existing + 366 proposed)	2,913 sq. ft.
• Main House Covered Areas > 6 Ft. (351 existing + 793 proposed)	1,144 sq. ft.
• Detached Guest House	868 sq. ft.
• <u>Detached Garage</u>	465 sq. ft.
	<b>Total: 5,390 sq. ft.</b>

#### **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, the scope of work and substantial evidence in the record, only the following chapters and associated findings are applicable to the project: Coastal Development Permit (including the required findings for the SPR), Scenic Visual and Hillside Resource Protection, Hazards, and Shoreline and Bluff Development. These chapters are discussed in the *LIP Findings* section of this report.

#### **LIP Conformance Analysis**

The proposed project has been reviewed by the Planning Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, California State Lands Commission (CSLC), Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department

(LACFD) (Attachment 4 – Department Review Sheets). WD29 provided a letter to the applicant stating that WD29 can serve water to the property. The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies with the inclusion of SPR No. 17-036.

### 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
<b>SETBACKS (ft.)</b>			
Front Yard (20% or 65 ft., whichever is less)	48 ft., 3 in.	49 ft., 4 in.	Complies
Rear Yard (Stringline)			
Building	Nearest Corners on Nearest Adjacent Buildings	Nearest Corners on Nearest Adjacent Buildings	Guest House Existing Non-Conforming (No Change)
			Main Residence Complies
Deck	Nearest Corners on Nearest Adjacent Decks	Nearest Corners on Nearest Adjacent Decks	Complies
Rear Yard (from MHTL)	10 ft.	46 ft.	Complies
Side Yard (10% - Min)	12 ft., 6 in.	25 ft., 5 in.	Complies
Side Yard (25% - Cumulative)	31 ft., 3 in.	31 ft., 3 in.	Complies
<b>PARKING</b>			
Enclosed	2	2	Complies
Unenclosed	2	2	Complies
Enclosed or Unenclosed (Guest House)	1	1 (unenclosed)	Complies
<b>TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)</b>	5,390 sq. ft.	5,390 sq. ft.	Complies

**Table 3 – LCP Zoning Conformance**

<b>Development Requirement</b>	<b>Allowed/ Required</b>	<b>Proposed</b>	<b>Comments</b>
1st Floor x 2/3rds = 2nd Floor sq. ft.	2,435 sq. ft. x 2/3 = 1,623 sq. ft.	1,622 sq. ft.	Complies
<b>IMPERMEABLE COVERAGE</b>	8,139 sq. ft.	6,427 sq. ft.	Complies
<b>HEIGHT (ft.)</b>	18 ft.	24 ft.	SPR No. 17-071
<b>SITE OF CONSTRUCTION</b>	< 3:1	< 3:1	Complies
<b>NON-EXEMPT GRADING</b>	< 1,000 cubic yards	None Proposed	Complies
<b>FENCES/WALLS/HEDGES/GATES</b>			
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

LIP Section 13.5 specifies that existing, lawfully established structures, which do not conform to the provisions of the LCP, may be maintained and/or repaired, and/or may have additions or improvements made, provided that such repair and maintenance, additions or improvements do not increase the extent of nonconformity of the structure, and provided that such additions or improvements comply with the current LCP standards. Substantial additions, demolition and reconstruction, that result in demolition and/or replacement of more than 50 percent of the exterior walls shall not be permitted unless such structures are brought into conformance with the policies and standards of the LCP. The subject application does not propose any development that would increase a nonconformity and no development is proposed on the existing nonconforming guest house.

#### 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 project does not propose any grading or landform alteration as part of the project. 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. A Phase I Archaeological Report was prepared by Compass Rose Archaeological, Inc. in March of 2013 for the proposed project site. No archaeological resources were found onsite during the Phase I investigation. The Phase I Archaeological Report determined that the proposed improvements should have no adverse impacts to known cultural resources.

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

## Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project has been reviewed and approved by the City Environmental Health Administrator and, as proposed, does not require the installation of a new OWTS. The City Environmental Health Administrator has reviewed the subject application and determined that the existing OWTS will meet all applicable requirements.

## **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 Coastal Engineer, 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 SPR.

*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 located between the first public road and the sea. However, the proposed project and related construction activities are not anticipated to interfere with the public's right to access the coast as both lateral and vertical beach access exists nearby and no development is proposed on sandy beaches.

The LCP Public Access Map indicates that a lateral accessway has been recorded on the subject property. Additionally, vertical beach access easements have been recorded and developed approximately 320 feet west of the site and approximately 765 feet east. Therefore, the project complies with the Coastal Act of 1976.

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

The following alternatives to the proposed project were considered.

Alternative Project – On October 22, 2019, staff visited the project site to document the story poles erected in October, 2019 and reviewed alternate site locations for the proposed project. Story pole photographs are included as Attachment 5. Due to the size and shape of the lot and the presence of steep slopes on the property, it was determined that the proposed development will not block bluewater views from neighboring properties. Additionally, the proposed additions to the existing single-family residence will not be visible from Pacific Coast Highway, an LCP designated scenic highway. A smaller or alternative project could be proposed on the subject parcel. However, the proposed development complies with TDSF and impermeable coverage. It is not anticipated that a smaller or relocated project would be an environmentally superior alternative. Therefore, an alternative project would not provide an environmental advantage and would not meet the project objectives.

Proposed Project – The project consists of an interior and exterior remodel of and additions to an existing single-family residence. The proposed development is a permitted use within the RR zoning classification of the subject property. The proposed development has been reviewed and conditionally approved by the City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and the LACFD, and the project meets the City's residential development policies of the LCP and MMC. The proposed development is sited on an existing, approved development pad and the project does not propose grading or landform alterations. Additionally, the proposed development complies with setback requirements and does not proposed construction on steep slopes. As proposed, the project 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 property is not in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. Therefore, Environmental Review Board review was not required, and this finding does not apply.

**B. Site Plan Review for Construction in Excess of 18 Feet in Height (LIP Section 13.27.5)**

LIP Section 13.27.5(A) requires that the City makes four findings in the consideration and approval of a site plan review for construction in excess of the City's base 18 feet in height up to a maximum of 24 feet with a flat roof. Two additional findings are required pursuant to MMC Section 17.62.060. The applicant is proposing 366 square feet of additions to an existing two-story, single-family residence at a height not to exceed 24 feet with a flat roof. Based on the evidence in the record, the findings of fact for SPR No. 17-036 are made as follows:

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

As stated in Section A, the project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and detailed site investigation, the project is consistent with all policies and provisions of the LCP and MMC.

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

Story poles were installed in October 2019. Staff visited the project site on October 22, 2019, photo-documented the story poles and evaluated the project for conformance with City codes (Attachment 5 – Story Pole Photographs). Neighboring properties are developed with a mix of one- and two-story residential structures of similar size with mature landscaping. The subject application includes additions to the second story at the front of the existing single-family residence, not to exceed 24 feet in height with a flat roof. As demonstrated with the story pole photographs, due to the size, shape, and topography of the lot, the proposed development will not be visible from scenic roads. Furthermore, the story poles demonstrate that the proposed development will not be located within primary views of neighboring properties. Based on the existing development within the surrounding neighborhood, the proposed project is expected to blend with the surrounding built environment. Therefore, the portion of the residence in excess of 18 feet is not anticipated to adversely affect neighborhood character.

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

As evident from the story poles, the proposed residence is similar in size, height and massing to existing, neighboring residences. As designed, the proposed development will be lower in elevation than the adjacent property to the north, thereby providing views over the residence toward the Pacific Ocean. Additionally, due to the steep topography and existing mature vegetation, the proposed development will not block public views from Pacific Coast Highway toward the Pacific Ocean. Therefore, the proposed development is designed to not block views from a scenic area, scenic road or public viewing area.

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

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

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

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

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

The proposed development is not expected to obstruct visually impressive scenes from private property as all nearby residences have views oriented away from, or over, the subject property. This analysis is based on aerial photographs, site visits and story pole placement.

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

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

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

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

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

The Scenic, Visual and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject parcel is located between Pacific Coast Highway and the beach. Therefore, the findings set forth in LIP Section 6.4 are enumerated herein.

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

The proposed project is an interior and exterior remodel of and additions to an existing two-story, single-family residence. Story poles were placed on the project site to demonstrate the size, mass, height, and bulk of the proposed development. An analysis of the project's visual impact was conducted through site inspections, architectural plans and review of neighborhood character. Based on a staff site visit after story poles were installed, it was determined that portions of the proposed development will be visible from the beach, however, the proposed development is not expected to have significant adverse scenic or visual impacts as the development is proposed landward of the MHTL and on an existing, approved development pad. Therefore, the project as conditioned will not have significant adverse scenic or visual impacts due to project design, location or

other reasons. Standard conditions of approval have been included for colors, materials, and lighting.

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

The project has been designed to avoid any adverse or scenic impacts. The proposed development has been conditioned to utilize colors and materials that will be compatible with the surrounding natural environment. Additionally, the project site has been conditioned to restrict exterior lighting per the requirements of the City's Dark Sky Ordinance. Therefore, the proposed development will not result in significant adverse scenic visual impacts.

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

As discussed in Section A, the project, as proposed or conditioned, is the least environmentally damaging alternative as the proposed development is sited on an existing, approved development pad and does not propose any grading of landform alteration.

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

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

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

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

The subject property is a beachfront lot; however, the proposed project will not expand the footprint seaward of the existing residence and the proposed development will not touch the sand. The proposed development is sited to eliminate or minimize impacts or otherwise contribute to conformance to beach protection policies.

## **F. 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.

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

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards listed in LIP 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 Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and LACFD. The required findings are made as follows:

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

Analysis for potential hazards included review of the submitted geotechnical reports prepared by CalWest Geotechnical Consulting Engineers, dated March 24, 2017, August 3, 2017, and September 13, 2017. According to the geotechnical reports, the proposed development was determined to not increase instability of the site or structural integrity from a geologic, flood or fire hazards perspective. Based on review of the project plans by City Coastal Engineer, 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. The proposed project will neither be subject to nor increase the instability from geologic or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

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

## Wave Runup / Tsunami Hazard

According to the wave uprush reports dated May 10, 2013, March 21, 2018 and July 11, 2018, by the project coastal engineer, David C. Weiss, the existing rock revetment provides protection for the existing residential structures and associated development. The reports indicate that the existing finish floor elevation of +19.27 ft. NAVD88<sup>1</sup> is adequate to prevent overtopping by ocean waves. Due to the existing setback from the top of the revetment, wave runup will have little, if any, impact on the development. The report also addresses the phenomena of tsunamis caused by displacement of faults immediately offshore of Malibu. The report indicates that there is an extremely low probability of tsunami generated waves occurring in the vicinity of the subject property. The proposed development is sited landward of the maximum runup limit and no additional shoreline protective device or repair is required.

The City Coastal Engineer has reviewed and conditionally approved the proposed project. Conditions of approval have been incorporated in the resolution requiring that a shoreline protection monitoring program be provided. The existing finish floor elevation is +19.27 ft. NAVD88, the breaking wave crest elevation is +16.23 ft. NAVD88, and the wave uprush limit is +12.00 ft. NAVD88. Therefore, wave uprush is not anticipated to affect the proposed development.

## Liquefaction / Landslide

The subject site is located within a landslide zone on the State of California Seismic Hazard Map. According to the geotechnical engineers, the proposed improvements will be safe against hazards from landslide, settlement or slippage and the proposed improvements will not have an adverse effect on the stability of the subject site or immediate vicinity provided the geotechnical recommendations are made part of the building plans and implemented during construction. Furthermore, the area of the proposed improvements is considered to be stable from a geotechnical point of view.

The project, as conditioned, will incorporate all recommendations contained in the above cited geotechnical reports and conditions required by the City Coastal Engineer, Public Works Department, City geotechnical staff, and the LACFD. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood, or any other hazards.

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<sup>1</sup> North American Vertical Datum of 1988 (NAV88) is the vertical control datum of orthometric height established for vertical control surveying in the USA.

## 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.*

As stated in Finding 1, the project as designed, conditioned, and approved by the City geotechnical staff and City Public Works Department, does not have any significant adverse impacts on 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, the project, as proposed and conditioned, is the least environmentally damaging alternative.

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

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the City Coastal Engineer, 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.

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

The project site is located on the ocean side of Pacific Coast Highway along the shoreline. Given the proposed additions will be located above the existing footprint and the proposed additions will not touch the sand, the proposed project will not impact shoreline access along the beach at the rear of the property. Furthermore, the proposed scope of work does not include alterations to the existing seawall and no work is proposed on the beach. In accordance with LIP Section 10.2, the requirements of LIP Chapter 10 are applicable to the project and the required findings are made as follows.

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

The subject property is located in a developed neighborhood and neighboring properties are developed with similarly sized single-family residences. Given the location of the proposed additions, no alterations to the seawall are proposed. Additionally, no adverse impacts to public access are likely as a lateral access easement has been recorded on the property and sufficient vertical beach access exists nearby. All proposed development is sited landward of the required 10-foot MHTL setback and no work is proposed on the sand. Additionally, no new encroachments are proposed on the bluff. The project as designed and conditioned, is not expected to have significant adverse impacts on public access, shoreline sand supply or other resources.

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

The project, as designed and conditioned, is not expected to have any significant adverse impacts on public access or shoreline sand supply or other resources as all proposed development is sited landward of the MHTL and on the existing, approved development pad.

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

The project, as designed and conditioned, is the least environmentally damaging alternative as the proposed additions are sited on an existing graded pad and no additional grading or landform alterations are proposed.

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

The project, as designed and conditioned, is not expected to have any significant adverse impacts on public access or shoreline sand supply or other resources.

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

The project does not propose or require a new shoreline protection device. Therefore, this finding does not apply.

## **I. 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. A recorded lateral access easement exists on the subject property, outside of the project area, that extends the entire width of the property from the MHTL to the toe of the revetment. Additionally, bluff-top, trail, vertical and recreational access are not applicable given the subject property's

location. Therefore, the requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

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

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

**ENVIRONMENTAL REVIEW:** Pursuant to the authority and criteria contained in CEQA, the Planning 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(a) and (e) – Existing Facilities. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

**CORRESPONDENCE:** Staff has not received any public correspondence regarding this project.

**PUBLIC NOTICE:** On January 9, 2020, 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. 20-11. 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. 20-11
2. Project Plans
3. Surrounding Residences
4. Department Review Sheets
5. Story Poles Photographs
6. 500-Foot Radius Map
7. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 20-11

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. 17-071 TO ALLOW AN INTERIOR AND EXTERIOR REMODEL OF AND 1,159 SQUARE FEET OF ADDITIONS TO AN EXISTING 2,547 SQUARE FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE, INVOLVING 15 PERCENT DEMOLITION OF EXTERIOR WALLS; INCLUDING SITE PLAN REVIEW NO. 17-036 FOR CONSTRUCTION UP TO 24 FEET IN HEIGHT WITH FLAT ROOFS FOR THE RESIDENCE LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 33608 PACIFIC COAST HIGHWAY (PRICE)

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

SECTION 1. Recitals.

A. On June 21, 2017, an application for Coastal Development Permit (CDP) No. 17-071 and Site Plan Review (SPR) No. 17-036 was submitted to the Planning Department by the applicant, Burdge and Associates Architects, Inc., on behalf of the property owner, Michael Price. The application was routed to the City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Fire Department (LACFD), and Los Angeles County Waterworks District 29 (WD29) for review.

B. On October 22, 2019, Planning Department staff conducted a site visit to document the story poles.

C. On January 9, 2020, a Notice of Coastal Development Permit (CDP) Application was posted on the subject property.

D. On January 9, 2020, the CDP application was deemed complete for processing.

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

F. On February 3, 2020, the Planning Commission continued the item to the February 18, 2020 Regular Planning Commission meeting.

G. On February 18, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

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

### SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9 and Malibu Municipal Code (MMC) Section 17.62.070, the Planning Commission adopts and approves the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 17-071 to allow an interior and exterior remodel of and 1,159 square feet of additions to an existing 2,547 square foot, two-story, single-family residence, involving 15 percent demolition of exterior walls; including SPR No. 17-036 for construction up to 24 feet with flat roofs for the residence located in the Rural Residential-Two Acre (RR-2) zoning district at 33608 Pacific Coast Highway.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment requirements. With the inclusion of the proposed site plan review, 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 residential uses. The project has been reviewed for conformance with the LCP by the Planning Department, the City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, California State Lands Commission (CSLC), LACFD, and WW29. The proposed project, with the inclusion of the site plan review, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

2. Evidence in the record demonstrates that the proposed project conforms to the public access and recreational policies in Chapter 3 of the Coastal Act as the subject parcel contains an existing lateral access easement and vertical beach access exists nearby.

3. The proposed project meets the development policies of the LCP and MMC, with the inclusion of the site plan review and has been determined to be the least environmentally damaging feasible alternative. The proposed development has been sited on an existing, approved development pad, limiting environmental impacts such as grading and landform alteration. Additionally, there are no significant adverse impacts anticipated as a result of the proposed development. Therefore, the proposed project has been determined to be the least environmentally damaging feasible alternative.

#### **B. Site Plan Review for Construction in Excess of 18 Feet in Height (LIP Section 13.27.5)**

SPR No. 17-036 from the development standards contained in LIP Section 13.27 will allow construction over 18 feet in height for flat roofs up to 24 feet for the proposed additions to the existing single-family residence.

1. The project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and a detailed site investigation, the project is consistent with all policies and provisions of the LCP and MMC.

2. Story poles were installed in October 2019 and demonstrate that the project is compatible with the surrounding development. Surrounding properties are developed with one- and two-story residential structures. As demonstrated by the story poles, the proposed development will not be visible from a public viewing area and will not block bluewater views from neighboring properties. Therefore, the project will not be more impactful than the surrounding development with regards to neighborhood character and is not anticipated to adversely affect neighborhood character.

3. As designed, the proposed development will be lower in elevation than the adjacent property to the north, thereby providing views over the residence toward the Pacific Ocean. Due to the steep topography on the lot and existing mature vegetation, the proposed development will not block views from Pacific Coast Highway. Therefore, the proposed development is designed to not block views from a scenic area or scenic road.

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

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use. The proposed project is consistent with the LCP in that it conforms to the residential land use designation and all applicable development standards.

6. The proposed development is not expected to obstruct visually impressive scenes from private property as all nearby residences have views oriented away from, or over, the subject property.

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

1. Based on an analysis of the project's visual impacts, it was determined that the proposed development is not expected to have significant adverse scenic or visual impacts. The proposed development will be visible from the beach, however, with the inclusion of the conditions set forth in this resolution, pertaining to permissible exterior colors, materials and lighting restrictions, the project will blend in with the surrounding developed environment. As demonstrated by the story poles, the proposed development will not have significant adverse scenic or visual impacts as the proposed development is located landward of the mean high tide line and on an existing, approved development pad. Standard conditions of approval have been included for colors, materials, and lighting.

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

3. As previously discussed in Section A, the project is the least environmentally damaging alternative. The proposed development is sited on an existing, approved development pad and does not propose any grading or landform alteration. Therefore, the project, as proposed and conditioned, is the least environmentally damaging alternative.

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

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

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

1. Evidence in the record demonstrates that the project will neither be subject to nor increase the instability of the site from geologic, flood, or fire hazards. The proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

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

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

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

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

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

1. The subject property is located in a developed neighborhood and neighboring properties contain similarly sized residential development. The proposed development complies with the development standards of LIP Chapter 10 as all proposed development is sited landward of the mean high tide line and no work is proposed on the sand. Additionally, no new encroachments are proposed on the bluff. The project as designed and conditioned, is not expected to have significant adverse impacts on public access, shoreline sand supply or other resources.

2. The project, as designed and conditioned, is not expected to have any significant adverse impacts on public access or shoreline sand supply or other resources as the proposed development is sited landward of the mean high tide line and on the existing, approved development pad.

3. The project, as designed and conditioned, is the least environmentally damaging alternative as the proposed additions are sited on the existing graded pad and no additional grading or landform alterations are proposed.

4. The project, as designed and conditioned, is not expected to have any significant adverse impacts on public access or shoreline sand supply or other resources.

#### SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 17-071 and SPR No. 17-036 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 following:

##### Demolition

- a. 15 percent demolition of exterior walls (cumulative total of 30 percent including Over-the-Counter No. 13-097 and CDP No. 13-050).

##### Construction

- b. An interior and exterior remodel of an existing two-story, single-family residence including:
  - i. 366 square feet of additions to the second story; and
  - ii. 793 square feet of covered decks.Total: 1,159 square feet

##### Additional Discretionary Request

- c. SPR No. 17-036 for construction up to 24 feet in height for a flat roof.
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 June 20, 2019. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached

hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Department prior to the issuance of any development permits.
5. The applicant shall submit three (3) complete sets of plans, including the items required in Condition No. 6 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
6. This resolution, signed and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, CSLC, d LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.
12. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

### ***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.

### ***Colors and Materials***

15. 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.
16. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color of driveways and retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.

### ***Lighting***

17. 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.
18. 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.
19. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas.
20. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
21. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
22. Three sequential violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

### ***Shoreline Protection***

23. All construction debris shall be removed from the beach daily and at the completion of development.
24. No stockpiling of dirt or construction materials shall occur on the beach.
25. Measures to control erosion, runoff, and siltation shall be implemented at the end of each day's work.
26. The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion.
27. No machinery shall be placed, stored or otherwise located in the intertidal zone at any time, unless necessary for protection of life and/or property.
28. Construction equipment shall not be cleaned on the beach.
29. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

### ***Biology/Landscaping***

30. 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.

31. Grading, excavation and vegetation removal scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Surveys shall be completed no more than five days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within two business days of completion of surveys.
32. Construction fencing shall be placed at the top of the rock revetment. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the beach.
33. 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.
34. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and use for a limited time.

### **Coastal Engineering**

35. The property owner shall comply with the requirements for recorded documents and deed restrictions outlined in LIP Sections 10.6(A) and 10.6(B)(1).
36. The Project Coastal Engineer shall submit a Shore Protection Device (SPD) Monitoring Program for the existing rock revetment that is consistent with the City's requirements. The property owner is required to record a "Covenant and Agreement regarding Maintenance of the Shoreline Projection Device and the Use and Transfer of Ownership of Property," informing any successors-in-interest to the property of these SPD monitoring requirements for the onsite rock revetment.

### **Geology**

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

## Public Works

39. The consulting engineer shall sign the final plans prior to the issuance of permits.

### *Grading/Drainage/Hydrology*

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

### *Stormwater*

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

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

42. 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.

### *Demolition/Solid Waste*

43. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.
44. 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.
45. 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.

46. 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.
47. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six-month period. Dust control measures must be in place if construction does not commence within 30 days.
48. 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.
49. 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.
50. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.
51. Fifty percent or more of exterior walls must remain in place during construction. Pursuant to LIP Section 13.4.2, the replacement of 50 percent or more of a single-family residence is not repair and maintenance, but instead constitutes a replacement structure requiring a coastal development permit. A major remodel agreement acknowledging this shall be required prior to issuance of building permits for the project. Contact Planning Department staff to discuss options PRIOR TO DEMOLITION of more than 50 percent of the existing exterior walls, should any questions or issues concerning exterior wall demolition come up during construction. Demolition of exterior walls will be determined based on LCP Policy 3 (Remodels and Additions).

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

52. 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.
53. 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.
54. 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.

55. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.
56. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
57. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
  - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time;
  - b. Grading activities shall be planned during the Southern California dry season (April through October);
  - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination; and
  - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

#### ***Deed Restrictions***

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

#### ***Prior to Final Sign-Off***

59. Prior to, or at the time of final inspection, the City Biologist shall inspect the project site and determine that all Planning Department conditions to protect natural resources are in compliance with the approved plans.
60. 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.

61. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

***Fixed Conditions***

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

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

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of February 2020.

---

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

---

KATHLEEN STECKO, Recording Secretary

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

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-11 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 18<sup>th</sup> day of February 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

KATHLEEN STECKO, Recording Secretary

# 33608 PCH RESIDENCE MALIBU

JANUARY 2020

RECEIVED  
JUN 20 2019  
PLANNING DEPT

33608 PCH  
RESIDENCE

PACIFIC COAST HWY  
MALIBU, CA 90265



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WRITTEN DIMENSIONS SHALL BE VERIFIED  
ON THE JOB SITE. DISCREPANCIES SHALL  
BE BROUGHT TO THE ATTENTION OF THE  
ARCHITECT PRIOR TO THE

**BURDGE**  
& Associates  
ARCHITECT

MALIBU  
SUN VALLEY

MALIBU, CA 90265  
TEL 310-456-5865

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**COVER SHEET/  
PROJECT INDEX**

DRAWING NO.	T-1.1
PROJECT	33608 PCH RESIDENCE
DATE	Plot Date 1/16/20
SCALE	
DRAWN BY	DWB, CZ, JT



33608 PCH  
RESIDENCE

PACIFIC COAST HWY.  
MALIBU, CA 90265



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BY THE ENGINEER OR ARCHITECT  
OR THOUGHT TO THE ATTENTION OF THE  
ARCHITECT PRIOR TO THE  
COMMENCEMENT OF ANY WORK.

NO.	DATE	ISSUE
2017-01-10	COPR SUBMITTAL	
2017-01-10	COPR SUBMITTAL	
2018-10-04	COPR SUBMITTAL	
2018-12-05	COPR SUBMITTAL	
2019-01-15	COPR SUBMITTAL	
2019-04-10	COPR SUBMITTAL	

**BURDGE & ASSOCIATES**  
ARCHITECTS  
MAIL HU SURVEYING  
WWW.BUAIA.COM

33608 PACIFIC COAST HWY  
MALIBU, CALIFORNIA  
TEL: 310-458-1915

DESCRIPTION:

PROPOSED SITE PLAN

DRAWING NO.	T-1.3
PROJECT	33608 PCH RESIDENCE
DATE	FEB 06 2018
SCALE	1" = 10'
DRAWN BY	DOUG C.J.

5' EASEMENT FOR PUBLIC UTILITIES,  
RECORDED NOVEMBER 6, 1944, IN BOOK  
21312, PAGE 240, PER ITEM NO. 4

MEAN HIGH TIDE LINE PER  
B.M. Y-5466 BASED ON NAVD 1988  
EL = 4.49' SHOT ON 06/28/17

MEAN HIGH TIDE LINE PER B.M.  
Y-5466 BASED ON NAVD 1988  
LOCATED JUNE 19, 2012  
ELEVATION: 4.09'

PACIFIC OCEAN

MEAN HIGH TIDE LINE PER  
B.M. Y-5466 BASED ON NAVD 1988  
LOCATED APRIL 16, 2009  
ELEVATION 4.09'

MEAN HIGH TIDE LINE PER  
B.M. Y-5466 BASED ON NGVD 1988  
EL = 4.49' SHOT ON (11/25/12)

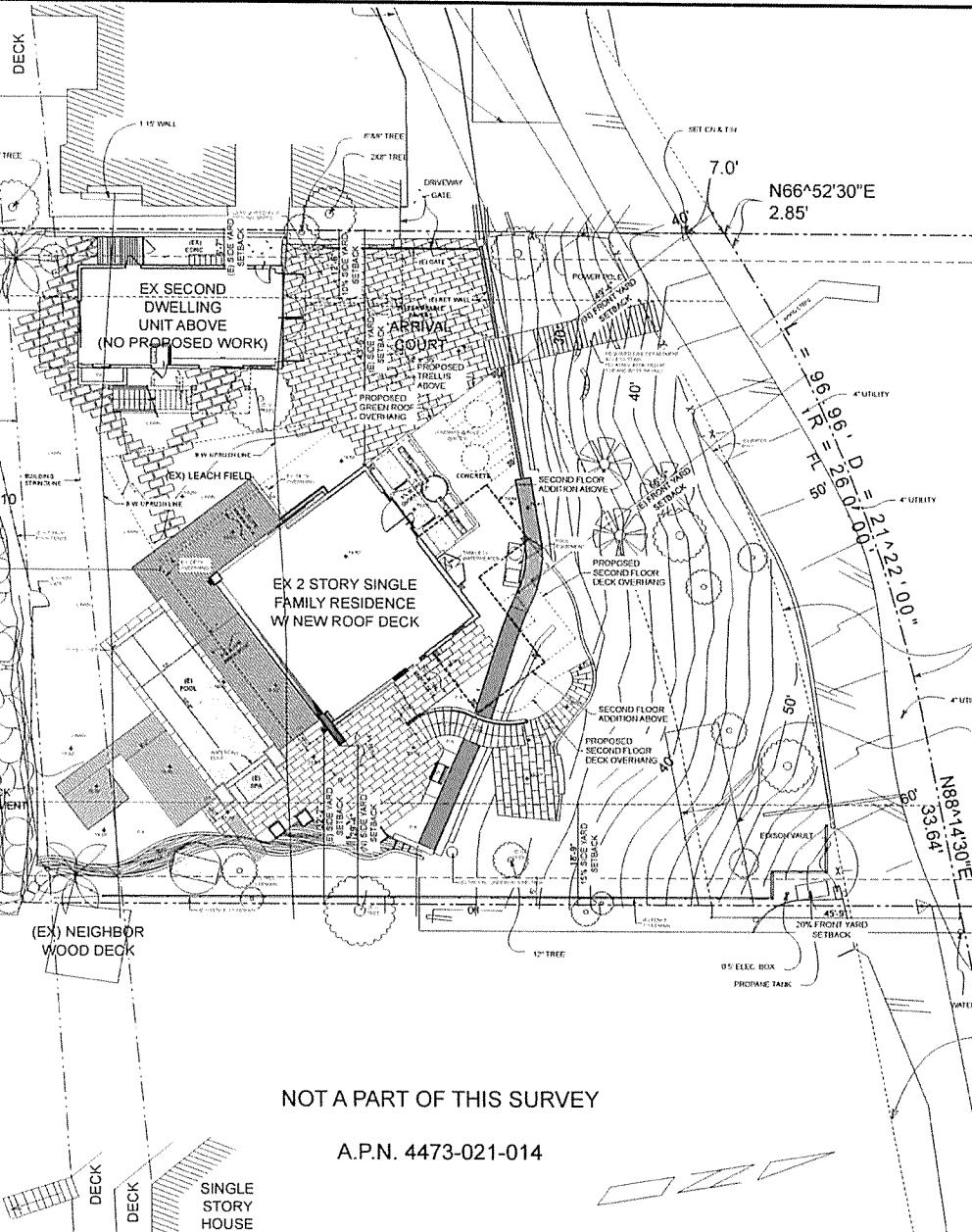
5' EASEMENT FOR PUBLIC UTILITIES,  
RECORDED NOVEMBER 6, 1944, IN BOOK  
21312, PAGE 240, PER ITEM NO. 4

NOTE:

1. PLASTIC PIPING WILL BE INSTALLED ACCORDING TO CPC 1210.1.7, INCLUDING TRACER WIRE

NOT A PART OF THIS SURVEY

A.P.N. 4473-021-014



33608 PCH  
RESIDENCE

PACIFIC COAST HWY.  
MALIBU, CA 90265



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ON THE JOB SITE. DISCREPANCIES SHALL  
BE BROUGHT TO THE ATTENTION OF THE  
ARCHITECT PRIOR TO THE  
COMMENCEMENT OF ANY WORK.

NO	DATE	ISSUE
2017-06-12		COP RE SUBMITAL
2017-06-12		COP RE SUBMITAL
2018-01-09		COP RE SUBMITAL
2018-01-09		COP RE SUBMITAL
2018-01-22		COP RE SUBMITAL
2018-01-22		COP RE SUBMITAL
2018-04-11		COP RE SUBMITAL

**BURDGE**  
& Associates  
**ARCHITECTS**

WWW.  
BUAIA.COM

第二章 财务管理

SETBACK EXHIBIT

#### **SETBACK REQUIREMENTS:**

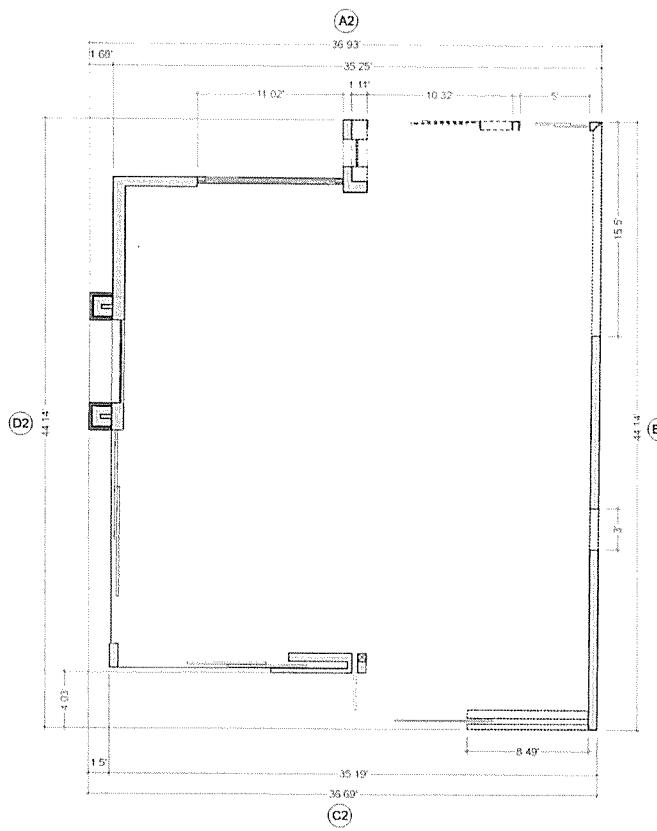
	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
<b>MAIN HOUSE</b>			
Front Yard	40'-0"	66'-0"	49'-4"
Rear Yard (to MHTL)	12'-0"	108'-3"	107'-3"
East Side Yard	12'-0"	43'-6"	23'-0"
West Side Yard	15'-0"	32'-2"	29'-4"
<b>GUEST HOUSE</b>			
Front Yard	45'-0"	62'-0"	80'-0"
Rear Yard (to MHTL)	12'-0"	84'-7"	84'-7"
East Side Yard	12'-0"	30'-0"	30'-0"
West Side Yard	15'-0"	95'-4"	70'-4"

DRAWING NO.

1-1.5a

PROJECT	33603 PCH RESIDENCE
DATE	Fax Date 4/18/19
SCALE	3/32" x 1'-0"
DRAWN BY	DWB CZ JT

# 33608 PCH RESIDENCE



#### SECOND FLOOR LINEAL FOOT WALL BREAKDOWN:

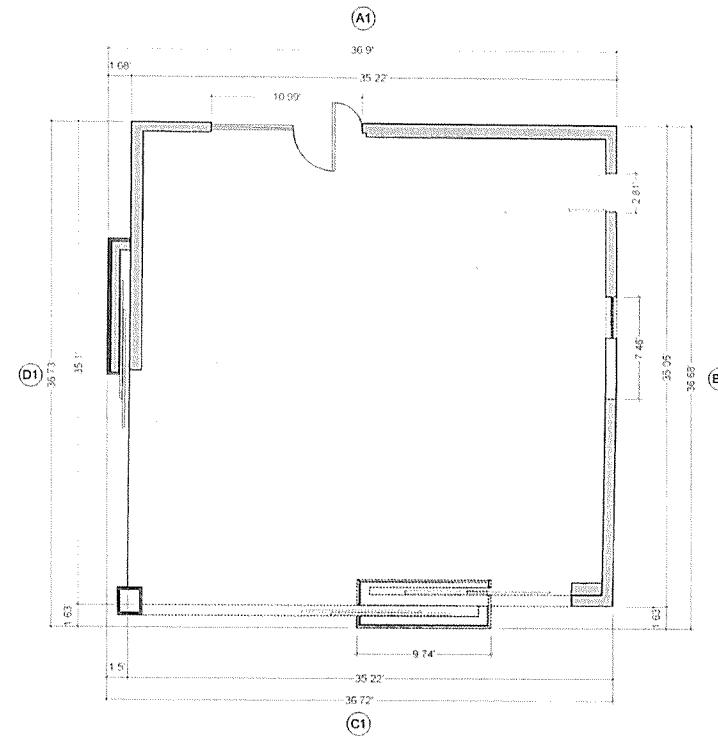
WALL	EXISTING	DEMO/REPLACE 2014	DEMO/REPLACE 2015
A2	95.53	13.11	1.51
B2	44.14	15.5	1.77
C2	41.15	4.11	0.42
D2	161.99	30.37	28.10

REPLACE/DEMO = 58.47 / 161.99 = 36.11%

RETAIN = 100 - 36.11 = 63.89%

#### LEGEND

- EXISTING EXTERIOR WALLS TO REMAIN
- EXISTING EXTERIOR WALLS TO BE REMOVED



#### FIRST FLOOR LINEAL FOOT WALL BREAKDOWN:

WALL	EXISTING	DEMO/REPLACE 2014	DEMO/REPLACE 2015
A1	45.91	5.41	0.41
B1	35.68	7.93	1.47
C1	32.77	9.23	9.26
D1	147.07	13.86	17.20

REPLACE/DEMO = 31.00 / 147.07 = 21.08%

RETAIN = 100 - 21.08 = 78.92%

EXISTING LINEAL FEET OF EXTERIOR WALL	= 308.93'
EXISTING EXTERIOR WALL TO BE REMOVED	= 89.47'
EXISTING EXTERIOR WALL TO RETAIN	= 219.46'
% OF EXISTING EXTERIOR WALL TO RETAIN	= 71.04%

PACIFIC COAST HWY.  
MALIBU, CA 90265



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NO	DATE	ISSUE
2017-09-10		CDP SUBMITTAL
2017-09-11		CDP RE-SUBMITTAL
2018-01-05		CDP RE-SUBMITTAL
2018-02-26		CDP RE-SUBMITTAL
2018-03-12		CDP RE-SUBMITTAL
2018-04-10		CDP RE-SUBMITTAL
2018-04-10		CDP RE-SUBMITTAL



DESCRIPTION:  
50% DEMO  
CALCULATIONS - MAIN  
HOUSE

DRAWING NO.: T-1.4

PROJECT	33608 PCH RESIDENCE
DATE	10/10/2018
SCALE	1/4" = 1'-0"
DRAWN BY	DB

33608 PCH  
RESIDENCE

PACIFIC COAST HWY.  
MALIBU, CA 90265



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COMMENCING OF ANY WORK.

NO	DATE	ISSUE
20170814	CDP SUBMITTAL	
20170814	CDP RE-SUBMITTAL	
20181026	CDP RE-SUBMITTAL	
20181220	CDP RE-SUBMITTAL	
20190118	CDP RE-SUBMITTAL	
20190118	CDP RE-SUBMITTAL	
20190412	CDP RE-SUBMITTAL	



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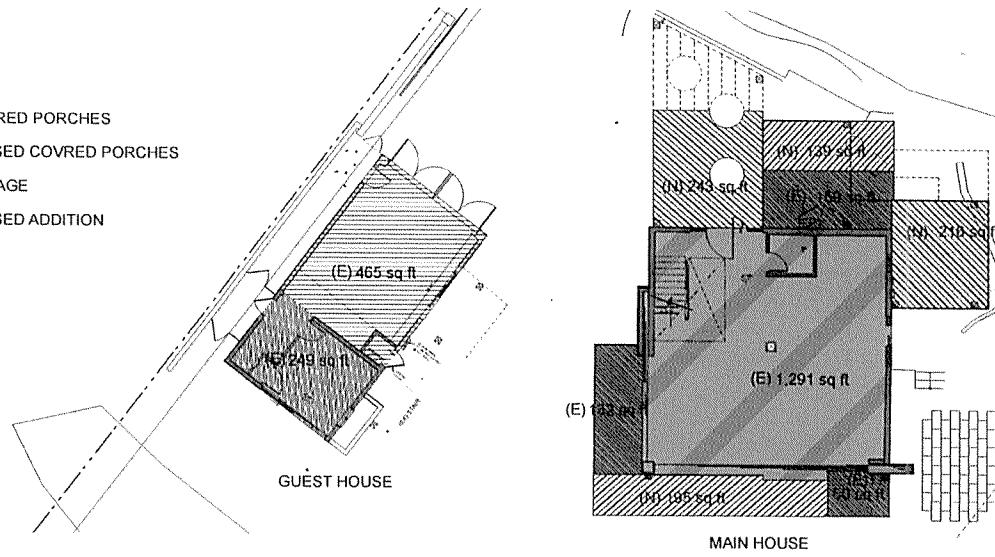
2011 PACIFIC COAST HWY  
MALIBU, CA 90265  
TEL: 310-454-1935

DESCRIPTION:

AREA TABULATIONS

DRAWING NO.	T-1.5
PROJECT	33608 PCH RESIDENCE
DATE	Fri Oct 06/18
SCALE	1/8" = 1'-0"
DRAWN BY	LWB CZ JT

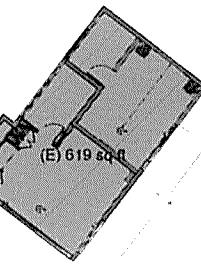
LIVABLE  
EX COVRED PORCHES  
PROPOSED COVRED PORCHES  
EX GARAGE  
PROPOSED ADDITION



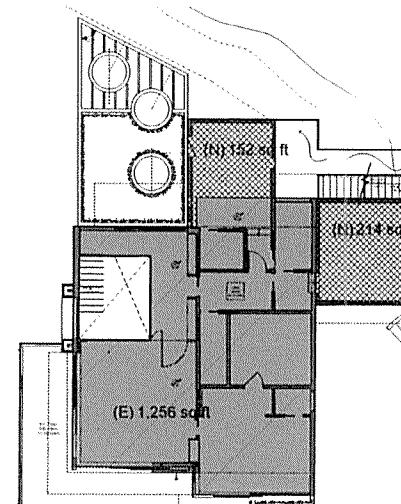
FIRST FLOOR ①

PROPOSED SQUARE FOOTAGE TABULATION:

	EXISTING	ADDITION	PROPOSED
<b>Main House</b>			
First Floor	1,201 Sq Ft	0 Sq Ft	1,291 Sq Ft
Second Floor	1,256 Sq Ft	305 Sq Ft	1,622 Sq Ft
Main House Livable	2,457 Sq Ft	369 Sq Ft	2,913 Sq Ft
<b>Detached Garage with Guest Unit (No Work)</b>			
First Floor	249 Sq Ft	0 Sq Ft	249 Sq Ft
Second Floor	215 Sq Ft	0 Sq Ft	619 Sq Ft
Guest House Livable	668 Sq Ft	0 Sq Ft	668 Sq Ft
Garage	465 Sq Ft	0 Sq Ft	465 Sq Ft
Total Guest House	1,333 Sq Ft	0 Sq Ft	1,333 Sq Ft
Total TDSF	3,880 Sq Ft	346 Sq Ft	4,226 Sq Ft
Main House Covered Porches (x2)	751 Sq Ft	293 Sq Ft	1,144 Sq Ft
<b>GRAND TOTAL</b>	<b>4,231 Sq Ft</b>	<b>1,159 Sq Ft</b>	<b>5,390 Sq Ft</b>



GUEST HOUSE



SECOND FLOOR ②

**33608 PCH  
RESIDENCE**

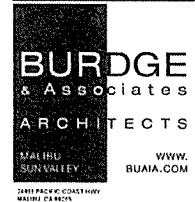
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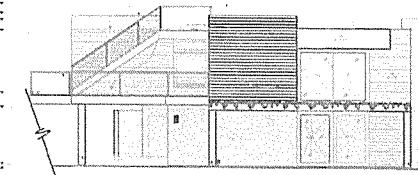
NO	DATE	ISSUE
03170610	COP SUBMITTAL	
2017-08-12	COP RE SUBMITTAL	
2018-10-05	COP RE SUBMITTAL	
2018-11-25	COP RE SUBMITTAL	
2018-11-25	COP RE SUBMITTAL	
2018-11-25	COP RE SUBMITTAL	
2018-10-05	COP RE SUBMITTAL	
2018-10-05	COP RE SUBMITTAL	



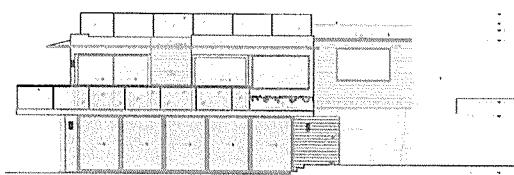
2001 PACIFIC COAST HIGHWAY  
MALIBU, CALIFORNIA  
TEL: 310-414-1995

DESCRIPTION:

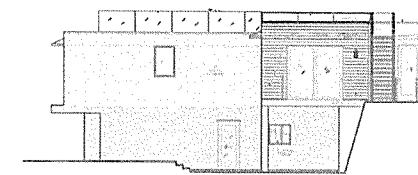
23RD EXHIBIT BY  
FLOOR AREA



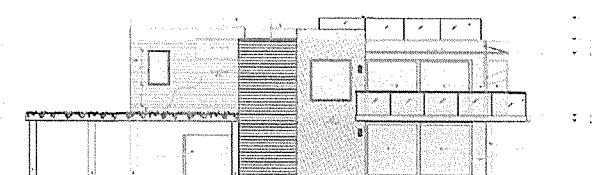
MAIN NORTH ELEVATION



MAIN SOUTH ELEVATION



MAIN EAST ELEVATION

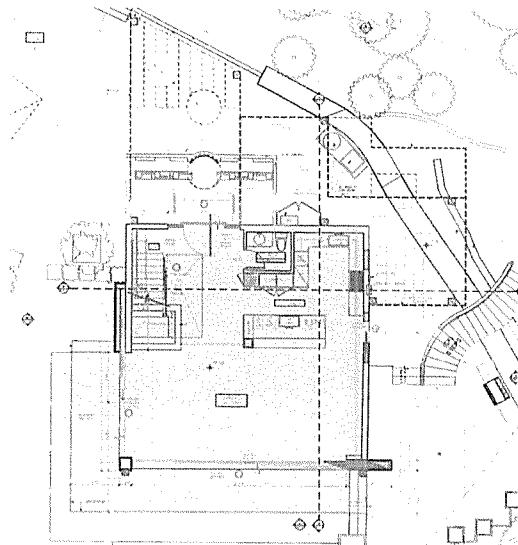


MAIN WEST ELEVATION

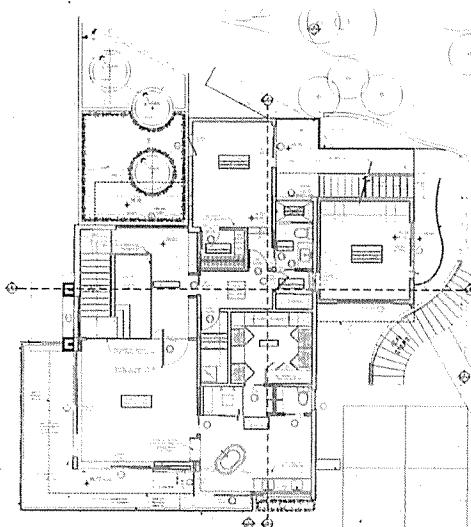
- FIRST FLOOR AREA (1,291 SQ FT)
- COVERED PORCHES >6' (1,144 SQ FT)
- SECOND FLOOR AREA (1,622 SQ FT)

**2/3RD CALCULATION FOR MAIN HOUSE ONLY:**

First Floor: (1,291+1,144) 2,435.00 Sq Ft  
Second Floor Allowed: (2,435x2/3) 1,623.33 Sq Ft  
Second Floor Proposed: 1,622.00 Sq Ft



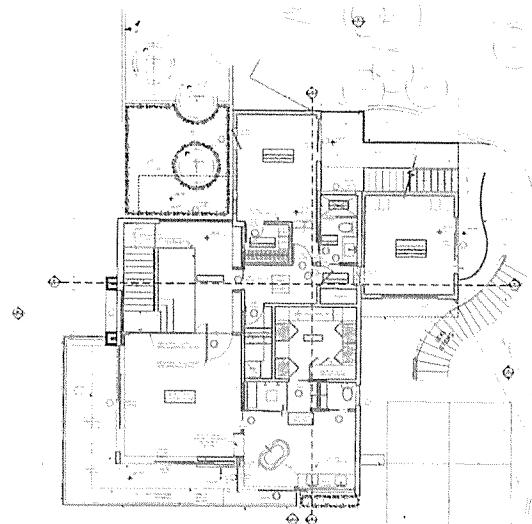
FIRST FLOOR PLAN



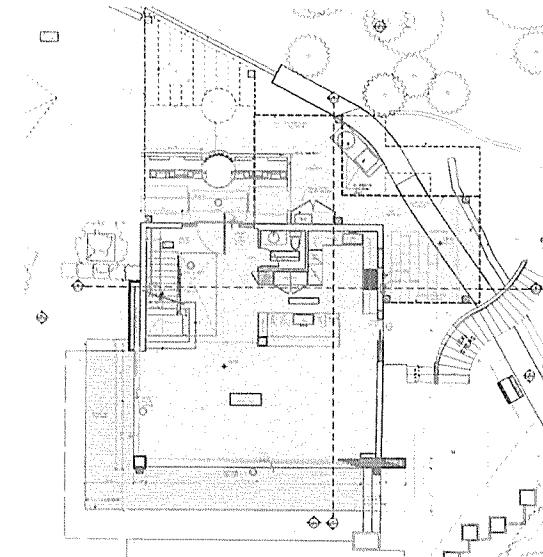
SECOND FLOOR PLAN

DRAWING NO.	
<b>T-1.5a</b>	
PROJECT	33608 PCH RESIDENCE
DATE	Per Date 1/18/20
SCALE	1/8" = 1'-0"
DRAWN BY	JWBR C2 JT

33608 PCH  
RESIDENCE



SECOND FLOOR PLAN



FIRST FLOOR PLAN

- FIRST FLOOR AREA (1,291 SQ FT)
- SECOND FLOOR AREA <16' (1,147 SQ FT)
- SECOND FLOOR AREA >16' (434 SQ FT)

2/3RD'S CALCULATION FOR MAIN HOUSE ONLY:

First Floor (Interior + Porches)	2,435.00 Sq Ft
Second Floor Allowed (2,435x2/3)	1,623.33 Sq Ft
Second Floor >16' Proposed	434.00 Sq Ft

PACIFIC COAST HWY.  
MALIBU, CA 90265



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WHEN REMOVING SHEETS SHALL BE VENED ON THE DATE SHEETS WILL BE BROUGHT TO THE OFFICE OF THE ARCHITECT PRIOR TO THE COMPLETION OF ANY WORK.

NO	DATE	ISSUE
20170610		COP SUBMITAL
20170611		COP RE-SUBMITAL
20181010		COP RE-SUBMITAL
20191220		COP RE-SUBMITAL
20191221		COP RE-SUBMITAL
20190412		COP RE-SUBMITAL
20190413		COP RE-SUBMITAL
20190414		COP RE-SUBMITAL
20190415		COP RE-SUBMITAL

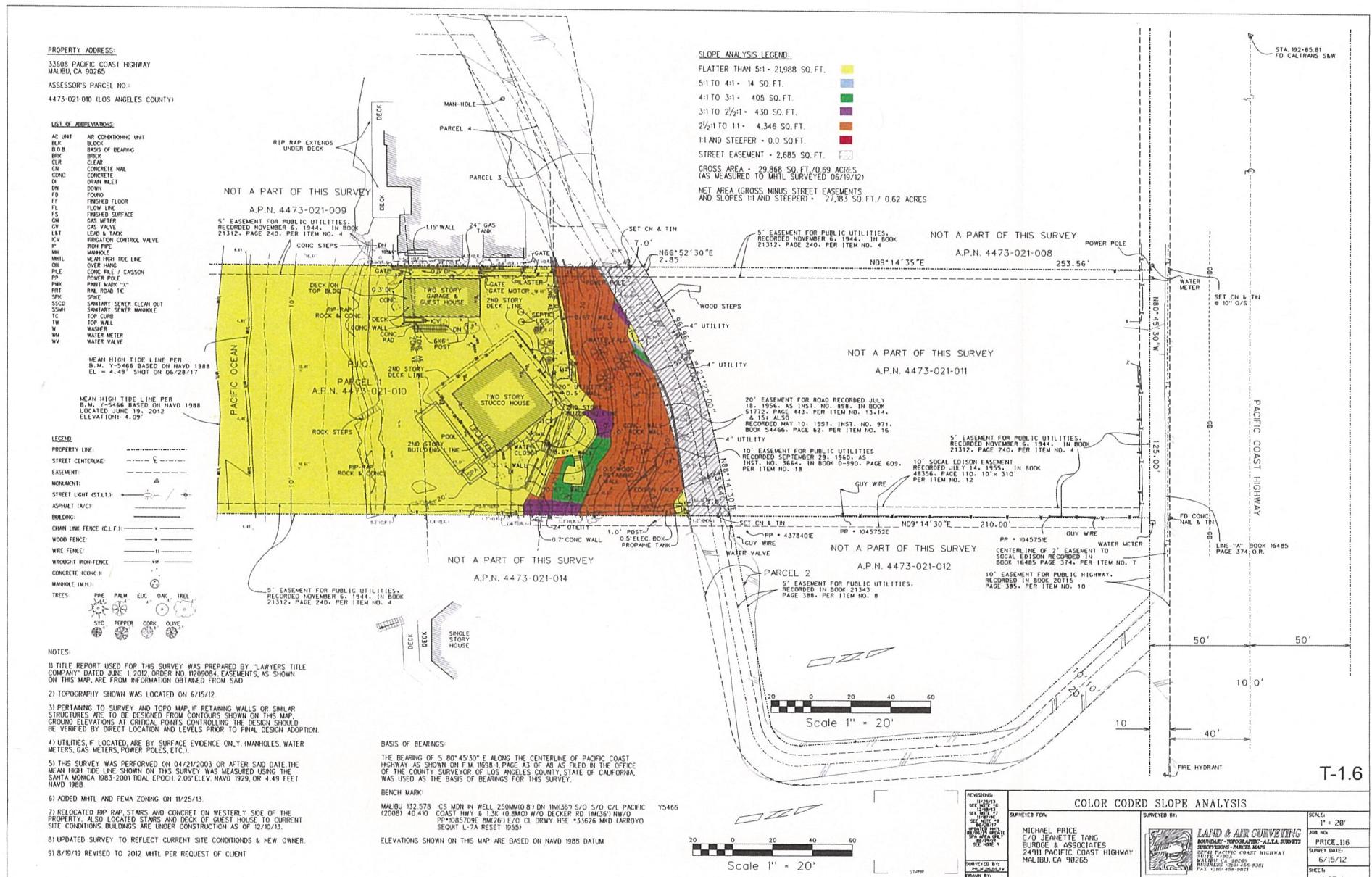
**BURDGE**  
& Associates  
ARCHITECTS  
  
MALIBU  
SUN VALLEY

WWW.  
BURAIA.COM  
  
33608 PACIFIC COAST HWY.  
MALIBU, CA 90265  
TEL 310-451-5605

DESCRIPTION:

2/3RD EXHIBIT OVER 18'

DRAWING NO	
T-1.5b	
PROJECT	33608 PCH RESIDENCE
DATE	Print Date 10/16/19
SCALE	
DRAWN BY	DWD C2 JT



# 33608 PCH RESIDENCE

PACIFIC COAST HWY.  
MALIBU, CA 90265



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BE KNOWN TO THE ATTENTION OF THE  
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COMMENCEMENT OF ANY WORK.

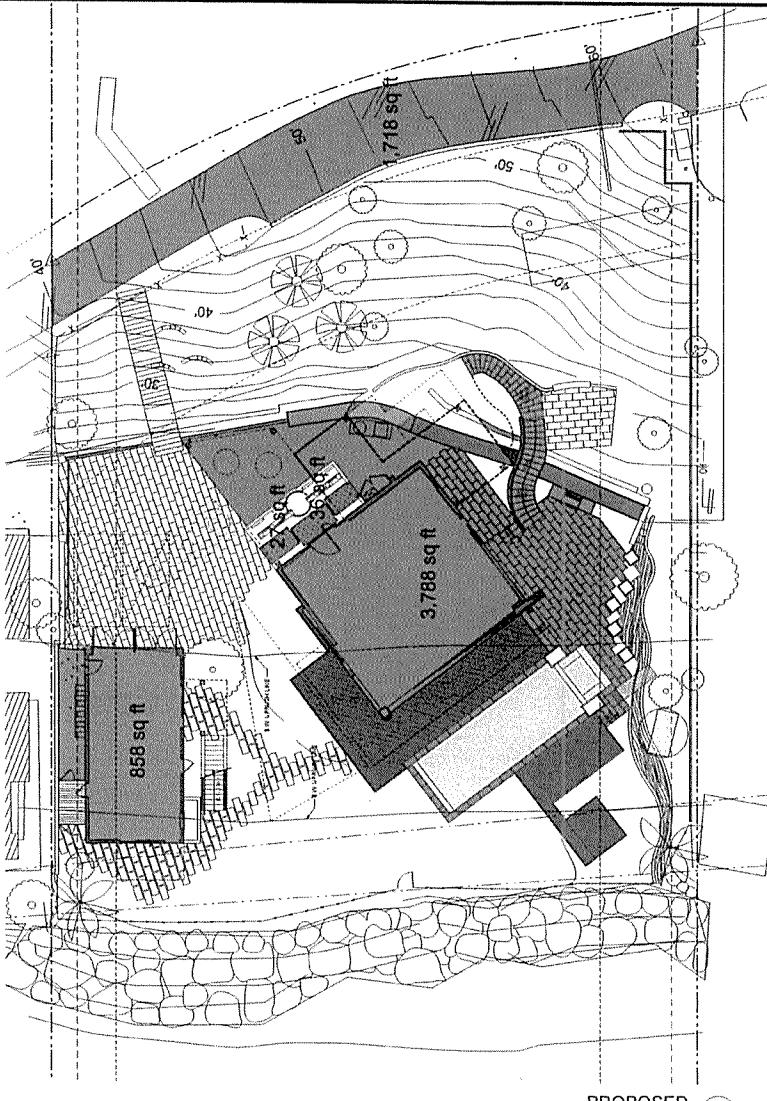
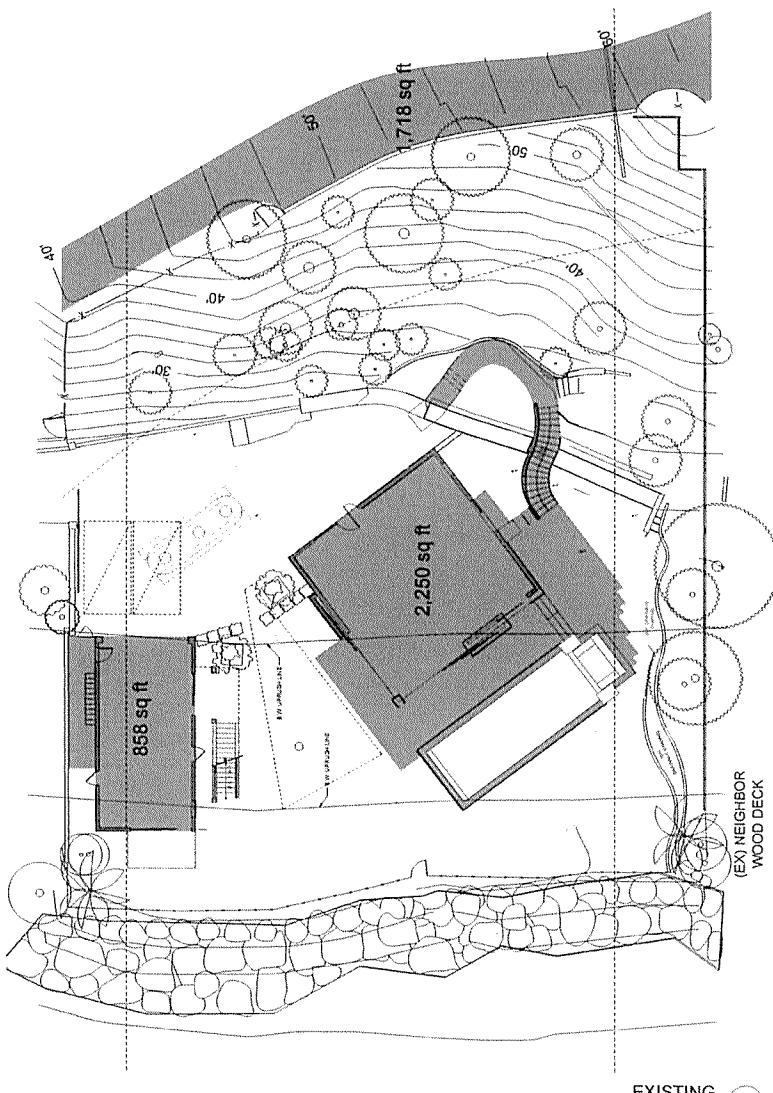
NO	DATE	ISSUE
2017/01/12		COP SUBMITTAL
2017/01/12		COP RE-SUBMITTAL
2019/03/06		COP SUBMITTAL
2019/03/06		COP RE-SUBMITTAL
2019/03/06		COP RE-SUBMITTAL

**BURDGE & Associates  
ARCHITECTS**  
MALIBU SUN VALLEY  
2411 PACIFIC COAST HWY  
TEL 310-451-5965

WWW.  
BUAIA.COM

DESCRIPTION:

IMPERMEABLE  
COVERAGE  
BREAKDOWN



#### IMPERMEABLE AREA CALCULATIONS:

	EXISTING	DEMO	A/C	PROPOSED
BUILDING FOOT PRINT	2,005 Sq Ft	0 Sq Ft	0 Sq Ft	2,005 Sq Ft
DRIVEWAY	1,718 Sq Ft	0 Sq Ft	0 Sq Ft	1,718 Sq Ft
Hardscape	1,103 Sq Ft	0 Sq Ft	1,001 Sq Ft	2,704 Sq Ft
TOTAL IMPERMEABLE AREA	4,826 Sq Ft	0 Sq Ft	1,501 Sq Ft	6,417 Sq Ft

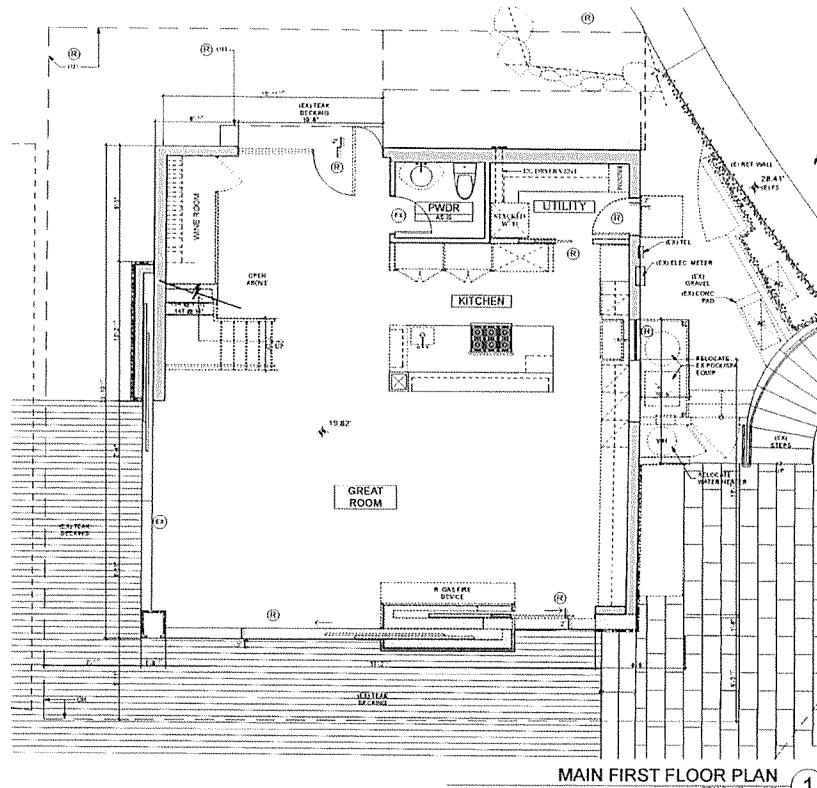
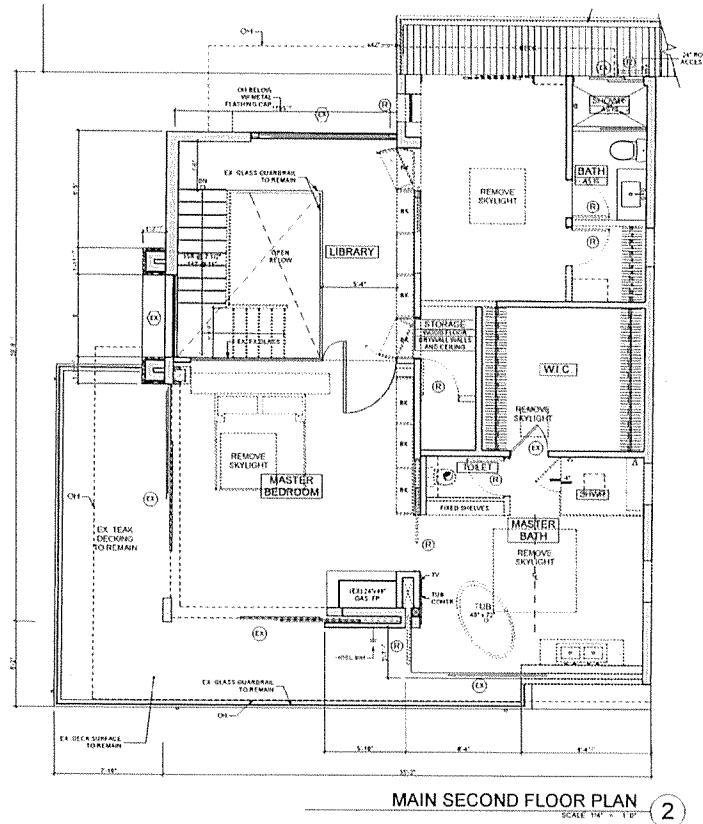
#### MAXIMUM IMPERMEABLE COVERAGE ALLOWED:

8,222 Sq Ft per approved Staff Report for CDP No 13,050

DRAWING NO.  
**T-1.7**

PROJECT	33608 PCH RESIDENCE
DATE	Print Date: 2/5/19
SCALE	1/200' x 1/10'
DRAWN BY	OBW CZ

33608 PCH  
RESIDENCE



PACIFIC COAST HWY.  
MALIBU, CA 90265

LICENSED ARCHITECT  
DOUGLAS W. BURDGE  
C-1889  
PERMITTING  
MANAGER

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ON THE PLANS AND SPECIFICATIONS AND  
BE BROUGHT TO THE ATTENTION OF THE  
ARCHITECT PRIOR TO THE  
COMMENCEMENT OF ANY WORK.

NO	DATE	ISSUE
2017-08-01		COP SUBMITTAL
2017-09-11		COP RE SUBMITTAL

**BURDGE**  
**& Associates**  
**ARCHITECTS**  
MAILING  
SUN VALLEY  
WWW.  
BWAIA.COM

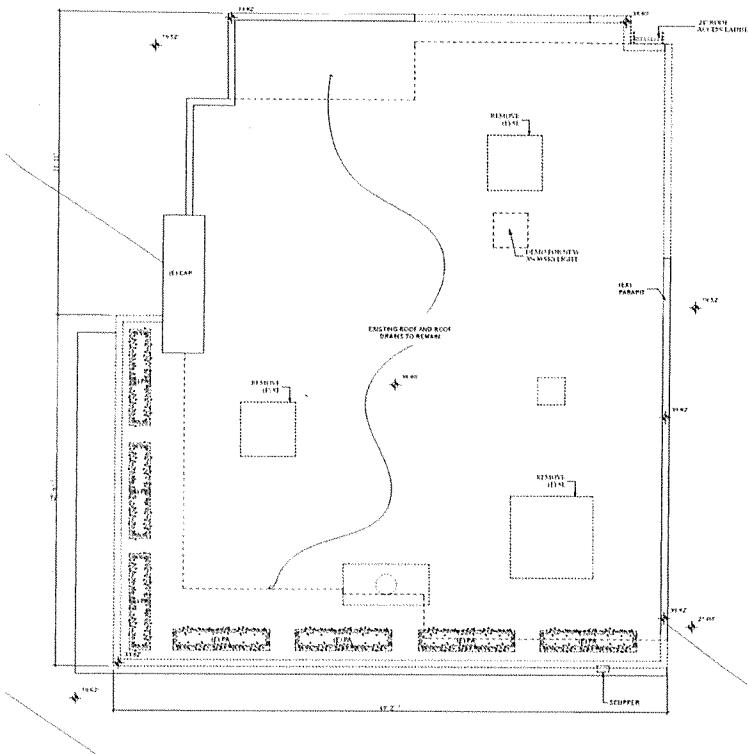
JANIS PACIFIC CONSTRUCTION  
MAILING CA 92275  
TEL 310-478-1165

DESCRIPTION:  
EXISTING/DEMO PLANS -  
MAIN HOUSE

- LEGEND:
- Existing wall to be removed
  - Existing wall to remain
  - (R) Remove/Replace
  - (Ex) Existing to remain

DRAWING NO.  
**A-0-1**  
PROJECT: 33608 PCH RESIDENCE  
DATE: 09/04/17  
SCALE: AS SHOWN  
DRAWN BY: DNR C. JR.

33608 PCH  
RESIDENCE



**MAIN ROOF PLAN**

10

#### LEGEND:

- |      |                             |
|------|-----------------------------|
|      | EXISTING WALL TO BE REMOVED |
|      | EXISTING WALL TO REMAIN     |
| (R)  | REMOVE/REPLACE              |
| (Ex) | EXISTING TO REMAIN          |

**EXISTING/DEMO ROOF  
PLANS - MAIN HOUSE**

DRAWING NO.

A-0.2

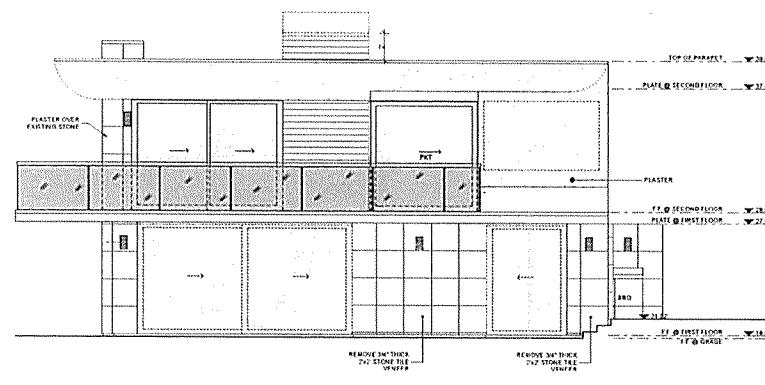
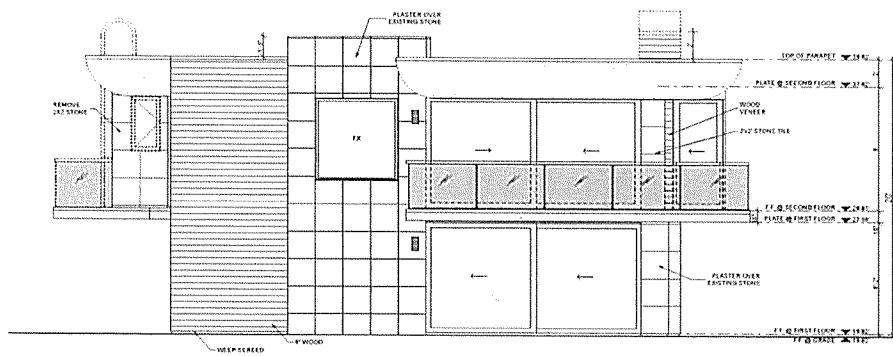
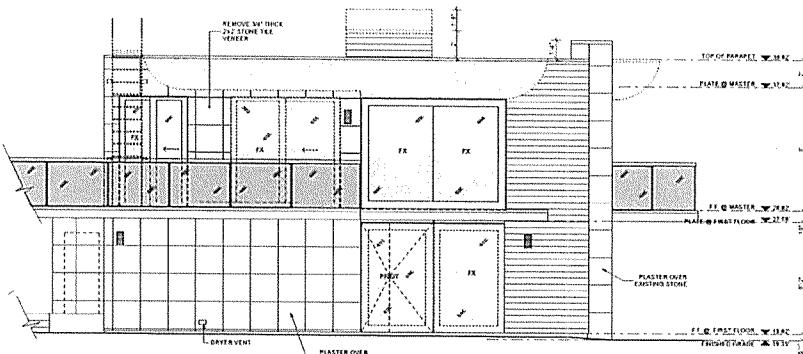
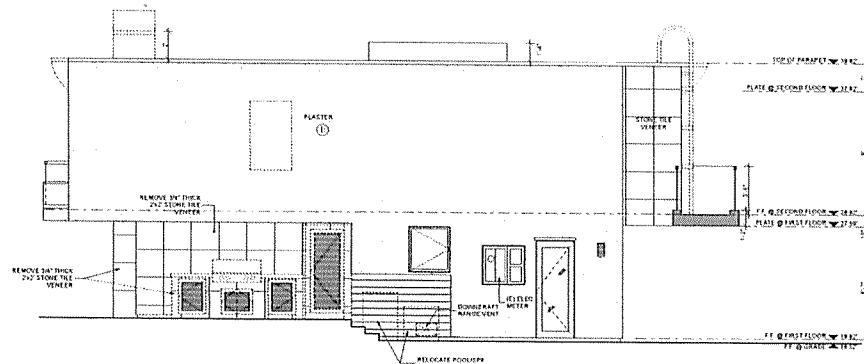
**PROJECT** 3300N PCH RESIDENCE

DATE File date 2/2/19  
PAGE NUMBER 50

DRAWN BY DMR C2, Jr

**ANSWER**

33608 PCH  
RESIDENCE



PACIFIC COAST HWY.  
MALIBU, CA 90265



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NO	DATE	ISSUE
20181001		COP SUBMITAL
20181001		COP RE SUBMITAL
20181005		COP RE SUBMITAL

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1811 PACIFIC COAST HWY  
MAIL BOX 2495  
TEL 310-456-5305

EXISTING/DEMO  
ELEVATIONS - MAIN  
HOUSE

DRAWN BY	A-0.3
PROJECT	33608 PCH RESIDENCE
DATE	FEB 06 2019
SCALE	1/4" = 1'-0"
DRAWN BY	LW/B C.J.T.

**33608 PCH  
RESIDENCE**

PACIFIC COAST HWY.  
MALIBU, CA 90265



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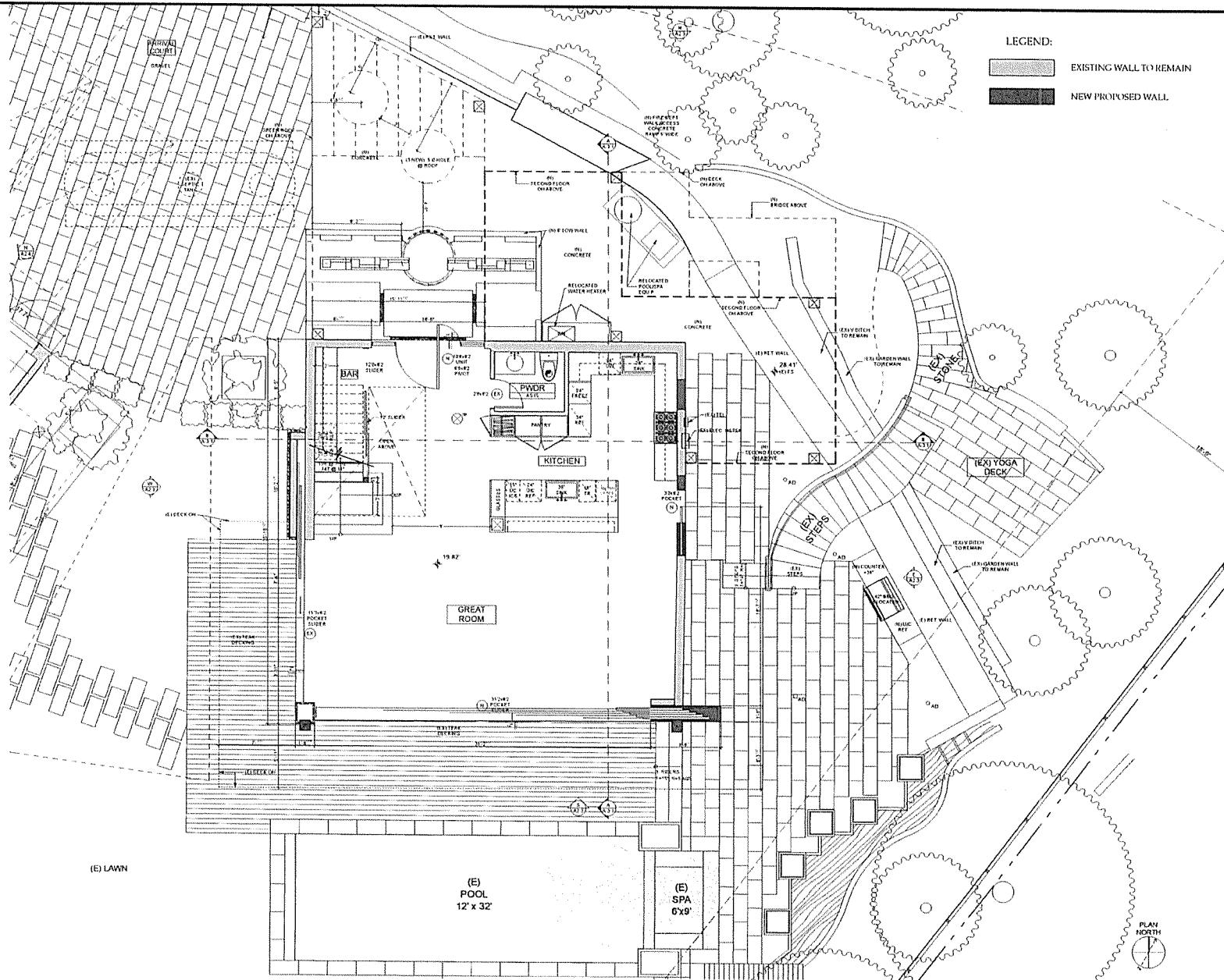
NO	DATE	ISSUE
2011-01-01		COP SUBMITAL
2011-01-01		COP RE-SUBMITAL
2011-01-01		COP SUBMITAL
2011-12-26		COP RE-SUBMITAL
2012-01-01		COP SUBMITAL
2012-01-01		COP RE-SUBMITAL

**BURDGE**  
*& Associates*  
**ARCHITECTS**  
MALIBU  
SUN VALLEY  
WWW.  
BURAIA.COM

2481 PACIFIC COAST HWY  
MALIBU, CA 90265  
TEL: 310-454-5225

DESCRIPTION:  
PROPOSED FIRST  
FLOOR PLAN - MAIN  
HOUSE

DRAWING NO.: **A-1.1**  
PROJECT: 33608 PCH RESIDENCE  
DATE: FEBRUARY 2011  
SCALE: 1/4" = 1'-0"  
DRAWN BY: DWB/CZ-JT



**33608 PCH  
RESIDENCE**

PACIFIC COAST HWY.  
MALIBU, CA 90265



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NO	DATE	ISSUE
20140112	COP RE SUBMITAL	

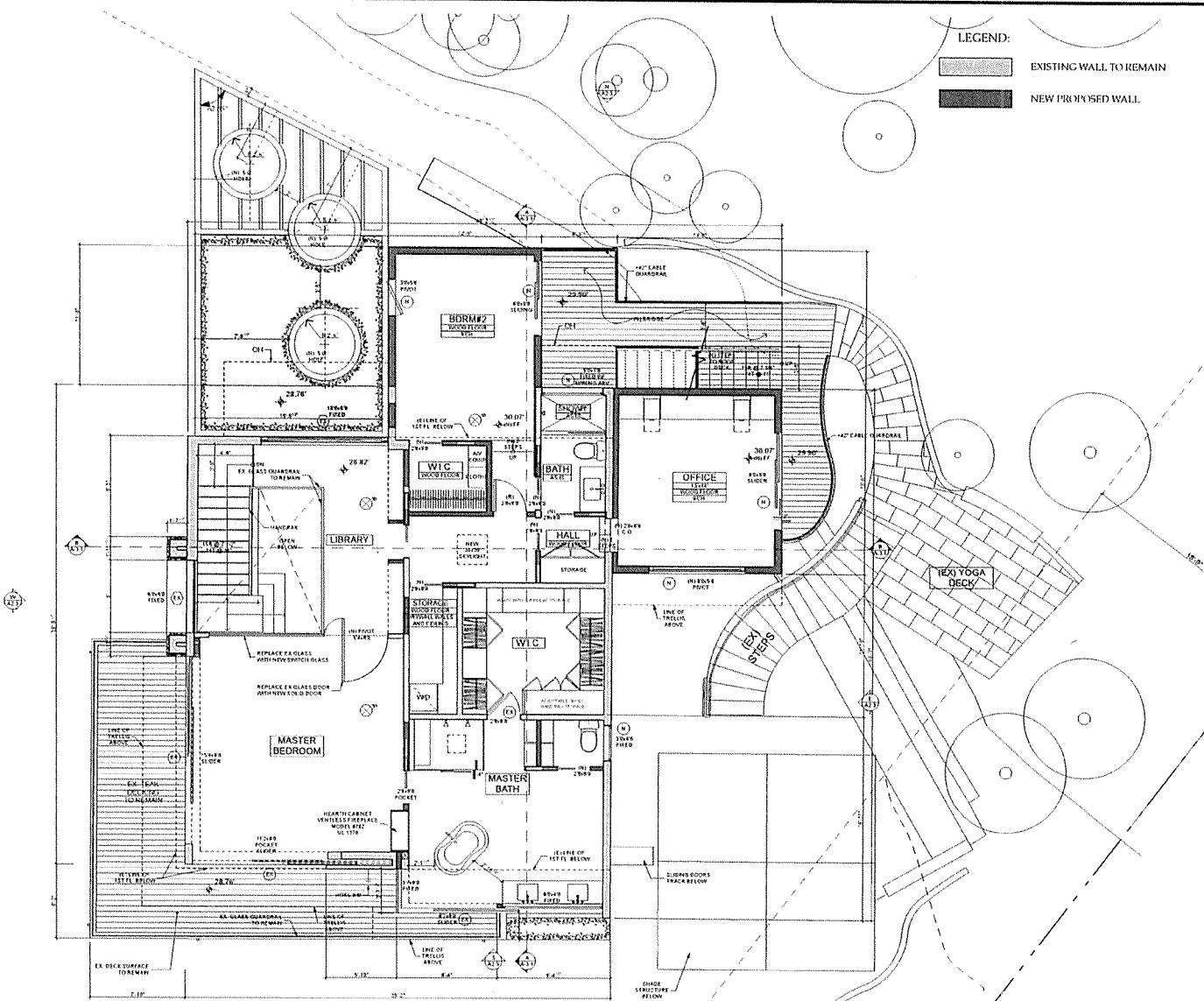
**BURDGE & Associates  
ARCHITECTS**  
MARIU SUN VALLEY  
WWW.BUAIA.COM

2014 PACIFIC COAST HWY  
MALIBU, CA 90265  
TEL: 310-454-5429

DESCRIPTION:

PROPOSED SECOND FLOOR PLAN - MAIN HOUSE

DRAWING NO.	A-1.2
PROJECT	33608 PCH RESIDENCE
DATE	Permit # 010119
SCALE	1/4" = 1'-0"
DRAWN BY	DWRS CZ-JT



33608 PCH  
RESIDENCE

PACIFIC COAST HWY.  
MALIBU, CA 90265



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COMMENCEMENT OF ANY WORK.

NO	DATE	ISSUE
2017-08-11		COP SUBMITAL
2018-08-11		COP RE-SUBMITAL
2018-08-16		COP RE-SUBMITAL
2018-12-05		COP RE-SUBMITAL
2019-01-05		COP RE-SUBMITAL
2019-04-16		COP RE-SUBMITAL



**PROPOSED ROOF PLAN  
- MAIN HOUSE**

DRAWING NO. **A-1.3**  
PROJECT 3X603 PCH RESIDENCE  
DATE Plot Date 4/18/15  
SCALE 1/4" = 1'-0"  
DRAWN BY DMR C.J. JT

33608 PCH  
RESIDENCE

PACIFIC COAST HWY.  
MALIBU, CA 90265



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COMMENCEMENT OF ANY WORK.

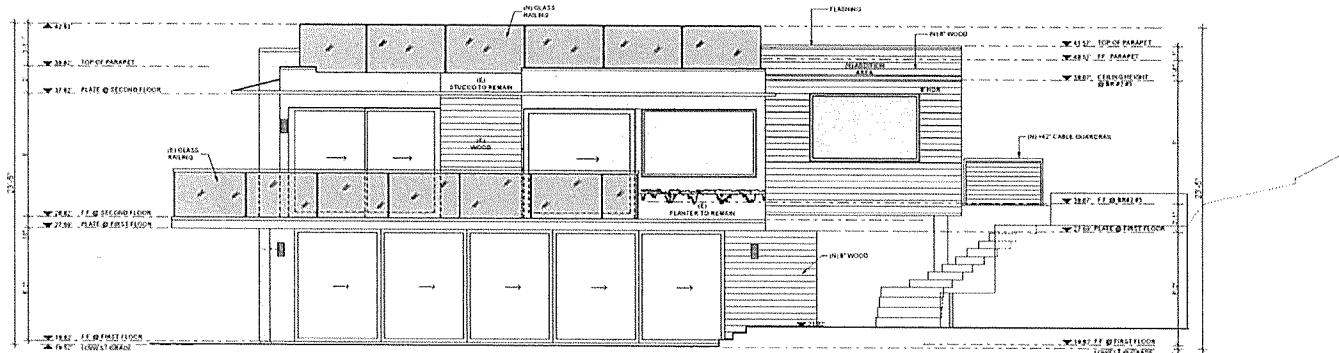
**MAIN NORTH ELEVATION**

NO	DATE	ISSUE
	2017/06/15	COP RE-SUBMITAL
	2017/06/15	COP RE-SUBMITAL
	2018/05/06	COP RE-SUBMITAL
	2018/12/20	COP RE-SUBMITAL
	2019/01/06	COP RE-SUBMITAL
	2019/04/16	COP RE-SUBMITAL

The logo for Burdge & Associates Architects. It features the company name "BURDGE & Associates" in a bold, sans-serif font, with "BURDGE" on top and "& Associates" below it. Below this, the word "ARCHITECTS" is written in a smaller, all-caps sans-serif font. At the bottom left, the words "MALIBU" and "BUNVALLEY" are stacked vertically. At the bottom right, the website "WWW.BUAIA.COM" is displayed.

---

**DESCRIPTION:**



MAIN SOUTH ELEVATION

DRAWING NO.	<b>A-2.1</b>
PROJECT	1360 LUPCH RESIDENCE
DATE	Feb Date 4/18/19
SCALE	NW 1'-0"
DRAWN BY	DWV, JC, JT

33608 PCH  
RESIDENCE

PACIFIC COAST HWY.  
MALIBU, CA 90265

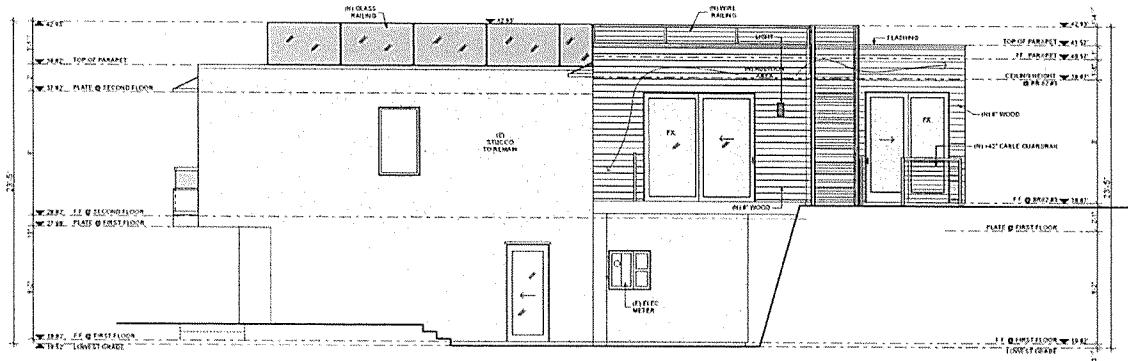


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MAIN EAST ELEVATION

(2)



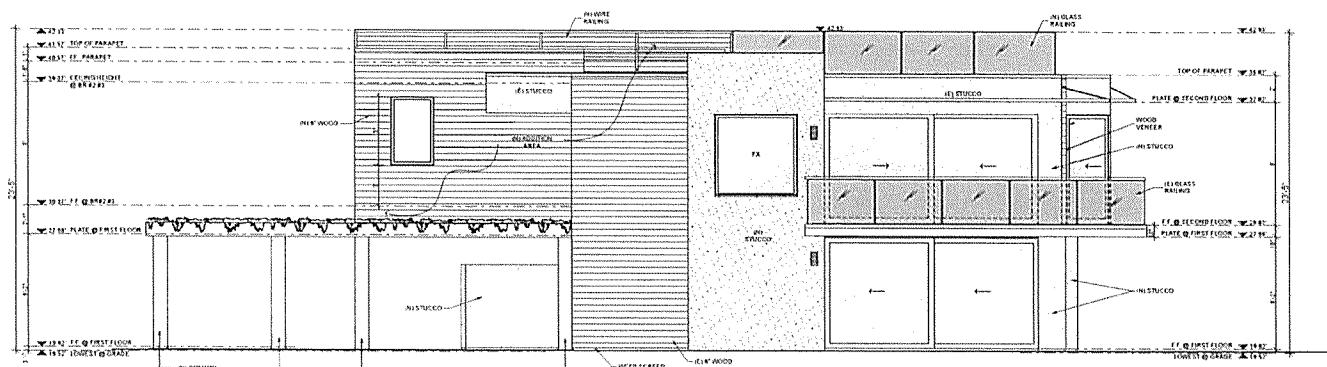
NO	DATE	ISSUE
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20170615		CDP RE SUBMITTAL
20170615		CDP RE SUBMITTAL
20170615		CDP RE SUBMITTAL
20170615		CDP RE SUBMITTAL
20170615		CDP RE SUBMITTAL

**BURDGE**  
& Associates  
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MALIBU,  
SUN VALLEY,  
WWW.  
BURDGE.COM

271 PACIFIC COAST HIGHWAY  
MALIBU, CA 90265  
TEL 310-458-5245

DESCRIPTION:

PROPOSED ELEVATIONS

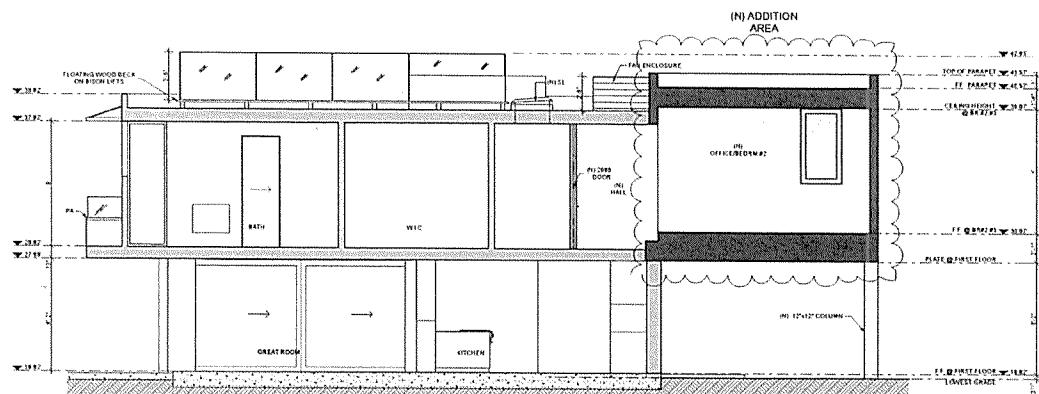


MAIN WEST ELEVATION

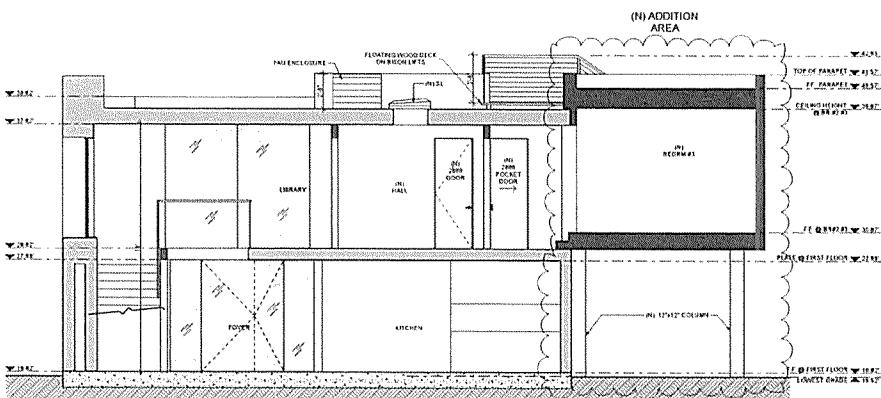
(1)

DRAWING NO.	
<b>A-2.2</b>	
PROJECT	33608 PCH RESIDENCE
DATE	JULY 10, 2017
SCALE	1/4" = 1'-0"
DRAWN BY	DBW/CZ/JT

33608 PCH  
RESIDENCE



SECTION A (1)



SECTION B (2)

PACIFIC COAST HWY.  
MALIBU, CA 90265



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ON THE DATE OF SUBMITTAL AND SHALL  
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NO	DATE	ISSUE
201001	COP SUBMITTAL	
2010-001	COP RE-SUBMITTAL	
2010-002	COP RE-SUBMITTAL	
2010-003	COP RE-SUBMITTAL	
2010-004	COP RE-SUBMITTAL	
2010-005	COP RE-SUBMITTAL	
2010-006	COP RE-SUBMITTAL	



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SUN VALLEY  
33608 PACIFIC COAST HWY  
MAILING CA 90265  
TEL 310-454-5225

DESCRIPTION:

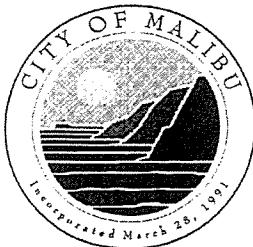
PROPOSED SECTIONS

DRAWING NO.	A-3.1
PROJECT	33608 PCH RESIDENCE
DATE	FEBRUARY 4/10/10
SCALE	1/4"=1'-0"
DRAWN BY	DWB CZ JT

## Nearby Residences within 500 Feet

This table summarizes square footage of nearby residences, parcel sizes and year built based on data obtained from the Los Angeles County Assessor. The building square footage is the habitable area only, and does not include garages, covered patios and some other accessory structures. Vacant parcels have been excluded from the table.

Nearby Residences – Habitable Area			
Address / APN	Habitable Area Only	Parcel Size	Year Built
33634 Pacific Coast Highway	1,232 sq. ft.	86,614 sq. ft.	1953
33626 Pacific Coast Highway	1,715 sq. ft.	36,163 sq. ft.	1962
33618 Pacific Coast Highway	2,450 sq. ft.	23,761 sq. ft.	1960
33616 Pacific Coast Highway	7,500 sq. ft.	28,528 sq. ft.	2015
33604 Pacific Coast Highway	2,860 sq. ft.	31,809 sq. ft.	1974
33602 Pacific Coast Highway	6,208 sq. ft.	30,695 sq. ft.	1963
33600 Pacific Coast Highway	2,922 sq. ft.	32,061 sq. ft.	1960
33572 Pacific Coast Highway	3,021 sq. ft.	47,843 sq. ft.	1978
33550 Pacific Coast Highway	6,658 sq. ft.	32,959 sq. ft.	2002
33603 Pacific Coast Highway	2,592 sq. ft.	1,096,059 sq. ft.	1973



# 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 Contract Biological Staff DATE: 6/21/2017

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 17-071

JOB ADDRESS: 33608 PACIFIC COAST HWY

APPLICANT / CONTACT: Joseph Lezama, Burdge and Associates Architect

APPLICANT ADDRESS: 24911 Pacific Coast Highway  
Malibu, CA 90265

APPLICANT PHONE #: (310) 456-5905

APPLICANT FAX #:

APPLICANT EMAIL: joseph@buaia.com

PLANNER: To Be Assigned

PROJECT DESCRIPTION: 2nd story addition, remodel, green house and  
yoga deck

---

TO: Malibu Planning Department and/or Applicant

FROM: City Contract Biologist Dave Crawford

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

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

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

        
Signature

7/3/17  
Date

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

**Contact Information:**

Dave Crawford, Contract Biologist, dcrawford@malibucity.org, (310) 456-2489, extension 277  
Steven Hongola, Contract Biologist, shongola@malibucity.org, (310) 456-2489, extension 301



# City of Malibu

Biology • Planning Department

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

## BIOLOGY REVIEW SHEET

### PROJECT INFORMATION

Applicant: (name and email address)	Joseph Lezama <a href="mailto:joseph@buaia.com">joseph@buaia.com</a>	
Project Address:	33608 Pacific Coast Highway Malibu, CA 90265	
Planning Case No.:	CDP 17-071	
Project Description:	2 <sup>nd</sup> story addition, remodel, green house, yoga deck	
Date of Review:	7/3/17	
Reviewer:	Dave Crawford	Signature:
Contact Information:	Phone: (310) 456-2489 ext. 307	Email: <a href="mailto:dcrawford@malibucity.org">dcrawford@malibucity.org</a>

### SUBMITTAL INFORMATION

Site Plan:	6/21/17
Site Survey:	
Landscape Plan:	
Hydrozone Plan:	
Irrigation Plan:	
Fuel Modification Plan:	
Grading Plan:	
OWTS Plan:	
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	

### REVIEW FINDINGS

Review Status:	<input type="checkbox"/> <b>INCOMPLETE:</b> Additional information and/or a response to the listed review comments is required.
	<input type="checkbox"/> <b>COMPLETE:</b> All required information has been received and a conformance review shall be completed within the next 30 days.
	<input checked="" type="checkbox"/> <b>APPROVED:</b> The project has been approved with regards to biological impacts.
	<input type="checkbox"/> <b>NOT APPROVED:</b> The proposed project does not conform to the requirements of the MMC and/or LCP.
Environmental Review Board (ERB):	<input type="checkbox"/> <b>ERB:</b> This project has the potential to impact ESHA and may require review by the Environmental Review Board pursuant to LIP Section 4.4.4 Environmental Review Board



CONDITIONS FOR COMPLETE APPLICATIONS:

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. Construction fencing shall be placed at the top of the rock revetment. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the beach.
- ✓ D. No equipment or materials shall be staged or stored on the beach at any time.
- ✓ E. 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.
- ✓ F. Lighting of the shore is prohibited.

-00o-

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



CDP 17-071

# City of Malibu

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

## COASTAL ENGINEERING REVIEW REFERRAL SHEET

**TO:** City of Malibu Coastal Engineer Staff

**DATE:** 6/21/2017

**FROM:** City of Malibu Planning Department

**PROJECT NUMBER:** CDP 17-071

**JOB ADDRESS:** 33608 PACIFIC COAST HWY

**APPLICANT / CONTACT:** Joseph Lezama, Burdge and Associates Architect

**APPLICANT ADDRESS:** 24911 Pacific Coast Highway  
Malibu, CA 90265

**APPLICANT PHONE #:** (310) 456-5905

**APPLICANT FAX #:**

**APPLICANT EMAIL:** joseph@buaia.com

**PROJECT DESCRIPTION:** Second story addition, remodel, green house and  
yoga deck

---

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

**FROM:** Coastal Engineering Reviewer

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

John K. Taylor  
SIGNATURE

7/20/2018  
DATE

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

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

\* See attached Coastal Engineering Review sheet for conditions.



# City of Malibu

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

## COASTAL ENGINEERING REVIEW SHEET

### Project Information

**Date:** July 20, 2018      **Review Log #:** C527  
**Site Address:** 33608 Pacific Coast Highway      **Lat:**  
**Lot/Tract/PM #:**      **Lon:**  
**Applicant:** Joseph Lezama      **Planning #:** CDP 17-071  
**Phone #:** 310-456-5095    **Email:** [joseph@buaia.com](mailto:joseph@buaia.com)      **BPC/GPC #:**  
**Project Type:** Proposed addition and remodel to existing SFR and OWTS      **Planner:** C. Contreras

### Submittal Information

**Consultant(s):** David C. Weiss, Structural Engineer & Assoc., Inc.  
**Report Date(s):** 7/11/18, 3/21/2018  
**Project Plan(s):** Burdge & Associates Architects  
**Previous Reviews:** 6-15-18, 8-17-17 (Referral Sheet)  
**FEMA SFHA:** A (FEMA, 10/28/2016)

### Review Findings

#### **Planning Stage**

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

#### **Building Plan-Check Stage**

- AWAITING BUILDING PLAN CHECK SUBMITTAL.** The listed 'Building Plan-Check Stage Review Comments' may be deferred for Planning Stage approval but shall be addressed prior to Building Plan-Check Stage approval.

#### **Remarks:**

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

- City of Malibu Local Coastal Program – Land Use Plan and Local Implementation Plan (LCP-LUP and LCP-LIP)
- Malibu Municipal Code – Title 15, Buildings and Construction, and
- City of Malibu Guidelines for the Preparation of Coastal Engineering Reports and Procedures for Report Submittal. (referred to herein as *Coastal Engineering Report Guidelines*)
- California Coastal Commission Sea Level Rise Policy Guidance – Adopted August 12, 2015

The proposed project will consist of the addition and remodel to an existing SFR and any required changes to the existing OWTS. The property includes a detached garage and guest house. An existing rock revetment has been constructed for the protection of the existing OWTS. The main house finished floor is at +19.27 ft NAVD88. The garage and guest house finished floor is at +19.46 ft NAVD88. The Coastal Engineering Consultant has determined, for a 4-ft, 18-second period wave on an unprotected beach without a seawall and sea level rise of 2 feet, a breaking wave crest at Elevation +16.23 ft NAVD88 and a wave uprush limit at Elevation +12.00 ft NAVD88 at approximately 137.7 ft seaward from the service road right-of-way line. Based on recent flood hazard mapping, the site is within the Preliminary FEMA Zone A (FEMA, 2016).

**Planning Stage Conditions of Approval:**

The following items shall be made planning conditions of approval and shall be addressed during the building plan check review stage. Completed/notarized documents shall be submitted to the Coastal Engineering Reviewer for review and signature.

1. The property owner shall comply with the requirements for recorded document and deed restriction outlined in Section 10.6A of the City of Malibu LCP/LIP. This shall be made a condition of approval and shall be completed during the building plan check stage of review.
2. The Project Coastal Engineer shall submit a Shore Protection Device (SPD) Monitoring Program for the existing rock revetment that is consistent with the City's requirements. The property owner will be required to record a "*Covenant and Agreement Regarding Maintenance of the Shoreline Protection Device and the Use and Transfer of Ownership of Property*", informing any successors-in-interest to the property of these SPD monitoring requirements for the onsite rock revetment. The Shore Protection Monitoring Program shall be attached to the covenant as Exhibit B.

Templates for the deed restriction and covenant are available from City staff.

**Building Plan Check Stage Review Comments:**

Upon submittal to Building Plan Check, please include the following standard items:

1. The Project Coastal Engineer's recommendations, contained in the coastal engineering report and addendums, shall be incorporated into the plans as notes and details, and referenced on the project structural plans. One set of plans shall be submitted to the coastal engineering review staff for Building Plan Check. Additional review comments may be raised at that time that may require a response. The Project Coastal Engineer shall review, sign and wet-stamp the final building plans.
2. The final project plans shall show the land and beach contours, and that include: design beach profile, storm scour profile, design stillwater levels, wave uprush limits for the maximum breaking waves showing the landward extent of the uprush limit, the Mean High Tide line with month and year on plans based on available historical surveys, and the location and elevations of existing shore protection.
3. Supplemental recommendations provided by the Coastal Engineer shall be reviewed by the City Coastal Engineering Staff and by the project geotechnical consultants and NOWTS consultant.
4. The final approved architectural, structural and NOWTS plans and above items should be submitted to the Coastal Engineering Reviewers in Building Plan Check, along with a Building Plan Check review fee of \$732.

**Limitations:**

This coastal engineering peer review has been performed to provide technical assistance to the City of Malibu with its discretionary permit decisions, and is limited to review of the documents identified herein in accordance with the guidelines of the City of Malibu and local standard of practice in respect to coastal developments. The opinions, conclusions and recommendations provided by the applicant's Coastal Engineering Consultant do not necessarily represent the opinions of the peer reviewer or the City of Malibu.

*Reviewed by:*

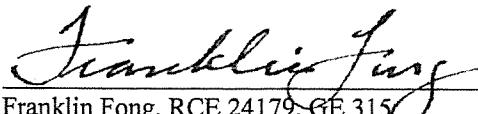


July 20, 2018

Date

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

*Reviewed by:*



July 20, 2018

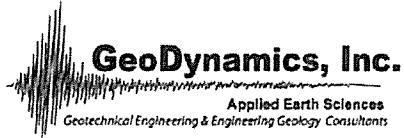
Date

Franklin Fong, RCE 24179, GE 315  
Coastal Engineering Review Consultant

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



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





# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861  
 (310) 456-2489 FAX (310) 317-1950 www.malibucity.org

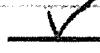
## ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

**TO:** City of Malibu Environmental Health Administrator **DATE:** 6/21/2017  
**FROM:** City of Malibu Planning Department

**PROJECT NUMBER:** CDP 17-071  
**JOB ADDRESS:** 33608 PACIFIC COAST HWY  
**APPLICANT / CONTACT:** Joseph Lezama, Burdge and Associates Architects  
**APPLICANT ADDRESS:** 24911 Pacific Coast Highway  
 Malibu, CA 90265  
**APPLICANT PHONE #:** (310) 456-5905  
**APPLICANT FAX #:**  
**APPLICANT EMAIL:** joseph@buaia.com  
**PROJECT DESCRIPTION:** 2nd story addition, remodel, green house and  
 yoga deck

---

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



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



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

**OWTS Plot Plan:**  NOT REQUIRED  
 REQUIRED (attached hereto)  REQUIRED (not attached)

  
 Signature

JULY 5, 2017  
 Date



# City of Malibu

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

## ENVIRONMENTAL HEALTH REVIEW SHEET

### PROJECT INFORMATION

Applicant (name and email address)	Joseph Lezama, Burdge & Associates <a href="mailto:joseph@buaia.com">joseph@buaia.com</a>	
Project Address:	33608 Pacific Coast Highway Malibu, California 90265	
Planning Case No.:	CDP 17-071	
Project Description:	2nd story addition, remodel, green house and yoga deck	
Date of Review:	July 5, 2017	
Reviewer:	Matt Janousek	Signature:
Contact Information:	Phone: (310) 456-2489 ext. 307	Email: <a href="mailto:mjanousek@malibucity.org">mjanousek@malibucity.org</a>

### SUBMITTAL INFORMATION

Architectural Plans:	Burdge & Associates: Plans dated 6-14-2017 (submitted to Planning 6-21-2014)
Fixture Worksheet:	Douglas Burdge: Worksheets dated 6-7-2017
Operating Permit:	Expires 1-28-2019
Miscellaneous:	
Previous Approval:	City of Malibu: EH approval for new OWTS dated 2-10-2015; Sewer/Septic Permit 15-0558 for new OWTS finalized 1-27-2016; Plumbing Permit 15-0342 for Main House finalized 5-21-2015; Plumbing Permit 13-1467 for Main House finalized 5-21-2015; Plumbing Permit 15-0343 for Guest House finalized 5-21-2015; Plumbing Permit 13-1468 for Guest House finalized 5-21-2014.
Previous Reviews:	

### REVIEW FINDINGS

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

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.

City of Malibu

Environmental Health Review Sheet

CDP 17-071

33608 Pacific Coast Highway

July 5, 2017

**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 floor plans must show no more than 3 bedrooms and 35 plumbing fixture units.

- 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.

-oo-

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



33608 PACIFIC COAST HWY  
MALIBU, CA 90265

(CDP 17-071)

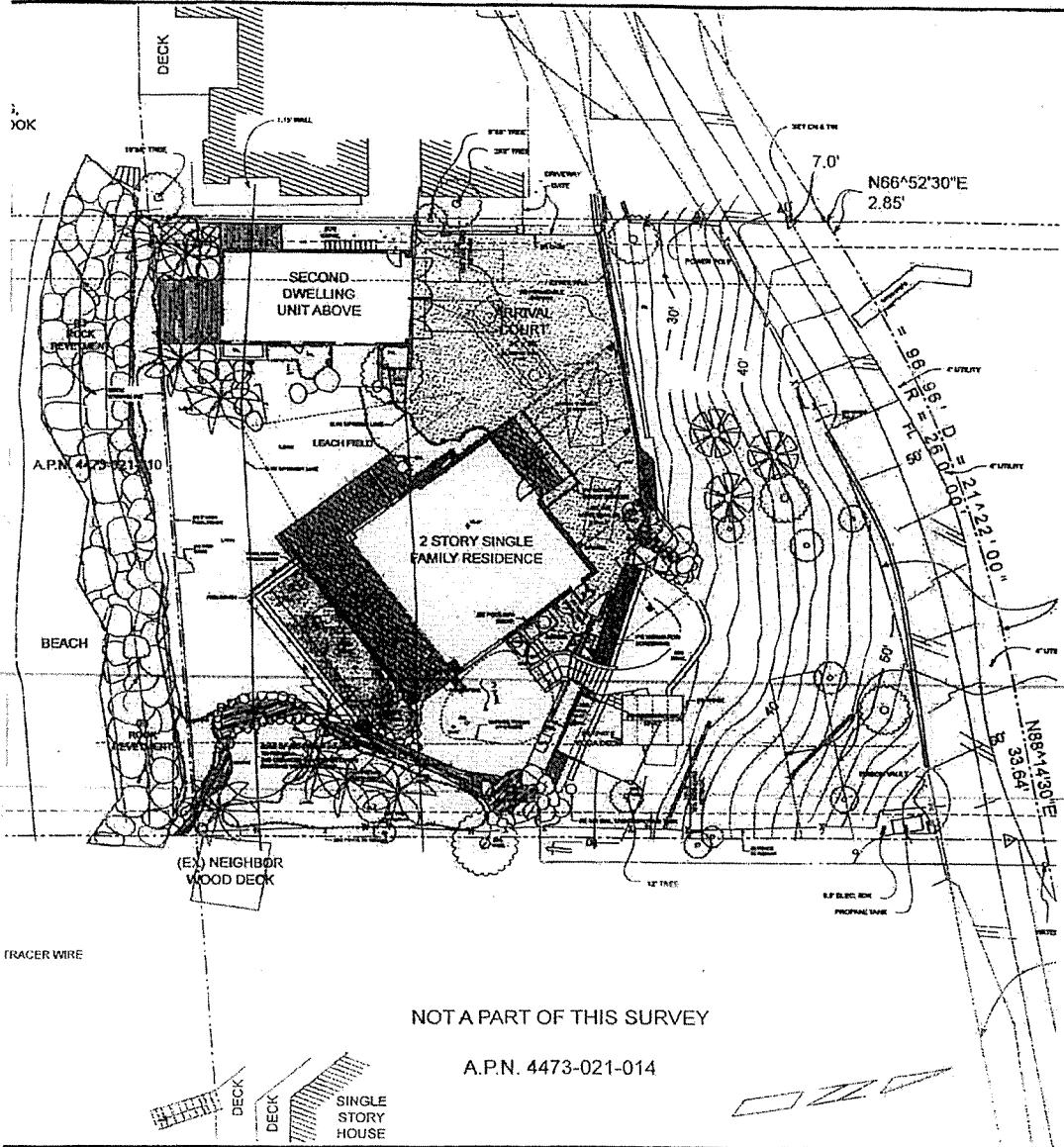
S.F.D.:	3 Bedroom/30 Fixture Units (R)
GUEST HOUSE:	2 Bedroom/29 Fixture Units (E)
TREATMENT	3,634 Gallon MicroSepTec ES-12
UNIT:	w/ UV Disinfection (E)
ACTIVE:	476 ft <sup>2</sup> (1.9 gpsfd) (E)
FUTURE:	N/A
PERC RATE:	Sand Category (2.0 gpsfd)
LOADING RATE:	2.0 gpsfd
DESIGNER:	John Yarcoslaski, RCE 60149
REFERENCES:	Ensitu: OWTS report dated 2-04-2015 Land Phases: Geology report dated 7-17-2013

## NOTES:

1. This conformance review is for an addition, yoga deck, green house (0 fixture units), and a 3 bedroom (38 fixture units) remodel to an existing single family dwelling (Main House). No renovation to the existing onsite wastewater treatment system is required.
  2. This review relates only to the minimum requirements of the MPC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of review treatment.
  3. This review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

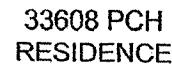
**CITY OF MALIBU  
ENVIRONMENTAL SUSTAINABILITY DEPT  
ENVIRONMENTAL HEALTH  
CONFORMANCE REVIEW**

**JUL 05 2017**



**NOT A PART OF THIS SURVEY**

A.P.N. 4473-021-014



PACIFIC COAST HWY.  
MALIBU, CA 90265



THE SPANNING AND SPEEDUP CYCLE IS THE PROPERTY AND RESPONSIBILITY OF THE AFRO-EMPIRE AND SPACE, NOT THE SPANNER. ANY SPANNING CYCLE IS THE PROPERTY AND SPACE OF THE AFRO-EMPIRE.

NOTICE SPANNING CYCLES WILL BE USED ON THE AFRO-EMPIRE, SPANNING CYCLES ARE MANAGED BY THE AFRO-EMPIRE OR THE AFRO-EMPIRE PRIOR TO THE COMMENCEMENT OF ANY WORK.



2400 METE LINE, UNIT  
SUITE 1000, BOSTON

## PROPOSED SITE PLAN

DRAWING NO.  
**T-1.3**



# City of Malibu

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

RECEIVED  
JUL 27 2018

## FIRE DEPARTMENT REVIEW REFERRAL SHEET

PLANNING DEPT.

TO: Los Angeles County Fire Department  
FROM: City of Malibu Planning Department

DATE: 6/21/2017

PROJECT NUMBER: CDP 17-071  
JOB ADDRESS: 33608 PACIFIC COAST HWY  
APPLICANT / CONTACT: Joseph Lezama, Burdge and Associates Architect  
APPLICANT ADDRESS: 24911 Pacific Coast Highway  
Malibu, CA 90265  
APPLICANT PHONE #: (310) 456-5905  
APPLICANT FAX #:  
PROJECT DESCRIPTION: 2nd story addition, remodel, green house and yoga deck

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

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

The project DOES require Fire Department Plan Review and Developer Fee payment

The project DOES NOT require Fire Department Plan Review

The required fire flow for this project is 1250 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.)

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

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

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

Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project.

Required and/or proposed Fire Department Vehicular Turnaround

Required 5 foot wide Fire Department Walking Access (including grade %)

Width of proposed driveway/access roadway gates

App'd N/app'd

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

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

SIGNATURE

DATE

JUNE 14, 2018

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



# City of Malibu

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

## GEOTECHNICAL REVIEW SHEET

### Project Information

Date:	October 24, 2017	Review Log #:	4031
Site Address:	33608 Pacific Coast Highway	Planning #:	CDP 17-071
Lot/Tract/PM #:		BPC/GPC #:	
Applicant/Contact:	Joseph Lezama, <a href="mailto:joseph@buaia.com">joseph@buaia.com</a>	Planner:	Stephanie Hawner
Contact Phone #:	310-456-5905	Fax #:	
Project Type:	Additions, remodel, green house, yoga deck		

### Submittal Information

**Consultant(s) / Report Date(s):** Land Phases, Inc. (Holt, CEG 2282, CHG 816): 1-31-17  
*(Current submittal(s) in Bold.)* Calwest Geotechnical (Liston, RCE 19302): **9-13-17**, 8-3-17, 3-24-17

Building plans prepared by Burdge & Associates Architects dated June 14, 2017.

**Previous Reviews:** 9-7-17, 7-17-17, Environmental Health Review Sheet dated July 5, 2017

### Review Findings

#### Coastal Development Permit Review

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

#### Building Plan-Check Stage Review

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

#### Remarks

The referenced addendum geotechnical report was reviewed by the City from a geotechnical perspective. The project comprises remodeling the existing 2,898 square foot two-story single-family residence and adding 367 square feet to the second-story and a new covered porch. The existing two-story garage/guest house will remain with no modifications. A new 120 square-foot green house is proposed along with a new 227 square foot yoga deck. Grading is proposed, consisting of the removal of the landslide debris on the ascending slope, based on the recommendations by the Project Geotechnical Consultant.

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

1. Please submit a fee of \$957.00 to City geotechnical staff for building plan check review.
2. Please provide a set of grading plans for review.
3. The proposed building plans should be revised to comply with the code requirements for minimum building setbacks from the adjacent ascending slope. Accordingly, the geotechnical cross-sections should be revised and updated to reflect these changes.
4. The site coordinates used to estimate seismic parameters appear to be for a different site and significantly differ from the site coordinates. Please review and revise, as necessary.

**Note1:** The response to this comment is considered incomplete for the following reason: The consultant corrected the coordinates, but did not revise the seismic parameters for the right coordinates. The consultant should provide the seismic code parameters for the site.

**Note 2:** The consultant revised the coordinates, but didn't revise the seismic parameters as previously requested.

5. The Consultant should evaluate the lateral deformation and rotation of the proposed piles when foundations loads and plans become available. Verification of this evaluation may be the Consultant's approval and stamp on the final plans.
6. Please provide reduced setback letters from the OWTS, geotechnical and structural consultants for any reduced setbacks between the OWTS components and new foundations, as applicable.
7. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. Building plans shall reflect this requirement.
8. Please include the following note on the plans: "*The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for review by City Geotechnical staff. The report shall include total depths of the piles, minimum depth into the recommended bearing material, actual depth into the recommended bearing material, and a map depicting the locations of the piles.*"
9. Two sets of final grading, green house, yoga deck, and remodel and addition plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

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

*Geotechnical Engineering Review by:*

*Ali A. Haq*

10/24/17

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

Date

*Engineering Geology Review by:*

*Christopher Dean*

10/24/17

Date

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

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



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





# City of Malibu

## - GEOTECHNICAL -

### **NOTES FOR BUILDING PLAN-CHECK**

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

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

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

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

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

1. Grading Plans shall clearly depict the limits and depths of overexcavation, as applicable.
2. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways



# 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: 6/21/2017

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 17-071

JOB ADDRESS: 33608 PACIFIC COAST HWY

APPLICANT / CONTACT: Joseph Lezama, Burdge and Associates Architects

APPLICANT ADDRESS: 24911 Pacific Coast Highway  
Malibu, CA 90265

APPLICANT PHONE #: (310) 456-5905

APPLICANT FAX #:

APPLICANT EMAIL: joseph@buaia.com

PROJECT DESCRIPTION: 2nd story addition, remodel, green house and  
yoga deck

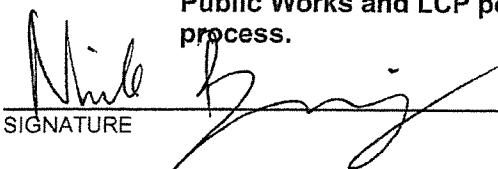
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TO: Malibu Planning Department and/or Applicant

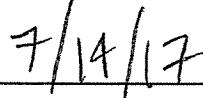
FROM: Public Works Department

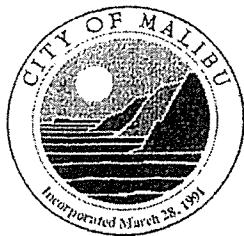
The following items described on the attached memorandum shall be addressed and resubmitted.

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

  
SIGNATURE

DATE

  
7/14/17



# City of Malibu

## MEMORANDUM

To: Planning Department

From: Public Works Department

Nicole Benyamin, Assist. Civil Engineer

*NB*

Date: July 14, 2017

Re: Proposed Conditions of Approval for 33608 Pacific Coast Highway CDP 17-071

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

### GRADING AND DRAINAGE

- ✓1. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's Local Implementation Plan (LIP), Section 8.3. The applicant shall place a note on the plans that addresses this condition.

### STORMWATER

- ✓2. 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

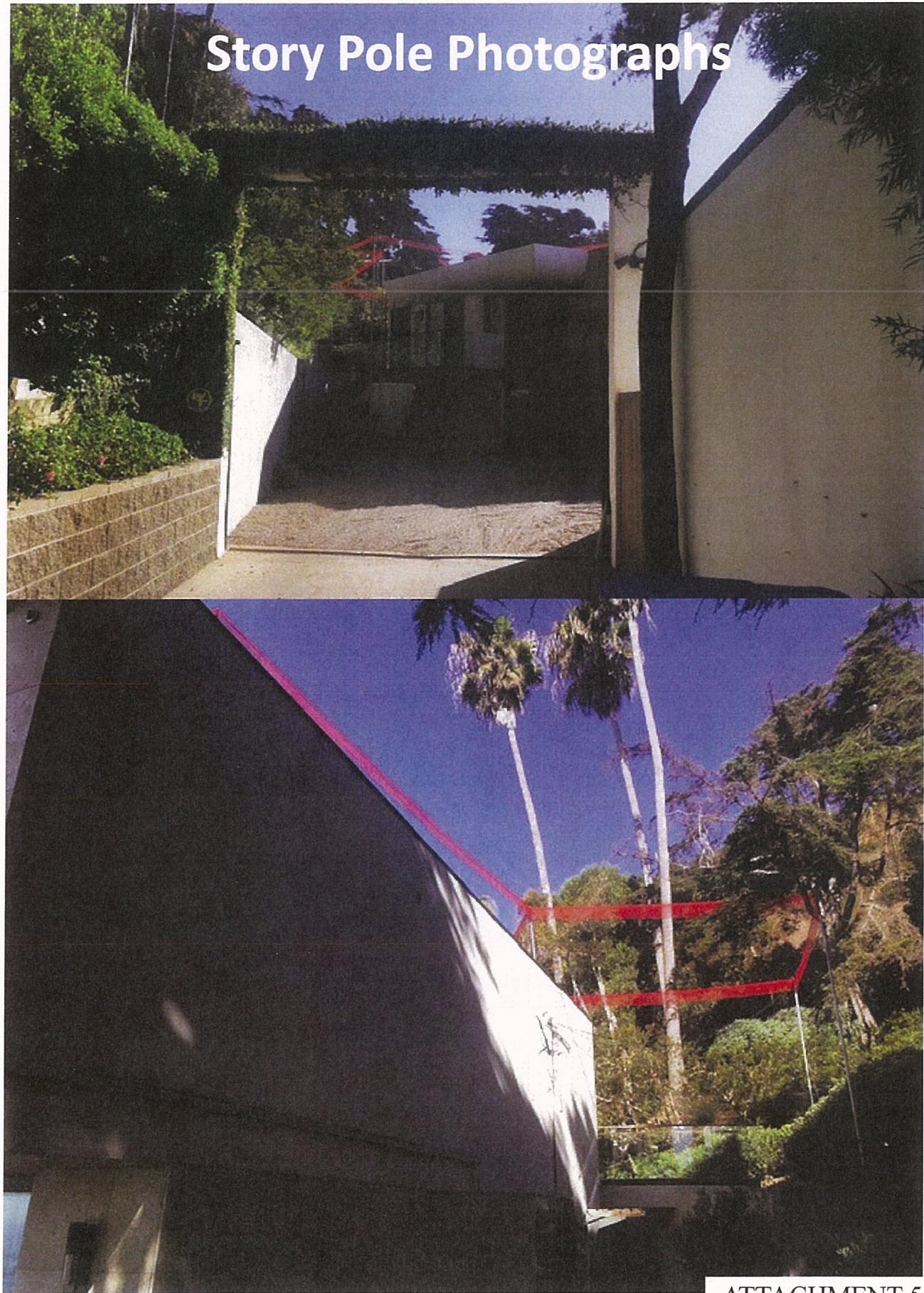
- ✓ All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject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

#### MISCELLANEOUS

- ✓ 3. The Developers Consulting Engineer shall sign the final plans prior to the issuance of permits.

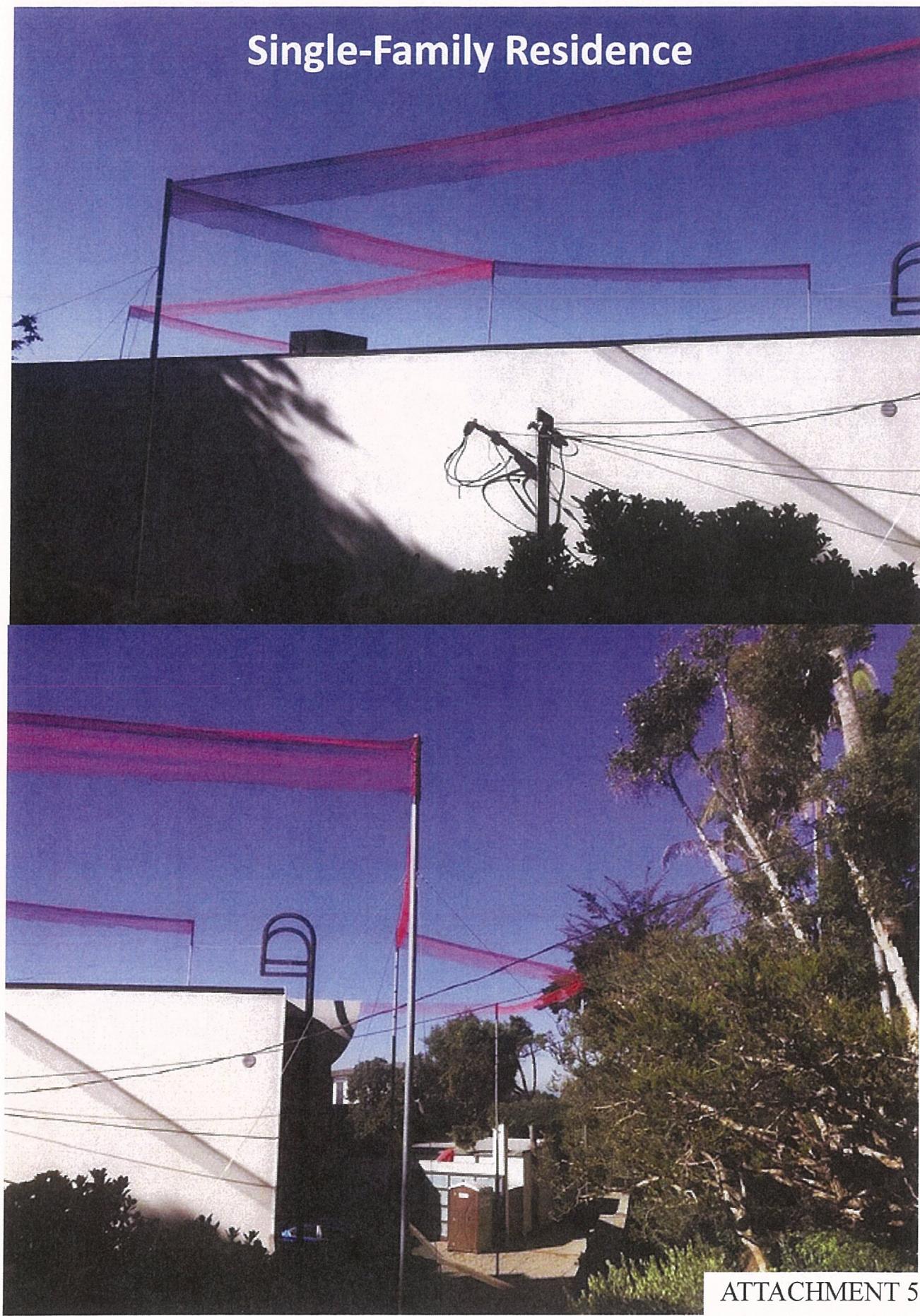


# Story Pole Photographs

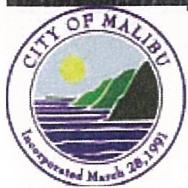
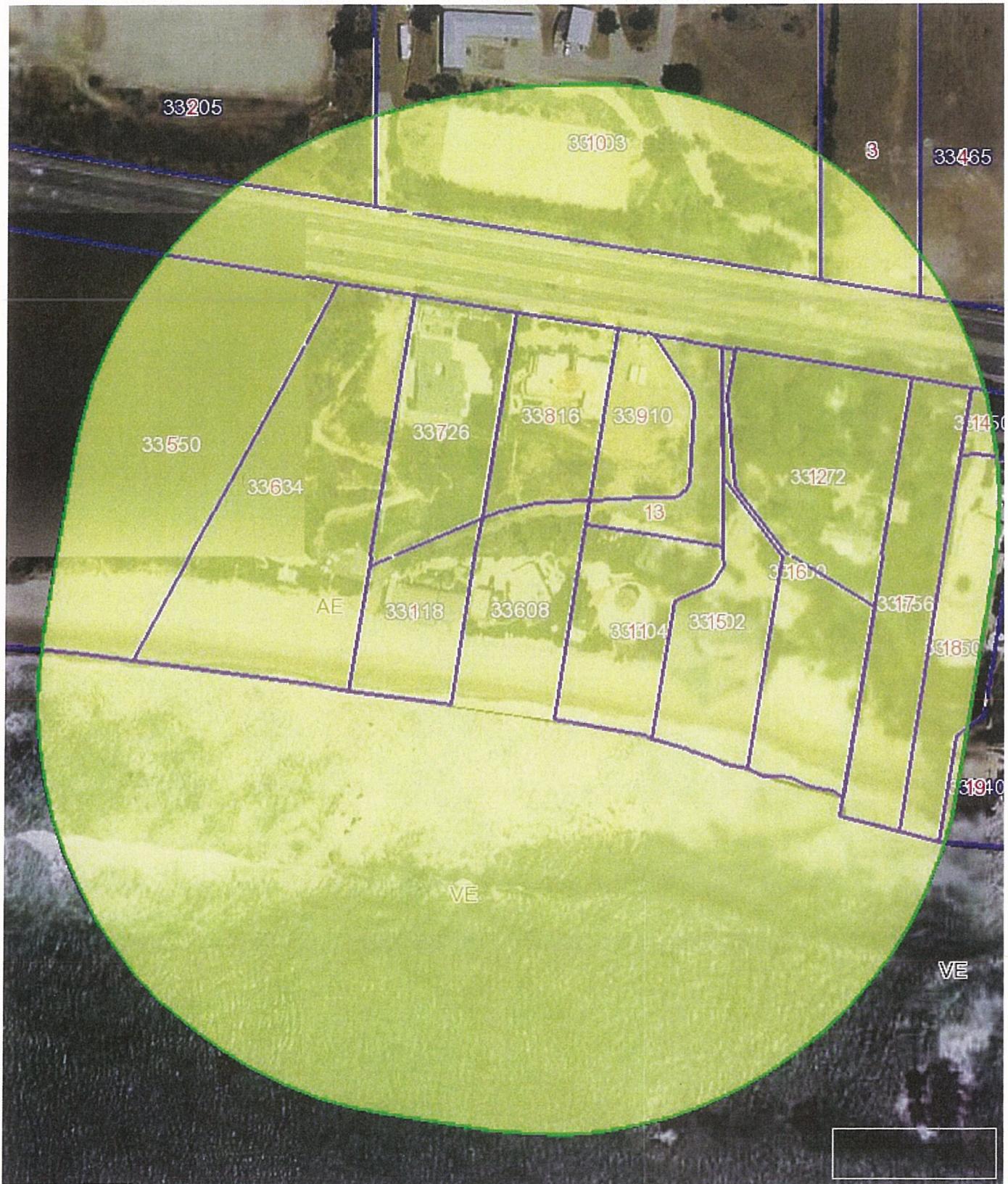


ATTACHMENT 5

## Single-Family Residence



ATTACHMENT 5





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

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



**NOTICE OF PUBLIC HEARING**

The Malibu Planning Commission will hold a public hearing on **Monday, February 3, 2020, at 6:30 p.m.** in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

**COASTAL DEVELOPMENT PERMIT NO. 17-071 AND SITE PLAN REVIEW NO. 17-036** - An application for an interior and exterior remodel of and 1,159 square feet of additions to an existing 2,547 square foot, two-story, single-family residence, new covered porches/decks deeper than six feet, and a new roof deck, including demolition of 15 percent of exterior walls and including a site plan review for construction up to 24 feet in height for flat roofs

**LOCATION / APN / ZONING:** 33608 Pacific Coast Hwy / 4473-021-010 / Rural Residential-Two Acre (RR-2)  
**APPLICANT / OWNER(S):** Burdge and Associates Architects, Inc. / Michael Price  
**APPEALABLE TO:** City Council and California Coastal Commission  
**ENVIRONMENTAL REVIEW:** Categorical Exemption CEQA Guidelines Sections 15301(a) and 15301(e)  
**APPLICATION FILED:** June 21, 2017  
**CASE PLANNER:** Jessica Cleavenger, Associate Planner, [jcleavenger@malibucity.org](mailto:jcleavenger@malibucity.org)  
(310) 456-2489, ext. 234

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

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

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

BONNIE BLUE, Planning Director

Date: January 9, 2020

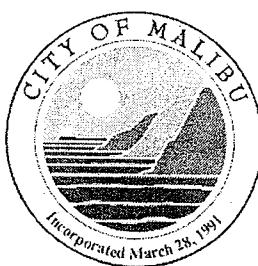
K. Residential Structure Size. Except as specifically provided herein and where otherwise restricted by provisions of the ESHA Overlay Ordinance (Chapter 4), of the Malibu LIP, and as indicated on the Total Development Square Footage Structure Size Chart, the total development square footage associated with the construction of a single-family or multiple-family residence on a legal lot equal to or greater than 5 acres shall not exceed a total of 11,172 square feet. On lots 5,000 square feet or less, the total development square footage shall not exceed 1,885 square feet. Total development square footage shall be determined based on the following formula (slopes equal to or greater than 1:1 shall be excluded from the lot area calculation): for lot areas up to 1/2 acre, total square footage shall be 17.7% of lot area plus 1,000 square feet; for lot areas greater than 1/2 acre and up to 1 acre, total development square footage shall be increased by 10% of the amount of lot area exceeding 1/2 acre; for lot areas greater than 1 acre and up to 1 1/2 acre, total development square footage shall be increased by 5% of the amount of lot area exceeding 1 acre; for lot areas greater than 1 1/2 acres and up to 5 acres, total development square footage shall be increased by 2% of the amount of the lot area exceeding 1 1/2 acres. For the purposes of this subsection, arbors or trellis open to the sky shall not be calculated as part of the total development square footage. Beachfront lots shall be exempt from the total development square footage provisions of this paragraph.

1. Single-Story Floor Area. Notwithstanding any other provision of this chapter, the total development square footage for single-story structures at or below 18 feet is determined according to the above formula.
2. Multi-Story or Single Floor Area, Structures Greater Than 18 Feet In Height. Notwithstanding any other provision of this Chapter, the total development square footage for a structure greater than 18 feet in height shall not be greater than permitted for single-story construction. Any portion of the structure above 18 feet in height shall not exceed 2/3rds the first floor area, and shall be oriented so as to minimize view blockage from adjacent properties.
3. Basements. The square footage of a basement shall be included in the calculation of total development square footage (TDSF), consistent with the following formula: The initial one-thousand (1,000) square feet of a basement shall not count toward TDSF; additional area in excess of one-thousand (1,000) square feet shall be included in the calculation of TDSF at the rate of one (1) square foot of TDSF for every two (2) square feet of proposed basement square footage. A basement shall be located beneath or partially beneath the first floor footprint of the structure above. Any portion of a basement wall extending beyond the first floor footprint above shall be non-daylighting. All basements shall be limited to one floor level, not to exceed twelve (12) feet in height. Any grading required for that portion of a basement not under the first floor footprint above shall be subject to the provisions of Chapter 8 of the LIP. Those areas of a basement that extend beyond the first floor footprint above shall be subject to the impermeable coverage development standards contained in LIP Section 3.6 I. Basements shall not be constructed in beachfront parcels. However, subterranean equipment vaults not containing habitable space may occupy a landward area of a beachfront parcel that is not required for the construction of the OWTS and as long as the vault does not require a shoreline protection structure.
4. Subterranean Garage. The square footage of a subterranean garage shall be included in the calculation of total development square footage (TDSF), consistent with the following formula: the initial one-thousand (1,000) square feet of a subterranean garage shall not count toward TDSF; additional area in excess of one-thousand (1,000) square feet shall be included in the calculation of TDSF at ratio of one square foot for every two square feet proposed. All subterranean garages shall be limited to one floor level not to exceed twelve (12) feet in height. A subterranean garage shall be located beneath or partially beneath the first floor footprint above. Any portion of a subterranean garage wall extending beyond the first floor footprint above shall be non-daylighting. A subterranean garage shall be allowed only one opening for vehicular ingress and egress with a maximum continuous width of thirty-six (36) feet, not including up to two support columns not exceeding eighteen (18) inches in width each. Except for lots with a subterranean garage having an entry not facing and not visible from an abutting street frontage, only one story shall be located above the opening for vehicular ingress and egress for a width equal to the width of said opening. Any grading required for that portion of a subterranean garage not under the first floor footprint above shall be subject to the provisions of Chapter 8 of the

LIP. Those areas of a subterranean garage that extend beyond the first floor footprint above shall be subject to the impermeable coverage development standards contained in LIP Section 3.6 I. Subterranean garages shall not be constructed on beachfront parcels.

5. Cellar. The square footage of a cellar shall be included in the calculation of total development square footage (TDSF), consistent with the following formula: the initial one-thousand (1,000) square feet of the cellar area shall not count toward TDSF; additional area in excess of one-thousand (1,000) square feet shall be included in the calculation of TDSF at ratio of one square foot for every two square feet proposed. All cellars shall be subject to the provisions of LIP Section 3.6 I, Impermeable coverage. Any grading required for the development of a cellar shall be subject to the provisions of Chapter 8 of the LIP. All cellars shall be limited to one floor level not to exceed twelve (12) feet in height. Cellars shall not be constructed on beachfront parcels.

6. Combinations of Basements, Cellars and/or Subterranean Garages. If any combination of basements, cellars, and/or subterranean garages is proposed, the initial one-thousand (1,000) square feet of the combined area shall not count toward total development square footage (TDSF). Any additional area in excess of one-thousand (1,000) square feet shall be included in the calculation of TDSF at ratio of one square foot for every two square feet proposed.



# City of Malibu

## MEMORANDUM

To: Members of the City Council  
From: Stephanie Danner, Associate Planner *SJD*  
Date: March 12, 2008  
Re: Local Coastal Program Interpretation No. 18

Local Implementation Plan (LIP) Chapter 2 defines total development square footage (TDSF) as:

"the calculation of the interior space of the primary and accessory structures (including interior and exterior walls). Accessory structures shall include, but are not limited to, guest houses, garages, barns, sheds, gazebos, cabanas. Decks, terraces and balconies shall not be included in total square footage calculations when they are a part of a primary or accessory structure and are open on all sides."

In an attempt to better define areas which "are open on all sides", staff put forth Interpretation No. 18, dated April 24, 2007, which included a TDSF exemption for all outdoor covered areas.

Local Coastal Program (LCP) Interpretation Number 18 allows the square footage of all outdoor covered areas to be exempt from a property's TDSF calculation. This interpretation does not include any maximum size limits and does not prohibit violations of the two-thirds rule described in LIP Section 3.6(K)(2).

Approximately one year after the implementation of Interpretation No. 18, staff completed an evaluation of the effects of the interpretation on actual planning projects. Staff concluded that because there were no square footage limits on outdoor covered area, some projects were proposing more square footage than was previously considered allowable for the size of the property. Additionally, staff concluded that the two-thirds rule was being violated, as the covered areas were not included in that calculation.

At the February 26, 2008 ZORACES meeting, staff brought its findings forward to the Subcommittee. At the conclusion of the meeting, the Subcommittee directed staff to retract Interpretation No. 18, create a revised interpretation based upon LIP Section 3.5.3(B)(1), and begin work on a Zoning Text Amendment (ZTA) to implement new standards which exempt certain types of covered area from the TDSF calculation.

LIP Section 3.5.3(B)(1) states: "architectural projections including eaves, awnings, louvers, and similar shading devices; sills, belt courses, cornices, and similar features, may not project more

than six (6) feet into a required yard, provided that the distance between an architectural projection and a property line shall not be less than three (3) feet."

A new interpretation will be written which will use this section of the LIP to allow covered areas up to six feet to be exempt from the TDSF calculation. If the covered area square footage exceeds the six foot projection, the entire covered area will be included in TDSF. Furthermore, the volume of the covered area will be included when calculating the two-thirds rule for a proposed structure in order to prevent a box-like appearance.

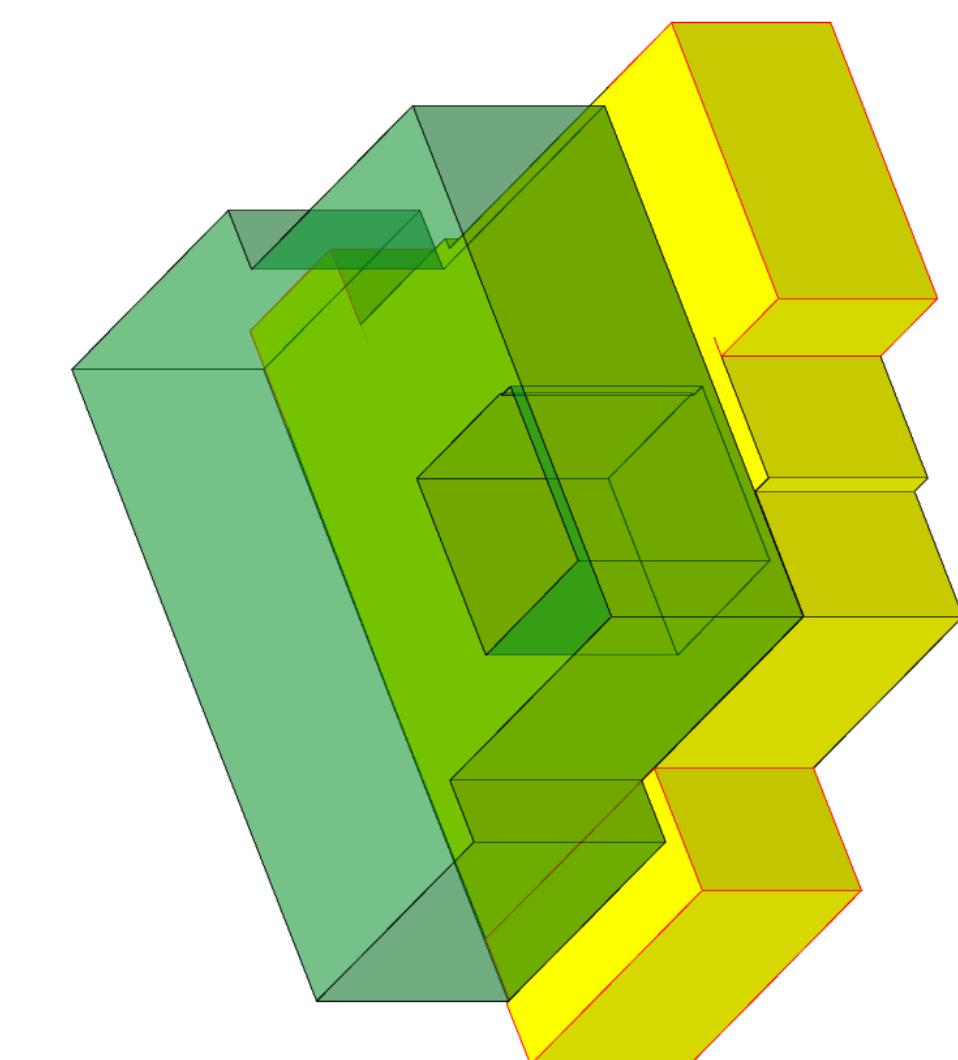
LCP Interpretation No. 18 was officially retracted at the ZORACES meeting of February 26, 2008. All project applications submitted prior to and including that date will retain the TDSF exemption for any covered area proposed. Project applications submitted after February 26, 2008 will be required to comply with the provisions set forth in the new TDSF Interpretation.

LCP Interpretation Number 18 will be removed from the City Website and will be replaced with the new interpretation when it is available. Please remove this interpretation from your Interpretations Manual as well.

cc: Planning Commission  
Environmental Review Board  
Architects and Engineers Advisory Committee  
City Manager  
City Attorney's Office  
City Clerk  
ECD Division Manager  
Planning Division  
Code Enforcement Office

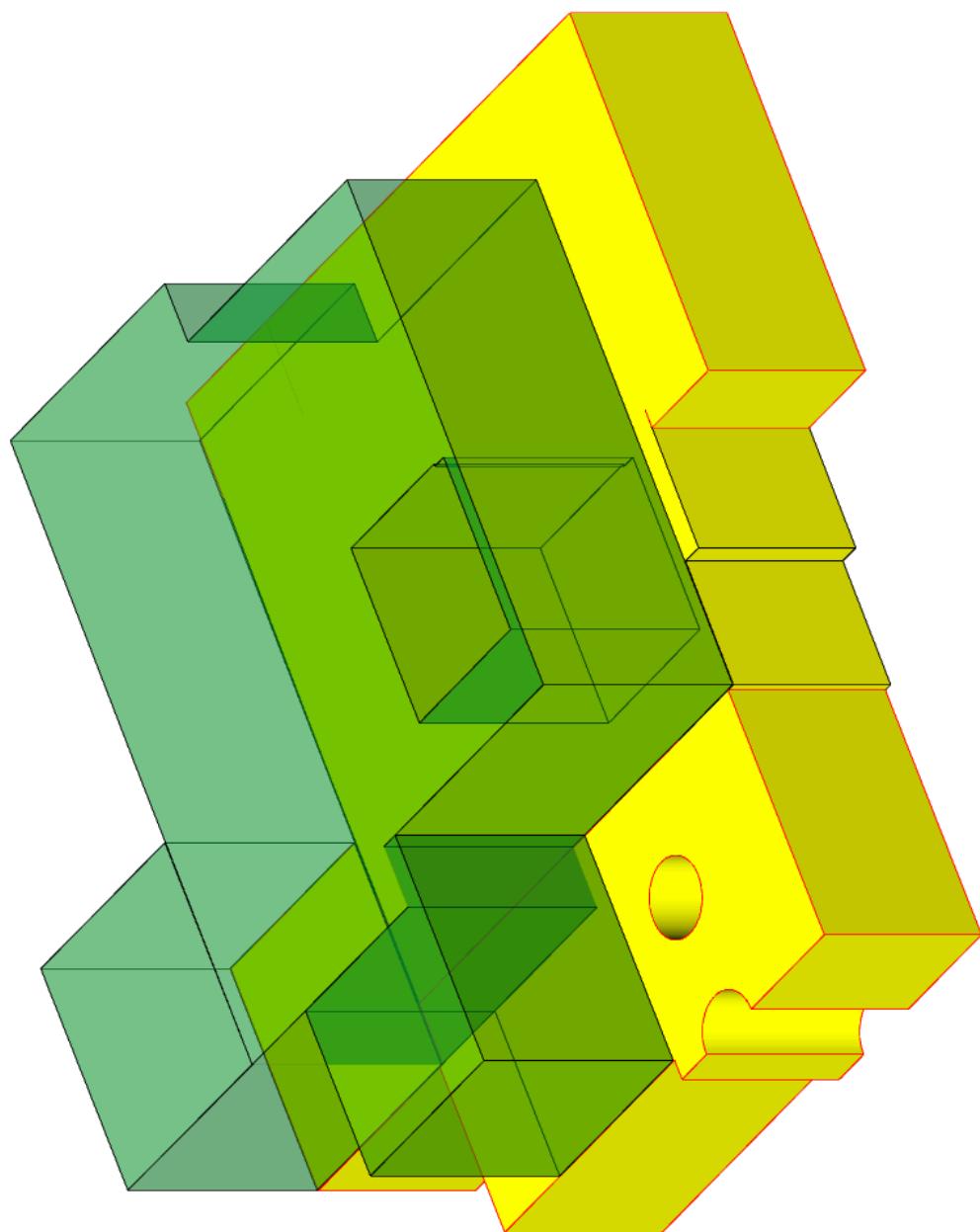
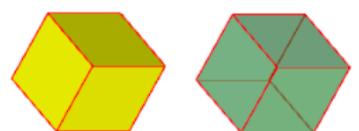


# 33608 PACIFIC COAST HWY. 2/3<sup>RD</sup>, S EXHIBIT



## EXISTING

FIRST FLOOR - 1,642 SQ FT  
SECOND FLOOR - 1,256 SQ FT



## PROPOSED

FIRST FLOOR - 2,435 SQ FT  
SECOND FLOOR - 1,622 SQ FT

FIRST FLOOR FOOTPRINT

SECOND FLOOR FOOTPRINT



**NOTICE OF PUBLIC HEARING**  
**CITY OF MALIBU**  
**CITY COUNCIL**

The Malibu City Council will hold a public hearing on **MONDAY, July 13, 2020, at 6:30 p.m.** on the project identified below. **This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order (revised April 10, 2020).** All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

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

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

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

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

**APPEAL NO. 20-003** - An appeal of Planning Commission Resolution No. 20-11 which denied Coastal Development Permit No. 17-071 to allow an interior and exterior remodel of, and 1,159 square feet of additions to, an existing 2,547 square foot, two-story, single-family residence, including Site Plan Review No. 17-036 for construction up to 24 feet in height with flat roofs for the residence

Location:	33608 Pacific Coast Highway
APN:	4473-021-010
Zoning:	Rural Residential-Two Acre
Applicant / Appellant:	Burdge and Associates Architects, Inc.
Owner:	Michael Price
Appealable to:	California Coastal Commission
Environmental Review:	Categorical Exemption CEQA Guidelines Sections 15301(a) and (e)
Application Filed:	June 21, 2017
Appeal Filed:	March 11, 2020
Case Planner:	Lilly Rudolph, Contract Planner (310) 456-2489, extension 238 lrudolph@malibucity.org

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

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

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

**COASTAL COMMISSION APPEAL** – For projects appealable to the Coastal Commission, an aggrieved person may appeal the City Council's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at [www.coastal.ca.gov](http://www.coastal.ca.gov) or by calling 805-585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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

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Bonnie Blue, Planning Director

Publish Date: June 18, 2020